

IDAHO ADMINISTRATIVE BULLETIN

June 3, 2015 -- Volume 15-6

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IDAHO ADMINISTRATIVE BULLETIN

Table of Contents

June 3, 2015 -- Volume 15-6

PREFACE	5
IDAPA 07 - DIVISION OF BUILDING SAFETY	
07.04.02 - <i>Safety Rules for Elevators, Escalators, and Moving Walks</i> Docket No. 07-0402-1501 Notice of Rulemaking - Adoption of Temporary Fee Rule.....	15
IDAPA 08 - STATE BOARD AND DEPARTMENT OF EDUCATION	
08.01.09 - <i>Rules Governing the GEAR UP Idaho Scholarship Program</i> Docket No. 08-0109-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	17
08.01.13 - <i>Rules Governing the Opportunity Scholarship Program</i> Docket No. 08-0113-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	18
08.02.01 - <i>Rules Governing Administration</i> Docket No. 08-0201-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	19
08.02.02 - <i>Rules Governing Uniformity</i> Docket No. 08-0202-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	20
Docket No. 08-0202-1502 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	21
08.02.03 - <i>Rules Governing Thoroughness</i> Docket No. 08-0203-1503 Notice of Rulemaking - Proposed Rule.....	22
Docket No. 08-0203-1504 Notice of Rulemaking - Temporary and Proposed Rule	24
Docket No. 08-0203-1505 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	29
08.05.01 - <i>Rules Governing Seed and Plant Certification</i> Docket No. 08-0501-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	30
IDAPA 10 - BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS	
10.01.01 - <i>Rules of Procedure</i> Docket No. 10-0101-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	31
Docket No. 10-0101-1502 Notice of Rulemaking - Adoption of Temporary Rule	32

10.01.02 - <i>Rules of Professional Responsibility</i> Docket No. 10-0102-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	40
10.01.04 - <i>Rules of Continuing Professional Development</i> Docket No. 10-0104-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	41
IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE	
16.03.09 - <i>Medicaid Basic Plan Benefits</i> Docket No. 16-0309-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	42
Docket No. 16-0309-1502 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	44
16.03.10 - <i>Medicaid Enhanced Plan Benefits</i> Docket No. 16-0310-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	45
16.03.13 - <i>Consumer-Directed Services</i> Docket No. 16-0313-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	47
16.03.19 - <i>Rules Governing Certified Family Homes</i> Docket No. 16-0319-1501 (Second) Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	49
IDAPA 20 - IDAHO DEPARTMENT OF LANDS	
20.07.01 - <i>Rules of Practice and Procedure Before the Idaho Oil and Gas Conservation Commission</i> Docket No. 20-0701-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	50
IDAPA 23 - BOARD OF NURSING	
23.01.01 - <i>Rules of the Idaho Board of Nursing</i> Docket No. 23-0101-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	52
Docket No. 23-0101-1502 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	53
Docket No. 23-0101-1503 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	54
IDAPA 35 - IDAHO STATE TAX COMMISSION	
35.01.02 - <i>Idaho Sales and Use Tax Administrative Rules</i> Docket No. 35-0102-1502 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	55
IDAPA 38 - DEPARTMENT OF ADMINISTRATION	
38.04.04 - <i>Rules Governing Capitol Mall Parking</i> Docket No. 38-0404-1501 Notice of Rulemaking - Temporary and Proposed Rule.....	57

38.04.07 - <i>Rules Governing Use of the Interior of State Property in the Capitol Mall and Other State Facilities</i> Docket No. 38-0407-1501 Notice of Rulemaking - Temporary and Proposed Rule	63
IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT	
39.02.03 - <i>Rules Governing Vehicle Dealer's Principal Place of Business</i> Docket No. 39-0203-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	66
IDAPA 46 - BOARD OF VETERINARY MEDICINE	
46.01.01 - <i>Rules of the State of Idaho Board of Veterinary Medicine</i> Docket No. 46-0101-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	67
IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY	
58.01.11 - <i>Ground Water Quality Rule</i> Docket No. 58-0111-1501 Notice of Rulemaking - Temporary and Proposed Rule	68
IDAPA 59 - PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO	
59.01.03 - <i>PERSI Contribution Rules</i> Docket No. 59-0103-1402 Notice of Rulemaking - Proposed Rule.....	76
Docket No. 59-0103-1403 Notice of Rulemaking - Proposed Rule.....	80
SECTIONS AFFECTED INDEX	83
LEGAL NOTICE - SUMMARY OF PROPOSED RULEMAKINGS	85
CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES	87
SUBJECT INDEX	93

Preface

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

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

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

CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN

The Bulletin is identified by the calendar year and issue number. For example, Bulletin **13-1** refers to the first Bulletin issued in calendar year **2013**; Bulletin **14-1** refers to the first Bulletin issued in calendar year **2014**. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. **13-1** refers to January 2013; Volume No. **13-2** refers to February 2013; and so forth. Example: The Bulletin published in January 2014 is cited as Volume **14-1**. The June 2015 Bulletin is cited as Volume **15-5**.

RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE

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

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

THE DIFFERENT RULES PUBLISHED IN THE ADMINISTRATIVE BULLETIN

Idaho’s administrative rulemaking process, governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, comprises distinct rulemaking actions: negotiated, proposed, temporary, pending and final rulemaking. Not all rulemakings incorporate or require all of these actions. At a minimum, a rulemaking includes proposed, pending and final rulemaking. Many rules are adopted as temporary rules when they meet the required statutory criteria and agencies must, when feasible, engage in negotiated rulemaking at the beginning of the process to facilitate consensus building. In the majority of cases, the process begins with proposed rulemaking and ends with the final rulemaking. The following is a brief explanation of each type of rule.

NEGOTIATED RULEMAKING

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

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

PROPOSED RULEMAKING

A proposed rulemaking is an action by an agency wherein the agency is proposing to amend or repeal an existing rule or to adopt a new rule. Prior to the adoption, amendment, or repeal of a rule, the agency must publish a “Notice of Rulemaking - Proposed Rule” in the Bulletin. This notice must include:

- a) the specific statutory authority (from Idaho Code) for the rulemaking including a citation to a specific federal statute or regulation if that is the basis of authority for or is occasioning the rulemaking;
- b) a statement in nontechnical language of the substance of the proposed rule, including a specific description of any fee or charge imposed or increased;
- c) a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year when the pending rule will become effective; provided, however, that notwithstanding Section 67-5231, Idaho Code, the absence or accuracy of a fiscal impact statement provided pursuant to this subsection shall not affect the validity or enforceability of the rule.
- d) if any document is incorporated by reference in the proposed rule, a brief written synopsis of why the incorporation is needed must be included in the notice of proposed rulemaking, along with a link to the electronic version of the incorporated material or information on how it can be obtained.
- e) the text of the proposed rule prepared in legislative format;
- f) the location, date, and time of any public hearings the agency intends to hold on the proposed rule;
- g) the manner in which persons may make written comments on the proposed rule, including the name and address of a person in the agency to whom comments on the proposal may be sent;
- h) the manner in which persons may request an opportunity for an oral presentation as provided in Section 67-5222, Idaho Code; and
- i) the deadline for public (written) comments on the proposed rule.

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

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

As stated, the text of the proposed rule must be published in the Bulletin. After meeting the statutory rulemaking criteria for a proposed rule, the agency may adopt the pending rule. Because a proposed rule is not enforceable, it has no effective date, even when published in conjunction with a temporary rule that is of full force and effect. An agency may vacate (terminate) a rulemaking after the publication of a proposed rule if it decides, for whatever reason, not to proceed further to finalize the rulemaking. The publication of a “Notice of Vacation of Proposed Rulemaking” in the Bulletin officially stops the formal rulemaking process.

TEMPORARY RULEMAKING

Temporary rules may be adopted only when the governor finds that it is necessary for:

- a) protection of the public health, safety, or welfare; or
- b) compliance with deadlines in amendments to governing law or federal programs; or
- c) conferring a benefit.

If a rulemaking meets one or more of the above legal criteria and the governor determines that it is necessary that a rule become effective prior to receiving legislative authorization and without allowing for any public input, the agency may proceed and adopt a temporary rule. The law allows an agency to make a temporary rule immediately effective upon adoption. However, a temporary rule that imposes a fee or charge may be adopted only if the governor finds that the fee or charge is necessary to avoid immediate danger which justifies the imposition of the fee or charge.

A temporary rule expires at the conclusion of the next succeeding regular legislative session unless the rule is extended by concurrent resolution, is replaced by a final rule, or expires under its own terms.

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

An agency may, at any time, rescind a temporary rule that has been adopted and is in effect. The agency must publish a notice of rescission to effectively rescind the temporary rule. If the temporary rule is being replaced by a new temporary rule or if it has been published concurrently with a proposed rule that is being vacated, the agency, in most instances, will rescind the temporary rule.

PENDING RULEMAKING

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

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

- a) a statement giving the reasons for adopting the rule;
- b) a statement of any change between the text of the proposed rule and the pending rule with an explanation of the reasons for any changes;
- c) the date the pending rule will become final and effective and a statement that the pending rule may be rejected, amended or modified by concurrent resolution of the legislature;
- d) an identification of any portion of the rule imposing or increasing a fee or charge and a statement that this portion of the rule shall not become final and effective unless affirmatively approved by concurrent resolution of the legislature;
- (e) the specific statutory authority for the rulemaking including a citation to the specific section of the Idaho Code that has occasioned the rulemaking, or the federal statute or regulation if that is the basis of authority or requirement for the rulemaking; and
- (f) a specific description, if applicable, of any negative fiscal impact on the state general fund greater

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

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

FINAL RULEMAKING

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

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

AVAILABILITY OF THE ADMINISTRATIVE CODE AND BULLETIN

Internet Access - The Administrative Code and Administrative Bulletin are available on the Internet at the following address: adminrules.idaho.gov

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

HOW TO USE THE IDAHO ADMINISTRATIVE BULLETIN

Rulemaking documents produced by state agencies and published in the **Idaho Administrative Bulletin** are organized by a numbering schematic. Each state agency has a two-digit identification code number known as the **“IDAPA”** number. (The **“IDAPA”** Codes are listed in the alphabetical/numerical index at the end of this Preface.) Within each agency there are divisions or departments to which a two-digit **“TITLE”** number is assigned. There are **“CHAPTER”** numbers assigned within the Title and the rule text is divided among major sections that are further subdivided into subsections. An example IDAPA number is as follows:

IDAPA 38.05.01.200.02.c.ii.

“IDAPA” refers to Administrative Rules in general that are subject to the Administrative Procedures Act and are required by this act to be published in the Idaho Administrative Code and the Idaho Administrative Bulletin.

“38.” refers to the Idaho Department of Administration

“05.” refers to Title **05**, which is the Department of Administrations’s Division of Purchasing

“01.” refers to Chapter **01** of Title 05, **“Rules of the Division of Purchasing”**

“200.” refers to Major Section **200**, **“Content of the Invitation to Bid”**

“02.” refers to Subsection **200.02**.

“c.” refers to Subsection **200.02.c**.

“ii.” refers to Subsection **200.02.c.ii**.

DOCKET NUMBERING SYSTEM

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

“DOCKET NO. 38-0501-1401”

“38-” denotes the agency's **IDAPA** number; in this case the Department of Administration.

“0501-” refers to the **TITLE AND CHAPTER** numbers of the agency rule being promulgated; in this case the Division of Purchasing (**TITLE 05**), Rules of the Division of Purchasing (**Chapter 01**).

“1401” denotes the year and sequential order of the docket being published; in this case the numbers refer to the first rulemaking action published in **calendar year 2014**. A subsequent rulemaking on this same rule chapter in calendar year 2014 would be designated as **“1402”**. The docket number in this scenario would be **38-0501-1402**.

Within each Docket, only the affected sections of chapters are printed. (See **Sections Affected Index** in each Bulletin for a listing of these.) The individual sections affected are printed in the Bulletin sequentially (e.g. Section **“200”** appears before Section **“345”** and so on). Whenever the sequence of the numbering is broken the following statement will appear:

(BREAK IN CONTINUITY OF SECTIONS)

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2014

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
14-1	January 2014	*November 29, 2013	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	**August 29, 2014	October 1, 2014	October 22, 2014
14-11	November 2014	October 10, 2014	November 5, 2014	November 26, 2014
14-12	December 2014	November 7, 2014	December 3, 2014	December 24, 2014

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2015

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15-1	January 2015	*November 28, 2014	January 7, 2015	January 28, 2015
15-2	February 2015	January 9, 2015	February 4, 2015	February 25, 2015
15-3	March 2015	February 6, 2015	March 4, 2015	March 25, 2015
15-4	April 2015	March 6, 2015	April 1, 2015	April 22, 2015
15-5	May 2015	April 3, 2015	May 6, 2015	May 27, 2015
15-6	June 2015	May 8, 2015	June 3, 2015	June 24, 2015
15-7	July 2015	June 5, 2015	July 1, 2015	July 22, 2015
15-8	August 2015	July 10, 2015	August 5, 2015	August 26, 2015
15-9	September 2015	August 7, 2015	September 2, 2015	September 23, 2015
15-10	October 2015	**August 28, 2015	October 7, 2015	October 28, 2015
15-11	November 2015	October 9, 2015	November 4, 2015	November 25, 2015
15-12	December 2015	November 6, 2015	December 2, 2015	December 23, 2015

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

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

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

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS	
IDAPA 15	Governor, Office of the Idaho Commission on Aging (15.01) Idaho Commission for the Blind and Visually Impaired (15.02) Idaho Forest Products Commission (15.03) Division of Human Resources and Personnel Commission 15.04) Idaho Liquor Division (15.10) Idaho Military Division (Division of Homeland Security) (15.06)
IDAPA 48	Grape Growers and Wine Producers Commission, Idaho
IDAPA 16	Health and Welfare, Department of
IDAPA 41	Health Districts, Public
IDAPA 45	Human Rights Commission
IDAPA 17	Industrial Commission
IDAPA 18	Insurance, Department of
IDAPA 05	Juvenile Corrections, Department of
IDAPA 09	Labor, Idaho Department of
IDAPA 20	Lands, Department of
IDAPA 30	Libraries, Commission for
IDAPA 52	Lottery Commission, Idaho State
IDAPA 22	Medicine, Board of
IDAPA 23	Nursing, Board of

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS	
IDAPA 24	Occupational Licenses, Board of (24.20) Acupuncture, Board of (24.17) Architectural Examiners, Board of (24.01) Barber Examiners, Board of (24.02) Chiropractic Physicians, 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)
IDAPA 25	Outfitters and Guides Licensing Board
IDAPA 50	Pardons and Parole, Commission for
IDAPA 26	Parks and Recreation, Department of
IDAPA 27	Pharmacy, Board of
IDAPA 11	Police, Idaho State
IDAPA 29	Potato Commission, Idaho
IDAPA 55	Professional-Technical Education, Division of
IDAPA 59	Public Employee Retirement System of Idaho (PERSI)
IDAPA 31	Public Utilities Commission
IDAPA 56	Rangeland Resources Commission, Idaho
IDAPA 33	Real Estate Commission, Idaho
IDAPA 34	Secretary of State, Office of the
IDAPA 57	Sexual Offender Management Board
IDAPA 49	Shorthand Reporters Board, Idaho Certified
IDAPA 60	Soil and Water Conservation Commission, Idaho State

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

IDAPA 07 - DIVISION OF BUILDING SAFETY

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

DOCKET NO. 07-0402-1501

NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY FEE RULE

EFFECTIVE DATE: The effective date of the temporary rule is May 1, 2015.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 39-8605 and 39-8616, Idaho Code.

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

Pursuant to Section 39-8616, Idaho Code, the Division has authority to charge certain fees related to the initial installation inspection and annual certification of elevators. In accordance with the statute, the fees established therein represent the maximum amounts the Division may charge, but may be reduced in duly promulgated administrative rules. This rulemaking decreases the initial elevator installation, alteration or modernization certification fee for platform lift/material lift/dumbwaiters. It also reduces the annual certificate to operate fees for traction and roped hydraulic elevators, the fee for moving walk/escalators, the fee for hydraulic elevators, and the fee for platform lift/material lift/dumbwaiters.

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

The fund balance for the elevator safety fund currently exceeds the anticipated annual expenditures for the program; as such, the agency wishes to reduce the surplus by cutting fees. The temporary rule allows for annual review and adjustment of the fees.

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:

This rulemaking decreases the initial elevator installation, alteration or modernization certification fee for platform lift/material lift/dumbwaiters from \$750 to \$375. It also reduces the annual certificate to operate fees for traction and roped hydraulic elevators from \$225 to \$175, the fee for moving walk/escalators from \$225 to \$175, the fee for hydraulic elevators from \$125 to \$100, and the fee for platform lift/material lift/dumbwaiters from \$100 to \$50.

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

DATED this 24th day of April 2015.

Steve Keys, Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St., Ste. 150
P. O. Box 83720
Meridian, ID 83642
Phone: (208) 332-8986
Fax: (877) 810-2840

**THE FOLLOWING IS THE TEXT OF THE TEMPORARY FEE RULE
FOR DOCKET NO. 07-0402-1501
(Only those Sections being amended are shown.)**

013. FEE SCHEDULE.

In accordance with Section 39-8616, Idaho Code, certification fees for the conveyances listed in this section are reduced to the amounts set forth herein. (5-1-15)T

01. Installation Fees. The fees for the following conveyances identified in the installation, alteration, modernization, or relocation certification fee schedule established pursuant to Section 39-8616(1)(a), Idaho Code, are reduced to the following amounts: (5-1-15)T

a. Platform lift/material lift/dumbwaiter shall be three hundred seventy-five dollars (\$375). (5-1-15)T

b. Annual Certificate to Operate Fees. The fees for the following conveyances identified in the annual certificate to operate certification fee schedule established pursuant to Section 39-8616(2)(a), Idaho Code, are reduced to the following amounts: (5-1-15)T

c. Traction and roped hydraulic elevator shall be one hundred seventy-five dollars (\$175). (5-1-15)T

d. Moving walk/escalator shall be one hundred seventy-five dollars (\$175). (5-1-15)T

e. Hydraulic elevator shall be one hundred dollars (\$100). (5-1-15)T

f. Platform lift/material lift/dumbwaiter shall be fifty dollars (\$50). (5-1-15)T

01~~3~~4. -- 999. (RESERVED)

IDAPA 08 - STATE BOARD OF EDUCATION

08.01.09 - RULES GOVERNING THE GEAR UP IDAHO SCHOLARSHIP PROGRAM

DOCKET NO. 08-0109-1501

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under sections 33-105, and 33-107, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by June 10, 2015.

Should a reasonable number of persons respond to this notice, negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

Person's wishing to participate may contact Tracie Bent at the Office of the State Board of Education, PO Box 83720, Boise, Idaho 83720-0037 or tracie.bent@osbe.idaho.gov, to schedule a meeting or provide written comments. All meeting dates, locations, and teleconference information will be posted on the Board of Education website at www.boardofed.idaho.gov.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Proposed amendments would make technical corrections and clarify the eligibility and application requirements for the GEAR UP Idaho Scholarship. The GEAR UP Idaho Scholarship is a federal program and subject to the federal regulations for the program.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this negotiated rulemaking, contact Tracie Bent at (208)332-1582 or tracie.bent@osbe.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the State Board of Education website once drafted at the following web address: www.boardofed.idaho.gov.

DATED this 8th Day of May 2015

Tracie Bent
Chief Planning and Policy Officer
Idaho State Board of Education
650 W State St.
PO Box 83720
Boise, ID 83702-0037
Phone: (208) 332-1582, Fax: (208) 334-2632

IDAPA 08 - STATE BOARD OF EDUCATION

08.01.13 - RULES GOVERNING THE OPPORTUNITY SCHOLARSHIP PROGRAM

DOCKET NO. 08-0113-1501

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under sections 33-105, 33-107, and 33-4303 Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by June 10, 2015.

Should a reasonable number of persons respond to this notice, negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

Person's wishing to participate may contact Tracie Bent at the Office of the State Board of Education, PO Box 83720, Boise, Idaho 83720-0037 or tracie.bent@osbe.idaho.gov, to schedule a meeting or provide written comments. All meeting dates, locations, and teleconference information will be posted on the Board of Education website at www.boardofed.idaho.gov.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Proposed amendments would make technical corrections and clarify the eligibility and application requirements for the Opportunity Scholarship.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this negotiated rulemaking, contact Tracie Bent at (208)332-1582 or tracie.bent@osbe.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the State Board of Education website once drafted at the following web address: www.boardofed.idaho.gov.

DATED this 8th Day of May 2015.

Tracie Bent
Chief Planning and Policy Officer
Idaho State Board of Education
650 W State St.
PO Box 83720
Boise, ID 83702-0037
Phone: (208) 332-1582, Fax: (208) 334-2632

IDAPA 08 - STATE BOARD OF EDUCATION

08.02.01 - RULES GOVERNING ADMINISTRATION

DOCKET NO. 08-0201-1501

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under sections 33-105, and 33-107, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by June 10, 2015.

Should a reasonable number of persons respond to this notice, negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

Person's wishing to participate may contact Tracie Bent at the Office of the State Board of Education, PO Box 83720, Boise, Idaho 83720-0037 or tracie.bent@osbe.idaho.gov, to schedule a meeting or provide written comments. All meeting dates, locations, and teleconference information will be posted on the Board of Education website at www.boardofed.idaho.gov.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Proposed amendments would amend the General Education Development Tests (GED)/Idaho High School Equivalency Certificate requirements, moving the management of the high school equivalency certificate program from the Department of Education to the Division of Professional-Technical Education, where the GED test administration already resides. Additional changes would remove the proficiency levels set by the state defaulting the passing rate to the proficiency level set for the GED assessment in a given year.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this negotiated rulemaking, contact Tracie Bent at (208)332-1582 or tracie.bent@osbe.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the State Board of Education website once drafted at the following web address: www.boardofed.idaho.gov.

DATED this 8th Day of May 2015.

Tracie Bent
Chief Planning and Policy Officer
Idaho State Board of Education
650 W State St.
PO Box 83720
Boise, ID 83702-0037
Phone: (208) 332-1582, Fax: (208) 334-2632

IDAPA 08 - STATE BOARD OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1501

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section(s) 33-101, 33-105, and 33-116, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by June 10, 2015.

Should a reasonable number of persons respond to this notice, negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

Person's wishing to participate may contact Tracie Bent at the Office of the State Board of Education, PO Box 83720, Boise, Idaho 83720-0037 or tracie.bent@osbe.idaho.gov, to schedule a meeting or provide written comments. All meeting dates, locations, and teleconference information will be posted on the Board of Education website at www.boardofed.idaho.gov.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Proposed amendments would amend requirements for existing alternate routes to certification to address school district needs when they are unable to find qualified candidates to fill open positions. Additional changes will clarify administrator certificate renewal requirements, reorder existing requirements, and make corrections to certification requirements as necessary for the implementation of the career ladder passed by the Idaho legislature during the 2015 session.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this negotiated rulemaking, contact Tracie Bent at (208)332-1582 or tracie.bent@osbe.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the State Board of Education website once drafted at the following web address: www.boardofed.idaho.gov.

DATED this 8th Day of May 2015.

Tracie Bent
Chief Planning and Policy Officer
Idaho State Board of Education
650 W State St.
PO Box 83720
Boise, ID 83702-0037
Phone: (208) 332-1582, Fax: (208) 334-2632

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1502

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section(s) 33-1204, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by June 17, 2015.

Should a reasonable number of persons respond to this notice, negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

People interested in participating may contact Lisa Colón at lcolon@sde.idaho.gov.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

HB296, section 13, states “the state board of education shall set forth criteria for renewal of administrator certificates, which shall include a requirement that administrator certificate holders must complete a course consisting of a minimum of three (3) semester credits in the statewide framework for teachers evaluations, such course shall include a laboratory component.” Rule needs to be established in order to clarify and standardize revised statute.

New IDAPA Rule 08.02.02.016.06 will clarify and standardize requirement of three (3) semester credits in the statewide framework for teacher’s evaluations as stated in Section 33-1204 Idaho Code for renewal of administrator certificates.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this negotiated rulemaking, contact Lisa Colón, 208-332-6917. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the State Department of Education web site at the following web address: www.sde.idaho.gov.

DATED this 15th Day of May, 2015

Lisa Colón, Educator Effectiveness Coordinator
Idaho State Department of Education
650 W. State Street
P.O. Box 83720
Boise, Idaho 83720-0027
Office (208) 332-6917, Fax (208) 334-2228

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1503

NOTICE OF RULEMAKING - PROPOSED RULE

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 Section 33-105 Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than June 17, 2015.

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

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

School districts and public charter schools must provide information regarding the costs of dual credit courses and college credit-bearing and professional/technical reimbursements.

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 resulting from this rulemaking: NA

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule is simple in nature.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Jo Ann Bujarski (208)332-6812.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 24, 2015.

DATED this 20th day of April, 2015.

Sherri Ybarra
Superintendent of Public Instruction
State Department of Education
650 W State St, 2nd Floor
PO Box 83720
Boise ID 83720-0027
phone: (208) 332-6812;
fax: (208) 334-2228

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 08-0203-1503
(Only those Sections being amended are shown.)

115. DATA COLLECTION.

01. Collection Criteria and Usage. The State Department of Education will collect the required information from participating school files for state and federal reporting and decision-making. ~~The enrollment collection will contain information about the enrollment of the student attributes such as unique student identifier, active special education, Limited English Proficient (LEP), migrant, grade level, gender, race, and free/reduced lunch status. The collection will be done in mid-October, early February, and May (end of the testing window). Each participating school is required to verify and assure the accuracy of the data submitted in the files.~~ The data collection will contain all data as listed on the State Department of Education's website "required data elements." The collection will be submitted monthly for any period of time in which students are receiving educational instruction or services provided by a state public school or charter school. Each participating school is required to verify and assure the accuracy and completeness of the data submitted in the files. (5-8-09)()

02. Usage (cont.) and Accuracy. The State Department of Education will collect the required information from participating local education agencies and schools for state reporting, financial disbursements, and decision-making pursuant to Section 33-1626, Idaho Code. (Fast Forward Program, Dual Credit for Early Completers program.) The collection will be submitted as necessary for the administration of the programs referenced above. Each participating school is required to verify and assure the accuracy and completeness of the data in a format determined by the State Department of Education. The following data will be collected at the student level for students participating in programs contained in Section 33-1626, Idaho Code: ()

a. Provider School Name to indicate the name of the institution providing instruction for a non-regular course, i.e. virtual or distance education or for a dual credit course. ()

b. Examination Type to collect the type of college credit-bearing or professional technical examination. ()

c. Examination Result to collect the students' result on eligible examinations. ()

d. Examination Cost for eligible examinations. ()

e. Fast Forward Flag to indicate eligible courses and examinations taken under the Fast Forward program. ()

IDAPA 08 - STATE BOARD OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1504

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is April 16, 2015.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 33-101, 33-116, 33-118, and 33-1612, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than June 17, 2015.

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

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

Amendments to IDAPA 08.02.03.105, subsection 05 Middle School will create a mechanism to allow parents who do not wish to have eligible credits earned by their student in middle school transcribed to the students high school transcript to opt out of having the credits transcribed. Additional language is added to clarify the qualifications of the teacher that are necessary for the middle school course to be eligible for transcription to the high school transcript. These amendments need to be in place prior to the start of the new school year in order to benefit students moving this year from middle school to high school.

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

Current language requires the credits to be transcribed if they are eligible. A number of parents have contacted the Board office requesting an option that would allow for parents to “opt-out” of having the credits transcribed. The temporary rule will confer a benefit by allowing the “opt-out.” The temporary rule will allow for the change to impact students who are still middle school students in the 2014-2015 school year.

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: NA

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because it was not feasible prior to the promulgation of the temporary rule so that it could benefit students during the 2014-2015 school year.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Tracie Bent, Chief Planning and Policy Officer, at (208)332-1582 or tracie.bent@osbe.idaho.gov.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 24, 2015.

DATED this 9th Day of May, 2015.

Tracie Bent
Chief Planning and Policy Officer
Idaho State Board of Education
650 W State St
PO Box 83720
Boise, ID 83720-0037

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 08-0203-1504
(Only those Sections being amended are shown.)**

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-six (46) credits and must include twenty-nine (29) credits in core subjects as identified in Paragraphs 105.01.c. through 105.01.i. (3-12-14)

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. Six (6) 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. 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. (3-12-14)

i. Students must complete secondary mathematics in the following areas: (3-12-14)

(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)

(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)

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

ii. 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. (3-12-14)

iii. 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. (3-12-14)

e. Science. Six (6) credits are required, four (4) 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. (3-12-14)

i. 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. (3-12-14)

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. Students must show mastery of the content standards for Physical Education in a format provided by the school district. (4-1-15)

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 grade nine (9) in Fall 2012 or later.) (3-12-14)

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: SAT, ACT, or Compass. 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: (3-12-14)

- i. Transferred to an Idaho school district during grade eleven (11); (3-12-14)
- ii. Was homeschooled during grade eleven (11); or (3-12-14)
- iii. Missed the spring statewide administration of the college entrance exam dates for documented medical reasons. (3-12-14)

b. A student may elect an exemption in grade eleven (11) from the college entrance exam requirement if the student is: (3-12-14)

- 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; (3-12-14)
- ii. Enrolled in a Limited English Proficient (LEP) program for three (3) academic years or less; or (3-12-14)
- iii. Enrolled for the first time in grade twelve (12) at an Idaho high school after the fall statewide administration of the college entrance exam. (4-1-15)

04. Senior Project. 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. (3-12-14)

05. Middle School. A student will have met the high school content and credit area requirement for any high school course if: the requirements outlined in Subsections 105.05.a. through 105.05.c. of this rule are met. ~~(4-1-15)~~(4-16-15)T

a. The student completes such course with a grade of C or higher before entering grade nine (9); (3-12-14)

b. The course meets the same content standards that are required in high school for the same course; ~~(3-12-14)~~(4-16-15)T

c. The course is taught by a teacher properly certificated ~~teacher~~ to teach high school content and who meets the federal definition of highly qualified for the course being taught. ~~(3-12-14)~~(4-16-15)T

d. 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. Notwithstanding this requirement, the student's parent or guardian shall be notified in advance when credits are going to be transcribed and may elect to not have the credits and grade transferred to the student's high school transcript. 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.iii. The transcribing high school is required to verify the course meets the requirements specified in Subsections 105.05.a. through 105.05.b. of this rule. ~~(3-12-14)~~(4-16-15)T

06. Proficiency. Each student must achieve a proficient or advanced score on the 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. (3-12-14)

- 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. (3-12-14)

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 EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1505

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under sections 33-105, and 33-107, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by June 10, 2015.

Should a reasonable number of persons respond to this notice, negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

Person's wishing to participate may contact Tracie Bent at the Office of the State Board of Education, PO Box 83720, Boise, Idaho 83720-0037 or tracie.bent@osbe.idaho.gov, to schedule a meeting or provide written comments. All meeting dates, locations, and teleconference information will be posted on the Board of Education website at www.boardofed.idaho.gov.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Proposed amendments would bring the definition of Advanced Opportunities into alignment with the programs the Idaho public postsecondary institutions participate in pursuant to Board of Education policy and provide clarify language around the administration of the Advanced Opportunities programs outlined in SB 1050 (2015).

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this negotiated rulemaking, contact Tracie Bent at (208)332-1582 or tracie.bent@osbe.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the State Board of Education website once drafted at the following web address: www.boardofed.idaho.gov.

DATED this 8th Day of May 2015

Tracie Bent
Chief Planning and Policy Officer
Idaho State Board of Education
650 W State St.
PO Box 83720
Boise, ID 83702-0037
Phone: (208) 332-1582, Fax: (208) 334-2632

IDAPA 08 - STATE BOARD OF EDUCATION

08.05.01 - RULES GOVERNING SEED AND PLANT CERTIFICATION

DOCKET NO. 08-0501-1501

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section(s) 22-1504, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by June 10, 2015.

Should a reasonable number of persons respond to this notice, negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

Person's wishing to participate may contact Tracie Bent at the Office of the State Board of Education, PO Box 83720, Boise, Idaho 83720-0037 or tracie.bent@osbe.idaho.gov, to schedule a meeting or provide written comments. All meeting dates, locations, and teleconference information will be posted on the Board of Education website at www.boardofed.idaho.gov.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Proposed amendments would amend the certification standards and fee schedule established by the Idaho Crop Improvement Association as an agent of the University of Idaho and incorporated by reference into these rules. Changes are necessary to remove information that was included in the original incorporation that outline processes and should not be included in the standards themselves. Additional changes will update the fee schedule in accordance with the ICIA customary fee setting schedule.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this negotiated rulemaking, contact Tracie Bent at (208)332-1582 or tracie.bent@osbe.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the State Board of Education website once drafted at the following web address: www.boardofed.idaho.gov.

DATED this 8th Day of May 2015

Tracie Bent
Chief Planning and Policy Officer
Idaho State Board of Education
650 W State St.
PO Box 83720, Boise, ID 83702-0037
Phone: (208) 332-1582, Fax: (208) 334-2632

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

10.01.01 - RULES OF PROCEDURE

DOCKET NO. 10-0101-1501

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 54-1208, Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be held as follows:

Tuesday June 23, 2015 - 10:00 AM

**1510 E. Watertower St.
Meridian, ID 83642**

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following: Attend the meeting and present your views and thoughts on the draft amendments or submit your views and thoughts in writing not later than June 23, 2014.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

The rule change clarifies procedures such as retired and expired license reinstatement requirements and updates the reexamination requirements for those failing a professional engineering or professional land surveying examination to be in alignment with the law.

The rule change modified the examination requirements for students or graduates taking the Fundamentals of Engineering or Fundamentals of Surveying Examinations by allowing students to take the examinations without first applying to the board. They will be automatically assigned to the examinations beginning July 1, 2015.

The rule change will display the board's requirement that land surveyors applying for licensure must have a minimum of two (2) years of boundary land surveying experience.

Fees are clarified or removed. No new fees are added.

Obsolete language is removed or updated and minor grammar errors are corrected.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Keith Simila, P.E., (208) 373-7210. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Board of Professional Engineers and Professional Land Surveyors web site at the following web address: <http://www.ipels.idaho.gov>

All written comments must be directed to the undersigned and must be delivered on or before June 23, 2015.

DATED this 27th Day of April, 2015.

Keith Simila, P.E., Executive Director
Board of Professional Engineers and Professional Land Surveyors
1510 E. Watertower St.
Meridian, Idaho 83642
Phone: (208) 373-7210
Fax: (208) 373-7213
Email: keith.simila@ipels.idaho.gov

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

10.01.01 - RULES OF PROCEDURE

DOCKET NO. 10-0101-1502

NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2015.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Section 54-1208, Idaho Code.

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

The rule change clarifies procedures such as retired and expired license reinstatement requirements and updates the reexamination requirements for those failing a professional engineering or professional land surveying examination to be in alignment with the law.

The rule change modified the examination requirements for students or graduates taking the Fundamentals of Engineering or Fundamentals of Surveying Examinations by allowing students to take the examinations without first applying to the board. They will be automatically assigned to the examinations beginning July 1, 2015.

The rule change will display the board's requirement that land surveyors applying for licensure must have a minimum of two (2) years of boundary land surveying experience.

Fees are clarified or removed. No new fees are added.

Obsolete language is removed or updated and minor grammar errors are corrected.

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

The rule change will align the rules of procedure with new laws enacted by the 2015 Legislature.

The law change modified the examination requirements for students or graduates taking the Fundamentals of Engineering or Fundamentals of Surveying Examinations. The rule change allows students to take the examinations without first applying to the board beginning July 1, 2015.

The law change updated the definition of land surveying to include land surveying practices beyond boundary surveying. The rule change will display the board's requirement that land surveyors applying for licensure must have a minimum of two (2) years of boundary land surveying experience. This requirement applies July 1, 2015 when the new law is effective.

FEE SUMMARY: There is no fee increase as part of this rule change. There are some fees that are removed and clarified by the rule change.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Keith Simila, (208) 373-7210.

DATED this 13th Day of May, 2015.

Keith Simila, P.E., Executive Director
Idaho Board of Professional Engineers
and Professional Land Surveyors
keith.simila@ipels.idaho.gov

1510 E Watertower St., Ste. 110
Meridian, ID 83642
Phone (208) 373-7210
Fax (208) 373-7213

THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 10-0101-1502
(Only those Sections being amended are shown.)

011. FEES.

01. Applications and Renewals. All fees shall be set by the Board in the following categories and shall in no event be more than the amount specified in Sections 54-1213, 54-1214, 54-1216, 54-1219 and 54-1223, Idaho Code. Fees are not refundable. (4-5-00)

a. Licensure as a professional engineer or professional land surveyor by examination. (5-8-09)

b. ~~Certification as an engineer intern or land surveyor intern by examination~~ Reinstatement of a retired or expired license. ~~(5-8-09)~~(7-1-15)T

c. Certification for a business entity applying for a certificate of authorization to practice or offer to practice engineering or land surveying. (3-15-02)

~~d. Applications for reexamination in professional engineering, professional land surveying, engineer intern or land surveyor intern.~~ ~~(5-8-09)~~

ed. Renewals for professional engineers, retired professional engineers, professional land surveyors, retired professional land surveyors, engineer interns, land surveyor interns and business entities. ~~(5-8-09)~~(7-1-15)T

fe. Licensure for professional engineers or professional land surveyors by comity. (5-8-09)

02. Late or Denied Renewals. Failure on the part of any licensee or business entity to renew a license or certificate of authorization prior to its expiration shall not deprive such persons or business entity of the right of renewal, but the fees to be paid for renewal after its expiration shall be increased as prescribed in Section 54-1216, Idaho Code. (3-29-10)

~~03. Reexaminations. Separate fees will be assessed for each examination and such fees shall accompany all applications for examination for professional engineers, professional land surveyors, engineer interns, and land surveyor interns.~~ ~~(5-8-09)~~

~~043.~~ **Schedule of Fees.** The schedule of fees as determined by the Board shall be furnished to applicants with application forms. (7-1-93)

012. REISSUANCE OF CERTIFICATES.

A new certificate of licensure or authorization, to replace any certificate lost, destroyed or mutilated, may be issued upon written certification of the loss request and payment of fee of ten dollars (\$10). ~~(5-8-09)~~(7-1-15)T

013. PUBLICATIONS.

01. Annual Report. An annual report shall be submitted to the governor, the contents of which shall comply with the provisions of Section 54-1210, Idaho Code. (7-1-93)

02. Roster. A roster of professional engineers, professional land surveyors, engineer interns, land surveyor interns, and engineering and land surveying business entities in good standing and licensees and certificate holders in the retired status as provided in these rules shall be maintained in an electronic format available to the public. Those licensees who choose to place their licenses in retired status shall be listed as retired in the roster. ~~(5-8-09)~~(7-1-15)T

03. Retired Status. ~~Those licensees who are retiring from practice may be listed in the retired section of the Roster. The biennial fee for being thus listed shall be established by the Board. Such listing does not permit a licensee to engage in the practice of engineering or land surveying. The fee for reinstatement to active practice shall~~

~~be as required for delayed renewals in Section 54-1216, Idaho Code.~~ **News Bulletins and Online Information.** News bulletins shall be published at least two (2) times each year. The news bulletins and other news postings may be made available online to all licensees and certificate holders for the purpose of sharing information on board activities and actions. ~~(3-29-12)~~**(7-1-15)T**

(BREAK IN CONTINUITY OF SECTIONS)

016. APPLICATION FOR LICENSURE OR CERTIFICATION.

01. Forms. Application forms for licensure as a professional engineer, or professional land surveyor, certification as an engineer intern, land surveyor intern or certificates of authorization to practice or offer to practice engineering or land surveying by a business entity may be obtained from the office of the Executive Director of the Board of Professional Engineers and Professional Land Surveyors. (5-8-09)

02. Completion of Application. Applications shall be made on such forms as may be prescribed by the Board. All forms, references, transcripts and other written materials shall be in English pursuant to Section 72-121, Idaho Code. An application that is not fully completed by the applicant need not be considered or acted upon by the Board. The application by a business entity for a certificate of authorization to practice or offer to practice engineering or land surveying must set forth its address, and name and address of the individual, or individuals, duly licensed to practice engineering or land surveying in this state, who will be in responsible charge of engineering or land surveying services offered or rendered by the business entity in this state. (4-11-15)

03. Dates of Submittal and Experience Cutoff Date. Examinations may be given in various formats and different submittal dates apply depending on the examination format. For examinations administered once or twice a year in the Spring and Fall, there is an examination assignment cutoff date that varies depending on the actual date of the examination. ~~For examinations administered once or twice a year in the Spring and Fall, receipt of the applications after October 1 for the Spring exam or after July 1 for the Fall exam, may not provide sufficient time for required credentials to arrive at the Board office and be reviewed by the staff and/or Board prior to the exam assignment cutoff date. If this occurs, the applicant will be assigned to a later examination if all requirements are met.~~ **(7-1-15)T**

a. For examinations administered in a computer-based format during testing windows, there is no deadline for submittal of the application and the applicant, if assigned to the exam, will be allowed to test during the current testing window, if open on the date of the letter notifying of assignment, or during the next two (2) available testing windows. Failure to test during these periods will void the assignment. **(7-1-15)T**

b. For examinations administered continuously in a computer-based format, there is no deadline for submittal of the application and the applicant, if assigned to the exam, will be allowed to test during a nine (9) month period beginning on the date of the letter notifying of assignment. Failure to test during this period will void the assignment. **(7-1-15)T**

c. In order for the Board to be able to verify experience, only experience up to the date of submittal of the application will be considered as valid. Experience anticipated between the date of the application submittal and the date of the examination or issuance of license or certificate will not be considered. ~~For students, the application filing date for~~ **(7-1-15)T**

d. **Applications for certification as engineering or surveying interns are submitted after passing** the Fundamentals of Engineering **and or** the Fundamentals of Surveying examination ~~may be extended at the discretion of the Board~~ **and providing evidence of graduation with educational credentials required by Subsection 017.02 of this chapter.** ~~(3-29-12)~~**(7-1-15)T**

04. Residency Requirement. Except for military personnel stationed in the state of Idaho on military orders, and except for persons employed full-time in the state of Idaho, only residents of the state of Idaho and students enrolled at an Idaho university or college may qualify for assignment to **professional** examinations for initial ~~certification or~~ licensure **or certification as an intern.** The board will accept as proof of Idaho residency a valid Idaho issued driver's license, a utility bill issued within the last sixty (60) days with an Idaho address in the name of the

applicant, a statement from a financial institution issued within the last sixty (60) days to the applicant at an Idaho address, proof of current voter registration in Idaho, or current Idaho vehicle registration in the name of the applicant. The board will accept as proof of full-time employment in the state of Idaho an affidavit from the Idaho employer stating employment status. The Board will accept a valid student identification card as proof of enrollment at an Idaho university or college. ~~(4-4-13)~~(7-1-15)T

05. Confidentiality of References. All information received from references named by the applicant shall be held in confidence by the Board except as provided by Section 9-342, Idaho Code. Neither members of the Board nor relatives of the applicant by blood or marriage shall be named or accepted as references. (5-8-09)

06. Minimum Standards -- References. An applicant may not be admitted to the examination until satisfactory replies have been received from a minimum of five (5) of his references for professional engineers or land surveyors. It shall be the responsibility of each applicant to furnish references with the forms prescribed by the Board. (3-29-12)

07. Minimum Boundary Survey Experience. The board may require a minimum of two (2) years boundary survey experience and a condition of professional land surveyor licensure. (7-1-15)T

017. EXAMINATIONS.

01. Special or Oral Examination. Examinations for licensure as a professional engineer or professional land surveyor, or certification as an engineer intern or land surveyor intern will be held on dates and at times and places to be determined by the Board. Special oral or written examinations may be given by the Board as necessary. (3-29-10)

02. Eligibility for Examinations, Educational Requirements. The application for licensure as a professional engineer or professional land surveyor ~~or certification as an engineer intern or land surveyor intern,~~ together with ~~the~~ a passing score on the written ethics questionnaire or Idaho specific land surveying examination, shall be considered in the determination of the applicant's eligibility. Each applicant must meet the minimum requirements as set forth in Section 54-1212, Idaho Code, before being assigned to any professional examination. ~~(3-29-10)~~(7-1-15)T

a. In regard to educational requirements, the Board will consider as unconditionally approved only those engineering programs that are accredited either by the Engineering Accreditation Commission (EAC) of ABET, Inc., or ~~graduates of those~~ engineering programs that are accredited by official organizations signatory to the "Washington Accord." Non-EAC/ABET accredited engineering programs, related science programs, and engineering technology programs will be considered by the Board on their specific merits, but are not considered equal to engineering programs accredited by EAC/ABET. The Board may continue consideration of an application for valid reasons for a period of one (1) year, without forfeiture of the application fee. ~~(4-11-15)~~(7-1-15)T

b. An applicant who has completed a four (4) year bachelor degree program in engineering not accredited by EAC/ABET or a four (4) year bachelor degree program in engineering technology, or in a related science degree program other than engineering must have completed the following before the Board will consider them to possess knowledge and skill approximating that attained through graduation from an approved four (4) year engineering curriculum as required by Section 54-1212(3)(b), Idaho Code, for ~~assignment to the examination for~~ certification as an Engineer Intern or as required by Section 54-1212(1)(b), Idaho Code, for assignment to the examination for licensure as a professional engineer: ~~(3-29-12)~~(7-1-15)T

i. Thirty-two (32) college semester credit hours of higher mathematics and basic sciences. The credits in mathematics must be beyond algebra and trigonometry and must emphasize mathematical concepts and principles rather than computation. Courses in calculus and differential equations are required. Additional courses may include linear algebra, numerical analysis, probability and statistics and advanced calculus. The credits in basic sciences must include courses in chemistry and calculus-based general physics with a minimum of a two (2) semester (or equivalent) sequence in one or the other. Additional basic sciences courses may include life sciences (biology), earth sciences (geology, ecology), and advanced chemistry or physics. Computer skills and/or programming courses may not be used to satisfy mathematics or basic science requirements. Basic engineering science courses or sequence of courses in this area are acceptable for credit but may not be counted twice. (3-29-12)

ii. Sixteen (16) college credit hours in a general education component that complements the technical content of the curriculum. Examples of traditional courses in this area are philosophy, religion, history, literature, fine arts, sociology, psychology, political science, anthropology, economics, professional ethics, social responsibility. No more than six (6) credit hours of languages other than English or other than the applicant's native language are acceptable for credit. English and foreign language courses in literature and civilization may be considered in this area. Courses which instill cultural values are acceptable, while routine exercises of personal craft are not. (3-29-12)

iii. Forty-eight (48) college credit hours of engineering science and engineering design. Courses shall be taught within the college / faculty of engineering having their roots in mathematics and basic sciences but carry knowledge further toward creative application of engineering principles. Examples of approved engineering science courses are mechanics, thermodynamics, heat transfer, electrical and electronic circuits, materials science, transport phenomena, and computer science (other than computer programming skills). Courses in engineering design stress the establishment of objectives and criteria, synthesis, analysis, construction, testing, and evaluation. Graduate level engineering courses can be included to fulfill curricular requirements in this area. Engineering technology courses cannot be considered to meet engineering topic requirements. (3-29-12)

iv. Standard, regularly scheduled courses from accredited university programs, (on campus, correspondence, video, etc.) are normally acceptable without further justification other than transcript listing. The Board may require detailed course descriptions for seminar, directed study, special problem and similar courses to insure that the above requirements are met. (7-1-93)

v. Graduate level engineering courses, i.e. courses which are available only to graduate students, are normally not acceptable since the Board believes graduate engineering courses may not provide the proper fundamental foundation to meet the broad requirements of professional engineering. (7-1-93)

c. Beginning July 1, 2010, an applicant who has completed a four (4) year bachelor degree program in a related science must have completed a minimum of the following college level academic courses, or their equivalents as determined by the Board, before the Board will consider them to possess knowledge and skill approximating that attained through graduation from an approved four (4) year surveying curriculum as required by Section 54-1212(4)(b), Idaho Code, for ~~assignment to the examination for~~ certification as a Land Surveyor Intern or as required by Section 54-1212(2)(b), Idaho Code, for assignment to the examination for licensure as a professional land surveyor: ~~(5-8-09)~~(7-1-15)T

- i. Three (3) credits in Surveying Law and Boundary Descriptions; (3-30-07)
- ii. Three (3) credits in Route Surveying; (3-30-07)
- iii. Three (3) credits in Public Land Surveying; (3-30-07)
- iv. Three (3) credits in Surveying Software Applications; (3-30-07)
- v. Three (3) credits in Research and Evidence in Surveying; (3-30-07)
- vi. Three (3) credits in Surveying Adjustments and Coordinate Systems; (3-30-07)
- vii. Three (3) credits in Subdivision Planning and Platting; (3-30-07)
- viii. Three (3) credits in Geodesy; and (3-30-07)
- ix. Three (3) credits in Survey Office Practice and Business Law in Surveying. (3-30-07)

d. The Board may require an independent evaluation of the engineering education of an applicant who has a non-EAC/ABET accredited engineering degree or a non-engineering degree. Such evaluation shall be done through an organization approved by the Board and shall be done at the expense of the applicant to ensure that the applicant has completed the coursework requirements of Subsection 017.02.b. The Board may table action on the application pending receipt of the evaluation, and, in the event the applicant does not provide the evaluation within

one (1) year, the Board may terminate the application, in which case the application fee shall be forfeited. (4-11-15)

03. Excused Non-Attendance at Exam. In the event that an applicant cannot attend an examination, he shall immediately notify the Board to that effect and shall state the reason for non-attendance. Normally, no more than one (1) valid excuse and reassignment shall be granted to an applicant. If an applicant fails to appear for two (2) administrations of an examination their application may be terminated and they may be required to submit a new application and pay a new application fee in order to be reconsidered. (3-30-01)

04. Two Examinations for Engineering Licensure. The complete examining procedure for licensure as a professional engineer normally consists of two (2) separate written examinations. The first is the Fundamentals of Engineering examination for engineer intern certification, and the second is the Principles and Practice of Engineering for professional engineer licensure. The examination shall be a duration as determined by the Board. Normally, applicants are eligible to take the Fundamentals of Engineering examination during the last or second-to-last semester of or after graduation from an accredited bachelor of science engineering program. A certificate as an Engineer Intern will be issued only to those student applicants who earn a passing grade on the examination and who receive a degree. Having passed the Fundamentals of Engineering examination, applicants will be required to take the Principles and Practice of Engineering examination at a later date when qualified by experience. (3-29-10)

05. Fundamentals of Engineering. The Fundamentals of Engineering examination will cover such subjects as are ordinarily given in engineering college curricula and which are common to all fields of practice. The examination may also cover subject matters that are specific to the engineering discipline of the applicants' education. (5-8-09)

06. Principles and Practice of Engineering -- Disciplines. The Principles and Practice of Engineering examination will cover the practice of engineering to test the applicant's fitness to assume responsibility for engineering works affecting the public health, safety and welfare. Separate examinations will be given to test the applicant's fitness in any discipline for which there is an examination which, in the opinion of the Board, meets the requirements of duration and difficulty necessary to adequately test the applicant's fitness to practice in that particular discipline. The Board may use examinations prepared by the National Council of Examiners for Engineering and Surveying (NCEES) or it may prepare or commission the preparation of examinations in disciplines other than those for which examinations may be available from NCEES. (4-22-94)

07. Two Examinations for Land Surveying Licensure. The complete examining procedure for licensure as a professional land surveyor consists of two (2) separate written examinations. The first is the Fundamentals of Surveying examination for land surveyor intern certification, and the second is the Principles and Practice of Surveying for professional land surveyor licensure. The examination shall be a duration as determined by the Board. Having passed the Fundamentals of Surveying examination, applicants will be required to take the Principles and Practice of Surveying examination at a later date when qualified by experience. The examination shall cover the theory and principles of surveying, the practice of land surveying and the requirements of legal enactments. The Principles and Practice of Surveying examination may consist of separate modules, each of which must be passed. (3-29-10)

08. Oral or Unassembled Examinations. An oral examination or unassembled written examination, in addition to the prescribed written examination, may be required for professional engineer and professional land surveyor applicants. (7-1-93)

09. Special Examinations. A special examination, written or oral or both, may be required in certain instances where the applicant is seeking licensure through comity or reciprocity with another state or political entity having required written examinations that are not wholly comparable in length, nature or scope. This examination supplements the certified qualifying record of the applicant and establishes a more common basis for judging the application and awarding a certificate of qualification or licensure in this state. The length of these special examinations shall be determined by the Board, but shall in no case exceed the lengths specified for the regular examination. Special examinations may be given at any date and need not conform with regular examination dates. (5-8-09)

10. Grading. Each land surveyor intern, engineer intern and professional engineer applicant must normally attain a scaled score of seventy (70) or above on the entire examination or modules as determined by the Board, before being awarded certification or licensure. Examinees on the Principles and Practice of Land Surveying

examination must normally attain a scaled score of seventy (70) or above on each module of the examination. (3-29-10)

11. Use of NCEES Examinations. Examinations prepared and graded by the National Council of Examiners for Engineering and Surveying (NCEES) for professional engineer, engineer intern, professional land surveyors, and land surveyor intern may be used by the Board. The examination for the field of structural engineering Idaho specific professional land surveyor shall be the examination as determined by the Board. ~~(3-29-10)~~(7-1-15)T

12. Review of Examination by Examinee. Due to security concerns about the examinations, examinees shall not be allowed to review their examinations. Examinees who fail an examination will be provided a diagnostic analysis of their performance on the examination if such an analysis is available to the Board. (3-20-04)

13. Proctoring of Examinations. Unless otherwise approved, the Board will not proctor an examination for another jurisdiction except State-specific examinations, nor will they request another jurisdiction to proctor an examination for an Idaho applicant. (5-8-09)

018. REEXAMINATIONS.

01. Allowing Reexamination Upon First Failure. An applicant failing any portion of an a professional examination on the first attempt, and having applied for requested reexamination as permitted by law, may at the discretion of the Board, be required to take only the portion of will be reassigned to the examination for which a failing grade was received. ~~(3-29-10)~~(7-1-15)T

02. Application Allowing for Reexamination Upon Two or More Failures. An applicant who has failed any a professional examination two (2) or more times may be assigned by the Board to reexamination upon written request and payment of fees evidence of having met the requirements set forth in Section 54-1214, Idaho Code. ~~(3-29-10)~~(7-1-15)T

03. Failure of Reexamination. An applicant who fails on reexamination, must present evidence of having met the requirements set forth in Section 54-1214, Idaho Code in order to be reassigned to an examination. ~~(5-8-09)~~

(BREAK IN CONTINUITY OF SECTIONS)

020. ~~(RESERVED)~~ RETIRED AND EXPIRED LICENSES.

01. Reinstatement - Disciplinary. Licensees who choose to convert their licenses to retired status as part of a disciplinary action, or in lieu of discipline, or in lieu of compliance with continuing professional development requirements, may be reinstated upon written request. The board will consider the reinstatement request at a hearing or may waive the hearing for minor violations. (7-1-15)T

02. Reinstatement - Nondisciplinary. Licensees who chose to convert their licenses to retired status not as part of a disciplinary action or who want to reinstate an expired license may request reinstatement in writing. Reinstatement may require a hearing by the board. (7-1-15)T

03. Continuing Professional Development. Licensees requesting reinstatement must demonstrate compliance with the continuing professional development requirements described in IDAPA 10.01.04, "Rules of Continuing Professional Development," as a condition of reinstatement. (7-1-15)T

04. Practice Not Permitted. Retired or expired status does not permit a licensee or certificate holder to engage in the practice of professional engineering or professional land surveying. (7-1-15)T

05. Designation. Licensees who chose retired status shall represent themselves with the title of Professional Engineer Retired or Professional Land Surveyor Retired or similar designation. (7-1-15)T

06. Fee for Renewal. The fee for renewing a retired license shall be as established by the Board.

(7-1-15)T

07. Fee for Reinstatement of Retired License. The fee for reinstatement of a retired license to active practice shall be as required for renewals in Section 54-1216, Idaho Code. (7-1-15)T

08. Fee for Reinstatement of Expired License. The fee for reinstatement of an expired license or certificate to active practice shall be as required for delayed renewals in Section 54-1216, Idaho Code. (7-1-15)T

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

10.01.02 - RULES OF PROFESSIONAL RESPONSIBILITY

DOCKET NO. 10-0102-1501

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 54-1208, Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be held as follows:

Tuesday June 23, 2015 - 10:00 AM

**1510 E. Watertower St.
Meridian, ID 83642**

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following: Attend the meeting and present your views and thoughts on the draft amendments or submit your views and thoughts in writing not later than June 23, 2014.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved: The draft amendments will clarify the requirements to avoid and notify employers or client of a conflict of interest or potential conflict of interest. The existing rule lacks clarity. The rule change clarifies the intent of the board.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Keith Simila, P.E., (208) 373-7210. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Board of Professional Engineers and Professional Land Surveyors web site at the following web address: <http://www.ipels.idaho.gov>

All written comments must be directed to the undersigned and must be delivered on or before June 23, 2015.

DATED this 27th Day of April, 2015

Keith Simila, P.E., Executive Director
Board of Professional Engineers and Professional Land Surveyors
1510 E. Watertower St.
Meridian, Idaho 83642
Phone: (208) 373-7210
Fax: (208) 373-7213
Email: keith.simila@ipels.idaho.gov

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

10.01.04 - RULES OF CONTINUING PROFESSIONAL DEVELOPMENT

DOCKET NO. 10-0104-1501

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 54-1208, Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be held as follows:

Tuesday June 23, 2015 - 10:00 AM

**1510 E. Watertower St.
Meridian, ID 83642**

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following: Attend the meeting and present your views and thoughts on the draft amendments or submit your views and thoughts in writing not later than June 23, 2015.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved: The draft amendments will clarify the continuing professional development requirements for reinstating an expired or retired license.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Keith Simila, P.E., (208) 373-7210. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Board of Professional Engineers and Professional Land Surveyors web site at the following web address: <http://www.ipels.idaho.gov>

All written comments must be directed to the undersigned and must be delivered on or before June 23, 2015.

DATED this 27th Day of April, 2015

Keith Simila, P.E., Executive Director
Board of Professional Engineers and Professional Land Surveyors
1510 E. Watertower St.
Meridian, Idaho 83642
Phone: (208) 373-7210
Fax: (208) 373-7213
Email: keith.simila@ipels.idaho.gov

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.09 - MEDICAID BASIC PLAN BENEFITS

DOCKET NO. 16-0309-1501

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 56-202, 56-203, 56-250 through 56-257, and 56-260 through 56-266, Idaho Code.

MEETING SCHEDULE: Public meetings for negotiated rulemaking will be held as follows:

Wednesday, June 17, 2015 10:00 a.m. MDT	Wednesday, June 17, 2015 2:00 p.m. MDT	Friday, June 19, 2015 1:00 p.m. PDT
Medicaid Central Office 3232 W. Elder Street Conf. Room D -- West/East Boise, ID	Medicaid Region VI Office 1070 Hiline Road Suite #230 Pocatello, ID	Medicaid Region I Office 1120 Ironwood Drive Large Conference Room Coeur d'Alene, ID

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

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking may do any of the following:

1. Attend the negotiated rulemaking meetings and participate in the negotiation process;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meetings;
3. Submit written recommendations and comments to the following, on or before June 19, 2015.

Medicaid Central Office
Idaho Department of Health and Welfare
Attn: Frede' Trenkle-MacAllister
PO Box 83720
Boise, ID 83720-0036
FAX: (208) 334-7286

Hand Deliver to:
3232 W. Elder Street
Boise, ID 83705

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

Rule changes are being proposed to clarify gaps that have been identified in these rules and adjust to changes in current Medicaid practice regarding school-based services and therapy services. Further, rule changes are being proposed to adjust requirements currently resulting in unnecessary regulatory burdens on providers in their efforts to remain in compliance with the rules.

The negotiated rulemaking meetings listed above will allow stakeholders to provide their input concerning the proposed changes to school-based services and therapy services.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Frede' Trenkle-MacAllister at (208) 287-1169 or email at TrenkleF@dhw.idaho.gov. Materials pertaining to the negotiated rulemaking can be found on the Department's web site at the following web address: www.medicaid.idaho.gov.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the contact person named above and must be delivered on or before June 19, 2015.

DATED this 8th Day of May, 2015.

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

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.09 - MEDICAID BASIC PLAN BENEFITS

DOCKET NO. 16-0309-1502

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 56-202, 56-203, 56-250 through 56-257, and 56-260 through 56-266, Idaho Code.

MEETING SCHEDULE: Public meetings for negotiated rulemaking will be held as follows.

Friday, June 12, 2015 9:00 - 11:00 a.m. (Local)	Thursday, June 18, 2015 6:00 - 8:00 p.m. (Local)	Friday, June 26, 2015 1:00 - 3:00 p.m. (Local)
Central Idaho - Medicaid Office 3232 Elder St. Conf. Room D-East & D-West Boise, ID	Northern Idaho - DHW Office 1120 Ironwood Dr. Lower Conference Room Coeur d'Alene, ID	Eastern Idaho Human Development Center 421 Memorial Dr. Pocatello, ID

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

1. Attend the negotiated rulemaking meetings as scheduled above;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meetings;
3. Submit written recommendations and comments to this address on or before June 30, 2015:

Cindy Brock, Alternative Care Coordinator
Division of Medicaid
Bureau of Medical Care

Idaho Department of Health and Welfare
3232 Elder St, P.O. Box 83720
Boise, ID 83720-0009

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

The Department is holding negotiated rulemaking meetings to discuss updates to the primary care case management program known as Healthy Connections. The purpose of the proposed rulemaking is to enhance the delivery of primary care services which focus on improving the health outcomes for Medicaid participants.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Cindy Brock at (208) 364-1983. Materials pertaining to the negotiated rulemaking under Docket 16-0309-1502, including any available preliminary rule drafts, can be found on the Department's web site at the following web address: www.healthandwelfare.idaho.gov.

All written comments on the negotiated rules must be directed to the contact person above and must be delivered on or before June 30, 2015.

DATED this 8th Day of May, 2015.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036

(208) 334-5500 phone
(208) 334-6558 fax
dhwrules@dhw.idaho.gov e-mail

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.10 - MEDICAID ENHANCED PLAN BENEFITS

DOCKET NO. 16-0310-1501

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 56-202, 56-203, 56-250 through 56-257, and 56-260 through 56-266, Idaho Code.

MEETING SCHEDULE: Public meetings for negotiated rulemaking will be held as follows.

Friday, June 26, 2015 2:00 p.m. (PDT) / 3:00 p.m. (MDT)
ORIGINATING LOCATION
Idaho Department of Health and Welfare Medicaid Central Office 3232 W. Elder Street Conference Room D-West/East Boise, ID

PARTICIPATION BY TELECONFERENCE

For those who are unable to participate at any of the video conferencing locations:
Call: 1-(888)-706-6468
At Prompt enter Participant Code: 797069

VIDEO CONFERENCING LOCATIONS	
Region I Office – Coeur d’Alene 1120 Ironwood Dr., Suite 102 FACS Large Conference Room Coeur d’Alene, ID	Region II Office – Lewiston 1118 “F” Street 1st Floor Conference Room Lewiston, ID
Region V Office – Twin Falls 601 Pole Line Road FACS Conference Room B Twin Falls, ID	Region VII Office – Idaho Falls 150 Shoup Avenue Room 240 Idaho Falls, ID

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

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking may do any of the following:

1. Attend the negotiated rulemaking meetings and participate in the negotiation process;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meetings;
3. Submit written recommendations and comments to the following, on or before July 8, 2015.

Medicaid Central Office
Idaho Department of Health and Welfare
Attn: Stephanie Perry
PO Box 83720
Boise, ID 83720-0036
FAX: (208) 332-7286

Hand Deliver to:
3232 W. Elder Street
Boise, ID 83705

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

New regulations for Home and Community Based Waiver Services (HCBS) were published by the Department of Health and Human Services Centers for Medicare and Medicaid Services (CMS) and became effective on March 17, 2014. These new regulations require Idaho Medicaid to identify and revise HCBS program guidelines to ensure compliance with the new regulations related to HCBS service settings and HCBS person-centered planning. The Department is seeking input from stakeholders to develop the necessary rule revisions.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Stephanie Perry at (208) 364-1878 or email at PerryS@dhw.idaho.gov.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the contact person named above and must be delivered on or before July 8, 2015.

DATED this 8th Day of May, 2015.

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

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.13 - CONSUMER-DIRECTED SERVICES

DOCKET NO. 16-0313-1501

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 56-202, 56-203, 56-250 through 56-257, and 56-260 through 56-266, Idaho Code.

MEETING SCHEDULE: Public meetings for negotiated rulemaking will be held as follows.

Friday, June 26, 2015 2:00 p.m. (PDT) / 3:00 p.m. (MDT)
ORIGINATING LOCATION
Idaho Department of Health and Welfare Medicaid Central Office 3232 W. Elder Street Conference Room D-West/East Boise, ID

PARTICIPATION BY TELECONFERENCE

For those who are unable to participate at any of the video conferencing locations:
Call: 1-(888)-706-6468
At Prompt enter Participant Code: 797069

VIDEO CONFERENCING LOCATIONS	
Region I Office – Coeur d’Alene 1120 Ironwood Dr., Suite 102 FACS Large Conference Room Coeur d’Alene, ID	Region II Office – Lewiston 1118 “F” Street 1st Floor Conference Room Lewiston, ID
Region V Office – Twin Falls 601 Pole Line Road FACS Conference Room B Twin Falls, ID	Region VII Office – Idaho Falls 150 Shoup Avenue Room 240 Idaho Falls, ID

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

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking may do any of the following:

1. Attend the negotiated rulemaking meetings and participate in the negotiation process;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meetings;
3. Submit written recommendations and comments to the following, on or before July 8, 2015.

Medicaid Central Office
Idaho Department of Health and Welfare
Attn: Stephanie Perry
PO Box 83720
Boise, ID 83720-0036
FAX: (208) 332-7286

Hand Deliver to:
3232 W. Elder Street
Boise, ID 83705

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

New regulations for Home and Community Based Waiver Services (HCBS) were published by the Department of Health and Human Services Centers for Medicare and Medicaid Services (CMS) and became effective on March 17, 2014. These new regulations require Idaho Medicaid to identify and revise HCBS program guidelines to ensure compliance with the new regulations related to HCBS service settings and HCBS person-centered planning. The Department is seeking input from stakeholders to develop the necessary rule revisions.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Stephanie Perry at (208) 364-1878 or email at PerryS@dhw.idaho.gov.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the contact person named above and must be delivered on or before July 8, 2015.

DATED this 8th Day of May, 2015.

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

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.19 - RULES GOVERNING CERTIFIED FAMILY HOMES

DOCKET NO. 16-0319-1501

(SECOND) NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 39-3505, and 56-1005, Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held as follows:

ALL MEETING TIMES ARE LOCAL TIME

Wednesday, June 10, 2015
1:30 pm - 3:30 pm

Eastern Idaho DHW Office
1070 Hiline Road
2nd Floor Conference Room
Pocatello, ID

Tuesday, June 16, 2015
1:30 pm - 3:30 pm

Northern Idaho DHW Office
1120 Ironwood Drive
Suite 102
Coeur d'Alene, ID

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

1. Attend the negotiated rulemaking meetings as scheduled above;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meetings;
3. Submit written recommendations and comments to this address on or before June 19, 2015:

Karen Vasterling
Certified Family Home Program Manager

Idaho Department of Health and Welfare
1070 Hiline Rd., Suite 260
P.O. Box 83720, Pocatello, ID 83201

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

The Department is holding negotiated rulemaking meetings on this chapter to update and revise certification requirements for Certified Family Homes operating in Idaho.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Karen Vasterling at (208) 239-6263. Materials pertaining to the negotiated rulemaking under Docket No. 16-0319-1501, including any available preliminary rule drafts, can be found on the Department's web site at the following web address: www.healthandwelfare.idaho.gov.

All written comments on the negotiated rules must be directed to the contact person above and must be delivered on or before June 19, 2015.

DATED this 9th Day of April, 2015.

Tamara Priscock
(208) 334-5500 phone
(208) 334-6558 fax
dhwrules@dhw.idaho.gov e-mail

DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036

IDAPA 20 - IDAHO DEPARTMENT OF LANDS

**20.07.01 - RULES OF PRACTICE AND PROCEDURE BEFORE THE
IDAHO OIL AND GAS CONSERVATION COMMISSION**

DOCKET NO. 20-0701-1501

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 47-319(8), Idaho Code, and Title 67, Chapter 52, Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held as follows:

Wednesday, July 1, 2015, 9:00 a.m.	Wednesday, July 15, 2015, 9:00 a.m.
J.R. Williams Building East Conference Room 700 West State Street Boise, Idaho	Capitol Building (WW17) Lower Level, West Wing 700 West Jefferson Street Boise, Idaho
Wednesday, July 29, 2015, 9:00 a.m.	
Capitol Building Lincoln Auditorium (WW02) Lower Level, West Wing 700 West Jefferson Street Boise, Idaho	

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Please contact Brandon Lamb at 208-334-0247 or blamb@idl.idaho.gov to be added to the e-mail list of interested parties. This list will be used to keep people informed of the rulemaking process. You may visit our website at www.idl.idaho.gov for updates on the process and draft rule changes. You may participate by attending any of the above listed meetings or submitting comments during any of the allowed comment periods.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking:

The 2015 legislature amended Section 47-317, Idaho Code, with House Bill 123. This amendment exempts the Oil and Gas Conservation Commission's actions in exercising its statutory duties and authorities from the contested case provisions in the Idaho Administrative Procedure Act. As a result, the Department believes it is important to initiate negotiated rulemaking as soon as possible to designate the practices and procedures before the Commission.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Brandon Lamb, RPA Bureau Chief. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho Department of Lands web site at the following web address: www.idl.idaho.gov.

All written comments must be directed to the undersigned and must be delivered on or before Wednesday, July 29, 2015.

DATED this 7th Day of May 2015

Brandon Lamb, RPA Bureau Chief
Idaho Department of Lands
300 N. 6th Street, Suite 103
P.O. Box 83720
Boise, ID 83720-0050
Phone: 208-334-0243, Fax: 208-334-5342
Email: blamb@idl.idaho.gov

IDAPA 23 - BOARD OF NURSING

23.01.01 - RULES OF THE IDAHO BOARD OF NURSING

DOCKET NO. 23-0101-1501

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 54-1404, Idaho Code.

MEETING SCHEDULE: A public meeting is scheduled by the Idaho Board of Nursing as follows:

Thursday, July 16, 2015, 10:00 a.m.

**Spring Hill Suites by Marriott
424 E. Park Center Blvd.
Boise, ID**

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho Board of Nursing. Individuals may also attend the public meeting to be conducted on the above date during which the Idaho Board of Nursing will allow oral comments or presentations to be made.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Statute authorizes the Board of Nursing to develop standards and criteria to evaluate the continued competency of licensed nurses. This rulemaking establishes those standards and criteria. For public safety, the rulemaking will require registered and licensed practical nurses seeking to renew their licenses to demonstrate their continued competence to practice nursing in Idaho. The rule establishes several methods for nurses to comply with this obligation.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the negotiated rule, contact Sandra Evans, M.A. Ed., R.N., Executive Director, (208) 334-3110 ext. 2476 or visit the Board of Nursing website at <http://ibn.idaho.gov/IBNPortal/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments, questions, recommendations, and ideas must be directed to the undersigned and must be submitted to the Board of Nursing by July 16, 2015. Written comments may also be submitted via email to sandra.evans@ibn.idaho.gov.

DATED this 7th Day of May, 2015.

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: (208) 334-3110 ext. 2476
Fax: (208) 334-3262

IDAPA 23 - BOARD OF NURSING

23.01.01 - RULES OF THE IDAHO BOARD OF NURSING

DOCKET NO. 23-0101-1502

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 54-1404, Idaho Code.

MEETING SCHEDULE: A public meeting is scheduled by the Idaho Board of Nursing as follows:

Thursday, July 16, 2015, 10:00 a.m.

**Spring Hill Suites by Marriott
424 E. Park Center Blvd.
Boise, ID**

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho Board of Nursing. Individuals may also attend the public meeting to be conducted on the above date during which the Idaho Board of Nursing will allow oral comments or presentations to be made.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Neither the Idaho Nurse Practice Act nor Board of Nursing Rules defines the term “Active Practice” or where it occurs (i.e., the place where the nurse is located versus the place where the patient/client is located). Active practice involves nursing administrators, nurse educators, public health nurses, home health nurses, parish nurses, and many other positions and activities beyond solely direct patient care in a traditional hospital or clinic setting. Furthermore, clarifying the location (state) where active practice occurs is important, especially in the context of nursing services delivered through telehealth methods. This rulemaking docket contemplates placing a definition of the term “Active Practice” or an equivalent term and its application in Board Rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact Sandra Evans, M.A. Ed., R.N., Executive Director, (208) 334-3110 ext. 2476 or visit the Board of Nursing website at <http://ibn.idaho.gov/IBNPortal/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments, questions, recommendations, and ideas must be directed to the undersigned and must be submitted to the Board of Nursing by July 16, 2015. Written comments may also be submitted via email to sandra.evans@ibn.idaho.gov.

DATED this 7th Day of May, 2015.

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: (208) 334-3110 ext. 2476
Fax: (208) 334-3262

IDAPA 23 - BOARD OF NURSING

23.01.01 - RULES OF THE IDAHO BOARD OF NURSING

DOCKET NO. 23-0101-1503

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 54-1404, Idaho Code.

MEETING SCHEDULE: A public meeting is scheduled by the Idaho Board of Nursing as follows:

Thursday, July 16, 2015, 10:00 a.m.

**Spring Hill Suites by Marriott
424 E. Park Center Blvd.
Boise, ID**

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho Board of Nursing. Individuals may also attend the public meeting to be conducted on the above date during which the Idaho Board of Nursing will allow oral comments or presentations to be made.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

This rulemaking docket seeks to amend Board of Nursing Rule 402 (IDAPA 23.01.01.402) to update and clarify provisions regarding registered nurses functioning in a specialty area of nursing.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact Sandra Evans, M.A. Ed., R.N., Executive Director, (208) 334-3110 ext. 2476 or visit the Board of Nursing website at <http://ibn.idaho.gov/IBNPortal/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments, questions, recommendations, and ideas must be directed to the undersigned and must be submitted to the Board of Nursing by July 16, 2015. Written comments may also be submitted via email to sandra.evans@ibn.idaho.gov.

DATED this 7th Day of May, 2015.

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: (208) 334-3110 ext. 2476
Fax: (208) 334-3262

IDAPA 35 - IDAHO STATE TAX COMMISSION

35.01.02 - IDAHO SALES AND USE TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0102-1502

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section(s) 63-105(2), 63-3624(a), 63-3635, and 63-3039, Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be held as follows:

Wednesday, June 24, 2015 - 1:30 p.m. MDT

**Idaho State Tax Commission
Room 1CR5 – 1st Floor
800 Park Boulevard, Plaza IV
Boise, ID 83712-7742**

It is likely that some or all of these rules will require further discussion in follow up meetings that will also be open to the public. Notification of any additional meetings will be posted on the Tax Commission's website at <http://tax.idaho.gov/i-1141.cfm?com=> at least one week prior to the date of the meeting. All meeting agendas are also posted on the website which will contain specific information on the rules that will be discussed at a particular meeting.

Of course, there is no guarantee that a particular rule will be discussed beyond the meeting noted above, so please plan accordingly.

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

- 1) Attend the scheduled meeting and participate in the discussion for any of the rules on the agenda. You may join the meeting by phone if you wish; however, notice must be given in advance so accommodations can be arranged.
- 2) Submit a written comment addressing one or more of the rules to be negotiated. All written comments must be received by July 31, 2015, or they may not receive consideration in the negotiated rulemaking process.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Rule 041. Food, Meals, or Drinks

Rule 072. Application and Payment of Use Tax

Passed during the 2015 legislative session, House Bill 237 exempted free meals given to employees. The rules related to food and giveaways in the above two rules will be reviewed for possible revisions to address this change in the law. In addition, House Bill 530 passed during the 2014 session exempting donations of food. While rule changes were not made last year in response to this new exemption, questions of what falls under the exemption continue to arise. Rule changes will be discussed to address these questions.

Rule 067. Real Property

The rule currently states that "the National Electrical Code requires the removal of certain abandoned fiber optic and communication cable." Given that fact, the rule treats such cabling as tangible personal property even after

installation. Consequently, the contractor must charge sales tax on the sale of the materials when installing the cable. The National Electrical Code needs to be reviewed again to ensure that this is still the standard. If the standards have changed, the rule will need to be amended particularly if it results in a different tax treatment.

- Rule 050. Veterinarians and Veterinary Supplies**
- Rule 079. Production Exemption**
- Rule 083. Farming and Ranching**
- Rule 103. Hand Tool, Component, and Unit Price**
- Rule 128. Certificates for Resale and Other Exemption Claims**

House Bill 39 passed during the 2015 legislative session removing the hand tool exclusion from the production exemption. All of the above rules need to be amended to address this change.

- Rule 079. Production Exemption**
- Rule 083. Farming and Ranching**

The passage of House Bill 221 during the 2015 legislative session added hunting and fishing operations to the types of businesses that can qualify for the production exemption. Rule changes will be discussed to address the new law.

**Important Note -- In addition to the specific changes noted above,
all rules will be reviewed in their entirety for possible changes to improve clarity.**

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact McLean Russell at (208) 334-7531. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the agency's web site at the following web address: <http://tax.idaho.gov/i-1141.cfm?com=s>.

All written comments must be directed to the undersigned and must be delivered on or before July 31, 2015. Comments may be submitted via e-mail to sherry.briscoe@tax.idaho.gov.

DATED this 20th Day of May, 2015.

McLean Russell
Tax Policy Specialist
Idaho State Tax Commission
800 Park Blvd, Plaza IV
PO Box 36
Boise, ID 83722-0410
Phone: (208) 334-7531
Fax: (208) 334-7844

IDAPA 38 - DEPARTMENT OF ADMINISTRATION

38.04.04 - RULES GOVERNING CAPITOL MALL PARKING

DOCKET NO. 38-0404-1501

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2015.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 67-5226 and 67-5709, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than June 17, 2015.

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

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

The updates of the rules provide clarification to the provisions for visitor parking, meeting parking, and violation enforcement.

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

To allow the Department of Administration to administer and enforce the Capitol Mall Parking rules for the benefit of state employees, state agencies, and those visiting the Capitol Mall.

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: No fiscal impact.

NEGOTIATED RULEMAKING: Negotiated rulemaking was not conducted. The Department of Administration determined that negotiated rulemaking was not feasible because of the need to adopt a temporary rule.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Jennifer Pike, Public Information Specialist, at (208) 332-1826.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 24, 2015.

DATED this 3rd Day of June, 2015.

Robert L. Geddes, Director
Department of Administration
650 W. State Street
P.O. Box 83720
Boise, ID 83720-0024
Phone: (208) 332-1826, Fax: (208) 334-2307

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 38-0404-1501
(Only those Sections being amended are shown.)**

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

01. Office Hours. Capitol Mall Parking is open from 7:30 a.m. to 4:30 p.m. except Saturday, Sunday and legal holidays. (3-29-10)

02. Mailing Address. Capitol Mall Parking's mailing address is: Capitol Mall Parking, P.O. Box 83720, Boise, Idaho 83720-0013. (3-29-10)

03. Street Address. Capitol Mall Parking is part of Facilities Services, Division of Public Works, Department of Administration, and its principal place of business is 550 West State Street, Boise, Idaho 83702-5972. (3-29-10)

04. Web Site Address. Capitol Mall Parking's website at <http://www.adm.idaho.gov/pubworks/facilities/parking>/<http://cms.idaho.gov/parking>. (~~3-29-10~~)(7-1-15)T

(BREAK IN CONTINUITY OF SECTIONS)

022. PARKING SPACE ALLOCATION.

01. Reserved Parking Spaces. (3-29-10)

a. Reserved parking spaces are available for state elected officials and directors of executive branch departments as defined in Subsections 010.05 and 010.11 of these rules. Capitol Mall Parking will assign a reserved space to each state elected official and director of executive branch departments upon request. (4-6-15)

b. Reserved parking spaces will be made available to the Senate pro-tem, and the speaker of the House of Representatives. Capitol Mall Parking will assign a reserved space to each individual. (3-29-10)

c. All other Capitol Mall employees may apply for a reserved parking space. General reserved parking spaces are assigned to Capitol Mall employees on a first-come, first-served basis when designated reserved parking spaces become available. (3-29-10)

d. Reserved parking spaces for state elected officials, directors of executive branch departments and Capitol Mall employees are located in the following parking lots only: the first floor of State Parking Garage #1; the first and second floors of State Parking Garage #2, the Pete T. Cenarrusa Building parking lot, and the 8th Street parking lot between State and Jefferson Streets. (4-6-15)

e. Capitol Mall Parking will determine the location of all reserved parking spaces. (3-29-10)

f. Reserved parking spaces for state elected officials, directors of executive branch departments and Capitol Mall employees will not exceed twenty-five percent (25%) of parking spaces available within the Capitol Mall. (4-6-15)

g. Capitol Mall employees may not sell, trade or barter the right to use their assigned reserved parking space. Capitol Mall Parking retains the right to assign, reassign, suspend or revoke Capitol Mall employees' reserved parking spaces at any time. (3-29-10)

02. Legislators' Parking Spaces. During Legislative sessions and special sessions, Capitol Mall Parking will make available up to one hundred three (103) reserved Legislator parking spaces to Legislators. (4-6-15)

a. Each Legislator will be assigned a reserved Legislator parking space. A Legislator who elects to park in the Capitol Mall is required to pay the fee for the reserved parking permit. (4-6-15)

b. During the Legislative session, Legislator reserved parking spaces will be on the third floor of State Parking Garage #1, 8th Street parking lot, and the Capitol Annex parking lot and will be clearly marked. The Legislator reserved parking permit is only valid in the assigned reserved parking space; the permit is not valid in any other CMP general parking space during the Legislative session. When the Legislature is not in session, all Legislator parking spaces will be redesignated as general parking spaces. ~~(4-6-15)~~(7-1-15)T

c. When the Legislature is not in session, Legislators or Legislative personnel who hold a valid Capitol Mall parking permit, may park in any general parking space. (4-6-15)

03. Disabled Employee Parking Spaces. Capitol Mall Parking will make available reserved disabled employee parking spaces for employees who have a proven disability. (3-29-10)

a. A temporarily or permanently disabled employee who has obtained an Americans with Disabilities Act (ADA) placard issued by the Idaho Transportation Department may request a reserved disabled employee parking space as close as possible to the employee's work location. (3-29-10)

b. A disabled employee requesting a reserved disabled employee parking space must provide either a copy of his Americans with Disabilities Act (ADA) placard issued by the Idaho Transportation Department or a copy of the application to the Idaho Department of Transportation for an Americans with Disabilities Act (ADA) placard. (3-29-10)

c. A temporary reserved disabled employee parking space will be provided to any eligible employee who has applied for an Americans with Disabilities Act (ADA) placard with the Idaho Department of Transportation but has not yet received the placard. A temporary reserved disabled parking space will be made available for five (5) working days only per disabled employee. (4-6-15)

d. Reserved disabled employee parking spaces will be marked with signage. (3-29-10)

e. A permit for a reserved disabled employee parking space will be the same fee as a permit for a general parking space. (3-29-10)

04. Carpool Parking Spaces. Capitol Mall Parking will make available an indeterminate number of carpool parking spaces, which will be clearly marked, to employees who carpool at least four (4) work days per week. (3-29-10)

a. Capitol Mall employees who carpool may request a carpool parking permit from Capitol Mall Parking to use a designated carpool space. (3-29-10)

b. Carpool parking spaces will be available on a first-come, first-served basis for vehicles carrying two (2) or more Capitol Mall employees. All carpooling employees must be employees of the Capitol Mall and at least one (1) carpooling employee must have a general parking space permit. (3-29-10)

c. A permit for a carpool parking space will be the same fee as a permit for a general parking space. (3-29-10)

d. All unoccupied reserved carpool parking spaces will be redesignated as general parking spaces after 9 a.m. work days. (3-29-10)

e. It is a parking violation to park in a reserved carpool parking space when the vehicle is carrying less than two (2) Capitol Mall employees before 9 a.m. (3-29-10)

05. State-Owned Vehicles Parking Spaces. Capitol Mall Parking will make available designated state-owned vehicle parking spaces. (3-29-10)

a. Capitol Mall Parking will make available an indeterminate number of designated state-owned vehicle parking spaces to department tenants of the Capitol Mall. (3-29-10)

b. Designated state-owned vehicle parking spaces will be on the fifth level of the State Parking Garage #1, and will be clearly marked "State Vehicle Only." (4-6-15)

c. A Capitol Mall employee may park his personal vehicle in a designated state-owned vehicle parking space when removing a state vehicle for state purposes. The Capitol Mall employee's personal vehicle must display the reserved state-owned vehicle parking space permit. (3-29-10)

d. A visiting agency employee conducting official business at the Capitol Mall may park a state vehicle in an unoccupied designated state-owned vehicle parking space or in any Capitol Mall visitor parking space. (4-6-15)

06. Motorcycle Parking Spaces. Capitol Mall Parking will make available designated motorcycle parking spaces. (3-29-10)

a. Capitol Mall employees may request a special motorcycle parking permit for motorcycles, at no additional cost, to park in the designated motorcycle parking areas. (3-29-10)

b. In order to receive a motorcycle permit, the Capitol Mall employee must possess a valid general or reserved parking permit. (3-29-10)

07. General Parking Spaces. All other undesignated parking is considered general parking. (3-29-10)

a. All Capitol Mall employees whose parking fees are deducted from their paychecks by the State Controller's Office may request a general parking permit from Capitol Mall Parking. (4-6-15)

b. General parking spaces are available on a first-come, first-served basis, and possession of a valid general parking permit does not guarantee the Capitol Mall employee a general parking space. (3-29-10)

08. Visitor Parking Spaces. Capitol Mall Parking will make available a limited number of parking spaces for visitors and the public visiting the Capitol Mall. (3-29-10)

a. Non-metered three (3) hour visitor parking spaces will be available at the parking lot at the Capitol Annex at 514 W. Jefferson Street and on the south side of the parking lot at the State Library Building at 325 W. State Street, and will be clearly marked. ~~(4-6-15)~~(7-1-15)T

b. State-owned vehicles that do not belong to the departments' tenants of the Capitol Mall, and non-Capitol Mall employees visiting the Capitol Mall on business, may park in visitor parking spaces. (3-29-10)

c. Capitol Mall employees may not park in visitor parking spaces between 6 a.m. and 6 p.m., Monday through Friday, excluding legal holidays with the exception of Human Rights Day and Presidents' Day. (4-6-15)

d. The maximum period of use of visitor parking spaces in the Capitol Mall is three (3) hours per day per vehicle. A change from one visitor parking space to another visitor parking space does not increase the maximum period of use for each vehicle beyond three (3) hours per day. (7-1-15)T

(BREAK IN CONTINUITY OF SECTIONS)

030. PARKING PERMITS. Capitol Mall Parking will issue applicable parking permits to all eligible persons who apply for a permit. (4-6-15)

01. Parking Permits for Reserved, Legislator, Disabled Employee, Carpool, State-Owned Vehicles and General Parking. (3-29-10)

a. Capitol Mall Parking will reissue parking permits once a year. Outdated parking permits must be returned to Capitol Mall Parking. (3-29-10)

b. Capitol Mall Parking will issue the applicable parking permit to each Capitol Mall state elected official, director of an executive branch department, Legislator or employee, with the exception of the carpool parking permit and the special motorcycle parking permit. (4-6-15)

c. Capitol Mall Parking will issue only one (1) parking permit per employee. Capitol Mall Parking will not provide duplicate general parking permits. State elected officials, directors of executive branch departments, and Capitol Mall employees with reserved parking spaces may request a duplicate reserved parking permit for a one-time fee equal to the general permit monthly fee. (4-6-15)

d. All individuals and department tenants are responsible for displaying the parking permit in the front windshield or other prominent location of the parked vehicle at all times. (3-29-10)

e. In the event that a parking permit is stolen, lost or destroyed, the official, Legislator or employee must sign a statement attesting that the parking permit was lost, stolen or destroyed and pay a replacement fee before Capitol Mall Parking will issue a new permit. The replacement fee is equal to the general permit monthly fee. (4-6-15)

02. Temporary Monthly Parking Permits. (4-6-15)

a. An individual performing work or providing services to a department tenant as a Temporary Contract Employee in the Capitol Mall, but who does not receive a state of Idaho-issued paycheck, may purchase a general monthly parking permit at the same cost as a general parking permit from Capitol Mall Parking. (4-6-15)

b. Upon request and receipt of the general parking permit fee, Capitol Mall Parking may issue a monthly general parking permit to the following: (7-1-15)T

i. Individuals who do not receive a paycheck issued by the state of Idaho but are performing work or providing services to a department tenant in the Capitol Mall. This includes, but is not limited to, employees of the Idaho Central Credit Union, employees of vendors of the Commission for the Blind and Visually Impaired, and Capitol Mall tenant departments' temporary contract employees. ~~(4-6-15)~~(7-1-15)T

ii. Individuals who are employed by the state of Idaho, whose assigned work area is in the Capitol Mall, and who receive a state of Idaho-issued paycheck that is not issued by the State Controller's Office. This includes, but is not limited to, employees of the University of Idaho whose assigned work area is the Capitol Annex occupied by the University of Idaho. (7-1-15)T

03. Temporary Meeting Parking Permits. Upon submission of an application by a department tenant in the Capitol Mall, Capitol Mall Parking may issue temporary daily parking permits for meetings hosted by the department tenant. Parking will be allowed only in a limited number of parking spaces in the area designated by the permit and for the date set forth on the permit. (7-1-15)T

(BREAK IN CONTINUITY OF SECTIONS)

040. PARKING LOT VIOLATIONS.

01. Driving Violations. Any driving violation in a Capitol Mall parking lot or garage may result in the suspension or loss of parking privileges. (3-29-10)

a. It is a violation of these rules to drive or operate a personal vehicle negligently or recklessly in any Capitol Mall parking lot or garage. It is a violation of these rules to drive or operate a vehicle under the influence of illegal substances or alcohol in any Capitol Mall parking lot or garage. (3-29-10)

b. It is a violation for any individual to drive above the posted speed limits or drive against posted directional arrows. (3-29-10)

02. Parking Violations. Any parking violation in a Capitol Mall parking lot or garage may result in the suspension or loss of parking privileges. (3-29-10)

a. It is a violation of these rules to park in a location that is not marked as a parking space within the Capitol Mall. This includes, but is not limited to, parking in or on a driveway, sidewalk or other common driving areas of any parking lot or garage. It is also a violation to park one (1) vehicle in more than one (1) parking space. (3-29-10)

b. It is a violation to park in a Legislator parking space without displaying the appropriate reserved parking permit during the Legislative session or to park in a general parking space without displaying the appropriate general parking permit. ~~(4-6-15)~~(7-1-15)T

c. It is a violation to park in a reserved parking space, in a reserved disabled employee parking space, ADA space, or in a reserved carpool parking space before 9 a.m., without displaying the appropriate parking permit. (4-6-15)

d. It is a violation to park a motorcycle in any space not designated for motorcycle parking, unless a valid reserved parking permit is displayed and the motorcycle is parked in the designated reserved parking space. (4-6-15)

e. It is a violation to park or store a personal trailer in a Capitol Mall parking lot. (4-6-15)

f. It is a violation of these rules to: (3-29-10)

i. Use an invalid parking permit; (3-29-10)

ii. Use a parking permit reported lost or stolen; (3-29-10)

iii. Fail to properly display a valid Capitol Mall parking permit; or (3-29-10)

iv. Transfer an invalid permit to another person. (3-29-10)

g. It is a violation of these rules to park in one or more visitor parking spaces for a period in excess of the maximum period of use set forth in these rules. (7-1-15)T

h. It is a violation of these rules for a CMP permit holder to park in a visitor parking space at any time. (7-1-15)T

03. Other Violations. The Capitol Mall parking lots and garages are private property, and any tampering or other physical defacement of any vehicle parked on the lots or in the garage is considered a violation. (4-6-15)

a. The distribution of flyers or other materials on vehicles parked on Capitol Mall parking lots and in State Parking Garages #1 and #2 is prohibited, and violators will be escorted off the property. (4-6-15)

b. Any individual engaging in suspicious activity or threatening behavior, or an individual loitering in a Capitol Mall parking lot or in State Parking Garages #1 and #2, will be escorted off the property. (4-6-15)

c. Public access is not allowed in State Parking Garages #1 and #2 before 6 a.m. and after 6 p.m. Violators will be considered trespassers. (4-6-15)

04. Administrative Appeals. Alleged violations of these rules are not subject to the provisions of Title 67, Chapter 52, Idaho Code, regarding administrative appeals. (4-6-15)

IDAPA 38 - DEPARTMENT OF ADMINISTRATION

**38.04.07 - RULES GOVERNING USE OF THE INTERIOR OF STATE PROPERTY
IN THE CAPITOL MALL AND OTHER STATE FACILITIES**

DOCKET NO. 38-0407-1501

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2015.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 67-5706, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than June 17, 2015.

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

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

The update to this rule acknowledges that the Capitol Annex will now be a fully functional, occupied office building in the Capitol Mall Complex, operated by Facilities Services, and available for tenant occupancy.

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

To change the designation of the Capitol Annex allowing for tenant occupancy and public access on July 1, 2015.

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:

Fiscal impact from providing security, maintenance and other occupancy costs will be offset by the collection of \$337,800 in rent fees paid by Capitol Annex tenants.

NEGOTIATED RULEMAKING: Negotiated rulemaking was not conducted. The Department of Administration determined that negotiated rulemaking was not feasible because of the need to adopt a temporary rule.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Jennifer Pike, Public Information Specialist, at (208) 332-1826.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 24, 2015.

DATED this 3rd Day of June, 2015.

Robert L. Geddes, Director
Department of Administration
650 W. State Street
P.O. Box 83720
Boise, ID 83720-0024
Phone: (208) 332-1826, Fax: (208) 334-2307

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 38-0407-1501
(Only those Sections being amended are shown.)**

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 38.04.07, “Rules Governing Use of the Interior of State Property in the Capitol Mall and Other State Facilities.” (4-4-13)

02. Scope. These rules contain the provisions for use of the interior of the Capitol Mall Office Properties, ~~the Capitol Annex~~, the Parking Facilities, the Other State Properties, and the Multi-agency Facilities. The interiors of such facilities occupied by a tenant under lease may be subject to additional requirements imposed by the tenant. Rules governing the exterior of the Capitol Mall Properties, the Other State Properties, and the Multi-agency Facilities are codified under IDAPA 38.04.06, “Rules Governing Use of the Exterior of State Property in the Capitol Mall and Other State Facilities.” Rules governing the use of the exterior of the Idaho State Capitol are codified under IDAPA 38.04.08, “Rules Governing Use of Idaho State Capitol Exterior.” Rules governing parking are codified under IDAPA 38.04.04, “Capitol Mall Parking Rules.” ~~(4-4-13)~~(7-1-15)T

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS.

01. Camping. Any activity prohibited under Section 67-1613, Idaho Code. (4-4-13)

02. Capitol Annex. The interior of improvements located at 514 West Jefferson Street, Boise, Idaho. (4-4-13)

03. Capitol Mall Office Properties. The interior of improvements set forth in Section 67-5709(2)(a) and (b), Idaho Code. The Capitol Mall Office Properties do not include the Idaho State Capitol or its grounds ~~or the Capitol Mall Annex~~. ~~(4-4-13)~~(7-1-15)T

04. Common Space. The portion of the Interior State Facility that is not Tenant Space. Common Space includes but is not limited to interior lobbies not within Tenant Space and restrooms not accessed through Tenant Space. Common Space does not include Tenant Space or any area marked “private,” “no admission,” “staff only” or similarly designated as not open to the public. (4-4-13)

05. Department. The Department of Administration. (4-4-13)

06. Director. The Director of the Department of Administration or his designee. (4-4-13)

07. Interior State Facilities. The interior spaces within the Capitol Mall Office Properties, ~~the Capitol Annex~~, the Parking Facilities, the Multi-agency Facilities, and the Other State Properties. ~~(4-4-13)~~(7-1-15)T

- 08. Multi-Agency Facilities.** The interior of buildings and improvements set forth in Section 102 of these rules. (4-4-13)
- 09. Other State Properties.** The interior of buildings and improvements set forth in Section 101 of these rules. (4-4-13)
- 10. Parking Facilities.** The interior of improvements set forth in Section 67-5709(2)(b), Idaho Code. (4-4-13)
- 11. Security Personnel.** A state of Idaho employee or a staff member of a state of Idaho contractor whose job duties include monitoring compliance with and enforcing these rules. (4-4-13)
- 12. State Business Day.** Monday through Friday, excluding the holidays set forth in Section 73-108, Idaho Code. (4-4-13)
- 13. Tenant Space.** The portion of the Interior State Facilities occupied by a state of Idaho officer, official, agency, board or commission or leased to a public agency or a private individual or entity. (4-4-13)

(BREAK IN CONTINUITY OF SECTIONS)

302. HOURS AND LOCATIONS OF USE.

- 01. Capitol Mall Office Properties and Multi-Agency Facilities.** The hours for public access to the interior of the Capitol Mall Office Properties and the Multi-agency Facilities are 8 a.m. to 5 p.m. on State Business Days. (4-4-13)
- ~~**02. Capitol Annex.** *The Capitol Annex is closed to public access.* (4-4-13)~~
- 03. Parking Facilities.** The hours of use of the Parking Facilities shall be governed by IDAPA 38.04.04, "Capitol Mall Parking Rules." (4-4-13)

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

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

DOCKET NO. 39-0203-1501

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 49-201(1), Idaho Code, and the Vehicle Dealer Act, Chapter 16, Title 49, Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be held as follows:

Wednesday, June 24, 2015 - 1:00 p.m. to 2:00 p.m. (MDT)

The department will hold a webinar/conference call.

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

To participate in the negotiated rulemaking webinar, you will need to have internet connection on your computer, and follow the instructions below:

Go to ITD's website at www.itd.idaho.gov and click the "Rulemaking" button. There you will be provided with instructions on how to participate in the online webinar.

If you would prefer to participate via conference call, dial 1-855-797-9485 and use Access Code 807 368 294.

The department will provide a brief presentation of the proposed rule changes being negotiated in this process, and answer questions from those participating in the webinar or those participants calling in via phone.

The department is also soliciting written comments (see instructions in the "Contact Information" section below.)

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

This rule change removes the minimum business-hour requirements for motor vehicle dealers that were added in the 2015 rule changes, and clarifies a requirement that all vehicle dealers must declare in writing to the department the regular hours that their dealerships are open and when they are available to be contacted by the department or their customers.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Amy Smith, Vehicle Services Manager at (208) 334-8660.

Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho Transportation Department's web site at <http://www.itd.idaho.gov> (click the "Rulemaking" button on the right side of the screen.)

All written comments must be directed to the undersigned and be delivered on or before July 6, 2015 via following web page: <http://apps.itd.idaho.gov/apps/WebComments/default.aspx> or by mailing comments to Amy Smith at the address below.

DATED this 26th Day of May, 2015.

Amy Smith, Vehicle Services Manager
Division of Motor Vehicles
Idaho Transportation Department

Amy.Smith@itd.idaho.gov
Phone: (208) 334-8660 / Fax: (208) 332-2066
3311 W State St, P.O. Box 7129, Boise ID 83707-1129

IDAPA 46 - BOARD OF VETERINARY MEDICINE

46.01.01 - RULES OF THE STATE OF IDAHO BOARD OF VETERINARY MEDICINE

DOCKET NO. 46-0101-1501

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 54-2105, Idaho Code.

MEETING SCHEDULE: A public meeting is scheduled by the Board of Veterinary Medicine for the following:

Monday, June 22, 2015, 9:00 a.m.

**Idaho State Department of Agriculture Building
Conference Rooms Main A & B
2270 Old Penitentiary Road
Boise, ID**

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Board of Veterinary Medicine. Individuals may also attend the public meeting to be conducted on the above date during which the Board will allow oral comments or presentations to be made.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Veterinarians licensed in and veterinary technicians certified in Idaho must comply with continuing education requirements set forth at Board Rule 15 (IDAPA 46.01.01.015) and Board Rule 102 (IDAPA 46.01.01.102), respectively. Because Board Rule 102 references and incorporates portions of Board Rule 15, a change in Board Rule 15 will result in a corresponding change relative to Board Rule 102.

The proposed rulemaking will amend Board Rule 15 to simplify the reporting and processing of continued education credits. Licensees and certificate holders will retain documentation for a specified period and a random auditing system will be implemented to monitor compliance with continuing education obligations.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the negotiated rule, contact Jodie Ellis, Executive Director, (208) 332-8588.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments, questions, recommendations, and ideas must be directed to the undersigned and must be submitted to the Board of Veterinary Medicine by June 19, 2015. Written comments may also be submitted via e-mail to jodie.ellis@agri.idaho.gov.

DATED this 23rd Day of April, 2015.

Jodie Ellis, Executive Director
Board of Veterinary Medicine
2270 Old Penitentiary Rd.
P. O. Box 7249
Boise, ID 83707
Phone: (208) 332-8588, Fax: (208) 334-2170

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.11 - GROUND WATER QUALITY RULE

DOCKET NO. 58-0111-1501

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The temporary rule was effective June 1, 2015.

AUTHORITY: In compliance with Idaho Code §§ 67-5221(1) and 67-5226(1), notice is hereby given that the Board of Environmental Quality has adopted a temporary rule and the Department of Environmental Quality has initiated proposed rulemaking. This action is authorized by Idaho Code §§ 39-105, 39-107, 39-120, and 39-126.

PUBLIC HEARING SCHEDULE: No hearings have been scheduled. Pursuant to Idaho Code § 67-5222(2), 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 June 19, 2015. If no such written request is received, a public hearing will not be held.

DESCRIPTIVE SUMMARY: This rulemaking has been initiated to make revisions to the Ground Water Quality Rule, IDAPA 58.01.11, for consistency with the 2015 revision to Idaho Code § 39-102 enacted under House Bill 197. House Bill 197 clarifies that degradation of ground water caused by mining activities is allowed at point of compliance as long as the mine operator uses best management practices to the maximum extent practical. This rule revises Sections 150, 301, 400, and 401.

Mining industry, conservation groups, environmental protection groups, state and federal land management agencies, and concerned citizens of the state of Idaho may be interested in commenting on this proposed rule. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality in the fall of 2015 for adoption of a pending rule. The pending rule is expected to become final and effective upon adjournment of the 2016 legislative session if adopted by the Board and approved by the Legislature.

TEMPORARY RULE JUSTIFICATION: Pursuant to Idaho Code § 67-5226(1)(b), the Governor has found that temporary adoption of the rule is necessary to meet the statutory deadline to promulgate a rule by June 1, 2015.

INCORPORATION BY REFERENCE: Pursuant to Idaho Code § 67-5229(2)(a), the following is a brief synopsis of why the incorporation by reference is necessary: Not applicable.

NEGOTIATED RULEMAKING: Negotiated rulemaking was not conducted. House Bill 197 includes an emergency clause which requires the Board of Environmental Quality to promulgate a rule with an effective date of June 1, 2015. With this deadline, there is no time to conduct negotiated rulemaking. DEQ determined that negotiated rulemaking was not feasible due to the statutory deadline and because DEQ has no discretion with respect to implementing Idaho Code provisions.

IDAHO CODE § 39-107D STATEMENT: This temporary/proposed rule does regulate an activity not regulated by the federal government. This rulemaking has been initiated as directed by the Idaho Legislature in House Bill 197.

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 questions concerning the negotiated rulemaking, contact Ed Hagan at ed.hagan@deq.idaho.gov or (208)373-0356.

Anyone may submit written comments by mail, fax or e-mail at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before July 3, 2015.

DATED this 3rd Day of June, 2015.

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

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 58-0111-1501
(Only those Sections being amended are shown.)**

150. IMPLEMENTATION.

This rule establishes minimum requirements to maintain and protect ground water quality. This rule applies to all activities with the potential to degrade ground water quality. (3-20-97)

01. Ground Water Quality Standards. The numerical and narrative standards in Sections 200 and 301 identify minimum levels of protection for ground water quality and shall be used as a basis for: (3-20-97)

a. Evaluating or comparing ground water quality when developing or modifying best available methods, best management practices, or best practical methods; (3-20-97)

b. Identifying permit conditions; (3-20-97)

c. Establishing cleanup levels; and (3-20-97)

d. Determining appropriate actions when ground water quality standards are exceeded. (3-20-97)

02. Aquifer Categorization. Aquifers of the state shall be categorized based on vulnerability of the ground water, existing and projected future beneficial uses of the ground water, existing water quality, and social and economic considerations. There shall be three aquifer categories, Sensitive Resource, General Resource, and Other Resource, to provide different levels of protection. The level of protection required for each category and application of standards to these categories are shown in Table I.

Table 1. Level of Protection and Application of Standards to Aquifer Categories		
Category	Level of Protection	Application of Standards
Sensitive Resource	Apply best management practices and best available methods. This category provides the highest level of ground water protection.	May apply stricter standards than in Section 200.
General Resource	Apply best management practices and best practical methods <u>to the maximum extent practical.</u>	Apply numerical and narrative standards in Section 200.
Other Resource	Apply best management practices and best practical methods <u>to the maximum extent practical.</u>	May apply less strict standards than in Section 200.

~~(7-1-98)~~(6-1-15)T

a. All aquifers where there are activities with the potential to degrade ground water quality are categorized in Section 300. Those aquifers where no activities with the potential to degrade ground water quality are occurring will remain uncategorized until such activities are commenced. If no action is taken to categorize an aquifer when an activity(ies) with the potential to degrade ground water quality is initiated, the aquifer will automatically be categorized as General Resource. (3-20-97)

b. Categorization should be considered when an activity with the potential to degrade ground water quality is proposed over an aquifer or portion of an aquifer which presently has no such activities and, based on the criteria in Section 350, the aquifer may be most appropriately categorized as Sensitive Resource or Other Resource. (3-20-97)

c. Recategorization should be considered when information on vulnerability of the ground water, existing and projected future beneficial uses of the ground water, existing quality of the ground water, and social and economic considerations, in conjunction with one or more of the criteria in Section 350, demonstrates that the aquifer or portion of an aquifer may be more appropriate in another category. (3-20-97)

03. Ground Water-Surface Water Interconnection. The beneficial uses of interconnected surface water shall be recognized when evaluating ground water quality protection. The implementation of water quality programs shall ensure that the quality of ground water that discharges to surface water does not impair the identified beneficial uses of the surface water and that surface water infiltration does not impair beneficial uses of ground water. (3-20-97)

04. Interagency Coordination. The Department will coordinate with other federal, state, and local agencies to pursue interagency agreements when necessary to ensure implementation of this rule for activities which have the potential to degrade ground water quality. (3-20-97)

(BREAK IN CONTINUITY OF SECTIONS)

301. MANAGEMENT OF ACTIVITIES WITH THE POTENTIAL TO DEGRADE AQUIFERS.

01. Sensitive Resource Category Aquifers. (3-20-97)

a. Activities with the potential to degrade Sensitive Resource aquifers shall be managed in a manner which maintains or improves existing ground water quality through the use of best management practices and best available methods except when a point of compliance is set pursuant to Section 401. ~~(3-20-97)~~(6-1-15)T

b. Numerical and narrative standards identified in Section 200 shall apply to aquifers or portions of aquifers categorized as Sensitive Resource. In addition, stricter numerical and narrative standards, for specified constituents, may be adopted pursuant to Section 350 on a case by case basis and listed in Section 300. (3-20-97)

02. General Resource Category Aquifers. (3-20-97)

a. Activities with the potential to degrade General Resource aquifers shall be managed in a manner which maintains or improves existing ground water quality through the use of best management practices and best practical methods to the maximum extent practical except when a point of compliance is set pursuant to Section 401. ~~(3-20-97)~~(6-1-15)T

b. Numerical and narrative standards identified in Section 200 shall apply to aquifers or portions of aquifers categorized as General Resource. (3-20-97)

03. Other Resource Category Aquifers. (3-20-97)

a. Activities with the potential to degrade Other Resource aquifers shall be managed in a manner

which maintains existing ground water quality, except for those identified constituents which may have a less stringent standard, through the use of best management practices and best practical methods to the maximum extent practical except when a point of compliance is set pursuant to Section 401. (3-20-97)(6-1-15)T

b. Numerical and narrative standards identified in Section 200 shall apply to aquifers or portions of aquifers categorized as Other Resource. In addition, less strict numerical and narrative standards, for specified constituents, may be adopted pursuant to Section 350 on a case by case basis and listed in Section 300. (3-20-97)

(BREAK IN CONTINUITY OF SECTIONS)

400. GROUND WATER CONTAMINATION.

01. Releases Degrading Ground Water Quality. No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that: (3-20-97)

a. Causes a ground water quality standard to be exceeded; (3-20-97)

b. Injures a beneficial use of ground water; or (3-20-97)

c. Is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method. (3-20-97)

02. ~~Prevention~~ Measures Taken in Response to Degradation. (3-20-97)(6-1-15)T

a. Except when a point of compliance is set pursuant to Section 401. ~~When~~ when a numerical standard is not exceeded, but degradation of ground water quality is detected and deemed significant by the Department, the Department shall take one (1) or more of the following actions: (3-20-97)(6-1-15)T

i. Require a modification of regulated activities to prevent continued degradation; (3-20-97)

ii. Coordinate with the appropriate agencies and responsible persons to develop and implement prevention measures for activities not regulated by the Department; (3-20-97)

iii. Allow limited degradation of ground water quality for the constituents identified in Subsection 200.01.a. if it can be demonstrated that: (3-30-07)

(1) Best management practices, best available methods or best practical methods, as appropriate for the aquifer category, are being applied; and (3-20-97)

(2) The degradation is justifiable based on necessary and widespread social and economic considerations; or (3-20-97)

iv. Allow degradation of ground water quality up to the standards in Subsection 200.01.b., if it can be demonstrated that: (3-20-97)

(1) Best management practices are being applied; and (3-20-97)

(2) The degradation will not adversely impact a beneficial use. (3-20-97)

b. The following criteria shall be considered when determining the significance of degradation: (3-20-97)

i. Site specific hydrogeologic conditions; (3-20-97)

- ii. Water quality, including seasonal variations; (3-20-97)
- iii. Existing and projected future beneficial uses; (3-20-97)
- iv. Related public health issues; and (3-20-97)
- v. Whether the degradation involves a primary or secondary constituent in Section 200. (3-20-97)

03. Contamination Exceeding a Ground Water Quality Standard. The discovery of any contamination exceeding a ground water standard that poses a threat to existing or projected future beneficial uses of ground water shall require appropriate actions, as determined by the Department, to prevent further contamination. These actions may consist of investigation and evaluation, or enforcement actions if necessary to stop further contamination or clean up existing contamination, as required under the Environmental Protection and Health Act, Section 39-108, Idaho Code. (3-20-97)

04. Agricultural Chemicals. Agricultural chemicals found in intermittently saturated soils within the crop root zone will not be considered ground water contaminants as long as the chemicals remain within the crop root zone, and have been applied in a manner consistent with all appropriate regulatory requirements. (3-20-97)

05. Site-Specific Ground Water Quality Levels or Points of Compliance. The Department may allow site-specific ground water quality levels, for any aquifer category, that vary from a standard(s) in Section 200 or Section 300, or may allow site-specific points of compliance, based on consideration of effects to human health and the environment, for: (7-1-09)

- a. Remediation conducted under the Department's oversight; (3-20-97)
- b. Permits issued by the Department; (3-20-97)
- c. Situations where the site background level varies from the ground water quality standard; (7-1-09)
- d. Dissolved concentrations of secondary constituents listed in Section 200 of this rule. The Department may allow the use of dissolved concentrations for secondary constituents if the requesting person demonstrates that doing so will not adversely affect human health and the environment; or (7-1-09)
- e. Other situations authorized by the Department in writing. (3-20-97)

401. MINING.

01. Request for Setting Point(s) of Compliance and Standards Applicable to Mining Activities. At the request of a mine operator, pursuant to this section, the Department shall set a point of compliance, or points of compliance, at which the mine operator ~~must~~ shall protect current and projected future beneficial uses of the ground water and meet the ground water quality standards as described in ~~Subsection 150.01~~ Section 200 or as allowed under Subsection 400.05. Degradation of ground water is allowed at a point of compliance if the mine operator implements the level of protection during mining activities appropriate for the aquifer category as specified in Table 1 of Subsection 150.02. If a request is not made, the mine operator must meet the ground water quality standards as described in Subsection 150.01 in ground water both within and beyond the mining area unless the Department establishes the point(s) of compliance consistent with Subsection 401.03. ~~Mining activities must be managed using the level of protection appropriate for the aquifer category in accordance with Subsection 150.02 and Section 301.~~ (7-1-09)(6-1-15)T

02. Application Process. (7-1-09)

a. If the mine operator requests a point of compliance, or points of compliance, the mine operator shall make written application to the Department. The application shall be accompanied by a fee of two thousand five hundred dollars (\$2,500). The application shall include the following information in sufficient detail to allow the Department to establish point(s) of compliance: (7-1-09)

- i. Name, location, and mailing address of the mining operation; (7-1-09)
- ii. Name, mailing address, and phone number of the mine operator; (7-1-09)
- iii. Land ownership status of the mining operation (federal, state, private or public); (7-1-09)
- iv. The legal structure (corporation, partnership, etc.) and residence of the mine operator; (7-1-09)
- v. The legal description, to the quarter-quarter section, of the location of the proposed mining operation; (7-1-09)
- vi. Evidence the mine operator is authorized by the Secretary of State to conduct business in the state of Idaho; (7-1-09)
- vii. A general description of the operational plans for the mining operation from construction through final reclamation. This description shall include any proposed phases for construction, operations, and reclamation and a map that identifies the location of all mining activities; (7-1-09)
- viii. A preconstruction topographic site map or aerial photos extending at least one (1) mile beyond the outer limits of the mining area, identifying and showing the location and extent of the following features: (7-1-09)
 - (1) All wells, perennial and intermittent springs, adit discharges, wetlands, surface waters and irrigation ditches; (7-1-09)
 - (2) All public and private drinking water supply source(s) within one (1) mile of the mining area; (7-1-09)
 - (3) All service roads and public roads; (7-1-09)
 - (4) All buildings and structures within one (1) mile of the mining area; (7-1-09)
 - (5) All special resource waters within one (1) mile of the mining area; and (7-1-09)
 - (6) All Clean Water Act Section 303(d) listed streams, and their listed impairments, within one (1) mile of the mining area; (7-1-09)
- ix. To the extent such information is available, a description and location of underground mine workings and adits and a description of the structural geology that may influence ground water flow and direction; (7-1-09)
- x. Information regarding the relevant factors set forth in Subsection 401.03; and (7-1-09)
- xi. A proposed point of compliance, or points of compliance. (7-1-09)
- b.** Within thirty (30) days of receipt of an application, the Department shall issue a written notice to the mine operator indicating: (7-1-09)
 - i. That the application is complete; or (7-1-09)
 - ii. That the Department is rejecting the application as incomplete. In such a case, the Department shall provide a list of deficiencies. Upon a determination that the application is incomplete, the Department shall refund one-half (1/2) of the application fee. (7-1-09)
- c.** The Department shall establish the point(s) of compliance within one hundred eighty (180) days after receipt of a complete application unless the Department determines that additional time is necessary due to unusual circumstances. (7-1-09)

03. Setting the Point(s) of Compliance. The point(s) of compliance shall be set as close as possible to the boundary of the mining area, taking into consideration the relevant factors set forth in Subsections 401.03.a. through 401.03.h., but in no event shall the point(s) of compliance be within the boundary of the mining area. The mining area boundary means the outermost perimeter of the mining area (projected in the horizontal plane) as it would exist at the completion of the mining activity. The point(s) of compliance shall be set so that, outside the mining area boundary, there is no injury to current or projected future beneficial uses of ground water and there is no violation of water quality standards applicable to any interconnected surface waters. The Department's determination regarding the point(s) of compliance shall be based on an analysis and consideration of all relevant factors including, but not limited to: (7-1-09)

- a. The hydrogeological characteristics of the mining area and surrounding land, including any dilution characteristics of the aquifer and any natural attenuation supported by site-specific data; (7-1-09)
- b. The concentration, volume, and physical and chemical characteristics of contaminants resulting from the mining activity, including the toxicity and persistence of the contaminants; (7-1-09)
- c. The quantity, quality, and direction of flow of ground water underlying the mining area; (7-1-09)
- d. The proximity and withdrawal rates of current ground water users; (7-1-09)
- e. A prediction of projected future beneficial uses; (7-1-09)
- f. The availability of alternative drinking water supplies; (7-1-09)
- g. The existing quality of the ground water, including other sources of contamination and their cumulative impacts on the ground water; and (7-1-09)
- h. Public health, safety, and welfare effects. (7-1-09)

04. Ground Water Monitoring and Reporting. The Department shall require ground water monitoring and reporting whenever the Department sets the point(s) of compliance. The Department shall not require ground water monitoring that duplicates ground water monitoring required by other state or federal agencies as long as the mine operator provides the data to the Department. (7-1-09)

- a. A ground water monitoring system required under Subsection 401.04 shall be designed to: (7-1-09)
 - i. Represent the quality of background ground water that has not been affected by the mining activity; (7-1-09)
and
 - ii. Represent the quality of ground water passing the point(s) of compliance in order to determine compliance with ground water quality standards or effectiveness of best management practices. (7-1-09)
- b. When practicable, indicator monitoring wells or other devices may be required. Such indicator wells and other devices shall not be used to determine compliance with the ground water quality standards, but instead may be used to evaluate modeling results, to predict the quality of ground water at the point(s) of compliance, or to determine the effectiveness of best management practices. (7-1-09)
- c. All monitoring wells shall be constructed (well depth, well screen size, well screen interval, gravel pack, etc.) and developed so that ground water samples represent the quality of ground water that is relevant to current and future beneficial uses. (7-1-09)

05. Coordination with Other State or Federal Agencies/Public Notice. Before setting the point(s) of compliance or requiring ground water monitoring, the Department shall coordinate with and seek recommendations from other state or federal agencies that have regulatory authority over the mining activities. The Department may provide public notice and an opportunity for public comment prior to setting or changing the point(s) of compliance. The Department shall issue a public notice after it sets the point(s) of compliance. (7-1-09)

06. Limitations. Section 401 addresses only those contaminants that naturally occur in the mining area ground water or in the surrounding rock or soil and are present in concentrations above the natural background level as a result of mining activities. (7-1-09)

07. Application of Provisions. The provisions set out in Section 401 apply to new mining activities or to an expansion of existing mining activities commencing after July 1, 2009. All consent orders, compliance schedules, and other agreements adopted or issued by the Department prior to July 1, 2009 pertaining to ground water protection at mine sites shall remain in full force and effect. (7-1-09)

08. Change in Point(s) of Compliance/Ground Water Monitoring. (7-1-09)

a. A change in the point(s) of compliance may be requested by the mine operator when there is a change in, or new information regarding, the mining activity or any of the factors set forth in Subsection 401.03. A change requested by the mine operator shall include an identification of the new proposed point(s) of compliance, a description of the cause for the change and any data supporting the change. The mine operator's request shall be handled as an application submitted pursuant to Subsection 401.02.a. and shall be subject to all other provisions of Section 401. (7-1-09)

b. The Department may initiate a change in the point(s) of compliance if there is a change in, or new information regarding, the mining activity or any of the factors set forth in Subsection 401.03, and the Department determines that the change is necessary to ensure there is no injury to current or projected future beneficial uses of ground water and no violation of water quality standards applicable to any interconnected surface waters. The Department shall notify the mine operator in writing of the Department's intent to change the point(s) of compliance. The Department shall make its final decision to change the point(s) of compliance within sixty (60) days of the notice to the mine operator unless the Department and the mine operator agree more time is necessary to make the decision. (7-1-09)

c. The Department may require additional or new ground water monitoring or indicator wells when the Department changes the point(s) of compliance. The Department may also require additional or different ground water monitoring or indicator wells if the Department determines, based upon a change in or new information regarding the mining activity or any of the factors listed in Subsection 401.03, that the monitoring no longer meets the requirements set forth in Subsection 401.04. The mine operator may also request a change in the monitoring. (7-1-09)

IDAPA 59 - PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO

59.01.03 - PERSI CONTRIBUTION RULES

DOCKET NO. 59-0103-1402

NOTICE OF RULEMAKING - PROPOSED RULE

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 59-1314(1) and 72-1405, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than June 17, 2015.

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

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

To eliminate scheduled increase in contribution rates for employers and employees. Also, revises description of total rate in Rule 27.

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 resulting from this rulemaking: NA

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was not conducted because it would be inconsistent with the Retirement Board's exclusive fiduciary responsibility for plan operations.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Joanna L. Guilfoy, Deputy Attorney General, PERSI, 287-9271.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 24, 2015.

DATED this 27th Day of April, 2015.

Don Drum, Executive Director
Public Employee Retirement System of Idaho
607 N. 8th Street, Boise, ID 83702
P.O. Box 83720, Boise, ID 83720-0078
Phone: (208) 287-9230
Fax: (208) 334-3408

Pursuant to Section 67-5221(1), Idaho Code, this docket is being published as a proposed rule.

This docket has been previously published as a temporary rule.
The temporary effective date is October 21, 2014.

The original text of the temporary rule was published in the Idaho Administrative Bulletin,
[Volume 14-12, December 3, 2014, pages 116 through 119.](#)

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 59-0103-1402
(Only those Sections being amended are shown.)**

026. PERSI EMPLOYER GENERAL MEMBER CONTRIBUTION RATE (RULE 26).

The PERSI employer contribution rate as provided in Section 59-1322, Idaho Code, shall be nine point seventy-seven percent (9.77%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be ten point thirty-nine percent (10.39%) of payroll through June 30, 2013. Beginning July 1, 2013, the rate shall be eleven point thirty-two percent (11.32%) of payroll ~~through June 30, 2014. Beginning July 1, 2014, the rate shall be twelve point twenty-four percent (12.24%) of payroll through June 30, 2015. Beginning July 1, 2015, the rate shall be thirteen point sixty-five percent (13.65%) of payroll~~ until next determined by the Board.

Statutory Reference: Sections 59-1302(16), 59-1391, 59-1394, and 59-1397, Idaho Code. Cross References: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 3-20-04) ~~(4-4-13)~~()

027. FIREFIGHTER RETIREMENT FUND EMPLOYER RATE (RULE 27).

The Firefighter Retirement Fund employer rate shall be: (10-1-94)

01. Option I and II Firefighters. For option I and II firefighters hired before October 1, 1980, as follows:

Option I And II Firefighters	
PERSI Employer Contribution Rate:	Ten point eleven percent (10.11%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be ten point seventy-three percent (10.73%) of payroll through June 30, 2013. Beginning July 1, 2013, the rate shall be eleven point sixty-six percent (11.66%) of payroll through June 30, 2014. Beginning July 1, 2014, the rate shall be twelve point fifty-eight percent (12.58%) of payroll through June 30, 2015. Beginning July 1, 2015, the rate shall be thirteen point ninety-nine percent (13.99%) of payroll until next determined by the Board.
Additional Employer Rate:	One percent (1.00%)
Social Security Rate:	Seven point sixty-five percent (7.65%)
Excess Merger Costs Rate:	Seventeen point twenty-four percent (17.24%) until next determined by the Board.

TOTAL Contribution <u>Rate</u> :	<p>Thirty six percent (36%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be thirty six point sixty two percent (36.62%) of payroll through June 30, 2013. Beginning July 1, 2013, the rate shall be thirty seven point fifty five percent (37.55%) of payroll through June 30, 2014. Beginning July 1, 2014, the rate shall be thirty eight point forty seven percent (38.47%) of payroll through June 30, 2015. Beginning July 1, 2015, the rate shall be thirty nine point eighty eight percent (39.88%) of payroll until next determined by the Board. <u>The total contribution rate is the sum of the PERSI employer contribution rate, the additional employer rate, the social security rate and the excess merger costs rate.</u></p>
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(4-4-13)()

02. Class D Firefighters. For class D firefighters (firefighters employed on or after October 1, 1980, by a city or fire district that employs paid firefighters who are participating in the Firefighters' Retirement Fund), as follows:

Class D Firefighters	
PERSI Employer Contribution Rate:	<p>Ten point eleven percent (10.11%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be ten point seventy-three percent (10.73%) of payroll through June 30, 2013. Beginning July 1, 2013, the rate shall be eleven point sixty-six percent (11.66%) of payroll through June 30, 2014. Beginning July 1, 2014, the rate shall be twelve point fifty eight percent (12.58%) of payroll through June 30, 2015. Beginning July 1, 2015, the rate shall be thirteen point ninety nine percent (13.99%) of payroll until next determined by the Board</p>
Excess Merger Costs:	Seventeen point twenty-four percent (17.24%) until next determined by the Board.
TOTAL Contribution:	<p>Twenty seven point thirty five percent (27.35%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be twenty seven point ninety seven percent (27.97%) of payroll through June 30, 2013. Beginning July 1, 2013, the rate shall be twenty eight point nine percent (28.9%) of payroll through June 30, 2014. Beginning July 1, 2014, the rate shall be twenty nine point eighty two percent (29.82%) of payroll through June 30, 2015. Beginning July 1, 2015, the rate shall be thirty one point twenty three percent (31.23%) of payroll until next determined by the Board. <u>The total contribution rate is the sum of the PERSI employer contribution rate and the excess merger costs rate.</u></p>

Statutory References: Sections 59-1302(16), 59-1391, 59-1394, 59-1397, 72-1403, and 72-1434, Idaho Code. Cross References: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 7-1-03) (Amended 3-20-04) (4-4-13)()

03. Class E Members. For class E members (general members who meet the definition of paid firefighter under Section 59-1391(f), Idaho Code, but are not firefighters as defined in Section 59-1302(16), Idaho Code) the employer general member contribution rate as provided in Rule 26, plus the excess merger costs specified in Subsection 027.01. (3-20-04)

028. PERSI EMPLOYER CLASS II CONTRIBUTION RATE (RULE 28).

The PERSI employer contribution rate as provided in Section 59-1322, Idaho Code, for an employee classified as a police officer member excluding those listed in Rule 29 of this chapter when applicable, and firefighters excluding those listed in Rule 27 of this chapter, shall be ten point eleven percent (10.11%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be ten point seventy-three percent (10.73%) of payroll through June 30, 2013. Beginning July 1, 2013, the rate shall be eleven point sixty-six percent (11.66%) of payroll ~~through June 30, 2014. Beginning July 1, 2014, the rate shall be twelve point fifty eight percent (12.58%) of payroll through June 30, 2015.~~

~~Beginning July 1, 2015, the rate shall be thirteen point ninety-nine percent (13.99%) of payroll~~ until next determined by the Board.

Statutory References: Cross Reference: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 7-1-03) (Amended 3-20-04) ~~(4-4-13)~~()

(BREAK IN CONTINUITY OF SECTIONS)

100. PERSI EMPLOYEE GENERAL MEMBER CONTRIBUTION RATE (RULE 100).

The PERSI employee contribution rate as provided in Section 59-1333, Idaho Code, for all members not classified as police members or firefighters, shall be five point eighty-six percent (5.86%) of salary through June 30, 2004. Beginning July 1, 2004, the rate shall be six point twenty-three percent (6.23%) of salary through June 30, 2013. Beginning July 1, 2013, the rate shall be six point seventy-nine percent (6.79%) of salary ~~through June 30, 2014. Beginning July 1, 2014, the rate shall be seven point thirty-four percent (7.34%) of salary through June 30, 2015. Beginning July 1, 2015, the rate shall be eight point nineteen percent (8.19%) of salary~~ until next determined by the Board.

Statutory References: Cross Reference: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 3-20-04) ~~(4-4-13)~~()

101. PERSI EMPLOYEE CLASS II CONTRIBUTION RATE (RULE 101).

The employee contribution rate as provided in Section 59-1334, Idaho Code, for an employee classified as a police officer member is seven point twenty-one percent (7.21%) of salary through June 30, 2004. Beginning July 1, 2004, the rate shall be seven point sixty-five percent (7.65%) of salary through June 30, 2013. Beginning July 1, 2013, the rate shall be eight point thirty-two percent (8.32%) of salary ~~through June 30, 2014. Beginning July 1, 2014, the rate shall be eight point ninety-nine percent (8.99%) of salary through June 30, 2015. Beginning July 1, 2015, the rate shall be ten percent (10%) of salary~~ until next determined by the Board.

Statutory References: Cross Reference: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 3-20-04) ~~(4-4-13)~~()

IDAPA 59 - PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO

59.01.03 - PERSI CONTRIBUTION RULES

DOCKET NO. 59-0103-1403

NOTICE OF RULEMAKING - PROPOSED RULE

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 59-1314(1) and 72-1405, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than June 17, 2015.

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

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

To reduce the excess merger cost portion of the firefighter retirement fund employer rate. Also, revises description of total rate in Rule 27.

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 resulting from this rulemaking: NA

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was not conducted because it would be inconsistent with the Retirement Board's exclusive fiduciary responsibility for plan operations.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Joanna L. Guilfoy, Deputy Attorney General, PERSI, 287-9271.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 24, 2015.

DATED this 27th Day of April, 2015.

Don Drum, Executive Director
Public Employee Retirement System of Idaho
607 N. 8th Street, Boise, ID 83702
P.O. Box 83720, Boise, ID 83720-0078
Phone: (208) 287-9230
Fax: (208) 334-3408

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 59-0103-1403
(Only those Sections being amended are shown.)**

Pursuant to Section 67-5221(1), Idaho Code, this docket is being published as a proposed rule.

This docket has been previously published as a temporary rule.
The temporary effective date is October 21, 2014.

The original text of the temporary rule was published in the Idaho Administrative Bulletin,
[Volume 14-12, December 3, 2014, pages 120 through 122.](#)

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 59-0103-1403
(Only those Sections being amended are shown.)**

027. FIREFIGHTER RETIREMENT FUND EMPLOYER RATE (RULE 27).

The Firefighter Retirement Fund employer rate shall be: (10-1-94)

01. Option I and II Firefighters. For option I and II firefighters hired before October 1, 1980, as follows:

Option I And II Firefighters	
PERSI Employer Contribution Rate:	Ten point eleven percent (10.11%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be ten point seventy-three percent (10.73%) of payroll through June 30, 2013. Beginning July 1, 2013, the rate shall be eleven point sixty-six percent (11.66%) of payroll through June 30, 2014. Beginning July 1, 2014, the rate shall be twelve point fifty-eight percent (12.58%) of payroll through June 30, 2015. Beginning July 1, 2015, the rate shall be thirteen point ninety-nine percent (13.99%) of payroll until next determined by the Board.
Additional Employer Rate:	One percent (1.00%)
Social Security Rate:	Seven point sixty-five percent (7.65%)
Excess Merger Costs <u>Rate</u> :	Seventeen point twenty-four percent (17.24%) <u>through December 31, 2014.</u> <u>Beginning January 1, 2015, five percent (5%)</u> until next determined by the Board.
TOTAL Contribution <u>Rate</u> :	Thirty-six percent (36%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be thirty-six point sixty-two percent (36.62%) of payroll through June 30, 2013. Beginning July 1, 2013, the rate shall be thirty-seven point fifty-five percent (37.55%) of payroll through June 30, 2014. Beginning July 1, 2014, the rate shall be thirty-eight point forty-seven percent (38.47%) of payroll through June 30, 2015. Beginning July 1, 2015, the rate shall be thirty-nine point eighty-eight percent (39.88%) of payroll until next determined by the Board. <u>The total contribution rate is the sum of the PERSI employer contribution rate, the additional employer rate, the social security rate and the excess merger costs rate.</u>

(4-4-13)()

02. Class D Firefighters. For class D firefighters (firefighters employed on or after October 1, 1980, by a city or fire district that employs paid firefighters who are participating in the Firefighters' Retirement Fund), as

follows:

Class D Firefighters	
PERSI Employer Contribution Rate:	Ten point eleven percent (10.11%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be ten point seventy-three percent (10.73%) of payroll through June 30, 2013. Beginning July 1, 2013, the rate shall be eleven point sixty-six percent (11.66%) of payroll through June 30, 2014. Beginning July 1, 2014, the rate shall be twelve point fifty-eight percent (12.58%) of payroll through June 30, 2015. Beginning July 1, 2015, the rate shall be thirteen point ninety-nine percent (13.99%) of payroll until next determined by the Board.
Excess Merger Costs <u>Rate</u> :	Seventeen point twenty-four percent (17.24%) <u>through December 31, 2014. Beginning January 1, 2015, five percent (5%)</u> until next determined by the Board.
TOTAL Contribution <u>Rate</u> :	Twenty seven point thirty five percent (27.35%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be twenty seven point ninety seven percent (27.97%) of payroll through June 30, 2013. Beginning July 1, 2013, the rate shall be twenty eight point nine percent (28.9%) of payroll through June 30, 2014. Beginning July 1, 2014, the rate shall be twenty nine point eighty two percent (29.82%) of payroll through June 30, 2015. Beginning July 1, 2015, the rate shall be thirty one point twenty three percent (31.23%) of payroll until next determined by the Board. <u>The total contribution rate is the sum of the PERSI employer contribution rate and the excess merger costs rate.</u>

Statutory References: Sections 59-1302(16), 59-1391, 59-1394, 59-1397, 72-1403, and 72-1434, Idaho Code. Cross References: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 7-1-03) (Amended 3-20-04) ~~(1-1-13)~~()

03. Class E Members. For class E members (general members who meet the definition of paid firefighter under Section 59-1391(f), Idaho Code, but are not firefighters as defined in Section 59-1302(16), Idaho Code) the employer general member contribution rate as provided in Rule 26, plus the excess merger costs specified in Subsection 027.01. (3-20-04)

Sections Affected Index

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.04.02 - Safety Rules for Elevators, Escalators, and Moving Walks

Docket No. **07-0402-1501**

013. Fee Schedule.....	16
014. -- 999. (Reserved).....	16

IDAPA 08 - STATE BOARD AND DEPARTMENT OF EDUCATION

08.02.03 - Rules Governing Thoroughness

Docket No. **08-0203-1503**

115. Data Collection.....	23
---------------------------	----

Docket No. **08-0203-1504**

105. High School Graduation Requirements.....	25
---	----

IDAPA 10 - BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS

10.01.01 - Rules of Procedure

Docket No. **10-0101-1502**

011. Fees.....	33
012. Reissuance Of Certificates.....	33
013. Publications.....	33
016. Application For Licensure Or Certification.....	34
017. Examinations.....	35
018. Reexaminations.....	38

IDAPA 38 - DEPARTMENT OF ADMINISTRATION

38.04.04 - Rules Governing Capitol Mall Parking

Docket No. **38-0404-1501**

005. Office -- Office Hours -- Mailing Address And Street Address.....	58
022. Parking Space Allocation.....	58
030. Parking Permits.....	60
040. Parking Lot Violations.....	61

38.04.07 - Rules Governing Use of the Interior of State Property in the Capitol Mall and Other State Facilities

Docket No. **38-0407-1501**

001. Title And Scope.....	64
010. Definitions.....	64
302. Hours And Locations Of Use.....	65

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.11 - Ground Water Quality Rule

Docket No. **58-0111-1501**

150. Implementation.....	69
301. Management Of Activities With The Potential To Degrade Aquifers.....	70
400. Ground Water Contamination.....	71
401. Mining.....	72

IDAPA 59 - PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO

59.01.03 - PERSI Contribution Rules

Docket No. **59-0103-1402**

026. PERSI Employer General Member Contribution Rate (Rule 26).....	77
027. Firefighter Retirement Fund Employer Rate (Rule 27).....	77
028. PERSI Employer Class II Contribution Rate (Rule 28).....	78
100. PERSI Employee General Member Contribution Rate (Rule 100).....	79
101. PERSI Employee Class II Contribution Rate (Rule 101).....	79

59.01.03 - PERSI Contribution Rules

Docket No. **59-0103-1403**

027. Firefighter Retirement Fund Employer Rate (Rule 27).....	81
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LEGAL NOTICE

Summary of Proposed Rulemakings

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the latest publication of the state Administrative Bulletin.

*The written comment submission deadline is June 24, 2015 unless otherwise noted.
Public hearing request deadline is June 17, 2015 unless otherwise noted.
(Temp & Prop) indicates the rule is both Temporary and Proposed.
(*PH) indicates that a public hearing has been scheduled.*

IDAPA 08 - STATE BOARD OF EDUCATION/DEPARTMENT OF EDUCATION PO Box 83720, Boise, ID 83720-0037

08.02.03 - Rules Governing Thoroughness

08-0203-1503, Requires school districts and public charter schools to provide information on the costs of dual credit courses and college credit-bearing and professional/technical reimbursements.

08-0203-1504, (Temp & Prop) Creates a mechanism to allow parents to opt out of having their middle schools student's eligible credits transcribed to the students high school transcript; clarifies teacher qualifications for eligible transcription to the high school transcript.

IDAPA 38 - DEPARTMENT OF ADMINISTRATION PO Box 83720, Boise, ID 83720-0024

38-0404-1501, Rules Governing Capitol Mall Parking. (Temp & Prop) Clarifies the provisions for visitor parking, meeting parking, and violation enforcement.

38-0407-1501, Rules Governing Use of the Interior of State Property in the Capitol Mall and Other State Facilities. (Temp & Prop) Updates rule to include the Capitol Annex as a fully functional, occupied office building in the Capitol Mall Complex, operated by Facilities Services, and available for tenant occupancy.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY PO Box 83720, Boise, ID 83720-0078

58-0111-1501, Ground Water Quality Rule. (Temp & Prop) Implements HB 197 by clarifying that degradation of ground water caused by mining activities is allowed at point of compliance as long as the mine operator uses best management practices to the maximum extent practical.

IDAPA 59 - PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO PO Box 83720, Boise, ID 83720-0078

59.01.03 - PERSI Contribution Rules

59-0103-1402, Eliminates scheduled increase in contribution rates for employers and employees and revises description of total rate in Rule 27.

59-0103-1403, Reduces excess merger cost portion of the firefighter retirement fund employer rate and revises description of total rate in Rule 27.

NOTICE OF ADOPTION OF TEMPORARY RULE

IDAPA 07 - DIVISION OF BUILDING SAFETY

07-0402-1501, Safety Rules for Elevators, Escalators, and Moving Walks (eff. 5-1-15)T

IDAPA 10 - BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS
10-0101-1502, Rules of Procedure (eff. 7-1-15)T**NOTICES OF INTENT TO PROMULGATE - NEGOTIATED RULEMAKINGS****IDAPA 08 - STATE BOARD OF EDUCATION AND STATE DEPARTMENT OF EDUCATION**

- 08-0109-1501**, Rules Governing the GEAR UP Idaho Scholarship Program (Respond by June 10th)
08-0113-1501, Rules Governing the Opportunity Scholarship Program (Respond by June 10th)
08-0201-1501, Rules Governing Administration (Respond by June 10th)
08-0202-1501, Rules Governing Uniformity (Respond by June 10th)
08-0202-1502, Rules Governing Uniformity (Respond by June 17th)
08-0203-1505, Rules Governing Thoroughness (Respond by June 10th)
08-0501-1501, Rules Governing Seed and Plant Certification (Respond by June 10th)

IDAPA 10 - BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS

- 10-0101-1501**, Rules of Procedure (Mtg scheduled for June 23rd)
10-0102-1501, Rules of Professional Responsibility (Mtg scheduled for June 23rd)
10-0104-1501, Rules of Continuing Professional Development (Mtg scheduled for June 23rd)

DEPARTMENT OF HEALTH AND WELFARE

- 16-0309-1501**, Medicaid Basic Plan Benefits (Mtgs scheduled for June 17th & 19th)
16-0309-1502, Medicaid Basic Plan Benefits (Mtgs scheduled for June 12th, 18th & 26th)
16-0310-1501, Medicaid Enhanced Plan Benefits (Mtg scheduled for June 26th)
16-0313-1501, Consumer-Directed Services (Mtg scheduled for June 26th)
16-0319-1501, Rules Governing Certified Family Homes (2nd Notice - Mtgs scheduled for June 10th & 16th)

IDAPA 20 - IDAHO DEPARTMENT OF LANDS

- 20-0701-1501**, Rules of Practice and Procedure Before the Idaho Oil and Gas Conservation Commission (Mtgs scheduled for July 1st, 15th & 29th)

IDAPA 23 - BOARD OF NURSING

- 23-0101-1501, 23-0101-1502, 23-0101-1503** - Rules of the Idaho Board of Nursing (Mtgs scheduled for July 16th)

IDAPA 35 - IDAHO STATE TAX COMMISSION

- 35-0102-1502**, Sales and Use Tax Administrative Rules (Mtg scheduled for June 24th)

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

- 39-0203-1501**, Rules Governing Vehicle Dealer's Principal Place of Business

IDAPA 46 - BOARD OF VETERINARY MEDICINE

- 46-0101-1501**, Rules of the State of Idaho Board of Veterinary Medicine (Mtg schedules June 22nd)

Please refer to the Idaho Administrative Bulletin, **June 3, 2015, Volume 15-6**, 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.

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CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

*Office of the Administrative Rules Coordinator
Idaho Department of Administration*

July 1, 1993 -- Present

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

This online index provides a history of all agency rulemakings beginning with the first Administrative Bulletin in July 1993 to the most recent Bulletin publication. It tracks all rulemaking activities on each chapter of rules by the rulemaking docket numbers and includes negotiated, temporary, proposed, pending and final rules, public hearing notices, vacated rulemaking notices, notice of legislative actions taken on rules, and executive orders of the Governor.

ABRIDGED RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES (Index of Current Rulemakings)

*Office of the Administrative Rules Coordinator
Idaho Department of Administration*

April 11, 2015 -- June 3, 2015

(eff. PLR) - Final Effective Date Is 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 11, 2015 that are still in process and all current rulemakings promulgated after April 11, 2015 - Sine Die, 2015 Legislative Session.)

IDAPA 07 -- DIVISION OF BUILDING SAFETY

07.02.03, Rules Governing Permit Fee Schedule

07-0203-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-4

07.02.05, Rules Governing Plumbing Safety Licensing

07-0205-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-4

07-0205-1502 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-4

07.02.06, Rules Concerning Uniform Plumbing Code

07-0206-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-4

07.03.01, Rules of Building Safety

07-0301-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-4

07.04.02, Safety Rules for Elevators, Escalators, and Moving Walks

07-0402-1501 Adoption of Temporary Rule, Bulletin Vol. 15-6 (eff. 5-1-15)T

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

08.01.09, Rules Governing the GEAR UP Idaho Scholarship Program

08-0109-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

08.01.13, Rules Governing the Idaho Opportunity Scholarship Program

08-0113-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

08.02.01, Rules Governing Administration

08-0201-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

08.02.02, Rules Governing Uniformity

08-0202-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

08-0202-1502 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

08.02.03, Rules Governing Thoroughness

08-0203-1501 Adoption of Temporary Rule, Bulletin Vol. 15-2 (eff. 1-22-15)T

08-0203-1502 Adoption of Temporary Rule, Bulletin Vol. 15-4 (eff. 2-19-15)T

08-0203-1503 Proposed Rulemaking, Bulletin Vol. 15-6

08-0203-1504 Temporary and Proposed Rulemaking, Bulletin Vol. 15-6 (4-16-15)T

08-0203-1505 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

08.05.01, Rules Governing Seed and Plant Certification - Regents of the University of Idaho

08-0501-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

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

10.01.01, Rules of Procedure

10-0101-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

10-0101-1502 Adoption of Temporary Rule, Bulletin Vol. 15-6 (eff. 7-1-15)T

10.01.02, Rules of Professional Responsibility

10-0102-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

10.01.04, Rules of Continuing Professional Development

10-0104-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

IDAPA 11 -- IDAHO STATE POLICE

IDAHO STATE RACING COMMISSION

ALCOHOL BEVERAGE CONTROL BUREAU

11.05.01, Rules Governing Alcohol Beverage Control

11-0501-1401 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-10

IDAPA 13 -- IDAHO FISH AND GAME COMMISSION

13.01.09, Rules Governing the Taking of Game Birds in the State of Idaho

13-0109-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-2

13.01.16, The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals

13-0116-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-4

IDAPA 15 -- OFFICE OF THE GOVERNOR

EXECUTIVE ORDERS OF THE GOVERNOR

Executive Order No. **2015-03** Bulletin Vol. 15-5

Executive Order No. **2015-02** Bulletin Vol. 15-5

Executive Order No. **2015-01** Bulletin Vol. 15-5

IDAHO MILITARY DIVISION

15.06.05, Hazardous Substance Response Rules

15-0605-1401 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7

IDAPA 16 -- DEPARTMENT OF HEALTH AND WELFARE

16.01.05, Emergency Medical Services (EMS) -- Education, Instructor, & Examination Requirements

16-0105-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 15-3

16-0105-1501 (Second) Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 15-4

16-0105-1501 (Third) Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 15-5

16.01.07, Emergency Medical Services (EMS) -- Personnel Licensing Requirements

16-0107-1501 Temporary and Proposed Rulemaking, Bulletin Vol. 15-1 (eff. 1-1-15)T

16-0107-1502 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-4

16-0107-1501 OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR 127, Bulletin Vol. 15-5 (eff. 1-1-15)T

16-0107-1502 (Second) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5

16.02.01, Rules of the Idaho Time Sensitive Emergency System Council

- 16-0201-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 14-9
- 16-0201-1401** Notice of Adoption of Temporary Rule (New Chapter - Fee Rule), Bulletin Vol. 15-2 (eff. 1-1-15)T
- 16-0201-1401** OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR 127, Bulletin Vol. 15-5 (eff. 1-1-15)T

16.02.19, Food Safety and Sanitation Standards for Food Establishments (The Idaho Food Code)

- 16-0219-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-4
- 16-0219-1501** (Second) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5

16.03.09, Medicaid Basic Plan Benefits

- 16-0309-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6
- 16-0309-1502** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

16.03.10, Medicaid Enhanced Plan Benefits

- 16-0310-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

16.03.11, Rules Governing Intermediate Care Facilities for People with Intellectual Disabilities (ICF/ID)

- 16-0311-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-5
- 16-0311-1401** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 14-9
- 16-0311-1402*** Proposed Rulemaking (Chapter Rewrite), Bulletin Vol. 14-9
- 16-0311-1401** Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 15-1 (eff. PLR 2015)
- 16-0311-1402*** Adoption of Pending Rule (Chapter Rewrite), Bulletin Vol. 15-1 (eff. PLR 2015)
- 16-0311-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 7-1-15)
- 16-0311-1402*** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 7-1-15)

(*Rulemaking renames chapter from: "Rules Governing Intermediate Care Facilities For People With Intellectual Disabilities (ICF/ID)" to: "Intermediate Care Facilities for People with Intellectual Disabilities (ICFs/ID)"

16.03.13, Consumer-Directed Services

- 16-0313-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

16.03.19, Rules Governing Certified Family Homes

- 16-0319-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5
- 16-0319-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (2nd Notice), Bulletin Vol. 15-6

16.07.17, Alcohol and Substance Use Disorders Services

- 16-0717-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5

16.07.20, Alcohol and Substance Use Disorders Treatment and Recovery Support Services Facilities and Programs

- 16-0720-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5

16.07.33, Adult Mental Health Services

- 16-0733-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 16-0733-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 16-0733-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 7-1-15)

IDAPA 17 -- INDUSTRIAL COMMISSION

17.02.06, Employers' Reports

- 17-0206-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5

17.02.07, Procedures to Obtain Compensation

- 17-0207-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5

17.02.08, Miscellaneous Provisions

17-0208-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5

17.02.09, Medical Fees

17-0209-1401 Proposed Rulemaking, Bulletin Vol. 14-10

17-0209-1401 Notice of Public Hearing and Extension of Comment Period, Bulletin Vol. 14-11

17-0209-1401 Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

17-0209-1501 Adoption of Temporary Rule, Bulletin Vol. 15-1 (eff. 1-1-15)T

17-0209-1501 OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR 127, Bulletin Vol. 15-5 (eff. 1-1-15)T

17-0209-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 7-1-15)

17-0209-1502 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5

17.02.10, Administrative Rules of the Industrial Commission Under the Workers' Compensation Law -- Security for Compensation -- Insurance Carriers

17-0210-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5

17.02.11, Administrative Rules of the Industrial Commission Under the Workers' Compensation Law -- Security for Compensation -- Self-Insured Employers

17-0211-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5

17.05.01, Rules Under the Crime Victims Compensation Act

17-0501-1401 Proposed Rulemaking, Bulletin Vol. 14-10

17-0501-1401 Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

17-0501-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 7-1-15)

IDAPA 20 -- DEPARTMENT OF LANDS

20.03.16, Rules Governing Oil and Gas Leasing on Idaho State Lands

20-0316-1401 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7

20.07.01, Rules of Practice and Procedure Before the Idaho Oil And Gas Conservation Commission

20-0701-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

IDAPA 23 -- BOARD OF NURSING

23.01.01, Rules of the Idaho Board of Nursing

23-0101-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

23-0101-1502 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

23-0101-1503 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

IDAPA 35 -- STATE TAX COMMISSION

35.01.02, Idaho Sales and Use Tax Administrative Rules

35-0102-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5

35-0102-1502 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

35.01.03, Property Tax Administrative Rules

35-0103-1501 Adoption of Temporary Rule, Bulletin Vol. 15-1 (eff. 1-1-15)T

35-0103-1501 OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR 127, Bulletin Vol. 15-5 (eff. 1-1-15)T

IDAPA 37 -- DEPARTMENT OF WATER RESOURCES

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

IDAPA 38 -- IDAHO DEPARTMENT OF ADMINISTRATION

38.04.04, Rules Governing Capitol Mall Parking

- 38-0404-1501** Temporary and Proposed Rulemaking, Bulletin Vol. 15-6 (eff. 7-1-15)T

38.04.07, Rules Governing Use of the Interior of State Property in the Capitol Mall and Other State Facilities

- 38-0407-1501** Temporary and Proposed Rulemaking, Bulletin Vol. 15-6 (eff. 7-1-15)T

IDAPA 39 -- IDAHO TRANSPORTATION DEPARTMENT

39.02.03, Rules Governing Vehicle Dealer's Principle Place of Business

- 39-0203-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

IDAPA 46 -- BOARD OF VETERINARY MEDICAL EXAMINERS

46.01.01, Rules of the State of Idaho Board of Veterinary Medicine

- 46-0101-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

IDAPA 58 -- DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.02, Water Quality Standards

- 58-0102-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-9
- 58-0102-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-3

58.01.08, Idaho Rules for Public Drinking Water Systems

- 58-0108-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-4

58.01.11, Ground Water Quality Rule

- 58-0111-1501** Temporary and Proposed Rulemaking, Bulletin Vol. 15-6 (eff. 6-1-15)T

58.01.25, Rules Regulating Idaho Pollutant Discharge Elimination System Program

- 58-0125-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 14-11

IDAPA 59 -- PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO (PERSI)

59.01.03, PERSI Contribution Rules

- 59-0103-1402** Adoption of Temporary Rule, Bulletin Vol. 14-12 (eff. 10-21-14)T
- 59-0103-1403** Adoption of Temporary Rule, Bulletin Vol. 14-12 (eff. 10-21-14)T
- 59-0103-1402** OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR 127, Bulletin Vol. 15-5 (eff. 10-21-14)T
- 59-0103-1403** OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR 127, Bulletin Vol. 15-5 (eff. 10-21-14)T
- 59-0103-1402** Proposed Rulemaking, Bulletin Vol. 15-6
- 59-0103-1403** Proposed Rulemaking, Bulletin Vol. 15-6

Subject Index

- A**
Application For Licensure Or Certification 34
Completion of Application 34
Confidentiality of References 35
Dates of Submittal & Experience Cutoff Date 34
Forms 34
Minimum Boundary Survey Experience 35
Minimum Standards --
References 35
Residency Requirement 34
- D**
Data Collection 23
Collection Criteria & Usage 23
Usage (cont.) & Accuracy 23
Definitions 64
Camping 64
Capitol Annex 64
Capitol Mall Office Properties 64
Common Space 64
Department 64
Director 64
Interior State Facilities 64
Multi-Agency Facilities 65
Other State Properties 65
Parking Facilities 65
Security Personnel 65
State Business Day 65
Tenant Space 65
- E**
Examinations 35
Eligibility for Examinations, Educational Requirements 35
Excused Non-Attendance at Exam 37
Fundamentals of Engineering 37
Grading 37
Oral or Unassembled Examinations 37
Principles & Practice of Engineering - Disciplines 37
Proctoring of Examinations 38
Review of Examination By Examinee 38
Special Examinations 37
Special or Oral Examination 35
Two Examinations for Engineering Registration 37
Two Examinations for Land Surveying Registration 37
Use of NCEES Examinations 38
- F**
Fee Schedule 16
Installation Fees 16
Fees 33
Applications & Renewals 33
Late or Denied Renewals 33
Schedule of Fees 33
Firefighter Retirement Fund Employer Rate
Class D Firefighters 81
Class E Members 82
Firefighter Retirement Fund Employer Rate (Rule 27) 77
Class D Firefighters 78
Class E Members 78
Option I & II Firefighters 77, 81
- G**
General Resource Category Aquifers, Management of Activities With the Potential to Degrade Aquifers 70
Ground Water Contamination 71
Agricultural Chemicals 72
Contamination Exceeding a Ground Water Quality Standard 72
Measures Taken in Response to Degradation 71
Releases Degrading Ground Water Quality 71
Site-Specific Ground Water Quality Levels or Points of Compliance 72
- H**
High School Graduation Requirements 25
College Entrance Examination 26
Content Standards 26
Credit Requirements 25
Foreign Exchange Students 28
Health/Wellness 26
Humanities 26
Middle School 27
Proficiency 27
Senior Project 27
Social Studies 26
Special Education Students 28
Hours & Locations Of Use 65
Capitol Mall Office Properties & Multi-Agency Facilities 65
Parking Facilities 65
- I**
Implementation 69
Aquifer Categorization 69
Level of Protection & Application of Standards to Aquifer Categories 69
Ground Water Quality Standards 69
Ground Water-Surface Water Interconnection 70
Interagency Coordination 70
- M**
Management Of Activities With The Potential To Degrade Aquifers 70
Other Resource Category Aquifers 70
Sensitive Resource Category Aquifers 70
Mining 72
Application of Provisions 75
- P**
Application Process 72
Change in Point(s) of Compliance/ Ground Water Monitoring 75
Coordination with Other State or Federal Agencies/Public Notice 74
Ground Water Monitoring & Reporting 74
Limitations 75
Request for Setting Point(s) of Compliance & Standards Applicable to Mining Activities 72
Setting the Point(s) of Compliance 74
- P**
Parking Lot Violations 61
Administrative Appeals 62
Driving Violations 61
Other Violations 62
Parking Violations 62
Parking Permits 60
Parking Permits for Reserved, Legislator, Disabled Employee, Carpool, State-Owned Vehicles & General Parking 60
Temporary Meeting Parking Permits 61
Temporary Monthly Parking Permits 61
Parking Space Allocation 58
Carpool Parking Spaces 59
Disabled Employee Parking Spaces 59
General Parking Spaces 60
Legislators' Parking Spaces 58
Motorcycle Parking Spaces 60
Reserved Parking Spaces 58
State-Owned Vehicles Parking Spaces 59
Visitor Parking Spaces 60
PERSI Employee Class II Contribution Rate (Rule 101) 79
PERSI Employee General Member Contribution Rate (Rule 100) 79
PERSI Employer Class II Contribution Rate (Rule 28) 78
PERSI Employer General Member Contribution Rate (Rule 26) 77
Publications 33
Annual Report 33
News Bulletins & Online Information 34
Roster 33
- R**
Reexaminations 38
Allowing for Reexamination upon Two (2) or More Failures 38
Allowing Reexamination Upon First Failure 38
Reissuance Of Certificates 33
Retired & Expired Licenses 38

Continuing Professional
Development 38
Designation 38
Fee for Reinstatement 39
Fee for Reinstatement of Expired 39
Fee for Renewal 38
Practice Not Permitted 38
Reinstatement - Nondisiplinary 38
Reinstatement - Disciplinary 38