

# IDAHO ADMINISTRATIVE BULLETIN

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# IDAHO ADMINISTRATIVE BULLETIN

## Table of Contents

December 3, 2014 -- Volume 14-12

<b>PREFACE</b> .....	8
<b>IDAPA 01 - BOARD OF ACCOUNTANCY</b>	
<i>01.01.01 - Idaho Accountancy Rules</i>	
Docket No. 01-0101-1401	
Notice of Rulemaking - Adoption of Pending Rule .....	18
Docket No. 01-0101-1402	
Notice of Rulemaking - Adoption of Pending Rule .....	19
<b>IDAPA 02 - DEPARTMENT OF AGRICULTURE</b>	
<i>02.06.05 - Rules Governing Diseases of Hops (Humulus lupulus)</i>	
Docket No. 02-0605-1401	
Notice of Rulemaking - Adoption of Pending Fee Rule .....	20
<i>02.06.27 - Rules Governing Bacterial Ring Rot Caused by</i> <i>(Clavibacter michiganensis subsp. Sepedonicus) of Potato</i>	
Docket No. 02-0627-1402 (New Chapter)	
Notice of Rulemaking - Adoption of Pending Fee Rule .....	21
<b>IDAPA 07 - DIVISION OF BUILDING SAFETY</b>	
<i>07.01.03 - Rules of Electrical Licensing and Registration - General</i>	
Docket No. 07-0103-1401	
Notice of Rulemaking - Adoption of Pending Rule .....	22
<i>07.01.07 - Rules Governing Continuing Education Requirements</i>	
Docket No. 07-0107-1401	
Notice of Rulemaking - Adoption of Pending Rule .....	23
<i>07.01.11 - Rules Governing Civil Penalties</i>	
Docket No. 07-0111-1401	
Notice of Rulemaking - Adoption of Pending Rule .....	24
<i>07.02.04 - Rules Governing Plumbing Safety Inspections</i>	
Docket No. 07-0204-1401	
Notice of Rulemaking - Adoption of Pending Rule .....	25
<i>07.02.05 - Rules Governing Plumbing Safety Licensing</i>	
Docket No. 07-0205-1401	
Notice of Rulemaking - Adoption of Pending Rule .....	26
<i>07.02.06 - Rules Concerning Idaho State Plumbing Code</i>	
Docket No. 07-0206-1401	
Notice of Rulemaking - Adoption of Pending Rule .....	27
<i>07.03.01 - Rules of Building Safety</i>	
Docket No. 07-0301-1401	
Notice of Rulemaking - Adoption of Pending Rule .....	28

07.03.01 - <i>Rules of Building Safety</i> Docket No. 07-0301-1402 Notice of Rulemaking - Adoption of Pending Rule .....	29
<b>IDAPA 10 - BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS</b>	
10.01.03 - <i>Rules for Corner Perpetuation and Filing</i> Docket No. 10-0103-1401 Notice of Rulemaking - Adoption of Pending Rule .....	30
<b>IDAPA 11 - IDAHO STATE POLICE</b>	
11.04.02 - <i>Rules Governing Simulcasting</i> Docket No. 11-0402-1401 Notice of Rulemaking - Adoption of Pending Rule .....	31
11.04.09 - <i>Rules Governing Claiming Races</i> Docket No. 11-0409-1401 Notice of Rulemaking - Adoption of Pending Rule .....	32
11.04.10 - <i>Rules Governing Live Horse Races</i> Docket No. 11-0410-1401 Notice of Rulemaking - Adoption of Pending Rule .....	33
11.11.04 - <i>Rules of the Idaho Peace Officer Standards and Training Council for Correction Officers                     and Adult Probation and Parole Officers</i> Docket No. 11-1104-1401 Notice of Rulemaking - Adoption of Pending Rule .....	34
11.13.01 - <i>The Motor Carrier Rules</i> Docket No. 11-1301-1401 Notice of Rulemaking - Adoption of Pending Rule .....	35
Docket No. 11-1301-1402 Notice of Rulemaking - Adoption of Pending Rule .....	36
<b>IDAPA 13 - IDAHO FISH AND GAME COMMISSION</b>	
13.01.11 - <i>Rules Governing Fish</i> Docket No. 13-0111-1401 Notice of Rulemaking - Adoption of Temporary Rule .....	37
<b>IDAPA 15 - OFFICE OF THE GOVERNOR FOREST PRODUCTS COMMISSION</b>	
15.03.01 - <i>Rules of Administrative Procedure of the Idaho Forest Products Commission</i> Docket No. 15-0301-1401 Notice of Rulemaking - Adoption of Pending Rule .....	39
<b>IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE</b>	
16.03.01 - <i>Eligibility for Health Care Assistance for Families and Children</i> Docket No. 16-0301-1401 Notice of Rulemaking - Adoption of Pending Rule .....	40
16.03.03 - <i>Rules Governing Child Support Services</i> Docket No. 16-0303-1401 Notice of Rulemaking - Adoption of Pending Rule .....	41

*16.03.04 - Rules Governing the Food Stamp Program in Idaho*  
 Docket No. 16-0304-1401  
     Notice of Rulemaking - Adoption of Pending Rule .....42

*16.03.05 - Rules Governing Eligibility for Aid to the Aged, Blind and Disabled (AABD)*  
 Docket No. 16-0305-1401  
     Notice of Rulemaking - Adoption of Pending Rule .....43

*16.05.07 - The Investigation and Enforcement of Fraud, Abuse, and Misconduct*  
 Docket No. 16-0507-1401  
     Notice of Rulemaking - Adoption of Pending Rule .....44

*16.07.33 - Adult Mental Health Services*  
 Docket No. 16-0733-1401  
     Notice of Rulemaking - Adoption of Pending Rule .....45

**IDAPA 19 - IDAHO STATE BOARD OF DENTISTRY**  
*19.01.01 - Rules of the Idaho State Board of Dentistry*  
 Docket No. 19-0101-1401  
     Notice of Rulemaking - Adoption of Pending Rule .....46

**IDAPA 20 - DEPARTMENT OF LANDS**  
*20.07.02 - Rules Governing Conservation of Oil and Natural Gas in the State of Idaho*  
 Docket No. 20-0702-1401  
     Notice of Rulemaking - Adoption of Pending Rule .....50

**IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES**  
*24.02.01 - Rules of the Board of Barber Examiners*  
 Docket No. 24-0201-1401  
     Notice of Rulemaking - Adoption of Pending Rule .....55

*24.04.01 - Rules of the Idaho Board of Cosmetology*  
 Docket No. 24-0401-1401  
     Notice of Rulemaking - Adoption of Pending Rule .....57

*24.06.01 - Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants*  
 Docket No. 24-0601-1401  
     Notice of Rulemaking - Adoption of Pending Fee Rule .....58

*24.09.01 - Rules of the Board of Examiners of Nursing Home Administrators*  
 Docket No. 24-0901-1401  
     Notice of Rulemaking - Adoption of Pending Fee Rule .....59

*24.14.01 - Rules of the State Board of Social Work Examiners*  
 Docket No. 24-1401-1401  
     Notice of Rulemaking - Adoption of Pending Fee Rule .....60

*24.15.01 - Rules of the Idaho Licensing Board of Professional Counselors and  
 Marriage and Family Therapists*  
 Docket No. 24-1501-1401  
     Notice of Rulemaking - Adoption of Pending Rule .....61

*24.25.01 - Rules of the Idaho Driving Businesses Licensure Board*  
 Docket No. 24-2501-1401  
     Notice of Rulemaking - Adoption of Pending Rule .....62

*24.26.01 - Rules of the Idaho Board of Midwifery*  
Docket No. 24-2601-1402  
Notice of Rulemaking - Adoption of Pending Rule .....63

**IDAPA 33 - REAL ESTATE COMMISSION**

*33.01.01 - Rules of the Idaho Real Estate Commission*  
Docket No. 33-0101-1401  
Notice of Rulemaking - Adoption of Pending Rule .....65

*33.01.02 - Rules of Practice and Procedure of the Idaho Real Estate Commission Governing Contested Cases*  
Docket No. 33-0102-1401  
Notice of Rulemaking - Adoption of Pending Rule .....66

**IDAPA 35 - IDAHO STATE TAX COMMISSION**

*35.01.01 - Income Tax Administrative Rules*  
Docket No. 35-0101-1401  
Notice of Rulemaking - Adoption of Pending Rule .....67

Docket No. 35-0101-1402  
Notice of Rulemaking - Adoption of Pending Rule .....68

Docket No. 35-0101-1403  
Notice of Rulemaking - Adoption of Pending Rule .....69

*35.01.02 - Idaho Sales and Use Tax Administrative Rules*  
Docket No. 35-0102-1401  
Notice of Rulemaking - Adoption of Pending Rule .....70

Docket No. 35-0102-1402  
Notice of Rulemaking - Adoption of Pending Rule .....71

Docket No. 35-0102-1403  
Notice of Rulemaking - Adoption of Pending Rule .....72

Docket No. 35-0102-1404  
Notice of Rulemaking - Adoption of Pending Rule .....73

*35.01.03 - Property Tax Administrative Rules*  
Docket No. 35-0103-1401  
Notice of Rulemaking - Adoption of Pending Rule .....74

Docket No. 35-0103-1403  
Notice of Rulemaking - Adoption of Pending Rule .....75

Docket No. 35-0103-1404  
Notice of Rulemaking - Adoption of Pending Rule .....76

Docket No. 35-0103-1405  
Notice of Rulemaking - Adoption of Pending Rule and Amendment to Temporary Rule .....79

Docket No. 35-0103-1406  
Notice of Rulemaking - Vacation of Proposed Rulemaking .....81

*35.01.05 - Idaho Motor Fuels Tax Administrative Rules*  
Docket No. 35-0105-1401  
Notice of Rulemaking - Adoption of Pending Rule .....82

35.01.05 - <i>Idaho Motor Fuels Tax Administrative Rules</i> Docket No. 35-0105-1402 Notice of Rulemaking - Adoption of Pending Rule .....	83
35.02.01 - <i>Tax Commission Administration and Enforcement Rules</i> Docket No. 35-0201-1401 Notice of Rulemaking - Adoption of Pending Rule .....	84
<b>IDAPA 37 - IDAHO DEPARTMENT OF WATER RESOURCES</b>	
37.03.11 - <i>Rules for Conjunctive Management of Surface and Ground Water Resources</i> Docket No. 37-0311-1101 Notice of Rulemaking - Adoption of Pending Rule .....	85
<b>IDAPA 38 - DEPARTMENT OF ADMINISTRATION</b>	
38.05.01 - <i>Rules of the Division of Purchasing</i> Docket No. 38-0501-1401 Notice of Rulemaking - Adoption of Pending Rule .....	89
38.06.01 - <i>Rules of the Department of Administration Governing Billing Procedures         of the Office of the Chief Information Officer</i> Docket No. 38-0601-1401 (New Chapter) Notice of Rulemaking - Adoption of Pending Rule .....	95
<b>IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT</b>	
39.02.03 - <i>Rules Governing Vehicle Dealer's Principal Place of Business</i> Docket No. 39-0203-1402 Notice of Rulemaking - Adoption of Pending Rule .....	96
39.03.10 - <i>Rules Governing When an Overlegal Permit is Required</i> Docket No. 39-0310-1401 Notice of Rulemaking - Adoption of Pending Rule .....	97
39.03.50 - <i>Rules Governing Safety Rest Areas</i> Docket No. 39-0350-1401 Notice of Rulemaking - Adoption of Pending Rule .....	98
<b>IDAPA 49 - CERTIFIED SHORTHAND REPORTERS BOARD</b>	
49.01.01 - <i>Rules of Procedure of the Idaho Certified Shorthand Reporters Board</i> Docket No. 49-0101-1401 Notice of Rulemaking - Adoption of Pending Rule .....	99
<b>IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY</b>	
58.01.01 - <i>Rules for the Control of Air Pollution in Idaho</i> Docket No. 58-0101-1401 Notice of Rulemaking - Adoption of Pending Rule .....	100
Docket No. 58-0101-1402 Notice of Rulemaking - Adoption of Pending Rule .....	101
Docket No. 58-0101-1403 Notice of Rulemaking - Adoption of Pending Rule .....	103
58.01.02 - <i>Water Quality Standards</i> Docket No. 58-0102-1401 Notice of Rulemaking - Adoption of Pending Rule .....	104

58.01.05 - <i>Rules and Standards for Hazardous Waste</i> Docket No. 58-0105-1401 Notice of Rulemaking - Adoption of Pending Rule .....	110
58.01.10 - <i>Rules Regulating the Disposal of Radioactive Materials Not Regulated Under                 the Atomic Energy Act of 1954, as Amended</i> Docket No. 58-0110-1401 Notice of Rulemaking - Adoption of Temporary and Pending Rule.....	111
<b>    IDAPA 59 - PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO</b>	
59.01.03 - <i>PERSI Contribution Rules</i> Docket No. 59-0103-1401 Notice of Rulemaking - Rescission of Temporary Rule .....	115
Docket No. 59-0103-1402 Notice of Rulemaking - Adoption of Temporary Rule .....	116
Docket No. 59-0103-1403 Notice of Rulemaking - Adoption of Temporary Rule .....	120
<b>SECTIONS AFFECTED INDEX .....</b>	<b>123</b>
<b>LEGAL NOTICE - SUMMARY OF PROPOSED RULEMAKINGS .....</b>	<b>125</b>
<b>CUMULATIVE RULEMAKING INDEX     OF IDAHO ADMINISTRATIVE RULES .....</b>	<b>126</b>
<b>SUBJECT INDEX .....</b>	<b>144</b>

# Preface

The Idaho Administrative Bulletin is an electronic-only, online monthly publication of the Office of the Administrative Rules Coordinator, Department of Administration, that is published pursuant to Section 67-5203, Idaho Code. The Bulletin is a compilation of all official rulemaking notices, official rule text, executive orders of the Governor, and all legislative documents affecting rules that are statutorily required to be published in the Bulletin. It may also include other rules-related documents an agency may want to make public through the Bulletin.

State agencies are required to provide public notice of all rulemaking actions and must invite public input. This is done through negotiated rulemaking procedures or after proposed rulemaking has been initiated. The public receives notice that an agency has initiated proposed rulemaking procedures through the Idaho Administrative Bulletin and a legal notice (Public Notice of Intent) that publishes in authorized newspapers throughout the state. The legal notice provides reasonable opportunity for the public to participate when a proposed rule publishes in the Bulletin. Interested parties may submit written comments to the agency or request public hearings of the agency, if none have been scheduled. Such submissions or requests must be presented to the agency within the time and manner specified in the individual “Notice of Rulemaking - Proposed Rule” for each proposed rule that is published in the Bulletin.

Once the comment period closes, the agency considers fully all comments and information submitted regarding the proposed rule. Changes may be made to the proposed rule at this stage of the rulemaking, but changes must be based on comments received and must be a “logical outgrowth” of the proposed rule. The agency may now adopt and publish the pending rule. A pending rule is “pending” legislative review for final approval. The pending rule is the agency’s final version of the rulemaking that will be forwarded to the legislature for review and final approval. Comment periods and public hearings are not provided for when the agency adopts a temporary or pending rule.

## CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN

The Bulletin is identified by the calendar year and issue number. For example, Bulletin **13-1** refers to the first Bulletin issued in calendar year **2013**; Bulletin **14-1** refers to the first Bulletin issued in calendar year **2014**. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. **13-1** refers to January 2013; Volume No. **13-2** refers to February 2013; and so forth. Example: The Bulletin published in January 2014 is cited as Volume **14-1**. The December 2014 Bulletin is cited as Volume **14-12**.

## RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE

The **Idaho Administrative Code** is an electronic-only, online compilation of all final and enforceable administrative rules of the state of Idaho that are of full force and effect. Any temporary rule that is adopted by an agency and is of force and effect is codified into the Administrative Code upon becoming effective. All pending rules that have been approved by the legislature during the legislative session as final rules and any temporary rules that are extended supplement the Administrative Code. These rules are codified into the Administrative Code upon becoming effective. Because proposed and pending rules are not enforceable, they are published in the Administrative Bulletin only and cannot be codified into the Administrative Code until approved as final.

To determine if a particular rule remains in effect or whether any amendments have been made to the rule, refer to the **Cumulative Rulemaking Index**. Link to it on the Administrative Rules homepage at [adminrules.idaho.gov](http://adminrules.idaho.gov).

## THE DIFFERENT RULES PUBLISHED IN THE ADMINISTRATIVE BULLETIN

Idaho’s administrative rulemaking process, governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, comprises distinct rulemaking actions: negotiated, proposed, temporary, pending and final rulemaking. Not all rulemakings incorporate or require all of these actions. 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 must, when feasible, engage in negotiated rulemaking at the beginning of the process to facilitate consensus building. 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 rule.

## NEGOTIATED RULEMAKING

Negotiated rulemaking is a process in which all interested persons and the agency seek consensus on the content of a rule through dialogue. Agencies are required to conduct negotiated rulemaking whenever it is feasible to do so.



The agency files a “Notice of Intent to Promulgate - Negotiated Rulemaking” for publication in the Administrative Bulletin inviting interested persons to contact the agency if interested in discussing the agency’s intentions regarding the rule changes. This process is intended to result in the formulation of a proposed rule and the initiation of regular rulemaking procedures. One result, however, may also be that regular (proposed) rulemaking is not initiated and no further action is taken by the agency.

## **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 Rulemaking - Proposed Rule” 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 for or is occasioning 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) a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year when the pending rule will become effective; provided, however, that notwithstanding Section 67-5231, Idaho Code, the absence or accuracy of a fiscal impact statement provided pursuant to this subsection shall not affect the validity or enforceability of the rule.
- d) if any document is incorporated by reference in the proposed rule, a brief written synopsis of why the incorporation is needed must be included in the notice of proposed rulemaking, along with a link to the electronic version of the incorporated material or information on how it can be obtained.
- e) the text of the proposed rule prepared in legislative format;
- f) the location, date, and time of any public hearings the agency intends to hold on the proposed rule;
- g) 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;
- h) the manner in which persons may request an opportunity for an oral presentation as provided in Section 67-5222, Idaho Code; and
- i) the deadline for public (written) comments on the proposed rule.

Any proposed rulemaking that is submitted for publication in the Bulletin that would impose a fee or charge must be accompanied by a cost/benefit analysis that is prepared by the agency. This cost/benefit analysis must estimate, as reasonably as possible, the costs to the agency to implement the rule and the estimated costs that would be borne by citizens or the private sector. This analysis is filed with the Director of Legislative Services Office who then forwards it to the appropriate germane joint subcommittee assigned to review the promulgating agency’s proposed rules.

When incorporating by reference, the notice of proposed rulemaking must include a brief synopsis detailing the need to incorporate by reference any additional materials into the rule. The agency must also provide information regarding access to the incorporated materials. At a minimum, and when available, the agency must provide an electronic link to the documents that can be accessed on a web site or post this information on its own web site, or both. This link can be placed into the rule and activated once it is posted on the Coordinator’s web site.

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 adopt the pending rule. Because a proposed rule is not enforceable, it has no effective date, even when published in conjunction with a temporary rule that is of full force and effect. An agency may vacate (terminate) a rulemaking after the publication of a proposed rule if it decides, for whatever reason, not to proceed further to finalize the rulemaking. The publication of a “Notice of Vacation of Proposed Rulemaking” in the Bulletin officially 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 one or more of the above legal criteria and the governor determines that it is necessary that a rule become effective prior to receiving legislative authorization and without allowing for any public input, the agency may proceed and adopt a temporary rule. The law allows an agency to make a temporary rule immediately effective upon adoption. 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 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 extended by concurrent resolution, is replaced by a final rule, or expires under its own terms.

The statute that regulates rulemaking in Idaho requires that the text of all proposed rulemakings publish in the Bulletin in order for the rulemaking to be valid. This is true for all temporary rules as well. In most cases, the agency wants the temporary rule to also become a final rule and in most of these cases, the temporary rule and the proposed rule text is identical. In this event, both rulemakings may be promulgated concurrently, however, they remain separate rulemaking actions. The rulemaking is published in the Bulletin as a temporary/proposed rule. Combining the rulemaking allows for a single publication of the text in the Bulletin.

An agency may, at any time, rescind a temporary rule that has been adopted and is in effect. The agency must publish a notice of rescission to effectively rescind the temporary rule. 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, will 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 Rulemaking - Pending Rule." 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 and a statement that the pending rule may be rejected, amended or modified by concurrent resolution of the legislature;
- d) an identification of any portion of the rule imposing or increasing a fee or charge and a statement that this portion of the rule shall not become final and effective unless affirmatively approved by concurrent resolution of the legislature;
- e) the specific statutory authority for the rulemaking including a citation to the specific section of the Idaho Code that has occasioned the rulemaking, or the federal statute or regulation if that is the basis of authority or requirement for the rulemaking; and
- f) a specific description, if applicable, of any negative fiscal impact on the state general fund greater

than ten thousand dollars (\$10,000) during the fiscal year when the pending rule will become effective; provided however, that notwithstanding section 67-5231, Idaho Code, the absence or accuracy of a fiscal impact statement provided pursuant to this subsection shall not affect the validity or the enforceability of the rule.

Agencies are required to republish the text of the pending 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 sections or their subparts 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 Rulemaking - Adoption of Pending Rule" is published.

### **FINAL RULEMAKING**

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

No pending rule adopted by an agency becomes final and effective until it has been submitted to the legislature for review and approval. Where the legislature finds that an agency has violated the legislative intent of the authorizing statute, a concurrent resolution may be adopted to reject the rulemaking in whole or in part. A "Notice of Rulemaking - Final Rule" and the final codified text must be published in the Bulletin for any rule that is partially rejected by concurrent resolution of the legislature. Unless rejected by concurrent resolution, a pending rule that is reviewed by the legislature becomes final and effective at the end of the session in which it is reviewed without any further legislative action. All pending rules that are approved by concurrent resolution become final and effective upon adoption of the concurrent resolution unless otherwise stated. In no event can a pending rule 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**

**Internet Access** - The Administrative Code and Administrative Bulletin are available on the Internet at the following address: [adminrules.idaho.gov](http://adminrules.idaho.gov)

### **SUBSCRIPTIONS AND DISTRIBUTION**

For subscription information and costs, 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 Code** - annual subscription on CD-ROM. The Code is an annual compilation of all final administrative rules and all enforceable temporary rules and also includes all executive orders of the Governor that have published in the Bulletin, all legislative documents affecting rules, a table of contents, reference guides, and a subject index.

**The Idaho Administrative Bulletin** - annual subscription available on individual CD-ROM sent out monthly. The Bulletin is an official monthly publication of the State of Idaho and is available for purchase on CD-ROM only. Yearly subscriptions or individual CD-ROM's are available for purchase.

**Internet Access** - The Administrative Code and Administrative Bulletin, and many other rules-related documents are available on the Internet at the following address: [adminrules.idaho.gov](http://adminrules.idaho.gov)

## 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 schematic. 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 that are further subdivided into 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. Each rulemaking that is filed with the Coordinator is assigned a “DOCKET NUMBER.” The docket number is a series of numbers separated by a hyphen “-”, (**38-0501-1401**). Rulemaking dockets are published sequentially by IDAPA number (the two-digit agency code) in the Bulletin. The following example is a breakdown of a typical rule docket number:

### **“DOCKET NO. 38-0501-1401”**

“**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**).

“**1401**” 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 2014**. A subsequent rulemaking on this same rule chapter in calendar year 2014 would be designated as “**1402**”. The docket number in this scenario would be 38-0501-**1402**.

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)**

**BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2014**

<b>Vol. No.</b>	<b>Monthly Issue of Bulletin</b>	<b>Closing Date for Agency Filing</b>	<b>Publication Date</b>	<b>21-day Comment Period End Date</b>
14-1	January 2014	<b>*November 29, 2013</b>	January 1, 2014	January 22, 2014
14-2	February 2014	January 10, 2014	February 5, 2014	February 26, 2014
14-3	March 2014	February 7, 2014	March 5, 2014	March 26, 2014
14-4	April 2014	March 7, 2014	April 2, 2014	April 23, 2014
14-5	May 2014	April 4, 2014	May 7, 2014	May 28, 2014
14-6	June 2014	May 9, 2014	June 4, 2014	June 25, 2014
14-7	July 2014	June 6, 2014	July 2, 2014	July 23, 2014
14-8	August 2014	July 11, 2014	August 6, 2014	August 27, 2014
14-9	September 2014	August 8, 2014	September 3, 2014	September 24, 2014
14-10	October 2014	<b>**August 29, 2014</b>	October 1, 2014	October 22, 2014
14-11	November 2014	October 10, 2014	November 5, 2014	November 26, 2014
14-12	December 2014	November 7, 2014	December 3, 2014	December 24, 2014

**BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2015**

<b>Vol. No.</b>	<b>Monthly Issue of Bulletin</b>	<b>Closing Date for Agency Filing</b>	<b>Publication Date</b>	<b>21-day Comment Period End Date</b>
15-1	January 2015	<b>*November 28, 2014</b>	January 7, 2015	January 28, 2015
15-2	February 2015	January 9, 2015	February 4, 2015	February 25, 2015
15-3	March 2015	February 6, 2015	March 4, 2015	March 25, 2015
15-4	April 2015	March 6, 2015	April 1, 2015	April 22, 2015
15-5	May 2015	April 3, 2015	May 6, 2015	May 27, 2015
15-6	June 2015	May 8, 2015	June 3, 2015	June 24, 2015
15-7	July 2015	June 5, 2015	July 1, 2015	July 22, 2015
15-8	August 2015	July 10, 2015	August 5, 2015	August 26, 2015
15-9	September 2015	August 7, 2015	September 2, 2015	September 23, 2015
15-10	October 2015	<b>**August 28, 2015</b>	October 7, 2015	October 28, 2015
15-11	November 2015	October 9, 2015	November 4, 2015	November 25, 2015
15-12	December 2015	November 6, 2015	December 2, 2015	December 23, 2015

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

***\*\*Last day to submit a proposed rule in order to have the rulemaking completed and submitted for review by legislature.***

<b>ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS</b>	
<b>IDAPA 01</b>	<b>Accountancy</b> , Board of
<b>IDAPA 38</b>	<b>Administration</b> , Department of
<b>IDAPA 44</b>	<b>Administrative Rules Coordinator</b> , Office of the
<b>IDAPA 02</b>	<b>Agriculture</b> , Idaho Department of
<b>IDAPA 40</b>	<b>Arts</b> , Idaho Commission on the
<b>IDAPA 03</b>	<b>Athletic Commission</b>
<b>IDAPA 04</b>	<b>Attorney General</b> , Office of the
<b>IDAPA 53</b>	<b>Barley Commission</b> , Idaho
<b>IDAPA 51</b>	<b>Beef Council</b> , Idaho
<b>IDAPA 07</b>	<b>Building Safety</b> , 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)
<b>IDAPA 43</b>	<b>Canola and Rapeseed Commission</b> , Idaho
<b>IDAPA 28</b>	<b>Commerce</b> , Idaho Department of
<b>IDAPA 06</b>	<b>Correction</b> , Board of
<b>IDAPA 19</b>	<b>Dentistry</b> , Board of
<b>IDAPA 08</b>	<b>Education</b> , State Board of and State Department of
<b>IDAPA 10</b>	<b>Engineers and Land Surveyors</b> , Board of Professional
<b>IDAPA 58</b>	<b>Environmental Quality</b> , Department of
<b>IDAPA 12</b>	<b>Finance</b> , Department of
<b>IDAPA 13</b>	<b>Fish and Game</b> , Department of
<b>IDAPA 14</b>	<b>Geologists</b> , Board of Registration for Professional

<b>ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS</b>	
<b>IDAPA 15</b>	<b>Governor, Office of the</b> 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 Division (15.10) Idaho Military Division (Division of Homeland Security) (15.06)
<b>IDAPA 48</b>	<b>Grape Growers and Wine Producers Commission, Idaho</b>
<b>IDAPA 16</b>	<b>Health and Welfare, Department of</b>
<b>IDAPA 41</b>	<b>Health Districts, Public</b>
<b>IDAPA 45</b>	<b>Human Rights Commission</b>
<b>IDAPA 17</b>	<b>Industrial Commission</b>
<b>IDAPA 18</b>	<b>Insurance, Department of</b>
<b>IDAPA 05</b>	<b>Juvenile Corrections, Department of</b>
<b>IDAPA 09</b>	<b>Labor, Idaho Department of</b>
<b>IDAPA 20</b>	<b>Lands, Department of</b>
<b>IDAPA 30</b>	<b>Libraries, Commission for</b>
<b>IDAPA 52</b>	<b>Lottery Commission, Idaho State</b>
<b>IDAPA 22</b>	<b>Medicine, Board of</b>
<b>IDAPA 23</b>	<b>Nursing, Board of</b>

**ALPHABETICAL INDEX OF STATE AGENCIES  
AND CORRESPONDING IDAPA NUMBERS**

<b>IDAPA 24</b>	<b>Occupational Licenses, Board of (24.20)</b> Acupuncture, Board of (24.17) Architectural Examiners, Board of (24.01) Barber Examiners, Board of (24.02) Chiropractic Physicians, Board of (24.03) Contractors Board, Idaho (24.21) Cosmetology, Board of (24.04) Counselors and Marriage and Family Therapists, Licensing Board of Professional (24.15) Dentistry, Board of (24.16) Drinking Water and Wastewater Professionals, Board of (24.05) Driving Businesses Licensure Board, Idaho (24.25) Landscape Architects, Board of (24.07) Liquefied Petroleum Gas Safety Board, Idaho State (24.22) Midwifery, Idaho Board of (24.26) Morticians, State Board of (24.08) Nursing Home Administrators, Board of Examiners of (24.09) Occupational Therapy Licensure Board (24.06) Optometry, State Board of (24.10) Physical Therapy Licensure Board (24.13) Podiatry, State Board of (24.11) Psychologist Examiners, Idaho State Board of (24.12) Real Estate Appraiser Board (24.18) Residential Care Facility Administrators, Board of Examiners of (24.19) Social Work Examiners, State Board of (24.14) Speech and Hearing Services Licensure Board (24.23)
<b>IDAPA 25</b>	<b>Outfitters and Guides Licensing Board</b>
<b>IDAPA 50</b>	<b>Pardons and Parole, Commission for</b>
<b>IDAPA 26</b>	<b>Parks and Recreation, Department of</b>
<b>IDAPA 27</b>	<b>Pharmacy, Board of</b>
<b>IDAPA 11</b>	<b>Police, Idaho State</b>
<b>IDAPA 29</b>	<b>Potato Commission, Idaho</b>
<b>IDAPA 55</b>	<b>Professional-Technical Education, Division of</b>
<b>IDAPA 59</b>	<b>Public Employee Retirement System of Idaho (PERSI)</b>
<b>IDAPA 31</b>	<b>Public Utilities Commission</b>
<b>IDAPA 56</b>	<b>Rangeland Resources Commission, Idaho</b>
<b>IDAPA 33</b>	<b>Real Estate Commission, Idaho</b>
<b>IDAPA 34</b>	<b>Secretary of State, Office of the</b>
<b>IDAPA 57</b>	<b>Sexual Offender Management Board</b>
<b>IDAPA 49</b>	<b>Shorthand Reporters Board, Idaho Certified</b>
<b>IDAPA 60</b>	<b>Soil and Water Conservation Commission, Idaho State</b>



<b>ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS</b>	
<b>IDAPA 36</b>	<b>Tax Appeals, Board of</b>
<b>IDAPA 35</b>	<b>Tax Commission, State</b>
<b>IDAPA 39</b>	<b>Transportation Department, Idaho</b>
<b>IDAPA 54</b>	<b>Treasurer, Office of the State</b>
<b>IDAPA 21</b>	<b>Veterans Services, Division of</b>
<b>IDAPA 46</b>	<b>Veterinary Medical Examiners, Board of</b>
<b>IDAPA 47</b>	<b>Vocational Rehabilitation, Division of</b>
<b>IDAPA 37</b>	<b>Water Resources, Department of</b>
<b>IDAPA 42</b>	<b>Wheat Commission</b>

## **IDAPA 01 - BOARD OF ACCOUNTANCY**

### **01.01.01 - IDAHO ACCOUNTANCY RULES**

#### **DOCKET NO. 01-0101-1401**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 54-204(1) Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, **Vol. 14-10, pages 20 - 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: None

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Kent A. Absec, Executive Director, at (208)334-2490.

DATED this 29th Day of October, 2014

Kent A. Absec, Executive Director  
Idaho State Board of Accountancy  
3101 W. Main Street, Suite 210  
P.O. Box 83820  
Boise, Idaho 83720-0002  
Phone: (208)334-2490  
Fax: (208)334-2615  
Email: [kent.absec@isba.idaho.gov](mailto:kent.absec@isba.idaho.gov)

## IDAPA 01 - BOARD OF ACCOUNTANCY

### 01.01.01 - IDAHO ACCOUNTANCY RULES

#### DOCKET NO. 01-0101-1402

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 54-204(1) Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 22 - 23](#).

**FISCAL IMPACT:** The following is a specific 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 Kent A. Absec, Executive Director, at (208)334-2490.

DATED this 29th Day of October, 2014

Kent A. Absec, Executive Director  
Idaho State Board of Accountancy  
3101 W. Main Street, Suite 210  
P.O. Box 83820  
Boise, Idaho 83720-0002  
Phone: (208)334-2490  
Fax: (208)334-2615  
Email: [kent.absec@isba.idaho.gov](mailto:kent.absec@isba.idaho.gov)

## IDAPA 02 - DEPARTMENT OF AGRICULTURE

### 02.06.05 - RULES GOVERNING DISEASES OF HOPS (*HUMULUS LUPULUS*)

DOCKET NO. 02-0605-1401

#### 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 2015 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 by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and of full force and effect upon adoption of the concurrent resolution, unless the rule is rejected.

**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 22-2006, 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:

There are no changes to the pending rule and it is being adopted as originally proposed. The original text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, **Vol. 14-10, pages 24 through 28.**

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and is described herein:

The fees and charges associated with the inspection of hops for certificates and permits allowing shipment will be assessed according to IDAPA 02.06.04, "Idaho Department of Agriculture, Phytosanitary and Post-Entry Certification Rules," Section 500.

**IDAHO CODE SECTION 22-101A STATEMENT:** This rule regulates the movement of potentially pathogenic green hops matter into the state. This movement is not regulated by the federal government. This rule protects against diseases of concern to the hops industry and helps meet the importation requirements of other states under quarantine.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: ISDA does not anticipate any negative fiscal impact.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Jared Stuart, Section Manager, Plant Industries Field Services, 208-332-8620. Materials pertaining to this rulemaking can be found on the ISDA web site at the following web address: [http://www.agri.idaho.gov/Categories/LawsRules/sub\\_rules/Rulemaking.php](http://www.agri.idaho.gov/Categories/LawsRules/sub_rules/Rulemaking.php).

DATED this 3rd Day of November, 2014.

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

## IDAPA 02 - DEPARTMENT OF AGRICULTURE

### 02.06.27 - RULES GOVERNING BACTERIAL RING ROT CAUSED BY (*CLAVIBACTER MICHIGANENSIS* SUBSP. *SEPEDONICUS*) OF POTATO

#### DOCKET NO. 02-0627-1402 (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 2015 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 by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and of full force and effect upon adoption of the concurrent resolution, unless the rule is rejected.

**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 22-101A, 22-505, 22-1907, 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:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 34 through 39](#).

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

The laboratory that performs the testing for *Clavibacter michiganensis*, subsp. *sepedonicus* will set the fee. Any other fees associated with seed potato certification or phytosanitary certification for export are detailed in those respective rules. See IDAPA 08.05.01.000 et seq. and 02.06.04.000 et seq., respectively.

**IDAHO CODE SECTION 22-101A STATEMENT:** This rule does regulate an activity not regulated by the federal government. The federal government does not regulate the movement of potatoes affected by Bacterial Ring Rot caused by (*Clavibacter michiganensis*, subsp. *sepedonicus*). This rule also helps to meet the shipping requirements of other states.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: ISDA does not anticipate any fiscal impact.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Lloyd B. Knight, Plant Industries Division Administrator, (208) 332-8620. Materials pertaining to this rulemaking can be found on the ISDA web site at the following web address: [http://www.agri.idaho.gov/Categories/LawsRules/sub\\_rules/Rulemaking.php](http://www.agri.idaho.gov/Categories/LawsRules/sub_rules/Rulemaking.php).

DATED this 4th Day of November, 2014.

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

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

### **07.01.03 - RULES OF ELECTRICAL LICENSING AND REGISTRATION - GENERAL**

**DOCKET NO. 07-0103-1401**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 54-1003, 54-1006 and 54-1007, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any 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 and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 40 and 41](#).

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

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

DATED this 29th Day of October, 2014.

Steve Keys, Deputy Administrator – Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83542  
Phone: (208) 332-8986  
Fax: (877) 810-2840

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

### **07.01.07 - RULES GOVERNING CONTINUING EDUCATION REQUIREMENTS**

**DOCKET NO. 07-0107-1401**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 54-1006 (5) and 54-1013, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any 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 and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 42 through 46](#).

**FISCAL IMPACT:** The following is a specific 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 or dedicated funds. Positive impact to affected licensees is expected as a result of creating more options to obtain continuing education credits.

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

DATED this 29th Day of October, 2014.

Steve Keys, Deputy Administrator – Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83542  
Phone: (208) 332-8986  
Fax: (877) 810-2840

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

### **07.01.11 - RULES GOVERNING CIVIL PENALTIES**

**DOCKET NO. 07-0111-1401**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 54-1003 and 54-1006, Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 47 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: NA

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

DATED this 29th Day of October, 2014.

Steve Keys, Deputy Administrator – Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83542  
Phone: (208) 332-8986  
Fax: (877) 810-2840



**IDAPA 07 - DIVISION OF BUILDING SAFETY**  
**07.02.04 - RULES GOVERNING PLUMBING SAFETY INSPECTIONS**  
**DOCKET NO. 07-0204-1401**  
**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 54-2601, 54-2605 and 54-2606, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any 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 and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 50 and 51](#).

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

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

DATED this 29th Day of October, 2014.

Steve Keys, Deputy Administrator – Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83542  
Phone: (208) 332-8986  
Fax: (877) 810-2840

**IDAPA 07 - DIVISION OF BUILDING SAFETY**  
**07.02.05 - RULES GOVERNING PLUMBING SAFETY LICENSING**  
**DOCKET NO. 07-0205-1401**  
**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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, 54-2606 and 54-2610, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any 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 and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 52 through 55](#).

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

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

DATED this 29th Day of October, 2014.

Steve Keys, Deputy Administrator – Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83542  
Phone: (208) 332-8986  
Fax: (877) 810-2840

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

### **07.02.06 - RULES CONCERNING IDAHO STATE PLUMBING CODE**

**DOCKET NO. 07-0206-1401**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 54-2601 and 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:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 56 through 68](#).

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

The proposed amendments are expected to have a positive fiscal impact on plumbing contractors and homeowners making their own installations as a result of allowing more materials to be used in supply pipe and sewer systems, as well as the elimination of additional equipment/devices and testing when making an installation. The proposed changes have no fiscal impact on the Division of Building Safety dedicated fund or the state of Idaho general fund, or other jurisdictions enforcing the Idaho State Plumbing Code.

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

DATED this 29th Day of October, 2014.

Steve Keys, Deputy Administrator – Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83542  
Phone: (208) 332-8986  
Fax: (877) 810-2840

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

### **07.03.01 - RULES OF BUILDING SAFETY**

**DOCKET NO. 07-0301-1401**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 39-4107 and 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.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 69 through 77](#).

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

There will be no fiscal impact to the general fund or to dedicated funds. Adoption of this docket will result in a cost increase in the cost of new homes, which is estimated at \$200 to \$400 per home.

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

DATED this 29th Day of October, 2014.

Steve Keys, Deputy Administrator – Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83542  
Phone: (208) 332-8986  
Fax: (877) 810-2840

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

### **07.03.01 - RULES OF BUILDING SAFETY**

**DOCKET NO. 07-0301-1402**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 39-4107 and 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:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 78 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:

There will be no fiscal impact to the general fund. Amendment to the code would result in decreases in cost to operators of owner-occupied lodging houses (bed and breakfast property) as a result of the elimination of fire sprinkler requirements in those with five (5) or fewer guest rooms. No significant additional costs of conformance with the newer edition of the code were brought forward in discussions before the Board.

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

DATED this 29th Day of October, 2014.

Steve Keys, Deputy Administrator – Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83542  
Phone: (208) 332-8986  
Fax: (877) 810-2840

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

**10.01.03 - RULES FOR CORNER PERPETUATION AND FILING**

**DOCKET NO. 10-0103-1401**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution pursuant to Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1208, Idaho Code.

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

The amendments will require surveyors to perpetuate historic corner record information on the corner perpetuation and filing (CP&F) forms filed or recorded in the county courthouse in lieu of listing all corner record instrument numbers on the record of survey map. The reason for this change is that over time, the number of CP&F record filings are increasing, and there is insufficient room on the record of survey map to continue the practice of listing all corner record instrument numbers without creating a cluttered map that is less legible to read. Only the most current corner record instrument number is proposed for listing on the Record of Survey map. A law change to 55-1906, Idaho Code is proposed that removes the requirement for listing all corner record instrument numbers on the record of survey map.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, page 169 - 170](#).

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

There is no fiscal impact to the state general or agency dedicated funds.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Keith Simila at (208) 373-7210.

DATED this 17th Day of October, 2014.

Keith Simila, P.E.  
Executive Director  
1510 Watertower St.  
Meridian, Idaho 83642  
Telephone: (208) 373-7210  
Email: [keith.simila@ipels.idaho.gov](mailto:keith.simila@ipels.idaho.gov)

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

**11.04.02 - RULES GOVERNING SIMULCASTING**

**DOCKET NO. 11-0402-1401**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 54-2506, 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:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 3, 2014 Idaho Administrative Bulletin, [Vol. 14-9, pages 179 - 180](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Frank Lamb, Racing Commission Executive Director, at (208) 884-7080.

DATED this 7th Day of November, 2014.

Frank Lamb  
Executive Director  
Idaho Racing Commission  
700 S. Stratford Dr.  
Meridian, ID 83642  
Phone: (208) 884-7080  
Fax: (208) 884-7098

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

**11.04.09 - RULES GOVERNING CLAIMING RACES**

**DOCKET NO. 11-0409-1401**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 54-2506 and 54-2512A, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any 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 and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 179 - 180](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Frank Lamb, Racing Commission Executive Director, at (208) 884-7080.

DATED this 7th Day of November, 2014.

Frank Lamb  
Executive Director  
Idaho Racing Commission  
700 S. Stratford Dr.  
Meridian, ID 83642  
Phone: (208) 884-7080  
Fax: (208) 884-7098



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

**11.04.10 - RULES GOVERNING LIVE HORSE RACES**

**DOCKET NO. 11-0410-1401**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 54-2506 and 54-2512A, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any 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 and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 181 - 182](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Frank Lamb, Racing Commission Executive Director, at (208) 884-7080.

DATED this 7th Day of November, 2014.

Frank Lamb, Executive Director  
Idaho Racing Commission  
700 S. Stratford Dr.  
Meridian, ID 83642  
Phone: (208) 884-7080  
Fax: (208) 884-7098

## IDAPA 11 - IDAHO STATE POLICE

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

DOCKET NO. 11-1104-1401

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

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

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 194 through 197](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Rory Olsen at (208) 884-7256.

DATED this 7th Day of November, 2014.

Kevin Johnson  
Interim POST Division Administrator  
Idaho State Police/Peace Officer Standards & Training  
700 S. Stratford Dr.  
Meridian, ID 83642  
Phone: (208) 884-7256  
Fax: (208) 884-7295

**IDAPA 11 - IDAHO STATE POLICE  
ISP COMMERCIAL VEHICLE SAFETY**

**11.13.01 - THE MOTOR CARRIER RULES**

**DOCKET NO. 11-1301-1401**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 198 through 200](#).

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

Adoption of these rules will not affect general or dedicated funds. If the rules are not adopted, Idaho could sustain a reduction in federal grant funding as well as have a negative impact on dedicated funding.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Capt. William Reese, Idaho State Police Commercial Vehicle Safety (208) 884-7220 or [william.reese@isp.idaho.gov](mailto:william.reese@isp.idaho.gov).

DATED this 7th Day of November, 2014.

Colonel Ralph W. Powell, Director  
Idaho State Police  
700 S. Stratford Dr., Meridian, ID 83642  
Tel: (208) 884-7003 / Fax: (208) 884-7090

**IDAPA 11 - IDAHO STATE POLICE  
ISP COMMERCIAL VEHICLE SAFETY**

**11.13.01 - THE MOTOR CARRIER RULES**

**DOCKET NO. 11-1301-1402**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 201 through 203](#).

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

Adoption of these rules will not affect general or dedicated funds. If the rules are not adopted, Idaho could sustain a reduction in federal grant funding as well as have a negative impact on dedicated funding.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Capt. William Reese, Idaho State Police Commercial Vehicle Safety (208) 884-7220 or [william.reese@isp.idaho.gov](mailto:william.reese@isp.idaho.gov).

DATED this 7th Day of November, 2014.

Colonel Ralph W. Powell, Director  
Idaho State Police  
700 S. Stratford Dr., Meridian, ID 83642  
Tel: (208) 884-7003 / Fax: (208) 884-7090

**IDAPA 13 - IDAHO FISH AND GAME COMMISSION**

**13.01.11 - RULES GOVERNING FISH**

**DOCKET NO. 13-0111-1401**

**NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is October 17, 2014.

**AUTHORITY:** In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 36-104(b) and 36-901, Idaho Code.

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

Allows a new and temporary opportunity to harvest Coho salmon in the Clearwater River due to an unexpectedly larger migration run this year.

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

Confers a benefit to anglers.

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

NA

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the temporary rule, contact Sharon Kiefer (208) 287-2780.

DATED this 30th Day of October, 2014.

W. Dallas Burkhalter  
Deputy Attorney general  
Natural Resources Division/Fish and Game  
600 S. Walnut Street  
P.O. Box 25, Boise, Idaho 83707  
Tel: (208) 334-3715, Fax (208) 334-4885

**THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 13-0111-1401  
(Only those Sections being amended are shown.)**

**504. IDENTIFICATION OF SPECIES IN POSSESSION AND DURING TRANSPORTATION OR SHIPMENT.**

**01. Provisions for Processing and Transporting Salmon.** No person shall have in the field or in transit hatchery-produced adult anadromous salmon that has been processed by removing the head and tail unless the following conditions are met: (3-29-12)

- a. The fish has been recorded on the taker's salmon permit; (3-29-12)
- b. The fish is processed and packaged with the skin naturally attached to the flesh including a portion with a healed, clipped, adipose fin scar or the adipose fin; and ~~(3-29-12)~~(10-17-14)T
- c. The fish must be packaged in a manner that the number of fish harvested can be readily determined. (3-29-12)

**02. Restrictions on Processing and Transporting Salmon.** No person shall process salmon until they are ashore and done fishing for the day. No person shall transport processed salmon via boat. Jack salmon may not be processed while in the field or in transit. Any processed salmon count towards an angler's possession limit while in the field or in transit. (3-29-12)

**505. SALMON SPECIAL RESTRICTIONS.**

**01. Method of Take.** It is unlawful to use any hook larger than five-eighths (5/8) inch measured from the point of the hook to the shank. Salmon may be taken only with barbless hooks in the Salmon, Clearwater, and Snake River drainages. Bending the barb down to the shank of a single, double, or treble hook will meet this requirement. Salmon may be taken with barbed hooks in the Boise River drainages, and the Snake River between Hells Canyon and Oxbow Dams. (3-2-10)

**02. Snagging.** No person shall kill or retain in possession any salmon which has been hooked other than in the mouth or jaw. Any salmon hooked other than in the mouth or jaw must be immediately released unharmed. (4-6-05)

**03. Legal Catch.** Any salmon caught in a legal manner must be either released or killed immediately after it is landed. (4-6-05)

**04. Cease Fishing.** Once an angler has attained his bag, possession, or season limit on those waters with salmon limits, he must cease fishing for salmon. (3-20-97)

**05. No Harvest or Closed to Harvest.** Effort, by permitted methods, to catch or attempt to catch a salmon is lawful with the restriction that any salmon so caught must be released immediately, unharmed, back to the water. (4-6-05)

**06. Keeping Marked Fish.** Only salmon which have been marked by clipping the adipose fin, as evidenced by a HEALED scar may be kept in the Salmon, Clearwater, and Snake River drainages, anglers may retain Coho Salmon with an intact adipose fin. ~~(4-6-05)~~(10-17-14)T

**07. Fish Counted in Limit.** All fish that are hooked, landed, and not immediately released shall be counted in the limits of the person hooking the fish. (4-6-05)

**08. Special Limits.** No person shall fish in waters having special limits while possessing fish of those species in excess of the special limits. (4-6-05)

**IDAPA 15 - OFFICE OF THE GOVERNOR  
FOREST PRODUCTS COMMISSION**

**15.03.01 - RULES OF ADMINISTRATIVE PROCEDURE OF THE IDAHO  
FOREST PRODUCTS COMMISSION**

**DOCKET NO. 15-0301-1401**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 38-1508, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any 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 and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 239 - 240](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Betty Munis, Director at (208) 334-3292.

DATED this 29th day of October, 2014.

Betty Munis, Director  
Idaho Forest Products Commission  
350 N. 9th St., Ste. 102  
P. O. Box 855  
Boise, ID 83701  
Phone: (208) 334-3292  
Fax: (208) 334-3449

## IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

### 16.03.01 - ELIGIBILITY FOR HEALTH CARE ASSISTANCE FOR FAMILIES AND CHILDREN

DOCKET NO. 16-0301-1401

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-202, 56-203, 56-209, 56-236 through 56-240, 56-242, 56-250 through 56-257, 56-260 through 56-266, Idaho Code, and 42 CFR 435.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any 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 rule changes clarify definitions and align with federal regulations in regard to eligibility rules for parent and caretaker relatives and presumptive eligibility for Medicaid applicants. There are no changes in the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014, Idaho Administrative Bulletin, [Vol. 14-10, pages 248 through 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:

There is no anticipated fiscal impact to the state general fund, or to any other funds, due to this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Camille Schiller at (208) 334-5969.

DATED this 7th Day of November, 2014.

Tamara Prisock  
DHW - Administrative Rules Unit  
450 W. State Street - 10th Floor  
P.O. Box 83720  
Boise, ID 83720-0036  
Tel: (208) 334-5500  
Fax: (208) 334-6558  
Email: [dhwrules@dhw.idaho.gov](mailto:dhwrules@dhw.idaho.gov)



## IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

### 16.03.03 - RULES GOVERNING CHILD SUPPORT SERVICES

DOCKET NO. 16-0303-1401

### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 7-1206, 32-1209, 32-1214G, 32-1217, 56-203A, and 56-1004, Idaho Code, and 42 CFR 435.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any 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 rule changes update references to current statutes, income withholding processes, and definitions for appropriate good cause factors considered for recreational license suspension and enforcement proceedings of child support orders. There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014, Idaho Administrative Bulletin, **Vol. 14-10, pages 253 through 258.**

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

There is no anticipated fiscal impact to the state general funds, or to any other funds, due to this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Kandace Yearsley (208) 334-0620.

DATED this 7th Day of November, 2014.

Tamara Prisock  
DHW - Administrative Rules Unit  
450 W. State Street - 10th Floor  
P.O. Box 83720  
Boise, ID 83720-0036  
Tel: (208) 334-5500  
Fax: (208) 334-6558  
Email: [dhwrules@dhw.idaho.gov](mailto:dhwrules@dhw.idaho.gov)

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.03.04 - RULES GOVERNING THE FOOD STAMP PROGRAM IN IDAHO**  
**DOCKET NO. 16-0304-1401**  
**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 56-203, Idaho Code, and 7 CFR 271.2.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any 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 change will align the definition of “trafficking,” in this chapter with the revised federal definition under 7 CFR 271.2. This rulemaking expands the definition of “trafficking” to include fraudulent activities previously not considered to be program violations.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014, Idaho Administrative Bulletin, [Vol. 14-10, pages 259 - 260](#).

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

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Malinda Reissig at (208) 334-2235, ext. 245.

DATED this 7th Day of November, 2014.

Tamara Prisock  
DHW - Administrative Rules Unit  
450 W. State Street - 10th Floor  
P.O. Box 83720  
Boise, ID 83720-0036  
Tel: (208) 334-5500  
Fax: (208) 334-6558  
Email: [dhwrules@dhw.idaho.gov](mailto:dhwrules@dhw.idaho.gov)

## IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

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

DOCKET NO. 16-0305-1401

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 56-202, Idaho Code.

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

These rule changes clarify participant liability for incurred medical expenses and improve the administration of the AABD program for participants in long-term care settings. There are no changes in the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014, Idaho Administrative Bulletin, [Vol. 14-10, pages 261 through 266](#).

**FISCAL IMPACT:** The following is a specific 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 anticipated annual fiscal impact for this rulemaking for the change in nursing home patient liability is a total impact of \$571,536, with federal matching funds at 71.82% and state matching funds at 28.18%.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Camille Schiller at (208) 334-5969.

DATED this 7th Day of November, 2014.

Tamara Prisock  
DHW - Administrative Rules Unit  
450 W. State Street - 10th Floor  
P.O. Box 83720  
Boise, ID 83720-0036  
Tel: (208) 334-5500  
Fax: (208) 334-6558  
Email: [dhwrules@dhw.idaho.gov](mailto:dhwrules@dhw.idaho.gov)

## IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

### 16.05.07 - THE INVESTIGATION AND ENFORCEMENT OF FRAUD, ABUSE, AND MISCONDUCT

DOCKET NO. 16-0507-1401

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-202(b), 56-203(1) & (2), 56-209, 56-209(h), 56-227, 56-227A through D, 56-1001, and 56-1003, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any 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 adds the current reinstatement process for individuals or entities whose exclusions are over and who would like to be reinstated by the Department. There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014, Idaho Administrative Bulletin, [Vol. 14-10, pages 267 through 269](#).

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

There is no anticipated fiscal impact to the state general fund or to any other funds due to this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Lori Stiles at (208) 334-0653.

DATED this 7th Day of November, 2014.

Tamara Prisock  
DHW - Administrative Rules Unit  
450 W. State Street - 10th Floor  
P.O. Box 83720  
Boise, ID 83720-0036  
Tel: (208) 334-5500  
Fax: (208) 334-6558  
Email: [dhwrules@dhw.idaho.gov](mailto:dhwrules@dhw.idaho.gov)

## IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

### 16.07.33 - ADULT MENTAL HEALTH SERVICES

DOCKET NO. 16-0733-1401

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

**EFFECTIVE DATE:** The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code, or a date specified in this rule. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution or as specified in the rule, unless the rule is rejected. The final effective date of this rule is July 1, 2015.

**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 39-3133, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any 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 update and align with the current environment and best practices for adult mental health services through Medicaid and other federal and state laws. There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014, Idaho Administrative Bulletin, [Vol. 14-10, pages 270 through 280](#).

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

There is no anticipated fiscal impact to the state general fund or to any other funds due to this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Treena Clark at (208) 334-6611.

DATED this 7th Day of November, 2014.

Tamara Prisock  
DHW - Administrative Rules Unit  
450 W. State Street - 10th Floor  
P.O. Box 83720  
Boise, ID 83720-0036  
Tel: (208) 334-5500  
Fax: (208) 334-6558  
Email: [dhwrules@dhw.idaho.gov](mailto:dhwrules@dhw.idaho.gov)

**IDAPA 19 - IDAHO STATE BOARD OF DENTISTRY**  
**19.01.01 - RULES OF THE IDAHO STATE BOARD OF DENTISTRY**  
**DOCKET NO. 19-0101-1401**  
**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution.

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

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any 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 Board of Dentistry's proposed amendments to the sedation rules regarding deletion of the word "cardiac" from the term "Advanced Cardiac Life Support" have been rejected and the previous language will be retained.

Regarding patient monitoring under sedation, the Board has corrected an error in the proposed rules which stated that patients must be monitored on a least a fifteen (15) minute interval. This is being corrected in the pending rule to state that the patient monitoring must be recorded on a five (5) minute interval.

An additional housekeeping change is being made to Subparagraph 061.02.b.i. to remove a rule citation.

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 3, 2014 Idaho Administrative Bulletin, **Vol. 14-9, pages 283 through 291**.

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Susan Miller, Executive Director, at (208) 334-2369 or at [susan.miller@isbd.idaho.gov](mailto:susan.miller@isbd.idaho.gov).

DATED this 7th Day of November, 2014.

Susan Miller, Executive Director  
Board of Dentistry  
350 N. 9th Street, Ste. M-100  
P. O. Box 83720  
Boise, ID 83720-0021  
Phone: (208) 334-2369  
Fax: (208) 334-3247

DOCKET NO. 19-0101-1401 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.  
Italicized red text that is double 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 14-9, September 3, 2014, pages 283 through 291.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2015 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE  
FOR DOCKET NO. 19-0101-1401

**054. DEFINITIONS (RULE 54).**

For the purposes of these anesthesia rules, the following terms will be used, as defined below: (4-11-06)

**02. Sedation Terms.** (4-11-06)

*[Paragraph 054.02.a.]*

**a.** Advanced Cardiac Life Support (ACLS) shall mean an advanced cardiac life support course or a pediatric advanced life support course offered by a recognized accredited organization. ~~(4-11-06)~~ ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**060. MODERATE SEDATION (RULE 60).**

Dentists licensed in the state of Idaho cannot administer moderate sedation in the practice of dentistry unless they have obtained the proper moderate sedation permit from the Idaho State Board of Dentistry. A moderate sedation permit may be either enteral or parenteral. A moderate enteral sedation permit authorizes dentists to administer moderate sedation by either enteral or combination inhalation-ental routes of administration. A moderate parenteral sedation permit authorizes a dentist to administer moderate sedation by any route of administration. A dentist shall not administer moderate sedation to children under sixteen (16) years of age and one hundred (100) pounds unless they have qualified for and been issued a moderate parenteral sedation permit. (3-29-12)

**01. Requirements for a Moderate Enteral Sedation Permit.** To qualify for a moderate enteral sedation permit, a dentist applying for a permit shall provide proof that the dentist has completed training in the administration of moderate sedation to a level consistent with that prescribed in the American Dental Association's "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students," as incorporated in Section 004 in these rules. The five (5) year requirement regarding the required training for a moderate enteral sedation permit shall not be applicable to applicants who hold an equivalent permit in another state which has been in effect for the twelve (12) month period immediately prior to the application date. To obtain a moderate enteral sedation permit, a dentist must provide certification verification of the following: ~~(4-7-11)~~ ( )

**[Paragraph 060.01.b.]**

- b. ~~Proof of e~~Current certification ~~of in~~ Advanced Cardiac Life Support ~~or its equivalent.~~ (4-7-11)(    )

**02. Requirements for a Moderate Parenteral Sedation Permit.** To qualify for a moderate parenteral sedation permit, a dentist applying for a permit shall provide proof that the dentist has completed training in the administration of moderate parenteral sedation as prescribed in the American Dental Association's "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students," as incorporated in Section 004 of these rules within the five (5) year period immediately prior to the date of application for a moderate parenteral sedation permit. The five (5) year requirement shall not be applicable to applicants who hold an equivalent permit in another state which has been in effect for the twelve (12) month period immediately prior to the date of application. The training program shall: (4-7-11)

**[Paragraph 060.02.d.]**

- d. In addition, the dentist must maintain current certification in Advanced Cardiac Life Support ~~or its equivalent.~~ (4-7-11)(    )

- 03. General Requirements for Moderate Enteral and Moderate Parenteral Sedation Permits.** (4-7-11)

~~a. Facility Requirements. The dentist must have a properly equipped facility for the administration of moderate sedation.~~ The qualified dentist is responsible for the sedative management, adequacy of the facility and staff, diagnosis and treatment of emergencies related to the administration of moderate sedation and providing the equipment, drugs and protocol for patient rescue. Evaluators appointed by the Idaho State Board of Dentistry will periodically assess the adequacy of the facility and competence of the anesthesia team. The Board adopts the standards incorporated by reference in Section 004.01.c. and Section 004.01.d. of these rules as set forth by the American Dental Association. (4-7-11)(    )

- d. Patient Monitoring. Patients shall be monitored as follows: (    )

**[Subparagraph 060.03.d.i.]**

i. Patients must have continuous monitoring using pulse oximetry. The patient's blood pressure, heart rate, and respiration shall be recorded every five (5) minutes during the sedation and then continued every fifteen (15) minutes until the patient meets the requirements for discharge. These recordings shall be documented in the patient record. The record must also include documentation of preoperative and postoperative vital signs, all medications administered with dosages, time intervals and route of administration. If this information cannot be obtained, the reasons shall be documented in the patient's record. A patient under moderate sedation shall be continuously monitored; (    )

~~e.f.~~ Permit Renewal. Renewal of the permit will be required every five (5) years. Proof of a minimum of twenty-five (25) credit hours continuing education in moderate sedation which may include training in medical/office emergencies will be required to renew a permit. A fee shall be assessed to cover administrative costs. In addition to the continuing education hours, a dentist must: (3-20-14)

**[Subparagraph 060.03.f.i.]**

i. For a moderate enteral sedation permit, maintain current certification in basic life support for healthcare providers or advanced cardiac life support; ~~or~~ (3-20-14)(    )



*[Subparagraph 060.03.f.ii. - changes withdrawn, reverting to Codified Text]*

ii. For a moderate parenteral sedation permit, maintain current certification in advanced cardiac life support. (3-20-14)

**061. GENERAL ANESTHESIA AND DEEP SEDATION (RULE 61).**

Dentists licensed in the state of Idaho cannot use general anesthesia or deep sedation in the practice of dentistry unless they have obtained the proper permit from the Idaho State Board of Dentistry by conforming with the following conditions: (4-7-11)

**01. ~~General~~ Requirements for a General Anesthesia and Deep Sedation Permit.** A dentist applying for a permit to administer general anesthesia or deep sedation shall provide proof that the dentist: ~~(4-7-11)~~( )

*[Paragraph 061.01.b.]*

b. Current Certification in Advanced Cardiac Life Support ~~or its equivalent~~; and ~~(4-7-11)~~( )

**02. ~~Facility~~ General Requirements for General Anesthesia and Deep Sedation Permits.** ~~The dentist must have a properly equipped facility for the administration of general anesthesia or deep sedation.~~ The qualified dentist is responsible for the sedative management, adequacy of the facility and staff, diagnosis and treatment of emergencies related to the administration of general anesthesia or deep sedation and providing the equipment, drugs and protocol for patient rescue. Evaluators appointed by the Idaho State Board of Dentistry will periodically assess the adequacy of the facility and competence of the anesthesia team. The Board adopts the standards incorporated by reference in Section 004 of these rules, as set forth by the American Association of Oral and Maxillofacial Surgeons in their office anesthesia evaluation manual. ~~(4-7-11)~~( )

~~03~~b. Personnel. For general anesthesia or deep sedation, the minimum number of personnel shall be three (3) including: (4-7-11)

*[Subparagraph 061.02.b.i.]*

~~a~~i. A qualified operator to direct the sedation ~~as specified in Section 061 of this rule~~; and ~~(4-7-11)~~( )

**d. Patient Monitoring.** Patients shall be monitored as follows: ( )

*[Subparagraph 061.02.d.i.]*

i. Patients must have continuous monitoring using pulse oximetry and end-tidal carbon dioxide monitors. The patient's blood pressure, heart rate, and respiration shall be recorded every five (5) minutes during the sedation, and then continued every fifteen (15) minutes until the patient meets the requirements for discharge. These recordings shall be documented in the patient record. The record must also include documentation of preoperative and postoperative vital signs, all medications administered with dosages, time intervals and route of administration. If this information cannot be obtained, the reasons shall be documented in the patient's record. A patient under deep sedation or general anesthesia shall be continuously monitored; ( )

## IDAPA 20 - DEPARTMENT OF LANDS

### 20.07.02 - RULES GOVERNING CONSERVATION OF OIL AND NATURAL GAS IN THE STATE OF IDAHO

DOCKET NO. 20-0702-1401

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 47-319(8), Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any 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 Oil and Gas Conservation Commission (Commission) adopted the pending rule with changes to the text of the proposed rule based on comments on the proposed rule submitted to the agency. A definition for “systems approach” is added in Subsection 010.49 to clarify how chemical information must be reported under Paragraph 210.06.d. In Subsection 120.04, the pending rule clarifies the consent of operators and unleased mineral owners is required for exceptions to well spacing. In Subsection 130.01, the integration explanatory statement requirement is eliminated because it is not necessary, the geologic statement requirement is simplified to cover essential information, and the bonus payment requirement clarifies only the highest payment paid to mineral interest owners must be in the application. In Subsection 130.02, the pending rule clarifies that information exempt by law from disclosure may be redacted in an application and that applications are served on unleased mineral interest owners. In Subsection 131.02, the pending rule clarifies when working interest owners are entitled to their share of production. In Subsections 420.01 and 430.01, certain setback distances are changed to 300 feet to align with Federal Housing Administration mortgage rules. In Subsection 430.04, the flaring requirement for gas processing facilities requires compliance with the Department of Environmental Quality’s authority in IDAPA 58.01.01, “Rules for the Control of Air Pollution in Idaho.”

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 with one exception: proposed rule Section 230, Subsection 06.e.i. was inadvertently left out of the proposed rule docket. This Subsection has not been deleted from the rule and remains in the rule as previously codified. The complete text of the proposed rule was published in the September 3, 2014 Idaho Administrative Bulletin, [Vol. 14-9, pages 292 - 338](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Bobby Johnson, Oil and Gas Program Manager at (208) 334-0243 or [brjohnson@idl.idaho.gov](mailto:brjohnson@idl.idaho.gov).

DATED this 7th Day of November, 2014.

Bobby Johnson, Oil & Gas Program Manger  
Idaho Department of Lands  
300 N. 6th Street, Suite 103  
P.O. Box 83720, Boise, ID 83720-0050  
Tel: (208) 334-0243  
Fax: (208) 334-5342  
Email: [brjohnson@idl.idaho.gov](mailto:brjohnson@idl.idaho.gov)

DOCKET NO. 20-0702-1401 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.  
Italicized red text that is double 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, Vol. 14-9, September 3, 2014, pages 292 through 338.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2015 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR  
DOCKET NO. 20-0702-1401

010. DEFINITIONS.

[Subsection 010.49. to 010.52.]

49. Systems Approach. The disclosure of chemical information by chemical abstract service name only, without disclosing component percentages or chemical relationships. ( )

50. Tank. A concrete, metal, or plastic stationary vessel used to contain fluids. ( )

51. Tank Battery. One (1) or more tanks that are connected to receive crude oil, condensate, or produced waters from a well(s) and which serves as the point of collection and disbursement of oil or gas from a well(s). ( )

52. Tank Dike. An impermeable man-made structure constructed around a tank to contain leakage from the tank. ( )

453. Tubing. Pipe used inside the production casing to convey oil or gas from the producing interval to the surface. (3-29-12)

4654. Volatile Organic Compound. Organic chemical compounds whose composition makes it possible for them to evaporate under normal indoor atmospheric conditions of sixty-eight (68) degrees F and an absolute pressure of fourteen point seven (14.7) psi atmospheric. (3-29-12)

4755. Waterflooding. The injection into a reservoir through one (1) or more wells with volumes of water for the purpose of increasing the recovery of oil therefrom. (3-29-12)

4856. Waste as Applied to Oil. Underground waste; inefficient, excessive, improper use, or dissipation of reservoir energy, including gas energy and water drive; surface waste, open-pit storage, and waste incident to the production of oil in excess of the producer's above-ground storage facilities and lease and contractual requirements, but excluding storage (other than open-pit storage) reasonably necessary for building up and maintaining crude stocks and products thereof for consumption, use, and sale; the locating, drilling, equipping, operating, or producing of any well in a manner that causes, or tends to cause, reduction of the quantity of oil or gas ultimately recoverable from a pool under prudent and proper operations. (10-21-92)

~~49~~57. **Waste as Applied to Gas.** The escape, blowing or releasing, directly or indirectly, into the open air of gas from wells productive of gas only, or gas in an excessive or unreasonable amount from wells producing oil or both oil and gas; and the production of gas in quantities or in such manner as will unreasonably reduce reservoir pressure or unreasonably diminish the quantity of oil or gas that might ultimately be produced; excepting gas that is reasonably necessary in the drilling, completing, and testing of wells and in furnishing power for the production of wells. (10-21-92)

~~50~~8. **Well Report.** The written record progressively describing the strata, water, oil, or gas encountered in drilling a well with such additional information as to give volumes, pressures, rate of fill-up, water depths, casing strata, casing record, etc., as is usually recorded in normal procedure of drilling; also, it includes electrical radioactivity, or other similar logs run, lithologic description of all cores, and all drill-stem tests, including depth-tested, cushion-used, time tool open, flowing and shut-in pressures and recoveries. (3-29-12)

~~59~~. **Well Site.** The areas that are directly disturbed during the drilling and subsequent operation of, or affected by production facilities directly associated with, any oil well, gas well, or injection well, and its associated well pad. ( )

~~51~~60. **Well Treatment.** Actions performed on a well to acidize, fracture, or stimulate the target reservoir. (3-29-12)

~~52~~61. **Wildcat Well.** An exploratory well drilled in an area of unknown subsurface conditions. (3-29-12)

**(BREAK IN CONTINUITY OF SECTIONS)**

**130. INTEGRATION.**

When two (2) or more separately owned tracts or interests are within a spacing unit, the owners of the tracts or interests may voluntarily integrate their tracts or interests for the development and operation of the spacing unit. In the absence of voluntary integration and upon an application by an owner within a spacing unit, the Commission may, either before or after drilling a well, make an order integrating all tracts or interests within the spacing unit for the development and operation of the spacing unit. ( )

**01. Integration Application Requirements.** Integration applications must be filed with the Commission in hard copy and electronic formats. The application must contain the following information: ( )

**[Paragraphs 130.01.d. to 130.01.j.]**

d. A geologic statement explaining the likely presence of hydrocarbons; ( )

e. A statement of the proposed operations for the spacing unit, including the name and address of the proposed operator; ( )

f. A proposed joint operating agreement and a proposed lease form; ( )

g. A list of all mineral interest owners in the spacing unit and a list of the owners to be integrated under the application, including names, addresses, and respective acreages within the spacing unit; ( )

h. Affidavits indicating that at least fifty-five percent (55%) of the mineral interest owners in the spacing unit support the integration application by leasing or participating as a working interest owner; ( )

i. An affidavit stating the highest bonus payment paid to leased mineral interest owners prior to filing the integration application; and ( )

j. A resume of efforts documenting the applicant's good faith efforts on at least three (3) separate

occasions within a period of time no less than sixty (60) days to inform mineral interest owners of the applicant's intentions to develop the mineral resources in the spacing unit and reach an agreement with owners in the spacing unit. At least one (1) contact must be by certified U.S. mail return receipt requested sent to an owner's last known address. If an owner of a tract cannot be found, the applicant must publish a legal notice in a newspaper in the county where the tract is located. The resume of efforts must show the applicant has exhausted all reasonable efforts to reach an agreement with owners in a spacing unit. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**131. INTEGRATION ORDERS.**

The Commission will issue an integration order if the Commission approves an application for integration. The integration order will authorize the drilling and operation of a well in a spacing unit, prescribe the time and manner in which all owners in the spacing unit may elect to participate therein, and prescribe the manner for the payment of the costs of drilling and operating the well upon terms that are just and reasonable pursuant to Section 47-322, Idaho Code. ( )

**[Subsection 131.02.]**

**02. Working Interest Owner.** An owner who elects to participate as a working interest owner will pay the proportionate share of the actual costs of drilling and operating a well allocated to the owner's interest in the spacing unit. Prior to the drilling operations, working interest owners who share in the costs of drilling and operating the well are entitled to their respective shares of the production of the well. The operator of the integrated spacing unit and working interest owners must enter into a joint operating agreement approved by the Commission in the integration order. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**420. TANK BATTERIES.**

Tank batteries must meet the following requirements. ( )

**[Subsection 420.01.]**

**01. Location of Tank Batteries.** No tank batteries may be constructed within three hundred (300) feet of existing occupied structures, water wells, canal, ditches, the natural or ordinary high water mark of surface waters, or within fifty (50) feet of highways, as measured from the outermost portion of the tank dike. The owner of a water well or existing occupied structure may provide express written permission to construct a tank battery closer than three hundred (300) feet, but in no event may a tank battery be constructed within one hundred (100) feet of a water well or existing occupied structure. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**430. GAS PROCESSING FACILITIES.**

Gas processing facilities must meet the following requirements. ( )

**[Subsection 430.01.]**

**01. Location of Gas Processing Facilities.** No gas processing facility may be constructed within three hundred (300) feet of existing occupied structures, water wells, canals and ditches, the natural or ordinary high water

mark of surface waters, or within fifty (50) feet of highways, as measured from the outermost portion of the gas processing facility. The owner of a water well or existing occupied structure may provide express written permission to construct a gas processing facility closer than three hundred (300) feet, but in no event may a gas processing facility be constructed within one hundred (100) feet of a water well or existing occupied structure. ( )

***[Subsection 430.04.]***

**04. Flaring.** Flaring at gas processing facilities must be in conformance with IDAPA 58.01.01, Rules for the Control of Air Pollution in Idaho, and any permit issued by the IDEQ. ( )

## IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

### 24.02.01 - RULES OF THE BOARD OF BARBER EXAMINERS

DOCKET NO. 24-0201-1401

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 54-521, Idaho Code.

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

Due to comments received on proposed rule 450.01.c., clarifications were made regarding the separation of other businesses and living quarters.

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 1, 2014, Idaho Administrative Bulletin, [Vol. 14-10, pages 306 through 310](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Cherie Simpson at (208) 577-2584.

DATED this 10th Day of November, 2014.

Tana Cory, Bureau Chief  
Bureau of Occupational Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83720-0063  
Tel: (208) 334-3233  
Fax (208) 334-3945

#### DOCKET NO. 24-0201-1401 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.  
Italicized red text that is double 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,  
[Vol. 14-10, October 1, 2014, pages 306 through 310.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting  
review and final approval by the 2015 Idaho State Legislature.

**THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR  
DOCKET NO. 24-0201-1401**

**450. BARBER SHOP REQUIREMENTS (RULE 450).**

Except as otherwise provided in statute, a duly licensed individual must practice within a licensed barber shop. A barber shop may be licensed as a primary shop or a contiguous shop that operates within a primary shop. ( )

**01. Primary Shop, Licensure and Operation Requirements.** A primary shop license may be issued and annually renewed only under the following conditions: (7-1-93)( )

**[Paragraph 450.01.c.]**

**c.** Businesses other than cosmetology, ~~or barber shops, and living quarters~~ shall be separated from a barber shop by ~~solid and immovable walls or partitions and solid closable doors~~ substantial partitions not less than seven (7) feet high. A complete wall and a closable door shall separate the barber shop and living quarters. Doors of separation shall remain closed at all times; (3-13-02)( )



## **IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES**

### **24.04.01 - RULES OF THE IDAHO BOARD OF COSMETOLOGY**

**DOCKET NO. 24-0401-1401**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 54-803 and 54-831, Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 311 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: NA

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

DATED this 6th day of November, 2014.

Tana Cory, Bureau Chief  
Bureau of Occupational Licenses  
700 W. State St.reet  
P.O. Box 83720  
Boise, ID 83720-0063  
Tel: (208) 334-3233  
Fax: (208) 334-3945

## **IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES**

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

**DOCKET NO. 24-0601-1401**

#### **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 2015 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 by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

**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 54-3712 and 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:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 315 - 316](#).

**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 54-4710, Idaho Code.

Rule 041 is being amended to decrease the initial license fee for occupational therapists from \$115 to \$100; initial license fee for occupational therapy assistants from \$85 to \$75; limited permit or temporary license fee from \$30 to \$25; active license renewal fee for occupational therapists from \$70 to \$55; active license renewal for occupational therapy assistants from \$50 to \$35; and inactive license renewal fee from \$50 to \$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:

This rulemaking will have no impact on general funds. This rulemaking is anticipated to reduce the amount of dedicated fund fees collected by the Board by approximately \$11,770.00 based on the current number of licensees and an estimated number of applications received in the last year.

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

DATED this 6th Day of November, 2014.

Tana Cory, Bureau Chief  
Bureau of Occupational Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83720-0063  
Tel: (208) 334-3233  
Fax (208) 334-3945

## IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

### 24.09.01 - RULES OF THE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

DOCKET NO. 24-0901-1401

#### 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 2015 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 by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and of full force and effect upon adoption of the concurrent resolution, unless the rule is rejected.

**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 54-1604 and 54-1608, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any 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 and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 317 - 318](#).

**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 54-4710, Idaho Code.

Rule 600 is being amended to increase the original application fee from \$100 to \$200; the endorsement application fee from \$100 to \$200; the annual renewal fee from \$175 to \$200; the original license fee from \$150 to \$200; and the Administrator-in-training registration fee from \$100 to \$150.

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

This rulemaking will have no impact on general funds. The rule change will result in an annual increase of approximately \$8,625.00 in the Board's dedicated fund based on the current number of licensees and an estimated number of applications received in the last year.

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

DATED this 6th day of November, 2014.

Tana Cory, Bureau Chief  
Bureau of Occupational Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83720-0063  
Tel: (208) 334-3233  
Fax (208) 334-3945

## IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

### 24.14.01 - RULES OF THE STATE BOARD OF SOCIAL WORK EXAMINERS

#### DOCKET NO. 24-1401-1401

#### 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 2015 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 by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and of full force and effect upon adoption of the concurrent resolution, unless the rule is rejected.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 54-3204 and 54-3209, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any 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 and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 319 - 320](#).

**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 54-4710, Idaho Code.

Rule 300 is being amended to increase the initial application fee from \$60 to \$70; the endorsement fee from \$60 to \$90; the annual renewal fee for Clinical Social Worker from \$70 to \$90; the annual renewal fee for Social Worker and Masters Social Worker from \$60 to \$80; the annual renewal fee for Inactive Clinical Social Worker from \$35 to \$45; and the annual renewal fee for Inactive Social Worker and Inactive Masters Social Worker from \$30 to \$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:

The rule will have no impact on general funds. The rule change will result in an annual increase of approximately \$77,080.00 in the Board's dedicated fund, based on the current number of licensees and an estimate of original applications received in a year.

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

DATED this 6th day of November, 2014.

Tana Cory, Bureau Chief  
Bureau of Occupational Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83720-0063  
Tel: (208) 334-3233  
Fax (208) 334-3945

## 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. 24-1501-1401

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 321 - 322](#).

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

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

DATED this 6th Day of November, 2014.

Tana Cory, Bureau Chief  
Bureau of Occupational Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83720-0063  
Tel: (208) 334-3233  
Fax (208) 334-3945

## **IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES**

### **24.25.01 - RULES OF THE IDAHO DRIVING BUSINESSES LICENSURE BOARD**

**DOCKET NO. 24-2501-1401**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 54-5403 and 54-5406, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any 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 and it is being adopted as originally proposed. The complete text of the proposed rule was published in the July 2, 2014 Idaho Administrative Bulletin, [Vol. 14-7, pages 89 through 91](#).

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

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

DATED this 6th day of November, 2014.

Tana Cory, Bureau Chief  
Bureau of Occupational Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83720-0063  
Tel: (208) 334-3233  
Fax (208) 334-3945

## IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

### 24.26.01 - RULES OF THE IDAHO BOARD OF MIDWIFERY

DOCKET NO. 24-2601-1402

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 54-5504, Idaho Code.

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

Due to comments received regarding the proposed rule there were clarifications made on when newborn transfer of care or consultation is required. Clarification was made in the subparagraphs pertaining to respiratory distress, postpartum evaluation, presence of emesis, and temperature instability.

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 1, 2014, Idaho Administrative Bulletin, **Vol. 14-10, pages 323-324.**

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Cherie Simpson at (208) 577-2584.

DATED this 6th Day of November, 2014.

Tana Cory  
Bureau Chief  
Bureau of Occupational Licenses  
700 W. State St.  
P O Box 83720  
Boise, ID 83720-0063  
Tel: (208) 334-3233 / Fax: (208) 334-3945

#### DOCKET NO. 24-2601-1402 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.  
Italicized red text that is double 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, Vol. 14-10, October 1, 2014, pages 323-234.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2015 Idaho State Legislature.

**THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR  
DOCKET NO. 24-2601-1402**

**360. NEWBORN TRANSFER OF CARE OR CONSULTATION (RULE 360).**

**01. Newborn Transfer of Care.** Conditions for which a licensed midwife must facilitate the immediate transfer of a newborn to a hospital for emergency care: ( )

***[Paragraph 360.01.b.]***

**b.** Any respiratory distress following delivery with moderate to thick meconium stained fluid. ( )

***[Paragraph 360.01.f.]***

**f.** Any condition requiring more than six (6) hours of continuous, immediate postpartum evaluation. ( )

***[Paragraph 360.01.i.]***

**i.** Any bright green emesis. ( )

**02. Newborn Consultation Required.** Conditions for which a licensed midwife must consult a Pediatric Provider (Neonatologist, Pediatrician, Family Practice Physician, Advanced Practice Registered Nurse, or Physician Assistant): ( )

***[Paragraph 360.02.a.]***

**a.** Temperature instability, defined as a rectal temperature less than ninety-six point eight (96.8) degrees Fahrenheit or greater than one hundred point four (100.4) degrees Fahrenheit documented two (2) times more than fifteen (15) minutes apart. ( )



## **IDAPA 33 - REAL ESTATE COMMISSION**

### **33.01.01 - RULES OF THE IDAHO REAL ESTATE COMMISSION**

#### **DOCKET NO. 33-0101-1401**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 54-2007 of the Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any 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 and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014, Idaho Administrative Bulletin, [Vol. 14-10, pages 381 through 383](#).

**FISCAL IMPACT:** The following is a specific 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 Jeanne Jackson-Heim, (208) 334-3285.

DATED this 24th day of October, 2014.

Jeanne Jackson-Heim, Executive Director  
Idaho Real Estate Commission  
575 E. Parkcenter Blvd. Suite 180  
Boise, ID 83706  
Tel: (208) 334-3285  
Fax: (208) 334-2050

## **IDAPA 33 - REAL ESTATE COMMISSION**

### **33.01.02 - RULES OF PRACTICE AND PROCEDURE OF THE IDAHO REAL ESTATE COMMISSION GOVERNING CONTESTED CASES**

**DOCKET NO. 33-0102-1401**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 54-2007 of the Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any 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 and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014, Idaho Administrative Bulletin, [Vol. 14-10, pages 384 through 388](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Jeanne Jackson-Heim, (208) 334-3285.

DATED this 24th day of October, 2014.

Jeanne Jackson-Heim, Executive Director  
Idaho Real Estate Commission  
575 E. Parkcenter Blvd. Suite 180  
Boise, ID 83706  
Tel: (208) 334-3285  
Fax: (208) 334-2050

**IDAPA 35 - IDAHO STATE TAX COMMISSION**

**35.01.01 - INCOME TAX ADMINISTRATIVE RULES**

**DOCKET NO. 35-0101-1401**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 63-105 and 63-3039, Idaho Code.

**DESCRIPTIVE SUMMARY:** There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 389 through 391](#).

**FISCAL IMPACT:** The following is a specific 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 Cynthia Adrian (208) 334-7670.

DATED this 6th Day of November, 2014.

Cynthia Adrian  
Tax Policy Specialist  
Idaho State Tax Commission  
P.O. Box 36  
Boise, Idaho 83722-0410  
(208) 334-7670

**IDAPA 35 - IDAHO STATE TAX COMMISSION**

**35.01.01 - INCOME TAX ADMINISTRATIVE RULES**

**DOCKET NO. 35-0101-1402**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 63-105 and 63-3039, Idaho Code.

**DESCRIPTIVE SUMMARY:** There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 392 through 395](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Cynthia Adrian (208) 334-7670.

DATED this 6th Day of November, 2014.

Cynthia Adrian  
Tax Policy Specialist  
Idaho State Tax Commission  
P.O. Box 36  
Boise, Idaho 83722-0410  
(208) 334-7670

**IDAPA 35 - IDAHO STATE TAX COMMISSION**

**35.01.01 - INCOME TAX ADMINISTRATIVE RULES**

**DOCKET NO. 35-0101-1403**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 63-105 and 63-3039, Idaho Code.

**DESCRIPTIVE SUMMARY:** There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 396 through 404](#).

**FISCAL IMPACT:** The following is a specific 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 Cynthia Adrian (208) 334-7670.

DATED this 6th Day of November, 2014.

Cynthia Adrian  
Tax Policy Specialist  
Idaho State Tax Commission  
P.O. Box 36  
Boise, Idaho 83722-0410  
(208) 334-7670

**IDAPA 35 - IDAHO STATE TAX COMMISSION**  
**35.01.02 - IDAHO SALES AND USE TAX ADMINISTRATIVE RULES**  
**DOCKET NO. 35-0102-1401**  
**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 63-105, 63-3039, 63-3624(a) and 63-3635, Idaho Code.

**DESCRIPTIVE SUMMARY:** There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 405 through 410](#).

**FISCAL IMPACT:** The following is a specific 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 McLean Russell (208) 334-7531.

DATED this 19th Day of November, 2014.

McLean Russell  
Tax Policy Specialist  
Idaho State Tax Commission  
P.O. Box 36  
Boise, Idaho 83722-0410  
(208) 334-7531

**IDAPA 35 - IDAHO STATE TAX COMMISSION**  
**35.01.02 - IDAHO SALES AND USE TAX ADMINISTRATIVE RULES**  
**DOCKET NO. 35-0102-1402**  
**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 63-105, 63-3039, 63-3624(a) and 63-3635, Idaho Code.

**DESCRIPTIVE SUMMARY:** There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 411 through 413](#).

**FISCAL IMPACT:** The following is a specific 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 McLean Russell (208) 334-7531.

DATED this 10th Day of November, 2014.

McLean Russell  
Tax Policy Specialist  
Idaho State Tax Commission  
P.O. Box 36  
Boise, Idaho 83722-0410  
(208) 334-7531

**IDAPA 35 - IDAHO STATE TAX COMMISSION**  
**35.01.02 - IDAHO SALES AND USE TAX ADMINISTRATIVE RULES**  
**DOCKET NO. 35-0102-1403**  
**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted pending rules. The action is authorized pursuant to Sections 63-105, 63-3039, 63-3624(a) and 63-3635, Idaho Code.

**DESCRIPTIVE SUMMARY:** There are no changes to the pending rules and are being adopted as originally proposed. The complete text of the proposed rules were published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 414 through 427](#).

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than fifty thousand dollars (\$50,000) during the fiscal year: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning these pending rules, contact McLean Russell (208) 334-7531.

DATED this 10th Day of November, 2014.

McLean Russell  
Tax Policy Specialist  
Idaho State Tax Commission  
P.O. Box 36  
Boise, Idaho 83722-0410  
(208) 334-7531



**IDAPA 35 - IDAHO STATE TAX COMMISSION**  
**35.01.02 - IDAHO SALES AND USE TAX ADMINISTRATIVE RULES**  
**DOCKET NO. 35-0102-1404**  
**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted pending rules. The action is authorized pursuant to Sections 63-105, 63-3039, 63-3624(a) and 63-3635, Idaho Code.

**DESCRIPTIVE SUMMARY:** There are no changes to the pending rules and are being adopted as originally proposed. The complete text of the proposed rules were published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 428 through 436](#).

**FISCAL IMPACT:** The following is a specific 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 these pending rules, contact McLean Russell (208) 334-7531.

DATED this 10th Day of November, 2014.

McLean Russell  
Tax Policy Specialist  
Idaho State Tax Commission  
P.O. Box 36  
Boise, Idaho 83722-0410  
(208) 334-7531

**IDAPA 35 - IDAHO STATE TAX COMMISSION**

**35.01.03 - PROPERTY TAX ADMINISTRATIVE RULES**

**DOCKET NO. 35-0103-1401**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 63-105 and 63-3039, Idaho Code.

**DESCRIPTIVE SUMMARY:** There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 6, 2014 Idaho Administrative Bulletin, **Vol. 14-8, pages 94 through 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 Alan Dornfest (208) 334-7742 or email [alan.dornfest@tax.idaho.gov](mailto:alan.dornfest@tax.idaho.gov).

DATED this 10th Day of November, 2014.

Alan Dornfest  
Tax Policy Supervisor  
State Tax Commission  
P.O. Box 36  
Boise, ID 83722-0410  
(208) 334-7742  
[Alan.dornfest@tax.idaho.gov](mailto:Alan.dornfest@tax.idaho.gov)

**IDAPA 35 - IDAHO STATE TAX COMMISSION**  
**35.01.03 - PROPERTY TAX ADMINISTRATIVE RULES**  
**DOCKET NO. 35-0103-1403**  
**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 63-105 and 63-3039, Idaho Code.

**DESCRIPTIVE SUMMARY:** There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 437 through 440](#).

**FISCAL IMPACT:** The following is a specific 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 Alan Dornfest (208) 334-7742 or email [alan.dornfest@tax.idaho.gov](mailto:alan.dornfest@tax.idaho.gov).

DATED this 10th Day of November, 2014.

Alan Dornfest  
Tax Policy Supervisor  
State Tax Commission  
P.O. Box 36  
Boise, ID 83722-0410  
(208) 334-7742  
[Alan.dornfest@tax.idaho.gov](mailto:Alan.dornfest@tax.idaho.gov)

## IDAPA 35 - IDAHO STATE TAX COMMISSION

### 35.01.03 - PROPERTY TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0103-1404

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 63-105A, Idaho Code.

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

**Property Tax Rule 626. Property Exempt From Taxation – Certain Personal Property.** The proposed rule is being changed to clarify that the classification of rail car companies for apportionment purposes is to be made after the personal property exemption is determined and subtracted from market value. Also, the changes establish a reporting mechanism and timeline for counties to notify the state tax commission regarding the amount of personal property exemption granted locally to companies that are also centrally assessed.

**Property Tax Rule 627. Property Exempt From Taxation – Certain Personal Property – Taxpayer Ownership Clarification.** The proposed rule is being amended to specify sections that pertain to the exemption provided in section 63-602KK(2). Previously the subsection had not been identified. In addition, grammatical errors have been corrected and a label in an example corrected.

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 6, 2014 Idaho Administrative Bulletin, [Vol. 14-8, pages 104 through 120](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Alan Dornfest at (208) 334-7742 or email [alan.dornfest@tax.idaho.gov](mailto:alan.dornfest@tax.idaho.gov).

DATED this 7th Day of November, 2014.

Alan Dornfest  
Tax Policy Supervisor  
State Tax Commission  
P.O. Box 36  
Boise, ID 83722-0410  
(208) 334-7742  
[Alan.dornfest@tax.idaho.gov](mailto:Alan.dornfest@tax.idaho.gov)

DOCKET NO. 35-0103-1404 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.  
Italicized red text that is double 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, Vol. 14-8, August 6, 2014, pages 104 through 120.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2015 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR  
DOCKET NO. 35-0103-1404

**626. PROPERTY EXEMPT FROM TAXATION -- CERTAIN PERSONAL PROPERTY (RULE 626).**  
Sections 63-105(A), 63-201, 63-302, 63-308, 63-313, 63-602Y, and 63-602KK, Idaho Code. (3-20-14)

**03. Centrally Assessed Property - Application Required.** (3-20-14)

*[Subsection 626.03.a.]*

a. Except for private railcar fleets, the taxpayer ~~must~~ may file a list of personal property with the operator's statement filed pursuant to Rule 404 of these rules. The filing of such a list shall constitute the filing of an application for this exemption. Except as provided in Subsections 626.03.b. and c. of this rule, for such personal property to be considered for the exemption, the operator's statement must include: ~~(3-20-14)( )~~

*[Subsection 626.03.b. through 626.03.d.]*

b. For private railcar fleets subject to assessment by the Commission, ~~and having an Idaho taxable market value of five hundred thousand dollars (\$500,000) or greater, the application procedure described in Subsection 626.03.a. of this rule shall apply. However, the requirements to show specific or county locations, found in Subsections 626.03.a.i. and 626.03.a.iii. shall not apply. Instead, the filing of the annual operator's statement shall constitute application for this exemption.~~ †The Commission shall, after using apportionment procedures described in Rule 413 of these rules to apportion the market value of these fleets, allow an exemption of up to one hundred thousand dollars (\$100,000) to be applied to the apportioned market value within each county within which the railcar fleet operates. Provided that †the remaining taxable ~~and exempt market~~ value is five hundred thousand dollars (\$500,000) or greater, this value is to be further apportioned to each taxing district and urban renewal revenue allocation area. ~~(3-20-14)( )~~

c. After subtraction of the personal property exemption calculated as provided in Subsection 626.03.b. of this rule, †for private railcar fleets subject to assessment by the Commission, and having an Idaho taxable market value of less than five hundred thousand dollars (\$500,000), neither the final amount of the exemption nor the taxable value of the fleet shall be subject to apportionment ~~the application procedure described in Subsection 626.03.a. of this rule shall apply. However, the property of such fleets is never apportioned to counties, so the~~

~~exemption amount is limited to one hundred thousand dollars (\$100,000) per company, unless the company provides proof showing the multiple counties in which the personal property is located for the entire tax year, in which case the one hundred thousand dollar (\$100,000) limit shall apply per company per county. (3-20-14)( )~~

d. When operating property companies have locally assessed property, any exemption pursuant to Section 63-602KK(2), Idaho Code must be applied to the locally assessed property first. In this case, the county assessor must notify the Commission of the value of the exemption granted. If such exemption is entered on the property roll, such notification must be made by the first Monday in August. After notice by the Commission of the amount of exemption granted to the centrally assessed property, the assessor may make adjustments to assessed values to be entered on any subsequent or missed property rolls to ensure that the exemption does not exceed \$100,000 (one hundred thousand dollars) for any taxpayer. (3-20-14)( )

**627. PROPERTY EXEMPT FROM TAXATION -- CERTAIN PERSONAL PROPERTY – TAXPAYER OWNERSHIP CLARIFICATION (RULE 627).**

Section 63-602KK(2), Idaho Code. ( )

**[Subsection 627.01. and 627.02.]**

**01. Idaho Code Section 63-602KK(2) Provides Taxpayers With One Exemption in Each Idaho County in Which They Meet the Ownership Rules.** Although taxpayers are limited to receiving one (1) exemption per county, a taxpayer owning more than one (1) business within one (1) county may be entitled to more than one (1) Idaho Code Exemption exemption within the county. ( )

**02. Illustration of Common Enterprise and IRC Section 267 Restriction.** For purposes of the Idaho Code Section 63-602KK(2) exemption, a taxpayer includes two (2) or more individuals or organizations using the property in a common enterprise, and the individuals or organizations are within a relationship described in Section 267 of the Internal Revenue Code. This is illustrated in the following chart: ( )

d. The following examples are given to illustrate eligibility situations related to common enterprise and related ownerships: ( )

**[Subparagraph 627.02.d.i.]**

i. Example 1. This is an example of a common enterprise, that is entitled to two (2) exemptions because the owners are not related in a manner as described in Section 267 of the Internal Revenue Code. ( )

<u>So long as Bob and John are not related in a manner identified in IRC 267, two (2) exemptions exist. One (1) for <u>Factory Labor, LLC.</u> The other for all of Bob's businesses, because they are in a common enterprise and are all owned by him.</u>
---

( )

**[Subparagraph 627.02.d.iii.]**

iii. Example 3. This is an example of multiple businesses being entitled to only one (1) exemption because a common enterprise exists and all the businesses are constructively owned in a manner identified in IRC 267. ( )

## IDAPA 35 - IDAHO STATE TAX COMMISSION

### 35.01.03 - PROPERTY TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0103-1405

#### 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 August 6, 2014. This pending rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 63-105A, 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.

**RULE 804T - TAX LEVY – CERTIFICATION – URBAN RENEWAL DISTRICTS:** Idaho Code Section 50-2908(1) was amended in 2008 by House Bill 470 to provide that the property tax rate applicable to certain listed funds should be computed based on the current equalized assessed valuation of the taxing district even if the district includes a revenue allocation area. The listed funds included voter approved general obligation bond funds as well as plant facility reserve funds. The list did not include the very similar in purpose state-authorized plant facility fund (I.C. 33-909) leaving the question of whether or not the fund should be included on the list. Because the state-authorized plant facility fund is so similar in purpose to the listed funds, this fund should be added to the list of funds wherein the levy rate will be computed based on the current equalized assessed value.

**RULE 995T - CERTIFICATION OF SALES TAX DISTRIBUTION:** Idaho Code Section 63-602KK(2), the partial (\$100,000) personal property tax exemption statute, enacted in 2013 by House Bill 315 reduced the market value for assessment purposes for all Idaho cities. Idaho Code Section 63-3638(10)(a)(ii) provides that sales tax funds be distributed to cities based in part on the preceding year's market value for assessment purposes. The effects of the personal property exemption on the revenues of taxing districts should be minimized to the extent possible. The amount of the reduction in the market value for assessment purposes for the 2013 tax year is a known amount which can be added back in future years to each cities' market value for assessment purposes thereby minimizing the effect on the revenues of taxing districts which have exempt personal property.

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 as previously adopted while the pending rule awaits legislative approval, the Tax Commission amended the temporary rule with the same revisions made to the pending rule. Only the sections that differ from the proposed rule text are printed in this Bulletin. The original text of the temporary and proposed rule was published in the August 6, 2014 Idaho Administrative Bulletin, [Vol. 14-08, pages 129 through 136](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule and the amendment to temporary rule, contact Alan Dornfest (208) 334-7742.

DATED this 18th Day of November, 2014.

Alan Dornfest  
Tax Policy Supervisor  
Idaho State Tax Commission  
800 Park Blvd., Plaza IV  
P.O. Box 36  
Boise, ID 83722-0410  
(208) 334-7742

**DOCKET NO. 35-0103-1405 - ADOPTION OF PENDING RULE  
AND AMENDMENT TO TEMPORARY RULE**

Substantive changes have been made to the pending rule.  
Italicized red text that is ***double underscored*** is new text that has been added to the pending rule.  
Italicized green 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 14-08, August 6, 2014, pages 129 through 136.**

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2015 Idaho State Legislature.

**THE FOLLOWING IS THE AMENDED TEMPORARY RULE AND THE  
AMENDED PENDING RULE TEXT FOR DOCKET NO. 35-0103-1405**

**804. TAX LEVY - CERTIFICATION - URBAN RENEWAL DISTRICTS (RULE 804).**

Section 50-2908, 63-803, and 63-811, Idaho Code.

(5-8-09)

**01. Definitions.**

(4-5-00)

***[Paragraph 804.01.d.]***

**d.** "Initial base value." The initial base value for each parcel is the sum of the taxable value of each category of property in the parcel for the year the RAA is established. *In the case of annexation to an RAA, initial base value of each annexed parcel shall be the value of that parcel as of January 1 of the year in which the annexation takes place.* *(4-5-00)*( )



**IDAPA 35 - IDAHO STATE TAX COMMISSION**

**35.01.03 - PROPERTY TAX ADMINISTRATIVE RULES**

**DOCKET NO. 35-0103-1406**

**NOTICE OF RULEMAKING - VACATION OF PROPOSED RULEMAKING**

**AUTHORITY:** In compliance with Section 67-5221, Idaho Code, notice is hereby given that this agency is vacating the rulemaking previously initiated under this docket. The action is authorized pursuant to Section 63-105A, Idaho Code.

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

**Property Tax Rule 204. OPERATING PROPERTY - DEFINITIONS** - After discussions with both internal and external interested parties, and careful consideration, it was determined that more research is needed before an adequate rule can be drafted in this area.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this vacation of rulemaking, contact Alan Dornfest at (208) 334-7742 or [alan.dornfest@tax.idaho.gov](mailto:alan.dornfest@tax.idaho.gov).

DATED this 6th Day of November, 2014.

Alan Dornfest  
Tax Policy Supervisor  
State Tax Commission  
P.O. Box 36  
Boise, ID 83722-0410  
(208) 334-7742  
[Alan.dornfest@tax.idaho.gov](mailto:Alan.dornfest@tax.idaho.gov)

**IDAPA 35 - IDAHO STATE TAX COMMISSION**  
**35.01.05 - IDAHO MOTOR FUELS TAX ADMINISTRATIVE RULES**  
**DOCKET NO. 35-0105-1401**  
**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 63-105 and 63-2427, Idaho Code.

**DESCRIPTIVE SUMMARY:** There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the June 4, 2014 Idaho Administrative Bulletin, [Vol. 14-6, pages 92 through 96](#).

**FISCAL IMPACT:** The following is a specific 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 Don Williams (208) 334-7855 or email [don.williams@tax.idaho.gov](mailto:don.williams@tax.idaho.gov).

DATED this 10th Day of November, 2014.

Don Williams  
Tax Policy Specialist  
State Tax Commission  
P.O. Box 36  
Boise, ID 83722-0410  
(208) 334-7855  
[don.williams@tax.idaho.gov](mailto:don.williams@tax.idaho.gov)

**IDAPA 35 - IDAHO STATE TAX COMMISSION**  
**35.01.05 - IDAHO MOTOR FUELS TAX ADMINISTRATIVE RULES**  
**DOCKET NO. 35-0105-1402**  
**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 63-105 and 63-2427, Idaho Code.

**DESCRIPTIVE SUMMARY:** There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 6, 2014 Idaho Administrative Bulletin, **Vol. 14-8, pages 138 through 140.**

**FISCAL IMPACT:** The following is a specific 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 Don Williams (208) 334-7855 or email [don.williams@tax.idaho.gov](mailto:don.williams@tax.idaho.gov).

DATED this 10th Day of November, 2014.

Don Williams  
Tax Policy Specialist  
State Tax Commission  
P.O. Box 36  
Boise, ID 83722-0410  
(208) 334-7855  
[don.williams@tax.idaho.gov](mailto:don.williams@tax.idaho.gov)

## IDAPA 35 - IDAHO STATE TAX COMMISSION

### 35.02.01 - TAX COMMISSION ADMINISTRATION AND ENFORCEMENT RULES

DOCKET NO. 35-0201-1401

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 63-105 and 63-3039, Idaho Code.

**DESCRIPTIVE SUMMARY:** There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 443 through 446](#).

**FISCAL IMPACT:** The following is a specific 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 Cynthia Adrian (208) 334-7670.

DATED this 6th day of November, 2014.

Cynthia Adrian  
Tax Policy Specialist  
Idaho State Tax Commission  
P.O. box 36  
Boise, Idaho 83722-0410  
(208) 334-7670

## IDAPA 37 - IDAHO DEPARTMENT OF WATER RESOURCES

### 37.03.11 - RULES FOR CONJUNCTIVE MANAGEMENT OF SURFACE AND GROUND WATER RESOURCES

DOCKET NO. 37-0311-1101

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 Chapter 52, Title 67, Idaho Code, the Idaho Administrative Procedure Act, and Section 42-603, Idaho Code, which provides that the Director of IDWR is authorized to adopt rules and regulations for the distribution of water from the streams, rivers, lakes, ground water and other natural water sources as shall be necessary to carry out the laws in accordance with the priorities of the rights of the users thereof. The Conjunctive Management Rules are also promulgated pursuant to Section 42-1805(8), Idaho Code, which provides the Director with authority to promulgate the rules implementing or effectuating the powers and duties of the Department.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any 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 rules for Conjunctive Management of Surface and Ground Water Resources (IDAPA 37.03.11) address conjunctive administration of connected ground and surface water supplies. Part 50 of the rules (IDAPA 37.03.11.050) identifies the area on the Eastern Snake Plain Aquifer (ESPA) having a common ground water supply as identified in a 1992 professional paper of the United States Geological Survey (USGS).

Clear Springs Foods filed a petition on November 2, 2010 for the Department to promulgate revisions to part 50. The Department determined that Rule 50 did not reflect current technical information and commenced negotiated rulemaking proceedings in January of 2011. Multiple public meetings were held. However, due to ongoing work related to the ESPA model and issues related to delivery calls pending before the Department, the Director stayed the rulemaking proceedings in August of 2011. The Director restarted the negotiated rulemaking process in May of 2014. Four additional public meetings were held and comments received and considered.

After considering the public oral and written comments received, the Director concluded Rule 50 should be repealed. The Director concluded the rule is no longer necessary and that administrative hearings and deliberations associated with individual delivery calls is the proper venue to address which ground water rights should be subject to administration under a delivery call.

On October 24, 2014, a public hearing was held on the proposal to repeal Rule 50. The Department provided interested parties an extended comment period to submit comments on this rulemaking.

Additionally, the Department discovered an oversight after the publication of the proposed rule whereby a reference to Rule 50 was found in Section 020. of the Rules for Conjunctive Management of Surface and Ground Water Resources, specifically 37.03.11.020.07. As a matter of administration, the reference to Rule 50 should also be deleted in conjunction with the repeal of Rule 50.

The rule has been adopted by the agency and is now pending. 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. As stated above, 37.03.11.020.07 has been added to this rulemaking to delete the reference to Rule 50. No other changes have been made to the pending rule as it was published. The complete text of the proposed rule was published in the October 1, 2014 issue of the Idaho Administrative Bulletin, [Vol. 14-10, pages 447-448](#).

**FISCAL IMPACT:** The following is a specific 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 rulemaking has no fiscal impact to dedicated funds for the Department or the state general fund.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact: Richard M. Rigby at (208) 287-4839. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Department's web site at the following web address: [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

DATED this 7th Day of November, 2014.

Richard M. Rigby, Senior Advisor  
Idaho Department of Water Resources  
322 East Front Street  
P.O. Box 83720  
Boise, Idaho 83720  
Phone: (208) 287-4839  
Fax: (208) 287-6700  
[richard.rigby@idwr.idaho.gov](mailto:richard.rigby@idwr.idaho.gov)

**DOCKET NO. 37-0311-1101 - ADOPTION OF PENDING RULE**

**Substantive changes have been made to the pending rule.**  
**Italicized red text that is double 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, Vol. 14-10, October 1, 2014, pages 447 through 448.**

**This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2015 Idaho State Legislature.**

**THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR  
DOCKET NO. 37-0311-1101**

*[Section 020 is being printed in its entirety]*

**020. GENERAL STATEMENTS OF PURPOSE AND POLICIES FOR CONJUNCTIVE MANAGEMENT OF SURFACE AND GROUND WATER RESOURCES (RULE 20).**

**01. Distribution of Water Among the Holders of Senior and Junior-Priority Rights.** These rules apply to all situations in the state where the diversion and use of water under junior-priority ground water rights either individually or collectively causes material injury to uses of water under senior-priority water rights. The rules govern the distribution of water from ground water sources and areas having a common ground water supply. (10-7-94)

**02. Prior Appropriation Doctrine.** These rules acknowledge all elements of the prior appropriation doctrine as established by Idaho law. (10-7-94)

**03. Reasonable Use of Surface and Ground Water.** These rules integrate the administration and use of surface and ground water in a manner consistent with the traditional policy of reasonable use of both surface and ground water. The policy of reasonable use includes the concepts of priority in time and superiority in right being subject to conditions of reasonable use as the legislature may by law prescribe as provided in Article XV, Section 5, Idaho Constitution, optimum development of water resources in the public interest prescribed in Article XV, Section 7, Idaho Constitution, and full economic development as defined by Idaho law. An appropriator is not entitled to command the entirety of large volumes of water in a surface or ground water source to support his appropriation contrary to the public policy of reasonable use of water as described in this rule. (10-7-94)

**04. Delivery Calls.** These rules provide the basis and procedure for responding to delivery calls made by the holder of a senior-priority surface or ground water right against the holder of a junior-priority ground water right. The principle of the futile call applies to the distribution of water under these rules. Although a call may be denied under the futile call doctrine, these rules may require mitigation or staged or phased curtailment of a junior-priority use if diversion and use of water by the holder of the junior-priority water right causes material injury, even though not immediately measurable, to the holder of a senior-priority surface or ground water right in instances where the hydrologic connection may be remote, the resource is large and no direct immediate relief would be achieved if the junior-priority water use was discontinued. (10-7-94)

**05. Exercise of Water Rights.** These rules provide the basis for determining the reasonableness of the diversion and use of water by both the holder of a senior-priority water right who requests priority delivery and the holder of a junior-priority water right against whom the call is made. (10-7-94)

**06. Areas Having a Common Ground Water Supply.** These rules provide the basis for the designation of areas of the state that have a common ground water supply and the procedures that will be followed in incorporating the water rights within such areas into existing water districts or creating new districts as provided in Section 42-237a.g., and Section 42-604, Idaho Code, or designating such areas as ground water management areas as provided in Section 42-233(b), Idaho Code. (10-7-94)

**07. Sequence of Actions for Responding to Delivery Calls.** Rule 30 provides procedures for responding to delivery calls within areas having a common ground water supply that have not been incorporated into an existing or new water district or designated a ground water management area. Rule 40 provides procedures for responding to delivery calls within water districts where areas having a common ground water supply have been incorporated into the district or a new district has been created. Rule 41 provides procedures for responding to delivery calls within areas that have been designated as ground water management areas. ~~Rule 50 designates specific known areas having a common ground water supply within the state.~~ (10-7-94) ( )

**08. Reasonably Anticipated Average Rate of Future Natural Recharge.** These rules provide for administration of the use of ground water resources to achieve the goal that withdrawals of ground water not exceed the reasonably anticipated average rate of future natural recharge. (Section 42-237a.g., Idaho Code) (10-7-94)

**09. Saving of Defenses.** Nothing in these rules shall affect or in any way limit any person's entitlement to assert any defense or claim based upon fact or law in any contested case or other proceeding. (10-7-94)

**10. Wells as Alternate or Changed Points of Diversion for Water Rights from a Surface Water Source.** Nothing in these rules shall prohibit any holder of a water right from a surface water source from seeking, pursuant to Idaho law, to change the point of diversion of the water to an inter-connected area having a common ground water supply. (10-7-94)

**11. Domestic and Stock Watering Ground Water Rights Exempt.** A delivery call shall not be effective against any ground water right used for domestic purposes regardless of priority date where such domestic use is within the limits of the definition set forth in Section 42-111, Idaho Code, nor against any ground water right used for stock watering where such stock watering use is within the limits of the definition set forth in Section 42-1401A(12), Idaho Code; provided, however, this exemption shall not prohibit the holder of a water right for domestic or stock watering uses from making a delivery call, including a delivery call against the holders of other domestic or

stockwatering rights, where the holder of such right is suffering material injury.

(10-7-94)



## **IDAPA 38 - DEPARTMENT OF ADMINISTRATION**

### **38.05.01 - RULES OF THE DIVISION OF PURCHASING**

**DOCKET NO. 38-0501-1401**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 67-5717(11) and 67-5732, Idaho Code.

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

In January 2013, the Office of Performance Evaluation issued Report 13-02, Strengthening Contract Management in Idaho. The pending rules are a result of the Division of Purchasing's consideration of the findings in Report 13-02 and provide enhanced processes for high risk contract development and administration. In addition, the Division has clarified and modernized the existing rules to reflect the processes currently used by the State.

The text of the rules has been modified after review of the comments submitted through the negotiated rulemaking process, including multiple meetings with affected agencies. The changes clarify the originally proposed language and modify the requirements for high dollar services contracts as requested by state agencies.

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 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 449 through 470](#).

**FISCAL IMPACT:** The following is a specific 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 have two predominant areas of fiscal impact:

Training Requirement – Proposed required training will require an expansion of the training program at the Division of Purchasing with a total budget impact estimated at less than \$245,800 annually. The current fee structure applied to executive contracts is sufficient to fund the expenditure increase.

High Dollar Contract Award and Management – Proposed rules requiring an oversight board, management by a professionally certified project manager and third party validation for service contracts in excess of \$5,000,000 will have a fiscal impact at the agency level. The fiscal impact to individual agencies will vary widely depending on the oversight procedures currently in place and the number of contracts that fall into the high value definition.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Bill Burns at (208) 332-1610 or Sarah Hilderbrand at (208) 332-1612.

DATED this 7th Day of November, 2014.

Bill Burns, Administrator

Division of Purchasing  
650 W. State St., Rm. B-15  
P. O. Box 83720  
Boise, ID 83720-0003  
Tel: (208) 332-1610  
Fax: (208) 327-7320

**DOCKET NO. 38-0501-1401 - ADOPTION OF PENDING RULE**

Substantive changes have been made to the pending rule.  
Italicized red text that is double 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 14-10, October 1, 2014, pages 449 through 470.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2015 Idaho State Legislature.

**THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR  
DOCKET NO. 38-0501-1401**

**011. DEFINITIONS.**

Unless defined otherwise in these rules, the definitions set forth in Section 67-5716, Idaho Code, shall apply to this chapter. ( )

**[Subsection 011.18]**

**2918. Professional Services.** Work rendered by an independent contractor whose occupation is the rendering of such services and who has a professional knowledge of some department of learning or science used by its practical application to the affairs of others or in the practice of an art founded on it, including but not limited to accounting and auditing, legal, medical, nursing, education, engineering, actuarial, architecture, veterinarian, information technology, and research. The knowledge is founded upon prolonged and specialized intellectual training that enables a particular service to be rendered. The word "professional" implies professed attainments in special knowledge as distinguished from mere skills. (3-15-02)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**0410. PROCEDURE FOLLOWED IN ~~THE SOLICITATIONS OF BIDS AND PROPOSALS.~~**

**[Subsection 040.02]**

02. Agency Procurement Contact. Agencies shall assign an individual contact for each solicitation where a requisition amount exceeds the sealed procedure limit, whether the solicitation is conducted by the division or administered by the agency. The procurement contact shall be the individual selected by the agency to monitor the procurement's compliance with these rules, coordinate the development of a solicitation and to serve as the agency's primary contact with the division concerning this procurement. Prior to the solicitation release, all procurement contacts shall complete a training program tailored to meet the specific needs of the agency and approved by the administrator. ( )

(BREAK IN CONTINUITY OF SECTIONS)

[Section 041, entire section is being reprinted]

041. SPECIAL PROCEDURES FOR HIGH DOLLAR SERVICE CONTRACTS.

Unless exempted in writing by the administrator or by this rule, the following additional procedures apply to high dollar service contracts. Contracts meeting the dollar threshold with a scope including mixed services and goods shall be a high dollar service contract when the scope is primarily for services. The determination of whether the scope is primarily for services shall be made by the administrator in his sole discretion. ( )

01. Exemptions. ( )

a. High dollar service contracts within the delegated authority purchase limit of an agency are exempt from compliance with the provisions of third party validation under Paragraph 041.02.a. of this section and use of an oversight board under Paragraph 041.02.b. of this section. Notwithstanding this exemption and an agency's delegated purchasing authority, the administrator shall determine whether a contract meeting the dollar threshold is primarily for services and subject to the provisions of this section. ( )

b. The administrator will establish a policy identifying guidelines for the award of exemptions and consult with affected agencies in the development and modification of such policy. Exemptions for contracts may require the implementation of one (1) or more of the requirements of this section or Section 125 of these rules. The policy will allow for revocation of policy exemptions and provide a process for reconsideration of any revocation and escalation to the director. The decision of the director concerning the revocation of an exemption shall be final and shall not be subject to appeal pursuant to Section 67-5733, Idaho Code, or a contested case as that term is defined under the provisions of Title 67, Chapter 52, Idaho Code. ( )

02. Special Procedures. ( )

a. Third Party Validation. The agency requisitioning property that will result in a high dollar service contract shall engage an independent third party subject matter expert to validate that the project planning process is conducted in accordance with best practices. The engagement of a third party subject matter expert shall comply with these rules. ( )

b. Oversight Board. The agency requisitioning property that will result in a high dollar service contract shall establish an oversight board for the solicitation process. The oversight board's duties shall include review of the third party validation received pursuant to Subsection 041.01 of this section. The oversight board shall issue a report to the administrator concerning the conclusions of the third party validation and recommendations concerning modifications to the solicitation. The oversight board shall include no less than two (2) experts in the subject matter of the contract without a potential conflict of interest. For the purposes of this subsection, experts in the subject matter of the contract with a potential conflict of interest include individuals: ( )

i. With a direct reporting relationship to any other individual providing supervision or management of the contract resulting from the solicitation, other than the senior official of the agency; or ( )

ii. Who are interested in or likely to become interested in the contract resulting from the solicitation.

An interest in the contract includes the award of a contract to the individual, to a company controlled by or employing the individual, or to a company controlled by or employing the spouse, parent, spouse's parent or a child of the individual. ( )

c. Reporting. Solicitations that will result in a high dollar service contract shall provide for contractor reporting. The schedule and content of contractor reporting shall be reviewed in the third party validation process and by the oversight board established under these rules. ( )

d. Negotiations. Solicitations that will result in a high dollar service contract shall provide for proposal discussions with individual offerors pursuant to Section 083 of these rules and negotiations pursuant to Section 084 of these rules. ( )

e. Approval of Solicitation Release. Solicitations that will result in a high dollar service contract shall be approved for release by a procurement professional who: ( )

i. Possesses, at a minimum, certification as a certified professional public buyer (CPPB) by the Universal Public Procurement Certification Council (UPPCC) or an equivalent certification by a public procurement purchasing certification institution approved by the administrator; and ( )

ii. Has completed a training program approved by the administrator. ( )

f. Administration Agreement. Prior to the award of a high dollar service contract, the requisitioning agency and the division shall enter into an agreement setting forth the roles and responsibilities of each party, the reports to be provided by each party, and the schedule for such reports. This section applies to all high dollar service contracts regardless of the purchasing authority managing the procurement. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**051. CONTENT OF ~~THE INVITATION TO BID OR REQUEST FOR PROPOSALS~~ SOLICITATIONS ISSUED UNDER A FORMAL SEALED PROCEDURE.**

The following shall be included in an invitation to bid or a request for proposals: (3-15-02)

**[Subsection 051.07]**

**07. Pre-Proposal Conference.** The date, time, and location of the pre-proposal conference must be included in the Rrequest for Pproposals. (~~4-7-11~~)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**[Section 070]**

**070. PRE-PROPOSAL CONFERENCE.**

All Rrequest for Pproposals-~~solicitations~~ will have a pre-proposal conference for vendors and will be conducted by the procurement team and project personnel. The conference will consist of a general overview of the procurement process as well as the scope of work and requirements of the subject Rrequest for Pproposal. The procurement team will allow attendees to submit written questions and may provide an opportunity for a verbal question and answer period, provided, however, that only questions submitted and answered in written form and posted to the state's e-Pprocurement system as an amendment to the Rrequest for Pproposal, will have any force or effect. (~~4-7-11~~)( )

(BREAK IN CONTINUITY OF SECTIONS)

[Section 125, entire section is being reprinted]

**125. CONTRACT ADMINISTRATION.**

**01. General.** Agencies shall assign an individual contract manager for each service contract that meets or exceeds the sealed procedure limit established by Subsection 040.01 of these rules. A contract manager shall be the individual selected by the agency to administer the contract on behalf of the agency, including monitoring compliance with the contract terms and serving as the primary agency contact with the division for the procurement. The agency may select the procurement contact or another individual as the contract manager. Prior to the contract award, all contract managers shall complete a training program approved by the administrator or developed by the agency and approved by the administrator. ( )

**02. Contract Renewals and Extensions.** Unless approved by the administrator or specified in the contract, a contract renewal or extension may not be executed more than six (6) months prior to the expiration of the contract. ( )

**03. High Dollar Service Contracts.** Unless exempted in writing by the administrator or by these rules, the following additional requirements apply to high dollar service contracts issued under Section 041 of these rules. ( )

**a. Exemptions.** ( )

**i.** High dollar service contracts within the delegated authority purchase limit of an agency are exempt from use of a project oversight board under Paragraph 125.03.c. of this section and third party monitoring under Paragraph 125.03.f. of this section. ( )

**ii.** The administrator will establish a policy identifying guidelines for the award of policy exemptions to the requirements in this section and consult with affected agencies in the development and modification of such policy. Policy exemptions may require the implementation of one (1) or more of the requirements of this section. The policy will allow for revocation of policy exemptions and provide a process for reconsideration of any revocation and escalation to the director. The decision of the director concerning the revocation of an exemption shall be final and shall not be subject to appeal pursuant to Section 67-5733, Idaho Code, or a contested case as that term is defined under the provisions of Title 67, Chapter 52, Idaho Code. ( )

**b.** **Project Management.** Contract performance for high dollar service contracts shall be managed by a project manager engaged by the requisitioning agency. Project managers shall, at a minimum, be certified as a project management professional (PMP) through the Project Management Institute, other project management certification institution accepted by the administrator, or have demonstrated prior performance in the execution of projects similar in scope and complexity accepted by the administrator. If the project manager is not an agency employee, the engagement of a project manager shall comply with these rules. ( )

**c.** **Project Oversight Board.** The requisitioning agency shall establish an oversight board for management of the contract. The oversight board's duties shall include monitoring the project manager, review of the reports of third party project monitors, and review of reporting provided to the division. The oversight board shall include no less than two (2) experts in the subject matter of the contract without a potential conflict of interest. For the purposes of this subsection, experts in the subject matter of the contract with a potential conflict of interest include individuals: ( )

**i.** With a direct reporting relationship to any other individual providing supervision or management of the contract, other than the senior official of the agency; or ( )

**ii.** Who are interested in the contract. An interest in the contract includes ownership in or employment by the company performing the contract of the individual or a spouse, parent, spouse's parent or a child of the ( )

individual. ( )

d. Training. The project manager for a high dollar service contract shall complete a training program approved by the administrator. ( )

e. Reporting. The project manager for a high dollar service contract shall ensure the division's buyer designated to administer the contract receives the reports, best practice checklists, and other information on the schedule set forth in the project administration agreement executed pursuant to Section 041 of these rules. ( )

f. Third Party Project Monitoring. High dollar service contracts shall be monitored by an independent third party subject matter expert overseen by the project oversight board. The engagement of a third party subject matter expert shall comply with these rules. ( )

## **IDAPA 38 - DEPARTMENT OF ADMINISTRATION**

### **38.06.01 - RULES OF THE DEPARTMENT OF ADMINISTRATION GOVERNING BILLING PROCEDURES OF THE OFFICE OF THE CHIEF INFORMATION OFFICER**

#### **DOCKET NO. 38-0601-1401 (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 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 67-5701 and 67-5747, Idaho Code, and HB 647 from the 2014 legislative session.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any 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 and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 471 through 476](#).

**FISCAL IMPACT:** The following is a specific 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 rule will not require a new or increased appropriation.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Erin Seaman, (208) 332-1876 or Greg Zickau, (208) 332-1875.

DATED this 31st Day of October 2014.

Teresa Luna, Director  
Department of Administration  
650 W. State Street, Room 100  
P.O. Box 83720  
Boise, Idaho 83720-0042  
Phone: (208) 332-1827 / Fax: (208) 334-2307

## IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

### 39.02.03 - RULES GOVERNING VEHICLE DEALER'S PRINCIPAL PLACE OF BUSINESS

DOCKET NO. 39-0203-1402

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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) 40-201 (1), Idaho Code.

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

This rule would add specificity to further define Section 49-117 (15), Idaho Code, regarding principal place of business requirements, to define the term "reasonable times" for the purpose of customers being able to contact a dealer. The proposed change adds a section for "declared business hours" and requires retail dealers to be open to hours a week, of which part must be Monday to Friday 8:00 am to 5:00 pm, and 4 hours a week for wholesale dealers, part of which must be Monday to Friday 8:00 am to 5:00 pm.

This rule also adds specific information regarding the Idaho Consumer Asset Recovery Fund (ICAR), which passed in House Bill 167 in the 2013 legislative session, to identify how the ICAR fee will be set and by whom. It further specifies when a fee change will go into effect. Changes provide that all dealers, unless otherwise exempt will pay into the fund. The sections for liability insurance and surety bond requirements have just been moved to another heading under the rule to be more logical and specify that a surety bond is needed for the first 3 years unless otherwise provided by code, as also contained in House Bill 167.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 480 through 483](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Amy Smith, Motor Vehicle Manager, (208) 334-8860.

DATED this 29th day of November, 2014.

Lori Garza, Program Specialist  
Idaho Transportation Department  
Office of Governmental Affairs  
3311 W. State Street  
P.O.Box 7129  
Boise, ID 83707-1129  
[Lori.garza@itd.idaho.gov](mailto:Lori.garza@itd.idaho.gov)



## IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

### 39.03.10 - RULES GOVERNING WHEN AN OVERLEGAL PERMIT IS REQUIRED

DOCKET NO. 39-0310-1401

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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) 49-1001, 49-1002, or 49-1010, Idaho Code, adopted under Sections 40-312, and 49-1004, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any 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 allows industry to haul a motorized vehicle on a trailer behind the self-propelled vocational vehicle for the sole purpose of using the hauled motorized vehicle for the return trip after the delivery of the self-propelled vocational vehicle. The rule currently only allows towing of the motorized vehicle on its own axles.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 484 - 485](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Regina Phipps, Vehicle Size and Weight Specialist, (208) 334-8418.

DATED this 29th day of November, 2014.

Lori Garza, Program Specialist  
Idaho Transportation Department  
Office of Governmental Affairs  
3311 W. State Street  
P.O.Box 7129  
Boise, ID 83707-1129  
[Lori.garza@itd.idaho.gov](mailto:Lori.garza@itd.idaho.gov)

## IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

### 39.03.50 - RULES GOVERNING SAFETY REST AREAS

DOCKET NO. 39-0350-1401

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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) 40-312, 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.

This rulemaking implements the provisions of Senate Bill 1441 and amends the current rest area rule. The 2014 Legislature rejected last year's proposed rule changes to 39.03.50, as well as final rule 200.05, which banned the discharge of firearms/fireworks. This proposal rule more clearly defines "soliciting" and fireworks," as requested by the legislature. Passage of this rule would reinstate the ban on fireworks at rest areas. This rule also increases occupancy of time limits or rest areas to comply with federal law.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 486 - 487](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Cathy Ford, Program Administrator, (208) 334-8418.

DATED this 29th day of November, 2014.

Lori Garza, Program Specialist  
Idaho Transportation Department  
Office of Governmental Affairs  
3311 W. State Street  
P.O.Box 7129  
Boise, ID 83707-1129  
[Lori.garza@itd.idaho.gov](mailto:Lori.garza@itd.idaho.gov)

## IDAPA 49 - CERTIFIED SHORTHAND REPORTERS BOARD

### 49.01.01 - RULES OF PROCEDURE OF THE IDAHO CERTIFIED SHORTHAND REPORTERS BOARD

#### DOCKET NO. 49-0101-1401

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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) 54-3107 and 54-3108, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any 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 and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, Vol. 14-10, pages 489 through 492.

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

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

DATED this 6th Day of November, 2014.

Tana Cory, Bureau Chief  
Bureau of Occupational Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83720-0063  
Tel: (208) 334-3233  
Fax (208) 334-3945

## IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

### 58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-1401

#### 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 2015 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the First Regular Session of the Sixty-third Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Sections 39-105 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, September 3, 2014, [Vol. 14-9, pages 379 through 381](#). After consideration of public comments, the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at [www.deq.idaho.gov/58-0101-1401](http://www.deq.idaho.gov/58-0101-1401) 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 when the pending rule will become effective: Not applicable.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this rulemaking, contact Tiffany Floyd at [tiffany.floyd@deq.idaho.gov](mailto:tiffany.floyd@deq.idaho.gov) or (208) 373-0440.

Dated this 19th Day of November, 2014.

Hearing Coordinator  
Department of Environmental Quality  
1410 N. Hilton  
Boise, Idaho 83706-1255  
Tel: (208) 373-0418  
Fax: (208) 373-0481  
[paula.wilson@deq.idaho.gov](mailto:paula.wilson@deq.idaho.gov)

## IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

### 58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-1402

#### 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 2015 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the First Regular Session of the Sixty-third Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Sections 39-105 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, September 3, 2014, [Vol. 14-9, pages 382 through 408](#). DEQ received no public comments; however, the date listed in Subsection 579.01.a.iii has been changed from October 10, 2010 to October 20, 2010 for consistency with the date listed in the CFR. The remainder of the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at [www.deq.idaho.gov/58-0101-1402](http://www.deq.idaho.gov/58-0101-1402) 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 when the pending rule will become effective: Not applicable.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this rulemaking, contact Tiffany Floyd at [tiffany.floyd@deq.idaho.gov](mailto:tiffany.floyd@deq.idaho.gov) or (208) 373-0440.

Dated this 19th Day of November, 2014.

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

#### DOCKET NO. 58-0101-1402 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.  
Italicized red text that is *double 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,  
Vol. 14-9, September 3, 2014, pages 382 through 408.

This rule has been adopted as a pending rule by the Agency and is now awaiting  
review and final approval by the 2015 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR  
DOCKET NO. 58-0101-1402

579. BASELINES FOR PREVENTION OF SIGNIFICANT DETERIORATION.

01. Baseline Date(s). (5-1-94)

a. Major Source Baseline Date. ~~January 6, 1975 in the case of particulate matter and sulfur dioxide;  
February 8, 1988 in the case of nitrogen dioxide.~~ (5-1-94) ( )

[Subparagraph 579.01.a.iii.]

iii. In the case of PM<sub>2.5</sub>, October 20, 2010. ( )

## IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

### 58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-1403

#### 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 2015 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the First Regular Session of the Sixty-third Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Sections 39-105 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. It also updates citations to other federal regulations necessary to retain state primacy of Clean Air Act programs.

**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 6, 2014, [Vol. 14-8, pages 152 through 154](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at [www.deq.idaho.gov/58-0101-1403](http://www.deq.idaho.gov/58-0101-1403) 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 when the pending rule will become effective: Not applicable.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this rulemaking, contact Tiffany Floyd at [tiffany.floyd@deq.idaho.gov](mailto:tiffany.floyd@deq.idaho.gov) or (208) 373-0440.

Dated this 19th Day of November, 2014.

Hearing Coordinator  
Department of Environmental Quality  
1410 N. Hilton  
Boise, Idaho 83706-1255  
Tel: (208) 373-0418  
Fax: (208) 373-0481  
[paula.wilson@deq.idaho.gov](mailto:paula.wilson@deq.idaho.gov)

## IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

### 58.01.02 - WATER QUALITY STANDARDS

DOCKET NO. 58-0102-1401

#### 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 2015 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the First Regular Session of the Sixty-third Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Sections 39-105, 39-107, and 39-3601 et seq., Idaho Code.

**DESCRIPTIVE SUMMARY:** A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, September 3, 2014, [Vol. 14-9, pages 409 through 423](#). After consideration of public comments, the rule has been revised at Sections 010 and 060. The Rulemaking and Public Comment Summary can be obtained at [www.deq.idaho.gov/58-0102-1401](http://www.deq.idaho.gov/58-0102-1401) or by contacting the undersigned.

**IDAHO CODE SECTION 39-107D STATEMENT:** The standards included in this rule are not broader in scope, nor more stringent, than federal regulations and do not regulate an activity not regulated by the federal government.

**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 when the pending rule will become effective: Not applicable.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this rulemaking, contact Don Essig at [don.essig@deq.idaho.gov](mailto:don.essig@deq.idaho.gov), (208)373-0119.

Dated this 19th Day of November, 2014.

Paula J. Wilson  
Hearing Coordinator  
Department of Environmental Quality  
1410 N. Hilton  
Boise, Idaho 83706-1255  
Tel: (208)373-0418 / Fax: (208)373-0481  
[paula.wilson@deq.idaho.gov](mailto:paula.wilson@deq.idaho.gov)

#### DOCKET NO. 58-0102-1401 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.  
Italicized red text that is *double 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 14-9, September 3, 2014, pages 409 through 423.

This rule has been adopted as a pending rule by the Agency and is now awaiting  
review and final approval by the 2015 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR  
DOCKET NO. 58-0102-1401

**010. DEFINITIONS.**

For the purpose of the rules contained in IDAPA 58.01.02, "Water Quality Standards," the following definitions  
apply: (4-11-06)

*[Subsection 010.11.]*

**11. Bioaccumulative Pollutants.** A compound with a bioaccumulation factor of greater than one  
thousand (1,000) or a bioconcentration factor of greater than one thousand (1000). ( )

*[Subsections 010.54.]*

~~54. LC-50. The toxicant concentration killing fifty percent (50%) of exposed organisms at a specific  
time of observation (e.g., ninety six (96) hours). (3-20-97)~~

*[Subsections 010.55 through 010.72 are reverting to codified text]*

*[Subsections 010.73 through 010.118]*

~~73. Outstanding Resource Water Mixing Zone. An area or volume of an ORW where pollutants are  
allowed to mix with the ORW receiving water at a location distinct from the sampling point where compliance with  
ORW quality standards is measured. An ORW mixing zone will be downstream from the discharge of a tributary or a  
segment immediately upstream which contains man caused pollutants as a result of nonpoint source activities  
occurring on that tributary or segment. As a result of the discharge, the mixing zone may not meet all water quality  
standards applicable to the ORW, but shall still be protected for existing beneficial uses. The Department, after  
consideration of input from interested parties, will determine the size, configuration and location of mixing zones  
which are necessary to meet the requirements of this chapter. (7-1-93)~~

**743. Owner.** For purposes of Sections 851 and 852, any person who owns or owned a petroleum storage  
tank (PST) system any time during a release and the current owner of the property where the PST system is or was  
located. (4-2-03)

**754. Permit or License.** A permit or license for an activity that is subject to certification by the state  
under Section 401 of the Clean Water Act, including, for example, NPDES permits, dredge and fill permits, and  
FERC licenses. (3-18-11)

**765. Person.** An individual, public or private corporation, partnership, association, firm, joint stock  
company, joint venture, trust, estate, state, municipality, commission, political subdivision of the state, state or federal

agency, department or instrumentality, special district, interstate body or any legal entity, which is recognized by law as the subject of rights and duties. (3-20-97)

**776. Petroleum Products.** Products derived from petroleum through various refining processes. (7-1-93)

**787. Petroleum Storage Tank (PST) System.** Any one (1) or combination of storage tanks or other containers, including pipes connected thereto, dispensing equipment, and other connected ancillary equipment, and stationary or mobile equipment, that contains petroleum or a mixture of petroleum with de minimis quantities of other regulated substances. (7-1-93)

**798. Point Source.** Any discernible, confined, and discrete conveyance, including, but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are, or may be, discharged. This term does not include return flows from irrigated agriculture, discharges from dams and hydroelectric generating facilities or any source or activity considered a nonpoint source by definition. (7-1-93)

**8079. Pollutant.** Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, silt, cellar dirt; and industrial, municipal and agricultural waste, gases entrained in water; or other materials which, when discharged to water in excessive quantities, cause or contribute to water pollution. Provided however, biological materials shall not include live or occasional dead fish that may accidentally escape into the waters of the state from aquaculture facilities. (3-20-97)

**810. Project Plans.** Documents which describe actions to be taken under a proposed activity. These documents include environmental impact statements, environmental assessments, and other land use or resource management plans. (7-1-93)

**821. Public Swimming Beaches.** Areas indicated by features such as signs, swimming docks, diving boards, slides, or the like, boater exclusion zones, map legends, collection of a fee for beach use, or any other unambiguous invitation to public swimming. Privately owned swimming docks or the like which are not open to the general public are not included in this definition. (4-11-06)

**832. Receiving Waters.** Those waters which receive pollutants from point or nonpoint sources. (7-1-93)

**843. Reference Stream or Condition.** A water body which represents the minimum conditions necessary to fully support the applicable designated beneficial uses as further specified in these rules, or natural conditions with few impacts from human activities and which are representative of the highest level of support attainable in the basin. In highly mineralized areas or in the absence of such reference streams or water bodies, the Director, in consultation with the basin advisory group and the technical advisors to it, may define appropriate hypothetical reference conditions or may use monitoring data specific to the site in question to determine conditions in which the beneficial uses are fully supported. (3-20-97)

**854. Release.** Any unauthorized spilling, leaking, emitting, discharging, escaping, leaching, or disposing into soil, ground water, or surface water. (8-24-94)

**865. Resident Species.** Those species that commonly occur in a site including those that occur only seasonally or intermittently. This includes the species, genera, families, orders, classes, and phyla that: (8-24-94)

- a. Are usually present at the site; (8-24-94)
- b. Are present only seasonally due to migration; (8-24-94)
- c. Are present intermittently because they periodically return or extend their ranges into the site; (8-24-94)
- d. Were present at the site in the past but are not currently due to degraded conditions, and are

expected to be present at the site when conditions improve; and (8-24-94)

e. Are present in nearby bodies of water but are not currently present at the site due to degraded conditions, and are expected to be present at the site when conditions improve. (8-24-94)

**876. Responsible Persons in Charge.** Any person who: (8-24-94)

a. By any acts or omissions, caused, contributed to or exacerbated an unauthorized release of hazardous materials; (8-24-94)

b. Owns or owned the facility from which the unauthorized release occurred and the current owner of the property where the facility is or was located; or (8-24-94)

c. Presently or who was at any time during an unauthorized release in control of, or had responsibility for, the daily operation of the facility from which an unauthorized release occurred. (8-24-94)

**887. Sediment.** Undissolved inorganic matter. (3-30-07)

**898. Seven Day Mean.** The average of the daily mean values calculated over a period of seven (7) consecutive days. (3-20-97)

**909. Sewage.** The water-carried human or animal waste from residences, buildings, industrial establishments or other places, together with such ground water infiltration and surface water as may be present. (8-24-94)

**910. Short-Term or Temporary Activity.** An activity which is as short as possible but lasts for no more than one (1) year, is limited in scope and is expected to have only minimal impact on water quality as determined by the Director. Short-term or temporary activities include, but are not limited to, those activities described in Subsection 080.02. (3-30-07)

**921. Silviculture.** Those activities associated with the regeneration, growing and harvesting of trees and timber including, but not limited to, disposal of logging slash, preparing sites for new stands of trees to be either planted or allowed to regenerate through natural means, road construction and road maintenance, drainage of surface water which inhibits tree growth or logging operations, fertilization, application of herbicides or pesticides, all logging operations, and all forest management techniques employed to enhance the growth of stands of trees or timber. (3-20-97)

**932. Sludge.** The semi-liquid mass produced by partial dewatering of potable or spent process waters or wastewater. (7-1-93)

**943. Specialized Best Management Practices.** Those practices designed with consideration of geology, land type, soil type, erosion hazard, climate and cumulative effects in order to fully protect the beneficial uses of water, and to prevent or reduce the pollution generated by nonpoint sources. (3-3-87)

**954. State.** The state of Idaho. (7-1-93)

**965. State Water Quality Management Plan.** The state management plan developed and updated by the Department in accordance with Sections 205, 208, and 303 of the Clean Water Act. (3-20-97)

**976. Suspended Sediment.** The undissolved inorganic fraction of matter suspended in surface water. (3-30-07)

**987. Suspended Solids.** The undissolved organic and inorganic matter suspended in surface water. (3-30-07)

**998. Technology-Based Effluent Limitation.** Treatment requirements under Section 301(b) of the Clean Water Act that represent the minimum level of control that must be imposed in a permit issued under Section

402 of the Clean Water Act.

(8-24-94)

99. Thermal Shock. A rapid temperature change that causes aquatic life to become disoriented or more susceptible to predation or disease. ( )

*[Subsections 010.100 through 010.117 are reverting to codified numbering]*

**(BREAK IN CONTINUITY OF SECTIONS)**

**060. MIXING ZONE POLICY.**

*[Subsection 060.01 through Paragraph 060.01.c.]*

01. Mixing Zones for Point Source Discharges. Whether a mixing zone is authorized, and its size, configuration and location, is determined by the Department on a case-by-case basis. This determination is made in accordance with the provisions of Section 060 at the time a permit is issued, renewed, or materially modified, and is in effect as long as the permit remains in effect. Such an authorization is required before a mixing zone can be used to determine the need for, or level of, effluent limits for a particular pollutant. ( )

a. Mixing zones shall not be authorized for a given pollutant when the receiving water does not meet water quality criteria for that pollutant; provided, however, the Department may authorize a mixing zone when the permitted discharge is consistent with an approved TMDL allocation or other applicable plans or analyses (such as 4b implementation plans, watershed loading analyses, or facility-specific water quality pollutant management plans) that demonstrate that there is available assimilative capacity and authorizing a mixing zone is consistent with achieving compliance with water quality standards in the receiving water. ( )

b. Water quality within an authorized mixing zone is allowed to exceed chronic water quality criteria for those parameters approved by the Department. If approved by the Department, acute water quality criteria for one (1) or more parameters may be exceeded within the zone of initial dilution inside the mixing zone. Narrative criteria in Subsections 200.03 and 200.05 apply within the mixing zone. All water quality criteria must be met at the boundary of any mixing zone under its design conditions. ( )

c. The size of mixing zone(s) and the concentration of pollutant(s) present shall be evaluated based on the permitted design flow. The Department shall not authorize a mixing zone that is determined to be larger than is necessary considering siting, technological, and managerial options available to the discharger. ( )

d. Mixing zones, individually or in combination with other mixing zones, shall not cause unreasonable interference with, or danger to, beneficial uses. Unreasonable interference with, or danger to, beneficial uses includes, but is not limited to, the following: ( )

*[Subparagraph 060.01.d.i.]*

i. Impairment to the integrity of the aquatic community, including interfering with successful spawning, egg incubation, rearing, or passage of aquatic life. ( )

*[Subparagraph 060.01.d.iii.]*

iii. Bioaccumulation of pollutants (as defined in Section 010) resulting in tissue levels in aquatic organisms that exceed levels protective of human health or aquatic life. ( )

*[Paragraph 060.01.f.]*

f. Multiple mixing zones may be established for a single activity with multiple points of discharge. When these individual mixing zones overlap or merge, their combined area and volume shall not exceed that which would be allowed if there was a single point of discharge. When these individual mixing zones do not overlap or merge, they may be authorized as individual mixing zones. ( )

h. Mixing zones shall meet the following restrictions; provided, however, that the Department may authorize mixing zones that vary from the restrictions under the circumstances set forth in Subsection 060.01.i. below: ( )

*[Subparagraphs 060.01.h.iii. and iv.]*

iii. For all existing discharges to nonflowing waters authorized prior to July 1, 2015, the total horizontal area allocated to the mixing zone is not to exceed ten percent (10%) of the surface area of the lake. ( )

iv. Lakes and reservoirs with a mean detention time of fifteen (15) days or greater shall be considered nonflowing waters for this purpose. Detention time will be calculated as the mean annual storage volume divided by the mean annual flow rate out of the reservoir for the same time period. ( )

*[Subsection 060.02]*

02. Points of Compliance as Alternatives to Mixing Zones. Specification of mixing zones for some 404 dredge and fill activities, stormwater, and nonpoint source discharges may not be practicable due to the generally intermittent and diffuse nature of these discharges. Rather, the Department may allow limited dilution of the discharge by establishing points for monitoring compliance with ambient water quality criteria. These alternatives to a mixing zone are still subject to requirements outlined in Subsections 060.01.a., 060.01.d., 200.03, and 200.05. ( )

## IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

### 58.01.05 - RULES AND STANDARDS FOR HAZARDOUS WASTE

DOCKET NO. 58-0105-1401

#### 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 2015 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the First Regular Session of the Sixty-third Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by 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 6, 2014, [Vol. 14-8, pages 155 through 161](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at [www.deq.idaho.gov/58-0105-1401](http://www.deq.idaho.gov/58-0105-1401) 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 when the pending rule will become effective: Not applicable.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this rulemaking, contact John Brueck at [john.brueck@deq.idaho.gov](mailto:john.brueck@deq.idaho.gov) or (208) 373-0458.

Dated this 19th Day of November, 2014.

Hearing Coordinator  
Department of Environmental Quality  
1410 N. Hilton  
Boise, Idaho 83706-1255  
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[paula.wilson@deq.idaho.gov](mailto:paula.wilson@deq.idaho.gov)

## IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

### 58.01.10 - RULES REGULATING THE DISPOSAL OF RADIOACTIVE MATERIALS NOT REGULATED UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

DOCKET NO. 58-0110-1401

#### NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY AND PENDING RULE

**EFFECTIVE DATE:** The temporary rule is effective December 3, 2014, and remains in effect until the adjournment of the 2015 legislative session unless rescinded by the agency. This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the First Regular Session of the Sixty-third Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291.

**AUTHORITY:** In compliance with Sections 67-5226 and 67-5224, Idaho Code, notice is hereby given that the Board has adopted a temporary and pending rule. This action is authorized by Section 39-4405, Idaho Code. This legislation is consistent with the language in the pending rule.

**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 4, 2014, **Vol. 14-6, pages 115 through 118**. DEQ received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at [www.deq.idaho.gov/58-0110-1401](http://www.deq.idaho.gov/58-0110-1401) or by contacting the undersigned.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate in order to confer a benefit. The State of Idaho would be conferred a benefit on the additional tipping fees to the General Fund of approximately \$100,000. A portion of these tipping fees allows for maintenance of roads leading to the facility and are directed to the Idaho Transportation Department and the County Highway District. Owyhee County also receives a portion of the tipping fee to supplement emergency services. This rulemaking would allow several additional federal agencies to utilize the existing Idaho DEQ permitted disposal capacity of the U.S. Ecology Idaho, Inc. Grand View facility for environmentally protective, secure disposal of these materials.

**IDAHO CODE SECTION 39-107D STATEMENT:** This rule does regulate an activity not regulated by the federal government but is consistent with the legislative directive in Senate Bill 1260 (codified at Section 39-4403, 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 when the pending rule will become effective: Not applicable.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this rulemaking, contact John Brueck at [john.brueck@deq.idaho.gov](mailto:john.brueck@deq.idaho.gov) or (208) 373-0458.

Dated this 19th Day of November, 2014.

Paula J. Wilson  
Hearing Coordinator  
Department of Environmental Quality  
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**DOCKET NO. 58-0110-1401 - ADOPTION OF PENDING AND TEMPORARY 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 14-6, June 4, 2014, pages 115 through 118.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2015 Idaho State Legislature.

Additionally, this rule has been adopted as a temporary rule and is effective December 3, 2014.

Pursuant to Section 67-5226, Idaho Code, the full text of the temporary rule is being published in this Bulletin.

**THE FOLLOWING IS TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 58-0110-1401**

**004. INCORPORATION BY REFERENCE.**

**01. General.** Unless expressly provided otherwise, any reference in these rules to any document identified in Subsection 004.02 shall constitute the full adoption by reference, including any notes and appendices therein. The term “documents” includes codes, standards or rules which have been adopted by an agency of the state or of the United States or by any nationally recognized organization or association. (3-15-02)

**02. Documents Incorporated by Reference.** The following documents are incorporated by reference into these rules: (3-15-02)

- a. 10 CFR 30.14 through 30.15, revised as of January 1, 201~~4~~. ~~(3-29-12)~~(12-3-14)T
- b. 10 CFR 30.18 through 30.21, revised as of January 1, 201~~4~~. ~~(3-29-12)~~(12-3-14)T
- c. 10 CFR 32.11, revised as of January 1, 201~~4~~. ~~(3-29-12)~~(12-3-14)T
- d. 10 CFR 32.18, revised as of January 1, 201~~4~~. ~~(3-29-12)~~(12-3-14)T
- e. 10 CFR 40.13, revised as of January 1, 201~~4~~. ~~(3-29-12)~~(12-3-14)T

**03. Availability of Referenced Material.** Copies of the documents incorporated by reference into these rules are available at the following locations: (3-15-02)

- a. Department of Environmental Quality, 1410 N. Hilton, Boise ID 83706-1255. (3-15-02)
- b. Idaho State Law Library, 451 W. State Street, P.O. Box 83720, Boise ID 83720-0051. (3-15-02)
- c. U.S. Government Printing Office, [www.ecfr.gov](http://www.ecfr.gov). (4-2-08)

**(BREAK IN CONTINUITY OF SECTIONS)**



**010. DEFINITIONS.**

- 01. Accelerator-Produced Radioactive Material.** Any material made radioactive by a particle accelerator. (3-29-12)
- 02. Board.** The Idaho Board of Environmental Quality. (3-15-02)
- 03. Byproduct Material.** Byproduct Material means: (3-15-02)
- a.** Any radioactive material (except special nuclear material) yielded in, or made radioactive by, exposure to the radiation incident to the process of producing or utilizing special nuclear material; and (3-15-02)
- b.** The tailings or waste produced by the extraction or concentration of uranium or thorium from ore processed primarily for its source material content. (3-15-02)
- c.** Any discrete source of radium-226 that is produced, extracted, or converted after extraction, before, on, or after August 8, 2005, for use for a commercial, medical, or research activity; or any material that: (3-29-12)
- i.** Has been made radioactive by use of a particle accelerator; and (3-29-12)
- ii.** Is produced, extracted, or converted after extraction, before, on, or after August 8, 2005, for use for a commercial, medical, or research activity; and (3-29-12)
- d.** Any discrete source of naturally occurring radioactive material, other than source material, that: (3-29-12)
- i.** The U.S. Nuclear Regulatory Commission, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of Homeland Security, and the head of any other appropriate federal agency, determines would pose a threat similar to the threat posed by a discrete source of radium- 226 to the public health and safety or the common defense and security; and (3-29-12)
- ii.** Before, on, or after August 8, 2005, is extracted for use in a commercial, medical, or research activity. (3-29-12)
- 04. Department.** The Idaho Department of Environmental Quality. (3-15-02)
- 05. Exempt Quantities and Concentrations of Byproduct Materials.** Radioactive materials defined as exempt byproduct materials by the U.S. Nuclear Regulatory Commission (10 CFR 30.14 through 30.15, 10 CFR 30.18 through 30.21, 10 CFR 32.11 and 10 CFR 32.18). (3-29-12)
- 06. Naturally Occurring Radioactive Material (NORM).** Any material containing natural radionuclides at natural background concentrations, where human intervention has not concentrated the naturally occurring radioactive material or altered its potential for causing human exposure. NORM does not include source, byproduct or special nuclear material licensed by the U.S. Nuclear Regulatory Commission under the Atomic Energy Act of 1954. (3-15-02)
- 07. Operator.** Any person(s) currently responsible, or responsible at the time of disposal, for the overall operation of a hazardous waste treatment, storage or disposal facility or part of a hazardous waste treatment, storage or disposal site. (3-15-02)
- 08. Owner.** Any person(s) who currently owns, or owned at the time of disposal, a hazardous waste treatment, storage or disposal facility or part of a hazardous waste treatment, storage or disposal site. (3-15-02)
- 09. Person.** Any individual, association, partnership, firm, joint stock company, trust, political subdivision, public or private corporation, state or federal government department, agency, or instrumentality, municipality, industry, or any other legal entity which is recognized by law as the subject of rights and duties.

- (3-15-02)
- 10. Radioactive Material.** Radioactive Material includes: (3-15-02)
- a. Technologically Enhanced Naturally Occurring Radioactive Material; (3-15-02)
  - b. Byproduct material authorized for disposal pursuant to 10 CFR 20.2008(b); (3-29-12)
  - c. Exempt Quantities and Concentrations of Byproduct Materials; (4-2-08)
  - d. Unimportant Quantities of Source Material; and (4-2-08)
  - e. Any other byproduct, source material, or special nuclear material or devices or equipment utilizing such material, which has been *declared* exempt ~~ed or released~~ from ~~radiological control or~~ regulation under the Atomic Energy Act of 1954, as amended, ~~for the purposes of disposal pursuant to 10 CFR 30.11, 10 CFR 40.14, 10 CFR 70.17 to be disposed of in a commercial hazardous waste facility as regulated pursuant to the rules, permit requirements, and acceptance criteria provided for by Chapter 44, Title 39, Idaho Code.~~ ~~(4-2-08)~~(12-3-14)T
- 11. Reasonably Maximally Exposed Individual.** That individual or group of individuals who by reason of location has been determined, through the use of environmental transport modeling and dose calculation, to receive the highest total effective dose equivalent from radiation emitted from the site and/or radioactive material transported off-site. (3-15-02)
- 12. Source Material.** Source material means: (3-15-02)
- a. Uranium or thorium, or any combination thereof, in any physical or chemical form; or (3-15-02)
  - b. Ores which contain by weight one-twentieth of one percent (0.05%) or more of: (3-15-02)
    - i. Uranium; (3-15-02)
    - ii. Thorium; or (3-15-02)
    - iii. Any combination thereof. (3-15-02)
  - c. Source material does not include special nuclear material. (3-15-02)
- 13. Special Nuclear Material.** Special Nuclear Material means: (3-15-02)
- a. Plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the U.S. Nuclear Regulatory Commission determines to be special nuclear material. (3-15-02)
  - b. Any material artificially enriched by any of the material listed in Subsection 010.12.a. (3-15-02)
- 14. Technologically Enhanced Naturally Occurring Radioactive Material (TENORM).** Any naturally occurring radioactive materials not subject to regulation under the Atomic Energy Act whose radionuclide concentrations or potential for human exposure have been increased above levels encountered in the natural state by human activities. TENORM does not include source, byproduct or special nuclear material licensed by the U.S. Nuclear Regulatory Commission under the Atomic Energy Act of 1954. (3-15-02)
- 15. Unimportant Quantities of Source Material.** Radioactive materials defined as unimportant quantities of source materials by the U.S. Nuclear Regulatory Commission (10 CFR 40.13). (3-15-02)

# IDAPA 59 - PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO

## 59.01.03 - PERSI CONTRIBUTION RULES

### DOCKET NO. 59-0103-1401

#### NOTICE OF RULEMAKING - RESCISSION OF TEMPORARY RULE

**AUTHORITY:** In compliance with Section 67-5221, 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 Sections 59-1314(1) and 72-1405, Idaho Code.

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

The temporary rule, adopted by the PERSI Board under this docket 59-0103-1401, was published in the January 1, 2014 Administrative Bulletin, [Volume 14-1, pages 170 through 172](#). This Notice of Rulemaking hereby rescinds the temporary rules, effective October 21, 2014.

The temporary rulemaking was done in order to implement a delay in contribution rate increases. The PERSI Board has determined, based on actuarial valuation, that the increases can be eliminated. That elimination is being done simultaneously with this rescission in a notice of temporary rule promulgation effective October 21, 2014.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this rescission of temporary rule, contact Joanna L. Guilfooy, (208) 287-9271.

DATED this 21st Day of October, 2014.

Don Drum, Executive Director  
Public Employee Retirement System of Idaho  
607 N. 8th Street, Boise, ID 83702  
P.O. Box 83720, Boise, ID 83720-0078  
Phone: (208) 287-9230  
Fax: (208) 334-3804

# IDAPA 59 - PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO

## 59.01.03 - PERSI CONTRIBUTION RULES

DOCKET NO. 59-0103-1402

### NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE

**EFFECTIVE DATE:** The effective date of the temporary rule is October 21, 2014.

**AUTHORITY:** In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 59-1314(1) and 72-1405, Idaho Code.

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

To eliminate scheduled contribution rate increases.

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

To eliminate scheduled contribution rate increases. Actuarial valuation indicates it is appropriate to eliminate the scheduled increases. Also, revises description of total rate in Rule 27.

**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:

Not applicable.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the temporary rule, contact Joanna L. Guilfooy, (208) 287-9271.

DATED this 21st Day of October, 2014.

Don Drum, Executive Director  
Public Employee Retirement System of Idaho  
607 N. 8th Street, Boise, ID 83702  
P.O. Box 83720, Boise, ID 83720-0078  
Phone: (208) 287-9230  
Fax: (208) 334-3408

#### THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 59-0103-1402 (Only those Sections being amended are shown.)

##### **026. PERSI EMPLOYER GENERAL MEMBER CONTRIBUTION RATE (RULE 26).**

The PERSI employer contribution rate as provided in Section 59-1322, Idaho Code, shall be nine point seventy-seven percent (9.77%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be ten point thirty-nine percent (10.39%) of payroll through June 30, 2013. Beginning July 1, 2013, the rate shall be eleven point thirty-two percent (11.32%) of payroll ~~through June 30, 2015. Beginning July 1, 2015, the rate shall be twelve point twenty-four percent (12.24%) of payroll through June 30, 2016. Beginning July 1, 2016, the rate shall be thirteen point sixty-five percent (13.65%) of payroll~~ until next determined by the Board.

Statutory Reference: Sections 59-1302(16), 59-1391, 59-1394, and 59-1397, Idaho Code. Cross References: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 3-20-04) ~~(10-15-13)T~~(10-21-14)T

**027. FIREFIGHTER RETIREMENT FUND EMPLOYER RATE (RULE 27).**

The Firefighter Retirement Fund employer rate shall be: (10-1-94)

**01. Option I and II Firefighters.** For option I and II firefighters hired before October 1, 1980, as follows:

<b>Option I And II Firefighters</b>	
PERSI Employer Contribution Rate:	Ten point eleven percent (10.11%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be ten point seventy-three percent (10.73%) of payroll through June 30, 2013. Beginning July 1, 2013, the rate shall be eleven point sixty-six percent (11.66%) of payroll <del>through June 30, 2015. Beginning July 1, 2015, the rate shall be twelve point fifty-eight percent (12.58%) of payroll through June 30, 2016. Beginning July 1, 2016, the rate shall be thirteen point ninety-nine percent (13.99%) of payroll</del> until next determined by the Board.
Additional Employer Rate:	One percent (1.00%)
Social Security Rate:	Seven point sixty-five percent (7.65%)
Excess Merger Costs <b>Rate:</b>	Seventeen point twenty-four percent (17.24%) until next determined by the Board.
TOTAL Contribution <b>Rate:</b>	<del>Thirty-six percent (36%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be thirty-six point sixty-two percent (36.62%) of payroll through June 30, 2013. Beginning July 1, 2013, the rate shall be thirty-seven point fifty-five percent (37.55%) of payroll through June 30, 2015. Beginning July 1, 2015, the rate shall be thirty-eight point forty-seven percent (38.47%) of payroll through June 30, 2016. Beginning July 1, 2016, the rate shall be thirty-nine point eighty-eight percent (39.88%) of payroll until next determined by the Board</del> <b>The total contribution rate is the sum of the PERSI employer contribution rate, the additional employer rate, the social security rate and the excess merger costs rate.</b>

~~(10-15-13)T~~(10-21-14)T

**02. Class D Firefighters.** For class D firefighters (firefighters employed on or after October 1, 1980, by a city or fire district that employs paid firefighters who are participating in the Firefighters' Retirement Fund), as follows:

<b>Class D Firefighters</b>	
PERSI Employer Contribution Rate:	Ten point eleven percent (10.11%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be ten point seventy-three percent (10.73%) of payroll through June 30, 2013. Beginning July 1, 2013, the rate shall be eleven point sixty-six percent (11.66%) of payroll <del>through June 30, 2015. Beginning July 1, 2015, the rate shall be twelve point fifty-eight percent (12.58%) of payroll through June 30, 2016. Beginning July 1, 2016, the rate shall be thirteen point ninety-nine percent (13.99%) of payroll</del> until next determined by the Board.
Excess Merger Costs:	Seventeen point twenty-four percent (17.24%) until next determined by the Board.

<b>Class D Firefighters</b>	
TOTAL Contribution:	<del>Twenty seven point thirty five percent (27.35%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be twenty seven point ninety seven percent (27.97%) of payroll through June 30, 2013. Beginning July 1, 2013, the rate shall be twenty eight point nine percent (28.9%) of payroll through June 30, 2015. Beginning July 1, 2015, the rate shall be twenty nine point eighty two percent (29.82%) of payroll through June 30, 2016. Beginning July 1, 2016, the rate shall be thirty one point twenty three percent (31.23%) of payroll until next determined by the Board.</del> <u>The total contribution rate is the sum of the PERSI employer contribution rate and the excess merger costs rate.</u>

Statutory References: Sections 59-1302(16), 59-1391, 59-1394, 59-1397, 72-1403, and 72-1434, Idaho Code. Cross References: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 7-1-03) (Amended 3-20-04) ~~(10-15-13)T~~(10-21-14)T

**03. Class E Members.** For class E members (general members who meet the definition of paid firefighter under Section 59-1391(f), Idaho Code, but are not firefighters as defined in Section 59-1302(16), Idaho Code) the employer general member contribution rate as provided in Rule 26, plus the excess merger costs specified in Subsection 027.01. (3-20-04)

**028. PERSI EMPLOYER CLASS II CONTRIBUTION RATE (RULE 28).**

The PERSI employer contribution rate as provided in Section 59-1322, Idaho Code, for an employee classified as a police officer member excluding those listed in Rule 29 of this chapter when applicable, and firefighters excluding those listed in Rule 27 of this chapter, shall be ten point eleven percent (10.11%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be ten point seventy-three percent (10.73%) of payroll through June 30, 2013. Beginning July 1, 2013, the rate shall be eleven point sixty-six percent (11.66%) of payroll ~~through June 30, 2015. Beginning July 1, 2015, the rate shall be twelve point fifty eight percent (12.58%) of payroll through June 30, 2016. Beginning July 1, 2016, the rate shall be thirteen point ninety nine percent (13.99%) of payroll~~ until next determined by the Board.

Statutory References: Cross Reference: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 7-1-03) (Amended 3-20-04) ~~(10-15-13)T~~(10-21-14)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**100. PERSI EMPLOYEE GENERAL MEMBER CONTRIBUTION RATE (RULE 100).**

The PERSI employee contribution rate as provided in Section 59-1333, Idaho Code, for all members not classified as police members or firefighters, shall be five point eighty-six percent (5.86%) of salary through June 30, 2004. Beginning July 1, 2004, the rate shall be six point twenty-three percent (6.23%) of salary through June 30, 2013. Beginning July 1, 2013, the rate shall be six point seventy-nine percent (6.79%) of salary ~~through June 30, 2015. Beginning July 1, 2015, the rate shall be seven point thirty four percent (7.34%) of salary through June 30, 2016. Beginning July 1, 2016, the rate shall be eight point nineteen percent (8.19%) of salary~~ until next determined by the Board.

Statutory References: Cross Reference: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 3-20-04) ~~(10-15-13)T~~(10-21-14)T

**101. PERSI EMPLOYEE CLASS II CONTRIBUTION RATE (RULE 101).**

The employee contribution rate as provided in Section 59-1334, Idaho Code, for an employee classified as a police officer member is seven point twenty-one percent (7.21%) of salary through June 30, 2004. Beginning July 1, 2004, the rate shall be seven point sixty-five percent (7.65%) of salary through June 30, 2013. Beginning July 1, 2013, the rate shall be eight point thirty-two percent (8.32%) of salary ~~through June 30, 2015. Beginning July 1, 2015, the rate shall be eight point ninety nine percent (8.99%) of salary through June 30, 2016. Beginning July 1, 2016, the rate~~

~~shall be ten percent (10%) of salary~~ until next determined by the Board.

Statutory References: Cross Reference: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 3-20-04) ~~(10-15-13)T~~(10-21-14)T

# IDAPA 59 - PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO

## 59.01.03 - PERSI CONTRIBUTION RULES

### DOCKET NO. 59-0103-1403

#### NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE

**EFFECTIVE DATE:** The effective date of the temporary rule is October 21, 2014.

**AUTHORITY:** In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 59-1314(1) and 72-1405, Idaho Code.

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

To reduce the excess merger cost portion of the firefighter retirement fund employer rate. Also, revises description of total rate in Rule 27.

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

To reduce the excess merger cost portion of the firefighter retirement fund employer rate. Actuarial valuation of the firefighter retirement fund indicates it is appropriate to reduce the rate.

**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:

Not applicable.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the temporary rule, contact Joanna L. Guilfooy, (208) 287-9271.

DATED this 21st Day of October, 2014.

Don Drum, Executive Director  
Public Employee Retirement System of Idaho  
607 N. 8th Street, Boise, ID 83702  
P.O. Box 83720, Boise, ID 83720-0078  
Phone: (208) 287-9230  
Fax: (208) 334-3408

#### THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 59-0103-1403 (Only those Sections being amended are shown.)

**027. FIREFIGHTER RETIREMENT FUND EMPLOYER RATE (RULE 27).**

The Firefighter Retirement Fund employer rate shall be: (10-1-94)

**01. Option I and II Firefighters.** For option I and II firefighters hired before October 1, 1980, as follows:



<b>Option I And II Firefighters</b>	
PERSI Employer Contribution Rate:	Ten point eleven percent (10.11%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be ten point seventy-three percent (10.73%) of payroll through June 30, 2013. Beginning July 1, 2013, the rate shall be eleven point sixty-six percent (11.66%) of payroll through June 30, 2015. Beginning July 1, 2015, the rate shall be twelve point fifty-eight percent (12.58%) of payroll through June 30, 2016. Beginning July 1, 2016, the rate shall be thirteen point ninety-nine percent (13.99%) of payroll until next determined by the Board.
Additional Employer Rate:	One percent (1.00%)
Social Security Rate:	Seven point sixty-five percent (7.65%)
Excess Merger Costs <u>Rate</u> :	Seventeen point twenty-four percent (17.24%) <u>through December 31, 2014. Beginning January 1, 2015, five percent (5%)</u> until next determined by the Board.
TOTAL Contribution <u>Rate</u> :	<del>Thirty six percent (36%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be thirty six point sixty two percent (36.62%) of payroll through June 30, 2013. Beginning July 1, 2013, the rate shall be thirty seven point fifty five percent (37.55%) of payroll through June 30, 2015. Beginning July 1, 2015, the rate shall be thirty eight point forty seven percent (38.47%) of payroll through June 30, 2016. Beginning July 1, 2016, the rate shall be thirty nine point eighty eight percent (39.88%) of payroll until next determined by the Board.</del> <u>The total contribution rate is the sum of the PERSI employer contribution rate, the additional employer rate, the social security rate and the excess merger costs rate.</u>

~~(10-15-13)T~~(10-21-14)T

**02. Class D Firefighters.** For class D firefighters (firefighters employed on or after October 1, 1980, by a city or fire district that employs paid firefighters who are participating in the Firefighters' Retirement Fund), as follows:

<b>Class D Firefighters</b>	
PERSI Employer Contribution Rate:	Ten point eleven percent (10.11%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be ten point seventy-three percent (10.73%) of payroll through June 30, 2013. Beginning July 1, 2013, the rate shall be eleven point sixty-six percent (11.66%) of payroll through June 30, 2015. Beginning July 1, 2015, the rate shall be twelve point fifty-eight percent (12.58%) of payroll through June 30, 2016. Beginning July 1, 2016, the rate shall be thirteen point ninety-nine percent (13.99%) of payroll until next determined by the Board.
Excess Merger Costs <u>Rate</u> :	Seventeen point twenty-four percent (17.24%) <u>through December 31, 2014. Beginning January 1, 2015, five percent (5%)</u> until next determined by the Board.

<b>Class D Firefighters</b>	
TOTAL Contribution <u>Rate</u> :	<del>Twenty seven point thirty five percent (27.35%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be twenty seven point ninety seven percent (27.97%) of payroll through June 30, 2013. Beginning July 1, 2013, the rate shall be twenty eight point nine percent (28.9%) of payroll through June 30, 2015. Beginning July 1, 2015, the rate shall be twenty nine point eighty two percent (29.82%) of payroll through June 30, 2016. Beginning July 1, 2016, the rate shall be thirty one point twenty three percent (31.23%) of payroll until next determined by the Board.</del> <u>The total contribution rate is the sum of the PERSI employer contribution rate and the excess merger costs rate.</u>

Statutory References: Sections 59-1302(16), 59-1391, 59-1394, 59-1397, 72-1403, and 72-1434, Idaho Code. Cross References: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 7-1-03) (Amended 3-20-04) ~~(10-15-13)T~~(10-21-14)T

**03. Class E Members.** For class E members (general members who meet the definition of paid firefighter under Section 59-1391(f), Idaho Code, but are not firefighters as defined in Section 59-1302(16), Idaho Code) the employer general member contribution rate as provided in Rule 26, plus the excess merger costs specified in Subsection 027.01. (3-20-04)

# Sections Affected Index

---

## **IDAPA 13 - IDAHO FISH AND GAME COMMISSION**

### *13.01.11 - Rules Governing Fish*

#### Docket No. **13-0111-1401**

504. Identification Of Species In Possession And During Transportation Or Shipment.....	37
505. Salmon Special Restrictions. ....	38

## **IDAPA 19 - IDAHO STATE BOARD OF DENTISTRY**

### *19.01.01 - Rules of the Idaho State Board of Dentistry*

#### Docket No. **19-0101-1401**

054. Definitions (Rule 54).....	47
060. Moderate Sedation (Rule 60). ....	47
061. General Anesthesia And Deep Sedation (Rule 61).....	49

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

### *20.07.02 - Rules Governing Conservation of Oil and Natural Gas in the State of Idaho*

#### Docket No. **20-0702-1401**

010. Definitions. ....	51
130. Integration. ....	52
131. Integration Orders. ....	53
420. Tank Batteries. ....	53
430. Gas Processing Facilities.....	53

## **IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES**

### *24.02.01 - Rules of the Board of Barber Examiners*

#### Docket No. **24-0201-1401**

450. Barber Shop Requirements (Rule 450).....	56
---	----

### *24.26.01 - Rules of the Idaho Board of Midwifery*

#### Docket No. **24-2601-1402**

360. Newborn Transfer Of Care Or Consultation (Rule 360). ....	64
--	----

## **IDAPA 35 - IDAHO STATE TAX COMMISSION**

### *35.01.03 - Property Tax Administrative Rules*

#### Docket No. **35-0103-1404**

626. Property Exempt From Taxation -- Certain Personal Property (Rule 626).....	77
627. Property Exempt From Taxation -- Certain Personal Property -- Taxpayer Ownership Clarification (Rule 627). ....	78

#### Docket No. **35-0103-1405**

804. Tax Levy - Certification - Urban Renewal Districts (Rule 804). ....	80
--	----

## **IDAPA 37 - IDAHO DEPARTMENT OF WATER RESOURCES**

### *37.03.11 - Rules for Conjunctive Management of Surface and Ground Water Resources*

#### Docket No. **37-0311-1101**

020. General Statements Of Purpose And Policies For Conjunctive Management Of Surface And Ground Water Resources (Rule 20). ....	86
---	----

## **IDAPA 38 - DEPARTMENT OF ADMINISTRATION**

### *38.05.01 - Rules of the Division of Purchasing*

#### Docket No. **38-0501-1401**

011. Definitions. ....	90
------------------------	----

040. Procedure Followed In Solicitations .....	90
041. Special Procedures For High Dollar Service Contracts.....	91
051. Content Of Solicitations issued under a formal sealed procedure. ....	92
070. Pre-Proposal Conference.....	92
125. Contract Administration.....	93
 <b>IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY</b>	
<i>58.01.01 - Rules for the Control of Air Pollution in Idaho</i>	
Docket No. <b>58-0101-1402</b>	
579. Baselines For Prevention Of Significant Deterioration.....	102
<i>58.01.02 - Water Quality Standards</i>	
Docket No. <b>58-0102-1401</b>	
010. Definitions.....	105
060. Mixing Zone Policy.....	108
<i>58.01.10 - Rules Regulating the Disposal of Radioactive Materials Not Regulated Under the Atomic Energy Act of 1954, as Amended</i>	
Docket No. <b>58-0110-1401</b>	
004. Incorporation By Reference.....	112
010. Definitions.....	113
 <b>IDAPA 59 - PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO</b>	
<i>59.01.03 - PERSI Contribution Rules</i>	
Docket No. <b>59-0103-1402</b>	
026. PERSI Employer General Member Contribution Rate (Rule 26).....	116
027. Firefighter Retirement Fund Employer Rate (Rule 27).....	117
028. PERSI Employer Class II Contribution Rate (Rule 28).....	118
100. PERSI Employee General Member Contribution Rate (Rule 100).....	118
101. PERSI Employee Class II Contribution Rate (Rule 101).....	118
Docket No. <b>59-0103-1403</b>	
027. Firefighter Retirement Fund Employer Rate (Rule 27).....	120

# LEGAL NOTICE

## Summary of Proposed Rulemakings

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

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

**There are no proposed rules being promulgated or published in this month's Bulletin.**

Please refer to the Idaho Administrative Bulletin, **December 3, 2014, Volume 14-12**, for the notices and text of all rulemakings, public hearings schedules, information on negotiated rulemakings, executive orders of the Governor, and agency contact information.

*Issues of the Idaho Administrative Bulletin can be viewed at [adminrules.idaho.gov](http://adminrules.idaho.gov).*

Office of the Administrative Rules Coordinator, Dept. of Administration, PO Box 83720, Boise, ID 83720-0306  
Phone: (208) 332-1820; Fax: (208) 332-1896; Email: [rulescoordinator@adm.idaho.gov](mailto:rulescoordinator@adm.idaho.gov)

# **CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES**

*Idaho Department of Administration  
Office of the Administrative Rules Coordinator*

*July 1, 1993 -- Present*

## **CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES**

*This online index provides a history of all agency rulemakings from 1993 to the present.  
It tracks all rulemaking activities on each chapter of rules and includes negotiated,  
temporary, proposed, pending and final rules, public hearing notices,  
vacated rulemaking notices, and executive orders of the Governor.*

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## **ABRIDGED RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES (Index of Current Rulemakings)**

*Idaho Department of Administration  
Office of the Administrative Rules Coordinator*

*March 20, 2014 -- December 3, 2014*

*(eff. PLR) - Final Effective Date Pending Legislative Review And Approval*

*(eff. date)L - Denotes Adoption by Legislative Action*

*(eff. date)T - Temporary Rule Effective Date*

*SCR # - denotes the number of a Senate Concurrent Resolution (Legislative Action)*

*HCR # - denotes the number of a House Concurrent Resolution (Legislative Action)*

*(This Abridged Index includes rules promulgated before March 20, 2014 that are still in process  
and all current rulemakings promulgated after March 20, 2014 - Sine Die.)*

***IDAPA 01 -- IDAHO BOARD OF ACCOUNTANCY******01.01.01, Idaho Accountancy Rules***

- 01-0101-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-8
- 01-0101-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 01-0101-1402** Proposed Rulemaking, Bulletin Vol. 14-10
- 01-0101-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 01-0101-1402** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

***IDAPA 02 -- DEPARTMENT OF AGRICULTURE******02.01.05, Rules Governing Certificates of Free Sale***

- 02-0105-1401** Proposed Rulemaking, Bulletin Vol. 14-8
- 02-0105-1401** Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)

***02.02.14, Rules for Weights and Measures***

- 02-0214-1401** Proposed Rulemaking, Bulletin Vol. 14-7
- 02-0214-1402** Proposed Rulemaking, Bulletin Vol. 14-7
- 02-0214-1403** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7
- 02-0214-1401** Adoption of Pending Rule, Bulletin Vol. 14-9 (eff. PLR 2015)
- 02-0214-1402** Adoption of Pending Rule, Bulletin Vol. 14-9 (eff. PLR 2015)
- 02-0214-1403** Proposed Rulemaking (Fee Rule), Bulletin Vol. 14-9
- 02-0214-1403** Adoption of Pending Fee Rule, Bulletin Vol. 14-11 (eff. PLR 2015)

***02.03.03, Idaho Department of Agriculture Rules Governing Pesticide and Chemigation Use and Application***

- 02-0303-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6
- 02-0303-1401** Proposed Rulemaking, Bulletin Vol. 14-8
- 02-0303-1401** Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)

***02.04.05, Rules of the Idaho Department of Agriculture Governing Manufacture Grade Milk***

- 02-0405-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6
- 02-0405-1401** Proposed Rulemaking, Bulletin Vol. 14-9
- 02-0405-1401** Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)

***02.04.06, Requirements for Licensed Dairy Plants***

- 02-0406-1401** Proposed Rulemaking, Bulletin Vol. 14-6
- 02-0406-1401** Adoption of Pending Rule, Bulletin Vol. 14-8 (eff. PLR 2015)

***02.04.14, Rules Governing Dairy Waste***

- 02-0414-1401** Proposed Rulemaking, Bulletin Vol. 14-6
- 02-0414-1401** Adoption of Pending Rule, Bulletin Vol. 14-8 (eff. PLR 2015)

***02.04.19, Rules Governing Domestic Cervidae***

- 02-0419-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6
- 02-0419-1401** Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 14-9 (eff. 9-1-14)T
- 02-0419-1401** Adoption of Pending Fee Rule, Bulletin Vol. 14-11 (eff. PLR 2015)

***02.04.21, Rules Governing the Importation of Animals***

- 02-0421-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6
- 02-0421-1402** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7
- 02-0421-1401** Proposed Rulemaking, Bulletin Vol. 14-9
- 02-0421-1402** Proposed Rulemaking, Bulletin Vol. 14-9
- 02-0421-1401** Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)

**02-0421-1402** Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)

**02.04.24, Rules Governing Tuberculosis**

**02-0424-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7

**02-0424-1401** Proposed Rulemaking, Bulletin Vol. 14-9

**02-0424-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

**02.04.28, Rules Governing Livestock Dealers, Buying Stations, and Livestock Trader Lots**

**02-0428-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7

**02-0428-1401** Proposed Rulemaking, Bulletin Vol. 14-9

**02-0428-1401** Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)

**02.04.29, Rules Governing Trichomoniasis**

**02-0429-1401** Proposed Rulemaking, Bulletin Vol. 14-6

**02-0429-1401** Adoption of Pending Rule, Bulletin Vol. 14-9 (eff. PLR 2015)

**02.06.02, Rules Pertaining to the Idaho Commercial Feed Law**

**02-0602-1401** Proposed Rulemaking, Bulletin Vol. 14-6

**02-0602-1401** Adoption of Pending Rule, Bulletin Vol. 14-9 (eff. PLR 2015)

**02.06.05, Rules Governing the Disease of Hops (*Humulus Lupulus*)**

**02-0605-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6

**02-0605-1401** Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 14-10 (eff. 9-1-14)T

**02-0605-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

**02.06.12, Rules Pertaining to the Idaho Fertilizer Law**

**02-0612-1401** Proposed Rulemaking, Bulletin Vol. 14-6

**02-0612-1401** Adoption of Pending Rule, Bulletin Vol. 14-9 (eff. PLR 2015)

**02.06.27, Rules Governing Bacterial Ring Rot Caused by (*Clavibacter michiganensis* subsp. *sepedonicus*) of Potato**

**02-0627-1401** Temporary Rulemaking (New Chapter), Bulletin Vol. 14-3 (eff. 2-26-14)T

**02-0627-1402** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6

**02-0627-1402\*** Notice of Intent to Promulgate Rules (\*2nd Notice) - Negotiated Rulemaking, Bulletin Vol. 14-7

**02-0627-1401** Notice of Amendment to Temporary Rule, Bulletin Vol. 14-10

**02-0627-1402** Proposed Rulemaking (Fee Rule) (New Chapter), Bulletin Vol. 14-10

**02-0627-1402** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

**02.06.33, Organic Food Products Rules**

**02-0633-1401** Proposed Rulemaking, Bulletin Vol. 14-6

**02-0633-1401** Adoption of Pending Rule, Bulletin Vol. 14-9 (eff. PLR 2015)

**02.06.41, Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001**

**02-0641-1401** Proposed Rulemaking, Bulletin Vol. 14-6

**02-0641-1401** Adoption of Pending Rule, Bulletin Vol. 14-9 (eff. PLR 2015)

**02.08.01, Sheep and Goat Rules of the Idaho Board of Sheep Commissioners**

**02-0801-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7

**02-0801-1401** Proposed Rulemaking, Bulletin Vol. 14-9

**02-0801-1401** Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)

**IDAPA 05 -- DEPARTMENT OF JUVENILE CORRECTIONS**

**05.01.01, Rules for Contract Providers**

**05-0101-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7



**05-0101-1401** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 14-9

***05.01.05, Rules for Reintegration Providers***

**05-0105-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7

**05-0105-1401** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 14-9

***05.02.01, Rules for Residential Treatment Providers***

**05-0201-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 14-7

**05-0201-1401** Proposed Rulemaking, Bulletin Vol. 14-9

***05.02.02, Rules for Staff Secure Providers***

**05-0202-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 14-7

**05-0202-1401** Proposed Rulemaking, Bulletin Vol. 14-9

***05.02.03, Rules for Reintegration Providers***

**05-0203-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 14-7

**05-0203-1401** Proposed Rulemaking, Bulletin Vol. 14-9

***05.02.04, Rules for Supported Living Providers***

**05-0204-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 14-7

**05-0204-1401** Proposed Rulemaking, Bulletin Vol. 14-9

***IDAPA 06 -- STATE BOARD OF CORRECTION***

***06.01.02, Rules of Correctional Industries***

**06-0102-1401** Notice of Proclamation of Rulemaking (New Chapter), Bulletin Vol. 14-6 (eff. 7-4-14)

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

***07.01.03, Rules of Electrical Licensing and Registration - General***

**07-0103-1401** Proposed Rulemaking, Bulletin Vol. 14-10

**07-0103-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

***07.01.06, Rules Governing the Use of National Electrical Code***

**07-0106-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-5

***07.01.07, Rules Governing Continuing Education Requirements***

**07-0107-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-5

**07-0107-1401** Proposed Rulemaking, Bulletin Vol. 14-10

**07-0107-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

***07.01.11, Rules Governing Civil Penalties***

**07-0111-1401** Proposed Rulemaking, Bulletin Vol. 14-10

**07-0111-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

***07.02.04, Rules Governing Plumbing Safety Inspections***

**07-0204-1401** Proposed Rulemaking, Bulletin Vol. 14-10

**07-0204-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

***07.02.05, Rules Governing Plumbing Safety Licensing***

**07-0205-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7

**07-0205-1401** Proposed Rulemaking, Bulletin Vol. 14-10

**07-0205-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

**07.02.06, Rules Concerning Uniform Plumbing Code**

- 07-0206-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-3
- 07-0206-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 07-0206-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

**07.03.01, Rules of Building Safety**

- 07-0301-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6
- 07-0301-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 07-0301-1402** Temporary and Proposed Rulemaking, Bulletin Vol. 14-10 (eff. 10-1-14)T
- 07-0301-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 07-0301-1402** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

**07.05.01, Rules of the Public Works Contractors License Board**

- 07-0501-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-5

**IDA PA 08 -- IDAHO STATE BOARD OF EDUCATION  
AND STATE DEPARTMENT OF EDUCATION****08.01.11, Registration of Postsecondary Educational Institutions and Proprietary Schools**

- 08-0111-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-8
- 08-0111-1401** Proposed Rulemaking, Bulletin Vol. 14-10

**08.02.01, Rules Governing Administration**

- 08-0201-1401** Temporary and Proposed Rulemaking, Bulletin Vol. 14-8 (eff. 7-1-14)T
- 08-0201-1402** Temporary and Proposed Rulemaking, Bulletin Vol. 14-10 (eff. 8-14-14)T

**08.02.02, Rules Governing Uniformity**

- 08-0202-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-8
- 08-0202-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 08-0202-1402** Proposed Rulemaking, Bulletin Vol. 14-10
- 08-0202-1403** Proposed Rulemaking, Bulletin Vol. 14-10
- 08-0202-1404** Proposed Rulemaking, Bulletin Vol. 14-10
- 08-0202-1405** Notice of Adoption of Temporary Rule, Bulletin Vol. 14-10 (8-14-14)T

**08.02.03, Rules Governing Thoroughness**

- 08-0203-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 08-0203-1402** Temporary and Proposed Rulemaking, Bulletin Vol. 14-10 (eff. 8-14-14)T
- 08-0203-1403** Temporary and Proposed Rulemaking, Bulletin Vol. 14-10 (eff. 8-14-14)T
- 08-0203-1404** Temporary and Proposed Rulemaking, Bulletin Vol. 14-10 (eff. 8-14-14)T
- 08-0203-1405** Adoption of Temporary Rule, Bulletin Vol. 14-10 (eff. 8-14-14)T
- 08-0203-1406** Temporary and Proposed Rulemaking, Bulletin Vol. 14-10 (eff. 8-14-14)T

**08.05.01, Rules Governing Seed and Plant Certification - Regents of the University of Idaho**

- 08-0501-1401** Temporary and Proposed Rulemaking (New Chapter), Bulletin Vol. 14-6 (eff. 5-14-14)T

**IDA PA 09 -- IDAHO DEPARTMENT OF LABOR****09.01.04, Unemployment Insurance Benefit Fraud and Overpayment Rules**

- 09-0104-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7
- 09-0104-1401** Proposed Rulemaking, Bulletin Vol. 14-9

**09.01.06, Rules of the Appeals Bureau**

- 09-0106-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7  
**09-0106-1401** Proposed Rulemaking, Bulletin Vol. 14-9

***09.01.30, Unemployment Insurance Benefits Administration Rules***

- 09-0130-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7  
**09-0130-1401** Proposed Rulemaking, Bulletin Vol. 14-9

***IDAPA 10 -- IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS  
AND PROFESSIONAL LAND SURVEYORS******10.01.01, Rules of Procedure***

- 10-0101-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-5  
**10-0101-1401** Proposed Rulemaking, Bulletin Vol. 14-8  
**10-0101-1401** Adoption of Pending Rule, Bulletin Vol. 14-10 (eff. PLR 2015)

***10.01.02, Rules of Professional Responsibility***

- 10-0102-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-5  
**10-0102-1401** Proposed Rulemaking, Bulletin Vol. 14-8  
**10-0102-1401** Adoption of Pending Rule, Bulletin Vol. 14-10 (eff. PLR 2015)

***10.01.03, Rules for Corner Perpetuation and Filing***

- 10-0103-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-8  
**10-0103-1401** Proposed Rulemaking, Bulletin Vol. 14-10  
**10-0103-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

***IDAPA 11 -- IDAHO STATE POLICE*****IDAHO STATE POLICE FORENSIC SERVICES*****11.03.01, Rules Governing Alcohol Testing***

- 11-0301-1401** Temporary and Proposed Rulemaking, Bulletin Vol. 14-10 (eff. 9-2-14)T  
**11-0301-1401** Notice of Public Hearing and Extension of Comment Period, Bulletin Vol. 14-11

**IDAHO STATE RACING COMMISSION*****11.04.02, Rules Governing Simulcasting***

- 11-0402-1401** Temporary and Proposed Rulemaking, Bulletin Vol. 14-9 (eff. 9-1-14)T  
**11-0402-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

***11.04.09, Rules Governing Claiming Races***

- 11-0409-1401** Proposed Rulemaking, Bulletin Vol. 14-10  
**11-0409-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

***11.04.10, Rules Governing Live Horse Races***

- 11-0410-1401** Proposed Rulemaking, Bulletin Vol. 14-10  
**11-0410-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

**ALCOHOL BEVERAGE CONTROL BUREAU*****11.05.01, Rules Governing Alcohol Beverage Control***

- 11-0501-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-10

**PEACE OFFICER STANDARDS AND TRAINING (POST) COUNCIL*****11.11.01, Rules of the Idaho Peace Officer Standards and Training Council***

- 11-1101-1401** Temporary and Proposed Rulemaking, Bulletin Vol. 14-8 (eff. 6-5-14)T
- 11-1101-1402** Proposed Rulemaking, Bulletin Vol. 14-8
- 11-1101-1401** Adoption of Pending Rule, Bulletin Vol. 14-10 (eff. PLR 2015)
- 11-1101-1402** Adoption of Pending Rule, Bulletin Vol. 14-10 (eff. PLR 2015)
- 11-1101-1403** Proposed Rulemaking, Bulletin Vol. 14-10

***11.11.04, Rules of the Idaho POST Council for Correctional Officers and Adult Probation and Parole Officers***

- 11-1104-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 11-1104-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

**IDAHO STATE POLICE COMMERCIAL VEHICLE SAFETY*****11.13.01, The Motor Carrier Rules***

- 11-1301-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 11-1301-1402** Proposed Rulemaking, Bulletin Vol. 14-10
- 11-1301-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 11-1301-1402** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

***IDAPA 12 -- DEPARTMENT OF FINANCE******12.01.10, Rules Pursuant to the Idaho Residential Mortgage Practices Act***

- 12-0110-1401** Proposed Rulemaking, Bulletin Vol. 14-10

***IDAPA 13 -- IDAHO FISH AND GAME COMMISSION******13.01.02, Rules Governing Hunter Education and Mentored Hunting***

- 13-0102-1401** Temporary and Proposed Rulemaking, Bulletin Vol. 14-10 (eff. 8-1-14)T

***13.01.04, Rules Governing Licensing***

- 13-0104-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-1
- 13-0104-1402** Temporary and Proposed Rulemaking, Bulletin Vol. 14-10 (eff. 8-1-14)T
- 13-0104-1403** Temporary and Proposed Rulemaking, Bulletin Vol. 14-10 (eff. 8-1-14)T
- 13-0104-1404** Temporary and Proposed Rulemaking, Bulletin Vol. 14-10 (eff. 8-11-14)T

***13.01.08, Rules Governing the Taking of Big Game Animals in the State of Idaho***

- 13-0108-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-1
- 13-0108-1402** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7
- 13-0108-1402** Proposed Rulemaking, Bulletin Vol. 14-10
- 13-0108-1403** Temporary and Proposed Rulemaking, Bulletin Vol. 14-10 (eff. 8-1-14)T
- 13-0108-1404** Temporary and Proposed Rulemaking, Bulletin Vol. 14-10 (eff. 8-1-14)T

***13.01.09, Rules Governing the Taking of Game Birds in the State of Idaho***

- 13-0109-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-2
- 13-0109-1401** Temporary and Proposed Rulemaking, Bulletin Vol. 14-10 (eff. 8-1-14)T

***13.01.11, Rules Governing Fish***

- 13-0111-1401** Adoption of Temporary Rule, Bulletin Vol. 14-12 (eff. 10-17-14)T

***13.01.17, Rules Governing the Use of Bait and Trapping for Taking Big Game Animals***

- 13-0117-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-1

## ***IDAPA 15 -- OFFICE OF THE GOVERNOR***

### ***Executive Orders of the Governor***

Executive Order No. <b>2014-08</b>	Bulletin Vol. 14-11
Executive Order No. <b>2014-07</b>	Bulletin Vol. 14-11
Executive Order No. <b>2014-06</b>	Bulletin Vol. 14-11
Executive Order No. <b>2014-05</b>	Bulletin Vol. 14-11
Executive Order No. <b>2014-04</b>	Bulletin Vol. 14-5
Executive Order No. <b>2014-03</b>	Bulletin Vol. 14-5
Executive Order No. <b>2014-02</b>	Bulletin Vol. 14-5
Executive Order No. <b>2014-01</b>	Bulletin Vol. 14-2
Executive Order No. <b>2013-07</b>	Bulletin Vol. 14-2
Executive Order No. <b>2013-06</b>	Bulletin Vol. 14-2
Executive Order No. <b>2013-05</b>	Bulletin Vol. 14-2

### ***Idaho Commission for the Blind and Visually Impaired***

#### ***15.02.02, Vocational Rehabilitation Services***

- 15-0202-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7
- 15-0202-1401** Proposed Rulemaking, Bulletin Vol. 14-9
- 15-0202-1401** Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)

#### ***15.02.30, Business Enterprise Program***

- 15-0230-1401\*** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7 (\*Rulemaking has been terminated)

### ***Idaho Forest Products Commission***

#### ***15.03.01, Rules of Administrative Procedure of the Idaho Forest Products Commission***

- 15-0301-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 15-0301-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

### ***Idaho Military Division***

#### ***15.06.05, Hazardous Substance Response Rules***

- 15-0605-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7

### ***Idaho State Liquor Division***

#### ***15.10.01, Rules of the Idaho State Liquor Division***

- 15-1001-1401** Temporary and Proposed Rulemaking, Bulletin Vol. 14-6 (eff. 7-1-14)T
- 15-1001-1401** Adoption of Pending Rule, Bulletin Vol. 14-8 (eff. PLR 2015)

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

### ***16.01.02, Emergency Medical Services (EMS) - Rule Definitions***

- 16-0102-1401** Temporary and Proposed Rulemaking, Bulletin Vol. 14-7 (eff. 7-1-14)T

### ***16.02.01, Rules of the Idaho Time Sensitive Emergency System Council***

- 16-0201-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 14-9

### ***16.02.02, Rules of the Idaho Emergency Medical Services (EMS) Physician Commission***

16-0202-1401 Proposed Rulemaking, Bulletin Vol. 14-10

**16.02.08, Vital Statistics Rules**

16-0208-1401 Proposed Rulemaking (Fee Rule), Bulletin Vol. 14-9

**16.02.10, Idaho Reportable Diseases**

16-0210-1401 Proposed Rulemaking, Bulletin Vol. 14-9

**16.02.19, Food Safety and Sanitation Standards for Food Establishments (The Idaho Food Code)**

16-0219-1401 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-3

16-0219-1401 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (2nd Notice), Bulletin Vol. 14-4

16-0219-1401 Temporary and Proposed Rulemaking, Bulletin Vol. 14-10 (eff. 9-1-14)T

**16.02.27, Idaho Radiation Control Rules**

16-0227-1401 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6

16-0227-1401\* Notice of Intent to Promulgate Rules - Negotiated Rulemaking (\*2nd Notice), Bulletin Vol. 14-7

16-0227-1401 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 14-9

16-0227-1402 Proposed Rulemaking (Chapter Rewrite-Fee Rule), Bulletin Vol. 14-9

**16.03.01, Eligibility for Health Care Assistance for Families and Children**

16-0301-1401 Proposed Rulemaking, Bulletin Vol. 14-10

16-0301-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

**16.03.03, Rules Governing Child Support Services**

16-0303-1401 Proposed Rulemaking, Bulletin Vol. 14-10

16-0303-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

**16.03.04, Rules Governing the Food Stamp Program in Idaho**

16-0304-1401 Proposed Rulemaking, Bulletin Vol. 14-10

16-0304-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

**16.03.05, Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled (AABD)**

16-0305-1401 Proposed Rulemaking, Bulletin Vol. 14-10

16-0305-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

**16.03.10, Medicaid Enhanced Plan Benefits**

16-0310-1401 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-5

16-0310-1401 Temporary and Proposed Rulemaking, Bulletin Vol. 14-7 (eff. 7-1-14)T

16-0310-1401 Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)

**16.03.11, Rules Governing Intermediate Care Facilities for People With Intellectual Disabilities (ICF/ID)**

16-0311-1401 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-5

16-0311-1401 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 14-9

16-0311-1402 Proposed Rulemaking (Chapter Rewrite), Bulletin Vol. 14-9

**16.03.17, Medicare/Medicaid Coordinated Plan Benefits**

16-0317-1401 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-4

16-0317-1401 Temporary and Proposed Rulemaking, Bulletin Vol. 14-6 (eff. 7-1-14)T

16-0317-1401 Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)

**16.03.22, Residential Care or Assisted Living Facilities in Idaho**

16-0322-1401 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-5

16-0322-1401 Proposed Rulemaking, Bulletin Vol. 14-8

**16.05.01, Use and Disclosure of Department Rules**

16-0501-1401 Proposed Rulemaking, Bulletin Vol. 14-9

**16.05.06, Criminal History and Background Checks**

16-0506-1401 Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 14-7 (eff. 7-1-14)T

**16.05.07, The Investigation and Enforcement of Fraud, Abuse, and Misconduct**

16-0507-1401 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7

16-0507-1401 Proposed Rulemaking, Bulletin Vol. 14-10

16-0507-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

**16.06.01, Child and Family Services**

16-0601-1401 Proposed Rulemaking, Bulletin Vol. 14-9

16-0601-1402 Proposed Rulemaking, Bulletin Vol. 14-9 (*VOID - Pulled and Not Published*)

**16.06.12, Rules Governing the Idaho Child Care Program (ICCP)**

16-0612-1401 Temporary Rulemaking, Bulletin Vol. 14-1 (eff. 11-1-13)T

16-0612-1401 OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 148, Bulletin Vol. 14-5 (eff. 11-1-13)T

16-0612-1401 Proposed Rulemaking, Bulletin Vol. 14-5

16-0612-1401 Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)

**16.07.33, Adult Mental Health Services**

16-0733-1401 Proposed Rulemaking, Bulletin Vol. 14-10

16-0733-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

**IDAPA 17 -- INDUSTRIAL COMMISSION**

**17.02.04, Administrative Rules of the IC Under the Worker's Compensation Law - Benefits**

17-0204-1401 Proposed Rulemaking, Bulletin Vol. 14-10

**17.02.06, Employers' Reports**

17-0206-1401 Proposed Rulemaking, Bulletin Vol. 14-10

**17.02.08, Miscellaneous Provisions**

17-0208-1401 Proposed Rulemaking, Bulletin Vol. 14-10

**17.02.09, Medical Fees**

17-0209-1401 Proposed Rulemaking, Bulletin Vol. 14-10

17-0209-1401 Notice of Public Hearing and Extension of Comment Period, Bulletin Vol. 14-11

**17.02.11, Administrative Rules of the Industrial Commission Under the Workers' Compensation Law -- Security for Compensation -- Self-Insured Employers**

17-0211-1401 Proposed Rulemaking, Bulletin Vol. 14-8

**17.05.01, Rules Under the Crime Victims Compensation Act**

17-0501-1401 Proposed Rulemaking, Bulletin Vol. 14-10

**IDAPA 18 -- DEPARTMENT OF INSURANCE**

**18.01.25, Title Insurance and Title Insurance Agents and Escrow Officers**

18-0125-1401\* Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7 (\*Rulemaking has been terminated)

**18.01.30, Individual Disability and Group Supplemental Disability Insurance Minimum Standards Rule**

**18-0130-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7

***18.01.44, Schedule of Fees, Licenses, and Miscellaneous Charges***

**18-0144-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7

**18-0144-1401** Proposed Rulemaking (Fee Rule), Bulletin Vol. 14-9

**18-0144-1401** Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)

***18.01.46, Recognition of New Annuity Mortality Tables for Use in Determining Reserve Liabilities for Annuities and Pure Endowment Contracts***

**18-0146-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7

**18-0146-1401** Proposed Rulemaking, Bulletin Vol. 14-9

**18-0146-1401** Adoption of Pending Rule and Adoption of Temporary Rule, Bulletin Vol. 14-11 (eff. PLR 2015) -- (1-1-15)T

***18.01.53, Continuing Education***

**18-0153-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7

**18-0153-1401** Proposed Rulemaking, Bulletin Vol. 14-9

**18-0153-1401** Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)

***18.01.56, Rebates and Illegal Inducements to Obtaining Title Insurance Business Rules***

**18-0156-1401\*** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7 (\*Rulemaking has been terminated)

## ***IDAPA 19 -- BOARD OF DENTISTRY***

***19.01.01, Rules of the Idaho State Board of Dentistry***

**19-0101-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7

**19-0101-1401** Proposed Rulemaking, Bulletin Vol. 14-9

**19-0101-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

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

***20.03.16, Rules Governing Oil and Gas Leasing on Idaho State Lands***

**20-0316-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7

***20.07.02, Rules Governing Conservation of Crude Oil and Natural Gas in the State of Idaho***

**20-0702-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6

**20-0702-1401** Proposed Rulemaking, Bulletin Vol. 14-9

**20-0702-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

## ***IDAPA 23 -- BOARD OF NURSING***

***23.01.01, Rules of the Idaho Board of Nursing***

**23-0101-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6

**23-0101-1402** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6

**23-0101-1401** Proposed Rulemaking, Bulletin Vol. 14-9

**23-0101-1402** Proposed Rulemaking, Bulletin Vol. 14-9

**23-0101-1401** Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)

**23-0101-1402** Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 14-11

## ***IDAPA 24 -- BUREAU OF OCCUPATIONAL LICENSES***

***24.02.01, Rules of the Board of Barber Examiners***



- 24-0201-1401 Proposed Rulemaking, Bulletin Vol. 14-10
- 24-0201-1401 Notice of Public Hearing, Bulletin Vol. 14-11
- 24-0201-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

***24.04.01, Rules of the Idaho Board of Cosmetology***

- 24-0401-1401 Proposed Rulemaking, Bulletin Vol. 14-10
- 24-0401-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

***24.06.01, Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants***

- 24-0601-1401 Proposed Rulemaking (Fee Rule), Bulletin Vol. 14-10
- 24-0601-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

***24.09.01, Rules of the Board of Examiners of Nursing Home Administrators***

- 24-0901-1401 Proposed Rulemaking (Fee Rule), Bulletin Vol. 14-10
- 24-0901-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

***24.10.01, Rules of the State Board of Optometry***

- 24-1001-1401 Proposed Rulemaking, Bulletin Vol. 14-8
- 24-1001-1401 Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)

***24.11.01, Rules of the State Board of Podiatry***

- 24-1101-1401 Proposed Rulemaking (Fee Rule), Bulletin Vol. 14-9
- 24-1101-1401 Adoption of Pending Fee Rule, Bulletin Vol. 14-11 (eff. PLR 2015)

***24.14.01, Rules of the State Board of Social Work Examiners***

- 24-1401-1401 Proposed Rulemaking (Fee Rule), Bulletin Vol. 14-10
- 24-1401-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

***24.15.01, Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists***

- 24-1501-1401 Proposed Rulemaking, Bulletin Vol. 14-10
- 24-1501-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

***24.17.01, Rules of the State Board of Acupuncture***

- 24-1701-1401 Proposed Rulemaking, Bulletin Vol. 14-8
- 24-1701-1401 Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)

***24.19.01, Rules of the Board of Examiners of Residential Care Facility Administrators***

- 24-1901-1401 Proposed Rulemaking (Fee Rule), Bulletin Vol. 14-9
- 24-1901-1401 Adoption of Pending Fee Rule, Bulletin Vol. 14-11 (eff. PLR 2015)

***24.23.01, Rules of the Speech and Hearing Services Licensure Board***

- 24-2301-1401 Temporary and Proposed Rulemaking, Bulletin Vol. 14-9
- 24-2301-1401 Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)

***24.25.01, Rules of the Idaho Driving Businesses Licensure Board***

- 24-2501-1401 Temporary and Proposed Rulemaking, Bulletin Vol. 14-7 (eff. 5-23-14)T
- 24-2501-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

***24.26.01, Rules of the Idaho Board of Midwifery***

- 24-2601-1401 Temporary and Proposed Rulemaking, Bulletin Vol. 14-7 (eff. 7-1-14)T
- 24-2601-1402 Proposed Rulemaking, Bulletin Vol. 14-10
- 24-2601-1401 Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)
- 24-2601-1402 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

***24.27.01, Rules of the Idaho State Board of Massage Therapy***

- 24-2701-1401** Proposed Rulemaking, Bulletin Vol. 14-8  
**24-2701-1401** Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)

### ***IDAPA 26 -- DEPARTMENT OF PARKS AND RECREATION***

#### ***26.01.03, Rules Governing Recreational Registration Vendors***

- 26-0103-1401** Temporary and Proposed Rulemaking, Bulletin Vol. 14-7 (eff. 7-1-14)T

#### ***26.01.20, Rules Governing the Administration of Park and Recreation Areas and Facilities***

- 26-0120-1401** Temporary and Proposed Rulemaking, Bulletin Vol. 14-7 (eff. 7-1-14)T

#### ***26.01.21, Rules Governing Leasing Practices and Procedures for Recreational Residences Within Heyburn State Park***

- 26-0121-1401** Temporary and Proposed Rulemaking, Bulletin Vol. 14-5 (eff. 3-18-14)T

#### ***26.01.30, Idaho Safe Boating Rules***

- 26-0130-1401** Temporary and Proposed Rulemaking, Bulletin Vol. 14-7 (eff. 7-1-14)T

#### ***26.01.31, Rules Governing the Administration of the Idaho Department of Parks and Recreation State and Federal Grant Funds***

- 26-0131-1401** Temporary and Proposed Rulemaking, Bulletin Vol. 14-7 (7-1-14)T

#### ***26.01.34, Idaho Protection Against Invasive Species Sticker Rules***

- 26-0134-1401** Temporary and Proposed Rulemaking, Bulletin Vol. 14-7 (eff. 7-1-14)T

#### ***26.01.36, Rules Governing the Winter Recreational Parking Permit Program***

- 26-0136-1401** Temporary and Proposed Rulemaking, Bulletin Vol. 14-7 (eff. 7-1-14)T

### ***IDAPA 27 -- BOARD OF PHARMACY***

#### ***27.01.01, Rules of the Idaho State Board of Pharmacy***

- 27-0101-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7  
**27-0101-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (**2nd Notice**), Bulletin Vol. 14-8  
**27-0101-1401** Proposed Rulemaking, Bulletin Vol. 14-10  
**27-0101-1402** Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 14-10 (9-1-14)T  
**27-0101-1403** Proposed Rulemaking, Bulletin Vol. 14-10  
**27-0101-1404** Proposed Rulemaking, Bulletin Vol. 14-10  
**27-0101-1405** Proposed Rulemaking, Bulletin Vol. 14-10

### ***IDAPA 28 -- DEPARTMENT OF COMMERCE***

#### ***28.04.01, Rules Governing the Idaho Reimbursement Incentive Act***

- 28-0401-1401** Adoption of Temporary Rule (New Chapter), Bulletin Vol. 14-8 (eff. 7-1-14)T  
**28-0401-1401** Notice of Amendment to Temporary Rule, Bulletin Vol. 14-10 (eff. 8-29-14)T  
**28-0401-1402** Proposed Rulemaking (New Chapter), Bulletin Vol. 14-10

### ***IDAPA 29 -- IDAHO POTATO COMMISSION***

#### ***29.01.02, Rules Governing Payment of Tax and Usage of Certification Marks and Trademarks***

- 29-0102-1401** Proposed Rulemaking, Bulletin Vol. 14-9

### ***IDAPA 31 -- PUBLIC UTILITIES COMMISSION***

#### ***31.02.01, Public Records Act Rules of the Idaho Public Utilities Commission***

- 31-0201-1401** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 14-9
- 31-0201-1401** Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 14-11 (eff. PLR 2015)

### ***IDAPA 33 -- REAL ESTATE COMMISSION***

#### ***33.01.01, Rules of the Idaho Real Estate Commission***

- 33-0101-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 33-0101-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

#### ***33.01.02, Rules of Practice and Procedure of the Idaho Real Estate Commission Governing Contested Cases***

- 33-0102-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 33-0102-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

### ***IDAPA 35 -- STATE TAX COMMISSION***

#### ***35.01.01, Income Tax Administrative Rules***

- 35-0101-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6
- 35-0101-1402** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-8
- 35-0101-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 35-0101-1402** Proposed Rulemaking, Bulletin Vol. 14-10
- 35-0101-1403** Proposed Rulemaking, Bulletin Vol. 14-10
- 35-0101-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 35-0101-1402** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 35-0101-1403** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

#### ***35.01.02, Idaho Sales and Use Tax Administrative Rules***

- 35-0102-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-5
- 35-0102-1402** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6
- 35-0102-1403** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7
- 35-0102-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 35-0102-1402** Proposed Rulemaking, Bulletin Vol. 14-10
- 35-0102-1403** Proposed Rulemaking, Bulletin Vol. 14-10
- 35-0102-1404** Proposed Rulemaking, Bulletin Vol. 14-10
- 35-0102-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 35-0102-1402** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 35-0102-1403** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 35-0102-1404** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

#### ***35.01.03, Property Tax Administrative Rules***

- 35-0103-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-5
- 35-0103-1402** Adoption of Temporary Rule, Bulletin Vol. 14-6 (1-1-14)T
- 35-0103-1401** Proposed Rulemaking, Bulletin Vol. 14-8
- 35-0103-1403** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-8
- 35-0103-1404** Proposed Rulemaking, Bulletin Vol. 14-8
- 35-0103-1405** Temporary and Proposed Rulemaking, Bulletin Vol. 14-8 (eff. 8-6-14)T
- 35-0103-1406** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-8
- 35-0103-1403** Proposed Rulemaking, Bulletin Vol. 14-10
- 35-0103-1406** Proposed Rulemaking, Bulletin Vol. 14-10
- 35-0103-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 35-0103-1403** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

- [35-0103-1404](#) Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- [35-0103-1405](#) Adoption of Pending Rule and Amendment to Temporary Rule, Bulletin Vol. 14-12 (eff. PLR 2015) - (8-6-14)T
- [35-0103-1406](#) Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 14-12

**35.01.05, Motor Fuels Tax Administrative Rules**

- [35-0105-1401](#) Proposed Rulemaking, Bulletin Vol. 14-6
- [35-0105-1402](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6
- [35-0105-1402](#) Proposed Rulemaking, Bulletin Vol. 14-8
- [35-0105-1401](#) Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- [35-0105-1402](#) Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

**35.02.01, Tax Commission Administration and Enforcement Rules**

- [35-0201-1401](#) Proposed Rulemaking, Bulletin Vol. 14-10
- [35-0201-1401](#) Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

**IDAPA 37 -- DEPARTMENT OF WATER RESOURCES****37.03.03, Rules and Minimum Standards for the Construction and Use of Injection Wells**

- [37-0303-1401](#) Proposed Rulemaking, Bulletin Vol. 14-9

**37.03.11, Rules for Conjunctive Management of Surface and Ground Water Resources**

- [37-0311-1101](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 11-2
- [37-0311-1101](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking (**2nd Notice**), Bulletin Vol. 14-5
- [37-0311-1401](#) Proposed Rulemaking, Bulletin Vol. 14-10
- [37-0311-1401](#) Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

**37.03.13, The Water Management Rules**

- [37-0313-9701](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 97-12
- [37-0313-9701](#) Proposed Rulemaking, Bulletin Vol. 98-10
- [37-0313-9701](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking (2nd Notice), Bulletin Vol. 00-11

**37.03.14, Transfers**

- [37-0314-9801](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 98-5

**37.03.15, Water Management Rules - Eastern Snake Plain Aquifer**

- [37-0315-0001](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 00-12

**IDAPA 38 -- IDAHO DEPARTMENT OF ADMINISTRATION****38.03.01, Rules Governing Group Insurance**

- [38-0301-1401](#) Temporary and Proposed Rulemaking, Bulletin Vol. 14-8 (eff. 7-1-14)T

**38.04.04, Rules Governing Capitol Mall Parking**

- [38-0404-1401](#) Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 14-7 (eff. 7-1-14)T

**38.05.01, Rules of the Division of Purchasing**

- [38-0501-1401](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6
- [38-0501-1401](#) Proposed Rulemaking, Bulletin Vol. 14-10
- [38-0501-1401](#) Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

**38.06.01, Rules of the Department of Administration Governing Billing Procedures of the  
Office of the Chief Information Officer**

- [38-0601-1401](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 14-6

- 38-0601-1401** Proposed Rulemaking (New Chapter), Bulletin Vol. 14-10  
**38-0601-1401** Adoption of Pending Rule (New Chapter), Bulletin Vol. 14-12 (eff. PLR 2015)

### ***IDAPA 39 -- IDAHO TRANSPORTATION DEPARTMENT***

#### ***39.02.03, Rules Governing Vehicle Dealer's Principle Place of Business***

- 39-0203-1401** Adoption of Temporary Rule, Bulletin Vol. 14-10 (eff. 8-2-14)T  
**39-0203-1402** Proposed Rulemaking, Bulletin Vol. 14-10  
**39-0203-1402** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

#### ***39.03.10, Rules Governing When An Overlegal Permit Is Required***

- 39-0310-1401** Temporary and Proposed Rulemaking, Bulletin Vol. 14-10 (eff. 9-1-14)T  
**39-0310-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

#### ***39.03.16, Rules Governing Oversize Permits For Non-Reducible Vehicles And/Or Loads***

- 39-0316-1401** Temporary and Proposed Rulemaking, Bulletin Vol. 14-6 (eff. 5-1-14)T  
**39-0316-1401** Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)

#### ***39.03.50, Rules Governing Safety Rest Areas***

- 39-0350-1401** Proposed Rulemaking, Bulletin Vol. 14-10  
**39-0350-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

### ***IDAPA 46 -- BOARD OF VETERINARY MEDICAL EXAMINERS***

#### ***46.01.01, Rules of the State of Idaho Board of Veterinary Medicine***

- 46-0101-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6  
**46-0101-1401** Proposed Rulemaking, Bulletin Vol. 14-8  
**46-0101-1401** Adoption of Pending Rule, Bulletin Vol. 14-10

### ***IDAPA 49 -- CERTIFIED SHORTHAND REPORTERS BOARD***

#### ***49.01.01, Rules of Procedure of the Idaho Certified Shorthand Reporters Board***

- 49-0101-1401** Proposed Rulemaking, Bulletin Vol. 14-10  
**49-0101-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

### ***IDAPA 50 -- COMMISSION FOR PARDONS AND PAROLE***

#### ***50.01.01, Rules of the Commission of Pardons and Parole***

- 50-0101-1401** Proposed Rulemaking, Bulletin Vol. 14-10

### ***IDAPA 54 -- OFFICE OF THE STATE TREASURER***

#### ***54.03.01, Idaho Unclaimed Property Administrative Rules***

- 54-0301-1401** Temporary and Proposed Rulemaking, Bulletin Vol. 14-8 (eff. 6-15-14)T  
**54-0301-1401** Notice of Rescission of Temporary Rule and Vacation of Proposed Rulemaking, Bulletin Vol. 14-10

### ***IDAPA 55 -- DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION***

**55.01.04, Rules Governing Agricultural and Natural Resource Education Programs**

- 55-0104-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 14-6  
**55-0104-1401** Proposed Rulemaking, Bulletin Vol. 14-10

**IDAPA 57 -- SEXUAL OFFENDER MANAGEMENT BOARD****57.01.01, Rules of the Sexual Offender Management Board**

- 57-0101-1401** Proposed Rulemaking, Bulletin Vol. 14-9

**57.01.02, Rules Governing Juvenile Sexual Offender Management Practices**

- 57-0102-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 14-6

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

- 58-0000-1401** The Palisades Subbasin Total Maximum Daily Loads (TMDL) 2013 Addendum and Five Year Review (HUC 17040104), Bulletin Vol. 14-1  
**58-0000-1402** The Lake Walcott TMDL 2013 Addendum: Marsh Creek (HUC ID 17040209), Bulletin Vol. 14-1  
**58-0000-1403** Pahsimeroi River Subbasin Total Maximum Daily Loads (TMDL) 2013 Addendum and Five-Year Review (HUC ID 17060202), Bulletin Vol. 14-2  
**58-0000-1404** Cow Creek Total Maximum Daily Load (TMDL) Addendum (HUC ID 17060108), Bulletin Vol. 14-4  
**58-0000-1405** Assessment of Water Quality in Kootenai River and Moyie River Subbasins Total Maximum Daily Load (TMDL) 2014 Temperature Addendum (HUC ID 17010104 and 17010105), Bulletin Vol. 14-9

**58.01.01, Rules for the Control of Air Pollution in Idaho**

- 58-0101-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-4  
**58-0101-1402** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6  
**58-0101-1403** Proposed Rulemaking, Bulletin Vol. 14-8  
**58-0101-1401** Proposed Rulemaking, Bulletin Vol. 14-9  
**58-0101-1402** Proposed Rulemaking, Bulletin Vol. 14-9  
**58-0101-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)  
**58-0101-1402** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)  
**58-0101-1403** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

**58.01.02, Water Quality Standards**

- 58-0102-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-9  
**58-0102-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-8  
**58-0102-1301** Proposed Rulemaking, Bulletin Vol. 13-12  
**58-0102-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-4  
**58-0102-1301** Notice of Adoption of Pending Rule and Temporary Rule, Bulletin Vol. 14-6 (eff. \*PLR 2015) - (6-4-14)T  
**58-0102-1401** Proposed Rulemaking, Bulletin Vol. 14-9  
**58-0102-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

**58.01.05, Rules and Standards for Hazardous Waste**

- 58-0105-1401** Proposed Rulemaking, Bulletin Vol. 14-8  
**58-0105-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

**58.01.10, Rules Regulating the Disposal of Radioactive Materials Not Regulated Under the Atomic Energy Act of 1954, As Amended**

- 58-0110-1401** Proposed Rulemaking, Bulletin Vol. 14-6  
**58-0110-1401** Adoption of Pending Rule and Temporary Rule, Bulletin Vol. 14-12 (eff. PLR 2015) - (12-3-14)T

**58.01.25, Rules Regulating Idaho Pollutant Discharge Elimination System Program**

- 58-0125-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 14-11

***IDAPA 59 -- PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO (PERSI)***

***59.01.03, PERSI Contribution Rules***

- 59-0103-1401** Temporary Rulemaking, Bulletin Vol. 14-1 (eff. 10-15-13)T
- 59-0103-1401** OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 148, Bulletin Vol. 14-5 (eff. 10-15-13)T
- 59-0103-1401** Proposed Rulemaking, Bulletin Vol. 14-6
- 59-0103-1401** Adoption of Pending Rule, Bulletin Vol. 14-9 (eff. PLR 2015)
- 59-0103-1401** Notice of Rescission of Temporary Rule, Bulletin Vol. 14-12 (Rescission effective 10-21-14)
- 59-0103-1402** Adoption of Temporary Rule, Bulletin Vol. 14-12 (eff. 10-21-14)T
- 59-0103-1403** Adoption of Temporary Rule, Bulletin Vol. 14-12 (eff. 10-21-14)T

***59.01.06, PERSI Retirement Rules***

- 59-0106-1400** Notice of Correction to Final Rule, Bulletin Vol. 14-5 (eff. 3-20-14)
- 59-0106-1401** Temporary and Proposed Rulemaking, Bulletin Vol. 14-7 (5-20-14)T
- 59-0106-1401** Adoption of Pending Rule, Bulletin Vol. 14-9 (eff. PLR 2015)

***59.02.01, Rules for the Judges' Retirement Fund***

- 59-0201-1401** Temporary and Proposed Rulemaking (New Chapter), Bulletin Vol. 14-7 (eff. 7-1-14)T
- 59-0201-1401** Adoption of Pending Rule, Bulletin Vol. 14-9 (eff. PLR 2015)

# Subject Index

## B

- Barber Shop Requirements 56
  - Primary Shop, Licensure & Operation Requirements 56
- Baselines For Prevention Of Significant Deterioration 102
  - Baseline Date(s) 102

## C

- Content Of Solicitations Issued Under A Formal Sealed Procedure 92
  - Pre-Proposal Conference 92
- Contract Administration 93
  - Contract Renewals & Extensions 93
  - General 93
  - High Dollar Service Contracts 93

## D

- Definitions 47
  - Sedation Terms 47
- Definitions, IDAPA 20.07.02 51
  - Systems Approach 51
  - Tank 51
  - Tank Battery 51
  - Tank Dike 51
  - Tubing 51
  - Volatile Organic Compound 51
  - Waste as Applied to Gas 52
  - Waste as Applied to Oil 51
  - Waterflooding 51
  - Well Report 52
  - Well Site 52
  - Well Treatment 52
  - Wildcat Well 52
- Definitions, IDAPA 38.05.01 90
  - Professional Services 90
- Definitions, IDAPA 58.01.02
  - Bioaccumulative Pollutants 105
  - Outstanding Resource Water Mixing Zone 105
  - Person 105
  - Petroleum Products 106
  - Petroleum Storage Tank (PST) System 106
  - Point Source 106
  - Pollutant 106
  - Project Plans 106
  - Public Swimming Beaches 106
  - Receiving Waters 106
  - Reference Stream or Condition 106
  - Release 106
  - Resident Species 106
  - Responsible Persons in Charge 107
  - Sediment 107
  - Seven Day Mean 107
  - Sewage 107
  - Short-Term or Temporary Activity 107
  - Silviculture 107
  - Sludge 107
  - Specialized Best Management Practices 107
  - State 107

- State Water Quality Management Plan 107
- Suspended Sediment 107
- Technology-Based Effluent Limitation 107
- Thermal Shock 108
- Definitions, IDAPA 58.01.10
  - Accelerator-Produced Radioactive Material 113
  - Board 113
  - Byproduct Material 113
  - Department 113
  - Exempt Quantities & Concentrations of Byproduct Materials 113
  - Naturally Occurring Radioactive Material (NORM) 113
  - Operator 113
  - Owner 113
  - Person 113
  - Radioactive Material 114
  - Reasonably Maximally Exposed Individual 114
  - Source Material 114
  - Special Nuclear Material 114
  - Technologically Enhanced Naturally Occurring Radioactive Material (TENORM) 114
  - Unimportant Quantities of Source Material 114

## F

- Firefighter Retirement Fund Employer Rate
  - Class D Firefighters 117, 121
  - Class E Members 118, 122
  - Option I & II Firefighters 117, 120

## G

- Gas Processing Facilities 53
  - Flaring 54
  - Location of Gas Processing Facilities 53
- General Anesthesia & Deep Sedation 49
  - General Requirements for General Anesthesia & Deep Sedation Permits 49
  - Requirements for a General Anesthesia & Deep Sedation Permit 49
- General Statements Of Purpose & Policies For Conjunctive Management Of Surface & Ground Water Resources 86
  - Areas Having a Common Ground Water Supply 87
  - Delivery Calls 87
  - Distribution of Water Among the Holders of Senior & Junior-Priority Rights 86
  - Domestic & Stock Watering Ground Water Rights Exempt 87
  - Exercise of Water Rights 87
  - Prior Appropriation Doctrine 87

- Reasonable Use of Surface & Ground Water 87
- Reasonably Anticipated Average Rate of Future Natural Recharge 87
- Saving of Defenses 87
- Sequence of Actions for Responding to Delivery Calls 87
- Wells as Alternate or Changed Points of Diversion for Water Rights from a Surface Water Source 87

## I

- Identification Of Species In Possession & During Transportation Or Shipment 37
  - Provisions for Processing & Transporting Salmon 37
  - Restrictions on Processing & Transporting Salmon 38
- Integration 52
  - Integration Application Requirements 52
- Integration Orders 53
  - Working Interest Owner 53

## M

- Mixing Zone Policy 108
  - Mixing Zones for Point Source Discharges 108
  - Points of Compliance as Alternatives to Mixing Zones 109
- Moderate Sedation 47
  - General Requirements for Moderate Enteral & Moderate Parenteral Sedation Permits 48
  - Requirements for a Moderate Enteral Sedation Permit 47
  - Requirements for a Moderate Parenteral Sedation Permit 48

## N

- Newborn Transfer Of Care Or Consultation 64
  - Newborn Consultation Required 64
  - Newborn Transfer of Care 64

## O

- Owner 105

## P

- Permit or License 105
- PERSI Employee Class II Contribution Rate 118
- PERSI Employee General Member Contribution Rate 118
- PERSI Employer Class II Contribution Rate 118
- PERSI Employer General Member Contribution Rate 116
- Pre-Proposal Conference 92
- Procedure Followed In Solicitations Agency Procurement Contact 91



Property Exempt From Taxation --  
  Certain Personal Property 77  
  Centrally Assessed Property –  
    Application Required 77  
Property Exempt From Taxation --  
  Certain Personal Property – Taxpayer  
  Ownership Clarification 78  
  Idaho Code Section 63-602KK(2)  
    provides taxpayers with one  
    exemption in each Idaho County in  
    which they meet the ownership  
    rules 78

**S**

Salmon Special Restrictions 38  
  Cease Fishing 38  
  Fish Counted in Limit 38  
  Keeping Marked Fish 38  
  Legal Catch 38  
  Method of Take 38  
  No Harvest or Closed to Harvest 38  
  Snagging 38  
  Special Limits 38  
Special Procedures For High Dollar  
  Service Contracts 91  
  Special Procedures 91  
Suspended Solids 107

**T**

Tank Batteries 53  
  Location of Tank Batteries 53  
Tax Levy - Certification - Urban  
  Renewal Districts 80  
  Definitions 80