

# IDAHO ADMINISTRATIVE BULLETIN

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# Preface

*The Idaho Administrative Bulletin is published once each month by the Department of Administration, Office of the Administrative Rules Coordinator, pursuant to Section 67-5203, Idaho Code. The Bulletin is a compilation of all administrative rule-making documents in Idaho. The Bulletin publishes the official text notice and full text of such actions.*

*The state of Idaho administrative rule-making process comprises five distinct activities; Proposed, Negotiated, Temporary, Pending, and Final rule-making. In the majority of cases, the process begins with proposed rule-making and ends with final rule-making.*

*State agencies are required to provide public notice of rule-making activity and invite public input. The public receives notice of a rule-making activity through the Idaho Administrative Bulletin and the Legal Notice published monthly in local newspapers. The Legal Notice provides reasonable opportunity for public input, either oral or written, which may be presented to the agency within the time and manner specified in the Legal Notice. After the comment period closes, the agency considers fully all information submitted in regard to the rule. Comment periods are not provided in temporary or final rule-making activities.*

## **CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN**

*The Bulletin is cited by year and issue number. For example, Bulletin 97-1 refers to the first Bulletin issued in calendar year 1997, Bulletin 96-1 refers to the first Bulletin issued in calendar year 1996, etc. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. 1 refers to January; Volume No. 2 refers to February; and so forth. Example: The Bulletin published in January of 1998 is cited as Volume 98-1. The December 1997 Bulletin is cited as Volume 97-12.*

## **RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE**

*The Idaho Administrative Code is published once a year and is a compilation or supplemental compilation of all final and enforceable administrative rules in effect in Idaho. In an effort to provide the reader with current, enforceable rules, temporary rules are also published in the Administrative Code. Temporary rules and final rules that have been approved by the legislature during the legislative session, and published in the monthly Idaho Administrative Bulletin, supplement the Administrative Code. Negotiated, proposed, and pending rules are not printed in the Administrative Code and are published only in the Bulletin.*

*To determine if a particular rule remains in effect, or to determine if a change has occurred, the reader should refer to the **Cumulative Index of Administrative Rule-Making**, printed in each Bulletin.*

## **AVAILABILITY OF THE ADMINISTRATIVE CODE AND BULLETIN**

*The Idaho Administrative Code and all monthly Bulletins are available for viewing and use by the public in all 44 county law libraries, state university and college and community college libraries, the state law library, the state library, the Public Libraries in Boise, Pocatello, Idaho Falls and Twin Falls, the Lewiston City Library, East Bonner County Library, Eastern Idaho Technical College Library, Ricks College Library, and Northwest Nazarene College Library.*

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## SUBSCRIPTIONS AND DISTRIBUTION

For subscription information and costs of publications, please contact the Department of Administration, Office of the Administrative Rules Coordinator, 650 W. State Street, Room 100, Boise, Idaho 83720-0004, telephone (208) 334-3577.

The *Administrative Bulletin* is an official monthly publication of the State of Idaho. Yearly subscriptions or individual copies are available for purchase.

**The Administrative Code**, is an annual compilation or supplemental compilation of all final and enforceable temporary administrative rules and includes tables of contents, reference guides, and a subject index.

**Individual Rule Chapters** and **Individual Rule-Making Dockets**, are specific portions of the Bulletin and Administrative Code produced on demand.

**Internet Access** - The Administrative Code and Administrative Bulletin are available on the Internet at the following address:

<http://www.state.id.us/> - from Idaho Home Page select the Administrative Rules link.

**EDITOR'S NOTE:** All rules are subject to frequent change. Users should reference all current issues of the Administrative Bulletin for negotiated, temporary, proposed, pending, and final changes to all rules, or call the Office of the Administrative Rules at (208) 334-3577.

## HOW TO USE THE IDAHO ADMINISTRATIVE BULLETIN

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

### **IDAPA 16.07.01.010.01.a.ii.**

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

"IDAPA 16" refers to the Idaho Department of Health and Welfare.

"07." refers to Title 07, Division of Veterans Services within the Department.

"01." refers to Chapter 01 of Title 07, "Rules Governing Eligibility For Admission into the Veterans Home for Domiciliary Care."

"010." refers to Major Section 010, "Definitions."

"01." refers to Subsection 010.01.

"a." refers to Subsection 010.01.a.

"ii." refers to Subsection 010.01.a.ii.

## **DOCKET NUMBERING SYSTEM**

*Internally, the Bulletin is organized sequentially using a rule docketing system. All rule-making actions (documents) are assigned a "DOCKET NUMBER." The "Docket Number" is a series of numbers separated by a hyphen "-", (16-0701-9601). The docket numbers are published sequentially by IDAPA designation (e.g. the two-digit agency code). The following example is a breakdown of a typical rule docket:*

### **"DOCKET NO. 16-0701-9601"**

*"16-" denotes the agency's IDAPA number; in this case the Department of Health and Welfare.*

*"0701-" refers to the TITLE AND CHAPTER numbers of the agency rule being changed; in this case the Division of Veteran's Services (TITLE 07), Rules Governing Eligibility For Admission into the Veterans Home for Domiciliary Care (Chapter 01).*

*"9601" denotes the year and sequential order of the docket received during the year; in this case the first rule-making action in calendar year 1996.*

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

### **"(BREAK IN CONTINUITY OF SECTIONS)"**

*A typical citation to a rule or a Section or Subsection of a rule that are found with the text of a rule appear as follows:*

### **"IDAPA 16.07.01.200"**

*"16." denotes the IDAPA number of the agency.*

*"07.01." denotes the TITLE and Chapter number of the agency rule.*

*"200" reference the main section number of the rule that is being amended or added.*

*Citations made within a rule to another rule should also include the name of the Department and the Title of the rule being referenced, as well as the IDAPA number.*

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45	Human Rights Commission - Administrative Code Volume 8
17	Industrial Commission - Administrative Code Volume 5
18	Insurance, Department of - Administrative Code Volume 6
05	Juvenile Corrections, Department of - Administrative Code Volume 1
09	Labor, Idaho Department of - Administrative Code Volume 2
20	Lands, Department of - Administrative Code Volume 6
11	Law Enforcement, Department of - Administrative Code Volume 2
30	Library, Idaho State - Administrative Code Volume 7
52	Lottery Commission, Idaho State - Administrative Code Volume 8
22	Medicine, Board of - Administrative Code Volume 6
23	Nursing, Board of - Administrative Code Volume 6
24	Occupational Licenses, Board of - Administrative Code Volume 6
25	Outfitters and Guides Licensing Board - Administrative Code Volume 7
50	Pardons and Parole, Commission for - Administrative Code Volume 8
26	Parks and Recreation, Department of - Administrative Code Volume 7
59	PERSI - Public Employees Retirement System of Idaho - Administrative Code Vol. 8
28	Personnel Commission - Administrative Code Volume 7
27	Pharmacy, Board of - Administrative Code Volume 7
29	Potato Commission, Idaho - Administrative Code Volume 7
10	Professional Engineers & Land Surveyors, Board of - Administrative Code Volume 2
32	Public Works Contractors State Licenses Board - Administrative Code Volume 7
31	Public Utilities Commission - Administrative Code Volume 7
41	Public Health Districts - Administrative Code Volume 8
33	Real Estate Commission - Administrative Code Volume 7
34	Secretary of State - Administrative Code Volume 7
49	Shorthand Reporters, Board of Certified, - Administrative Code Volume 8
36	Tax Appeals, Idaho Board of - Administrative Code Volume 8
35	Tax Commission, State - Administrative Code Volume 7
39	Transportation, Department of - Administrative Code Volume 8
54	Treasurer, Office of the State - Administrative Code Volume 8
46	Veterinary Medical Examiners, Board of - Administrative Code Volume 8
55	Vocational Education, Division of - Administrative Code Volume 8
47	Vocational Rehabilitation, Division of - Administrative Code Volume 8
37	Water Resources, Department of - Administrative Code Volumes 8
42	Wheat Commission, Idaho - Administrative Code Volume 8

# THE OFFICE OF THE GOVERNOR

EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE

## EXECUTIVE ORDER NO. 98-09

### ALLOTMENT MANAGEMENT PLANS ON PUBLIC LANDS IDAHO STATE DEPARTMENT OF AGRICULTURE AS LEAD AGENCY

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WHEREAS, Section 8 of the Public Rangelands Improvement Act of 1978 (P.L. 95-514; Stat. 1803) provides, for, among other things, careful and considered consultation, cooperation, and coordination between the Forest Service, Bureau of Land Management, federal grazing permittees and lessees, and any state having lands within areas to be included in allotment management plans; and

WHEREAS, the Idaho State Department of Agriculture has signed Memoranda of Understanding (MOUs) with the U.S. Forest Service, the Bureau of Land Management, and the University of Idaho to coordinate and implement the congressional intent of the aforementioned Act;

NOW, THEREFORE, I, PHILIP E. BATT, Governor of the State of Idaho, by the authority vested in me, under the Constitution and laws of the State of Idaho, do hereby designate the Idaho State Department of Agriculture to serve as the lead agency to consult, cooperate, and coordinate with the parties involved in matters relating to the development, implementation, and revision of allotment management plans; to provide a process for dispute resolution; and to receive and expend such monies as are available for these purposes. Further, I hereby direct all state agencies to cooperate fully with and provide assistance to the Idaho State Department of Agriculture in carrying out its responsibilities under this Order.

This Executive Order shall cease to be effective four years after its entry into force. This Executive Order replaces Executive Order No. 92-26 that was issued in 1992.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this Eighteenth day of June in the year of our Lord nineteen hundred ninety-eight and of the Independence of the United States of America the two hundred twenty-second and of the Statehood of Idaho the one hundred eighth.

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PHILIP E. BATT  
GOVERNOR

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PETE T. CENARRUSA  
SECRETARY OF STATE

**THE OFFICE OF THE GOVERNOR  
EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE**

**EXECUTIVE ORDER NO. 98-10**

**CHILD MORTALITY REVIEW COMMITTEE**

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*WHEREAS, the health and safety of Idaho children are of primary importance; and*

*WHEREAS, the child death rate in Idaho exceeds that of the nation; and*

*WHEREAS, some child deaths are due to preventable causes; and*

*WHEREAS, records of children's deaths and circumstances leading to their death are kept by multiple agencies but not coordinated, on-going effort is being made to evaluate these records; and*

*WHEREAS, expertise exists within the state to evaluate these records and identify circumstances leading to or contributing to the deaths of children; and*

*WHEREAS, the identification of risk producing circumstances and recommendations to remediate them may reduce child death rates;*

*NOW THEREFORE, I, PHILIP E. BATT, Governor of the State of Idaho, by virtue of the authority vested in me under the Constitution and laws of this state, do hereby establish the Child Mortality Review Committee.*

*The duties of the Committee shall include reviewing data on selected cases of child death and developing recommendations for systems improvement which lead to reduced mortality.*

*The members of the Committee shall be appointed by the Director of the Department of Health and Welfare. The terms of appointment, chairmanship, and other operating guidelines shall be established by the Committee in bylaws.*

*Membership shall include:*

- a pediatrician,*
- an emergency medicine physician,*
- a pathologist,*
- a coroner,*
- a prosecutor,*
- a law enforcement representative,*
- a Children At Risk Task Force member,*
- the state epidemiologist, and*
- a representative of the public.*

*An annual report with the Committee's findings and recommendations shall be presented to the Governor and to the Chairs of the Senate and House Health and Welfare Committees.*

*This Executive Order shall cease to be effective four years after its entry into force.*



*IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at Boise the Capitol, the 16th day of July, in the year of our Lord nineteen hundred ninety-eight, and of the Independence of the United States of America the two hundred twenty-third and of the Statehood of Idaho the one hundred ninth.*

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*PHILIP E. BATT*  
*GOVERNOR*

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*PETE T. CENARRUSA*  
*SECRETARY OF STATE*



**THE OFFICE OF THE GOVERNOR**

EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE

**EXECUTIVE ORDER NO. 98-11**

**STATE OF IDAHO COMPREHENSIVE POLICY ON THE USE OF AIRCRAFT  
BY ALL CIVILIAN STATE AGENCIES  
REPLACING 94-06**

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*WHEREAS, it is in the best interests of state employees, the general public, and the efficient operation of state government to be committed to the safe utilization of aircraft; and*

*WHEREAS, the state of Idaho is committed to ensuring the highest level of safety in the charter and operation of aircraft by state agencies and employees; and*

*WHEREAS, the state of Idaho is required by Title 21, Idaho Code, actively to promote aviation safety in all aircraft operations; and*

*WHEREAS, Title 21, Idaho Code requires that all state aviation operations comply with applicable Federal Regulations;*

*NOW, THEREFORE, I, PHILIP E. BATT, Governor of the state of Idaho, by the authority vested in me under the Constitution and Laws of this state, do hereby order as follows:*

*1. Each department director or other appointing authority will develop policies for the charter and use of aircraft that will ensure that there is full compliance with all applicable Federal Aviation Regulations (FAR) pertaining to such operations. Specifically:*

*a. All aircraft operations involving the transportation of passengers from point to point, both intrastate and interstate, in any aircraft operated by the State of Idaho shall be according to all applicable rules set forth in Federal Aviation Regulations. State-employed pilots shall meet all training and proficiency requirements, and state-operated aircraft shall be maintained in accordance with the appropriate parts of FAR.*

*b. All aircraft operations involving aerial surveys, game counts, aerial photography, and all other aircraft use not involving aerial transportation of state personnel in point-to-point operations in the furtherance of State of Idaho objectives shall meet all appropriate rules in FAR. Further, all charter operations for such activities shall be conducted either in state aircraft operated by the Idaho Transportation Department Division of Aeronautics or by duly qualified and certified air charter organizations.*

*c. Further, all passenger or freight charter aircraft operations by state agencies will be only by Federal Aviation Administration (FAA) certificated Air Carrier Operators who hold current FAR part 135 or FAR part 121 Air Carrier Operations Certificates and are authorized by appropriate Operations Specifications to perform the operations for which they have been chartered.*

*2. Each department director or other appointing authority will be responsible for ensuring that his or her agency is complying with the above directives.*

*3. The control and operation of state-owned/leased civilian aircraft will be by the Idaho Transportation Department Division of Aeronautics. This organization may be used as a resource for the development of individual agency aviation-use policies.*

*4. Each department director or other appointing authority will develop stringent policies governing the operation of aircraft by state employees on official state business. Such policies will include minimum qualifications, minimum experience levels, and minimum certification levels, and shall be limited primarily to point-to-point*

operations. The carriage of state employee passengers in these circumstances shall be discouraged.

a. As a minimum, pilots in operations described in paragraph #4 above will fulfill the following requirements when acting as pilot-in-command of aircraft on official state business when not carrying passengers:

1) Hold at least a current Private Pilot Certificate issued by the FAA with at least a current third-class medical certificate.

2) Have logged at least 150 hours of flying time.

3) Meet all current requirements for type, category, and class of aircraft being used.

b. Pilots carrying state employee passengers will:

1) Hold at least a current Private Pilot Certificate issued by the FAA with at least a current third-class medical certificate.

2) Have logged at least 500 hours of flying time.

3) Meet all current requirements for type, category, and class of aircraft being used.

5. State employee personnel possessing current aviator ratings and who have a need to pilot rented or owned aircraft in the fulfillment of their state duties shall first be approved for such duties by their agency and shall also be certified by the Idaho Transportation Department Division of Aeronautics that they meet the certification and experience required by this order. Further, the certification and experience requirements shall be attested to on an annual basis by the Idaho Department of Transportation Division of Aeronautics.

6. Each department director or other appointing authority will ensure that aircraft and pilots involved in paragraph four above will have sufficient insurance to meet state standards. Each aircraft will carry at least \$1,000,000 bodily injury and property damage liability COMBINED SINGLE LIMITS. EXCEPTION--Single-engine, fixed-wing airplanes may be insured for a minimum of \$500,000 COMBINED SINGLE LIMITS with any person sub-limits of no less than \$100,000.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at the Capitol, the 22nd day of October, in the year of our Lord nineteen hundred ninety-eight, and of the Independence of the United States of America the two hundred twenty-third, and of the Statehood of Idaho the one hundred ninth.

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PHILIP E. BATT  
GOVERNOR

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PETE T. CENARRUSA  
SECRETARY OF STATE

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

**08.01.11 - OUT-OF-STATE INSTITUTIONS, IN-STATE NONACCREDITED  
INSTITUTIONS, AND CORRESPONDENCE OR PRIVATE COURSES**

**DOCKET NO. 08-0111-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective July 1, 1999, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 33-105, 33-107 and 33-2403, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. The proposed rules address the statutory requirements for the registration of out-of-state and non-accredited schools in Idaho. The proposed rule also provides for processing, registration, agent and library impact fees. The processing and registration fees have been assessed to cover the associated costs of processing applications and for the establishment and maintenance of a register of courses and programs offered in Idaho. The agent fee is set by statute. The library impact fee covers the use of postsecondary libraries by students enrolled in the proprietary schools.

The pending rules are being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, August 5, 1998, Volume 98-8, pages 11 through 16.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Kevin D. Satterlee at (208) 334-2270.

DATED this 13th day of October 1998.

Mr. Kevin D. Satterlee  
Deputy Attorney General  
State Board of Education  
650 West State Street  
P.O. Box 83720, Boise, Idaho 83720-0037  
Phone: (208) 334-2270 / FAX: (208)334-2632

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**IDAPA 08  
TITLE 01  
Chapter 11**

**OUT-OF-STATE INSTITUTIONS, IN-STATE NONACCREDITED  
INSTITUTIONS, AND CORRESPONDENCE OR PRIVATE COURSES**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-8, August 5, 1998, pages 11 through 16.**

**This rule has been adopted as Final by the Agency and is now pending review by the  
1999 Idaho State Legislature for final adoption.**

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

**08.02.01 - RULES GOVERNING ADMINISTRATION**

**DOCKET NO. 08-0201-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective July 1, 1999, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 33-105 and 33-308.

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

To govern the application and hearing procedures for alteration of school boundary requests to the State Board of Education pursuant to new statutes passed by the Legislature.

The pending rules are being adopted as proposed. The original text of the proposed rules was published in the August 5, 1998, Idaho Administrative Bulletin, Volume 98-8, pages 17 and 18.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance with technical questions concerning this pending rule, contact Dr. Darrell Loosle at (208)332-6800.

DATED this 13th day of October, 1998.

Mr. Kevin D. Satterlee  
Deputy Attorney General  
State Board of Education  
650 West State Street  
P.O. Box 83720  
Boise, Idaho 83720-0037  
Phone: (208) 334-2270  
FAX: (208) 334-2632

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**IDAPA 08  
TITLE 02  
Chapter 01**

**RULES GOVERNING ADMINISTRATION**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-8, August 5, 1998, pages 17 and 18.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 1999 Idaho State Legislature for final adoption.**

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

**08.02.02 - RULES GOVERNING UNIFORMITY**

**DOCKET NO. 08-0202-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective July 1, 1999, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 33-105 and 33-308, Idaho Code.

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

The proposed rule would require that all new applicants for teacher certification must demonstrate a sufficient level of skill and knowledge in technology prior to certification. The proposed rule enumerates the tests and standards for assessment of the knowledge and skills and provides for review by the State Board of Education.

The pending rules are being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, May 6, 1998, Volume 98-5, pages 26 and 27.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance with technical questions concerning this pending rule, contact Dr. Darrell Loosle at (208) 332-6800.

DATED this 13th day of October, 1998.

Mr. Kevin D. Satterlee  
Deputy Attorney General  
State Board of Education  
650 West State Street  
P.O. Box 83720, Boise, Idaho 83720-0037  
Phone: (208) 334-2270 / FAX: (208) 334-2632

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**IDAPA 08  
TITLE 02  
Chapter 02**

**RULES GOVERNING UNIFORMITY**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-5, May 6, 1998, pages 26 and 27.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 1999 Idaho State Legislature for final adoption.**

**IDAPA 08 - IDAHO STATE BOARD OF EDUCATION  
AND STATE DEPARTMENT OF EDUCATION**  
**08.02.04 - RULES GOVERNING CHARTER SCHOOLS**  
**DOCKET NO. 08-0204-9801**

**NOTICE OF PENDING RULE AND AMENDMENT TO TEMPORARY RULE**

**EFFECTIVE DATE:** The effective date of this temporary rule is July 1, 1998. These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224 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(s) 33-105 and 33-5207, 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.

The proposed rule addresses the registration process for charter schools in Idaho. The existing temporary rule was amended to allow charter school petitions to be filed earlier in the year, January 1, 1999, rather than May 1, 1999.

The proposed rules have been amended in response to public comment and to make typographical, transcriptional, and clerical corrections to the rules, and are being amended pursuant to Section 67-5227, Idaho Code. Rather than keep the temporary rules in place while the pending rules await legislative approval, the Idaho State Board of Education amended the temporary rules with the same revisions which have been made to the proposed rules.

Only the sections that have changes are printed in this bulletin. The original text of the proposed rules was published in the August 5, 1998, Idaho Administrative Bulletin, Volume 98-8, pages 19 through 23.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Dr. Darrell Loosle at (208)332-6800.

DATED this 13th day of October, 1998

Mr. Kevin D. Satterlee  
Deputy Attorney General  
State Board of Education  
650 West State Street  
P.O. Box 83720  
Boise, Idaho 83720-0037  
Phone: (208) 334-2270

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**IDAPA 08  
TITLE 02  
Chapter 04**

**RULES GOVERNING CHARTER SCHOOLS**

**There are substantive changes from the proposed rule text.**

**Only those sections that have changed from the original proposed text are printed in this Bulletin following this notice.**

**The complete original text was published in the Idaho Administrative Bulletin, Volume 98-8, August 5, 1998, pages 19 through 23.**

**This rule has been adopted as Final by the Agency and is now pending review by the 1999 Idaho State Legislature for final adoption.**

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**THE FOLLOWING IS TEXT OF DOCKET NO. 08-0204-9801**

**003. ADMINISTRATIVE APPEAL.**

Pursuant to Section 33-5207(5)(b), Idaho Code, any appeals pertaining to establishment of a new charter school registration shall be on such procedures as set forth in the governing policies and procedures of the State Board of Education. ~~(7-1-98)T~~(7-1-98)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**011. FILING WITH THE BOARD.**

For the purposes of Section 33-5206(5), Idaho Code, filing with the State Board of Education shall be on a first in time is first in right basis. (7-1-98)T

01. Filing. Filing with the State Board of Education shall be allowed during regular business hours, 8:00 am to 5:00 pm Mountain Time on regular business days, Monday through Friday, excluding all holidays as allowed by law. (7-1-98)T

02. Numbering of Petitions. All petitions received at the Office of the State Board of Education via hand delivery, fax or mail shall be chronologically numbered, date stamped, and time stamped in the order received. (7-1-98)T

03. Board Office. Petitions shall be filed at the State Board of Education at the following physical address: Idaho State Board of Education 650 W. State Street, Room 307, Boise, Idaho. 83702. (7-1-98)T

04. Transmission to the Department. Following the filing with the Office of the State Board of Education, all petitions shall be forwarded to the State Department of Education for further processing as required. (7-1-98)T

05. Time of Filing. Beginning in the calendar year 1999 and for each calendar year thereafter petitions shall not be accepted prior to ~~May~~ January 1. ~~(7-1-98)T~~(7-1-98)T

**012. UNASSIGNED ALLOTMENTS.**

Within five (5) business days following October 1 of each calendar year, any unused allotments as provided for in Section 33-5203(2), Idaho Code, shall be distributed among the other regions by random drawing. (7-1-98)T

01. Random Drawing. The random drawing shall be conducted in the Office of the State Board of Education during regular business hours on a regular business day not to exceed five (5) regular business days following October 1. (7-1-98)T

02. Notice to Requesting Entities. The Office of the State Board of Education shall take reasonable efforts to notify all requesting districts whose petition is available for the random distribution of the date and time of the random drawing. Such notice may be by U.S. Mail, facsimile, electronic mail, or telephone. (7-1-98)T

03. Method of Random Drawing. The random drawing shall be conducted via the following method. The petition number as assigned pursuant to Section 33-5206(5), Idaho Code, shall be placed upon a three inch by five inch (3" x 5") index card for each requesting district qualified for the random distribution. All three inch by five inch (3" x 5") cards shall be placed in a receptacle deemed sufficient by the Executive Director of the State Board of Education. The State Superintendent of Public Instruction or his or her designee, shall randomly draw one (1) three inch by five inch (3" x 5") index card for each unused allotment. Only the petitions drawn at such drawing shall be allowed as charter schools and no further drawings shall be made for that calendar year under any circumstance whatsoever. (7-1-98)T

04. Notification. The State Board of Education shall notify the charter school or schools selected via the random drawing and shall further notify all of the requesting petitioners not so selected. (7-1-98)T

05. No Carryover of Petitions. Any petition that is not allowed as a charter school pursuant to Section 33-5203(2), Idaho Code, through either the one (1) per district or two (2) per region allotment or by the random drawing for any unused allotments, shall be returned to the petitioners and shall not carry over to the next year. ~~Such petitions shall thereafter be null and void and shall not be carried over as petitions for future calendar years.~~ Provided however, that nothing shall be construed as prohibiting the petitioners from submitting a similar or identical petition the following calendar year pursuant to these rules. (7-1-98)T(7-1-98)T



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

**10.01.02 - RULES OF PROFESSIONAL RESPONSIBILITY**

**DOCKET NO. 10-0102-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective July 1, 1999, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

The proposed rule amends the current rules of professional responsibility to require that persons licensed to practice professional land surveying in Idaho acknowledge their responsibility to comply with requirements of continuing professional competency contained in IDAPA 10.01.04, "Rules of Continuing Professional Competency".

The pending rules are being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, pages 27 and 28.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact David L. Curtis at (208) 334-3860.

DATED this 25th day of September, 1998.

David L. Curtis, Executive Secretary  
Board of Registration of Professional Engineers  
and Professional Land Surveyors  
600 S. Orchard, Suite A., Boise, Idaho 83705-1242  
Telephone (208) 334-3860  
Fax (208) 334-2008

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**IDAPA 10  
TITLE 01  
Chapter 02**

**RULES OF PROFESSIONAL RESPONSIBILITY**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-9, September 2, 1998, pages 27 and 28.**

**This rule has been adopted as Final by the Agency  
and is now pending review by the  
1999 Idaho State Legislature for final adoption.**

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

**10.01.04 - RULES OF CONTINUING PROFESSIONAL COMPETENCY**

**DOCKET NO. 10-0104-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective July 1, 1999, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

The proposed rule is a new chapter which makes continuing professional development a condition of renewal for persons licensed to practice professional land surveying in Idaho.

The pending rules are being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, Volume 98-9, pages 29 through 32.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact David L. Curtis at (208) 334-3860.

DATED this 25th day of September, 1998.

David L. Curtis, Executive Secretary  
Board of Registration of Professional Engineers  
and Professional Land Surveyors  
600 S. Orchard, Suite A., Boise, Idaho 83705-1242  
Telephone (208) 334-3860  
Fax (208) 334-2008

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**IDAPA 10  
TITLE 01  
Chapter 04**

**RULES OF CONTINUING PROFESSIONAL COMPETENCY**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-9, September 2, 1998, pages 29 through 32.**

**This rule has been adopted as Final by the Agency  
and is now pending review by the  
1999 Idaho State Legislature for final adoption.**

**IDAPA 11 - DEPARTMENT OF LAW ENFORCEMENT**  
**11.02.01 - RULES OF THE IDAHO STATE BRAND BOARD**  
**DOCKET NO. 11-0201-9801**  
**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the end of the 1999 Idaho State Legislation Session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 25-1102, Idaho Code.

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

Animal Damage Control increased their fee from three to four cents per head on all livestock with the additional revenue going to fund existing programs and, hopefully, the dairy and feedlot operators needing assistance in handling their problems.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, March 4, 1998, Volume 98-3, pages 13 and 14.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Larry A. Hayhurst, (208) 884-7070.

DATED this 20th day of October, 1998.

Larry A. Hayhurst  
State Brand Inspector  
Idaho State Brand Board  
700 South Stratford  
P. O. Box 1177  
Meridian, ID 83680-1177  
Phone (208) 884-7070 FAX (208) 884-7097

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**IDAPA 11**  
**TITLE 02**  
**Chapter 01**

**RULES OF THE IDAHO STATE BRAND BOARD**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-3, March 4, 1998, pages 13 and 14.**

**This rule has been adopted as Final by the Agency  
and is now pending review by the  
1999 Idaho State Legislature for final adoption.**

**IDAPA 11 - DEPARTMENT OF LAW ENFORCEMENT**  
**11.03.01 - RULES GOVERNING ALCOHOL TESTING, IDAHO STATE FORENSIC LABORATORY**

**DOCKET NO. 11-0301-9802**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State legislature for final adoption. The pending rule becomes final and effective at end of 1999 Idaho State Legislation Session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 19-5504, Idaho Code.

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

The pending rules are being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, August 5, 1998, Volume 98-8, pages 25 through 27.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact R. Dan Charboneau (208), 884-7171.

DATED this 21st day of October 1998.

R. Dan Charboneau  
Bureau Chief  
Department of Law Enforcement  
P.O. Box 700  
Meridian, ID 83680-0700  
(208) 884-7171  
(208) 884-7197 (FAX)

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**IDAPA 11**  
**TITLE 03**  
**Chapter 01**

**RULES GOVERNING ALCOHOL TESTING, IDAHO STATE FORENSIC LABORATORY**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho  
Administrative Bulletin, Volume 98-8, August 5, 1998,  
pages 25 through 27.**

**This rule has been adopted as Final by the Agency  
and is now pending review by the  
1999 Idaho State Legislature for final adoption.**

**IDAPA 11 - DEPARTMENT OF LAW ENFORCEMENT**

**11.04.01 - RULES GOVERNING HORSE RACING  
THE IDAHO STATE RACING COMMISSION**

**DOCKET NO. 11-0401-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the end of the 1999 Idaho State Legislation Session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rules is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Sections 67-5224, and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-2506, Idaho Code.

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

The Idaho State Racing Commission is no longer a member of the Association of Racing Commissioners International. Change was made to include all jurisdictions.

The pending rules are being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, January 7, 1998, Volume 98-1, pages 31 through 35.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Eugene "Jack" Baker, at (208) 884-7080.

DATED this 19th day of October, 1998

Eugene "Jack" Baker  
Executive Director  
Idaho State Racing Commission  
P.O. Box 700, Meridian, ID 83680-0700  
(208) 884-7080 / (208) 884-7098 (Fax)

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**IDAPA 11  
TITLE 04  
Chapter 01**

**RULES GOVERNING HORSE RACING**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-1, January 7, 1998, pages 31 through 35.**

**This rule has been adopted as Final by the Agency  
and is now pending review by the  
1999 Idaho State Legislature for final adoption.**

**IDAPA 11 - DEPARTMENT OF LAW ENFORCEMENT**

**11.04.01 - RULES GOVERNING HORSE RACING  
THE IDAHO STATE RACING COMMISSION**

**DOCKET NO. 11-0401-9802**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the end of the 1999 Idaho State Legislation Session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rules is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Sections 67-5224, and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-2506, Idaho Code.

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

Changes made to eliminate hardships for horsemen but not change the regulatory aspect of the rules. Includes cosmetic changes.

The pending rules are being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, January 7, 1998, Volume 98-1, pages 37 through 42.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Eugene "Jack" Baker, at (208) 884-7080.

DATED this 19th day of October, 1998

Eugene "Jack" Baker  
Executive Director  
Idaho State Racing Commission  
P.O. Box 700  
Meridian, ID 83680-0700  
(208) 884-7080  
(208) 884-7098 (Fax)

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**IDAPA 11  
TITLE 04  
Chapter 01**

**RULES GOVERNING HORSE RACING**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-1, January 7, 1998, pages 37 through 42.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 1999 Idaho State Legislature for final adoption.**

**IDAPA 11 - DEPARTMENT OF LAW ENFORCEMENT**

**11.04.01 - RULES GOVERNING HORSE RACING  
THE IDAHO STATE RACING COMMISSION**

**DOCKET NO. 11-0401-9803**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the end of the 1999 Idaho State Legislation Session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rules is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Sections 67-5224, and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-2506, Idaho Code.

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

Changes made to define and correct the rules for live racing. These rules will also give jurisdiction over the live racing within the state to the Idaho State Racing Commission and defines the administration of the jurisdiction.

The pending rules are being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, January 7, 1998, Volume 98-1, pages 43 through 48.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Eugene "Jack" Baker, at (208) 884-7080.

DATED this 19th day of October, 1998

Eugene "Jack" Baker  
Executive Director  
Idaho State Racing Commission  
P.O. Box 700  
Meridian, ID 83680-0700  
(208) 884-7080  
(208) 884-7098 (Fax)

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**IDAPA 11  
TITLE 04  
Chapter 01**

**RULES GOVERNING HORSE RACING**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-1, January 7, 1998, pages 43 through 48.**

**This rule has been adopted as Final by the Agency  
and is now pending review by the  
1999 Idaho State Legislature for final adoption.**

**IDAPA 11 - DEPARTMENT OF LAW ENFORCEMENT**

**11.04.01 - RULES GOVERNING HORSE RACING  
THE IDAHO STATE RACING COMMISSION**

**DOCKET NO. 11-0401-9804**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the end of the 1999 Idaho State Legislation Session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rules is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Sections 67-5224, and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-2506, Idaho Code.

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

Protection of the public health safety, or welfare and compliance with deadlines in amendments of governing law or federal programs. Changes made to duration of licensing for option of a one year or three year license.

The pending rules are being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, July 1, 1998, Volume 98-7, pages 61 through 66.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Eugene "Jack" Baker, at (208) 884-7080.

DATED this 19th day of October, 1998

Eugene "Jack" Baker  
Executive Director  
Idaho State Racing Commission  
P.O. Box 700  
Meridian, ID 83680-0700  
(208) 884-7080  
(208) 884-7098 (Fax)

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**IDAPA 11  
TITLE 04  
Chapter 01**

**RULES GOVERNING HORSE RACING**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-7, July 1, 1998, pages 61 through 66.**

**This rule has been adopted as Final by the Agency  
and is now pending review by the  
1999 Idaho State Legislature for final adoption.**



**IDAPA 11 - DEPARTMENT OF LAW ENFORCEMENT**  
**11.07.04 - ENVIRONMENTAL AUDIT PROTECTION RULES**

**DOCKET NO. 11-0704-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the end of the 1999 Idaho State Legislation Session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Title 25, Chapter 11, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule. The Idaho Department of Law Enforcement has adopted temporary rules repealing the rules under IDAPA 11.07.04, Idaho Department of Law Enforcement Environmental Audit Protection Act, which required agencies with authority to enforce environmental laws to promulgate rules implementing the Act under Section 9-810, Idaho Code. These rules provided that Environmental Audit Reports be submitted by the Department of Law Enforcement and would be governed by the Environmental Audit Rules of the Department of Health and Welfare. This statute has become null and void. The rule, therefore, has no authority and must be repealed, as it is no longer enforceable.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, July 1, 1998, Volume 98-7, page 67.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Thomas P. Watkins, (208) 884-7050.

DATED this 20th day of October, 1998.

Thomas P. Watkins  
Deputy Attorney General  
Department of Law Enforcement  
P.O. Box 700, Meridian, ID 83680-0700  
(208) 884-7050 / (208) 884-7090 (FAX)

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**IDAPA 11**  
**TITLE 07**  
**Chapter 04**

**ENVIRONMENTAL AUDIT PROTECTION RULES**

**This rule is being repealed in its entirety**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-7, July 1, 1998, page 67.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 1999 Idaho State Legislature for final adoption.**

**IDAPA 11 - DEPARTMENT OF LAW ENFORCEMENT**  
**11.10.03 - RULES GOVERNING THE SEX OFFENDER REGISTRY**

**DOCKET NO. 11-1003-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the end of the 1999 Idaho State Legislation Session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 18-8305, 18-8306, and 18-8323, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule.

The Sexual Offender Registration Notification and Community Right-to-Know Act, Title 18, Chapter 83, Sections 18-8301 through 18-8326, Idaho Code, is effective July 1, 1998. It requires rule-making to implement procedures governing the operation of and access to the sex offender central registry.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, pages 33 through 37.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact K. Ann Thompson, (208) 884-7000.

DATED this 21st day of October, 1998.

K. Ann Thompson  
Special Assistant to the Director  
Department of Law Enforcement  
P.O. Box 700  
Meridian, ID 83680-0700  
(208) 884-7000  
(208) 884-7090 (FAX)

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**IDAPA 11**  
**TITLE 10**  
**Chapter 03**

**RULES GOVERNING THE SEX OFFENDER REGISTRY**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-9, September 2, 1998, pages 33 through 37.**

**This rule has been adopted as Final by the Agency  
and is now pending review by the  
1999 Idaho State Legislature for final adoption.**

**IDAPA 11 - DEPARTMENT OF LAW ENFORCEMENT**  
**11.11.01 - RULES OF THE IDAHO PEACE OFFICER STANDARDS**  
**AND TRAINING COUNCIL**

**DOCKET NO. 11-1101-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective July 1, 1999, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, May 6, 1998, Volume 98-5, pages 31 through 33.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Michael N. Becar at (208) 884-7250.

DATED this 21st day of October, 1998.

Michael N. Becar  
Executive Director  
Department of Law Enforcement  
Peace Officer Standards and Training Council  
700 South Stratford Drive  
P.O. Box 700  
Meridian, ID 83680-0700  
(208) 884-7250 / (208) 884-7295 (FAX)

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**IDAPA 11**  
**TITLE 11**  
**Chapter 01**

**RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,**  
**Volume 98-5, May 6, 1998, pages 31 through 33.**

**This rule has been adopted as Final by the Agency**  
**and is now pending review by the**  
**1999 Idaho State Legislature for final adoption.**

**IDAPA 15 - OFFICE OF THE GOVERNOR**

**15.01.03 - RULES GOVERNING OMBUDSMAN FOR THE ELDERLY PROGRAM  
IDAHO COMMISSION ON AGING**

**DOCKET NO. 15-0103-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective July 1, 1999, unless the rule is rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 67-5003, Idaho Code.

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

There are no changes from the proposed rule. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, July 1, 1998, Volume 98-7, pages 114 through 116.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Cathy Hart, 334-4693.

DATED this 19th day of October, 1998.

Arlene D. Davidson, Director  
Idaho Commission on Aging  
3380 Americana Terrance, Suite 120  
PO Box 83720  
Boise, Idaho 83720-0007  
Telephone: (208) 334-3833 Fax: (208) 334-3033

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**IDAPA 15  
TITLE 01  
Chapter 03**

**RULES GOVERNING OMBUDSMAN FOR THE ELDERLY PROGRAM**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho  
Administrative Bulletin, Volume 98-7, July 1, 1998,  
pages 114 through 116.**

**This rule has been adopted as Final by the Agency  
and is now pending review by the  
1999 Idaho State Legislature for final adoption.**

**IDAPA 15 - OFFICE OF THE GOVERNOR**  
**15.01.20 - RULES GOVERNING AREA AGENCY ON AGING (AAA) OPERATIONS**  
**IDAHO COMMISSION ON AGING**

**DOCKET NO. 15-0120-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective July 1, 1999, unless the rule is rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 67-5003, Idaho Code.

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

There are no changes from the proposed rule. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, July 1, 1998, Volume 98-7, pages 117 through 119.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Ken Wilkes, 334-2219.

DATED this 19th day of October, 1998.

Arlene D. Davidson, Director  
Idaho Commission on Aging  
3380 Americana Terrace, Suite 120  
PO Box 83720  
Boise, Idaho 83720-0007  
Telephone: (208) 334-3833  
Fax: (208) 334-3033

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**IDAPA 15**  
**TITLE 01**  
**Chapter 20**

**RULES GOVERNING AREA AGENCY ON AGING (AAA) OPERATIONS**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-7, July 1, 1998, pages 117 through 119.**

**This rule has been adopted as Final by the Agency  
and is now pending review by the  
1999 Idaho State Legislature for final adoption.**

**IDAPA 15 - OFFICE OF THE GOVERNOR**  
**15.01.20 - RULES GOVERNING AREA AGENCY ON AGING (AAA) OPERATIONS**  
**IDAHO COMMISSION ON AGING**

**DOCKET NO. 15-0120-9802**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective July 1, 1999, unless the rule is rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 67-5003, Idaho Code.

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

There are no changes from the proposed rule. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, July 1, 1998, Volume 98-7, pages 120 through 122.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Ken Wilkes, 334-2219.

DATED this 19th day of October, 1998.

Arlene D. Davidson, Director  
Idaho Commission on Aging  
3380 Americana Terrace, Suite 120  
PO Box 83720  
Boise, Idaho 83720-0007  
Telephone: (208) 334-3833  
Fax: (208) 334-3033

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**IDAPA 15**  
**TITLE 01**  
**Chapter 20**

**RULES GOVERNING AREA AGENCY ON AGING (AAA) OPERATIONS**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-7, July 1, 1998, pages 120 through 122.**

**This rule has been adopted as Final by the Agency  
and is now pending review by the  
1999 Idaho State Legislature for final adoption.**

**IDAPA 15 - OFFICE OF THE GOVERNOR**  
**15.01.21 - RULES GOVERNING OLDER AMERICANS ACT SERVICES**  
**IDAHO COMMISSION ON AGING**

**DOCKET NO. 15-0121-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective July 1, 1999, unless the rule is rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 67-5003, Idaho Code.

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

Changes correct clerical and transcriptional errors and to also correct cross references to other chapters. In Section 031, the Subsections 03.a., 03.b., and 03.c. were inadvertently published as 03.i., 03.ii., and 03.iii. These have been corrected to reflect the proper numbering. There are no substantive changes from the proposed rule.

This pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, July 1, 1998, Volume 98-7, pages 123 through 126.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Dick Juengling, 334-2218.

DATED this 19th day of October, 1998.

Arlene D. Davidson, Director  
Idaho Commission on Aging  
3380 Americana Terrace, Suite 120  
PO Box 83720  
Boise, Idaho 83720-0007  
Telephone: (208) 334-3833  
Fax: (208) 334-3033

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**IDAPA 15**  
**TITLE 01**  
**Chapter 21**

**RULES GOVERNING OLDER AMERICANS ACT SERVICES**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,**  
**Volume 98-7, July 1, 1998, pages 123 through 126.**

**This rule has been adopted as Final by the Agency and is now pending**  
**review by the 1999 Idaho State Legislature for final adoption.**

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.01.08 - IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS**

**DOCKET NO. 16-0108-9802**

**NOTICE OF NEGOTIATED RULEMAKING**

**AUTHORITY:** In compliance with Section 67-5220, Idaho Code, and IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General," Sections 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 Chapter 1, Title 39, Idaho Code and Chapter 21, Title 37, Idaho Code. Section 39-105(3)(e), Idaho Code, contains explicit authorization for the adoption and implementation of an operator certification program. In addition, this rulemaking is required by Section 1419(b) of the federal Safe Drinking Water Act (42 U.S.C. Section 300g-8(b)). Failure to comply with this provision will result in losing 20% of the state's annual Drinking Water Revolving Loan Fund capitalization grant from the federal government.

**MEETING SCHEDULE:** For information regarding meeting dates and involvement opportunities and to receive a preliminary draft of the rule, contact Alan Stanford at (208) 373-0502. The Department of Health and Welfare, Division of Environmental Quality (DEQ) intends to actively solicit participation from key interest groups. Interested persons may also participate in the negotiated rulemaking process by submitting written comments as provided below.

The meeting site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the meeting. For arrangements, contact the undersigned at (208) 373-0418.

**DESCRIPTIVE SUMMARY:** This rulemaking has been undertaken to adopt and implement a public drinking water system operator certification program. The proposal will add a requirement that operators of community and nontransient noncommunity public drinking water systems be certified. The basis for the new rules will be nine baseline standards: 1) authorization; 2) system and operator classification; 3) operator qualifications; 4) enforcement; 5) certification renewal; 6) resources to implement the program; 7) re-certification; 8) stakeholder involvement; and 9) program review. These are standards specified by guidance from the U.S. Environmental Protection Agency. The rules will impose fees for application, examination, and annual renewal. The fees will be used to help fund the program.

The principal issues involved are: 1) board composition; 2) the type and quantity of training operation, experience, and certification testing for operators of the smallest systems; 3) grandparenting rights; 4) reciprocity; 5) confidentiality; and 6) the imposition of fees. The rules will affect the general public and drinking water operators. Small and very small drinking water system operators will comprise most of the 1100 community and nontransient noncommunity systems in the state.

The text of the rule will be developed by DEQ in conjunction with a committee made up of persons having interests in the development 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 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 2000 session of the Idaho Legislature.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on questions concerning the negotiated rulemaking, contact Alan Stanford at (208) 373-0502.

**SUBMISSION OF WRITTEN COMMENTS:** Anyone may submit written comments regarding this proposal to initiate negotiated rulemaking. All written comments must be received by the undersigned on or before December 23, 1998.



Dated this 2nd day of December, 1998.

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**  
**16.03.05 - RULES GOVERNING AID TO THE AGED, BLIND AND DISABLED (AABD)**  
**DOCKET NO. 16-0305-9704**

**NOTICE OF RESCISSION OF TEMPORARY RULE**

**AUTHORITY:** In compliance with Section 67-5221, Idaho Code, notice is hereby given that this agency has rescinded the temporary 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 rescinding the above mentioned docket:

The temporary rule published under Docket No. 16-0305-9704, is being rescinded and the changes are being incorporated in the re-write of the entire chapter under Docket No. 16-0305-9802.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning rescinding this docket, contact Patti Campbell at (208) 334-5819.

DATED this 2nd day of December, 1998.

Sherri Kovach  
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**  
**16.03.05 - RULES GOVERNING AID TO THE AGED, BLIND AND DISABLED (AABD)**  
**DOCKET NO. 16-0305-9704**  
**NOTICE OF VACATION OF RULEMAKING**

**AUTHORITY:** In compliance with Section 67-5221, Idaho Code, notice is hereby given that this agency has vacated the proposed rulemaking previously initiated under this docket. The action is authorized pursuant to Section(s) 39-106 (1); 56-202 (b), Idaho Code.

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

The proposed rule docket, Docket No. 16-0305-9704, is being vacated and the changes are being incorporated in the re-write of the entire chapter under Docket No. 16-0305-9802.

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

DATED this 2nd day of December, 1998.

Sherri Kovach  
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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**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.03.05 - RULES GOVERNING AID TO THE AGED, BLIND AND DISABLED (AABD)**  
**DOCKET NO. 16-0305-9705**

**NOTICE OF RESCISSION OF TEMPORARY RULE**

**AUTHORITY:** In compliance with Section 67-5221, Idaho Code, notice is hereby given that this agency has rescinded 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 rescinding the above mentioned docket:

The temporary rule published under Docket Number 16-0305-9705, is being rescinded and the changes are being incorporated in the re-write of the entire chapter under docket no. 16-0305-9802.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning rescinding this docket, contact Patti Campbell at (208) 334-5819.

DATED this 2nd day of December, 1998.

Sherri Kovach  
Administrative Procedures Coordinator  
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450 West State Street, 10th Floor  
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**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.03.05 - RULES GOVERNING AID TO THE AGED, BLIND AND DISABLED (AABD)**  
**DOCKET NO. 16-0305-9705**  
**NOTICE OF VACATION OF 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(1); 56-202(b), Idaho Code.

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

The proposed rule published under docket no. 16-0305-9705, is being vacated and the changes are being incorporated in the re-write of the entire chapter under docket no. 16-0305-9802.

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

DATED this 2nd day of December, 1998.

Sherri Kovach  
Administrative Procedures Coordinator  
DHW - Division of Legal Services  
450 West State Street, 10th Floor  
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(208) 334-5564 phone, (208) 334-5548 fax

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.03.09 - RULES GOVERNING MEDICAL ASSISTANCE**  
**DOCKET NO. 16-0309-9805**

**NOTICE OF TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** These temporary rules are effective January 1, 1999.

**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) and 56-203(b), 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 December 16, 1998.

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:** As a result of the Governor's Medicaid Task Force the Department was directed to review the methodology used in determining drug costs which are used in determining reimbursement levels for prescription drugs provided in the state's Medical Assistance program. Numerous meetings with representatives of the pharmacy profession, legislators, departmental staff, and Meyers and Stauffer Consulting firm has resulted in a reimbursement formula identifying the components of the Estimated Acquisition Cost (EAC) and the dispensing fee.

This also provided an opportunity to clarify the rules pertaining to the Medicaid Drug Program especially identifying the covered, non-covered, and prior authorized drugs. The rules were also renumbered to comply with the guidelines.

**TEMPORARY RULE JUSTIFICATION:** Temporary rules have been adopted in accordance with Section 67-5226, Idaho Code and are necessary in order to protect public health, safety, and welfare.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary or proposed rule, contact Gary Duerr at, (208) 364-1829.

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 December 23, 1998.

DATED this 2nd. day of December, 1998.

Sherri Kovach  
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

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**THE FOLLOWING IS TEXT OF DOCKET NO. 16-0309-9805**

**126. PRESCRIPTION DRUGS (RESERVED).**

The Department will pay for those prescription drugs not excluded by Subsection 126.02 which are legally obtainable

by the order of a licensed physician, dentist, osteopath, nurse practitioner, or podiatrist. Prescriptions for diaphragms and oral contraceptives as well as contraceptive supplies and intrauterine devices are also eligible for payment under Subsection 090.01. (12-31-91)

01. Financial Obligations of Recipients. Recipients who obtain a quantity of medication exceeding that allowed in Subsection 126.04 are responsible for payment to the pharmacy of all charges applicable to the additional quantities. This recipient responsibility applies whether or not the charges are produced by one (1) or multiple dispensing incidents. (12-31-91)

02. Excluded Drug Products. The following categories and specific products are excluded: (2-4-91)

a. Non-legend medications unless included in Subsection 126.03.b. This includes legend medications that change to non-legend status as well as their therapeutic equivalents regardless of prescription status; and (12-31-91)

b. Any legend drugs for which federal financial participation is not available; and (9-15-83)

e. Diet supplements; and (11-10-81)

d. Amphetamines, anorexiant, and related products, including, but not limited to: (11-10-81)

i. Amphetamine; and (1-16-80)

ii. Benzphetamine; and (1-16-80)

iii. Chlorphentermine; and (1-16-80)

iv. Chlorlertamine; and (1-16-80)

v. Dextroamphetamine; and (1-16-80)

vi. Diethylpropion; and (1-16-80)

vii. Fenfluramine; and (1-16-80)

viii. Mazindol; and (1-16-80)

ix. Methamphetamine; and (1-16-80)

x. Phendimetrazine Tartrate; and (1-16-80)

xi. Phenmetrazine; and (1-16-80)

xii. Phentermine; and (1-16-80)

xiii. Salts and optical isomers of the above listed drugs; and (1-16-80)

xiv. Combination products containing any of the above drugs. (1-16-80)

e. Ovulation stimulants including Clomiphene Citrate, Menotropins, and Urofollitropin; and (2-4-91)

f. Topical Minoxidil; and (11-10-87)

g. Nicotine chewing gum and transdermal patches; and (2-4-91)

h. Isotretinoin; and (11-10-87)

- ~~i. Topical medications whose active ingredients include either: (11-10-87)~~
- ~~i. Benzoyl peroxide combinations; (11-10-87)~~
- ~~ii. Clindamycin; (11-10-87)~~
- ~~iii. Erythromycin; (11-10-87)~~
- ~~iv. Meclomycin; (11-10-87)~~
- ~~v. Tetracycline; (11-10-87)~~
- ~~vi. Tretinoin except when prior authorized for squamous metaplasia of ocular surface epithelia. (11-10-87)~~
- ~~j. Vitamins unless included in Subsection 126.03.a. (12-31-91)~~
- ~~03. Additional Covered Drug Products. Additional drug products will be allowed as follows: (2-4-91)~~
  - ~~a. Therapeutic Vitamins; (2-4-91)~~
    - ~~i. Injectable vitamin B12 (cyanocobalamin and analogues); and (2-4-91)~~
    - ~~ii. Vitamin K and analogues; and (1-16-80)~~
    - ~~iii. Pediatric vitamin-fluoride preparations; and (1-16-80)~~
    - ~~iv. Legend prenatal vitamins for women of child-bearing age; and (1-16-80)~~
    - ~~v. Legend Folic acid; and (2-4-91)~~
    - ~~vi. Oral legend drugs containing folic acid in combination with Vitamin B12 and/or iron salts, without additional ingredients; and (2-4-91)~~
    - ~~vii. Legend vitamin D and analogues. (2-4-91)~~
  - ~~b. Prescriptions for nonlegend products. (2-4-91)~~
    - ~~i. Insulin; and (2-4-91)~~
    - ~~ii. Disposable insulin syringes and needles; and (2-4-91)~~
    - ~~iii. Oral iron salts. (2-4-91)~~
- ~~04. Limitation of Quantities. No more than a thirty-four (34) day supply of continuously required medication is to be purchased in a calendar month as a result of a single prescription with the following exceptions: (11-10-81)~~
  - ~~a. Up to one hundred (100) doses of medication may be purchased regardless of the prescribed dosage schedule for: (1-16-80)~~
    - ~~i. Cardiac glycosides; and (1-16-80)~~
    - ~~ii. Thyroid replacement hormones; and (1-16-80)~~
    - ~~iii. Prenatal vitamins; and (1-16-80)~~



- ~~iv. Nitroglycerin products; and (1-16-80)~~
- ~~v. Fluoride and vitamin/fluoride combination products; and (2-4-91)~~
- ~~vi. Nonlegend oral iron salts. (2-4-91)~~
- ~~b. Oral contraceptive products will be purchased in a quantity sufficient for one (1), two (2), or three (3) cycles. (1-16-80)~~
- ~~05. Comparative Cost to Be Considered. Whenever possible, physicians and pharmacists are encouraged to utilize less expensive drugs. (11-10-81)~~
- ~~06. Dispensing Procedures. (11-10-81)~~
  - ~~a. To obtain a prescription drug, a MA recipient must present his identification card to a participating pharmacy together with a prescription from a licensed physician, dentist, osteopath, nurse practitioner, or podiatrist. (11-10-81)~~
  - ~~b. Refills of prescription drugs must be authorized by the prescriber and recorded on the prescription or on the recipient's medication profile by pharmacists. (11-10-81)~~
  - ~~c. The Idaho Medical Assistance Drug Program requires that MA prescriptions be dispensed according to the rules, Chapter 17, Title 54, Idaho Code; Chapter 27, Title 37, Idaho Code; the Idaho Uniform Controlled Substances Act; and Idaho State Board of Pharmacy Rules. (11-10-81)~~
  - ~~d. Prescriptions not filled in accordance with the provisions of Section 126 will be subject to nonpayment or recoupment. (12-31-91)~~
  - ~~e. Prescriptions must be maintained on file in pharmacies in such a manner that they are available for utilization review purposes by the Department with a minimum of twenty-four (24) hours prior notification. (11-10-81)~~
- ~~07. Payment Procedures. (11-10-81)~~
  - ~~a. Pharmacists must file claims by submitting the appropriate claim form to the Department. Upon request, the Department will provide pharmacies with a supply of claim forms and instructions. The form submitted must include the following information: (11-10-81)~~
    - ~~i. Patient's name and identification number; and (11-10-81)~~
    - ~~ii. The medication, prescriber, quantity of drug dispensed, and the usual and customary charge for each particular prescription. (11-10-81)~~
  - ~~b. Each claim form is subject to review by a Medical Claim Examiner, a Pharmaceutical Consultant, and a Medical Consultant. (11-10-81)~~
  - ~~c. Pharmacists' billed charges are not to exceed the usual and customary charges to the general public for the same product and quantity. (1-16-80)~~
  - ~~d. Reimbursement to pharmacies must be limited to the lowest of the following costs: (1-16-80)~~
    - ~~i. Maximum Allowable Cost (MAC), as established by the Pharmaceutical Reimbursement Board, U.S. Department of Health and Human Services, plus the dispensing fee assigned by the Department; or (11-10-81)~~
    - ~~ii. Estimated Acquisition Cost (EAC), as established by the Department plus the assigned dispensing fee; or (1-16-80)~~

- ~~iii. The pharmacy's usual and customary charge to the general public. (1-16-80)~~
- ~~e. Only one (1) dispensing fee per month will be allowed for the dispensing of each maintenance drug to any recipient in a long term nursing care facility except: (11-10-81)~~
  - ~~i. For the multiple dispensing of topical and injectable medication when dispensed in manufacturer's original package sizes, unless evidence indicates that the quantity issued at each dispensing incident does not relate to the recipient's known monthly requirements for that specific medication; and (11-10-81)~~
  - ~~ii. For oral liquid maintenance drugs if a reasonable quantity, as determined by the Department, is dispensed at each filling; and (11-10-81)~~
  - ~~iii. If a thirty four (34) day supply of the drug is excessive, in the judgment of the Department. (11-10-81)~~
- ~~f. Claims are processed by computer and payments are made directly to the pharmacy. A remittance advice with detailed information of each claim transaction will accompany each payment made by the Department. (11-10-81)~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**803. -- 995804. (RESERVED).**

**805. PRESCRIPTION DRUGS.**

The Department will pay for those prescription drugs not excluded by Section 811 which are legally obtainable by the order of a licensed prescriber whose licensing allows for the prescribing of legend drugs under Idaho law. (1-1-99)T

**806. PAYMENT FOR COVERED DRUGS.**

Payment will be made only to pharmacies licensed by the Idaho Board of Pharmacy and registered with the Department as a provider for the specific location where the service was performed. An out of the state pharmacy shipping or mailing a prescription into Idaho must have a valid mail order license issued by the Idaho Board of Pharmacy and be properly enrolled as a Medicaid provider. (1-1-99)T

**807. PRESCRIPTION REIMBURSEMENT.**

Reimbursement as defined in Subsection 817.04 shall consist of the Estimated Acquisition Cost (EAC), defined as an approximation of the net cost of the drug and a reasonable operating margin, plus a Dispensing Fee, defined as the cost of filling a prescription including direct pharmacy overhead. The dispensing fee shall be one (1) of two (2) types: (1-1-99)T

- 01. Regular Dose Fee. For services pertaining to the usual practice of pharmacy, including but not limited to: (1-1-99)T
  - a. Interpretation, evaluation, compounding, and dispensing of prescription drug orders; (1-1-99)T
  - b. Participation in drug selection; (1-1-99)T
  - c. Drug administration; (1-1-99)T
  - d. Drug regimen and research reviews; (1-1-99)T
  - e. Proper storage of drugs; (1-1-99)T
  - f. Maintenance of proper records; (1-1-99)T

- g. Prescriber interaction; and (1-1-99)T
- h. Patient counseling. (1-1-99)T

02. Unit Dose Fee. Unit-dose dispensing is defined as a system of providing individually sealed and appropriately labeled unit dose medication that ensures no more than a twenty-four (24) hour supply in any client's drug tray at any given time. These drug trays, which contain a twenty-four (24) hour supply of medication, shall be delivered to the facility at a minimum of five (5) days per week. (1-1-99)T

**808. -- 809. (RESERVED).**

**810. FINANCIAL OBLIGATIONS OF RECIPIENTS.**

Recipients shall be responsible for prescription charges if: (1-1-99)T

01. Day's Supply. The day's supply obtained exceeds the Department's allowable amount (recipient pays the cost of the additional medication). (1-1-99)T

02. Drugs Not Covered. The drugs are not covered by the Medicaid Drug Program (recipient pays the entire cost). (1-1-99)T

03. Brand Name Drugs. The recipient will only accept a brand name product which is part of the FUL (federal upper limit) or SMAC (state maximum allowable cost) listing and the physician has not specified the brand name drug to be medically necessary (recipient pays the entire cost). (1-1-99)T

04. Medication for Multiple Persons. When the medication is for more than one (1) person and the second person is not covered under Medicaid (recipient pays the cost of the non-covered person's portion). (1-1-99)T

**811. EXCLUDED DRUG PRODUCTS.**

The following categories and specific products are excluded: (1-1-99)T

01. Non-Legend Medications. Non-legend medications unless included in Subsection 812.02. This includes federal legend medications that change to non-legend status as well as their therapeutic equivalents regardless of prescription status. (1-1-99)T

02. Legend Drugs. Any legend drugs for which federal financial participation is not available. (1-1-99)T

03. Diet Supplements. (1-1-99)T

04. Amphetamines and Related Products. Amphetamines and related products, except as outlined in Subsection 812.03, including, but not limited to: (1-1-99)T

- a. Benzphetamine; (1-1-99)T
- b. Chlorphentermine; (1-1-99)T
- c. Chlorlertamine; (1-1-99)T
- d. Diethylpropion; (1-1-99)T
- e. Fenfluramine; (1-1-99)T
- f. Mazindol; (1-1-99)T
- g. Phendimetrazine; (1-1-99)T
- h. Phenmetrazine; (1-1-99)T

- i. Phentermine; (1-1-99)T
- j. Salts and optical isomers of the above; and (1-1-99)T
- k. Combination products containing any of the above drugs. (1-1-99)T
- 05. Ovulation/Fertility Drugs. Ovulation stimulants, fertility drugs, and similar products including but not limited to: (1-1-99)T
  - a. Clomiphene Citrate; (1-1-99)T
  - b. Menotropins; and (1-1-99)T
  - c. Urofollitropin. (1-1-99)T
- 06. Impotency Aids. Impotency aids, either as medication or prosthesis. (1-1-99)T
- 07. Nicotine Products. Nicotine chewing gum, sprays, inhalers, transdermal patches and related products. (1-1-99)T
- 08. Medications Utilized for Cosmetic Purposes. Topical or oral medications utilized for cosmetic purposes or hair growth. Prior authorization may be granted for these medications if the Department finds other medically necessary indications. (1-1-99)T
- 09. Vitamins. Vitamins unless included in Subsection 812.01. (1-1-99)T
- 10. Medications Not Medically Necessary. Medications not deemed medically necessary by the Department. (1-1-99)T

**812. ADDITIONAL COVERED DRUG PRODUCTS.**

- Additional drug products will be allowed as follows: (1-1-99)T
- 01. Therapeutic Vitamins. Therapeutic vitamins may include: (1-1-99)T
    - a. Injectable vitamin B12 (cyanocobalamin and analogues); (1-1-99)T
    - b. Vitamin K and analogues; (1-1-99)T
    - c. Pediatric legend vitamin-fluoride preparations; (1-1-99)T
    - d. Legend prenatal vitamins for women of child bearing age; (1-1-99)T
    - e. Legend folic acid; (1-1-99)T
    - f. Oral legend drugs containing folic acid in combination with Vitamin B12 and/or iron salts, without additional ingredients; and (1-1-99)T
    - g. Legend vitamin D and analogues. (1-1-99)T
  - 02. Prescriptions for Nonlegend Products. Prescriptions for nonlegend products may include: (1-1-99)T
    - a. Insulin; (1-1-99)T
    - b. Disposable insulin syringes and needles; (1-1-99)T

- c. Oral iron salts; and (1-1-99)T
- d. Permethrin. (1-1-99)T
- 03. Prior Authorization Drugs. Prior authorization for drugs is as follows: (1-1-99)T
  - a. Medications requiring prior authorization include: (1-1-99)T
    - i. Amphetamines and related CNS stimulants; (1-1-99)T
    - ii. Growth hormones; (1-1-99)T
    - iii. Retinoids; and (1-1-99)T
    - iv. Other pharmaceuticals as deemed necessary by the Department. (1-1-99)T
  - b. Some medications excluded in Section 811 may be accepted for other medically approved indications, provided that prior authorization is obtained. (1-1-99)T
    - c. The prior authorization procedure is initiated by the prescriber who shall submit the signed request to the Department. This request shall include: (1-1-99)T
      - i. Recipient name; (1-1-99)T
      - ii. Medicaid identification number; (1-1-99)T
      - iii. Date of birth; (1-1-99)T
      - iv. Diagnosis; (1-1-99)T
      - v. Specific drug; (1-1-99)T
      - vi. Strength and dosage; (1-1-99)T
      - vii. Statement of medical necessity as to why this drug is needed versus other therapies; and (1-1-99)T
      - viii. Duration of therapy desired, not to exceed twelve (12) months. (1-1-99)T
    - d. The Department will determine coverage based on this request, and will notify the client, prescriber, and pharmacy, if known. Specific details on the prior authorization procedure can be found in the pharmacy guidelines issued by the Department. (1-1-99)T

**813. LIMITATION OF QUANTITIES.**

No more than a thirty-four (34) day supply of continuously required medication is to be purchased in a calendar month as a result of a single prescription with the following exceptions: (1-1-99)T

- 01. Doses of Medication. Up to one hundred (100) doses of medication may be dispensed, not to exceed a one hundred (100) day supply for: (1-1-99)T
  - a. Cardiac glycosides; (1-1-99)T
  - b. Thyroid replacement hormones; (1-1-99)T
  - c. Prenatal vitamins; (1-1-99)T
  - d. Nitroglycerin products - oral or sublingual; (1-1-99)T

- e. Fluoride and vitamin/fluoride combination products; and (1-1-99)T
- f. Nonlegend oral iron salts. (1-1-99)T
- 02. Oral Contraceptive Products. Oral contraceptive products may be dispensed in a quantity sufficient for one (1), two (2), or three (3) cycles. (1-1-99)T

**814. -- 815. (RESERVED).**

**816. DISPENSING PROCEDURES.**

The following protocol shall be followed for proper prescription filling. (1-1-99)T

01. Obtaining A Prescription Drug. To obtain a prescription drug, a MA recipient or authorized agent shall present the recipient's Medicaid identification card to a participating pharmacy together with a prescription from a licensed prescriber. (1-1-99)T

02. Prescription Drug Refills. Refills of prescription drugs must be authorized by the prescriber on the original or new prescription order on file and each refill shall be recorded on the prescription or logbook, or computer print-out, or on the recipient's medication profile. (1-1-99)T

03. Dispensing Prescription Drugs. Prescriptions must be dispensed according to: (1-1-99)T

a. 21 CFR Section 1300 et seq.; (1-1-99)T

b. Title 54, Chapter 17, and Title 37, Chapter 1, 27, and 32, Idaho Code; (1-1-99)T

c. IDAPA 27.01.01, "Idaho State Board of Pharmacy"; (1-1-99)T

d. IDAPA 16.03.09, "Rules Governing Medical Assistance," Sections 805 through 825. (1-1-99)T

04. Nonpayment Of Prescriptions. Prescriptions not filled in accordance with the provisions of Section 805 will be subject to nonpayment or recoupment. (1-1-99)T

05. Prescriptions On File. Prescriptions shall be maintained on file in pharmacies in such a manner that they are available for immediate review by the Department upon written request. (1-1-99)T

**817. PAYMENT PROCEDURES.**

The following protocol shall be followed for proper reimbursement. (1-1-99)T

01. Filing Claims. Pharmacists shall file claims electronically with Department approved software or by submitting the appropriate claim form to the fiscal contractor. Upon request, the contractor will provide pharmacies with a supply of claim forms. The form shall include information described in the pharmacy guidelines issued by the Department. (1-1-99)T

02. Claim Form Review. Each claim form is subject to review by a contract claim examiner, a pharmaceutical consultant, or a medical consultant. (1-1-99)T

03. Billed Charges. A pharmacy's billed charges are not to exceed the usual and customary charges defined as the lowest charge by the provider to the general public for the same service including advertised specials. (1-1-99)T

04. Reimbursement. Reimbursement to pharmacies shall be limited to the lowest of the following: (1-1-99)T

a. Federal Upper Limit (FUL), as established by the Health Care Financing Administration (HCFA), of the U.S. Department of Health and Human Services, plus the dispensing fee assigned by the Department; (1-1-99)T

b. State Maximum Allowable Cost (SMAC), as established by the Department, plus the assigned dispensing fee; (1-1-99)T

c. Estimated Acquisition Cost (EAC), as established by the Department following negotiations with representatives of the Idaho pharmacy profession and defined in Section 807, plus the assigned dispensing fee; or (1-1-99)T

d. The pharmacy's usual and customary charge to the general public as defined in Subsection 817.03. (1-1-99)T

05. Dispensing Fees. Only one (1) dispensing fee per month will be allowed for the dispensing of each maintenance drug to any recipient as an outpatient or a resident in a care facility except: (1-1-99)T

a. Multiple dispensing of topical and injectable medication when dispensed in manufacturer's original package sizes, unless evidence exists, as determined by the Department, that the quantity dispensed does not relate to the prescriber's order; (1-1-99)T

b. Multiple dispensing of oral liquid maintenance medication if a reasonable quantity, as determined by the Department, is dispensed at each filling; (1-1-99)T

c. Multiple dispensing of tablets or capsules if the quantity needed for a thirty-four (34) day supply is excessively large or unduly expensive, in the judgment of the Department; or (1-1-99)T

d. When the dose is being titrated for maximum therapeutic response with a minimum of adverse effects. (1-1-99)T

06. Remittance Advice. Claims are processed by computer, and payments are made directly to the pharmacy or its designated bank through electronic claims transfer. A remittance advice with detailed information of each claim transaction will accompany each payment made by the Department. (1-1-99)T

**818. COMPARATIVE COSTS TO BE CONSIDERED.**

Whenever possible, physicians and pharmacists are encouraged to utilize less expensive drugs and drug therapies. (1-1-99)T

**819. -- 995. (RESERVED).**

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.04.13 - RULES GOVERNING THE EMERGENCY FOOD ASSISTANCE PROGRAM**  
**DOCKET NO. 16-0413-9801**

**NOTICE OF TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** These temporary rules are effective November 1, 1998.

**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 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 December 16, 1998.

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 Department is proposing to amend IDAPA 16.04.13, "Rules Governing the Emergency Food Assistance Program," to comply with the current federal regulations and delete non-applicable rules.

**TEMPORARY RULE JUSTIFICATION:** 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; and comply with deadlines in amendments to governing law or federal program and to confer a benefit.

**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 December 23, 1998.

DATED this 2nd day of December, 1998.

Sherri Kovach  
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

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**THE FOLLOWING IS TEXT OF DOCKET NO. 16-0413-9801**

**002. ADMINISTRATIVE APPEAL.**

Contested case appeals shall be governed by Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, Section 000, et seq., "Rules Governing Contested Cases Proceedings and Declaratory Rulings". (11-1-98)T

**0023. POLICY/PURPOSES.**



01. Introduction. (12-31-94)
- a. ~~The Supplemental Unemployment Benefits—Temporary Emergency Act of 1983, Public Law 98-92, amended the Emergency Job Appropriation Act of 1983, Title II of Public Law 98-8. The result is to provide certain surplus and purchased commodities through state agencies to approved emergency feeding organizations to help relieve situations of emergency and distress to needy persons, including low-income, homeless, and unemployed persons.~~ (10-1-94)
- b. ~~The Department of Health and Welfare through these rules is implementing the state's administration of The Emergency Food Assistance Program for Fiscal Year 1995 and succeeding years as authorized by the Hunger Prevention Act of 1988.~~ (10-1-94)
- e. Funds, which are appropriated by Congress are allocated to the states based on: (9-1-85)
- i. ~~The number of households with incomes below the poverty level (sixty percent (60%)), based on the most recent census data; and~~ (10-1-94)
- ii. ~~The number of unemployed persons (forty percent (40%)) of the average monthly number of unemployed persons within the state as stated in 7 CFR 250, 251, TEFAP.~~ (10-1-94)
02. Objective. The objective purpose of the Idaho Emergency Food Assistance Program is to make available certain surplus and purchased commodities to help alleviate situations of emergency and distress among Idaho's low-income and homeless population. (10-1-94)(11-1-98)T
- 0034. DEFINITIONS.**
- For the purpose of these rules the following terms are used, as defined herein: (9-1-85)
01. ~~Agency Representative. The person, either volunteer or staff, who witnesses the income verification presented by the applicant.~~ (9-1-85)
021. Allocation. The state of Idaho's share of the Emergency Food Assistance Program monies as determined by the funding formula contained in 7 CFR 250, 251, the Emergency Food Assistance Program. (10-1-94)
032. Applicant Household. A household which has made application to receive USDA surplus commodities and ~~said household~~ has not yet been determined as an eligible recipient. (10-1-94)(11-1-98)T
043. Application. The action by which a household completes in writing an application form to be considered for receipt of USDA surplus commodities. (10-1-94)
054. Commodities. Surplus and purchased food items made available by the Commodity Credit Corporation for distribution to low-income households. (10-1-94)
06. ~~Commodity Program. The Emergency Food Assistance Program (TEFAP).~~ (10-1-94)
075. Community Action Agency. A private non-profit organization serving the low-income population in specified counties of the state with which the Department has entered into a contract for the provision of services for purposes of ~~the~~ TEFAP. (12-31-94)(11-1-98)T
086. Community Action Program. A program of services offered by an office or offices for the Community Action Agency. (9-1-85)
09. ~~Damaged or Lost Commodities. Lost commodities are those which for any reason cannot be demonstrated by appropriate records or other satisfactory evidence to have been distributed to, or to be available in good condition for distribution to eligible households for whom they were donated by USDA. Commodities may be lost through theft, damage, spoilage, infestation, improper distribution, sale or exchange diversion to an improper use, or other similar causes.~~ (9-1-85)

- ~~407.~~ Department. The Idaho Department of Health and Welfare. (12-31-91)
- ~~408.~~ Eligible Entities. Agencies eligible to administer the TEFAP at the local level ~~must be who have entered into a contract with the Department approved~~ and include the following: ~~(9-1-85)(11-1-98)T~~
- a. Community Action Agencies; (9-1-85)
- b. Community Action Programs operating programs funded under the Community Services Block Grant Act; (9-1-85)
- c. Other incorporated non-profit agencies; ~~or~~ ~~(9-1-85)(11-1-98)T~~
- d. Government agencies; ~~or~~ ~~(9-1-85)(11-1-98)T~~
- e. Disaster Relief Programs. (11-1-98)T
- ~~4209.~~ Eligible Household. A household which meets the standard of eligibility set forth in these rules. (9-1-85)
- ~~130.~~ Emergency Feeding Organization (EFO). ~~Eligible entities~~ Organizations who have entered into ~~contract with the Department~~ an agreement with an eligible entity for the purposes of distributing USDA Commodities. ~~(9-1-85)(11-1-98)T~~
- ~~141.~~ Household. A household is one (1) of the following: ~~(9-1-85)(11-1-98)T~~
- a. An individual living alone; or (9-1-85)
- b. A group of individuals living together in common living quarters who share the cost and preparation of meals. (9-1-85)
- ~~152.~~ Income. ~~Total cash receipts from all sources before taxes and any other deductions. These include:~~ ~~household income.~~ ~~(9-1-85)(11-1-98)T~~
- a. ~~Money wages and salaries before any deductions, but not including food or rent in lieu of wages;~~ ~~(9-1-85)~~
- ~~b13.~~ Receipts for Earnings From Self-Employment. Earnings from self-employment include net income plus any depreciation and depletion previously deducted as expenses. This includes ~~or from own farm or business income, after deductions for business or farm expenses;~~ ~~(9-1-85)(11-1-98)T~~
- e. ~~Regular payments from:~~ ~~(9-1-85)~~
- i. ~~Public assistance;~~ ~~(9-1-85)~~
- ii. ~~Social Security, excluding Medicare payment;~~ (10-1-94)
- iii. ~~Unemployment and Workmen's Compensation;~~ ~~(9-1-85)~~
- iv. ~~Strike benefits from union funds;~~ ~~(9-1-85)~~
- v. ~~Veterans benefits;~~ ~~(9-1-85)~~
- vi. ~~Alimony;~~ ~~(9-1-85)~~
- vii. ~~Child support and military family allotments or other regular support from an absent family member or someone not living in the household;~~ ~~(9-1-85)~~

- viii. ~~Government employee pensions;~~ (9-1-85)
- ix. ~~Private pensions and regular insurance or annuity payments and income from dividends;~~ (9-1-85)
- x. ~~Interest accrued on all savings accounts, certificates, etc.; and~~ (9-1-85)
- xi. ~~Royalties or income from estates and trusts.~~ (9-1-85)
- d. ~~For eligibility purposes, income does not refer to the following money or non-cash receipts;~~ (9-1-85)
  - i. ~~Any assets drawn down as withdrawals from a bank;~~ (9-1-85)
  - ii. ~~Sales of property, house or car;~~ (9-1-85)
  - iii. ~~Tax refunds;~~ (9-1-85)
  - iv. ~~Gifts;~~ (9-1-85)
  - v. ~~One (1) time insurance payments or compensation for injury;~~ (9-1-85)
  - vi. ~~Non-cash income, such as the bonus value of food and fuel produced and consumed on farms and the imputed value of rent from owner-occupied farm or non-farm housing; and~~ (9-1-85)
  - vii. ~~The value of other federal program benefits when required by federal law.~~ (9-1-85)
- 16. ~~Independent Distribution Site. A site used for distributing USDA commodities which is not affiliated with the eligible entity or staffed with personnel of the eligible entity during the distribution.~~ (9-1-85)
- 174. Poverty Guideline. The official poverty guideline established by the Secretary of Health and Human Services in accordance with the Omnibus Reconciliation Act, Section 673(2). (10-1-94)
- 185. Program Year. October 1st through September 30th. (2-11-88)
- 196. ~~Proof of Income. Written self-declaration of total household income. Documentary evidence used to establish the amount of a household's income pursuant to Section 041 of these rules.~~ (10-1-94)(11-1-98)I
- 20. ~~Redonation of Commodities. USDA commodities given to any outlet which is not engaged in distribution to low-income households as intended by the TEFAP.~~ (9-1-85)
- 21. ~~Self-Declaration of Income. Written documentation of a household which has no other method to verify its income pursuant to Subsection 041.02 of these rules. This may include:~~ (10-1-94)
  - a. ~~Households which have zero monthly income.~~ (9-1-85)
  - b. ~~Self-employed individuals who have no documentation of any kind of monthly income.~~ (9-1-85)
- 2217. Service Area. The state of Idaho is divided into the following seven (7) service areas for the purpose of fund distribution: (9-1-85)
  - a. Region I - Kootenai County, Shoshone County, Benewah County, Bonner County, and Boundary County. (9-1-85)
  - b. Region II - Nez Perce County, Clearwater County, Idaho County, Latah County, and Lewis County. (9-1-85)

c. Region III - Canyon County, Adams County, Gem County, Payette County, Washington County, Valley County, and Boise County. (9-1-85)

d. Region IV - Ada County, Elmore County, and Owyhee County. (9-1-85)

e. Region V - Twin Falls County, Blaine County, Cassia County, Gooding County, Camas County, Jerome County, Lincoln County, and Minidoka County. (9-1-85)

f. Region VI - Bannock County, Bear Lake County, Bingham County, Caribou County, Franklin County, Oneida County, and Power County. (9-1-85)

g. Region VII - Bonneville County, Butte County, Clark County, Fremont County, Jefferson County, Lemhi County, Madison County, and Teton County. (9-1-85)

~~2318.~~ State Distribution Rate. The amount of commodities an eligible household can receive based on the number of persons in their household. (9-1-85)

~~24.~~ Volunteer. Person working in TEFAP who is not a salaried employee of the eligible entity. (9-1-85)

~~25.~~ Willful Misstatement and Withholding of Information. Conduct by a household of knowingly and intentionally misstating or withholding information which affects or could affect the household's eligibility for the TEFAP or the amount of commodities received which may include the misstatement, understatement, or commission, orally or in writing made by a household in response to oral or written questions asked by representatives of the Community Action Agency or the Department. (10-1-94)

~~26.~~ Units. One (1) package of a specific commodity. (10-1-94)

**0045. ABBREVIATIONS.**

For the purpose of these rules, the following abbreviations are used: (9-1-85)

01. CAA. ~~The~~ Community Action Agency. (~~9-1-85~~)(11-1-98)T

02. CAP. ~~The~~ Community Action Program. (~~9-1-85~~)(11-1-98)T

03. CCC. ~~The~~ Commodity Credit Corporation. (~~9-1-85~~)(11-1-98)T

04. DHW. ~~The~~ Idaho Department of Health and Welfare. (~~12-31-91~~)(11-1-98)T

05. EFO. ~~The~~ Emergency Feeding Organization. (~~9-1-85~~)(11-1-98)T

06. TEFAP. The Emergency Food Assistance Program. (10-1-94)

07. USDA. ~~The~~ United States Department of Agriculture. (~~9-1-85~~)(11-1-98)T

**005. (RESERVED):**

**006. CASE RECORD.**

The CAA will maintain accurate and complete records on a household's participation. This record must be kept in a permanent CAA file for a period of at least three (3) years. (~~10-1-94~~)(11-1-98)T

**007. PROHIBITED ACTIVITIES.**

The following activities may not be performed in connection with the TEFAP: (9-1-85)

~~01.~~ Political Activities. ~~There will be no association between TEFAP Commodity distribution and any candidate for public office or any political campaign.~~ (9-1-85)

~~02.~~ Lobbying. ~~No TEFAP funds may be used for the purpose of influencing the passage or defeat of~~

~~legislation.~~ (9-1-85)

~~03. Requests for Donation. No eligible household shall be required to make any payments in money, material or services for, or in connection with, the receipt of donated foods, nor shall they be solicited in connection with the receipt of donated or voluntary contributions for any purpose.~~ (9-1-85)

~~04. Commodities in Lieu of Wages. No volunteer or staff person is to be paid for his services with USDA Commodities in lieu of wages. Volunteers or staff are only eligible to receive commodities at the normal distribution rate if their household meets all income eligibility requirements and nonfinancial eligibility requirements.~~ (9-1-85)

~~05. Tampering with Commodity Size. Commodities must be distributed to eligible households in the original USDA containers and cannot be cut or tampered with in any way.~~ (9-1-85)

~~06. Sale of Commodities. Sale, exchange or misuse of USDA commodities is prohibited.~~ (9-1-85)

**0087. APPLICANT RIGHTS.**

Households applying for TEFAP surplus commodities have certain rights. These rights include, but are not limited to, the following: (9-1-85)

01. Right to Apply. Any household wishing to apply must be given the opportunity to apply for TEFAP surplus commodities. All applications must be in writing on forms prescribed by DHW. (9-1-85)

02. Civil Rights. The rights of applicant households must be respected under the U.S. and Idaho Constitutions, the Social Security Act, Title VI of the Civil Rights Act of 1964, the Rehabilitation Act of 1973, and all other relevant provisions of federal and state law, including the avoidance of practices which violate a persons privacy or subject him to harassment. (9-1-85)

**0098. -- 014. (RESERVED).**

**015. ALLOCATION FORMULA.**

~~Section 103 (b) of the Hunger Prevention Act mandates that a~~At least forty percent (40%) of TEFAP administrative funds will be available to or expended on behalf of Emergency Feeding Organizations (EFO's) administrative activities. Funds made available by ~~t~~The Department to eligible entities to distribute USDA commodities will be allocated will allocate these funds based on a weighted formula utilizing low income population, sixty percent (60%), and unemployment, forty percent (40%), in each service area compared to the entire state. (10-1-94)(11-1-98)T

**016. ALLOCATION DISTRIBUTION OF TEFAP SHIPMENTS.**

01. ~~Acceptance by EFO's~~ Regular TEFAP. Regular TEFAP shipments will be allocated to EFO's distributed to Emergency Feeding Organizations (EFOs) on a rotation basis by product. EFOs will distribute TEFAP to eligible households throughout the program year in all counties. ~~EFO's Eligible entities~~ must accept all TEFAP shipments offered by the Department, unless one (1) of the following circumstances exists: (2-11-88)(11-1-98)T

a. ~~The EFO has a~~An adequate supply is on hand and an additional shipment would result in excessive on hand inventories; or (10-1-94)(11-1-98)T

b. Storage is not available to store a product properly. (2-11-88)

02. Bonus Shipments Exempt. Bonus shipments offered by USDA are exempt from the provisions of this section. (2-11-88)

**017. TEFAP DISTRIBUTIONS (RESERVED).**

~~EFO's will make TEFAP commodities available throughout the program year to eligible households through mass distributions or a food bank network.~~ (10-1-94)

**~~018. LOST, DAMAGED OR STOLEN COMMODITIES DUE TO NEGLIGENCE.~~**

~~Eligible entities may be held responsible for the current USDA value of commodities which are lost, damaged, stolen or unaccounted for by adequate documentation due to negligence on the part of the eligible entity or any of its distributing sites, personnel, or volunteers. (10-1-94)~~

**0198. ELIGIBLE ACTIVITIES.**

Eligible entities ~~will~~ may use TEFAP funds ~~to perform the following activities:~~ made available for administrative expenses for direct costs associated with the distribution of USDA commodities. (9-1-85)(11-1-98)T

- ~~01. Acceptance. Accept for distribution, commodities received by the state of Idaho. (12-31-91)~~
- ~~02. Storage. Store commodities adequately to prevent loss due to theft or damage. (9-1-85)~~
- ~~03. Distribution. Distribute commodities to eligible households at the state distribution rate according to Section 043, of these rules. (10-1-94)~~
- ~~04. Volunteers. Organize and coordinate volunteer efforts to ensure commodities, based on their availability, to all eligible households who wish to apply in their service area. (10-1-94)~~

**~~019. -- 020. (RESERVED).~~**

**021. APPLICATION RESPONSIBILITIES.**

~~Each person applying~~ To be eligible for TEFAP surplus commodities, each applicant must, to the extent permitted by his physical and mental condition, provide any necessary and reasonable ~~verification~~ information to establish his eligibility and must otherwise cooperate in the eligibility determination process. (9-1-85)(11-1-98)T

**022. RELATIONSHIP TO OTHER PROGRAMS.**

~~The~~ Value of commodities received by eligible households under TEFAP must not be counted as income or resources for any purpose under any federal or state law, including any law relating to taxation, public assistance or welfare programs. (9-1-85)(11-1-98)T

**023. REDONATION OF USDA COMMODITIES.**

~~Prior approval from the Department is required if any eligible entity desires to redonate USDA commodities for any use other than the TEFAP to another eligible entity. (2-11-88)(11-1-98)T~~

**~~024. LIQUIDATION OF PRIOR FISCAL YEARS COMMODITIES.~~**

~~Commodities should be liquidated by distribution within three (3) months following the close of the preceding fiscal year. In the event that the commodities are not distributed within the three (3) month period, the eligible entity is still responsible for the distribution of the commodities. (2-11-88)~~

**~~025. STORAGE OF COMMODITIES.~~**

~~Commodities accepted by eligible entities must be stored properly to prevent loss due to spoilage, damage, infestation or theft. (9-1-85)~~

**~~026. EMERGENCY SITUATIONS.~~**

~~The eligible entity must contact the Department in emergency situations which could result in USDA commodities going out of condition. The Department will review each emergency case by case and give appropriate instructions as required. (10-1-94)~~

**~~0274. -- 030. (RESERVED).~~**

**031. LOST, DAMAGED OR LOST STOLEN COMMODITIES.**

Commodities ~~damaged or lost~~ will be dealt with by one (1) of the following: accepted by eligible entities must be stored to prevent damage or loss. (9-1-85)(11-1-98)T

- ~~01. Less Than Fifteen Cases Eligible Entities Responsible. If commodities are damaged and unfit for human consumption and the loss is less than fifteen (15) cases per month, the eligible entity will properly dispose of~~

~~the damaged commodities and report the loss on the monthly inventory form with an explanation of the circumstances; or Eligible entities will be held responsible for the current USDA value of commodities lost, damaged, stolen or unaccounted for because of negligence on the part of the eligible entity or any of its distributing sites, personnel or volunteers.~~ (10-1-94)(11-1-98)T

~~02. More Than Fifteen Cases Contact With Department. If When damaged or stolen USDA commodities total fifteen (15) cases or more per month, the are discovered, eligible entities must contact the Department and give a detailed written explanation. The Department shall give the for appropriate instructions on disposal based on each situation.~~ (9-1-85)(11-1-98)T

**032. ACCEPTING COMMODITY SHIPMENTS WHICH ARE OVER, SHORT OR DAMAGED.**  
When accepting a truck shipment of commodities, the eligible entity will document any damaged, short or over shipment and have the truck driver sign the bill of lading or FNS-57 witnessing the irregular shipment. The eligible entity must contact the Department when an entire commodity shipment is damaged or has some other irregularity. (10-1-94)(11-1-98)T

~~**033. REJECTION OF ENTIRE COMMODITY SHIPMENT.**~~  
~~If an eligible entity receives an entire commodity shipment which is damaged or has some other irregularity, the eligible entity must contact the Department for instructions.~~ (9-1-85)

~~**034. STOLEN COMMODITIES.**~~  
~~If an eligible entity discovers that USDA commodities have been stolen, they must contact the Department for instructions.~~ (9-1-85)

~~**035. -- 039. (RESERVED).**~~

~~**040. ELIGIBILITY REQUIREMENTS.**~~  
~~All households assisted through TEFAP must meet both income eligibility requirements, Section 041 of these rules, and nonfinancial eligibility requirements as described in Section 042 of these rules.~~ (10-1-94)

~~**033. -- 041. (RESERVED).**~~

~~**042. INCOME ELIGIBILITY REQUIREMENTS.**~~  
~~The TEFAP income All households assisted through TEFAP must meet the eligibility requirements are as follows: listed in Subsections 042.01 through 042.03.~~ (9-1-85)(11-1-98)T

~~01. Application. A household must make written application on forms furnished by the Department.~~ (11-1-98)T

~~042. Income Eligibility.~~ (12-31-94)

~~a. Assistance Income under this program is limited to households whose gross income is less than one hundred thirty-three percent (1303%) of the current poverty guidelines.~~ (10-1-94)(11-1-98)T

~~b. Poverty guidelines are subject to periodic change by the the Secretary of the U.S. Department of Health and Human Services. Current guidelines will be used as of their effective date.~~ (10-1-94)

~~02. Income Verification. For purposes of TEFAP applicants applying for commodities, income which is not otherwise excluded must be verified and the household must provide proof of all income. Proof of income may include the following:~~ (10-1-94)

~~a. Award letters from public or private agencies or institutions;~~ (9-1-85)

~~b. Actual wage stubs from employment;~~ (9-1-85)

~~e. Written statements provided by a wage earner's supervisor, employer, or his designee;~~ (9-1-85)

- d. ~~Monetary determinations issued by the Department of Employment to show the dates and amounts of unemployment benefits;~~ (9-1-85)
  - e. ~~Households with self-employed income must do one (1) of the following:~~ (9-1-85)
    - i. ~~Voluntarily show previous years federal income tax returns so long as the self-employed household member is engaged in the same or similar self-employment; or~~ (9-1-85)
    - ii. ~~Sign a self-declaration statement explaining type of self-employment and average monthly income.~~ (9-1-85)
  - f. ~~Other documentary evidence which can be relied upon to accurately reflect income.~~ (9-1-85)
03. ~~Households Claiming No Income. A household claiming no income can be certified eligible by self-declaration. Residence. The household must reside in the state of Idaho at the time it makes application for commodities. No durational residency requirements will be imposed.~~ (9-1-85)(11-1-98)T

**042. ~~NONFINANCIAL ELIGIBILITY REQUIREMENTS.~~**

~~The TEFAP nonfinancial eligibility requirements are as follows:~~ (9-1-85)

- 01. ~~Residence. The household must reside in the state of Idaho at the time it makes application for commodities. There must be no duration residence requirements.~~ (9-1-85)
- 02. ~~Application. The household must make a written application on forms prescribed by DHW.~~ (9-1-85)
- 03. ~~Living Situation. Ineligible living situations include, but are not limited to:~~ (9-1-85)
  - a. ~~Hospital;~~ (9-1-85)
  - b. ~~Licensed nursing home;~~ (9-1-85)
  - c. ~~Shelter home;~~ (9-1-85)
  - d. ~~Commercial boarding house;~~ (9-1-85)
  - e. ~~Commercial alcohol or drug treatment and rehabilitation center;~~ (9-1-85)
  - f. ~~Licensed maternity home;~~ (9-1-85)
  - g. ~~Any other residence where food is included as part of service to be provided.~~ (9-1-85)

**043. ~~STATE DISTRIBUTION RATE.~~**

~~Depending upon the availability of commodities, the amount of commodities a household can receive will be based on the current distribution rate table. Adjustments to the table must receive written approval from DHW.~~ (10-1-94)

**044. -- 050. (RESERVED):**

**051. ~~APPLICATION PROCESS.~~**

~~An applicant household must be given ample opportunity to apply for the TEFAP. The applicant household must provide the information necessary to determine eligibility for the TEFAP program.~~ (10-1-94)

**052. ~~ELIGIBLE ENTITIES USE OF INDEPENDENT DISTRIBUTION SITES.~~**

~~Eligible entities using independent distribution sites must have written agreements with these sites to insure compliance with federal and state rules in regard to TEFAP.~~ (10-1-94)

**053. ~~ELIGIBLE ENTITIES USE OF VOLUNTEERS TO DISTRIBUTE COMMODITIES.~~**



~~Eligible entities using volunteers to help distribute USDA commodities must insure that volunteers are aware of and comply with federal and state rules. (10-1-94)~~

**0543. -- 070. (RESERVED).**

**071. CURTAILMENT OF PROGRAM ABUSE.**

Each eligible entity will have a written procedure to ~~help curtail possible~~ prevent program abuse and fraud by recipient households. ~~(9-1-85)~~(11-1-98)T

**072. SUSPENSION FROM TEFAP.**

Households may be suspended from the TEFAP if they are ~~willfully misstating income or nonfinancial eligibility requirements.~~ (9-1-85)

**0732. DENIAL OF COMMODITIES TO ELIGIBLE HOUSEHOLDS.**

~~Income~~ Eligible households may be denied present or future receipt of commodities if any member of ~~that the~~ household displays abusive, threatening ~~and/or~~ violent behavior towards volunteers ~~and/or staff involved in administering the TEFAP over and above that of a reasonably prudent person~~ or willfully misstates income or residency. (9-1-85)(11-1-98)T

**074. REPORTING.**

The following reports will be required of eligible entities receiving commodity funds. (9-1-85)

01. Fiscal. (9-1-85)

a. ~~Financial Reimbursement Reports will be received no later than the tenth of each month and cover the financial transactions of the previous month.~~ (10-1-94)

b. ~~Eligible entities will only be reimbursed for actual documented costs directly related to storage and distribution of USDA commodities.~~ (9-1-85)

e. ~~The reports will reflect an accrual accounting system.~~ (9-1-85)

02. Inventory. (9-1-85)

a. ~~Inventory Reports will be received no later than the tenth of each month; and~~ (10-1-94)

b. ~~Show in units each commodity received; and~~ (10-1-94)

e. ~~Show in units each commodity distributed; and~~ (10-1-94)

d. ~~Show in units damage or loss of each commodity and include an explanation of cause of loss or damage; and~~ (10-1-94)

e. ~~Show in units remaining balance of each commodity; and~~ (10-1-94)

f. ~~Show number of households served.~~ (9-1-85)

03. ~~Delivery of USDA Commodity Shipment. A Delivery of Commodity Report must be submitted to the Department along with a copy of the bill of lading on each truckload of commodities received by the eligible entity.~~ (10-1-94)

04. ~~Household Participation Report. A household participation report indicating the number of households served by each distribution site must be submitted to the Department following each distribution.~~ (10-1-94)

**075. -- 081. (RESERVED):**

**~~082. STATE MONITORING REQUIREMENT.~~**

~~In accordance with 7CFR Part 3016, Section 251.10(e)(2)(i) requires an annual review of at least twenty-five percent (25%) of all emergency feeding organizations and a review of all such emergency feeding organizations not less frequently than once every four (4) years. Section 251.10(e)(2)(ii) requires that one hundred fifty (150) or one third (1/3) of Idaho's distribution sites be reviewed annually and to the maximum extent feasible reviews be conducted simultaneously with actual distributions and or eligibility determinations.~~ (10-1-94)

**~~073. -- 082. (RESERVED).~~**

**083. AUDIT.**

In accordance with 7 CFR, Section 251.10, Eligible entities receiving TEFAP funds shall be subject to an annual audit. The annual audit will be of such scope and as defined by the DHW. The DHW reserves the right to join with other interested parties to obtain a single audit of the eligible entity organization. (9-1-85)(11-1-98)T

**~~084. TECHNICAL ASSISTANCE.~~**

~~Technical assistance will be provided by the Department on a limited basis to those eligible entities requiring such assistance as determined by the Department to be in the best interest of the project's low-income beneficiaries.~~ (9-1-85)

**0854. CONTRACT COMPLIANCE.**

Funds may be withheld and/or the contract terminated if the terms of the contract are not complied with. (9-1-85)

**~~086. -- 995. (RESERVED).~~**

**~~996. ADMINISTRATIVE PROVISIONS.~~**

~~Contested case appeals shall be governed by Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, Section 000, et seq., "Rules Governing Contested Cases and Declaratory Rulings".~~ (12-31-91)

**~~085. -- 997. (RESERVED).~~**

**9978. CONFIDENTIALITY OF RECORDS.**

Any disclosure of information obtained by the Department is subject to the restrictions contained in Idaho Department of Health and Welfare Rules, IDAPA 16.05.01, "Rules Governing the Protection and Disclosure of Department Records". (12-31-91)

**~~998. INCLUSIVE GENDER.~~**

~~For the purposes of these rules, words used in the masculine gender included the feminine and vice versa where appropriate.~~ (9-1-85)

**999. SEVERABILITY.**

The rules of IDAPA 16.04.13, are severable. If any rule or part thereof, or the application of such rule to any person or circumstance is declared invalid, that invalidity does not affect the validity of any remaining portion of this chapter. (9-1-85)

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.06.14 - RULES GOVERNING THE PREVENTION OF MINORS'**  
**ACCESS TO TOBACCO PRODUCTS**

**DOCKET NO. 16-0614-9801**

**NOTICE OF TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** These temporary rules are effective January 1, 1999.

**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) 39-57, Idaho Code and HB 1446.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be held as follows:

**December 8, 1998, at 7:00 p.m.**  
**Boise State University, Student Union Building**  
**Jordan "B" Ballroom, 1700 University Drive, Boise, Idaho**

**December 9, 1998, at 7:00 p.m.**  
**Coeur d'Alene Inn, Syringa Room**  
**414 West Appleway Ave., Coeur d'Alene, Idaho**

**December 14, 1998, at 7:00 p.m.**  
**Ameritel Inn, Pebble Creek Room**  
**1440 Bench Road, Pocatello, 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(s), to the agency address below.

**DESCRIPTIVE SUMMARY:** The purpose of this rulemaking is to implement provisions of HB 1446, 1998 Session Law, Title 39, Chapter 57, Idaho Code. The new chapter defines the possession, distribution or use of tobacco products by a minor, permit process for tobacco product retailers, sale or distribution of tobacco products to a minor, vendor assisted sales, opened packages and samples, civil and criminal penalties for sales violations and conduct enforcement actions.

**TEMPORARY RULE JUSTIFICATION:** Temporary rules have been adopted in accordance with Section 67-5226, Idaho Code and are necessary in order to protect public health, safety, and welfare and to comply with deadlines in amendments to governing law or federal programs.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary or proposed rule, contact John Porter at (208) 334-5756.

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 December 23, 1998.

DATED this 2nd day of December, 1998.

Sherri Kovach  
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

**THE FOLLOWING IS TEXT OF DOCKET NO. 16-0614-9801**

**IDAPA 16**  
**TITLE 06**  
**Chapter 14**

**RULES GOVERNING THE PREVENTION OF MINORS' ACCESS TO TOBACCO PRODUCTS**

**000. LEGAL AUTHORITY.**

Under authority vested in Title 39, Chapter 57, Idaho Code, the Department of Health and Welfare adopts these rules and minimum standards for prevention of minors' access to tobacco products. (1-1-99)T

**001. TITLE AND SCOPE.**

01. Title. These rules shall be known as Idaho Department of Health and Welfare Rules, IDAPA 16.06.14, "Rules Governing the Prevention of Minors' Access to Tobacco Products". (1-1-99)T

02. Scope. The purpose of this rule is to implement provisions of Section 39-5701 et seq., Idaho Code. The Code defines the following: (1-1-99)T

- a. Possession, distribution or use of tobacco products by a minor; (1-1-99)T
- b. Permit process for tobacco product retailers; (1-1-99)T
- c. Sale or distribution of tobacco products to a minor; (1-1-99)T
- d. Vendor assisted sales; (1-1-99)T
- e. Opened packages and samples; (1-1-99)T
- f. Civil and criminal penalties for sales violations; and (1-1-99)T
- g. Conduct enforcement actions. (1-1-99)T

**002. WRITTEN INTERPRETATIONS.**

In accordance with Section 67-5201(16)(b)(iv), Idaho Code, this agency may write 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 documents are available for public inspection and copying at cost in the main offices of the Department of Health and Welfare. (1-1-99)T

**003. ADMINISTRATIVE APPEALS AND ADMINISTRATIVE PROCEEDINGS.**

Appeals and proceedings shall be governed by the Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings". (1-1-99)T

**004. PUBLIC RECORDS.**

The Tobacco Project Office will comply with Sections 9-337 through 9-347, Idaho Code, when requests for the examination and copying of public records are made. Unless otherwise exempt, as set forth in Section 9-340, Idaho Code, and other state and federal laws and regulations, all public records in the custody of the Tobacco Project Office are subject to disclosure. (1-1-99)T

**002. -- 006. (RESERVED).**

**007. DEFINITIONS.**

The terms used in this rule are defined as follows: (1-1-99)T

01. Business. Any company, partnership, firm, sole proprietorship, association, corporation, organization, or other legal entity, or a representative of the foregoing entities that currently sells or distributes or intends to sell or distribute tobacco products. (1-1-99)T
02. Department. The Department of Health and Welfare or its duly authorized representative. (1-1-99)T
03. DHW. Department of Health and Welfare. (1-1-99)T
04. Distribute. To give, deliver, sell, offer to give, offer to deliver, offer to sell or cause any person to do the same or hire any person to do the same. (1-1-99)T
05. Effective Training. Training must include, at a minimum, the provisions of the law regarding minors' access to tobacco products as indicated on the suggested Employee Training form which is included with the permit provided by the Department and found in Appendix A of these rules. Such training will be presumed effective for purposes of civil penalty actions. (1-1-99)T
06. Minor. A person under eighteen (18) years of age. (1-1-99)T
07. Permit. A permit issued by the Department for the sale or distribution of tobacco products. (1-1-99)T
08. Permittee. The holder of a valid permit for the sale or distribution of tobacco products. (1-1-99)T
09. Photographic Identification. In all cases the identification must bear a photograph and a date of birth. Types of identification include: (1-1-99)T
- a. State, district, territorial, possession, provincial, national or other equivalent government driver's license; or (1-1-99)T
- b. Identification card or military identification card; or (1-1-99)T
- c. A valid passport. (1-1-99)T
10. Random Unannounced Inspection. An inspection of business by a law enforcement agency or by the Department, with or without the assistance of a minor, to monitor compliance of this chapter. (1-1-99)T
- a. Random. At any time without a schedule or frequency. (1-1-99)T
- b. Unannounced. Without previous notification. (1-1-99)T
11. Retailer. A business which sells or distributes tobacco products to the public. (1-1-99)T
12. Seller. The person who physically distributes tobacco products. (1-1-99)T
13. Tobacco Product. Any substance that contains tobacco including, but not limited to, cigarettes, cigars, pipes, snuff, smoking tobacco, tobacco paper, or smokeless tobacco. (1-1-99)T
14. Vending Machine. Any mechanical, electronic or other similar device which, upon the insertion of tokens, money or any other form of payment, dispenses tobacco products. (1-1-99)T
15. Vendor Assisted Sales. Any sale or distribution in which the customer has no access to the product except through the assistance of the seller. The seller must physically dispense the tobacco product to the purchaser. A business is exempt from vendor assisted sales if it meets the following criteria: (1-1-99)T
- a. Tobacco products comprise at least seventy-five percent (75%) of total merchandise as determined by sales reported to the Idaho State Tax Commission; (1-1-99)T

b. Minors are not allowed in exempt businesses and there is a sign on all entrances prohibiting minors;  
and (1-1-99)T

c. There must be a separate entrance to the outside air or to a common area not under shared ownership by the exempt business. (1-1-99)T

16. Violation. An action contrary to Title 39, Chapter 57, Idaho Code, or IDAPA 16.06.14, "Rules Governing the Prevention of Minors' Access to Tobacco Products". (1-1-99)T

17. Without a Permit. A business that has failed to obtain a permit or a business whose permit is suspended or revoked. (1-1-99)T

**008. -- 019. (RESERVED).**

**020. APPLICATION FOR PERMIT.**

All businesses which sell or distribute tobacco products to the public must obtain a permit issued annually by the Department of Health and Welfare. (1-1-99)T

01. Where to Obtain an Application For Permit. An application can be obtained from the Department of Health and Welfare, Division of Family and Community Services, PO Box 83720, Boise, Idaho, 83720-0036, at no cost to the applicant. (1-1-99)T

02. Separate Permits. A separate permit must be obtained for each place of business and for each business that houses a tobacco vending machine. The permit is non-transferable to another person, business, or location. (1-1-99)T

03. Renewal of Permit. All permits must be renewed annually and are valid for twelve (12) calendar months. (1-1-99)T

a. The Department will mail notices of renewal for permits no later than ninety (90) days prior to the expiration date on the permit. (1-1-99)T

b. An application for renewal must be submitted annually by each business and for each business housing a vending machine. (1-1-99)T

c. A business with multiple sites may submit a single application to renew the permit at each site, so long as the application is accompanied by a list of business locations and addresses. (1-1-99)T

04. Application for Exemption. Businesses seeking exemption from vendor assisted sales shall submit information to the Department to establish compliance with criteria set forth in Section 016. (1-1-99)T

**021. PERMITTEE RESPONSIBILITIES.**

The permittee is responsible for the following: (1-1-99)T

01. Possession of Permit. Each business site must have a permit. (1-1-99)T

02. Visibility. The permit must be available upon request at each site and for any vending machine within the business. (1-1-99)T

03. Display of Sign. Each business may display, at each business site, a sign which states: "State Law Prohibits the Sale of Tobacco Products to Persons Under the Age of Eighteen (18) Years. Proof of Age Required. Anyone Who Sells or Distributes Tobacco to a Minor is Subject to Strict Fines and Penalties. Minors are Subject to Fines and Penalties." (1-1-99)T

04. Effective Training. Each permittee is responsible to train employees as to the requirements of Title 39, Chapter 57, Idaho Code, and these rules. (1-1-99)T

a. Unless the employer has its own training program as described in Subsection 021.04.b., the employer must, at a minimum, read to the employee or prospective employee who may be responsible for sale or distribution of tobacco products, or assure the employee or prospective employee has read the information contained on the Employee Training form found in Appendix A of these rules and have him initial each statement, and sign the form indicating an understanding of the provisions of the law governing minors' access to tobacco products.

(1-1-99)T

b. Employers may have their own training program but it must contain at least each of the elements listed in the Employee Training form found in Appendix A of these rules and the employee or prospective employee who may be responsible for sale or distribution of tobacco products must affirm in writing their acknowledgment of such training.

(1-1-99)T

**022. -- 050. (RESERVED).**

**051. CIVIL PENALTIES FOR VIOLATION OF PERMIT.**

01. Violations by the Seller. (1-1-99)T

a. The seller will receive a one hundred dollar (\$100) fine for each violation. (1-1-99)T

b. Each violation will be recorded with the Department and may be accessed by potential employers upon the written consent of the seller as a portion of the retailer's training permit documentation. (1-1-99)T

02. Violations by the Permittee. (1-1-99)T

a. First Violation. (1-1-99)T

i. If the permittee provides evidence of effective training, as determined by the Department, no fine will be imposed. (1-1-99)T

ii. If the permittee cannot provide evidence of effective training, as determined by the Department, the permittee shall be fined two hundred dollars. (1-1-99)T

b. Second Violation. (1-1-99)T

i. The permittee shall be fined four hundred dollars (\$400). (1-1-99)T

ii. If the permittee can provide evidence of effective training, the permit for that site will not be suspended. (1-1-99)T

iii. If training is determined by the Department to be ineffective, the permit for that site will be suspended for up to seven (7) days. If the permit for that site is suspended, the permittee must remove all tobacco products from public visibility for the duration of the revocation of the permit. (1-1-99)T

c. Third Violation. (1-1-99)T

i. The permittee shall receive a third violation and shall be fined one thousand dollars (\$1000). (1-1-99)T

ii. The permit shall be revoked for thirty (30) days beginning upon the day of notification by the Department of the third violation. (1-1-99)T

iii. The permittee must remove all tobacco products from public visibility for the duration of the revocation of the permit. (1-1-99)T

03. Payment of Fines. All fine payments must be received by the Department within 10 (ten) days of

the date of the citation. Fine payments should be mailed to, Tobacco Project Office, 450 West State Street, 5th Floor, Boise, ID 83711. (1-1-99)T

**052. CRIMINAL PENALTIES.**

01. Selling or Distributing Without a Permit. Criminal penalties apply to any business which sells or distributes tobacco products to the public without a permit. (1-1-99)T

02. Department Notified of Violation. If the Department is notified of a violation of Section 39-5709 et seq., Idaho Code, the Department will contact the appropriate law enforcement authority. (1-1-99)T

**053. -- 100. (RESERVED).**

**101. INSPECTIONS.**

01. Department Inspections. The Department shall conduct two (2) random, unannounced inspections per year at every business location identified as a retailer of tobacco products to the public. (1-1-99)T

02. Who Will Inspect. Inspections will be conducted by an adult enforcement officer accompanied by a minor. (1-1-99)T

03. Law Enforcement Agency Inspections. (1-1-99)T

a. In addition to the inspections set forth in Subsection 101.01, any law enforcement agency may conduct random, unannounced inspections with or without a minor at any business location, at any time, where tobacco products are sold or distributed to the public. (1-1-99)T

b. Law enforcement agencies conducting random unannounced inspections will report their citations under this chapter to the Department. The citations will become part of the permittee's permanent record and will be treated as if the inspection was conducted by an enforcement officer from the Department. (1-1-99)T

04. Issuance of Citation or Report. (1-1-99)T

a. Permittees will be provided with a report that an inspection was conducted and no violations were found; or (1-1-99)T

b. Permittees will be issued a citation within two (2) business days after the random unannounced inspection. (1-1-99)T

**102. -- 999. (RESERVED).**



**APPENDIX A**  
**EMPLOYEE TRAINING FORM**

The following may be used for training of employees to assure that they are aware of the current law regarding youth access to tobacco products in the State of Idaho. This would constitute "minimum" training required by the employer as indicated in Section 39-5701 et seq., Idaho Code.

Have the employee initial each section and sign at the bottom.

\_\_\_\_\_ I understand the State law prohibits the sale of ANY tobacco products to persons under the age of 18 years of age and that verification of age is required for any sale of tobacco products

\_\_\_\_\_ I understand that I am to ask for photo identification on any persons who appears to be under the age of 27 and verify their age before a sale of tobacco products.

\_\_\_\_\_ I understand that sales to anyone under the age of 18 can result in a personal fine to me of at least \$100 for the first offense.

\_\_\_\_\_ I understand that "tobacco products" includes any substance that contains tobacco including, but not limited to, cigarettes, cigars, pipes, snuff, smoking tobacco, tobacco papers, or smokeless tobacco. (Section 39-5702 (10), Idaho Code)

\_\_\_\_\_ I understand that this store may be inspected at any time for compliance with the state law regarding "youth access to tobacco products".

\_\_\_\_\_ I understand that all sales must be "vendor assisted" unless the store in which I work has 75% of the total merchandise available for sale as tobacco products. This store is \_\_\_\_\_ is not \_\_\_\_\_ exempted from the vendor assisted requirement. (check one)

\_\_\_\_\_ I understand that cigarettes **must** be sold only in their original sealed package from the manufacturer. (Section 39-5707, Idaho Code)

\_\_\_\_\_ I have been given a copy of Section 39-5701 et seq., Idaho Code, "Rules Governing the Prevention of Minor's Access to Tobacco Products".

I have read and agree to these statements and have had all my questions answered regarding my responsibilities as a seller of tobacco products in the State of Idaho.

By signing this agreement, I consent to having a current or potential employer contact the Department of Health and Welfare to determine if I have received citations for violation Title 39, Chapter 57, Idaho Code.

\_\_\_\_\_  
Printed Name of Employee

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Witnessed

\_\_\_\_\_  
Date

**IDAPA 17 - INDUSTRIAL COMMISSION**  
**17.06.02 - RULES GOVERNING BOILER AND PRESSURE**  
**VESSEL SAFETY - ADMINISTRATION**

**DOCKET NO. 17-0602-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective July 1, 1999, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 72-508 and 72-720, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. The national codes pertaining to boilers and pressure vessels which are incorporated by reference in IDAPA 17.06.02 have been updated. The commission wishes to update the Idaho Boiler and Pressure Vessel Safety Rules to incorporate the latest editions of the National Board Inspection Code, the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, and the ASME Power Piping Standard B31.1.

The pending rules are being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, pages 53 through 57.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Mike Poulin, Division of Building Safety, P. O. Box 83720, Boise, Idaho 83720-0048. Telephone (208) 334-3950.

DATED this 5th day of October 1998.

Patricia S. Ramey, Commission Secretary  
Industrial Commission, 317 Main Street  
P. O. Box 83720, Boise, Idaho 83720-0041  
Phone: (208)334-6000 / Fax: (208)334-5145

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**IDAPA 17**  
**TITLE 06**  
**Chapter 02**

**RULES GOVERNING BOILER AND PRESSURE VESSEL SAFETY - ADMINISTRATION**

**There are no substantive changes**  
**from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,**  
**Volume 98-9, September 2, 1998, pages 53 through 57.**

**This rule has been adopted as Final by the Agency and is now pending**  
**review by the 1999 Idaho State Legislature for final adoption.**

**IDAPA 17 - INDUSTRIAL COMMISSION**  
**17.07.02 - SAFETY STANDARDS FOR CONSTRUCTION AND OPERATION**  
**OF ELEVATORS - ADMINISTRATION**

**DOCKET NO. 17-0702-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective July 1, 1999, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 72-508 and 72-720, Idaho Code.

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

The national codes pertaining to elevators, escalator, and moving walks which are incorporated by reference in IDAPA 17.07.02 have been updated. The Commission wishes to update the Idaho safety rules for elevators and escalators to incorporate the latest editions of the nationally recognized industry standards.

The pending rules are being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, pages 58 through 60.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Mike Poulin, Division of Building Safety, P.O. Box 83720, Boise, Idaho 83720-0048. Telephone (208) 334-3950.

DATED this 5th day of October 1998.

Patricia S. Ramey, Commission Secretary  
Industrial Commission, 317 Main Street  
P. O. Box 83720, Boise, Idaho 83720-0041  
Phone: (208)334-6000 / Fax: (208)334-5145

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**IDAPA 17**  
**TITLE 07**  
**Chapter 02**

**SAFETY STANDARDS FOR CONSTRUCTION AND OPERATION**  
**OF ELEVATORS - ADMINISTRATION**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,**  
**Volume 98-9, September 2, 1998, pages 58 through 60.**

**This rule has been adopted as Final by the Agency and is now pending**  
**review by the 1999 Idaho State Legislature for final adoption.**

**IDAPA 17 - INDUSTRIAL COMMISSION**

**17.08.01 - MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -  
GENERAL PROVISIONS**

**DOCKET NO. 17-0801-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective July 1, 1999, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. The Industrial Commission wishes to repeal IDAPA 17.08.01 in its entirety, as OSHA has adopted safety standards for logging operations at CFR 1910.266, et seq., thereby pre-empting the state in regulatory compliance in this area. \* The Subcommittees for Administrative Rules Review met on September 21, 1998, regarding the Industrial Commission's proposed repeal of this rule. At the conclusion of the testimony and after discussion, each subcommittee voted to object to the repeal of the rules. However, after careful consideration, the Industrial Commission has determined to proceed with promulgation in order to receive a concurrent resolution from the legislature regarding this proposal. Therefore, the pending rules are being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, page 61.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Gary W. Stivers, Executive Director, Industrial Commission, P.O. Box 83720, Boise, Idaho 83720-0041. Telephone (208) 334-6000 or toll free (800) 950-2110.

DATED this 5th day of October 1998.

Patricia S. Ramey, Commission Secretary  
Industrial Commission, 317 Main Street  
P. O. Box 83720, Boise, Idaho 83720-0041  
Phone: (208)334-6000 / Fax: (208)334-5145

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**IDAPA 17  
TITLE 08  
Chapter 01**

**MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -  
GENERAL PROVISIONS**

**This chapter is being repealed in its entirety.**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-9, September 2, 1998, page 61.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 1999 Idaho State Legislature for final adoption.**

**IDAPA 17 - INDUSTRIAL COMMISSION**

**17.08.02 - MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -  
HEALTH, SAFETY, AND SANITATION**

**DOCKET NO. 17-0802-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective July 1, 1999, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. The Industrial Commission wishes to repeal IDAPA 17.08.02 in its entirety, as OSHA has adopted safety standards for logging operations at CFR 1910.266, et seq., thereby pre-empting the state in regulatory compliance in this area. \* The Subcommittees for Administrative Rules Review met on September 21, 1998, regarding the Industrial Commission's proposed repeal of this rule. At the conclusion of the testimony and after discussion, each subcommittee voted to object to the repeal of the rules. However, after careful consideration, the Industrial Commission has determined to proceed with promulgation in order to receive a concurrent resolution from the legislature regarding this proposal. Therefore, the pending rules are being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, page 62.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Gary W. Stivers, Executive Director, Industrial Commission, P. O. Box 83720, Boise, Idaho 83720-0041. Telephone (208) 334-6000 or toll free (800) 950-2110.

DATED this 5th day of October 1998.

Patricia S. Ramey, Commission Secretary  
Industrial Commission, 317 Main Street  
P. O. Box 83720, Boise, Idaho 83720-0041  
Phone: (208)334-6000 / Fax: (208)334-5145

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**IDAPA 17  
TITLE 08  
Chapter 02**

**MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -  
HEALTH, SAFETY, AND SANITATION**

**This chapter is being repealed in its entirety.**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-9, September 2, 1998, page 62.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 1999 Idaho State Legislature for final adoption.**

**IDAPA 17 - INDUSTRIAL COMMISSION**

**17.08.03 - MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -  
EXPLOSIVES AND BLASTING**

**DOCKET NO. 17-0803-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective July 1, 1999, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. The Industrial Commission wishes to repeal IDAPA 17.08.03 in its entirety, as OSHA has adopted safety standards for logging operations at CFR 1910.266, et seq., thereby pre-empting the state in regulatory compliance in this area. \* The Subcommittees for Administrative Rules Review met on September 21, 1998, regarding the Industrial Commission's proposed repeal of this rule. At the conclusion of the testimony and after discussion, each subcommittee voted to object to the repeal of the rules. However, after careful consideration, the Industrial Commission has determined to proceed with promulgation in order to receive a concurrent resolution from the legislature regarding this proposal. Therefore, the pending rules are being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, page 63.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Gary W. Stivers, Executive Director, Industrial Commission, P. O. Box 83720, Boise, Idaho 83720-0041. Telephone (208) 334-6000 or toll free (800) 950-2110.

DATED this 5th day of October 1998.

Patricia S. Ramey, Commission Secretary  
Industrial Commission, 317 Main Street  
P. O. Box 83720, Boise, Idaho 83720-0041  
Phone: (208)334-6000 / Fax: (208)334-5145

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**IDAPA 17  
TITLE 08  
Chapter 03**

**MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -  
EXPLOSIVES AND BLASTING**

**This chapter is being repealed in its entirety.**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-9, September 2, 1998, page 63.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 1999 Idaho State Legislature for final adoption.**

**IDAPA 17 - INDUSTRIAL COMMISSION**

**17.08.04 - MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -  
GARAGES, MACHINE SHOPS, AND RELATED WORK AREAS**

**DOCKET NO. 17-0804-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective July 1, 1999, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. The Industrial Commission wishes to repeal IDAPA 17.08.04 in its entirety, as OSHA has adopted safety standards for logging operations at CFR 1910.266, et seq., thereby pre-empting the state in regulatory compliance in this area. \* The Subcommittees for Administrative Rules Review met on September 21, 1998, regarding the Industrial Commission's proposed repeal of this rule. At the conclusion of the testimony and after discussion, each subcommittee voted to object to the repeal of the rules. However, after careful consideration, the Industrial Commission has determined to proceed with promulgation in order to receive a concurrent resolution from the legislature regarding this proposal. Therefore, the pending rules are being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, page 64.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Gary W. Stivers, Executive Director, Industrial Commission, P. O. Box 83720, Boise, Idaho 83720-0041. Telephone (208) 334-6000 or toll free (800) 950-2110.

DATED this 5th day of October 1998.

Patricia S. Ramey, Commission Secretary  
Industrial Commission, 317 Main Street  
P. O. Box 83720, Boise, Idaho 83720-0041  
Phone: (208)334-6000 / Fax: (208)334-5145

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**IDAPA 17  
TITLE 08  
Chapter 04**

**MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -  
GARAGES, MACHINE SHOPS, AND RELATED WORK AREAS**

**This chapter is being repealed in its entirety.**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-9, September 2, 1998, page 64.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 1999 Idaho State Legislature for final adoption.**

**IDAPA 17 - INDUSTRIAL COMMISSION**

**17.08.05 - MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -  
SIGNALS AND SIGNAL SYSTEMS**

**DOCKET NO. 17-0805-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective July 1, 1999, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. The Industrial Commission wishes to repeal IDAPA 17.08.05 in its entirety, as OSHA has adopted safety standards for logging operations at CFR 1910.266, et seq., thereby pre-empting the state in regulatory compliance in this area. \* The Subcommittees for Administrative Rules Review met on September 21, 1998, regarding the Industrial Commission's proposed repeal of this rule. At the conclusion of the testimony and after discussion, each subcommittee voted to object to the repeal of the rules. However, after careful consideration, the Industrial Commission has determined to proceed with promulgation in order to receive a concurrent resolution from the legislature regarding this proposal. Therefore, the pending rules are being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, page 65.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Gary W. Stivers, Executive Director, Industrial Commission, P. O. Box 83720, Boise, Idaho 83720-0041. Telephone (208) 334-6000 or toll free (800) 950-2110.

DATED this 5th day of October 1998.

Patricia S. Ramey, Commission Secretary  
Industrial Commission, 317 Main Street  
P. O. Box 83720, Boise, Idaho 83720-0041  
Phone: (208)334-6000 / Fax: (208)334-5145

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**IDAPA 17  
TITLE 08  
Chapter 05**

**MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -  
SIGNALS AND SIGNAL SYSTEMS**

**This chapter is being repealed in its entirety.**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-9, September 2, 1998, page 65.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 1999 Idaho State Legislature for final adoption.**



**IDAPA 17 - INDUSTRIAL COMMISSION**

**17.08.06 - MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -  
TRUCK ROAD STANDARDS**

**DOCKET NO. 17-0806-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective July 1, 1999, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. The Industrial Commission wishes to repeal IDAPA 17.08.06 in its entirety, as OSHA has adopted safety standards for logging operations at CFR 1910.266, et seq., thereby pre-empting the state in regulatory compliance in this area. \* The Subcommittees for Administrative Rules Review met on September 21, 1998, regarding the Industrial Commission's proposed repeal of this rule. At the conclusion of the testimony and after discussion, each subcommittee voted to object to the repeal of the rules. However, after careful consideration, the Industrial Commission has determined to proceed with promulgation in order to receive a concurrent resolution from the legislature regarding this proposal. Therefore, the pending rules are being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, page 66.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Gary W. Stivers, Executive Director, Industrial Commission, P. O. Box 83720, Boise, Idaho 83720-0041. Telephone (208) 334-6000 or toll free (800) 950-2110.

DATED this 5th day of October 1998.

Patricia S. Ramey, Commission Secretary  
Industrial Commission, 317 Main Street  
P. O. Box 83720, Boise, Idaho 83720-0041  
Phone: (208)334-6000 / Fax: (208)334-5145

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**IDAPA 17  
TITLE 08  
Chapter 06**

**MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -  
TRUCK ROAD STANDARDS**

**This chapter is being repealed in its entirety.**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-9, September 2, 1998, page 66.**

**This rule has been adopted as Final by the Agency and is now pending review by the  
1999 Idaho State Legislature for final adoption.**

**IDAPA 17 - INDUSTRIAL COMMISSION**

**17.08.07 - MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -  
TRANSPORTATION OF EMPLOYEES**

**DOCKET NO. 17-0807-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective July 1, 1999, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. The Industrial Commission wishes to repeal IDAPA 17.08.07 in its entirety, as OSHA has adopted safety standards for logging operations at CFR 1910.266, et seq., thereby pre-empting the state in regulatory compliance in this area. \* The Subcommittees for Administrative Rules Review met on September 21, 1998, regarding the Industrial Commission's proposed repeal of this rule. At the conclusion of the testimony and after discussion, each subcommittee voted to object to the repeal of the rules. However, after careful consideration, the Industrial Commission has determined to proceed with promulgation in order to receive a concurrent resolution from the legislature regarding this proposal. Therefore, the pending rules are being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, page 67.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Gary W. Stivers, Executive Director, Industrial Commission, P. O. Box 83720, Boise, Idaho 83720-0041. Telephone (208) 334-6000 or toll free (800) 950-2110.

DATED this 5th day of October 1998.

Patricia S. Ramey, Commission Secretary  
Industrial Commission, 317 Main Street  
P. O. Box 83720, Boise, Idaho 83720-0041  
Phone: (208)334-6000 / Fax: (208)334-5145

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**IDAPA 17  
TITLE 08  
Chapter 07**

**MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -  
TRANSPORTATION OF EMPLOYEES**

**This chapter is being repealed in its entirety.**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-9, September 2, 1998, page 67.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 1999 Idaho State Legislature for final adoption.**

**IDAPA 17 - INDUSTRIAL COMMISSION**

**17.08.08 - MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -  
FALLING AND BUCKING**

**DOCKET NO. 17-0808-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective July 1, 1999, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. The Industrial Commission wishes to repeal IDAPA 17.08.08 in its entirety, as OSHA has adopted safety standards for logging operations at CFR 1910.266, et seq., thereby pre-empting the state in regulatory compliance in this area. \* The Subcommittees for Administrative Rules Review met on September 21, 1998, regarding the Industrial Commission's proposed repeal of this rule. At the conclusion of the testimony and after discussion, each subcommittee voted to object to the repeal of the rules. However, after careful consideration, the Industrial Commission has determined to proceed with promulgation in order to receive a concurrent resolution from the legislature regarding this proposal. Therefore, the pending rules are being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, page 68.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Gary W. Stivers, Executive Director, Industrial Commission, P. O. Box 83720, Boise, Idaho 83720-0041. Telephone (208) 334-6000 or toll free (800) 950-2110.

DATED this 5th day of October 1998.

Patricia S. Ramey, Commission Secretary  
Industrial Commission, 317 Main Street  
P. O. Box 83720, Boise, Idaho 83720-0041  
Phone: (208)334-6000 / Fax: (208)334-5145

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**IDAPA 17  
TITLE 08  
Chapter 08**

**MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -  
FALLING AND BUCKING**

**This chapter is being repealed in its entirety.**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-9, September 2, 1998, page 68.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 1999 Idaho State Legislature for final adoption.**

**IDAPA 17 - INDUSTRIAL COMMISSION**

**17.08.09 - MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -  
RIGGING, LINES, BLOCKS, AND SHACKLES**

**DOCKET NO. 17-0809-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective July 1, 1999, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. The Industrial Commission wishes to repeal IDAPA 17.08.09 in its entirety, as OSHA has adopted safety standards for logging operations at CFR 1910.266, et seq., thereby pre-empting the state in regulatory compliance in this area. \* The Subcommittees for Administrative Rules Review met on September 21, 1998, regarding the Industrial Commission's proposed repeal of this rule. At the conclusion of the testimony and after discussion, each subcommittee voted to object to the repeal of the rules. However, after careful consideration, the Industrial Commission has determined to proceed with promulgation in order to receive a concurrent resolution from the legislature regarding this proposal. Therefore, the pending rules are being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, page 69.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Gary W. Stivers, Executive Director, Industrial Commission, P. O. Box 83720, Boise, Idaho 83720-0041. Telephone (208) 334-6000 or toll free (800) 950-2110.

DATED this 5th day of October 1998.

Patricia S. Ramey, Commission Secretary  
Industrial Commission, 317 Main Street  
P. O. Box 83720, Boise, Idaho 83720-0041  
Phone: (208)334-6000 / Fax: (208)334-5145

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**IDAPA 17  
TITLE 08  
Chapter 09**

**MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -  
RIGGING, LINES, BLOCKS, AND SHACKLES**

**This chapter is being repealed in its entirety.**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-9, September 2, 1998, page 69.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 1999 Idaho State Legislature for final adoption.**

**IDAPA 17 - INDUSTRIAL COMMISSION**

**17.08.10 - MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -  
CANOPY AND CANOPY CONSTRUCTION FOR LOGGING EQUIPMENT**

**DOCKET NO. 17-0810-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective July 1, 1999, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. The Industrial Commission wishes to repeal IDAPA 17.08.10 in its entirety, as OSHA has adopted safety standards for logging operations at CFR 1910.266, et seq., thereby pre-empting the state in regulatory compliance in this area. \* The Subcommittees for Administrative Rules Review met on September 21, 1998, regarding the Industrial Commission's proposed repeal of this rule. At the conclusion of the testimony and after discussion, each subcommittee voted to object to the repeal of the rules. However, after careful consideration, the Industrial Commission has determined to proceed with promulgation in order to receive a concurrent resolution from the legislature regarding this proposal. Therefore, the pending rules are being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, page 70.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Gary W. Stivers, Executive Director, Industrial Commission, P. O. Box 83720, Boise, Idaho 83720-0041. Telephone (208) 334-6000 or toll free (800) 950-2110.

DATED this 5th day of October 1998.

Patricia S. Ramey, Commission Secretary  
Industrial Commission, 317 Main Street  
P. O. Box 83720, Boise, Idaho 83720-0041  
Phone: (208)334-6000 / Fax: (208)334-5145

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**IDAPA 17  
TITLE 08  
Chapter 10**

**MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -  
CANOPY AND CANOPY CONSTRUCTION FOR LOGGING EQUIPMENT**

**This chapter is being repealed in its entirety.**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-9, September 2, 1998, page 70.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 1999 Idaho State Legislature for final adoption.**

**IDAPA 17 - INDUSTRIAL COMMISSION**

**17.08.11 - MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -  
SKIDDING AND YARDING**

**DOCKET NO. 17-0811-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective July 1, 1999, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. The Industrial Commission wishes to repeal IDAPA 17.08.11 in its entirety, as OSHA has adopted safety standards for logging operations at CFR 1910.266, et seq., thereby pre-empting the state in regulatory compliance in this area. \* The Subcommittees for Administrative Rules Review met on September 21, 1998, regarding the Industrial Commission's proposed repeal of this rule. At the conclusion of the testimony and after discussion, each subcommittee voted to object to the repeal of the rules. However, after careful consideration, the Industrial Commission has determined to proceed with promulgation in order to receive a concurrent resolution from the legislature regarding this proposal. Therefore, the pending rules are being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, page 71.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Gary W. Stivers, Executive Director, Industrial Commission, P. O. Box 83720, Boise, Idaho 83720-0041. Telephone (208) 334-6000 or toll free (800) 950-2110.

DATED this 5th day of October 1998.

Patricia S. Ramey, Commission Secretary  
Industrial Commission, 317 Main Street  
P. O. Box 83720, Boise, Idaho 83720-0041  
Phone: (208)334-6000 / Fax: (208)334-5145

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**IDAPA 17  
TITLE 08  
Chapter 11**

**MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -  
SKIDDING AND YARDING**

**This chapter is being repealed in its entirety.**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-9, September 2, 1998, page 71.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 1999 Idaho State Legislature for final adoption.**

**IDAPA 17 - INDUSTRIAL COMMISSION**

**17.08.12 - MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -  
ROAD TRANSPORTATION**

**DOCKET NO. 17-0812-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective July 1, 1999, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. The Industrial Commission wishes to repeal IDAPA 17.08.12 in its entirety, as OSHA has adopted safety standards for logging operations at CFR 1910.266, et seq., thereby pre-empting the state in regulatory compliance in this area. \* The Subcommittees for Administrative Rules Review met on September 21, 1998, regarding the Industrial Commission's proposed repeal of this rule. At the conclusion of the testimony and after discussion, each subcommittee voted to object to the repeal of the rules. However, after careful consideration, the Industrial Commission has determined to proceed with promulgation in order to receive a concurrent resolution from the legislature regarding this proposal. Therefore, the pending rules are being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, page 72.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Gary W. Stivers, Executive Director, Industrial Commission, P. O. Box 83720, Boise, Idaho 83720-0041. Telephone (208) 334-6000 or toll free (800) 950-2110.

DATED this 5th day of October 1998.

Patricia S. Ramey, Commission Secretary  
Industrial Commission, 317 Main Street  
P. O. Box 83720, Boise, Idaho 83720-0041  
Phone: (208)334-6000 / Fax: (208)334-5145

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**IDAPA 17  
TITLE 08  
Chapter 12**

**MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -  
ROAD TRANSPORTATION**

**This chapter is being repealed in its entirety.**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-9, September 2, 1998, page 72.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 1999 Idaho State Legislature for final adoption.**

**IDAPA 17 - INDUSTRIAL COMMISSION**

**17.08.13 - MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -  
LOG DUMPS, LANDING, LOG HANDLING EQUIPMENT, LOADING AND UNLOADING  
BOOMS, LOG PONDS, RAFTING, TOWING, STIFF BOOMS, BOOM STICKS AND  
FOOT LOGS, POND BOATS AND TOW BOATS, AND TRAILER LOADING HOISTS**

**DOCKET NO. 17-0813-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective July 1, 1999, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

The Industrial Commission wishes to repeal IDAPA 17.08.13 in its entirety, as OSHA has adopted safety standards for logging operations at CFR 1910.266, et seq., thereby pre-empting the state in regulatory compliance in this area.

\* The Subcommittees for Administrative Rules Review met on September 21, 1998, regarding the Industrial Commission's proposed repeal of this rule. At the conclusion of the testimony and after discussion, each subcommittee voted to object to the repeal of the rules. However, after careful consideration, the Industrial Commission has determined to proceed with promulgation in order to receive a concurrent resolution from the legislature regarding this proposal. Therefore, the pending rules are being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, page 73.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Gary W. Stivers, Executive Director, Industrial Commission, P. O. Box 83720, Boise, Idaho 83720-0041. Telephone (208) 334-6000 or toll free (800) 950-2110.

DATED this 5th day of October 1998.

Patricia S. Ramey, Commission Secretary  
Industrial Commission  
317 Main Street  
P. O. Box 83720  
Boise, Idaho 83720-0041  
Phone: (208)334-6000  
Fax: (208)334-5145



**IDAPA 17**  
**TITLE 08**  
**Chapter 13**

**MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -  
LOG DUMPS, LANDING, LOG HANDLING EQUIPMENT, LOADING AND UNLOADING  
BOOMS, LOG PONDS, RAFTING, TOWING, STIFF BOOMS, BOOM STICKS AND  
FOOT LOGS, POND BOATS AND TOW BOATS AND TRAILER LOADING HOISTS**

**This chapter is being repealed in its entirety.**

**There are no substantive changes  
from the proposed rule text.**

**The original text was published in the Idaho Administrative  
Bulletin, Volume 98-9, September 2, 1998, page 73.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 1999 Idaho State Legislature for final adoption.**

**IDAPA 17 - INDUSTRIAL COMMISSION**

**17.08.14 - MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -  
HELICOPTER LOGGING**

**DOCKET NO. 17-0814-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective July 1, 1999, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. The Industrial Commission wishes to repeal IDAPA 17.08.14 in its entirety, as OSHA has adopted safety standards for logging operations at CFR 1910.266, et seq., thereby pre-empting the state in regulatory compliance in this area. \* The Subcommittees for Administrative Rules Review met on September 21, 1998, regarding the Industrial Commission's proposed repeal of this rule. At the conclusion of the testimony and after discussion, each subcommittee voted to object to the repeal of the rules. However, after careful consideration, the Industrial Commission has determined to proceed with promulgation in order to receive a concurrent resolution from the legislature regarding this proposal. Therefore, the pending rules are being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, page 74.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Gary W. Stivers, Executive Director, Industrial Commission, P. O. Box 83720, Boise, Idaho 83720-0041. Telephone (208) 334-6000 or toll free (800) 950-2110.

DATED this 5th day of October 1998.

Patricia S. Ramey, Commission Secretary  
Industrial Commission  
317 Main Street  
P. O. Box 83720  
Boise, Idaho 83720-0041  
Phone: (208)334-6000  
Fax: (208)334-5145

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**IDAPA 17  
TITLE 08  
Chapter 14**

**MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -  
HELICOPTER LOGGING**

**This chapter is being repealed in its entirety.**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-9, September 2, 1998, page 74.**

**This rule has been adopted as Final by the Agency and is now pending review by the  
1999 Idaho State Legislature for final adoption.**

**IDAPA 17 - INDUSTRIAL COMMISSION**

**17.08.15 - MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -  
COMMONLY USED LOGGING TERMS**

**DOCKET NO. 17-0815-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective July 1, 1999, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. The Industrial Commission wishes to repeal IDAPA 17.08.15 in its entirety, as OSHA has adopted safety standards for logging operations at CFR 1910.266, et seq., thereby pre-empting the state in regulatory compliance in this area. \* The Subcommittees for Administrative Rules Review met on September 21, 1998, regarding the Industrial Commission's proposed repeal of this rule. At the conclusion of the testimony and after discussion, each subcommittee voted to object to the repeal of the rules. However, after careful consideration, the Industrial Commission has determined to proceed with promulgation in order to receive a concurrent resolution from the legislature regarding this proposal. Therefore, the pending rules are being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, page 75.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Gary W. Stivers, Executive Director, Industrial Commission, P. O. Box 83720, Boise, Idaho 83720-0041. Telephone (208) 334-6000 or toll free (800) 950-2110.

DATED this 5th day of October 1998.

Patricia S. Ramey, Commission Secretary  
Industrial Commission, 317 Main Street  
P. O. Box 83720, Boise, Idaho 83720-0041  
Phone: (208)334-6000 / Fax: (208)334-5145

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**IDAPA 17  
TITLE 08  
Chapter 15**

**MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -  
COMMONLY USED LOGGING TERMS**

**This chapter is being repealed in its entirety.**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-9, September 2, 1998, page 75.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 1999 Idaho State Legislature for final adoption.**

**IDAPA 17 - INDUSTRIAL COMMISSION**

**17.08.16 - MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -  
RECOMMENDED SAFETY PROGRAMS**

**DOCKET NO. 17-0816-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective July 1, 1999, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. The Industrial Commission wishes to repeal IDAPA 17.08.16 in its entirety, as OSHA has adopted safety standards for logging operations at CFR 1910.266, et seq., thereby pre-empting the state in regulatory compliance in this area. \* The Subcommittees for Administrative Rules Review met on September 21, 1998, regarding the Industrial Commission's proposed repeal of this rule. At the conclusion of the testimony and after discussion, each subcommittee voted to object to the repeal of the rules. However, after careful consideration, the Industrial Commission has determined to proceed with promulgation in order to receive a concurrent resolution from the legislature regarding this proposal. Therefore, the pending rules are being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, page 76.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Gary W. Stivers, Executive Director, Industrial Commission, P. O. Box 83720, Boise, Idaho 83720-0041. Telephone (208) 334-6000 or toll free (800) 950-2110.

DATED this 5th day of October 1998.

Patricia S. Ramey, Commission Secretary  
Industrial Commission, 317 Main Street  
P. O. Box 83720, Boise, Idaho 83720-0041  
Phone: (208)334-6000 / Fax: (208)334-5145

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**IDAPA 17  
TITLE 08  
Chapter 16**

**MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -  
RECOMMENDED SAFETY PROGRAMS**

**This chapter is being repealed in its entirety.**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-9, September 2, 1998, page 76.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 1999 Idaho State Legislature for final adoption.**

**IDAPA 22 - BOARD OF MEDICINE**

**22.01.01 - RULES OF THE BOARD OF MEDICINE FOR LICENSURE TO PRACTICE MEDICINE  
AND SURGERY AND OSTEOPATHIC MEDICINE AND SURGERY**

**DOCKET NO. 22-0101-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature OR April 1, 1999, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with SectionS 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1806(2)(11) and Section 54-1806A, Idaho Code.

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

Amendments to Section 010. Definitions: purpose is to define "consultation" as relates to Section 54-1804(1)(b), Idaho Code, which provides exemption for medical licensure in Idaho and is needed with the increase in the practice of telemedicine across states lines; and to amend the rules governing sexual contact, misconduct and exploitation of patients by physicians. Amendments to Section 100. "Fees" increases fees for licensure by written examination, licensure by endorsement and renewal of license to practice medicine fee.

The proposed rules have one (1) amendment. The change in the text of IDAPA 22.01.01.100.01. Fixed Fees. "Renewal of License to Practice Medicine Fee of \$150" was changed to \$200. The change was a result of Board action upon final approval and adoption of the proposed rule as the pending rule and are being amended pursuant to Section 67-5227, Idaho Code.

Only the sections that have changes are printed in this bulletin. The original text of the proposed rules was published in the Idaho Administrative Bulletin, August 5, 1998, Volume 98-8, pages 145 through 152.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Darleene Thorsted at 334-2822.

DATED this 16th day of October, 1998.

Darleene Thorsted  
Executive Director  
Idaho State Board of Medicine  
280 North 8th St. Suite 202  
PO Box 83720  
Boise, ID 83720-0058  
phone 334-2822 fax 334-2801

**IDAPA 22**  
**TITLE 01**  
**Chapter 01**

**RULES OF THE BOARD OF MEDICINE FOR LICENSURE TO PRACTICE MEDICINE  
AND SURGERY AND OSTEOPATHIC MEDICINE AND SURGERY**

**There are substantive changes from the proposed rule text.**

**Only those sections that have changed from the original proposed  
text are printed in this Bulletin following this notice.**

**The complete original text was published in the Idaho Administrative Bulletin,  
Volume 98-8, August 5, 1998, pages 145 through 152.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 1999 Idaho State Legislature for final adoption.**

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**THE FOLLOWING IS TEXT OF DOCKET NO. 22-0101-9801**

**100. FEES. -- TABLE.**

01. Fixed Fees -- Table. Fees by the Board shall be fixed as follows:

Written Examination and Application Fee plus costs of the examination.	<del>\$245</del> <u>300</u>
Licensure by Endorsement Fee	<del>\$3</del> <u>400</u>
Temporary License	\$100
Reinstatement License Fee plus total of renewal fees not paid by applicant	\$100
Inactive License Renewal Fee	\$ 75
Renewal of License to Practice Medicine Fee	<del>\$125</del> <u>200</u>
Reactivation License Fee	\$100
Oral Examination Fee	\$100
Duplicate Wallet License	\$ 10
Duplicate Wall License	\$ 25

(7-1-93)( )

02. Administrative Fees for Services Shall Be Billed on the Basis of Time and Cost. (7-1-93)

**IDAPA 22 - BOARD OF MEDICINE**  
**22.01.03 - RULES FOR THE LICENSURE OF PHYSICIANS ASSISTANTS**  
**DOCKET NO. 22-0103-9801**  
**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1806 (2), Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule: compliance with amendments to governing law effective July 1, 1998 amending the Medical Practice Act which changed physician assistant registration to licensure, to amend requirements for licensure, to establish the requirement for a Delegation of Services Agreement between the physician assistant and supervising physician, and expand prescriptive authority to include all legend drugs and controlled substances, Schedule III-V.

The pending rule is being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, August 5, 1998, Volume 98-8, pages 153 through 163.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Darleene Thorsted at 334-2822.

DATED this 16th day of October, 1998.

Darleene Thorsted  
Executive Director  
Idaho Board of Medicine  
280 North 8th  
PO Box 83720  
Boise, ID 83720-0058  
Phone 334-2822 Fax 334-2801

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**IDAPA 22**  
**TITLE 01**  
**Chapter 03**

**RULES FOR THE LICENSURE OF PHYSICIANS ASSISTANTS**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-8, August 5, 1998, pages 153 through 163.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 1999 Idaho State Legislature for final adoption.**

**IDAPA 22 - BOARD OF MEDICINE**  
**22.01.04 - RULES FOR REGISTRATION OF SUPERVISING PHYSICIANS**  
**DOCKET NO. 22-0104-9801**  
**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1806 (2), Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule: Passage of House Bill 662, effective July 1, 1998 provides for licensure of advanced practice nurses and for supervision by physicians licensed in Idaho and registered by the Board of Medicine as supervising physicians which requires rule changes to incorporate the certified nurse-midwife and clinical nurse specialist in the current rules for supervising physicians.

The pending rule is being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, August 5, 1998, Volume 98-8, pages 164 through 166.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Darleene Thorsted at 334-2822.

DATED this 16th day of October, 1998.

Darleene Thorsted  
Executive Director  
Idaho Board of Medicine  
280 North 8th  
PO Box 83720  
Boise, ID 83720-0058  
Phone 334-2822 Fax 334-2801

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**IDAPA 22**  
**TITLE 01**  
**Chapter 04**

**RULES FOR REGISTRATION OF SUPERVISING PHYSICIANS**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-8, August 5, 1998, pages 164 through 166.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 1999 Idaho State Legislature for final adoption.**



**IDAPA 22 - BOARD OF MEDICINE**  
**22.01.05 - RULES FOR THE REGISTRATION OF PHYSICAL THERAPISTS**  
**AND PHYSICAL THERAPIST ASSISTANTS**

**DOCKET NO. 22-0105-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective July 1, 1999, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-2209, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule: The Physical Therapist Act was amended during the 1998 Legislative Session, to update the statute to reflect the change in physical therapy examinations for permanent registration from a paper-pencil examination to computer based testing. The change in PT examinations removed necessity for the 45 day waiting period required for permanent registration by examination and for temporary registration which require rule changes. Section 042 of the pending rule provides for fee increases for physical therapist registration and annual renewal and physical therapists assistant registration and annual renewal.

The pending rule is being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, August 5, 1998, Volume 98-8, pages 167 through 169.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Darleene Thorsted at 334-2822.

DATED this 16th day of October, 1998.

Darleene Thorsted  
Executive Director  
Idaho State Board of Medicine  
280 North 8th  
PO Box 83720  
Boise, ID 83720-0058  
phone 334-2822 fax 334-2801

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**IDAPA 22**  
**TITLE 01**  
**Chapter 05**

**RULES FOR THE REGISTRATION OF PHYSICAL THERAPISTS**  
**AND PHYSICAL THERAPIST ASSISTANTS**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,**  
**Volume 98-8, August 5, 1998, pages 167 through 169.**

**This rule has been adopted as Final by the Agency and is now pending**  
**review by the 1999 Idaho State Legislature for final adoption.**

**IDAPA 25 - OUTFITTERS AND GUIDES LICENSING BOARD**  
**25.01.01 - RULES OF THE OUTFITTERS AND GUIDES LICENSING BOARD**

**DOCKET NO. 25-0101-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-2107 and 67-5220 et seq., Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. The changes to the proposed rules include adding goat packing to the definition of "hazardous excursions" and the replacement of the definition of hazardous excursions. It adds the words "or operating in a manner which endangers the health, safety or welfare of the public" to the definition of "Unethical/Unprofessional Conduct". The changes also provide for the return to the applicant of unused portions of one time new outfitter, new designated agent or new guide application fees and changes the title to the subsection to reflect this change. Finally, new Rule 056 provides for different levels of bonding as provided for in Senate Bill 1339 passed by the 1998 legislative session.

The pending rules are being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, Volume 98-7, July 1, 1998, pages 183 through 188.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Dean Sangrey, (208) 327-7370.

DATED this 9th day of October, 1998.

Dean Sangrey, Executive Director  
Outfitters and Guides Licensing Board  
1365 N. Orchard, Suite 172  
Boise, Idaho 83706  
(208) 327-7326

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**IDAPA 25**  
**TITLE 01**  
**Chapter 01**

**RULES OF THE OUTFITTERS AND GUIDES LICENSING BOARD**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-7, July 1, 1998, pages 183 through 188.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 1999 Idaho State Legislature for final adoption.**

**IDAPA 31 - PUBLIC UTILITIES COMMISSION**  
**31.41.01 - TELEPHONE CUSTOMER RELATIONS RULES**

**DOCKET NO. 31-4101-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective July 1, 1999, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5220(1), Idaho Code, notice is hereby given of the Idaho Public Utilities Commission's adoption of a pending rule. This action is authorized pursuant to the Commission's legal authority under the Public Utilities Law, Chapters 1 through 7, Title 61, Idaho Code and the Telecommunications Act of 1988, Chapter 6, Title 62, Idaho Code and the specific authority of Sections 61-302, 61-502, 61-507, 62-605, 62-615, 62-616 and 62-622, Idaho Code.

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

The proposed changes fall into four principal categories: Changes to address concerns about "cramming" (invalid or unclear charges for services other than local exchange services), "slamming" (unauthorized switching of customers' exchange carriers), held orders, and certain "housekeeping" changes to reflect its current mailing address, correct typos and stray words, insure consistency, and other non-substantive changes. In general, the proposed rules have been amended in response to public comment and to make typographical, transcriptional, and clerical corrections to the rules, and are being amended pursuant to Section 67-5227, Idaho Code. Only those sections that have been amended are being republished.

Only those sections that have changes are printed in this bulletin. The original text of the proposed rules was published in the August 5, 1998, Idaho Administrative Bulletin, Volume 98-8, pages 177 through 188.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the proposed rules, contact Cheri C. Copsey, Deputy Attorney General at (208) 334-0314 or Beverly Barker, Consumer Assistance at (208) 334-0302.

DATED this 20th day of October, 1998.

Myrna J. Walters  
Commission Secretary  
Idaho Public Utilities Commission  
PO Box 83720  
Boise, ID 83720-0074  
Telephone: (208) 334-0338  
FAX: (208) 334-3762

Street Address for Express Mail:  
472 West Washington Street  
Boise, ID 83702-5983

IDAPA 31  
TITLE 41  
Chapter 01

TELEPHONE CUSTOMER RELATIONS RULES

There are substantive changes from the proposed rule text.

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

The complete original text was published in the Idaho Administrative Bulletin, Volume 98-8, August 5, 1998, pages 177 through 188.

This rule has been adopted as Final by the Agency and is now pending review by the 1999 Idaho State Legislature for final adoption.

THE FOLLOWING IS TEXT OF DOCKET NO. 31-4101-9801

**005. DEFINITIONS (Rule 5.)**

The following definitions are used in this title and chapter:

(7-1-93)

01. Applicant. Unless restricted by definition within a rule or a group of rules to a particular class of service, "applicant" means any potential customer who applies for a service from a telephone company. "Applicant" does not include minors not competent to contract. Telephone companies may decline to recognize minors not competent to contract as applicants and may require an adult or minor competent to contract to join a minor not competent to contract as an applicant. (7-1-93)( )

02. Customer. Unless restricted by definition within a rule or a group of rules to a particular class of service, "customer" means any person who meets the terms outlined in Subsections 005.02.a. through 005.02.ed. below, and any person contractually or otherwise lawfully authorized to represent such party. If the person selecting, receiving, or canceling service is not the same person as the one assuming responsibility for payment of service, the latter is the customer for purposes of selecting service(s), cancelling services(s), receiving refunds, etc. (7-1-93)( )

a. Has applied for; (7-1-93)

b. Has been accepted; and (7-1-93)

c. Is currently: (7-1-93)

i. Receiving service from a telephone company; or (7-1-93)

ii. Assuming responsibility for payment of service provided to another or others. (7-1-93)

d. Any person whose service has been temporarily disconnected for non-payment shall continue to be a "customer" for the purposes of these rules until such time as service is permanently disconnected. ( )

03. Good Credit. "Good credit" means payment by a customer for the most recent twelve (12) consecutive month period of all undisputed bills due the telephone company before temporary or permanent

termination of service.

(7-1-93)

04. Local Exchange Company (LEC). "Local exchange company" (LEC) is telephone company providing local exchange service to end-users. "Local exchange company" includes "incumbent telephone corporations," as defined in Section 62-603(6), Idaho Code, and telephone corporations granted a Certificate of Public Convenience and Necessity by the Commission to compete with incumbent telephone corporations.

~~(7-1-93)~~( )

~~05. Local Exchange Service. "Local exchange service" means the provision of access lines with the associated transmission of two way interactive switched voice communications within a local exchange area (including but not limited to connection charges, mileage charges, etc.), together with services offered by the local exchange company (e.g., call waiting, call forwarding) in conjunction with basic local exchange services as defined in Section 62-603(1), Idaho Code.~~

~~(1-1-95)~~

065. MTS Company or Interexchange Carrier. "MTS company" or "interexchange carrier" means a telephone company providing MTS service.

(7-1-93)

076. Message Telecommunications Service (MTS). "MTS" (commonly known as "long-distance service") means the transmission of two-way interactive switched voice communication between local exchange areas for which charges are made on a per-unit basis as defined in Section 62-603(68), Idaho Code, and wide area telecommunications service (WATS) or its equivalent.

~~(7-1-93)~~( )

087. Operator and Directory Assistance Services. Operator and directory assistance services are telephone services that include (but are not limited to) intercept, call completion and assistance, and directory assistance services, whether local, MTS, or both.

(7-1-93)

098. Other Services. "Other services" mean all services except local exchange and MTS services provided, billed, or collected by a telephone company.

(1-1-95)

109. Residential Telephone Service. "Residential telephone service" means telecommunication service furnished and maintained at a dwelling primarily for personal or domestic purposes and not for business, professional or institutional purposes, i.e., service provided to residential customers as defined in Section 62-603(79), Idaho Code.

~~(7-1-93)~~( )

110. Small Business Telephone Service. "Small business telephone service" means telecommunication service furnished to a business or institutional entity, whether an individual, partnership, corporation, association or other business or institutional form, for occupational, professional, or institutional purposes, to customers who do not subscribe to more than five (5) local access lines within a building, i.e., service provided to small business customers as defined in Section 62-603(811), Idaho Code.

~~(7-1-93)~~( )

121. Telephone Company. Unless further restricted by definition within a rule or a group of rules, "telephone company" means any entity subject to this Commission's regulation as a provider of telecommunication services to end-users (either local exchange or MTS/WATS) under the Public Utilities Law (Idaho Code, Title 61, Chapters 1-7) or subject to this Commission's authority under the Telecommunications Act of 1988, as amended, (Idaho Code, Title 62, Chapter 6), except mutual, non-profit or cooperative telephone corporations.

~~(7-1-93)~~( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**102. OTHER DEPOSIT STANDARDS PROHIBITED--RESIDENTIAL CUSTOMERS OF LECS (Rule 102).**

A local exchange company shall not require a deposit or other guarantee as a condition of new or continued residential telephone service based upon residential ownership or location, income level, source of income, employment tenure, nature of occupation, ~~commercial credit records~~, race, creed, sex, age, national origin, marital status, number of dependents, or any other criterion not authorized by these rules. Rules governing deposits shall be

applied uniformly. If an applicant for service, either residential or small business, selects a MTS company and arranges to be billed directly by that MTS company, rather than through the LEC, no deposit may be collected by the LEC for MTS services provided by the MTS company. (7-1-93)(\_\_\_\_)

**103. ~~GUARANTEE IN LIEU OF DEPOSIT-RESIDENTIAL CUSTOMERS OF LECS (Rule 103)~~ (RESERVED).**

~~01. Guarantor. In lieu of a deposit required by these rules, a local exchange company shall accept a written guarantee of payment for a residential account from another residential customer of the local exchange company. An acceptable guarantor must have good credit.~~ (7-1-93)

~~02. Guarantee Form. The guarantee form used by each local exchange company must be filed with and approved by this Commission. The guarantee form must state:~~ (7-1-93)

~~a. The terms of the guarantee, the maximum amount guaranteed, and that the telephone company shall not hold the guarantor liable for sums in excess of that amount;~~ (7-1-93)

~~b. That the maximum amount guaranteed shall not exceed the amount of the deposit that would have been charged the applicant; and~~ (7-1-93)

~~e. That the guarantor shall be released from the guarantor's obligation when the customer whose account is guaranteed would be eligible for a return of the customer's deposit if one had been made.~~ (7-1-93)

~~03. Period of Guarantee. The minimum guarantee period is thirty (30) days. The guarantee shall remain in full force and effect until five (5) days after the local exchange company's receipt of the guarantor's notice of cancellation of the guarantee agreement.~~ (7-1-93)

**(BREAK IN CONTINUITY OF SECTIONS)**

**205. ~~CUSTOMERS WITH GOOD CREDIT-FINAL BILLS BILLING PROHIBITED~~ (Rule 205).**

When a customer with good credit voluntarily terminates service with the local exchange company, the final bill shall contain or be accompanied by a statement that the customer had good credit with the local exchange company upon the date the statement was issued. When an applicant for service presents such a statement to a local exchange company (whether from one regulated by this Commission or otherwise), the statement constitutes evidence of good credit in the application for service. However, presentation of such a statement will not require the local exchange company to consider the applicant to have good credit solely on the basis of that statement. No person shall bill or cause another person to bill for unanswered or unaccepted telephone calls, telephone calls placed to a toll-free number, or telephone service or other service(s) or merchandise not ordered or otherwise authorized by the customer of record. Any charges for these services that appear on a customer's bill shall be removed from the customer's bill no later than two (2) billing cycles following notice to the telephone company. Disputed charges must be removed from the customer's bill within two (2) months of when customers notify the company that the customer has been unable to either contact or successfully resolve a dispute with the service or goods provider and that the charge is still in dispute. A telephone company that unknowingly submits a bill containing charges for unanswered or unaccepted telephone calls, telephone calls placed to a toll-free number, or telephone service or other service(s) or merchandise not ordered or otherwise authorized by the customer of record shall not be considered in violation of this rule if the disputed amounts are removed from the customer's bill. (7-1-93)(\_\_\_\_)

**(BREAK IN CONTINUITY OF SECTIONS)**

**207. ~~299:~~ (RESERVED) BILLING FOR OTHER SERVICES (Rule 207).**

Telephone company bills for other services shall contain the mailing address(es) or toll-free telephone number(s) available to customers for answering inquiries and resolving complaints about the services billed, sufficient

information to readily identify the service provider, the services rendered, the associated specific charges for which the bill is tendered. Notwithstanding any contractual or regulatory provisions to the contrary, no telephone company shall be required to bill its customers on behalf of any person who fails to submit to the telephone company the information necessary to enable it to comply with this rule. ( )

**208. -- 299. (RESERVED).**

**(BREAK IN CONTINUITY OF SECTIONS)**

**306. CONTENTS OF NOTICE OF INTENT TO TERMINATE LOCAL EXCHANGE SERVICE (Rule 306).**

The written or oral notice of intent to terminate local exchange service required by Rule 304 must state: (1-5-95)

01. The Reasons. The reason(s), citing these rules, why service will be terminated and the proposed date of termination; (7-1-93)

02. Actions. Actions the customer may take to avoid termination; (7-1-93)

03. Certificate of Serious Illness or Medical Emergency. That a certificate notifying the local exchange company of a serious illness or medical emergency in the household may delay termination under Rule 308; (1-5-95)

04. Complaint May Be Filed. That an informal or formal complaint concerning termination may be filed with the telephone company or the Commission, and that service will not be terminated on grounds relating to the dispute between the customer and telephone company before resolution of the complaint (the Commission's address and telephone number must be given to the customer); ~~and~~ (7-1-93)( )

05. Telephone Company Willing to Make Payment Arrangements. That the telephone company is willing to make payment arrangements (in a written notice this statement must be in bold print); ~~and~~ (7-1-93)( )

06. Partial Payments. That for purposes of disconnection, partial payments will be applied toward local exchange service charges first, unless the customer requests otherwise, and that charges for services other than local exchange services cannot be used as a basis for disconnection. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**312. PAYMENT ARRANGEMENTS (Rule 312).**

01. Arrangements Allowed. When a customer cannot pay a bill in full, the telephone company may continue to serve the customer if the customer and the telephone company agree on a reasonable portion of the outstanding bill to be paid immediately, and the manner in which the balance of the outstanding bill will be paid. (7-1-93)

02. Reasonableness. In deciding on the reasonableness of a particular agreement, the telephone company will take into account the customer's ability to pay, the size of the unpaid balance, the customer's payment history and length of, service, and the amount of time and reasons why the debt is outstanding. (7-1-93)

03. Application of Payment. Payments are to be applied first to the undisputed balance owed by the customer for local exchange services, and associated installation charges, taxes, and surcharges, unless the customer designates otherwise. ~~A customer may designate how a payment insufficient pay the total balance due shall be applied. In the absence of instructions from the customer, a partial payment to a local exchange company shall be allocated among the providers based upon the ratio of the undisputed amount due each service provider to the undisputed total amount billed. Such payments shall be applied first to the oldest undisputed balances.~~

(1-1-95)( )

04. Notice of Allocation Procedures. The telephone company shall notify customers of its procedures for allocating partial payments in its annual summary of these rules given pursuant to Rule 602.01 and in its written seven-day notice sent pursuant to Rule 304.01. In discussing or negotiating payment arrangements, the local exchange company shall advise the customer what amount of payment the customer ~~shall~~ must allocate to local exchange service or to MTS service or other services in order to prevent the termination of or restriction of access to those services. If the telephone company successfully contacts the customer pursuant to the requirements of Rule 304.02, the company shall likewise advise the customer of the amounts that the customer must allocate to local exchange service and/or MTS services or other services to avoid termination of those services. (1-1-95)( )

05. Second Arrangement. If a customer fails to make the payment agreed upon by the date that it is due, the telephone company may, but is not obligated to, enter into a second arrangement. (1-1-95)

06. When Arrangement Not Binding. No payment arrangement binds a customer if it requires the customer to forego any right provided for in these rules. (1-1-95)

**~~313. LOCAL EXCHANGE SERVICE NOT DENIED OR TERMINATED FOR BILLS FOR MTS OR OTHER SERVICES (Rule 313) (RESERVED).~~**

~~01. Local Exchange Services Can Be Provided and MTS or Other Services Simultaneously denied or Terminated. In exchanges where local exchange services can be provided and MTS or other services simultaneously denied or terminated, no telephone company may deny or terminate local exchange service to any customer on the ground that the customer has not paid for MTS or other services. (1-1-95)~~

~~02. Request an Exemption. Any LEC unable to provide local exchange services while denying or terminating MTS or other services may request an exemption from the Commission on an exchange by exchange basis by fully documenting the technical reasons for its inability to comply. (1-1-95)~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**401. COMPLAINT TO TELEPHONE COMPANY (Rule 401).**

01. Subject Matter. A customer or applicant for service may complain to the telephone company about any deposit or guarantee required as a condition of service, billing, termination of service, quality or availability of service, or any other matter regarding telephone company services, policies or practices for local exchange service, MTS, operator and directory assistance services, or other services. The customer or applicant may request a conference with the telephone company, but this provision does not affect any statute of limitation that might otherwise apply. Complaints to the telephone company may be made orally or in writing. A complaint is considered filed when received by the telephone company. In making a complaint or request for conference, the customer or applicant shall state the customer's or applicant's name, service address, telephone number and the general nature of the complaint. (7-1-93)

02. Obligations for Billing Disputes. A local exchange company that bills and collects for other entities is responsible for either addressing complaints for all services and merchandise billed or for providing the customer with the mailing address(es) or toll-free telephone numbers so the customer may contact the supplier of services or merchandise billed. If the customer informs the LEC that another company's charge is disputed, the LEC must stop any payment allocations to the disputed charge. The disputed charge must be permanently removed from the LEC's bill no later than two (2) billing cycles following the billing cycle during which the complaint is registered unless the customer agrees to pay the disputed bill prior to that time. (1-1-95)( )

03. Conference. Upon receiving a complaint or a request for conference, the telephone company shall promptly, thoroughly and completely investigate the complaint, confer with the customer or applicant when requested, and notify the customer or applicant of the results of its investigation and make a good faith attempt to



resolve the complaint. The oral or written notification shall advise the customer or applicant that the customer or applicant may request the Commission to review the telephone company's proposed disposition of the complain.

(7-1-93)

04. Service Maintained. The telephone company shall not terminate service based upon the subject matter of the complaint while investigating the complaint or making a good-faith attempt to resolve the complaint.

(7-1-93)

**(BREAK IN CONTINUITY OF SECTIONS)**

**~~404. -- 500.~~ (RESERVED) RESPONSES TO INFORMAL COMPLAINTS (Rule 404).**

Within ten (10) business days of receiving notification from the Commission that an informal complaint involving the company has been filed with the Commission, telephone companies must either respond orally or in writing to the Commission. A telephone company will be granted an extension of time to prepare its response if it represents that it is making a good faith effort to resolve the matter in dispute. A full and complete response should be submitted to the Commission no later than thirty (30) days after receipt of notification from the Commission. ( )

**~~405. -- 500.~~ (RESERVED).**

**(BREAK IN CONTINUITY OF SECTIONS)**

**~~504. -- 600.~~ (RESERVED).**

**(BREAK IN CONTINUITY OF SECTIONS)**

**~~603. CHARGES FOR CHANGING PRIMARY INTEREXCHANGE (MTS) COMPANY ACCESS TO EMERGENCY SERVICES (Rule 603).~~**

If a customer objects to a charge for changing the customer's primary (1+) interexchange (MTS) company or contends that the customer did not authorize a change in primary interexchange company, the local exchange company must at the customer's request restore the service of the original primary interexchange company and remove any charges for changing interexchange companies unless the interexchange company can show that the customer authorized the change in writing and was informed of the charge for the change in writing. In counties where consolidated emergency communications systems, as defined by Section 31-4802, Idaho Code, are established, the local exchange company shall provide access to those services to all its customers. (7-1-93)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**~~606. -- 999.~~ (RESERVED) REMOVING CHARGES FOR IMPROPERLY CHANGING A CUSTOMER'S TELEPHONE COMPANY (Rule 606).**

If a customer objects to a charge for changing the customer's telephone company, and contends that the customer did not authorize a change in the telephone company, the customer's original service provider must be reinstated by the customer's local exchange company upon customer request. Any charges for changing telephone companies shall be waived, credited or refunded to the customer but shall be imposed on the telephone company requesting the change unless it can verify the customer authorized the change and was informed of the charge for the change. ( )

**~~607. -- 999.~~ (RESERVED).**

**IDAPA 35 - STATE TAX COMMISSION**  
**35.01.03 - PROPERTY TAX ADMINISTRATIVE RULES**  
**DOCKET NO. 35-0103-9802**  
**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective January 1, 1999, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

That the advertised proposed **Property Tax Rule 615**, be amended as follows:

**Subsection 615.03.d.** should read as follows:

d. Amending Election. An owner may amend the elected method if written notice is received at least seven (7) business days prior to a hearing under Rule 407 of these rules.

Add Subsection 615.04 as follows:

04. Personal Property Reporting for Locally Assessed Property. The exemption for custom software, contracts and contract rights shall be claimed by scheduling such property on the owner's personal property declaration form.

The proposed rules have been amended in response to public comment and to make typographical, transcriptional, and clerical corrections to the rules, and are being amended pursuant to Section 67-5227, Idaho Code.

Only the sections that have changes are printed in this bulletin. The original text of the proposed rules was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, pages 112 through 114.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Alan Dornfest, at (208) 334-7530.

DATED this 21st day of October, 1998.

Alan Dornfest, Tax Policy Specialist  
State Tax Commission  
800 Park Blvd. Plaza IV  
P. O. Box 36  
Boise, ID 83722  
(208) 334-7530  
FAX (208) 334-7844

**IDAPA 35**  
**TITLE 01**  
**Chapter 03**

**PROPERTY TAX ADMINISTRATIVE RULES**

**There are substantive changes from the proposed rule text.**

**Only those sections that have changed from the original proposed text are printed in this Bulletin following this notice.**

**The complete original text was published in the Idaho Administrative Bulletin, Volume 98-9, September 2, 1998, pages 112 through 114.**

**This rule has been adopted as Final by the Agency and is now pending review by the 1999 Idaho State Legislature for final adoption.**

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**THE FOLLOWING IS TEXT OF DOCKET NO. 35-0103-9802**

**615. PROPERTY EXEMPT FROM TAXATION - CERTAIN INTANGIBLE PERSONAL PROPERTY (Rule 615).**

01. Definitions. The following definitions apply to the exemption for certain intangible personal property. ( )

a. Contracts and contract rights. Contracts and contract rights are enforceable agreements, which establish mutual rights and responsibilities, and rights created under such agreements. ( )

b. Copyrights. Copyrights are rights granted to the author or originator of literary or artistic productions, by which he or she is invested with the sole and exclusive privilege of making, publishing or selling copies for a specified time. ( )

c. Custom computer programs. Custom computer programs means those programs defined in Section 63-3616, Idaho Code. ( )

d. Customer lists. Customer lists are proprietary lists containing information about a business enterprise's customers. ( )

e. Franchises. Franchises are special privileges. ( )

f. Goodwill. Goodwill is the expectation of continued public patronage of a business. Goodwill is the ability of a business to generate income in excess of a normal rate due to such things as superior managerial skills, superior market position, favorable community and customer reputation and high employee morale. ( )

g. Licenses. Licenses are permissions to do acts, which are not allowed without such permissions. ( )

h. Method A. Method A is the method by which the value of exempt intangible personal property is

excluded from the value of operating property by subtracting the market value of exempt intangible personal property from the market value of the operating property at the system level. ( )

i. Method B. Method B is the method by which the value of exempt intangible personal property is excluded from the value of operating property by subtracting the market value of exempt intangible personal property from the market value of the operating property at the state level. ( )

j. Method C. Method C is the method by which the value of exempt intangible personal property is excluded from the value of operating property by using valuation models which value only the nonexempt assets. ( )

k. Patents. Patents are grants from the government conveying and securing the exclusive right to make, use and sell inventions. ( )

l. Rights-of-way which are possessory only and not accompanied by title. Rights-of-way, which are possessory only and not accompanied by title, are easements by which grantees acquire only the rights to pass over or to access for installation or maintenance, without acquiring exclusive use of the rights-of-way. ( )

m. Trademarks. Trademarks are marks of authenticity, through which products of particular manufacturers or vendible commodities of particular merchants may be distinguished from those of others. ( )

n. Trade secrets. Trade secrets are formulas, patterns, compilations, programs, devices, methods, techniques or processes, deriving independent economic values from not being generally known by other persons who can obtain economic values from disclosure or use. Trade secrets are the subjects of efforts that are reasonable to maintain secrecy. ( )

02. Tangible Property Value Not Affected by Intangible Personal Property Value. The values of the exempt intangible personal properties shall not affect the values of any tangible properties or the value of the attributes of any tangible properties, regardless of the role of the intangible personal properties in the use of the tangible properties. The exempt values shall not include any values attributable to availability of a skilled work force, condition of surrounding property, geographic features, location, rights-of-way, accompanied by title, view, zoning, and attributes or characteristics of real properties. ( )

03. Operating Property Election, Reporting and Methods. The following apply to operating property for the identification of valuation methods to be used by the State Tax Commission, election of Method A, Method B or Method C by the property owners, reporting by owners and valuation using Method C. ( )

a. Identification of valuation methods. When the State Tax Commission mails the blank Operators' Statements to the property owners, the State Tax Commission shall identify proposed changes in valuation methods compared to those relied on in the prior year. ( )

b. Election default. In the event of default of the taxpayer to make an election, the State Tax Commission shall use the method proposed in the notice accompanying the Operator's Statement. ( )

c. Election of exclusion method. When submitting the Operator's Statement, the owner has the right to elect the method for exclusion of the values of the exempt intangible personal properties from the operating property value. ( )

d. Amending Election. An owner may amend the elected method if written notice is received at least seven (7) business days prior to a hearing under Rule 407 of these rules. ( )

e. Reporting. The State Tax Commission shall consider the value and supporting data provided by the owners. If no supporting intangibles valuation information is provided by the owners, known exempt intangible personal property will be subtracted or will not be impounded in the value. ( )

f. Valuation using Method C. When the owner elects Method C, the State Tax Commission shall give primary consideration to the cost less depreciation model, without regulatory adjustment, in valuing tangible personal

property and nonexempt intangible personal property. Only if this model fails to produce market value of the tangible personal property and nonexempt intangible personal property, shall the State Tax Commission consider other appropriate valuation models. ( )

04. Personal Property Reporting for Locally Assessed Property. The exemption for custom software, contracts and contract rights shall be claimed by scheduling such property on the owner's personal property declaration form. ( )

**IDAPA 38 - DEPARTMENT OF ADMINISTRATION**  
**38.04.04 - RULES GOVERNING CAPITOL MALL PARKING**

**DOCKET NO. 38-0404-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective on July 1, 1999, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 67-5708, Idaho Code.

**DESCRIPTIVE SUMMARY:** The pending rules are being adopted as proposed. The original text of the proposed rules was published in the August 5, 1998 Idaho Administrative Bulletin, Volume 98-8, page 215.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Joanna L. Guilfooy, Deputy Attorney General, Department of Administration, 334-3388.

DATED this 9th day of October 1998.

Joanna L. Guilfooy  
Deputy Attorney General  
Department of Administration  
650 West State Street, Room 100  
PO Box 83720  
Boise, ID 83720-0003  
Ph: (208) 334-3388  
Fx: (208) 334-2307

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**IDAPA 38**  
**TITLE 04**  
**Chapter 04**

**RULES GOVERNING CAPITOL MALL PARKING**

**There are no substantive changes  
from the proposed rule text.**

**The original text was published in the Idaho  
Administrative Bulletin, Volume 98-8, August 5, 1998, page 215.**

**This rule has been adopted as Final by the Agency  
and is now pending review by the  
1999 Idaho State Legislature for final adoption.**

**IDAPA 39 - DEPARTMENT OF TRANSPORTATION**  
**39.02.70 - RULES GOVERNING RESTRICTED DRIVING PERMITS**

**DOCKET NO. 39-0270-9701**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the end of the 1999 Idaho State Legislation Session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 18-8002A, 49-325, and 49-326, Idaho Code.

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

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the November 5, 1997 Idaho Administrative Bulletin, Volume 97-11, pages 108 through 111.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Jane Caviness at (208) 334-8700.

DATED this 26th day of August, 1998

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

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**IDAPA 39**  
**TITLE 02**  
**Chapter 70**

**RULES GOVERNING RESTRICTED DRIVING PERMITS**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 97-11, November 5, 1997, pages 108 through 111.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 1999 Idaho State Legislature for final adoption.**

**IDAPA 39 - DEPARTMENT OF TRANSPORTATION**  
**39.02.72 - RULES GOVERNING ADMINISTRATIVE LICENSE SUSPENSIONS**

**DOCKET NO. 39-0272-9701**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the end of the 1999 Idaho State Legislation Session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 18-8002A, Idaho Code.

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

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the November 5, 1997 Idaho Administrative Bulletin, Volume 97-11, pages 112 through 116.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Jane Caviness at (208) 334-8700.

DATED this 26th day of August, 1998

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

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**IDAPA 39**  
**TITLE 02**  
**Chapter 72**

**RULES GOVERNING ADMINISTRATIVE LICENSE SUSPENSIONS**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 97-11, November 5, 1997, pages 112 through 116.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 1999 Idaho State Legislature for final adoption.**



**IDAPA 39 - DEPARTMENT OF TRANSPORTATION**

**39.03.01 - RULES GOVERNING DEFINITIONS**

**DOCKET NO. 39-0301-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the end of the 1999 Idaho State Legislation Session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 40-1004 and 40-1011, Idaho Code.

**DESCRIPTIVE SUMMARY:** This rule is being repealed in its entirety. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, page 172.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Alan Frew at (208) 334-8694.

DATED this 21st day of October, 1998

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

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**IDAPA 39  
TITLE 03  
Chapter 01**

**RULES GOVERNING DEFINITIONS**

**This chapter is being repealed in its entirety.**

**There are no substantive changes  
from the proposed rule text.**

**The original text was published in the Idaho  
Administrative Bulletin, Volume 98-9, September 2, 1998, page 172.**

**This rule has been adopted as Final by the Agency  
and is now pending review by the  
1999 Idaho State Legislature for final adoption.**

**IDAPA 39 - DEPARTMENT OF TRANSPORTATION**  
**39.03.01 - RULES GOVERNING PERMITTED OVERLEGAL VEHICLES AND/OR LOADS**

**DOCKET NO. 39-0301-9802**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the end of the 1999 Idaho State Legislation Session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 40-1004 and 40-1011, Idaho Code.

**DESCRIPTIVE SUMMARY:** The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, pages 174 and 175.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Alan Frew at (208) 334-8694.

DATED this 21st day of October, 1998

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

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**IDAPA 39**  
**TITLE 03**  
**Chapter 01**

**RULES GOVERNING PERMITTED OVERLEGAL VEHICLES AND/OR LOADS**

**There are no substantive changes  
from the proposed rule text.**

**The original text was published in the Idaho  
Administrative Bulletin, Volume 98-9, September 2, 1998,  
pages 174 and 175.**

**This rule has been adopted as Final by the Agency  
and is now pending review by the  
1999 Idaho State Legislature for final adoption.**

**IDAPA 39 - DEPARTMENT OF TRANSPORTATION**  
**39.03.05 - RULES GOVERNING VARIABLE LOAD SUSPENSION AXLES**

**DOCKET NO. 39-0305-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the end of the 1999 Idaho State Legislation Session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 40-1004 and 40-1011, Idaho Code.

**DESCRIPTIVE SUMMARY:** This rule is being repealed in its entirety. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, page 176.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Alan Frew at (208) 334-8694.

DATED this 21st day of October, 1998

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

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**IDAPA 39**  
**TITLE 03**  
**Chapter 05**

**RULES GOVERNING VARIABLE LOAD SUSPENSION AXLES**

**This chapter is being repealed in its entirety.**

**There are no substantive changes  
from the proposed rule text.**

**The original text was published in the Idaho  
Administrative Bulletin, Volume 98-9, September 2, 1998, page 176.**

**This rule has been adopted as Final by the Agency  
and is now pending review by the  
1999 Idaho State Legislature for final adoption.**

**IDAPA 39 - DEPARTMENT OF TRANSPORTATION**  
**39.03.06 - RULES GOVERNING ALLOWABLE VEHICLE SIZE**

**DOCKET NO. 39-0306-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the end of the 1999 Idaho State Legislation Session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 40-1004 and 40-1011, Idaho Code.

**DESCRIPTIVE SUMMARY:** This rule is being repealed in its entirety. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, page 177.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Alan Frew at (208) 334-8694.

DATED this 21st day of October, 1998

Linda L. Emry, Administrative Secretary  
Office of Budget, Policy, Intergovernmental Relations  
Idaho Transportation Department  
P. O. Box 7129  
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**IDAPA 39**  
**TITLE 03**  
**Chapter 06**

**RULES GOVERNING ALLOWABLE VEHICLE SIZE**

**This chapter is being repealed in its entirety.**

**There are no substantive changes  
from the proposed rule text.**

**The original text was published in the Idaho  
Administrative Bulletin, Volume 98-9, September 2, 1998, page 177.**

**This rule has been adopted as Final by the Agency  
and is now pending review by the  
1999 Idaho State Legislature for final adoption.**

**IDAPA 39 - DEPARTMENT OF TRANSPORTATION**  
**39.03.07 - RULES GOVERNING RESTRICTED ROUTES FOR SEMITRAILERS**

**DOCKET NO. 39-0307-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the end of the 1999 Idaho State Legislation Session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 40-1004 and 40-1011, Idaho Code.

**DESCRIPTIVE SUMMARY:** This rule is being repealed in its entirety. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, page 178.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Alan Frew at (208) 334-8694.

DATED this 21st day of October, 1998

Linda L. Emry, Administrative Secretary  
Office of Budget, Policy, Intergovernmental Relations  
Idaho Transportation Department  
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**IDAPA 39**  
**TITLE 03**  
**Chapter 07**

**RULES GOVERNING RESTRICTED ROUTES FOR SEMITRAILERS**

**This chapter is being repealed in its entirety.**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-9, September 2, 1998, page 178.**

**This rule has been adopted as Final by the Agency  
and is now pending review by the  
1999 Idaho State Legislature for final adoption.**

**IDAPA 39 - DEPARTMENT OF TRANSPORTATION**  
**39.03.08 - RULES GOVERNING PREQUALIFICATION OF VARIABLE LOAD**  
**SUSPENSION AXLES AND OTHER AUXILIARY AXLES**

**DOCKET NO. 39-0308-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the end of the 1999 Idaho State Legislation Session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 40-1004 and 40-1011, Idaho Code.

**DESCRIPTIVE SUMMARY:** This rule is being repealed in its entirety. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, page 179.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Alan Frew at (208) 334-8694.

DATED this 21st day of October, 1998

Linda L. Emry, Administrative Secretary  
Office of Budget, Policy, Intergovernmental Relations  
Idaho Transportation Department  
P. O. Box 7129  
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**IDAPA 39**  
**TITLE 03**  
**Chapter 08**

**RULES GOVERNING PREQUALIFICATION OF VARIABLE LOAD**  
**SUSPENSION AXLES AND OTHER AUXILIARY AXLES**

**This chapter is being repealed in its entirety.**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho**  
**Administrative Bulletin, Volume 98-9, September 2, 1998, page 179.**

**This rule has been adopted as Final by the Agency**  
**and is now pending review by the**  
**1999 Idaho State Legislature for final adoption.**

**IDAPA 39 - DEPARTMENT OF TRANSPORTATION**  
**39.03.09 - RULES GOVERNING GENERAL CONDITIONS AND**  
**REQUIREMENTS FOR SPECIAL PERMITS**

**DOCKET NO. 39-0309-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the end of the 1999 Idaho State Legislation Session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 40-1004 and 40-1011, Idaho Code.

**DESCRIPTIVE SUMMARY:** This rule is being repealed in its entirety. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, page 182.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Alan Frew at (208) 334-8694.

DATED this 21st day of October, 1998

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  
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**IDAPA 39**  
**TITLE 03**  
**Chapter 09**

**RULES GOVERNING GENERAL CONDITIONS AND**  
**REQUIREMENTS FOR SPECIAL PERMITS**

**This chapter is being repealed in its entirety.**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,**  
**Volume 98-9, September 2, 1998, page 182.**

**This rule has been adopted as Final by the Agency and is now pending**  
**review by the 1999 Idaho State Legislature for final adoption.**

**IDAPA 39 - DEPARTMENT OF TRANSPORTATION**  
**39.03.10 - RULES GOVERNING WHEN SPECIAL PERMIT IS REQUIRED**

**DOCKET NO. 39-0310-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the end of the 1999 Idaho State Legislation Session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 40-1004 and 40-1011, Idaho Code.

**DESCRIPTIVE SUMMARY:** This rule is being repealed in its entirety. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, page 183.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Alan Frew at (208) 334-8694.

DATED this 21st day of October, 1998

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  
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**IDAPA 39**  
**TITLE 03**  
**Chapter 10**

**RULES GOVERNING WHEN SPECIAL PERMIT IS REQUIRED**

**This chapter is being repealed in its entirety.**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-9, September 2, 1998, page 183.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 1999 Idaho State Legislature for final adoption.**



**IDAPA 39 - DEPARTMENT OF TRANSPORTATION**  
**39.03.11 - RULES GOVERNING SPECIAL PERMITTEE RESPONSIBILITY**  
**AND TRAVEL RESTRICTIONS FOR OVERLEGAL LOADS**

**DOCKET NO. 39-0311-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the end of the 1999 Idaho State Legislation Session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 40-1004 and 40-1011, Idaho Code.

**DESCRIPTIVE SUMMARY:** This rule is being repealed in its entirety. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, page 184.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Alan Frew at (208) 334-8694.

DATED this 21st day of October, 1998

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

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**IDAPA 39**  
**TITLE 03**  
**Chapter 11**

**RULES GOVERNING SPECIAL PERMITTEE RESPONSIBILITY AND**  
**TRAVEL RESTRICTIONS FOR OVERLEGAL LOADS**

**This chapter is being repealed in its entirety.**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,**  
**Volume 98-9, September 2, 1998, page 184.**

**This rule has been adopted as Final by the Agency and is now pending**  
**review by the 1999 Idaho State Legislature for final adoption.**

**IDAPA 39 - DEPARTMENT OF TRANSPORTATION**  
**39.03.12 - RULES GOVERNING SAFETY REQUIREMENTS OF SPECIAL PERMIT**

**DOCKET NO. 39-0312-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the end of the 1999 Idaho State Legislation Session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 40-1004 and 40-1011, Idaho Code.

**DESCRIPTIVE SUMMARY:** This rule is being repealed in its entirety. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, page 185.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Alan Frew at (208) 334-8694.

DATED this 21st day of October, 1998

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  
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**IDAPA 39**  
**TITLE 03**  
**Chapter 12**

**RULES GOVERNING SAFETY REQUIREMENTS OF SPECIAL PERMIT**

**This chapter is being repealed in its entirety.**

**There are no substantive changes  
from the proposed rule text.**

**The original text was published in the Idaho  
Administrative Bulletin, Volume 98-9, September 2, 1998, page 185.**

**This rule has been adopted as Final by the Agency  
and is now pending review by the  
1999 Idaho State Legislature for final adoption.**

**IDAPA 39 - DEPARTMENT OF TRANSPORTATION**  
**39.03.13 - RULES GOVERNING OVERWEIGHT PERMITS**

**DOCKET NO. 39-0313-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the end of the 1999 Idaho State Legislation Session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 40-1004 and 40-1011, Idaho Code.

**DESCRIPTIVE SUMMARY:** This rule is being repealed in its entirety. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, page 186.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Alan Frew at (208) 334-8694.

DATED this 21st day of October, 1998

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

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**IDAPA 39**  
**TITLE 03**  
**Chapter 13**

**RULES GOVERNING OVERWEIGHT PERMITS**

**This chapter is being repealed in its entirety.**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho  
Administrative Bulletin, Volume 98-9, September 2, 1998, page 186.**

**This rule has been adopted as Final by the Agency  
and is now pending review by the  
1999 Idaho State Legislature for final adoption.**

**IDAPA 39 - DEPARTMENT OF TRANSPORTATION**  
**39.03.14 - RULES GOVERNING POLICY DURING SPRING BREAKUP SEASON**

**DOCKET NO. 39-0314-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the end of the 1999 Idaho State Legislation Session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 40-1004 and 40-1011, Idaho Code.

**DESCRIPTIVE SUMMARY:** This rule is being repealed in its entirety. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, page 187.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Alan Frew at (208) 334-8694.

DATED this 21st day of October, 1998

Linda L. Emry, Administrative Secretary  
Office of Budget, Policy, Intergovernmental Relations  
Idaho Transportation Department  
P. O. Box 7129  
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Phone: 208-334-8810  
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**IDAPA 39**  
**TITLE 03**  
**Chapter 14**

**RULES GOVERNING POLICY DURING SPRING BREAKUP SEASON**

**This chapter is being repealed in its entirety.**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-9, September 2, 1998, page 187.**

**This rule has been adopted as Final by the Agency  
and is now pending review by the  
1999 Idaho State Legislature for final adoption.**

**IDAPA 39 - DEPARTMENT OF TRANSPORTATION**  
**39.03.15 - RULES GOVERNING INTERSTATE EXCESS WEIGHT PERMITS**

**DOCKET NO. 39-0315-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the end of the 1999 Idaho State Legislation Session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 40-1004 and 40-1011, Idaho Code.

**DESCRIPTIVE SUMMARY:** This rule is being repealed in its entirety. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, page 188.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Alan Frew at (208) 334-8694.

DATED this 21st day of October, 1998

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

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**IDAPA 39**  
**TITLE 03**  
**Chapter 15**

**RULES GOVERNING INTERSTATE EXCESS WEIGHT PERMITS**

**This chapter is being repealed in its entirety.**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-9, September 2, 1998, page 188.**

**This rule has been adopted as Final by the Agency  
and is now pending review by the  
1999 Idaho State Legislature for final adoption.**

**IDAPA 39 - DEPARTMENT OF TRANSPORTATION**  
**39.03.16 - RULES GOVERNING OVERSIZE PERMITS FOR NON-REDUCIBLE LOADS**

**DOCKET NO. 39-0316-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the end of the 1999 Idaho State Legislation Session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 40-1004 and 40-1011, Idaho Code.

**DESCRIPTIVE SUMMARY:** This rule is being repealed in its entirety. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, page 189.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Alan Frew at (208) 334-8694.

DATED this 21st day of October, 1998

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

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**IDAPA 39**  
**TITLE 03**  
**Chapter 16**

**RULES GOVERNING OVERSIZE PERMITS FOR NON-REDUCIBLE LOADS**

**This chapter is being repealed in its entirety.**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-9, September 2, 1998, page 189.**

**This rule has been adopted as Final by the Agency  
and is now pending review by the  
1999 Idaho State Legislature for final adoption.**

**IDAPA 39 - DEPARTMENT OF TRANSPORTATION**  
**39.03.17 - RULES GOVERNING OVERSIZE PERMITS FOR MANUFACTURED HOMES,**  
**MODULAR BUILDINGS AND OFFICE TRAILERS**

**DOCKET NO. 39-0317-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the end of the 1999 Idaho State Legislation Session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 40-1004 and 40-1011, Idaho Code.

**DESCRIPTIVE SUMMARY:** This rule is being repealed in its entirety. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, page 190.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Alan Frew at (208) 334-8694.

DATED this 21st day of October, 1998

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

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**IDAPA 39**  
**TITLE 03**  
**Chapter 17**

**RULES GOVERNING OVERSIZE PERMITS FOR MANUFACTURED HOMES,**  
**MODULAR BUILDINGS AND OFFICE TRAILERS**

**This chapter is being repealed in its entirety.**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,**  
**Volume 98-9, September 2, 1998, page 190.**

**This rule has been adopted as Final by the Agency**  
**and is now pending review by the**  
**1999 Idaho State Legislature for final adoption.**

**IDAPA 39 - DEPARTMENT OF TRANSPORTATION**  
**39.03.18 - RULES GOVERNING SPECIAL PERMITS FOR RELOCATION**  
**OF BUILDINGS OR HOUSES**

**DOCKET NO. 39-0318-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the end of the 1999 Idaho State Legislation Session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 40-1004 and 40-1011, Idaho Code.

**DESCRIPTIVE SUMMARY:** This rule is being repealed in its entirety. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, page 191.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Alan Frew at (208) 334-8694.

DATED this 21st day of October, 1998

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

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**IDAPA 39**  
**TITLE 03**  
**Chapter 18**

**RULES GOVERNING SPECIAL PERMITS FOR RELOCATION**  
**OF BUILDINGS OR HOUSES**

**This chapter is being repealed in its entirety.**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,**  
**Volume 98-9, September 2, 1998, page 191.**

**This rule has been adopted as Final by the Agency and is now pending**  
**review by the 1999 Idaho State Legislature for final adoption.**



**IDAPA 39 - DEPARTMENT OF TRANSPORTATION**  
**39.03.19 - RULES GOVERNING ANNUAL SPECIAL PERMITS**  
**DOCKET NO. 39-0319-9801**  
**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the end of the 1999 Idaho State Legislation Session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 40-1004 and 40-1011, Idaho Code.

**DESCRIPTIVE SUMMARY:** This rule is being repealed in its entirety. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, page 192.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Alan Frew at (208) 334-8694.

DATED this 21st day of October, 1998

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

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**IDAPA 39**  
**TITLE 03**  
**Chapter 19**

**RULES GOVERNING ANNUAL SPECIAL PERMITS**

**This chapter is being repealed in its entirety.**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-9, September 2, 1998, page 192.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 1999 Idaho State Legislature for final adoption.**

**IDAPA 39 - DEPARTMENT OF TRANSPORTATION**  
**39.03.20 - RULES GOVERNING APPLICATION FOR SPECIAL PERMITS**

**DOCKET NO. 39-0320-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the end of the 1999 Idaho State Legislation Session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 40-1004 and 40-1011, Idaho Code.

**DESCRIPTIVE SUMMARY:** This rule is being repealed in its entirety. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, page 193.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Alan Frew at (208) 334-8694.

DATED this 21st day of October, 1998

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

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**IDAPA 39**  
**TITLE 03**  
**Chapter 20**

**RULES GOVERNING APPLICATION FOR SPECIAL PERMITS**

**This chapter is being repealed in its entirety.**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-9, September 2, 1998, page 193.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 1999 Idaho State Legislature for final adoption.**

**IDAPA 39 - DEPARTMENT OF TRANSPORTATION**  
**39.03.21 - RULES GOVERNING SPECIAL PERMIT FEES**  
**DOCKET NO. 39-0321-9801**  
**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the end of the 1999 Idaho State Legislation Session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 40-1004 and 40-1011, Idaho Code.

**DESCRIPTIVE SUMMARY:** This rule is being repealed in its entirety. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, page 194.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Alan Frew at (208) 334-8694.

DATED this 21st day of October, 1998

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

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**IDAPA 39**  
**TITLE 03**  
**Chapter 21**

**RULES GOVERNING SPECIAL PERMIT FEES**

**This chapter is being repealed in its entirety.**

**There are no substantive changes  
from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-9, September 2, 1998, page 194.**

**This rule has been adopted as Final by the Agency  
and is now pending review by the  
1999 Idaho State Legislature for final adoption.**

**IDAPA 39 - DEPARTMENT OF TRANSPORTATION**  
**39.03.22 - RULES GOVERNING SPECIAL PERMITS FOR**  
**EXTRA-LENGTH VEHICLE COMBINATIONS**

**DOCKET NO. 39-0322-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the end of the 1999 Idaho State Legislation Session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 40-1004 and 40-1011, Idaho Code.

**DESCRIPTIVE SUMMARY:** This rule is being repealed in its entirety. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, page 195.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Alan Frew at (208) 334-8694.

DATED this 21st day of October, 1998

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

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**IDAPA 39**  
**TITLE 03**  
**Chapter 22**

**RULES GOVERNING SPECIAL PERMITS FOR EXTRA-LENGTH**  
**VEHICLE COMBINATIONS**

**This chapter is being repealed in its entirety.**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,**  
**Volume 98-9, September 2, 1998, page 195.**

**This rule has been adopted as Final by the Agency and is now pending**  
**review by the 1999 Idaho State Legislature for final adoption.**

**IDAPA 39 - DEPARTMENT OF TRANSPORTATION**  
**39.03.23 - RULES GOVERNING REVOCATION OF SPECIAL PERMITS**  
**DOCKET NO. 39-0323-9801**  
**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the end of the 1999 Idaho State Legislation Session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 40-1004 and 40-1011, Idaho Code.

**DESCRIPTIVE SUMMARY:** This rule is being repealed in its entirety. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, page 196.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Alan Frew at (208) 334-8694.

DATED this 21st day of October, 1998

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

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**IDAPA 39**  
**TITLE 03**  
**Chapter 23**

**RULES GOVERNING REVOCATION OF SPECIAL PERMITS**

**This chapter is being repealed in its entirety.**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-9, September 2, 1998, page 196.**

**This rule has been adopted as Final by the Agency  
and is now pending review by the  
1999 Idaho State Legislature for final adoption.**

**IDAPA 39 - DEPARTMENT OF TRANSPORTATION**  
**39.03.24 - RULES GOVERNING SELF-PROPELLED SNOWPLOWS**

**DOCKET NO. 39-0324-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the end of the 1999 Idaho State Legislation Session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 40-1004 and 40-1011, Idaho Code.

**DESCRIPTIVE SUMMARY:** This rule is being repealed in its entirety. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, page 197.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Alan Frew at (208) 334-8694.

DATED this 21st day of October, 1998

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

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**IDAPA 39**  
**TITLE 03**  
**Chapter 24**

**RULES GOVERNING SELF-PROPELLED SNOWPLOWS**

**This chapter is being repealed in its entirety.**

**There are no substantive changes  
from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-9, September 2, 1998, page 197.**

**This rule has been adopted as Final by the Agency  
and is now pending review by the  
1999 Idaho State Legislature for final adoption.**

**IDAPA 39 - DEPARTMENT OF TRANSPORTATION**  
**39.03.25 - RULES GOVERNING LIGHTS ON SNOW REMOVAL EQUIPMENT**

**DOCKET NO. 39-0325-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the end of the 1999 Idaho State Legislation Session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 40-1004 and 40-1011, Idaho Code.

**DESCRIPTIVE SUMMARY:** This rule is being repealed in its entirety. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, page 198.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Alan Frew at (208) 334-8694.

DATED this 21st day of October, 1998

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

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**IDAPA 39**  
**TITLE 03**  
**Chapter 25**

**RULES GOVERNING LIGHTS ON SNOW REMOVAL EQUIPMENT**

**This chapter is being repealed in its entirety.**

**There are no substantive changes  
from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-9, September 2, 1998, page 198.**

**This rule has been adopted as Final by the Agency  
and is now pending review by the  
1999 Idaho State Legislature for final adoption.**

**IDAPA 39 - DEPARTMENT OF TRANSPORTATION**  
**39.03.43 - RULES GOVERNING UTILITIES ON STATE HIGHWAY RIGHT-OF-WAY**

**DOCKET NO. 39-0343-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the end of the 1999 Idaho State Legislation Session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 40-312(3), Idaho Code.

**DESCRIPTIVE SUMMARY:** The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, September 2, 1998, Volume 98-9, pages 199 and 200.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Robert Linkhart at (208) 334-8492.

DATED this 21st day of October, 1998

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

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**IDAPA 39**  
**TITLE 03**  
**Chapter 43**

**RULES GOVERNING UTILITIES ON STATE HIGHWAY RIGHT-OF-WAY**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-9, September 2, 1998, pages 199 and 200.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 1999 Idaho State Legislature for final adoption.**



**IDAPA 44 - OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR**

**44.01.01 - RULES OF THE ADMINISTRATIVE RULES COORDINATOR**

**DOCKET NO. 44-0101-9801**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective on July 1, 1999, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 56-5203, 67-5204 and 56-5205, Idaho Code.

**DESCRIPTIVE SUMMARY:** The pending rules are being adopted as proposed. The original text of the proposed rules was published in the May 6, 1998 Idaho Administrative Bulletin, Volume 98-5, pages 203 through 206.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Karen Gustafson or Dennis Stevenson at (208) 334-3577.

DATED this 28th day of September 1998.

Rick Thompson  
Administrative Rules Coordinator  
Department of Administration  
650 W State Street  
Boise, ID 83720-0004  
Phone: (208) 334-3577  
Fax: (208-334-2395

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**IDAPA 44  
TITLE 01  
Chapter 01**

**RULES OF THE ADMINISTRATIVE RULES COORDINATOR**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-5, May 6, 1998, pages 203 through 206.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 1999 Idaho State Legislature for final adoption.**

**IDAPA 45 - IDAHO HUMAN RIGHTS COMMISSION**  
**45.01.01 - RULES OF THE IDAHO HUMAN RIGHTS COMMISSION**  
**DOCKET NO. 45-0101-9801**  
**NOTICE OF PENDING RULES**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective July 1, 1999, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 67-5906(12), Idaho Code.

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

Allows for administrative closure of cases by staff director and adds new rule to clarify legislation.

The original text of the proposed rules was published in the Idaho Administrative Bulletin, August 5, 1998, Volume 98-8, pages 216 through 220.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Daniel L. Steckel at (208) 334-2873.

DATED this 21nd day of September, 1998

Daniel L. Steckel  
Deputy Attorney General  
Idaho Human Rights Commission  
P.O. Box 83720  
Boise, Idaho 83720-0040  
(208) 334-2873 phone; (208) 334-2664 fax

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**IDAPA 45**  
**TITLE 01**  
**Chapter 01**

**RULES OF THE IDAHO HUMAN RIGHTS COMMISSION**

**There are no substantive changes from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,  
Volume 98-8, August 5, 1998, pages 216 through 220.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 1999 Idaho State Legislature for final adoption.**

# Subjects Affected Index

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

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## **IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**

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# Bulletin Summary of Proposed Rule-Making

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

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

### **IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE P. O. Box 83720, Boise, ID 83720-0036**

Docket No. **16-0309-9805**, Rules Governing Medical Assistance. New reimbursement formula identifies the components of the Estimated Acquisition Cost and dispensing fee for drugs for the Medical Assistance Program and clarifies rules of the Medicaid Drug Program identifying the covered, non-covered, and prior authorized drugs. Comment By: 12/23/98.

Docket No. **16-0413-9801**, Rules Governing the Emergency Food Assistance Program. Changes comply with current federal regulations and delete non-applicable rules. Comment By: 12/23/98.

Docket No. **16-0414-9801**, Rules Governing the Prevention of Minors' Access to Tobacco Products. New rule defines the possession, distribution, or use of tobacco products by a minor; outlines permit process for tobacco product retailers; defines the sale or distribution of tobacco products to a minor, vendor assisted sales, opened packages and samples; states civil and criminal penalties for sales violations and directs enforcement actions. Comment By: 12/23/98.

**PUBLIC HEARINGS** - Public Hearings have been scheduled for the following dockets:

#### **Department of Health and Welfare**

Docket No. **16-0414-9801**, Rules Governing the Prevention of Minors' Access to Tobacco Products.

Please refer to the Idaho Administrative Bulletin, **December 2, 1998, Volume 98-12** for notices and text of all rule-makings, public hearing schedules, governor's executives orders, and agency contact names.

Citizens of your county can view all issues of the Idaho Administrative Bulletin at the county law libraries.

Copies of the Administrative Bulletin and other rules publications are available for purchase. For subscription information and ordering call (208) 334-3577 or write the Office of the Administrative Rules Coordinator, Department of Administration, 650 W. State St., Room 100, Boise, Idaho 83720. Visa and Mastercard accepted.

The Idaho Administrative Bulletin and Administrative Code are available on the Internet at the following address: <http://www.state.id.us/> - from the State of Idaho Home Page select Administration Rules.

# **ABRIDGED CUMULATIVE RULE-MAKING INDEX OF ADMINISTRATIVE RULES**

*Idaho Department of Administration  
Office of Administrative Rules*

*July 1, 1998 - December 2, 1998*

*(eff. PLR\*) - Final Adoption Pending Legislative Review in 1999 Legislative Session*

*(eff. date)T - Temporary Rule Effective Date*

*(eff. date)L - Denotes Adoption by Legislative Action*

*SCR # - denotes the number of a Senate Concurrent Resolution (Legislative Action)*

*HCR # - denotes the number of a House Concurrent Resolution (Legislative Action)*

*Citations to the Administrative Code Volumes Refer to the July 1, 1998 Edition*

*(This Index includes only those rules being promulgated after July 1, 1998  
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 13-0120-9801, Pending Rule, Bulletin Vol. 99-1 (eff. PLR\*-'99)

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- 15-0120-9801**, Temporary Rule, Bulletin Vol. 98-2 (eff. 7-1-98)T  
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**16-0101-9901**, Negotiated Rulemaking, Bulletin Vol. 99-1

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- 16-0102-9704**, Negotiated Rule-making, Bulletin Vol. 97-11  
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**16.03.01, Eligibility for Aid to Families with Dependent Children (AFDC) - (REPEALED)**

16-0301-9703, Temporary and Proposed Rule (Rewrite), Bulletin Vol. 97-5 (eff. 7-1-97)T  
(Rewrite renames chapter "Medicaid for Families and Children" - See next Chapter entry)

**16.03.01, Rules Governing Eligibility for Medicaid for Families and Children, Administrative Code Volume 4**

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16-0301-9704,	Pending Rule and Amendment to Temporary Rule, Bulletin Vol. 98-2 (eff. 10-1-97)T -- (PLR*-'99)
16-0301-9801,	Temporary and Proposed Rule, Bulletin Vol. 98-5 (eff. 7-1-97)T -- (10-1-97)T -- (11-19-97)T -- (7-1-98)T
16-0301-9801,	Pending Rule and Amendment to Temporary Rule, Bulletin Vol. 98-8 (eff. 10-1-97)T -- (eff. PLR*-'99)
16-0301-9802,	Temporary and Proposed Rule, Bulletin Vol. 98-10 (eff. 10-1-98)T
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 16-0304-9706, Temporary and Proposed Rule, Bulletin Vol. 97-12 (eff. 1-1-98)T  
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 16-0304-9801, Temporary and Proposed Rule, Bulletin Vol. 98-5 (eff. 4-1-98)T  
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- 16-0305-9704, Temporary and Proposed Rule, Bulletin Vol. 97-11 (eff. 9-22-97)T  
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- 16-0306-9801, Temporary and Proposed Rule, Bulletin Vol. 98-10 (eff. 10-1-98)T  
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- 16-0308-9702, Temporary and Proposed Rule, Bulletin Vol. 97-11 (eff. 7-1-97)T -- (10-1-97)T  
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- 16-0309-9803, Pending Rule, Bulletin Vol. 98-9 (eff. PLR\*-'99)
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- 16-0412-9701, Pending Rule (Repeal), Bulletin Vol. 98-3 (eff. (eff. PLR\*-'99)
- 16-0412-9702, Pending Rule (Rewrite), Bulletin Vol. 98-3 (eff. (eff. PLR\*-'99)



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 16-0601-9602, Temporary Rule (Rewrite), Bulletin Vol. 96-1 (eff. 11-16-95)T  
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17-0803-9801, Proposed Rule (Repeal), Bulletin Vol. 98-9  
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17-0806-9801, Proposed Rule (Repeal), Bulletin Vol. 98-9  
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17-0807-9801, Proposed Rule (Repeal), Bulletin Vol. 98-9  
17-0807-9801, Pending Rule (Repeal), Bulletin Vol. 98-12 (eff. PLR\*-'99)

**17.08.08, Minimum Safety Standards and Practices for Logging - Falling and Bucking, Administrative Code Volume 5**

17-0808-9801, Proposed Rule (Repeal), Bulletin Vol. 98-9  
17-0808-9801, Pending Rule (Repeal), Bulletin Vol. 98-12 (eff. PLR\*-'99)

**17.08.09, Minimum Safety Standards and Practices for Logging - Rigging, Lines, Blocks, and Shackles, Administrative Code Volume 5**

17-0809-9801, Proposed Rule (Repeal), Bulletin Vol. 98-9  
17-0809-9801, Pending Rule (Repeal), Bulletin Vol. 98-12 (eff. PLR\*-'99)

**17.08.10, Minimum Safety Standards and Practices for Logging - Canopy and Canopy Construction for Logging Equipment, Administrative Code Volume 5**

17-0810-9801, Proposed Rule (Repeal), Bulletin Vol. 98-9

17-0810-9801, Pending Rule (Repeal), Bulletin Vol. 98-12 (eff. PLR\*-'99)

**17.08.11, Minimum Safety Standards and Practices for Logging - Skidding and Yarding, Administrative Code Volume 5**

17-0811-9801, Proposed Rule (Repeal), Bulletin Vol. 98-9

17-0811-9801, Pending Rule (Repeal), Bulletin Vol. 98-12 (eff. PLR\*-'99)

**17.08.12, Minimum Safety Standards and Practices for Logging - Road Transportation, Administrative Code Volume 5**

17-0812-9801, Proposed Rule (Repeal), Bulletin Vol. 98-9

17-0812-9801, Pending Rule (Repeal), Bulletin Vol. 98-12 (eff. PLR\*-'99)

**17.08.13, Minimum Safety Standards and Practices for Logging - Log Dumps, Landing, Log Handling Equipment, Loading and Unloading Booms, Log Ponds, Rafting, Towing, Stiff Booms, Boom Sticks and Foot Logs, Pond Boats and Tow Boats and Trailer Loading Hoists, Administrative Code Volume 5**

17-0813-9801, Proposed Rule (Repeal), Bulletin Vol. 98-9

17-0813-9801, Pending Rule (Repeal), Bulletin Vol. 98-12 (eff. PLR\*-'99)

**17.08.14, Minimum Safety Standards and Practices for Logging - Helicopter Logging, Administrative Code Volume 5**

17-0814-9801, Proposed Rule (Repeal), Bulletin Vol. 98-9

17-0814-9801, Pending Rule (Repeal), Bulletin Vol. 98-12 (eff. PLR\*-'99)

**17.08.15, Minimum Safety Standards and Practices for Logging - Commonly Used Logging Terms, Administrative Code Volume 5**

17-0815-9801, Proposed Rule (Repeal), Bulletin Vol. 98-9

17-0815-9801, Pending Rule (Repeal), Bulletin Vol. 98-12 (eff. PLR\*-'99)

**17.08.16, Minimum Safety Standards and Practices for Logging - Recommended Safety Program, Administrative Code Volume 5**

17-0816-9801, Proposed Rule (Repeal), Bulletin Vol. 98-9

17-0816-9801, Pending Rule (Repeal), Bulletin Vol. 98-12 (eff. PLR\*-'99)

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18-0116-9801, Proposed Rule, Bulletin Vol. 98-10

18-0116-9801, Pending Rule, Bulletin Vol. 99-1 (eff. PLR\*-'99)

**18.01.23, Rules Pertaining to the Idaho Insurance Holding Company System Regulatory Act, Administrative Code Volume 6**

18-0123-9801, Proposed Rule, Bulletin Vol. 98-10

18-0123-9801, Pending Rule, Bulletin Vol. 99-1 (eff. PLR\*-'99)

**18.01.44, Schedule of Fees, Licenses, and Miscellaneous Charges, Administrative Code Volume 6**

18-0144-9801, Proposed Rule, Bulletin Vol. 98-10

18-0144-9801, Pending Rule, Bulletin Vol. 99-1 (eff. PLR\*-'99)

**18.01.49, Fire Protection Sprinkler Contractors, Administrative Code Volume 6**

18-0149-9801, Temporary and Proposed Rule, Bulletin Vol. 98-10 (eff. 8-1-98)T -- (1-1-98)T

18-0149-9801, Notice of Rescission of Temporary Rule, Bulletin Vol. 99-1

18-0149-9801, Notice of Vacation of Rulemaking, Bulletin Vol. 99-1

18-0149-9901, Temporary and Proposed Rule, Bulletin Vol. 99-1 (eff. 8-1-98)T

**18.01.50, Adoption of 1994 (1991 - Repealed) Uniform Fire Code, Administrative Code Volume 6 (REPEALED)**

- 18-0150-9801, Temporary and Proposed Rule (Repeal), Bulletin Vol. 98-8 (eff. 7-1-98)T  
 18-0150-9801, Pending Rule (Repeal), Bulletin Vol. 99-1 (eff. PLR\*-'99)

**18.01.50, Adoption of 1997 Uniform Fire Code**

- 18-0150-9801\*, Temporary and Proposed Rule (Repeal), Bulletin Vol. 98-8 (eff. 7-1-98)T  
 \*(This docket repeals the Adoption of the 1994 Uniform Fire Code)  
 18-0150-9802, Temporary and Proposed Rule (Rewrite), Bulletin Vol. 98-8 (eff. 7-1-98)T  
 18-0150-9802, Pending Rule (Rewrite), Bulletin Vol. 99-1 (eff. PLR\*-'99)

**18.01.62, Annual Audited Financial Reports, Administrative Code Volume 6**

- 18-0162-9801, Proposed Rule, Bulletin Vol. 98-10  
 18-0162-9801, Pending Rule, Bulletin Vol. 99-1 (eff. PLR\*-'99)

**18.01.70, Rule to Implement the Small Employer Health Insurance Availability Act Plan Design, Administrative Code Volume 6**

- 18-0170-9801, Temporary and Proposed Rule, Bulletin Vol. 98-11 (eff. 7-1-98)T

**18.01.75, Credit for Reinsurance Provision Rules, Administrative Code Volume 6**

- 18-0175-9801, Proposed Rule, Bulletin Vol. 98-10  
 18-0175-9801, Pending Rule, Bulletin Vol. 99-1 (eff. PLR\*-'99)

**18.01.78, Mutual Insurance Holding Company Rules**

- 18-0178-9801, Proposed Rule, Bulletin Vol. 98-10  
 18-0178-9801, Pending Rule, Bulletin Vol. 99-1 (eff. PLR\*-'99)

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- 19-0101-9801, Proposed Rule, Bulletin Vol. 98-10  
 19-0101-9801, Pending Rule, Bulletin Vol. 99-1 (eff. PLR\*-'99)

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- 20-0102-9601, Temporary and Proposed Rule, Bulletin Vol. 96-2 (eff. 12-12-95)T  
 20-0102-9601, Notice of Rescission of Temporary Rule, Bulletin Vol. 98-11  
 20-0102-9601, Notice of Vacation of Rulemaking, Bulletin Vol. 98-11

**20.03.04, The Regulation Of Beds, Waters, And Airspace Over Navigable Lakes in the State of Idaho, Administrative Code Volume 6**

- 20-0304-9701, Notice of Final Rule, Bulletin Vol. 98-7 (eff. 7-1-98)  
 20-0304-9801, Temporary and Proposed Rule, Bulletin Vol. 98-7 (eff. 3-23-98)T  
 20-0304-9801, Pending Rule, Bulletin Vol. 98-11 (eff. PLR\*-'99)

**IDAPA 22 -- BOARD OF MEDICINE****22.01.01, Rules of the Board of Medicine for Licensure to Practice Medicine and Surgery and Osteopathic Medicine and Surgery, Administrative Code Volume 6**

- 22-0101-9801, Proposed Rule, Bulletin Vol. 98-8

22-0101-9801, Pending Rule, Bulletin Vol. 98-12 (eff. PLR\*-'99)

**22.01.03, Rules for the Licensure of Physicians Assistants, Administrative Code Volume 6**

22-0103-9801, Temporary and Proposed Rule, Bulletin Vol. 98-8 (eff. 8-5-98)T  
22-0103-9802, Proposed Rule (FEE), Bulletin Vol. 98-10  
22-0103-9801, Pending Rule, Bulletin Vol. 98-12 (eff. PLR\*-'99)  
22-0103-9802, Pending Rule, Bulletin Vol. 99-1 (eff. PLR\*-'99)

**22.01.04, Rules for Registration of Supervising Physicians, Administrative Code Volume 6**

22-0104-9801, Temporary and Proposed Rule, Bulletin Vol. 98-8 (eff. 8-5-98)T  
22-0104-9801, Pending Rule, Bulletin Vol. 98-12 (eff. PLR\*-'99)

**22.01.05, Rules for the Registration of Physical Therapists and Physical Therapist Assistants, Administrative Code Volume 6**

22-0105-9801, Proposed Rule, Bulletin Vol. 98-8  
22-0105-9801, Pending Rule, Bulletin Vol. 98-12 (eff. PLR\*-'99)

**22.01.09, Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants, Administrative Code Volume 6**

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**23.01.01, Rules of the Board of Nursing, Administrative Code Volume 6**

23-0101-9801, Temporary and Proposed Rule (Fee rule), Bulletin Vol. 98-7 (eff. 7-1-98)T  
23-0101-9801, Pending Rule, Bulletin Vol. 98-9 (eff. PLR\*-'99)

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24-0201-9801, Temporary and Proposed Rule, Bulletin Vol. 98-7 (eff. 3-9-98)T  
24-0201-9801, Pending Rule, Bulletin Vol. 98-9 (eff. PLR\*-'99)  
24-0201-9802, Proposed Rule, Bulletin Vol. 98-10  
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**24.03.01, Rules of the State Board of Chiropractic Physicians, Administrative Code Volume 6**

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**24.04.01, Rules of the Idaho Board of Cosmetology, Administrative Code Volume 6**

24-0401-9801, Proposed Rule, Bulletin Vol. 98-10  
24-0401-9802, Temporary and Proposed Rule, Bulletin Vol. 98-10 (eff. 10-1-98)T  
24-0401-9801, Pending Rule, Bulletin Vol. 99-1 (eff. PLR\*-'99)

**24.05.01, Rules of the Board of Environmental Health Specialist Examiners, Administrative Code Volume 6**

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**24.06.01, Rules of the Board of Hearing Aid Dealers and Fitters, Administrative Code Volume 6**

- 24-0601-9801, Proposed Rule, Bulletin Vol. 98-10  
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**24.07.01, Rules of the Idaho State Board of Landscape Architects, Administrative Code Volume 6**

- 24-0701-9801, Proposed Rule, Bulletin Vol. 98-10  
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**24.08.01, Rules of the State Board of Morticians, Administrative Code Volume 6**

- 24-0701-9801, Proposed Rule, Bulletin Vol. 98-10  
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**24.10.01, Rules of the State Board of Optometry, Administrative Code Volume 6**

- 24-1001-9801, Temporary and Proposed Rule, Bulletin Vol. 98-7 (eff. 4-24-98)T  
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**24.11.01, Rules of the State Board of Podiatry, Administrative Code Volume 6**

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**24.12.01, Rules of the State Board of Psychologist Examiners, Administrative Code Volume 6**

- 24-1201-9801, Proposed Rule, Bulletin Vol. 98-10  
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**24.14.01, Rules of the State Board of Social Work Examiners, Administrative Code Volume 6**

- 24-1401-9801, Proposed Rule, Bulletin Vol. 98-10  
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**24.15.01, Rules of the Idaho Counselor Licensing Board, Administrative Code Volume 6**

- 24-1501-9801, Proposed Rule, Bulletin Vol. 98-10  
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**24.16.01, Rules of the State Board of Dentistry, Administrative Code Volume 6**

- 24-1601-9801, Proposed Rule, Bulletin Vol. 98-10  
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**24.18.01, Rules of the Real Estate Appraisers Board, Administrative Code Volume 6**

- 24-1801-9801, Temporary and Proposed Rule, Bulletin Vol. 98-8 (eff. 5-21-98)T  
24-1801-9801, Pending Rule, Bulletin Vol. 98-10 (eff. PLR\*-'99)  
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**24.19.01, Rules of the Board of Residential Care Facility Administrators, Administrative Code Volume 6**

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- 25-0101-9701, Notice of Final Rule, Bulletin Vol. 98-7 (eff. 3-17-98)  
25-0101-9801, Temporary and Proposed Rule, Bulletin Vol. 98-7 (eff. 3-17-98)T  
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**26.01.21, Rules Governing Leasing Practices and Procedures for Recreational Residences Within Heyburn State Park, Administrative Code Volume 7**

- 26-0121-9801, Proposed Rule (Repeal), Bulletin Vol. 98-7  
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26-0121-9802, Pending Rule (Rewrite), Bulletin Vol. 98-9 (eff. PLR\*-'99)

**26.01.30, Idaho Safe Boating Rules, Administrative Code Volume 7**

- 26-0130-9801, Proposed Rule, Bulletin Vol. 98-10  
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**26.01.31, Rules Governing the Administration of the Boat Safety Account, Administrative Code Volume 7**

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**26.01.31, Rules Governing the Administration of Idaho Department of Parks and Recreation Recreational Program Grant Funds**

- 26-0131-9802, Proposed Rule (Rewrite), Bulletin Vol. 98-10  
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**26.01.32, Rules Governing the Administration of the Waterways Improvement Fund, Administrative Code Volume 7**

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**26.01.34, Rules Governing the Administration of the Recreational Vehicle Account, Administrative Code Volume 7**

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**26.01.35, Rules Governing the Off-Road Motor Vehicle Fund, Administrative Code Volume 7**

- 26-0135-9801, Proposed Rule (Repeal), Bulletin Vol. 98-10

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- 26-0136-9801, Temporary and Proposed Rule, Bulletin Vol. 98-7 (eff. 8-1-98)T  
26-0136-9801, Pending Rule, Bulletin Vol. 98-9 (eff. PLR\*-'99)

**26.01.38, Rules Governing the Administration of the State Trust for Outdoor Recreation Enhancement (STORE) and the Recreation and Energy Conservation Pathways (RECP) Program**

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- 27-0101-9701, Final Rule (HCR 35), Bulletin Vol. 98-5 (eff. 7-1-98)  
27-0101-9801, Temporary and Proposed Rule, Bulletin Vol. 98-5 (eff. 5-1-98)T  
27-0101-9801, Pending Rule, Bulletin Vol. 98-8 (eff. PLR\*-'99)

27-0101-9802, Temporary and Proposed Rule, Bulletin Vol. 98-10 (eff. 7-1-98)T  
27-0101-9802, Pending Rule, Bulletin Vol. 99-1 (eff. PLR\*-'99)

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31-4201-9801, Notice of Public Hearing, Bulletin Vol. 98-11  
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- 39-0272-9701, Temporary and Proposed Rule, Bulletin Vol. 97-11 (eff. 1-1-98)T  
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- 39-0277-9801, Temporary and Proposed Rule, Bulletin Vol. 98-11 (eff. 9-4-98)T

**39.03.01, Rules Governing Definitions (For Terms Used In TITLE 03 Dealing With Highway Matters),**

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- 39-0301-9801, Temporary and Proposed Rule (Repeal), Bulletin Vol. 98-9 (eff. 9-2-98)T  
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39-0301-9801, Pending Rule (Repeal), Bulletin Vol. 98-12 (eff. PLR\*-'99)

***39.03.01, Rules Governing Permitted Overlegal Vehicles and/or Loads***

- 39-0301-9802, Temporary and Proposed Rule (Rewrite), Bulletin Vol. 98-9 (eff. 2-1-98)T  
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***39.03.05, Rules Governing Variable Load Suspension Axles, Administrative Code Volume 8***

- 39-0305-9801, Temporary and Proposed Rule (Repeal), Bulletin Vol. 98-9  
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- 39-0306-9801, Temporary and Proposed Rule (Repeal), Bulletin Vol. 98-9  
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- 39-0307-9801, Temporary and Proposed Rule (Repeal), Bulletin Vol. 98-9  
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- 39-0308-9701, Temporary and Proposed Rule, Bulletin Vol. 97-11 (eff. 10-1-97)T  
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39-0308-9701, Vacation of Proposed Rulemaking, Bulletin Vol. 98-9  
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- 39-0310-9801, Temporary and Proposed Rule (Repeal), Bulletin Vol. 98-9  
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- 39-0311-9801, Temporary and Proposed Rule (Repeal), Bulletin Vol. 98-9  
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