

# IDAHO ADMINISTRATIVE BULLETIN

December 4, 2013 -- Volume 13-12

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C.L. "Butch" Otter, Governor  
Teresa Luna, Director, Department of Administration  
Dennis Stevenson, Administrative Rules Coordinator  
Edward Hawley, Administrative Rules Specialist  
Bradley Hunt, Rules Analyst and Desk-top Publishing Specialist

# IDAHO ADMINISTRATIVE BULLETIN

## Table of Contents

December 4, 2013 -- Volume 13-12

<b>PREFACE</b> .....	8
<b>IDAPA 02 - DEPARTMENT OF AGRICULTURE</b>	
02.06.09 - <i>Rules Governing Invasive Species</i> Docket No. <b>02-0609-1301</b> Notice of Rulemaking - Adoption of Pending Rule .....	18
02.06.25 - <i>Rules Governing the Planting of Beans, Other than Phaseolus Species, In Idaho</i> Docket No. <b>02-0625-1301 (New Chapter)</b> Notice of Rulemaking - Adoption of Pending Fee Rule .....	19
<b>IDAPA 05 - DEPARTMENT OF JUVENILE CORRECTIONS</b>	
05.01.02 - <i>Rules and Standards for Secure Juvenile Detention Centers</i> Docket No. <b>05-0102-1301</b> Notice of Rulemaking - Adoption of Pending Rule .....	20
<b>IDAPA 07 - DIVISION OF BUILDING SAFETY</b>	
07.01.06 - <i>Rules Governing the Use of National Electrical Code</i> Docket No. <b>07-0106-1301</b> Notice of Rulemaking - Adoption of Pending Rule .....	21
07.01.10 - <i>Rules Governing Certification and Approval of Electrical Products and Materials</i> Docket No. <b>07-0110-1301</b> Notice of Rulemaking - Adoption of Pending Rule .....	22
07.05.01 - <i>Rules of the Public Works Contractors License Board</i> Docket No. <b>07-0501-1301</b> Notice of Rulemaking - Adoption of Pending Rule .....	23
07.07.01 - <i>Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems</i> Docket No. <b>07-0701-1301</b> Notice of Rulemaking - Adoption of Pending Rule .....	24
<b>IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION</b>	
08.01.05 - <i>Idaho Promise Scholarship Program</i> Docket No. <b>08-0105-1301 (Chapter Repeal)</b> Notice of Rulemaking - Adoption of Pending Rule .....	25
08.01.06 - <i>Leveraging Education Assistance Partnership Program</i> Docket No. <b>08-0106-1301 (Chapter Repeal)</b> Notice of Rulemaking - Adoption of Pending Rule .....	26
08.01.09 - <i>Rules Governing the GEAR UP Idaho Scholarship Program</i> Docket No. <b>08-0109-1301</b> Notice of Rulemaking - Adoption of Pending Rule .....	27

08.01.12 - <i>Idaho Minority and “At-Risk” Student Scholarship Program</i>	
Docket No. <b>08-0112-1301 (Chapter Repeal)</b>	
Notice of Rulemaking - Adoption of Pending Rule .....	33
08.01.13 - <i>Rules Governing the Opportunity Scholarship Program</i>	
Docket No. <b>08-0113-1301</b>	
Notice of Rulemaking - Adoption of Pending Rule .....	34
08.02.01 - <i>Rules Governing Administration</i>	
Docket No. <b>08-0201-1302</b>	
Notice of Rulemaking - Adoption of Pending Rule .....	41
08.02.02 - <i>Rules Governing Uniformity</i>	
Docket No. <b>08-0202-1302</b>	
Notice of Rulemaking - Adoption of Pending Rule .....	43
Docket No. <b>08-0202-1303</b>	
Notice of Rulemaking - Adoption of Pending Rule .....	44
Docket No. <b>08-0202-1304</b>	
Notice of Rulemaking - Adoption of Pending Rule .....	45
Docket No. <b>08-0202-1305</b>	
Notice of Rulemaking - Adoption of Pending Rule .....	46
Docket No. <b>08-0202-1306</b>	
Notice of Rulemaking - Adoption of Pending Rule .....	48
Docket No. <b>08-0202-1307</b>	
Notice of Rulemaking - Adoption of Pending Rule .....	49
Docket No. <b>08-0202-1308</b>	
Notice of Rulemaking - Adoption of Pending Rule .....	50
08.02.03 - <i>Rules Governing Thoroughness</i>	
Docket No. <b>08-0203-1301</b>	
Notice of Rulemaking - Adoption of Pending Rule and Temporary Rule .....	51
Docket No. <b>08-0203-1303</b>	
Notice of Rulemaking - Adoption of Pending Rule .....	53
Docket No. <b>08-0203-1304</b>	
Notice of Rulemaking - Adoption of Pending Fee Rule .....	55
Docket No. <b>08-0203-1305</b>	
Notice of Rulemaking - Amendment to Temporary Rule .....	56
Docket No. <b>08-0203-1306</b>	
Notice of Rulemaking - Adoption of Pending Rule .....	62
Docket No. <b>08-0203-1307</b>	
Notice of Rulemaking - Adoption of Pending Rule .....	68
08.02.04 - <i>Rules Governing Public Charter Schools</i>	
Docket No. <b>08-0204-1301</b>	
Notice of Rulemaking - Adoption of Pending Rule .....	69

08.03.01 - <i>Rules of the Public Charter Schools Commission</i> Docket No. <b>08-0301-1301</b> Notice of Rulemaking - Adoption of Pending Rule .....	70
<b>IDAPA 14 - BOARD OF REGISTRATION FOR PROFESSIONAL GEOLOGISTS</b>	
14.01.01 - <i>Rules of Procedure of the Board of Registration for Professional Geologists</i> Docket No. <b>14-0101-1301</b> Notice of Rulemaking - Adoption of Pending Rule .....	71
<b>IDAPA 15 - OFFICE OF THE GOVERNOR MILITARY DIVISION - BUREAU OF HOMELAND SECURITY</b>	
15.06.03 - <i>Public Safety Communications Rules</i> Docket No. <b>15-0603-1301</b> Notice of Rulemaking - Adoption of Pending Rule .....	72
15.06.04 - <i>Rules Governing Idaho Youth Challenge Program</i> Docket No. <b>15-0604-1301 (New Chapter)</b> Notice of Rulemaking - Adoption of Pending Rule .....	73
15.13.01 - <i>Rules of the Idaho Emergency Response Commission</i> Docket No. <b>15-1301-1301 (Chapter Repeal)</b> Notice of Rulemaking - Adoption of Pending Rule .....	74
<b>IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE</b>	
16.07.33 - <i>Adult Mental Health Services</i> Docket No. <b>16-0733-1301</b> Notice of Rulemaking - Adoption of Pending Rule .....	75
<b>IDAPA 17 - INDUSTRIAL COMMISSION</b>	
17.02.09 - <i>Rules Governing Medical Fees</i> Docket No. <b>17-0209-1301</b> Notice of Rulemaking - Adoption of Pending Rule .....	76
<b>IDAPA 18 - DEPARTMENT OF INSURANCE</b>	
18.01.23 - <i>Rules Pertaining to the Idaho Insurance Holding Company System Regulatory Act</i> Docket No. <b>18-0123-1301</b> Notice of Rulemaking - Adoption of Pending Rule .....	77
18.01.50 - <i>Adoption of the International Fire Code</i> Docket No. <b>18-0150-1301</b> Notice of Rulemaking - Adoption of Pending Rule and Temporary Rule .....	78
<b>IDAPA 19 - STATE BOARD OF DENTISTRY</b>	
19.01.01 - <i>Rules of the Idaho State Board of Dentistry</i> Docket No. <b>19-0101-1301</b> Notice of Rulemaking - Adoption of Pending Fee Rule .....	84
<b>IDAPA 21 - DIVISION OF VETERANS SERVICES</b>	
21.01.02 - <i>Rules Governing Emergency Relief For Veterans</i> Docket No. <b>21-0102-1301</b> Notice of Rulemaking - Adoption of Pending Rule .....	87

21.01.08 - Rules Governing Veterans Recognition Fund Grant Program Docket No. <b>21-0108-1301 (New Chapter)</b> Notice of Rulemaking - Adoption of Pending Rule .....	88
<b>IDAPA 22 - BOARD OF MEDICINE</b>	
22.01.03 - Rules for the Licensure of Physician Assistants Docket No. <b>22-0103-1301</b> Notice of Rulemaking - Adoption of Pending Rule .....	89
22.01.13 - Rules for the Licensure of Dietitians Docket No. <b>22-0113-1301</b> Notice of Rulemaking - Adoption of Pending Rule .....	90
<b>IDAPA 23 - BOARD OF NURSING</b>	
23.01.01 - Rules of the Idaho Board of Nursing Docket No. <b>23-0101-1302</b> Notice of Rulemaking - Adoption of Pending Rule .....	91
<b>IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES</b>	
24.02.01 - Rules of the Board of Barber Examiners Docket No. <b>24-0201-1301</b> Notice of Rulemaking - Adoption of Pending Rule .....	92
24.04.01 - Rules of the Idaho Board of Cosmetology Docket No. <b>24-0401-1301</b> Notice of Rulemaking - Adoption of Pending Fee Rule .....	93
24.05.01 - Rules of the Board of Drinking Water and Wastewater Professionals Docket No. <b>24-0501-1302</b> Notice of Rulemaking - Adoption of Pending Fee Rule .....	94
24.06.01 - Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants Docket No. <b>24-0601-1301</b> Notice of Rulemaking - Adoption of Pending Rule .....	95
24.07.01 - Rules of the Idaho State Board of Landscape Architects Docket No. <b>24-0701-1301</b> Notice of Rulemaking - Adoption of Pending Fee Rule .....	96
24.08.01 - Rules of the State Board of Morticians Docket No. <b>24-0801-1301</b> Notice of Rulemaking - Adoption of Pending Rule .....	98
24.11.01 - Rules of the State Board of Podiatry Docket No. <b>24-1101-1301</b> Notice of Rulemaking - Adoption of Pending Fee Rule .....	99
24.13.01 - Rules Governing the Physical Therapy License Board Docket No. <b>24-1301-1301</b> Notice of Rulemaking - Adoption of Pending Rule .....	100
Docket No. <b>24-1301-1302</b> Notice of Rulemaking - Adoption of Pending Fee Rule .....	102

*24.14.01 - Rules of the State Board of Social Work Examiners*  
 Docket No. **24-1401-1301**  
 Notice of Rulemaking - Adoption of Pending Rule ..... 103

*24.18.01 - Rules of the Real Estate Appraiser Board*  
 Docket No. **24-1801-1301**  
 Notice of Rulemaking - Adoption of Pending Rule ..... 104

*24.25.01 - Rules of the Idaho Driving Businesses Licensure Board*  
 Docket No. **24-2501-1301**  
 Notice of Rulemaking - Adoption of Pending Rule ..... 105

*24.26.01 - Rules of the Idaho Board of Midwifery*  
 Docket No. **24-2601-1301**  
 Notice of Rulemaking - Adoption of Pending Fee Rule ..... 106

**IDAPA 27 - BOARD OF PHARMACY**

*27.01.01 - Rules of the Idaho State Board of Pharmacy*  
 Docket No. **27-0101-1207**  
 Notice of Rulemaking - Adoption of Pending..... 107

Docket No. **27-0101-1301**  
 Notice of Rulemaking - Adoption of Pending..... 109

Docket No. **27-0101-1302**  
 Notice of Rulemaking - Adoption of Pending..... 113

**IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION**

*31.01.01 - Rules of Procedure of the Idaho Public Utilities Commission*  
 Docket No. **31-0101-1301**  
 Notice of Rulemaking - Adoption of Pending Rule ..... 114

*31.71.03 - Railroad Safety and Accident Reporting Rules*  
 Docket No. **31-7103-1301**  
 Notice of Rulemaking - Adoption of Pending Rule ..... 115

**IDAPA 33 - REAL ESTATE COMMISSION**

*33.01.01 - Rules of the Idaho Real Estate Commission*  
 Docket No. **33-0101-1301**  
 Notice of Rulemaking - Adoption of Pending Rule ..... 116

**IDAPA 52 - IDAHO STATE LOTTERY COMMISSION**

*52.01.02 - Gaming Rules of the Idaho State Lottery Commission*  
 Docket No. **52-0102-1301**  
 Notice of Rulemaking - Adoption of Pending Rule ..... 117

**IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**

*The Coeur d’Alene Lake and River SBA and TMDL - 2013 Fernan Lake Addendum (HUC ID 17010303)*  
 Docket No. **58-0000-1309**  
 Notice of Final Decision..... 118

*58.01.02 - Water Quality Standards*  
 Docket No. **58-0102-1301**  
 Notice of Rulemaking - Proposed Rulemaking..... 119

**SECTIONS AFFECTED INDEX** ..... 129

**LEGAL NOTICE - SUMMARY OF PROPOSED RULEMAKINGS** ..... 131

**CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES** ..... 132

**SUBJECT INDEX** ..... 148

# 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 once proposed rulemaking procedures have 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 **11-1** refers to the first Bulletin issued in calendar year **2011**; Bulletin **12-1** refers to the first Bulletin issued in calendar year **2012**. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. **12-1** refers to January 2012; Volume No. **12-2** refers to February 2012; and so forth. Example: The Bulletin published in January 2011 is cited as Volume **11-1**. The December 2011 Bulletin is cited as Volume **11-12**.

## 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.

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 often engage in negotiated rulemaking at the beginning of the process to facilitate consensus building in controversial or complex rulemakings. In the majority of cases, the process begins with proposed rulemaking and ends with the final rulemaking. The following is a brief explanation of each type of administrative rule.



## **NEGOTIATED RULEMAKING**

Negotiated rulemaking is a process in which all interested 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) the text of the proposed rule prepared in legislative format;
- e) the location, date, and time of any public hearings the agency intends to hold on the proposed rule;
- f) 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;
- g) the manner in which persons may request an opportunity for an oral presentation as provided in Section 67-5222, Idaho Code; and
- h) 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 an immediate danger which justifies the imposition of the fee or charge.

A temporary rule expires at the conclusion of the next succeeding regular legislative session unless the rule is 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 yet 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 wholly or 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 “-”, (**38-0501-1201**). 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. 38-0501-1201”**

“**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**).

“**1201**” 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 2012**. A subsequent rulemaking on this same rule chapter in calendar year 2012 would be designated as “**1202**”. The docket number in this scenario would be 38-0501-**1202**.

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 2013**

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
13-1	January 2013	<b>*November 30, 2012</b>	January 2, 2013	January 23, 2013
13-2	February 2013	January 11, 2013	February 6, 2013	February 27, 2013
13-3	March 2013	February 8, 2013	March 6, 2013	March 27, 2013
13-4	April 2013	March 8, 2013	April 3, 2013	April 24, 2013
13-5	May 2013	April 5, 2013	May 1, 2013	May 22, 2013
13-6	June 2013	May 10, 2013	June 5, 2013	June 26, 2013
13-7	July 2013	June 7, 2013	July 3, 2013	July 24, 2013
13-8	August 2013	July 5, 2013	August 7, 2013	August 28, 2013
13-9	September 2013	August 9, 2013	September 4, 2013	September 25, 2013
13-10	October 2013	<b>**August 30, 2013</b>	October 2, 2013	October 23, 2013
13-11	November 2013	October 4, 2013	November 6, 2013	November 27, 2013
13-12	December 2013	November 8, 2013	December 4, 2013	December 25, 2013

**BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2014**

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
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

***\*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 Emergency Communications Commission (15.06) Emergency Response Commission (15.13)
<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>

<b>ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS</b>	
<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 02 - DEPARTMENT OF AGRICULTURE

### 02.06.09 - RULES GOVERNING INVASIVE SPECIES

DOCKET NO. 02-0609-1301

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 22-1907 Idaho Code.

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

The proposed rule amendments will add three definitions (“Energy Crop Invasive Species,” “Facility” and “Trap Crop Invasive Species.”); and create a method of application for Energy Crop Invasive Species, Possession/ Production Permits, as well as for Trap Crop Invasive Species Permits. The proposed rule will also remove the transport permit requirement for bullfrogs and extend transport permit validity to five (5) years for Exempt Species. It will also update scientific and common names and add hybrids of certain listed invasive species.

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 7, 2013 Idaho Administrative Bulletin, [Vol. 13-8, pages 16 through 28](#).

**IDAHO CODE SECTION 22-101A STATEMENT:** This rule does not regulate an activity not already regulated by the federal government, nor is it broader in scope or more stringent than the federal regulations.

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

ISDA does not anticipate any fiscal impact from the changes to be made to the Rule during the rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Matt Voile, Section Manger, (208) 332-8620.

DATED this 6th day of November, 2013.

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

**IDAPA 02 - DEPARTMENT OF AGRICULTURE**

**02.06.25 - RULES GOVERNING THE PLANTING OF BEANS,  
OTHER THAN *PHASEOLUS* SPECIES, IN IDAHO**

**DOCKET NO. 02-0625-1301 (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 2014 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section 22-2006, 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 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 22 through 28](#).

**IDAHO CODE SECTION 22-101A STATEMENT:** This rule does not regulate an activity not already regulated by the federal government, nor is it broader in scope or more stringent than the federal regulations.

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

This fee or charge is being imposed pursuant to Section 22-2006, Idaho Code, the Department proposes to charge a minimum of \$250.00 for laboratory analysis on a per sample basis. ISDA proposes to charge \$3.50 per acre for field inspections, with a \$50.00 minimum. These fees are consistent with the fee structure for laboratory analysis and the current Rules Governing the Planting of Beans (IDAPA 02.06.06). Based on recent acreages planted (<1,000 acres) we do not expect this rule to generate more than \$10,000 in dedicated funds per year. Charges for nematode and soil testing will be at the prevailing rates of those labs capable and approved by the Department for that testing.

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

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

DATED this 4th day of October, 2013.

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 05 - DEPARTMENT OF JUVENILE CORRECTIONS**

### **05.01.02 - RULES AND STANDARDS FOR SECURE JUVENILE DETENTION CENTERS**

**DOCKET NO. 05-0102-1301**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the end of legislative session unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 20-504(3) and 20-504(12), Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any 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 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 29 through 44](#).

**FISCAL IMPACT:** The following is a specific 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 impact on state general fund.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Sharon Harrigfeld, Director at (208) 334-5100 x.404.

DATED this October 4, 2013.

Sharon Harrigfeld, Director  
Idaho Department of Juvenile Corrections  
954 W. Jefferson, Boise, ID 83702  
PO Box 83720, Boise, ID 83720-0285  
Phone: (208) 334-5100  
FAX: (208) 334-5120

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

### **07.01.06 - RULES GOVERNING THE USE OF NATIONAL ELECTRICAL CODE**

**DOCKET NO. 07-0106-1301**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-1001 and 54-1006(5), Idaho Code.

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

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 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 45 through 48](#).

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

The adoption of the 2014 National Electrical Code is expected to cost DBS approximately \$5,000. This cost includes the cost of new code books and training associated with the implementation of the new code. Local jurisdictions will encounter similar costs.

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

DATED this 24th day of October, 2013.

Steve Keys  
Deputy Administrator - Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83720-0048  
Phone: (208) 332-8986  
Fax: 1-877-810-2840

**IDAPA 07 - DIVISION OF BUILDING SAFETY**  
**07.01.10 - RULES GOVERNING CERTIFICATION AND APPROVAL**  
**OF ELECTRICAL PRODUCTS AND MATERIALS**

**DOCKET NO. 07-0110-1301**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-1001 and 54-1006(5), Idaho Code.

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

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 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 49 through 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:

No impact to the general or dedicated funds. Positive impact through cost savings is expected for those who may install non-listed industrial machinery through the use of a field evaluation process that includes the ability to utilize a professional engineer.

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

DATED this 24th day of October, 2013.

Steve Keys  
Deputy Administrator - Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83720-0048  
Phone: (208) 332-8986  
Fax: 1-877-810-2840

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

### **07.05.01 - RULES OF THE PUBLIC WORKS CONTRACTORS LICENSE BOARD**

**DOCKET NO. 07-0501-1301**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-1907 and 54-1910, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any 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 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, 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: N/A

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

DATED this 24th day of October, 2013.

Steve Keys  
Deputy Administrator - Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83720-0048  
Phone: (208) 332-8986  
Fax: 1-877-810-2840

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

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

**DOCKET NO. 07-0701-1301**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-5001, 54-5004(1) and 54-5005(2), Idaho Code.

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

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 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 56 through 60](#).

**FISCAL IMPACT:** The following is a specific 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 impact to the general fund; some increased short-term costs to the Division and jurisdictions enforcing the codes for obtaining new code materials and training of inspectors. No significant additional costs to the industry of conformance with the new editions of the codes 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, at (208) 332-8986.

DATED this 24th day of October, 2013.

Steve Keys  
Deputy Administrator - Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83720-0048  
Phone: (208) 332-8986  
Fax: 1-877-810-2840



# IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

## 08.01.05 - IDAHO PROMISE SCHOLARSHIP PROGRAM

### DOCKET NO. 08-0105-1301 (CHAPTER REPEAL)

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-105, and Title 33, Chapter 43, Idaho Code.

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

During the 2013 Legislature SB 1027 was passed consolidating the majority of the state run scholarship programs. The proposed change repeals this entire Chapter of Administrative Rule.

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 7, 2013 Idaho Administrative Bulletin, [Vol. 13-8, page 42](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Tracie Bent at (208)332-1582, or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

DATED this 8th Day of November, 2013.

Tracie Bent, Chief Planning & Policy Officer  
Idaho State Board of Education  
650 W State Street  
PO Box 83720  
Boise, Idaho 83720-0037  
Phone: (208)332-1582  
Fax: (208)3342632

# **IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION**

## **08.01.06 - LEVERAGING EDUCATION ASSISTANCE PARTNERSHIP PROGRAM**

### **DOCKET NO. 08-0106-1301 (CHAPTER REPEAL)**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-105, Idaho Code, and Title IV, Part a, Subpart 4 of the Higher Education Act of 1955.

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

During the 2013 Legislature SB 1027 was passed consolidating the majority of the state run scholarship programs. The proposed change repeals this entire Chapter of Administrative Rule, bringing it into alignment with the changes made to statute.

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 7, 2013 Idaho Administrative Bulletin, [Vol. 13-8, page 43](#).

**FISCAL IMPACT:** The following is a specific 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 Tracie Bent at (208)332-1582, or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

DATED this 8th Day of November, 2013.

Tracie Bent, Chief Planning & Policy Officer  
Idaho State Board of Education  
650 W State Street  
PO Box 83720  
Boise, Idaho 83720-0037  
Phone: (208)332-1582  
Fax: (208)3342632

# IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

## 08.01.09 - RULES GOVERNING THE GEAR UP IDAHO SCHOLARSHIP PROGRAM

DOCKET NO. 08-0109-1301

### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

During the 2013 Legislature SB 1027 was passed consolidating the majority of the state run scholarship programs. As part of the review and evaluation process prior to the consolidation of the state funded scholarships, it was discovered that there were some technical errors contained in the Administrative rule governing the GEARUP Scholarship program. The GEARUP Scholarship is available to students who participated in the GEARUP program's early intervention component in grades 7 through 10. Specific changes include clarifying the definition of Educational Costs, when a student may apply, aligning the application date with the timeframe students complete the FAFSA, and removing unnecessary language regarding the reassignment of funds.

The amendments made to the proposed rule are to provide additional clarity to the initial application process, the selection of recipients, and continuing eligibility requirements.

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 7, 2013 Idaho Administrative Bulletin, [Vol. 13-8, pages 44 through 50](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Tracie Bent at (208)332-1582, or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

DATED this 8th Day of November, 2013.

Tracie Bent, Chief Planning & Policy Officer  
Idaho State Board of Education  
650 W State Street  
PO Box 83720  
Boise, Idaho 83720-0037  
Phone: (208)332-1582  
Fax: (208)3342632

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DOCKET NO. 08-0109-1301 - 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 13-8, August 7, 2013, pages 44 through 50.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2014 Idaho State Legislature.

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FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE FOR DOCKET NO. 08-0109-1301

*[Section 010 - entire section is being reprinted]*

**010. DEFINITIONS.**

~~**01. Dependable Strengths Report.** A tool available on the Idaho Career Information System that assists students in assessing skills and abilities as they relate to career choices and options. Dependable Strengths is accessed via My CIS Portfolio. (3-29-12)~~

**02. Educational Costs.** Student costs for tuition, fees, room and board, or expenses related to reasonable commuting, books and other expenses reasonably related to attendance a postsecondary educational institution. This cost is determined by the postsecondary institution the student attends and is the institution's published cost of attendance for the academic year for which the student is attending. (3-29-12)( )

**03. Eligible Institution.** (3-29-12)

a. A public postsecondary educational institution governed or supervised by the Board, or a board of trustees of a community college established pursuant to the provisions of Chapter 21, Title 33, Idaho Code; or (3-29-12)

b. Any educational organization located in Idaho that is: (3-29-12)

i. Operated privately; and (3-29-12)( )

ii. Classified as not-for-profit under ~~the~~ Idaho Code; and (3-29-12)( )

iii. Under the control of an independent board and not directly controlled or administered by a public or political subdivision; and (3-29-12)

iv. Accredited by an organization recognized by the Board, as provided in section 33-2402, Idaho Code. (3-29-12)

v. Eligible for receipt of federal financial aid funding. (3-29-12)

**04. Eligible Student.** A student who: (3-29-12)

a. Is an Idaho resident, as defined in Section 33-3717B or 33-2110B, Idaho Code, as applicable to the institution the student is applying to, and who has participated in the early intervention component (7th through 10th grade) of the GEAR UP Idaho program and who has or will graduate from an accredited high school or equivalent in Idaho as determined by the Board in 2012, 2013, or 2014; (3-29-12)( )

b. Has enrolled or applied as a full-time student in an eligible institution for a minimum of twenty-four (24) credit hours in an academic year. (3-29-12)

~~054.~~ **Administrator.** The Executive Director of the Idaho State Board of Education or his designee. (3-29-12)

**[Section 101 - entire section is being printed]**

**101. ELIGIBILITY.**

**01. Eligible Student.** An applicant must be ~~an eligible student and~~ less than twenty-two (22) years of age at the time the student first receives a scholarship award. (3-29-12)( )

**02. Undergraduate Student.** An ~~eligible student~~ applicant must be enrolled full-time in an undergraduate program at an eligible institution. A student enrolled in an undergraduate program is eligible for consideration for a scholarship award, even if some of the student's courses are at the graduate level. (3-29-12)( )

**[Section 200 - entire section is being reprinted]**

**200. APPLICATION PROCESS.**

**01. Initial Applications.** (3-29-12)

a. An ~~eligible student who has not yet graduated from an accredited high school or its equivalent in the state of Idaho~~ applicant must complete and submit the GEAR UP Idaho Scholarship Application to the Board electronically on or before the date specified in the application, but not later than ~~January 15th~~ March 1 of the year the student will graduate from a secondary school or its equivalent. An applicant without electronic capabilities may receive assistance in completing the electronic application from a high school counselor or from State Board of Education scholarship staff ~~and~~. The application may also be submitted to the GEAR UP Idaho Scholarship Administrator through the United States Postal Service, which must be postmarked not later than ~~January 15th~~ March 1. (3-29-12)( )

b. An applicant must complete and submit the Free Application for Federal Student Aid (FAFSA) on or before ~~February 15th~~ March 1 of the year student will graduate from secondary school or its equivalent. (3-29-12)( )

~~e. An applicant must submit with his or her application a copy of the applicant's Dependable Strengths Report or in lieu of submitting the applicant's Dependable Strengths Report an applicant may submit a one-page essay on the topic "My Unique Dependable Strengths."~~ (3-29-12)

**02. Announcement of Award.** Announcement of ~~the award of initial scholarships for the 2012-2013 academic year will be made no later than May 15, 2012, with awards to be effective at the beginning of that academic year. The announcement of award recipients in future academic years~~ recipients will be made no later than May 1. (3-29-12)( )

**03. Communication with State Officials.** Applicants ~~for initial scholarships~~ must respond by the date specified to any communication from officials of the GEAR UP Idaho Program by the date specified. Failure to

respond within the time period specified will result in cancellation of the application or forfeiture of the scholarship *unless extenuating circumstances are involved.* (3-29-12)(    )

**[Section 300 - entire section is being reprinted]**

**300. SELECTION ~~OF SCHOLARSHIP RECIPIENTS~~ CRITERIA.**

*Applications will be reviewed and awards selected based on financial need, hours of participation in the GEAR UP program and academic preparation based on a combination of the ACT score and cumulative high school grade point average (GPA). Priority will be given to applicants who are eligible to receive Pell grant funding, as determined by the Free Application for Federal Student Aid (FAFSA).* (3-29-12)

**01. Academic Eligibility.** (3-29-12)

**a.** Applicants for the GEAR UP Idaho scholarship are ~~selected~~ granted as recipients, in part, on the basis of their academic performance. The ~~student~~ applicant's ~~high school GPA and~~ ACT composite ~~or SAT combined reading and math~~ score are ~~weighed equally~~ used to determine an applicant's academic rank. (3-29-12)(    )

**b.** The academic ranking constitutes twenty percent (20%) of the selection ranking. (3-29-12)

~~**c.** Grade point average (GPA). An eligible student's unweighted GPA will be used to determine the GPA value.~~ (3-29-12)

~~**d.** ACT Composite or SAT combined reading and math Score. Academic applicants must take the ACT or SAT reading and math exam. The highest composite score from any single test administration taken prior to the application deadline of January 15 will be considered. *Applicants will be ranked against other applicants based upon the ACT composite score.*~~ (3-29-12)(    )

**02. Financial Eligibility.** (3-29-12)

**a.** Applicants for GEAR UP Idaho scholarship are selected as recipients, in part, on the basis of demonstrated financial need. The ~~primary~~ tool ~~that will be~~ used ~~by the GEAR UP Scholarship Program officials~~ to determine financial need will be the ~~federal~~ FAFSA, used by the United States Department of Education ~~to determine eligibility for financial aid and an expected family's contribution (EFC) to a student's postsecondary education.~~ The financial need of an applicant for a GEAR UP scholarship will be based upon the validated expected family contribution, as identified by the FAFSA Student Aid report. (3-29-12)(    )

**b.** The financial need factor, as determined by FAFSA, will constitute sixty percent (60%) of the weighting for the selection of recipients of GEAR UP scholarships. (3-29-12)

**03. Participation Eligibility.** (3-29-12)

**a.** Applicants for GEAR UP Idaho scholarships must have attended or is attending a school participating in the GEAR UP Idaho program and are selected in part on the basis of their participation in GEAR UP activities. (3-29-12)(    )

~~**b.** Participation is reported in hours. Participation is determined based upon the hours a GEAR UP applicant participated in available GEAR UP early intervention program activities offered at their school. Applicants will be compared to other applicants from the same school. GEAR UP participation hours shall be provided by the GEAR UP school the student participated in.~~ (3-29-12)(    )

~~**c.** The participation factor ~~will~~ shall constitute twenty percent (20%) of the selection ranking.~~ (3-29-12)(    )

400. GEAR UP IDAHO SCHOLARSHIP AWARD.

*[Subsection 400.01 through Paragraph 400.02.c.]*

01. **Distribution.** GEAR UP Idaho scholarships will be awarded at each ~~GEAR UP~~ school that has participated in the GEAR UP Idaho program, with distribution based on school population in relation to the over-all state GEAR UP population. (3-29-12)(    )

02. **Monetary Value of the Gear Up Idaho Scholarship.** (3-29-12)

a. The monetary value of the GEAR UP Idaho scholarship award ~~to a student is set at the maximum amount of the Federal Pell Grant as established by the Federal government for the given year~~ shall be determined based on a student's financial need, academic merit, and participation factor. (3-29-12)(    )

b. If the applicant is awarded a Pell Grant, the minimum award shall not be less than the applicant's Pell Grant award. (    )

bc. The total amount of financial aid from all sources shall not exceed the student's total educational costs. (3-29-12)

600. MISCELLANEOUS PROVISIONS.

*[Subsection 600.01]*

~~01- **Interruption of Enrollment.** A scholarship recipient who requests to take leave from and interrupt enrollment at an eligible institution must submit a letter of intent to interrupt continuous enrollment to the GEAR UP Idaho administrator no later than sixty (60) days prior to the first day of the academic term of the discontinued attendance. Requests can only be made after the completion of one (1) full academic year. Failure to do so may result in forfeiture of any continuing scholarship eligibility. The administrator will review each request for interruption and notify the individual of approval or denial of the request. In addition, the individual must file a statement with the administrator declaring his intent to re-enroll as a full-time undergraduate student at an eligible institution for the succeeding academic year no later than thirty (30) days prior to the first day of the academic term in which the individual intends to re-enroll. If a leave request is granted, the total time that the scholarship will be available to the student shall not exceed the four (4) academic years immediately following the student's graduation from secondary school or its equivalent. A scholarship recipient whose continuous enrollment is interrupted for more than four (4) months for any reason but who intends to re-enroll in an eligible Idaho postsecondary educational institution must file a letter of intent to interrupt continuous enrollment no later than sixty (60) days prior to the first day of the academic term of the discontinued attendance. Failure to do so may result in forfeiture of the scholarship. The Board will review each request for interruption and notify the individual of approval or denial of the request. In addition, the individual must file a statement with the Board declaring his intent to re-enroll as a full-time undergraduate student in an academic or professional-technical program in an eligible Idaho postsecondary educational institution for the succeeding academic year no later than thirty (30) days prior to the first day of the academic term in which the individual intends to re-enroll. An extension of interruption of continuous enrollment period may be granted for eligible students due to military service in the United States armed forces, medical circumstances, or other circumstances approved by the state board of education's executive director. All requests for extension must be made sixty (60) days prior to the start of the succeeding academic year.~~ (3-29-12)(    )

700. RESPONSIBILITIES OF ELIGIBLE IDAHO POSTSECONDARY EDUCATIONAL INSTITUTIONS.

*[Subsection 700.01]*

**01. Statements of Continuing Eligibility.** An eligible institution participating in this GEAR UP Idaho Scholarship Program must submit statements of continuing student eligibility to the ~~GEAR UP Idaho~~ administrator by the 30th day after the end of each academic term. Such statements must include verification that the scholarship recipient is still enrolled, attending full time, maintaining satisfactory academic progress, and has not exceeded the award eligibility terms. ~~(3-29-12)~~ ( )



**IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION**

**08.01.12 - IDAHO MINORITY AND "AT-RISK" STUDENT SCHOLARSHIP PROGRAM**

**DOCKET NO. 08-0112-1301 (CHAPTER REPEAL)**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, and 33-4606, Idaho Code.

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

During the 2013 Legislature SB 1027 was passed consolidating the majority of the state run scholarship programs. The proposed change repeals this entire section of Administrative Rule, bringing it into alignment with the changes made to statute.

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 7, 2013 Idaho Administrative Bulletin, [Vol. 13-8, page 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: None.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Tracie Bent at (208)332-1582, or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

DATED this 8th Day of November, 2013.

Tracie Bent, Chief Planning & Policy Officer  
Idaho State Board of Education  
650 W State Street  
PO Box 83720  
Boise, Idaho 83720-0037  
Phone: (208)332-1582  
Fax: (208)3342632

# IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

## 08.01.13 - RULES GOVERNING THE OPPORTUNITY SCHOLARSHIP PROGRAM

DOCKET NO. 08-0113-1301

### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-105, and Title 33, Chapter 46, Idaho Code.

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

During the 2013 Legislature SB 1027 was passed consolidating the majority of the state run scholarship programs. The proposed changes will bring the rule into alignment with the amended sections of Idaho Code. Specific changes include removing redundant language that is contained in Idaho Code, clarifying residency for tuition purposes, student eligibility, academic eligibility, and streamlining the renewal application process.

The amendments have been made to the academic eligibility and continuing eligibility requirements for applicants, and the deadline for submitting applications. Clarifying language was added to specify that the grade point average used shall be the cumulative grade point average and how the monetary value of the award will be calculated.

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 7, 2013 Idaho Administrative Bulletin, [Vol. 13-8, page 52 through 60](#).

**FISCAL IMPACT:** The following is a specific 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 Tracie Bent at (208)332-1582, or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

DATED this 8th Day of November, 2013.

Tracie Bent, Chief Planning & Policy Officer  
Idaho State Board of Education  
650 W State Street  
PO Box 83720  
Boise, Idaho 83720-0037  
Phone: (208)332-1582  
Fax: (208)3342632

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DOCKET NO. 08-0113-1301 - 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 13-8, August 7, 2013, pages 52 through 60.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2014 Idaho State Legislature.

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FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE FOR DOCKET NO. 08-0113-1301

010. DEFINITIONS.

*[Subsection 010.01]*

~~051.~~ **Grade Point Average (GPA).** Means the average grade earned by a student, figured by dividing the grade points earned by the number of credits attempted. (4-2-08)(    )

*[Section 101 - entire section is being reprinted]*

101. ELIGIBILITY.

~~01. **Idaho Resident.** An eligible student must be an Idaho resident, as defined in Section 33-3717, Idaho Code, and IDAPA 08.01.04, "Residency Classification," Subsection 005-01. (4-2-08)~~

~~021.~~ **Undergraduate Student.** An eligible student must be pursuing ~~an~~ their first undergraduate certificate or degree, ~~certificate, or diploma.~~ A student may have received multiple certificates or degrees as part of the natural progression towards a recognized baccalaureate degree program. A student who is enrolled in a graduate program, but who has not yet earned a baccalaureate degree, is not eligible for an opportunity scholarship. A student enrolled in an undergraduate program is eligible for consideration for an opportunity scholarship, even if some of the student's courses are at the graduate level. (4-2-08)(    )

~~032.~~ **Academic Eligibility.** (4-2-08)

a. Applicants for the opportunity scholarship are selected as recipients, in part, on the basis of their cumulative GPA. ~~An eligible student's GPA will constitute thirty percent (30%) of the weighting for the selection of recipients of opportunity scholarships. (4-2-08)(    )~~

b. To be eligible ~~to apply~~ for an opportunity scholarship, an applicant must meet minimum academic eligibility criteria, as follows: (4-2-08)(    )

i. A student who has not yet graduated from secondary school or its equivalent in the state of Idaho

must have an un-weighted minimum cumulative grade point of average of three point zero (3.0) or better on a scale of four point zero (4.0) to be ~~academically~~ eligible to apply for an opportunity scholarship. Home schooled students must provide a transcript of subjects taught and grades received signed by the parent or guardian of the student. (4-2-08)( )

ii. A student who has obtained a general equivalency diploma must have taken the ACT assessment ~~examination administered by the College Board (ACT)~~, and received a minimum composite score of twenty (20) or better, or the equivalent SAT ~~I~~ assessment examination (SAT I) with an equivalent weighted score and received a nine hundred fifty (950) or better. (4-2-08)( )

iii. A student currently enrolled in an eligible Idaho postsecondary educational institution must have a minimum cumulative grade point average of ~~two~~ three point zero (23.0) or better on a scale of four point zero (4.0) at such institution in order to be academically eligible to apply for an opportunity scholarship. (4-2-08)( )

~~e. The following additional criteria shall be used to determine an eligible student's GPA:~~ (4-2-08)

~~i. A student who has not yet graduated from secondary school and who has earned more than twelve (12) credits of postsecondary academic credit for purposes of academic eligibility, the student's GPA shall be the higher of his or her secondary school GPA, or his or her postsecondary GPA, weighted to equalize secondary and postsecondary academic performance.~~ (4-2-08)

~~ii. A student who has obtained a general equivalency diploma for purposes of academic eligibility, such student's GPA will be determined by the student's ACT score, equalized to reflect a secondary school GPA.~~ (4-2-08)

~~iii. A student currently enrolled in an eligible Idaho postsecondary educational institution for purposes of academic eligibility, such student's GPA will be weighted to equalize secondary and post secondary academic performance.~~ (4-2-08)

**043. Financial Eligibility.** (4-2-08)

~~a.~~ Applicants for the opportunity scholarship are selected as recipients, in part, on the basis of demonstrated financial need. The ~~primary~~ tool ~~that will be used by Opportunity Scholarship Program officials~~ to determine financial need will be the ~~federal~~ Free Application for Federal Student Aid (FAFSA), used by the United States Department of Education ~~to determine eligibility for financial aid and a family's expected contribution to a student's postsecondary education.~~ The financial need of an applicant for an opportunity scholarship will be based upon the validated expected family contribution, as identified by the FAFSA Student Aid report. The Student Aid report used to calculate financial need will be the report generated on the March 1 application deadline. (4-2-08)( )

~~b. The financial need factor, as determined by FAFSA, will constitute seventy percent (70%) of the weighting for the selection of recipients of opportunity scholarships.~~ (4-2-08)

**054. Additional Eligibility Requirements.** (4-2-08)

~~a. A student who has not yet graduated from high school, or its equivalent, in the state of Idaho must be at least in his junior year to be eligible to apply for an opportunity scholarship.~~ (4-2-08)

~~b. To be eligible to receive an opportunity scholarship, an eligible student must:~~ (4-2-08)

~~i. Have taken the ACT assessment examination, or the equivalent SAT I assessment examination, or the Writing Skills, Reading Skills, and Algebra areas of the ACT-Compass examination;~~ (4-2-08)

~~ii. Be enrolled full-time in an eligible Idaho postsecondary educational institution; and~~ (4-2-08)

~~iii. Be pursuing an undergraduate degree, certificate, or diploma.~~ (4-2-08)

~~e.~~ *A student must accept all federal grant aid that is made available to such student to be eligible to receive an Idaho opportunity scholarship.* (4-2-08)

~~da.~~ *To be eligible to receive an opportunity scholarship, the A student must not be in default on a student educational loan, or owe a repayment on a federal grant, and must be in good financial standing with the opportunity scholarship program.* (4-2-08)( )

~~eb.~~ If a student has attempted or completed more than one hundred (100) postsecondary academic credits, then such student must identify his or her major, the required number of credits necessary for graduation in such major, and shall submit an academic transcript that contains all courses taken and all postsecondary academic credit received to the Board office. A student shall not be eligible for an opportunity scholarship if: (4-2-08)( )

i. The student is not meeting satisfactory academic progress at the eligible Idaho postsecondary educational institution the student is attending at the time he or she applies for an opportunity scholarship; (4-2-08)

ii. The student has completed more than one hundred fifty percent (150%) of the courses and academic credit necessary to graduate in such major; or (4-2-08)

iii. ~~The student is not within two (2) semesters of graduation in such major;~~ Upon review of the student's academic transcript(s), the student cannot complete their degree/certificate in the major they have identified within two (2) semesters based on normal academic course load. (4-2-08)( )

~~06. Student Responsibility. The Board will, by resolution each year, establish the annual amount of the expected student contribution toward his education through employment or other contributions (student responsibility). It is expected that a student will contribute an amount equal to a student working a minimum of twenty (20) hours per week during the time that a postsecondary educational institution is in session, and a minimum of forty (40) hours per week during the summer recess. This expectation will be one (1) of the factors the Board will use to set the amount of student responsibility. The Board may consider other factors as well, such as summer living expenses, and transition time between the academic year and the summer, as examples.~~ (4-2-08)

[Section 202 - entire section is being reprinted]

202. APPLICATION PROCESS ~~(EFFECTIVE JANUARY 1, 2008).~~

01. Initial Applications. (4-2-08)

~~a.~~ An eligible student ~~who has not yet graduated from an accredited high school or its equivalent in the state of Idaho~~ must complete and submit the opportunity scholarship program application to the Board electronically on or before the date specified in the application, but not later than March 1. An applicant without electronic capabilities may submit an application on the form established by the Board through the United States Postal Service, which must be postmarked not later than March 1. ~~An applicant who is in his junior year must complete and submit the FAFSA 4easter on or prior to March 1 of their junior year.~~ All applicants must complete and submit the FAFSA on or prior to March 1 of his last year of secondary school ~~(including applicants who were secondary school juniors that previously submitted the FAFSA 4easter).~~ An applicant without electronic capabilities may submit an application on the form established by the Board through the United States Postal Service, which must be postmarked by March 1. (4-2-08)( )

~~b.~~ An eligible student currently enrolled in an eligible Idaho postsecondary educational institution ~~must complete and submit the Opportunity Scholarship Program application to the Board electronically on or before the date specified in the application, but not later than March 1. An applicant without electronic capabilities may submit an application on the form established by the Board through the United States Postal Service, which must be postmarked by March 1. A current postsecondary educational institution student must complete and submit the FAFSA on or prior to March 1.~~ (4-2-08)

02. **Announcement of Award.** Announcement of the award of initial scholarships will be made no later than ~~the first business day after~~ June 15 of each year, with awards to be effective at the beginning of the first full term following July 1 of that year. Announcements must clearly state the award is part of the state's scholarship program and is funded through state appropriated funds. (4-2-08)(    )

03. **Communication with State Officials.** Applicants ~~for either initial or continuing scholarships~~ must respond by the date specified in any communication from officials of the opportunity scholarship program. Failure to respond within the time period specified will result in cancellation of the application or forfeiture of the scholarship unless extenuating circumstances are involved and approved by the state board of education executive director or designee. (4-2-08)(    )

**[Section 300 - entire section is being reprinted]**

**300. SELECTION OF SCHOLARSHIP RECIPIENTS.**

01. **Selection Process.** ~~The selection of applicants for the receipt of an opportunity s~~Scholarship awards will be based on the availability of ~~funding for the Opportunity~~ scholarship program funds. In addition, opportunity scholarships will be awarded to applicants, based on ranking and priority, in accordance with the following criteria: (4-2-08)(    )

a. ~~Applicants will be ranked to determine the eligible students with the greatest demonstrated financial need, based on the financial eligibility requirements of these rules. Then, e~~Eligible students shall be selected based on rating criteria that assigns seventy percent (70%) to financial eligibility, and thirty percent (30%) to academic eligibility. In the event that this weighted score results in a tie, an eligible student who submitted his application to the Board earliest in time will be assigned a higher rank. (4-2-08)(    )

b. Notwithstanding Subsection 300.01.a. of these rules, the priority for the selection of recipients of opportunity scholarship awards shall be to scholarship recipients who received a previous opportunity scholarship award, and have continuing eligibility based upon financial need and other criteria provided in these rules. (4-2-08)

02. **Monetary Value of the Opportunity Scholarship.** (4-2-08)

a. The Board will, by resolution each year, ~~establish the maximum annual amount that a student may receive under the Opportunity Scholarship Program. In addition, the Board will, by resolution each year,~~ establish the educational costs for attending an eligible Idaho postsecondary educational institution for purposes of the opportunity scholarship program. The educational costs will be established as a not to exceed amount for each eligible Idaho postsecondary educational institution. (4-2-08)(    )

b. The monetary value of the opportunity scholarship award to a student shall be based on the educational costs for attending an eligible Idaho postsecondary educational institution, less the following: (4-2-08)

i. The amount of the assigned student responsibility, established by the Board annually; (4-2-08)

ii. The amount of federal grant aid, as identified by the ~~federal~~ Student Aid Report (SAR) that is known at the time of award determination; (4-2-08)(    )

iii. The amount of other financial aid awarded the student, from private or other sources that is known at the time of award determination. (4-2-08)(    )

c. The amount of an opportunity scholarship award to an individual student shall not exceed the ~~maximum amount~~ educational cost established by the Board annually, and shall not exceed the actual cost of tuition at an Idaho public postsecondary educational institution, or if the student attends or will attend an Idaho private postsecondary educational institution, the average tuition ~~or matriculation fees~~ at Idaho's public four (4) year postsecondary educational institutions. (4-2-08)(    )



*[Section 302 - entire section is being reprinted]*

**302. CONTINUING ELIGIBILITY.**

To remain eligible for renewal of an opportunity scholarship, the recipient must comply with all of the provisions of the Opportunity Scholarship Program and these rules, in addition to the following requirements: (4-2-08)

**01. Renewal Application.** A scholarship recipient must complete and submit a renewal application in order to be considered for a continuing scholarship for each succeeding year. ~~A completed application for the renewal of an opportunity scholarship must be submitted to the Board electronically by the date established on the application, but not later than January 31. An applicant without electronic capabilities may submit an application on the form established by the Board through the United States Postal Service, which must be postmarked not later than January 31. In addition, a scholarship recipient must~~ and update and submit the FAFSA on or prior to March 1. (4-2-08)( )

**02. Credit Hours.** To remain eligible for renewal of an opportunity scholarship, the scholarship recipient attending a four (4) year eligible postsecondary institution must have completed a minimum of twelve (12) credit hours or its equivalent each semester that the student received an opportunity scholarship award. A scholarship recipient attending a two (2) year eligible postsecondary institution must have completed a minimum of nine (9) credit hours or its equivalent each semester that the student received an opportunity scholarship award. (4-2-08)( )

**03. Satisfactory Academic Progress.** To remain eligible for renewal of an opportunity scholarship, the scholarship recipient must have maintained a minimum cumulative grade point average of ~~two~~ three point zero (2.3.0) on a scale of four point zero (4.0) during the time that the recipient received an opportunity scholarship award, and must be maintaining satisfactory academic progress, consistent within federal financial regulations as implemented at the eligible Idaho postsecondary educational institution at which the scholarship recipient was enrolled. (4-2-08)( )

**04. Maximum Duration of Scholarship Award.** The award of an opportunity scholarship shall not exceed the equivalent of eight (8) semesters or the equivalent of four (4) academic years. (4-2-08)( )

**05. Eligibility Following Interruption of Continuous Enrollment.** A scholarship recipient whose continuous enrollment is interrupted for more than four (4) months but less than two (2) years for any reason but who intends to re-enroll in an eligible Idaho postsecondary educational institution must file a letter of intent to ~~interrupt continuous enrollment~~ withdraw no later than sixty (60) days prior to the first day of the academic term of the discontinued attendance to the Office of the State Board of Education. Failure to do so may result in forfeiture of the scholarship. The Board's Executive Director will review each request for interruption and notify the individual of approval or denial of the request. In addition, the individual must file a statement with the Board declaring his intent to re-enroll as a full-time undergraduate student in an academic or professional-technical program in an eligible Idaho postsecondary educational institution for the succeeding academic year no later than thirty (30) days prior to the first day of the academic term in which the individual intends to re-enroll within two (2) years of the approval of the request to withdraw. Failure to do so will result in forfeiture of the scholarship unless an extension has been granted. An extension of interruption of continuous enrollment period may be granted for eligible students due to military service in the United States armed forces, medical circumstances, or other circumstances approved by the state board of education's executive director. All requests for extension must be made sixty (60) days prior to the start of the succeeding academic year. (4-2-08)( )

**400. RESPONSIBILITIES OF ELIGIBLE IDAHO POSTSECONDARY EDUCATIONAL INSTITUTIONS.**

**01. Statements of Continuing Eligibility.** An eligible Idaho postsecondary educational institution participating in this Opportunity Scholarship Program must submit statements of continuing student eligibility to the Board by the 30th day after the end of each academic term. Such statements must include verification that the

scholarship recipient is still enrolled, attending full time, maintaining satisfactory academic progress, and has not exceeded the award eligibility terms. (4-2-08)( )

**02. Other Requirements.** An eligible Idaho postsecondary educational institution must: (4-2-08)

**a.** Be eligible to participate in Federal Title IV financial aid programs, and must supply documentation to the Board verifying this eligibility, and prompt notification regarding any changes in this status; (4-2-08)

**b.** Have the necessary administrative computing capability to administer the Opportunity Scholarship Program on its campus, and electronically report student data records to the Board; (4-2-08)

**c.** Provide data on student enrollment and federal, state, and private financial aid for students to the Board, and (4-2-08)

*[Proposed New Paragraph 400.02.d. has been withdrawn]*

**d.** Agree to permit periodic Opportunity Scholarship Program audits to verify compliance with Idaho law and these rules related to the program. (4-2-08)

*[Section 401 through (RESERVED) Section 500]*

~~401. ADMINISTRATION.~~

~~The Board is responsible for:~~

~~(4-2-08)~~

~~**a.** Releasing any public information regarding the Opportunity Scholarship Program;~~ (4-2-08)

~~**b.** Determination of scholarship recipients;~~ (4-2-08)

~~**c.** Determination of procedures for payment of scholarships to recipients;~~ (4-2-08)

~~**d.** Maintaining fiscal controls and accounting procedures;~~ (4-2-08)

~~**e.** Preparing annual reports as required, and~~ (4-2-08)

~~**f.** Authorizing release of all forms, affidavits, and certification necessary for the operation of the program.~~ (4-2-08)

~~402~~. -- 500. (RESERVED)

*[Section 501 subtext]*

**501. APPEALS.**

Any opportunity scholarship applicant or recipient adversely affected by a decision made under provisions of these rules may appeal such adverse decision as follows. The opportunity scholarship applicant or recipient must appeal no later than thirty (30) days following notice of the decision, and the written statement must include a statement of the reason the opportunity scholarship applicant or recipient believes the decision should be changed the basis for the appeal. The appeal must be submitted to the President executive director of the Board. The office of the board must shall acknowledge receipt of the appeal within seven (7) days. The President executive director of the Board may or may not agree to review the action, or may appoint a subcommittee of three (3) persons to hear the appeal, including at least one (1) financial aid administrator at an eligible postsecondary educational institution in Idaho.

(4-2-08)( )



# IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

## 08.02.01 - RULES GOVERNING ADMINISTRATION

DOCKET NO. 08-0201-1302

### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

IDAPA 08.02.01, Section 650 sets out the requirements for students who have not completed high school to take the GED® Assessment or earn their High School Equivalency Certificate. The GED® Testing Service is a collaboration between the American Council on Education (ACE) and Pearson. In 2011 they started an initiative to redo the GED test and bring it into alignment with 21st Century Skills Initiative. The new exam will be given starting in January of 2014. Previously the GED Testing Service was a program of ACE, who developed, delivered, and safeguarded the GED test. The exam was only administered through state entities, the US military, and federal correctional institutions. In Idaho the Division of Professional-Technical Education manages/administers the program and public schools and institutions were authorized to administer the exam. The new GED Testing Service will be a partnership between ACE and Pearson, the exam will become a completely on-line exam and will be allowed to also be administered by private higher education institutions as well. This is a change at the national level made by the company who owns the rights to the GED assessment. The proposed changes would divide the section on GED testing from the high school equivalency section more clearly, specify that state set's the fee currently being paid by each individual who takes the GED exam (not the private institution administering the exam), clarifies that the minimum score to pass the exam is set by the GED Testing Service, removes the requirement that test takers have to be Idaho residents, and requires that test takers show proof of identification using government issued identification.

The amendments made to the proposed rule adds the new cut scores for students who wish to use the GED exam to earn their Idaho High School Equivalency Certificate and adds language to grandfather in those students who took the GED assessment prior to January 2014.

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 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, page 61 through 63](#).

**FISCAL IMPACT:** The following is a specific 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 Tracie Bent at (208)332-1582, or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

DATED this 8th Day of November, 2013.

Tracie Bent, Chief Planning & Policy Officer  
Idaho State Board of Education  
650 W State Street  
PO Box 83720

Boise, Idaho 83720-0037  
Phone: (208)332-1582  
Fax: (208)3342632

DOCKET NO. 08-0201-1302 - 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 13-10, October 2, 2013, pages 61 through 63.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2014 Idaho State Legislature.

FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE FOR DOCKET NO. 08-0201-1302

**650. GENERAL EDUCATION DEVELOPMENT TESTS/IDAHO HIGH SCHOOL EQUIVALENCY CERTIFICATE.**

The primary objective of the State Board of Education is to have all students complete their formal education and graduate from high school. However, students who drop out of school and believe it is in their best interest to take the (General Education Development) G.E.D. test may do so under the following conditions and, upon successful completion of all G.E.D. requirements, may apply for an Idaho High School Equivalency Certificate. (4-1-97)

**04. Idaho High School Equivalency Certificate.** The State Department of Education will issue an Idaho High School Equivalency Certificate to eligible applicants. The normal fee for issuing a certificate is ten dollars (\$10); however, this fee will be waived for military service personnel and veterans. To be eligible, an applicant must submit the following documents to the State Department of Education: (4-1-97)

***[Paragraphs 650.04.a. and 650.04.b.]***

**a.** An official report of GED test results showing successful completion of all requirements. Test scores are accepted as official only when reported directly by official GED Testing Centers, the Transcript Service of the Defense Activity for Non-Traditional Education Support (DANTES), Veterans Administration hospitals and, in special cases, the GED Testing Service. Effective for all individuals taking the exam on or after January 1, 2014, individuals must receive a score of at least one hundred fifty (150) on a scale of one hundred through two hundred (100-200) on each of the four (4) content modules for the 2014 GED® exam and have a combined score of six hundred (600). (4-1-97)( )

**b.** For those individuals who take the exam prior to January 1, 2014, for successful completion, the test taker must earn a standard score of at least forty (40) on each of the five (5) tests and must earn an average standard score of forty-five (45) on all five (5) tests. The testing centers will provide an American Government test for individuals who do not have credit in American Government or Aan official transcript showing completion of a course in American Government including study of the U.S. Constitution and principles of state and local government. This requirement may be met by resident study in high school or college, correspondence study from an accredited university, DANTES, or by successfully passing the American Government test furnished by the testing center. (4-1-97)( )

**IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION**

**08.02.02 - RULES GOVERNING UNIFORMITY**

**DOCKET NO. 08-0202-1302**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-1511(2), Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 7, 2013, Idaho Administrative Bulletin, [Vol. 13-8, pages 61 through 63](#).

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

These changes result in no fiscal impact.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact: Luci Willits, State Department of Education at [lwillits@sde.idaho.gov](mailto:lwillits@sde.idaho.gov), or 208-332-6814.

DATED this 1st day of November, 2013.

Tom Luna  
Idaho Superintendent of Public Instruction  
State Department of Education  
650 West State Street  
P.O. Box 83720  
Boise, Idaho 83720-0027  
Phone: 208-332-6800  
Fax: 208-334-2228

# **IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION**

## **08.02.02 - RULES GOVERNING UNIFORMITY**

**DOCKET NO. 08-0202-1303**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-1511(2), Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 7, 2013, Idaho Administrative Bulletin, **Vol. 13-8, pages 64 through 66**.

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

These changes result in no fiscal impact.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact: Christina Linder, State Department of Education at [cplinder@sde.idaho.gov](mailto:cplinder@sde.idaho.gov), or 208-332-6886.

DATED this 1st day of November, 2013.

Tom Luna  
Idaho Superintendent of Public Instruction  
State Department of Education  
650 West State Street  
P.O. Box 83720  
Boise, Idaho 83720-0027  
Phone: 208-332-6800  
Fax: 208-334-2228

**IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION**

**08.02.02 - RULES GOVERNING UNIFORMITY**

**DOCKET NO. 08-0202-1304**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-1511(2), Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 7, 2013, Idaho Administrative Bulletin, **Vol. 13-8, pages 67 through 69**.

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

These changes result in no fiscal impact.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact: Christina Linder, State Department of Education at [cplinder@sde.idaho.gov](mailto:cplinder@sde.idaho.gov), or 208-332-6886.

DATED this 1st day of November, 2013.

Tom Luna  
Idaho Superintendent of Public Instruction  
State Department of Education  
650 West State Street  
P.O. Box 83720  
Boise, Idaho 83720-0027  
Phone: 208-332-6800  
Fax: 208-334-2228

# IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

## 08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1305

### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-1511(2), Idaho Code.

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

The pending rule is being adopted as proposed with one exception: in section 076.09.a, the original language is being restored per legislator input.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the August 7, 2013, Idaho Administrative Bulletin, **Vol. 13-8, pages 70 through 76**.

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

These changes result in no fiscal impact.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact: Christina Linder, State Department of Education at [chlinder@sde.idaho.gov](mailto:chlinder@sde.idaho.gov), or 208-332-6886.

DATED this 1st day of November, 2013.

Tom Luna  
Idaho Superintendent of Public Instruction  
State Department of Education  
650 West State Street  
P.O. Box 83720  
Boise, Idaho 83720-0027  
Phone: 208-332-6800  
Fax: 208-334-2228

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DOCKET NO. 08-0202-1305 - 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 13-8, August 7, 2013, pages 70 through 76.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2014 Idaho State Legislature.

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**FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE FOR DOCKET NO. 08-0202-1305**

**076. CODE OF ETHICS FOR IDAHO PROFESSIONAL EDUCATORS (SECTIONS 33-1208 AND 33-1209, IDAHO CODE).**

Believing in the worth and dignity of each human being, the professional educator recognizes the supreme importance of pursuing truth, striving toward excellence, nurturing democratic citizenship and safeguarding the freedom to learn and to teach while guaranteeing equal educational opportunity for all. The professional educator accepts the responsibility to practice the profession according to the highest ethical principles. The Code of Ethics for Idaho Professional Educators symbolizes the commitment of all Idaho educators and provides principles by which to judge conduct. (3-20-04)

**09. Principle VIII - Breach of Contract or Abandonment of Employment.** A professional educator fulfills all terms and obligations detailed in the contract with the local board of education or education agency for the duration of the contract. Unethical conduct includes, but is not limited to: (~~3-20-04~~)(    )

*[Paragraphs 076.09.a. through 076.09.c. will remain as currently codified]*

- a.** Abandoning any contract for professional services without the prior written release from the contract by the employing school district or agency; (3-20-04)
- b.** Willfully refusing to perform the services required by a contract; and, (3-20-04)
- c.** Abandonment of classroom or failure to provide appropriate supervision of students at school or school-sponsored activities to ensure the safety and well-being of students. (3-20-04)

# IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

## 08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1306

### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-1511(2), Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 2, 2013, Idaho Administrative Bulletin, [Vol. 13-10, pages 73 and 74](#).

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

These changes result in no fiscal impact.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact: Christina Linder, State Department of Education at [cplinder@sde.idaho.gov](mailto:cplinder@sde.idaho.gov), or 208-332-6886.

DATED this 1st day of November, 2013.

Tom Luna  
Idaho Superintendent of Public Instruction  
State Department of Education  
650 West State Street  
P.O. Box 83720  
Boise, Idaho 83720-0027  
Phone: 208-332-6800  
Fax: 208-334-2228



**IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION**

**08.02.02 - RULES GOVERNING UNIFORMITY**

**DOCKET NO. 08-0202-1307**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-1511(2), Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 2, 2013, Idaho Administrative Bulletin, [Vol. 13-10, pages 75 through 77](#).

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

These changes result in no fiscal impact.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact: Christina Linder, State Department of Education at [cplinder@sde.idaho.gov](mailto:cplinder@sde.idaho.gov), or 208-332-6886.

DATED this 1st day of November, 2013.

Tom Luna  
Idaho Superintendent of Public Instruction  
State Department of Education  
650 West State Street  
P.O. Box 83720  
Boise, Idaho 83720-0027  
Phone: 208-332-6800  
Fax: 208-334-2228

**IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION**

**08.02.02 - RULES GOVERNING UNIFORMITY**

**DOCKET NO. 08-0202-1308**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-1511(2), Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 2, 2013, Idaho Administrative Bulletin, [Vol. 13-10, pages 78 through 87](#).

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

These changes result in no fiscal impact.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact: Christina Linder, State Department of Education at [cplinder@sde.idaho.gov](mailto:cplinder@sde.idaho.gov), or 208-332-6886.

DATED this 1st day of November, 2013.

Tom Luna  
Idaho Superintendent of Public Instruction  
State Department of Education  
650 West State Street  
P.O. Box 83720  
Boise, Idaho 83720-0027  
Phone: 208-332-6800  
Fax: 208-334-2228

# IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

## 08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1301

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

**EFFECTIVE DATE:** The effective date of the temporary rule is October 17, 2013. This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and is also adopting this rule as a temporary rule. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-116, 33-118, and 33-1612, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule:

These changes bring Idaho's high achieving school awards into alignment with changes made to the award system as outlined in Idaho's accountability workbook. Changes were made to the workbook to bring it into compliance with Idaho's Elementary Secondary Education Act (ESEA) waiver request.

The amendments made to the pending rule correct an error in the eligibility requirements, removing a requirement that was not included in the states ESEA waiver.

In accordance with Section 67-5226, Idaho Code, the full text of the temporary rule is being published in this Bulletin following this notice and includes changes made to the pending rule. The text of the pending rule has been modified in accordance with Section 67-5227, Idaho Code. The original text of the proposed rule was published in the October 2, 2013, Idaho Administrative Bulletin, [Vol. 13-10, pages 88 and 89](#).

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

To bring Idaho's Administrative Rule into alignment with Idaho's waiver of the Federal Elementary Secondary Education Act.

**FISCAL IMPACT:** The following is a specific 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 the temporary and pending rule, contact Tracie Bent at (208)332-1582, or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

DATED this 8th Day of November, 2013.

Tracie Bent, Chief Planning & Policy Officer  
Idaho State Board of Education  
650 W State Street  
PO Box 83720  
Boise, Idaho 83720-0037  
Phone: (208)332-1582  
Fax: (208)3342632

DOCKET NO. 08-0203-1301 - ADOPTION OF PENDING RULE AND 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.

The text of the proposed rule was published in the Idaho Administrative Bulletin,  
Volume 13-10, October 2, 2013, pages 88 and 89.

This rule has been adopted as a pending rule by the Agency and is now awaiting  
review and final approval by the 2014 Idaho State Legislature.

Pursuant to Section 67-5226, Idaho Code, the full text of  
the temporary rule is being published in this Bulletin.

THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE  
AND TEMPORARY RULE FOR DOCKET NO. 08-0203-1301

113. REWARDS.

01. **Distinguished Schools.** *Distinguished School Awards are designed to recognize the highest performing schools.* A school *may shall* be recognized as a "Distinguished School" *if it is in the top five percent (5%) of schools exceeding the Idaho Adequate Yearly Progress (AYP) intermediate targets listed in Subsection 112.03, of this rule, and if it has significantly reduced the gaps between subgroups listed in Subsection 112.04.d. of this rule.*  
*based on the following criteria:* *(3-30-07)(10-17-13)T*

- a. Achieved a Five-Star Rating for at least two (2) out of the last three (3) years;* *(10-17-13)T*
- b. Received no less than a Four-Star Rating in the last three years;* *(10-17-13)T*
- c. Meet the Annual Measurable Objectives (AMOs) in all subjects for overall students and all subgroups as outlined in Subsection 112.04.d.* *(10-17-13)T*
- d. Be among the top five percent (5%) of schools in all students proficiency; and* *(10-17-13)T*
- e. Be among the top ten percent (10%) of schools in the proficiency gaps between the highest and lowest achieving subgroups and between the at-risk and not at-risk subgroups.* *(10-17-13)T*

~~02. **Additional Yearly Growth (AYG) Award.** A school demonstrating improved proficiency levels of subpopulations or in the aggregate by greater than ten percent (10%) shall be considered to have achieved AYG. Such school must have achieved Adequate Yearly Progress (AYP) to be eligible for this award.~~ ~~*(3-30-07)*~~

~~03. **Determination by State Department of Education.** The State Board of Education will determine the schools eligible for the Distinguished School ~~and AYG~~ awards each year based upon the criteria outlined in Subsections ~~113.01 and 113.02.~~ *The State Department of Education will provide the list of schools meeting the specified criteria to the State Board of Education no later than August 30th of each year.* The State Board of Education will recognize the schools no later than the annual October Board Meeting. ~~*(4-2-08)*~~*(10-17-13)T*~~

# IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

## 08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1303

### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-1511(2), Idaho Code.

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

The pending rule is being adopted as proposed with a minor change in the definition of gun free schools as requested by stakeholders.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the August 7, 2013, Idaho Administrative Bulletin, [Vol. 13-8, pages 84 and 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:

No fiscal impact.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact: Matt McCarter, State Department of Education at [mamcarter@sde.idaho.gov](mailto:mamcarter@sde.idaho.gov), or 208-332-6961.

DATED this 1st day of November, 2013.

Tom Luna  
Idaho Superintendent of Public Instruction  
State Department of Education  
650 West State Street  
P.O. Box 83720  
Boise, Idaho 83720-0027  
Phone: 208-332-6800  
Fax: 208-334-2228

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DOCKET NO. 08-0203-1303 - 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 13-8, August 7, 2013, pages 84 and 85.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2014 Idaho State Legislature.

FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE FOR DOCKET NO. 08-0203-1301

*[Section 160 - proposed text deleted]*

**160. SAFE ENVIRONMENT AND DISCIPLINE.**

Each school district will have a comprehensive districtwide policy and procedure encompassing the following:

School Climate
Discipline
Student Health
Violence Prevention
<del>Gun-free Schools</del> <u>Possessing Weapons on Campus</u>
Substance Abuse - Tobacco, Alcohol, and Other Drugs
Suicide Prevention
Student Harassment
Drug-free School Zones
Building Safety including Evacuation Drills
Relationship Abuse and Sexual Assault Prevention and Response

Districts will conduct an annual review of these policies and procedures. (See Section 33-1612) ~~(4-4-13)~~ ( )

# IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

## 08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1304

### 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 2014 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section 33-1511(2), Idaho Code.

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

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 7, 2013 Idaho Administrative Bulletin, [Vol. 13-8, pages 86 and 87](#).

**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 33-1024 Idaho Code.

In order to cover the cost of review, the State Department of Education will charge providers a submission fee based on the number of courses offered, not to exceed the actual cost of review, in effect being cost neutral.

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending fee rule, contact Luci Willits, State Department of Education at [lwillits@sde.idaho.gov](mailto:lwillits@sde.idaho.gov), or 208-332-6814.

DATED this 1st day of November, 2013.

Tom Luna  
Idaho Superintendent of Public Instruction  
State Department of Education  
650 West State Street  
P.O. Box 83720  
Boise, Idaho 83720-0027  
208-332-6800 telephone  
208-334-2228 fax

# IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

## 08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1305

### NOTICE OF RULEMAKING - AMENDMENT TO TEMPORARY RULE

**EFFECTIVE DATE:** The effective date of the amendment to the temporary rule is November 1, 2013.

**AUTHORITY:** In compliance with Sections 67-5226, Idaho Code, notice is hereby given that this agency has amended the current temporary rule promulgated under Docket No. 08-0203-1305. The action is authorized pursuant to Sections 33-1628 and 33-512C, Idaho Code.

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

During the 2013 Legislative Session, the Idaho Legislature passed Senate Bill 1091 and Senate Bill 1028, which were both based on providing students with opportunities to advance through their coursework at a more rapid rate by taking online overload courses paid for by the State of Idaho. This would then allow eligible students to either graduate early or take dual credit courses at the expense of the State of Idaho. With the state offering all students in grades 3-11 to take the field test for Idaho Core, the Class of 2016 will be in transition and must have an alternate route in lieu of passing the ISAT at 10th grade. The amendment to the temporary rule is to clarify board intent as to how middle school and high school students progress through school.

The text of the original temporary rule was published in the October 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 91 through 98](#).

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

This rule is being brought forth as temporary to allow students to begin taking advantage of the programs outlined in Senate Bills 1091 and 1028. The amendment to the temporary rule is to clarify board intent as to how middle school and high school students progress through school.

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the temporary rule, contact Luci Willits, State Department of Education, 208-332-6814, [lbwillits@sde.idaho.gov](mailto:lbwillits@sde.idaho.gov).

DATED this 1st day of November, 2013.

Tom Luna  
Superintendent of Public Instruction  
State Department of Education  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
(208) 332-6812; fax (208) 334-2228

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**Italicized red text that is double underscored is new text that has been added to the temporary rule.  
Italicized green text that is underscored and struck through is codified temporary text  
that is being removed from the temporary rule.**



FOLLOWING IS THE AMENDED TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 08-0203-1305

**104. OTHER REQUIRED INSTRUCTION.**

Other required instruction for all students and other required offerings of the school are: (4-1-97)

**01. Elementary Schools.** (4-11-06)

**a.** The following section outlines other information required for all elementary students, as well as other required offerings of the school:

Fine Arts (art and music)  
Health (wellness)  
Physical Education (fitness) (4-11-06)

**b.** Additional instructional options as determined by the local school district. For example:  
Languages other than English  
Career Awareness (4-1-97)

**02. Middle Schools/Junior High Schools.** (4-11-06)

**a.** No later than the end of Grade eight (8) each students shall develop parent-approved student learning plans for their high school and post-high school options. The learning plan shall be developed by students with the assistance of parents or guardians, and with advice and recommendation from school personnel. It shall be reviewed annually and may be revised at any time. The purpose of a parent-approved student learning plan is to outline a course of study and learning activities for students to become contributing members of society. A student learning plan describes, at a minimum, the list of courses and learning activities in which the student will engage while working toward meeting the school district's or LEA's graduation standards. The school district or LEA will have met its obligation for parental involvement if it makes a good faith effort to notify the parent or guardian of the responsibility for the development and approval of the learning plan. A learning plan will not be required if the parent or guardian requests, in writing, that no learning plan be developed. (4-11-06)

**b.** (Effective for all students that enter the sixth grade in the fall of 2006 or later.) A student must have taken pre-algebra before the student will be permitted to enter grade nine (9). (4-11-06)

**c.** Other required instruction for all middle school students:  
Health (wellness)  
Physical Education (fitness) (4-11-06)

**d.** Other required offerings of the school:  
Family and Consumer Science  
Fine & Performing Arts  
Professional Technical Education  
Advisory Period (middle school only, encouraged in junior high school) (4-11-06)

~~**03. High Schools (Grades 9-12) (Effective for all students that graduate prior to January 1, 2012).**  
Students will maintain a parent-approved student learning plan for their high school and post-high school options. The learning plan will be developed by students and parents or guardians with advice and recommendation from school personnel. It will be reviewed annually and may be revised at any time. The purpose of a parent-approved student learning plan is to outline a course of study and learning activities for students to become contributing members of society. The learning plan outlines a student's program of study, which should include a rigorous academic core and a related sequence of electives in academic, professional technical education (PTE), or humanities aligned with the student's post-graduation goals. The school district will have met its obligation for parental involvement if it makes a good faith effort to notify the parent or guardian of the responsibility for the development and approval of the learning plan. A learning plan will not be required if the parent or guardian~~

~~requests, in writing, that no learning plan be developed. (4-11-06)~~

~~a. Other required instructional offerings of the high school. Each student must complete credit and achievement standards in at least two (2) of the following areas of instructional offerings:  
Physical Education (fitness)  
Humanities  
Professional Technical Education (including work-based learning)  
Family and Consumer Science  
Fine and Performing Arts  
Languages other than English (may include indigenous languages or sign language) (4-11-06)~~

### 105. HIGH SCHOOL GRADUATION REQUIREMENTS.

A student must meet all of the requirements identified in this section before the student will be eligible to graduate from an Idaho high school. The local school district or LEA may establish graduation requirements beyond the state minimum. (5-8-09)

**01. Credit Requirements.** The State minimum graduation requirement for all Idaho public high schools is forty-two (42) credits. The forty-two (42) credits must include twenty-five (25) credits in core subjects as identified in Paragraphs 105.01.c. through 105.01.i. All credit-bearing classes must be aligned with state high school standards in the content areas for which standards exist. For all public school students who enter high school at the 9th grade level in Fall 2009 or later, the minimum graduation requirement will be forty-six (46) credits and must include twenty-nine (29) credits in core subjects as identified in Paragraphs 105.01.c. through 105.01.i. (3-29-12)

**a.** Credits. (Effective for all students who enter the ninth grade in the fall of 2010 or later.) One (1) credit shall equal sixty (60) hours of total instruction. School districts or LEA's may request a waiver from this provision by submitting a letter to the State Department of Education for approval, signed by the superintendent and chair of the board of trustees of the district or LEA. The waiver request shall provide information and documentation that substantiates the school district or LEA's reason for not requiring sixty (60) hours of total instruction per credit. (3-29-10)

**b.** Mastery. A student may also achieve credits by demonstrating mastery of a subject's content standards as defined and approved by the local school district or LEA. (3-29-10)

**c.** Secondary Language Arts and Communication. Nine (9) credits are required. Eight (8) credits of instruction in Language Arts. Each year of Language Arts shall consist of language study, composition, and literature and be aligned to the Idaho Content Standards for the appropriate grade level. One (1) credit of instruction in communications consisting of oral communication and technological applications that includes a course in speech, a course in debate, or a sequence of instructional activities that meet the Idaho Speech Content Standards requirements. (3-29-10)

**d.** Mathematics. Four (4) credits are required. Secondary mathematics includes Applied Mathematics, Business Mathematics, Algebra, Geometry, Trigonometry, Fundamentals of Calculus, Probability and Statistics, Discrete Mathematics, and courses in mathematical problem solving and reasoning. For all public school students who enter high school at the 9th grade level in Fall 2009 or later, six (6) semester credits are required. For such students, secondary mathematics includes instruction in the following areas: (3-29-10)

i. Two (2) credits of Algebra I or courses that meet the Idaho Algebra I Content Standards as approved by the State Department of Education; (3-29-10)

ii. Two (2) credits of Geometry or courses that meet the Idaho Geometry Content Standards as approved by the State Department of Education; and (3-29-10)

iii. Two (2) credits of mathematics of the student's choice. (3-29-10)

iv. Two (2) credits of the required six (6) credits of mathematics must be taken in the last year of high school in which the student intends to graduate. For the purposes of this subsection, the last year of high school shall include the summer preceding the fall start of classes. Students who return to school during the summer or the

following fall of the next year for less than a full schedule of courses due to failing to pass a course other than math are not required to retake a math course as long as they have earned six (6) credits of high school level mathematics.  
~~(3-29-10)~~(8-26-13)T

v. Students who have completed six (6) credits of math prior to the fall of their last year of high school, including at least two (2) semesters of an Advanced Placement or dual credit calculus or higher level course, are exempt from taking math during their last year of high school. (4-4-13)

e. Science. Four (4) credits are required, two (2) of which will be laboratory based. Secondary sciences include instruction in applied sciences, earth and space sciences, physical sciences, and life sciences. (3-29-10)

i. Effective for all public school students who enter high school at the 9th grade level in Fall 2009 or later, six (6) credits will be required. (3-29-10)

ii. Secondary sciences include instruction in the following areas: biology, physical science or chemistry, and earth, space, environment, or approved applied science. Four (4) credits of these courses must be laboratory based. (3-29-10)

f. Social Studies. Five (5) credits are required, including government (two (2) credits), United States history (two (2) credits), and economics (one (1) credit). Courses such as geography, sociology, psychology, and world history may be offered as electives, but are not to be counted as a social studies requirement. (3-29-10)

g. Humanities. Two (2) credits are required. Humanities courses include instruction in visual arts, music, theatre, dance, or world language aligned to the Idaho content standards for those subjects. Other courses such as literature, history, philosophy, architecture, or comparative world religions may satisfy the humanities standards if the course is aligned to the Idaho Interdisciplinary Humanities Content Standards. (3-29-10)

h. Health/Wellness. One (1) credit is required. Course must be aligned to the Idaho Health Content Standards. (3-29-10)

02. **Content Standards.** Each student shall meet locally established subject area standards (using state content standards as minimum requirements) demonstrated through various measures of accountability including examinations or other measures. (3-29-10)

03. **College Entrance Examination.** (Effective for all public school students who enter high school at the 9th grade level in Fall ~~2009~~ 2012 or later.) ~~(3-29-12)~~~~(8-26-13)T~~(11-1-13)T

a. A student must take one (1) of the following college entrance or placement examinations before the end of the student's eleventh grade year: ~~COMPASS, ACCUPLACER, ACT or SAT, ACT, or Compass. Scores must be included in the Learning Plan.~~ A student who missed the statewide administration of the college exam during the student's ~~eleventh~~ grade year eleven (11) may take the examination during the student's ~~twelfth~~ grade year twelve (12) to meet this requirement, if the student: ~~(3-29-12)~~~~(8-26-13)T~~(11-1-13)T

i. Transferred to an Idaho school district during ~~the eleventh~~ grade year eleven (11); ~~(8-26-13)T~~(11-1-13)T

ii. Was homeschooled during ~~the eleventh~~ grade year eleven (11); or ~~(8-26-13)T~~(11-1-13)T

iii. Missed the ~~fall~~ spring statewide administration of the college entrance exam dates for documented medical reasons. ~~(8-26-13)T~~(11-1-13)T

b. A student may elect an exemption in ~~their 11th~~ grade year eleven (11) from the college entrance exam requirement, if the student is: ~~(3-29-12)~~~~(8-26-13)T~~(11-1-13)T

i. Enrolled in a special education program and has an Individual Education Plan (IEP) that specifies

accommodations not allowed for a reportable score on the approved tests; ~~or~~ ~~(3-29-12)~~(8-26-13)T

- ii. Enrolled in a Limited English Proficient (LEP) program for three (3) academic years or less; ~~or~~ ~~(3-29-12)~~(8-26-13)T

~~iii. Enrolled for the first time in ~~12th~~ grade twelve (12) at an Idaho high school after the ~~fall~~ spring statewide administration of the college entrance exam.~~ ~~(8-26-13)T~~(11-1-13)T

~~c. Students who are eligible to take an alternate assessment may take the ACCUPLACER Placement exam during their senior year to meet the college entrance exam graduation requirement.~~ (11-1-13)T

**04. Senior Project.** ~~(Effective for all public school students who enter high school at the 9th grade level in Fall 2009 or later.)~~ A student must complete a senior project by the end of grade twelve (12). The project must include a written report and an oral presentation. Additional requirements for a senior project are at the discretion of the local school district or LEA. ~~(3-29-10)~~(8-26-13)T

**05. Middle School.** ~~A student will have met the high school content and credit area requirement for any required high school course if:~~ (8-26-13)T

~~a. If a~~ The student completes ~~any required high school~~ such course with a grade of C or higher before entering grade nine (9); ~~and if that;~~ (8-26-13)T

~~b. The~~ course meets the same content standards that are required in high school; ~~and~~ ~~(8-26-13)T~~(11-1-13)T

~~c. The~~ course is taught by a properly certificated teacher who meets the federal definition of being highly qualified for the course being taught; ~~and~~ ~~(8-26-13)T~~(11-1-13)T

~~d. The~~ school providing the course is accredited as recognized by the state board. ~~(8-26-13)T~~

~~ed. then the student has met the high school content area requirement for such course. The student shall be given a grade for the successful completion of that course and such grade and the number of credit hours assigned to the course shall be transferred to the student's high school transcript. However, the student must complete the required number of credits in all high school core subjects as identified in Subsections 105.01.c. through 105.01.h. in addition to the courses completed in middle school. Courses taken in middle school appearing in the student's high school transcript, pursuant to this subsection, shall count for the purpose of high school graduation. However, the student must complete the required number of credits in all high school core subjects as identified in Subsections 105.01.c. through 105.01.h. except as provided in 105.01.d.v.~~ ~~(3-29-12)~~(8-26-13)T(11-1-13)T

**06. Proficiency.** Each student must achieve a proficient or advanced score on the ~~G~~grade ten (10) Idaho Standards Achievement Test (ISAT) in math, reading and language usage in order to graduate. Students who receive a proficient or advanced score on the ~~G~~grade ten (10) ISAT while in ~~G~~grade nine (9) may bank the score for purposes of meeting their graduation requirement. A student who does not attain at least a proficient score prior to graduation may appeal to the school district or LEA, and will be given an opportunity to demonstrate proficiency of the content standards through some other locally established plan. School districts or LEAs shall adopt an alternate plan and provide notice of that plan to all students who have not achieved a proficient or advanced score on the Grade 10 Idaho Standards Achievement Test by the fall semester of the student's junior year. All locally established alternate plans used to demonstrate proficiency shall be forwarded to the State Board of Education for review and information. Alternate plans must be promptly re-submitted to the Board whenever changes are made in such plans. ~~(4-7-11)~~(8-26-13)T(11-1-13)T

a. Before entering an alternate measure, the student must be: (4-2-08)

i. Enrolled in a special education program and have an Individual Education Plan (IEP); or (3-20-04)

ii. Enrolled in an Limited English Proficient (LEP) program for three (3) academic years or less; or

- (3-20-04)
- iii. Enrolled in the fall semester of the senior year. (3-20-04)
- b. The alternate plan must: (4-7-11)
- i. Contain multiple measures of student achievement; (4-7-11)
- ii. Be aligned at a minimum to tenth grade state content standards; (4-7-11)
- iii. Be aligned to the state content standards for the subject matter in question; (4-7-11)
- iv. Be valid and reliable; and (4-7-11)
- v. Ninety percent (90%) of the alternate plan criteria must be based on academic proficiency and performance. (4-7-11)
- c. A student is not required to achieve a proficient or advanced score on the ISAT if: (5-8-09)
- i. The student received a proficient or advanced score on an exit exam from another state that requires a standards-based exam for graduation. The state's exit exam must be approved by the State Board of Education and must measure skills at the tenth grade level and be in comparable subject areas to the ISAT; (5-8-09)
- ii. The student completes another measure established by a school district or LEA and received by the Board as outlined in Subsection 105.06; or (3-29-10)
- iii. The student has an IEP that outlines alternate requirements for graduation or adaptations are recommended on the test; (5-8-09)
- iv. The student is considered an LEP student through a score determined on a language proficiency test and has been in an LEP program for three (3) academic years or less; (5-8-09)
- d.** ~~For the Class of Those students who will graduate in 2016, students who and have not received a proficient or advanced score on the ISAT in ~~G~~grade nine (9) will be required to complete an alternative plan for graduation, as designed by the district, including the elements prescribed in Subsection 105.06.b. and may enter the alternate path prior to the fall of their senior year.~~ ~~(8-26-13)~~ (11-1-13)
- 07. Special Education Students.** A student who is eligible for special education services under the Individuals With Disabilities Education Improvement Act must, with the assistance of the student's Individualized Education Program (IEP) team, refer to the current Idaho Special Education Manual for guidance in addressing graduation requirements. (4-11-06)
- 08. Foreign Exchange Students.** A foreign exchange student may be eligible for graduation by completing a comparable program as approved by the school district or LEA. (4-11-06)

# IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

## 08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1306

### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-1511(2), Idaho Code.

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

The pending rule is being adopted as proposed with changes to clarify board intent as to progression of middle school and high school students through school, to clarify minutes of Physical Education, and to clarify that courses cannot be concurrently counted as both math and science credits. The changes have been made after public comment and stakeholder input.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the October 2, 2013, Idaho Administrative Bulletin, [Vol. 13-10, pages 97 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:

These changes result in no fiscal impact.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact: Luci Willits, State Department of Education at [lwillits@sde.idaho.gov](mailto:lwillits@sde.idaho.gov), or 208-332-6814.

DATED this 1st day of November, 2013.

Tom Luna  
Idaho Superintendent of Public Instruction  
State Department of Education  
650 West State Street  
P.O. Box 83720  
Boise, Idaho 83720-0027  
Phone: 208-332-6800  
Fax: 208-334-2228

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DOCKET NO. 08-0203-1306 - 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 13-10, October 2, 2013, pages 97 through 102.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2014 Idaho State Legislature.

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**FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE FOR DOCKET NO. 08-0203-1306**

**104. OTHER REQUIRED INSTRUCTION.**

Other required instruction for all students and other required offerings of the school are: (4-1-97)

02. Middle Schools/Junior High Schools. (4-11-06)

***[Paragraphs 104.02.b. and 104.02.c.]***

b. ~~(Effective for all students that enter the sixth grade in the fall of 2006 or later.)~~ A student must have taken pre-algebra before the student will be permitted to enter grade nine (9). ~~(4-11-06)( )~~

c. Other required instruction for all middle school students:  
Health (wellness)  
Physical Education (fitness). Effective Fall 2015, an average of two hundred (200) minutes of physical education on a bi-weekly basis, during a period of enrollment; Effective Fall 2018, to be increased to two hundred twenty-five (225) minutes on a bi-weekly basis, during a period of enrollment. ~~(4-11-06)( )~~

***[Section 105 - entire section is being reprinted]***

**105. HIGH SCHOOL GRADUATION REQUIREMENTS.**

A student must meet all of the requirements identified in this section before the student will be eligible to graduate from an Idaho high school. The local school district or LEA may establish graduation requirements beyond the state minimum. (5-8-09)

01. **Credit Requirements.** The State minimum graduation requirement for all Idaho public high schools is ~~forty-two (42) credits. The forty-two (42) credits must include twenty-five (25) credits in core subjects as identified in Paragraphs 105.01.c. through 105.01.i. All credit-bearing classes must be aligned with state high school standards in the content areas for which standards exist. For all public school students who enter high school at the 9th grade level in Fall 2009 or later, the minimum graduation requirement will be~~ forty-six (46) credits and must include twenty-nine (29) credits in core subjects as identified in Paragraphs 105.01.c. through 105.01.i. ~~(3-29-12)( )~~



a. Credits. (Effective for all students who enter the ninth grade in the fall of 2010 or later.) One (1) credit shall equal sixty (60) hours of total instruction. School districts or LEA's may request a waiver from this provision by submitting a letter to the State Department of Education for approval, signed by the superintendent and chair of the board of trustees of the district or LEA. The waiver request shall provide information and documentation that substantiates the school district or LEA's reason for not requiring sixty (60) hours of total instruction per credit. (3-29-10)

b. Mastery. A student may also achieve credits by demonstrating mastery of a subject's content standards as defined and approved by the local school district or LEA. (3-29-10)

c. Secondary Language Arts and Communication. Nine (9) credits are required. Eight (8) credits of instruction in Language Arts. Each year of Language Arts shall consist of language study, composition, and literature and be aligned to the Idaho Content Standards for the appropriate grade level. One (1) credit of instruction in communications consisting of oral communication and technological applications that includes a course in speech, a course in debate, or a sequence of instructional activities that meet the Idaho Speech Content Standards requirements. (3-29-10)

d. Mathematics. ~~Four~~ Six (46) credits are required. Secondary mathematics includes Applied Mathematics, Business Mathematics, Algebra, Geometry, Trigonometry, Fundamentals of Calculus, Probability and Statistics, Discrete Mathematics, and courses in mathematical problem solving and reasoning. ~~For all public school students who enter high school at the 9th grade level in Fall 2009 or later, six (6) semester credits are required. AP Computer Science, Dual Credit Computer Science, and Dual Credit Engineering courses may also be counted as a mathematics credit if the student has completed Algebra II standards. Students who choose to take AP Computer Science, Dual Credit Computer Science, and Dual Credit Engineering may not concurrently count such courses as both a math and science credit.~~ ( )

~~i.~~ i. ~~For such~~ Students, must complete secondary mathematics ~~includes instruction~~ in the following areas: (3-29-10)( )

~~i(1)~~ i(1) Two (2) credits of Algebra I or courses that meet the Idaho Algebra I Content Standards as approved by the State Department of Education; (3-29-10)

~~ii(2)~~ ii(2) Two (2) credits of Geometry or courses that meet the Idaho Geometry Content Standards as approved by the State Department of Education; and (3-29-10)

~~iii(3)~~ iii(3) Two (2) credits of mathematics of the student's choice. (3-29-10)

~~iv.~~ iv. Two (2) credits of the required six (6) credits of mathematics must be taken in the last year of high school in which the student intends to graduate. For the purposes of this subsection, the last year of high school shall include the summer preceding the fall start of classes. Students who return to school during the summer or the following fall of the next year for less than a full schedule of courses due to failing to pass a course other than math are not required to retake a math course as long as they have earned six (6) credits of high school level mathematics. (3-29-10)( )

~~v.~~ v. Students who have completed six (6) credits of math prior to the fall of their last year of high school, including at least two (2) semesters of an Advanced Placement or dual credit calculus or higher level course, are exempt from taking math during their last year of high school. High School math credits completed in middle school shall count for the purposes of this section. (4-4-13)( )

e. Science. ~~Four~~ Six (46) credits are required, ~~two~~ four (24) of which will be laboratory based. Secondary sciences include instruction in applied sciences, earth and space sciences, physical sciences, and life sciences. Up to two (2) credits in AP Computer Science, Dual Credit Computer Science, and Dual Credit Engineering may be used as science credits. Students who choose to take AP Computer Science, Dual Credit Computer Science, and Dual Credit Engineering may not concurrently count such courses as both a math and science credit. (3-29-10)( )



~~i. Effective for all public school students who enter high school at the 9th grade level in Fall 2009 or later, six (6) credits will be required. (3-29-10)~~

ii. Secondary sciences include instruction in the following areas: biology, physical science or chemistry, and earth, space, environment, or approved applied science. Four (4) credits of these courses must be laboratory based. (3-29-10)

f. Social Studies. Five (5) credits are required, including government (two (2) credits), United States history (two (2) credits), and economics (one (1) credit). Courses such as geography, sociology, psychology, and world history may be offered as electives, but are not to be counted as a social studies requirement. (3-29-10)

g. Humanities. Two (2) credits are required. Humanities courses include instruction in visual arts, music, theatre, dance, or world language aligned to the Idaho content standards for those subjects. Other courses such as literature, history, philosophy, architecture, or comparative world religions may satisfy the humanities standards if the course is aligned to the Idaho Interdisciplinary Humanities Content Standards. (3-29-10)

h. Health/Wellness. One (1) credit is required. Course must be aligned to the Idaho Health Content Standards. Effective for all public school students who enter grade nine (9) in Fall 2015 or later, each student shall receive a minimum of one (1) class period on psychomotor cardiopulmonary resuscitation (CPR) training as outlined in the American Heart Association (AHA) Guidelines for CPR to include the proper utilization of an automatic external defibrillator (AED) as part of the Health/Wellness course. (3-29-10)( )

i. Students participating in one (1) season in any sport recognized by the Idaho High School Activities Association or club sport recognized by the local school district, or eighteen (18) weeks of a sport recognized by the local school district may choose to substitute participation up to one (1) credit of physical education. ( )

**02. Content Standards.** Each student shall meet locally established subject area standards (using state content standards as minimum requirements) demonstrated through various measures of accountability including examinations or other measures. (3-29-10)

**03. College Entrance Examination.** (Effective for all public school students who enter ~~high school at the 9th~~ grade nine (9) level in Fall ~~2009~~ 2012 or later.) (3-29-12)( )

a. A student must take one (1) of the following college entrance or placement examinations before the end of the student's eleventh grade year: ~~COMPASS, ACCUPLACER, ACT or SAT, ACT, or Compass. Scores must be included in the Learning Plan. A student who misses the statewide administration of the college exam during the student's grade eleven (11) for one (1) of the following reasons, may take the examination during their grade twelve (12) to meet this requirement:~~ (3-29-12)( )

i. Transferred to an Idaho school district during grade eleven (11); ( )

ii. Was homeschooled during grade eleven (11); or ( )

iii. Missed the spring statewide administration of the college entrance exam dates for documented medical reasons. ( )

b. A student may elect an exemption in ~~their 11th~~ grade eleven (11) year from the college entrance exam requirement if the student is: (3-29-12)( )

i. Enrolled in a special education program and has an Individual Education Plan (IEP) that specifies accommodations not allowed for a reportable score on the approved tests; ~~or~~ (3-29-12)( )

ii. Enrolled in a Limited English Proficient (LEP) program for three (3) academic years or less; ~~or~~

~~(3-29-12)~~( )

iii. Enrolled for the first time in grade twelve (12) at an Idaho high school after the spring statewide administration of the college entrance exam. ( )

c. Students who are eligible to take an alternate assessment may take the ACCUPLACER Placement exam during their senior year to meet the college entrance exam graduation requirement. ( )

**04. Senior Project.** ~~(Effective for all public school students who enter high school at the 9th grade level in Fall 2009 or later.)~~ A student must complete a senior project by the end of grade twelve (12). The project must include a written report and an oral presentation. Additional requirements for a senior project are at the discretion of the local school district or LEA. ~~(3-29-10)~~( )

**05. Middle School.** A student will have met the high school content and credit area requirement for any required high school course if: ( )

a. If ~~a~~ The student completes any required high school such course with a grade of C or higher before entering grade nine (9), and if that ( )

b. The course meets the same content standards that are required in high school; and ( )

c. The course is taught by a properly certificated teacher who meets the federal definition of highly qualified for the course being taught. ( )

d. ~~then the student has met the high school content area requirement for such course.~~ The student shall be given a grade for the successful completion of that course and such grade and the number of credit hours assigned to the course shall be transferred to the student's high school transcript. However, the student must complete the required number of credits in all high school core subjects as identified in Subsections 105.01.e. through 105.01.h. in addition to the courses completed in middle school. Courses taken in middle school appearing in the student's high school transcript, pursuant to this subsection, shall count for the purpose of high school graduation. However, the student must complete the required number of credits in all high school core subjects as identified in Subsections 105.01.c. through 105.01.h. except as provided in 105.01.d.v. ~~(3-29-12)~~( )

**06. Proficiency.** Each student must achieve a proficient or advanced score on the ~~G~~grade ten (10) Idaho Standards Achievement Test (ISAT) in math, reading and language usage in order to graduate. Students who receive a proficient or advanced score on the grade ten (10) ISAT while in grade nine (9) may bank the score for purposes of meeting their graduation requirement. A student who does not attain at least a proficient score prior to graduation may appeal to the school district or LEA, and will be given an opportunity to demonstrate proficiency of the content standards through some other locally established plan. School districts or LEAs shall adopt an alternate plan and provide notice of that plan to all students who have not achieved a proficient or advanced score on the Grade 10 Idaho Standards Achievement Test by the fall semester of the student's junior year. All locally established alternate plans used to demonstrate proficiency shall be forwarded to the State Board of Education for review and information. Alternate plans must be promptly re-submitted to the Board whenever changes are made in such plans. ~~(4-7-11)~~( )

a. Before entering an alternate measure, the student must be: (4-2-08)

i. Enrolled in a special education program and have an Individual Education Plan (IEP); or (3-20-04)

ii. Enrolled in an Limited English Proficient (LEP) program for three (3) academic years or less; or (3-20-04)

iii. Enrolled in the fall semester of the senior year. (3-20-04)

- b. The alternate plan must: (4-7-11)
- i. Contain multiple measures of student achievement; (4-7-11)
  - ii. Be aligned at a minimum to tenth grade state content standards; (4-7-11)
  - iii. Be aligned to the state content standards for the subject matter in question; (4-7-11)
  - iv. Be valid and reliable; and (4-7-11)
  - v. Ninety percent (90%) of the alternate plan criteria must be based on academic proficiency and performance. (4-7-11)
- c. A student is not required to achieve a proficient or advanced score on the ISAT if: (5-8-09)
- i. The student received a proficient or advanced score on an exit exam from another state that requires a standards-based exam for graduation. The state's exit exam must approved by the State Board of Education and must measure skills at the tenth grade level and be in comparable subject areas to the ISAT; (5-8-09)
  - ii. The student completes another measure established by a school district or LEA and received by the Board as outlined in Subsection 105.06; or (3-29-10)
  - iii. The student has an IEP that outlines alternate requirements for graduation or adaptations are recommended on the test; (5-8-09)
  - iv. The student is considered an LEP student through a score determined on a language proficiency test and has been in an LEP program for three (3) academic years or less; (5-8-09)
- d. *Those students who will graduate in 2016 and have not received a proficient or advanced score on the ISAT in grade nine (9), will be required to complete an alternative plan for graduation, as designed by the district, including the elements prescribed in Subsection 105.06.b. and may enter the alternate path prior to the fall of their senior year.* ( )
- 07. Special Education Students.** A student who is eligible for special education services under the Individuals With Disabilities Education Improvement Act must, with the assistance of the student's Individualized Education Program (IEP) team, refer to the current Idaho Special Education Manual for guidance in addressing graduation requirements. (4-11-06)
- 08. Foreign Exchange Students.** A foreign exchange student may be eligible for graduation by completing a comparable program as approved by the school district or LEA. (4-11-06)

**IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION**

**08.02.03 - RULES GOVERNING THOROUGHNESS**

**DOCKET NO. 08-0203-1307**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-1511(2), Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 2, 2013, Idaho Administrative Bulletin, [Vol. 13-10, pages 103 and 104](#).

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

These changes result in no fiscal impact.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact: Scott Cook, State Department of Education at [scook@sde.idaho.gov](mailto:scook@sde.idaho.gov), or 208-332-6927.

DATED this 1st day of November, 2013.

Tom Luna  
Idaho Superintendent of Public Instruction  
State Department of Education  
650 West State Street  
P.O. Box 83720  
Boise, Idaho 83720-0027  
Phone: 208-332-6800  
Fax: 208-334-2228

# **IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION**

## **08.02.04 - RULES GOVERNING PUBLIC CHARTER SCHOOLS**

**DOCKET NO. 08-0204-1301**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, 33-5203, and 33-5210(4)(e), Idaho Code.

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

Amendments bring IDAPA 08.02.04 into alignment with the legislative changes made in 2013 and clarify the process for the implementation of the new accountability measure requirements as well as new charter school authorizers.

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 7, 2013 Idaho Administrative Bulletin, [Vol. 13-8, pages 88 through 101](#).

**FISCAL IMPACT:** The following is a specific 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 Tracie Bent at (208)332-1582, or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

DATED this 8th Day of November, 2013.

Tracie Bent, Chief Planning & Policy Officer  
Idaho State Board of Education  
650 W State Street  
PO Box 83720  
Boise, Idaho 83720-0037  
Phone: (208)332-1582  
Fax: (208)3342632

# **IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION**

## **08.03.01 - RULES OF THE PUBLIC CHARTER SCHOOLS COMMISSION**

**DOCKET NO. 08-0301-1301**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, 33-5203, and 33-5210(4)(e), Idaho Code.

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

Changes under consideration bring IDAPA 08.03.01 into alignment with the legislative changes made in 2013 and clarify the process for the implementation of the new accountability measure requirements. Specific changes remove the requirement for an annual programmatic operations audit and student goals attainment report. Additional changes removed duplicative language contained in the public hearing process required by Section 33-5205(2), Idaho Code.

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 7, 2013 Idaho Administrative Bulletin, [Vol. 13-8, page 102 through 108](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Tracie Bent at (208)332-1582, or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

DATED this 8th Day of November, 2013.

Tracie Bent, Chief Planning & Policy Officer  
Idaho State Board of Education  
650 W State Street  
PO Box 83720  
Boise, Idaho 83720-0037  
Phone: (208)332-1582  
Fax: (208)3342632

# IDAPA 14 - BOARD OF REGISTRATION FOR PROFESSIONAL GEOLOGISTS

## 14.01.01 - RULES OF PROCEDURE OF THE BOARD OF REGISTRATION FOR PROFESSIONAL GEOLOGISTS

DOCKET NO. 14-0101-1301

### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-2808, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any 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 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 133 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 this pending rule, contact Cherie Simpson at 208-334-3233.

DATED this 28th day of October, 2013.

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

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

**15.06.03 - PUBLIC SAFETY COMMUNICATIONS RULES**

**DOCKET NO. 15-0603-1301**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 46-804, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any 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 published in the October 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 137 through 142](#).

**FISCAL IMPACT:** The following is a specific 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 Col. Brad Richy, Director, Bureau of Homeland Security, at (208) 422-3001.

DATED this 24th day of October, 2013.

Col. Brad Richy  
Director, Bureau of Homeland Security  
Military Division  
700 S. Stratford Dr., Bldg. 600  
Meridian, ID 83642  
Phone: (208) 422-3001  
Fax: (208) 288-2605



**IDAPA 15 - OFFICE OF THE GOVERNOR  
MILITARY DIVISION - BUREAU OF HOMELAND SECURITY  
15.06.04 - RULES GOVERNING IDAHO YOUTH CHALLENGE PROGRAM  
DOCKET NO. 15-0604-1301 (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 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 46-804 and 46-805, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any 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 published in the October 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 143 through 145](#).

**FISCAL IMPACT:** The following is a specific 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 Brig. Gen. Richard G. Turner, Director of Joint Staff, at (208) 422-5471.

DATED this 24th day of October, 2013.

Brig. Gen. Richard G. Turner, Director of Joint Staff  
Military Division  
700 S. Stratford Dr., Bldg. 600  
Meridian, ID 83642  
Phone: (208) 422-5471  
Fax: (208) 422-6179

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

**15.13.01 - RULES OF THE IDAHO EMERGENCY RESPONSE COMMISSION**

**DOCKET NO. 15-1301-1301 (CHAPTER REPEAL)**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 39-7104 and 46-804, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any 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 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, page 147](#).

**FISCAL IMPACT:** The following is a specific 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 Col. Brad Richy, Director, Bureau of Homeland Security, at (208) 422-3001.

DATED this 24th day of October, 2013.

Col. Brad Richy  
Director, Bureau of Homeland Security  
Military Division  
700 S. Stratford Dr., Bldg. 600  
Meridian, ID 83642  
Phone: (208) 422-3001  
Fax: (208) 288-2605

## IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

### 16.07.33 - ADULT MENTAL HEALTH SERVICES

DOCKET NO. 16-0733-1301

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. In accordance with Section 67-5224(5)(a) and (b), Idaho Code, as specified here in this notice the pending rule becomes final and effective on July 1, 2014, after review by the legislature, unless the rule is approved, rejected, amended, or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is affected by concurrent resolution, the concurrent resolution shall specify the effective date of the rule.

**AUTHORITY:** In compliance 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:** 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 4, 2013, Idaho Administrative Bulletin, [Vol. 13-9, pages 150 through 156](#).

The Division of Behavioral Health (DBH) is working on building a peer recovery system and by removing the barrier around criminal history and background checks will provide more individuals to be in the peer recovery system. Definitions in this chapter were also updated.

**FISCAL IMPACT:** The following is a specific 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 any other funds due to this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Treena Clark at (208) 364-6611.

DATED this 29th day of October, 2013.

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

## IDAPA 17 - INDUSTRIAL COMMISSION

### 17.02.09 - RULES GOVERNING MEDICAL FEES

DOCKET NO. 17-0209-1301

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective on *sine die*, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 72-508; 72-720; 72-721; 72-722; 72-723; and 72-803, Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule published in the October 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 240 through 243](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Patti Vaughn, Medical Fee Schedule Analyst, (208) 334-6084.

DATED this 5th day of November, 2013.

Mindy Montgomery, Director  
Industrial Commission  
700 S. Clearwater Lane  
P.O. Box 83720  
Boise, Idaho 83720-0041  
Phone: (208) 334-6000  
Fax: (208) 334-2321

## **IDAPA 18 - DEPARTMENT OF INSURANCE**

### **18.01.23 - RULES PERTAINING TO THE IDAHO INSURANCE HOLDING COMPANY SYSTEM REGULATORY ACT**

**DOCKET NO. 18-0123-1301**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 41-211 and 41-3817, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any 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 published in the October 2, 2013 Idaho Administrative Bulletin, **Vol. 13-10, pages 258 through 281**.

**FISCAL IMPACT:** The following is a specific 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 Tom Donovan at (208)334-4214, [tom.donovan@doi.idaho.gov](mailto:tom.donovan@doi.idaho.gov).

DATED this 31st day of October, 2013.

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

**IDAPA 18 - DEPARTMENT OF INSURANCE**  
**18.01.50 - ADOPTION OF THE INTERNATIONAL FIRE CODE**  
**DOCKET NO. 18-0150-1301**

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

**EFFECTIVE DATE:** The effective date of the temporary rule is January 1, 2014. The pending rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and is also adopting this rule as a temporary rule. The action is authorized pursuant to Sections 41-211 and 41-253, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule:

To revise language in IDAPA 18.01.50 to adopt the 2012 edition of the International Fire Code. This adoption will include revisions made to previous editions of the International Fire Code. This rule will bring the adopted edition of the International Fire Code current with the edition of the Building Code adopted by the Legislature in 2013.

In accordance with Section 67-5226, Idaho Code, the full text of the temporary rule is being published in this Bulletin following this notice. 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 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 282 through 287](#).

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

Necessary to protect the public health, safety or welfare.

**FISCAL IMPACT:** The following is a specific 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 or temporary rule, contact Mark Larson, State Fire Marshal, at 208-334-4371, [mark.larson@doi.idaho.gov](mailto:mark.larson@doi.idaho.gov).

DATED this 30th day of October, 2013.

Mark Larson, State Fire Marshal  
Idaho Department of Insurance  
700 W. State Street - 3rd Floor  
Boise, ID 83720-0043  
208-334-4371  
208-334-4398 (fax)

**DOCKET NO. 18-0150-1301 - ADOPTION OF PENDING RULE**

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 13-10, October 2, 2013, pages 282 through 287.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2014 Idaho State Legislature.

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Pursuant to Section 67-5226, Idaho Code, the full text of the temporary rule is being published in this Bulletin.

This rule has been adopted as a temporary rule and is effective January 1, 2014.

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**THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 18-0150-1301**

**004. INCORPORATION BY REFERENCE.**

**01. 20~~09~~<sup>12</sup> International Fire Code.** In accordance with Section 67-5229, Idaho Code, and pursuant to the authority provided by Section 41-253, Idaho Code, the State Fire Marshal hereby adopts the 20~~09~~<sup>12</sup> edition of the International Fire Code as published by the International Code Council. Any revisions, additions, deletions and/or appendices to the 20~~09~~<sup>12</sup> International Fire Code are included herein. ~~(4-7-H)~~(1-1-14)T

**02. Availability of Referenced Material.** Copies of the 20~~09~~<sup>12</sup> edition of the International Fire Code are available for public inspection at the office of the State Fire Marshal. The 20~~09~~<sup>12</sup> International Fire Code and supplements thereto may be purchased by writing the International Code Council, Northwest Resource Center, 2122 112th Ave NE, Suite C, Bellevue, WA 98004 or online through the electronic store on the Council's website at <http://www.iccsafe.org/Pages/default.aspx>. ~~(4-7-H)~~(1-1-14)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**011. DEPARTMENT OF FIRE PREVENTION, SECTION 103.2 -- APPOINTMENTS, INTERNATIONAL FIRE CODE.**

Delete the following language **in section 103.2 of the International Fire Code**: "... and the fire code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority." ~~(3-29-12)~~(1-1-14)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**016. PERMIT REQUIRED, SECTION 105.1.1, INTERNATIONAL FIRE CODE.**

~~A permit, if required by the local jurisdiction, shall be obtained from the designated official prior to engaging in activities requiring a permit within the local jurisdiction.~~ Delete “the required permit” from the last sentence of Section 105.1.1 of the International Fire Code and add “a permit if required by the authority having jurisdiction.”  
(4-2-08)(1-1-14)T

**017. VIOLATION PENALTIES, SECTION 109.34, INTERNATIONAL FIRE CODE.**

~~In Section 109.3, Violation Penalties, International Fire Code, delete the sentence that includes “shall be guilty of a,” and replace with the word “misdemeanor.” In the first sentence of Section 109.4 of the International Fire Code, delete “[SPECIFY OFFENCE], punishable by a fine of not more than [AMOUNT] dollars, or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment” and add the word “misdemeanor.”~~  
(4-2-08)(1-1-14)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**020. DEFINITION OF CODE OFFICIAL, SECTION 202, INTERNATIONAL FIRE CODE.**

Add “or as appropriate the Idaho State Fire Marshal” to the end of the definition for ~~code official~~ FIRE CODE OFFICIAL in Section 202 of the International Fire Code.  
(5-3-03)(1-1-14)T

**021. CHAPTER 5 FIRE SERVICE FEATURES.**

Make the following changes within Chapter 5 of the International Fire Code: (1-1-14)T

**01. Section 501.** (4-7-11)

a. To section 501.3 after the phrase, Construction documents for proposed, add the word “driveways.” (4-7-11)

b. To section 501.4 after the phrase, When fire apparatus access roads, add the word “driveways.” (4-7-11)

**02. Section 502.** To section 502, add the following definition in, DRIVEWAY. A vehicular ingress and egress route that serves no more than five (5) single family dwellings, not including accessory structures. (4-7-11)

**03. Section 503.** (4-7-11)

a. To section 503, add the following definition, “FIRE STATION, A building, or portion of a building that provides, at a minimum, all weather protection for fire apparatus. Temperatures inside the building used for this purpose must be maintained at above thirty-two (32) degrees Fahrenheit.” (4-7-11)

b. To section 503 add the words, “AND DRIVEWAYS” to the section heading. (4-7-11)

c. To section 503.1.1 add the following sentence, “Driveways shall be provided and maintained in accordance with Sections 503.7 through 503.11.” (4-7-11)(1-1-14)T

d. To section 503.6 delete the sentence, The installation of security gates across a fire apparatus access road shall be approved by the fire chief. (4-7-11)

e. Add the following section, “503.7 Driveways. Driveways shall be provided when any portion of an exterior wall of the first story of a building is located more than 150 feet (45720mm) from a fire apparatus access road. Driveways shall provide a minimum unobstructed width of 12 feet (3658mm) and a minimum unobstructed height of 13 feet 6 inches (4115mm). Driveways in excess of 150 feet (45720mm) in length shall be provided with turnarounds. Driveways in excess of 200 feet (60960mm) in length and 20 feet (6096mm) in width may require turnouts in addition to turnarounds.” (4-7-11)



**f.** Add the following section, “503.7.1 Limits. A driveway shall not serve in excess of five single family dwellings.” (4-7-11)

**g.** Add the following section, “503.7.2 Turnarounds. Driveway turnarounds shall have an inside turning radius of not less than 30 feet (9144mm) and an outside turning radius of not less than 45 feet (13716mm). Driveways that connect with an access road or roads at more than one point may be considered as having a turnaround if all changes of direction meet the radius requirements for driveway turnarounds.” (4-7-11)

**h.** Add the following section, “503.7.3 Turnouts. Where line of sight along a driveway is obstructed by a man-made or natural feature, turnouts shall be located as may be required by the fire code official to provide for safe passage of vehicles. Driveway turnouts shall be of an all-weather road surface at least 10 feet (3048mm) wide and 30 feet (9144mm) long.” (4-7-11)

**i.** Add the following section, “503.7.4 Bridge Load Limits. Vehicle load limits shall be posted at both entrances to bridges on driveways and private roads. Design loads for bridges shall be established by the fire code official.” (4-7-11)

**j.** Add the following section, “503.7.5 Address markers. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and be visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and maintained thereafter. The address shall be visible and legible from the road on which the road on which the address is located. Address signs along one-way roads shall be visible from both the intended direction of travel and the opposite direction. Where multiple address’s are required at a single driveway, they shall be mounted on a single post, and additional signs shall be posted at locations where driveways divide.” (4-7-11)

**k.** Add the following section, “503.7.6 Grade. The gradient for driveways shall not exceed 10 percent unless approved by the fire code official.” (4-7-11)

**l.** Add the following section, “503.7.7 Security Gates. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and emergency operation shall be maintained operational at all times.” (4-7-11)

**m.** Add the following section, “503.7.8 Surface. Driveways shall be designed and maintained to support the imposed loads of local responding fire apparatus and shall be surfaced as to provide all weather driving capabilities.” (4-7-11)

**04. Section 507.** To section 507.2 Type of water supply. delete the existing language and add the following, “A water supply shall consist of water delivered by fire apparatus, reservoirs, pressure tanks, elevated tanks, water mains or other sources approved by the fire code official capable of providing the required fire flow. Exception. The water supply required by this code shall only apply to structures served by a municipal fire department or a fire protection district and within ten miles (16093m) of a responding fire station.” (4-7-11)

**022. -- 026. (RESERVED)**

**027. ~~AUTOMATIC SPRINKLER SYSTEMS, SECTION 903.2.7 GROUP M, INTERNATIONAL FIRE CODE~~ ALTERNATIVE AUTOMATIC FIRE-EXTINGUISHING SYSTEMS, SECTION 904.1.1, INTERNATIONAL FIRE CODE.**

Add the following language to ~~Item 4: “...or mattresses exceeds 5000 square feet (464m2);~~ the beginning of section 904.1.1 of the International Fire Code, “If required by the authority having the jurisdiction.”; ~~(3-29-12)~~(1-1-14)T

**028. PORTABLE FIRE EXTINGUISHERS, SECTION 906.2.1, INTERNATIONAL FIRE CODE.**

Add the following language to the beginning of section 9.6.2.1 of the International Fire Code, “If required by the authority having jurisdiction.”; (1-1-14)T

**028~~9~~ – 036. (RESERVED)**

(BREAK IN CONTINUITY OF SECTIONS)

**038. CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS, SECTION 1101.1, INTERNATIONAL FIRE CODE.**

Add the following language to the end of section 1101.1 of the International Fire Code, “only, if in the opinion of the fire code official, they constitute a distinct hazard to life or property.” (1-1-14)T

~~038~~9. -- 040. (RESERVED)

**041. EXPLOSIVES AND FIREWORKS, CHAPTER ~~3356~~56, INTERNATIONAL FIRE CODE.**

Delete Sections ~~3356~~5601.1.3, ~~3356~~5601.2.2, ~~3356~~5601.2.3, ~~3356~~5601.2.4.1, ~~3356~~5601.2.4.2, and ~~3308.1 through 3308.3~~ sections 5608.2, 5608.2.1, and 5608.3 of the International Fire Code. (4-7-11)(1-1-14)T

042. -- 045. (RESERVED)

**046. UNDERGROUND TANKS OUT OF SERVICE FOR ONE YEAR, SECTION ~~3457~~04.2.13.1.3 INTERNATIONAL FIRE CODE.**

Add to Section ~~3457~~04.2.13.1.3, International Fire Code, the following paragraph: Upon approval of the Chief underground tanks that comply with the performance standards for new or upgraded underground tanks set forth in Title 40 Section 280.20 or 280.21 of the Code of Federal Regulations may remain out of service indefinitely so long as they remain in compliance with the operation, maintenance and release detection requirements of the federal rule. (5-3-03)(1-1-14)T

047. -- ~~050~~1. (RESERVED)

~~051. CHAPTER 46, CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS.~~

To section 4601.1 delete the period and add, “only if in the opinion of the fire code official, they constitute a distinct hazard to life or property.” (4-7-11)

**052. REFERENCED STANDARDS, CHAPTER ~~4580~~580, INTERNATIONAL FIRE CODE.**

Beginning on Page ~~418~~ 439, of the NFPA Referenced Standards, make the following changes to the listed editions:

Delete	Add	Delete	Add	Delete	Add
<del>10-2007</del>	10-2010	<del>25-2008</del>		<del>120-2004</del>	120-2010
<del>11-2005</del>	11-2010	<del>12-2005</del>	12-2008	<del>241-2004</del>	241-2009
<del>12A-2004</del>	12A-2009	<del>59A-2006</del>	59A-2009	<del>484-2006</del>	484-2009
<del>13-2007</del>	13-2010	<del>80-2007</del>	80-2010	<del>484-2006</del>	484-2009
<del>13D-2007</del>	13D-2010	<del>92A-2005</del>		<del>495-2006</del>	495-2010
<del>13R-2007</del>	13R-2010	<del>52-2006</del>	52-2010	<del>498-2006</del>	498-2010
<del>14-2007</del>	14-2010	<del>72-2007</del>	72-2010	<del>750-2006</del>	750-2010
<del>17-2002</del>	17-2009	<del>101-2006</del>	101-2009	<del>1123-2006</del>	1123-2010
<del>17A-2002</del>	17A-2009	<del>110-2005</del>	110-2010	<del>701-2004</del>	701-2010
<del>20-2007</del>	20-2010	<del>211-2006</del>	211-2010	<del>703-2006</del>	703-2009
<del>22-2003</del>	22-2008	<del>260-2003</del>	260-2009	<del>111-2005</del>	111-2010
<del>24-2003</del>	24-2010	<del>261-2003</del>	261-2009		

<u>Delete</u>	<u>Add</u>	<u>Delete</u>	<u>Add</u>
<u>10-2010</u>	<u>10-2013</u>	<u>111-2010</u>	<u>111-2013</u>
<u>13-2010</u>	<u>13-2013</u>	<u>170-2009</u>	<u>170-2012</u>
<u>13D-2010</u>	<u>13D-2013</u>	<u>204-2007</u>	<u>204-2012</u>
<u>13R-2010</u>	<u>13R-2013</u>	<u>211-2010</u>	<u>211-2013</u>
<u>14-2010</u>	<u>14-2013</u>	<u>241-2009</u>	<u>241-2013</u>
<u>17-2009</u>	<u>17-2013</u>	<u>260-2009</u>	<u>260-2013</u>
<u>17A-2009</u>	<u>17A-2013</u>	<u>261-2009</u>	<u>261-2013</u>
<u>20-2010</u>	<u>20-2013</u>	<u>289-2009</u>	<u>289-2013</u>
<u>22-2008</u>	<u>22-2013</u>	<u>318-2009</u>	<u>318-2012</u>
<u>24-2010</u>	<u>24-2013</u>	<u>385-2007</u>	<u>385-2012</u>
<u>51-2007</u>	<u>51-2013</u>	<u>409-2010</u>	<u>409-2011</u>
<u>51A-2011</u>	<u>51A-2012</u>	<u>495-2010</u>	<u>495-2013</u>
<u>52-2010</u>	<u>52-2013</u>	<u>498-2010</u>	<u>498-2013</u>
<u>55-2010</u>	<u>55-2013</u>	<u>505-2010</u>	<u>505-2013</u>
<u>59A-2009</u>	<u>59A-2013</u>	<u>654-2011</u>	<u>654-2013</u>
<u>61-2008</u>	<u>61-2013</u>	<u>720-2005</u>	<u>720-2012</u>
<u>72-2010</u>	<u>72-2013</u>	<u>1122-2008</u>	<u>1122-2013</u>
<u>80-2010</u>	<u>80-2013</u>	<u>1124-2012</u>	<u>1124-2013</u>
<u>99-2010</u>	<u>99-2012</u>	<u>1127-2008</u>	<u>1127-2013</u>
<u>105-2010</u>	<u>105-2013</u>	<u>2001-2011</u>	<u>2001-2013</u>
<u>110-2010</u>	<u>110-2013</u>		

~~(4-7-11)~~(1-1-14)T

## IDAPA 19 - STATE BOARD OF DENTISTRY

### 19.01.01- RULES OF THE IDAHO STATE BOARD OF DENTISTRY

#### DOCKET NO. 19-0101-1301

#### 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 2014 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section 54-912, 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 text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the October 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 288 through 306](#).

Additional wording has been added to Rule 031.01 and 035.02.b. regarding the prohibited duties of dental hygienists and dental assistants with respect to the placement or carving of restorative materials. The word "intraoral" was added to the language in order to provide further clarification.

Rule 046.03 relates to specialty advertising. Previous language regarding requirements of disclaimer language will be retained.

Language was added to Rule 055 in order to clarify requirements for minimal sedation of patients under the age of sixteen (16) years or less than one hundred (100) pounds.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-916, Idaho Code.

Fees for licensure are authorized pursuant to Section 54-916, Idaho Code. The Board is proposing a reduction in the fee for a dentist application by credentials from six hundred dollars (\$600) to three hundred dollars (\$300). The Board does not require applicants to present case histories of patients treated by an applicant as is authorized by Section 54-916B(5), Idaho Code.

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

The proposed reduction in the fee for a dentist application by credentials from \$600 to \$300 would negatively impact the Board's dedicated fund by approximately \$4,800 per fiscal year. This figure is based upon the number of applications processed in FY2013.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending fee rule, contact Susan Miller, Executive director, (208) 334-2369.

DATED this 25th day of October, 2013.

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

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DOCKET NO. 19-0101-1301 - ADOPTION OF PENDING FEE 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 13-10, October 2, 2013, pages 288 through 306.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2014 Idaho State Legislature.

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THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE  
FOR FEE DOCKET NO. 19-0101-1301

**031. DENTAL HYGIENISTS - PROHIBITED PRACTICE (RULE 31).**

Subject to the provisions of the Dental Practice Act, Chapter 9, Title 54, Idaho Code, and these rules, a dental hygienist may not perform certain specified duties. (4-6-05)

- 01. Prohibited Duties.** A dental hygienist is prohibited from performing the duties specified below: (4-6-05)

**[Paragraph 031.01.c.]**

**c.** The intraoral placement or carving of restorative materials unless authorized by issuance of an extended access restorative license endorsement; (~~3-29-12~~)(    )

**035. DENTAL ASSISTANTS - PRACTICE (RULE 35).**

**02. Prohibited Duties.** Subject to other applicable provisions of these rules and of the Act, dental assistants are hereby prohibited from performing any of the activities specified below: (7-1-93)

**[Paragraph 035.02.b.]**

- b. The intraoral placement or carving of permanent restorative materials ~~in any manner.~~ (7-1-93)( )

**046. ADVERTISING (RULE 46).**

Dentists and dental hygienists licensed to practice in Idaho may advertise in any medium or by other form of public communication so long as any such advertising is not false, deceptive, misleading or not readily subject to verification. ~~In addition to any other applicable grounds, a~~ violation of this advertising rule shall constitute and be considered as ~~unethical and~~ unprofessional conduct pursuant to the Idaho Dental Practice Act and this chapter. (3-20-04)( )

**03. Specialty Advertising.** The Board recognizes and licenses the following specialty areas of dental practice: Dental Public Health; Endodontics; Oral and Maxillofacial Pathology; Oral and Maxillofacial Radiology; Oral and Maxillofacial Surgery; Orthodontics; Pediatric Dentistry; Periodontics; and Prosthodontics. The specialty advertising rules are intended to allow the public to be informed about recognized dental specialties and specialization competencies of licensees and to require appropriate disclosures to avoid misperceptions on the part of the public. (4-6-05)

**[Paragraph 046.03.b. - amendments to codified text have been withdrawn]**

b. A licensee who has not been licensed by the Board in a recognized specialty area of dental practice may advertise as being qualified in a recognized specialty area of dental practice so long as each such advertisement, regardless of form, contains a prominent, clearly worded disclaimer that the licensee is “licensed as a general dentist” or that the specialty services “will be provided by a general dentist.” Any disclaimer in a written advertisement shall be in the same font style and size as that in the listing of the specialty area. (3-29-12)( )

**[Paragraph 046.03.c.]**

c. A licensee shall not advertise as being a specialist in or as specializing in any area of dental practice which is not a Board recognized and licensed specialty area unless the advertisement, regardless of form, contains a prominent, clearly worded disclaimer that the advertised area of dental practice is not recognized as a specialty area of dental practice by the Idaho Board of Dentistry. Any disclaimer in a written advertisement shall be in the same font style and size as that in the listing of the specialty area. (3-20-04)( )

**[Section 055 subtext]**

**055. MINIMAL SEDATION (RULE 55).**

Persons licensed to practice dentistry in accordance with the Idaho Dental Practice Act and these rules are not required to obtain a permit to administer minimal sedation to ~~adult~~ patients of sixteen (16) years of age or older. In cases where the patient weighs less than one hundred (100) pounds, or is under the age of sixteen (16) years, minimal sedation may be administered without a permit by use of nitrous oxide, or with a single enteral dose of a sedative agent administered in the dental office. When the intent is minimal sedation ~~for adults~~, the appropriate initial dosing of a single enteral drug is no more than the maximum recommended dose (MRD) of a drug that can be prescribed for unmonitored home use. (4-7-11)( )

## **IDAPA 21 - DIVISION OF VETERANS SERVICES**

### **21.01.02 - RULES GOVERNING EMERGENCY RELIEF FOR VETERANS**

**DOCKET NO. 21-0102-1301**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 65-202 and 65-204, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any 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 2, 2013 Idaho Administrative Bulletin, **Vol. 13-10, pages 307 and 308.**

**FISCAL IMPACT:** The following is a specific 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 change will result in an anticipated cost of \$2,500 annually in General Funds. It will also have a positive impact to veterans by affording Tribal Veterans Representatives with increased opportunities for training about how to assist veterans in properly completing their claims and applications for federal veterans' benefits. This will increase the likelihood of the success of such veterans' claims, which will increase the amount of money provided to Idaho in federal veterans' benefits.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Tamara Mackenthun, Deputy Administrator, (208) 577-2313.

DATED this 24th day of October, 2013.

Tamara Mackenthun, Deputy Administrator  
Division of Veterans Services  
351 Collins Rd.  
P. O. Box 83720  
Boise, ID 83720-0092  
Phone: (208) 577-2313  
Fax: (208) 577-2311

## **IDAPA 21 - DIVISION OF VETERANS SERVICES**

### **21.01.08 - RULES GOVERNING VETERANS RECOGNITION FUND GRANT PROGRAM**

#### **DOCKET NO. 21-0108-1301 (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 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 65-202 and 65-204, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any 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 published in the October 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 309 through 312](#).

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

Grant funds will be obtained from investment of moneys appropriated from excess earnings from funds maintained by the Division of Veterans Services. No General Funds will be allocated to this program.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the proposed rule, contact Tamara Mackenthun, Deputy Administrator, (208) 577-2313.

DATED this 24th day of October, 2013.

Tamara Mackenthun, Deputy Administrator  
Division of Veterans Services  
351 Collins Rd.  
P. O. Box 83720  
Boise, ID 83720-0092  
Phone: (208) 577-2313  
Fax: (208) 577-2311



## **IDAPA 22 - BOARD OF MEDICINE**

### **22.01.03 - RULES FOR THE LICENSURE OF PHYSICIAN ASSISTANTS**

#### **DOCKET NO. 22-0103-1301**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-1806 and 54-1807A, 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 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 313 through 315](#).

**FISCAL IMPACT:** The following is a specific 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. There will be no impact on the general fund.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Nancy M. Kerr, Executive Director, Phone: (208) 327-7000.

DATED this 23rd day of October, 2013.

Nancy M. Kerr, Executive Director  
Idaho State Board of Medicine  
1755 Westgate Drive, Ste. 140, Boise, ID  
PO Box 83720  
Boise, ID 83720-0058  
Phone: (208) 327-7000  
Fax: (208) 327-7005

## **IDAPA 22 - BOARD OF MEDICINE**

### **22.01.13 - RULES FOR THE LICENSURE OF DIETITIANS**

**DOCKET NO. 22-0113-1301**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-3503 and 54-3505, 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 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 316 through 318](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Nancy M. Kerr, Executive Director, Phone: (208) 327-7000.

DATED this 23rd day of October, 2013.

Nancy M. Kerr, Executive Director  
Idaho State Board of Medicine  
1755 Westgate Drive, Ste. 140, Boise, ID  
PO Box 83720  
Boise, ID 83720-0058  
Phone: (208) 327-7000  
Fax: (208) 327-7005

## IDAPA 23 - BOARD OF NURSING

### 23.01.01 - RULES OF THE IDAHO BOARD OF NURSING

#### DOCKET NO. 23-0101-1302

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1404, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any 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 published in the October 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 319 through 322](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Sandra Evans, M.A. Ed., R.N., Executive Director, (208) 334-3110 ext. 2476.

DATED this 24th day of October, 2013.

Sandra Evans, M.A. Ed., R.N., Executive Director  
Board of Nursing  
280 N. 8th St. (8th & Bannock), Ste. 210  
P. O. Box 83720  
Boise, ID 83720-0061  
Phone: 334-3110 ext. 2476  
Fax: (208) 334-3536

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

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

**DOCKET NO. 24-0201-1301**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-521, 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:

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 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 323 and 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: N/A

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

DATED this 28th day of October, 2013.

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

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

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

**DOCKET NO. 24-0401-1301**

#### **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 2014 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section 54-821, Idaho Code.

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

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 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 325 through 331](#).

**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 54-818, Idaho Code.

As authorized by 54-818, Idaho Code, rule 125 is being amended to reduce all fees: Establishments/retail dealers/glamour photography original license from \$30 to \$25; renewal from \$25 to \$20; original license and renewal for personal licenses from \$15 to \$10; original license and renewal for instructors from \$20 to \$15; original school license from \$400 to \$300; renewal from \$75 to \$65, and endorsement from \$85 to \$65.

**FISCAL IMPACT:** The following is a specific 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 is anticipated to reduce the amount of dedicated fund fees collected annually by the Board of Cosmetology by approximately \$119,905.00. There is no fiscal impact on general funds.

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

DATED this 28th day of October, 2013.

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

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

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

#### **DOCKET NO. 24-0501-1302**

#### **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 2014 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section 54-2406, Idaho Code.

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

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 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 332 through 334](#).

**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 54-2407, Idaho Code.

As authorized by 54-2407, Idaho Code Rule 200 is being amended to provide that the examination fees shall not be greater than those charged by the examination provider and to reduce the endorsement fee, original license fee, and annual renewal fee from \$35 to \$30.

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

The fee section changes will result in an annual reduction of approximately \$19,280.00 in the board's dedicated fund, based on the current number of licensed operators and the number of applications received last year.

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

DATED this 28th day of October, 2013.

Tana Cory, Bureau Chief  
Bureau of Occupational Licenses  
700 W State St.  
P O Box 83720  
Boise, ID 83720-0063  
Phone: 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. 24-0601-1301**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-3717, 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 September 4, 2013 Idaho Administrative Bulletin, [Vol. 13-9, pages 176 through 178](#).

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

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

DATED this 28th day of October, 2013.

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

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

### **24.07.01 - RULES OF THE IDAHO STATE BOARD OF LANDSCAPE ARCHITECTS**

**DOCKET NO. 24-0701-1301**

#### **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 2014 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section 54-3003, Idaho Code.

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

The Idaho State Board of Landscape Architects is amending Rule 300.01 to clarify the passing score of the approved examination due to a comment received and considered on the proposed rule.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the September 4, 2013 Idaho Administrative Bulletin, [Vol. 13-9, pages 179 through 181](#).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-3003, Idaho Code.

Rule 400 is being amended to remove the processing fee for the examination as the examination is scheduled and taken through the examination provider.

**FISCAL IMPACT:** The following is a specific 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 is anticipated to reduce the Board's dedicated fund by approximately \$225 per year based on the number examination applicants in the last calendar year.

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

DATED this 30th day of October, 2013.

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

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**DOCKET NO. 24-0701-1301 - ADOPTION OF PENDING FEE 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 13-9, September 4, 2013, pages 179 through 181.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2014 Idaho State Legislature.

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**THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE  
FOR FEE DOCKET NO. 24-0701-1301**

**300. EXAMINATIONS (RULE 300).**

The examination ~~shall be that published~~ prepared by the Council of Landscape Architectural Registration Boards is an approved examination. ~~Examinations will be in the months of June and December.~~ The Board may approve other examinations it deems appropriate. ~~(3-20-04)( )~~

**[Subsection 300.01]**

**01. Minimum Passing Score.** The minimum passing score for each section of the examination shall be ~~seventy five percent (75%)~~ the score as determined by the examination provider. ~~(7-1-93)( )~~

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

### **24.08.01 - RULES OF THE STATE BOARD OF MORTICIANS**

**DOCKET NO. 24-0801-1301**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1107, Idaho Code.

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

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 4, 2013 Idaho Administrative Bulletin, [Vol. 13-9, pages 182 through 185](#).

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

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

DATED this 28th day of October, 2013.

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

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

### **24.11.01 - RULES OF THE STATE BOARD OF PODIATRY**

#### **DOCKET NO. 24-1101-1301**

#### **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 2014 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section 54-605, Idaho Code.

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

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 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 335 through 339](#).

**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 54-606, Idaho Code.

As authorized by Section 54-606, Idaho Code, Rule 300 is being amended to remove fees associated with the Idaho examination and clarify refunds.

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

There is no impact on general or dedicated funds.

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

DATED this 28th day of October, 2013.

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

## IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

### 24.13.01 - RULES GOVERNING THE PHYSICAL THERAPY LICENSE BOARD

DOCKET NO. 24-1301-1301

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-2206, Idaho Code.

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

The Board of Physical Therapy is amending Rule 016.02.c. to retain a portion of the proposed rule that was stricken due to comments received on the proposed rule.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the August 7, 2013 Idaho Administrative Bulletin, [Vol. 13-8, pages 288 through 290](#).

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

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

DATED this 5th day of November, 2013.

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

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#### DOCKET NO. 24-1301-1301 - 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 13-8, August 7, 2013, pages 288 through 290.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting  
review and final approval by the 2014 Idaho State Legislature.

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**FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE FOR DOCKET NO. 24-1301-1301**

**016. SUPERVISION (RULE 16).**

A physical therapist shall supervise and be responsible for patient care given by physical therapist assistants, supportive personnel, physical therapy students, and physical therapist assistant students. (3-19-07)

**02. Supervision of Physical Therapist Assistants.** A physical therapist assistant shall be supervised by a physical therapist by no less standard than general supervision. (3-19-07)

**[Paragraph 016.02.c.]**

c. ~~A patient re-evaluation must be performed and documented by the~~ The supervising physical therapist ~~a minimum of~~ shall provide direct personal contact with the patient and assess the plan of care on or before every ~~five~~ ~~ten (510)~~ visits or once a week if treatment is performed more than once per day ~~but no less often than once every~~ ~~sixty (60) days. The supervising therapist's assessment shall be documented in the patient record.~~ ~~(3-19-07)~~ ( )

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

### **24.13.01 - RULES GOVERNING THE PHYSICAL THERAPY LICENSE BOARD**

**DOCKET NO. 24-1301-1302**

#### **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 2014 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section 54-2206, Idaho Code.

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

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 7, 2013 Idaho Administrative Bulletin, [Vol. 13-8, pages 291 and 292](#).

**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 54-2214, Idaho Code.

As authorized by Section 54-2214, Idaho Code, Rule 200 is being amended to decrease the initial license and annual renewal fee for physical therapists from \$40 to \$20; decrease the initial license and annual renewal fee for physical therapist assistants from \$35 to \$20; decrease the exam administration fee from \$40 to \$25; and decrease the application fee from \$50 to \$25. Rule 200.05 concerning extraordinary expenses is being deleted in its entirety.

**FISCAL IMPACT:** The following is a specific 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 is anticipated to reduce the amount of dedicated fund fees collected by the Physical Therapy Licensure Board by approximately \$27,510.00.

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

DATED this 28th day of October, 2013.

Tana Cory, Bureau Chief  
Bureau of Occupational Licenses  
700 W State St.  
P O Box 83720  
Boise, ID 83720-0063  
Phone: 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. 24-1401-1301

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

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 4, 2013 Idaho Administrative Bulletin, [Vol. 13-9, pages 186 through 188](#).

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

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

DATED this 28th day of October, 2013.

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

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

### **24.18.01 - RULES OF THE REAL ESTATE APPRAISER BOARD**

**DOCKET NO. 24-1801-1301**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-4106, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any 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 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 340 through 354](#).

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

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

DATED this 28th day of October, 2013.

Tana Cory, Bureau Chief  
Bureau of Occupational Licenses  
700 W State St.  
P O Box 83720  
Boise, ID 83720-0063  
Phone: 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. 24-2501-1301**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-5403, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any 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 3, 2013 Idaho Administrative Bulletin, [Vol. 13-7, pages 73 through 78](#).

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

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

DATED this 28th day of October, 2013.

Tana Cory, Bureau Chief  
Bureau of Occupational Licenses  
700 W State St.  
P O Box 83720  
Boise, ID 83720-0063  
Phone: 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. 24-2601-1301**

#### **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 2014 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Sections 54-5504 and 54-5509, Idaho Code.

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

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 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 355 and 356](#).

**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 54-818, Idaho Code.

This change would increase the initial application fee from \$50 to \$200; the initial license fee from \$550 to \$800; and the annual renewal fee from \$550 to \$850.

**FISCAL IMPACT:** The following is a specific 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 result in an annual increase of approximately \$10,000 in the board's dedicated fund, based on the current number of licensees and an estimate of one new application.

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

DATED this 28th day of October, 2013.

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

## IDAPA 27 - BOARD OF PHARMACY

### 27.01.01 - RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 27-0101-1207

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1717, Idaho Code.

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

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The original text of the proposed rule published in the October 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 367 through 373](#).

These changes are non-substantive in nature and include grammar corrections, clarification of confusing language, and harmony of terms within IDAPA 27.01.01.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. None.

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

Minimal positive impact in the form of saved personnel time approving continuing pharmacy education.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Mark Johnston, Executive Director, at (208) 334-2356.

DATED this 1st day of November, 2013.

Mark Johnston, R.Ph.  
Executive Director  
Board of Pharmacy  
1199 W. Shoreline Ln., Ste. 303  
P. O. Box 83720  
Boise, ID 83720-0067  
Telephone: (208) 334-2356  
FAX: (208) 334-3536

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DOCKET NO. 27-0101-1207 - 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 13-10, October 2, 2013, pages 367 through 373.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2014 Idaho State Legislature.

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FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE FOR DOCKET NO. 27-0101-1207

**604. PHARMACY PRODUCT STORAGE AND REMOVAL.**

Prescription drugs, devices, and other products restricted to sale or dispensing by, or under the supervision of, a pharmacist must be stored in the pharmacy and must not be sold, delivered, or otherwise removed from a pharmacy unless a pharmacist is present, except: ( )

03. Storage for Delivery. Filled prescriptions may be picked up for delivery from a pharmacy when the pharmacy is closed for business if: ( )

*[Paragraphs 604.03.a. and 604.03.b.]*

a. The prescriptions are placed in a secured delivery area equipped with adequate security, including an alarm or comparable monitoring system, to prevent unauthorized entry, theft and diversion: ( )

b. The secured delivery area has walls that extend to the roof and solid core or metal doors, and all doors and other access points must be equipped with locking devices and be constructed in a manner so that the hinge hardware is accessible only from inside the secured delivery area: ( )

*[Paragraphs 604.03.h. and 604.03.i.]*

h. The pharmacy maintains written policies and procedures for secured delivery area storage and removal of prescriptions; and ( )

i. The PIC of a pharmacy that ships drugs by common carrier must require the common carrier to conduct criminal background checks on its employees who have access to the secured delivery area. ( )

04. Qualified Returns to the Secured Delivery Area. A pharmacist or a pharmacy, by means of its agent, may accept the return of the following drugs or devices to the secured delivery area: ( )

*[Paragraph 604.04.c.]*

c. Those deemed qualified for return pursuant to the Restricted Return of Drugs or Devices rule. ( )

## IDAPA 27 - BOARD OF PHARMACY

### 27.01.01 - RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 27-0101-1301

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1717, Idaho Code.

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

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The original text of the proposed rule published in the October 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 374 through 386](#).

In addition to non-substantive changes, such as changes to improve grammar, condense language, and clarify confusing language, these changes rename a subsection, add an exception to the definition of compounding, and expand who may initial certain documents.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. None.

**FISCAL IMPACT:** The following is a specific 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 Board envisions requesting about ten thousand dollars (\$10,000) to send the Board's inspectors to sterile compounding training.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Mark Johnston, Executive Director, at (208) 334-2356.

DATED this 1st day of November, 2013.

Mark Johnston, R.Ph.  
Executive Director  
Board of Pharmacy  
1199 W. Shoreline Ln., Ste. 303  
P. O. Box 83720  
Boise, ID 83720-0067  
Telephone: (208) 334-2356  
FAX: (208) 334-3536

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DOCKET NO. 27-0101-1301 - 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 13-10, October 2, 2013, pages 367 through 373.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2014 Idaho State Legislature.

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FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE FOR DOCKET NO. 27-0101-1301

**239. COMPOUNDING DRUG PRODUCTS.**

**02. General Compounding Standards.** ( )

***[Paragraph 239.02.a.]***

**a.** Certificate of Analysis. A COA issued by a firm located in the United States must be obtained for all active ingredients procured for compounding and retained for a period of not less than three (3) years from the date the container is emptied. If a COA is not available from the vendor, one must be procured from a laboratory located in the United States. COAs are not required if the active ingredient utilized is designated USP-NF. If the product is not designated as USP-NF, then the following minimum information is required on the COA: ( )

***[Paragraph 239.02.d.]***

**d.** Disposing Compromised Drugs. When the correct identity, purity, strength, and sterility of ingredients and components cannot be confirmed (in cases of, for example, unlabeled syringes, opened ampules, punctured stoppers of vials and bags, and containers of ingredients with incomplete labeling) or when the ingredients and components do not possess the expected appearance, aroma, and texture, they must be disposed of immediately. ( )

**03. Scope of Practice.** A pharmacist may compound a drug product in the usual course of professional practice for an individual patient pursuant to an established prescriber/patient/pharmacist relationship and a valid prescription drug order. ( )

***[Paragraph 239.03.b. - proposed text deleted]***

**b.** Anticipatory Compounding. A pharmacist may compound limited quantities of a drug product prior to receiving a valid prescription drug order based on a history of receiving valid prescription drug orders generated solely within an established pharmacist/patient/prescriber relationship. ( )

[Paragraph 239.03.e.]

e. Exceptions. Compounding does not include reconstituting of a nonsterile drug or a sterile drug for immediate administration or the addition of a flavoring agent to a drug product. ( )

[Subsection 239.04 - entire subsection being reprinted]

**04. Drug Compounding Controls.** ( )

a. Policies and Procedures. In consideration of the applicable provisions of USP 795 concerning pharmacy compounding of non-sterile preparations, USP 797 concerning sterile preparations, Chapter 1075 of the USP-NF concerning good compounding practices, and Chapter 1160 of the USP-NF concerning pharmaceutical calculations, policies and procedures for the compounding or sterile prepackaging of drug products must ensure the safety, identity, strength, quality, and purity of the finished product, and must include any of the following that are applicable to the scope of compounding being performed: ( )

- i. Appropriate packaging, handling, transport, and storage requirements; ( )
- ii. Accuracy and precision of calculations, measurements, and weighing; ( )
- iii. Determining ingredient identity, quality, and purity; ( )
- iv. Labeling accuracy and completeness; ( )
- v. Beyond use date assignment; ( )
- vi. Auditing for deficiencies, including routine environmental sampling, quality and accuracy testing, and maintaining inspection and testing records; ( )
- vii. Maintaining environmental quality control; ( )
- viii. Safe limits and ranges for strength of ingredients, pH, bacterial endotoxins, and particulate matter;  
and ( )

b. Accuracy. Components, including but not limited to, bulk drug substances, used in the compounding or sterile prepackaging of drug products must be accurately weighed, measured, or subdivided, as appropriate. The amount of each active ingredient contained within a compounded drug product must not vary from the labeled potency by more than the drug product's acceptable potency range listed in the USP-NF monograph for that product. If USP-NF does not publish a range for a particular drug product, the active ingredients must not contain less than ninety percent (90%) and not more than one hundred ten percent (110%) of the potency stated on the label. If any drug potency analysis is conducted, records must be maintained in a readily retrievable manner. ( )

c. Non-Patient Specific Records. Except for drug products that are being compounded for direct administration, a production record of drug products compounded or sterile prepackaged for office use or prepared in anticipation of receiving prescription drug orders, solely as permitted herein, must be prepared and kept for each drug product prepared, including: ( )

- i. Production date; ( )
- ii. Beyond use date; ( )
- iii. List and quantity of each ingredient; ( )
- iv. Internal control or serial number; and ( )

- v. Initials or unique identifier of all persons involved in the process or the compounder responsible for the accuracy of these processes. ( )
- that is: **d.** Labeling. The label affixed to the container of a compounded or sterile prepackaged drug product ( )
- i. Dispensed must comply with the standard prescription drug labeling requirements. ( )
- ii. Distributed in the absence of a patient specific prescription drug order, solely as permitted herein, must contain the following information: ( )
- (1) The name of each drug included; ( )
- (2) The strength or concentration of each drug included; ( )
- (3) If applicable, the name and concentration of the base or diluents; ( )
- (4) If applicable, the dosage form or route of administration; ( )
- (5) The total quantity of the drug product; ( )
- (6) The expiration or beyond use date; ( )
- (7) The initials or unique identifier of the compounder responsible for the accuracy of the drug product; ( )
- (8) The statement “not for resale;” and ( )
- (9) Handling, storage or drug specific instructions, cautionary information, and warnings as required or deemed appropriate for proper use and patient safety. ( )



## **IDAPA 27 - BOARD OF PHARMACY**

### **27.01.01 - RULES OF THE IDAHO STATE BOARD OF PHARMACY**

**DOCKET NO. 27-0101-1302**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1717, Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule published in the October 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 387 and 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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the proposed rule, contact Mark Johnston, Executive Director, at (208) 334-2356.

DATED this 1st day of November, 2013.

Mark Johnston, R.Ph.  
Executive Director  
Board of Pharmacy  
1199 W. Shoreline Ln., Ste. 303  
P. O. Box 83720  
Boise, ID 83720-0067  
Telephone: (208) 334-2356  
FAX: (208) 334-3536

## IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION

### 31.01.01 - RULES OF PROCEDURE OF THE IDAHO PUBLIC UTILITIES COMMISSION

#### DOCKET NO. 31-0101-1301

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

**EFFECTIVE DATE:** This rule has been adopted by the Public Utilities Commission and is now pending review by the 2014 Idaho State Legislature for final approval. As provided for in Section 67-5224(5)(a), the pending rule becomes final and effective on February 15, 2014, and will be applied retroactively upon the conclusion of the 2014 legislative session upon approval of the pending rule. Pursuant to Section 67-5224(5)(b), Idaho Code, if the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Public Utilities Commission has adopted a pending rule. The action is authorized pursuant to Sections 61-401, 61-405, 61-601, 62-615, and 62-619, Idaho Code.

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

The Commission received no comments regarding the proposed rule. The pending rule is being adopted as originally proposed. The complete text of the proposed rule was published in the October 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 392 through 400](#).

**FISCAL IMPACT:** There is no fiscal impact on the State General Fund in excess of ten thousand dollars (\$10,000) during the fiscal year.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Donald L. Howell, II, Deputy Attorney General, at (208) 334-0312.

DATED this 1st day of November, 2013.

Jean D. Jewell  
Commission Secretary  
Idaho Public Utilities Commission  
472 W. Washington Street (83702-5918)  
PO Box 83720  
Boise, ID 83720-0074  
Tele: (208) 334-0338  
FAX: (208) 334-3762

**IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION**  
**31.71.03 - RAILROAD SAFETY AND ACCIDENT REPORTING RULES**  
**DOCKET NO. 31-7103-1301**  
**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the Public Utilities Commission and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Public Utilities Commission has adopted a pending rule. The action is authorized pursuant to Section 61-515, Idaho Code.

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

The Commission received no comments regarding the proposed rule. The pending rule is being adopted as originally proposed. The complete text of the proposed rule was published in the October 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 401 and 402](#).

**FISCAL IMPACT:** There is no fiscal impact on the state general fund resulting from this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Donald L. Howell, II, Deputy Attorney General, at (208) 334-0312.

DATED this 1st day of November, 2013.

Jean D. Jewell  
Commission Secretary  
Idaho Public Utilities Commission  
472 W. Washington Street (83702-5918)  
Boise, ID 83720-0074  
Telephone: (208) 334-0338  
Facsimile: (208) 334-3762

## IDAPA 33 - REAL ESTATE COMMISSION

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

DOCKET NO. 33-0101-1301

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-2007 and 54-2036(3), Idaho Code.

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

The pending rule expands the scope of courses for which the Commission may grant licensee education credit to include Professionalism and Business Success.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule published in the August 7th, 2013 Idaho Administrative Bulletin, [Vol. 13-8, pages 296 through 298](#).

**FISCAL IMPACT:** The following is a specific 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 9th day of October, 2013.

Jeanne Jackson-Heim  
Executive Director  
Agency: Idaho Real Estate Commission  
Physical Address: 575 E. Parkcenter Blvd. Suite 180  
Boise ID 83706  
(208) 334-3285; (208) 334-2050 (fax)

## IDAPA 52 - IDAHO STATE LOTTERY COMMISSION

### 52.01.02 - GAMING RULES OF THE IDAHO STATE LOTTERY COMMISSION

DOCKET NO. 52-0102-1301

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 67-7714, Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule published in the October 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 516 through 524](#).

**FISCAL IMPACT:** The following is a specific 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 Jeffrey Anderson, Executive Director, at (208) 334-2600.

DATED this 24th day of October, 2013.

Jeffrey Anderson  
Executive Director  
Idaho State Lottery  
1199 Shoreline Ln., Ste. 100  
P. O. Box 6537  
Boise, ID 83707-6537  
Phone: (208) 334-2600  
Fax: (208) 334-3522

## IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

### THE COEUR D'ALENE LAKE AND RIVER SBA AND TMDL- 2013 FERNAN LAKE ADDENDUM (HUC ID 17010303)

DOCKET NO. 58-0000-1309

#### NOTICE OF FINAL DECISION

**AUTHORITY:** In compliance with Section 39-3611, Idaho Code, notice is hereby given that this agency has issued a final decision on the Coeur d'Alene Lake and River Subbasin Assessment (SBA) and Total Maximum Daily Load (TMDL) - 2013 Fernan Lake Addendum.

**DESCRIPTIVE SUMMARY:** The Department of Environmental Quality (DEQ) hereby gives notice of the final decision on the Coeur d'Alene Lake and River SBA and TMDL - 2013 Fernan Lake Addendum. The final decision may be appealed to the Board of Environmental Quality by initiating a contested case in accordance with Sections 39-107(5), 67-5240 et seq., Idaho Code, and IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality." The petition initiating a contested case must be filed with the undersigned hearing coordinator within thirty-five (35) days of the publication date of this notice in the Idaho Administrative Bulletin.

The area covered by the 2013 Fernan Lake Addendum (Hydrologic Unit Code ID 17010303) addresses one (1) assessment unit /pollutant combination identified in Idaho's 2010 Integrated Report. DEQ has submitted this TMDL document to the U.S. Environmental Protection Agency for approval under the Clean Water Act.

**AVAILABILITY OF THE TMDL:** Electronic copy of the TMDL can be obtained at <http://www.deq.idaho.gov/cda-lake-river-subbasin> or by contacting Ms. Marti Bridges, TMDL Program Manager, 208-373-0382, [marti.bridges@deq.idaho.gov](mailto:marti.bridges@deq.idaho.gov).

Dated this 4th day of November, 2013.

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)

## IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

### 58.01.02 - WATER QUALITY STANDARDS

#### DOCKET NO. 58-0102-1301

#### NOTICE OF RULEMAKING - PROPOSED RULEMAKING

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking. This action is authorized by Sections 39-105, 39-107, and 39-3601 et seq., Idaho Code.

**PUBLIC HEARING SCHEDULE:** No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency. Written requests for a hearing must be received by the undersigned on or before December 20, 2013. If no such written request is received, a public hearing will not be held.

**DESCRIPTIVE SUMMARY:** DEQ initiated this rulemaking docket in response to U.S. Environmental Protection Agency (EPA) disapproval of the water quality standards provision that exempts, from Tier II antidegradation review, those activities or discharges determined to be insignificant (*de minimus* exemption). This provision is set out in IDAPA 58.01.02.052.08.a.

DEQ is also proposing to revise IDAPA 58.01.02.055, which addresses the treatment of water bodies that do not support designated beneficial uses. This section needs to be updated to ensure it is consistent with changes in the Idaho Code and other sections of the water quality standards that have been adopted since the adoption of Section 055. For example, Subsection 055.04, which was adopted in 1997, contains antidegradation provisions that have since been superseded by the antidegradation policy and implementation provisions contained in Section 39-3603, Idaho Code, and IDAPA 58.01.02.051 and 052, which were adopted by the Idaho Board of Environmental Quality (Board) in 2010 and approved by the Idaho Legislature in 2011 (Docket No. 58-0102-1001).

In November 2010, antidegradation implementation procedures were adopted by the Board and then submitted to the 2011 Idaho Legislature for review (Docket No. 58-0102-1001). Under House Concurrent Resolution 16 (HCR16), the Idaho Legislature rejected certain portions of the rule and approved the remainder of the rule. The 2011 Idaho Legislature also adopted House Bill 153 (HB153) which revised the Idaho Code to include sections addressing the definition of degradation, the treatment of general permits, the identification of Tier II waters, and insignificant discharges or activities (codified at Sections 39-3601, 39-3602, 39-3603, and 39-3623, Idaho Code). The new sections added to Idaho law by HB153 correspond to the portions of the rule rejected by HCR16.

In April 2011, DEQ submitted revisions to its water quality standards administrative rule (Docket No. 58-0102-1001) and corresponding revisions to the Idaho Code to EPA for review and action. In August 2011, EPA approved the revisions as submitted.

In November 2011, the Board adopted Docket No. 58-0102-1103, which included revisions to make the language on implementation of antidegradation procedures in Idaho's water quality standards complete and consistent with changes in state law brought about by the 2011 Legislature's passage of HB153.

On February 14, 2012, Greater Yellowstone Coalition (GYC) brought an action in the U.S. District Court for the District of Idaho (Court) challenging EPA's approval of Idaho's definition of "degradation" of water quality and Idaho's mandatory exemption from review for *de minimus* levels of discharge. The *de minimus* exemption provided for an automatic exemption from Tier II antidegradation review if the added pollution from a new or increased activity would cause less than a 10% cumulative loss of a water body's assimilative capacity as of July 1, 2011. GYC argued that the *de minimus* exemption allows too much pollution. On April 24, 2013, the Court granted EPA's motion for remand of the *de minimus* issue and gave EPA 90 days to either: 1) take a new action on the *de minimus* provision; or 2) inform the Court that it has determined not to take a new action, and to file a cross-motion for summary judgment and brief in support of that motion regarding the *de minimus* provision. The Court will retain jurisdiction to ensure a timely remand process and to allow the parties to challenge any new EPA decision in this case.

On July 23, 2013, EPA disapproved the *de minimus* exemption. The Clean Water Act provides that if the state does not adopt changes in its rule to address the disapproval within 90 days, EPA shall promulgate a standard for the state. Pursuant to this section of the Clean Water Act, EPA may be required to promptly prepare a proposed rule for

the state of Idaho. Adoption of this rule docket will avoid EPA promulgation.

Idahoans that recreate in, drink from, or fish Idaho's surface waters, and all who discharge pollutants to those same waters, may be interested in commenting on this proposed rule. The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Idaho Board of Environmental Quality at the May 2014 Board meeting for adoption as a pending and temporary rule. If adopted by the Board, the temporary rule will become effective on June 4, 2014. The pending rule is expected to be final upon adjournment of the 2015 legislative session if approved by the Idaho Legislature. Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate in order to comply with deadlines in federal programs and, therefore, avoid federal promulgation of Idaho's water quality standards.

Before this rule docket can become effective, it will be necessary to revise Section 39-3603(2)(c), Idaho Code. DEQ intends to submit draft companion legislation for consideration by the 2014 Idaho Legislature.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the incorporation by reference is necessary: Not applicable.

**NEGOTIATED RULEMAKING:** The text of the proposed rule has been drafted based on discussions held and concerns raised during negotiations conducted pursuant to Section 67-5220, Idaho Code, and IDAPA 58.01.23.810-815. On August 7, 2013, the Notice of Negotiated Rulemaking was published in the Idaho Administrative Bulletin, [Vol. 13-8, pages 334 and 335](#), and a preliminary draft rule was made available for public review. A meeting was held on August 28, 2013. Several members of the public participated in this negotiated rulemaking process by attending the meeting and by submitting written comments. A record of the negotiated rule drafts, written comments received, documents distributed during the negotiated rulemaking process, and the negotiated rulemaking summary is available at [www.deq.idaho.gov/58-0102-1301](http://www.deq.idaho.gov/58-0102-1301).

All comments received during the negotiated rulemaking process were considered by DEQ when making decisions that resulted in drafting the proposed rule. The proposed rule is the same as Negotiated Rule Draft No. 4 with the exception of Subsection 055.02.a. Upon review, DEQ revised Subsection 055.02.a. for grammatical purposes. DEQ is now seeking public comment on the proposed rule.

**IDAHO CODE SECTION 39-107D STATEMENT:** The standards included in this proposed 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 AND SUBMISSION OF WRITTEN COMMENTS:** 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.

Anyone may submit written comments by mail, fax or email at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before January 3, 2014.

DATED this 8th day of November, 2013.

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)



**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 58-0102-1301**

**052. ANTIDegradation Implementation.**

The antidegradation policy shall be implemented as follows: (3-18-11)

**01. Waters Protected.** All waters receive Tier I protection. Waters receiving Tier II protection will be identified using a water body by water body approach during the antidegradation review. Waters given Tier III protection are designated in law. (3-18-11)

**02. Restoration Projects.** Changes in water quality may be allowed by the Department without an antidegradation review where determined necessary to secure long-term water quality improvement through restoration projects designed to trend toward natural characteristics and associated uses to a water body where those characteristics and uses have been lost or diminished. Restoration projects shall implement best management practices. (3-18-11)

**03. General Permits.** For general permits issued on or after July 1, 2011, the Department will conduct an antidegradation review, including any required Tier II analysis, at the time at which general permits are certified. For general permits that the Department determines adequately address antidegradation, review of individual applications for coverage will not be required unless it is required by the general permit. For general permits that the Department determines do not adequately address antidegradation, the Department may conclude that other conditions, such as the submittal of additional information or individual certification at the time an application is submitted for coverage under a general permit, may be necessary in the general permit to provide reasonable assurance of compliance with the antidegradation policy. If supported by the permit record, the Department may also presume that discharges authorized under a general permit are insignificant or that the pollution controls required in the general permit are the least degrading alternative as specified in Subsection 052.08.c. (3-29-12)

**04. Initiation of Antidegradation Review.** Review of degradation potential and application of the appropriate level of protection from degradation will be triggered by an application for a new or reissued permit or license. (3-18-11)

**05. Identification of Tier II Waters.** The Department will utilize a water body by water body approach in determining where Tier II protection is appropriate in addition to Tier I protection. This approach shall be based on an assessment of the chemical, physical, biological and other information regarding the water body. The most recent federally approved Integrated Report and supporting data will be used to determine the appropriate level of protection as follows: (3-29-12)

**a.** Water bodies identified in the Integrated Report as fully supporting assessed uses will be provided Tier II protection. (3-29-12)

**b.** Water bodies identified in the Integrated Report as not assessed will be provided an appropriate level of protection on a case-by-case basis using information available at the time of a proposal for a new or reissued permit or license. (3-29-12)

**c.** Water bodies identified in the Integrated Report as not fully supporting assessed uses will receive Tier I protection for the impaired aquatic life or recreational use, except as follows: (3-29-12)

**i.** For aquatic life uses identified as impaired for dissolved oxygen, pH or temperature, if biological or aquatic habitat parameters show a healthy, balanced biological community is present, as described in the "Water Body Assessment Guidance" published by the Idaho Department of Environmental Quality, then the water body shall receive Tier II protection for aquatic life uses. (3-29-12)

**ii.** For recreational uses, if water quality data show compliance with those levels of water quality criteria listed in Sections 200, 210, 251, and 275 (where applicable), then the water body shall receive Tier II protection for recreational uses. (3-29-12)

**06. Evaluation of Effect of an Activity or Discharge on Water Quality.** The Department will evaluate the effect on water quality for each pollutant. The Department will determine whether an activity or discharge results in an improvement, no change, or degradation of water quality. (3-18-11)

**a.** Effect on water quality will be based on the calculated change in concentration in the receiving water as a result of a new or reissued permit or license. With respect to a discharge, this calculation will take into account dilution using appropriate mixing of the receiving water under critical conditions coupled with the design flow of the discharge. For a reissued permit or license, the calculated change will be the difference in water quality that would result from the activity or discharge as authorized in the current permit or license and the water quality that would result from the activity or discharge as proposed in the reissued permit or license. For a new permit or license, the calculated change will be the difference between the existing receiving water quality and water quality that would result from the activity or discharge as proposed in the new permit or license. (3-18-11)

**i.** **Current Discharge Quality.** For pollutants that are currently limited, current discharge quality shall be based on limits in the current permit or license. For pollutants not currently limited, current discharge quality shall be based on available discharge quality data collected within five years of the application for a permit or license or other relevant information. (3-18-11)

**ii.** **Proposed Quality for an Existing Discharge.** Future discharge quality shall be based on proposed permit limits. For pollutants not limited in the proposed permit or license, future discharge quality will be estimated from available discharge quality data since the last permit or license was issued accounting for any changes in production, treatment or operation. For the proposed discharge of a new pollutant or a proposed increased discharge of a pollutant, future discharge quality will be estimated based on information provided by the applicant or other relevant information. (3-18-11)

**iii.** **New Permit Limits for an Existing Discharge.** When new permit limits are proposed for the first time for a pollutant in an existing discharge, then for purposes of calculating the change in water quality, any statistical procedures used to derive the proposed new limits will be applied to past discharge quality as well, where appropriate. (3-18-11)

**iv.** **Proposed Quality for a New Discharge.** Future discharge quality shall be based on proposed permit limits. For pollutants not limited in the proposed permit or license, future discharge quality will be based on information provided by the applicant or other relevant information. (3-18-11)

**b.** Receiving water quality will be the quality measured, or modeled as appropriate, immediately above the discharge for flowing waters and outside any Department authorized mixing zone for lakes and reservoirs. (3-18-11)

**c.** **Offsets.** In determining the effect of an activity or discharge on water quality of Tier II or Tier III waters, the Department may take into account reductions in pollution from other sources that are tied to the proposed activity or discharge. These offsets in pollution must be upstream of the degradation in water quality due to the proposed activity or discharge and occur before the activity or discharge is allowed to begin. The applicant seeking a permit or license for an activity or discharge based on offsets will be held responsible for assuring offsets are achieved and maintained as a condition of their permit or license. (3-18-11)

**07. Tier I Review.** Tier I review will be performed for all new or reissued permits or licenses. Existing uses and the water quality necessary to protect the existing uses must always be maintained and protected. No degradation or lowering of water quality may be allowed that would cause or contribute to violation of water quality criteria as calculated after authorized mixing of the discharge with the receiving water. Identification of existing uses and the water quality necessary for their protection will be based on all available information, including any water quality related data and information submitted during the public comment period for the permit or license. (3-18-11)

**08. Tier II Analysis.** A Tier II analysis will only be conducted for activities or discharges, subject to a permit or a license, that cause degradation. The Department may allow significant degradation of surface water quality that is better than assigned criteria only if it is determined to be necessary to accommodate important economic or social development in the area in which the waters are located. The process and standard for this

determination are set forth below.

(3-18-11)

a. Insignificant ~~Activity or Discharge Degradation. If~~ the Department ~~shall consider the size and character of~~ determines an activity or discharge ~~or the magnitude of its effect on the receiving stream and will cause degradation, then the Department~~ shall determine whether ~~if~~ the degradation is insignificant. ~~If an activity or discharge is determined to be insignificant, then no further Tier II analysis for other source controls (Subsection 052.08.b.), alternatives analysis (Subsection 052.08.c.) or socioeconomic justification (Subsection 052.08.d.) is required.~~ (3-29-12)( )

i. ~~The Department shall determine insignificance when the proposed change in an activity or discharge, from conditions as of July 1, 2011, will not cumulatively decrease assimilative capacity by more than ten percent (10%). A cumulative decrease in assimilative capacity of more than ten percent (10%), from conditions as of July 1, 2011, shall constitute significant degradation. If the cumulative decrease in assimilative capacity from conditions as of July 1, 2011, is equal to or less than ten percent (10%), then, taking into consideration the size and character of the activity or discharge and the magnitude of its effect on the receiving stream, the Department may determine that the degradation is insignificant.~~ (3-29-12)( )

ii. The Department may request additional information from the applicant ~~in making a determination whether a proposed change in an activity or discharge is insignificant~~ as needed to determine the significance of the degradation. (3-29-12)( )

iii. If degradation is determined to be insignificant, then no further Tier II analysis for other source controls (Subsection 052.08.b.), alternatives analysis (Subsection 052.08.c.), or socioeconomic justification (Subsection 052.08.d.) is required. ( )

b. Other Source Controls. In allowing any degradation of high water quality, the Department must assure that there shall be achieved in the watershed the highest statutory and regulatory requirements for all new and existing point sources and cost-effective and reasonable best management practices for all nonpoint source controls. In providing such assurance, the Department may enter together into an agreement with other State of Idaho or federal agencies in accordance with Sections 67-2326 through 67-2333, Idaho Code. (3-18-11)

c. Alternatives Analysis. Degradation will be deemed necessary only if there are no reasonable alternatives to discharging at the levels proposed. The applicant seeking authorization to degrade high water quality must provide an analysis of alternatives aimed at selecting the best combination of site, structural, managerial and treatment approaches that can be reasonably implemented to avoid or minimize the degradation of water quality. To identify the least degrading alternative that is reasonable, the following principles shall be followed: (3-18-11)

i. Controls to avoid or minimize degradation should be considered at the earliest possible stage of project design. (3-18-11)

ii. Alternatives that must be evaluated as appropriate, are: (3-18-11)

(1) Relocation or configuration of outfall or diffuser; (3-18-11)

(2) Process changes/improved efficiency that reduces pollutant discharge; (3-18-11)

(3) Seasonal discharge to avoid critical time periods for water quality; (3-18-11)

(4) Non-discharge alternatives such as land application; and (3-18-11)

(5) Offsets to the activity or discharge's effect on water quality. (3-18-11)

iii. The Department retains the discretion to require the applicant to examine specific alternatives or provide additional information to conduct the analysis. (3-18-11)

iv. In selecting the preferred alternative the applicant shall: (3-18-11)

(1) Evaluate economic impacts (total cost effectiveness, incremental cost effectiveness) of all technologically feasible alternatives; (3-18-11)

(2) Rank all technologically feasible treatment alternatives by their cost effectiveness at pollutant reduction; (3-18-11)

(3) Consider the environmental costs and benefits across media and between pollutants; and (3-18-11)

(4) Select the least degrading option or show that a more degrading alternative is justified based on Subsections 052.08.c.iv.(1), 052.08.c.iv.(2), or 052.08.c.iv.(3) above. (3-29-12)

**d.** Socioeconomic Justification. Degradation of water quality deemed necessary must also be determined by the Department to accommodate important economic or social development. Therefore, the applicant seeking authorization to degrade water quality must at a minimum identify the important economic or social development for which lowering water quality is necessary and should use the following steps to demonstrate this: (3-18-11)

i. Identify the affected community; (3-18-11)

ii. Describe the important social or economic development associated with the activity which can include cleanup/restoration of a closed facility; (3-18-11)

iii. Identify the relevant social, economic and environmental health benefits and costs associated with the proposed degradation in water quality for the preferred alternative. Benefits and costs that must be analyzed include, but are not limited to: (3-18-11)

(1) Economic benefits to the community such as changes in employment, household incomes and tax base; (3-18-11)

(2) Provision of necessary services to the community; (3-18-11)

(3) Potential health impacts related to the proposed activity; (3-18-11)

(4) Impacts to direct and indirect uses associated with high quality water, e.g., fishing, recreation, and tourism; and (3-18-11)

(5) Retention of assimilative capacity for future activities or discharges. (3-18-11)

iv. Factors identified in the socioeconomic justification should be quantified whenever possible but for those factors that cannot be quantified a qualitative description of the impacts may be accepted; and (3-18-11)

v. If the Department determines that more information is required, then the Department may require the applicant to provide further information or seek additional sources of information. (3-18-11)

**e.** Process. (3-18-11)

i. Analysis. The Department in cooperation with State of Idaho designated management agencies and/or federal agencies will collect information regarding the other source controls specified in Subsection 052.08.b. The applicant for a new or reissued permit or license is responsible for providing information pertinent to determining significance/insignificance of proposed changes in water quality and completing an alternatives analysis and socioeconomic justification as appropriate and submitting them to the Department for review. (3-29-12)

ii. Departmental review. The Department shall review all pertinent information and, after intergovernmental coordination, public notice and input, make a determination as to whether there is assurance that the other source controls specified in Subsection 052.08.b. shall be achieved, and whether degradation of water quality is necessary to accommodate important economic or social development. (3-29-12)

iii. Public Involvement. The Department will satisfy the public participation provisions of Idaho's continuing planning process. Public notice and review of antidegradation will be coordinated with existing 401 certification notices for public review. (3-18-11)

**09. Tier III - Outstanding Resource Waters (ORWs).** ORWs are designated by the legislature. Subsection 052.09 describes the nomination, public notice and comment, public hearing, and board review process for directing the Department to develop legislation designating ORWs. Only the legislature may designate ORWs. Once designated by the legislature, the ORWs are listed in these rules. (3-18-11)

**a.** Nominations. Any person may request, in writing to the board, that a stream segment be considered for designation as an Outstanding Resource Water. To be considered for ORW designation, nominations must be received by the board by April 1 or ten (10) days after the adjournment sine die of that year's regular session of the legislature, whichever is later, for consideration during the next regular session of the legislature. All nominations shall be addressed to:

Idaho Board of Environmental Quality  
Department of Environmental Quality  
Outstanding Resource Water Nomination  
1410 N. Hilton  
Boise, Idaho 83706-1255

The nomination shall include the following information: (3-18-11)

- i. The name, description and location of the stream segment; (3-18-11)
- ii. The boundaries upstream and downstream of the stream segment; (3-18-11)
- iii. An explanation of what makes the segment a candidate for the designation; (3-18-11)
- iv. A description of the existing water quality and any technical data upon which the description is based as can be found in the most current basin status reports; (3-18-11)
- v. A discussion of the types of nonpoint source activities currently being conducted that may lower water quality, together with those activities that are anticipated during the next two (2) years, as described in the most current basin status reports; and (3-18-11)
- vi. Any additional evidence to substantiate such a designation. (3-18-11)

**b.** Public Notice and Public Comment. The board will give public notice that one (1) or more stream segments are being considered for recommendation to the legislature as outstanding resource waters. Public notice will also be given if a public hearing is being held. Public comments regarding possible designation will be accepted by the board for a period of at least forty-five (45) days. Public comments may include, but are not limited to, discussion of socioeconomic considerations; fish, wildlife or recreational values; and other beneficial uses. (3-18-11)

**c.** Public Hearing. A public hearing(s) may be held at the board's discretion on any stream segment nominated for ORW designation. Public notice will be given if a hearing is held. The decision to hold a hearing may be based on the following criteria: (3-18-11)

- i. One (1) or more requests contain supporting documentation and valid reasons for designation; (3-18-11)
- ii. A stream segment is generally recognized as constituting an outstanding national resource, such as waters of national and state parks, and wildlife refuges; (3-18-11)
- iii. A stream segment is generally recognized as waters of exceptional recreational or ecological significance; (3-18-11)

iv. The board shall give special consideration to holding a hearing and to recommending for designation by the legislature, waters which meet criteria found in Subsections 052.09.c.ii. and 052.09.c.iii.; (3-29-12)

v. Requests for a hearing will be given due consideration by the board. Public hearings may be held at the board's discretion. (3-18-11)

d. **Board Review.** The board shall review the stream segments nominated for ORW designation and based on the hearing or other written record, determine the segments to recommend as ORWs to the legislature. The board shall submit a report for each stream segment it recommends for ORW designation. The report shall contain the information specified in Subsection 052.09.a. and information from the hearing record or other written record concerning the impacts the designation would have on socioeconomic conditions; fish, wildlife and recreational values; and other beneficial uses. The Department shall then prepare legislation for each segment that will be recommended to the legislature as an ORW. The legislation shall provide for the listing of designated segments in these rules without the need for formal rulemaking procedures, pursuant to Sections 67-5201, et seq., Idaho Code. (3-29-12)

e. **Designated Waters.** Those stream segments designated by the legislature as ORWs are listed in Sections 110 through 160. (3-18-11)

f. **Restriction of Nonpoint Source Activities on ORWs.** Nonpoint source activities on ORWs shall be restricted as follows: (3-18-11)

i. The water quality of ORWs shall be maintained and protected. After the legislature has designated a stream segment as an outstanding resource water, no person shall conduct a new or substantially modify an existing nonpoint source activity that can reasonably be expected to lower the water quality of that ORW, except for conducting short term or temporary nonpoint source activities which do not alter the essential character or special uses of a segment, allocation of water rights, or operation of water diversions or impoundments. Stream segments not designated as ORWs that discharge directly into an ORW shall not be subject to the same restrictions as an ORW, nor shall the ORW mixing zone be subject to the same restrictions as an ORW. A person may conduct a new or substantially modify an existing nonpoint source activity that can reasonably be expected to lower the water quality of a tributary or stream segment, which discharges directly into an ORW or an ORW mixing zone, provided that the water quality of that ORW below the mixing zone shall not be lowered. (3-18-11)

ii. After the legislature has designated a stream segment as an outstanding resource water as outlined in Subsection 052.09.e., existing nonpoint source activities may continue and shall be conducted in a manner that maintains and protects the current water quality of an ORW. The provisions of this section shall not affect short term or temporary activities that do not alter the essential character or special uses of a segment, allocation of water rights, or operations of water diversions or impoundments, provided that such activities shall be conducted in conformance with applicable laws and regulations. (3-29-12)

g. **Restriction of Point Source Discharges to ORWs.** The water quality of ORWs shall be maintained and protected. Point source discharges that may cause degradation to ORWs may be allowed only if they are offset by reductions in other discharges per Subsection 052.06.c. (3-29-12)

**(BREAK IN CONTINUITY OF SECTIONS)**

**055. WATER QUALITY LIMITED WATERS AND TMDLS.**

**01.** ~~After Determining That Reporting Water Body Does Not Support Use Support Status. After determining that a water body does not fully support designated or existing beneficial uses in accordance with Section 054, the Department, in consultation with the applicable basin and watershed advisory groups, shall evaluate whether the application of required pollution controls to sources of pollution affecting the impaired water body would restore the water body to full support status. This evaluation may include the following:~~ **After using the provisions in Section 054, and after consultation with the appropriate basin and watershed advisory groups, the Department shall**

identify water bodies in the appropriate category in the Integrated Report. The Integrated Report shall be published periodically by the Department in accordance with the applicable provisions of the Clean Water Act and shall be subject to public review and comment prior to submission to EPA for approval. (3-18-11)( )

~~a. Identification of significant sources of pollution affecting the water body by past and present activities; (3-20-97)~~

~~b. Determination of whether the application of required or cost effective interim pollution control strategies to the identified sources of pollution would restore the water body to full support status within a reasonable period of time; (3-20-97)~~

~~c. Consultation with appropriate basin and watershed advisory groups, designated agencies and landowners to determine the feasibility of, and assurance that required or cost effective interim pollution control strategies can be effectively applied to the sources of pollution to achieve full support status within a reasonable period of time; (3-20-97)~~

~~d. If pollution control strategies are applied as set forth in this Section, the Department shall subsequently monitor the water body to determine whether application of such pollution controls were successful in restoring the water body to full support status. (3-20-97)~~

**02. Water Bodies ~~Not Fully Supporting Beneficial Uses~~ Needing Development of a Total Maximum Daily Load (TMDL). ( )**

~~a. After following the process identified in Subsection 055.01, The Department shall develop TMDLs or other equivalent processes, as required under Section 303(d)(1) of the Clean Water Act, for those water bodies identified in the Integrated Report as not fully supporting designated or existing beneficial uses and not meeting applicable water quality standards despite the application of required pollution controls shall be identified by the Department as water quality limited water bodies, and shall require the development of TMDLs or other equivalent processes, as described under Section 303(d)(1) of the Clean Water Act. A list of water quality limited water bodies shall be published periodically by the Department in accordance with Section 303(d) of the Clean Water Act and be subject to public review prior to submission to EPA for approval. ( )~~

~~b. Informational TMDLs may be developed for water bodies fully supporting beneficial uses as described under Section 303(d)(3) of the Clean Water Act, however, they will not be subject to the provisions of this Section. (3-18-11)~~

~~c. TMDLs do not need to be developed for water bodies where other pollutant control requirements are expected to achieve full support of uses and compliance with water quality standards in a reasonable period of time. Such water bodies shall be identified as Category 4(b) waters in the Integrated Report. ( )~~

**03. Priority of TMDL Development.** The priority of TMDL development for water quality limited water bodies identified in ~~Subsection 055.02~~ the Integrated Report shall be determined by the Director ~~in consultation with the Basin Advisory Groups as described in Sections 39-3601, et seq., Idaho Code,~~ depending upon the severity of pollution and the uses of the water body, including those of unique ecological significance. In determining the severity of pollution and the effect on uses, the Director shall apply the factors set forth in Section 39-3609, Idaho Code. Water bodies identified as a high priority through this process will be the first to be targeted for development of a TMDL or equivalent process. (3-18-11)( )

**04. ~~High Priority Provisions.~~** ~~Until a TMDL or equivalent process is completed for a high priority water quality limited water body, new or increased discharge of pollutants which have caused the water quality limited listing may be allowed if interim changes, such as pollutant trading, or some other approach for the pollutant(s) of concern are implemented and the total load remains constant or decreases within the watershed. Interim changes shall maximize the use of cost effective measures to cap or decrease controllable human caused discharges from point and nonpoint sources. Once the TMDL or equivalent process is completed, any new or increased discharge of causative pollutants will be allowed only if consistent with the approved TMDL.~~ **Protection of Uses Prior to Completion of TMDLs.** Prior to the completion of a TMDL or equivalent process for water quality limited water bodies, the Department shall take those actions required by the antidegradation policy (Section 051),

the antidegradation implementation procedures (Section 052), and the provisions in Section 39-3610, Idaho Code. Nothing in this section shall be interpreted as requiring best management practices for agricultural operations which are not adopted on a voluntary basis. (3-20-97)( )

~~05. **Medium and Low Priority Provisions.** Until TMDLs or equivalent processes are developed for water quality limited water bodies identified as medium or low priority, the Department shall require interim changes in permitted discharges from point sources and best management practices for nonpoint sources deemed necessary to prohibit further impairment of the designated or existing beneficial uses.~~ Consistency with TMDLs. Once a TMDL or equivalent process is completed, discharges of causative pollutants shall be consistent with the allocations in the TMDL. Nothing in this section shall be interpreted as requiring best management practices for agricultural operations which are not adopted on a voluntary basis. (3-20-97)( )

~~a. In determining the necessity for interim changes to existing activities and limitations upon proposed activities, the Department, in consultation with basin and watershed advisory groups, shall evaluate the water quality impacts caused by past regulated and unregulated activities in the affected watershed. (3-20-97)~~

~~b. Consideration of interim changes shall maximize the use of cost effective and timely measures to ensure no further impairment of designated or existing uses. (3-20-97)~~

**06. Pollutant Trading.** Development of TMDLs or equivalent processes or interim changes under these rules may include pollutant trading with the goal of restoring water quality limited water bodies to compliance with water quality standards. (3-20-97)

**07. Idaho Agriculture Pollution Abatement Plan.** Use of best management practices by agricultural activities is strongly encouraged in high, medium and low priority watersheds. The Idaho Agriculture Pollution Abatement Plan is the source for best management practices for the control of nonpoint sources of pollution for agriculture. (3-20-97)



# Sections Affected Index

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## **IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION**

### *08.01.09 - Rules Governing the GEAR UP Idaho Scholarship Program*

#### Docket No. **08-0109-1301**

010. Definitions. ....	28
101. Eligibility. ....	29
200. Application Process. ....	29
300. Selection Criteria. ....	30
400. GEAR UP Idaho Scholarship Award. ....	31
600. Miscellaneous Provisions. ....	31
700. Responsibilities Of Eligible Idaho Postsecondary Educational Institutions. ....	31

### *08.01.13 - Rules Governing the Opportunity Scholarship Program*

#### Docket No. **08-0113-1301**

010. Definitions. ....	35
101. Eligibility. ....	35
202. Application Process. ....	37
300. Selection Of Scholarship Recipients. ....	38
302. Continuing Eligibility. ....	39
400. Responsibilities Of Eligible Idaho Postsecondary Educational Institutions. ....	39
401. -- 500. (Reserved).....	40
501. Appeals. ....	40

### *08.02.01 - Rules Governing Administration*

#### Docket No. **08-0201-1302**

650. General Education Development Tests/Idaho High School Equivalency Certificate.....	42
---	----

### *08.02.02 - Rules Governing Uniformity*

#### Docket No. **08-0202-1305**

076. Code Of Ethics For Idaho Professional Educators (Sections 33-1208 And 33-1209, Idaho Code). ....	47
--	----

### *08.02.03 - Rules Governing Thoroughness*

#### Docket No. **08-0203-1301**

113. Rewards. ....	52
--------------------	----

#### Docket No. **08-0203-1303**

160. Safe Environment And Discipline. ....	54
--	----

#### Docket No. **08-0203-1304**

104. Other Required Instruction. ....	57
105. High School Graduation Requirements. ....	58

#### Docket No. **08-0203-1306**

104. Other Required Instruction. ....	63
105. High School Graduation Requirements. ....	63

## **IDAPA 18 - DEPARTMENT OF INSURANCE**

### *18.01.50 - Adoption of the International Fire Code*

#### Docket No. **18-0150-1301**

004. Incorporation By Reference. ....	79
011. Department Of Fire Prevention, Section 103.2 -- Appointments, International Fire Code. ....	79
016. Permit Required, Section 105.1.1, International Fire Code. ....	80
017. Violation Penalties, Section 109.4, International Fire Code. ....	80
020. Definition Of Code Official, Section 202, International Fire Code. ....	80
021. Chapter 5 Fire Service Features. ....	80

022. -- 026. (Reserved) .....	81
027. Alternative Automatic Fire-Extinguishing Systems, Section 904.1.1, International Fire Code. ....	81
028. Portable Fire Extinguishers, Section 906.2.1, International Fire Code.....	81
029. -- 036. (Reserved) .....	81
038. Construction Requirements For Existing Buildings, Section 1101.1, International Fire Code. ....	82
039. -- 040. (Reserved) .....	82
041. Explosives And Fireworks, Chapter 56, International Fire Code.....	82
042. -- 045. (Reserved) .....	82
046. Underground Tanks Out Of Service For One Year, Section 5704.2.13.1.3 International Fire Code. ....	82
047. -- 051. (Reserved) .....	82
052. Referenced Standards, Chapter 80, International Fire Code.....	82

**IDAPA 19 - STATE BOARD OF DENTISTRY***19.01.01- Rules of the Idaho State Board of Dentistry*Docket No. **19-0101-1301**

031. Dental Hygienists - Prohibited Practice (Rule 31). ....	85
035. Dental Assistants - Practice (Rule 35). ....	85
046. Advertising (Rule 46).....	86
055. Minimal Sedation (Rule 55).....	86

**IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES***24.07.01 - Rules of the Idaho State Board of Landscape Architects*Docket No. **24-0701-1301**

300. Examinations (Rule 300).....	97
-----------------------------------	----

*24.13.01 - Rules Governing the Physical Therapy License Board*Docket No. **24-1301-1301**

016. Supervision (Rule 16).....	101
---------------------------------	-----

**IDAPA 27 - BOARD OF PHARMACY***27.01.01 - Rules of the Idaho State Board of Pharmacy*Docket No. **27-0101-1207**

604. Pharmacy Product Storage And Removal. ....	108
---	-----

Docket No. **27-0101-1301**

239. Compounding Drug Products. ....	110
--------------------------------------	-----

**IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY***58.01.02 - Water Quality Standards*Docket No. **58-0102-1301**

052. Antidegradation Implementation. ....	121
055. Water Quality Limited Waters And TMDLs.....	126

# 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.

**IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY  
1410 N. Hilton, Boise, Idaho 83706-1255**

**58-0102-1301, *Water Quality Standards*.** Addresses the treatment of water bodies that do not support designated beneficial uses to ensure consistency with changes in Idaho Code and other sections of the water quality standards. Comment by: 1/3/14

Please refer to the Idaho Administrative Bulletin, **December 4, 2013, Volume 13-12**, 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: 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**

*Idaho Department of Administration  
Office of the Administrative Rules Coordinator*

*April 4, 2013 -- December 4, 2013*

*(eff. \*PLR) - Final Rule Adoption 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 April 4, 2013 that have not been  
adopted as final rules and all rulemakings being promulgated after April 4, 2013 - Sine Die.)*

**IDAPA 02 -- DEPARTMENT OF AGRICULTURE****02.02.14, Rules for Weights and Measures**

- 02-0214-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-6
- 02-0214-1302** Proposed Rulemaking, Bulletin Vol. 13-7
- 02-0214-1301** Proposed Rulemaking (Fee Rule), Bulletin Vol. 13-9
- 02-0214-1302** Adoption of Pending Rule, Bulletin Vol. 13-9 (eff. \*PLR 2014)
- 02-0214-1301** Adoption of Pending Fee Rule, Bulletin Vol. 13-11 (eff. \*PLR 2014)

**02.03.03, Idaho Department of Agriculture Rules Governing Pesticide and Chemigation Use and Application**

- 02-0303-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-6
- 02-0303-1302** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-6
- 02-0303-1301** Proposed Rulemaking, Bulletin Vol. 13-9
- 02-0303-1302** Proposed Rulemaking, Bulletin Vol. 13-9
- 02-0303-1301** Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. \*PLR 2014)
- 02-0303-1302** Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. \*PLR 2014)

**02.04.19, Rules Governing Domestic Cervidae**

- 02-0419-1301** Proposed Rulemaking, Bulletin Vol. 13-7
- 02-0419-1301** Adoption of Pending Rule, Bulletin Vol. 13-9 (eff. \*PLR 2014)

**02.04.20, Rules Governing Brucellosis**

- 02-0420-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7
- 02-0420-1301** Proposed Rulemaking, Bulletin Vol. 13-9
- 02-0420-1301** Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. \*PLR 2014)

**02.04.21, Rules Governing the Importation of Animals**

- 02-0421-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-6
- 02-0421-1301** Proposed Rulemaking, Bulletin Vol. 13-9
- 02-0421-1301** Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. \*PLR 2014)

**02.04.27, Rules Governing Deleterious Exotic Animals**

- 02-0427-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7 (Rulemaking discontinued)

**02.06.02, Rules Pertaining to the Idaho Commercial Feed Law**

- 02-0602-1301** Proposed Rulemaking, Bulletin Vol. 13-6
- 02-0602-1301** Adoption of Pending Rule, Bulletin Vol. 13-9 (eff. \*PLR 2014)

**02.06.09, Rules Governing Invasive Species**

- 02-0609-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-6
- 02-0609-1301** Proposed Rulemaking, Bulletin Vol. 13-8
- 02-0609-1301** Public Hearing, Bulletin Vol. 13-10
- 02-0609-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

**02.06.12, Rules Pertaining to the Idaho Fertilizer Law**

- 02-0612-1301** Proposed Rulemaking, Bulletin Vol. 13-6
- 02-0612-1301** Adoption of Pending Rule, Bulletin Vol. 13-9 (eff. \*PLR 2014)

**02.06.13, Rules Relating to Rapeseed Production and Establishment of Rapeseed Districts in the State of Idaho**

- 02-0613-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7
- 02-0613-1301** Proposed Rulemaking, Bulletin Vol. 13-9
- 02-0613-1301** Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. \*PLR 2014)

**02.06.22, Noxious Weed Rules**

- 02-0622-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-6
- 02-0622-1301** Proposed Rulemaking, Bulletin Vol. 13-8
- 02-0622-1301** Adoption of Pending Rule, Bulletin Vol. 13-10 (eff. \*PLR 2014)

**02.06.23, Noxious Weed Free Gravel and Rock Products Rules**

- 02-0623-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-6
- 02-0623-1301** Proposed Rulemaking (New Chapter), Bulletin Vol. 13-8
- 02-0623-1301** Adoption of Pending Rule, Bulletin Vol. 13-10 (eff. \*PLR 2014)

**02.06.25, Rules Governing the Planting of Beans, other than Phaseolus Species, in Idaho**

- 02-0625-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 13-7
- 02-0625-1301** Proposed Rulemaking (New Chapter - Fee Rule), Bulletin Vol. 13-10
- 02-0625-1301** Adoption of Pending Fee Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

**02.06.41, Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001**

- 02-0641-1301** Proposed Rulemaking, Bulletin Vol. 13-6
- 02-0641-1301** Adoption of Pending Rule, Bulletin Vol. 13-9 (eff. \*PLR 2014)

**IDAPA 05 -- DEPARTMENT OF JUVENILE CORRECTIONS****05.01.02, Rules and Standards for Secure Juvenile Detention Centers**

- 05-0102-1301** Proposed Rulemaking, Bulletin Vol. 13-10
- 05-0102-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

**IDAPA 07 -- DIVISION OF BUILDING SAFETY****07.01.06, Rules Governing the Use of National Electrical Code**

- 07-0106-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-4 (Rulemaking discontinued by agency)
- 07-0106-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-5
- 07-0106-1301** Proposed Rulemaking, Bulletin Vol. 13-10
- 07-0106-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

**07.01.10, Rules Governing Certification and Approval of Electrical Products and Materials**

- 07-0110-1301** Proposed Rulemaking, Bulletin Vol. 13-10
- 07-0110-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

**07.03.01, Rules of Building Safety**

- 07-0301-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-5
- 07-0301-1301** Proposed Rulemaking, Bulletin Vol. 13-9
- 07-0301-1302** Proposed Rulemaking, Bulletin Vol. 13-9
- 07-0301-1303** Proposed Rulemaking, Bulletin Vol. 13-9
- 07-0301-1304** Proposed Rulemaking, Bulletin Vol. 13-9
- 07-0301-1301** Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. \*PLR 2014)
- 07-0301-1302** Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. \*PLR 2014)
- 07-0301-1303** Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. \*PLR 2014)
- 07-0301-1304** Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. \*PLR 2014)

**07.03.11, Rules Governing Manufactured/Mobile Home Industry Licensing**

- 07-0311-1301** Proposed Rulemaking, Bulletin Vol. 13-9
- 07-0311-1301** Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. \*PLR 2014)

**07.05.01, Rules of the Public Works Contractors License Board**

- 07-0501-1301** Proposed Rulemaking, Bulletin Vol. 13-10

**07-0501-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

***07.07.01, Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems***

**07-0701-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-5

**07-0701-1301** Proposed Rulemaking, Bulletin Vol. 13-10

**07-0701-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

***IDAHO 08 -- IDAHO STATE BOARD OF EDUCATION  
AND STATE DEPARTMENT OF EDUCATION***

***08.01.05, Idaho Promise Scholarship Program***

**08-0105-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7

**08-0105-1301** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 13-8

**08-0105-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

***08.01.06, Leveraging Educational Assistance Partnership Program***

**08-0106-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7

**08-0106-1301** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 13-8

**08-0106-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

***08.01.09, Rules Governing the GEAR UP Idaho Scholarship Program***

**08-0109-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7

**08-0109-1301** Proposed Rulemaking, Bulletin Vol. 13-8

**08-0109-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

***08.01.11, Registration of Postsecondary Educational Institutions and Proprietary Schools***

**08-0111-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7

***08.01.12, Idaho Minority and "At-Risk" Student Scholarship Program***

**08-0112-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7

**08-0112-1301** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 13-8

**08-0112-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

***08.01.13, Rules Governing the Idaho Opportunity Scholarship Program***

**08-0113-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7

**08-0113-1301** Proposed Rulemaking, Bulletin Vol. 13-8

**08-0113-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

***08.02.01, Rules Governing Administration***

**08-0201-1301** Temporary and Proposed Rulemaking, Bulletin Vol. 13-1 (eff. 12-13-12)T

**08-0201-1301** OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 126, Bulletin Vol. 13-5

**08-0201-1301** Adoption of Pending Rule, Bulletin Vol. 13-6 (eff. \*PLR 2014)

**08-0201-1302** Proposed Rulemaking, Bulletin Vol. 13-10

**08-0201-1302** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

***08.02.02, Rules Governing Uniformity***

**08-0202-1301** Temporary and Proposed Rulemaking, Bulletin Vol. 13-6 (eff. 4-18-13)T

**08-0202-1302** Temporary and Proposed Rulemaking, Bulletin Vol. 13-8 (eff. 6-20-13)T

**08-0202-1303** Temporary and Proposed Rulemaking, Bulletin Vol. 13-8 (eff. 6-20-13)T

**08-0202-1304** Proposed Rulemaking, Bulletin Vol. 13-8

**08-0202-1305** Proposed Rulemaking, Bulletin Vol. 13-8

**08-0202-1301** Adoption of Pending Rule and Amendment to Temporary Rule, Bulletin Vol. 13-10 (eff. 8-16-13)T - (eff. \*PLR 2014)

**08-0202-1306** Proposed Rulemaking, Bulletin Vol. 13-10

**08-0202-1307** Temporary and Proposed Rulemaking, Bulletin Vol. 13-10 (eff. 8-26-13)T

**08-0202-1308** Proposed Rulemaking, Bulletin Vol. 13-10

- 08-0202-1302** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)
- 08-0202-1303** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)
- 08-0202-1304** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)
- 08-0202-1305** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)
- 08-0202-1306** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)
- 08-0202-1307** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)
- 08-0202-1308** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

***08.02.03, Rules Governing Thoroughness***

- 08-0203-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7
- 08-0203-1302** Temporary and Proposed Rulemaking, Bulletin Vol. 13-8 (eff. 6-20-13)T
- 08-0203-1303** Proposed Rulemaking, Bulletin Vol. 13-8
- 08-0203-1304** Proposed Rulemaking (Fee Rule), Bulletin Vol. 13-8
- 08-0203-1301** Proposed Rulemaking, Bulletin Vol. 13-10
- 08-0203-1302** Rescission of Temporary Rule and Vacation of Proposed Rulemaking, Bulletin Vol. 13-10
- 08-0203-1305** Temporary Rulemaking, Bulletin Vol. 13-10 (eff. 8-26-13)T
- 08-0203-1306** Proposed Rulemaking, Bulletin Vol. 13-10
- 08-0203-1307** Proposed Rulemaking, Bulletin Vol. 13-10
- 08-0203-1301** Adoption of Pending and Temporary Rule, Bulletin Vol. 13-12 (eff. (10-17-13)T \*PLR 2014)
- 08-0203-1303** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)
- 08-0203-1304** Adoption of Pending Fee Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)
- 08-0203-1305** Amendment to Temporary Rule, Bulletin Vol. 13-12 (eff. 11-1-13)T
- 08-0203-1306** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)
- 08-0203-1307** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. 8-26-13)

***08.02.04, Rules Governing Public Charter Schools***

- 08-0204-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7
- 08-0204-1301** Temporary and Proposed Rulemaking, Bulletin Vol. 13-8 (eff. 6-20-13)T
- 08-0204-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

***08.03.01, Rules of the Public Charter School Commission***

- 08-0301-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7
- 08-0301-1301** Temporary and Proposed Rulemaking, Bulletin Vol. 13-8 (eff. 6-20-13)T
- 08-0301-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

***IDA PA 09 -- IDAHO DEPARTMENT OF LABOR******09.01.30, Unemployment Insurance Benefits Administration Rules***

- 09-0130-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7
- 09-0130-1301** Proposed Rulemaking, Bulletin Vol. 13-9
- 09-0130-1301** Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. \*PLR 2014)

***09.01.35, Unemployment Insurance Tax Administration Rules***

- 09-0135-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7
- 09-0135-1301** Proposed Rulemaking, Bulletin Vol. 13-9
- 09-0135-1301** Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. \*PLR 2014)

***IDA PA 10 -- IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS  
AND PROFESSIONAL LAND SURVEYORS******10.01.01, Rules of Procedure***

- 10-0101-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-5
- 10-0101-1301** Notice of Proposed Rule, Bulletin Vol. 13-7
- 10-0101-1301** Adoption of Pending Rule, Bulletin Vol. 13-9 (eff. \*PLR 2014)



***10.01.02, Rules of Professional Responsibility***

- 10-0102-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-5
- 10-0102-1301** Notice of Proposed Rule, Bulletin Vol. 13-7
- 10-0102-1301** Adoption of Pending Rule, Bulletin Vol. 13-9 (eff. \*PLR 2014)

***10.01.04, Rules of Continuing Professional Development***

- 10-0104-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-5
- 10-0104-1301** Notice of Proposed Rule, Bulletin Vol. 13-7
- 10-0104-1301** Adoption of Pending Rule, Bulletin Vol. 13-9 (eff. \*PLR 2014)

***IDAPA 11 -- IDAHO STATE POLICE******11.04.02, Rules Governing Simulcasting***

- 11-0402-1301** Temporary and Proposed Rulemaking, Bulletin Vol. 13-8 (eff. 7-1-13)T

***11.04.11, Rules Governing Equine Veterinary Practices, Permitted Medications, Banned Substances and Drug Testing of Horses***

- 11-0411-1301** Temporary and Proposed Rulemaking, Bulletin Vol. 13-8 (eff. 7-1-13)T

***11.10.01, Rules Governing Idaho Public Safety and Security Information System***

- 11-1001-1301** Proposed Rulemaking (Fee Rule), Bulletin Vol. 13-10

***11.10.02, Rules Establishing Fees for Services - Idaho Criminal Justice Information System***

- 11-1002-1301\*** Proposed Rulemaking, Bulletin Vol. 13-10

*\* Rulemaking changes chapter name from: "Rules Establishing Fees for Services - Idaho Criminal Justice Information System" to: "Rules Governing State Criminal History Records and Crime Information"*

***Peace Officer Standards and Training (POST) Council******11.11.01, Rules of the Idaho Peace Officer Standards and Training Council***

- 11-1101-1301** Notice of Proposed Rule, Bulletin Vol. 13-9
- 11-1101-1301** Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. \*PLR 2014)

***IDAPA 13 -- IDAHO FISH AND GAME COMMISSION******13.01.08, Rules Governing the Taking of Big Game Animals in the State of Idaho***

- 13-0108-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7
- 13-0108-1302** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7
- 13-0108-1302** Temporary and Proposed Rulemaking, Bulletin Vol. 13-10 (eff. 8-26-13)T
- 13-0108-1303** Temporary and Proposed Rulemaking, Bulletin Vol. 13-10 (eff. 8-26-13)T

***13.01.09, Rules Governing the Taking of Game Birds in the State of Idaho***

- 13-0109-1301** Temporary and Proposed Rulemaking, Bulletin Vol. 13-10 (eff. 8-26-13)T

***13.01.11, Rules Governing Fish***

- 13-0111-1301** Temporary and Proposed Rulemaking, Bulletin Vol. 13-10 (eff. 8-26-13)T
- 13-0111-1302** Temporary and Proposed Rulemaking, Bulletin Vol. 13-10 (eff. 8-26-13)T

***IDAPA 14 -- BOARD OF REGISTRATION OF PROFESSIONAL GEOLOGISTS******14.01.01, Rules of Procedure of the Board of Registration for Professional Geologists***

- 14-0101-1301** Proposed Rulemaking, Bulletin Vol. 13-10

**14-0101-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

## ***IDAPA 15 -- OFFICE OF THE GOVERNOR***

### ***Executive Orders of the Governor***

Executive Order No. **2013-03** Bulletin Vol. 13-5  
Executive Order No. **2013-01** Bulletin Vol. 13-2

Executive Order No. **2013-04** Bulletin Vol. 13-5  
Executive Order No. **2013-02** Bulletin Vol. 13-5

### ***Division of Human Resources and Personnel Commission***

#### ***15.04.01, Rules of the Division of Human Resources and Idaho Personnel Commission***

**15-0401-1301** Temporary Rulemaking, Bulletin Vol. 13-6 (eff. 7-1-13)T  
**15-0401-1302** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-6  
**15-0401-1302** Proposed Rulemaking, Bulletin Vol. 13-9

#### ***15.06.03, Public Safety Communications Rules***

**15-0603-1301\*** Proposed Rulemaking, Bulletin Vol. 13-10  
**15-0603-1301\*** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)  
\* Rulemaking changes chapter name from: "Public Safety Communications Rules"  
to: "Public Safety Communications Systems Installation and Maintenance Fee Rules"

#### ***15.06.04, Rules Governing the Idaho Youth Challenge Program***

**15-0604-1301** Proposed Rulemaking (New Chapter), Bulletin Vol. 13-10  
**15-0604-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

#### ***15.06.05, Hazardous Substance Response Rules***

**15-0605-1300L** Notice of Legislative Action - Previously Codified IDAPA 15.13.02 has been redesignated as IDAPA 15.06.05, "Hazardous Substance Response Rules," Bulletin Vol. 13-10

### ***Emergency Response Commission***

#### ***15.13.01, Rules of the Idaho Emergency Response Commission***

**15-1301-1301** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 13-10  
**15-1301-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

## ***IDAPA 16 -- DEPARTMENT OF HEALTH AND WELFARE***

#### ***16.01.01, Emergency Medical Services (EMS) -- Advisory Committee (EMSAC)***

**16-0101-1301** Proposed Rulemaking, Bulletin Vol. 13-8

#### ***16.01.02, Emergency Medical Services (EMS) - Rule Definitions***

**16-0102-1301** Proposed Rulemaking (New Chapter), Bulletin Vol. 13-8

#### ***16.01.03, Emergency Medical Services (EMS) -- Agency Licensing Requirements***

**16-0103-1301** Proposed Rulemaking (New Chapter), Bulletin Vol. 13-8

#### ***16.01.07, Emergency Medical Services (EMS) -- Personnel Licensing Requirements***

**16-0107-1301** Proposed Rulemaking, Bulletin Vol. 13-8

#### ***16.01.12, Emergency Medical Services (EMS) -- Complaints, Investigations, and Disciplinary Actions***

**16-0112-1301** Proposed Rulemaking, Bulletin Vol. 13-8

#### ***16.02.02, Rules of the Idaho Emergency Medical Services (EMS) Physician Commission***

16-0202-1301 Proposed Rulemaking, Bulletin Vol. 13-7

**16.02.03, Emergency Medical Services**

16-0203-1301 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-4

16-0203-1301 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Second Notice), Bulletin Vol. 13-5

16-0203-1301 Proposed Rulemaking, Bulletin Vol. 13-8

**16.03.01, Eligibility for Health Care Assistance for Families and Children**

16-0301-1301 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 13-10

16-0301-1302 Proposed Rulemaking (Chapter Rewrite), Bulletin Vol. 13-10

**16.03.04, Rules Governing the Food Stamp Program in Idaho**

16-0304-1301 Temporary and Proposed Rulemaking, Bulletin Vol. 13-10 (eff. 11-1-13)T

**16.03.05, Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled (AABD)**

16-0305-1301 Proposed Rulemaking, Bulletin Vol. 13-10

**16.03.06, Refugee Medical Assistance**

16-0306-1301 Proposed Rulemaking, Bulletin Vol. 13-10

**16.03.09, Medicaid Basic Plan Benefits**

16-0309-1301 Temporary and Proposed Rulemaking, Bulletin Vol. 13-8 (eff. 9-1-13)T

16-0309-1302 Proposed Rulemaking, Bulletin Vol. 13-10

16-0309-1303 Proposed Rulemaking, Bulletin Vol. 13-10

16-0309-1301 Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. \*PLR 2014)

**16.03.10, Medicaid Enhanced Plan Benefits**

16-0310-1301 Temporary and Proposed Rulemaking, Bulletin Vol. 13-8 (eff. 9-1-13)T

16-0310-1301 Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. \*PLR 2014)

**16.03.15, Rules and Minimum Standards for Semi-Independent Group Residential Facilities  
for the Developmentally Disabled or Mentally Ill**

16-0315-1301 Proposed Rule (Chapter Repeal), Bulletin Vol. 13-6

**16.04.02, Idaho Telecommunication Service Assistance Program Rules**

16-0402-1301 Temporary and Proposed Rulemaking, Bulletin Vol. 13-7 (eff. 9-1-13)T

16-0402-1301 Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. \*PLR 2014)

**16.05.01, Use and Disclosure of Department Records**

16-0501-1301 Proposed Rulemaking, Bulletin Vol. 13-9

**16.05.04, Rules of the Idaho Council on Domestic Violence and Victim Assistance Grant Funding**

16-0504-1301 Proposed Rulemaking, Bulletin Vol. 13-10

**16.05.06, Criminal History and Background Checks**

16-0506-1301 Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 13-8 (eff. 7-1-13)T

16-0506-1302 Proposed Rulemaking, Bulletin Vol. 13-9

16-0506-1303 Proposed Rulemaking (Fee Rule), Bulletin Vol. 13-9

16-0506-1301 Adoption of Pending Fee Rule, Bulletin Vol. 13-11 (eff. \*PLR 2014)

**16.05.07, The Investigation and Enforcement of Fraud, Abuse, and Misconduct**

16-0507-1301 Proposed Rulemaking, Bulletin Vol. 13-10

**16.06.01, Child and Family Services**

16-0601-1301 Temporary and Proposed Rulemaking, Bulletin Vol. 13-6 (eff. 7-1-13)T

- 16-0601-1302** Proposed Rulemaking (Fee Rule), Bulletin Vol. 13-9  
**16-0601-1301** Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. \*PLR 2014)

***16.06.12, Rules Governing the Idaho Child Care Program (ICCP)***

- 16-0612-1301** Proposed Rulemaking, Bulletin Vol. 13-10  
**16-0612-1302** Temporary and Proposed Rulemaking, Bulletin Vol. 13-11 (eff. 10-1-13)T

***16.07.17, Alcohol and Substance Use Disorders Services***

- 16-0717-1301** Proposed Rulemaking, Bulletin Vol. 13-9

***16.07.20, Alcohol and Substance Use Disorders Treatment and Recovery Support Services Facilities and Programs***

- 16-0720-1301** Proposed Rulemaking, Bulletin Vol. 13-9

***16.07.30, Behavioral Health Community Crisis Centers***

- 16-0730-1301** Proposed Rulemaking (New Chapter), Bulletin Vol. 13-10

***16.07.33, Adult Mental Health Services***

- 16-0733-1301** Proposed Rulemaking, Bulletin Vol. 13-9  
**16-0733-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. (7-1-14) \*PLR 2014)

***IDAPA 17 -- INDUSTRIAL COMMISSION***

***17.02.09, Medical Fees***

- 17-0209-1301** Temporary Rulemaking, Bulletin Vol. 13-7 (eff. 7-1-13)T  
**17-0209-1301** Proposed Rulemaking, Bulletin Vol. 13-10  
**17-0209-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

***17.02.10, Administrative Rules of the Industrial Commission Under the Workers' Compensation Law -- Security for Compensation -- Insurance Carriers***

- 17-0210-1301** Proposed Rulemaking, Bulletin Vol. 13-10

***17.02.11, Administrative Rules of the Industrial Commission Under the Workers' Compensation Law -- Security for Compensation -- Self-Insured Employers***

- 17-0211-1301** Proposed Rulemaking, Bulletin Vol. 13-10

***IDAPA 18 -- DEPARTMENT OF INSURANCE***

***18.01.04, Rules Pertaining to Bail Agents***

- 18-0104-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7  
**18-0104-1301** Proposed Rulemaking, Bulletin Vol. 13-9  
**18-0104-1301** Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. \*PLR 2014)

***18.01.23, Rules Pertaining to the Idaho Insurance Holding Company System Regulatory Act***

- 18-0123-1301\*** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7  
**18-0123-1301\*** Proposed Rulemaking, Bulletin Vol. 13-10  
**18-0123-1301\*** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

\* Rulemaking changes chapter name from: "Rules Pertaining to the Idaho Insurance Holding Company System Regulatory Act" to: "Rules Pertaining to Idaho Acquisitions of Control and Insurance Holding Company Systems"

***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

***18.01.50, Adoption of the International Fire Code***

- 18-0150-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7  
**18-0150-1301** Proposed Rulemaking, Bulletin Vol. 13-10  
**18-0150-1301** Adoption of Pending and Temporary Rule, Bulletin Vol. 13-12 (eff. (1-1-14)T \*PLR 2014)

***IDAPA 19 -- BOARD OF DENTISTRY******19.01.01, Rules of the Idaho State Board of Dentistry***

- 19-0101-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7  
**19-0101-1301** Proposed Rulemaking (Fee Rule), Bulletin Vol. 13-10  
**19-0101-1301** Adoption of Pending Fee Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

***IDAPA 20 -- DEPARTMENT OF LANDS******20.02.01, Rules Pertaining to the Idaho Forest Practices Act***

- 20-0201-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-6  
**20-0201-1301** Proposed Rulemaking, Bulletin Vol. 13-9

***IDAPA 21 -- DIVISION OF VETERANS SERVICES******21.01.02, Rules Governing Emergency Relief for Veterans***

- 21-0102-1301** Proposed Rulemaking, Bulletin Vol. 13-10  
**21-0102-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

***21.01.08, Rules Governing Veterans Recognition Fund Grant Program***

- 21-0108-1301** Proposed Rulemaking (New Chapter), Bulletin Vol. 13-10  
**21-0108-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

***IDAPA 22 -- BOARD OF MEDICINE******22.01.03, Rules for the Licensure of Physician Assistants***

- 22-0103-1301** Temporary and Proposed Rulemaking, Bulletin Vol. 13-10 (eff. 8-28-13)T  
**22-0103-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

***22.01.13, Rules for the Licensure of Dietitians***

- 22-0113-1301** Temporary and Proposed Rulemaking, Bulletin Vol. 13-10 (eff. 8-28-13)T  
**22-0113-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

***IDAPA 23 -- BOARD OF NURSING******23.01.01, Rules of the Idaho Board of Nursing***

- 23-0101-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7  
**23-0101-1301** Proposed Rulemaking, Bulletin Vol. 13-9  
**23-0101-1302** Temporary and Proposed Rulemaking, Bulletin Vol. 13-10 (eff. 7-1-13)T  
**23-0101-1301** Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. \*PLR 2014)  
**23-0101-1302** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

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

**24.02.01, Rules of the Board of Barber Examiners**

- 24-0201-1301** Proposed Rulemaking, Bulletin Vol. 13-10  
**24-0201-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

**24.04.01, Rules of the Idaho Board of Cosmetology**

- 24-0401-1301** Proposed Rulemaking (Fee Rule), Bulletin Vol. 13-10  
**24-0401-1301** Adoption of Pending Fee Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

**24.05.01, Rules of the Board of Drinking Water and Wastewater Professionals**

- 24-0501-1301** Temporary Rulemaking (Fee Rule), Bulletin Vol. 13-7 (eff. 5-8-13)T  
**24-0501-1302** Proposed Rulemaking (Fee Rule), Bulletin Vol. 13-10  
**24-0501-1302** Adoption of Pending Fee Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

**24.06.01, Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants**

*(Moved From IDAPA 22)* (This rule was moved, re-indexed, and renumbered from IDAPA 22.01.09 - Board of Medicine)

- 24-0601-1301** Temporary and Proposed Rulemaking, Bulletin Vol. 13-9 (eff. 7-1-13)T  
**24-0601-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

**24.07.01, Rules of the Idaho State Board of Landscape Architects**

- 24-0701-1301** Proposed Rulemaking (Fee Rule), Bulletin Vol. 13-9  
**24-0701-1302** Adoption of Pending Fee Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

**24.08.01, Rules of the State Board of Morticians**

- 24-0801-1301** Proposed Rulemaking, Bulletin Vol. 13-9  
**24-0801-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

**24.11.01, Rules of the State Board of Podiatry**

- 24-1101-1301** Proposed Rulemaking (Fee Rule), Bulletin Vol. 13-10  
**24-1101-1301** Adoption of Pending Fee Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

**24.13.01, Rules Governing the Physical Therapy Licensure Board**

- 24-1301-1301** Proposed Rulemaking, Bulletin Vol. 13-8  
**24-1301-1302** Proposed Rulemaking (Fee Rule), Bulletin Vol. 13-8  
**24-1301-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)  
**24-1301-1302** Adoption of Pending Fee Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

**24.14.01, Rules of the State Board of Social Work Examiners**

- 24-1401-0301** Temporary and Proposed Rulemaking, Bulletin Vol. 13-9 (eff. 6-19-13)T  
**24-1401-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

**24.18.01, Rules of the Real Estate Appraiser Board**

- 24-1801-1301** Proposed Rulemaking, Bulletin Vol. 13-10  
**24-1801-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

**24.25.01, Rules of the Idaho Driving Businesses Licensure Board**

- 24-2501-1301** Temporary and Proposed Rulemaking, Bulletin Vol. 13-7 (eff. 5-3-13)T  
**24-2501-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

**24.26.01, Rules of the Idaho Board of Midwifery**

- 24-2601-1301** Proposed Rulemaking (Fee Rule), Bulletin Vol. 13-10  
**24-2601-1301** Adoption of Pending Fee Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

**IDAPA 25 -- OUTFITTERS AND GUIDES LICENSING BOARD**

***25.01.01, Rules of the Outfitters and Guides Licensing Board***

- 25-0101-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-10
- 25-0101-1201** Notice of Public Hearing and Extension of Written Comment Period, Bulletin Vol. 12-11
- 25-0101-1201** Second Notice of Public Hearing/Extension of Comment Period, Bulletin Vol. 12-12
- 25-0101-1201** Proposed Rulemaking, Bulletin Vol. 13-10
- 25-0101-1201** Notice of Public Hearing, Bulletin Vol. 13-11

***IDAPA 26 -- DEPARTMENT OF PARKS AND RECREATION******26.01.20, Rules Governing the Administration of Park and Recreation Areas and Facilities***

- 26-0120-1301** Proposed Rulemaking (Fee Rule), Bulletin Vol. 13-10
- 26-0120-1302** Proposed Rulemaking (Fee Rule), Bulletin Vol. 13-10

***IDAPA 27 -- BOARD OF PHARMACY******27.01.01, Rules of the Idaho State Board of Pharmacy***

- 27-0101-1207** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-12
- 27-0101-1207** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-1
- 27-0101-1207** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-2
- 27-0101-1207** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-3
- 27-0101-1207** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-5
- 27-0101-1207** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7
- 27-0101-1207** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-8
- 27-0101-1207** Proposed Rulemaking, Bulletin Vol. 13-10
- 27-0101-1301** Proposed Rulemaking, Bulletin Vol. 13-10
- 27-0101-1302** Proposed Rulemaking, Bulletin Vol. 13-10
- 27-0101-1207** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)
- 27-0101-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)
- 27-0101-1302** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

***IDAPA 28 -- DEPARTMENT OF COMMERCE******28.02.07, Rules Governing the Administration of the IGEN Grant Program***

- 28-0207-1301** Temporary Rulemaking (New Chapter), Bulletin Vol. 13-4 (eff. 4-30-13)T
- 28-0207-1301** Proposed Rulemaking (New Chapter), Bulletin Vol. 13-10

***28.03.01, Rules of the Idaho Opportunity Fund***

- 28-0301-1301** Temporary and Proposed Rulemaking (New Chapter), Bulletin Vol. 13-9 (eff. 8-1-13)T

***28.03.04, Rules of the Business and Jobs Development Grant Fund***

- 28-0304-1301** Temporary and Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 13-9 (eff. 8-1-13)T

***IDAPA 31 -- PUBLIC UTILITIES COMMISSION******31.01.01, Rules of Procedure of the Idaho Public Utilities Commission***

- 31-0101-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-8
- 31-0101-1301** Proposed Rulemaking, Bulletin Vol. 13-10
- 31-0101-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. 2-15-13 \*PLR 2014)

***31.71.03, Railroad Safety and Accident Reporting Rules***

- 31-7103-1301** Proposed Rulemaking, Bulletin Vol. 13-10



**31-7103-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

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

#### ***33.01.01, Rules of the Idaho Real Estate Commission***

**33-0101-1301** Temporary and Proposed Rulemaking, Bulletin Vol. 13-8 (eff. 6-13-13)T

**33-0101-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

### ***IDAPA 34 -- SECRETARY OF STATE***

#### ***34.06.01, Rules Governing the Electronic Recording of Real Property***

**34-0601-1301** Temporary and Proposed Rulemaking (New Chapter), Bulletin Vol. 13-7 (eff. 5-21-13)T

**34-0601-1301** Adoption of Pending Rule, Bulletin Vol. 13-9 (eff. \*PLR 2014)

### ***IDAPA 35 -- STATE TAX COMMISSION***

#### ***35.01.01, Income Tax Administrative Rules***

**35-0101-1300L** Legislative Action - Final Rule, Bulletin Vol. 13-5

**35-0101-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-5

**35-0101-1301** Proposed Rulemaking, Bulletin Vol. 13-10

**35-0101-1302** Proposed Rulemaking, Bulletin Vol. 13-10

**35-0101-1303** Temporary and Proposed Rulemaking, Bulletin Vol. 13-11 (eff. 1-1-13)T

#### ***35.01.02, Idaho Sales and Use Tax Administrative Rules***

**35-0102-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-1 (*Rulemaking Discontinued*)

**35-0102-1302** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7

**35-0102-1302** Proposed Rulemaking, Bulletin Vol. 13-10

#### ***35.01.03, Property Tax Administrative Rules***

**35-0103-1301** Temporary Rulemaking, Bulletin Vol. 13-5

**35-0103-1302** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-9

**35-0103-1303** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-9

**35-0103-1302** Proposed Rulemaking, Bulletin Vol. 13-10

#### ***35.01.05, Motor Fuels Tax Administrative Rules***

**35-0105-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-5

**35-0105-1301** Proposed Rulemaking, Bulletin Vol. 13-9

**35-0105-1301** Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. \*PLR 2014)

#### ***35.01.06, Hotel/Motel Room and Campground Sales Tax Administrative Rules***

**35-0106-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7

#### ***35.01.09, Idaho County Option Kitchen and Table Wine Tax Administrative Rules***

**35-0109-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7

**35-0109-1301** Proposed Rulemaking, Bulletin Vol. 13-10

#### ***35.01.10, Idaho Cigarette and Tobacco Products Tax Administrative Rules***

**35-0110-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7

**35-0110-1301** Proposed Rulemaking, Bulletin Vol. 13-10

#### ***35.01.14, Prepaid Wireless E911 Fee Administrative Rules***

**35-0114-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 13-7



**35-0114-1301** Proposed Rulemaking (New Chapter), Bulletin Vol. 13-10

**35.02.01, Tax Commission Administration and Enforcement Rules**

**35-0201-1301** Proposed Rulemaking, Bulletin Vol. 13-10

**35-0201-1302** Proposed Rulemaking, Bulletin Vol. 13-10

**35-0201-1303** Temporary and Proposed Rulemaking, Bulletin Vol. 13-11 (eff. 1-1-13)T

**IDAPA 37 -- DEPARTMENT OF WATER RESOURCES**

**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

**37.03.13, 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**

**38.04.06, Rules Governing Use of the Exterior of State Property in the Capitol Mall and Other State Facilities**

**38-0406-1301** Temporary and Proposed Rulemaking, Bulletin Vol. 13-5 (eff. 4-5-13)T

**38-0406-1301** Adoption of Pending Rule, Bulletin Vol. 13-7 (eff. \*PLR 2014)

**38.04.08, Rules Governing Use of Idaho State Capitol Exterior**

**38-0408-1301** Temporary and Proposed Rulemaking, Bulletin Vol. 13-5 (eff. 4-5-13)T

**38-0408-1301** Adoption of Pending Rule, Bulletin Vol. 13-7 (eff. \*PLR 2014)

**IDAPA 39 -- IDAHO TRANSPORTATION DEPARTMENT**

**39.02.60, Rules Governing License Plate Provisions**

**39-0260-1301** Temporary and Proposed Rulemaking, Bulletin Vol. 13-10 (eff. 7-1-13)T

**39.02.71, Rules Governing Drivers License Violation Point Count System**

**39-0271-1301** Proposed Rulemaking, Bulletin Vol. 13-9

**39.03.12, Rules Governing Safety Requirements of Overlegal Permits**

**39-0312-1301** Temporary and Proposed Rulemaking, Bulletin Vol. 13-9

**39.03.15, Rules Governing Excess Weight Permits for Reducible Loads**

**39-0315-1301\*** Temporary and Proposed Rulemaking, Bulletin Vol. 13-8 (eff. 7-1-13)T

*\*Rulemaking changes chapter name to: "Rules Governing Excess Weight Permits for Reducible Loads"  
from: "Rules Governing Interstate Excess Weight Permits"*

**39.03.22, Rules Governing Overlegal Permits for Extra-Length, Excess Weight, and Up to  
129,000 Pound Vehicle Combinations**

- 39-0322-1301\*** Temporary and Proposed Rulemaking, Bulletin Vol. 13-8 (eff. 7-1-13)T  
\*Rulemaking changes chapter name to: “Rules Governing Overlegal Permits for Extra-Length, Excess Weight, and Up to 129,000 Pound Vehicle Combinations” from: “Rules Governing Overlegal Permits for Extra-Length Vehicle Combinations”
- 39-0322-1302** Proposed Rulemaking, Bulletin Vol. 13-8

**39.03.23, Rules Governing Revocation of Overlegal Permits**

- 39-0323-1301\*** Temporary and Proposed Rulemaking, Bulletin Vol. 13-8 (eff. 7-1-13)T  
\*Rulemaking changes chapter name to: “Rules Governing Revocation of Overlegal Permits” from: “Rules Governing Revocation of Special Permits”

**39.03.50, Rules Governing Safety Rest Areas**

- 39-0350-1301** Proposed Rulemaking, Bulletin Vol. 13-10

**39.04.02, Rules Governing the Marking of Hazards to Air Flight**

- 39-0402-1301** Temporary and Proposed Rulemaking, Bulletin Vol. 13-10 (eff. 7-1-13)T

**39.04.04, Rules Governing Idaho Airport Aid Program**

- 39-04041301** Proposed Rulemaking, Bulletin Vol. 13-10

**IDAPA 46 -- BOARD OF VETERINARY MEDICAL EXAMINERS****46.01.01, Rules of the State of Idaho Board of Veterinary Medicine**

- 46-0101-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-6  
**46-0101-1301** Proposed Rulemaking, Bulletin Vol. 13-9  
**46-0101-1302** Proposed Rulemaking, Bulletin Vol. 13-9  
**46-0101-1301** Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. \*PLR 2014)  
**46-0101-1302** Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. \*PLR 2014)

**IDAPA 52 -- IDAHO STATE LOTTERY COMMISSION****52.01.02, Gaming Rules of the Idaho State Lottery Commission**

- 52-0102-1301** Proposed Rulemaking, Bulletin Vol. 13-10  
**52-0102-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. \*PLR 2014)

**IDAPA 53 -- IDAHO BARLEY COMMISSION****53.01.01, Rules of the Idaho Barley Commission**

- 53-0101-1301** Proposed Rulemaking, Bulletin Vol. 13-11

**IDAPA 57 -- SEXUAL OFFENDER MANAGEMENT BOARD****57.01.01, Rules of the Sexual Offender Management Board**

- 57-0101-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-10  
**57-0101-1201** Temporary and Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 13-10 (eff. 11-1-13)T  
**57-0101-1202** Temporary and Proposed Rulemaking (Chapter Rewrite - Fee Rule), Bulletin Vol. 13-10 (eff. 11-1-13)T

**IDAPA 58 -- DEPARTMENT OF ENVIRONMENTAL QUALITY**

- 58-0000-1301** The Little Salmon River Subbasin TMDL 2013 Addendum (HUC 17060210), Bulletin Vol. 13-4  
**58-0000-1302** Blackfoot River Subbasin TMDL 2013 Addendum (HUC 17040207), Bulletin Vol. 13-6

- 58-0000-1303** Lower North Fork Clearwater River Subbasin Five Year Review and TMDL Addendum (HUC 17060308), Bulletin Vol. 13-6
- 58-0000-1304** Federal Plan Delegation Request for the Control of Air Emissions from Hospital/Medical/Infectious Waste Incinerators, Bulletin Vol. 13-8
- 58-0000-1305** The Upper (North Fork) Coeur d'Alene River Temperature TMDL Addendum (HUC 17010301), Bulletin Vol. 13-9
- 58-0000-1306** The Mid Snake River/Succor Creek Tributaries Sediment TMDL 2013 Addendum (HUC 17050103), Bulletin Vol. 13-11
- 58-0000-1307** The Lower Payette River TMDL 2013 Addendum (HUC 17050122), Bulletin Vol. 13-11
- 58-0000-1308** The Big Wood River Tributaries Temperature TMDL 2013 Addendum (HUC 17040219), Bulletin Vol. 13-11
- 58-0000-1309** The Coeur d'Alene Lake and River SBA and TMDL- 2013 Fernan Lake Addendum (HUC ID 17010303), Bulletin Vol. 13-12

***58.01.01, Rules for the Control of Air Pollution in Idaho***

- 58-0101-1301** Proposed Rulemaking, Bulletin Vol. 13-8
- 58-0101-1301** Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. \*PLR 2014)

***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** Adoption of Proposed Rule, Bulletin Vol. 13-12

***IDAPA 59 -- PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO (PERSI)******59.01.06, PERSI Retirement Rules***

- 59-0106-1301** Proposed Rulemaking, Bulletin Vol. 13-9
- 59-0106-1301** Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. \*PLR 2014)

# Subject Index

- A**
- Advertising 86
    - Specialty Advertising 86
  - Alternative Automatic Fire-Extinguishing Systems, Section 904.1.1, International Fire Code 81
  - Antidegradation Implementation
    - Evaluation of Effect of an Activity or Discharge on Water Quality 122
    - General Permits 121
    - Identification of Tier II Waters 121
    - Initiation of Antidegradation Review 121
    - Restoration Projects 121
    - Tier I Review 122
    - Tier II Analysis 122
    - Tier III – Outstanding Resource Waters (ORWs) 125
    - Waters Protected 121
  - Appeals 40
  - Application Process 29, 37
    - Announcement of Award 29, 38
    - Communication with State Officials 29, 38
    - Initial Applications 29, 37
- C**
- Chapter 5 Fire Service Features 80
  - Code Of Ethics For Idaho Professional Educators 47
    - Principle VIII - Breach of Contract or Abandonment of Employment 47
  - Compounding Drug Products 110
    - Drug Compounding Controls 111
    - General Compounding Standards 110
    - Scope of Practice 110
  - Construction Requirements For Existing Buildings, Section 1101.1, International Fire Code 82
  - Continuing Eligibility 39
    - Credit Hours 39
    - Eligibility Following Interruption of Continuous Enrollment 39
    - Maximum Duration of Scholarship Award 39
    - Renewal Application 39
    - Satisfactory Academic Progress 39
- D**
- Definition Of Code Official, Section 202 International Fire Code 80
  - Definitions, 08.01.13 35
    - Grade Point Average or GPA 35
  - Definitions, IDAPA 08.01.09, Rules Governing the GEAR UP Idaho Scholarship Program 28
    - Administrator 29
    - Educational Costs 28
    - Eligible Institution 28
    - Eligible Student 28
  - Dental Assistants - Practice 85
    - Prohibited Duties 85
  - Dental Hygienists - Prohibited Practice 85
    - Prohibited Duties 85
  - Department Of Fire Prevention, Section 103.2 -- Appointments, International Fire Code 79
- E**
- Eligibility 29, 35
    - Academic Eligibility 35
    - Additional Eligibility Requirements 36
    - Eligible Student 29
    - Financial Eligibility 36
    - Undergraduate Student 29, 35
  - Examinations 97
    - Minimum Passing Score 97
  - Explosives & Fireworks, Chapter 56, International Fire Code 82
- G**
- GEAR UP Idaho Scholarship
    - Award 31
    - Distribution 31
    - Monetary Value of the Gear Up Idaho Scholarship 31
  - General Education Development Tests/ Idaho High School Equivalency Certificate 42
    - Idaho High School Equivalency Certificate 42
- H**
- High School Graduation Requirements 58, 63
    - College Entrance Examination 59, 65
    - Content Standards 59, 65
    - Credit Requirements 58, 63
    - Foreign Exchange Students 61, 67
    - Health/Wellness 59, 65
    - Humanities 59, 65
    - Middle School 60, 66
    - Proficiency 60, 66
    - Senior Project 60, 66
    - Social Studies 59, 65
    - Special Education Students 61, 67
- M**
- Minimal Sedation 86
  - Miscellaneous Provisions 31
- O**
- Other Required Instruction 57, 63
    - Elementary Schools 57
    - Middle Schools/Junior High Schools 57, 63
- P**
- Permit Required, Section 105.1.1, International Fire Code 80
  - Pharmacy Product Storage & Removal 108
    - Qualified Returns to the Secured Delivery Area 108
    - Storage for Delivery 108
  - Portable Fire Extinguishers, Section 906.2.1, International Fire Code 81
- R**
- Referenced Standards, Chapter 80, International Fire Code 82
  - Responsibilities Of Eligible Idaho Postsecondary Educational Institutions 31, 39
    - Other Requirements 40
    - Statements of Continuing Eligibility 32, 39
  - Rewards 52
    - Determination by State Department of Education 52
    - Distinguished Schools 52
- S**
- Safe Environment & Discipline 54
  - Selection Criteria 30
    - Academic Eligibility 30
    - Financial Eligibility 30
    - Participation Eligibility 30
  - Selection Of Scholarship Recipients 38
    - Monetary Value of the Opportunity Scholarship 38
    - Selection Process 38
  - Supervision 101
    - Supervision of a Physical Therapist Assistants 101
- U**
- Underground Tanks Out Of Service For One Year, Section 5704.2.13.1.3 International Fire Code 82
- V**
- Violation Penalties, Section 109.4, International Fire Code 80
- W**
- Water Quality Limited Waters & TMDLs 126
    - Consistency with TMDLs 128
    - Idaho Agriculture Pollution Abatement Plan 128
    - Pollutant Trading 128
    - Priority of TMDL Development 127
    - Protection of Uses Prior to Completion of TMDLs 127
    - Reporting Water Body Use Support Status 126
    - Water Bodies Needing Development of a Total Maximum Daily Load (TMDL) 127