

IDAHO ADMINISTRATIVE BULLETIN

Table of Contents

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OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR **IDAHO DEPARTMENT OF ADMINISTRATION**

NOTICE OF LEGISLATIVE ADOPTION OF FINAL RULES AND EXTENSION OF TEMPORARY RULES OMNIBUS RULE-MAKING NOTICE	14
---	----

IDAPA 02 - IDAHO STATE DEPARTMENT OF AGRICULTURE

02.06.39 - RULES GOVERNING MINIMUM STANDARDS FOR PLANTING UNCERTIFIED SEED POTATOES IN IDAHO DOCKET NO. 02-0639-9701 NOTICE OF TEMPORARY AND PROPOSED RULES	30
--	----

IDAPA 05 - DEPARTMENT OF JUVENILE CORRECTIONS

05.01.01 - RULES OF THE DEPARTMENT OF JUVENILE CORRECTIONS DOCKET NO. 05-0101-9701 NOTICE OF TEMPORARY AND PROPOSED RULES	33
---	----

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.01.04 - RULES GOVERNING ELECTRICAL SPECIALTY LICENSING DOCKET NO. 07-0104-9601 NOTICE OF FINAL RULE.....	38
07.01.04 - RULES GOVERNING ELECTRICAL SPECIALTY LICENSING DOCKET NO. 07-0104-9602 NOTICE OF FINAL RULE.....	39

IDAPA 15 - IDAHO COMMISSION ON AGING

15.01.01 - RULES GOVERNING STATE SENIOR SERVICES DOCKET NO. 15-0101-9701 NOTICE OF INTENT TO PROMULGATE RULES (NEGOTIATED RULE-MAKING).....	40
15.01.02 - RULES GOVERNING ADULT PROTECTION SERVICES DOCKET NO. 15-0102-9701 NOTICE OF INTENT TO PROMULGATE RULES (NEGOTIATED RULE-MAKING).....	41
15.01.03 - RULES GOVERNING OMBUDSMAN PROGRAM DOCKET NO. 15-0103-9701 NOTICE OF INTENT TO PROMULGATE RULES (NEGOTIATED RULE-MAKING).....	42

15.01.20 - RULES GOVERNING AREA AGENCY ON AGING OPERATIONS
DOCKET NO. 15-0120-9701
NOTICE OF INTENT TO PROMULGATE RULES
(NEGOTIATED RULE-MAKING)..... 43

15.01.21 - RULES GOVERNING OLDER AMERICANS ACT SERVICES
DOCKET NO. 15-0121-9701
NOTICE OF INTENT TO PROMULGATE RULES
(NEGOTIATED RULE-MAKING)..... 44

15.01.30 - RULES GOVERNING SENIOR COMMUNITY SERVICES EMPLOYMENT PROGRAM
DOCKET NO. 15-0130-9701
NOTICE OF INTENT TO PROMULGATE RULES
(NEGOTIATED RULE-MAKING)..... 45

15.01.31 - RULES GOVERNING JOB TRAINING PARTNERSHIP ACT
DOCKET NO. 15-0131-9701
NOTICE OF INTENT TO PROMULGATE RULES
(NEGOTIATED RULE-MAKING)..... 46

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

DOCKET NO. 16-0000-9701
NOTICE OF LEGISLATIVE ADOPTION AND EXTENSION OF TEMPORARY RULES ..
47

16.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO
DOCKET NO. 16-0101-9702
NOTICE OF NEGOTIATED RULEMAKING 49

16.01.02 - WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIRE-
MENTS
DOCKET NO. 16-0102-9702
NOTICE OF CORRECTION TO TEMPORARY RULE..... 50

16.01.02 - WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIRE-
MENTS
DOCKET NO. 16-0102-9702
NOTICE OF PROPOSED RULE 51

16.01.02 - WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIRE-
MENTS
DOCKET NO. 16-0102-9703
NOTICE OF PROPOSED RULE 57

16.01.06 - SOLID WASTE MANAGEMENT RULES AND STANDARDS
DOCKET NO. 16-0106-9701
NOTICE OF NEGOTIATED RULEMAKING 60

16.01.19 - SMALL COMMUNITIES IMPROVEMENT PROGRAM RULES
DOCKET NO. 16-0119-9601
NOTICE OF PROPOSED RULE 61

16.03.01 - RULES GOVERNING AID TO FAMILIES WITH DEPENDENT CHILDREN (AFDC)

DOCKET NO. 16-0301-9701
NOTICE OF VACATION OF PENDING RULEMAKING 68
16.03.01 - RULES GOVERNING AID TO FAMILIES WITH DEPENDENT CHILDREN
DOCKET NO. 16-0301-9702
NOTICE OF TEMPORARY AND PROPOSED RULES 69
16.03.01 - RULES GOVERNING MEDICAID FOR FAMILIES AND CHILDREN
DOCKET NO. 16-0301-9703
NOTICE OF TEMPORARY AND PROPOSED RULES 70
16.03.04 - RULES GOVERNING FOOD STAMP PROGRAM IN IDAHO
DOCKET NO. 16-0304-9702
NOTICE OF TEMPORARY AND PROPOSED RULES 86
16.03.08 - RULES GOVERNING TEMPORARY ASSISTANCE FOR FAMILIES IN IDAHO
DOCKET NO. 16-0308-9701
NOTICE OF TEMPORARY AND PROPOSED RULES 127
16.03.09 - RULES GOVERNING MEDICAL ASSISTANCE
DOCKET NO. 16-0309-9706
NOTICE OF TEMPORARY AND PROPOSED RULES 145
16.03.10 - RULES GOVERNING PROVIDER REIMBURSEMENT
DOCKET NO. 16-0310-9701
NOTICE OF TEMPORARY AND PROPOSED RULES 152

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.02.71 - RULES GOVERNING DRIVERS LICENSE VIOLATION POINT COUNT SYSTEM
DOCKET NO. 39-0271-9602
NOTICE OF FINAL RULE..... 154
39.02.71 - RULES GOVERNING DRIVERS LICENSE VIOLATION POINT COUNT SYSTEM
DOCKET NO. 39-0271-9701
NOTICE OF TEMPORARY AND PROPOSED RULES 155
39.03.60 – RULES GOVERNING OUTDOOR ADVERTISING
DOCKET NO. 39-0360-9701
NOTICE OF PENDING RULE AND AMENDMENT TO TEMPORARY RULE..... 159
39.04.08 - RULES GOVERNING OPERATIONS AT STATE AIRPORTS
DOCKET NO. 39-0408-9601
NOTICE OF FINAL RULE..... 162
39.04.08 - RULES GOVERNING OPERATIONS AT STATE AIRPORTS
DOCKET NO. 39-0408-9701
NOTICE OF TEMPORARY AND PROPOSED RULES 163

IDAPA 41 - PUBLIC HEALTH DISTRICTS

41.08.01 - RULES GOVERNING APPEAL FROM ADMINISTRATIVE DECISION
AND REQUEST FOR HEARING

DOCKET NO. 41-0801-9701
NOTICE OF PROPOSED RULE 165

IDAPA 48 - DEPARTMENT OF COMMERCE

48.01.03 - RULES GOVERNING IDAHO REGIONAL TRAVEL
AND CONVENTION GRANT PROGRAM
DOCKET NO. 48-0103-9701
NOTICE OF TEMPORARY AND PROPOSED RULES 169

Subjects Affected Index

OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR IDAHO DEPARTMENT OF ADMINISTRATION

IDAPA 02 - IDAHO STATE DEPARTMENT OF AGRICULTURE

02.06.39 - RULES GOVERNING MINIMUM STANDARDS FOR PLANTING UNCERTIFIED SEED POTATOES IN IDAHO

DOCKET NO. 02-0639-9701

000.....	LEGAL AUTHORITY.	31
001.....	TITLE AND SCOPE.	31
002.....	WRITTEN INTERPRETATIONS.	31
003.....	ADMINISTRATIVE APPEAL.	31
004.....	DEFINITIONS.	31
005.....	FINDINGS.	31
006.....	PUBLIC RECORDS ACT COMPLIANCE.	31
007. -- 049.....	(RESERVED)	31
050.....	REQUIREMENTS - UNCERTIFIED SEED POTATOES SHALL BE:	31
060.....	ENFORCEMENT.	32
061. -- 069.....	(RESERVED).	32
070.....	VIOLATIONS.	32
071. -- 999.....	(RESERVED).	32

IDAPA 05 - DEPARTMENT OF JUVENILE CORRECTIONS

05.01.01 - RULES OF THE DEPARTMENT OF JUVENILE CORRECTIONS

DOCKET NO. 05-0101-9701

412.....	STAFF REQUIREMENTS AND STAFF DEVELOPMENT.	34
455.....	RULES AND DISCIPLINE.	34
475.....	NEW FACILITY DESIGN AND CONSTRUCTION.	35

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.01.04 - RULES GOVERNING ELECTRICAL SPECIALTY LICENSING

DOCKET NO. 07-0104-9601

07.01.04 - RULES GOVERNING ELECTRICAL SPECIALTY LICENSING

DOCKET NO. 07-0104-9602

IDAPA 15 - IDAHO COMMISSION ON AGING

15.01.01 - RULES GOVERNING STATE SENIOR SERVICES

DOCKET NO. 15-0101-9701

15.01.02 - RULES GOVERNING ADULT PROTECTION SERVICES

DOCKET NO. 15-0102-9701

15.01.03 - RULES GOVERNING OMBUDSMAN PROGRAM

DOCKET NO. 15-0103-9701

15.01.20 - RULES GOVERNING AREA AGENCY ON AGING OPERATIONS

DOCKET NO. 15-0120-9701

15.01.21 - RULES GOVERNING OLDER AMERICANS ACT SERVICES

DOCKET NO. 15-0121-9701

15.01.30 - RULES GOVERNING SENIOR COMMUNITY SERVICES EMPLOYMENT PROGRAM

DOCKET NO. 15-0130-9701

15.01.31 - RULES GOVERNING JOB TRAINING PARTNERSHIP ACT

DOCKET NO. 15-0131-9701

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

DOCKET NO. 16-0000-9701
16.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO
DOCKET NO. 16-0101-9702
16.01.02 - WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIREMENTS
DOCKET NO. 16-0102-9702
16.01.02 - WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIREMENTS
DOCKET NO. 16-0102-9702
120. CLEARWATER BASIN. 52
130. SALMON BASIN. 54
16.01.02 - WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIREMENTS
DOCKET NO. 16-0102-9703
055. OUTSTANDING RESOURCE WATERS (ORW). 57
16.01.06 - SOLID WASTE MANAGEMENT RULES AND STANDARDS
DOCKET NO. 16-0106-9701
16.01.19 - SMALL COMMUNITIES IMPROVEMENT PROGRAM RULES
DOCKET NO. 16-0119-9601
000. LEGAL AUTHORITY. 62
001. TITLE AND SCOPE. 62
002. WRITTEN INTERPRETATIONS. 62
003. ADMINISTRATIVE APPEALS. 62
004.-- 009. (RESERVED). 62
010. DEFINITIONS. 62
011. PROHIBITIONS. 63
012. DEPARTMENT ASSISTANCE IN PREPARING ENVIRONMENTAL PRIORITIES PLAN. 63
013. ENVIRONMENTAL PRIORITIES PLAN. 64
014. DEPARTMENT REVIEW AND APPROVAL OF ENVIRONMENTAL PRIORITIES PLAN. 65
015. INTEGRATED COMPLIANCE AGREEMENTS. 66
016. COORDINATION WITH U.S. ENVIRONMENTAL PROTECTION AGENCY. 67
017. -- 999. (RESERVED). 67
16.03.01 - RULES GOVERNING AID TO FAMILIES WITH DEPENDENT CHILDREN (AFDC)
DOCKET NO. 16-0301-9701
16.03.01 - RULES GOVERNING AID TO FAMILIES WITH DEPENDENT CHILDREN
DOCKET NO. 16-0301-9702
16.03.01 - RULES GOVERNING MEDICAID FOR FAMILIES AND CHILDREN
DOCKET NO. 16-0301-9703
000. LEGAL AUTHORITY. 71
001. TITLE AND SCOPE. 71
002. WRITTEN INTERPRETATIONS. 71
003. POLICY. 71
004. DEFINITIONS. 71
005. ABBREVIATIONS. 71
006. FEDERAL LAWS. 73
007. -- 099. (RESERVED). 73
100. PARTICIPANT RIGHTS. 73
101. APPLICATION FOR MEDICAID. 74
102. PROOF OF ELIGIBILITY AND COLLATERAL CONTACTS. 74
103. APPLICATION TIME LIMITS. 74
104. EFFECTIVE DATES. 74
105. -- 199. (RESERVED). 74
200. NONFINANCIAL CRITERIA FOR DETERMINING ELIGIBILITY. 74

201.....	RESIDENCY.	74
202.....	(RESERVED).	74
203.....	CITIZENSHIP AND LEGAL NON-CITIZEN CRITERIA.	74
204.....	LEGAL NON-CITIZEN REQUIREMENTS AND LIMITATIONS.	75
205.....	LEGAL NON-CITIZENS ENTERING THE U.S. ON OR AFTER AUGUST 22, 1996.	75
206.....	NON-QUALIFIED NON-CITIZENS.	75
207. -- 214.....	(RESERVED).	75
215.....	SOCIAL SECURITY NUMBER.	75
216.....	GROUP HEALTH PLAN ENROLLMENT.	75
217.....	ASSIGNMENT OF RIGHTS TO MEDICAL SUPPORT AND THIRD PARTY LIABILITY.	75
218.....	WORK PROGRAM REQUIREMENT OF TAFI.	76
219.....	ELIGIBILITY REVIEWS.	76
220. COOPERATION WITH THE BUREAU OF WELFARE PROGRAMS QUALITY CONTROL UNIT.		76
221.....	REPORTING REQUIREMENTS.	76
222.....	TYPES OF CHANGES THAT MUST BE REPORTED.	76
223.....	VERIFYING CHANGES.	77
224.....	PARTICIPANT FAILS TO REPORT EARNED INCOME.	77
225. -- 299.....	(RESERVED).	77
300.....	FINANCIAL ELIGIBILITY.	77
301.....	FINANCIAL RESPONSIBILITY.	77
302. -- 309.....	(RESERVED).	77
310.....	RESOURCE LIMITS.	77
311.....	RESOURCE DEFINITION.	77
312.....	LIQUID ASSETS.	77
313.....	EQUITY VALUE OF RESOURCES.	77
314.....	VEHICLES.	77
315.....	BANK ACCOUNTS.	77
316.....	LIFE INSURANCE.	78
317.....	SALES CONTRACTS.	78
318.....	RESOURCES EXCLUDED BY FEDERAL LAW.	78
319. -- 349.....	(RESERVED).	78
350.....	INCOME AVAILABILITY.	78
351.....	EARNED INCOME.	78
352.....	SELF-EMPLOYMENT EARNED INCOME.	78
353.....	INCOME PAID UNDER CONTRACT.	78
354.....	JTPA INCOME.	78
355.....	CHILD'S INCOME.	78
356.....	IN-KIND INCOME.	78
357.....	EARNED INCOME DISREGARDS.	78
358.....	STANDARD WORK EXPENSE DISREGARD.	78
359.....	THIRTY PLUS ONE-THIRD DISREGARD.	78
360.....	THIRTY (30) ONLY DISREGARD.	79
361.....	DEPENDENT CARE DISREGARD.	79
370.....	UNEARNED INCOME.	79
371.....	SUPPORT INCOME.	79
372.....	RENTAL INCOME FROM REAL PROPERTY.	79
373.....	UNEARNED INCOME COVERING MORE THAN ONE (1) MONTH.	79
374.....	INTEREST INCOME.	79
375.....	RSDI INCOME (SOCIAL SECURITY).	79
376.....	MONEY GIFTS.	80
377.....	CONTRIBUTIONS.	80
378.....	DISABILITY INSURANCE PAYMENTS.	80

379.	INCOME FROM ROOMER OR BOARDER.	80
380.	RETIREMENT ACCOUNT WITHDRAWALS.	80
381.	INCOME FROM SALE OF REAL PROPERTY.	80
382.	EDUCATIONAL INCOME.	80
383.	MEDICAL INSURANCE PAYMENTS.	80
384.	LUMP SUM INCOME.	80
385.	INCOME EXCLUDED BY FEDERAL LAW.	81
386.	UNEARNED INCOME DISREGARDS.	81
387. -- 399.	(RESERVED).	81
400.	DETERMINING COVERAGE GROUPS.	81
401.	AFDC INCOME STANDARDS.	81
402. -- 409.	(RESERVED).	82
410.	MEDICAID COVERAGE GROUPS RELATED TO AFDC STANDARDS.	82
411.	QUALIFIED CHILD.	82
412.	QUALIFIED PREGNANT WOMAN.	82
413.	LOW INCOME FAMILIES WITH CHILDREN.	82
414.	CONTINUED MEDICAID.	82
415.	EXTENDED MEDICAID FOR CHILD SUPPORT INCREASE.	82
416.	TRANSITIONAL MEDICAID (TM).	82
417. -- 499.	(RESERVED).	83
500. ...	MEDICAID COVERAGE GROUPS RELATED TO FEDERAL POVERTY GUIDELINES (FPG).	83
501.	LOW INCOME CHILD.	83
503.	PREGNANT WOMAN INELIGIBLE BECAUSE OF EXCESS INCOME.	83
504.	PRESUMPTIVE ELIGIBILITY FOR PREGNANT WOMEN.	83
505. -- 599.	(RESERVED).	83
600.	INDIVIDUALS RELATED TO EITHER AFDC OR FPG STANDARDS.	83
601.	NEWBORN CHILD.	83
602.	EMERGENCY MEDICAL CONDITION.	84
603.	MINOR PARENT (MP) LIVING WITH PARENTS.	84
604.	RESIDENT OF ELIGIBLE INSTITUTION.	84
605. -- 699.	(RESERVED).	84
700.	SPECIFIC CHILDREN AND MEDICAID.	84
701.	ADOLESCENT RESIDENT OF IDAHO STATE HOSPITAL SOUTH.	84
702.	TITLE IV-E FOSTER CARE CHILD.	84
703.	TITLE XIX FOSTER CHILD.	85
704.	STATE SUBSIDIZED ADOPTION ASSISTANCE CHILD.	85
705.	FEDERALLY SUBSIDIZED ADOPTION ASSISTANCE CHILD.	85
706. -- 999.	(RESERVED).	85
16.03.04 - RULES GOVERNING FOOD STAMP PROGRAM IN IDAHO		
DOCKET NO. 16-0304-9702		
002.	DEFINITIONS.	87
003.	ABBREVIATIONS.	91
125.	SCHEDULING INTERVIEWS.	94
136.	REQUIRED PROOF.	94
138. (RESERVED).	PERSON OUTSIDE HOUSEHOLD FAILS TO PROVIDE PROOF - APPLICATION.	95
146.	DENIAL OF FOOD STAMP APPLICATION.	95
157.	EXPEDITED FOOD STAMP WORK REGISTRATION.	96
179.	HOUSEHOLDS NOT CATEGORICALLY ELIGIBLE.	96
190.	SSI/FOOD STAMP JOINT PROCESSING.	96
204.	CITIZENSHIP OR SATISFACTORY IMMIGRATION STATUS.	98
205.	WRITTEN DECLARATION OF CITIZENSHIP OR IMMIGRATION STATUS.	99
206.	PROOF OF PROPER IMMIGRATION STATUS.	100

207. INELIGIBLE ALIEN LEGAL NONCITIZEN STATUS. 101

208. REPORTING ALIENS LEGAL NONCITIZENS WITH DEPORTATION ORDER. 101

213. SEPARATE FOOD STAMP HOUSEHOLD COMPOSITION FOR RELATED MEMBERS. 102

218. PERSONS DISQUALIFIED AS FOOD STAMP HOUSEHOLD MEMBERS. 102

226. JOB SEARCH ASSISTANCE PROGRAM (JSAP). 103

229. FAILURE TO COMPLY WITH JSAP. 104

231. NOTICE OF SANCTIONS FOR FAILURE TO COMPLY WITH JSAP. 104

234. ENDING SANCTIONS FOR FAILURE TO COMPLY WITH JSAP. 104

252. ENDING WORK REGISTRATION SANCTION. 105

275. ENDING VOLUNTARY QUIT OR REDUCTION OF WORK HOURS PENALTY. 105

277. PENALTY FOR FAILURE TO COMPLY WITH A REQUIREMENT OF ANOTHER MEANS- TESTED PROGRAM. 106

278. COOPERATION IN ESTABLISHMENT OF PATERNITY AND OBTAINING SUPPORT. 107

279. FAILURE TO COOPERATE. 107

280. EXEMPTIONS FROM THE COOPERATION REQUIREMENT. 107

278--281. (RESERVED). 107

287. INELIGIBILITY FOR A FELONY CONVICTION FOR POSSESSION, USE, OR DISTRIBUTION OF A CONTROLLED SUBSTANCE. 108

287-288. -- 299. (RESERVED). 108

321. RESOURCES OF DISQUALIFIED HOUSEHOLD MEMBERS. 108

335. TOTALLY EXCLUDED LICENSED VEHICLES. 109

336. VEHICLES COUNTED AS A RESOURCE. 109

360. PROPERTY USED FOR SELF-SUPPORT EXCLUDED. 110

387. TRANSFER OF RESOURCE NOT COUNTED FOR DISQUALIFICATION. 110

405. EXCLUDED INCOME. 110

502. EARNED INCOME WHEN A HOUSEHOLD MEMBER TURNS AGE TWENTY TWO (22) EIGHTEEN (18). 114

536. DEPENDENT CARE DEDUCTIONS. 114

538. CHILD SUPPORT DEDUCTIONS. 114

539. CALCULATION OF CHILD SUPPORT DEDUCTION. 115

562. PRORATING INITIAL MONTH'S BENEFITS. 115

574. BENEFITS FOR PREVIOUSLY DISQUALIFIED HOUSEHOLD MEMBERS. 116

576. CERTIFICATION PERIODS. 116

612. HOUSEHOLD MUST REPORT CHANGES. 117

688. ADMINISTRATIVE DEMAND LETTER. 118

717. COURT REFERRALS. 118

718. DEFERRED ADJUDICATION. 119

753. SPONSORED ALIENS LEGAL NONCITIZENS. 120

754. DEEMING INCOME AND RESOURCES TO SPONSORED ALIEN LEGAL NONCITIZEN. 120

755. DEEMING INCOME AND RESOURCES FROM AN ALIEN LEGAL NONCITIZEN'S NEW SPONSOR. 122

756. SPONSORED ALIENS LEGAL NONCITIZENS EXEMPT FROM DEEMING. 122

757. SPONSORED ALIEN LEGAL NONCITIZEN'S RESPONSIBILITY. 122

758. VERIFICATION FROM SPONSORED ALIEN LEGAL NONCITIZEN. 122

759. SPONSORED ALIEN LEGAL NONCITIZEN INELIGIBLE UNTIL PROOF PROVIDED. 123

760. OVERISSUANCE DUE TO INCORRECT SPONSOR DATA. 123

761. COLLECTING CLAIMS AGAINST SPONSORS WHO SIGNED AN AFFIDAVIT OF SUPPORT BETWEEN FEBRUARY 1, 1983 AND MARCH 31, 1997. 123

762. COLLECTING CLAIMS AGAINST SPONSORED ALIENS LEGAL NONCITIZENS. 123

763. REIMBURSEMENT FOR BENEFITS RECEIVED. 124

763-764. -- 773. (RESERVED). 124

774. EXCLUDED HOUSEHOLD MEMBERS. 124

775. FOOD STAMPS FOR HOUSEHOLDS WITH IPV MEMBERS, INELIGIBLE FUGITIVE FELON, OR

PROBATION/PAROLEVIOLATOR,ORAMEMBERCONVICTEDOFACONTROLLEDSSUBSTANCE-RELATEDFELONY.
124

777. MEMBER DISQUALIFIED FOR CAUSES OTHER THAN IPV OR JSAP. 124

778. FOOD STAMPS FOR HOUSEHOLDS WITH MEMBERS DISQUALIFIED FOR FAILURE TO MEET
THE ABAWD WORK REQUIREMENT, FOR CITIZEN OR LEGAL NONCITIZEN STATUS OR FOR FAILURE TO CO-
OPERATE IN ESTABLISHING PATERNITY AND OBTAINING SUPPORT TO COMPLY WITH A REQUIREMENT OF
ANOTHER MEANS TESTED PROGRAM. 125

781. PERSON DISQUALIFIED DURING CERTIFICATION PERIOD. 126

16.03.08 - RULES GOVERNING TEMPORARY ASSISTANCE FOR FAMILIES IN IDAHO

DOCKET NO. 16-0308-9701

000. LEGAL AUTHORITY. 128

001. TITLE AND SCOPE. 128

002. WRITTEN INTERPRETATIONS. 128

003. ADMINISTRATIVE APPEAL. 128

004. TEMPORARY ASSISTANCE FOR FAMILIES IN IDAHO. 128

005. RULE AVAILABILITY. 128

006. -- 009. (RESERVED). 129

010. DEFINITIONS. 129

011. ABBREVIATIONS. 129

012. -- 099. (RESERVED). 129

100. TAFI ELIGIBILITY. 130

101. TIME LIMIT. 130

102. -- 106. (RESERVED). 130

107. ALTERNATIVE RESOURCES. 130

108. APPLICATION FOR ASSISTANCE. 130

109. EFFECTIVE DATE. 130

110. FORMS AND SCHEDULED MEETINGS. 130

111. -- 115. (RESERVED). 130

116. PERSONAL RESPONSIBILITY CONTRACT (PRC). 130

117. -- 121. (RESERVED). 130

123. FAMILY. 131

124. MARRIED CHILD UNDER AGE EIGHTEEN (18). 131

125. UNMARRIED PARENT UNDER THE AGE OF EIGHTEEN (18). 131

126. GOOD CAUSE NOT TO LIVE WITH PARENTS. 131

127. -- 131. (RESERVED). 131

132. CITIZENSHIP AND LEGAL NON-CITIZEN CRITERIA. 131

133. SOCIAL SECURITY NUMBER (SSN). 132

134. RESIDENCE IN IDAHO. 132

135. MULTIPLE TANF BENEFITS. 132

136. -- 140. (RESERVED). 132

141. IMMUNIZATION RESPONSIBILITY. 132

142. SCHOOL ATTENDANCE RESPONSIBILITY. 132

143. -- 147. (RESERVED). 132

148. COOPERATION RESPONSIBILITY. 132

149. GOOD CAUSE FOR NOT COOPERATING. 132

150. REVIEW OF GOOD CAUSE REQUEST. 132

151. PATERNITY NOT ESTABLISHED WITHIN TWELVE (12) MONTHS. 132

152. -- 156. (RESERVED). 133

157. APPLICANT JOB SEARCH. 133

158. APPLICANT JOB SEARCH EXEMPTION. 133

159. APPLICANT VOLUNTARY QUIT. 133

160. PROHIBITION ON APPLICANT STRIKING. 133

161. -- 165. (RESERVED). 133

166.	WORK ACTIVITIES RESPONSIBILITY.	133
167.	WORK ACTIVITIES.	133
168.	WORK ACTIVITY SUPPORTIVE SERVICES.	133
169.	NOT COMPLYING WITH WORK ACTIVITIES.	134
170.	APPLYING PENALTIES FOR NOT COMPLYING WITH WORK ACTIVITIES.	134
171. -- 175.	(RESERVED).	134
176.	CHILD CARE.	134
177.	TEMPORARY ABSENCE.	134
178.	NOTIFICATION REQUIREMENT.	134
179. -- 199.	(RESERVED).	134
200.	RESOURCE LIMIT.	134
201.	COUNTABLE RESOURCES.	134
202. -- 206.	(RESERVED).	134
207.	COUNTING VEHICLE VALUE.	134
208.	RESOURCE EXCLUSIONS.	135
209. -- 213.	(RESERVED).	135
215.	EXCLUDED INCOME.	135
216. -- 220.	(RESERVED).	137
221.	DETERMINING ELIGIBILITY.	137
222.	CONVERTING INCOME TO A MONTHLY AMOUNT.	137
223.	AVERAGING INCOME.	137
224. -- 228.	(RESERVED).	137
229.	CALCULATION OF SELF-EMPLOYMENT INCOME.	137
230.	SELF-EMPLOYMENT ALLOWABLE EXPENSES.	137
231.	SELF-EMPLOYMENT EXPENSES NOT ALLOWED.	138
232.	RENTAL INCOME FROM REAL PROPERTY.	138
233. -- 237.	(RESERVED).	138
238.	CHILD LIVING WITH PARENT AND STEPPARENT.	139
239.	CARETAKER RELATIVE APPLYING ONLY FOR RELATIVE CHILD.	139
240.	INDIVIDUALS EXCLUDED FROM FAMILY SIZE.	139
241.	SPONSORED NON-CITIZEN.	139
242.	ONE HALF (1/2) GRANT CHILD SUPPORT PENALTY AND SCHOOL OR WORK PENALTY.	139
243. -- 247.	(RESERVED).	139
248.	MAXIMUM GRANT AMOUNT.	139
249.	GRANT AMOUNT FOR FAMILIES WITH NO INCOME.	139
250.	GRANT AMOUNT FOR FAMILIES WITH UNEARNED INCOME.	139
251.	WORK INCENTIVE TABLE.	139
252.	GRANT AMOUNT FOR FAMILIES WITH EARNED INCOME.	140
253.	PRORATING BENEFITS FOR THE APPLICATION MONTH.	140
254.	GRANT LESS THAN TEN DOLLARS (\$10) NOT PAID.	140
255. -- 259.	(RESERVED).	140
260.	APPLICANT ONE-TIME CASH PAYMENT.	140
261.	APPLICANT ONE-TIME CASH PAYMENT ELIGIBILITY CRITERIA.	140
262.	PARTICIPANT ONE-TIME CASH PAYMENT.	141
263.	ONE-TIME CASH PAYMENT AGREEMENT.	141
264.	AMOUNT OF ONE-TIME CASH PAYMENT.	141
265.	INELIGIBILITY PERIOD.	141
266.	LIFETIME ELIGIBILITY.	141
267. -- 299.	(RESERVED).	141
300.	DEPARTMENT NOTIFICATION RESPONSIBILITY.	141
301.	ADVANCE NOTIFICATION RESPONSIBILITY.	141
302.	ADVANCE NOTIFICATION NOT REQUIRED.	142

303. -- 307.....	(RESERVED).	142
308.....	FAMILY REPORTING RESPONSIBILITIES.	142
309.....	PENALTY FOR FAILURE TO REPORT.	142
310.....	CHANGES AFFECTING ELIGIBILITY OR GRANT AMOUNT.	142
311. -- 315.....	(RESERVED).	142
316.....	UNDERPAYMENT.	142
317.....	FAIR HEARING REQUEST.	142
318.....	CONTINUATION PENDING LOCAL HEARING DECISION.	142
319. -- 323.....	(RESERVED).	143
324.....	INTENTIONAL PROGRAM VIOLATIONS (IPV).	143
325.....	DEFERRED ADJUDICATION.	143
326.....	DISQUALIFICATION FOR IPV.	143
327. -- 331.....	(RESERVED).	143
332.....	REVIEW OF PERSONAL RESPONSIBILITY CONTRACT AND ELIGIBILITY.	143
333.....	PRC MODIFICATIONS.	143
334.....	NOT COMPLYING WITH CONDITIONS OF PRC.	143
335. -- 339.....	(RESERVED).	143
340.....	EXTENDED CASH ASSISTANCE (ECA).	144
341.....	EXTENDED CASH ASSISTANCE APPLICATION.	144
342.....	EXTENDED CASH ASSISTANCE ADDITIONAL ELIGIBILITY CRITERIA.	144
343.....	EXTENDED CASH ASSISTANCE APPROVAL.	144
344.....	EXTENDED CASH ASSISTANCE TIME LIMITS.	144
345. -- 999.....	(RESERVED).	144
16.03.09 - RULES GOVERNING MEDICAL ASSISTANCE		
DOCKET NO. 16-0309-9706		
160.....	LONG-TERM CARE.	145
16.03.10 - RULES GOVERNING PROVIDER REIMBURSEMENT		
DOCKET NO. 16-0310-9701		
115.....	NONALLOWABLE COSTS.	152

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.02.71 - RULES GOVERNING DRIVERS LICENSE VIOLATION POINT COUNT SYSTEM		
DOCKET NO. 39-0271-9602		
39.02.71 - RULES GOVERNING DRIVERS LICENSE VIOLATION POINT COUNT SYSTEM		
DOCKET NO. 39-0271-9701		
200.....	LIST OF MOVING TRAFFIC CONVICTIONS <u>AND/OR VIOLATIONS</u> POINT COUNT.	156
39.03.60 - RULES GOVERNING OUTDOOR ADVERTISING		
DOCKET NO. 39-0360-9701		
300... DISPLAYS LOCATED WITHIN ZONED OR UNZONED INDUSTRIAL, BUSINESS OR COMMERCIAL AREAS.		159
39.04.08 - RULES GOVERNING OPERATIONS AT STATE AIRPORTS		
DOCKET NO. 39-0408-9601		
39.04.08 - RULES GOVERNING OPERATIONS AT STATE AIRPORTS		
DOCKET NO. 39-0408-9701		
300.....	VEHICLES, <u>DOMESTIC</u> ANIMALS, BAGGAGE, AND OBJECTS.	163

IDAPA 41 - PUBLIC HEALTH DISTRICTS

41.08.01 - RULES GOVERNING APPEAL FROM ADMINISTRATIVE DECISION AND REQUEST FOR HEARING		
DOCKET NO. 41-0801-9701		
000.....	LEGAL AUTHORITY.	166
001.....	TITLE AND SCOPE.	166

002.....	WRITTEN INTERPRETATIONS.	166
003.....	DEFINITIONS.	166
004.....	APPLICABILITY.	166
005. -- 010.....	(RESERVED).	166
011.....	APPEAL OF STAFF MEMBER DECISION.	166
012.....	BASIS FOR APPEAL OF STAFF MEMBER DECISION.	167
013.....	PROCEDURE FOR APPEAL OF STAFF MEMBER DECISION.	167
014.....	REVIEW BY THE SUPERVISOR.	167
015.....	APPEAL OF THE SUPERVISOR'S DECISION.	167
016.....	REVIEW BY THE DIVISION DIRECTOR.	167
017.....	APPEAL OF THE DIVISION DIRECTOR'S DECISION.	168
018.....	REVIEW BY THE DISTRICT DIRECTOR.	168
019.....	APPEAL OF THE DISTRICT DIRECTOR'S DECISION.	168
020.....	REVIEW BY THE BOARD OF HEALTH.	168
021. -- 999.....	(RESERVED).	168

IDAPA 48 - DEPARTMENT OF COMMERCE**48.01.03 - RULES GOVERNING IDAHO REGIONAL TRAVEL
AND CONVENTION GRANT PROGRAM****DOCKET NO. 48-0103-9701**

000.....	LEGAL AUTHORITY.	170
001.....	TITLE AND SCOPE.	170
100.....	ELIGIBLE APPLICANTS.	170
150.....	REGIONAL/LOCAL/SPECIAL INTEREST PROMOTION.	171
200.....	MULTI-REGIONAL PROMOTION.	173
204.....	PLAN REQUIREMENTS.	174
206.....	STATE LAWS AND REGULATION.	175
207.....	PLAN OR PROJECT LOSSES VIABILITY.	175
208.....	INSURANCE REQUIREMENTS.	176
209.....	BID PROCESS.	176
210.....	AUDIT REQUIRED.	176
221.....	PLAN EVALUATION.	176
231.....	TIME FRAME.	177

**OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR
IDAHO DEPARTMENT OF ADMINISTRATION**

**RULES ADOPTED AND EXTENDED BY THE FIFTY-FOURTH LEGISLATURE
FIRST REGULAR SESSION - 1997**

**NOTICE OF LEGISLATIVE ADOPTION OF FINAL RULES
AND EXTENSION OF TEMPORARY RULES
OMNIBUS RULE-MAKING NOTICE**

AUTHORITY: In compliance with Sections 67-5224(7) and 67-5226(3), Idaho Code, notice is hereby given by the Office of the Administrative Rules Coordinator that the Fifty-fourth Legislature in the First Regular Session - 1997, has adopted final rules and extended temporary rules. The Docket numbers of the effected rule-makings and their effective dates are listed below.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance of the notice:

The following list of final and temporary rules includes those rules which were reviewed during the 1997 first regular session of the fifty-fourth legislature of the state of Idaho. The final rules were adopted by the legislature and the temporary rules were extended by Senate Concurrent Resolution 117. All fee rules were adopted by Senate Concurrent Resolution 118. The lists include the docket number of the rule-making, the volume of the Idaho Administrative Bulletin in which the text was published, and the effective date of the rule.

FINAL RULES				
DOCKET NUMBER	PENDING RULE BULLETIN PUBLICATION	PROPOSED RULE BULLETIN PUBLICATION	EFFECTIVE DATE	ACTION TAKEN BY CONCURRENT RESOLUTION
01-0101-9601	96-10	96-6	7-1-97	
02-0104-9601	96-8	96-1	3-20-97	
02-0303-9601	96-12	96-8	3-20-97	
02-0303-9602	96-12	96-8	3-20-97	fee rule approved by SCR 118
02-0304-9601	96-12	96-8	3-20-97	fee rule approved by SCR 118
02-0403-9601	96-8	96-1	3-20-97	
02-0403-9602	96-8	96-1	3-20-97	fee rule approved by SCR 118
02-0403-9603	96-12	96-6	3-20-97	
02-0403-9604	96-12	96-9	3-20-97	
02-0414-9501	96-8	95-12	3-20-97	
02-0601-9601	96-12	96-8	3-20-97	fee rule approved by SCR 118
02-0613-9501	96-8	95-12	3-20-97	
02-0633-9503	96-6	95-11	3-20-97	
02-0634-9501	96-8	95-12	3-20-97	fee rule approved by SCR 118
02-0635-9501	96-8	96-1	3-20-97	

FINAL RULES				
DOCKET NUMBER	PENDING RULE BULLETIN PUBLICATION	PROPOSED RULE BULLETIN PUBLICATION	EFFECTIVE DATE	ACTION TAKEN BY CONCURRENT RESOLUTION
02-0636-9601	96-12	96-9	3-20-97	
04-1101-9601	97-1	96-11	7-1-97	
04-1101-9602	97-1	96-11	7-1-97	
05-0101-9601	97-1	96-9	7-1-97	
07-0101-9602	96-12	96-10	7-1-97	
07-0103-9601	96-11	96-9	7-1-97	
07-0103-9602	96-12	96-10	7-1-97	
07-0104-9601	96-11	96-8	7-1-97 & 3-19-97	partially rejected by SCR 113
07-0104-9602	96-12	96-10	7-1-97	rejected by SCR 113
07-0106-9601	96-7	96-5	7-1-97	
07-0206-9601	96-11	96-9	7-1-97	
07-0301-9601	96-12	96-10	7-1-97	
07-0305-9601	96-12	96-10	7-1-97	
07-0306-9601	96-12	96-10	7-1-97	
07-0307-9601	96-12	96-10	7-1-97	
07-0309-9601	96-12	96-10	7-1-97	
07-0401-9601	96-12	96-10	7-1-97	
07-0401-9602	96-12	96-10	7-1-97	
08-0201-9601	97-1	96-8	4-1-97	
08-0201-9602	97-1	96-8	4-1-97	
08-0202-9601	97-1	96-8	4-1-97	
08-0202-9602	97-1	96-8	4-1-97	partially rejected by HCR 19
08-0203-9601	97-1	96-8	4-1-97	
08-0203-9602	97-1	96-8	4-1-97	partially rejected by HCR 20
08-0204-9601	97-1	96-8	4-1-97	
08-0205-9601	97-1	96-8	4-1-97	
08-0206-9601	97-1	96-8	4-1-97	
08-0207-9601	97-1	96-8	4-1-97	
08-0208-9601	97-1	96-8	4-1-97	

FINAL RULES				
DOCKET NUMBER	PENDING RULE BULLETIN PUBLICATION	PROPOSED RULE BULLETIN PUBLICATION	EFFECTIVE DATE	ACTION TAKEN BY CONCURRENT RESOLUTION
09-0130-9601	96-11	96-9	7-1-97	
09-0135-9601	96-11	96-9	7-1-97	
11-0201-9501	97-1	95-12	7-1-97	fee rule approved by SCR 118
11-0201-9601	97-1	96-11	7-1-97	
11-0401-9502	97-1	95-12	7-1-97	
11-0401-9601	97-1	96-11	7-1-97	
11-0401-9602	97-1	96-11	7-1-97	
11-0401-9603	97-1	96-11	7-1-97	
11-0404-9501	97-1	95-12	7-1-97	
11-0704-9601	97-1	96-1	7-1-97	
11-1101-9602	97-1	96-11	4-1-97	
11-1101-9603	97-1	96-11	4-1-97	
11-1101-9604	97-1	96-11	4-1-97	
11-1101-9605	97-1	96-11	4-1-97	
12-0108-9601	97-1	96-7	7-1-97	
13-0104-9505	96-12	95-5	3-20-97	
13-0104-9506	96-12	95-8	3-20-97	
13-0104-9601	96-12	96-2	3-20-97	
13-0104-9603	96-12	96-6	3-20-97	
13-0108-9502	96-12	95-5	3-20-97	
13-0108-9504	96-12	95-8	3-20-97	
13-0108-9601	96-12	96-6	3-20-97	
13-0109-9502	96-12	95-10	3-20-97	
13-0109-9601	96-12	96-2	3-20-97	
13-0111-9601	96-12	96-1	3-20-97	
13-0111-9602	96-12	96-1	3-20-97	
13-0111-9605	96-12	96-8	3-20-97	
13-0114-9501	96-12	95-10	3-20-97	
13-0117-9601	96-12	96-6	3-20-97	
13-0119-9501	96-12	95-10	3-20-97	
13-0119-9601	96-12	96-6	3-20-97	

FINAL RULES				
DOCKET NUMBER	PENDING RULE BULLETIN PUBLICATION	PROPOSED RULE BULLETIN PUBLICATION	EFFECTIVE DATE	ACTION TAKEN BY CONCURRENT RESOLUTION
13-0120-9501	96-12	95-10	3-20-97	
13-0120-9601	96-12	96-6	3-20-97	
15-1001-9601	96-11	96-2	3-20-97	
15-1001-9602	96-11	96-2	3-20-97	
15-1301-9601	97-1	96-11	3-20-97	
16-0101-9504	96-4	95-10	7-1-97	
16-0101-9505	96-8	95-12	7-1-97	
16-0101-9601	97-1	96-7	3-20-97	
16-0102-9502	97-1	96-5	3-20-97	
16-0102-9601	96-11	96-5	3-20-97	
16-0102-9602	97-1	96-7	3-20-97	
16-0105-9502	96-4	95-11	7-1-97	
16-0105-9601	97-1	96-9	7-2-97	
16-0108-9502	96-4	95-11	7-1-97	
16-0110-9601	96-8	96-1	7-1-97	
16-0111-9501	97-1	96-8	3-20-97	
16-0113-9501	96-4	95-10	7-1-97	
16-0118-9601	97-3	96-11	3-13-97	approved by SCR 116
16-0203-9601	97-1	96-8	7-1-97	fee rule approved by SCR 118
16-0208-9601	97-1	96-9	7-1-97	fee rule approved by SCR 118
16-0209-9601	97-1	96-8	7-1-97	
16-0219-9601	97-1	96-8	7-1-97	
16-0222-9601	96-11	96-8	7-1-97	
16-0226-9601	96-11	96-8	7-1-97	fee rule approved by SCR 118
16-0301-9503	96-7	95-12	7-1-97	
16-0301-9601	96-10	96-7	7-1-97	
16-0304-9503	96-7	95-11	7-1-97	
16-0304-9602	96-10	96-6	7-1-97	
16-0305-9601	96-7	96-1	7-1-97	

FINAL RULES				
DOCKET NUMBER	PENDING RULE BULLETIN PUBLICATION	PROPOSED RULE BULLETIN PUBLICATION	EFFECTIVE DATE	ACTION TAKEN BY CONCURRENT RESOLUTION
16-0305-9602	96-10	96-7	7-1-97	
16-0309-9502	96-8	95-7	7-1-97	
16-0309-9508	96-8	95-12	7-1-97	
16-0309-9601	96-8	96-1	7-1-97	
16-0309-9602	96-8	96-1	7-1-97	
16-0309-9603	96-8	96-3	7-1-97	
16-0309-9604	96-8	96-1	7-1-97	
16-0309-9605	96-8	96-1	7-1-97	
16-0309-9606	96-8	96-1	7-1-97	
16-0309-9607	96-8	96-5	7-1-97	
16-0309-9608	96-11	96-8	7-1-97	
16-0309-9609	97-1	96-10	7-1-97	
16-0310-9502	96-8	95-12	7-1-97	
16-0310-9601	97-1	96-10	7-1-97	
16-0411-9601	97-1	96-10	7-1-97	
16-0411-9602	97-1	96-10	7-1-97	
16-0414-9601	96-10	96-1	7-1-97	
16-0601-9604	97-1	96-10	7-1-97	
16-0609-9502	96-8	95-10	7-1-97	
16-0610-9502	96-7	95-10	7-1-97	
16-0611-9502	96-7	95-10	7-1-97	
16-0612-9502	96-7	95-10	7-1-97	fee rule approved by SCR 118
16-0612-9601	96-10	96-6	7-1-97	
17-0204-9601	97-1	96-11	7-1-97	
17-0205-9601	97-1	96-11	7-1-97	
17-0206-9601	97-1	96-11	7-1-97	
17-0207-9601	96-10	96-7	7-1-97	
17-0401-9601	96-11	96-8	7-1-97	
17-0404-9601	96-12	96-10	7-1-97	
17-0406-9601	96-12	96-9	7-1-97	
17-0407-9601	96-12	96-10	7-1-97	

FINAL RULES				
DOCKET NUMBER	PENDING RULE BULLETIN PUBLICATION	PROPOSED RULE BULLETIN PUBLICATION	EFFECTIVE DATE	ACTION TAKEN BY CONCURRENT RESOLUTION
17-0501-9601	97-1	96-11	7-1-97	
17-0601-9601	96-12	96-9	7-1-97	
17-0602-9601	96-12	96-9	7-1-97	
17-0603-9601	96-12	96-9	7-1-97	
17-0604-9601	96-12	96-9	7-1-97	
17-0605-9601	96-12	96-9	7-1-97	
17-0701-9601	96-12	96-10	7-1-97	
17-0702-9601	96-12	96-10	7-1-97	
17-0703-9601	96-12	96-10	7-1-97	
17-0704-9601	96-12	96-10	7-1-97	
17-0801-9601	96-12	96-10	7-1-97	
17-0802-9601	96-12	96-10	7-1-97	
17-0803-9601	96-12	96-10	7-1-97	
17-0804-9601	96-12	96-10	7-1-97	
17-0805-9601	96-12	96-10	7-1-97	
17-0806-9601	96-12	96-10	7-1-97	
17-0807-9601	96-12	96-10	7-1-97	
17-0808-9601	96-12	96-10	7-1-97	
17-0809-9601	96-12	96-10	7-1-97	
17-0810-9601	96-12	96-10	7-1-97	
17-0811-9601	96-12	96-10	7-1-97	
17-0812-9601	96-12	96-10	7-1-97	
17-0813-9601	96-12	96-10	7-1-97	
17-0814-9601	96-12	96-10	7-1-97	
17-0815-9601	96-12	96-10	7-1-97	
17-0816-9601	96-12	96-10	7-1-97	partially rejected by SCR 111
17-1001-9601	96-11	96-8	7-1-97	rejected by SCR 112
17-1003-9601	96-11	96-8	7-1-97	rejected by SCR 112
17-1004-9601	96-11	96-8	7-1-97	rejected by SCR 112

FINAL RULES				
DOCKET NUMBER	PENDING RULE BULLETIN PUBLICATION	PROPOSED RULE BULLETIN PUBLICATION	EFFECTIVE DATE	ACTION TAKEN BY CONCURRENT RESOLUTION
17-1005-9601	96-11	96-8	7-1-97	rejected by SCR 112
17-1008-9601	96-11	96-8	7-1-97	rejected by SCR 112
17-1010-9601	96-11	96-8	7-1-97	rejected by SCR 112
17-1012-9601	96-11	96-8	7-1-97	rejected by SCR 112
17-1015-9601	96-11	96-8	7-1-97	rejected by SCR 112
17-1017-9601	96-11	96-8	7-1-97	rejected by SCR 112
17-1020-9601	96-11	96-8	7-1-97	rejected by SCR 112
17-1022-9601	96-11	96-8	7-1-97	rejected by SCR 112
17-1024-9601	96-11	96-8	7-1-97	rejected by SCR 112
17-1025-9601	96-11	96-8	7-1-97	rejected by SCR 112
17-1027-9601	96-11	96-8	7-1-97	rejected by SCR 112
17-1030-9601	96-11	96-8	7-1-97	rejected by SCR 112
18-0144-9601	97-1	96-11	7-1-97	
18-0154-9601	96-10	96-6	7-1-97	
18-0160-9601	97-1	96-11	7-1-97	
18-0177-9601	97-1	96-11	7-1-97	
20-0317-9601	97-1	96-9	7-1-97	
20-0402-9501	96-12	95-12	7-1-97	
20-0602-9601	97-1	96-9	7-1-97	
20-0603-9602	97-1	96-9	4-15-97	
20-0604-9601	97-1	96-9	4-15-97	
22-0106-9601	97-1	96-8	7-1-97	
22-0106-9602	97-1	96-8	7-1-97	

FINAL RULES				
DOCKET NUMBER	PENDING RULE BULLETIN PUBLICATION	PROPOSED RULE BULLETIN PUBLICATION	EFFECTIVE DATE	ACTION TAKEN BY CONCURRENT RESOLUTION
24-0101-9501	96-5	95-11	7-1-97	
24-0301-9601	96-12	96-9	7-1-97	fee rule approved by SCR 118
24-0401-9601	96-12	96-9	7-1-97	
24-0401-9602	96-12	96-9	7-1-97	
24-0501-9601	96-12	96-9	7-1-97	fee rule approved by SCR 118
24-0601-9501	96-9	95-11	7-1-97	
24-1001-9501	96-8	95-12	7-1-97	
24-1001-9601	96-12	96-9	7-1-97	fee rule approved by SCR 118
24-1101-9601	96-12	96-9	7-1-97	fee rule approved by SCR 118
24-1501-9501	96-9	95-11	7-1-97	
24-1601-9601	96-12	96-8	7-1-97	
24-1801-9501	96-5	95-12	7-1-97	
24-1801-9601	96-12	96-9	7-1-97	
26-0120-9701	97-3	97-1	3-13-97	approved by SCR 116
26-0134-9601	97-1	96-7	7-1-97	
27-0101-9601	96-11	96-2	7-1-97	fee rule approved by SCR 118
27-0101-9602	97-1	96-11	7-1-97	
28-0101-9602	96-12	96-10	7-1-97	
29-0102-9601	96-9	96-1	7-1-97	
31-6101-9502	96-3	95-6	7-1-97	
33-0101-9601	96-8	96-6	3-20-97	fee rule approved by SCR 118
35-0101-9503	96-112	95-12	7-1-97	
35-0101-9601	96-12	96-7	7-1-97	
35-0101-9602	96-12	96-7	3-20-97	fee rule approved by SCR 118
35-0102-9601	96-12	96-9	7-1-97	
35-0103-9602	96-12	96-5	7-1-97	

FINAL RULES				
DOCKET NUMBER	PENDING RULE BULLETIN PUBLICATION	PROPOSED RULE BULLETIN PUBLICATION	EFFECTIVE DATE	ACTION TAKEN BY CONCURRENT RESOLUTION
35-0103-9604	96-12	96-6	7-1-97	
35-0103-9606	96-12	96-8	7-1-97	
35-0103-9607	96-12	96-8	7-1-97	fee rule approved by SCR 118
35-0103-9608	96-12	96-9	7-1-97	
35-0105-9602	96-12	96-8	7-1-97	
35-0105-9603	96-12	96-8	7-1-97	fee rule approved by SCR 11
35-0105-9604	96-12	96-9	7-1-97	
35-0107-9601	96-12	96-9	7-1-97	
35-0107-9602	96-12	96-9	7-1-97	fee rule approved by SCR 11
35-0108-9601	96-12	96-9	7-1-97	
35-0108-9602	96-12	96-9	7-1-97	fee rule approved by SCR 11
35-0201-9601	96-12	96-7	3-20-97	
37-0102-9602	97-1	96-5	7-1-97	
37-0202-9601	96-11	96-8	3-20-97	
38-0501-9601	96-10	96-8	3-20-97	
39-0271-9602	96-10	96-7	7-1-97	partially rejected by HCR 17
39-0344-9601	96-10	96-7	7-1-97	
39-0344-9602	96-10	96-7	7-1-97	
39-0345-9601	96-12	96-8	7-1-97	
39-0345-9602	96-12	96-8	7-1-97	
39-0407-9601	96-10	96-7	7-1-97	
39-0408-9601	96-10	96-7	7-1-97	partially rejected by HCR 18
41-0101-9501	95-12	95-6/95-7	3-20-97	
44-0101-9601	96-12	96-7	7-1-97	
45-0101-9601	97-1	96-11	7-1-97	partially rejected by HCR 15
46-0101-9501	96-6	95-10	7-1-97	fee rule approved by SCR 11

FINAL RULES				
DOCKET NUMBER	PENDING RULE BULLETIN PUBLICATION	PROPOSED RULE BULLETIN PUBLICATION	EFFECTIVE DATE	ACTION TAKEN BY CONCURRENT RESOLUTION
46-0101-9601	96-11	96-9	7-1-97	
46-0102-9501	96-6	95-10	7-1-97	
48-0101-9601	96-12	96-10	3-20-97	
49-0101-9601	97-1	96-11	1-1-97	
52-0102-9601	97-1	96-9	7-1-97	
59-0106-9503	96-11	95-9	3-20-97	
59-0106-9601	96-11	96-1	3-20-97	
59-0106-9603	96-11	96-6	3-20-97	
59-0106-9604	96-11	96-7	7-1-97	
59-0107-9503	96-12	95-12	3-20-97	

TEMPORARY RULES THAT WERE EXTENDED BY SENATE CONCURRENT RESOLUTION .117			
DOCKET NO.	TEMPORARY RULE PUBLISHED	TEMPORARY EFFECTIVE DATE	ACTION TAKEN BY CONCURRENT RESOLUTION
02-0104-9601	96-1	11-22-95	
02-0104-9701	97-1	11-20-96	
02-0212-9601	96-12	10-1-96	
02-0213-9601	96-12	10-1-96	
02-0303-9601	96-8	7-1-96	
02-0303-9602	96-8	7-1-96	
02-0304-9601	96-8	7-1-96	
02-0403-9601	96-1	11-21-95	
02-0403-9602	96-1	11-22-95	
02-0403-9603	96-6	4-4-96	
02-0403-9604	96-9	7-1-96	
02-0414-9501	95-12	11-1-95	
02-0613-9501	95-12	10-13-95	
02-0616-9701	97-1	11-20-96	
02-0618-9701	97-1	12-1-96	
02-0633-9503	95-11	9-15-95	

TEMPORARY RULES THAT WERE EXTENDED BY SENATE CONCURRENT RESOLUTION .117			
DOCKET NO.	TEMPORARY RULE PUBLISHED	TEMPORARY EFFECTIVE DATE	ACTION TAKEN BY CONCURRENT RESOLUTION
02-0634-9501	95-12	10-13-95	
02-0635-9601	96-1	11-21-95	
02-0636-9601	96-9	7-17-96	
04-1101-9601	96-11	10-1-96	
05-0101-9601	96-9	7-1-96	partially rejected by SCR 17
07-0103-9602	96-10	8-22-96	
07-0104-9601	96-8	7-1-96	rejected by SCR 117
07-0106-9601	96-5	4-1-96	
07-0206-9601	96-9	6-10-96	
11-0201-9501	95-12	12-1-95	
11-0201-9601	96-11	1-1-97	
11-0401-9502	95-12	12-4-95	
11-0401-9601	96-11	1-1-97	
11-0401-9602	96-11	1-1-97	
11-0401-9602	96-11	1-1-97	
11-0401-9603	96-11	1-1-97	
11-0404-9501	95-12	12-1-95	
11-0704-9601	96-1	1-3-96	
11-1101-9602	96-11	1-1-97	
11-1101-9603	96-11	1-1-97	
11-1101-9604	96-11	1-1-97	
11-1101-9605	96-11	1-1-97	
12-0108-9601	96-7	7-1-96	
13-0104-9505	95-5	3-6-95	
13-0104-9506	95-8	5-15-95	
13-0104-9601	96-2	12-12-95	
13-0104-9603	96-6	3-13-96	
13-0104-9604	96-10	8-19-96	
13-0106-9601	96-10	7-31-96	
13-0108-9502	95-5	5-15-95	

TEMPORARY RULES THAT WERE EXTENDED BY SENATE CONCURRENT RESOLUTION .117			
DOCKET NO.	TEMPORARY RULE PUBLISHED	TEMPORARY EFFECTIVE DATE	ACTION TAKEN BY CONCURRENT RESOLUTION
13-0108-9504	95-8	5-15-95	
13-0108-9601	96-6	3-13-96	
13-0109-9502	95-10	8-21-95	
13-0109-9601	96-2	12-12-95	
13-0109-9602	96-10	7-31-96	
13-0109-9603	96-10	8-19-96	
13-0109-9604	96-10	8-19-96	
13-0111-9601	96-1	1-1-96	
13-0111-9602	96-1	1-1-96	
13-0111-9603	96-2	12-12-95	
13-0111-9604	96-2	12-12-95	
13-0111-9605	96-8	5-20-96	
13-0111-9606	96-10	8-19-96	
13-0113-9601	96-10	7-31-96	
13-0114-9501	95-10	8-21-95	
13-0114-9601	96-10	7-31-96	
13-0114-9602	96-10	8-19-96	
13-0116-9601	96-10	7-31-96	
13-0117-9601	96-6	3-13-96	
13-0119-9501	95-10	8-21-95	
13-0119-9601	96-6	3-13-96	
13-0120-9501	95-10	8-21-95	
13-0120-9601	96-6	3-13-96	
15-1001-9601	96-2	1-1-96	
15-1001-9602	96-2	1-1-96	
16-0101-9504	95-10	3-1-96	
16-0101-9505	95-12	7-1-96	
16-0101-9601	96-7, 96-1 & 97-1	12-1-96	
16-0102-9502	96-5	12-1-96	
16-0102-9601	96-5	9-11-96	

TEMPORARY RULES THAT WERE EXTENDED BY SENATE CONCURRENT RESOLUTION .117			
DOCKET NO.	TEMPORARY RULE PUBLISHED	TEMPORARY EFFECTIVE DATE	ACTION TAKEN BY CONCURRENT RESOLUTION
16-0105-9502	95-11	4-15-96	
16-0105-9601	96-9	12-1-96	
16-0108-9502	95-11	3-1-96	
16-0110-9601	96-1	11-17-96	
16-0113-9501	95-10	3-1-96	
16-0203-9601	96-8	7-1-96	
16-0209-9601	96-8	9-30-96	
16-0219-9601	96-8	8-1-96	
16-0222-9601	96-8	7-1-96	
16-0226-9601	96-8	7-1-96	
16-0301-9503	95-12	12-1-95	
16-0301-9601	96-7	7-1-96	
16-0301-9701	97-1	8-22-96	
16-0303-9601	96-12	11-1-96	
16-0304-9503	95-11	10-1-95	
16-0304-9602	96-6	4-1-96 & 5-1-96	
16-0304-9603	96-11	10-1-96	
16-0304-9701	97-1	9-22-96, 12-1-96, & 1-1-97	
16-0305-9601	96-1	1-1-96	
16-0305-9602	96-7	7-1-96	
16-0305-9701	97-1	8-22-96 & 1-1-97	
16-0309-9502	95-7	7-1-95	
16-0309-9508	95-12	10-1-95	
16-0309-9601	96-1	1-3-96	
16-0309-9602	96-1	1-3-96	
16-0309-9603	96-1 & 96-3	1-3-96	
16-0309-9604	96-1	1-3-96	
16-0309-9605	96-1	7-1-95	
16-0309-9606	96-1	1-3-96	
16-0309-9607	96-1	5-1-96	

TEMPORARY RULES THAT WERE EXTENDED BY SENATE CONCURRENT RESOLUTION .117			
DOCKET NO.	TEMPORARY RULE PUBLISHED	TEMPORARY EFFECTIVE DATE	ACTION TAKEN BY CONCURRENT RESOLUTION
16-0309-9608	96-8	5-1-96	
16-0309-9609	96-10	7-1-96	
16-0309-9701	97-1	7-1-96	
16-0309-9702	97-1	1-1-96	
16-0309-9703	97-1	7-1-96	
16-0309-9704	97-1	2-12-96 & 2-1-97	
16-0309-9705	97-1	1-1-97	
16-0310-9502	95-12	10-1-95 & 7-6-95	
16-0310-9601	96-10	10-1-96	
16-0319-9601	96-8	7-1-96	
16-0321-9601	96-8	7-1-96	
16-0322-9602	96-8	7-1-96	
16-0322-9603	96-8	7-1-96	
16-0414-9601	96-1	12-1-95	
16-0414-9701	96-2	11-1-96	
16-0601-9601	96-1	11-16-95	
16-0601-9602	96-1	11-16-95	
16-0609-9502	95-10	8-10-95	
16-0609-9701	97-1	12-1-96	
16-0612-9502	95-12	11-1-95	
16-0612-9601	96-6	5-1-96	
18-0172-9401	95-1 & 94-12	1-1-95	
20-0102-9601	96-2	12-12-95	
22-0106-9601	96-8	7-1-96	
22-0106-9602	96-8	7-1-96	
24-0101-9501	97-1	11-15-96	
24-1001-9501	95-12	11-1-95	
24-1501-9501	95-11	1-12-96	
24-1801-9501	95-12	10-23-95	
24-1601-9601	96-8	4-12-96	
26-0134-9601	96-7	7-3-96	

TEMPORARY RULES THAT WERE EXTENDED BY SENATE CONCURRENT RESOLUTION .117			
DOCKET NO.	TEMPORARY RULE PUBLISHED	TEMPORARY EFFECTIVE DATE	ACTION TAKEN BY CONCURRENT RESOLUTION
26-0138-9701	97-1	11-11-96	
29-0102-9601	96-1	1-3-96	
31-6101-9502	95-6	7-1-95	
33-0101-9601	96-6	7-1-96	
35-0101-9503	95-12	1-1-96	
35-0103-9605	96-6	4-24-96	
35-0105-9603	96-8	7-1-96	
37-0102-9602	96-5	3-18-96	
38-0501-9601	96-10 & 96-8	9-1-96	
39-0271-9601	96-7	5-10-96	
39-0317-9701	97-1	1-1-97	
39-0345-9601	96-8	7-1-96	
39-0345-9602	96-8	7-1-96	
39-0360-9701	97-1	12-1-96	partially rejected by SCR 117
41-0101-9501	95-6 & 95-7	4-17-95	
44-0101-9601	96-7	7-1-96	
48-0101-9601	96-10	9-1-96	
49-0101-9601	96-11	1-1-97	
50-0101-9601	96-11	8-1-96	
50-0101-9602	96-11	8-1-96	
52-0102-9601	96-9	12-1-96	
59-0106-9503	95-9	7-1-95	
59-0106-9601	96-1	1-1-96	
59-0106-9603	96-6	3-16-96, 5-1-96, 96-1-96	
59-0107-9502	95-9	7-1-95	
59-0107-9503	95-12	12-1-95	

ASSISTANCE ON QUESTIONS: For assistance on questions concerning this notice, contact Karen L. Gustafson at (208) 334-3579 or Dennis R. Stevenson at (208) 334-3558.

DATED this 4th day of April 1996.

Rick Thompson
Administrative Rules Coordinator
P.O. Box 83720
Boise, ID 83720-0011
PHONE: (208) 334-3577 FAX: (208) 334-2398

**IDAPA 02 - IDAHO STATE DEPARTMENT OF AGRICULTURE
02.06.39 - RULES GOVERNING MINIMUM STANDARDS FOR
PLANTING UNCERTIFIED SEED POTATOES IN IDAHO**

DOCKET NO. 02-0639-9701

NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: These temporary rules are effective February 28, 1997.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed regular rule-making procedures have been initiated. The action is authorized pursuant to Section 22-505, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rule-making will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than May 21, 1997.

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:

This rule establishes the requirements for planting uncertified seed potatoes in Idaho. It also establishes the procedure for reporting to the Department the planting of uncertified seed potatoes and the annual survey of not less than fifteen percent (15%) of Idaho potato growers for compliance with this rule and the provisions of Title 22, Chapter 5, Idaho Code.

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 adoption of IDAPA 02.06.39 will confer benefits to the potato industry. The planting of uncertified seed potatoes that shall be no more than one (1) generation from certified parent seed potatoes and that meet the certification standards for bacterial ring rot, potato virus Y and potato leaf roll virus of the last generation of certified seed potatoes, will reduce the incidence of diseases and improve the quality of Idaho potatoes.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Dr. Roger R. Vega or Michael E. Cooper at 332-8620.

Anyone may submit written comments regarding this temporary and proposed rule-making. All written comments must be directed to the undersigned and must be delivered on or before May 28, 1997.

DATED this 28th day of February, 1997

Patrick A. Takasugi
Director
Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701-0790
Phone: 332-8500
FAX: 334-4623

TEXT OF DOCKET NO. 02-0639-9701

IDAPA 02
TITLE 06
Chapter 39

**02.06.39 - RULES GOVERNING MINIMUM STANDARDS FOR
PLANTING UNCERTIFIED SEED POTATOES IN IDAHO**

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Section 22-505, Idaho Code. (2-28-97)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02, Title 06, Chapter 39, "Rules Governing Minimum Standards for Planting Uncertified Seed Potatoes in Idaho." (2-28-97)T

02. Scope. These rules will establish the procedures of identifying, handling and testing uncertified seed potatoes to be planted in Idaho. These rules also provide procedures for reporting the planting of uncertified seed potatoes to the department and enforcement. (2-28-97)T

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (2-28-97)T

003. ADMINISTRATIVE APPEAL.

There is no provision for administrative appeal before the Department of Agriculture under this chapter. Hearing and appeal rights are pursuant to Title 67, Chapter 52, Idaho Code. (2-28-97)T

004. DEFINITIONS.

The Idaho Department of Agriculture adopts the definitions set forth in Section 22-501, Idaho Code, and additionally the following: (2-28-97)T

01. Disease. Disease means any fungus, bacteria, virus, or other organism injurious to plant life or plant products, including the spore or any other propagative state thereof. (2-28-97)T

02. Pest. Pest means any form of animal life which is or may be detrimental or injurious to plant life or plant products, including the egg, larva, pupa, or any other immature stage thereof. (2-28-97)T

005. FINDINGS.

The adoption of IDAPA 02.06.39 will confer benefits to the potato industry. The planting of uncertified seed potatoes that meet the standard for the last generation of certified seed potatoes according to the Idaho Crop Improvement Association (ICIA) rules of certification authorized pursuant to Title 22, Chapter 15, Idaho Code, will reduce the incidence of diseases and improve the quality of Idaho potatoes. (2-28-97)T

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules are public records available for inspection and copying at the department. (2-28-97)T

007. -- 049. (RESERVED)

050. REQUIREMENTS - UNCERTIFIED SEED POTATOES SHALL BE:

01. No More Than One (1) Generation. No more than one (1) generation from certified parent seed potatoes. (2-28-97)T

02. Grown By the Farmer. Grown by the farmer and separated and graded at the storage of the farmer planting the uncertified seed potatoes. (2-28-97)T
03. Planting. Planted only on the farm of the farmer who produced the uncertified seed potatoes. (2-28-97)T
04. Disease Content. In compliance with ICIA rules of certification for seed potatoes by having a disease content that does not exceed the standard for the last generation of certified seed potatoes. (2-28-97)T
05. Laboratory Testing. Laboratory tested for bacterial ring rot prior to planting. (2-28-97)T
06. Laboratory Tested and/or Grown Out. Laboratory tested and/or grown-out for potato leaf roll virus and potato virus Y prior to planting. (2-28-97)T
07. TestingByDesignatedAgenciesLaboratoryand/orgrow-outtestedbyagenciesdesignatedbythedeptment. (2-28-97)T
08. Sampling. Sampled in accordance with procedures established by the department. (2-28-97)T

060. ENFORCEMENT.

01. Reporting. All growers planning to plant uncertified seed potatoes shall complete an uncertified seed potatoes report form approved by the department. The completed report shall be submitted to the department prior to planting. (2-28-97)T
02. Survey. The department shall randomly survey not less than fifteen percent (15%) of the Idaho potato growers annually for compliance with these rules and the provisions of Title 22, Chapter 5, Seed Potatoes, Idaho Code. (2-28-97)T

061. -- 069. (RESERVED).

070. VIOLATIONS.

Any person violating any provisions of these rules shall be subject to the provisions of Section 22-504, Idaho Code. (2-28-97)T

071. -- 999. (RESERVED).

IDAPA 05 - DEPARTMENT OF JUVENILE CORRECTIONS
05.01.01 - RULES OF THE DEPARTMENT OF JUVENILE CORRECTIONS
DOCKET NO. 05-0101-9701

NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: These temporary rules are effective March 1, 1997.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed regular rule-making procedures have been initiated. The action is authorized pursuant to Section(s) 20-504, 20-531(4), and Section 16-1901 et. seq., Idaho Code.

PUBLIC HEARING SCHEDULE: Pursuant to Section 67-522(2), Idaho Code, Public hearing(s) concerning this rule-making will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than May 21, 1997.

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: It is necessary to amend the recently promulgated rules of the Department of Juvenile Corrections in order to provide a more flexible standard for the staffing ratio needed by the counties to provide security for juvenile detention facilities; to make that standard a "recommendation only" and NOT mandatory; and to correct two (2) scrivener errors previously undetected by the Department (one error was found in Rule 455 and the other was found in Rule 475).

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(b) and 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: protection of the public health, safety, or welfare requires a rule to become effective before it has been submitted to the legislature for review and that the agency may proceed with such notice as is practicable and adopt a temporary rule.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Margaret P. White, Deputy Attorney General, P.O. Box 83720, Boise, ID 83720-0285.

Anyone may submit written comments regarding this temporary and proposed rule-making. All written comments must be directed to the undersigned and must be delivered on or before May 28, 1997.

DATED this 24th day of March, 1997

Margaret P. White
Deputy Attorney General
Department of Juvenile Corrections
400 N. 10th Street, 2nd Floor
P.O. Box 83720
Boise, ID 83720-0285
Phone: (208) 334-2100
Fax: (208) 334-5120

TEXT OF DOCKET NO. 05-0101-9701

412. STAFF REQUIREMENTS AND STAFF DEVELOPMENT.

01. Twenty-four (24) Hour Supervision. The facility shall be staffed by facility employees on a twenty-four (24) hour basis when juveniles are being housed. (7-1-96)T

02. Staffing. The facility shall have staff to perform all functions relating to security, supervision, services and programs as needed to operate the facility. The facility shall have Policy and Procedures in place governing staffing and shall submit a staffing plan to the Department of Juvenile Corrections prior to licensing and renewal. The following staffing plan is a recommendation only, and is NOT mandatory. It is recommended that the staffing plan shall have, at a minimum, at least two (2) staff awake and on duty through sleeping hours and the following staff during waking hours as governed by the "one (1) direct care staff to eight (8) juveniles, plus one staff" rule: ~~(7-1-96)T~~(3-1-97)T

a. If the facility houses eight (8) or fewer juveniles, there ~~shall~~ should be at least one (1) direct care staff and one (1) other staff awake at all times. ~~(7-1-96)T~~(3-1-97)T

b. If the facility houses more than eight (8) juveniles, there ~~shall~~ should be one (1) direct care staff for each eight (8) juveniles plus one (1) additional staff awake at all times. Example: if the facility houses thirty-two (32) youth, four (4) direct care staff would be ~~required~~ recommended (1 staff to 8 juveniles), plus one (1) additional staff for a total of five (5) staff ~~required~~. ~~(7-1-96)T~~(3-1-97)T

03. Gender of Employees. At least one (1) of the facility employees on duty ~~shall~~ should be female when females are housed in the facility and at least one (1) shall be male when males are housed in the facility. ~~(7-1-96)T~~(3-1-97)T

04. Minimum Qualifications. Direct Care Personnel, or Direct Care Volunteers, at the time of employment, shall meet the minimum criminal history background requirements that are outlined in the Idaho Peace Officers Standards and Training (P.O.S.T.) Detention Officer Standards. Decisions on hiring may be appealed to the governing body of the facility. (7-1-96)T

05. Training and Staff Development Plan. Each juvenile detention facility shall develop a staff training and development plan based on the Policy and Procedures of the facility. All Direct Care Personnel, paid or unpaid, shall be provided orientation training before undertaking their job duty assignments. The orientation and training plan should address areas such as First Aid/CPR, security procedures, supervision of juveniles, signs of suicide risks, suicide precautions, use of physical force regulations, report writing, juvenile rules of conduct, rights and responsibilities of juveniles, fire and emergency procedures, safety procedures, key control, interpersonal relations, social/cultural life styles of the juvenile population, communication skills, and counseling techniques. (7-1-96)T

(BREAK IN CONTINUITY OF SECTIONS)

455. RULES AND DISCIPLINE.

01. Written Policy and Procedures. The facility shall have written policy and procedure for maintaining discipline and regulating juveniles' conduct. The following general principle shall apply: (7-1-96)T

a. The conduct of juveniles shall be regulated in a manner which encourages and supports appropriate behavior, with penalties for negative behavior; (7-1-96)T

b. Rules of conduct. The facility shall have written rules of conduct which specify prohibited acts within the facility, the penalties that may be imposed for various degrees of violation, and the disciplinary procedures to be followed. Upon admission, each juvenile shall be provided a copy of the rules. If, at any time, a literacy or language barrier is recognized, the facility shall make good faith efforts to provide understanding; (7-1-96)T

- c. Disciplinary action shall be of a nature to regulate juveniles' behavior within acceptable limits and shall be taken at such times and in such degrees as necessary to accomplish this objective; (7-1-96)T
- d. The behavior of juveniles shall be controlled in an impartial and consistent manner; (7-1-96)T
- e. Disciplinary action shall not be arbitrary, capricious, retaliatory, or vengeful; (7-1-96)T
- f. Corporal or unusual punishment is prohibited, and care shall be taken to insure juveniles' freedom from personal abuse, humiliation, mental abuse, personal injury, disease, property damage, harassment, or punitive interference with daily functions of living, such as eating or sleeping; (7-1-96)T
- g. Use of restraints or use of restraints or physical force as punishment is prohibited. Use of physical force may be used only in accordance with written Policy and Procedure and limited to the following situations:
(7-1-96)T(3-1-97)T
- i. Protection of a juvenile from self injury; (7-1-96)T
- ii. Prevention of injury to others; (7-1-96)T
- iii. Precaution during transfer; (7-1-96)T
- iv. Medical reasons under the direction of medical staff; and (7-1-96)T
- v. Prevention of property damage. (7-1-96)T
- h. Withholding of food or variation of diet as punishment is prohibited; and (7-1-96)T
- i. Juveniles shall not be subject to any situation in which juveniles impose discipline on each other. (7-1-96)T
02. Written Policy and Procedures. The facility shall have written Policy and Procedures to define and govern the resolution of rule infractions. (7-1-96)T
03. Grievance Procedure. The facility shall have written Policy and Procedures for juveniles which will identify grievable issues and define the grievance process. (7-1-96)T
04. Criminal Law Violations. When a juvenile allegedly commits an act that violates federal, state, or local criminal law, the case shall be promptly referred to the appropriate authority for possible investigation and prosecution. (7-1-96)T

(BREAK IN CONTINUITY OF SECTIONS)

475. NEW FACILITY DESIGN AND CONSTRUCTION.

01. Applicability. All standards in this section, except where exceptions are stated, shall apply to new juvenile detention facilities and renovation of existing juvenile detention facilities for which construction is initiated after the effective date of these rules. In the case of partial renovation of an existing facility, it is intended that these rules should apply only to the part of the facility being renovated. (7-1-96)T
02. Rated Capacity. The facility shall have a rated capacity established in accordance with these rules. Except in emergencies, the total number of juveniles in each sleeping room or housing unit shall not exceed its rated capacity. The number of juveniles which may be housed in a particular room, housing unit, or facility shall be based upon available square footage, sanitary fixtures, and other physical plant features as specified in these rules. (7-1-96)T

03. Code Compliance. In addition to these rules, all new construction and renovation shall comply with the building, safety, and health codes of the local authority and the applicable requirements of the State Fire Marshal. Standards herein which exceed those of the local authority shall take precedence. (7-1-96)T

04. Site Selection. New facilities should be located to facilitate access to community resources and juvenile justice agencies. If the facility is located on the grounds or in a building with any other correctional facility, it shall be constructed as a separate, self-contained unit. (7-1-96)T

05. General Conditions. All newly constructed or renovated juvenile detention facilities shall conform to the following general conditions: (7-1-96)T

a. Artificial light. Light levels in all housing areas shall be at least twenty (20) foot candles measured three (3) feet above the floor. Light levels in other areas shall be appropriate for the use and type of activities which occur. Night lighting shall not exceed five (5) foot candles during sleeping hours. (7-1-96)T

b. Natural light. In all new construction, all living areas shall provide visual access to natural light. (7-1-96)T

c. Heating, cooling and ventilation systems. HVAC systems shall be designed to provide that temperatures in indoor living and work areas are appropriate to the summer and winter comfort zones, and healthful and comfortable living and working conditions exist in the facility. (7-1-96)T

d. Detention hardware. All locks, detention hardware, fixtures, furnishings, and equipment shall have the proper security value for the areas in which they are used. The use of padlocks in place of security locks on sleeping room or housing unit doors is prohibited. (7-1-96)T

e. Privacy screening. Juveniles' rights to privacy from unauthorized or degrading observation shall be protected without compromising the security and control of the facility. Privacy screening for all toilet and shower areas which still allows adequate supervision of those areas should be incorporated into the design. (7-1-96)T

f. Perimeter security. The facility shall have a perimeter which is secured in such a way that juveniles remain within the perimeter and that access by the general public is denied without proper authorization. (7-1-96)T

g. Electronic surveillance and communications systems. The security area of the facility shall have an audio communication system equipped with monitors in each sleeping room and temporary holding room designed to allow monitoring of activities and to allow juveniles to communicate emergency needs to facility employees. Closed circuit television should primarily be used to verify the identity of persons where direct vision is not possible. Closed circuit television shall not be used to routinely monitor the interior of sleeping rooms. (7-1-96)T

h. Emergency power. All newly constructed facilities shall provide an emergency source of power to supply electricity for entrance lighting, exit signs, circulation corridors, fire alarm, electrically operated locks and the ventilation system. (7-1-96)T

06. Admission and Release Area. The facility shall have an intake and release area which should be located within the security perimeter, but apart from other living and activity areas. Adequate space shall be allocated for, at least but not limited to, reception, booking and identification, search, shower and clothing exchange, medical screening, storage of juvenile's personal property and facility clothing, telephone calls, interviews, release screening and processing and temporary holding rooms designed to detain juveniles for up to eight (8) hours pending booking, court appearance, housing assignment, transfer, or release. Temporary holding rooms may be designed for multiple occupancy and shall provide at least twenty-five (25) square feet of floor space for each juvenile at capacity, but shall be no smaller than fifty (50) square feet. Temporary holding rooms shall have access to a toilet and wash basin with hot and cold water. (7-1-96)T

07. Single Occupancy Rooms. Single occupancy sleeping rooms or cells shall have a minimum of thirty-five (35) square feet of unencumbered space and shall be equipped with at least a bed above the floor. (7-1-96)T

08. Multiple Occupancy Rooms. Multiple occupancy sleeping rooms or cells shall have at least thirty-five (35) square feet of unencumbered floor space per occupant at the room's rated capacity and shall be equipped with at least a bed off the floor for each occupant. (7-1-96)T

09. Sanitation and Seating. All single or multiple occupancy sleeping rooms shall be equipped with, or have twenty four (24) hours per day access without staff assistance to toilets, wash basins with hot and cold running water, and drinking water at the following ratios: one (1) shower and one (1) toilet for every eight (8) juveniles or fraction thereof, one (1) wash basin with hot and cold water for every twelve (12) juveniles or a fraction thereof, and tables and seating sufficient for the maximum number expected to use the room at one time. (7-1-96)T

10. Day Room/Multi-Purpose Room. The facility shall have at least one day room/multi-purpose room which provides a minimum of thirty-five (35) square feet of floor space per occupant for the maximum number expected to use the room at one time. (7-1-96)T

11. Program Space. Adequate space shall be allocated for, but not limited to, educational programs, individual and group activities, exercise and recreation, visitation, confidential attorney and clergy interviews, and counseling. (7-1-96)T

12. Interview Space. A sufficient number of confidential interview areas to accommodate the projected demand of visits by attorneys, counselors, clergy, or other officials shall be provided. At least one (1) confidential interview area is required. (7-1-96)T

13. Outdoor Exercise Space. The facility should have a secure outdoor recreation area ~~large enough to ensure that each juvenile is offered at least one (1) hour of access daily.~~ (7-1-96)T (3-1-97)T

14. Medical Service Space. Space shall be provided for routine medical examinations, emergency first-aid, emergency equipment storage, and secure medicine storage. (7-1-96)T

15. Food Service. Where food is to be prepared in-house, the kitchen shall have sufficient space for food preparation, serving, disposal, and clean-up to serve the facility at its projected capacity. The kitchen shall be properly equipped and have adequate storage space for the quantity of food prepared and served. (7-1-96)T

16. Laundry. Where laundry services are provided in-house, there shall be sufficient space available for heavy duty or commercial type washers, dryers, soiled laundry storage, clean laundry storage, and laundry supply storage. (7-1-96)T

17. Janitor's Closet. At least one (1) secure janitor's closet containing a mop sink and sufficient space for storage of cleaning supplies and equipment shall be provided within the security perimeter of the facility. (7-1-96)T

18. Security Equipment Storage. A secure storage area shall be provided for all chemical agents, weapons, and security equipment. (7-1-96)T

19. Administration Space. Adequate space shall be provided which includes but is not limited to, administrative, security, professional and clerical staff, offices, conference rooms, storage rooms, a public lobby, and toilet facilities. (7-1-96)T

20. Public Lobby. A public lobby or waiting area shall be provided which includes sufficient seating and toilets. Public access to security and administrative work areas shall be restricted. All parts of the facility that are accessible to the public shall be accessible to, and usable by, persons with disabilities in compliance with ADA standards. (7-1-96)T

IDAPA 07 - DIVISION OF BUILDING SAFETY
07.01.04 - RULES GOVERNING ELECTRICAL SPECIALTY LICENSING

DOCKET NO. 07-0104-9601

NOTICE OF FINAL RULE

EFFECTIVE DATE: This rule is effective March 19, 1997.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a final rule. The action is authorized pursuant to Section 67-5291, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance of the final rule:

Pursuant to SCR 113, the 1997 Legislature has rejected Rule No. 07.01.04.014. Therefore, the text will revert back to its original form. If you wish to review the legislative formatted text refer to the Idaho Administrative Bulletin, Volume 96-8, August 7, 1996, Pages 42 through 45. If you wish to review the current text refer to the 1996 Idaho Administrative Code, Volume 1, pages 574 through 577.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this final rule, contact Gary L. Malmen, Bureau Chief, Electrical Bureau, Division of Building Safety, 277 N. 6th Street, Suite 101, P.O. Box 83720, Boise, Idaho 83720-0028, (208) 334-2183.

DATED this 25th day of March, 1997.

Renee Bryant
Division of Building Safety
277 N. 6th Street, Suite 100
P.O. Box 83720
Boise, ID 83720-4801
(208) 334-3950/fax (208) 334-2683

IDAPA 07 - DIVISION OF BUILDING SAFETY
07.01.04 - RULES GOVERNING ELECTRICAL SPECIALTY LICENSING
DOCKET NO. 07-0104-9602
NOTICE OF FINAL RULE

EFFECTIVE DATE: This rule is effective March 19, 1997.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a final rule. The action is authorized pursuant to Section 67-5291, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance of the final rule:

Pursuant to SCR 113, the 1997 Legislature has rejected Rule No. 07.01.04.013. Therefore, the text will revert back to its original form. If you wish to review the legislative formatted text refer to the Idaho Administrative Bulletin, Volume 96-10, October 2, 1996, Pages 9 through 10. If you wish to review the current text refer to the 1996 Idaho Administrative Code, Volume 1, pages 574 through 577.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this final rule, contact Gary L. Malmen, Bureau Chief, Electrical Bureau, Division of Building Safety, 277 N. 6th Street, Suite 101, P.O. Box 83720, Boise, Idaho 83720-0028, (208) 334-2183.

DATED this 25th day of March, 1997.

Renee Bryant
Division of Building Safety
277 N. 6th Street, Suite 100
P.O. Box 83720
Boise, ID 83720-4801
(208) 334-3950/fax (208) 334-2683

IDAPA 15 - IDAHO COMMISSION ON AGING
15.01.01 - RULES GOVERNING STATE SENIOR SERVICES
DOCKET NO. 15-0101-9701
NOTICE OF INTENT TO PROMULGATE RULES
(NEGOTIATED RULE-MAKING)

AUTHORITY: In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that this agency intends to propose rules and desires public comment prior to initiating formal rule-making procedures. The action is negotiated rule-making authorized pursuant to Section 67-5003, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rule-making and the principle issues involved: These proposed rules will repeal and replace the current rules for Idaho Senior Services Program, Senior Homemaker Services, and Care Coordination for the Elderly. They will also establish new rules for Respite Care, Adult Day Care, and Chore service for the elderly.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rule, contact Ken Wilkes, (208) 334-2219.

Anyone may submit written comments regarding this proposed negotiated rule-making. All written comments must be directed to the undersigned and must be delivered on or before May 31, 1997.

DATED this 24th day of March, 1997.

Arlene Davidson
Director
Idaho Commission on Aging
Statehouse, Room 108
P.O. Box 83720
Boise, Idaho 83720-0007
Phone: (208) 334-3833
Fax: (208) 334-3033

IDAPA 15 -IDAHO COMMISSION ON AGING
15.01.02 - RULES GOVERNING ADULT PROTECTION SERVICES

DOCKET NO. 15-0102-9701

NOTICE OF INTENT TO PROMULGATE RULES
(NEGOTIATED RULE-MAKING)

AUTHORITY: In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that this agency intends to propose rules and desires public comment prior to initiating formal rule-making procedures. The action is negotiated rule-making authorized pursuant to Section 67-5003 Idaho Code.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rule-making and the principle issues involved: The rules, subject to negotiation, address the duties and responsibilities of area agency Adult Protection programs to investigate and resolve adult protection complaints under current law. Principle issues involve area agency requirements in administering and providing adult protection services pursuant to the Idaho Senior Services Act and the Adult Abuse, Neglect and Exploitation Act.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rule, contact Omar Valverde, (208) 334-2220.

Anyone may submit written comments regarding this proposed negotiated rule-making. All written comments must be directed to the undersigned and must be delivered on or before May 31, 1997.

DATED this 24th day of March, 1997.

Arlene Davidson
Director
Idaho Commission on Aging
Statehouse, Room 108
P.O. Box 83720
Boise, Idaho 83720-0007
Phone: (208) 334-3833
FAX: (208) 334-3033

IDAPA 15 - IDAHO COMMISSION ON AGING
15.01.03 - RULES GOVERNING OMBUDSMAN PROGRAM

DOCKET NO. 15-0103-9701

NOTICE OF INTENT TO PROMULGATE RULES
(NEGOTIATED RULE-MAKING)

AUTHORITY: In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that this agency intends to propose rules and desires public comment prior to initiating formal rule-making procedures. The action is negotiated rule-making authorized pursuant to Section 67-5003, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rule-making and the principle issues involved: Ombudsman rules, subject to negotiation, establish minimum requirements and responsibilities necessary for the Area Agencies on Aging to operate a substate Ombudsman for the Elderly program in Idaho. Pursuant to federal and state law. These rules address issues of administration, staffing, case handling, confidentiality and disclosure.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rule, contact Cathy Hart, (208) 334-4693.

Anyone may submit written comments regarding this proposed negotiated rule-making. All written comments must be directed to the undersigned and must be delivered on or before May 31, 1997.

DATED this 24th day of March, 1997.

Arlene Davidson
Director
Idaho Commission on Aging
Statehouse, Room 108
P.O. Box 83720
Boise, Idaho 83720-0007
Phone: (208) 334-3833
Fax: (208) 334-3033

IDAPA 15 - IDAHO COMMISSION ON AGING
15.01.20 - RULES GOVERNING AREA AGENCY ON AGING OPERATIONS

DOCKET NO. 15-0120-9701

**NOTICE OF INTENT TO PROMULGATE RULES
(NEGOTIATED RULE-MAKING)**

AUTHORITY: In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that this agency intends to propose rules and desires public comment prior to initiating formal rule-making procedures. The action is negotiated rule-making authorized pursuant to Section 67-5003, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rule-making and the principle issues involved: This will address the administrative requirements for the Idaho Commission on Aging and Area Agencies on Aging, pursuant to state and federal laws. These rules address issues of designation and de-designation of Area Agencies on Aging, contracting, and financial management.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rule, contact Ken Wilkes, (208) 334-2219.

Anyone may submit written comments regarding this proposed negotiated rule-making. All written comments must be directed to the undersigned and must be delivered on or before May 31, 1997.

DATED this 24th day of March, 1997.

Arlene Davidson
Director
Idaho Commission on Aging
Statehouse, Room 108
P.O. Box 83720
Boise, Idaho 83720-0007
Phone: (208) 334-3833
Fax: (208) 334-3033

IDAPA 1 - IDAHO COMMISSION ON AGING
15.01.21 - RULES GOVERNING OLDER AMERICANS ACT SERVICES

DOCKET NO. 15-0121-9701

**NOTICE OF INTENT TO PROMULGATE RULES
(NEGOTIATED RULE-MAKING)**

AUTHORITY: In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that this agency intends to propose rules and desires public comment prior to initiating formal rule-making procedures. The action is negotiated rule-making authorized pursuant to Section 67-5003, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rule-making and the principle issues involved: This will establish new rules for Nutrition, Information and Assistance, Transportation, and Outreach services.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rule, contact Ed Wimmer, (208) 334-2218.

Anyone may submit written comments regarding this proposed negotiated rule-making. All written comments must be directed to the undersigned and must be delivered on or before May 31, 1997.

DATED this 24th day of March, 1997.

Arlene Davidson
Director
Idaho Commission on Aging
Statehouse, Room 108
P.O. Box 83720
Boise, Idaho 83720-0007
Phone: (208) 334-3833
Fax: (208) 334-3033

IDAPA 15 - IDAHO COMMISSION ON AGING

15.01.30 - RULES GOVERNING SENIOR COMMUNITY SERVICES EMPLOYMENT PROGRAM

DOCKET NO. 15-0130-9701

**NOTICE OF INTENT TO PROMULGATE RULES
(NEGOTIATED RULE-MAKING)**

AUTHORITY: In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that this agency intends to propose rules and desires public comment prior to initiating formal rule-making procedures. The action is negotiated rule-making authorized pursuant to Section 67-5003, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rule-making and the principle issues involved: These rules: (1) address the need for local coordination of Senior Community Service Employment Program (SCSEP) services with 5% Job Training Partnership Act Program (JTPA) services and Area Agency on Aging services, (2) specify that only one applicant will be selected in each planning and service area to operate both the state-administered SCSEP and 5% JTPA Older Worker Program; and (3) state the criteria for removing an enrollee from the SCSEP Program for failure to comply with the terms of the enrollee's employment plan.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rule, contact Melinda Adams, (208) 334- 2289.

Anyone may submit written comments regarding this proposed negotiated rule-making. All written comments must be directed to the undersigned and must be delivered on or before May 31, 1997.

DATED this 24th day of March, 1997.

Arlene Davidson
Director
Idaho Commission on Aging
Statehouse, Room 108
P.O. Box 83720
Boise, Idaho 83720-0007
Phone: (208) 334-3833
Fax: (208) 334-3033

IDAPA 15 - IDAHO COMMISSION ON AGING
15.01.31 - RULES GOVERNING JOB TRAINING PARTNERSHIP ACT
DOCKET NO. 15-0131-9701

NOTICE OF INTENT TO PROMULGATE RULES
(NEGOTIATED RULE-MAKING)

AUTHORITY: In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that this agency intends to propose rules and desires public comment prior to initiating formal rule-making procedures. The action is negotiated rule-making authorized pursuant to Section 67-5003, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rule-making and the principle issues involved: These rules: (1) address the need for local coordination of the Job Training Partnership Act (JTPA) Older Worker Program with the state-administered Senior Community Service Employment Program (SCSEP) and Area Agency on Aging services; (2) specify that only one applicant will be selected in each planning and service area to operate both the 5% JTPA Older Worker Program and the state-administered SCSEP program.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rule, contact Melinda Adams, (208) 334-2289.

Anyone may submit written comments regarding this proposed negotiated rule-making. All written comments must be directed to the undersigned and must be delivered on or before May 31, 1997.

DATED this 24th day of March, 1997.

Arlene Davidson
Director
Idaho Commission on Aging
Statehouse, Room 108
P.O. Box 83720
Boise, Idaho 83720-0007
Phone: (208) 334-3833
Fax: (208) 335-3033

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

DOCKET NO. 16-0000-9701

NOTICE OF LEGISLATIVE ADOPTION AND EXTENSION OF TEMPORARY RULES

SUBJECT:

- Rules for the Control of Air Pollution in Idaho, Docket Nos. 16-0101-9504, 16-0101-9505, and 16-0101-9601
- Water Quality Standards and Wastewater Treatment Requirements, Docket Nos. 16-0102-9502, 16-0102-9601, and 16-0102-9602
- Rules and Standards for Hazardous Waste, Docket Nos. 16-0105-9502 and 16-0105-9601
- Idaho Rules for Public Drinking Water Systems, Docket No. 16-0108-9502
- Environmental Audit Protection Rules, Docket No. 16-0110-9601
- Ground Water Quality Rule, Docket No. 16-0111-9501
- Rules for Ore Processing by Cyanidation, Docket No. 16-0113-9501
- Idaho Land Remediation Rules, Docket No. 16-0118-9601

AUTHORITY: The Department of Health and Welfare herein incorporates by reference, as the authority for each rule docket listed in this notice, the authority provisions previously published in the Idaho Administrative Bulletin as cited in the Descriptive Summary below.

DESCRIPTIVE SUMMARY: The subject rule dockets have been submitted for review during the First Regular Session of the Fifty-fourth Idaho Legislature. The following is a summary of rulemaking activity resulting from the legislative review:

Rules for the Control of Air Pollution in Idaho, Docket No. 16-0101-9504, Temporary and Pending Rule, Idaho Administrative Bulletin, Volume 96-4, April 3, 1996, pp. 27 through 29. The temporary rule has been approved by the Idaho Legislature under Senate Concurrent Resolution No. 117 in accordance with Sections 67-5226 and 67-5291, Idaho Code, and will remain in effect until the pending rule becomes final and effective. The pending rule has been approved by the Idaho Legislature in accordance with Sections 67-5224 and 67-5291, Idaho Code, and will become final and effective on July 1, 1997.

Rules for the Control of Air Pollution in Idaho, Docket No. 16-0101-9505, Temporary and Pending Rule, Idaho Administrative Bulletin, Volume 96-8, August 7, 1996, pp. 63 through 84. The temporary rule has been approved by the Idaho Legislature under Senate Concurrent Resolution No. 117 in accordance with Sections 67-5226 and 67-5291, Idaho Code, and will remain in effect until the pending rule becomes final and effective. The pending rule has been approved by the Idaho Legislature in accordance with Sections 67-5224 and 67-5291, Idaho Code, and will become final and effective on July 1, 1997.

Rules for the Control of Air Pollution in Idaho, Docket No. 16-0101-9601, Pending Rule, Idaho Administrative Bulletin, Volume 97-1, January 1, 1997, pp. 91 through 96. The pending rule has been approved by the Idaho Legislature in accordance with Sections 67-5224 and 67-5291, Idaho Code, and became final and effective on March 20, 1997.

Water Quality Standards and Wastewater Treatment Requirements, Docket No. 16-0102-9502, Pending Rule, Idaho Administrative Bulletin, Volume 97-1, January 1, 1997, pp. 97 through 113. The pending rule has been approved by the Idaho Legislature in accordance with Sections 67-5224 and 67-5291, Idaho Code, and became final and effective on March 20, 1997.

Water Quality Standards and Wastewater Treatment Requirements, Docket No. 16-0102-9601, Pending Rule, Idaho Administrative Bulletin, Volume 96-11, November 6, 1996, pp. 71 and 72. The pending rule has been approved by the Idaho Legislature in accordance with Sections 67-5224 and 67-5291, Idaho Code, and became final and effective on March 20, 1997.

Water Quality Standards and Wastewater Treatment Requirements, Docket No. 16-0102-9602, Pending Rule, Idaho Administrative Bulletin, Volume 97-1, January 1, 1997, p 114. The pending rule has been approved by the Idaho Legislature in accordance with Sections 67-5224 and 67-5291, Idaho Code, and became final and effective on March 20, 1997.

Rules and Standards for Hazardous Waste, Docket No. 16-0105-9502, Temporary and Pending Rule, Idaho Administrative Bulletin, Volume 96-4, April 3, 1996, pp. 54 through 60. The temporary rule has been approved by the

Idaho Legislature under Senate Concurrent Resolution No. 117 in accordance with Sections 67-5226 and 67-5291, Idaho Code, and will remain in effect until the pending rule becomes final and effective. The pending rule has been approved by the Idaho Legislature in accordance with Sections 67-5224 and 67-5291, Idaho Code, and will become final and effective on July 1, 1997.

Rules and Standards for Hazardous Waste, Docket No. 16-0105-9601, Temporary and Pending Rule, Idaho Administrative Bulletin, Volume 97-1, January 1, 1997, p. 115. The temporary rule has been approved by the Idaho Legislature under Senate Concurrent Resolution No. 117 in accordance with Sections 67-5226 and 67-5291, Idaho Code, and will remain in effect until the pending rule becomes final and effective. The pending rule has been approved by the Idaho Legislature in accordance with Sections 67-5224 and 67-5291, Idaho Code, and will become final and effective on July 2, 1997.

Idaho Rules for Public Drinking Water Systems, Docket No. 16-0108-9502, Temporary and Pending Rule, Idaho Administrative Bulletin, Volume 96-4, April 3, 1996, pp. 61 and 62. The temporary rule has been approved by the Idaho Legislature under Senate Concurrent Resolution No. 117 in accordance with Sections 67-5226 and 67-5291, Idaho Code, and will remain in effect until the pending rule becomes final and effective. The pending rule has been approved by the Idaho Legislature in accordance with Sections 67-5224 and 67-5291, Idaho Code, and will become final and effective on July 1, 1997.

Environmental Audit Protection Rules, Docket No. 16-0110-9601, Amended Temporary and Pending Rule, Idaho Administrative Bulletin, Volume 96-8, August 7, 1996, pp. 85 through 92. The amended temporary rule has been approved by the Idaho Legislature under Senate Concurrent Resolution No. 117 in accordance with Sections 67-5226 and 67-5291, Idaho Code, and will remain in effect until the pending rule becomes final and effective. The pending rule has been approved by the Idaho Legislature in accordance with Sections 67-5224 and 67-5291, Idaho Code, and will become final and effective on July 1, 1997.

Ground Water Quality Rule, Docket No. 16-0111-9501, Pending Rule, Idaho Administrative Bulletin, Volume 97-1, January 1, 1997, pp. 116 through 120. The pending rule has been approved by the Idaho Legislature in accordance with Sections 67-5224 and 67-5291, Idaho Code, and became final and effective on March 20, 1997.

Rules for Ore Processing by Cyanidation, Docket No. 16-0113-9501, Temporary and Pending Rule, Idaho Administrative Bulletin, Volume 96-4, April 3, 1996, pp. 63 through 71. The temporary rule has been approved by the Idaho Legislature under Senate Concurrent Resolution No. 117 in accordance with Sections 67-5226 and 67-5291, Idaho Code, and will remain in effect until the pending rule becomes final and effective. The pending rule has been approved by the Idaho Legislature in accordance with Sections 67-5224 and 67-5291, Idaho Code, and will become final and effective on July 1, 1997.

Idaho Land Remediation Rules, Docket No. 16-0118-9601, Pending Rule, Volume 97-3, March 5, 1997, pp. 7 and 8. The fee provisions of the pending rule, found at IDAPA 16.01.18 Subsection 020.02.e, have been approved by the Idaho Legislature under Senate Concurrent Resolution No. 116 in accordance with Sections 67-5224 and 67-5291, Idaho Code, and became final and effective on March 13, 1997.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this publication, contact Paula Saul at 373-0418.

Dated this 7th day of May, 1997

Paula Junae Saul
Environmental Quality Section
Attorney General's Office
1410 N. Hilton
Boise, ID 83706-1255

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO
DOCKET NO. 16-0101-9702

NOTICE OF NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, and IDAPA 04.11.01.810 through .815, notice is hereby given that this agency intends to promulgate a rule and desires public participation in an informal, negotiated rulemaking process prior to the initiation of formal rulemaking procedures by the agency. The negotiated rulemaking action is authorized by Section 39-105, Idaho Code. The formal rulemaking action is authorized by Sections 39-105 and 39-107, Idaho Code. In addition, this rulemaking is mandated by the United States Environmental Protection Agency (EPA) pursuant to 61 Fed. Reg. 68,384-68,404 (December 27, 1996) (to be codified at 40 CFR Part 63 Subpart B).

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

This rulemaking has been undertaken to adopt and implement the federal program established under Sections 112(g) and 112(j) of the Clean Air Act. The purpose of the rule will be to provide for Idaho to establish Maximum Achievable Control Technology (MACT) standards for new major sources that emit hazardous air pollutants (HAP) in the event that: 1) a source begins construction or reconstruction before EPA is scheduled to develop a MACT for that source category; or 2) a source in a source category for which EPA is required to develop a MACT but is over 18 months behind schedule in developing the MACT for that source category. Sections 112(g) and 112(j) of the Clean Air Act require that states be able to develop equivalent emission limits by permit. This will be implemented through Idaho's Part 70 (Title V) Permit Program. The rule will affect new or reconstructed major sources that emit HAP. A major source for HAP is a source that emits 10 tons/year of any single HAP or 25 tons/year in the aggregate of HAP.

A preliminary draft of the text of the rule may be obtained by contacting Chris Davenport of the Division of Environmental Quality (DEQ) at (208)373-0502. Persons interested in participating in the negotiated rulemaking process are encouraged to attend meetings scheduled for May 12, 1997 and May 20, 1997 at 9 a.m. in Conference Room C of the Division of Environmental Quality, 1410 N. Hilton, Boise, Idaho. Interested persons may also participate in the negotiated rulemaking process by submitting written comments as provided below.

The goal of the negotiated rulemaking process will be to develop by consensus the text of a recommended rule. If a consensus is reached, a draft of the rule, incorporating the consensus and any other appropriate information, recommendations, or materials, will be transmitted to DEQ for consideration and use in the formal rulemaking process. If a consensus is unable to be achieved on particular issues, the negotiated rulemaking process may result in a report specifying those areas on which consensus was and was not reached, together with arguments for and against positions advocated by various participants. At the conclusion of the negotiated rulemaking process, DEQ intends to commence formal rulemaking with the publication of a proposed rule, using and taking into consideration the results of the negotiated rulemaking process. The final rule is expected to be in place and effective upon the conclusion of the 1998 session of the Idaho Legislature.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:

For assistance on questions concerning the negotiated rulemaking, contact Tim Teater at (208)373-0502.

Anyone may submit written comments regarding this proposal to initiate negotiated rulemaking. All written comments must be received by the undersigned on or before May 28, 1997.

Dated this 7th day of May, 1997.

Paula Junae Saul
Environmental Quality Section
Attorney General's Office
1410 N. Hilton
Boise, Idaho 83706-1255
Fax No. (208)373-0481

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.01.02 - WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIREMENTS
DOCKET NO. 16-0102-9702

NOTICE OF CORRECTION TO TEMPORARY RULE

CORRECTION: The following notice is being printed to correct an error made by the Office of Administrative Rules. The error was made in effective date of the temporary rule in IDAPA 16.01.02, Subsection 130.01. The original notice and temporary rule were published in the April 2, 1997, Administrative Bulletin, Volume 97-4 on pages 8 through 13. The text of the rule is not being republished.

AUTHORITY: In compliance with Section 67-5228, Idaho Code, notice is hereby given that this agency, with the consent of the Administrative Rules Coordinator, is correcting a transcription error. This action is authorized pursuant to Section 67-5228, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise statement of the correction being made:

Docket No. 16-0102-9702 that published in the Idaho Administrative Bulletin, April 2, 1997, Volume 97-4 issue, on pages 8 through 13, contained an error made in Section 16.01.02.130. On page 11, in Subsection 130.01 the effective date is shown as (7-1-97)T and should have been printed as (3-1-97)T. The text of this docket is not being reprinted with this notice but has been updated by this office to show the correct effective date.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this correction, contact Dennis Stevenson at (208) 334-3558.

DATED this 2nd day of April, 1997.

Dennis Stevenson
Office of the Administrative Rules Coordinator
Department of Administrative
PO Box 83720, Boise, ID 83720-0011

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.01.02 - WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIREMENTS

DOCKET NO. 16-0102-9702

NOTICE OF PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized by Sections 39-105, 39-107, and 39-3601 et seq., Idaho Code. In addition, promulgation of this rule circumvents federal promulgation of state water quality standards pursuant to 33 U.S.C. Section 1313(c) (Section 303(c) of the Clean Water Act).

PUBLIC HEARING SCHEDULE: No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, public hearings will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency. Written requests for hearing must be received by the undersigned on or before May 21, 1997. If no such written request is received, a public hearing will not be held.

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

In response to the United States Environmental Protection Agency's disapproval of the standards for Lindsay Creek (CB-210) and West Fork of Blackbird Creek (SB-4211), the Department of Health and Welfare, Division of Environmental Quality (Department) has determined that the following uses should be designated in the water quality standards in addition to those uses currently designated:

Lindsay Creek - secondary contact recreation (IDAPA 16.01.02.120.01.ii.)

West Fork Blackbird Creek - cold water biota, salmonid spawning (IDAPA 16.01.02.130.01.n.)

Upon the Department's recommendation, the Board of Health and Welfare adopted the referenced designated uses as a temporary rule with an effective date of March 1, 1997. Prior to adoption of this rule, these two water bodies lacked beneficial uses protective of fishable/swimmable goals of the Clean Water Act. In order to maintain these goals, these waters should have at least one aquatic life use protection and one recreation use protection. Lindsay Creek lacked recreation protection and West Fork of Blackbird Creek lacked aquatic life protection. State adoption of these uses will prevent federal promulgation to designate these uses to these waters.

With this publication, the Department proposes final adoption of this temporary rule.

Negotiated rulemaking was not conducted because time was of the essence to adopt a state rule prior to federal promulgation of state water quality standards.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rulemaking, contact Mark Shumar at (208)373-0502.

Anyone can submit written comment regarding this proposed rule. All written comments must be received by the undersigned on or before May 28, 1997.

DATED this 7th day of May, 1997.

Paula Junae Saul
Environmental Quality Section
Attorney General's Office
1410 N. Hilton
Boise, Idaho 83706-1255

TEXT OF DOCKET NO. 16-0102-9702

120. CLEARWATER BASIN.

The waters found within the Clearwater hydrologic basin are designated for use as follows: (7-1-93)

01. Designated Uses Within Clearwater Basin - Table B. (~~3-1-97~~F())

Legend:

- # Protected for General Use
- * Protected for Future Use
- X Use Protected Above Mining Impact Area

Map Code	Waters	DESIGNATED USES							
		Domestic Water Supply	Agricultural Water Supply	Cold Water Biota	Warm Water Biota	Salmonid Spawning	Primary Contact Recreation	Secondary Contact Recreation	Special Resource Water
a. CB-10	SNAKE RIVER - Salmon River to slackwater	#	#	#			#	#	#
b. CB-120	SELWAY RIVER - source to Lochsa River	#	#	#		#	#	#	#
c. CB-121	LOCHSA RIVER - source to Selway River	#	#	#		#	#	#	#
d. CB-130	MIDDLE FORK OF CLEARWATER RIVER - Lochsa Selway Confluence to S.F. Confluence	#	#	#		#	#	#	#
e. CB-131	AMERICAN RIVER - source to Red River	#	#	#		#	#	#	#
f. CB-1311	BIG ELK CREEK - source to mouth	#	#	#		#	#	#	
g. CB-1312	RED RIVER - source to American River	#	#	#		#	#	#	#
h. CB-132	S.F. CLEARWATER RIVER - confluence American-Red Rivers to mouth		#	#		#	#	#	#
i. CB-1321	THREE MILE CREEK - source to mouth		#	#		#		#	
j. CB-1322	COTTONWOOD CREEK - source to mouth (Idaho Co.)		#	#		#		#	
k. CB-140	CLEARWATER RIVER - S.F. and M.F. Confluence to N.F. Confluence	#	#	#		#	#	#	#

Map Code	Waters	DESIGNATED USES							
		Domestic Water Supply	Agricultural Water Supply	Cold Water Biota	Warm Water Biota	Salmonid Spawning	Primary Contact Recreation	Secondary Contact Recreation	Special Resource Water
l. CB-141	LAWYERS CREEK - source to mouth		#	#		#	#	#	
m. CB-142	JIM FORD CREEK - source to mouth		#	#		*	#	#	
n. CB-1421	GRASSHOPPER CREEK - source to mouth	#	#	*		*	#	#	
o. CB-143	OROFINO CREEK - source to mouth		#	#		#	#	#	
p. CB-144	N.F. CLEARWATER RIVER - source to backwater of Dworshak	#	#	#		#	#	#	#
q. CB-145	DWORSHAK RESERVOIR	#	#	#		#	#	#	#
r. CB-1451	REEDS CREEK - source to mouth	#	#	#		#	#	#	
s. CB-1452	ELK CREEK - source to Dworshak Reservoir	#	#	#		#	#	#	
t. CB-146	N.F. CLEARWATER RIVER - Dworshak Dam to mouth	#	#	#		#	#	#	#
u. CB-150	CLEARWATER RIVER - North Fork to slackwater	#	#	#		#	#	#	#
v. CB-151	BIG CANYON CREEK - source to mouth		#	#		#	#	#	
w. CB-152	COTTONWOOD CREEK - source to mouth (Nez Perce Co.)		#	*		*	#	#	
x. CB-153	POTLATCH RIVER - source to Bovill	#	#	#		#	#	#	#
y. CB-154	POTLATCH RIVER - Bovill to mouth	#	#	#		#	#	#	
z. CB-1541	LITTLE BEAR CREEK - source to mouth		#	*		*		#	
aa. CB-155	LAPWAI CREEK - source to Winchester Lake	#	#	#		#	#	#	
bb. CB-1551	WINCHESTER LAKE	#	#	#		*	#	#	#
cc. CB-156	LAPWAI CREEK - Winchester Lake to mouth		#	#		*	#	#	

Map Code	Waters	DESIGNATED USES							
		Domestic Water Supply	Agricultural Water Supply	Cold Water Biota	Warm Water Biota	Salmonid Spawning	Primary Contact Recreation	Secondary Contact Recreation	Special Resource Water
dd. CB-160	PALOUSE RIVER - source to Princeton	#	#	#		#	#	#	
ee. CB-170	PALOUSE RIVER - Princeton to Ida-Wash border		#		#		*	#	
ff. CB-171	S.F. PALOUSE RIVER - source to Ida-Wash border		#					#	
gg. CB-1711	COW CREEK - source to Ida-Wash border		#					#	
hh. CB-1712	PARADISE CREEK - source to Ida-Wash border		#					#	
ii. CB-210	LINDSAY CREEK - source to mouth		#	#				#	#
jj. CB-20	LOWER GRANITE DAM POOL - both Clearwater and Snake Arms	#	#	#			#	#	

02. Clearwater Hydrologic Basin - Map B (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

130. SALMON BASIN.

The waters found within the Salmon hydrologic basin are designated for use as follows: (7-1-93)

01. Designated Uses Within Salmon Basin - Table C. (~~3-1-97~~)F()

Map Code	Waters	DESIGNATED USES							
		Domestic Water Supply	Agricultural Water Supply	Cold Water Biota	Warm Water Biota	Salmonid Spawning	Primary Contact Recreation	Secondary Contact Recreation	Special Resource Water
a. SB-10	SALMON RIVER - source to East Fork Salmon	#	#	#		#	#	#	#
b. SB-20	SALMON RIVER - E.F. Confluence to Pahsimeroi River	#	#	#		#	#	#	#
c. SB-110	YANKEE FORK - source to mouth	#	#	#		#	#	#	#
d. SB-120	EAST FORK OF SALMON - source to mouth	#	#	#		#	#	#	#

Map Code	Waters	DESIGNATED USES							
		Domestic Water Supply	Agricultural Water Supply	Cold Water Biota	Warm Water Biota	Salmonid Spawning	Primary Contact Recreation	Secondary Contact Recreation	Special Resource Water
e. SB-130	THOMPSON CREEK - source to mouth		#	#		#		#	
f. SB-140	SQUAW CREEK - source to mouth		#	#		#		#	
g. SB-210	PAHSIMEROI RIVER - source to mouth	#	#	#		#	#	#	#
h. SB-30	SALMON RIVER - Pahsimeroi to Lemhi River	#	#	#		#	#	#	#
i. SB-310	LEMHI RIVER - source to mouth	#	#	#		#	#	#	#
j. SB-40	SALMON RIVER - Lemhi River to Middle Fork Salmon	#	#	#		#	#	#	#
k. SB-410	NORTH FORK SALMON RIVER - source to mouth	#	#	#		#	#	#	#
l. SB-420	PANTHER CREEK - source to Blackbird Creek	#	#	#		#	#	#	#
m. SB-421	BLACKBIRD CREEK - source to mouth			*				#	
n. SB-4211	WEST FORK OF BLACKBIRD CREEK - source to mouth			* #		#		#	
o. SB-430	PANTHER CREEK - Blackbird Creek to mouth		#	#				#	
p. SB-440	MIDDLE FORK SALMON RIVER - source to mouth	#	#	#		#	#	#	#
q. SB-441	BIG CREEK - source to mouth	#	#	#		#	#	#	#
r. SB-4411	MONUMENTAL CREEK - source to mouth	#	#	#		#	#	#	#
s. SB-50	SALMON RIVER - Middle Fork to South Fork	#	#	#		#	#	#	#
t. SB-510	SOUTH FORK OF SALMON RIVER - source to mouth	#	#	#		#	#	#	#
u. SB-511	EAST FORK OF SOUTH FORK SALMON RIVER - source to mouth	#	#	#		#	#	#	#

Map Code	Waters	DESIGNATED USES							
		Domestic Water Supply	Agricultural Water Supply	Cold Water Biota	Warm Water Biota	Salmonid Spawning	Primary Contact Recreation	Secondary Contact Recreation	Special Resource Water
v. SB-5111	JOHNSON CREEK - source to mouth	#	#	#		#	#	#	#
w. SB-512	SECESH RIVER - source to mouth	#	#	#		#	#	#	#
x. SB-60	SALMON RIVER - South Fork to Little Salmon River	#	#	#			#	#	#
y. SB-610	LITTLE SALMON RIVER - source to mouth	#	#	#		#	#	#	#
z. SB-611	RAPID RIVER - source to mouth	#	#	#		#	#	#	#
aa. SB-70	SALMON RIVER - Little Salmon River to Whitebird Creek	#	#	#			#	#	#
bb. SB-710	WHITEBIRD CREEK - source to mouth	#	#	#		#	#	#	
cc. SB-80	SALMON RIVER - Whitebird Creek to mouth	#	#	#			#	#	#
dd. SB-810	ROCK CREEK - source to mouth (Johns Creek)		#	#		#	#	#	

02. Salmon Hydrologic Basin - Map C.

(7-1-93)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.01.02 - WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIREMENTS
DOCKET NO. 16-0102-9703
NOTICE OF PROPOSED RULE

AUTHORITY: In compliance with Sections 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized by Sections 39-105, 39-107, and 39-3601 et seq., Idaho Code.

PUBLIC HEARING SCHEDULE: No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency. Written requests for hearing must be received by the undersigned on or before May 21, 1997. If no such written request is received, a public hearing will not be held.

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

The proposed rule would change the date by which outstanding resource water (ORW) nominations are due to the Board of Health and Welfare (Board). The rules currently provide that ORW nominations are due to the Board before June 1. The proposed rule would change the due date to April 1 or ten (10) days after the conclusion of that year's legislative session, whichever is later. The Idaho Department of Health and Welfare (Department) proposes to make this rule change to provide the Board more time to thoroughly consider ORW nominations before making a recommendation to the Legislature.

Negotiated rulemaking was not conducted because the nature of this rulemaking does not lend itself to the negotiated rulemaking process.

After consideration of public comments, the Department intends to recommend that the Board adopt the final proposal as a temporary and pending rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rulemaking, contact Mark Shumar at (208)373-0502.

Anyone can submit written comments regarding this proposed rule. All written comments must be received by the undersigned on or before May 28, 1997.

DATED this 7th day of May, 1997.

Paula Junae Saul
Environmental Quality Section
Attorney General's Office
1410 N. Hilton
Boise, Idaho 83706-1255
Fax No. (208)373-0481

TEXT OF DOCKET NO 16-0102-9703

055. OUTSTANDING RESOURCE WATERS (ORW).

01. Nominations for Outstanding Resource Water Designation. Any person may request, in writing to the Board, that a stream segment be considered for designation as an outstanding resource water. To be considered for ORW designation, nominations must be received by the Board ~~before June 1~~ by April 1 or ten (10) days after the

adjournment sine die of that year's regular session of the legislature, whichever is later, for consideration during the next regular session of the legislature. All nominations shall be addressed to:

Idaho ~~Department Board~~ of Health and Welfare
Department of Health and Welfare
Outstanding Resource Water Nomination
450 W. State Street, 10th Floor
Statehouse Mail P.O. Box 83720
Boise, Idaho 83720-0036

The nomination shall include the following information: ~~(7-1-93)~~(____)

- a. The name, description and location of the stream segment; (7-1-93)
- b. The boundaries upstream and downstream of the stream segment; (7-1-93)
- c. An explanation of what makes the segment a candidate for the designation; (7-1-93)
- d. A description of the existing water quality and any technical data upon which the description is based as can be found in the most current basin status reports; (7-1-93)
- e. A discussion of the types of nonpoint source activities currently being conducted that may lower water quality, together with those activities that are anticipated during the next two (2) years, as described in the most current basin status reports; and (7-1-93)
- f. Any additional evidence to substantiate such a designation. (7-1-93)

02. Public Notice and Public Comment. The Board will give public notice that one (1) or more stream segments are being considered for recommendation to the legislature as outstanding resource waters. Public notice will also be given if a public hearing is being held. Public comments regarding possible designation will be accepted by the Board for a period of at least forty-five (45) days. Public comments may include, but are not limited to, discussion of socio-economic considerations; fish, wildlife or recreational values; and other beneficial uses. (7-1-93)

03. Public Hearing. A public hearing(s) may be held at the Board's discretion on any stream segment nominated for ORW designation. Public notice will be given if a hearing is held. The decision to hold a hearing may be based on the following criteria: (7-1-93)

- a. One (1) or more requests contain supporting documentation and valid reasons for designation; (7-1-93)
- b. A stream segment is generally recognized as constituting an outstanding national resource, such as waters of national and state parks, and wildlife refuges; (7-1-93)
- c. A stream segment is generally recognized as waters of exceptional recreational or ecological significance; (7-1-93)
- d. The Board shall give special consideration to holding a hearing and to recommending for designation by the legislature, waters which meet criteria found in Subsection 055.03.b. and 055.03.c.; (3-20-97)
- e. Requests for a hearing will be given due consideration by the Board. Public hearings may be held at the Board's discretion. (7-1-93)

04. Board Review. The Board shall review the stream segments nominated for ORW designation and based on the hearing or other written record, determine the segments to recommend as ORWs to the legislature. The Board shall submit a report for each stream segment it recommends for ORW designation. The report shall contain the information specified in Subsection 055.01 and information from the hearing record or other written record concerning the impacts the designation would have on socio-economic conditions; fish, wildlife and recreational

values; and other beneficial uses. The Department shall then prepare legislation for each segment that will be recommended to the legislature as an ORW. The legislation shall provide for the listing of designated segments in these regulations without the need for formal rule-making procedures, pursuant to Sections 67-5200, et seq., Idaho Code. (3-20-97)

05. Designated Waters. Those stream segments designated by the legislature as ORWs are listed in Sections 110 through 160. (7-1-93)

06. Restriction of Nonpoint Source Activities on Outstanding Resource Waters. Nonpoint source activities on ORWs shall be restricted as specified in Subsection 350.04. (7-1-93)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.01.06 - SOLID WASTE MANAGEMENT RULES AND STANDARDS
DOCKET NO. 16-0106-9701

NOTICE OF NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, and IDAPA 04.11.01.810 through .815, notice is hereby given that this agency intends to promulgate a rule and desires public participation in an informal, negotiated rulemaking process prior to the initiation of formal rulemaking procedures by the agency. The action is authorized by Sections 39-105 and 39-107, Idaho Code.

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

The proposed negotiated rule will define and clarify the roles and responsibilities of the Department of Health and Welfare, Division of Environmental Quality (Department) and the district health departments for the management of non-municipal solid waste. The purpose of the rule is to clarify roles and responsibilities of the agencies involved in regulating non-municipal solid waste and to establish a consistent statewide application of the rules. The principal issues involved in the non-municipal solid waste rulemaking are what types of solid wastes need to be regulated, who will be responsible to regulate these non-municipal solid wastes and what is the process for making an application for a permit to operate a non-municipal solid waste landfill. The interests likely to be affected by this rulemaking are generators of non-municipal solid waste, which may include industry, cities, counties, highway departments, commercial establishments, and others.

The text of the rule will be developed by the Department in conjunction with a negotiating committee made up of persons having interests in the development of this rule. Persons interested in participating in the negotiated rulemaking process are encouraged to attend a preliminary meeting to be held on May 29, 1997 at 9:00 a.m. in Conference Room B of the Division of Environmental Quality, 1410 N. Hilton, Boise, Idaho. Interested persons may also participate in the negotiated rulemaking process by submitting written comments as provided below. After the preliminary meeting is held and interested persons and the relevant issues are identified, it is expected that a series of meetings will be held in an attempt to reach a consensus with regard to the text of the rule.

The goal of the negotiated rulemaking process will be to develop by consensus the text of a recommended rule. If a consensus is reached, a draft of the rule, incorporating the consensus and any other appropriate information, recommendations, or materials, will be transmitted to the Department for consideration and use in the formal rulemaking process. If a consensus is unable to be achieved on particular issues, the negotiated rulemaking process may result in a report specifying those areas on which consensus was and was not reached, together with arguments for and against positions advocated by various participants. At the conclusion of the negotiated rulemaking process, the Department intends to commence formal rulemaking with the publication of a proposed rule, using and taking into consideration the results of the negotiated rulemaking process. The final rule is expected to be in place and effective upon the conclusion of the 1999 session of the Idaho Legislature.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:

For assistance on questions concerning the negotiated rulemaking, contact Barry Burnell at (208)373-0502.

Anyone may submit written comments regarding this proposal to initiate negotiated rulemaking. All written comments must be received by the undersigned on or before May 28, 1997.

Dated this 7th day of May, 1997.

Paula Junae Saul
Environmental Quality Section
Attorney General's Office
1410 N. Hilton
Boise, Idaho 83706-1255
Fax No. (208)373-0481

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.01.19 - SMALL COMMUNITIES IMPROVEMENT PROGRAM RULES
DOCKET NO. 16-0119-9601
NOTICE OF PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized by Sections 39-105, 39-107, and 39-129(4), Idaho Code.

PUBLIC HEARING SCHEDULE: No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, public hearings will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency. Written requests for hearing must be received by the undersigned on or before May 21, 1997. If no such written request is received, a public hearing will not be held.

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

This rulemaking creates a new rule chapter to be cited as IDAPA 16.01.19, Rules of the Idaho Department of Health and Welfare, Title 01, Chapter 19, Small Communities Improvement Program Rules. The proposed rule implements the authorities of the Department of Health and Welfare, Division of Environmental Quality (Department) set forth in Section 39-129, Idaho Code. Under the statute the Department may enter into long term agreements with local governments unable to comply with the deadlines set forth in federal environmental mandates. The proposed rule defines which communities are eligible for compliance assistance, establishes a requirement for the preparation and submittal of an Environmental Priorities Plan, describes the extent of the Department's involvement and responsibilities in the preparation of an Environmental Priorities Plan, sets out some basic terms and conditions for Integrated Compliance Agreements entered into between the Department and small communities, and establishes a system to ensure coordination with the U.S. Environmental Protection Agency. The text of the proposed rule is based on a consensus recommendation resulting from the negotiated rulemaking process. The negotiation was open to the public. Actual participants in the negotiation included representatives from local, state, and federal governments, and other interested parties. The Notice of Negotiated Rulemaking was published in the Idaho Administrative Bulletin, Volume 96-12, December 4, 1996, page 39.

After consideration of public comments, the Department intends to recommend that the Board of Health and Welfare adopt the final proposal as a temporary and pending rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:
For assistance on questions concerning the proposed rulemaking, contact Liisa Itkonen at (208)373-0502.

Anyone may submit written comments regarding this proposed rule. All written comments must be received by the undersigned on or before May 28, 1997.

Dated this 7th day of May, 1997.

Paula Junae Saul
Environmental Quality Section
Attorney General's Office
1410 N. Hilton
Boise, Idaho 83706-1255
Fax No. (208)373-0481

TEXT OF DOCKET NO. 16-0119-9601

IDAPA 16
TITLE 01
CHAPTER 19

16.01.19 - SMALL COMMUNITIES IMPROVEMENT PROGRAM RULES

000. LEGAL AUTHORITY.

The Idaho Legislature has given the Board of Health and Welfare the authority to promulgate rules pursuant to Sections 39-105, 39-107, and 39-129(4), Idaho Code. ()

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 16.01.19, Rules of the Idaho Department of Health and Welfare, Title 01, Chapter 19, Small Communities Improvement Program Rules. ()

02. Scope. These rules are applicable to eligible small communities that wish to enter into an agreement with the Department of Health and Welfare to come into compliance as expeditiously as practicable with federal environmental mandates. ()

002. WRITTEN INTERPRETATIONS.

As described in Section 67-5201 (16) (b) (iv), Idaho Code, the Department of Health and Welfare may have written statements which pertain to the interpretation of these rules. If available, such written statements can be inspected and copied at cost at the Department of Health and Welfare, Division of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83706. ()

003. ADMINISTRATIVE APPEALS.

Persons may be entitled to appeal final agency actions authorized under these rules pursuant to IDAPA 16.05.03, Rules of the Department of Health and Welfare, Title 05, Chapter 03, Rules Governing Contested Case Proceedings and Declaratory Rulings. ()

004.-- 009. (RESERVED).

010. DEFINITIONS.

01. Cumulative Mandates. Multiple and cumulative requirements arising from statutes or regulations. ()

02. Department. The Idaho Department of Health and Welfare. ()

03. Environmental Priorities Plan. A plan submitted to the Department by a small community pursuant to these rules to demonstrate eligibility and provide the basis for the negotiation and execution of an Integrated Compliance Agreement. ()

04. EPA. United States Environmental Protection Agency. ()

05. Federal Environmental Mandates. Those requirements arising from federal statutes or subsequent regulations administered by the United States Environmental Protection Agency or by the Idaho Department of Health and Welfare as authorized by the United States Environmental Protection Agency. ()

06. Integrated Compliance Agreement. A legally binding agreement entered into by the Department and one or more small communities under the provisions of these rules and Section 39-129, Idaho Code. An Integrated Compliance Agreement shall include a binding schedule enforceable under Section 39-129, Idaho Code, for the improvement, modification, construction, or other actions necessary in order for the small community to come into compliance as expeditiously as practicable with human health and environmental protection statutes stemming from federal environmental mandates. ()

07. Small Community. A community generally comprised of two thousand five hundred (2,500) or fewer residents and represented by an incorporated city, or a county, which provides drinking water, municipal waste disposal, municipal sewage or wastewater disposal or treatment, or air pollution abatement services. ()

011. PROHIBITIONS.

The provisions of these rules do not apply where prohibited by federal or state laws or rules for the protection of human health and the environment. ()

012. DEPARTMENT ASSISTANCE IN PREPARING ENVIRONMENTAL PRIORITIES PLAN.

01. Identification of Noncompliance. When requested to do so by a small community, the Department shall help the small community identify: ()

- a. Every environmental requirement to which the small community's operations are subject; and ()
- b. The small community's current and anticipated future violations of those requirements. ()

02. Imminent Threat. Where the Department review described in Subsection 012.01 above identifies any violations or circumstances which may present an imminent and substantial endangerment to, has caused or is causing actual serious harm to, or presents a serious threat to, public health, welfare, or the environment, the small community shall immediately address the violation in a manner that abates the endangerment or harm and reduces the threat. ()

03. Request for Assistance. When there is one or more federal environmental mandate applicable to drinking water, municipal waste disposal, municipal sewage or wastewater disposal or treatment, or air pollution abatement services provided by the small community and which poses an existing or future compliance problem for the small community, a small community may submit to the Department a resolution passed by the governing body of the small community requesting the Department's assistance in preparing an Environmental Priorities Plan. ()

04. Scope of Assistance. To the extent possible based on available resources, and the number of current applicants, the Department's assistance to the small community, under Subsection 012.03, shall include helping the small community to: ()

- a. Access available risk assessment resources; ()
- b. Provide public information and education, obtain public involvement, and elicit input from community residents and other interested parties; ()
- c. Coordinate with other agencies and local governments; and ()
- d. Identify other available resources. ()

05. Selection among Communities. Where required by resource limitations, the Department's selection of small communities to which the Department will provide assistance in preparing an Environmental Priorities Plan will be based on the good faith demonstrated by the small communities. Good faith may be demonstrated by candor with the Department and efforts to comply with federal environmental mandates. Measures of a small community's efforts to comply may include: ()

- a. Cooperativeness and inclusion of other units of local government in the process; ()
- b. Attempts to comply or a request for compliance assistance prior to the initiation of an enforcement action; ()
- c. Prompt correction of known violations; ()

- d. Willingness to remediate harm to public health, welfare or the environment; ()
- e. Readiness to enter into a written and enforceable compliance agreement and schedule; ()
- f. Preparation of a community capital budget plan; ()
- g. Achievement of Gem Community Certification, as demonstrated by completion of: Gem Community Training; Community Profile; Long-Term Plan, including Infrastructure Improvement Plan, Business Retention/Expansion Plan, Economic Diversification Plan, and Organizational Plan; One-Year Action Plan; and Community Visit Test; ()
- h. Preparation of a comprehensive plan; ()
- i. Preparation of feasibility studies; ()
- j. Submittal of grant applications; or ()
- k. Holding of bond elections. ()

06. IRDC Consultation. The Department encourages small communities to consult with the Idaho Rural Development Council (IRDC) for support and assistance in considering options and accessing resources to address cumulative mandates generally, and to prepare an Environmental Priorities Plan in particular. Where resource limitations require the Department's selection among small communities pursuant to Subsection 012.05, the Department or the communities may consult with the Board of the IRDC during the selection process. Also, the Department may consult with the IRDC on other program related matters. ()

013. ENVIRONMENTAL PRIORITIES PLAN.

To establish its eligibility to enter into an Integrated Compliance Agreement with the Department pursuant to these rules and Section 39-129, Idaho Code, a small community shall submit to the Department an Environmental Priorities Plan prepared in accordance with these rules. ()

- 01. Contents of Plan. The Environmental Priorities Plan shall: ()
 - a. Identify all cumulative mandates which pose an existing or anticipated future compliance problem for the small community, including at least one (1) federal environmental mandate applicable to drinking water, municipal waste disposal, municipal sewage or wastewater disposal or treatment, or air pollution abatement services provided by the small community; ()
 - b. Set forth a proposed ranking of priorities for correcting any identified violations of federal environmental mandates as expeditiously as practicable. The ranking of priorities shall demonstrate that the small community cannot meet its obligations for compliance with federal environmental mandate(s) in a timely and reasonable manner due to a lack of administrative, and/or technical, and/or financial capacity. The ranking of priorities shall take into account, in descending priority, the: ()
 - i. Protection of public health; ()
 - ii. Protection of the environment; ()
 - iii. Current tax structure and rates as compared to other local governments; ()
 - iv. Ability of the small community to pay for costs of compliance; ()
 - v. Current fiscal obligations of the small community; and ()
 - vi. The following other factors singularly represented or combined for analytic purposes in no particular order: ()

- (1) The Department's ability to assist in strengthening the small community's administrative, technical or financial capacity; ()
- (2) Number of small community staff and their responsibilities; ()
- (3) Degree of isolation from other communities; ()
- (4) Evaluation of existing infrastructure; ()
- (5) Household income; ()
- (6) Per capita income; ()
- (7) The last decade's median housing values; ()
- (8) Employment opportunities; ()
- (9) Population projections; ()
- (10) Population age representation; ()
- (11) Revenue sources; ()
- (12) Revenue generating capacity; ()
- (13) The level of government that operates the utility systems; ()
- (14) Current overlapping and community bonded indebtedness; ()
- (15) An assessment of the impact of other cumulative mandates competing with federal environmental mandates for the community's resources; and ()
- (16) Any other relevant factor presented by the community; ()

c. Describe the actions proposed to be taken, anticipated expenditures required for such actions, and a proposed schedule that would result in compliance with federal environmental mandates as expeditiously as practicable, within an overall period not to exceed 15 (fifteen) years. The proposed actions may consider regionalization and restructuring as compliance alternatives; and ()

d. Describe the steps taken by the small community to involve the public and to provide the public affected by its actions with a meaningful opportunity to participate in the preparation of the Environmental Priorities Plan through whatever combination of public meetings or hearings or opportunities most practical for the particular community. ()

02. Certification. The preparation and analysis of any financial information considered in the Environmental Priorities Plan shall be in accordance with generally accepted and applicable principles and shall be conducted and certified by an accountant or other qualified person or entity, or derived from a source prepared by a certified accountant or other qualified person or entity ()

03. Supporting Information. Any supporting information and analysis of that information collected or developed in the preparation of the Environmental Priorities Plan shall be submitted to the Department, along with the Environmental Priorities Plan. ()

014. DEPARTMENT REVIEW AND APPROVAL OF ENVIRONMENTAL PRIORITIES PLAN.

01. Approval. To be eligible to enter into an Integrated Compliance Agreement with the Department, pursuant to these rules and Section 39-129, Idaho Code, a small community must obtain the Department's approval of

an Environmental Priorities Plan. ()

02. Review Procedure. Within sixty (60) days of the Department's receipt of an Environmental Priorities Plan, the Department shall notify the small community submitting the plan in writing that the Environmental Priorities Plan is approved, disapproved, or that the Department needs additional time to prepare a response. If the Department does not provide such notification to the small community within sixty (60) days of the submittal of an Environmental Priorities Plan, the plan shall be deemed approved. If the Department disapproves the proposed Environmental Priorities Plan, the Department shall provide the small community with a description of all revisions and modifications required to make the plan approvable. ()

03. Requirements and Criteria. An Environmental Priorities Plan submitted to the Department shall be approved if the plan meets the requirements and criteria set forth in these rules. ()

015. INTEGRATED COMPLIANCE AGREEMENTS.

01. Generally. If an Environmental Priorities Plan submitted to the Department meets the requirements of these rules and is approved by the Department, the Environmental Priorities Plan shall be the basis for negotiation of an Integrated Compliance Agreement pursuant to these rules and Section 39-129, Idaho Code. The Integrated Compliance Agreement shall identify the specific actions to be taken by the small community, including a schedule with interim milestones or reporting requirements, that will result in compliance with any applicable federal environmental mandates as expeditiously as practicable, within an overall period not to exceed fifteen (15) years. The Integrated Compliance Agreement shall describe how the Department provides support to and monitors the progress of the community via interim milestones as identified in the Integrated Compliance Agreement. ()

02. Provisions. Any Integrated Compliance Agreement shall contain provisions: ()

a. To ensure continued compliance with all federal environmental mandates with which the community is in compliance at the time the agreement is entered into; ()

b. To ensure future compliance with any additional already promulgated federal environmental mandates that will become effective after the agreement is signed; ()

c. Directing that the agreement will become invalid upon the failure of the community to secure necessary financing, including that which requires voter approval, to pay the costs of scheduled improvements, modifications, construction or other actions which must be taken for the small community to come into compliance as negotiated in the Integrated Compliance Agreement; and ()

d. Stating that the agreement is enforceable pursuant to the provisions of Title 39, Chapter 1, Idaho Code. ()

03. Excluded Violations. An Integrated Compliance Agreement shall not be the basis for allowing a small community additional time beyond deadlines set in the mandate for correcting easily or quickly corrected violations of environmental mandates, or taking any actions necessary to abate an imminent and substantial endangerment to, or reduce a serious threat to, public health, welfare or the environment. ()

04. Signature. All Integrated Compliance Agreements must be signed by the Director of the Department or his designee and the mayor or the governing board of the small community. ()

05. Timeliness. The Department and the small community shall make every effort to enter into and begin implementing an Integrated Compliance Agreement within one hundred eighty (180) days of the Department's commencement of assistance to the small community in preparing an Environmental Priorities Plan. ()

06. Modification. The Integrated Compliance Agreement may be modified by written agreement of the parties. If the modified agreement requires compliance with any additional federal environmental mandate, compliance shall be required to be achieved as expeditiously as practicable, within an overall period not to exceed fifteen (15) years from the date of the modification. The deadline for any requirement addressed in the original agreement may be extended as a part of the modification of the agreement, but the deadline may not be extended

beyond fifteen (15) years after the date of the original agreement. ()

016. COORDINATION WITH U.S. ENVIRONMENTAL PROTECTION AGENCY.

01. List of Participants. The Department shall provide EPA with a quarterly list of those small communities:
()

a. Which have requested Department assistance in preparing an Environmental Priorities Plan; ()

b. To which the Department is providing assistance in preparing an Environmental Priorities Plan; ()

c. With which the Department is negotiating an Integrated Compliance Agreement; and ()

d. Which are parties to an existing Integrated Compliance Agreement with the Department. ()

02. Consultation and Notification. The Department shall forward EPA a copy of any approved Environmental Priorities Plan, shall consult with EPA during the drafting of any Integrated Compliance Agreement, and shall forward a copy of each agreement to EPA once the agreement is made final and effective. ()

03. Notification of Imminent Threats. The Department shall immediately notify EPA upon discovery of a violation or circumstance involving a small community listed in Subsection 016.01 above that may present an imminent and substantial endangerment to, has caused or is causing actual serious harm to, or presents serious threats to, public health, welfare, or the environment. ()

017. -- 999. (RESERVED).

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.01 - RULES GOVERNING AID TO FAMILIES WITH DEPENDENT CHILDREN (AFDC)
DOCKET NO. 16-0301-9701

NOTICE OF VACATION OF PENDING RULEMAKING

AUTHORITY: In compliance with Section 67-5221, Idaho Code, notice is hereby given that this agency has vacated the rulemaking previously initiated under this docket. The action is authorized pursuant to Section(s) 39-106(l) and 56-202(b), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a summary of the reasons for the vacation:

Docket No. 16-0301-9701 is vacated effective June 30, 1997. The chapter is being repealed under Docket No. 16-0301-9702 and rewritten under Docket No. 16-0301-9703.

SUBMISSION OF WRITTEN COMMENTS, ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this vacation, contact Patti Campbell at (208) 334-5819.

DATED this 7th day of May, 1997.

Staci Welsh
Administrative Procedures Coordinator
DHW - Division of Legal Services
450 West State Street, 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone, (208) 334-5548 fax

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.01 - RULES GOVERNING AID TO FAMILIES WITH DEPENDENT CHILDREN
DOCKET NO. 16-0301-9702
NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: These temporary rules are effective June 30, 1997.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 56-201 through 56-233, Idaho Code.

PUBLIC HEARING SCHEDULE: Pursuant to Section 67-5222(2), Idaho Code, 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 May 21, 1997.

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: Temporary rules have been adopted in accordance with Section 67-5226, Idaho Code and are necessary in order to comply with deadlines in amendments to governing law or federal programs.

This chapter is being repealed in its entirety and being rewritten under Docket No. 16-0301-9703, published in this bulletin.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary or proposed rule, contact Patti Campbell at (208) 334-5819.

Anyone can submit written comments regarding this rule. All written comments and data concerning the rule must be directed to the undersigned and must be postmarked on or before May 28, 1997.

DATED this 7th day of May, 1997.

STACI WELSH
Administrative Procedures Coordinator
DHW - Division of Legal Services
450 West State Street, 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone, (208) 334-5548 fax

THIS RULE IS REPEALED IN ITS ENTIRETY.

**It Is Being Replaced By A New Rule That Is Published
In This Bulletin Under
Docket No. 16-0301-9703 Following This Notice.**

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.01 - RULES GOVERNING MEDICAID FOR FAMILIES AND CHILDREN
DOCKET NO. 16-0301-9703

NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: These temporary rules are effective July 1, 1997.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 56-201 through 56-233, Idaho Code.

PUBLIC HEARING SCHEDULE: Pursuant to Section 67-5222(2), Idaho Code, 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 May 21, 1997.

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: Temporary rules have been adopted in accordance with Section 67-5226, Idaho Code and are necessary in order to comply with deadlines in amendments to governing law or federal programs.

Docket No. 16-0301-9703 rewrites IDAPA 16, Title 03, Chapter 01, as Medicaid for Families and Children. The new rules retain income and resource methodology, deprivation, age, and specified relative of the Aid to Families with Dependent Children plan in effect on July 16, 1996, for Medicaid eligibility determinations. The new rules have been shortened for clarity.

The new rules reflect the option for states to impose Medicaid eligibility requirements for individuals, who also receive Temporary Assistance for Families in Idaho (TAFI), to comply with the work program requirements of TAFI.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary or proposed rule, contact Patti Campbell at (208) 334-5819.

Anyone can submit written comments regarding this rule. All written comments and data concerning the rule must be directed to the undersigned and must be postmarked on or before May 28, 1997.

DATED this 7th day of May, 1997.

STACI WELSH
Administrative Procedures Coordinator
DHW - Division of Legal Services
450 West State Street, 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone, (208) 334-5548 fax

TEXT OF DOCKET NO. 16-0301-9703

IDAPA 16
TITLE 03
Chapter 01

16.03.01 - RULES GOVERNING MEDICAID FOR FAMILIES AND CHILDREN

000. LEGAL AUTHORITY.

The Department of Health and Welfare is authorized by Section 56-209b, Idaho Code, to adopt rules for the administration of the Medicaid program. (7-1-97)T

001. TITLE AND SCOPE.

These rules are known and will be cited as “Rules Governing Eligibility for Medicaid for Families and Children,” Title 03, Chapter 01. The rules provide standards for issuing Medicaid to families and children and support the AFDC state plan in effect prior to July 16, 1996. (7-1-97)T

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(16)(b)(iv), Idaho Code, this agency has written statements which pertain to the interpretation of the rules of this chapter, or to the documentation of compliance with the rules of this chapter. The document is available for public inspection and copying at cost at the Regional Offices. (7-1-97)T

003. POLICY.

It is the policy of the Idaho Department of Health and Welfare, to serve the citizens of Idaho and to distribute Medicaid benefits in accordance with acceptable standards. (7-1-97)T

004. DEFINITIONS.

Definitions applicable to Title 03, Chapter 01 are listed in Subsections 004.01 through 004.08. (7-1-97)T

01. Department. The Idaho Department of Health and Welfare. (7-1-97)T

02. Examiner. Eligibility examiner employed by the state of Idaho, Department of Health and Welfare, whose duties include the determination of eligibility and payment of Medicaid benefits. (7-1-97)T

03. Field Office. Office of the Idaho Department of Health and Welfare. The purpose of this office is to accept and process applications for Medicaid. (7-1-97)T

04. Participant. A person who is applying for or receiving Medicaid benefits. (7-1-97)T

05. Public Assistance. Medicaid granted by the Department for persons or families under the authority of Title 56, Chapter 2, Idaho Code. (7-1-97)T

06. Self Reliance Specialist. Self reliance specialist employed by the state of Idaho, Department of Health and Welfare, whose duties include the determination of eligibility and payment of Medicaid benefits. (7-1-97)T

07. State. The state of Idaho. (7-1-97)T

08. Working Day. A calendar day in which regular hours of Department activity occur. Weekends and State holidays are not considered working days. (7-1-97)T

005. ABBREVIATIONS.

Abbreviations applicable to Title 03, Chapter 01 are listed in Subsections 005.01 through 005.33. (7-1-97)T

01. AFDC. Aid to Families with Dependent Children, the cash assistance program for families and children in effect through June 30, 1997. (7-1-97)T

02. AG. Office of the Attorney General, Health and Welfare Division. (7-1-97)T

03. AIM. The Department’s Advanced Information Management system for Medicaid. (7-1-97)T

04.	ASVI. Alien Status Verification Index.	(7-1-97)T
05.	BCSS. Bureau of Child Support Services.	(7-1-97)T
06.	DHW. Department of Health and Welfare.	(7-1-97)T
07.	DOE. Department of Employment.	(7-1-97)T
08.	DVR. Department of Vocational Rehabilitation.	(7-1-97)T
09.	EE. Eligibility Examiner.	(7-1-97)T
10.	EITC. Earned Income Tax Credit.	(7-1-97)T
11.	EPICS. The DHW Eligibility Programs Integrated Computer System.	(7-1-97)T
12.	EPSDT. Early and Periodic Screening, Diagnosis, and Treatment.	(7-1-97)T
13.	FmHA. The Farmer's Home Administration of the U.S. Department of Agriculture.	(7-1-97)T
14.	HUD. The U.S. Department of Housing and Urban Development.	(7-1-97)T
15.	ICF/MR. Intermediate Care Facility/Mentally Retarded.	(7-1-97)T
16.	ICSES. The Idaho Child Support Enforcement System.	(7-1-97)T
17.	IEVS. Income and Eligibility Verification System.	(7-1-97)T
18.	INA. Immigration and Naturalization Act.	(7-1-97)T
19.	IRS. Internal Revenue Service.	(7-1-97)T
20.	MA. Medicaid (Medical Assistance).	(7-1-97)T
21.	PRWORA. Personal Responsibility Work Opportunity Reconciliation Act of 1996.	(7-1-97)T
22.	PWE. Principal Wage Earned.	(7-1-97)T
23.	RSDI. Retirement, Survivors, and Disability Insurance.	(7-1-97)T
24.	SAVE. Systematic Alien Verification for Entitlement.	(7-1-97)T
25.	SRS. Self Reliance Specialist.	(7-1-97)T
26.	SSA. Social Security Administration.	(7-1-97)T
27.	SSI. Supplemental Security Income.	(7-1-97)T
28.	SSN. Social Security Number.	(7-1-97)T
29.	TAFI. Temporary Assistance for Families in Idaho.	(7-1-97)T
30.	TPL. Third Party Liability	(7-1-97)T
31.	UIB. Unemployment Insurance Benefits.	(7-1-97)T
32.	VA. Veterans Administration.	(7-1-97)T

33. VRS. Vocational Rehabilitation Services, Department of Education. (7-1-97)T

006. FEDERAL LAWS.

Federal and public laws applicable to Title 03, Chapter 01 are listed in Subsections 006.01 through 006.16. (7-1-97)T

01. Alaska Native Claim Settlement Act. This Federal Law is contained in Title 43 of the U.S. Code. (7-1-97)T
02. Child Nutrition Act of 1966. This Federal Law is contained in Title 42 of U.S. Code. (7-1-97)T
03. Domestic Volunteer Service Act of 1973. This Federal Law is contained in Titles 5 and 42 of the U.S. Code. (7-1-97)T
04. Higher Education Amendments of 1968. This Federal Law is contained in Titles 12 and 20 of the U.S. Code. (7-1-97)T
05. Housing Act of 1949. This Federal Law is contained in Titles 12 and 42 of the U.S. Code. (7-1-97)T
06. Housing and Urban Development Act of 1965. This Federal Law is contained in Titles 12, 15, 20, 38, 40, 42, and 49 of the U.S. Code. (7-1-97)T
07. Immigration and Nationality Act. This Federal Law is contained in Titles 8, 18, 22, 31, 49, and 50 of the U.S. Code. (7-1-97)T
08. Manpower Development and Training Act of 1962 as Amended by the Manpower Act of 1965. This Federal Law is contained in Title 42 of the U.S. Code. (7-1-97)T
09. National Housing Act. This Federal Law is contained in Titles 10, 12, 15, 41, 48, 49, and 50 of the U.S. Code. (7-1-97)T
10. National School Lunch Act. This Federal Law is contained in Title 42 of the U.S. Code. (7-1-97)T
11. Older Americans Act of 1965. This Federal Law is contained in Title 42 of the U.S. Code. (7-1-97)T
12. Personal Responsibility and Work Opportunity Reconciliation Act of 1996. This Federal Law is contained in Public Law 104-193. (7-1-97)T
13. Rehabilitation Act of 1973. This Federal Law is contained in Title 29 of the U.S. Code. (7-1-97)T
14. Tax Reduction Act of 1975, as amended by the Tax Reduction and Simplification Act of 1977. This Federal Law is contained in Titles 5, 15, 26, and 42 of the U.S. Code. (7-1-97)T
15. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. This Federal Law is contained in Title 42 of the U.S. Code. (7-1-97)T
16. United States Housing Act of 1937, as amended by Public Law 92-213. This Federal Law is contained in Title 42 of the U.S. Code. (7-1-97)T

007. -- 099. (RESERVED).

100. PARTICIPANT RIGHTS.

The participant has rights protected by federal and state laws and Department rules. The Department must inform participants of their rights during the application process and eligibility reviews as listed in Subsections 100.01 through 100.03. (7-1-97)T

01. Right to Apply. Any person has the right to apply for Medicaid. Applications must be in writing on forms provided by the Department. (7-1-97)T

02. Right to Hearing. Any participant can request a fair hearing to contest a Department decision. (7-1-97)T

03. Civil Rights. Participants have civil rights under the U.S. and Idaho Constitutions, the Social Security Act, Title IV of the Civil Rights Act of 1964, the Rehabilitation Act of 1973, and all other relevant parts of Federal and State laws. (7-1-97)T

101. APPLICATION FOR MEDICAID.

The application must be complete and signed by the participant or authorized representative under penalty of perjury. Statements made on the application must be proved. (7-1-97)T

102. PROOF OF ELIGIBILITY AND COLLATERAL CONTACTS.

Participants must provide proof of eligibility. A participant's signature on the application is his consent for the Department to contact collateral sources for verification of eligibility requirements. (7-1-97)T

103. APPLICATION TIME LIMITS.

Each application must be processed within forty-five (45) days, unless prevented by events beyond the Department's control. (7-1-97)T

104. EFFECTIVE DATES.

Medicaid can start up to three (3) calendar months before the application month. The participant must be eligible for Medicaid during the prior period. Coverage is provided if services payable by Medicaid were received in the prior period. (7-1-97)T

105. -- 199. (RESERVED).

200. NONFINANCIAL CRITERIA FOR DETERMINING ELIGIBILITY.

Nonfinancial criteria are conditions of eligibility, other than income and resources, that must be met before Medicaid can be authorized. (7-1-97)T

201. RESIDENCY.

The participant must voluntarily live in Idaho and have no immediate intention of leaving. (7-1-97)T

202. (RESERVED).

203. CITIZENSHIP AND LEGAL NON-CITIZEN CRITERIA.

Individuals must be citizens of the United States (U.S.) or be legal non-citizens. Nationals of American Samoa or Swain's Island are the equivalent of U.S. citizens. Only the groups of legal non-citizens listed in Subsections 203.01 through 203.07 are legal non-citizens. Individuals must provide proof of citizenship or proof of legal non-citizen status. An adult family member must sign a declaration, under penalty of perjury, attesting to citizenship or legal non-citizen status. (7-1-97)T

01. Permanent Residents. An individual admitted to the U.S. for permanent residence. (7-1-97)T

02. Refugees. A refugee admitted under 207 of the INA. (7-1-97)T

03. Asylee. Individuals granted asylum under 208 of the INA. (7-1-97)T

04. Deportee. Individuals whose deportation is withheld under 243 of the INA. (7-1-97)T

05. Parolee. Individual granted parole for at least one (1) year under 212(d)(5) of the INA. (7-1-97)T

06. Conditional Entrant. An individual granted conditional entry under 302(a)(7) of the INA. (7-1-97)T

07. Battered Immigrants. A battered immigrant meeting certain requirements. (7-1-97)T

204. LEGAL NON-CITIZEN REQUIREMENTS AND LIMITATIONS.

Legal non-citizens, who are otherwise eligible, are subject to requirements and limitations listed in Subsections 204.01 through 204.07. (7-1-97)T

01. Permanent Residents. Permanent residents, living in the U.S. prior to August 22, 1996, and having forty (40) quarters of Social Security coverage, can get Medicaid without time limits. (7-1-97)T

02. Veterans. Regardless of entry date, honorably discharged veterans, whose discharge reason is other than alienage, can get Medicaid without time limits. This includes the veteran's spouse and unmarried dependent children. (7-1-97)T

03. Armed Forces Members. Regardless of entry date, members of the U.S. Armed Forces, who are on full time active duty, can get Medicaid without time limits. This includes the member's spouse and unmarried dependent children. (7-1-97)T

04. Refugees. Regardless of entry date, refugees can get Medicaid for five (5) years from the date of entry. (7-1-97)T

05. Asylees. Regardless of entry date, asylees can get Medicaid for five (5) years from the date asylum is granted. (7-1-97)T

06. Deportees. Regardless of entry date, individuals whose deportation is withheld can get Medicaid for five (5) years from the date deportation is withheld. (7-1-97)T

205. LEGAL NON-CITIZENS ENTERING THE U.S. ON OR AFTER AUGUST 22, 1996.

Legal non-citizens, not described in Section 204, who enter the U.S. on or after August 22, 1996, are prohibited from receiving Medicaid for five (5) years from the date of entry. The individual, if otherwise eligible, can get services for an emergency condition. (7-1-97)T

206. NON-QUALIFIED NON-CITIZENS.

Individuals not listed in Section 203 are non-qualified non-citizens. These individuals were either admitted for a temporary period of time or were never lawfully admitted. Non-qualified non-citizens can include undocumented aliens, lawful temporary residents, foreign students, and visitors for business or pleasure. Non-qualified non-citizens, if otherwise eligible, can get services for an emergency condition. (7-1-97)T

207. -- 214. (RESERVED).

215. SOCIAL SECURITY NUMBER.

A participant must provide a Social Security Number (SSN), or proof he has applied for a Social Security Number. The SSN must be verified by the Social Security Administration (SSA). (7-1-97)T

216. GROUP HEALTH PLAN ENROLLMENT.

Medicaid participants must apply for and enroll in a cost effective group health plan if one is available. A cost effective health plan is one which has premiums and co-payments at a lower cost than Medicaid would pay for full medical services. Medicaid will pay premiums and other co-payments for plans the Department finds cost effective. (7-1-97)T

217. ASSIGNMENT OF RIGHTS TO MEDICAL SUPPORT AND THIRD PARTY LIABILITY.

By operation of Section 56-203B and Section 56-209b(3), Idaho Code, medical support rights are assigned to the Department by signature on the Medicaid application. The participant's signature is acknowledgment that he understand his rights are assigned and he must cooperate to establish paternity and to secure medical support from any liable third party. The cooperation requirement may be waived if the participant proves he has good cause for not cooperating. Good cause for not cooperating is a situation in which cooperation would not be in the best interest of the participant. Good cause can include situations of rape, incest, or domestic violence that can be proven. (7-1-97)T

218. WORK PROGRAM REQUIREMENT OF TAFI.

A Medicaid participant who also receives Temporary Assistance for Families in Idaho (TAFI) must meet work program requirements of TAFI. A participant ineligible for TAFI because of a work program requirement is ineligible for Medicaid unless the participant is pregnant or is a minor child who is not the head of the household. (7-1-97)T

219. ELIGIBILITY REVIEWS.

Periodically, participants must have all factors of eligibility reviewed. To continue to get Medicaid, forms must be completed and signed. Eligibility factors must be verified. (7-1-97)T

220. COOPERATION WITH THE BUREAU OF WELFARE PROGRAMS QUALITY CONTROL UNIT.

When Quality Control selects a case for review, the participant must cooperate in the review of the case to verify the findings of the field office. (7-1-97)T

221. REPORTING REQUIREMENTS.

Changes in family circumstances must be reported to the Department and the change verified. A reasonable opportunity to report is allowed. Participants have ten (10) days, from the date the change is known, to report. Report of changes may be made verbally or in writing, through person contact, telephone or mail. A change can be reported on the Department's change report form. Reporting requirements are acknowledged when the participant signs the application form. (7-1-97)T

222. TYPES OF CHANGES THAT MUST BE REPORTED.

Changes in circumstances the participant must report are listed in Subsections 221.01 through 221.12. (7-1-97)T

01. Name or Address. A name change for any family member must be reported. A change of address or location must be reported. (7-1-97)T

02. Household Composition. Changes in family composition or the number of people living with the family, must be reported. (7-1-97)T

03. Marital Status. Marriages or divorces of any family member must be reported. (7-1-97)T

04. Earned Income. Earned income changes for all family members must be reported when the employer, or source of income, changes, when there is a change in hourly rate or salary, or when there is a change between part-time and full-time work. When families receive Medicaid because of the unemployment of a parent, changes in the number of hours worked must be reported. (7-1-97)T

05. Unearned Income. Changes in the amount or source of unearned income must be reported for all family members. (7-1-97)T

06. Support Income. Changes in the amount of support paid or a change in the ordered amount must be reported for all family members. (7-1-97)T

07. Resources. Changes in resources must be reported. This includes receiving money or goods of worth from any source. (7-1-97)T

08. Vehicles. Changes in the number or type of vehicles must be reported. (7-1-97)T

09. New Social Security Number. A Social Security Number (SSN) that is newly assigned must be reported. (7-1-97)T

10. Citizenship Status. Changes in citizenship and changes in the status of non-citizens must be reported. (7-1-97)T

11. Disability. A family member who becomes disabled or is no longer disabled is a change in circumstances and must be reported. (7-1-97)T

12. Dependent Care Costs. Changes in the amount of dependent care costs must be reported. (7-1-97)T

223. VERIFYING CHANGES.

When changes are reported that could affect Medicaid eligibility, the Department will request proof of the change, allowing the participant a reasonable opportunity of up to ten (10) days, to provide the proof. (7-1-97)T

224. PARTICIPANT FAILS TO REPORT EARNED INCOME.

When a change in earned income is not reported, or is not timely reported, the earned income disregards are not allowed in the financial determination. Good cause for not reporting exists if the unreported income is less than five dollars (\$5). (7-1-97)T

225. -- 299. (RESERVED).

300. FINANCIAL ELIGIBILITY.

Financial eligibility is determined by using AFDC income and resource methodologies which were in effect on July 16, 1996. (7-1-97)T

301. FINANCIAL RESPONSIBILITY.

The income and resources of individuals who are financially responsible for the Medicaid participant are counted in determining eligibility. (7-1-97)T

302. -- 309. (RESERVED).

310. RESOURCE LIMITS.

The resource limit for coverage groups related to the AFDC need/payment standards in effect on July 16, 1996, is one thousand dollars (\$1,000) or less. The resource limit for coverage groups related to the Federal Poverty Guidelines (FPG) is five thousand dollars (\$5,000) or less. (7-1-97)T

311. RESOURCE DEFINITION.

Resources are liquid assets, vehicles, settlements, tax refunds, proceeds from the sale of a resource, cash value of life insurance and real property with a cash value upon disposition. Resources are available when the participant has the legal right to dispose of the resource and can do so in a reasonable length of time. (7-1-97)T

312. LIQUID ASSETS.

Liquid assets include such things as cash, bank accounts, cash value of life insurance, stocks, bonds, mutual funds, promissory notes, mortgages, tax refunds, settlement of damage claims, trust funds, and other financial instruments that can be converted into cash. (7-1-97)T

313. EQUITY VALUE OF RESOURCES.

Resources are counted according to their equity value. This is the value of the resource after all liens, mortgages and other encumbrances against the resource are subtracted. (7-1-97)T

314. VEHICLES.

Vehicle treatment is based on the Medicaid coverage group and listed in Subsections 314.01 and 314.02. (7-1-97)T

01. AFDC Standards. For groups using the AFDC income and resource standards that were in effect on July 16, 1996, the equity value in excess of one thousand five hundred dollars (\$1,500) of one (1) vehicle is a resource. (7-1-97)T

02. Federal Poverty Guidelines. For groups using Federal Poverty Guidelines, one (1) vehicle, regardless of value, is excluded. In two parent families, a second vehicle used for medical transportation, or seeking or retaining employment, is also excluded. (7-1-97)T

315. BANK ACCOUNTS.

Money deposited to a bank account by the participant is a countable resource. (7-1-97)T

316. LIFE INSURANCE.

The cash surrender value of each life insurance policy owned by the participant is a resource. (7-1-97)T

317. SALES CONTRACTS.

A mortgage, promissory note, or other form of sales contract, that can be sold is a resource. (7-1-97)T

318. RESOURCES EXCLUDED BY FEDERAL LAW.

A resource excluded by federal law is not counted in determining the resource amount available to the participant. (7-1-97)T

319. -- 349. (RESERVED).

350. INCOME AVAILABILITY.

All income from financially responsible persons is counted for Medicaid eligibility. Income is available when the participant has a legal interest in a liquidated sum. Income must be under the control of the participant during the period for which need is being determined. Income is available when action can be taken by the individual to obtain or use it. (7-1-97)T

351. EARNED INCOME.

Earned income is income, cash or in-kind, derived from labor or active participation in a business. The income can be wages, tips, salary, commissions, advances, jury duty payments, sale of plasma, vacation pay, bonuses, living allowance or stipend from AmeriCorps and Senior Corps, or profit from employment or self-employment. Earned income is gross earnings before deductions for taxes or any other purposes. It is counted as income when it is received, or would have been received except for the decision of the participant to postpone receipt. Earnings over a period of time and paid at one (1) time, such as the sale of farm crops, livestock, or poultry are annualized and self-employment expenses deducted. (7-1-97)T

352. SELF-EMPLOYMENT EARNED INCOME.

Income from self-employment is treated as earned income. (7-1-97)T

353. INCOME PAID UNDER CONTRACT.

The earned income of an employee paid on a contractual basis is prorated over the period of the contract. (7-1-97)T

354. JTPA INCOME.

Incentive income from the JTPA program is earned income. JTPA allowances are excluded if provided for specific goods and services. JTPA income, paid to a minor child, is disregarded for six (6) consecutive calendar months. A minor child's unearned JTPA income is excluded with no time limits. (7-1-97)T

355. CHILD'S INCOME.

A child's earned income is counted if the child is not attending school full time or if the child is a part-time student who works thirty (30) hours per week or more. (7-1-97)T

356. IN-KIND INCOME.

An individual receiving a service, benefit, or durable goods, instead of wages, is earning in-kind income. In-kind income is earned income. (7-1-97)T

357. EARNED INCOME DISREGARDS.

Earned income disregards are subtracted from monthly earning. The disregards may be a standard disregard, thirty dollars (\$30) plus one-third (1/3) disregard, and the dependent care disregard. Disregards are subtracted in that order. (7-1-97)T

358. STANDARD WORK EXPENSE DISREGARD.

The first ninety dollars (\$90) of earned income is disregarded. (7-1-97)T

359. THIRTY PLUS ONE-THIRD DISREGARD.

Thirty dollars (\$30) plus one-third (1/3) is disregarded when the earned income belongs to a child, a single parent, a relative caretaker receiving Medicaid, a pregnant woman, or a parent in a two (2) parent family receiving Medicaid

because of unemployment or incapacity. The disregard is allowed only if earned income, minus ninety (\$90) and allowable child care, is below the AFDC need standard for the family size. The disregard is not allowed after four (4) consecutive months. (7-1-97)T

360. THIRTY (30) ONLY DISREGARD.

Thirty dollars (\$30) are disregarded for eight (8) months following the expiration of the thirty dollars (\$30) plus one-third (1/3) disregard. (7-1-97)T

361. DEPENDENT CARE DISREGARD.

A dependent care disregard is subtracted from earnings for dependents requiring care because of employment related reasons. Dependents can be either children or an incapacitated spouse. To allow the disregard for an adult, the incapacity must be obvious or the family must provide medical proof that adult care is necessary. The amount disregarded is the anticipated cost of care or the maximum care allowance, whichever is less. Maximum dependent care allowances are listed in Subsections 361.01 and 362.02. (7-1-97)T

01. Dependents Two (2) Years of Age or Older. Dependents, two (2) years of age or older has up to one hundred seventy-five dollars (\$175) disregarded when the caretaker relative works full-time, eighty (80) or more hours in a month. When the caretaker relative works part-time, less than eighty (80) hours in a month, up to one hundred fifteen dollars (\$115) is disregarded. (7-1-97)T

02. Dependents Under Two (2) Years of Age. Dependents under two (2) years of age have up to two hundred dollars (\$200) disregarded when the caretaker relative works full-time, eighty (80) or more hours per month. When the caretaker relative works part-time, less than eighty (80) hours in a month, up to one hundred thirty-five dollars (\$135) is disregarded. (7-1-97)T

362. -- 369. (RESERVED).

370. UNEARNED INCOME.

Unearned income includes payments from pensions, RSDI, unemployment compensation, worker's compensation, veteran's benefits, other government benefits, TAFI, contributions, support payments, and money gifts. Unearned income includes capital investment returns, such as dividends and interest, or other income not gained through employment. (7-1-97)T

371. SUPPORT INCOME.

Support income is any payment an absent parent or absent spouse makes to the family. The payment is support when either parent defines it as such, or when the payment is used to meet the family's needs. A child support payment is unearned income to the child. (7-1-97)T

372. RENTAL INCOME FROM REAL PROPERTY.

Rental income is payment for the use of real or personal property. Rental payments may be received for the use of land, buildings, apartments, houses, or for machinery and equipment. The net rental income is the gross rental receipts less ordinary and necessary expenses of producing the income. The net rental income is unearned income when all activities associated with the rental are conducted by an outside agency. If an outside agency is not conducting activities, the net rental income is earned income. (7-1-97)T

373. UNEARNED INCOME COVERING MORE THAN ONE (1) MONTH.

Unearned income received less often than monthly; such as quarterly, semi-annually, or annually, is prorated over the period of the time it is intended to cover. (7-1-97)T

374. INTEREST INCOME.

Interest posted to a bank account on a monthly or quarterly basis is unearned income in the month received. (7-1-97)T

375. RSDI INCOME (SOCIAL SECURITY).

The amount of the entitlement to Retirement, Survivors, and Disability Insurance (RSDI) benefits is counted as unearned income, unless an overpayment is being withheld. If an overpayment is being withheld, the net amount of the RSDI is unearned income. (7-1-97)T

376. MONEY GIFTS.

Money gifts received for occasions such as birthdays, Christmas, graduation, anniversaries, or cash rewards, is unearned income when the amount exceeds thirty dollars (\$30) per person in a calendar quarter. (7-1-97)T

377. CONTRIBUTIONS.

Contributions are cash payments from persons not legally liable to support the family. Contributions are unearned income. The contributions are counted prospectively, if they can reasonably be anticipated. (7-1-97)T

378. DISABILITY INSURANCE PAYMENTS.

Disability payments paid to a participant through an insurance company on a monthly basis are unearned income in the month received. (7-1-97)T

379. INCOME FROM ROOMER OR BOARDER.

Income from a commercial boarding house is earned income and is established by bookkeeping and FICA records. Income from other room and board situations is unearned income. Gross income from a roomer or boarder is computed by subtracting twenty-five dollars (\$25) from each roomer's payment, fifty dollars (\$50) from each boarder's payment, or seventy-five dollars (\$75) from each individual receiving room and board. If the room and board income is earned income, the room and board disregard is applied followed by the earned income disregards. (7-1-97)T

380. RETIREMENT ACCOUNT WITHDRAWALS.

Monthly withdrawals from retirement accounts are unearned income. Interest from a retirement account withdrawn in one lump sum is earned income. (7-1-97)T

381. INCOME FROM SALE OF REAL PROPERTY.

Monthly payments, minus prorated taxes and insurance costs, received by a participant for the sale of real property are unearned income. (7-1-97)T

382. EDUCATIONAL INCOME.

Monies obtained for purposes of education are earned or unearned income as listed in Subsections 382.01 through 382.05. (7-1-97)T

01. Carl D. Perkins Vocational and Applied Technology Education Act. Any money in excess of attendance costs is unearned income prorated over the period the grant. (7-1-97)T

02. State Work Study Income of Student. Work Study income, partially or wholly funded through the State, is earned income. (7-1-97)T

03. VA Educational Assistance. VA Educational Assistance payments are unearned income. (7-1-97)T

04. AmeriCorps. The AmeriCorps living allowance or stipend is earned income. (7-1-97)T

05. Federal or Nonfederal Supported Sources. Individuals may receive scholarships, grants, or awards from state sources, civic, fraternal and alumnus organizations, relatives, or other individuals. The amount of the award, minus costs of attendance, is unearned income prorated over the period of the award. (7-1-97)T

383. MEDICAL INSURANCE PAYMENTS.

Monthly insurance payments are unearned income if not used for the intended purpose of paying medical expenses or if the obligation to pay the medical expenses no longer exists because they are being paid by another source. Participants must provide proof the money was used to pay medical expenses. (7-1-97)T

384. LUMP SUM INCOME.

A nonrecurring lump sum payment is income. Lump sum income is a retroactive monthly benefit or a windfall payment. This may be earned or unearned income, paid in a single sum. Lump sum income includes RSDI, VA, worker compensation awards, severance pay, disability insurance and lottery winnings. (7-1-97)T

385. INCOME EXCLUDED BY FEDERAL LAW.

Income excluded by federal law is not counted in determining income available to the participant. (7-1-97)T

386. UNEARNED INCOME DISREGARDS.

Unearned income disregards are subtracted from monthly income as listed in Subsections 386.01 and 386.02.

(7-1-97)T

01. Child Support Disregard. The first fifty dollars (\$50) of child support is disregarded. (7-1-97)T

02. TAFI. Thirty dollars (\$30) of TAFI income is disregarded for one (1) and two (2) person families. (7-1-97)T

387. -- 399. (RESERVED).

400. DETERMINING COVERAGE GROUPS.

Countable monthly income and resources are compared to the AFDC resource and payment standard in effect on July 16, 1996 to determine the coverage group for the family or individual. When income or resources exceed the AFDC standards, the family is ineligible for Medicaid in a coverage group related to AFDC standards. If the participant is a child or pregnant woman, income and resources are compared to the Federal Poverty Guidelines (FPG) income and resource limits. If countable monthly income or resources exceeds both the AFDC standard and the FPG, the family or individual is ineligible for Medicaid. (7-1-97)T

401. AFDC INCOME STANDARDS.

The AFDC standards are based on the number of family members. The standards are listed in Table 401. (7-1-97)T

TABLE 401 - AFDC STANDARDS		
NUMBER IN FAMILY	PAYMENT STANDARD	NEED STANDARD
1	\$205	\$643
2	\$251	\$786
3	\$317	\$991
4	\$382	\$1,196
5	\$448	\$1,401
6	\$513	\$1,606
7	\$579	\$1,811
8	\$645	\$2,016
9	\$710	\$2,221
10	\$776	\$2,426
Over 10 Persons	Add \$65 Each	Add \$205 Each

402. -- 409. (RESERVED).

410. MEDICAID COVERAGE GROUPS RELATED TO AFDC STANDARDS.

Persons with countable income below the AFDC payment standard may be eligible for the Medicaid coverage groups of Qualified Child, Qualified Pregnant Women, or Low Income Families with Children. (7-1-97)T

411. QUALIFIED CHILD.

A Qualified Child must meet non-financial and financial criteria for AFDC, must be born after September 30, 1983, and be nineteen (19) years of age or younger at the time of application. (7-1-97)T

412. QUALIFIED PREGNANT WOMAN.

A Qualified Pregnant Woman must meet non-financial and financial criteria for AFDC and must provide medical verification of the pregnancy. (7-1-97)T

413. LOW INCOME FAMILIES WITH CHILDREN.

Families with minor children in the home, who would be AFDC eligible if the program was in effect, are eligible if non- financial, financial, and the conditions listed in Subsections 413.01 through 413.04 are met. (7-1-97)T

01. Living with a Relative. A child must live in a home with an adult caretaker who is related to the child by blood, marriage, or adoption. (7-1-97)T

02. Dependent Child. A dependent child is a child under eighteen (18) years of age or, if over eighteen (18) years of age, is expected to graduate from high school by the nineteenth (19th) birthday. (7-1-97)T

03. Deprivation. The child is experiencing a lack of, or interruption in parental care, guidance and support ordinarily received from one (1) or both parents through continued absence, incapacity expected to last at least thirty (30) days, death, or the unemployment/underemployment of the principal wage earner (PWE) parent. An incapacitated parent must cooperate with a plan for training, employment or medical treatment. A PWE must apply for unemployment benefits and accept an offer of employment, training, or education. If the receipt of unemployment benefits causes financial ineligibility under this coverage group, family members may qualify for Medicaid under FPG coverage groups. (7-1-97)T

04. One Hundred Eighty-five Percent (185%) Test. The family is ineligible for Medicaid when total gross income exceeds one hundred eighty-five percent (185%) of the monthly need standard. (7-1-97)T

414. CONTINUED MEDICAID.

Low Income Families with Children can get continued Medicaid if the family would have lost Medicaid because of increased support payments or increased income due to certain work related reasons. (7-1-97)T

415. EXTENDED MEDICAID FOR CHILD SUPPORT INCREASE.

Low Income Families with Children are eligible for four (4) calendar months of Extended Medicaid (EM) if the income for the family exceeds limits because of the initiation of or an increase in child support collected by BCSS. Medicaid must have been received in three (3) of the six (6) months before the month the family would become ineligible. (7-1-97)T

416. TRANSITIONAL MEDICAID (TM).

Low Income Families with Children are eligible for Transitional Medicaid (TM) if the family income exceeds limits because the caretaker relative's hours of employment increase, income from employment increased, or the thirty dollars (\$30) plus one-third (1/3) or the thirty dollar (\$30) disregard expired. Medicaid must have been received in three (3) of the six (6) months before the month the family become ineligible. Eligible families get TM for up to twelve (12) months. An initial six (6) month period and an additional six (6) month period is available when the conditions listed in Subsections 416.01 through 416.03 are met. (7-1-97)T

01. Reporting Requirement for TM. Families getting TM must complete and sign three (3) quarterly reports in the Transitional Medicaid periods. Monthly earnings and child care expenses must be declared and proof of earnings and child care expenses must be provided. The additional six (6) month is authorized when the first

completed quarterly report is received. (7-1-97)T

02. Income Tests for TM. Families must meet two (2) income tests during the twelve (12) month period. The one hundred and eighty-five percent (185%) income test must be passed at the end of the sixth month and again when the final quarterly report is received. The caretaker must have earnings each month. (7-1-97)T

03. Ending Transitional Medicaid. TM is ended when all eligible children have left the home. (7-1-97)T

417. -- 499. (RESERVED).

500. MEDICAID COVERAGE GROUPS RELATED TO FEDERAL POVERTY GUIDELINES (FPG).

Individuals and families with income at or below the FPG may be Medicaid eligible if family income meets guidelines. FPG coverage groups are Low Income Child, Low Income Pregnant Women, pregnant women ineligible because of excess income, and presumptively eligible pregnant women. (7-1-97)T

501. LOW INCOME CHILD.

A child may be Medicaid eligible if non-financial criteria and financial criteria is met. The child's birth date must be after September 30, 1983. The child's age determines the percentage of FPG used as an income limit and is listed in Subsections 501.01 and 501.02. (7-1-97)T

01. Child Under Age Six (6). Income must not exceed one hundred and thirty-three percent (133%) of the Federal Poverty Guideline for the family size. If the child is receiving Medicaid inpatient services when he turns six (6), eligibility continues through the month his inpatient stay ends. (7-1-97)T

02. Child Age Six (6) and Over. Income must not exceed one hundred percent (100%) of the Federal Poverty Guidelines for the family size. If the child is receiving Medicaid inpatient services when he turns six (6) or nineteen (19), eligibility continues through the month his inpatient stay ends. (7-1-97)T

502. LOW INCOME PREGNANT WOMAN. A Low Income Pregnant Woman must meet non-financial criteria, financial criteria of the FPG, and provide medical verification of the pregnancy. Low Income Pregnant Women receive Medicaid through a sixty (60) day postpartum period. Medicaid is limited to pregnancy related and postpartum services. (7-1-97)T

503. PREGNANT WOMAN INELIGIBLE BECAUSE OF EXCESS INCOME.

A pregnant Medicaid participant, in any coverage group, who becomes ineligible for that coverage group because of an increase in income, continues to receive Medicaid as a Low Income Pregnant Woman. (7-1-97)T

504. PRESUMPTIVE ELIGIBILITY FOR PREGNANT WOMEN.

A pregnant woman can get Medicaid as a presumptively eligible pregnant woman prior to a formal Medicaid determination. Medicaid is limited to payments for ambulatory prenatal services. The pregnancy must be medically verified. A qualified provider must accept written requests for this service and makes the eligibility determination. The qualified provider must inform the participant how to complete the formal Medicaid application process. Qualified providers are required to send the result of the presumptive eligibility decision and the completed application for Medicaid to the Department within two (2) working days. The Notice and Fair Hearing rights of the Medicaid program do not apply to the presumptive eligibility decision. Presumptive eligibility is limited to one (1) determination per pregnancy. (7-1-97)T

505. -- 599. (RESERVED).

600. INDIVIDUALS RELATED TO EITHER AFDC OR FPG STANDARDS.

Some individuals can be Medicaid eligible in any coverage group. These individuals are newborn children of mothers receiving Medicaid, persons meeting requirements of an emergency medical condition, minor parents, and residents of eligible institutions. (7-1-97)T

601. NEWBORN CHILD.

A newborn child whose mother is receiving Medicaid at the time of the child's birth is eligible for Medicaid for one

(1) year. The newborn child must live with his mother and the mother must continue receiving Medicaid, or would continue receiving Medicaid if she were still pregnant. Other nonfinancial criteria is postponed until an application is made. (7-1-97)T

602. EMERGENCY MEDICAL CONDITION.

Individuals who do not meet citizenship requirements may receive Medicaid for medical services necessary to treat an emergency medical condition, including labor and delivery. Emergency medical conditions have acute symptoms of severity, including severe pain. The Bureau of Medicaid Policy and Reimbursement determines if a condition meets criteria of an emergency condition. Medicaid is limited to the period of time established for the emergency condition. For undocumented individuals with emergency conditions, the SSN requirement is waived because an SSN cannot be issued. Individuals must be otherwise Medicaid eligible. (7-1-97)T

603. MINOR PARENT (MP) LIVING WITH PARENTS.

A minor parent (MP) who lives with her parents may be eligible for Medicaid for herself and her child. A MP is a child under the age of eighteen (18) who is pregnant or has a child. The MP's parent(s) are not required to apply. The MP's parent(s) income is deemed to the MP. The MP must meet financial and non-financial criteria. (7-1-97)T

604. RESIDENT OF ELIGIBLE INSTITUTION.

A resident of an eligible institution can get Medicaid. Non-financial and financial criteria must be met, and the individual must meet conditions of a coverage group. Eligible institutions are medical institutions, intermediate care facilities, child care institutions for foster care, or publicly operated community residences serving no more than sixteen (16) residents. (7-1-97)T

605. -- 699. (RESERVED).

700. SPECIFIC CHILDREN AND MEDICAID.

Specific children are eligible for Medicaid. The specific children receive foster care or are in adoptive placements with special circumstances. The children must meet non-financial criteria and must meet the financial requirements described for the coverage group. (7-1-97)T

701. ADOLESCENT RESIDENT OF IDAHO STATE HOSPITAL SOUTH.

A child residing in Idaho State Hospital South may be Medicaid eligible if the conditions in Subsections 701.01 through 701.03 are met. (7-1-97)T

01. Under Age Twenty-One (21). The child is under age twenty-one (21). (7-1-97)T

02. Resources. The (\$1,000) resource limit must be met. An additional resource exclusion of five thousand dollars (\$5,000) is allowed if money is held in trust for the child. (7-1-97)T

03. Income. The child's income is less than two hundred and thirteen dollars (\$213) per month. Income exclusions and disregards apply to the child's income and an additional seventy dollars (\$70) is deducted. (7-1-97)T

702. TITLE IV-E FOSTER CARE CHILD.

A child may be Medicaid eligible as a IV-E foster child if conditions of Subsections 702.01 through 702.04 are met. (7-1-97)T

01. Financial. A child meets the financial condition of Low Income Families with Children, or would have received Medicaid in the coverage group if someone had applied. The financial condition must be met in the month a court action was initiated to remove the child from his home or the month a voluntary placement agreement is signed. (7-1-97)T

02. Court Order/Voluntary. The child must have been living in a parent's or relative's home during the month a court order removes the child or during the month a parent or relative voluntarily signs a written agreement with the Department for foster care. (7-1-97)T

03. Custody and Placement. The child's placement and care are the Department's responsibility and the child is living in a licensed foster home, licensed institution, licensed group home, detention center, or in a relative's

home approved for the child by the Department. (7-1-97)T

04. IV-E Foster Care and SSI Eligibility. When a child is eligible for both IV-E-Foster Care and SSI, the caretaker relative or social worker must choose the Medicaid coverage group for the child. (7-1-97)T

703. TITLE XIX FOSTER CHILD.

A child living in a foster home, children's agency or children's institution who does not meet the conditions of Title IV-E Foster Care may be Medicaid eligible if the conditions listed in Subsections 703.01 through 703.04 are met. (7-1-97)T

01. Age. The foster child is under age twenty-one (21); (7-1-97)T

02. Department Responsibility. The Division of Family and Children's Services assumes full or partial financial responsibility for the child; (7-1-97)T

03. Resources. The one thousand dollar (\$1,000) resource limit must be met. An additional resource exclusion of five thousand dollars (\$5,000) is allowed if money is held in trust for the child. (7-1-97)T

04. Income. The child's income cannot exceed two hundred and thirteen dollars (\$213) per month. After all applicable income exclusions and disregards have been subtracted from income, an additional seventy dollar (\$70) amount is subtracted. (7-1-97)T

704. STATE SUBSIDIZED ADOPTION ASSISTANCE CHILD.

A child in a state subsidized adoptive placement may be Medicaid eligible if the conditions listed in Subsections 704.01 through 704.04 are met. (7-1-97)T

01. Age. The child is under age twenty-one (21). (7-1-97)T

02. Adoption Assistance. An adoption assistance agreement, other than under Title IV-E, between the state and the adoptive parent(s) is in effect. (7-1-97)T

03. Special Needs. The child has special needs for medical or rehabilitative care that prevent adoptive placement without Medicaid. (7-1-97)T

04. Medicaid. The child received Medicaid in Idaho prior to the adoption agreement. (7-1-97)T

705. FEDERALLY SUBSIDIZED ADOPTION ASSISTANCE CHILD.

A child in a federally subsidized adoptive placement under Title IV-E is eligible for Medicaid. No additional conditions must be met. (7-1-97)T

706. -- 999. (RESERVED).

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.04 - RULES GOVERNING FOOD STAMP PROGRAM IN IDAHO
DOCKET NO. 16-0304-9702

NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: These temporary rules are effective September 22, 1996, April 1, 1997, May 1, 1997, July 1, 1997.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted temporary rules. The action is authorized pursuant to Section(s) 56-202(B) & 39-106(I), Idaho Code.

PUBLIC HEARING SCHEDULE: Pursuant to Section 67-5222(2), Idaho Code, 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 May 21, 1997.

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: Temporary rules have been adopted in accordance with Section 67-5226, Idaho Code and are necessary in order to comply with deadlines in amendments to governing law or federal programs and to confer a benefit.

Changes definition of public assistance to include the TAFI program.

Deletes abbreviations for Aid to Families With Dependent Children (AFDC) and adds abbreviation for Temporary Assistance for Families in Idaho (TAFI).

Allows applications to be rejected within ten days of a missed appointment.

Deletes provision that the Department cannot reject an application when a person outside the household fails to provide necessary proof.

Changes term "alien" to "legal noncitizen" throughout the chapter.

Changes rule sections that were missed when rules were promulgated for enactment of Public Law 104-193 which modified the Food Stamp Act. Those changes were effective September 22, 1996.

Modifies the non-increase rule to accommodate change from AFDC to TAFI.

Adds cooperation with child support as a condition of eligibility for Food Stamps for custodial parents.

Adds that a person convicted of a felony which has as an element, the use, distribution or possession of a controlled substance is not eligible for Food Stamps.

Adds that a vehicle used to carry fuel or water for home use may be excluded as a resource only if it is used to carry the primary source of heating fuel or water during the certification period.

Deletes the provision that a student must attend elementary or secondary school half time for exclusion of earnings of a child under eighteen to apply.

Adds clarification regarding when a dependent care deduction must be adjusted when a child turns two.

Modifies rule on the child support deduction to specify that the support must be paid to or for a nonhousehold member. Removes the requirement that changes of \$50 or more in the amount of child support paid must be reported. Deletes the provision that child support must have been paid in the last three months to allow a deduction for arrearage payments. Adds that households entitled to a child support deduction must be assigned a certification period based on their child support payment history.

Adds deeming rules for sponsored legal noncitizens whose sponsor signs the legally enforceable affidavit as

prescribed in Public Law 104-193

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rules, contact Patti Campbell at (208) 334-5819.

Anyone can submit written comments regarding this rule. All written comments and data concerning the rule must be directed to the undersigned and must be postmarked on or before May 28, 1997.

DATED this 7th of May, 1997.

Staci Welsh
Administrative Procedures Coordinator
DHW - Division of Legal Services
450 West State Street, 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone; (208) 334-5548 fax

TEXT OF DOCKET NO. 16-0304-9702

002. DEFINITIONS.

For the Food Stamp Program, the following definitions apply: (6-1-94)

01. Administrative Error Claim. A claim resulting from an overissuance caused by the Department's action or failure to act. (6-1-94)

02. Applicant. A person applying for Food Stamps. (6-1-94)

03. Application for Participation. The application form filed by the head of the household or authorized representative. (6-1-94)

04. Authorization to Participate. The card issued by the Department authorizing a Food Stamp allotment. The card specifies the household, allotment amount and the redemption month. (6-1-94)

05. Authorized Representative. A person designated by the household to act on behalf of the household to apply for or get and use Food Stamps. Authorized representatives include private nonprofit organizations or institutions conducting a drug addiction or alcoholic treatment and rehabilitation center acting for center residents. Authorized representatives include group living arrangement centers acting for center residents. Authorized representatives include battered women's and children's shelters acting for the shelters' residents. Homeless meal providers may not be authorized representatives for homeless Food Stamp recipients. (6-1-94)

06. Battered Women and Children's Shelter. A shelter for battered women and children which is a public or private nonprofit residential facility. If the facility serves others, a portion of the facility must be set aside on a long-term basis to serve only battered women and children. (6-1-94)

07. Boarder. Any person or group to whom a household, other than a commercial boarding house, furnishes meals and lodging in exchange for an amount equal to or greater than the thrifty food plan. Children, parents and spouses in a household must not be treated as boarders. (6-1-94)

08. Boarding House. A licensed commercial enterprise offering meals and lodging for payment to make a profit. (6-1-94)
09. Categorical Eligibility. If all household members are authorized to get ~~AFDC/TAFI~~, AABD and/or SSI, the household is categorically eligible. Categorically eligible households are exempt from resource, gross and net income eligibility standards. ~~(9-1-94)~~(7-1-97)T
10. Certification Determination. Actions necessary to determine household eligibility including interviews, verification, approval, denial, field investigation, analysis and corrective action necessary to insure prompt, efficient and correct certifications. (6-1-94)
11. Claim Determination. The action taken by the Department establishing the household's liability for repayment when an overissuance of Food Stamps occurs. (6-1-94)
12. Client. A person entitled to or receiving Food Stamps. (6-1-94)
13. Coupon. Any coupon, stamp or certificate issued pursuant to the Food Stamp Program for the purchase of food. (6-1-94)
14. Coupon Allotment. The total dollar amount of Food Stamps allowed the household during the full or prorated month. (6-1-94)
15. Department. The Idaho Department of Health and Welfare. (6-1-94)
16. Disqualified Household Members. Individuals required to be excluded from participation in the Food Stamp program are Disqualified Household Members. These include: (6-1-94)
- a. ~~Ineligible aliens, legal noncitizens who do not meet the citizenship or eligible alien requirements.~~ ~~(6-1-94)~~(4-1-97)T
 - b. Individuals awaiting proof of citizenship when citizenship is questionable. (6-1-94)
 - c. Individuals disqualified for failure or refusal to provide a Social Security Number (SSN). (6-1-94)
 - d. Individuals disqualified for Intentional Program Violation (IPV). (6-1-94)
 - e. Individuals disqualified for receiving three (3) months of Food Stamps in a three (3) year period in which they did not meet the work requirement for able-bodied adults without dependent children. (9-22-96)T
 - f. Individuals disqualified as a fugitive felon or probation or parole violator. (9-22-96)T
 - g. Individuals disqualified for a voluntary quit or reduction of hours of work to less than thirty (30) hours per week. (9-22-96)T
 - h. Individuals disqualified for failure to cooperate in establishing paternity and obtaining support for a child under eighteen (18). (7-1-97)T
 - i. Individuals disqualified for a conviction of a felony which has as an element, the use, possession or distribution of a controlled substance. (7-1-97)T
17. Documentation. The method used to record information establishing eligibility. The information must sufficiently explain the action taken and the proof and how it was used. (6-1-94)
18. Drug Addiction or Alcoholic Treatment Program. Any drug addiction or alcoholic treatment rehabilitation program conducted by a private nonprofit organization or institution or a publicly operated community mental health center under Part B of Title XXIX of the Public Health Service Act (42 USC 300 et seq.). Indian reservation based centers may qualify if ~~FNS/FCS~~ requirements are met and the program is funded by the National

Institute on Alcohol Abuse under Public Law 91-616 or was transferred to Indian Health Service funding.

~~(6-1-94)~~(4-1-97)T

19. Eligible Foods. Any food or food product for human consumption excluding alcohol, tobacco, and hot foods and hot food products ready for immediate consumption. Eligible foods include: (6-1-94)
 - a. Garden seeds and plants to grow food for human consumption. (6-1-94)
 - b. Meals prepared for the elderly at a communal dining facility. (6-1-94)
 - c. Meals prepared and delivered by an authorized meal delivery service. (6-1-94)
 - d. Meals served to an narcotics addict or alcoholic who participate and reside in a rehabilitation center program. (6-1-94)
 - e. Meals prepared and served by an authorized group living center to blind or disabled residents who receive benefits under Titles I, II or X, XIV, XVI of the Social Security Act. (6-1-94)
 - f. Meals prepared and served at a shelter for battered women and children to eligible residents. (6-1-94)
 - g. Meals prepared and served by an authorized public or private nonprofit establishment to homeless Food Stamp participants. (6-1-94)
20. Eligible Household. A household living in a project area and meeting the eligibility criteria in these rules. (6-1-94)
21. Emancipated Minor. A person, age fourteen (14) but under age eighteen (18), who has been married or whose circumstances show the parent and child relationship has been renounced such as a child in the military service. (6-1-94)
22. Enumeration. The requirement that each household member provide the Department either their Social Security Number (SSN) or proof that they have applied. (6-1-94)
23. Exempt. A household member who is not required to register for or participate in the JSAP program is exempt. A household member who is not required to register for work is exempt. (6-1-94)
24. Federal Fiscal Year. The Federal fiscal year (FFY) is from October 1 to September 30. (6-1-94)
25. Food Assistance. The Department's Food Stamp Program or Food Distribution Program. (6-1-94)
26. General Assistance. Cash or other aid, excluding in-kind assistance, financed by Federal, state or local government and provided to cover living expenses or other basic needs. This cash or other aid is intended to promote the health and well-being of recipients. (6-1-94)
27. Group Living Arrangement. A public or private nonprofit residential setting serving no more than sixteen (16) residents. The residents are blind or disabled and receiving benefits under Title II or XVI of the Social Security Act, certified by the Department under regulations issued under Section 1616(e) of the Social Security Act, or under standards determined by the Secretary of USDA to be comparable to Section 1616(e) of the Social Security Act. (6-1-94)
28. Homeless Person. A person: (6-1-94)
 - a. Who has no fixed or regular nighttime residence. (6-1-94)
 - b. Whose primary nighttime residence is a temporary accommodation for not more than ninety (90) days in the home of another individual or household. (9-22-96)T

- c. Whose primary nighttime residence is a temporary residence in a supervised public or private shelter providing temporary residence for homeless persons. (6-1-94)
- d. Whose primary nighttime residence is a temporary residence in an institution which provides temporary residence for people who are being transferred to another institution. (6-1-94)
- e. Whose primary nighttime residence is a temporary residence in a public or private place which is not designed or customarily used as sleeping quarters for people. (6-1-94)
29. Homeless Meal Provider. A public or private nonprofit establishment or a profit making restaurant which provides meals to homeless people. The establishment or restaurant must be approved by the Department and authorized as a retail food store by FCS. (6-1-94)
30. Identification Card. The card identifying the bearer as eligible to get and use Food Stamps. (6-1-94)
31. Inadvertent Household Error Claim (IHE). A claim resulting from an overissuance, caused by the household's misunderstanding or unintended error. A household error claim pending an intentional program violation decision. (6-1-94)
32. Income and Eligibility Verification System (IEVS). A system of information acquisition and exchange for income and eligibility verification which meets Section 1137 of the Social Security Act requirements. (6-1-94)
33. Indian General Assistance. The general assistance program administered by the Bureau of Indian Affairs. (6-1-94)
34. Institution of Higher Education. Any institution which normally requires a high school diploma or equivalency certificate for enrollment. These institutions include colleges, universities, and business, vocational, technical, or trade schools at the post-high school level. (5-1-96)T
35. Institution of Post Secondary. Educational institutions normally requiring a high school diploma or equivalency certificate for enrollment, or admits persons beyond the age of compulsory school attendance. The institution must be legally authorized by the state and provide a program of training to prepare students for gainful employment. (6-1-94)
36. Nonexempt. A household member who must register for and participate in the JSAP program. A household member who must register for work. (6-1-94)
37. Nonprofit Meal Delivery Service. A political subdivision or a private nonprofit organization, which prepares and delivers meals, authorized to accept Food Stamps. (6-1-94)
38. Overissuance. The amount Food Stamps issued exceeds the Food Stamps a household was eligible to receive. (6-1-94)
39. Parental Control. Parental control means that an adult household member has a minor in the household. The minor is dependent financially or otherwise on the adult. Minors, emancipated through marriage, are not under parental control. Minors living with children of their own are not under parental control. ~~(6-1-94)~~ (3-1-97)T
40. Participation. Participation means a person or household was certified for the Food Stamp Program and is getting Food Stamps. (6-1-94)
41. Period of ATP or Coupons Intended Use. The month the ATP or Food Stamps are issued. When issued after the twentieth (20th), the period of intended use is from the twenty-first (21st) to the last day of the next month. (6-1-94)
42. Program. The Food Stamp Program created under the Food Stamp Act and administered in Idaho

by the Department. (6-1-94)

43. Project Area. The state of Idaho has been approved as one project area by the Department of Agriculture. (6-1-94)

44. Public Assistance. Public assistance means Old-Age Assistance (OAA), ~~Aid to Families with Dependent Children (AFDC)~~ Temporary Assistance for Families in Idaho (TAFI), Aid to the Blind (AB) and Aid to the Disabled (AD). ~~(6-1-94)~~ (7-1-97)T

45. Retail Food Store. A retail food store, for Food Stamp purposes means: (6-1-94)

a. An establishment, or recognized department of an establishment, or a house-to-house food trade route, whose food sales volume is more than fifty percent (50%) staple food items for home preparation and consumption. (6-1-94)

b. Public or private communal dining facilities and meal delivery services. (6-1-94)

c. Private nonprofit drug addict or alcohol treatment and rehabilitation programs. (6-1-94)

d. Public or private nonprofit group living arrangements. (6-1-94)

e. Public or private nonprofit shelters for battered women and children. (6-1-94)

f. Private nonprofit cooperative food purchasing ventures, including those whose members pay for food prior to the receipt of the food. (6-1-94)

g. A farmers' market. (6-1-94)

h. An approved public or private nonprofit establishment which feeds homeless persons. The establishment must be approved by FNS/FCS. ~~(6-1-94)~~ (7-1-97)T

46. Spouse. Persons who are: (6-1-94)

a. Ceremonially married under applicable state law; or (6-1-94)

b. Living together, free to marry and holding themselves out as man and wife. (6-1-94)

47. State. Any of the fifty (50) States, the District of Columbia, Puerto Rico, Guam, the Northern Mariana Islands and the Virgin Islands of the United States. (6-1-94)

48. State Agency. The Idaho Department of Health and Welfare. (6-1-94)

49. Student. An individual between the ages of eighteen (18) and fifty (50), physically and mentally fit, and enrolled at least half-time in an institution of higher education. (6-1-94)

50. Supplemental Security Income (SSI). Monthly cash payments under Title XVI of the Social Security Act. Payments include state or Federally administered supplements, such as AABD payments in Idaho. (6-1-94)

51. Verification. The proof obtained to establish the accuracy of information and the household's eligibility. (6-1-94)

003. ABBREVIATIONS.

For the purposes of the Food Stamp Program, the following abbreviations are used. (6-1-94)

01. AABD. Aid to the Aged, Blind and Disabled. (9-1-94)

02.	ABAWD. Able bodied adults without dependents.	(12-1-96)T
03.	AFA. Application for Assistance (HW 0901).	(6-1-94)
04.	AFDC. Aid to Families with Dependent Children.	(6-1-94)
05.	AFDC-UP. Aid to Families with Dependent Children-Unemployed Parent Program.	(6-1-94)
06.	ASVI. Alien Status Verification Index.	(6-1-94)
07.	ATP. Authorization to participate card.	(6-1-94)
08.	A/R. The applicant or recipient.	(6-1-94)
09.	BCSS. Bureau of Child Support Services.	(6-1-94)
10.	BEER. Beneficiary Earnings Exchange Report.	(6-1-94)
11.	BENDEX. Beneficiary Data Exchange.	(6-1-94)
12.	BIA. Bureau of Indian Affairs.	(6-1-94)
13.	BIA GA. Bureau of Indian Affairs-general assistance.	(6-1-94)
14.	CIP. The Crisis Intervention Program administered by the Community Services Administration (CSA).	(6-1-94)
15.	COLA. Cost of Living Allowance (COLA) data received from SSA.	(6-1-94)
16.	CSA. The Community Services Administration of the U.S. Department of Housing and Urban Development.	(6-1-94)
17.	CSS. Bureau of Child Support Services.	(7-1-97)T
18.	DHW. The Department of Health and Welfare in Idaho.	(6-1-94)
19.	DOEL. Department of Employment Labor of the State of Idaho.	(6-1-94)(7-1-97)T
20.	EE. Eligibility Examiner.	(6-1-94)
21.	EFNEP. Expanded Food and Nutrition Education Program.	(6-1-94)
22.	FCS. The Food and Nutrition Service of the U.S. Department of Agriculture.	(7-1-97)T
23.	FFY. Federal fiscal year.	(6-1-94)
24.	FmHA. Farm Home Administration.	(8-1-94)
25.	FMV. Fair market value.	(6-1-94)
26.	FNS. The Food and Nutrition Service of the U.S. Department of Agriculture.	(6-1-94)
27.	FQC. Federal Quality Control.	(6-1-94)
28.	GA. General assistance.	(6-1-94)
29.	HUD. The U.S. Department of Housing and Urban Development.	(6-1-94)

286.	IEVS. Income and Eligibility Verification Systems.	(6-1-94)
297.	IHE. Inadvertent household error.	(6-1-94)
302 3.	INS. Immigration and Naturalization Service	(6-1-94)
342 9.	IPV. Intentional program violation.	(6-1-94)
320.	IRS. Internal Revenue Service.	(6-1-94)
33.	JOBS. Job Opportunities and Basic Skills training program.	(6-1-94)
341.	JSAP. Job Search Assistance Program.	(6-1-94)
352.	JTPA. Job Training Partnership Act.	(6-1-94)
363.	PA. Public Assistance.	(6-1-94)
374.	RSDI. Retirement, Survivors, Disability Insurance received from SSA.	(6-1-94)
385.	SAVE. Systematic Alien Verification for Entitlements.	(6-1-94)
396.	SAW. Special Agricultural Worker.	(6-1-94)
403 7.	SDX. State Data Exchange.	(6-1-94)
413 8.	SQC. State Quality Control.	(6-1-94)
39.	<u>SRS. Self Reliance Specialist.</u>	<u>(7-1-97)T</u>
420.	SUA. Standard utility allowance.	(6-1-94)
431.	SSA. Social Security Administration.	(6-1-94)
442.	SSI. The Federal Supplemental Security Income Program for the aged, blind or disabled.	(6-1-94)
453.	SSN. Social Security number.	(6-1-94)
464.	SWICA. State Wage Information Collection Agency.	(6-1-94)
45.	<u>TAFI. Temporary Assistance for Families in Idaho.</u>	<u>(7-1-97)T</u>
476.	TPQY. Third Party Query.	(6-1-94)
487.	UI. Unemployment Insurance.	(6-1-94)
498.	USDA. United States Department of Agriculture.	(6-1-94)
504 9.	VA. The Veterans Administration.	(6-1-94)
540.	WIC. The special supplemental Food Program for Women, Infants, and Children.	(6-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

125. SCHEDULING INTERVIEWS.

The Department will schedule interviews to make sure eligible households get Food Stamps within thirty (30) days of application. ~~Applications must not be denied before thirty (30) days because a first appointment or later appointments are missed.~~ The Department will give the household notice of the interview. The notice must tell the household of the right to a second appointment if it cannot keep the first appointment. The notice must tell the household to set up a second appointment within ten (10) days if it cannot keep the first appointment. The notice must tell the household of the right to reapply if it cannot keep the second appointment. (6-1-94)(5-1-97)T

(BREAK IN CONTINUITY OF SECTIONS)

136. REQUIRED PROOF.

The Department must have proof for items listed below. The Department will tell the household what proof is required. (6-1-94)

01. Residence. Proof of residence is required. Proof includes lease agreements, rent receipts showing the address and utility bills. Proof of residence is not required for unusual cases such as homeless households, migrant farmworkers or new arrivals to a project area. (6-1-94)

02. Identity. Proof of identity is required for the applicant and representative. Proof includes a driver's license, school identification or a birth certificate. The Department can accept other proof. (6-1-94)

03. SSN. SSNs are verified by submitting the SSNs reported by the households to the SSA. An automated interface in EPICS is completed. Certification cannot be delayed to an otherwise eligible household solely to verify a SSN. A SSN is also considered verified by another program participating in IEVS. If a person is unable to provide a SSN or does not have a SSN, the Department must require proof of application for a SSN prior to certifying the person. (6-1-94)

04. Immigration Status. Proof of immigration status is required for all eligible ~~alien~~ alien legal noncitizen household members. Proof includes ~~alien legal noncitizen~~ registration cards, passports and SAVE. (6-1-94)(4-1-97)T

05. Resources. Proof of resources is required. Proof includes bank books, bank statements or documents verifying the resource value. (6-1-94)

06. Vehicles. If questionable, proof of vehicle value is required. Proof includes NADA values and statements from car dealers. (6-1-94)

07. Loans. Proof of loans is required. A statement signed by both parties is proof of a loan. A legally binding agreement is not required. The provider of the loan must sign a statement that loan payments received on a regular basis are being made or will be made under a fixed schedule. (6-1-94)

08. Income. Proof of income is required. Proof includes wage stubs, statements from employers, income interfaces and award letters. (6-1-94)

09. Shelter Costs. Proof of shelter costs is required. The household must be told benefits will be computed, without the shelter costs, if proof is not provided. Shelter costs include home shelter expenses. Shelter costs include homes unoccupied because of employment, training away from the home or illness. Shelter costs include homes abandoned due to a natural disaster or casualty loss. Shelter cost proof is required once, unless the household has moved or reports a change in shelter costs. Proof of shelter costs includes mortgage statements, rent receipts, lease agreements, tax notices and insurance premium notices. (6-1-94)

10. Heating or Cooling Costs For Standard Utility Allowance (SUA). Proof of separate heating or cooling costs is required for the SUA. Proof of costs is required once, unless the household moves or the utilities

change. Proof includes utility bills, statements from utility companies and landlords. (6-1-94)

11. Utility Costs. Proof of actual utility costs is required if the household chooses actual costs. If proof of actual utility costs is not received before thirty (30) days, the SUA will be used if the household is eligible for the SUA. Proof of actual utility costs is required if the home is not occupied. (6-1-94)

12. Dependent Care Costs. Proof of dependent care costs is required. Proof of costs is required once, unless the dependent care provider changes or the cost changes. Proof includes child care bills or statements. (6-1-94)

13. Medical Costs. Proof of incurred medical expenses is required for households claiming a medical deduction. Proof includes medical bills, medicare reimbursement statements and prescription receipts. Proof of anticipated medical expenses is not required provided the client has informed the Department of the expense and the expense is not questionable. Verification of other factors, including but not limited to the following, are required if questionable: (6-1-94)

a. The allowability of the medical services provided. (6-1-94)

b. The provider qualifications. (6-1-94)

c. The individual's eligibility to claim a deduction. (6-1-94)

14. Disability. Proof of disability is required. Proof includes SSA verification, VA verification and statements from doctors. (6-1-94)

15. Child Support Deduction. Proof of child support payments the noncustodial parent makes is required. The parent must be legally obligated to make the child support payments. The child support payments must be made ~~on behalf of a~~ to or for a nonhousehold child member. Both the legal obligation to pay child support and the actual amount paid must be verified. Proof of the legal obligation includes: Court order, divorce decree, administrative order or legally enforceable separation agreement. Proof of child support paid includes: BCSS records, cancelled checks, wage withholding statements, UI withholding statements, statements from the custodial parent. Proof of legally obligated health insurance coverage on behalf of a nonhousehold child is required. Proof includes: Insurance policy, insurance company statement, employer statement. If the household fails or refuses to submit required proof, determine the household's eligibility and coupon allotment without the child support deduction. If there is a discrepancy between information provided by the household and BCSS, the household must be given an opportunity to resolve the discrepancy. Proof of child support payment is required at each certification ~~and recertification~~. Proof of changes in the amount of legally obligated child support ordered or the amount of child support paid must be obtained at recertification. If the amount of legally obligated child support ordered or the amount of child support the household pays has not changed, require proof at recertification only if the information is questionable. (10-1-95)F(5-1-97)T

(BREAK IN CONTINUITY OF SECTIONS)

~~138. (RESERVED). PERSON OUTSIDE HOUSEHOLD FAILS TO PROVIDE PROOF - APPLICATION. A household cannot be denied because a person outside the household fails to provide requested proof. The Department will attempt to get another source of proof if a person outside the household did not provide requested proof. Disqualified household members are not persons outside the household. (6-1-94)~~

(BREAK IN CONTINUITY OF SECTIONS)

146. DENIAL OF FOOD STAMP APPLICATION.

The Department will deny the Food Stamp application under conditions listed below. The Department will send the household notice of denial. (6-1-94)

01. Household Ineligible. The Department will deny the application for ineligible households within thirty (30) calendar days of the application date. (6-1-94)

02. Household Fails to Appear for Interview. If the household fails to appear for ~~an~~ the first scheduled interview ~~and fails to contact the Department, the application will be denied thirty (30) calendar days after the application date, the household must keep a second appointment within ten (10) days of the first appointment. If the household fails to keep a second appointment, deny the application within ten (10) days of the first scheduled appointment. If, after the denial, the household schedules and keeps an appointment and provides the required proof within thirty (30) days of the application date, prorate benefits from the application date.~~ (6-1-94)(5-1-97)T

03. Household Does Not Provide Proof After Interview. If the household did not provide requested proof after an interview or later request, the Department will deny the application ten (10) calendar days after the request for proof. (6-1-94)

04. Household Does Not Provide Proof After Department Help. The Department will deny the application thirty (30) calendar days after the application date if the Department helped the household get proof but the household did not provide the proof. (6-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

157. EXPEDITED FOOD STAMP WORK REGISTRATION.

The applicant must complete work registration unless he is exempt or has a representative register him. Other non-exempt household members must register if the registration can be done in ~~five~~ seven (7) days. (6-1-94)(9-22-96)T

(BREAK IN CONTINUITY OF SECTIONS)

179. HOUSEHOLDS NOT CATEGORICALLY ELIGIBLE.

The households listed below not categorically eligible for Food Stamps. (6-1-94)

01. Medicaid Only. Households are not categorically eligible if any household member gets Medicaid benefits only. (6-1-94)

02. IPV. Households are not categorically eligible, if any household member is disqualified for a Food Stamp Intentional Program Violation (IPV). (6-1-94)

03. Work Requirements. Households are not categorically eligible, if any household member fails to comply with the Food Stamp work requirements. (6-1-94)

04. Ineligible ~~Alien~~ Legal Noncitizen or Student. Households are not categorically eligible if any member is an ineligible ~~alien~~ legal noncitizen or ineligible student. (6-1-94)(4-1-97)T

05. Nonexempt Institution. Households are not categorically eligible if any member is a person living in a nonexempt institution. (6-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

190. SSI/FOOD STAMP JOINT PROCESSING.

Households with all members applying for or getting SSI can apply or recertify for Food Stamps when they apply for

SSI. Food Stamp eligibility and issuance will be based on information provided by SSA or the household. Households not getting or applying for Food Stamps during the preceding thirty (30) days must be allowed to apply at the SSA office or Department office. (6-1-94)

01. Initial Application for SSI. The SSA must tell households with all SSI clients they may apply or reapply for Food Stamps at the SSA office or Department office. The SSA must accept and complete applications from SSI households. SSA must forward an FNC approved transmittal form and an Idaho application to the Department in one (1) working day. Persons applying under joint processing must not be required to have another interview. The household will not be contacted further, unless the application is not complete, missing proof or is questionable. The SSI client is not required to go to the Field Office. Contact may be made by telephone, letter or home visit. (~~6-1-94~~)(7-1-97)T

02. Food Stamp Application Time Limit. The Department will determine eligibility and issue Food Stamps within thirty (30) days of SSA getting the application. If a resident of a public institution applies jointly for SSI and Food Stamps before release, the Department will determine eligibility and issue Food Stamps within thirty (30) days of the release date. SSA will tell the Department of the applicant's release date from a public institution. (6-1-94)

03. SSA Expedited Application Screening. All applications must be screened by SSA and the Field Office. The SSA must screen for expedited services. The SSA must mark "expedited processing" on the first page of applications meeting expedited criteria. The SSA must tell households meeting the expedited criteria Food Stamps may be issued sooner if they apply at the Department. The Field Office must screen all applications from SSA on the day the application is received. Applications received by the wrong Field Office must be sent to the correct office within one (1) working day. Expedited time limits begin the date the correct Field Office gets the application. If a resident of a public institution applies jointly for SSI and Food Stamps before release, the Department will determine expedited eligibility within ~~five~~seven (57) days from the release date. (~~6-1-94~~)(9-22-96)T

04. SSI Application Completed by Telephone Interview. If an application or redetermination for SSI is conducted by telephone, SSA must offer to complete a Food Stamp application. The Food Stamp form must be mailed to the household to return to SSA or the Department. If the application is mailed to SSA, SSA must forward the application and transmittals to the Department. If the application is mailed to SSA, the Department will not require another interview. (6-1-94)

05. Requirements When Application is Mailed. When SSI redetermination is completed by mail, SSA must include a notice informing pure SSI households of their right to file for Food Stamps at the SSA office or the Department office. SSA must inform the households of the right to an out-of-office interview if they are unable to appoint an authorized representative. (6-1-94)

06. Food Stamp Brochures to SSI Households. SSA must distribute the Food Stamp information to an all SSI member household. SSA must give the household the address and telephone number of the Department office serving their area. (6-1-94)

07. Proof From SSA. The Department will insure all information is verified before initial certification. The Department accepts proof submitted by SSA on the transmittal form. The Department verifies SSI benefit payments through the SDX, BENDEX or by the household. The Department verifies information, other than wages through SDX or BENDEX, where permitted by agreement with SSA. The Department rechecks information only if it is questionable. The Department allows households to provide proof from other sources if information is not available on the SDX or BENDEX or it conflicts with other household information. (6-1-94)

08. SSI Denials and Joint Processing. If SSI is denied for a joint processing application, Food Stamp eligibility or benefit levels may be affected. The Department will send the household a Notice of Expiration. The notice must indicate Food Stamps will end the month after the form is sent. The notice must give the closure reason. The notice must indicate the household must reapply to get Food Stamps. The notice must indicate the household may be entitled to an out-of-office interview. (6-1-94)

09. Restoring Lost Benefits in Joint Processing. The Department will restore benefits lost because of joint processing errors. The Department will restore benefits lost because the Department was not told on a timely

basis of the applicant's release date from a public institution. (6-1-94)

10. Recertification By SSA Office. SSI households receiving a Notice of Expiration are entitled to timely recertification through the SSA office. (6-1-94)

11. Work Registration Waived. Household members applying under joint processing must have work registration waived until determined SSI eligible or ineligible. (6-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

204. CITIZENSHIP OR SATISFACTORY IMMIGRATION STATUS.

A person must be a U. S. resident to get Food Stamps. A person must be a U.S. citizen or qualified ~~alien~~ legal noncitizen to get Food Stamps. ~~Aliens~~ Legal noncitizens getting Food Stamps on August 22, 1996 and meeting a category in Subsection 204.01 are qualified ~~aliens~~ legal noncitizens eligible for Food Stamps and must have their eligibility redetermined using the criteria in Subsection 204.02 between April 1, 1997 and August 31, 1997. All other ~~aliens~~ legal noncitizens must meet a category in Subsection 204.02. (9-22-96)T(4-1-97)T

01. Eligible Immigration Status for ~~Aliens~~ Legal Noncitizens Getting Food Stamps on August 22, 1996. (9-22-96)T(4-1-97)T

a. Permanent ~~Alien~~ Legal Noncitizen. An ~~alien~~ legal noncitizen lawfully admitted for permanent residence as an immigrant under sections 101(a)(20) and 101(a)(15) of the Immigration and Nationality Act. This includes: Amerasians admitted under Section 884(a)(l) of Public Law 100-202, ~~aliens admitted under Section 245A with a class code of "W-16," "W-26," or "W-36."~~ The ~~alien~~ legal noncitizen is aged, or disabled, or married to a U.S. citizen, Section 244 of the Immigration and Nationality Act with a code of "Z-11." (6-1-94)(4-1-97)T

b. Permanent Resident Under Color of Law. ~~An alien~~ A legal noncitizen entering the United States before January 1, 1972 is lawfully admitted for permanent residence by the Attorney General, under Section 249 of the Immigration and Nationality Act. ~~An alien~~ A legal noncitizen entering the United States after January 1, 1972, and since residing in the United States, is lawfully admitted for permanent residence by the Attorney General, under Section 249 of the Immigration and Nationality Act. (6-1-94)(4-1-97)T

c. Refugees. ~~An alien~~ A legal noncitizen qualified for entry under Section 207 or 208 of the Immigration and Nationality Act. ~~An alien~~ A legal noncitizen granted asylum by the Attorney General under Section 208 of the Immigration and Nationality Act. (6-1-94)(4-1-97)T

d. Other permanent residents. ~~An alien~~ A legal noncitizen lawfully in the United States for urgent reasons, by order of the Attorney General. ~~An alien~~ A legal noncitizen lawfully in the United States, by order of the Attorney General, for reasons in the public interest under Section 212(d)(5) of the Immigration and Nationality Act. ~~An alien~~ A legal noncitizen lawfully in the United States, by an Attorney General grant of parole. (6-1-94)(4-1-97)T

e. ~~Alien~~ Legal noncitizen subject to persecution. ~~An alien~~ A legal noncitizen not deported under Section 243 of the Immigration and Nationality Act. The Attorney General believes the ~~alien~~ legal noncitizen would be subject to persecution due to race, religion, or political opinion. (6-1-94)(4-1-97)T

f. Special agricultural worker. Effective June 1, 1987. ~~An alien~~ A legal noncitizen granted temporary residence as a Special Agricultural Worker (SAW) under Section 210(a) of the Immigration and Nationality Act. (6-1-94)(4-1-97)T

~~g. Additional Special Agricultural Worker. An alien lawfully admitted for temporary residence as an additional special agricultural worker. Effective October 1, 1989, through September 30, 1993, under Section 210A(a) of the Immigration and Nationality Act. (6-1-94)~~

~~h.g.~~ Disabled ~~Alien~~ Legal noncitizen. Effective November 7, 1988. ~~An alien~~ A legal noncitizen defined

as aged, blind, or disabled under Section 1614(a)(1) of the Social Security Act. The ~~alien legal noncitizen~~ must be lawfully admitted for permanent or temporary residence, under Section 245A(b)(1) of the Immigration and Nationality Act. ~~(6-1-94)(4-1-97)T~~

02. Eligible Immigration Status for All Other ~~Aliens~~ Legal Noncitizens. ~~(9-22-96)T(4-1-97)T~~

a. ~~Alien Legal Noncitizen~~ Eligible Up to Five (5) Years from Admission. ~~An alien~~ A legal noncitizen is an eligible ~~alien legal noncitizen~~ for five (5) years from the date he obtained a status listed below. ~~(9-22-96)T(4-1-97)T~~

i. Refugee admitted under Section 207 of the Immigration and Nationality Act. (9-22-96)T

ii. Asylee admitted under Section 208 of the Immigration and Nationality Act. (9-22-96)T

iii. ~~Alien Legal noncitizen~~ whose deportation is withheld under Section 243(h) of the Immigration and Nationality Act. ~~(9-22-96)T(4-1-97)T~~

b. ~~Alien Legal noncitizen~~ eligible with no time limit - ~~An alien~~ A legal noncitizen is an eligible ~~alien legal noncitizen~~ with no time limit if he meets a requirement listed below. ~~(9-22-96)T(4-1-97)T~~

i. A permanent resident ~~alien legal noncitizen~~ admitted under the Immigration and Nationality Act before August 22, 1996, who has forty (40) qualifying quarters of coverage under Title II of the Social Security Act. A qualifying quarter includes a quarter worked by the ~~alien's legal noncitizens~~ parent while the ~~alien legal noncitizen~~ was under age eighteen (18) and a quarter worked by the ~~alien's legal noncitizen's~~ spouse during marriage if the ~~alien legal noncitizen~~ remains married to the spouse or the spouse is deceased. Any quarter after January 1, 1997 in which ~~an alien legal noncitizen~~ received any Federal means tested benefit is not counted as a qualifying quarter. ~~(9-22-96)T(4-1-97)T~~

ii. A permanent resident legal noncitizen admitted under the Immigration and Nationality Act on or after August 22, 1996, who has lived in the United States for five years since obtaining permanent resident status and who has forty (40) qualifying quarters of coverage under Title II of the Social Security Act. (4-1-97)T

iii. A veteran honorably discharged for a reason other than alienage and the veteran's spouse and unmarried dependent child. ~~(9-22-96)T(4-1-97)T~~

iiy. An active duty member of the U.S. Armed Forces who is not on active duty for training only and the member's spouse and unmarried dependent child. ~~(9-22-96)T(4-1-97)T~~

(BREAK IN CONTINUITY OF SECTIONS)

205. WRITTEN DECLARATION OF CITIZENSHIP OR IMMIGRATION STATUS.

To get Food Stamps, a person must be a citizen, national of the United States, or have satisfactory immigration status. The person must declare citizenship or ~~alien legal noncitizen~~ status in writing, under penalty of perjury.

~~(6-1-94)(4-1-97)T~~

01. Citizen/~~Alien Legal Noncitizen~~ Status at Application. One (1) adult household member must sign a written declaration ~~the Application for Assistance, AFA (HW 0901), the Add A Person form (HW 0913) or the Declaration of Citizenship/Alien Status (HW 0929)~~ attesting to the citizenship or ~~alien legal noncitizen~~ status of all household members. An adult household member must sign his own name for a child under eighteen (18) years of age. If there are no adult household members, the applicant must sign for himself and for all other non-adult household members. ~~(6-1-94)(4-1-97)T~~

02. Sanctions for Failure to Sign Citizen/~~Alien Legal Noncitizen~~ Status. If an adult household member fails to sign the written declaration, the household is not eligible for Food Stamps. When all household members are

under the age of eighteen (18) the head of household must sign for all household members. ~~(6-1-94)~~(4-1-97)T

206. PROOF OF PROPER IMMIGRATION STATUS.

~~Alien~~Immigration status is proved by INS. INS will compare the evidence to their Alien Status Verification Index (ASVI) to verify the immigration status of the ~~alien~~legal noncitizen. ~~(6-1-94)~~(4-1-97)T

01. Proof of Immigration Status. ~~Aliens~~Legal noncitizens must present proof of ~~alien~~immigration status for each ~~alien~~legal noncitizen member. Acceptable proof includes but is not limited to documents listed below: ~~(6-1-94)~~(4-1-97)T

- a. Form AR-3A. Alien Registration Receipt Card (Form AR-3A). (6-1-94)
- b. Court order. A court order states deportation is withheld under Section 243(h) of the Immigration and Nationality Act. (6-1-94)
- c. Passport. A passport booklet for lawful permanent resident ~~alien~~legal noncitizen with stamp stating, "Processed for I-551 Temporary Evidence of Lawful Admission for Permanent Residence." ~~(6-1-94)~~(4-1-97)T
- d. SSA Aged, Blind, or Disabled, with I-688 card. Person is proven aged, blind or disabled by the Social Security Administration, and an I-688 card is marked with Section 245(a) of the Immigration and Nationality Act. (6-1-94)

e. Form I-94. Arrival-Departure record (Form I-94) marked with: Section 203(a)(7), if issued prior to April 1, 1980, Section 207, 208, 212(d)(5), or 243(h) of the Immigration and Nationality Act, Refugee, parolee, paroled, or asylum, Lawfully admitted for permanent residence or paroled for humanitarian reasons. (6-1-94)

- f. Form I-151. Alien Registration Receipt Card (Form I-151). (6-1-94)
- g. Form I-181. Memorandum of Creation of Record of Lawful Permanent Residence (Form I-181). (6-1-94)
- h. Form I-327. Re-entry Permit (Form I-327). (6-1-94)
- i. Form I-551. Resident Alien Card (Form I-551). Conditional Resident Alien Card (Form I-551). (6-1-94)
- j. Form I-571. Refugee Travel Document (Form I-571). (6-1-94)
- k. I-688. Temporary Resident Card (Form I-688). (6-1-94)
- l. I-688A. Employment Authorization Card (Form I-688A). (6-1-94)
- m. Form I-689. Fee Receipt (Form I-689). (6-1-94)

~~02. Alien Status Proved. Tell aliens the alien status documents they submit may be sent to INS to prove alien legal noncitizen status. Tell aliens, unable to present any INS documents, that non-INS documents will be accepted and sent to INS to prove alien status. (6-1-94)~~

032. Time Limits for Providing ~~Alien~~Legal Noncitizen Documents. Allow ~~aliens~~legal noncitizens ten (10) days to provide ~~alien~~legal noncitizen status documents. The ten (10) day period starts the date ~~alien~~legal noncitizen status documents are requested. If the ten (10) day period ends before the thirtieth day after application, do not certify the household until it provides the documents. If the ten (10) day period ends beyond the thirtieth day after application, do not delay benefits for the remaining household members, if the household is otherwise eligible. Provide benefits no later than the thirtieth day. If the ~~alien~~legal noncitizen status documents are not provided by the end of ten (10) days, the ~~alien~~legal noncitizen member must be classified as an ineligible ~~alien~~legal noncitizen. ~~(6-1-94)~~(4-1-97)T

043. Failure to Provide Alien Legal Noncitizen Documents. If a household says it is unable or unwilling to provide alien legal noncitizen status documents for a alien legal noncitizen household member, the alien legal noncitizen member must be classified as an ineligible alien legal noncitizen. (6-1-94)(4-1-97)T

054. Proof of Immigration Status. The documents provided by the household for members identified as alien legal noncitizens are submitted to INS for proof. The proof is completed by use of SAVE. Primary and secondary methods of proof are described below: (6-1-94)(4-1-97)T

a. Primary proof. Primary proof is telephone access to the INS files. This method uses the Alien Status Verification Index (ASVI). The Alien indicator (A) plus the seven (7) or eight (8) numbers shown on the original document is used to access the ASVI file. (6-1-94)

b. Secondary proof. Secondary proof is sending photo copies of the original immigration documents and a Document Verification Request Form (G-845) to INS for proof. Secondary proof is used if: The alien legal noncitizen is a Special Agriculture Worker (SAW). Primary proof instructs the Department to "Institute Secondary Verification." No record is found through the primary proof system. The Department has accepted non-INS documents determined to be reasonable evidence of alien legal noncitizen immigration status. The Department has determined documents presented by the alien legal noncitizen are questionable. An Alien (A) Number is not on an INS document. Information in the record is not consistent and more proof is needed. (6-1-94)(4-1-97)T

065. Secondary Proof Requirement. A person is not considered an ineligible alien legal noncitizen based only on primary proof. If primary proof fails to verify the alien legal noncitizen's eligible alien legal noncitizen status, the secondary proof procedure must be completed, before the Department can deny Food Stamps based solely on alien legal noncitizen status. (6-1-94)(4-1-97)T

076. Alien Legal Noncitizen Status Not Proved. An alien legal noncitizen whose status is not proved by INS must be considered an ineligible alien legal noncitizen. (6-1-94)(4-1-97)T

087. Documentation Provided Late. If the alien legal noncitizen later provides documentation of alien legal noncitizen status, and other household members get Food Stamps, act on the information by submitting it to INS for proof. Once the eligible alien legal noncitizen status is verified add the alien legal noncitizen. Add the alien legal noncitizen the month after the client provides documentation of alien legal noncitizen status to the Department, not the month after INS verifies the status. If the Food Stamp case is not open, the alien legal noncitizen must re-apply. (6-1-94)(4-1-97)T

207. INELIGIBLE ALIENLEGAL NONCITIZEN STATUS.

If alien legal noncitizen status cannot be proved or ineligible alien legal noncitizen status is proved, the alien legal noncitizen is not eligible for Food Stamps. His income and resources must be counted. Ineligible alien legal noncitizens include, but are not limited to, alien legal noncitizens entering the country illegally to seek employment, alien legal noncitizen visitors, tourists, diplomats, and persons temporarily attending school in the United States with no intention of abandoning their foreign residence. (6-1-94)(4-1-97)T

208. REPORTING ALIENLEGAL NONCITIZENS WITH DEPORTATION ORDER.

Report alien legal noncitizens with a final deportation order filed against them for violation of the Immigration and Nationality Act. An order of deportation is final when one (1) of the conditions in Section 208 is met. Inform the local INS office within one (1) day of verifying a Food Stamp household member meets a condition below:

(6-1-94)(4-1-97)T

01. Appeal Period Elapsed. The order is not subject to appeal because the statutory appeal period of ten (10) days has elapsed. (6-1-94)

02. No Grounds for Appeal. There are no lawful grounds upon which to appeal the order. (6-1-94)

03. Appeals Exhausted. Administrative and judicial appeals have been exhausted, and the order is not subject to reopening for reconsideration. (6-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

213. SEPARATE FOOD STAMP HOUSEHOLD COMPOSITION FOR RELATED MEMBERS.

One of the conditions below must be met for related persons living together to be separate Food Stamp households. (6-1-94)

01. Children Age Twenty-two (22) and Older Living With Parents. Children age twenty-two (22) and older, living with their parents, can be separate Food Stamp households. The households must purchase and prepare their food separately. (9-1-94)

~~02. Parent with Children Under Age Twenty-two (22). Parents and children under age twenty-two (22) living together can be separate Food Stamp households. The household must purchase and prepare their food separately. One of the following conditions must be met: The child must be married and living with their spouse. The child must be a parent or have parental control of a minor child living in the household. (9-1-94)~~

~~03. Households Must Prepare Food Together Because of Age and Disability. Households that must purchase and prepare food together because one (1) household contains a person sixty (60) years of age or older unable to purchase and prepare meals because of a disability, can be separate Food Stamp households. The spouse of the disabled person must be considered a member of that person's household. These households must meet the following conditions: The disability must be permanent under the Social Security Act or a nondisease related, severe permanent disability. The income of the household, which does not contain the person unable to purchase and prepare meals separately, must not exceed one hundred sixty-five percent (165%) of the gross income limit for the household size. To count income for the one hundred and sixty-five percent (165%) gross income standard: Exclude the income of the disabled person and his spouse. Count all available income to the household not containing the disabled person. Compare the gross income eligibility standard for that size household. (6-1-94)(3-1-97)T~~

(BREAK IN CONTINUITY OF SECTIONS)

218. PERSONS DISQUALIFIED AS FOOD STAMP HOUSEHOLD MEMBERS.

Persons disqualified as Food Stamp household members must not participate in the Food Stamp program. Disqualified household members are not counted in the household size. Disqualified household members' income and resources are counted. Disqualified household members are listed below: (6-1-94)

01. Ineligible ~~Alien~~Legal Noncitizen. Ineligible ~~aliens~~legal noncitizens not meeting citizenship or eligible ~~alien~~legal noncitizen requirements. (6-1-94)(4-1-97)T

02. Persons With Citizenship Questionable. Persons refusing to sign a declaration attesting to citizenship or ~~alien~~legal noncitizen status. (6-1-94)(4-1-97)T

03. Person Refusing SSN. Persons disqualified for failure or refusal to provide a Social Security Number. (6-1-94)

04. JSAP or Work Registration Noncompliance. Persons, not the head of household, disqualified for failure to comply with JSAP or work registration requirements. (6-1-94)

05. Persons With IPV. Persons disqualified for an Intentional Program Violation (IPV). (6-1-94)

06. Voluntary Quit or Reduction of Hours of Work. Persons, not the head of household, ~~disqualified for a voluntary quit or reduction in hours of work.~~ (9-22-96)T

07. ABAWD Not Meeting Work Requirement. Persons who have received three (3) months of Food Stamp benefits in a three (3) year period without meeting the ABAWD work requirement. (9-22-96)T

08. Fugitive Felon. Persons who are determined to be a fugitive felon or probation or parole violator.

(9-22-96)T

09. Drug Convicted Felon. Persons who have been convicted of a felony offense which has as an element the possession, use or distribution of a controlled substance. (7-1-97)T

10. Failure to Cooperate in Paternity Establishment or Obtaining Support. Persons disqualified for failure to cooperate in establishing paternity and obtaining support for a child under eighteen (18). (7-1-97)T

(BREAK IN CONTINUITY OF SECTIONS)

226. JOB SEARCH ASSISTANCE PROGRAM (JSAP).

The JSAP program is designed to help Food Stamp recipients become self-sufficient. Persons living in Ada, Bannock, Canyon, and Kootenai counties are required to participate in the JSAP program. (6-1-94)

01. JSAP Registration. All household members living in JSAP counties, unless exempt, must register for JSAP. Household members who are on strike must register for JSAP. Members who are not migrants in the job stream must register for JSAP. Registration must be done before certification, recertification, or when a client's JSAP status changes from exempt to mandatory. (6-1-94)

02. JSAP Information. Explain, both in writing and orally, the JSAP requirement, rights, responsibilities, and the result of failure to comply. JSAP information is listed below: (6-1-94)

a. JSAP sets up employment and training activities. Inform registrants JSAP will set up employment and training activities at their initial JSAP interview. (6-1-94)

b. Clients must cooperate with JSAP. Inform registrants of the requirement to cooperate with JSAP. (6-1-94)

c. Household disqualified for failure to cooperate. Inform registrants failure of the penalties imposed when the head of household fails to comply with JSAP will disqualify the entire household for two (2) months, if the member not complying is the head of household. (6-1-94)(9-22-96)T

d. Member disqualified for failure to cooperate. Inform registrants of the penalties imposed when a member who is not the head of household fails to comply with JSAP will disqualify the member not complying for two (2) months, if the person is not the head of household. (6-1-94)(9-22-96)T

e. Not appearing for interview is failure to cooperate. Inform registrants failure to comply includes not appearing, without good cause, for either a first or second JSAP interview. (6-1-94)

f. JSAP will notify household of JSAP appointments. Inform registrants JSAP will notify households of interview appointments. (6-1-94)

g. JSAP will notify household of employment and training. Inform registrants JSAP will notify households of their employment and training activities and requirements. (6-1-94)

h. Right to appeal. Inform registrants they have the right to request a fair hearing. (6-1-94)

03. Examiners Must Report Changes to JSAP. Report changes to JSAP. Send a report of registration changes on the day the Examiner learns of a change listed below: (6-1-94)

a. Client becomes exempt. A client becomes exempt from registration after registering with JSAP. (6-1-94)

b. Client terminated. A client is terminated from participation during the certification period. (6-1-94)

- c. Client moves from county. A client moves from the county. (6-1-94)
- d. Client moves within county. A client changes his address within the same JSAP jurisdiction. (6-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

229. FAILURE TO COMPLY WITH JSAP.

Failure to comply with JSAP includes failure to participate, refusing to provide information to determine employability, refusing a job, reducing earnings, or quitting a JSAP-referred job without good cause. JSAP staff will decide if a client did not comply. JSAP staff will notify the Department the client failed to comply, without good cause. Impose the sanctions for failure to comply with JSAP. (~~6-1-94~~)(9-22-96)T

(BREAK IN CONTINUITY OF SECTIONS)

231. NOTICE OF SANCTIONS FOR FAILURE TO COMPLY WITH JSAP.

Send the household a Notice of Decision when a client has failed to comply with JSAP requirements. The Notice of Decision must contain data listed below. The notice must be mailed within five (5) days of receiving the sanction request from JSAP. If Notice of Decision is sent, and the Department proves the member complied within the timely notice period by the effective date of the action, the action to end Food Stamps does not take effect. (~~12-1-96~~)(4-1-97)T

- 01. Sanction Period. The Notice of Decision must include the proposed sanction period. (6-1-94)
- 02. Reason for Sanction. The Notice of Decision must include the reason for sanction. (6-1-94)
- 03. Ability to Reapply after Sanction. If the head of household is ineligible the Notice of Decision must say the household may reapply. The household cannot be eligible until the sanction period ends and the head of household complies. If the ineligible member is not the head of the household, the member is added back when the sanction period ends and the member complies. (9-22-96)T
- 04. Actions to End Sanction. The Notice of Decision must include the actions the sanctioned person must take to end the sanction. (6-1-94)
- 05. Right to Appeal. The Notice of Decision must tell the household of it's right to a fair hearing. The household may contest a decision of mandatory status, or a denial, reduction, or termination of benefits, due to failure to comply with JSAP. (6-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

234. ENDING SANCTIONS FOR FAILURE TO COMPLY WITH JSAP.

Households or household members sanctioned for not complying with JSAP are ineligible until a condition listed below is met. (6-1-94)

- 01. Fair Hearing Reversal. Sanction ends if a fair hearing reverses the sanction. (6-1-94)
- 02. Sanctioned Member Becomes Exempt. Sanction ends if the sanctioned member becomes exempt from JSAP and has served the minimum sanction period. (~~6-1-94~~)(9-22-96)T
- 03. Sanctioned Member Leaves Household. Sanction ends if the sanctioned member leaves the Household.

(6-1-94)

04. New Head of Household. Sanction ends if a new eligible individual joins the household and is the new head of household. (6-1-94)

05. Six (6) Months Elapse for Sanctioned Household. The household's sanction ends if six (6) months elapse. The sanction for the individual member continues until he becomes exempt or complies. ~~(9-22-96)†~~(9-22-96)T

06. Member Complies with JSAP. Sanction ends if the member who refused to comply with a JSAP requirement, complies by completing or resuming the assignment and has served the minimum sanction period. This must be proved by JSAP staff. (9-22-96)T

(BREAK IN CONTINUITY OF SECTIONS)

252. ENDING WORK REGISTRATION SANCTION.

Households or household members sanctioned for not complying with work registration are ineligible until a condition listed below is met. (6-1-94)

01. Fair Hearing Reversal. Sanction ends if a fair hearing reverses the sanction. (6-1-94)

02. Sanctioned Member Becomes Exempt. Sanction ends if the sanctioned member becomes exempt from work registration and has served the minimum sanction period. ~~(6-1-94)~~(9-22-96)T

03. Sanctioned Member Leaves Household. Sanction ends if the sanctioned member leaves the Household. (6-1-94)

04. New Head of Household. Sanction ends if a new eligible individual joins the household and is the new head of household. (6-1-94)

05. Six (6) Months Elapse. The household's sanction ends if six (6) months elapse. The sanction for the individual member continues until he becomes exempt or complies. ~~(9-22-96)†~~(9-22-96)T

06. Member Complies with Work Registration. Sanction ends if the member who refused to comply with the work registration requirement, complies by registering and has served the minimum sanction period. (9-22-96)T

(BREAK IN CONTINUITY OF SECTIONS)

275. ENDING VOLUNTARY QUIT OR REDUCTION OF WORK HOURS PENALTY.

Eligibility may be re-established after a voluntary quit or work reduction penalty period has elapsed for an otherwise eligible household or household member if when a conditions in Subsection 275.01 below are is met. Eligibility may be reestablished before the end of the penalty period for an otherwise eligible household or household member when a condition in Subsection 275.02 is met. ~~(9-22-96)†~~(9-22-96)T

01. Ending Voluntary Quit or Reduction Penalty After Penalty Period Has Elapsed. (9-22-96)T

~~01a.~~ Member gets a job. The penalty member gets new employment comparable in salary or hours to the job the person quit. Comparable employment may entail fewer hours or a lower net salary than the job which was quit. To be comparable, the hours for the new job cannot be less than twenty (20) hours per week. To be comparable, the salary or earnings for the new job cannot be less than Federal minimum wage multiplied by twenty (20) hours per week. (9-22-96)T

b. Member increases hours to more than thirty (30) hours per week. The penalty member's hours of

work are restored to the average number of hours per week before reduction. (9-22-96)T

~~02c.~~ Member becomes exempt. The penalty member becomes exempt from work registration requirements. The voluntary quit penalty does not end if the member becomes exempt due to: JOBS program participation. Application or receipt of Unemployment Insurance. (9-22-96)T

~~03. Member of Household Leaves Household. The penalty member leaves the household. The penalty follows the member who caused it. If the penalty member joins another household, as the head of household, the new household is ineligible for the balance of the penalty period. If the penalty member joins another household, not as head of household, the member is ineligible for the balance of the penalty period.~~ (9-22-96)T

~~04. Head of Household Changes. Head of household changes because a new and otherwise eligible member joins the household as head of household.~~ (6-1-94)

~~d. Six (6) months elapse. The penalty for the household ends if six (6) months elapse. The sanction for the individual member continues until a condition for ending the penalty is met.~~ (9-22-96)T

02. Ending Voluntary Quit or Reduction Penalty Before the End of the Penalty Period. (9-22-96)T

a. Member leaves household. The penalty member leaves the household. The penalty follows the member who caused it. If the penalty member joins another household as the head of household, the new household is ineligible for the greater of balance of the penalty period, or the date the member complies. The household's penalty period cannot exceed six (6) months. (9-22-96)T

b. The household's penalty ends when the head of household changes because a new and otherwise eligible member joins the household as head of household. The penalty period continues for the penalty member for the greater of the length of the minimum penalty period or the date he complies. (9-22-96)T

(BREAK IN CONTINUITY OF SECTIONS)

277. PENALTY FOR FAILURE TO COMPLY WITH A REQUIREMENT OF ANOTHER MEANS-TESTED PROGRAM.

The penalties applied to the Food Stamp case for failure to comply with a requirement of another means-tested program to prevent an increase in Food Stamp benefits are listed ~~below~~ in Subsections 277.01 and 277.02. (9-22-96)T(7-1-97)T

~~01. Failure to Comply with an AFDC TAFI Requirement. When a Food Stamp recipient fails to comply with a requirement of the AFDC/TAFI program and a penalty is imposed by that program, the same penalty must be imposed count that portion of the benefit decrease attributed to the TAFI penalty. for Food Stamp purposes. For Foods Stamps, only an individual can be sanctioned. Conditions for ending the penalty are listed below.~~ (9-22-96)T(7-1-97)T

a. Time limited TAFI penalty. If the TAFI penalty is time limited, end the FS penalty when the TAFI penalty is ended. (7-1-97)T

b. Lifetime TAFI penalty. If the TAFI penalty is a lifetime penalty, apply the FS penalty for a length of time to match the remaining months of TAFI eligibility for the household. End the FS penalty if the household subsequently reapplies for TAFI and is denied for a reason other than the noncompliance that caused the TAFI penalty. (7-1-97)T

c. Member who caused the TAFI penalty leaves the household. End the TAFI penalty when the member who caused the TAFI penalty leaves the household. (7-1-97)T

02. Failure to Comply with a Requirement of a Means-tested Program Such as SSI. For a failure to

comply with a requirement of another means-tested program, such as SSI, which results in a reduction of benefits, Food Stamp benefits must be computed using the benefit amount received from the other program, before the penalty was imposed count that portion of the benefit decrease which is attributed to the penalty. (9-22-96)T(9-22-96)T

(BREAK IN CONTINUITY OF SECTIONS)

278. COOPERATION IN ESTABLISHMENT OF PATERNITY AND OBTAINING SUPPORT.

A natural or adoptive parent or other individual living with and exercising parental control over a minor child who has an absent parent must cooperate in establishing paternity for the child and obtaining support for the child and herself. Cooperation includes but is not limited to providing all known information to identify and locate the absent parent. (7-1-97)T

279. FAILURE TO COOPERATE.

Determine if the parent or individual has cooperated in establishing paternity and obtaining support. Failure to cooperate includes, but is not limited to, failure to complete the absent or alleged parent information or filiation affidavit as requested, failure to sign the limited power of attorney, or evidence of failure to cooperate provided by CSS. (7-1-97)T

01. Penalty for Failure to Cooperate. When a parent or individual fails to cooperate in establishing paternity and obtaining support, she is not eligible to participate in the Food Stamp Program. Count the disqualified parent or individual's income and resources in full. (7-1-97)T

280. EXEMPTIONS FROM THE COOPERATION REQUIREMENT.

The parent or individual will not be required to provide information about the absent or alleged parent or otherwise cooperate in establishing paternity or obtaining support if good cause for not cooperating exists. Good cause for failure to cooperate must be proved. Notify the parent or individual in writing of the right to claim a good cause exemption at application and recertification. (7-1-97)T

01. Good Cause Defined. Good cause for failure to cooperate in obtaining support is listed below:

(7-1-97)T

a. Rape or incest. Proof the child was conceived as a result of incest or forcible rape.

(7-1-97)T

b. Physical or emotional harm. Proof the absent parent may inflict physical or emotional harm to the children, the participant or individual exercising parental control. This must be supported by medical evidence, police reports, or as a last resort, an affidavit from a knowledgeable source.

(7-1-97)T

c. Adoption. Proof an adoption for the child is pending.

(7-1-97)T

02. Procedures for a Good Cause Claim. A parent or individual claiming good cause for failure to cooperate must submit a notarized statement to the Department identifying the child for whom the exemption is claimed. The statement must list the reasons for the good cause claim. Allow the individual twenty (20) days to supply evidence supporting the claim. Evidence submitted must be reviewed by the EE or SRS and his Supervisor. A decision on the claim must be made within thirty (30) days of the claim. Food Stamps must not be delayed, denied or stopped pending a decision on a good cause claim. The final decision on the claim will be made by the Self Reliance staff after consultation with CSS.

(7-1-97)T

03. Good Cause Decision. Waive the cooperation requirement if good cause exists. Take no further action to establish paternity or obtain support. If good cause does not exist, notify the parent or individual of the decision, the cooperation requirement and that the case will be referred to CSS. Disqualify the parent or individual subsequently refuses to cooperate.

(7-1-97)T

278.—281. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

287. INELIGIBILITY FOR A FELONY CONVICTION FOR POSSESSION, USE, OR DISTRIBUTION OF A CONTROLLED SUBSTANCE.

A person convicted under Federal or State law of any felony offense which has as an element the possession, use, or distribution of a controlled substance is not eligible for Food Stamps. The conviction must have occurred after August 22, 1996. Count the income and resources of the disqualified individual in full. (7-1-97)T

~~287-288.~~ -- 299. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

321. RESOURCES OF DISQUALIFIED HOUSEHOLD MEMBERS.

The household must report the resources of members disqualified for Food Stamps. The household must verify any questionable information. The resources of the disqualified person are included in determining the resource limit. Disqualified household members with resources counted toward the household limit are listed below: (6-1-94)

01. Member Disqualified for IPV. Resources of a household member disqualified for an intentional program violation are counted. (6-1-94)

02. Member Disqualified for Failure to Comply. Resources of a household member disqualified for failing to comply with a work requirement are counted. (6-1-94)

03. Member Ineligible due to SSN. Resources of a household member ineligible for refusing to get an SSN are counted. (6-1-94)

04. Ineligible ~~Alien~~Legal Noncitizen. Resources of an ineligible ~~alien~~legal noncitizen household member are counted. (6-1-94)(4-1-97)T

05. Member Disqualified for Failure to Meet the ABAWD Work Requirement. Resources of a household member disqualified for failure to meet the ABAWD work requirement are counted. (9-22-96)T

06. Member Disqualified for a Voluntary Quit or Reduction in Hours of Work. Resources of a non head of household member disqualified for a voluntary quit or reduction of work are counted. (9-22-96)T

07. Member Disqualified as a Fugitive Felon or Probation or Parole Violator. Resources of a member disqualified as a fugitive felon or probation or parole violator are counted. (9-22-96)T

08. Member Disqualified for Failure to Cooperate in Establishing Paternity and Obtaining Support. Resources of a member disqualified for failure to cooperate in establishing paternity and obtaining support are counted. (7-1-97)T

09. Member Disqualified for Conviction of a Controlled Substance Felony. Resources of a member disqualified for conviction of a felony which has as an element the possession, distribution or use of a controlled substance are counted. (7-1-97)T

(BREAK IN CONTINUITY OF SECTIONS)

335. TOTALLY EXCLUDED LICENSED VEHICLES.

The Department determines if a vehicle is totally excluded as a resource. If a vehicle is totally excluded, the resource value is not counted against the household's resource limit. Totally excluded licensed vehicles are listed below:

(6-1-94)

01. Licensed Vehicle Used To Produce Income. Used over fifty percent (50%) of the time to produce income. The exclusion applies during temporary unemployment. Examples: Taxi, produce truck, or fishing boat. If used to produce income fifty percent (50%) of the time or less, the vehicle must produce annual income consistent with the vehicle's fair market value (FMV). Annual income of ten percent (10%) of FMV is consistent with the vehicle's FMV. Annual income of less than ten percent (10%) of the FMV must be consistent with market trends. Licensed vehicles used in self-employed farming by a household member will continue to be excluded as a resource for one(1) year after the farming self-employment stops.

(6-1-94)

02. Licensed Vehicle Used For Job-Related Long Distance Travel. Used for job-related long distance travel by household member, ineligible ~~alien~~ legal noncitizen, or disqualified person. This does not include commuting to work or training. The exclusion applies during temporary unemployment.

~~(6-1-94)~~ (4-1-97)T

03. Licensed Vehicle Used As Client's Home. The vehicle is used as the household's home. (6-1-94)

04. Licensed Vehicle Used To Transport Disabled Member Of Household. Needed to transport any physically disabled person living in the household. This exclusion is limited to one (1) vehicle per physically disabled person. The physical disability may be permanent or temporary. The disability must be verified.

(6-1-94)

05. Licensed Vehicle Used To Travel From Job To Job. Used by migrant farm worker to go from job to job.

(6-1-94)

06. Vehicle Used To Carry Fuel or Water. Used to carry the primary source of fuel for heating or water for home use during the certification period.

~~(9-1-94)~~ (3-1-97)T

336. VEHICLES COUNTED AS A RESOURCE.

Determine if a vehicle is excluded from resources. Determine if a vehicle is licensed or unlicensed.

(6-1-94)

01. Resource Value of Licensed Vehicles. Count the resource value of licensed vehicles, not excluded, as shown below:

(6-1-94)

a. Licensed vehicle used for general household use. One licensed vehicle per household regardless of use. Vehicle's fair market value over four thousand six hundred and fifty dollars (\$4650) counted as a resource, regardless of debt.

(10-1-96)T

b. Licensed vehicle used to commute to work or training. Vehicle used to commute to work, training for work, or to seek work. This is in addition to general use vehicle. This includes use by household member, ineligible ~~alien~~ legal noncitizen, or disqualified person. Vehicle's fair market value over four thousand six hundred and fifty dollars (\$4650) counted as a resource, regardless of debt.

~~(10-1-96)T~~ (4-1-97)T

c. Licensed vehicle used for job search. Vehicle used to seek work or comply with job search requirements. This is in addition to the general use vehicle. Vehicle's fair market value over four thousand six hundred and fifty dollars (\$4650) counted as a resource, regardless of debt.

(10-1-96)T

d. Other licensed vehicles. All other licensed vehicles. Greater of client's equity or the vehicle's fair market value over four thousand six hundred and fifty dollars (\$4650) counted as a resource.

(10-1-96)T

02. Resource Value of Unlicensed Vehicles. The resource value of unlicensed vehicles is counted as shown below:

(6-1-94)

a. All unlicensed vehicles. All unlicensed vehicles, working or not working. Client's equity is counted as a resource.

(6-1-94)

b. Unlicensed vehicles on Indian reservation. Unlicensed vehicles, driven by tribal members on Indian reservations not requiring licensure. Treated as licensed vehicles. Resource value is determined by use. (6-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

360. PROPERTY USED FOR SELF-SUPPORT EXCLUDED.

Property essential to the employment or self-employment of a household member, such as tools of a trade or the farm land and machinery of a farmer, is excluded as a resource. Essential work-related equipment of an ineligible ~~alien~~legal noncitizen or disqualified person is excluded as a resource. Self-support property is excluded during employment and temporary periods of unemployment. For a household member engaged in farming, property essential to self-employment continues to be excluded for one (1) year from the date the household member ends self-employment from farming. (6-1-94)(4-1-97)T

(BREAK IN CONTINUITY OF SECTIONS)

387. TRANSFER OF RESOURCE NOT COUNTED FOR DISQUALIFICATION.

A transferred resource is not counted for disqualification, if conditions below: (6-1-94)

01. Three (3) Months Before Application. The transfer of a resource more than three (3) months before the date of Food Stamp application is not counted. (6-1-94)

02. Resources Less Than Limit. The transfer of a resource is not counted if the resource, when added to the other countable resources, does not exceed the resource limit. (6-1-94)

03. Transfer At Fair Market Value. The sale or trade of a resource, made at or near the fair market value, is not counted. (6-1-94)

04. Transfer Between Household Members. A resource transferred between members of the same household, including ineligible ~~aliens~~legal noncitizens or disqualified persons whose resources are considered available to the household, is not counted. (6-1-94)(4-1-97)T

05. Transfer For Reasons Other Than Food Stamps. A resource transferred for reasons other than trying to qualify for Food Stamps is not counted. (6-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

405. EXCLUDED INCOME.

Income excluded when computing Food Stamp eligibility is listed below: (6-1-94)

01. Money Withheld. Money withheld voluntarily or involuntarily, from an assistance payment, earned income, or other income source, to repay an overpayment from that income source, is excluded. If an intentional noncompliance penalty results in a decrease of benefits under a means tested program such as SSI, AFDC, or GA, count that portion of the benefit decrease attributed to the repayment as income. (6-1-94)

02. Child Support Payments. Child support payments received by AFDC recipients which must be given to BCSS are excluded as income. Child support pass through payments are unearned income. (6-1-94)

03. Earnings of Child Under Age Eighteen (18) Attending School. Earned income of a household member under age eighteen (18) is excluded. The member must be under parental control of another household member and attending elementary or secondary school ~~at least half time~~. For the purposes of this provision, an

elementary or secondary student is someone who attends elementary or secondary school or who attends GED or home-school classes that are recognized, operated, or supervised by the school district. This exclusion applies during semester and summer vacations if enrollment will resume after the break. If the earnings of the child and other household members cannot be differentiated, prorate equally among the working members and exclude the child's share. ~~(9-22-96)T~~(3-1-97)T

04. Retirement Benefits Paid to Former Spouse or Third Party. Social Security retirement benefits based on the household member's former employment, but paid directly to an ex-spouse, are excluded as the household member's income. Military retirement pay diverted by court order to a household member's former spouse is excluded as the household member's income. Any retirement paid directly to a third party from a household member's income by a court order is excluded as the household member's income. (6-1-94)

05. Infrequent or Irregular Income. Income received occasionally is excluded as income if it does not exceed thirty dollars (\$30) total in a three (3) month period. (6-1-94)

06. Cash Donations. Cash donations based on need and received from one (1) or more private nonprofit charitable organizations are excluded as income. The donations must not exceed three hundred dollars (\$300) in a calendar quarter of a Federal fiscal year (FFY). (6-1-94)

07. Income In Kind. Any gain or benefit, such as meals, garden produce, clothing, or shelter, not paid in money, is excluded as income. (6-1-94)

08. Vendor Payments. Vendor payments are monies not legally obligated to the household. Vendor payments are paid directly to a third party by a non-household member. Vendor payments include, but are not limited to: (6-1-94)

a. Housing or rent paid by an employer to a third party when the housing is in addition to obligated wages. (6-1-94)

b. Payments to a third party for a household expense. The payments must be made by a nonhousehold member not legally bound to pay. (6-1-94)

c. Vendor payments for transitional housing for the homeless are not excluded as income. (9-22-96)T

09. Loans. Loans are money received which is to be repaid. Loans are excluded as income. (6-1-94)

10. Money for Third Party Care. Money received and used for the care and maintenance of a third party who is not in the household. If a single payment is for both household members and nonhousehold members the identifiable portion of the payment for nonhousehold members is excluded. If a single payment is for both household members and nonhousehold members, exclude the lesser of: (6-1-94)

a. The prorated share of the nonhousehold members if the portion cannot be identified. (6-1-94)

b. The amount actually used for the care and maintenance of the nonhousehold members. (6-1-94)

11. Reimbursements. Reimbursements for past or future expenses not exceeding actual costs. Payments must not represent a gain or benefit. Payments must be used for the purpose intended and for other than normal living expenses. Excluded reimbursements are not limited to: (6-1-94)

a. Travel, per diem, and uniforms for job or training. (6-1-94)

b. Out-of-pocket expenses of volunteer workers. (6-1-94)

c. Medical and dependent care expenses. (6-1-94)

d. Pay for services provided by Title XX of the Social Security Act. (6-1-94)

- e. Repayment of loans made by the household from their personal property limit. The repayment must not exceed the amount of the loan. (6-1-94)
- f. Work-related and dependent care expenses paid by the JSAP program. (6-1-94)
- g. Transitional child care payments. (6-1-94)
- h. Child care payments under the Child Care and Dependent Block Grant Act of 1990. (6-1-94)
- 12. Federal Earned Income Tax Credit (EITC). Federal EITC payments are excluded as income. (9-1-94)

406. INCOME EXCLUDED BY FEDERAL LAW.

Income listed below is excluded by Federal law when computing Food Stamp eligibility: (6-1-94)

- 01. P.L. 91-646. Reimbursements under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970. (6-1-94)
- 02. P.L. 92-203. Funds from the Alaska Native Claims Settlement Act. (6-1-94)
- 03. P.L. 93-113 RSVP. Payments under Title I and Title II, "Retired Senior Volunteer Program" (RSVP), the Foster Grandparents Program and the Domestic Volunteer Services Act of 1973. (6-1-94)
- 04. P.L. 93-134 as amended by P.L. 103-66. Effective January 1, 1994, up to two thousand dollars (\$2,000) per calendar year of payments derived from interest of individual Indians in trust or restricted lands. (6-1-94)
- 05. P.L. 93-288, P.L. 100-707 Disaster Relief. Payments from Disaster Relief and Emergency Assistance Disaster Relief Act. (6-1-94)
- 06. P.L. 93-531. Relocation assistance to Navajo and Hopi tribal members. (6-1-94)
- 07. P.L. 94-114. The submarginal lands held in trust by the U.S. for certain Indian tribal members. (6-1-94)
- 08. P.L. 94-189. Funds from the Sac and Fox Indian Claims Agreement. (6-1-94)
- 09. P.L. 94-540. Funds to the Grand River Band of Ottawa Indians. (6-1-94)
- 10. P.L. 95-433. Funds to the Confederated Tribes and Bands of the Yakima Indian Nation and the Apache Tribe of the Mescalero Reservation from the Indian Claims Commission. (6-1-94)
- 11. P.L. 96-420. Funds to the Passamaquoddy Tribe and Penobscot Nation funds paid under the Maine Indian Claims Settlement Act of 1980. (6-1-94)
- 12. P.L. 97-300 JTPA. All earned and unearned income received from the Job Training Partnership Act (JTPA) of 1982, except for earned income received from taking part in on-the-job training programs. (6-1-94)
- 13. P.L. 97-365 & P.L. 98-64. Up to two thousand dollars (\$2,000) of any per capita payment, and any purchases made with such payment, from funds held in trust by the Secretary of the Interior. (6-1-94)
- 14. P.L. 97-403. Funds to the Turtle Mountain Band of Chippewas, Arizona. (6-1-94)
- 15. P.L. 97-408. Funds to the Blackfeet, Gros Ventre, and Assiniboine Tribes, Montana. Funds to the Papago Tribe, Arizona. (6-1-94)
- 16. P.L. 98-123. Funds to the Red Lake Band of Chippewa Indians. (6-1-94)

17. P.L. 98-500. Funds from the Old Age Assistance Claims Settlement Act, provided to heirs of deceased Indians, except for per capita shares over two thousand dollars (\$2,000). (6-1-94)
18. P.L. 99-264. Funds to the White Earth Band of Chippewa Indians, Minnesota. (6-1-94)
19. P.L. 99-346. Funds to the Saginaw Chippewa Indian Tribe, Michigan. (6-1-94)
20. P.L. 100-175. Effective October 1, 1987, payments received by persons age 55 and older under Title V, "Senior Community Service Employment Program". (6-1-94)
21. P.L. 100-435 WIC. Benefits from the Women, Infants, and Children (WIC) Program. (6-1-94)
22. P.L. 100-435. Payments or reimbursements for work related or child care expenses made under an employment, education, or training program under Title IV-A of the Social Security Act after September 19, 1988. (6-1-94)
23. P.L. 100-435. Payments made to a JSAP participant for work, training, or education-related expenses or for dependent care. (6-1-94)
24. P.L. 101-41. Funds to the Puyallup Tribe of Indians, Washington. (6-1-94)
25. P.L. 101-277. Payments to the Seminole Nation of Oklahoma, the Seminole Tribe of Florida, the Miccosukae Tribe of Florida, and the Independent Seminole Indians of Florida. (6-1-94)
26. P.L. 101-426. Payments made under the Radiation Exposure Compensation Act. (6-1-94)
27. P.L. 101-508. At-risk child care payments. (6-1-94)
28. P.L. 101-610 and P.L. 103-82. Allowances, earnings and payments to persons participating in programs under the National and Community Services Act. The exclusion applies to all payments made under the AmeriCorps Program except earnings to individuals participating in an on-the-job training program equivalent to those under Section 204(5), Title II, of the Job Training Partnership Act. Those earnings are counted if the person is nineteen (19) years or older, or under nineteen (19) but not under parental control. (8-1-94)
29. P.L. 102-237. Amounts needed for attainment of a Plan for Achieving Self-Support (PASS) under Title XVI of the Social Security Act. (6-1-94)
30. P.L. 102-325. Educational income authorized under the BIA student assistance programs and under Title IV of the Higher Education Amendments of 1992. (6-1-94)
31. P.L. 103-286. Effective 08-01-94, payments made to victims of Nazi persecution. (1-1-95)
32. P.L. 103-436. Payments to the Confederated Tribes of the Colville Reservation for the Grand Coulee Dam Settlement. (10-1-95)T
33. Agent Orange Settlement Fund. Product liability payments, made by Aetna Life and Casualty from the Agent Orange Settlement Fund. Any other fund for the settlement of Agent Orange liability litigation. (6-1-94)
34. Civil Liberties Act of 1988. Restitution payments to persons of Japanese ancestry who were evacuated, relocated and interned during World War II as a result of government action. These payments are also excluded when paid to the statutory heirs of deceased internees. (6-1-94)
35. Negative Utility Allowance. Negative utility payments from HUD and FmHA. (8-1-94)
36. Energy Assistance. Payments from Federal, state, or local energy assistance, including insulation and weatherization payments. ~~(6-1-94)~~(9-22-96)T

37. SSI Payments Under Zebley v. Sullivan Ruling. Retroactive lump sum SSI payments, for childhood disability, paid as a result of the Zebley v. Sullivan ruling. The payments are excluded resources for six (6) months from receipt. (6-1-94)

38. VISTA Payments. Payments under Title I, VISTA, University Year for Action and Urban Crime Prevention Program to volunteers who were receiving Food Stamps or public assistance when they joined the program. Payments to volunteers who were getting an income exclusion for a VISTA or other Title I allowance before the Food Stamp Act of 1977. Temporary breaks in participation do not alter the exclusion. (6-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

502. EARNED INCOME WHEN A HOUSEHOLD MEMBER TURNS AGE ~~TWENTY-TWO~~ ~~(22)~~ EIGHTEEN (18).

When a child attending elementary or secondary school turns age ~~twenty-two (22)~~ eighteen (18), count earned income received or expected by that person the month after he turns ~~twenty-two (22)~~ eighteen (18). (9-1-94)(5-1-97)T

(BREAK IN CONTINUITY OF SECTIONS)

536. DEPENDENT CARE DEDUCTIONS.

A household can get a deduction for the costs of dependent care. The care of a dependent must be necessary for job search, employment, or training. The maximum deductible amount each month is two hundred dollars (\$200) per dependent child under age two (2) and one hundred seventy-five dollars (\$175) for any other dependent. If a child in the household reaches his second birthday during the certification period, adjust the dependent care deduction at the household's next recertification. The dependent care costs must be deducted from income. The dependent care must meet the criteria listed below: (9-1-94)(3-1-97)T

01. Employment. To accept employment or continue employment. (6-1-94)

02. Job Search. To look for work. Person does not need to be subject to job search requirements. (6-1-94)

03. Training or Education. To attend training or to pursue education. The training or education must be preparation for employment. (6-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

538. CHILD SUPPORT DEDUCTIONS.

Effective October 1, 1995, a child support deduction is allowed for a household paying or expecting to pay legally obligated child support to or for a person child living outside the household. The child support deduction must reflect the child support the household pays or expects to pay during the certification period, rather than the obligated amount. The child support deduction applies to child support payments outlined in Subsections 538.01 through 538.04. (10-1-95)F(5-1-97)T

01. Monthly Child Support. Monthly legally obligated child support payments or portions of monthly legally obligated child support payments made on behalf of the nonhousehold child to or for a person living outside the household. (10-1-95)F(5-1-97)T

02. Health Insurance. Health insurance payments the noncustodial parent is legally obligated to make to obtain coverage for a nonhousehold child. (10-1-95)T

03. Payments Representing Child Support. Payments representing child support ~~the household makes on behalf of the nonhousehold child to or for a person living outside the household.~~ The payments must be legally obligated as ordered by a court or administrative authority. (10-1-95)T(5-1-97)T

04. Arrearages. Child support payments made for prior months are arrearages. Monthly child support arrearage payments made to or for a person living outside the household are allowed. Arrearages are deducted only if the household has paid legally obligated monthly child support to a nonhousehold child or for a person living outside the household in the most recent three (3) months. Monthly child support payments are counted for the month of payment, not for arrearages, unless the household can prove otherwise. (10-1-95)T(5-1-97)T

539. CALCULATION OF CHILD SUPPORT DEDUCTION.

The household's child support payment history is used to determine the child support payment allowed. Use Subsections 539.01 ~~through~~ and 539.03~~2~~ to calculate the child support payment deduction. (10-1-95)T(5-1-97)T

01. Payments Made In Each of the Three (3) Most Recent Months. If legally obligated child support or child support arrearage payments have been made in each of the three (3) most recent months and no income reduction is expected, average the child support or child support arrears amounts for the three (3) months. If the household has paid the monthly obligated child support or arrears for the current month, include the current month in the three (3) month period. Otherwise, average the three (3) prior months' child support. Do not include arrearages collected by tax intercept in the average. Anticipate changes in the legal obligation or other changes that would affect the payment. If obligated child support or arrearage payments have been made in the most recent three (3) months, and a change in income occurs, determine whether reduced child support is expected. Base the child support deduction on what the household expects to pay, after reviewing household income and expenses with the household. If no child support payments can be made, do not allow a child support deduction. (10-1-95)T(5-1-97)T

02. Payments Not Made In Each Of The Last Three (3) Months. If child support or child support arrearage payments have not been made in each of the last three (3) months, anticipate future payments based on household circumstances. Base the child support deduction on what the household expects to pay, after reviewing the household's income and expenses with the household. If no child support or arrears payments can be made, do not allow a child support deduction. If at the last certification the child support deduction was based on the amount the household expected to pay and no child support was paid, do not allow a child support deduction for the new certification unless there is a change in income that would enable the household to make child support payments. ~~Base the child support deduction on what the household expects to pay, after reviewing income and expenses with the household.~~ (10-1-95)T(5-1-97)T

03. Arrearages. ~~Arrearages are allowed if the household has paid legally obligated monthly child support to a nonhousehold child in the most recent three (3) months. The household must be financially able to pay arrearages. Average the child support arrearage amounts for the three (3) most recent months. If the household has paid arrearages in the current month, include the current month arrearage in the three (3) month period. Otherwise, average arrearages paid during the three (3) prior months. Do not include tax intercepts.~~ (10-1-95)T

(BREAK IN CONTINUITY OF SECTIONS)

562. PRORATING INITIAL MONTH'S BENEFITS.

The initial month is the first month an applicant household is certified for Food Stamps. Except for migrant and seasonal farm worker households, an initial month follows any period the household does not get Food Stamps. For migrant and seasonal farm workers, the initial month follows a period of more than one (1) calendar month the household does not get Food Stamps. For the purposes of the migrant and seasonal farmworker provision, if a member leaves the previously certified household and a new case is established for that member's new household, the application month for the new household is an initial month. Food Stamps for the initial month are based on the day in the month the household applies. Food Stamps are based on the date of release from a public institution if a prerelease application is filed. Prorating is based on a thirty (30) day calendar month. Benefits are prorated from the application

date to the end of the month.

~~(9-22-96)~~(4-1-97)T

(BREAK IN CONTINUITY OF SECTIONS)

574. BENEFITS FOR PREVIOUSLY DISQUALIFIED HOUSEHOLD MEMBERS.

The resources, income, and deductions of a previously ineligible household member must be determined. Add a previously disqualified household member the month following the last month in the sanction. The disqualification must have been due to an intentional program violation (IPV), work registration or Job Search Assistance Program (JSAP) sanction, failure to meet the ABAWD work requirement, voluntary quit or reduction of work hours, failure to comply with the SSN requirement, or ineligible ~~alien~~legal noncitizen status. The person's resources, income, and deductions are counted the month the person is added to the household. ~~(6-1-94)~~(4-1-97)T

(BREAK IN CONTINUITY OF SECTIONS)

576. CERTIFICATION PERIODS.

A certification period must be assigned for each household. Households must be assigned the longest certification period possible based on expected household circumstances. At the end of each certification period, entitlement to Food Stamps ends. Further eligibility starts only upon recertification based upon a newly completed application, an interview and verification. Benefits cannot be continued beyond the end of a certification period without a new determination of eligibility. (6-1-94)

01. First Month of Certification. The first month the household is eligible is the first month in the certification period for initial applicants. Upon recertification, a new certification period begins. (6-1-94)

02. Elderly or Disabled Households. Households consisting entirely of elderly or disabled members, whose income is stable, must be certified for up to twelve (12) months. (6-1-94)

03. Farmworker Households. Annual certification periods will be assigned to farmworkers who receive their annual salaries on a scheduled monthly basis. The income must not change as the amount of work changes. (6-1-94)

04. Self-Employed For At Least One (1) Year. Self-employed households, working as self-employed for at least one year, will be certified up to twelve (12) months. Income must be readily predictable and household circumstances must not be likely to change. (6-1-94)

05. Self-Employed For Less Than One (1) Year. Households, self-employed less than one year, will be certified up to six (6) months. Households self-employed for less than one (1) year are assigned a certification period to bring the household into the annual cycle. (6-1-94)

06. Financial and Medical Assistance Households. Households in which all members receive AFDC, AABD, SSI or Medicaid will be assigned certification periods coinciding with the other program review. Clients who have their eligibility redetermined every twelve (12) months must be certified up to twelve (12) months. Recipients who have their eligibility redetermined every six (6) months must be certified up to six (6) months. (9-1-94)

07. Households Eligible for a Child Support Deduction. Households eligible for a child support deduction with no record of regular child support or arrearage payments will be certified up to three (3) months. Households eligible for a child support deduction with a record of regular child support or arrearage payments will be certified for up to six (6) months. These requirements do not apply to households assigned certification periods under Subsections 576.02, 576.04, 576.05 and 576.06. (5-1-97)T

~~07-08.~~ Households Granted Separate Household Status. Households consisting of a parent and that parent's children who have been granted separate household status will be assigned a certification period up to six (6) months. Financial and medical assistance households granted separate household status must be assigned certification periods up to six (6) months. (9-1-94)

~~08-09.~~ 09-09. Stable Households. Households with stable income or work records, except self-employed and farmworker households, are certified for up to six (6) months. The household should expect no major changes in income, deductions, or household composition. (6-1-94)

~~09-10.~~ 09-10. Stable Homeless Households. Households in which all members are homeless, whose living arrangements reflect a stable living situation must be certified for up to six (6) months. Stable living situations include living with another household. Living in transitional housing is not a stable living situation. (6-1-94)

~~10-1.~~ 10-1. Unstable Households. Households will be certified for one (1) or two (2) months, when the household cannot predict its future circumstances, or when frequent changes in income or household status is expected. Households must be certified for the period the household can predict its circumstances, household status, and household income. Migrant and seasonal farmworkers, whose income is subject to large fluctuations during the work season will be certified for one (1) to two (2) months. The income fluctuation may be due to uncertainty of continuous employment, or due to bad weather, or other circumstances. (6-1-94)

~~11-2.~~ 11-2. Residents of Alcohol and Drug Abuse Centers. Residents of alcohol and drug abuse centers may be certified for periods of one (1) to six (6) months depending on the length of the treatment or rehabilitation program. (6-1-94)

~~12-3.~~ 12-3. Certifications After the Fifteenth (15th) of the Month. Households eligible for a certification period of three (3) or fewer months must have their certification period increased by one (1) month if the application is approved after the fifteenth (15th) day of the application month and the household's circumstances warrant the longer period. (6-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

612. HOUSEHOLD MUST REPORT CHANGES.

Households must report any changes listed below: (6-1-94)

01. Household Composition. Households must report when a person enters or leaves the Food Stamp household. (10-1-95)T

02. Residence. Households must report residence changes and resulting shelter cost changes. (6-1-94)

03. Unearned Income. Households must report changes in an unearned income source. Households must report changes in unearned gross monthly income of twenty-five dollars (\$25) or more, except changes in AFDC or AABD grants. This includes vendor payments and reimbursements. (4-1-96)T

04. Earned Income. Households must report a change in an earned income source. Households must report a change in hourly rate or salary. Households must report a change from part-time to full-time work or full-time to part-time work. Work of less than thirty (30) hours weekly is part-time work. Thirty (30) or more hours weekly is full-time work. (7-1-94)

05. Vehicles. Households must report any change in the number or type of licensed vehicles. (6-1-94)

06. Resources. Households must report changes in cash on hand, stocks, bonds, savings, and bank accounts combining to reach or exceed two thousand dollars (\$2,000). (6-1-94)

07. Child Support. Households must report changes in legal obligations. Legal obligations include but are not limited to changes in the child support amount or the child reaches an age at which child support is no longer legally obligated. ~~Households must report changes greater than fifty dollars (\$50) in the amount of legally obligated child support actually paid.~~ (10-1-95)T(5-1-97)T

(BREAK IN CONTINUITY OF SECTIONS)

688. ADMINISTRATIVE DEMAND LETTER.

The Department must start collection by sending the household a completed Demand Letter for Overissuance and Repayment Agreement (HW 0544). The Department must allow the household ~~thirty (30)~~twenty (20) days to decide on a repayment method and inform the department. ~~(6-1-94)~~(9-22-96)T

(BREAK IN CONTINUITY OF SECTIONS)

717. COURT REFERRALS.

Procedures for court referrals are listed below: (6-1-94)

01. Referred Cases. The Department must refer persons suspected of getting large amounts of Food Stamps by committing an IPV. The Department must refer persons suspected of committing more than one (1) act of IPV. (6-1-94)

02. Referral to Department Fraud Unit. The Department refers appropriate IPV cases to the Department Fraud Unit. The Fraud Unit investigates the case to determine if it should be prosecuted. If the referral is determined fitting for prosecution, the Department will refer the case to the prosecuting authority. (6-1-94)

03. Impose Court Penalties. The Department must disqualify a person found guilty of IPV by a court for the length of time specified by the court. The disqualified member's household will remain responsible for the overissuance, resulting from the disqualified member's IPV, regardless of the household's eligibility. If the court fails to specify a period, use the ~~following~~ IPV penalty periods specified in Section 701 unless they are contrary to the court order. ~~(6-1-94)~~(9-22-96)T

a. ~~Impose six (6) months for the first IPV.~~ (6-1-94)

b. ~~Impose twelve (12) months for the second violation.~~ (6-1-94)

e. ~~Impose permanent disqualification for the third IPV.~~ (6-1-94)

04. Penalty Start Date. Once a disqualification penalty has been imposed against a household member, the disqualification period continues without stopping until completed, regardless of the member's eligibility. If disqualification is ordered but a start date is not specified, start the disqualification period: (6-1-94)

a. ~~Within forty-five (45) days of the date the disqualification was ordered for currently eligible persons.~~ ~~(6-1-94)~~(9-22-96)T

b. ~~The date the court found a currently eligible~~ the person guilty of civil or criminal intentional program violation. ~~(6-1-94)~~(9-22-96)T

c. Once a disqualification penalty has been imposed against a household member, the disqualification period continues without stopping until completed, regardless of the member's eligibility.

05. Notice of Disqualification. The disqualification period must begin within forty-five (45) days of the date of the court ordered disqualification. If there is no court ordered disqualification, disqualify the person within forty-five (45) days of the date the court found the person guilty. The Department must: (6-1-94)

a. Send a Notice of Disqualification (HW 0541) to the disqualified member and the remaining household members if the court finds the member committed an IPV. (6-1-94)

b. Give written notice to the household member before the disqualification, if possible. (6-1-94)

c. Tell the member the disqualification period and the date the disqualification will take effect.

(6-1-94)

06. Notice to Other Household Members. The Department must give written notice to the remaining household members. The notice must state the amount of Food Stamps they will get during the period of disqualification or the household must reapply because the certification expired. (6-1-94)

07. Demand for Repayment. The Department must send the household a written Demand Letter for Overissuance and Repayment Agreement (HW 0544). (6-1-94)

718. DEFERRED ADJUDICATION.

Deferred Adjudication is an out-of-court settlement between the accused IPV member and the prosecutor. Terms of the settlement are listed below: (6-1-94)

01. Deferred Judgement Conditions. Guilt is not decided by the court because the accused person has met the terms of a court order or an agreement with the prosecutor. (6-1-94)

02. Agreement with Prosecutor. If the Department has an agreement with the prosecutor, the prosecutor may defer adjudication. The prosecutor must agree to give advance written notice to the member stating the consequences of consenting to disqualification. (6-1-94)

03. Notice to Food Stamp Member. If the prosecutor decides deferred adjudication is fitting, the household member suspected of IPV must be mailed or presented with a Deferred Adjudication Disqualification Consent Agreement (HW 0546). The prosecutor must enter the following information on the form: (6-1-94)

a. The accused member's name and address. (6-1-94)

b. The case name and number. (6-1-94)

c. The date the agreement must be received by the prosecutor to avoid court action. (6-1-94)

d. Check the penalty violation box. (6-1-94)

04. Impose Penalties. The Department must disqualify a person found guilty of IPV by an out-of-court settlement. The disqualified member's household will remain responsible for the overissuance resulting from the disqualified member's IPV, regardless of the household's eligibility. If the prosecutor fails to specify a period, use the following IPV penalty periods as specified in Section 701 unless they are contrary to the court order. The disqualified member's household will remain responsible for the overissuance resulting from the disqualified member's IPV, regardless of the household's eligibility. (6-1-94)(9-22-96)T

a. ~~Impose six (6) months for the first IPV.~~ (6-1-94)

b. ~~Impose twelve (12) months for the second violation.~~ (6-1-94)

e. ~~Impose permanent disqualification for the third IPV.~~ (6-1-94)

05. Disqualification Period. The period of disqualification must begin within forty-five (45) days of the date the member signed the Deferred Adjudication Disqualification Consent Agreement (HW 0546). The period of disqualification must begin as agreed upon with the Prosecutor. Once a disqualification penalty is imposed against a member, the period continues uninterrupted regardless of the household's eligibility. The disqualified member's household continues to be responsible for overissuance repayment resulting from the disqualified member's IPV regardless of the household's eligibility. (4-1-96)T

06. Notice of Disqualification. The Department must provide a completed Notice of Disqualification (HW 0541) before the disqualification to the disqualified member and remaining household members. The Department must provide a Demand Letter for Overissuance and Repayment Agreement (HW 0544). (6-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

753. SPONSORED ~~ALIENS~~ LEGAL NONCITIZENS.

Sponsored ~~aliens~~ legal noncitizens are lawfully admitted for permanent United States residence, as defined in Sections 101(a)(15) and 101(a)(20) of the Immigration and Nationality Act. A sponsor executes an affidavit of support or similar agreement on behalf of an ~~alien~~ legal noncitizen, as a condition of the ~~alien~~ legal noncitizen's entry or admission into the United States as a permanent resident. ~~Some of the gross income and resources of a sponsor and his spouse must be counted as unearned income and resources for the sponsored alien. The sponsor must have signed an affidavit of support or agreement for the sponsored alien on or after February 1, 1983. Income and resources must be deemed for three (3) years after the alien is admitted for permanent residence to the U.S. Treatment of a sponsor's income and resources is based on the type of affidavit of support the sponsor signed. Types of affidavits of support are listed in Table 753.~~ (6-1-94)(4-1-97)T

01. Affidavit Signed Between February 1, 1983 and March 31, 1997. Income and resources of a sponsor who signed this affidavit of support will have some of their income and resources counted for the sponsored legal noncitizens. The income and resources of the sponsor will be deemed for three (3) years after the legal noncitizen is admitted for permanent residence to the U.S. (4-1-97)T

02. Affidavit Signed On or After April 1, 1997. A sponsor who signed an affidavit of support after April 1, 1997 pursuant to Section 213A of the Immigration and Nationality Act will have all of their income and resources counted for the sponsored legal noncitizen. The income and resources of the sponsor will be deemed until the legal noncitizen becomes a naturalized citizen or until he has worked forty (40) qualifying quarters of coverage under Title II of the Social Security Act. A qualifying quarter includes a quarter worked by the legal noncitizen's parent while the legal noncitizen was under eighteen (18) and a quarter worked by the legal noncitizen's spouse during marriage if the legal noncitizen remains married to the spouse or the spouse is deceased. Any quarter after January 1, 1997 in which a legal noncitizen received any Federal means-tested benefit is not counted as a qualifying quarter. (4-1-97)T

754. DEEMING INCOME AND RESOURCES TO SPONSORED ~~ALIEN~~ LEGAL NONCITIZEN.

~~Part of the i~~Income and resources of the sponsor are deemed available to the ~~alien~~ legal noncitizen. If the sponsor lives with his spouse, ~~the Department will also deem the spouse's income and resources are also deemed available to the legal noncitizen.~~ The income and resources are deemed, even if the sponsor and spouse were married after the sponsor signed the sponsorship agreement. ~~Subsections 754.01.a through 01.h. describes steps for deeming income from an alien's sponsor. Subsection 754.02.a. through 02.d. describes steps for deeming resources from an alien's sponsor.~~ The income and resources deemed to the ~~alien~~ legal noncitizen must be counted toward Food Stamp eligibility and issuance level of the ~~alien~~ legal noncitizen's household. ~~Income and resources are deemed for three (3) years after the alien's admission for permanent residence in the United States. The Department will continue to deem the sponsor's income and resources until the alien gets a new sponsor, the sponsor dies, or the three (3) year period expires. If the alien loses his sponsor during the three (3) year limit, and does not obtain another, continue to deem the income and resources of the sponsor. If the sponsor has died, stop deeming. Subsection 754.01 describes the steps for deeming income from a sponsor who signed an affidavit of support between February 1, 1983 and March 31, 1997. Subsection 754.02 describes the steps for deeming resources from a sponsor who signed an affidavit of support between February 1, 1983 and March 31, 1997. Subsection 754.03 describes the steps for deeming income from a sponsor who signed an affidavit of support on or after April 1, 1997. Subsection 754.04 describes the steps for deeming resources from a sponsor who signed an affidavit of support on or after April 1, 1997.~~ (6-1-94)(4-1-97)T

01. Deeming Income From ~~Alien~~ a Sponsor Who Signed an Affidavit of Support Between February 1, 1983 and March 31, 1997. (6-1-94)(4-1-97)T

a. Step 1. Compute the total monthly income of the sponsor and spouse when the ~~alien~~ legal noncitizen applies or is recertified. If the ~~alien~~ legal noncitizen has already reported under AFDC sponsored ~~alien~~ legal noncitizen rules use the AFDC reported gross income information. (6-1-94)(4-1-97)T

b. Step 2. Subtract the earned income deduction from the earned income of the sponsor and spouse. (6-1-94)

- c. Step 3. Compute the sponsor's household size. Count the sponsor, the spouse and persons claimed by them as dependents for Federal income tax. (6-1-94)
- d. Step 4. Find the Food Stamp gross monthly income limit for the sponsor's household size. (6-1-94)
- e. Step 5. Subtract the Food Stamp gross monthly income limit for the sponsor's household from the remainder in Step 2. (6-1-94)
- f. Step 6. The income remaining after Step 5 is deemed to the ~~alien~~legal noncitizen household. ~~(6-1-94)~~(4-1-97)T
- g. Step 7. The sponsor may actually pay the ~~alien~~legal noncitizen more income than deemed in Step 6. Any income the sponsor pays the ~~alien~~legal noncitizen, exceeding the income deemed in Step 6, is also counted for Food Stamps. ~~(6-1-94)~~(4-1-97)T
- h. Step 8. If the ~~alien~~legal noncitizen can verify his sponsor sponsors other ~~alien~~legal noncitizens, divide the deemed income by the number of ~~alien~~legal noncitizens applying for or getting Food Stamps. Deem all income and resources to the ~~alien~~legal noncitizen until verification is provided. ~~(6-1-94)~~(4-1-97)T
02. Deeming Resources From ~~Alien~~ a Sponsor Who Signed an Affidavit of Support Between February 1, 1983 and March 31, 1997. ~~(6-1-94)~~(4-1-97)T
- a. Step 1. Compute the resources of the sponsor and his spouse. Use the AFDC reported resource information if the ~~alien~~legal noncitizen has already reported under AFDC sponsored ~~alien~~legal noncitizen rules. ~~(6-1-94)~~(4-1-97)T
- b. Step 2. Subtract two thousand dollars (\$2,000) from the total resources of the sponsor and spouse computed in Step 1. (6-1-94)
- c. Step 3. The resources remaining after Step 2 are deemed to the ~~alien~~legal noncitizen household. ~~(6-1-94)~~(4-1-97)T
- d. Step 4. If the ~~alien~~legal noncitizen can verify his sponsor sponsors other ~~alien~~legal noncitizens, divide the deemed resources by the number of ~~alien~~legal noncitizens applying for or getting Food Stamps. Deem all income and resources to the ~~alien~~legal noncitizen until verification is provided. ~~(6-1-94)~~(4-1-97)T
03. Deeming Income from a Sponsor Who Signed an Affidavit of Support On or After April 1, 1997. (4-1-97)T
- a. Step 1. Compute the total month income of the sponsor and the spouse when the legal noncitizen applies or is recertified. (4-1-97)T
- b. Step 2. Subtract the earned income deduction from the earned income of the sponsor and spouse. (4-1-97)T
- c. Step 3. The income remaining after Step 2 is deemed to the legal noncitizen household. (4-1-97)T
- d. Step 4. The sponsor may actually pay the legal noncitizen more income than deemed in Step 3. Any income the sponsor pays the legal noncitizen exceeding the income deemed in Step 3 is also counted for Food Stamps. (4-1-97)T
- e. Step 5. If the legal noncitizen can verify his sponsor sponsors other legal noncitizens, divide the deemed income by the number of legal noncitizens applying for or getting Food Stamps. Deem all income and resources to the legal noncitizen until verification is provided. (4-1-97)T
04. Deeming Resources from a Sponsor Who Signed an Affidavit of Support On or After April 1, 1997. (4-1-97)T

- a. Step 1. Compute the resources of the sponsor and his spouse. (4-1-97)T
- b. Step 2. The resources computed in Step 1 are deemed to the legal noncitizen household. (4-1-97)T
- c. Step 3. If the legal noncitizen can verify his sponsor sponsors other legal noncitizens, divide the deemed resources by the number of legal noncitizens applying for or getting Food Stamps. Deem all income and resources to the legal noncitizen until verification is provided. (4-1-97)T

755. DEEMING INCOME AND RESOURCES FROM AN ~~ALIEN~~LEGAL NONCITIZEN'S NEW SPONSOR.

If the ~~alien~~legal noncitizen reports a change in sponsors, the Department computes the deemed income and resources again, using information from the new sponsor. ~~The new sponsor's resources will be deemed for the remainder of the three (3) year period. The method of deeming used depends on the type of affidavit signed by the sponsor. The new sponsor's income and resources will be deemed for the remainder of the period specified in Section 753.~~
(6-1-94)(4-1-97)T

756. SPONSORED ~~ALIENS~~LEGAL NONCITIZENS EXEMPT FROM DEEMING.

A sponsored ~~alien~~legal noncitizen is exempt from deeming if the ~~alien~~legal noncitizen is a member of the sponsor's Food Stamp household. A sponsored ~~alien~~legal noncitizen is exempt from deeming, if the sponsor has a separate Food Stamp household and the ~~alien~~legal noncitizen is a member of another Food Stamp household. A sponsored ~~alien~~legal noncitizen is exempt from deeming if the ~~alien~~legal noncitizen is sponsored by an organization or group. A sponsored ~~alien~~legal noncitizen is exempt from deeming if the ~~alien~~legal noncitizen is not required to have a sponsor under the Immigration and Nationality Act including but not limited to a refugee, asylee, parolee or Cuban or Haitian entrant.
(6-1-94)(4-1-97)T

757. SPONSORED ~~ALIEN~~LEGAL NONCITIZEN'S RESPONSIBILITY.

The ~~alien~~legal noncitizen and ~~alien~~legal noncitizen's spouse are responsible for getting the sponsor to cooperate with the Department in determining Food Stamp eligibility. The ~~alien~~legal noncitizen and ~~alien~~legal noncitizen's spouse are responsible for providing the Department the information and proof to determine the income and resources of the sponsor and sponsor's spouse, ~~for three (3) years from the date of entry or admission as a lawful permanent resident.~~ The ~~alien~~legal noncitizen and ~~alien~~legal noncitizen's spouse are responsible for providing the Department the information and proof to determine if the sponsor sponsors other ~~aliens~~legal noncitizens and how many.
(6-1-94)(4-1-97)T

758. VERIFICATION FROM SPONSORED ~~ALIEN~~LEGAL NONCITIZEN.

The ~~alien~~legal noncitizen and ~~alien~~legal noncitizen's spouse must give the Department proof listed below:
(6-1-94)(4-1-97)T

- 01. Sponsor's Income and Resources. Income and resources proof for the sponsor and spouse. (6-1-94)
- 02. Number of ~~Alien~~Legal Noncitizens Sponsored. The total number of other ~~alien~~legal noncitizens the sponsor sponsors. (6-1-94)(4-1-97)T
- 03. INS Status. The Immigration and Nationality Act document under which the ~~alien~~legal noncitizen was admitted. (6-1-94)(4-1-97)T
- 04. Entry Date. The date of the ~~alien~~legal noncitizen's entry or status as a lawful permanent resident. (6-1-94)(4-1-97)T
- 05. Birth Information. The ~~alien~~legal noncitizen's date and place of birth, and registration number. (6-1-94)(4-1-97)T
- 06. Sponsor's Dependents. The number of Federal income tax dependents of the sponsor and spouse. (6-1-94)

07. Sponsor Data. The name, address, and telephone number of the sponsor. (6-1-94)
08. Suspect Data. Any information determined questionable. (6-1-94)

759. SPONSORED ~~ALIEN~~LEGAL NONCITIZEN INELIGIBLE UNTIL PROOF PROVIDED.

If proof is not received by the Department, the alien, the legal noncitizen and his spouse are ineligible for Food Stamps, until the Department gets proof. The Department must decide eligibility of remaining household members must be determined. The Department must consider the ineligible alien legal noncitizen and his spouse as disqualified household members. Exclude Do not count the deemed income and resources of the sponsor and sponsor's spouse. If the proof is later received provided, the Department must act on the information as a reported change in household composition. The Department must help aliens get proof. (6-1-94)(4-1-97)T

760. OVERISSUANCE DUE TO INCORRECT SPONSOR DATA.

The sponsor who signed an affidavit of support between February 1, 1983 and March 31, 1997 and sponsored alien legal noncitizen are both liable for repayment of overissuances caused by incorrect sponsor data, unless the sponsor had good cause. The sponsor has good cause exists unless he the sponsor gives false statements or willfully withholds data. The sponsor may have a fair hearing to contest the fault and liability. If the sponsor had good cause or was without fault for incorrect data, the alien legal noncitizen's household is solely liable for the overissuance repayment. If the sponsor did not have good cause, the Department will start a claim against the sponsor, the alien legal noncitizen's household, or both. The Department may start claims may be started against both parties at the same time. Start A claim is started against the party most likely to repay the claim first. If the first party fails to respond to the demand letter within thirty (30) twenty (20) days, start a claim against the other party. Identify the claim as either an IHE or IPV claim. (6-1-94)(4-1-97)T

761. COLLECTING CLAIMS AGAINST SPONSORS WHO SIGNED AN AFFIDAVIT OF SUPPORT BETWEEN FEBRUARY 1, 1983 AND MARCH 31, 1997.

The Department must start collection by sending a demand letter to the sponsor. The demand letter must tell the sponsor include the amount owed, the reason for the claim, and the repayment options. The demand letter must tell the sponsor he will not have to repay, if he can show he did not give false statements or withhold information about his circumstances. The Department must follow up the demand letter with a personal contact if possible. The Department may pursue other collection actions. The Department may stop collection action may be stopped against a sponsor if it has documentation is obtained showing the sponsor cannot be located. The Department may stop collection against a sponsor action may be stopped if the cost of collection may exceeds the amount to be recovered. If the sponsor responds to the demand letter, the Department must collect a lump sum cash payment if the sponsor can pay the claim at one (1) time. If the sponsor cannot pay by lump sum, the Department can negotiate a monthly repayment schedule. Sponsor repayments must be recorded in the case file and identified as either an IHE or IPV claim. (6-1-94)(4-1-97)T

762. COLLECTING CLAIMS AGAINST SPONSORED ALIENSLEGAL NONCITIZENS.

Collect claims against sponsored alien legal noncitizens with a sponsor who signed an affidavit of support between February 1, 1983 and March 31, 1997 using procedures listed below. Action must be taken Take action to collect, whether or not the alien legal noncitizen household currently gets Food Stamps. (6-1-94)(4-1-97)T

01. IHE Determined. An IHE results If information provided about the sponsor or sponsor's spouse was wrong because the household misunderstood or failed to provide data, an IHE resulted. The Department must start a claim against the alien legal noncitizen's household. (6-1-94)(4-1-97)T

02. IPV Determined. An IPV results if information provided about the sponsor or sponsor's spouse was incorrect because the household concealed or provided false information. An IPV resulted. The Department must start a claim against the alien legal noncitizen's household. (6-1-94)(4-1-97)T

03. IPV Referral. Pursue an IPV If enough evidence exists to show information from the sponsor or the sponsor's spouse was false or concealed through misrepresentation or willful withholding by the alien legal noncitizen, the Department must pursue an IPV. The Department must handle the claim as an IHE; until the IPV decision is made. The Department must start a claim against the alien legal noncitizen's household. (6-1-94)(4-1-97)T

763. REIMBURSEMENT FOR BENEFITS RECEIVED.

A sponsor who signed an affidavit on or after April 1, 1997 must reimburse the Department for the amount of Food Stamps received by the sponsored legal noncitizen. At the time of application for a sponsored legal noncitizen, the legal noncitizen's sponsor must be notified that he will be required to reimburse the Department for the amount of Food Stamps received by the sponsored legal noncitizen. (4-1-97)T

763764. -- 773. (RESERVED).

774. EXCLUDED HOUSEHOLD MEMBERS.

Persons may be excluded from Food Stamps for an IPV, for failure to comply with JSAP requirements if the person is not the head of household, a voluntary quit or reduction of work hours if the person is not the head of household, or for failure or refusal to provide a SSN. Persons may be excluded from Food Stamps for failure to sign a citizenship or ~~alien~~legal noncitizen status declaration or because the member is an ineligible ~~alien~~legal noncitizen or an ineligible sponsored ~~alien~~legal noncitizen. A person who has received Food Stamps for three (3) months in a three (3) year period in which he did not meet the ABAWD work requirement is excluded from Food Stamps. Fugitive felons and, probation or parole violators are excluded from Food Stamps. (6-1-94)(9-22-96)T

775. FOOD STAMPS FOR HOUSEHOLDS WITH IPV MEMBERS, INELIGIBLE FUGITIVE FELON, OR PROBATION/PAROLE VIOLATOR, OR A MEMBER CONVICTED OF A CONTROLLED SUBSTANCE-RELATED FELONY.

Food Stamp eligibility and benefit level for households containing members disqualified for an IPV, ineligible fugitive felon, ~~or~~ probation/parole violator, or a member convicted of a controlled substance-related felony must be computed using steps in Subsections 775.01 through 775.08. The household's Food Stamps must not increase because a household member is disqualified for IPV. (9-22-96)T(7-1-97)T

01. Step 1. Count all resources of the disqualified IPV, ineligible fugitive felon, ~~or~~ probation/parole violator, or controlled substance felon members as resources to the household. (9-22-96)T(7-1-97)T

02. Step 2. Do not count the IPV, ineligible fugitive felon ~~or~~, probation/parole violator, or controlled substance convicted felon member as part of the household to compute the resource limit. (9-22-96)T(7-1-97)T

03. Step 3. Count all income of the IPV, ineligible fugitive felon ~~or~~, probation/parole violator, or controlled substance convicted felon members as income to the household. (9-22-96)T(7-1-97)T

04. Step 4. Do not count the IPV, ineligible fugitive felon ~~or~~, probation/parole violator, or controlled substance convicted felon member when computing household size for the gross and net income limit tests. (9-22-96)T(7-1-97)T

05. Step 5. The entire household's allowable earned income, standard, medical, dependent care, child support, and excess shelter deductions apply to the remaining household members. (10-1-95)T

06. Step 6. Count the IPV, ineligible fugitive felon ~~or~~, probation/parole violator, or controlled substance convicted felon member to compute medical deduction. (9-22-96)T(7-1-97)T

07. Step 7. Count the IPV, ineligible fugitive felon ~~or~~, probation/parole violator, or controlled substance convicted felon member to compute uncapped shelter deduction. (9-22-96)T(7-1-97)T

08. Step 8. Do not count the IPV, ineligible fugitive felon ~~or~~, probation/parole violator, or controlled substance convicted felon member to compute household size for Food Stamp issuance. (9-22-96)T(7-1-97)T

(BREAK IN CONTINUITY OF SECTIONS)

777. MEMBER DISQUALIFIED FOR CAUSES OTHER THAN IPV OR JSAP.

Food Stamp eligibility and benefit level for households containing members disqualified for failure or refusal to provide a SSN, for failure to sign a citizenship or ~~alien~~legal noncitizen status declaration or because the member is an

ineligible ~~alien~~ legal noncitizen or an ineligible sponsored ~~alien~~ legal noncitizen must be computed using steps in Subsections 777.01 through 777.09. ~~(6-1-94)~~(4-1-97)T

01. Step 1. Count the resources of the disqualified members as resources to the Food Stamp household. (6-1-94)
02. Step 2. Count part of the income of the disqualified members as income to the household. (6-1-94)
 - a. Subtract Food Stamp exclusions from the disqualified member's income. (6-1-94)
 - b. Divide the income evenly among all members, including the disqualified member. (6-1-94)
 - c. Count all but the disqualified member's share as income to the Food Stamp household. (6-1-94)
03. Step 3. Apply the earned income deduction to the prorated income of the excluded member. (6-1-94)
04. Step 4. Divide the allowable shelter, dependent care and child support expenses, paid by or billed to the disqualified member, among the household members. All but the disqualified member's share is a deductible expense. (10-1-95)T
05. Step 5. Do not count the disqualified member as part of the household to compute the resource limit. (6-1-94)
06. Step 6. Do not count the disqualified member when computing household size for the gross and net income limit tests. (6-1-94)
07. Step 7. Do not ~~Count~~ the disqualified member to compute medical deduction. ~~(6-1-94)~~(4-1-97)T
08. Step 8. Do not ~~Count~~ the disqualified member to compute uncapped shelter deduction. ~~(6-1-94)~~(4-1-97)T
09. Step 9. Do not count the disqualified member to compute household size for Food Stamp issuance. (6-1-94)

778. FOOD STAMPS FOR HOUSEHOLDS WITH MEMBERS DISQUALIFIED FOR FAILURE TO MEET THE ABAWD WORK REQUIREMENT, FOR CITIZEN OR LEGAL NONCITIZEN STATUS OR FOR FAILURE TO COOPERATE IN ESTABLISHING PATERNITY AND OBTAINING SUPPORT TO COMPLY WITH A REQUIREMENT OF ANOTHER MEANS TESTED PROGRAM.

Food Stamp eligibility and benefit level for households containing members disqualified for failure to meet the ABAWD work requirement or to cooperate in establishing paternity and obtaining support, for failure to sign the citizenship or legal noncitizen status declaration or because the member is in ineligible legal noncitizen must be computed using the steps in Table 778. ~~(9-22-96)~~(7-1-97)T

01. Step 1. Count all resources of the disqualified members as resources to the household. (9-22-96)T
02. Step 2. Do not count the disqualified member as a part of the household to compute the resource limit. (9-22-96)T
03. Step 3. Count all income of the disqualified members as income to the household. (9-22-96)T
04. Step 4. Do no count the disqualified member when computing household size for the gross and net income limit tests. (9-22-96)T
05. Step 5. The entire household's allowable earned income, standard, medical, dependent care, child support and excess shelter deductions apply to the remaining household members. (9-22-96)T

06. Step 6. Count the disqualified member to compute the medical deduction. (9-22-96)T
07. Step 7. Count the disqualified member to compute uncapped shelter deduction. (9-22-96)T
08. Step 8. Do not count the disqualified member to compute the household size for Food Stamps. (9-22-96)T

(BREAK IN CONTINUITY OF SECTIONS)

781. PERSON DISQUALIFIED DURING CERTIFICATION PERIOD.

When a person is disqualified during a certification period, determine the eligibility of the other members based on information in the case record. Actions the Department must take to reduce or end benefits are listed below: (6-1-94)

01. SSN Standards Not Met. Benefits are reduced or ended within the certification period when a member has been disqualified for failure to meet the SSN requirement. The Department must send a notice of adverse action to tell the household a member has been disqualified. The notice must tell the reason for the exclusion and the benefit level. The notice must tell the household the actions needed to end the disqualification. (6-1-94)

02. IPV Disqualification. The Department must send the household a Notice of Disqualification (HW 0541). The notice must indicate the Food Stamp amount. The notice must tell the household if they need to reapply. The Department does not have to provide a notice of adverse action. The household may request a fair hearing. The household may not have a second fair hearing if the household had a consolidated fair hearing on the Food Stamp amount and the disqualification. (6-1-94)

03. JSAP Requirements Not Met. The Department must send a notice of adverse action when a non-head of household fails to comply with JSAP. The notice must tell the household a member has been disqualified. The notice must tell the household the disqualification reason and Food Stamp amount. The notice must tell the household actions the household can take to end disqualification. (6-1-94)

04. Failed to Show Citizenship or ~~Alien~~ Legal Noncitizen Status. The Department must send a notice of adverse action to the household for ineligible alien status or failure to attest to citizenship or alien status. The notice must tell the household a member is disqualified. The notice must tell the household the disqualification reason and Food Stamp amount. ~~(6-1-94)~~(4-1-97)T

05. Voluntary Quit or Reduction of Hours Worked. The Department must send a notice of adverse action when a non-head of household is sanctioned for a voluntary quit or reduction of hours of work. The notice must tell the household a member has been disqualified. The notice must tell the household the disqualification reason and Food Stamp amount. (9-22-96)T

06. ABAWD Work Requirement Not Met. The Department must send a notice of adverse action to the household when an ABAWD has received three (3) months of Food Stamp benefits in a three (3) year period while not meeting the work requirement. The notice must tell the household the disqualification reason and Food Stamp amount. (9-22-96)T

07. Failure to Cooperate in Establishing Paternity and Obtaining Support. The Department must send a notice of adverse action to the household when a parent of a minor child or individual exercising parental control over a minor child fails to cooperate in establishing paternity and obtaining support. The notice must tell the household the disqualification reason and Food Stamp amount. (7-1-97)T

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.08 - RULES GOVERNING TEMPORARY ASSISTANCE FOR FAMILIES IN IDAHO
DOCKET NO. 16-0308-9701

NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: These temporary rules are effective July 1, 1997.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 39-106(I) and 56-202(b), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be held as follows:

May 19, 1997, at 7:00 p.m., in the Idaho Falls Public Library
Meeting Rooms A & B, 457 Broadway, Idaho Falls, Idaho;

May 20, 1997, at 7:00 p.m., in the Quality Inn, 1555 Pocatello Creek Road, Pocatello, Idaho;

May 21, 1997, at 7:00 p.m., in the Canyon Springs Park Hotel
1357 Blue Lakes Boulevard North, Twin Falls, Idaho;

May 22, 1997, at 7:00 p.m., in the Plaza Suite Hotel
409 South Cole Road, East Room, Fourth Floor, Boise, Idaho;

May 27, 1997, at 7:00 p.m., in the Nampa Civic Center, 311 Third Street South, Nampa, Idaho;

May 28, 1997, at 7:00 p.m., in the Williams Conference Center
Clearwater River Room, Lewis & Clark State College, Fourth Street, Lewiston, Idaho;

May 29, 1997, at 7:00 p.m., in the Coeur d'Alene Inn and Convention Center
414 West Appleway, Garnet Room, Coeur d'Alene, Idaho.

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: Temporary rules have been adopted in accordance with Section 67-5226, Idaho Code and are necessary in order to be in compliance with deadlines in amendments to governing law or federal programs. This chapter will combine the requirements of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, as signed into law on August 22, 1996. The rules contain a core section regarding the family's negotiation of a personal responsibility contract that outlines conditions which must be met to receive financial assistance and supportive services, such as, work activities, cooperation with Child Support Services, immunization of children, and school attendance for children. This section implements a 24 month family time limit. Temporary Assistance for Families in Idaho may be extended beyond the 24 month time limit under specific limited circumstances.

The financial section outlines the requirements for financial eligibility for the Temporary Assistance for Idaho Program, including income criteria, resource criteria, family composition budgeting, maximum grant, grant computation, and the requirements and penalties for payment of a one-time cash payment. The maximum grant payment will be \$276.

Family rights and responsibilities are described including reporting responsibilities, modification of the personal responsibility contract, and the right to a fair hearing if the family disagrees with a Department decision.

Temporary Assistance for Families in Idaho will be created in Chapter 16.03.08. Chapter 16.03.01, Eligibility for Aid to Families with Dependent Children, will be repealed and Medicaid for Families and Children will be added in the place of Chapter 16.03.01.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary or proposed rule, contact Penny Robbe at (208) 334-5819.

Anyone can submit written comments regarding this rule. All written comments and data concerning the rule must be directed to the undersigned and must be postmarked on or before June 4, 1997.

DATED this 7th day of May, 1997.

STACI WELSH
Administrative Procedures Coordinator
DHW - Division of Legal Services
450 West State Street, 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone, (208) 334-5548 fax

TEXT OF DOCKET NO. 16-0308-9701

IDAPA 16
TITLE 03
Chapter 08

RULES GOVERNING TEMPORARY ASSISTANCE FOR FAMILIES IN IDAHO

000. LEGAL AUTHORITY.

The Idaho Department of Health and Welfare is authorized to adopt rules for the administration of public assistance programs by Section 56-202, Idaho Code. (7-1-97)T

001. TITLE AND SCOPE.

These rules are known and will be cited as the Rules of the Idaho Department of Health and Welfare, IDAPA 16, Title 03, Chapter 08, "Rules Governing the Temporary Assistance for Families in Idaho (TAFI) Program." These rules provide standards for the administration of the TAFI program. (7-1-97)T

002. WRITTEN INTERPRETATIONS.

003. ADMINISTRATIVE APPEAL.

004. TEMPORARY ASSISTANCE FOR FAMILIES IN IDAHO.

The goals of Temporary Assistance for Families in Idaho (TAFI) are jobs for participants and support for both personal and family responsibility. This focus requires more than government alone can or should provide. This program requires relationships where participants, families, local communities and employers work together to help participants obtain employment and achieve self-reliance. Department resources for applicants and participants will be provided in the following priority order, if applicable: Child Support Services (CSS); child care assistance; other Department services such as Medicaid, Food Stamps, Aid to the Aged, Blind and Disabled (AABD); and TAFI. (7-1-97)T

005. RULE AVAILABILITY.

Copies of these rules are available from the Administrative Procedures Section, 10th Floor, Towers Building - 450 West State Street, P.O. Box 83720, Boise, Idaho 83720-0036. (7-1-97)T

006. -- 009. (RESERVED).

010. DEFINITIONS.

- 01. Applicant. An individual who applies for Temporary Assistance for Families in Idaho. (7-1-97)T
- 02. Department. The Idaho Department of Health and Welfare. (7-1-97)T
- 03. Earned Income. Cash or in-kind payment derived from employment or self-employment. Receipt of a service, benefit or durable goods instead of wages is in-kind income. Earned income is gross earnings before deductions for taxes or any other purposes. (7-1-97)T
- 04. Good Cause. The conduct of a reasonably prudent person in the same or similar circumstances, unless otherwise defined in these rules. (7-1-97)T
- 05. Parent. The mother or father of the dependent child. In Idaho, a man is presumed to be the child's parent if he is married to the child's mother at the time the child is conceived or born. Common law marriages are not legally recognized after January 1, 1996. (7-1-97)T
- 06. Participant. An individual who has signed a Personal Responsibility Contract. (7-1-97)T
- 07. Personal Responsibility Contract (PRC). An agreement negotiated between a family and the Department that is intended to result in self-reliance. (7-1-97)T
- 08. Unearned Income. Income received from sources other than employment or self-employment, such as Social Security, unemployment insurance, and workers' compensation. (7-1-97)T

011. ABBREVIATIONS.

- 01. AABD. Aid to the Aged, Blind and Disabled. (7-1-97)T
- 01. CSS. Child Support Services. (7-1-97)T
- 02. ECA. Extended Cash Assistance. (7-1-97)T
- 03. EITC. Earned Income Tax Credit. (7-1-97)T
- 04. HUD. The U.S. Department of Housing and Urban Development. (7-1-97)T
- 05. IPV. Intentional Program Violation. (7-1-97)T
- 06. PRC. Personal Responsibility Contract. (7-1-97)T
- 07. RSDI. Retirement, Survivors, and Disability Insurance. (7-1-97)T
- 08. SSN. Social Security Number. (7-1-97)T
- 09. TAFI. Temporary Assistance for Families in Idaho, which is the TANF program in Idaho. (7-1-97)T
- 10. TANF. Temporary Assistance to Needy Families (Federal Program). (7-1-97)T
- 11. VA. Veterans Administration. (7-1-97)T

012. -- 099. (RESERVED).

100. TAFI ELIGIBILITY.

To be eligible for TAFI, an individual must sign an application; provide verification requested by the Department; negotiate and sign a PRC; complete work activities including job search; and meet all other personal responsibility and financial criteria. (7-1-97)T

101. TIME LIMIT.

Lifetime eligibility for adults is limited to twenty-four (24) months unless otherwise provided by these rules. Any month that a TANF benefit was received in another state after June 30, 1997, counts toward the twenty-four (24) month Idaho time limit. If during the twenty-four (24) month time limit the Department does not end benefits at the appropriate time and a payment is made in error, the month is not counted towards the twenty-four (24) month time limit. (7-1-97)T

102. -- 106. (RESERVED).

107. ALTERNATIVE RESOURCES.

The family must apply for any other source of income for which they are potentially eligible. (7-1-97)T

108. APPLICATION FOR ASSISTANCE.

The application form must be signed by an adult participant, a legal guardian or a representative, and must be received by the Department. (7-1-97)T

109. EFFECTIVE DATE.

The effective date of the TAFI grant is the date all eligibility criteria are satisfied, or a later date that is negotiated with the Department. (7-1-97)T

110. FORMS AND SCHEDULED MEETINGS.

The family must complete the application process and forms, and must attend all scheduled meetings unless good cause exists. (7-1-97)T

111. -- 115. (RESERVED).

116. PERSONAL RESPONSIBILITY CONTRACT (PRC).

A personal responsibility contract must be negotiated and signed by the family, and all application activities must be completed before eligibility can be approved. The family must continue to comply with ongoing personal responsibility contract requirements to remain eligible. (7-1-97)T

117. -- 121. (RESERVED).

122. ELIGIBLE INDIVIDUALS.

Individuals who may be eligible are listed in Subsections 122.01 through 122.05. (7-1-97)T

01. Children. Children under the age of eighteen (18) or, nineteen (19) if they are attending a secondary school or the equivalent level of vocational or technical training full time. Children must reside with a parent or a caretaker relative who exercises care and control of them. (7-1-97)T

02. Parents. Parents who have an eligible natural or adopted child residing with them. (7-1-97)T

03. Caretaker Relatives. Adult specified relatives other than parents who have an eligible related child residing with them. Only one (1) child in the family must be related to one (1) of the following specified relatives: brother, sister, aunt, uncle, nephew, niece, first cousin, or first cousin once removed; one (1) of these relationships prefixed by "grand" or "great"; one (1) of these relationships by half-blood; a stepparent, step-sibling, or the spouse of a relative by marriage, even if the marriage has ended. (7-1-97)T

04. Optional Individuals. Related dependent children who are not siblings or half siblings of family members and who are living in the home. (7-1-97)T

05. Pregnant Woman. A pregnant woman with no other children who is in her last trimester of

pregnancy and is unable to work due to medical reasons. (7-1-97)T

123. FAMILY.

A family is an eligible individual or group of eligible individuals living in a common residence, whose income and resources are considered in determining eligibility and grant amount, and who may be included in the family size. No individual may be eligible for benefits as a member of more than one (1) family in the same month. (7-1-97)T

124. MARRIED CHILD UNDER AGE EIGHTEEN (18).

A married child under age eighteen (18) is no longer considered a dependent child. The child's subsequent separation, divorce or annulment does not change that status. (7-1-97)T

125. UNMARRIED PARENT UNDER THE AGE OF EIGHTEEN (18).

An unmarried parent under age eighteen (18) must live with his or her parents, unless good cause is established. Two (2) unmarried parents under the age of eighteen (18), with a child in common, can choose to live with the parents of the unmarried father or the unmarried mother. (7-1-97)T

126. GOOD CAUSE NOT TO LIVE WITH PARENTS.

Good cause reasons for unmarried parents under age eighteen (18) not to live with their parents are listed in Subsections 126.01 through 126.05. (7-1-97)T

01. Child of Unmarried Parent Under Age Eighteen (18) Conceived by Rape or Incest. (7-1-97)T

a. Proof is provided that the child of the unmarried parent under age eighteen (18) was conceived because of rape or incest, and (7-1-97)T

b. The individual who committed the rape or incest is a parent or other individual living in the household, and (7-1-97)T

c. The other parent in the home is not taking protective steps established in the child welfare plan. (7-1-97)T

02. Abusive Parents. Proof is provided that the parents of the unmarried parent under age eighteen (18) are abusive and the physical or emotional health of the unmarried parent under age eighteen (18) or his or her child is jeopardized. (7-1-97)T

03. Parents Not Available. The parents are not available due to incarceration, death, or their whereabouts are unknown. (7-1-97)T

04. Home Not Available. The parents refuse to take the child back into the home and no alternative care is available. (7-1-97)T

05. Safety Threatened. Proof is provided that the unmarried parent under age eighteen (18) is dangerous to the parents or other household members. (7-1-97)T

127. -- 131. (RESERVED).

132. CITIZENSHIP AND LEGAL NON-CITIZEN CRITERIA.

Eligible individuals must be citizens of the United States or be legal non-citizens. Nationals of American Samoa or Swain's Island are the equivalent of U.S. citizens. Only the groups of legal non-citizens listed in Subsections 132.01 through 132.07 may be eligible. (7-1-97)T

01. Permanent Residents. Lawful permanent residents with forty (40) quarters of work. (7-1-97)T

02. Veterans. Veterans honorably discharged for a reason other than citizen status. This includes the veteran's spouse and unmarried dependent children. (7-1-97)T

03. Members of the U.S. Armed Forces. Active duty members of the U.S. Armed Forces, who are not

on active duty for training only. This includes the active duty member's spouse and unmarried dependent children. (7-1-97)T

04. Refugees. Refugees admitted under Section 207 of the Immigration and Nationality Act, for five (5) years from the date refugee status is assigned. (7-1-97)T

05. Asylees. Asylees admitted under Section 208 of the Immigration and Nationality Act, for five (5) years from the date asylee status is assigned. (7-1-97)T

06. Deportation Withheld. Individuals whose deportation has been withheld under Section 243(h) of the Immigration and Nationality Act, for five (5) years from the date the deportation was withheld. (7-1-97)T

133. SOCIAL SECURITY NUMBER (SSN).
A Social Security Number must be provided unless good cause is established. (7-1-97)T

134. RESIDENCE IN IDAHO.
Individuals must live in the state of Idaho, have no immediate intention of leaving, and must not be a resident of another state. (7-1-97)T

135. MULTIPLE TANF BENEFITS.
Individuals cannot receive TANF benefits from Idaho and another state in the same month. (7-1-97)T

136. -- 140. (RESERVED).

141. IMMUNIZATION RESPONSIBILITY.
Eligible children must obtain immunizations according to the Department's schedule for immunizations, unless there is a religious or other objection, or immunization would endanger the life or health of a child. (7-1-97)T

142. SCHOOL ATTENDANCE RESPONSIBILITY.
Children included in the family must attend school until they reach age eighteen (18) or they graduate from a secondary school or the equivalent level of vocational or technical training, Job Corps, alternative or home school. A fifty dollar (\$50) penalty per month, per child, will be subtracted from the grant if a dependent child does not attend school. This penalty does not apply if the child is participating in work activities outlined in the PRC. (7-1-97)T

143. -- 147. (RESERVED).

148. COOPERATION RESPONSIBILITY.
For the family to be eligible, a parent, or a caretaker relative included in the grant, must cooperate with the Department to identify and locate the non-custodial parent, unless good cause exists. (7-1-97)T

149. GOOD CAUSE FOR NOT COOPERATING.
Good cause for not cooperating with Child Support Services (CSS) is limited to the reasons listed in Subsections 149.01 and 149.02. (7-1-97)T

01. Rape or Incest. The child was conceived as a result of incest or forcible rape. (7-1-97)T

02. Physical or Emotional Harm. The non-custodial parent may inflict physical or emotional harm to the children, the custodial parent or the caretaker relative. (7-1-97)T

150. REVIEW OF GOOD CAUSE REQUEST.
If good cause for not cooperating with CSS is claimed but the Department determines there is not good cause, the participant must be given the opportunity to withdraw the application or have the case closed. (7-1-97)T

151. PATERNITY NOT ESTABLISHED WITHIN TWELVE (12) MONTHS.
If information is provided but paternity is not established within twelve (12) months from the effective date of the application or the birth of a child, whichever is later, the grant is reduced by fifty percent (50%), unless the delay is caused by the Department. (7-1-97)T

152. -- 156. (RESERVED).

157. APPLICANT JOB SEARCH.

Before the application can be approved, adult applicants will be required to engage in job search activities, unless they are exempt. (7-1-97)T

158. APPLICANT JOB SEARCH EXEMPTION.

The individuals listed in Subsections 158.01 through 158.04 are exempt from the applicant job search requirements. (7-1-97)T

01. Caretaker. The applicant is the primary caretaker of a child under age twelve (12) weeks. (7-1-97)T
02. Employed. The applicant is working over thirty (30) hours per week and earning at least the federal minimum wage. (7-1-97)T
03. Ill or Incapacitated. The applicant is physically or mentally unable to work. (7-1-97)T
04. Caretaker for Ill or Incapacitated. The applicant is needed in the home to care for an ill or incapacitated family member. (7-1-97)T

159. APPLICANT VOLUNTARY QUIT.

The family is not eligible for ninety (90) days from the date any adult family member has voluntarily quit the most recent job of twenty (20) or more hours per week without good cause, within sixty (60) days of the application date. (7-1-97)T

160. PROHIBITION ON APPLICANT STRIKING.

When any applicant adult family member is on strike, the entire family is not eligible. A strike is a concerted stoppage or slowdown of work by employees. (7-1-97)T

161. -- 165. (RESERVED).

166. WORK ACTIVITIES RESPONSIBILITY.

All adults are required to participate in work activities, up to forty (40) hours per week. A child between the ages of sixteen (16) and eighteen (18), who is not attending school, must participate up to forty (40) hours per week in assigned work activities. A single custodial parent of a child less than six (6) years of age is not required to participate in a work activity if one of the reasons listed in Subsections 166.01 through 166.03 occurs. (7-1-97)T

01. Reasonable Distance. Appropriate child care is not available within a reasonable distance from the participant's home or work site. (7-1-97)T
02. Relative Child Care. Informal child care by relatives or others is not available or is unsuitable. (7-1-97)T
03. Child Care Not Available. Appropriate and affordable child care is not available. (7-1-97)T

167. WORK ACTIVITIES.

Work activities include paid work including self-employment of thirty (30) hours per week and earning at least the federal minimum wage; unpaid work; community service; work search activities; education leading to high school diploma or equivalency; work preparation education; and vocational or job skills training. The Department may negotiate other activities that improve the ability to obtain and maintain employment or support self-reliance. (7-1-97)T

168. WORK ACTIVITY SUPPORTIVE SERVICES.

Supportive services may be provided to eligible family members if needed to comply with PRC assignments. (7-1-97)T

169. NOT COMPLYING WITH WORK ACTIVITIES.

Each time an adult does not comply with work activity requirements in the PRC, without good cause, it is counted as an occurrence. The family is subject to the penalties, based on the number of occurrences, as listed in Subsections 169.01 through 169.03. (7-1-97)T

01. First Occurrence. The family is ineligible for one (1) month or until compliance, whichever is longer. (7-1-97)T

02. Second Occurrence. The family is ineligible for three (3) months or until compliance, whichever is longer. (7-1-97)T

03. Third Occurrence. The family is ineligible for lifetime. (7-1-97)T

170. APPLYING PENALTIES FOR NOT COMPLYING WITH WORK ACTIVITIES.

Work activity penalties are applied as listed in Subsections 170.01 and 170.02. (7-1-97)T

01. Family Penalty. Penalties apply to the entire family, but the number of individual occurrences follows the individual. The penalty period for the family is the greatest number of any individual's occurrences. If the individual leaves the family, any period of ineligibility caused by that individual ends. If an adult who does not comply returns or joins another family, any remaining period of ineligibility resumes. (7-1-97)T

02. Work Activity Penalty. A fifty dollar (\$50) penalty per month, per child, will be subtracted from the family grant when a child sixteen (16) years of age or older does not comply with work activities, as long as the child resides with the family. (7-1-97)T

171. -- 175. (RESERVED).

176. CHILD CARE.

Families are eligible for the Idaho Child Care Program, IDAPA 16.06.12, if child care is needed for an adult to participate in Personal Responsibility Contract activities. (7-1-97)T

177. TEMPORARY ABSENCE.

Eligible individuals may be temporarily absent from the home for a reasonable period not to exceed one hundred eighty (180) days. (7-1-97)T

178. NOTIFICATION REQUIREMENT.

The Department will notify the family, in writing, of the approval or denial of the application and the right of appeal, if applicable. (7-1-97)T

179. -- 199. (RESERVED).

200. RESOURCE LIMIT.

The total of the entire family's countable resources must not be greater than two thousand dollars (\$2,000) in any month. Resources are money, financial instruments, vehicles, and real property. (7-1-97)T

201. COUNTABLE RESOURCES.

Resources are countable when the family has a legal interest in the resource and can take action to obtain or dispose of the resource. Except for vehicles, the fair market value of the resource less all liens, mortgages, or other encumbrances, is the countable amount of the resource. (7-1-97)T

202. -- 206. (RESERVED).

207. COUNTING VEHICLE VALUE.

The fair market value above four thousand six hundred fifty dollars (\$4,650) of one (1) vehicle is counted towards the resource limit. If no vehicle is worth more than four thousand six hundred fifty dollars (\$4,650) the fair market value of one (1) vehicle, minus encumbrances, is not counted. The fair market value, minus encumbrances, of additional

vehicles, snowmobiles, boats, aircraft or other recreational vehicles is counted. The value of one specially equipped vehicle used to transport a disabled family member is not counted in determining resources. (7-1-97)T

208. RESOURCE EXCLUSIONS.

The resources listed in Subsections 208.01 through 208.10 are excluded. (7-1-97)T

01. Home and Lot. The family's home, surrounding land and buildings not separated by property owned by others. A public road or right of way that separates any plot from the home does not affect the exclusion. (7-1-97)T

02. Building Lot. One (1) unoccupied lot and one (1) partially built home. Only one (1) home and one (1) lot can be excluded. (7-1-97)T

03. Unoccupied Home. A home temporarily unoccupied due to employment, training, medical care or treatment and natural disasters. (7-1-97)T

04. Home Loss or Damage Insurance Settlements. An insurance settlement awarded to a family for home loss or damage, for twelve (12) months from the date of receipt. (7-1-97)T

05. Income Producing Property. Real property that annually produces income consistent with its fair market value. (7-1-97)T

06. Equipment Used in a Trade or Business. Equipment used in a trade or business or reasonably expected to be used within one (1) year from their most recent use. (7-1-97)T

07. Contracts. A mortgage, deed of trust, promissory note, or any other form of sales contract if the purchase price and income produced are consistent with the property's fair market value. (7-1-97)T

08. Life Insurance. The cash surrender value of a life insurance policy. (7-1-97)T

09. Native American Payments. To the extent authorized, payments or purchases made with payments authorized by law based on Native American ancestry. (7-1-97)T

10. Funeral Agreements. The cash value of an irrevocable funeral agreement. (7-1-97)T

209. -- 213. (RESERVED).

214. COUNTABLE INCOME.

All earned and unearned income is counted in determining eligibility and grant amount, unless specifically excluded by rule. (7-1-97)T

215. EXCLUDED INCOME.

The types of income listed in Subsections 215.01 through 215.33 are excluded. (7-1-97)T

01. Supportive Services. Supportive services payments. (7-1-97)T

02. Work Reimbursements. Work-related reimbursements. (7-1-97)T

03. Child's Earned Income. Earned income of a dependent child, who is attending school. (7-1-97)T

04. Child Support. Child support payments assigned to the State and non-recurring child support payments received in excess of that amount. (7-1-97)T

05. Loans. Loans with a signed, written repayment agreement. (7-1-97)T

06. Third Party Payments. Payments made by a person directly to a third party on behalf of the family. (7-1-97)T

07. Money Gifts. Money gifts, up to one hundred dollars (\$100), per person per event, for celebrations typically recognized with an exchange of gifts. (7-1-97)T
08. TAFI. Retroactive TAFI grant corrections. (7-1-97)T
09. Social Security Overpayment. The amount withheld for a Social Security overpayment. (7-1-97)T
10. Interest Income. Interest posted to a bank account. (7-1-97)T
11. Tax Refunds. State and federal income tax refunds. (7-1-97)T
12. EITC Payments. EITC payments. (7-1-97)T
13. Disability Insurance Payments. Taxes withheld and attorney's fees paid to secure disability insurance payments. (7-1-97)T
14. Sales Contract Income. Taxes and insurance costs related to sales contracts. (7-1-97)T
15. Foster Care. Foster care payments. (7-1-97)T
16. Adoption Assistance. Adoption assistance payments. (7-1-97)T
17. Food Programs. Commodities and food stamps. (7-1-97)T
18. Child Nutrition. Child nutrition benefits. (7-1-97)T
19. Elderly Nutrition. Elderly nutrition benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965. (7-1-97)T
20. Low Income Energy Assistance. Benefits paid under the Low Income Energy Assistance Act of 1981. (7-1-97)T
21. Home Energy Assistance. Home energy assistance payments under Public Law 100-203, Section 9101. (7-1-97)T
22. Utility Reimbursement Payment. Utility reimbursement payments. (7-1-97)T
23. Housing Subsidies. Housing subsidies. (7-1-97)T
24. Housing And Urban Development (HUD) Interest. Interest earned on HUD family self-sufficiency escrow accounts established by Section 544 of the National Affordable Housing Act. (7-1-97)T
25. Native American Payments. Payments authorized by law made to people of Native American ancestry. (7-1-97)T
26. Educational Income. Educational income, except that AmeriCorps living allowances, stipends, and AmeriCorps Education Award minus attendance costs are earned income. (7-1-97)T
27. Work Study Income of Student. College work study income. (7-1-97)T
28. VA Educational Assistance. VA Educational Assistance. (7-1-97)T
29. Senior Volunteers. Senior volunteer program payments to individual volunteers under the Domestic Volunteer Services Act of 1979, 42 U.S.C. Sections 4950 through 5085. (7-1-97)T
30. Relocation Assistance. Relocation assistance payments received under Title II of the Uniform

Relocation Assistance and Real Property Acquisition Policies Act of 1970. (7-1-97)T

31. Disaster Relief. Disaster relief assistance paid under the Disaster Relief Act of 1974 and aid provided under any federal statute for a President-declared disaster. Comparable disaster assistance provided by states, local governments, and disaster assistance organizations. (7-1-97)T

32. Radiation Exposure Payments. Payments made to persons under the Radiation Exposure Compensation Act. (7-1-97)T

33. Agent Orange. Agent Orange settlement payments. (7-1-97)T

216. -- 220. (RESERVED).

221. DETERMINING ELIGIBILITY.

To determine initial and continuing eligibility, the countable monthly income that is or will be available to the family is used in the calculation of the grant. (7-1-97)T

222. CONVERTING INCOME TO A MONTHLY AMOUNT.

Income received more often than once a month is converted to a monthly amount as listed in Subsections 222.01 through 222.03, if a full month's income is anticipated. Figures are not rounded when income is converted to a monthly amount. (7-1-97)T

01. Weekly Payments. The projected weekly payment is multiplied by 4.3. (7-1-97)T

02. Biweekly Payments. The projected bi-weekly amount is multiplied by 2.15. (7-1-97)T

03. Semi-Monthly Payments. The projected semi-monthly amount is multiplied by two (2). (7-1-97)T

223. AVERAGING INCOME.

Income may be averaged for participants who receive income from a contract, from self-employment, or any other income that is intended to cover more than one (1) month, if it is expected to continue. The income is averaged over the number of months it is intended to cover. (7-1-97)T

224. -- 228. (RESERVED).

229. CALCULATION OF SELF-EMPLOYMENT INCOME.

Countable self-employment income is the difference between the gross receipts and the allowable costs of producing the income, if the amount is expected to continue. Self-employment income must be calculated by one (1) of the methods listed in Subsections 229.01 and 229.02. (7-1-97)T

01. Self-Employed At Least One (1) Year. For individuals who are self-employed for at least one (1) year, income and expenses are averaged over the past twelve (12) months. (7-1-97)T

02. Self-Employed Less Than One (1) Year. For individuals who are self-employed for less than one (1) year, income and expenses are averaged over the period of time the business has been in operation. (7-1-97)T

230. SELF-EMPLOYMENT ALLOWABLE EXPENSES.

Operating expenses deducted from self-employment income are listed in Subsections 230.01 through 230.16. (7-1-97)T

01. Labor. Labor paid to individuals not in the family. (7-1-97)T

02. Materials. Materials such as stock, seed and fertilizer. (7-1-97)T

03. Rent. Rent on business property. (7-1-97)T

04. Interest. Interest paid to purchase income producing property. (7-1-97)T

05. Insurance. Insurance paid for business property. (7-1-97)T
06. Taxes. Taxes on income producing property. (7-1-97)T
07. Business Transportation. Business transportation as defined by the IRS. (7-1-97)T
08. Maintenance. Landscape and grounds maintenance. (7-1-97)T
09. Lodging. Lodging for business related travel. (7-1-97)T
10. Meals. Meals for business related travel. (7-1-97)T
11. Use of Home. Costs of partial use of home for business. (7-1-97)T
12. Legal. Legal fees for business related issues. (7-1-97)T
13. Shipping. Shipping for business related costs. (7-1-97)T
14. Uniforms. Business related uniforms. (7-1-97)T
15. Utilities. Utilities for business property. (7-1-97)T
16. Advertising. Business related advertising. (7-1-97)T

231. SELF-EMPLOYMENT EXPENSES NOT ALLOWED.

Self-employment expenses not allowed are listed in Subsections 231.01 through 231.09. (7-1-97)T

01. Payments on the Principal of Real Estate. Payments on the principal of real estate mortgages on income-producing property. (7-1-97)T
02. Purchase of Capital Assets or Durable Goods. Purchases of capital assets, equipment, machinery, and other durable goods. Payments on the principal of loans for these items. (7-1-97)T
03. Taxes. Federal, state, and local income taxes. (7-1-97)T
04. Savings. Monies set aside for future use such as retirement or work related expenses. (7-1-97)T
05. Depreciation. Depreciation for equipment, machinery, or other capital investments. (7-1-97)T
06. Labor Paid to Family Member. Labor paid to a family member. (7-1-97)T
07. Loss of Farm Income. Loss of farm income deducted from other income. (7-1-97)T
08. Personal Transportation. Personal transportation. (7-1-97)T
09. Net Losses. Net losses from previous periods. (7-1-97)T

232. RENTAL INCOME FROM REAL PROPERTY.

If a family member is managing the property twenty (20) hours or more per week, the rental income minus rental costs is earned income. If a family member is managing the property less than twenty (20) hours per week, the rental income minus rental costs is unearned income. Rental costs do not include the principal portion of the mortgage payment, depreciation or depletion, capital payments, and personal expenses not related to the rental income.

(7-1-97)T

233. -- 237. (RESERVED).

238. CHILD LIVING WITH PARENT AND STEPPARENT.

When a child lives with a parent and a stepparent, fifty percent (50%) of the stepparent's earned and unearned income, minus child support paid is unearned income to the family. This calculation does not apply to families consisting of two (2) stepparents who have no children in common. Ineligibility due to citizenship or felony status of the stepparent does not affect this calculation. (7-1-97)T

239. CARETAKER RELATIVE APPLYING ONLY FOR RELATIVE CHILD.

When a caretaker relative applies only for a relative child, only the child's income and resources are counted. (7-1-97)T

240. INDIVIDUALS EXCLUDED FROM FAMILY SIZE.

Individuals listed in Subsections 240.01 through 240.04 are excluded from the family size in determining eligibility and grant amount. Income and resources of these ineligible family members are counted. (7-1-97)T

01. Ineligible Non-Citizens. Individuals who are non-citizens and are not listed in Section 132. (7-1-97)T

02. Drug Related Conviction. Felons convicted after August 22, 1996, under federal or state law of any offense classified as a felony that involves the possession, use or distribution of a controlled substance. (7-1-97)T

03. Fleeing Felons. Felons who are fleeing to avoid prosecution, custody or confinement after conviction of a felony or an attempt to commit a felony. (7-1-97)T

04. Felons Violating a Condition of Probation or Parole. Felons who are violating a condition of probation or parole imposed for a federal or state felony. (7-1-97)T

241. SPONSORED NON-CITIZEN.

The income and resources of a legal non-citizen's sponsor and the sponsor's spouse are counted in determining eligibility and grant amount in accordance with applicable federal law. (7-1-97)T

242. ONE HALF (1/2) GRANT CHILD SUPPORT PENALTY AND SCHOOL OR WORK PENALTY.

If the grant amount is reduced by fifty percent (50%) for not establishing paternity within twelve (12) months and there are one (1) or more penalties for not attending school or work, the child support penalty is calculated first. (7-1-97)T

243. -- 247. (RESERVED).

248. MAXIMUM GRANT AMOUNT.

The maximum grant is two hundred seventy six dollars (\$276). (7-1-97)T

249. GRANT AMOUNT FOR FAMILIES WITH NO INCOME.

The grant amount for eligible families with no income is the maximum grant minus penalties, if applicable. (7-1-97)T

250. GRANT AMOUNT FOR FAMILIES WITH UNEARNED INCOME.

The grant amount for eligible families with unearned income only is the maximum grant minus the unearned income, and penalties if applicable. (7-1-97)T

251. WORK INCENTIVE TABLE.

Work Incentive Table 251 is used in the calculation of the grant amount for families with earned income. (7-1-97)T

WORK INCENTIVE TABLE 251	
NUMBER OF FAMILY MEMBERS	MONTHLY AMOUNT
1	\$276
2	\$276
3	\$346
4	\$417
5	\$487
6	\$557
7	\$628
8	\$698
9	\$769
10	\$839
OVER 10 PERSONS	ADD \$70 EACH

(7-1-97)T

252. GRANT AMOUNT FOR FAMILIES WITH EARNED INCOME.

For eligible families with earned income, an amount is calculated by subtracting sixty percent (60%) of gross earned income, one hundred percent (100%) of any unearned income, and applicable penalties from the figure in the Work Incentive Table based on the family size. The grant amount is the result of this calculation rounded to the next lowest dollar or the maximum grant, whichever is less.

(7-1-97)T

253. PRORATING BENEFITS FOR THE APPLICATION MONTH.

The grant amount is prorated from the effective date.

(7-1-97)T

254. GRANT LESS THAN TEN DOLLARS (\$10) NOT PAID.

A payment is not made when the grant amount is less than ten dollars (\$10).

(7-1-97)T

255. -- 259. (RESERVED).

260. APPLICANT ONE-TIME CASH PAYMENT.

An applicant family may be eligible for a one-time cash assistance payment for any emergency need. The family must meet the income criteria, but all income is excluded in calculating the monthly one-time cash payment amount. Eligibility criteria, except SSN, are verified at the discretion of the Department.

(7-1-97)T

261. APPLICANT ONE-TIME CASH PAYMENT ELIGIBILITY CRITERIA.

The applicant family must meet the criteria listed in Subsections 261.01 through 261.07.

(7-1-97)T

01. SSN. An SSN must be provided for each adult family member.

(7-1-97)T

02. Dependent Child. The family must have a dependent child or a pregnant woman must be in her last trimester and be medically unable to work.

(7-1-97)T

03. Residence. The family must live in Idaho and adults in the household must not have received a TANF payment in the same month from another state.

(7-1-97)T

04. Voluntary Quit. An adult family member must not have voluntarily quit their most recent employment within sixty (60) days or be on strike. (7-1-97)T

05. Income and Resources. The family must be income eligible for TAFI and have no resources to meet the need. (7-1-97)T

06. Period of Ineligibility. The family must not be in a period of TAFI ineligibility. (7-1-97)T

07. Agreement. The family must complete a one-time cash agreement. (7-1-97)T

262. PARTICIPANT ONE-TIME CASH PAYMENT.

A participant family may be eligible for a one-time cash assistance payment to obtain or maintain employment. A participant family must have at least two (2) months of the twenty-four (24) month TAFI time limit remaining for each month of the one-time cash payment. The participant family's income is excluded in calculating the monthly one-time cash payment amount. The participant family's PRC must be modified to include the one-time cash payment agreement. (7-1-97)T

263. ONE-TIME CASH PAYMENT AGREEMENT.

The one-time cash agreement must include the information listed in Subsections 263.01 through 263.05. (7-1-97)T

01. Reason. The reason for the one-time cash payment. (7-1-97)T

02. Number of Months. The number of months included in the one-time cash payment. (7-1-97)T

03. Penalty Months. The number of penalty months subtracted from the family's twenty-four (24) month time limit. (7-1-97)T

04. Remaining Months. The number of months remaining in the twenty-four (24) month time limit. (7-1-97)T

05. Ineligibility Period. The months the family will not be eligible for TAFI. (7-1-97)T

264. AMOUNT OF ONE-TIME CASH PAYMENT.

The amount of the one-time cash payment is the amount of need or three (3) times the maximum monthly grant amount. (7-1-97)T

265. INELIGIBILITY PERIOD.

A family who receives a one-time cash payment is ineligible for the number of full or partial months for which the one-time cash payment is made and one (1) additional month for each month included in the one-time cash payment. An applicant family who receives a one-time cash payment is ineligible for TAFI beginning the month of the one-time cash payment. A participant family who receives a one-time cash payment is ineligible for TAFI beginning the month after TAFI ends due to the one-time cash payment. The ineligibility period counts toward the twenty-four (24) month time limit. (7-1-97)T

266. LIFETIME ELIGIBILITY.

A family can be eligible for a one-time cash payment only once in a lifetime in Idaho. (7-1-97)T

267. -- 299. (RESERVED).

300. DEPARTMENT NOTIFICATION RESPONSIBILITY.

Notification must be provided to a family whenever eligibility or the grant amount changes. The notification must state the effective date and the reason for the action, the rule that supports the action, and the family's appeal rights. (7-1-97)T

301. ADVANCE NOTIFICATION RESPONSIBILITY.

Whenever a reported change results in a grant closure or decrease, the Department must provide notification at least ten (10) calendar days before the effective date of the action. (7-1-97)T

302. ADVANCE NOTIFICATION NOT REQUIRED.

Notification must be provided by the date of the action, but advance notification is not required when a condition listed in Subsections 302.01 through 302.06 exists. (7-1-97)T

- 01. Family Request. The family requests closure of the grant in writing. (7-1-97)T
- 02. Family Member in Institution. A family member is admitted or committed to an institution. (7-1-97)T
- 03. Family's Address Unknown. The family's whereabouts are unknown and Department mail is returned showing no known forwarding address. (7-1-97)T
- 04. TANF Received in Another State. A family member is receiving TANF in another state. (7-1-97)T
- 05. Child Removed. A child family member is removed from the home due to a judicial determination. (7-1-97)T
- 06. Intentional Program Violation (IPV). An IPV disqualification begins the first month after the month the member receives written notice of disqualification. (7-1-97)T

303. -- 307. (RESERVED).

308. FAMILY REPORTING RESPONSIBILITIES.

The family must report changes in circumstances to the Department, either verbally or in writing, within ten (10) calendar days from the date the change becomes known, unless good cause is established. (7-1-97)T

309. PENALTY FOR FAILURE TO REPORT.

When a family member does not report a change in income, resources or family composition, without good cause, the family is ineligible for the periods listed in Subsections 309.01 through 309.02. (7-1-97)T

- 01. First Occurrence. The family is ineligible for one (1) month. (7-1-97)T
- 02. Additional Occurrence. The family is ineligible for three (3) months. (7-1-97)T

310. CHANGES AFFECTING ELIGIBILITY OR GRANT AMOUNT.

If a family reports a change that results in an increase, the grant will be increased effective the month after the month of report. If a family reports a change that results in a decrease, the grant is decreased or ended effective the first month after advance notice to the family, unless the change does not require advance notice. (7-1-97)T

311. -- 315. (RESERVED).

316. UNDERPAYMENT.

If the Department is at fault for issuing a payment less than the family should have received, the Department issues a supplemental check for the difference. (7-1-97)T

317. FAIR HEARING REQUEST.

A family may request a fair hearing to contest a Department decision. The family must make the request for a fair hearing within thirty (30) days from the date the notification was mailed by the Department. (7-1-97)T

318. CONTINUATION PENDING LOCAL HEARING DECISION.

The family may continue to receive assistance during the hearing process if the Department receives the request for continued benefits within ten (10) days from the date the notification was mailed. Assistance will be continued at the current month's level while the hearing decision is pending, unless the twenty-four (24) month limit is reached or another change affecting the family's eligibility occurs. (7-1-97)T

319. -- 323. (RESERVED).

324. INTENTIONAL PROGRAM VIOLATIONS (IPV).

An IPV is an intentionally false or misleading action or statement made to establish or maintain eligibility. The Department investigates and refers appropriate cases for IPV determination, which may include a referral for the prosecution of fraud. An IPV will be established as listed in Subsections 324.01 through 324.04. (7-1-97)T

01. Admission. When a family member admits the IPV in writing and waives the right to an administrative hearing. (7-1-97)T

02. Hearing. By an administrative hearing. (7-1-97)T

03. Court Decision. By a court decision. (7-1-97)T

04. Deferred Adjudication. By deferred adjudication. (7-1-97)T

325. DEFERRED ADJUDICATION.

Deferred adjudication exists when one (1) of the conditions listed in Subsections 325.01 and 325.02 is met. (7-1-97)T

01. Meets Terms of Court Order. The court does not issue a determination of guilt because the accused family member meets the terms of a court order. (7-1-97)T

02. Agreement With Prosecutor. The court does not issue a determination of guilt because the accused family member meets the terms of an agreement with the prosecutor. (7-1-97)T

326. DISQUALIFICATION FOR IPV.

If an IPV determination is made, the entire family is not eligible for the periods of time listed in Subsections 326.01 through 326.03. (7-1-97)T

01. First Offense. Twelve (12) months for the first IPV or fraud offense, or the length of time specified by the court. (7-1-97)T

02. Second Offense. Twenty-four (24) months for the second IPV or fraud offense, or the length of time specified by the court. (7-1-97)T

03. Third Offense. Permanent disqualification when a third or subsequent offense is committed, or for the length of time specified by the court. (7-1-97)T

327. -- 331. (RESERVED).

332. REVIEW OF PERSONAL RESPONSIBILITY CONTRACT AND ELIGIBILITY.

The PRC and eligibility are reviewed on an ongoing basis and when a change occurs that may affect eligibility. (7-1-97)T

333. PRC MODIFICATIONS.

If the participant cannot meet a PRC condition, the participant must notify the Department. Either the participant or the Department may initiate renegotiation or modification of the PRC when conditions change. (7-1-97)T

334. NOT COMPLYING WITH CONDITIONS OF PRC.

If the participant does not comply with a requirement of the PRC, without good cause, the penalty specified in the rules addressing the activity is imposed. The Department's non-compliance with a PRC requirement is good cause. (7-1-97)T

335. -- 339. (RESERVED).

340. EXTENDED CASH ASSISTANCE (ECA).

Extended Cash Assistance (ECA) may be provided to families who have received twenty-four (24) months of assistance. All eligibility criteria apply to ECA. (7-1-97)T

341. EXTENDED CASH ASSISTANCE APPLICATION.

No application is required for ECA for families receiving temporary cash assistance. For all other families an application is required. (7-1-97)T

342. EXTENDED CASH ASSISTANCE ADDITIONAL ELIGIBILITY CRITERIA.

In addition to all the eligibility requirements for TAFI, all adults in the family must meet one (1) of the conditions listed in Subsections 342.01 through 342.03. (7-1-97)T

01. Physical Condition. A physical or mental condition expected to last at least three (3) months. The condition must prevent any employment that would generate earnings of at least one hundred sixty-seven percent (167%) of the maximum grant, per month. (7-1-97)T

02. Care of Ill or Incapacitated Family Member. Care of an ill or incapacitated child or spouse in the home. The in-home care must be provided for a minimum of one (1) month. The care must prevent any employment that would generate earnings of at least one hundred sixty-seven percent (167%) of the maximum grant, per month. (7-1-97)T

343. EXTENDED CASH ASSISTANCE APPROVAL.

If ECA is approved, the Notice of Decision must provide the family the information listed in Subsections 343.01 through 343.04. (7-1-97)T

01. Approval. The length of time of ECA approval, (7-1-97)T

02. Amount. The ECA amount, (7-1-97)T

03. Review. The next ECA review date, (7-1-97)T

04. Review Information. Advise the family of any information that may be required at the next review. (7-1-97)T

344. EXTENDED CASH ASSISTANCE TIME LIMITS.

There are no time limits for ECA, but all adults in the family must continue to meet both ECA and temporary cash assistance eligibility criteria. (7-1-97)T

345. -- 999. (RESERVED).

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.09 - RULES GOVERNING MEDICAL ASSISTANCE
DOCKET NO. 16-0309-9706

NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: These temporary rules are effective October 20, 1996.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 56-202(b), 56-203(g) and 56-203, Idaho Code.

PUBLIC HEARING SCHEDULE: Pursuant to Section 67-5222(2), Idaho Code, 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 May 21, 1997.

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: Temporary rules have been adopted in accordance with Section 67-5226, Idaho Code and are necessary in order to comply with deadline in amendments to governing law or federal programs.

Changes are made to the Department's Preadmission Screening and Annual Resident Review rules (Section 16.03.09.160) to conform with the removal of the Annual Resident Review requirements of the Social Security Act. Nursing facilities are now required to notify the Department if a "significant change" in client condition occurs which would affect the client's mental illness or developmental disability status.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary or proposed rule, contact Lloyd Forbes at (208) 334-5795.

Anyone can submit written comments regarding this rule. All written comments and data concerning the rule must be directed to the undersigned and must be postmarked on or before May 28, 1997.

DATED this 7th day of May, 1997.

STACI WELSH
Administrative Procedures Coordinator
DHW - Division of Legal Services
450 West State Street, 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
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TEXT OF DOCKET NO. 16-0309-9706

160. LONG-TERM CARE.

01. Care and Services Provided. (1-16-80)

a. Nursing Facility Care. The minimum content of care and services for nursing facility patients must include the following (see also Subsection 180.04): (7-1-94)

- i. Room and board; and (1-16-80)
 - ii. Bed and bathroom linens; and (1-16-80)
 - iii. Nursing care, including special feeding if needed; and (1-16-80)
 - iv. Personal services; and (1-16-80)
 - v. Supervision as required by the nature of the patient's illness; and (1-16-80)
 - vi. Special diets as prescribed by a patient's physician; and (1-16-80)
 - vii. All common medicine chest supplies which do not require a physician's prescription including but not limited to mouthwashes, analgesics, laxatives, emollients, burn ointments, first aid cream, protective creams and liquids, cough and cold preparations, and simple eye preparations; and (1-16-80)
 - viii. Dressings; and (1-16-80)
 - ix. Administration of intravenous, subcutaneous, and/or intramuscular injections and infusions, enemas, catheters, bladder irrigations, and oxygen; and (1-16-80)
 - x. Application or administration of all drugs; and (1-16-80)
 - xi. All medical supplies including but not limited to gauzes, bandages, tapes, compresses, cottons, sponges, hot water bags, ice bags, disposable syringes, thermometers, cellucotton or any other type of pads used to save labor or linen, and rubber gloves; and (1-16-80)
 - xii. Social and recreational activities; and (1-16-80)
 - xiii. Items which are utilized by individual patients but which are reuseable and expected to be available, such as bed rails, canes, crutches, walkers, wheel chairs, traction equipment, and other durable medical equipment. (11-10-81)
- b. Intermediate Care-Mentally Retarded. The minimum content of care and services for ICF/MR must include the services identified in Subsections 160.01.a and 180.08, and social and recreational activities. (7-1-94)
- c. Direct Care Staff. Direct Care staff in an ICF/MR are defined as the present on-duty staff calculated over all shifts in a twenty-four (24) hour period for each defined residential living unit. Direct care staff in an ICF/MR include those employees whose primary duties include the provision of hands-on, face-to-face contact with the clients of the facility. This includes both regular and live-in/sleep-over staff. It excludes professionals such as psychologists, nurses, and others whose primary job duties are not the provision of direct care, as well as managers/ supervisors who are responsible for the supervision of staff. (5-25-93)
- d. Level of Involvement. Level of involvement relates to the severity of an MA recipient's mental retardation. Those levels, in decreasing level of severity, are: profound, severe, moderate, and mild. (5-25-93)
- e. Direct Care Staffing Levels. The reasonable level of direct care staffing provided to an MA recipient in an ICF/MR setting will be dependent upon the level of involvement and the need for services and supports of the recipient as determined by the Department, or its representative, and will be subject to the following constraints: (7-1-94)
- i. Direct care staffing for a severely and profoundly retarded recipient residing in an ICF/MR must be a maximum of sixty-eight point twenty five (68.25) hours per week. (5-25-93)
 - ii. Direct care staffing for a moderately retarded recipient residing in an ICF/MR must be limited to a maximum of fifty-four point six (54.6) hours per week. (5-25-93)

iii. Direct care staffing for a mildly retarded recipient residing in an ICF/MR must be limited to a maximum of thirty four point one two five (34.125) hours per week. (5-25-93)

f. The annual sum total level of allowable direct care staff hours for each residential living unit will be determined in the aggregate as the sum total of the level of staffing allowable for each resident residing in that residential living unit as determined in Subsection 160.01.e. (5-25-93)

g. Phase-in Period. If enactment of Subsection 160.01.e. requires a facility to reduce its level of direct care staffing, a six (6) month phase-in period will be allowed from the date of the enactment of this section, without any resulting disallowances. Should disallowances result, the hourly rate of direct care staff used in determining disallowances will be the weighted average of the hourly rates paid to a facility's direct care staff, plus the associated benefits, at the end of the phase-in period. (5-25-93)

h. Exceptions. Should a provider be able to show convincing evidence documenting that the annual aggregate direct care hours as allowed under this section will compromise their ability to supply adequate care to the clients, as required by federal regulations and state rules, within an ICF/MR residential living unit and that other less costly options would not alleviate the situation, the Department will approve an additional amount of direct care hours sufficient to meet the extraordinary needs. (5-25-93)

02. Conditions of Payment. (2-25-93)

a. As a condition of payment by the Department for long-term care on behalf of MA recipients, each fully licensed long-term care facility is to be under the supervision of an administrator who is currently licensed under the laws of the state of Idaho and in accordance with the rules of the Bureau of Occupational Licenses. (5-25-93)

b. Nursing facilities and ICF/MR facilities will be reimbursed in accordance with Idaho Department of Health and Welfare Rules, Title 03, Chapter 10, "Rules Governing Medicaid Provider Reimbursement in Idaho." (5-25-93)

03. Post-eligibility Treatment of Income. Where an individual is determined eligible for MA participation in the cost of his long term care, the Department must reduce its payment to the long term care facility by the amount of his income considered available to meet the cost of his care. This determination is made in accordance with Idaho Department of Health and Welfare Rules, IDAPA 16.03.05.585, "Rules Governing Eligibility for Aid for Families with Dependent Children (AFDC)." (5-25-93)

a. The amount which the MA recipient receives from SSA as reimbursement for his payment of the premium for Part B of Title XVIII (Medicare) is not considered income for patient liability (see Subsection 165.02 and Idaho Department of Health and Welfare Rules, Title 03, Chapter 05, Subsection 522.02.c. "Rules Governing Eligibility for the Aged, Blind and Disabled (AABD).") (5-25-93)

b. Payment by the Department for the cost of long term care is to include the date of the recipient's discharge only if the discharge occurred after 3 p.m. If a Medicaid patient dies in a nursing home, his date of death is covered regardless of the time of occurrence. If an admission and a discharge occur on the same date, then one (1) day of care shall be deemed to exist. (11-1-86)

04. Payments for Periods of Temporary Absence. Payments may be made for reserving beds in long-term care facilities for recipients during their temporary absence if the facility charges private paying patients for reserve bed days, subject to the following limitations: (10-22-93)

a. Facility occupancy limits. Payment for periods of temporary absence from long term care facilities will not be made when the number of unoccupied beds in the facility on the day preceding the period of temporary absence in question is equal to or greater than the larger of: (4-6-83)

i. Five (5) beds; or (4-6-83)

ii. Five percent (5%) of the total number of licensed beds in the facility. (4-6-83)

b. Time limits. Payments for periods of temporary absence from long term care facilities will be made for:
(4-6-83)

i. Therapeutic home visits for other than ICF/MR residents of up to three (3) days per visit and not to exceed a total of fifteen (15) days in any consecutive twelve (12) month period so long as the days are part of a treatment plan ordered by the attending physician. (12-22-88)

ii. Therapeutic home visits for ICF/MR residents of up to thirty-six (36) days in any consecutive twelve (12) month period so long as the days are part of a written treatment plan ordered by the attending physician. Prior approval from the RMU must be obtained for any home visits exceeding fourteen (14) consecutive days. (10-22-93)

c. Limits on amount of payments. Payment for reserve bed days will be the lesser of the following:
(4-6-83)

i. Seventy-five percent (75%) of the audited allowable costs of the facility unless the facility serves only ICF/MR residents, in which case the payment will be one hundred percent (100%) of the audited allowable costs of the facility; or (12-22-88)

ii. The rate charged to private paying patients for reserve bed days. (4-6-83)

05. Payment Procedures. Each long term care facility must submit its claims to the Department in accordance with the procedures established by the Department. The Department will not pay for a claim in behalf of a MA recipient unless the information on the claim is consistent with the information in the Department's computer eligibility file. (11-10-81)

06. Long-Term Care Facility Responsibilities. In addition to the responsibilities set forth in Idaho Department of Health and Welfare Rules, Title 03, Chapter 10, "Rules Governing Medicaid Provider Reimbursement in Idaho," each long term care facility administrator, or his authorized representative, must report: (7-1-94)

a. The following information to the appropriate Field Office within three (3) working days of the date the facility has knowledge of: (7-13-89)

i. Any readmission or discharge of a recipient, and any temporary absence of a recipient due to hospitalization or therapeutic home visit; and (7-13-89)

ii. Any changes in the amount of a recipient's income; and (1-16-80)

iii. When a recipient's account has exceeded one thousand four hundred dollars (\$1,400) for a single individual or two thousand one hundred fifty dollars (\$2,150) for a married couple; and (11-10-81)

iv. Other information about a recipient's finances which potentially may affect eligibility for MA. (11-10-81)

b. PASARR. All Medicaid certified nursing facilities must participate in, cooperate with, and meet all requirements imposed by, the Preadmission Screening and ~~Annual~~ Additional Resident Review program (hereafter "PASARR") as set forth in 42 CFR, Part 483, Subpart C, which, pursuant to Idaho Code Section 67-5229, is incorporated by reference herein. (~~11-6-93~~)(10-20-96)T

i. Background and purpose. The purpose of these provisions is to comply with and implement the PASARR requirements imposed on the state by federal law. The purpose of those requirements is to prevent the placement of individuals with mental illness (MI) or mental retardation (MR) in a nursing facility (NF) unless their medical needs clearly indicate that they require the level of care provided by a nursing facility. This is accomplished by both pre-admission screening (PAS) and ~~annual~~ additional resident review (ARR). Individuals for whom it appears that a diagnosis of MI or MR is likely are identified for further screening by means of a Level I screen. The actual PASARR is accomplished through a Level II screen where it is determined whether, because of the individual's physical and mental condition, he or she requires the level of services provided by an NF. If the individual with MI or

MR is determined to require an NF level of care, it must also be determined whether the individual requires specialized services. PASARR applies to all individuals entering or residing in an NF, regardless of payment source.

(11-6-93)(10-20-96)T

ii. Policy. It is the policy of the Department that the difficulty in providing specialized services in the NF setting makes it generally inappropriate to place individuals needing specialized services in an NF. This policy is supported by the background and development of the federal PASARR requirements, including the narrow definition of MI adopted by federal law. While recognizing that there are exceptions, it is envisioned that most individuals appropriate for NF placement will not require services in excess of those required to be provided by NFs by 42 CFR 483.45. (11-6-93)

iii. Inter-agency agreement. The state Medicaid agency will enter into a written agreement with the state mental health and mental retardation authorities as required in 42 CFR 431.621(c). This agreement will, among other things, set forth respective duties and delegation of responsibilities, and any supplemental criteria to be used in making determinations. (11-6-93)

(a) The "State Mental Health Authority" (hereafter "SMHA") is the Division of Family and Community Services of the Department, or its successor entity. (11-6-93)

(b) The "State Mental Retardation or Developmental Disabilities Authority" (hereafter "SDDA") is the Division of Family and Community Services of the Department, or its successor entity. (11-6-93)

iv. Coordination. The PASARR process is a coordinated effort between the state Medicaid agency, the SMHA and SDDA, independent evaluators and NFs. PASARR activities, to the extent possible, will be coordinated through the Regional Medicaid Units (RMUs). RMUs will also be responsible for record retention and tracking functions. However, NFs are responsible for assuring that all screens are obtained and for coordination with the RMU, independent MI evaluators, the SMHA and SDDA, and their designees. Guidelines and procedures on how to comply with these requirements can be found in "Statewide PASARR Procedures," a reference guide. (11-6-93)

(a) Level I Screens. All required Level I reviews must be completed and submitted to the RMU, prior to admission to the facility. (11-6-93)

(b) Level II Screens. When a NF identifies an individual with MI and/or MR through a Level I screen, or otherwise, the NF is responsible for contacting the SMHA or SDDA (as appropriate), or its designee, and assuring that a level II screen is completed prior to admission to the facility, or in the case of an existing resident, completed in order to continue residing in the facility. (11-6-93)

(c) ~~Annual~~ Additional Resident Reviews (ARR). Those ~~An~~ individuals identified with MI and/or MR must be reviewed ~~annually as a condition of continued stay in the facility and a new determination made promptly after a significant change in his/her physical or mental condition. The facility must notify the RMU of any such change within two (2) working days of its occurrence. For the purpose of this section, significant change for the client's mental condition means a change which may require the provision of specialized services or an increase in such services. A significant change in physical condition is a change that renders the client incapable of responding to MI or D.D. program interventions.~~ (11-6-93)(10-20-96)T

v. Determinations. Determinations as to the need for NF care and determinations as to the need for specialized services should not be made independently. Such determinations must often be made on an individual basis, taking into account the condition of the resident and capability of the facility to which admission is proposed to furnish the care needed. When an individual identified with MI and MR is admitted to a NF, the NF is responsible for meeting that individual's needs, except for the provision of specialized services. (7-1-94)

(a) Level of care. (11-6-93)

(1) Individual determinations. Must be based on evaluations and data as required by these rules. (11-6-93)

(2) Categorical determinations. Recognizing that individual determinations of level of care are not

always necessary, those categories set forth as examples at 42 CFR 483.130(d) are hereby adopted as appropriate for categorical determinations. When NF level of care is determined appropriate categorically, the individual may be conditionally admitted prior to completion of the determination for specialized services. However, conditional admissions cannot exceed seven (7) days, except for respite admissions, which cannot exceed thirty (30) consecutive days in one (1) calendar year. (11-6-93)

(b) Specialized services. Specialized services for mental illness as defined in 42 CFR 483.120(a)(1), and for mental retardation as defined in 42 CFR 483.120(a)(2), are those services provided by the state which due to the intensity and scope can only be delivered by personnel and programs which are not included in the specialized rehabilitation services required of nursing facilities under 42 CFR 483.45. The need for specialized services must be documented and included in both the resident assessment instrument and the plan of care. (11-6-93)

(1) Individual determinations. Must be based on evaluations and data as required by these rules. (11-6-93)

(2) Group determinations. Categorical determinations that specialized services are not needed may be made in those situations permitted by 42 CFR 483.130. The same time limits, imposed by Subsection 160.06.b.v.(a)(2) shall apply. (11-6-93)

vi. Penalty for non-compliance. No payment shall be made for any services rendered by a NF prior to completion of the Level I screen and, if required, the Level II screen. Failure to comply with PASARR requirements for all individuals admitted or seeking admission may also subject a NF to other penalties as part of certification action under 42 CFR 483.20. (11-6-93)

vii. Appeals. Discharges, transfers, and preadmission screening and ~~annual~~ additional resident review (PASARR) determinations may be appealed to the extent required by 42 CFR, Part 483, Subpart E, which, pursuant to Idaho Code, 67-5229, is incorporated by reference herein. Appeals under this paragraph shall be made in accordance with the fair hearing provisions of the Idaho Department of Health and Welfare, "Rules Governing Contested Case Proceedings and Declaratory Rulings," IDAPA 16, Title 05, Chapter 03, Section 300. A Level I finding of MI or MR is not an appealable determination. It may be disputed as part of a Level II determination appeal. (11-6-93)(10-20-96)T

viii. Automatic repeal. In the event that the Preadmission Screening and Annual Resident Review program is eliminated or made non-mandatory by act of congress, the provisions of Subsection 160.06.b of this chapter shall cease to be operative on the effective date of any such act, without further action. (11-6-93)

07. Provider Application and Certification. (1-16-80)

a. A facility can apply to participate as a nursing facility. (7-1-94)

b. A facility can apply to participate as an ICF/MR facility. (1-16-80)

08. Licensure and Certification. (7-13-89)

a. Upon receipt of an application from a facility, the Licensing and Certification Agency must conduct a survey to determine the facility's compliance with certification standards for the type of care the facility proposes to provide to MA recipients. (7-13-89)

b. If a facility proposes to participate as a skilled nursing facility, Medicare (Title XVIII) certification and program participation is required before the facility can be certified for Medicaid. The Licensing and Certification Agency must determine the facility's compliance with Medicare requirements and recommend certification to the Medicare Agency. (7-1-94)

c. If the Licensing and Certification Agency determines that a facility meets Title XIX certification standards for nursing facility care or ICF/MR, the Section must certify to the appropriate branch of government that the facility meets the standards for NF or ICF/MR types of care. (7-1-94)

d. Upon receipt of the certification from the Licensing and Certification Agency, the Bureau may enter into a provider agreement with the long-term care facility. (7-13-89)

e. After the provider agreement has been executed by the Facility Administrator and by the Chief of the Bureau, one (1) copy must be sent by certified mail to the facility and the original is to be retained by the Bureau. (11-10-81)

09. Determination of Entitlement to Long-Term Care. Entitlement to MA participation in the cost of long-term care exists when the individual is eligible for MA and the RNR has determined that the individual meets the criteria for NF or ICF/MR care and services. Entitlement must be determined prior to authorization of payment for such care for an individual who is either a recipient of or an applicant for MA. (7-1-94)

a. The criteria for determining a MA recipient's need for either nursing facility care or intermediate care for the mentally retarded must be as set forth in Subsections 180.03 or 180.08. In addition, the IOC/UC nurse must determine whether a MA recipient's needs could be met by non-inpatient alternatives including, but not limited to, remaining in an independent living arrangement or residing in a room and board situation. (7-1-94)

b. The recipient can select any certified facility to provide the care required. (11-10-81)

c. The final decision as to the level of care required by a MA recipient must be made by the IOC/UC Nurse. (7-1-94)

d. The final decision as to the need for DD or MI active treatment must be made by the appropriate Department staff as a result of the Level II screening process. (7-13-89)

e. No payment must be made by the Department on behalf of any eligible MA recipient to any long-term care facility which, in the judgment of the IOCT/UCT is admitting individuals for care or services which are beyond the facility's licensed level of care or capability. (7-1-94)

10. Authorization of Long-Term Care Payment. If it has been determined that a person eligible for MA is entitled to MA participation in the cost of long-term care, and that the facility selected by the recipient is licensed and certified to provide the level of care the recipient requires, the Field Office will forward to such facility an "Authorization for Long-Term Care Payment" form HW 0459. (7-1-94)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.10 - RULES GOVERNING PROVIDER REIMBURSEMENT
DOCKET NO. 16-0310-9701

NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: These temporary rules are effective July 1, 1997.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 56-202(b) and 56-203(g), Idaho Code.

PUBLIC HEARING SCHEDULE: Pursuant to Section 67-5222(2), Idaho Code, 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 May 21, 1997.

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: Temporary rules have been adopted in accordance with Section 67-5226, Idaho Code and are necessary in order to protect the public health, safety, or welfare.

This rulemaking clarifies the existing description of nonallowable Medicare costs.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary or proposed rule, contact Judith Shipley at (208) 334-0607.

Anyone can submit written comments regarding this rule. All written comments and data concerning the rule must be directed to the undersigned and must be postmarked on or before May 28, 1997.

DATED this 7th day of May, 1997.

STACI WELSH
Administrative Procedures Coordinator
DHW - Division of Legal Services
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TEXT OF DOCKET NO. 16-0310-9701

115. NONALLOWABLE COSTS.

In the absence of convincing evidence to the contrary, expenses listed below will be considered nonreimbursable.

- | | |
|---|------------|
| | (1-16-80) |
| 01. Charity Allowances. Cost of free care or discounted services. | (1-16-80) |
| 02. Nonpatient Care Related Activities. All activities not related to patient care. | (1-16-80) |
| 03. Accelerated Depreciation. Depreciation in excess of straight line except as otherwise provided (see Subsection 354.04.c.ii.). | (12-31-91) |

04. Related Party Interest. Interest on related party loans (see HIM-15, Sections 218.1 and 218.2). (1-16-80)
05. Related Party Nonallowable Costs. All costs not allowable to providers are not allowable to a related party, whether or not they are allocated. (1-16-80)
06. Acquisitions. Cost of corporate acquisitions, e.g., purchase of corporate stock as an investment. (1-16-80)
07. Holding Companies. All home office costs associated with holding companies are not allowable (HIM-15, Section 2150.2A). (1-16-80)
08. Related Party Refunds. All refunds, allowances, terms, etc., shall be deemed to be allocable to the members of related organizations, on the basis of their participation in the related purchases, costs, etc. (1-16-80)
09. Fund Raising. Certain fund raising expenses (HIM-15, Section 2136.2). (1-16-80)
10. Vending Machines. Costs of vending machines. Barber and beauty shops. (1-16-80)
11. Organization. Organization costs (see HIM-15, Section 2134 and subsections of Section 2134 for specifics). (1-16-80)
12. Fees. Franchise fees (HIM-15, Section 2133.1). (1-16-80)
13. Medicare-Covered Costs. Any costs incurred by Medicare certified facilities which are covered by attributable to Medicare Part A or Part B, including the overhead costs relating to these services. ~~(1-1-82)~~(7-1-97)T
14. Yellow Pages Advertising. Telephone book yellow page advertising costs in excess of the base charge for a quarter column advertisement for each telephone book advertised in. (1-1-82)
15. Consultant Fees. Costs related to the payment of consultant fees in excess of the lowest rate available to a facility. It is the provider's responsibility to make efforts to obtain the lowest rate available to that facility. The efforts may include personally contacting possible consultants and/or advertising. The lowest rate available to a facility is the lower of the actual rate paid by the facility or the lowest rate available to the facility, as determined by departmental inquiry directly to various consultants. Information obtained from consultants will be provided to facilities. Costs in excess of the lowest rate available will be disallowed effective thirty (30) days after a facility is notified pursuant to Subsection 115.15.b, unless the provider shows by clear and convincing evidence it would have been unable to comply with state and federal standards had the lowest rate consultant been retained or that it tried to but was unable to retain the lowest rate consultant. This Subsection in no way limits the Department's ability to disallow excessive consultant costs under other Sections of this chapter, such as 100 or 121, when applicable. (10-1-96)T
16. Goodwill. Costs associated with goodwill as defined in Subsection 003.27 of these rules. (10-1-96)T
17. Interest. Interest to finance nonallowable costs. (10-1-96)T
18. Property Costs. Costs reimbursed based on a property rental rate according to other provisions of these rules. (10-1-96)T

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT
39.02.71 - RULES GOVERNING DRIVERS LICENSE VIOLATION POINT COUNT SYSTEM
DOCKET NO. 39-0271-9602
NOTICE OF FINAL RULE

EFFECTIVE DATE: This rule became final on March 14, 1997, upon signature of the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a final rule. The action is authorized pursuant to Section 49-326, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a summary of the reasons for adopting the final rule and any amendments to the initial proposed text:

Pursuant to House Concurrent Resolution 17, the 1997 Legislature rejected specific portions of this docket. Sections 001, 300, and 400 were adopted as final. To view these Sections, see the July 3, 1997 Bulletin, Volume 96-7. The changes to Sections 100 were rejected and will revert back to the original text. To view Section 100, see Idaho Administrative Code Volume 9. Section 200 was rejected and, at the recommendation of the Legislature, is being repromulgated in docket number 39-0271-9701 following this notice.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions, concerning this final rule, contact Jane Caviness, at (208) 334-8700.

DATED this 19th day of March, 1997.

Linda L. Emry, Administrative Secretary
Office of Budget, Policy, Intergovernmental Relations
Idaho Transportation Department
P O Box 7129
Boise ID 83707-1129
Phone: (208) 334-8810
FAX: (208) 334-8195

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT
39.02.71 - RULES GOVERNING DRIVERS LICENSE VIOLATION POINT COUNT SYSTEM
DOCKET NO. 39-0271-9701
NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: These temporary rules are effective March 19, 1997.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed regular rule-making procedures have been initiated. The action is authorized pursuant to Section 49-326, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rule-making will be held as follows:

Pursuant to Section 67-5222(2), Idaho Code, public hearings will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency no later than May 21, 1997.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodations 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 rule-making:

This amended rule is being promulgated in order to (1) comply with 1996 Senate Bill 1432, regarding increased interstate highway speed limits and (2) to allow the assessment of three (3) violation points for speeding in a Construction Danger Zone and allow the removal of violation points for completing an approved defensive driving class (common practice in Idaho since 1973), in compliance with 1996 House Bill 670. Pursuant to House Concurrent Resolution 17, the Idaho Transportation Department was instructed to immediately adopt a temporary rule to replace the rejected rule. (Violation points were reduced from four (4) to three (3) at the request of the 1997 Legislature.)

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

To be in compliance with amendments to governing law.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions, concerning this final rule, contact Jane Caviness, at (208) 334-8700.

Anyone may submit written comments regarding this temporary and proposed rule-making. All written comments must be directed to the undersigned and must be delivered on or before May 28, 1997.

DATED this 19th day of March, 1997.

Linda L. Emry, Administrative Secretary
Office of Budget, Policy, Intergovernmental Relations
Idaho Transportation Department
P O Box 7129
Boise ID 83707-1129
Phone: (208) 334-8810
FAX: (208) 334-8195

TEXT OF DOCKET NO. 39-0271-9701

200. LIST OF MOVING TRAFFIC CONVICTIONS AND/OR VIOLATIONS POINT COUNT.

Idaho Code	Convictions Reported By Court	Point Count
49-801	OBEDIENCE TO AND REQUIRED TRAFFIC CONTROL DEVICES	three (3)
49-802	TRAFFIC CONTROL SIGNAL LEGEND	three (3)
49-804	FLASHING SIGNALS	three (3)
49-630	DRIVE ON RIGHT SIDE OF ROADWAY - EXCEPTIONS	three (3)
49-631	PASSING VEHICLES PROCEEDING IN OPPOSITE DIRECTIONS	two (2)
49-632	OVERTAKING A VEHICLE ON THE LEFT	three (3)
49-633	WHEN PASSING ON THE RIGHT IS PERMITTED	two (2)
49-634	LIMITATIONS ON OVERTAKING ON THE LEFT	three (3)
49-635	FURTHER LIMITATIONS ON DRIVING ON LEFT OF CENTER OF HIGHWAY	three (3)
49-202(22)	NO PASSING ZONES	four (4)
49-636	ONE-WAY HIGHWAYS	one (1)
49-637	DRIVING ON HIGHWAYS LANED FOR TRAFFIC	one (1)
49-638	FOLLOWING TOO CLOSELY	three (3)
49-640	VEHICLE APPROACHING OR ENTERING INTERSECTION	three (3)
49-641	VEHICLE TURNING LEFT	three (3)
49-807	STOP SIGNS AND YIELD SIGNS	three (3)
49-642	VEHICLE ENTERING HIGHWAY	three (3)
49-625	OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY OR POLICE VEHICLES	three (3)
49-644	REQUIRED POSITION AND METHOD OF TURNING	three (3)
49-645	LIMITATIONS ON TURNING AROUND	three (3)
49-603	STARTING PARKED VEHICLE	two (2)
49-808	TURNING MOVEMENTS AND REQUIRED SIGNALS	three (3)
49-648	OBEDIENCE TO SIGNAL INDICATING APPROACH OF TRAIN	four (4)
49-649	COMPLIANCE WITH STOPPING REQUIREMENT AT ALL RAILROAD GRADE CROSSING	four (4)
49-651	EMERGING FROM ALLEY, DRIVEWAY OR BUILDING	three (3)

Idaho Code	Convictions Reported By Court	Point Count
49-654	BASIC RULE AND MAXIMUM SPEED LIMITS	three (3) four (4)
49-655	MINIMUM SPEED REGULATION	three (3)
49-656	SPECIAL SPEED LIMITATIONS	three (3) four (4)
49-604	LIMITATIONS ON BACKING	one (1)
49-702	PEDESTRIANS' RIGHT OF WAY IN CROSSWALKS	three (3)
49-615	DRIVERS TO EXERCISE DUE CARE	three (3)
49-616	DRIVING THROUGH SAFETY ZONE PROHIBITED	two (2)
49-1302	DUTY TO GIVE INFORMATION IN ACCIDENT INVOLVING DAMAGE TO A VEHICLE	four (4)
49-1303	DUTY UPON STRIKING UNATTENDED VEHICLE	four (4)
49-1304	DUTY UPON STRIKING FIXTURES UPON OR ADJACENT TO A HIGHWAY	four (4)
49-1401(3)	INATTENTIVE DRIVING	three (3)
49-1419	OBEDIENCE TO TRAFFIC DIRECTION	two (2)
49-1421(1)	DRIVING ON DIVIDED HIGHWAYS	one (1)
49-1421(2)	RESTRICTED ACCESS	one (1)
49-1422	OVERTAKING AND PASSING SCHOOL BUS	four (4)
49-1424	RACING ON PUBLIC HIGHWAYS	four (4)
49-1424	EXHIBITION OF SPEED	four (4)
49-1424	EXCESSIVE ACCELERATION	four (4)

Idaho Code	Convictions Reported By Court	Point Count
49-603	STARTING PARKED VEHICLE	two (2)
49-604	LIMITATIONS ON BACKING	one (1)
49-615	DRIVERS TO EXERCISE DUE CARE	three (3)
49-616	DRIVING THROUGH SAFETY ZONE PROHIBITED	two (2)
49-634	LIMITATIONS ON OVERTAKING ON THE LEFT	three (3)
49-635	FURTHER LIMITATIONS ON DRIVING ON LEFT OF CENTER OF HIGHWAY	three (3)
49-636	ONE-WAY HIGHWAYS	one (1)
49-637	DRIVING ON HIGHWAYS LANED FOR TRAFFIC	one (1)
49-638	FOLLOWING TOO CLOSELY	three (3)

Idaho Code	Convictions Reported By Court	Point Count
<u>49-640</u>	<u>VEHICLES APPROACHING OR ENTERING UNMARKED OR UNCONTROLLED INTERSECTION</u>	<u>three (3)</u>
<u>49-641</u>	<u>VEHICLE TURNING LEFT</u>	<u>three (3)</u>
<u>49-642</u>	<u>VEHICLE ENTERING HIGHWAY</u>	<u>three (3)</u>
<u>49-644</u>	<u>REQUIRED POSITION AND METHOD OF TURNING</u>	<u>three (3)</u>
<u>49-645</u>	<u>LIMITATIONS ON TURNING AROUND</u>	<u>three (3)</u>
<u>49-648</u>	<u>OBEDIENCE TO SIGNAL INDICATING APPROACH OF TRAIN</u>	<u>four (4)</u>
<u>49-649</u>	<u>COMPLIANCE WITH STOPPING REQUIREMENT AT ALL RAILROAD GRADE CROSSING</u>	<u>four (4)</u>
<u>49-651</u>	<u>EMERGING FROM ALLEY, DRIVEWAY OR BUILDING</u>	<u>three (3)</u>
<u>49-654</u>	<u>BASIC RULE AND MAXIMUM SPEED LIMITS</u>	<u>three (3)</u> <u>four (4)</u>
<u>49-655</u>	<u>MINIMUM SPEED REGULATION</u>	<u>three (3)</u>
<u>49-656</u>	<u>SPECIAL SPEED LIMITATIONS</u>	<u>three (3)</u> <u>four (4)</u>
<u>49-657</u>	<u>CONSTRUCTION DANGER ZONE SPEED LIMITS</u>	<u>three (3)</u>
<u>49-1303</u>	<u>DUTY UPON STRIKING UNATTENDED VEHICLE</u>	<u>four (4)</u>
<u>49-1304</u>	<u>DUTY UPON STRIKING FIXTURES UPON OR ADJACENT TO A HIGHWAY</u>	<u>four (4)</u>
<u>49-1401(3)</u>	<u>INATTENTIVE DRIVING</u>	<u>three (3)</u>
<u>49-1419</u>	<u>OBEDIENCE TO TRAFFIC DIRECTION</u>	<u>two (2)</u>
<u>49-1421(1)</u>	<u>DRIVING ON DIVIDED HIGHWAYS</u>	<u>one (1)</u>
<u>49-1421(2)</u>	<u>RESTRICTED ACCESS</u>	<u>one (1)</u>
<u>49-1422</u>	<u>OVERTAKING AND PASSING SCHOOL BUS</u>	<u>four (4)</u>
<u>49-1424</u>	<u>RACING ON PUBLIC HIGHWAYS</u>	<u>four (4)</u>
<u>49-1424</u>	<u>EXHIBITION OF SPEED</u>	<u>four (4)</u>
<u>49-1424</u>	<u>EXCESSIVE ACCELERATION</u>	<u>four (4)</u>

(3-14-97)T

IDAPA 39 – DEPARTMENT OF TRANSPORTATION
39.03.60 – RULES GOVERNING OUTDOOR ADVERTISING
DOCKET NO. 39-0360-9701

NOTICE OF PENDING RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 1998 Idaho State Legislature for final adoption. The pending rule becomes final and effective July 1, 1998, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Section 40-312, Idaho Code.

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

This amended rule is being promulgated to further ensure the safety of the traveling public in and around interchange control areas by prohibiting the erection of signs that create visual distractions. Senate Concurrent Resolution 117 rejected the temporary rule as submitted. At the request of the Legislature, Section 300(03)(h) has been revised to grant grandfather rights to permitted, existing displays.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Bill Fowler, at (208) 334-8518.

DATED this 19th day of March, 1997

Linda L. Emry
P O Box 7129
Boise ID 83707-1129
Phone (208) 334-8810
FAX: (208) 334-8195

TEXT OF DOCKET NO. 39-0360-9701

300. DISPLAYS LOCATED WITHIN ZONED OR UNZONED INDUSTRIAL, BUSINESS OR COMMERCIAL AREAS.

01. Size of Signs. Within zoned and unzoned commercial, business, or industrial areas, and pursuant to the directive of Section 40-312, Idaho Code, no advertising display shall exceed the following size limits: (12-26-90)

- a. Maximum area - one thousand (1000) square feet; (12-26-90)
- b. Maximum height - thirty (30) feet; (12-26-90)
- c. Maximum length - fifty (50) feet. (12-26-90)

02. Dimensions. All dimensions include border, trim, cutouts, and extensions, but exclude supports and decorative bases. Sign face area shall be measured by the smallest square, rectangle, triangle, circle, or combination

thereof which will encompass the entire advertising device including border, trim, cutout, and ex-tension, but excluding supports and decorative bases. (12-26-90)

03. Spacing of Advertising Displays. Within zoned and unzoned commercial, business, or industrial areas, as defined in Section 010 herein and pursuant to directive of Section 40-1912, Idaho Code, the following spacing regulations shall apply: (12-26-90)

a. Advertising displays on interstate, primary freeway and primary highways may not be located in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal, or device, or to obstruct or interfere with the driver's view of approaching, merging, or intersecting traffic. (12-26-90)

b. Advertising displays on interstate, primary freeway and primary highways may not be located within five hundred (500) feet of any of the following which are adjacent to the highway: public parks; public forests; public playgrounds; scenic areas designated as such by the Department or other State agencies having and exercising such authority. (12-26-90)

c. In a case where the highway passes beneath a railroad overpass or beneath a highway grade separation structure where no traffic connection between the crossing highways is provided, no advertising display may be located on the road passing beneath the structure within a distance of five hundred (500) feet from the nearest edge of the overhead route. (12-26-90)

d. Measurement between signs or from a sign to another feature shall be made horizontally along the pavement edge nearest the signs, between points directly opposite the signs or other features. The point of the sign nearest to the highway shall be used to determine the measurement point. (12-26-90)

e. Two (2) sign faces will be permitted at a single location, arranged side by side, back to back, or in a V-type configuration, but shall be considered as one (1) sign for spacing regulation. The combined face area of two (2) signs erected side by side shall not exceed one thousand (1000) square feet facing in any one (1) direction. (12-26-90)

f. Signs erected by public agencies or officers and on-premise signs, as defined in Section 010 of this rule, shall not be counted nor shall measurements be made from them for determining compliance with spacing requirements. (12-26-90)

g. Spacing on interstate and primary freeway highways between advertising displays along each side of the highway shall be a minimum of five hundred (500) feet. (12-26-90)

h. No advertising display on interstate and primary freeway highways shall be erected or maintained within one thousand (1000) feet of an interchange or rest area with the exception of permitted, existing displays which shall have grandfather rights. The minimum spacing between displays as set forth herein for interstate and primary freeway highways shall govern the actual location of any sign display permitted within this zone. No advertising display subject to this regulation shall be permitted along any interstate or primary freeway highways within the actual "interchange area," defined as commencing or ending at the beginning or ending of pavement widening at the exit or entrance to the main traveled way of the interstate or primary freeway. (12-1-96)T(12-1-96)T

i. The location of signs on primary highways shall conform to the following minimum spacing criteria, to be applied to each side of the primary highway as follows: minimum spacing between signs will be one hundred (100) feet within any urban area; and minimum spacing between signs outside of any urban area shall be one hundred (100) feet provided the number of signs shall not exceed the length of the area measured along the centerline of the highway divided by two hundred and fifty (250) feet; two (2) signs will be permitted at a single location, either double faced, V-type, or back to back, but shall be considered to be one (1) sign for the purpose of spacing regulation. A sign structure may contain one (1) or more advertisements per facing but the maximum area per facing shall not exceed one thousand (1000) square feet but shall be considered one (1) sign for the purpose of spacing regulation. (12-26-90)

j. Where intersections are more than five hundred (500) feet apart, no off-premise advertising display

will be permitted within one hundred (100) feet from the right-of-way line of the intersecting road unless buildings or structures control cross vision; then advertising displays may be permitted up to and on top of the intervening structures. (12-26-90)

k. When intersections are five hundred (500) feet or less apart, off-premise advertising displays will be permitted a minimum of fifty (50) feet from the right-of-way line of the intersecting road; however, all advertising displays between fifty (50) feet and one hundred (100) feet from the right-of-way line of the intersecting road must have the lower extremities of the advertising display (excluding posts) not less than fourteen (14) feet above the traveled way of the roads affected by the intersection for visibility under the signs by road users. Advertising displays may be permitted within one hundred (100) feet of the intersecting road's right-of-way when buildings or structures control cross vision; but such displays must not be located so as to cause greater restriction to vision than the existing buildings or structures. (12-26-90)

l. Alleys, undeveloped rights-of-way, private roads and driveways shall not be regarded as intersecting streets, roads or highways. (12-26-90)

m. Advertising structures may not be located within five hundred (500) feet of the point of pavement widening at the entrance or exit to a rest area, weight checking station, port of entry or other State-operated facility for the use of motorists. (12-26-90)

04. Lighting. (12-26-90)

a. No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device, or signal. (12-26-90)

b. Section 40-1910, Idaho Code, prohibits advertising structures which are visible from any interstate, primary freeways or primary highway and display any red or blinking intermittent light likely to be mistaken for a warning or danger signal. (12-26-90)

c. Section 40-1910, Idaho Code, prohibits advertising displays which include any illumination of such brilliance and so positioned as to blind or dazzle the vision of travelers on adjacent interstate, primary freeways and primary highways. (12-26-90)

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT
39.04.08 - RULES GOVERNING OPERATIONS AT STATE AIRPORTS

DOCKET NO. 39-0408-9601

NOTICE OF FINAL RULE

EFFECTIVE DATE: The final rule will be effective upon adoption of the concurrent resolution or such other date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a final rule. The actions authorized pursuant to Section 21-111, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a summary of the reasons for adopting the final rule and any amendments to the initial proposed text:

Pursuant to House Concurrent Resolution No. 18, the 1997 Legislature rejected specific portions of this docket. Sections 001, 010, and 400 were adopted as final. To view these Sections see the July 3, 1996 Bulletin, Volume 96-7. Section 300 is being repromulgated in Docket No. 39-0408-9701 following this notice.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this final rule, contact Mark Young, at (208) 334-8893.

DATED this 19th day of March, 1997

Linda L Emry, Administrative Secretary
Office of Budget, Policy, Intergovernmental Relations
Idaho Transportation Department
P.O. Box 7129
Boise, ID 83707-1129
Phone: (208) 334-8804
FAX: (208) 334-8195

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT
39.04.08 - RULES GOVERNING OPERATIONS AT STATE AIRPORTS
DOCKET NO. 39-0408-9701
NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: These temporary rules are effective March 14, 1997.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed regular rule-making procedures have been initiated. The action is authorized pursuant to Section 21-111, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rule-making will be held as follows:

Pursuant to Section 67-5222(2), Idaho Code, public hearings will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency no later than May 21, 1997. 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 rule-making.

The purpose of promulgating this rule is to provide for the control of at-large animals on state airports and in adjacent campgrounds. Pursuant to House Concurrent Resolution 18, the 1997 Legislature requested revised language to designate "domestic" animals in Section 300.

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

Pursuant to House Concurrent Resolution 18, the Idaho Transportation Department was instructed to immediately adopt a temporary rule to replace the rejected rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Mark Young, (208) 334-8893.

Anyone may submit written comments regarding this temporary and proposed rule-making. All written comments must be directed to the undersigned and must be delivered on or before May 28, 1997.

Dated this 19th day of March, 1997

Linda L. Emry, Administrative Secretary
Office of Budget, Policy, Intergovernmental Relations
Idaho Transportation Department
P O Box 7129
Boise ID 83707-1129
Phone (208) 334-8810
FAX (208) 334-8195

TEXT OF DOCKET NO. 39-0408-9701

300. VEHICLES, DOMESTIC ANIMALS, BAGGAGE, AND OBJECTS.

01. Parking. No person shall operate or park any vehicle on an airport without prior approval of the Division. Vehicles authorized on an airport will not be operated on the runway or parked so as to occupy or block designated tiedowns or loading areas, except that temporary parking necessary for actual loading or unloading of baggage or objects is allowed if no hazard is thus created. Vehicles shall be parked only in designated parking areas. (1-2-93)

02. Domestic Animals. No person shall allow any domestic animal on an airport, taxiway or adjacent camping area without its being on a leash beyond the minimum time necessary for the loading or unloading of such animal into or from an aircraft without prior approval of the Division. ~~(1-2-93)~~(3-14-97)T

03. Livestock. No person shall allow livestock to graze on airport property without permission from the Division. (1-2-93)

04. Domestic Animal Droppings. No person shall allow domestic animal droppings to be left on an airport, a loading area or in an adjacent camping area. ~~(7-20-89)~~(3-14-97)T

05. Unattended Objects or Baggage. No person shall place any unattended objects or baggage in a tiedown area when such placement creates a hazard, or restricts aircraft parking in such a way that displaced aircraft create a hazard. (7-20-89)

IDAPA 41 - PUBLIC HEALTH DISTRICTS
41.08.01 - RULES GOVERNING APPEAL FROM ADMINISTRATIVE DECISION
AND REQUEST FOR HEARING

DOCKET NO. 41-0801-9701

NOTICE OF PROPOSED RULE

AUTHORITY: In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that these agencies proposed rule making. The action is authorized pursuant to Title 39, Chapter 4 and Title 39, Chapter 36, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rule-making will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than May 21, 1997.

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 rule-making:

Public Health Districts 2, 3, 4, 5, 6, and 7 perceive a need for a process to be used by citizens of the districts and by Public Health Districts 2, 3, 4, 5, 6, and 7 to address citizen grievances regarding administrative decisions made by Public Health Districts 2, 3, 4, 5, 6, and 7.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rule-making was not conducted because this rule confers a general benefit to all citizens within the districts and no specific group(s) of stakeholders beyond all citizens is identifiable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the proposed rule, contact: Tom Turco Phone Number: (208) 327-8520

Anyone may submit written comments regarding this rule. All written comments and data concerning the rule must be directed to the undersigned and must be postmarked or delivered on or before May 28, 1997.

DATED this March 19, 1997

Kathy Holley
Director
Public Health District 4
707 North Armstrong Place
Boise, ID 83704
Phone Number: (208) 327-8502
FAX Number: (208) 327-8500

TEXT OF DOCKET NO. 41-0801-9701

IDAPA 41
TITLE 08
Chapter 01

41.08.01 - APPEAL FROM ADMINISTRATIVE DECISION AND REQUEST FOR HEARING

000. LEGAL AUTHORITY.

Title 39, Chapter 4 and Title 39, Chapter 36, Idaho Code, grants authority to Public Health Districts to adopt rules, regulations and standards to protect the environment and health of the Public Health Districts. ()

001. TITLE AND SCOPE.

01. Title. These rules shall be known as Public Health District, "Appeal from Administrative Decision and Request for Hearing". ()

02. Scope. The provisions of these rules establish the procedure for appeal from administrative decision and request for hearing. ()

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(16)(b)(iv), Idaho Code, this agency has written statements which pertain to the interpretation of the rules of this chapter. ()

003. DEFINITIONS.

01. Board of Health. Means the Boards of Health for Public Health Districts 2, 3, 4, 5, 6, and 7. ()

02. District Director. Means the District Director of Public Health Districts 2, 3, 4, 5, 6, and 7. ()

03. District Health Department. Means the jurisdictional public health districts as defined in Section 39-408, Idaho Code. ()

04. Division Director. Means any of the Division Directors for Public Health Districts 2, 3, 4, 5, 6, and 7. ()

05. Staff Member. Means any of the staff members of Public Health Districts 2, 3, 4, 5, 6, and 7. ()

06. Supervisor. Means any of the supervisors of Public Health Districts 2, 3, 4, 5, 6, and 7. ()

004. APPLICABILITY.

These rules are applicable to the citizens and district health departments of Public Health Districts 2, 3, 4, 5, 6, and 7. ()

005. -- 010. (RESERVED).

011. APPEAL OF STAFF MEMBER DECISION.

01. Citizen Appeal. Any citizen aggrieved by a decision made by a staff member of the District Health Department may submit an administrative appeal to a the District Health Department supervisor for review. ()

02. Format for Appeal. All administrative appeals shall be made in writing, and shall contain the following information: ()

a. The nature of the decision upon which the appeal is brought, including the code, ordinance, rule, or policy cited by the Staff Member to support the decision. ()

b. The ruling or decision desired by the appellant. ()

c. A statement identifying the code, ordinance, rule, or policy which supports the citizen's position. ()

d. The reason(s) why the citizen believes the code, ordinance, rule or policy has been misapplied.

()

012. BASIS FOR APPEAL OF STAFF MEMBER DECISION.

01. Supervisor Role. Each appeal request shall be submitted to a supervisor who shall determine whether the issue raised is tied to application of a statute, policy, or rule administered by the District Health Department, or whether the issue involves the substance of any statute, policy or rule. ()

02. Criteria for Appeal. An appeal is appropriate only in the instance of alleged misapplication of a state or health district statute, rule or policy. ()

013. PROCEDURE FOR APPEAL OF STAFF MEMBER DECISION.

01. Hearing Schedule. The staff member whose decision is being appealed shall assist the citizen to schedule a hearing before the supervisor as soon as the appeal can be accommodated. ()

() 02. Fee. No fee shall be charged to any appeal applicant whose case shall be brought before the supervisor.

() 03. Staff Member Representation. The staff member whose decision has been challenged shall be present.

() 04. Length of Presentations. Presentations shall be limited to ten (10) minutes for each citizen and ten (10) minutes for the staff member, unless extraordinary circumstances require otherwise as determined by the supervisor.

05. Staff Member Report. The staff member may submit a written explanation of decision for the supervisor's consideration prior to the start of the hearing. A copy of any such explanation shall be provided to the citizen at the time it is prepared for presentation to the supervisor. ()

014. REVIEW BY THE SUPERVISOR.

01. Decision. After hearing the request of a citizen, the supervisor shall affirm the staff member's decision, reverse the decision, or affirm the decision conditionally. ()

02. Format. The supervisor's decision in any such appeal shall be made in writing and shall set forth the reasons thereof. ()

015. APPEAL OF THE SUPERVISOR'S DECISION.

01. Division Director Role. An appeal of the supervisor's decision may be taken to a Division Director of the District Health Department, solely upon the record compiled in accordance with this procedure. ()

02. Format. Said appeal may be accompanied by a written explanation of the basis for appeal, not exceeding two (2) typewritten pages. ()

03. Options. The Division Director may request more information or may schedule oral presentations, if desired. ()

016. REVIEW BY THE DIVISION DIRECTOR.

01. Decision. After reviewing the request of a citizen, the Division Director shall affirm the supervisor's decision, reverse the decision, or affirm the decision conditionally. ()

02. Format. The Division Director's decision in any such appeal shall be made in writing and shall set forth the reasons thereof. ()

017. APPEAL OF THE DIVISION DIRECTOR'S DECISION.

01. District Director Role. An appeal of the Division Director's decision may be taken to the District Director of the District Health Department, solely upon the record compiled in accordance with this procedure. ()
02. Format. Said appeal may be accompanied by a written explanation of the basis for appeal, not exceeding two (2) typewritten pages. ()
03. Options. The District Director may request more information or may schedule oral presentations, if desired. ()

018. REVIEW BY THE DISTRICT DIRECTOR.

01. Decision. After reviewing the request of a citizen, the District Director shall affirm the Division Director's decision, reverse the decision, or affirm the decision conditionally. ()
02. Format. The District Director's decision in any such appeal shall be made in writing and shall set forth the reasons thereof. ()

019. APPEAL OF THE DISTRICT DIRECTOR'S DECISION.

01. Board of Health Role. An appeal of the District Director's decision may be taken to the Board of Health of the District Health Department, solely upon the record compiled in accordance with this procedure. ()
02. Format. Said appeal may be accompanied by a written explanation of the basis for appeal, not exceeding two (2) typewritten pages. ()
03. Options. The Board may request more information or may schedule oral presentations, if desired. ()
04. Final Agency Appeal. The Board of Health's decision shall be final in matters subject to the appeal procedure outlined herein. ()
05. Further Appeal. Further appeal outside the agency may be authorized by provisions of Idaho law. ()

020. REVIEW BY THE BOARD OF HEALTH.

01. Board of Health Decision. After reviewing the request of a citizen, the Board of Health shall affirm the District Director's decision, reverse the decision, or affirm the decision conditionally. ()
02. Format. The Board of Health decision in any such appeal shall be made in writing and shall set forth the reasons thereof. ()

021. -- 999. (RESERVED).

IDAPA 48 - DEPARTMENT OF COMMERCE
48.01.03 - RULES GOVERNING IDAHO REGIONAL TRAVEL
AND CONVENTION GRANT PROGRAM

DOCKET NO. 48-0103-9701

NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: These temporary rules are effective July 1, 1997.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed regular rule-making procedures have been initiated. The action is authorized pursuant to Chapter 216, Laws of 1981, the Idaho Travel and Convention Industry Bill, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rule-making will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than May 22, 1997.

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:

* Non Profit Submittal: Eligible applicants must include: (a) State of Idaho Certificate of Incorporation and Articles of Incorporation from the Secretary of State or a letter of determination from the Internal Revenue Service and (b) the Notice of Employer Identification Number assigned by the IRS.

* Site Visits/FAM Tours: Allow smaller properties/communities to afford hosting tours they would otherwise be unable to host. Allow lodging to be reimbursed at 50% of the state rate.

* Multi-Regional Promotion Non-Profit Submittal was modified to coincide with Eligible Applicant requirements. The Proof of Non-Profit Status form was deleted as a requirement and amended to require (a) State of Idaho Certificate of Incorporation and Articles of Incorporation from the Secretary of State or a letter of determination from the Internal Revenue Service and (b) the Notice of Employer Identification Number Assigned by the IRS.

* Credit Statement (Other printed materials) will include: web sites shall include credit statement.

* Bid Process: Annual renewal of the subcontract clause will include: "Subcontract renewal is authorized for up to three (3) years beyond the initial contract year."

* To change the threshold of the audit (from \$20,000 to \$100,000) per recommendation of the Legislative Auditor and comply with the needs of the industry. Inclusion that an audit may be required at the department's request even if the grant is less than \$100,000.

* Any other changes are grammatical in nature.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(b) and 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate because it confers a benefit to those affected by its adoption.

FEE SUMMARY: There are no fees or charges being imposed by this temporary rule.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rule-making was not conducted because input was received from the industry participants and Idaho Travel Council.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Idaho Department of Commerce, ReNea Nelson (208) 334-2470.

Anyone may submit written comments regarding this temporary and proposed rule-making. All written comments

must be directed to the undersigned and must be delivered on or before May 28, 1997.

DATED this 31st day of March, 1997.

ReNea Nelson
Grant Analyst
Department of Commerce
700 W. State St.
PO Box 83720
Boise ID 83720-0093
(208) 334-2470; FAX (208) 334-2631

TEXT OF DOCKET NO. 48-0103-9701

000. LEGAL AUTHORITY.

The First Regular Session of the 46th Idaho Legislature enacted Chapter 216, Laws of 1981, the Idaho Travel and Convention Industry Bill, which imposed a two percent (2%) tax on the sale of hotel/motel and private campground accommodations and created the Idaho Travel and Convention Industry Committee, herein referred to as the Idaho Travel Council (ITC). The revenues generated by this new tax are to be invested one-half (1/2) by the ~~S~~state and one-half (1/2) by the local regions within Idaho in well-planned promotional programs. The Idaho Travel Council, through the Idaho Department of Commerce (IDC), has been given the responsibility of administering this program which includes the local regional grant program. ~~(2-22-93)(7-1-97)T~~

001. TITLE AND SCOPE.

The primary objective of the Idaho Regional Travel and Convention Grant Program is the creation and implementation of plans designed to stimulate and expand the travel and convention industry within the ~~S~~state's seven (7) planning regions. ~~(2-22-93)(7-1-97)T~~

(BREAK IN CONTINUITY OF SECTIONS)

100. ELIGIBLE APPLICANTS.

01. Intent. The intent of the ITC's Regional Grant Program is to distribute grant funds to pre-established, permanent non-profit, incorporated organizations with viable programs. Proof of non-profit status is required with the submission of the application. The Department of Commerce and the Idaho Travel Council will review grants closely to determine the applicant's organizational status and viability. Applicants will be evaluated to determine their ownership or affiliation with a profit making organization in providing travel information. An affiliation with a profit making organization could imply a conflict of interest. Such conflict will render the application ineligible. (2-22-93)

02. Focus. The ITC's major focus in any determination of eligibility is whether or not the non-profit organization has "as its primary purpose" the promotion of travel and conventions within the region. (2-22-93)

03. Non-Profit Submittal. Each grant application must include: (7-1-97)T

a. State of Idaho Certificate of Incorporation and Articles of Incorporation from the Secretary of State

- or a letter of determination from the Internal Revenue Service. (7-1-97)T
- b. Notice of Employer Identification number assigned by the IRS. (7-1-97)T

(BREAK IN CONTINUITY OF SECTIONS)

150. REGIONAL/LOCAL/SPECIAL INTEREST PROMOTION.

The applicant must establish that the plan will attract more visitors to the region and keep them in the region longer. All plans must identify Idaho and market various attractions and events throughout the region. Regional applications must be a true region-wide promotion, i.e. it must promote the planning region as defined in the legislation. The following items are eligible projects: (2-22-93)

01. Advertising. Ranked Primary. Priority will be given to advertising that is image and/or targets specific attractions or events within the region and ties to the State advertising plan. Markets, concepts, attractions and events will be defined in the application. If developed as a co-op, pre-approval is required by the Department of Commerce. Applicant must state in the application: (~~2-22-93~~)(7-1-97)T

- a. Objective and placement of advertising. (2-22-93)
- b. Geographic target audience. (2-22-93)
- c. Demographic target audience. (2-22-93)
- d. Fulfillment plans. (2-22-93)

02. Hospitality. Ranked Primary. Hospitality training will be an allowable item under the grant program. A detailed plan for the training must be included in the application. (2-22-93)

03. Convention Promotion. Ranked Primary. Trade shows (to be approved prior to the application process) and convention advertising. Concept and placement must be submitted with application. (2-22-93)

04. Site Visits/Familiarization Tours (FAMS). Ranked Primary. Tour Operators, Travel Writers, Convention Planners, Winters Sports Clubs and Airline Sales People are groups that can be invited for site visits and FAM'S. Grant funds can be used for in-state transportation, fuel expenses, rental vans, motorcoaches, invitations, baggage tags, information folders and miscellaneous snacks, such as coffee, soda pop, and candy bars. Airfare for FAM participants, up to fifty percent (50%) of the total cost, and lodging at fifty percent (50%) of the state rate will be eligible with prior ITC staff approval. Grant funds cannot be used to pay for alcoholic beverages, ~~rooms~~, and attractions. Familiarization tours will be allowed twenty dollars (\$20) per day, per participant for meals. Partial reimbursement, per state guidelines, will be made if participant is not being hosted on the FAM tour a complete day. FAMS must be coordinated and approved in writing by the Department of Commerce. (~~2-22-93~~)(7-1-97)T

05. Fulfillment. Ranked Primary. Includes expenses directly related to implementing ITC funded plan. Eligible costs are for shipping, stuffing, sorting, envelopes, postage, long distance phone calls and watts line. (Only one 1-800 line per Region, and it must be centrally located and made available for use within the Region for travel and convention promotion). A distribution plan must be outlined in the application and expenses must be properly documented before reimbursement will be made. (~~2-22-93~~)(7-1-97)T

06. Travel and Trade Shows. Ranked Primary. Specific shows and the number of attendees per show shall be approved prior to the application process. The applicant must identify in the application whether or not a portable display booth is available and what literature will be distributed at the show. (2-22-93)

07. Slide Shows/Videos. Ranked Tertiary. Applicant must state in the application the purpose of the slide show/video, how it will be used to promote the area, and how the slide show/video ties in with the applicant's overall marketing. (2-22-93)

08. Marketing Research. Ranked Primary. To allow marketing research in conjunction with the statewide marketing and research efforts. (2-22-93)

09. Capital Outlay. Ranked Secondary. Equipment with a useful life of more than one (1) year, costing one hundred fifty dollars (\$150) or more per unit. No more than one (1) piece of any like equipment per ~~Region~~.
(2-22-93)(7-1-97)T

a. Subject to the obligations and conditions set forth in this section, title to equipment acquired under a grant will vest upon acquisition with the grantee. (2-22-93)

b. Useful Life. The useful life of all equipment acquired through the travel grant program is five (5) years. (2-22-93)

c. Use. (2-22-93)

i. Equipment shall be used by the grantee in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by the ITC. When no longer needed for the original program or project, the equipment may be used in other activities currently or previously supported by the ITC. (2-22-93)

ii. The grantee shall also make equipment available for use on other projects or programs currently or previously supported by the ITC, providing such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use shall be given to other programs or projects supported by the ITC. (2-22-93)

iii. The grantee may not use equipment acquired with grant funds to provide services for a fee. (2-22-93)

iv. When acquiring replacement equipment, the grantee may use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property; or, the proceeds will be reinvested into the grantee's current grant program, subject to the approval of the ITC. Sale proceeds are not cash match. (2-22-93)

d. Management Requirements. Capital outlay purchased with grant funds must be accounted for on the property record supplied by the ITC. When the property is initially purchased, the grantee will provide all the required information on the property record. Send the original to the Department of Commerce and keep a copy for your files. The property is tracked through its useful life. Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part with grant funds, until disposition takes place will, as a minimum, meet the following requirements: (2-22-93)

i. Property records maintained must include a description of the property; a serial number or other identification number; the acquisition date and cost of the property; the location, use and condition of the property; and any ultimate disposition information including the date of disposal and sale price of the property. (2-22-93)

ii. The grantee will conduct an annual physical inventory of the property and the results will be reported to the ITC for reconciliation with the property records. This report will accompany the final narrative progress report, and must be received before final ITC reimbursement, to the grantee, is made. The ITC will conduct a physical inventory of the property at least once every two (2) years. (2-22-93)

iii. A control system must be developed to ensure adequate safeguards to prevent loss, damage or theft of the property. (2-22-93)

iv. Adequate maintenance procedures must be developed to keep the property in good condition. (2-22-93)

e. Disposition. Disposition of equipment purchased with ITC funds will be made as follows-;

~~(2-22-93)~~(7-1-97)T

i. Items of equipment which have exceeded their useful life may be retained, sold or otherwise disposed of. It is recommended the sale proceeds be used to acquire like equipment or enhance the grantee's current grant program. Sale proceeds are not cash match. (2-22-93)

ii. Items of equipment which have not exceeded their useful life may be sold with written authorization from the ITC. The grantee will be required to use the proceeds to purchase like equipment or to enhance the current grant program. (2-22-93)

f. Procurement. When procuring equipment under the travel grant program, the grantee will follow the same policies and procedures for purchases over five hundred dollars (\$500) as outlined in the Bid Process section of the administrative rules. (2-22-93)

g. Purchasable Equipment. A list of purchasable equipment under the travel grant program is listed below:
(2-22-93)

i. Travel Show Booth (per ITC requirements). (2-22-93)

ii. Video Equipment: Player/Recorder, Television, Monitor, Camera (2-22-93)

iii. Movie Projector. (2-22-93)

iv. Slide Projector. (2-22-93)

v. Equipment not listed above may be fundable at the discretion of the ITC. (2-22-93)

h. Rental Costs. Grantees are encouraged to complete projects in the most cost effective manner. If the purchase of equipment is not feasible due to a low use factor, the grantee will be allowed to enter into rental agreements to meet their equipment needs. Rental costs exceeding five hundred dollars (\$500) will not be exempt from the travel grant program's bid process. (2-22-93)

i. Application. When applying for grant funds to acquire equipment, the applicant must stipulate need for equipment, its location, intended use, and contact person. (2-22-93)

10. Brochure. Ranked Primary. Includes expenses for brochure photography, design, and printing. Applicant shall state the purpose of the brochure, indicate if it is a reprint or new design, provide an estimated amount to be printed, and give a brief description of its layout and design. Additionally, applicant shall indicate its target audience, distribution plan, and include samples of the brochure, if available. For printing requirements, see Section 204.08. (2-22-93)

11. Other. Any other items not included above may be eligible as pre-approved by the Department of Commerce. (2-22-93)

(BREAK IN CONTINUITY OF SECTIONS)

200. MULTI-REGIONAL PROMOTION.

Grants that combine the resources of two (2) or more non-profit local/special interest organizations in different regions, in an effort to promote both regions, are encouraged and supported by the ITC. These grants are called multi-regional and require a fifty percent (50%) match. They must meet the following guidelines: (2-22-93)

01. Non-Profit Submittal. A non-profit organization in each of the affected regions must submit a grant application to the ITC/IDC. Such application must specify that the request is a multi-regional request and show a regional liaison. To improve chances for a grant award, the applicant should show support from their respective

region. Additionally, each grant application must include: (2-22-93)

a. ~~Proof of non-profit status form.~~ (2-22-93)

~~b.a. Certificate of incorporation from the Secretary of State or a letter of determination from the Internal Revenue Service, State of Idaho Certificate of Incorporation and Articles of Incorporation from the Secretary of State or a letter of determination from the Internal Revenue Service.~~ (2-22-93)(7-1-97)T

b. Notice of Employer Identification number assigned by the IRS. (7-1-97)T

02. Memorandum of Agreement. A written memo of agreement must be included with each multi-regional grant application designating each regional key player and describing their role. (2-22-93)

03. Subcontract. Upon receipt of the grant award, the affected organizations must either subcontract with one (1) of the other organizations or subcontract with an independent contractor to perform the work outlined in the application. (2-22-93)

(BREAK IN CONTINUITY OF SECTIONS)

204. PLAN REQUIREMENTS.

Applicants must follow these requirements: (2-22-93)

01. Goals/Objectives. The needs of the plan must be consistent with the ITC Strategic Objectives. (2-22-93)

02. Adequate Management. The applicant must show his/her ability to properly operate and maintain the management and accounting system for the plan. (2-22-93)(7-1-97)T

03. Previous Grant -vs- New Application. The ITC encourages successful applicants to complete all grants in a timely fashion. When considering applicants for funding, the ITC will scrutinize the applicant's historic grant record in terms of timeliness and effectiveness of implementation. (2-22-93)

04. Application Completeness. The applicant must submit applications to the Department of Commerce on the appropriate forms which will be provided by the ~~D~~department. The application must include a complete plan, grant summary sheet signed by the grantee, a detailed scope of work and a budget which includes sufficient funds for sales tax and an audit. (2-22-93)(7-1-97)T

05. Application Amendments/Withdraws. Amendments to either the scope of work or the budget on grant applications will be allowed only if written changes are submitted (one (1) original and fourteen (14) copies) to the Department of Commerce ten (10) working days prior to the grant awards. Any other changes must occur on the floor during awards by the Council and can only be amended by a member of the Council. Applicants wishing to withdraw applications must provide written notice to the Department of Commerce ten (10) working days prior to grant awards. (2-22-93)

06. Plan Duration. Applicants are encouraged to limit the duration of their plan to fourteen (14) months or less. (2-22-93)

07. Local/Regional Support. Applicants may show local/regional support of the plan by submitting up to three (3) letters of support. One (1) letter summarizing local match must be submitted with the application. (2-22-93)

08. Credit Statement and Printing Identification. All plans funded by the Idaho Regional Travel and Convention Grant Program shall credit said program. (2-22-93)

- a. The following will be placed on all ITC funded brochures, in addition to a printing identification number assigned by the Department of Commerce: (2-22-93)
- i. Credit Statement: "This publication made possible by an Idaho Travel Council Grant" or "Paid, Idaho Travel Council". (2-22-93)
- ii. Printing Identification: "Printed in the USA for ITC/IDC (printing number)". (2-22-93)
- iii. State 800 Telemarketing Number: "For additional information on Idaho, call 1-800-VISIT-ID". (2-22-93)
- iv. The word "IDAHO" shall appear prominently on the front of the brochure. (2-22-93)
- b. Other printed materials, slide shows/videos, films, billboards, displays, web sites, and advertising shall include the credit statement: "Paid, Idaho Travel Council", and the word "IDAHO" shall appear prominently on the product. ~~(2-22-93)~~(7-1-97)T
- c. Travel shows and Fams funded by the Idaho Regional Travel and Convention Grant Program shall credit that program by displaying a placard stating that the activity is being funded by an Idaho Travel Council Grant. (2-22-93)
- d. Failure to comply with crediting the ITC for project funding could jeopardize payment for that project and future plan funding. (2-22-93)
09. Consultants. Indirect personnel costs are inherently eligible when applying for a specific project to be subcontracted to a consultant. The following regulations apply to hiring a consultant: ~~(2-22-93)~~(7-1-97)T
- a. The contract between the consultant and the grantee must be approved by the Department of Commerce and shall include language stating the contractor has sufficient Workmen's Compensation or liability insurance. Payment will not be reimbursed until the Department of Commerce has approved the contract. (2-22-93)
- b. Consultant's billing must be itemized. Lump sum billings will not be eligible for payment. (2-22-93)
- c. The Council will not fund retainers or other regular ongoing fees for consultant services or pay a consultant to administer a grant. (2-22-93)

(BREAK IN CONTINUITY OF SECTIONS)

206. STATE LAWS AND REGULATION.

01. Funds Used. These funds will be used in accordance with all applicable State laws and regulations relative to fiscal and audit requirements. (2-22-93)
02. Requirements. (2-22-93)
- a. State sales tax (Grantees are not exempt from paying sales tax). ~~(2-22-93)~~(7-1-97)T
- b. Reimbursement procedures. ~~(2-22-93)~~(7-1-97)T
- c. Travel. ~~(2-22-93)~~(7-1-97)T

207. PLAN OR PROJECT LOSES VIABILITY.

At any time, a plan or project loses its viability, the plan or project may be terminated. This determination will be

made by the Idaho Travel Council and the applicant. If they mutually decide the plan or project should be terminated, the Department of Commerce shall terminate the plan or project and the funds will be reverted to the regional pool. ~~(2-22-93)~~(7-1-97)T

208. INSURANCE REQUIREMENTS.

From time to time the Department may require evidence of insurance for various projects. ~~(2-22-93)~~(7-1-97)T

209. BID PROCESS.

01. Bids. Regional Travel and Convention Program grantees must utilize a bid process for purchases or services over five hundred dollars (\$500). (2-22-93)

02. Documentation. Prior to reimbursement for each cost, the appropriate information shall be submitted to the Department of Commerce which documents the following: (2-22-93)

a. Item or service to be purchased. ~~(2-22-93)~~(7-1-97)T

b. Contact three (3) or more companies to give bids or request for proposals. (2-22-93)

c. List vendors contacted and ~~what~~ their response ~~was~~ (list those contacted whether or not a response was received). ~~(2-22-93)~~(7-1-97)T

d. Justify why the successful vendor was selected. (2-22-93)

e. Annual renewal of the subcontract can be made without rebidding, upon execution of a new contract between the grantee and the subcontractor and approval by the Department of Commerce. This can be done only after the initial three (3) bids have been processed. Subcontract renewal is authorized for up to three (3) years beyond the initial contract year. ~~(2-22-93)~~(7-1-97)T

f. If a vendor is going to donate part of his/her charges as match, he/she shall have been the lowest bidder. (2-22-93)

210. AUDIT REQUIRED.

It is the responsibility of all Regional and Convention Program grantees with plans totaling ~~twenty thousand dollars (\$20,000)~~ one hundred thousand dollars (\$100,000) or more to have an audit. The audit shall be performed by a Certified Public Accountant and submitted to the Department of Commerce within sixty (60) days following the close of the grant. At the department's request, an audit may be required even if the grant is less than one hundred thousand dollars (\$100,000). An estimated amount of what the audit will cost must be included in the application. Audits are exempt from match requirements. ~~(2-22-93)~~(7-1-97)T

(BREAK IN CONTINUITY OF SECTIONS)

221. PLAN EVALUATION.

The plan application is evaluated by the following prior to selection by the Idaho Travel Council: ~~(2-22-93)~~(7-1-97)T

01. Department of Commerce. Applications are submitted to the Department initially for a technical and programmatic review. Strict attention is given to application content, strengths and weaknesses, cost analysis, and past performance. Comments are developed and presented to the ITC for its consideration prior to funding. ~~(2-22-93)~~(7-1-97)T

02. Idaho Travel Council. The Department provides each Idaho Travel Council member with a copy of all plan applications submitted for that grant period. ITC members review and evaluate all applications. Evaluation from the Department is considered in the selection process. ~~(2-22-93)~~(7-1-97)T

03. Matching Funds. Match must be documented in the application. (2-22-93)
- a. The Idaho Regional Travel and Convention Grant Program requires match from all organizations applying for funding as a way to: increase the regional/local commitment to the plan, to assist in generating more dollars to tourism promotion, and to allow the ITC to participate in more promotional efforts. (2-22-93)
- b. All regional and local/special interest plans must provide fifty percent (50%) match two dollars (\$2) to one dollar (\$1) local/regional. Of the fifty percent (50%) required match, up to seventy five percent (75%) will be accepted as inkind. Up to ten percent (10%) of ITC funds awarded will be allowed as inkind match for administrative expenses. All match must be outlined in the scope of work within the grant contract. Reimbursement will be made by the Department of Commerce as the match can be documented. Audits are exempt from match requirements. ~~(2-22-93)~~(7-1-97)T
- c. Match is defined as cash or inkind (documented contributions/donations). Expenditures claimed for components necessary to the completion of the plan such as staff time, rent, travel, audits and wats line, will be allowed as match. Expenditures claimed for projects funded previously by the grantee, such as brochures and publications, will not be allowed as match. (2-22-93)
04. Technical Review. The following criteria are elements considered in the review of the application: (2-22-93)
- a. Application Completeness: Summary sheet, scope of work, and budget filled out correctly. (2-22-93)
- b. Agency/Jurisdiction Commitment: Evidence the plan has local/regional support. (2-22-93)
- c. Demonstrated Accounting and Management System: History of adequate accounting and management system for monitoring the plan. (2-22-93)
- d. Need: Addresses identified needs of the travel economy in the impacted region. (2-22-93)
- e. Regional Impact: Will increase local/regional awareness, encourage visitors to stay longer or promote intra-regional travel. (2-22-93)
- f. Continuing Benefits: Assurance that results will continue to be used beyond grant support. (2-22-93)
- g. Plan Design: Plan designed to enable achievement of anticipated benefits or results (achieving goals and objectives within a reasonable time frame). (2-22-93)
- h. Plan Innovation: Plan demonstrates clear solution to the stated needs. (2-22-93)
- i. Evaluation: Plan demonstrates a sound methodology for measuring achievement of the stated project objectives. (2-22-93)
- j. Cost Analysis: Applicant shows evidence that other resources are not available to support the plan fully, and requested funds are sufficient to accomplish plan objectives. (2-22-93)

(BREAK IN CONTINUITY OF SECTIONS)

231. TIME FRAME.

Grants will be awarded annually. Potential applicants will be advised of application deadlines through the following: (2-22-93)

- 01. Methods (2-22-93)
 - a. Grant Solicitation Letter. (2-22-93)
 - b. Idaho Travel Council Newsletter. (~~2-22-93~~)(7-1-97)T
 - c. Press Release. (2-22-93)
- 02. Limitation Periods. A limited period of not less than thirty (30) days will be established in the solicitation notice in which applicants must file. Upon filing closing, a period of at least thirty (30) days, but not more than sixty (60) days, will be allotted for grant review. (2-22-93)

Subject Index

A

- A/R 92
AABD 91, 129
ABAWD 92
ABAWD Not Meeting Work Requirement 102
ABAWD Work Requirement Not Met 126
ABBREVIATIONS 71, 91, 129
ADMINISTRATIVE APPEAL 31, 128
ADMINISTRATIVE APPEALS 62
ADMINISTRATIVE DEMAND LETTER 118
ADOLESCENT RESIDENT OF IDAHO STATE HOSPITAL SOUTH 84
ADVANCE NOTIFICATION NOT REQUIRED 142
ADVANCE NOTIFICATION RESPONSIBILITY 141
AFA 92
AFDC 71, 92
AFDC INCOME STANDARDS 81
AFDC Standards 77
AFDC-UP 92
AG 71
AIM 71
ALTERNATIVE RESOURCES 130
AMOUNT OF ONE-TIME CASH PAYMENT 141
APPEAL OF STAFF MEMBER DECISION 166
APPEAL OF THE DISTRICT DIRECTOR'S DECISION 168
APPEAL OF THE DIVISION DIRECTOR'S DECISION 168
APPEAL OF THE SUPERVISOR'S DECISION 167
APPLICABILITY 166
APPLICANT JOB SEARCH 133
APPLICANT JOB SEARCH EXEMPTION 133
APPLICANT ONE-TIME CASH PAYMENT 140
APPLICANT ONE-TIME CASH PAYMENT ELIGIBILITY CRITERIA 140
APPLICANT VOLUNTARY QUIT 133
APPLICATION FOR ASSISTANCE 130
APPLICATION FOR MEDICAID 74
APPLICATION TIME LIMITS 74
APPLYING PENALTIES FOR NOT COMPLYING WITH WORK ACTIVITIES 134
ASSIGNMENT OF RIGHTS TO MEDICAL SUPPORT AND THIRD PARTY LIABILITY 75
ASVI 72, 92
ATP 92
AUDIT REQUIRED 176
AVERAGING INCOME 137
Ability to Reapply after Sanction 104
Abusive Parents 131
Accelerated Depreciation 152
Acquisitions 153
Actions to End Sanction 104
Additional Occurrence 142
Adequate Management 174
Administration Space 37
Administrative Error Claim 87
Admission 143
Admission and Release Area 36
Adoption Assistance 85, 136
Advertising 138, 171
Affidavit signed between February 1, 1983 and March 31, 1997 120
Affidavit signed on or after April 1, 1997 120
Age 85
Agent Orange 137
Agent Orange Settlement Fund 113
Agreement 141
Agreement With Prosecutor 143
Agreement with Prosecutor 119
Alaska Native Claim Settlement Act 73
AmeriCorps 80
Amount 144
Appeal Period Elapsed 101
Appeals Exhausted 101
Applicability 35
Applicant 87, 129
Application Amendments/Withdrawals 174
Application Completeness 174
Application for Participation 87
Approval 65, 144
Armed Forces Members 75
Arrearages 115
Asylee 74
Asylees 75, 132
Authorization of Long-Term Care Payment 151
Authorization to Participate 87
Authorized Representative 87

B

- BANK ACCOUNTS 77
BASIS FOR APPEAL OF STAFF MEMBER DECISION 167
BCSS 72, 92
BEER 92
BENDEX 92
BENEFITS FOR PREVIOUSLY DISQUALIFIED HOUSEHOLD MEMBERS 116
BIA 92
BIA GA 92
BID PROCESS 176
Battered Immigrants 75
Battered Women and Children's Shelter 87
Bids 176
Birth Information 122
Biweekly Payments 137
Board Review 58
Board of Health 166
Board of Health Decision 168
Board of Health Role 168
Boarder 87
Boarding House 88
Brochure 173
Building Lot 135
Business Transportation 138

C

- CALCULATION OF CHILD SUPPORT DEDUCTION 115
CALCULATION OF SELF-EMPLOYMENT INCOME 137
CARETAKER RELATIVE APPLYING ONLY FOR RELATIVE CHILD 139
CERTIFICATION PERIODS 116
CHANGES AFFECTING ELIGIBILITY OR GRANT AMOUNT 142
CHILD CARE 134
CHILD LIVING WITH PARENT AND STEPPARENT 139
CHILD SUPPORT DEDUCTIONS 114
CHILD'S INCOME 78
CIP 92
CITIZENSHIP AND LEGAL NON-

- CITIZEN CRITERIA 74, 131
 CITIZENSHIP OR SATISFACTORY IMMIGRATION STATUS 98
 CLEARWATER BASIN 52
 COLA 92
 COLLECTING CLAIMS AGAINST SPONSORED LEGAL NONCITIZENS 123
 COLLECTING CLAIMS AGAINST SPONSORS WHO SIGNED AN AFFIDAVIT OF SUPPORT BETWEEN FEBRUARY 1, 1983 AND MARCH 31, 1997 123
 CONTINUATION PENDING LOCAL HEARING DECISION 142
 CONTINUED MEDICAID 82
 CONTRIBUTIONS 80
 CONVERTING INCOME TO A MONTHLY AMOUNT 137
 COOPERATION IN ESTABLISHMENT OF PATERNITY AND OBTAINING SUPPORT 107
 COOPERATION RESPONSIBILITY 132
 COOPERATION WITH THE BUREAU OF WELFARE PROGRAMS QUALITY CONTROL UNIT 76
 COORDINATION WITH U.S. ENVIRONMENTAL PROTECTION AGENCY 67
 COUNTABLE RESOURCES 134
 COUNTING VEHICLE VALUE 134
 COURT REFERRALS 118
 CSA 92
 CSS 129
 Capital Outlay 172
 Care and Services Provided 145
 Care of Ill or Incapacitated Family Member 144
 Caretaker 133
 Caretaker Relatives 130
 Caretaker for Ill or Incapacitated 133
 Carl D. Perkins Vocational and Applied Technology Education Act 80
 Cash Donations 111
 Categorical Eligibility 88
 Certification 65
 Certification Determination 88
 Certifications After the Fifteenth (15th) of the Month 117
 Charity Allowances 152
 Child Age Six (6) and Over 83
 Child Care Not Available 133
 Child Nutrition 136
 Child Nutrition Act of 1966 73
 Child Removed 142
 Child Support 117, 135
 Child Support Deduction 95
 Child Support Disregard 81
 Child Support Payments 110
 Child Under Age Six (6) 83
 Child of Unmarried Parent Under Age Eighteen (18) Conceived by Rape or Incest 131
 Child's Earned Income 135
 Children 130
 Children Age Twentytwo (22) and Older Living With Parents 102
 Citizen Appeal 166
 Citizen/Legal Noncitizen Status at Application 99
 Citizenship Status 76
 Civil Liberties Act of 1988 113
 Civil Rights 74
 Claim Determination 88
 Clearwater Hydrologic Basin - Map - APPENDIX D 54
 Client 88
 Code Compliance 36
 Conditional Entrant 74
 Conditions of Payment 147
 Consultant Fees 153
 Consultants 175
 Consultation and Notification 67
 Contents of Plan 64
 Contracts 135
 Convention Promotion 171
 Coupon 88
 Coupon Allotment 88
 Court Decision 143
 Court Order/Voluntary 84
 Credit Statement and Printing Identification 174
 Criminal Law Violations 35
 Criteria for Appeal 167
 Cumulative mandates 62
 Custody and Placement 84
- D**
- DEEMING INCOME AND RESOURCES FROM AN LEGAL NONCITIZEN'S NEW SPONSOR' 122
 DEEMING INCOME AND RE-
 SOURCES TO SPONSORED LEGAL NONCITIZEN 120
 DEFERRED ADJUDICATION 119, 143
 DEFINITIONS 31, 62, 71, 87, 129, 166
 DENIAL OF FOOD STAMP APPLICATION 95
 DEPARTMENT ASSISTANCE IN PREPARING ENVIRONMENTAL PRIORITIES PLAN 63
 DEPARTMENT NOTIFICATION RESPONSIBILITY 141
 DEPARTMENT REVIEW AND APPROVAL OF ENVIRONMENTAL PRIORITIES PLAN 65
 DEPENDENT CARE DEDUCTIONS 114
 DEPENDENT CARE DISREGARD 79
 DETERMINING COVERAGE GROUPS 81
 DETERMINING ELIGIBILITY 137
 DHW 72, 92
 DISABILITY INSURANCE PAYMENTS 80
 DISPLAYS LOCATED WITHIN ZONED OR UNZONED INDUSTRIAL, BUSINESS OR COMMERCIAL AREAS 159
 DISQUALIFICATION FOR IPV 143
 DOE 72, 92
 DVR 72
 Day Room/Multi 37
 Decision 167, 168
 Deeming 121
 Deeming Income From A Sponsor Who Signed An Affidavit of Support Between February 1, 1983 and March 31, 1997 120
 Deeming Income from a Sponsor Who Signed and Affidavit of Support on or after March 1, 1997 121
 Deeming Resources From A Sponsor Who Signed an Affidavit of Support Between February 1, 1983 and March 31, 1997 121
 Deeming Resources from a Sponsor Who Signed an Affidavit of Support on or after March 1, 1997 121
 Deferred Adjudication 143

- Deferred Judgement Conditions 119
 Demand for Repayment 119
 Department 62, 71, 88, 129
 Department Responsibility 85
 Department of Commerce 176
 Dependent Care Costs 77, 95
 Dependent Child 82, 140
 Dependents Two (2) Years of Age or Older 79
 Deportation Withheld 132
 Deportee 74
 Deportees 75
 Depreciation 138
 Deprivation 82
 Designated Uses Within Clearwater Basin - Table - APPENDIX C 52
 Designated Uses Within Salmon Basin - Table - APPENDIX E 54
 Designated Waters 59
 Determination of Entitlement to Long-Term Car 151
 Dimensions 159
 Disability 76, 95
 Disability Insurance Payments 136
 Disaster Relief 137
 Disease 31
 Disease Content 32
 Disqualification Period 119
 Disqualified Household Members 88
 District Director 166
 District Director Role 168
 District Health Department 166
 Division Director 166
 Division Director Role 167
 Documentation 88, 176
 Documentation Provided Late 101
 Domestic Animal Droppings 164
 Domestic Animals 164
 Domestic Volunteer Service Act of 1973 73
 Drug Addiction or Alcoholic Treatment Program 88
 Drug Convicted Felon 103
 Drug Related Conviction 139
- E**
- EARNED INCOME 78
 EARNED INCOME DISREGARDS 78
 EARNED INCOME WHEN A HOUSEHOLD MEMBER TURNS AGE EIGHTEEN (18) 114
 ECA 129
 EDUCATIONAL INCOME 80
 EE 72, 92
 EFFECTIVE DATE 130
 EFFECTIVE DATES 74
 EFNEP 92
 EITC 72, 129
 EITC Payments 136
 ELIGIBILITY REVIEWS 76
 ELIGIBLE APPLICANTS 170
 ELIGIBLE INDIVIDUALS 130
 EMERGENCY MEDICAL CONDITION 84
 ENDING SANCTIONS FOR FAILURE TO COMPLY WITH JSAP 104
 ENDING VOLUNTARY QUIT OR REDUCTION OF WORK HOURS PENALTY 105
 ENDING WORK REGISTRATION SANCTION 105
 ENFORCEMENT 32
 ENVIRONMENTAL PRIORITIES PLAN 64
 EPA 62
 EPICS 72
 EPSDT 72
 EQUITY VALUE OF RESOURCES 77
 EXCLUDED HOUSEHOLD MEMBERS 124
 EXCLUDED INCOME 135
 EXEMPTIONS FROM THE COOPERATION REQUIREMENT 107
 EXPEDITED FOOD STAMP WORK REGISTRATION 96
 EXTENDED CASH ASSISTANCE (ECA) 144
 EXTENDED CASH ASSISTANCE ADDITIONAL ELIGIBILITY CRITERIA 144
 EXTENDED CASH ASSISTANCE APPLICATION 144
 EXTENDED CASH ASSISTANCE APPROVAL 144
 EXTENDED CASH ASSISTANCE TIME LIMITS 144
 EXTENDED MEDICAID FOR CHILD SUPPORT INCREASE 82
 Earned Income 76, 117, 129
 Earnings of Child Under Age Eighteen (18) Attending School 110
 Educational Income 136
 Elderly Nutrition 136
 Elderly or Disabled Households 116
 Eligible Foods 89
 Eligible Household 89
 Eligible Immigration Status for All Other Legal Noncitizens 99
 Eligible Immigration Status for Legal Noncitizens Getting Food Stamps on August 22, 1996 98
 Emancipated Minor 89
 Employed 133
 Employment 114
 Ending Transitional Medicaid 83
 Ending Voluntary Quit or Reduction Penalty After Penalty Period Has Elapsed 105
 Ending Voluntary Quit or Reduction Penalty Before the End of the Penalty Period 106
 Energy Assistance 113
 Entry Date 122
 Enumeration 89
 Environmental Priorities Plan 62
 Equipment Used in a Trade or Business 135
 Examiner 71
 Examiners Must Report Changes to JSAP 103
 Excluded Violations 66
 Exempt 89
- F**
- FAILURE TO COMPLY WITH JSAP 104
 FAILURE TO COOPERATE 107
 FAIR HEARING REQUEST 142
 FAMILY 131
 FAMILY REPORTING RESPONSIBILITIES 142
 FEDERAL LAWS 73
 FEDERALLY SUBSIDIZED ADOPTION ASSISTANCE CHILD 85
 FFY 92
 FINANCIAL ELIGIBILITY 77
 FINANCIAL RESPONSIBILITY 77
 FINDINGS 31
 FNS 92
 FOOD STAMPS FOR HOUSEHOLDS WITH IPV MEMBERS, INELIGIBLE FUGITIVE FELON, OR PROBATION/PAROLE VIOLATOR, OR A MEMBER CON-

VICTED OF A CONTROLLED
SUBSTANCE-RELATED FELO-
NY 124

FOOD STAMPS FOR HOUSEHOLDS
WITH MEMBERS DISQUALI-
FIED FOR FAILURE TO MEET
THE ABAWD WORK REQUIRE-
MENT, FOR CITIZEN OR LE-
GAL NONCITIZEN STATUS OR
FOR FAILURE TO COOPERATE
IN ESTABLISHING PATERNI-
TY AND OBTAINING SUPPORT
125

FORMS AND SCHEDULED MEET-
INGS 130

FQC 92

Failed to Show Citizenship or Alien Sta-
tus 126

Failure to Comply with a Requirement
of a Meanstested Program
Such as SSI 106

Failure to Comply with an AFDC Re-
quirement 106

Failure to Cooperate in Establishing Pa-
ternity and Obtaining Support
126

Failure to Cooperate in Paternity Estab-
lishment or Obtaining Support
103

Failure to Provide Legal Noncitizen
Documents 101

Fair Hearing Reversal 104, 105

Family Member in Institution 142

Family Penalty 134

Family Request 142

Family's Address Unknown 142

Farmworker Households 116

Federal Earned Income Tax Credit
(EITC) 112

Federal Environmental Mandates 62

Federal Fiscal Year 89

Federal Poverty Guidelines 77

Federal or Nonfederal Supported Sourc-
es 80

Fee 167

Fees 153

Felons Violating a Condition of Proba-
tion or Parole 139

Field Office 71

Final Agency Appea 168

Financial 84

Financial and Medical Assistance

Households 116

First Month of Certification 116

First Occurrence 134, 142

First Offense 143

Fleeing Felons 139

FmHA 72, 92

Focus. 170

Food Assistance 89

Food Programs 136

Food Service 37

Food Stamp Application Time Limit
97

Food Stamp Brochures to SSI House-
holds 97

Format 167, 168

Format for Appeal 166

Foster Care 136

Fugitive Felon 102

Fulfillment 171

Fund Raising 153

Funds Used 175

Funeral Agreements 135

Further Appeal 168

G

GA 92

GOOD CAUSE FOR NOT COOPER-
ATING 132

GOOD CAUSE NOT TO LIVE WITH
PARENTS 131

GRANT AMOUNT FOR FAMILIES
WITH EARNED INCOME 140

GRANT AMOUNT FOR FAMILIES
WITH NO INCOME 139

GRANT AMOUNT FOR FAMILIES
WITH UNEARNED INCOME
139

GRANT LESS THAN TEN DOLLARS
(\$10) NOT PAID 140

GROUP HEALTH PLAN ENROLL-
MENT 75

Gender of Employees 34

General Assistance 89

General Conditions 36

Generally 66

Goals/Objectives 174

Good Cause 129

Good Cause Decision 107

Good Cause Defined 107

Goodwill 153

Grievance Procedure 35

Group Living Arrangement 89

Grown By the Farmer 32

H

HOUSEHOLD MUST REPORT
CHANGES 117

HOUSEHOLDS NOT CATEGORI-
CALLY ELIGIBLE 96

HUD 72, 92, 129

Head of Household Changes 106

Health Insurance 115

Hearing 143

Hearing Schedule 167

Heating or Cooling Costs For Standard
Utility Allowance (SUA) 94

Higher Education Amendments of 1968
73

Holding Companies 153

Home Energy Assistance 136

Home Loss or Damage Insurance Settle-
ments 135

Home Not Available 131

Home and Lot 135

Homeless Meal Provider 90

Homeless Person 89

Hospitality 171

Household Composition 76, 117

Household Does Not Provide Proof Af-
ter Department Help 96

Household Does Not Provide Proof Af-
ter Interview 96

Household Fails to Appear for Interview
96

Household Ineligible 96

Households Granted Separate House-
hold Status 116

Households Must Prepare Food Together
Because of Age and Disability
lity 102

Housing Act of 1949 73

Housing And Urban Development
(HUD) Interest 136

Housing Subsidies 136

Housing and Urban Development Act of
1965 73

I

ICF/MR 72

ICES 72

IEVS 72, 93

IHE 93

IHE Determined 123

IMMUNIZATION RESPONSIBILI-
TY 132

INA 72

- INCOME AVAILABILITY 78
 INCOME EXCLUDED BY FEDERAL LAW 81, 112
 INCOME FROM ROOMER OR BOARDER 80
 INCOME FROM SALE OF REAL PROPERTY 80
 INCOME PAID UNDER CONTRACT 78
 INDIVIDUALS EXCLUDED FROM FAMILY SIZE 139
 INDIVIDUALS RELATED TO EITHER AFDC OR FPG STANDARDS 83
 INELIGIBILITY FOR A FELONY CONVICTION FOR POSSESSION, USE, OR DISTRIBUTION OF A CONTROLLED SUBSTANCE 108
 INELIGIBILITY PERIOD 141
 INELIGIBLE LEGAL NONCITIZEN STATUS 101
 IN-KIND INCOME 78
 INS 93
 INS Status 122
 INSURANCE REQUIREMENTS 176
 INTEGRATED COMPLIANCE AGREEMENTS 66
 INTENTIONAL PROGRAM VIOLATIONS (IPV) 143
 INTEREST INCOME 79
 IPV 93, 96, 129
 IPV Determined 123
 IPV Disqualification 126
 IPV Referral 123
 IRDC Consultation 64
 IRS 72, 93
 IV-E Foster Care and SSI Eligibility 85
 Idaho Travel Council 176
 Identification Card 90
 Identification of Noncompliance 63
 Identity 94
 Ill or Incapacitated 133
 Immigration Statu 94
 Immigration and Nationality Act 73
 Imminent Threat 63
 Impose Court Penalties 118
 Impose Penalties 119
 Inadvertent Household Error Claim (IHE) 90
 Income 84, 85, 94
 Income In Kind 111
 Income Producing Property 135
 Income Tests for TM 83
 Income and Eligibility Verification System (IEVS) 90
 Income and Resources 141
 Indian General Assistance 90
 Ineligibility Period 141
 Ineligible Alien or Student 96
 Ineligible Aliens 102
 Ineligible Legal Noncitizen 108
 Ineligible Non-Citizens 139
 Infrequent or Irregular Income 111
 Initial Application for SSI 97
 Institution of Higher Education 90
 Institution of Post Secondary 90
 Insurance 138
 Integrated Compliance Agreement 62
 Intent. 170
 Intentional Program Violation (IPV) 142
 Interest 137, 153
 Interest Income 136
 Interview Space 37
- J**
- JOB SEARCH ASSISTANCE PROGRAM (JSAP) 103
 JOBS 93
 JSAP 93
 JSAP Information 103
 JSAP Registration 103
 JSAP Requirements Not Met 126
 JSAP or Work Registration Noncompliance 102
 JTPA 93
 JTPA INCOME 78
 Janitor's Closet 37
 Job Search 114
- L**
- LEGAL AUTHORITY 31, 62, 71, 128, 166, 170
 LEGAL NON-CITIZEN REQUIREMENTS AND LIMITATIONS 75
 LEGAL NON-CITIZENS ENTERING THE U.S. ON OR AFTER AUGUST 22, 1996 75
 LIFE INSURANCE 78
 LIFETIME ELIGIBILITY 141
 LIQUID ASSETS 77
 LIST OF MOVING TRAFFIC CONVICTIONS POINT COUNT 156
 LONG-TERM CARE 145
 LOW INCOME CHILD 83
 LUMP SUM INCOME 80
 Labor 137
 Labor Paid to Family Member 138
 Laboratory Tested and/or Grown Out 32
 Laboratory Testing 32
 Laundry 37
 Legal 138
 Legal Noncitizen Status Not Proved 101
 Length of Presentations 167
 Licensed Vehicle Used As Client's Home' 109
 Licensed Vehicle Used For Job-Related Long Distance Travel 109
 Licensed Vehicle Used To Produce Income 109
 Licensed Vehicle Used To Transport Disabled Member Of Household 109
 Licensed Vehicle Used To Travel From Job To Job 109
 Licensure and Certification 150
 Life Insurance 135
 Lighting 161
 Limitation Periods 178
 List of Participants 67
 Livestock 164
 Living with a Relative 82
 Loans 94, 111, 135
 Local/Regional Support 174
 Lodging 138
 Long-Term Care Facility Responsibilities 148
 Loss of Farm Income 138
 Low Income Energy Assistance 136
- M**
- MA 72
 MARRIED CHILD UNDER AGE EIGHTEEN (18) 131
 MAXIMUM GRANT AMOUNT 139
 MEDICAID COVERAGE GROUPS RELATED TO AFDC STANDARDS 82
 MEDICAID COVERAGE GROUPS RELATED TO FEDERAL POVERTY GUIDELINES (FPG) 83

MEDICAL INSURANCE PAYMENTS 80	131	Number of Legal Noncitizens Sponsored 122
MEMBER DISQUALIFIED FOR CAUSES OTHER THAN IPV OR JSAP 124	Memorandum of Agreement 174	Number of Months 141
MINOR PARENT (MP) LIVING WITH PARENTS 84	Methods 178	
MONEY GIFTS 80	Minimum Qualifications 34	O
MULTIPLE TANF BENEFITS 132	Modification 66	ONE HALF (?) GRANT CHILD SUPPORT PENALTY AND SCHOOL OR WORK PENALTY 139
MULTI-REGIONAL PROMOTION 173	Money Gifts 136	ONE-TIME CASH PAYMENT AGREEMENT 141
Maintenance 138	Money Withheld 110	OUTSTANDING RESOURCE WATERS (ORW) 57
Manpower Development and Training Act of 1962 as Amended by the Manpower Act of 1965 73	Money for Third Party Care 111	OVERISSUANCE DUE TO INCORRECT SPONSOR DATA 123
Marital Status 76	Monthly Child Support 114	Older Americans Act of 1965 73
Marketing Research 172	Multiple Occupancy Rooms 37	One Hundred Eighty-five Percent (185%) Test 82
Matching Funds 177	N	Optional Individuals 130
Materials 137	NEW FACILITY DESIGN AND CONSTRUCTION 35	Options 167, 168
Meals 138	NEWBORN CHILD 83	Organization 153
Medicaid 85	NONALLOWABLE COSTS 152	Other 173
Medicaid Only 96	NONFINANCIAL CRITERIA FOR DETERMINING ELIGIBILITY 74	Outdoor Exercise Space 37
Medical Costs 95	NON-QUALIFIED NON-CITIZENS 75	Overissuance 90
Medical Service Space 37	NOT COMPLYING WITH CONDITIONS OF PRC 143	P
Medical-Covered Costs 153	NOT COMPLYING WITH WORK ACTIVITIES 134	P.L. 100-175 113
Meets Terms of Court Order 143	NOTICE OF SANCTIONS FOR FAILURE TO COMPLY WITH JSAP 104	P.L. 100-435 113
Member Becomes Exempt 106	NOTIFICATION REQUIREMENT 134	P.L. 100-70 112
Member Complies with JSAP 105	Name or Address 76	P.L. 101-277 113
Member Complies with Work Registration 105	National Housing Act 73	P.L. 101-41 113
Member Disqualified as a Fugitive Felon or Probation or Parole Violator 108	National School Lunch Act 73	P.L. 101-426 113
Member Disqualified for Conviction of a Controlled Substance Felony 108	Native American Payments 135, 136	P.L. 101-508 113
Member Disqualified for Failure to Comply 108	Negative Utility Allowance 113	P.L. 101-610 113
Member Disqualified for Failure to Cooperate in Establishing Paternity and Obtaining Support 108	Net Losses 138	P.L. 102-237 113
Member Disqualified for Failure to Meet the ABAWD work requirement 108	New Head of Household 105	P.L. 102-325 113
Member Disqualified for IPV 108	New Social Security Number 76	P.L. 103-286 113
Member Disqualified for a Voluntary Quit or Reduction in Hours of Work 108	No Grounds for Appeal 101	P.L. 103-436 113
Member Ineligible due to SSN 108	No More Than One (1) Generation 31	P.L. 91-646 112
Member of Household Leaves Household 106	Nominations for Outstanding Resource Water Designation 57	P.L. 92-203 112
Members of the U.S. Armed Forces	Non-Profit Submittal 173	P.L. 93-113 112
	Nonexempt 90	P.L. 93-134 112
	Nonexempt Institution 96	P.L. 93-288 112
	Nonpatient Care Related Activities 152	P.L. 93-531 112
	Nonprofit Meal Delivery Service 90	P.L. 94-114 112
	Notice of Disqualification 118, 119	P.L. 94-189 112
	Notice to Food Stamp Member 119	P.L. 94-540 112
	Notice to Other Household Members 119	P.L. 95-433 112
	Notification of Imminent Threats 67	P.L. 96-420 112
		P.L. 97-300 112
		P.L. 97-365 112
		P.L. 97-403 112
		P.L. 97-408 112
		P.L. 98-123 112

- P.L. 98-500 113
P.L. 98-6 112
P.L. 99-264 113
P.L. 99-346 113
PA 93
PARTICIPANT FAILS TO REPORT EARNED INCOME 77
PARTICIPANT ONE-TIME CASH PAYMENT 141
PARTICIPANT RIGHTS 73
PATERNITY NOT ESTABLISHED WITHIN TWELVE (12) MONTHS 132
PENALTY FOR FAILURE TO COMPLY WITH A REQUIREMENT OF ANOTHER MEANSTESTED PROGRAM
PRO-GRAM 106
PENALTY FOR FAILURE TO REPORT 142
PERSON DISQUALIFIED DURING CERTIFICATION PERIOD 126
PERSONAL RESPONSIBILITY CONTRACT (PRC) 130
PERSONS DISQUALIFIED AS FOOD STAMP HOUSEHOLD MEMBERS 102
PLAN EVALUATION 176
PLAN OR PROJECT LOSES VIABILITY 175
PLAN REQUIREMENTS 174
POLICY 71
PRC 129
PRC MODIFICATIONS 143
PREGNANT WOMAN INELIGIBLE BECAUSE OF EXCESS INCOME 83
PRESUMPTIVE ELIGIBILITY FOR PREGNANT WOMEN 83
PROCEDURE FOR APPEAL OF STAFF MEMBER DECISION 167
PROHIBITION ON APPLICANT STRIKING 133
PROHIBITIONS 63
PROOF OF ELIGIBILITY AND COL-LATERAL CONTACTS 74
PROOF OF PROPER IMMIGRATION STATUS 100
PROPERTY USED FOR SELF-SUP-PORT EXCLUDED 110
PRORATING BENEFITS FOR THE APPLICATION MONTH 140
PRORATING INITIAL MONTH'S BENEFITS 115
PRWORA 72
PUBLIC RECORDS ACT COMPLI-ANCE 31
PWE 72
Parent 129
Parental Control 90
Parents 130
Parents Not Available 131
Parking 164
Parolee 74
Participant 71, 129
Participation 90
Payment Procedures 148
Payments 115
Payments Made In Each of the Three (3) Most Recent Months 115
Payments Not Made In Each Of The Last Three (3) Months 115
Payments for Periods of Temporary Ab-sence 147
Payments on the Principal of Real Estate 138
Penalty Months 141
Penalty Start Date 118
Penalty for Failure to Cooperate 107
Period of ATP or Coupons Intended Use 90
Period of Ineligibility 141
Permanent Residents 74, 75, 131
Person Refusing SSN 102
Personal Responsibility and Work Op-portunity Reconciliation Act of 1996 73
Personal Transportation 138
Persons With Citizenship Question-able 102
Persons With IPV 102
Pest 31
Physical Condition 144
Physical or Emotional Harm 132
Plan Duration 174
Planting 32
Post-eligibility Treatment of Income 147
Pregnant Woman 130
Previous Grant -vs- New Application 174
Procedures for a Good Cause Claim 107
Program 90
Program Space 37
Project Area 91
Proof From SSA 97
Proof of Immigration Status 100, 101
Property Costs 153
Provider Application and Certifica-tion 150
Provisions 66
Public Assistance 71, 91
Public Hearing 58
Public Lobby 37
Public Notice and Public Comment 58
Purchase of Capital Assets or Durable Goods 138
- Q**
- QUALIFIED CHILD 82
QUALIFIED PREGNANT WOM-AN 82
- R**
- REGIONAL/LOCAL/SPECIAL IN-TEREST PROMOTION 171
REIMBURSEMENT FOR BENEFITS RECEIVED 124
RENTAL INCOME FROM REAL PROPERTY 79, 138
REPORTING LEGAL NONCITIZENS WITH DEPORTATION OR-DER 101
REPORTING REQUIREMENTS 76
REQUIRED PROOF 94
REQUIREMENTS - UNCERTIFIED SEED POTATOES SHALL BE 31
RESIDENCE IN IDAHO 132
RESIDENCY 74
RESIDENT OF ELIGIBLE INSTITU-TION 84
RESOURCE DEFINITION 77
RESOURCE EXCLUSIONS 135
RESOURCE LIMIT 134
RESOURCE LIMITS 77
RESOURCES EXCLUDED BY FED-ERAL LAW 78
RESOURCES OF DISQUALIFIED HOUSEHOLD MEMBERS 108
RETIREMENT ACCOUNT WITH-DRAWALS 80
REVIEW BY THE BOARD OF

- HEALTH 168
 REVIEW BY THE DISTRICT DIRECTOR 168
 REVIEW BY THE DIVISION DIRECTOR 167
 REVIEW BY THE SUPERVISOR 167
 REVIEW OF GOOD CAUSE REQUEST 132
 REVIEW OF PERSONAL RESPONSIBILITY CONTRACT AND ELIGIBILITY 143
 RSDI 72, 93, 129
 RSDI INCOME (SOCIAL SECURITY) 79
 RULE AVAILABILITY 128
 RULES AND DISCIPLINE 34
 Radiation Exposure Payments 137
 Rape or Incest 132
 Rated Capacity 35
 Reason 141
 Reason for Sanction 104
 Reasonable Distance 133
 Recertification By SSA Office 98
 Referral to Department Fraud Unit 118
 Referred Cases 118
 Refugees 74, 75, 132
 Rehabilitation Act of 1973 73
 Reimbursements 111
 Related Party Interest 153
 Related Party Nonallowable Costs 153
 Related Party Refunds 153
 Relative Child Care 133
 Relocation Assistance 136
 Remaining Months 141
 Rent 137
 Reporting 32
 Reporting Requirement for TM 82
 Request for Assistance 63
 Requirements 175
 Requirements When Application is Mailed 97
 Requirements and Criteria 66
 Residence 94, 117, 140
 Residents of Alcohol and Drug Abuse Centers 117
 Resource Value of Licensed Vehicles 109
 Resource Value of Unlicensed Vehicles 109
 Resources 76, 84, 85, 94, 117
 Resources Less Than Limit 110
 Restoring Lost Benefits in Joint Processing 97
 Restriction of Nonpoint Source Activities on Outstanding Resource Waters 59
 Retail Food Store 91
 Retirement Benefits Paid to Former Spouse or Third Party 111
 Review 144
 Review Information 144
 Review Procedure 66
 Right to Appeal 104
 Right to Apply 74
 Right to Hearing 74
- S**
- SALES CONTRACTS 78
 SALMON BASIN 54
 SAVE 72, 93
 SAW 93
 SCHEDULING INTERVIEWS 94
 SCHOOL ATTENDANCE RESPONSIBILITY 132
 SDX 93
 SELF-EMPLOYMENT ALLOWABLE EXPENSES 137
 SELF-EMPLOYMENT EARNED INCOME 78
 SELF-EMPLOYMENT EXPENSES NOT ALLOWED 138
 SEPARATE FOOD STAMP HOUSEHOLD COMPOSITION FOR RELATED MEMBERS 102
 SOCIAL SECURITY NUMBER 75
 SOCIAL SECURITY NUMBER (SSN) 132
 SPECIFIC CHILDREN AND MEDICAID 84
 SPONSORED LEGAL NONCITIZEN'S RESPONSIBILITY' 122
 SPONSORED LEGAL NONCITIZEN INELIGIBLE UNTIL PROOF PROVIDED 123
 SPONSORED LEGAL NONCITIZENS 120
 SPONSORED LEGAL NONCITIZENS EXEMPT FROM DEEMING 122
 SPONSORED NON-CITIZEN 139
 SQC 93
 SRS 72
 SSA 72, 93
 SSA Expedited Application Screening 97
 SSI 72, 93
 SSI Application Completed by Telephone Interview 97
 SSI Denials and Joint Processing 97
 SSI Payments Under Zebley v. Sullivan Ruling 114
 SSI/FOOD STAMP JOINT PROCESSING 96
 SSN 72, 93, 94, 129, 140
 SSN Standards Not Met 126
 STAFF REQUIREMENTS AND STAFF DEVELOPMENT 34
 STANDARD WORK EXPENSE DISREGARD 78
 STATE LAWS AND REGULATION 175
 STATE SUBSIDIZED ADOPTION ASSISTANCE CHILD 85
 SUA 93
 SUPPORT INCOME 79
 SWICA 93
 Safety Threatened 131
 Sales Contract Income 136
 Salmon Hydrologic Basin - Map - APPENDIX F 56
 Sampling 32
 Sanction Period 104
 Sanctioned Member Becomes Exempt 104, 105
 Sanctioned Member Leaves Household 104, 105
 Sanctions for Failure to Sign Citizen/Legal Noncitizen Status 99
 Sanitation and Seating 37
 Savings 138
 Scope 31, 62, 166
 Scope of Assistance 63
 Second Occurrence 134
 Second Offense 143
 Secondary Proof Requirement 101
 Security Equipment Storage 37
 Selection among Communities 63
 Self Reliance Specialist 71
 Self-Employed At Least One (1) Year 137
 SelfEmployed For At Least One Year 116
 SelfEmployed For Less Than One Year

116
 Self-Employed Less Than One (1) Year 137
 Semi-Monthly Payments 137
 Senior Volunteers 136
 Shelter Costs 94
 Shipping 138
 Signature 66
 Single Occupancy Rooms 36
 Site 171
 Site Selection 36
 Six (6) Months Elapse 105
 Six (6) Months Elapse for Sanctioned Household 105
 Size of Signs 159
 Slide Shows/Videos 171
 Small Community 63
 Social Security Overpayment 136
 Spacing of Advertising Displays 160
 Special Needs 85
 Sponsor Data 123
 Sponsors Dependents' 122
 Sponsors Income and Resources' 122
 Spouse 91
 Stable Homeless Households 117
 Stable Households 117
 Staff Member 166
 Staff Member Report 167
 Staff Member Representation 167
 Staffing 34
 State 71, 91
 State Agency 91
 State Work Study Income of Student 80
 Student 91
 Subcontract 174
 Supervisor 166
 Supervisor Role 167
 Supplemental Security Income (SSI) 91
 Support Income 76
 Supporting Information 65
 Supportive Services 135
 Survey 32
 Suspect Data 123

T

TAFI 72, 81, 129, 136
 TAFI ELIGIBILITY 130
 TANF 129
 TANF Received in Another State 142
 TEMPORARY ASSISTANCE FOR FAMILIES IN IDAHO 128

THIRTY (30) ONLY DISREGARD 79
 THIRTY PLUS ONE-THIRD DISREGARD 78
 TIME FRAME 177
 TIME LIMIT 130
 TITLE AND SCOPE 31, 62, 71, 128, 166, 170
 TITLE IV-E FOSTER CARE CHILD 84
 TITLE XIX FOSTER CHILD 85
 TOTALLY EXCLUDED LICENSED VEHICLES 109
 TPL 72
 TPQY 93
 TRANSFER OF RESOURCE NOT COUNTED FOR DISQUALIFICATION 110
 TRANSITIONAL MEDICAID (TM) 82
 TYPES OF CHANGES THAT MUST BE REPORTED 76
 Tax Reduction Act of 1975, as amended by the Tax Reduction and Simplification Act of 1977 73
 Tax Refunds 136
 Taxes 138
 Technical Review 177
 Testing By Designated Agencies 32
 Third Occurrence 134
 Third Offense 143
 Third Party Payments 135
 Three (3) Months Before Application 110
 Time Limits for Providing Legal Non-citizen Documents 100
 Timeliness 66
 Title 31, 62, 166
 Training and Staff Development Plan 34
 Training or Education 114
 Transfer At Fair Market Value 110
 Transfer Between Household Members 110
 Transfer For Reasons Other Than Food Stamps 110
 Travel and Trade Shows 171
 Twenty 34

U

UI 93
 UIB 72
 UNDERPAYMENT 142

UNEARNED INCOME 79
 UNEARNED INCOME COVERING MORE THAN ONE MONTH 79
 UNEARNED INCOME DISREGARDS 81
 UNMARRIED PARENT UNDER THE AGE OF EIGHTEEN (18) 131
 USDA 93
 Unattended Objects or Baggage 164
 Under Age Twenty-One (21) 84
 Unearned Income 76, 117, 129
 Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 73
 Uniforms 138
 United States Housing Act of 1937, as amended by Public Law 92-213 73
 Unoccupied Home 135
 Unstable Households 117
 Use of Home 138
 Utilities 138
 Utility Costs 95
 Utility Reimbursement Payment 136

V

VA 72, 93, 129
 VA Educational Assistance 80, 136
 VEHICLES 77
 VEHICLES COUNTED AS A RESOURCE 109
 VEHICLES, ANIMALS, BAGGAGE, AND OBJECTS 163
 VERIFICATION FROM SPONSORED LEGAL NONCITIZEN 122
 VERIFYING CHANGES 77
 VIOLATIONS 32
 VISTA Payments 114
 VRS 73
 Vehicle Used To Carry Fuel or Water 109
 Vehicles 76, 94, 117
 Vending Machines 153
 Vendor Payments 111
 Verification 91
 Veterans 75, 131
 Voluntary Quit 141
 Voluntary Quit or Reduction of Hours Worked 126

W

WIC 93
WORK ACTIVITIES 133
WORK ACTIVITIES RESPONSIBILITY 133
WORK ACTIVITY SUPPORTIVE SERVICES 133
WORK INCENTIVE TABLE 139
WORK PROGRAM REQUIREMENT OF TAFI 76
WRITTEN DECLARATION OF CITIZENSHIP OR IMMIGRATION STATUS 99
WRITTEN INTERPRETATIONS 31, 62, 71, 166
WRITTEN INTERPRATIONS 128
Weekly Payments 137
Work Activity Penalty 134
Work Registration Waived 98
Work Reimbursements 135
Work Requirements 96
Work Study Income of Student 136
Working Day 71
Written Policy and Procedures 34, 35

Y

Yellow Pages Advertising 153