

# IDAHO ADMINISTRATIVE BULLETIN

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November 3, 1999

Volume 99-11

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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 rulemaking documents in Idaho. The Bulletin publishes the official text notice and full text of such actions.*

*State agencies are required to provide public notice of rulemaking activity and invite public input. The public receives notice of a rulemaking 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 rulemaking activities.*

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

*The Bulletin is cited by year and issue number. For example, Bulletin 98-1 refers to the first Bulletin issued in calendar year 1998, Bulletin 99-1 refers to the first Bulletin issued in calendar year 1999, 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 1999 is cited as Volume 99-1. The December 1998 Bulletin is cited as Volume 98-12.*

## **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 Rulemaking**, printed in each Bulletin.*

## **TYPES OF RULES PUBLISHED IN THE ADMINISTRATIVE BULLETIN**

*The state of Idaho administrative rulemaking process comprises five distinct activities; Proposed, Negotiated, Temporary, Pending, and Final rulemaking. In the majority of cases, the process begins with proposed rulemaking and ends with final rulemaking. The following is a brief explanation of each type of administrative rule.*

### **NEGOTIATED RULE**

*Negotiated rulemaking is a process in which all interested parties and the agency seek a consensus on the content of the rule. Agencies are encouraged to proceed through this informal rulemaking whenever it is feasible to do so. Publication of the text in the Administrative Bulletin by the agency is optional. This process should lead the rulemaking to the temporary and/or proposed rule stage.*

### PROPOSED RULE

*A proposed rulemaking is an action by an agency in which the agency is proposing to amend or repeal an existing rule or to adopt a new rule. Prior to the adoption, amendment, or repeal of a rule, the agency must publish a notice of proposed rulemaking in the Bulletin. The notice of proposed rulemaking must include:*

- a) the specific statutory authority for the rulemaking including a citation to a specific federal statute or regulation if that is the basis of authority or requirement for the rulemaking;*
- b) a statement in nontechnical language of the substance of the proposed rule, including a specific description of any fee or charge imposed or increased;*
- c) the text of the proposed rule prepared in legislative format;*
- d) the location, date, and time of any public hearings the agency intends to hold on the proposed rule;*
- e) the manner in which persons may make written comments on the proposed rule, including the name and address of a person in the agency to whom comments on the proposal may be sent;*
- f) the manner in which persons may request an opportunity for an oral presentation; and*
- g) the deadline for public (written) comments on the proposed rule.*

*As stated, the text of the proposed rule must be published in the Bulletin. After meeting the statutory rulemaking criteria for a proposed rule, the agency may proceed to the pending rule stage. A proposed rule does not have an assigned effective date unless published in conjunction with a temporary rule docket. An agency may vacate a proposed rulemaking if it decides not to proceed further with the promulgation process.*

### TEMPORARY RULE

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

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

*If a rulemaking meets any one or all of the above requirements, a rule may become effective before it has been submitted to the legislature for review and the agency may proceed and adopt a temporary rule.*

*A temporary rule expires at the conclusion of the next succeeding regular session of the legislature unless the rule is approved, amended, or modified by concurrent resolution or when the rule has been replaced by a final rule.*

*In cases where the text of the temporary rule is the same as that of the proposed rule, the rulemaking can be done concurrently as a temporary/proposed rule. State law requires that the text of a proposed or temporary rule be published in the Administrative Bulletin. Combining the rulemaking allows for a single publication of the text.*

*An agency may rescind a temporary rule that has been adopted and is in effect if the rule is being replaced by a new temporary rule or has been published concurrently with a proposed rulemaking that is being vacated.*

### PENDING RULE

*A pending rule is a rule that has been adopted by an agency under the regular rulemaking process and*

remains subject to legislative review before it becomes a final, enforceable rule.

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

- a) the reasons for adopting the rule;
- b) a statement of any change between the text of the proposed rule and the pending rule with an explanation of the reasons for any changes;
- c) the date the pending rule will become final and effective; and
- d) an identification of any portion of the rule imposing or increasing a fee or charge.

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

### **FINAL RULE**

A final rule is a rule that has been adopted by an agency under the regular rulemaking process and is in effect.

No pending rule adopted by an agency will become final and effective until it has been submitted to the legislature for review. Where the legislature finds that the agency has violated the legislative intent of the statute under which the rule was made, a concurrent resolution will be adopted rejecting, amending, or modifying the rule or any part thereof. A Notice of Final Rule must be published in the Idaho Administrative Bulletin for any rule that is rejected, amended, or modified by the legislature showing the changes made. A rule that has been reviewed by the legislature and has not been rejected, amended, or modified will become final with no further legislative action. No rule shall become final and effective before the conclusion of the regular or special legislative session at which the rule was submitted for review. However, a rule which is final and effective may be applied retroactively, as provided in the rule.

### **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.

### **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 83720-0306, telephone

(208) 332-1820.

*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 Rulemaking 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) 332-1820.

## **HOW TO USE THE IDAHO ADMINISTRATIVE BULLETIN**

Rulemaking documents produced by state agencies and published in the *Idaho Administrative Bulletin* are organized by a numbering 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 38.05.01.060.02.c.ii.**

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

"IDAPA 38." refers to the Idaho Department of Administration.

"05." refers to Title 05 which is the Department of Administration's Division of Purchasing.

"01." refers to Chapter 01 of Title 05, "Rules of the Division of Purchasing".

"060." refers to Major Section 060, "Content of the Invitation to Bid".

"02." refers to Subsection 060.02.

"c." refers to Subsection 060.02.c.

"ii." refers to Subsection 060.02.c.ii.

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## DOCKET NUMBERING SYSTEM

Internally, the Bulletin is organized sequentially using a rule docketing system. All rulemaking actions (documents) are assigned a "DOCKET NUMBER". The "Docket Number" is a series of numbers separated by a hyphen "-", (38-0501-9901). 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. 38-0501-9901"

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

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

"9901" denotes the year and sequential order of the docket submitted and published during the year; in this case the first rulemaking action of the chapter published in calendar year 1999.

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)"**

## INTERNAL AND EXTERNAL CITATIONS TO ADMINISTRATIVE RULES IN THE CODE AND BULLETIN

When making a citation to another Section or Subsection that is part of the same rule, a typical internal citation may appear as follows:

**"...as found in Section 201 of this rule." OR "...in accordance with Subsection 201.06.c. of this rule."**

It may also be cited to include the IDAPA, Title, and Chapter number also, as follows:

**"...in accordance with IDAPA 38.05.01.201."**

"38" denotes the IDAPA number of the agency.

"05" denotes the TITLE number of the agency rule.

"01" denotes the Chapter number of the agency rule.

"201" references the main Section number of the rule that is being cited.

Citations made within a rule to a different rule chapter (external citation) should also include the name of the Department and the name of the rule chapter being referenced, as well as the IDAPA, Title, and Chapter numbers. The following is a typical example of an external citation to another rule chapter:

**"...as outlined in the Rules of the Department of Administration, IDAPA 38.04.04, 'Rules Governing Capitol Mall Parking.'"**

## BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEARS 1999 AND 2000

Volume No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date
99-1	January, 1999	**November 18, 1998**	January 6, 1999
99-2	February, 1999	December 23, 1998	February 3, 1999
99-3	March, 1999	January 20, 1999	March 3, 1999
99-4	April, 1999	February 24, 1999	April 7, 1999
99-5	May, 1999	March 24, 1999	May 5, 1999
99-6	June, 1999	April 21, 1999	June 2, 1999
99-7	July, 1999	May 26, 1999	July 7, 1999
99-8	August, 1999	June 23, 1999	August 4, 1999
99-9	September, 1999	July 21, 1999	September 1, 1999
99-10	October, 1999	*August 25, 1999*	October 6, 1999
99-11	November, 1999	September 22, 1999	November 3, 1999
99-12	December, 1999	October 20, 1999	December 1, 1999

Volume No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date
00-1	January, 2000	**November 17, 1999**	January 5, 2000
00-2	February, 2000	December 22, 1999	February 2, 2000
00-3	March, 2000	January 19, 2000	March 1, 2000
00-4	April, 2000	February 23, 2000	April 5, 2000
00-5	May, 2000	March 22, 2000	May 3, 2000
00-6	June, 2000	April 19, 2000	June 7, 2000
00-7	July, 2000	May 24, 2000	July 5, 2000
00-8	August, 2000	June 21, 2000	August 2, 2000
00-9	September, 2000	July 19, 2000	September 6, 2000
00-10	October, 2000	*August 22, 2000*	October 4, 2000
00-11	November, 2000	September 20, 2000	November 1, 2000
00-12	December, 2000	October 25, 2000	December 6, 2000

*\*Last day to submit proposed rules in order to complete rulemaking for review by legislature.*

*\*\*Last day to submit proposed rulemaking before moratorium begins.*

## ALPHABETICAL INDEX OF AGENCY IDAPA AND ADMINISTRATIVE CODE VOLUME NUMBERS

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# **THE OFFICE OF THE GOVERNOR**

EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE

## **EXECUTIVE ORDER NO. 99-6**

### **CONTINUING STATE OF IDAHO COMPREHENSIVE SAFETY AND LOSS CONTROL POLICY REPEALING AND REPLACING EXECUTIVE ORDER NO. 98-02**

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*WHEREAS, it is in the best interest of state employees, the general public and efficient operation of state government to have a commitment to safety and loss control; and*

*WHEREAS, the State of Idaho endeavors to provide a safe and healthy working environment for state employees and to protect the public and public property from injury or damage; and*

*WHEREAS, an effective Safety and Loss Control Policy provides additional benefits of improved productivity, employee confidence, lower insurance costs and improved worker morale; and*

*WHEREAS, an effective Safety and Loss Control Policy requires full management commitment, cooperation and leadership at all levels of state government;*

*NOW, THEREFORE, I, DIRK KEMPTHORNE, 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 continue to develop, maintain, and monitor a systematic program of safety and loss control for each agency that will minimize the risk of injury or damage to: (a) the public employee, (b) the general public, (c) state property, (d) the ability of the agency to fulfill its mission and (e) the environment. The continued development, maintenance, and monitoring of a systematic program of safety and loss control should be a priority objective for each agency.*
- 2. Each Department Director or other appointing authority will continue to ensure that potential new state employees are appropriately screened, that new employees are systematically and fully trained in safe work practices and the use of all equipment that they are expected to operate, that safe work practices are followed by all employees on the job, that all equipment used is properly maintained and used for its intended purpose, that proper personal protective equipment is worn when needed and that adherence to safety practices is a criterion in employee and supervisor performance evaluations.*
- 3. Each Department Director or other appointing authority will continue to assume responsibility for reviewing loss reports and accidents involving bodily injury, or property or environmental damage, and to take corrective action to avoid future loss. Where appropriate, assistance from the agencies listed below should be requested to develop and implement appropriate corrective or preventive measures. Each Department Director or other appointing authority may delegate the authority to perform these duties to a safety officer or committee but shall remain responsible for the performance of the agency's safety and loss control program.*
- 4. All buildings owned or maintained by any state government agency or entity, or which are constructed or renovated specifically for use or occupancy by any such agency or entity shall conform to all existing state codes, including but not restricted to, the Idaho General Safety and Health Standards, the state-adopted building code, the mechanical code and the fire code. If any conflict arises between applicable codes, the more stringent code shall take precedence. Prior to construction, or remodeling of buildings owned or maintained by the State of Idaho where appropriate, construction plans shall be reviewed and approved by the Division of Building Safety, the State Fire Marshal's Office, and the Permanent Building Fund Advisory Council.*

5. *The following agencies shall continue to assist state agencies by offering the following services:*
  - a. *The Division of Building Safety shall inspect public buildings and places of employment, and enforce safety and sanitary conditions and practices.*
  - b. *The Office of the State Fire Marshal shall, through the local fire authorities, inspect public buildings and enforce fire and life safety provisions as contained within the Uniform Fire Code.*
  - c. *The State Insurance Fund shall assist in developing employee safety programs, through consultation with staff agency personnel, and provide detailed reports to agencies on their losses insured through the State Insurance Fund.*
  - d. *The Department of Administration, Bureau of Risk Management, shall, whenever needed or requested, assist agencies in developing their safety and loss control programs. The Department of Administration, Bureau of Risk Management, shall also assist agencies in obtaining other requested services in safety and/or loss control not mentioned above, including, but not limited to, general property and casualty loss control, and shall provide detailed reports to agencies on their losses insured through the Bureau of Risk Management.*
  - e. *The Division of Human Resources shall, within available resources, provide training for agency human resources supervisors and management personnel on employment law and practices that impact Safety and Loss Control, as well as develop specific training designed to help promote worker safety and reduce risk of liability, in response to data provided by the Statewide Safety and Loss Control Committee.*
  
6. *A Statewide Safety and Loss Control Committee shall be comprised of the Administrator of the Division of Building Safety, the Manager of the State Insurance Fund, the State Fire Marshal, the Director of the Department of Administration (who shall serve as Chairman of the Committee), or their designees, and other state agencies as deemed necessary. The purpose of the Committee shall be to:*
  - a. *Monitor and maintain a Statewide Safety and Loss Control Program model of a proactive nature supported by a system to track the progress of the program;*
  - b. *Develop strategies and standards to assist agencies with their safety programs;*
  - c. *Review statewide trends in losses and exposures and make cost-effective recommendations;*
  - d. *Aid in the coordination of the services available to maximize efficiency and reduce unnecessary duplication of inspections;*
  - e. *Coordinate the development of existing statewide resources related to safety and loss control activities and the sharing of those resources across all state agencies to provide safety and loss control outreach resource services.*
  - f. *On behalf of the Governor, periodically review the safety and loss control programs of selected agencies and recommend changes to improve the effectiveness of the programs;*
  - g. *Make recommendations to the Governor and Legislature on improving safety and loss control for state government;*
  - h. *Convene and meet on a quarterly basis, or more frequently if necessary, to plan, implement and review the Statewide Safety and Loss Control Program; and*

- i. *Perform other related duties as may be requested by the Governor.*

*This Order repeals and replaces Executive Order No. 98-02.*



*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 the fifteenth day of July, in the year of our Lord nineteen hundred ninety-nine and of the Independence of the United States of America the two hundred twenty-third and of the Statehood of Idaho the one hundred tenth.*

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*DIRK KEMPTHORNE*  
*GOVERNOR*

---

*PETE T. CENARRUSA*  
*SECRETARY OF STATE*

**THE OFFICE OF THE GOVERNOR**

EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE

**EXECUTIVE ORDER NO. 99-07**

**CONTINUING THE IDAHO CRIMINAL JUSTICE COUNCIL AND THE DRUG POLICY BOARD  
FOR THE STATE AND LOCAL ASSISTANCE FOR NARCOTICS CONTROL PROGRAM,  
REPLACING EXECUTIVE ORDER 95-02**

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*WHEREAS, combating crime and protecting citizens from criminal depredation is of vital concern to government; and*

*WHEREAS, it is in the best interests of the citizens of the State of Idaho that government promote efficiency and effectiveness of the criminal justice system and, where possible, create partnerships among criminal justice professionals to achieve this effectiveness and efficiency; and*

*WHEREAS, communication and cooperation among the various facets of the community of criminal justice professionals is of utmost importance in promoting efficiency and effectiveness; and*

*WHEREAS, under provisions of the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, established under the Omnibus Crime Control and Safe Streets Act of 1968, each state is strongly encouraged to establish a drug policy board to serve as a forum for communication and a structure for coordination, with responsibility for development of a statewide drug control strategy; and*

*WHEREAS, under the provisions of the Omnibus Crime Control and Safe Streets Act of 1968, and the Violence Against Women Act of 1994, each state is encouraged to develop and implement a competitive mechanism for award of certain federal grant funds;*

*NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, do hereby continue the Idaho Criminal Justice Council and charge this body with the responsibility to facilitate communication among criminal justice professionals, to improve professionalism, create partisanship, and to improve cooperation and coordination at all levels of the criminal justice system, and to disburse such grant funding as may come within it purview with the overall mission of reducing crime in Idaho. Designated representatives of the Idaho Criminal Justice Council, in conjunction with individuals representing state and local officials, components of the criminal justice system, education, and treatment, shall comprise the Idaho Drug Policy Advisory Board, and will actively participate in development of the statewide drug control strategy.*

*The Idaho Criminal Justice Council shall consist of fifteen (15) members comprised of the following representatives (or their designees) who shall serve at the pleasure of the Governor:*

*The Attorney General of the State of Idaho  
The Director of the Idaho Department of Correction  
The Director of the Idaho Department of Law Enforcement  
The Director of the Idaho Department of Juvenile Corrections  
Two (2) Chiefs of Police  
Two (2) Sheriffs  
Two (2) Prosecuting Attorneys  
One (1) representative of the Idaho Council on Domestic Violence  
One (1) representative of the juvenile justice system  
One (1) representative of private security organizations  
Two (2) citizens-at-large*

*The Idaho Drug Policy Advisory Board shall consist of ten (10) members comprised of the following representatives (or their designees) who shall serve at the pleasure of the Governor:*

*Four (4) members of the Idaho Criminal Justice Council*  
*One (1) state narcotics officer*  
*One (1) county narcotics officer*  
*One (1) city narcotics officer*  
*One (1) Health and Physical Education Representative from the Idaho Department of Education*  
*The state narcotics/drug education officer*  
*One (1) Representative of the Parents and Youth Against Drug Abuse Program*  
*One (1) Prevention Education Specialist from the Idaho Department of Health and Welfare*  
*The Law Enforcement Coordinating Council Coordinator*

*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 the Capitol in Boise the fifteenth day of July, in the year of our Lord nineteen hundred ninety-nine and of the Independence of the United States of America the two hundred twenty-third and of the Statehood of Idaho the one hundred tenth.*

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*DIRK KEMPTHORNE*  
*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. 99-08**

**CONTINUATION OF CEREMONIES HONORING DR. MARTIN LUTHER KING JR.  
IDAHO HUMAN RIGHTS DAY  
REPEALING AND REPLACING EXECUTIVE ORDER NO. 95-14**

WHEREAS, in 1983 Congress enacted legislation which established the third Monday of each January as a legal federal holiday in commemoration of Dr. Martin Luther King, Jr.; and

WHEREAS, in 1990 the Idaho Legislature enacted legislation which established the third Monday in January as a legal state holiday known as Martin Luther King, Jr. – Idaho Human Rights Day; and

WHEREAS, Congress, in conjunction with the federal holiday, has created the Martin Luther King, Jr. Federal Holiday Commission to promote appropriate observances including those at the state level; and

WHEREAS, Idaho wishes to ensure that all persons have an opportunity to participate fully in honoring Dr. King on the third Monday in January; and

WHEREAS, the celebration of Dr. King's birthday is intended as a time for all Americans to reaffirm their commitment to the basic principles that underlie our Constitution--equality and justice for all;

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me pursuant to Section 67-802, Idaho Code, do hereby order the Idaho Human Rights Commission to plan activities to observe Martin Luther King, Jr.-Idaho Human Rights Day in Boise, and, as appropriate, to assist citizens in other communities around the state who are planning local celebration activities. The Human Rights Commission shall:

1. Review material supplied to the state by the Martin Luther King, Jr. Federal Holiday Commission; disseminate the information to interested citizens and citizen groups; and solicit ideas from Idahoans concerning appropriate activities;
2. Work with citizen and community groups to coordinate and assist them to plan activities honoring Dr. King;
3. Encourage participation by Idaho residents in activities in commemoration of Dr. King's birthday; and
4. Present the Governor with a report on activities of the past year and recommendations on the upcoming celebration. Such reports are due on November 15 of each year.

This Executive Order repeals and replaces Executive Order 95-14.



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 the sixteenth day of July, in the year of our Lord nineteen hundred ninety-nine and of the Independence of the United States of America the two hundred twenty-third and of the Statehood of Idaho the one hundred tenth.

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DIRK KEMPTHORNE  
GOVERNOR

\_\_\_\_\_  
PETE T. CENARRUSA  
SECRETARY OF STATE

**THE OFFICE OF THE GOVERNOR**

EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE

**EXECUTIVE ORDER NO. 99-9**

**REVIEWING THE STATE'S RESPONSIBILITY FOR SUPERVISING THE PREPARATION  
AND ADMINISTRATION OF IDAHO'S PLAN UNDER THE JUVENILE JUSTICE  
AND DELINQUENCY PREVENTION ACT; AND  
REPEALING AND REPLACING EXECUTIVE ORDER NO. 95-09**

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*WHEREAS, the State of Idaho, in accordance with the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974, Pub. L. No. 93-415 ("JJDP"), is required to designate a state agency to supervise and administer Idaho's plan under the JJDP and to establish a state juvenile justice advisory group;*

*WHEREAS, the first regular session of the 53rd Idaho Legislature established the Idaho Department of Juvenile Corrections ("Department") and amended existing law to create a juvenile corrections system based on principles of accountability, community protection, and competency development;*

*WHEREAS, the purposes and intent of Idaho's Juvenile Corrections Act of 1995 and the JJDP was better served by transferring the Idaho Juvenile Justice Commission ("Commission") to the Department;*

*WHEREAS, the Department was designated as the sole agency for supervising the preparation and administration of Idaho's plan under the JJDP, and the Office for Juvenile Justice and Delinquency Prevention was abolished effective July 1, 1995; and*

*WHEREAS, the Commission was transferred from the Office of the Governor to the Department effective July 1, 1995, and has functioned as the advisory group referenced in Title 42, Section 5633(a)(3), United States Code.*

*NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me by Article IV, Section 5, of the Idaho Constitution, and Section 67-802, Idaho Code, do hereby order that:*

- 1. The composition of membership of the Commission shall be in conformity with the JJDP. The chairman, vice-chairman, and members of the Commission shall be appointed by, and serve at the pleasure of the Governor. Members shall serve a term of three years, and the chairman and vice-chairman shall serve in such capacities for one year.*
- 2. The Commission shall perform the following functions:*
  - a. Advise the Department on juvenile justice and delinquency prevention issues;*
  - b. Participate in the development and review of Idaho's plan under the JJDP;*
  - c. Be afforded an opportunity to review and comment on all grant applications under the JJDP submitted to the Department;*
  - d. Perform such other duties that the JJDP requires to be performed by the advisory group referenced in Title 42, Section 5633(a)(3), United States Code;*
  - e. Perform such other duties that the JJDP requires to be performed by the supervisory board referenced in Title 42, Section 5671(c)(1), United States Code, and Title 28, Section 31.102(b), Code of Federal Regulations, until such time as the director of the Department may establish another committee, commission, or board within the Department to perform those duties; and*
  - f. Perform such other duties as requested by the director of the Department, which may include submitting reports to the director of the Department and making decisions on grant applications under the JJDP submitted to the Department.*

*This Executive Order repeals and replaces Executive Order No. 95-09.*

*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 the Capitol in Boise the sixteenth day of July, in the year of our Lord nineteen hundred ninety-nine and of the Independence of the United States of America the two hundred twenty-third and of the Statehood of Idaho the one hundred tenth.*

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**DIRK KEMPTHORNE**  
**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. 99-10**

CONFIRMING THAT THE DISABILITY DETERMINATIONS UNIT TO DISABILITY DETERMINATIONS SERVICE WILL CONTINUE ITS FUNCTIONS IN THE EXECUTIVE OFFICE OF THE GOVERNOR, REPEALING AND REPLACING EXECUTIVE ORDER NO. 95-10

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WHEREAS, a Disability Determinations Unit was established as a unit of state government within the Executive Office of the Governor on April 12, 1979; and

WHEREAS, there continues to be a need for the important services provided by the Disability Determinations Service; and

WHEREAS, to be in compliance with the federal government's nomenclature, it is deemed appropriate to rename this office to be the Disability Determinations Service;

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho, do hereby order that the Disability Determinations Service continue to function in the Executive Office of the Governor.

This Executive Order repeals and replaces Executive Order No. 95-10.



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 Capital, the thirteenth day of September, in the year of our Lord nineteen hundred ninety-nine, and of the Independence of the United States of America the two hundred twenty-fourth, and of the Statehood of Idaho the one hundred tenth.

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DIRK KEMPTHORNE  
GOVERNOR

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PETE T. CENARRUSA  
SECRETARY OF STATE

**IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE**  
**02.02.02 - CONTROLLED ATMOSPHERE STORAGE RULES**  
**DOCKET NO. 02-0202-9901**  
**NOTICE OF TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** These temporary rules are effective September 22, 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) 22-702, 22-802, and 22-803, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than November 17, 1999.

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

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

To shorten the length of time apples are held in controlled atmosphere to qualify as and be marketed as controlled atmosphere storage apples from ninety (90) days to sixty (60) days.

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

The Idaho Apple Industry is asking for this revision to parallel Washington State rules on the length of time apples are held in storage to qualify and be marketed as controlled atmosphere. The apple industry believes they would be at a significant marketing disadvantage if Idaho qualification dates were thirty (30) days longer than Washington State.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Lane Joliffe, Administrator Agricultural Inspections at (208) 332-8660 or Lee Stacey, Bureau Chief, (208) 332-8670.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before November 24, 1999.

DATED this 22nd day of September, 1999.

Lane Joliffe, Acting Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Road  
P.O. Box 790  
Boise, Idaho 83701  
(208) 332-8660

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0202-9901**

**011. APPLES, CONTROLLED ATMOSPHERE.**

**01. Registration.** Any person who owns or operates a controlled atmosphere room or storage building for apples in Idaho, and any person who engages in this State in the business of packing or repacking apples so treated in this State or any other state and who intends to, or does, represent such apples as having been exposed to "controlled atmosphere" storage, shall register with the Director on a form prescribed by the Director. (7-1-93)

**02. Registration Period.** The registration period for owners or operators of controlled atmosphere rooms or storage buildings in this State shall commence on September 1 and end on August 31 of each year, and for packers or repackers of apples which have been held in a controlled atmosphere room or storage building in this State or in any other state, the registration period shall extend for a period not to exceed one (1) year. Owners or operators of such rooms or storage buildings shall register on or before September 1 of each year. (7-1-93)

**03. Interstate Registration.** Any person who owns or operates a controlled atmosphere room or storage building located outside of Idaho or who engages at a place outside of this State in the business of packing or repacking apples which have been held in controlled atmosphere storage and who intends to, or does, market in the state of Idaho, apples so treated and represented as having been exposed to "controlled atmosphere" storage, shall register with the Director in the same manner as required of any person within the State unless such person has registered with the proper authorities in the state of origin and has been assigned a comparable registration number or CA identification under authority of laws or rules of such state which at least conform to the provisions of these rules. (7-1-93)

**04. Written Agreement.** The Director shall assign each approved registrant a registration number preceded by the letters CA. The Director shall require from each applicant for registration, an agreement in writing in the form required by the Director that the apples so treated or packed or repacked by said applicant will be or have been kept in a room or storage building with not more than five percent (5%) oxygen for a minimum of not less than forty-five (45) days for Gala and Jonagold varieties and not less than ~~ninety sixty~~ <sup>960</sup> days for other apples, and that the oxygen level in such room or storage building will be or has been reduced to five percent (5%) within twenty (20) days after the date of sealing of the storage room, and including any other pertinent facts as may be required by the Director to assure that the apples in question have been so treated. ~~(11-25-94)~~(9-22-99)T

**05. Refusal Upon Violation.** The Director may refuse to approve an application for registration and refuse to issue a registration number if the applicant previously has violated any of the provisions of these rules, or has failed or refused to furnish the information or evidence required by these rules. (7-1-93)

**06. Required Air Components Determinations.** Each owner or operator of a controlled atmosphere room or storage building in this state shall make the required air components determinations as to the percentage of carbon dioxide and oxygen and temperature at least once each day and shall maintain a record in the form as required by the Director of Agriculture, including the name and address of the owner or operator, room number or numbers, room capacity, lot identification, quantity in each lot, date of sealing, date of opening; a daily record of date and time of test, percentage of carbon dioxide, percentage of oxygen and the temperature. (7-1-93)

**07. Written Reports.** Each owner or operator of a controlled atmosphere room or storage building in this state shall submit to the Idaho Director of Agriculture, within ten (10) days after the date of sealing, a written report pertaining to each room showing the owner's room number, or numbers, date of sealing, and variety and quantity of apples contained therein. (7-1-93)

**08. Maintaining Identity.** The identity of all apples represented as having been exposed to "controlled atmosphere" storage shall be maintained from the original room or storage building where they were treated through the various channels of trade to the retailer. (7-1-93)

**09. Investigations.** Enforcing officers may investigate and examine records and invoices relating to any transactions in order to determine the identity of apples represented as having been exposed to controlled atmosphere storage and in this connection shall give consideration to the presence of CA storage registration numbers on invoices submitted in transactions by the owners or operators and a combination of both the CA storage and packer or repacker's CA registration number on invoices submitted in transactions by said packer or repacker. (7-1-93)

**IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE**  
**02.06.14 - RULES PERTAINING TO ANNUAL BLUEGRASS, *Poa annua***  
**DOCKET NO. 02-0614-9901**

**NOTICE OF TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rules is September 16, 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 Title 22, Chapter 20, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than November 17, 1999.

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

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

To revise the definition of "Annual Bluegrass," and the definition for "Seed Stock" to include grass species; to add a definition for "Grass Species" to include fescue, ryegrass, bentgrass or redtop; to remove the sample weight from the definition of "Annual Bluegrass Analysis Certificate"; to amend Subsection 200.01.a. to change the sample weight of bentgrass or redtop for laboratory seed testing from ten (10) grams to five (5) grams.

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

To protect the Kentucky Bluegrass, fescue, ryegrass and bentgrass or redtop seed production areas in Idaho from contamination by Annual Bluegrass.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact: Dr. Roger Vega, Administrator, Plant Industry Division, Phone Number, 332-8620, or Richard Lawson, Bureau Chief, Plant Industry Division, 332-8630.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before November 24, 1999.

DATED this 16th day of September, 1999.

Patrick A. Takasugi, Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Road  
P.O. Box 790  
Boise, Idaho 83701  
Phone: (208) 332-8500  
Fax: (208) 334-2170

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0614-9901**

**000. ~~009.~~ (RESERVED) LEGAL AUTHORITY.**

This chapter is adopted under the legal authority of Title 22, Chapter 20, Idaho Code. (9-16-99)T

**001. TITLE AND SCOPE.**

**01. Title.** The title of this chapter is IDAPA 02.06.14, "Rules Pertaining To Annual Bluegrass, *Poa annua*". (9-16-99)T

**02. Scope.** This chapter has the following scope: these rules are to prevent the introduction of annual bluegrass into major Kentucky bluegrass, fescue (*Festuca*) species, ryegrass (*Lolium*) species and bentgrass (*Agrostis*) species seed production areas as stated in Section 005. The official citation of this chapter is IDAPA 02.06.14.000 through 02.06.14.999. For example, the citation for this section is IDAPA 02.06.14.001. (9-16-99)T

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations of these rules. (9-16-99)T

**003. ADMINISTRATIVE APPEAL.**

There is no provision for administrative appeal before the Department of Agriculture under this chapter. Hearing and appeal rights are pursuant to Title 67, Chapter 52, Idaho Code. (9-16-99)T

**~~004.~~ DEFINITIONS.**

**~~041.~~ Annual Bluegrass.** *Poa annua* and all related species off-types or sub-species of *Poa annua*, hereinafter referred to as annual bluegrass. (~~4-6-90~~)(9-16-99)T

**~~072.~~ Annual Bluegrass Analysis Certificate.** A test report from an official laboratory showing freedom from annual bluegrass of a ten (10) gram sample for bentgrass or redtop, a twenty-five (25) gram sample for bluegrass, or a fifty (50) gram sample for other grasses. (~~4-6-90~~)(9-16-99)T

**~~023.~~ Director.** The Director of the Idaho Department of Agriculture, or his designated agents. (4-6-90)

**04. Grass species.** All bluegrass (*Poa*) species, fescue (*Festuca*) species, ryegrass (*Lolium*) species and all bentgrass (*Acrostic*) species. (9-16-99)T

**05. Official Seed Laboratory.** A seed testing laboratory approved by the Director. (4-6-90)

**~~046.~~ Person.** Any natural person, individual, firm, partnership, corporation, company, society, or association or every officer, agent or employee thereof. (4-6-90)

**07. Pest.** The pest is determined to be seeds of the weed *Poa annua* (Annual bluegrass) and all related off-types or sub-species of *Poa annua* hereinafter referred to as Annual bluegrass which are objectionable in grass seed stock. (9-16-99)T

**08. Quarantine Release Tag.** A numbered tag printed and issued by the Idaho Department of Agriculture to be attached to each bag showing said seed has met quarantine requirements and giving the following information: "This lot of seed was tested and found to be apparently free of annual bluegrass and is eligible for planting in Idaho." (4-6-90)

**~~062.~~ Representative Sample.** A sample of seed drawn in accordance with sampling procedures as provided in the Pure Seed Law Rules. (4-6-90)

**~~0310.~~ Seed Stock.** Those seeds of turf grass varieties species which are to be planted for seed increase or

with intent of seed increase.

(4-6-90)

**005. FINDINGS.**

The amendments are needed to protect the Kentucky bluegrass, fescue, ryegrass, and bentgrass or redtop seed production areas in Idaho from contamination by annual bluegrass.

(9-16-99)T

**~~010. DEFINITIONS.~~**

~~Pest. The pest is determined to be the seeds of the weed Poa annua (annual bluegrass) and its known strains which are objectionable in grass seed stock.~~

(4-6-90)

~~0106. -- 049. (RESERVED).~~

**(BREAK IN CONTINUITY OF SECTIONS)**

~~051. -- 099. (RESERVED).~~

~~1051. -- 149. (RESERVED).~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**200. RULES GOVERNING PLANTING OF REGULATED ARTICLES.**

**01. Requirements.** Prior to any person planting any ~~turf grass variety~~ species seed stock in Idaho, that person shall comply with the following requirements:

(4-6-90)(9-16-99)T

a. Submit an official laboratory analysis of a representative sample showing freedom from annual bluegrass based on a ~~ten five (405)~~ twenty-five (25) gram sample for bentgrass or redtop, a twenty-five (25) gram sample for bluegrass, or a fifty (50) gram sample for other grasses; or

(4-6-90)(9-16-99)T

b. Have a representative sample submitted for testing; ~~and~~

(4-6-90)(9-16-99)T

**02. Tags.** Upon receipt by the Director of an official seed laboratory analysis showing freedom from annual bluegrass, sequentially numbered tags will be issued for each bag found free of annual bluegrass from those lots according to Subsection ~~4004.08.~~

(4-6-90)(9-16-99)T

**IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE**  
**02.06.35 - RULES CONCERNING ROUGH BLUEGRASS, *Poa trivialis*, QUARANTINE**  
**UNDER THE DIVISION OF PLANT INDUSTRIES, BUREAU**  
**OF SEED ANALYSIS AND CONTROL**

**DOCKET NO. 02-0635-9901**

**NOTICE OF TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rules is September 16, 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 Title 22, Chapter 20, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than November 17, 1999.

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

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

To revise the "Title and Scope"; to add definitions for "Official Seed Laboratory," "Representative Sample," "Rough Bluegrass Analysis Certificate," "Quarantine Release Tag," "Seed Stock," and "Grass Species" to include fescue, ryegrass, and bentgrass or redtop; to revise regulated articles to include seed stocks as defined in Section 004 "Definitions"; to add a new section governing the planting of regulated articles.

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

To protect the Kentucky Bluegrass, fescue, ryegrass, and bentgrass or redtop seed production areas in Idaho from contamination by Rough Bluegrass.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Dr. Roger Vega, Administrator, Plant Industry Division, Phone Number: 332-8620, or Richard Lawson, Bureau Chief, Plant Industry Division, 332-8630.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before November 24, 1999.

DATED this 16th day of September, 1999.

Patrick A. Takasugi, Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Road  
P.O. Box 790  
Boise, Idaho 83701  
Phone: (208) 332-8500  
Fax: (208) 334-2170

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0635-9901**

**001. TITLE AND SCOPE.**

**01. Title.** The title of this chapter is "Rules Concerning Rough Bluegrass, *Poa trivialis*, Quarantine Under the Division of Plant Industries, Bureau of Seed Analysis and Control". (9-16-99)T

**02. Scope.** This chapter has the following scope: these rules ~~prohibit the planting of rough bluegrass, *Poa trivialis*, for seed production in the regulated areas~~ are to prevent the introduction of rough bluegrass into major Kentucky bluegrass, fescue (*Festuca*) species, ryegrass (*Lolium*) species, and bentgrass (*Agrostis*) species seed production areas as stated in Section 006. The official citation of this chapter is IDAPA 02.06.35.000 through 02.06.35.999. For example, the citation for this section is IDAPA 02.06.35.001. ~~(3-20-97)~~(9-16-99)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**004. DEFINITIONS.**

The Idaho Department of Agriculture adopts the definitions set forth in Section 22-2003, Idaho Code. (3-20-97)

**01. Director.** The Director of the Idaho Department of Agriculture, or his designated agents. (3-20-97)

**02. Grass Species.** All bluegrass (*Poa*) species, fescue (*Festuca*) species, ryegrass (*Lolium*) species, and all bentgrass (*Agrostis*) species. (9-16-99)T

**03. Official Seed Laboratory.** A seed testing laboratory approved by the Director. (9-16-99)T

**024. Person.** Any person, individual, firm, partnership, corporation, company, society, or association or every officer, agent or employee thereof. (3-20-97)

**05. Quarantine Release Tag.** A numbered tag printed and issued by the Idaho State Department of Agriculture to be attached to each bag showing said seed has met quarantine requirements and giving the following information: "This lot of seed was tested and found to be apparently free of rough bluegrass and is eligible for planting in Idaho." (9-16-99)T

**06. Representative Sample.** A sample of seed drawn in accordance with IDAPA 02.06.01, Idaho Department of Agriculture, "Rules Governing the Pure Seed Law". (9-16-99)T

**037. Rough Bluegrass.** *Poa trivialis* and all related off-types or sub-species of *Poa trivialis*, hereinafter referred to as rough bluegrass. (3-20-97)

**08. Rough Bluegrass Analysis Certificate.** A test report from an official laboratory showing freedom from rough bluegrass. (9-16-99)T

**09. Seed Stock.** Those seeds of grass species which are to be planted for seed increase or with intent of seed increase. (9-16-99)T

**005. ROUGH BLUEGRASS QUARANTINE - REGULATED ARTICLES.**

~~Rough bluegrass~~ Those articles which are regulated are seed stocks as defined in Section 004. ~~(3-20-97)~~(9-16-99)T

**006. FINDINGS.**

The seed of the crop known as rough bluegrass is a noxious weed pursuant to Section 22-2003, Idaho Code, and is injurious to Kentucky bluegrass seed production. A rough bluegrass quarantine is established pursuant to Section 67-

5226(1), Idaho Code, to confer benefits by preventing the introduction of rough bluegrass into major Kentucky bluegrass seed production areas in Idaho. The amendments are necessary to protect the Kentucky bluegrass, fescue, ryegrass, and bentgrass or redtop seed production areas in Idaho from contamination by rough bluegrass.

~~(3-20-97)~~(9-16-99)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**101. QUALIFICATIONS OF REGULATED ARTICLES FOR QUARANTINE RELEASE.**

**01. Planting Seed Stock Of Regulated Articles.** Any person planting seed stock of regulated articles shall comply with the following requirements: (9-16-99)T

a. Submit to the Director an official laboratory analysis of a representative sample showing freedom from rough bluegrass based on a five (5) gram sample for bentgrass or redtop, a twenty-five (25) gram sample for bluegrass, or a fifty (50) gram sample for other grasses; or (9-16-99)T

b. Submit to the Director a representative sample for laboratory analysis. (9-16-99)T

**02. Quarantine Release Tag.** Upon receipt of an official seed laboratory analysis, the Director may upon request issue sequentially numbered tags for each bag of regulated article found free of rough bluegrass. (9-16-99)T

**1042. ROUGH BLUEGRASS QUARANTINE - INSPECTIONS.**

The Director shall cause inspections to be made in accordance with the provisions of Section 22-2001, Idaho Code.

(3-20-97)

**01. Infested Seed Stock.** Lots of turf seed stock contaminated with rough bluegrass seeds may be planted in an approved nursery of two (2) acres or less under the supervision of the Director. The nursery shall be seeded in rows spaced twenty-four (24) inches apart and it shall be the duty of the person receiving such seed stock to rogue the planting or chemically treat to eradicate the rough bluegrass. The approved nursery shall be inspected by the Department at least three (3) times during the seedling year. Any approved nursery not passing inspection shall not be harvested but shall be destroyed upon the order of the Director at the owner's expense. (3-20-97)

**02. Application For Nursery Inspection.** A person shall make application for nursery inspection to the Director at least fourteen (14) days prior to planting. (3-20-97)

**1023. -- 149. (RESERVED).**

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

**10.01.01 - RULES OF PROCEDURE**

**DOCKET NO. 10-0101-9901**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 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 pending rule is being adopted as proposed. The original text of the proposed rule was published in the September 1, 1999 Idaho Administrative Bulletin, Volume 99-9, pages 20 through 28.

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

DATED this 1st day of October, 1999

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 01**

**RULES OF PROCEDURE**

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

**The original text was published in the Idaho Administrative Bulletin,  
Volume 99-9, September 1, 1999, pages 20 through 28.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 2000 Idaho State Legislature for final adoption.**

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

**10.01.02 - RULES OF PROFESSIONAL RESPONSIBILITY**

**DOCKET NO. 10-0102-9901**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 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 pending rule is being adopted as proposed. The original text of the proposed rule was published in the September 1, 1999 Idaho Administrative Bulletin, Volume 99-9, page 29.

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

DATED this 1st day of October, 1999

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 99-9, September 1, 1999, page 29.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 2000 Idaho State Legislature for final adoption.**

**IDAPA 12 - DEPARTMENT OF FINANCE**  
**12.01.08 - RULES PURSUANT TO THE IDAHO SECURITIES ACT**  
**DOCKET NO. 12-0108-9901**  
**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby give that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 30-1448 and 30-1435(1)(p), 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 July 7, 1999 Idaho Administrative Bulletin, Volume 99-7, pages 95 through 98.

**ASSISTANCE ON TECHNICAL QUESTION:** For assistance on technical questions concerning the pending rule, contact Marilyn T. Scanlan, Bureau Chief, (208) 332-8070.

DATED this 5th day of October, 1999.

Marilyn T. Scanlan  
Bureau Chief  
Department of Finance  
Securities Bureau  
700 W. State, 2<sup>nd</sup> Floor  
Boise, Idaho 83720-0031  
Phone: (208) 332-8070  
Fax: (208) 332-8099  
e-mail: mscanlan@fin.state.id.us

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**IDAPA 12**  
**TITLE 01**  
**Chapter 08**

**RULES PURSUANT TO THE IDAHO SECURITIES ACT**

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

**The original text was published in the Idaho Administrative Bulletin,  
Volume 99-7, July 7, 1999, pages 95 through 98.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 2000 Idaho State Legislature for final adoption.**

DEPARTMENT OF HEALTH AND WELFARE

DOCKET NO. 16-0000-9901

NOTICE OF PUBLIC REVIEW OF DRAFT GROUND WATER  
QUALITY MANAGEMENT POLICY

**NOTICE:** Notice is hereby given that the Department of Health and Welfare, Division of Environmental Quality (DEQ) is providing an opportunity for the public to comment on the draft Ground Water Quality Management Areas Policy.

**DESCRIPTIVE SUMMARY:** The state ground water monitoring system, established through the cooperation of many agencies, has established trends indicating ground water quality degradation in many areas in Idaho. In these identified areas, the ground water degradation is significant and needs to be addressed to ensure that beneficial uses of the ground water are protected. The draft policy provides an approach to address ground water degradation pursuant to the Idaho Ground Water Quality Rule (IDAPA 16, Title 01, Chapter 11). The draft policy is intended to describe the process to:

- Identify areas of ground water quality degradation;
- Prioritize these areas based on the extent of the problem;
- Involve and inform local citizens, agencies, and industry;
- Establish sensitive resource aquifers;
- Work with local advisory groups to identify and implement solutions;
- Review effectiveness of applied solutions; and
- Modify existing environmental programs to enhance ground water protection.

To obtain a copy of the draft policy, go to DEQ's web site at [www.state.id.us/deq/policies/policies.htm](http://www.state.id.us/deq/policies/policies.htm) or contact Donna West at 373-0502 or [dwest@deq.state.id.us](mailto:dwest@deq.state.id.us).

**SUBMISSION OF WRITTEN COMMENTS:** Anyone may submit written comments regarding the draft policy. DEQ will review and consider all written comments received by 5 p.m. November 20, 1999. Written comments may be sent to:

Donna West, Manager  
Ground Water Quality Program  
1410 N. Hilton  
Boise, ID 83706  
Fax No. (208)373-0576  
[dwest@deq.state.id.us](mailto:dwest@deq.state.id.us)

DATED this 7th day of October, 1999.

C. Stephen Allred, Administrator  
Division of Environmental Quality  
1410 N. Hilton  
Boise, ID 83706

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.04.11 - RULES GOVERNING DEVELOPMENTAL DISABILITIES AGENCIES**  
**DOCKET NO. 16-0411-9901**  
**NOTICE OF TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** These temporary rules are effective March 1, 2000.

**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) 39-402 et seq., Idaho Code.

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this rulemaking and the rulemaking under Docket No. 16-0411-9801 has been scheduled. The original text of Docket No. 16-0411-9801 can be found in the April 1, 1998 Administrative Bulletin, Volume 98-4, pages 9 through 13. The hearing will be held as follows:

**November 15, 1999, at 7:00 p.m.**  
**Boise Airport Holiday Inn, Brundage Room**  
**3300 South Vista Avenue, Boise, Idaho**

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

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

Changes to the Developmental Disabilities Agencies (DDA) rules include: Addition of compliance with Department Criminal History Check Rules; repeal of advisory reviews; addition of transition plans for DDA consumers who have Targeted Service Coordinators; correction to a reference of the federal special education act; and the addition of safety requirements when DDAs or their employees transport consumers.

**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 or welfare.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary or proposed rule, contact Paul Swatsenbarg at (208) 334-5512.

Anyone can submit written comments regarding this proposed rule. All written comments and data concerning the rule must be directed to the undersigned and must be postmarked on or before November 30, 1999.

DATED this 22nd day of September, 1999.

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 THE TEXT OF DOCKET NO. 16-0411-9901**

**301. APPLICATION FOR LICENSURE.**

**01. License Required.** Before any agency, private or public, profit or nonprofit, can provide rehabilitative and habilitative services to persons with developmental disabilities under these rules, it shall make application for licensure. No consumer shall receive services through an agency until the licensing agency has approved the application for licensure. No funding for services will be paid by the Department until the agency is licensed. (7-1-97)

**02. Conformity.** Licensed agencies shall conform to all applicable rules and rules of the Department, such as Medicaid reimbursement procedures, background checks, including compliance with IDAPA 16.05.06, "Rules Governing Mandatory Criminal History Checks," and fingerprinting requirements. (~~7-1-97~~)(3-1-00)T

**03. Accessible Records.** The DDA and records required under these rules shall be accessible during normal operations of the agency to the licensing agency for the purpose of inspection, with or without prior notification, pursuant to Sections 39-4605(4) and 39-108, Idaho Code. (7-1-97)

**04. Open Application.** Application for new agencies will be accepted on an open and continuous basis in accordance with Subsection 301.02. (7-1-97)

**05. National Accreditation.** The Department may adopt the policy of accepting national accreditation in lieu of state licensure for developmental disabilities agencies. (7-1-97)

**06. Content Of Application.** Application shall be made to the licensing agency of the Department on a form provided by the Department. The application and supporting documents shall be received by the Department at least sixty (60) days prior to the planned opening date. The application shall include: (7-1-97)

- a. Name, address and telephone number of the agency; and (7-1-97)
- b. Types of services to be provided by the agency and the anticipated capacity of each service; and (7-1-97)
- c. The service area of the agency; and (7-1-97)
- d. The target population to be served and the service area to be covered by the program; and (7-1-97)
- e. The anticipated date for the initiation of services; and (7-1-97)
- f. A statement indicating the need for the agency's services; and (7-1-97)
- g. A statement which identifies the ownership and describes the management structure of the agency, including a copy of the corporation's articles of incorporation with designation as nonprofit or profit, public or private, and a copy of the bylaws; and (7-1-97)
- h. A statement that the agency is in compliance with these rules and all other applicable local, state and federal requirements, including an assurance that the agency is in compliance with the provisions of Subsection 925.02 governing nondiscrimination; and (7-1-97)
- i. A copy of the proposed organizational chart or plan for staffing of the agency; and (7-1-97)
- j. Staff qualifications including resumes, job descriptions and copies of state licenses for staff when applicable; and (7-1-97)
- k. When center-based services are to be provided, evidence of a local fire safety inspection; and (7-1-97)
- l. When center-based services are to be provided, evidence of compliance with local building and zoning codes; and (7-1-97)

- m. When center-based services are provided, written policy and procedures regarding emergency evacuation procedures; and (7-1-97)
- n. Staff and consumer illness policy, communicable disease policy and other health and hygiene policies and procedures; and (7-1-97)
- o. Written admission and transition policy; and (7-1-97)
- p. Written consumer grievance policy; and (7-1-97)
- q. Program records system including completed examples of individual service plans, intervention techniques, and monitoring records; and (7-1-97)
- r. Fiscal record system including program billings and documentation of services provided consumers; and (7-1-97)
- s. Written description of the agency's quality assurance program; and (7-1-97)
- t. Any other information requested by the Department for determining the agency's compliance with these rules or the agency's ability to provide the services for which licensure is requested. (7-1-97)
- u. If the agency intends to seek a waiver or variance of any rule, then the application shall include a written request for a waiver or variance request and shall specify the particular rule and provide an explanation of the reasons for requesting the waiver or variance. (7-1-97)

**07. Agency Review.** Upon receipt of the application form and initial application materials, the licensing agency will review the materials to determine if the agency has in place systems, which if properly implemented, would result in regulatory compliance. (7-1-97)

**08. Written Decision.** A written decision with regard to licensure will be submitted to the agency by the licensing agency within thirty (30) days of the date the completed application packet is received in the licensing agency's office. (7-1-97)

**(BREAK IN CONTINUITY OF SECTIONS)**

**761. APPLICANT SCREENING**

The agency shall develop policies and procedures, including compliance with IDAPA 16.05.06, "Rules Governing Mandatory Criminal History Checks," which ensure that individuals hired do not have a conviction or prior employment history of abuse, neglect, mistreatment, or exploitation of a child or vulnerable adult. ~~(7-1-97)~~(3-1-00)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**800. STANDARDS FOR DDA'S PROVIDING SERVICES TO CONSUMERS WITH AUTHORIZED INDIVIDUAL SUPPORT PLANS.**

Each DDA shall provide the following rehabilitative and habilitative services consistent with the needs of persons with developmental disabilities who have developed an Individual Support Plan with a Targeted Service Coordinator through a person centered planning process. (7-1-97)

**01. Intake.** (7-1-97)

- a. To ensure the health and safety of the consumer, a medical profile sheet which contains relevant

medical and identifying information about the consumer and family, and accurately reflects the current status and needs of the consumer shall be obtained or completed prior to the delivery of services. (7-1-97)

b. Prior to the delivery of services current and accurate comprehensive evaluations or specific skill assessments shall be completed or obtained, as necessary, to effectively plan the consumer's program. To be considered current, evaluations and assessments shall accurately reflect the current status of the consumer. (7-1-97)

**02. Evaluations.** (7-1-97)

a. Comprehensive assessments which are completed by the agency shall: (7-1-97)

b. Be conducted by qualified professionals for the respective disciplines as defined in this chapter; (7-1-97)

c. Be identified as a service on the Individual Support Plan. (7-1-97)

**03. Specific Skill Assessments.** Specific skill assessments which are completed by the agency shall: (7-1-97)

a. Be completed by qualified professionals for the respective disciplines as defined in this chapter; and (7-1-97)

b. Be identified as a service or need on the Individual Support Plan; and (7-1-97)

c. Be conducted for the purposes of determining baselines, or the need for further interventions. (7-1-97)

**04. Individual Support Plan.** Any services provided by the DDA must be included on the plan and authorized by the Regional ACCESS Unit before a consumer can receive the service from the agency. (7-1-97)

**05. Transition Plan.** Each DDA shall develop an individual transition plan designed to facilitate independence, personal goals and interests. The transition plan may include vocational goals/objectives directed toward paid employment. The transition plan shall specify criteria for transition into alternative settings, vocational training, supported or independent employment, volunteer opportunities, community based organizations and activities, or less restrictive settings. The implementation of some components of the plan may necessitate decreased hours of service or discontinuation of services from a DDA. (3-1-00)T

**056. Implementation Plan.** The DDA shall be required to develop an Implementation Plan for each service or support which is included on the consumer's Individual Support Plan provided by the agency as outlined in these rules. The Implementation Plan shall include: (7-1-97)

a. The consumer's name; and (7-1-97)

b. The specific skill area; and (7-1-97)

c. A baseline statement addressing the consumer's specific skills and abilities related to the specific skill to be learned; and (7-1-97)

d. Measurable, behaviorally stated objectives which are developed from an identified service or support in the Individual Support Plan; and (7-1-97)

e. Written instructions to staff such as curriculum, lesson plans, locations, activity schedules, type and frequency of reinforcement and data collection, directed at the achievement of each objective. These instructions may be standardized, however, shall be individualized and revised as necessary to promote consumer progress toward the stated objective. (7-1-97)

f. Identification of the specific environment(s) where services shall be provided. (7-1-97)

g. These implementation plans shall be initiated within fourteen (14) calendar days of the initiation of services. (7-1-97)

h. The target date for completion. (7-1-97)

**067. ACCESS Unit Authorization.** ACCESS Unit prior authorization is required in the following circumstances: (7-1-97)

a. When revisions in the Implementation Plan change the type and amount of services listed on the Individual Support Plan; and (7-1-97)

b. At the consumer's annual review of DDA services as part of the annual update of the Individual Support Plan. (7-1-97)

**078. Program Documentation.** Each consumer's record shall include documentation of the consumer's participation in and response to services provided. This documentation shall include at a minimum: (7-1-97)

a. Daily entry of all activities conducted toward meeting consumer objectives; and (7-1-97)

b. Sufficient progress data to accurately assess the consumer's progress toward each objective; and (7-1-97)

c. A review of the data and, when indicated, changes in the daily activities or specific implementation procedures by a DDP. The review shall include the DDP's dated initials; and (7-1-97)

d. Documentation of notification of the consumer and when applicable, the consumer's guardian. (7-1-97)

**082. Program Changes.** (7-1-97)

a. DDA shall coordinate the consumer's DDA program with other service providers to maximize learning. (7-1-97)

b. Documentation of Implementation Plan Changes. Documentation of Implementation Plan changes will be included in the consumer's record. This documentation shall include at a minimum, the reason for the change, documentation of coordination with other service providers, where applicable, the date the change was made and the signature of the person making the change complete with date and title. A copy of an ISP will suffice for compliance to this requirement. (7-1-97)

**0910. Records.** Each DDA licensed under these rules shall maintain accurate, current and complete consumer and administrative records. Each record of consumers with Targeted Service Coordinators shall contain the following information: (7-1-97)

a. Documentation which verifies that the services provided are recommended by a physician. A copy of an Individual Support Plan will suffice for compliance to this requirement; and (7-1-97)

b. When evaluations are completed or obtained by the agency the consumer's record shall include the evaluation forms and narrative reports, signed and dated by the respective evaluators; and (7-1-97)

c. A copy of the Individual Support Plan authorized by the ACCESS Unit; and (7-1-97)

d. Implementation Plans. Program documentation and monitoring records which comply with all applicable sections of these rules; and (7-1-97)

e. The case record shall be divided into program/discipline areas identified by tabs, such as, Individual Support Plan, medical, social, psychological, speech, and developmental. (7-1-97)

**801. STANDARDS FOR DDA'S PROVIDING SERVICES TO CONSUMERS WITHOUT TARGETED SERVICE COORDINATORS.**

Each DDA shall provide the following rehabilitative and habilitative services consistent with the needs of persons with developmental disabilities who have chosen not to access a Targeted Service Coordinator, to be available and accessible throughout its service area. (7-1-97)

**01. Eligibility Documentation.** Prior to the delivery of services, current and accurate comprehensive evaluations or specific skills assessments shall be completed or obtained, as necessary to determine eligibility as defined in Section 66-402, Idaho Code, and the Department's current interpretive guidelines, and to effectively plan the consumer's program. (7-1-97)

**02. Intake.** To ensure the health and safety of the consumer, medical information which accurately reflects the current status and needs of the consumer shall be obtained prior to the delivery of services. When this information is not available, a comprehensive medical evaluation shall be completed prior to the provision of services. (7-1-97)

**03. Evaluations.** (7-1-97)

a. Comprehensive evaluations which are completed by the agency shall be conducted by qualified professionals for the respective disciplines as defined in this chapter, recommended by a physician, identify accurate, current and relevant consumer strengths, needs and interests as applicable to the respective discipline, and recommend the type and amount of therapy necessary to address the consumer's needs. (7-1-97)

b. Prior to the delivery of ongoing services in a specific discipline a comprehensive medical, medical/social assessment shall be completed or obtained. (7-1-97)

c. Evaluation or specific skill assessments from additional disciplines such as speech and language pathologists or physical therapists, shall also be completed or obtained as necessary to meet the consumer's needs. (7-1-97)

d. All evaluations shall be completed within forty-five (45) calendar days of the date recommended by the physician. If not completed within this time frame, the consumer's records must contain consumer based documentation justifying the delay. (7-1-97)

e. A current psychological or psychiatric evaluation shall be completed or obtained when the consumer is receiving a behavior modifying drug(s), or prior to the initiation of restrictive interventions to modify inappropriate behavior(s), or an evaluation is necessary to determine eligibility for services or establish a diagnosis, or the consumer has a primary or secondary diagnosis of mental illness, or when otherwise required in this chapter. (7-1-97)

f. Comprehensive evaluations and specific skill assessments completed or obtained by the DDA shall be current. To be considered current, evaluations and assessments shall accurately reflect the current status of the consumer. (7-1-97)

**04. Individual Program Plan.** When a consumer has not developed an Individual Support Plan with a Targeted Service Coordinator through a person centered planning process, the DDA is required to complete an Individual Program Plan and the following shall apply: (7-1-97)

a. The Individual Program Plan shall be developed following obtainment or completion of all applicable evaluations consistent with the requirements of this chapter. (7-1-97)

b. The planning process shall include the consumer and guardian, if applicable, and others the individual chooses to have in attendance. The consumer and guardian where applicable, will be provided a copy of the completed individual program plan. If the consumer and guardian where applicable, is unable to participate, the reason shall be documented in the consumer's record. (7-1-97)

**05. Program Plan Components.** The Individual Program Plan shall promote self-sufficiency, the consumer's choice in program objectives and activities and encourage the consumer's participation and inclusion in the community. The Individual Program Plan shall include: (7-1-97)

- a. The consumer's name and medical diagnosis; and (7-1-97)
- b. The name of the DDP, the date of the planning meeting, and the name and titles of those present at the meeting; and (7-1-97)
- c. Documentation that the plan is recommended by a physician; and (7-1-97)
- d. The type, amount and duration of therapy to be provided such as individual speech therapy, thirty (30) minutes two (2) times per week; group developmental therapy, two and one-half (2 1/2) hours, five (5) days per week; and (7-1-97)
- e. A list of the consumer's current personal goals, interests and choices; and (7-1-97)
- f. An accurate, current and relevant list of the consumer's specific developmental and behavioral strengths; and (7-1-97)
- g. An accurate, current and relevant list of the consumer's specific developmental and behavioral needs. This list will identify which needs are a priority based on the consumer's choices and preferences. An Individual Program Plan objective shall be developed for each priority need; and (7-1-97)
- h. A list of the measurable, behaviorally stated objectives, which correspond to the list of priority needs. An Implementation Plan shall be developed for each objective; and (7-1-97)
- i. The discipline or DDP responsible for each objective; and (7-1-97)
- j. The target date for completion; and (7-1-97)
- k. The review date; and (7-1-97)
- l. An individual transition plan designed to facilitate independence, personal goals and interests. The transition plan may include vocational goals/objectives directed toward paid employment. The transition plan shall specify criteria for transition into alternative settings, vocational training, supported or independent employment, volunteer opportunities, community based organizations and activities, or less restrictive settings. The implementation of some components of the plan may necessitate decreased hours of service or discontinuation of services from a DDA. (7-1-97)

**06. Support Documentation.** The Individual Program Plan shall be supported by documentation included in the consumer's record. (7-1-97)

**07. Frequency Of Plan Development.** Members of the planning team shall meet at least annually, or more often if necessary, to review and update the plan to reflect any changes in the needs or status of the consumer. (7-1-97)

**08. Physician Recommendation.** There shall be documentation that the plan is recommended by a physician prior to implementing the Individual Program Plan and when revisions in the plan change the type, amount, or duration of the service provided, and at the annual review. (7-1-97)

**09. Regional Advisory Review Notification.** ~~The DDA's are responsible to send initial and annual Individual Program Plans shall be submitted to the Regional ACCESS Units for an advisory review to ensure that services are reimbursable and within the scope and duration of DDA services. Services may begin prior to advisory review. Agencies will work to resolve concerns identified in the advisory review. Notification of findings of the advisory review will become part of the consumer's record entry into a database.~~ (7-1-97)(3-1-00)T

**10. Implementation Plan.** The DDA shall be required to develop an Implementation Plan for each objective listed on the Individual Program Plan. The implementation Plan shall include: (7-1-97)

- a. The consumer's name; and (7-1-97)
- b. The measurable, behaviorally stated Individual Program Plan objective; and (7-1-97)
- c. Baseline assessment to determine the consumer's specific skills and abilities related to the specific skill to be learned; and (7-1-97)
- d. Written instructions to staff such as curriculum, lesson plans, activity schedules, type and frequency of reinforcement and data collection, directed at the achievement of each objective. These instructions may be standardized, however, shall be individualized and revised as necessary to promote consumer progress towards the stated objective; and (7-1-97)
- e. Identification of the specific location where services shall be provided; and (7-1-97)
- f. These implementation plans shall be completed within fourteen (14) calendar days of the initiation of services; and (7-1-97)
- g. The target date for completion. (7-1-97)

**11. Program Documentation.** Each consumer's record shall include documentation of the consumer's participation in and response to services provided. This documentation shall include at a minimum: (7-1-97)

- a. Daily entry of all activities conducted toward meeting consumer objectives; and (7-1-97)
- b. Sufficient progress data to accurately assess the consumer's progress toward each objective; and (7-1-97)
- c. A review of the data and, when indicated, changes in the daily activities or specific implementation procedures by a DDP. The review shall include the DDP's dated initials. (7-1-97)

**12. Documentation Of Program Changes.** Documentation of all changes in the Individual Program Plan or Implementation Plan shall be included in the consumer's record. This documentation shall include at a minimum; (7-1-97)

- a. The reason for the change; and (7-1-97)
- b. The date the change was made; and (7-1-97)
- c. Signature of the person making the change complete with date and title; and (7-1-97)
- d. Documentation of notification of the consumer and, when applicable, the consumer's guardian. (7-1-97)

**13. Records.** Each DDA licensed under these rules shall maintain accurate, current and complete consumer and administrative records. Each consumer record shall support the individual's choices, interests and needs which result in the type and amount of each service provided. Each agency shall have an integrated consumer records system to provide past and current information and to safeguard consumer confidentiality pursuant to these rules. Each record of consumers without a Targeted Service Coordinator shall contain the following information: (7-1-97)

- a. Profile sheet containing necessary identifying information about the consumer and family; and (7-1-97)
- b. Medical/social history containing relevant medical and social history and information on the consumer and family; and (7-1-97)

- c. Documentation which verifies that the services provided are recommended by a physician; and (7-1-97)
- d. When evaluations are completed or obtained by the agency the consumer's record shall include the evaluation forms and narrative reports, signed and dated by the respective evaluators; and (7-1-97)
- e. Individual Program Plan, when developed by the agency; and (7-1-97)
- f. Implementation Plans, program documentation and monitoring records which comply with all applicable sections of these rules; and (7-1-97)
- g. The case records shall be divided into program/discipline areas identified by tabs, such as, Individual Program Plan, medical, social, psychological, speech, and developmental. (7-1-97)

**(BREAK IN CONTINUITY OF SECTIONS)**

**821. COOPERATION OF SERVICES.**

Each DDA shall act in cooperation with other agencies providing services to consumers to maximize learning. Services with which coordination and integration shall occur include: (7-1-97)

**01. Children's Services.** DDA's shall refer a child of mandatory school attendance age, seven (7) through sixteen (16), to the local school district for consideration for education and related services ~~found in Public Law 101-476~~ under the provisions of the Individuals with Disabilities Education Act (IDEA). The DDA may provide services beyond those that the school is obligated to provide during regular school hours. These related services include audiology, psychotherapy services, physician's services, developmental therapy, occupational therapy, physical therapy and speech pathology. The consumer's record shall contain an Individualized Education Plan for each child of school age, including any recommendations for Extended School Year. The DDA shall send a current copy of the child's Individual Program Plan to his school. (7-1-97)(3-1-00)T

**02. Services Through School District.** Services provided through a school district contract and reimbursed by the school district are not required to meet DDA rules, nor are they reimbursable as DDA services. (7-1-97)

**(BREAK IN CONTINUITY OF SECTIONS)**

**903. -- 9198. (RESERVED).**

**919. TRANSPORTATION.**

If the DDA does not provide transportation, it is responsible to coordinate transportation services with other transportation providers. If the DDA provides transportation, the agency shall maintain specific documentation describing the preventative maintenance and safety program in place for each vehicle being used to transport consumers. This includes all agency owned or leased vehicles and all employee owned or leased vehicles. Documentation shall at a minimum include verification of the following: (3-1-00)T

**01. Inspections To Vehicles To Insure Safe Operating Conditions.** The DDA conducts regular inspections to insure that all vehicles used to transport consumers are in safe operating condition, and that all reported maintenance problems are promptly corrected; and (3-1-00)T

**02. Liability Insurance Coverage.** The DDA conducts regular liability insurance coverage reviews to determine that both agency owned or leased vehicles and employee owned or leased vehicles used to transport consumers carry the necessary coverage for such usage; and (3-1-00)T

**03. Properly Licensed Drivers.** The DDA conducts regular reviews to determine that all drivers of vehicles used to transport consumers are properly licensed; and (3-1-00)T

**04. Employees Using Own Vehicle.** If an employee uses his own vehicles to transport consumers, he shall maintain adequate liability insurance, vehicle maintenance, and hold a valid driver's license. (3-1-00)T

**920. BUILDING STANDARDS.**

The requirements under this section apply when an agency is providing center-based services. (7-1-97)

**01. Accessibility.** Agencies designated under these rules shall be responsive to the needs of the service area and persons receiving services and accessible to persons with disabilities as defined in 504 of the Federal Rehabilitation Act, the Americans with Disabilities Act, and the uniform federal accessibility standard. (7-1-97)

**02. Environment.** The agency shall be designed and equipped to meet the needs of each consumer including, but not limited to, factors such as sufficient space, equipment, lighting and noise control. (7-1-97)

**03. Capacity.** Agencies shall serve no more than forty (40) persons with developmental disabilities on site at a given time. Agencies may apply to the Director for a waiver pursuant to these rules. The decision of the Director may be reviewed by the Board. Agencies are encouraged to include persons without disabilities in their programs or to integrate persons with disabilities into community activities for part of the day. (7-1-97)

**04. Fire And Safety Standards.** (7-1-97)

a. Buildings on the premises used as facilities shall meet all local and state codes concerning fire and life safety that are applicable to a DDA. The owner/operator shall have the facility inspected at least annually by the local fire authority. In the absence of a local fire authority, such inspections shall be obtained from the Idaho State Fire Marshall's office. A copy of the inspection shall be made available to the licensing agency upon request and shall include documentation of any necessary corrective action taken on violations cited; and (7-1-97)

b. The facility shall be structurally sound and shall be maintained and equipped to assure the safety of consumers, employees and the public; and (7-1-97)

c. On the premises of all facilities where natural or man-made hazards are present, suitable fences, guards or railings shall be provided to protect consumers; and (7-1-97)

d. The premises and all buildings used as facilities shall be kept free from the accumulation of weeds, trash and rubbish; and (7-1-97)

e. Portable heating devices shall be prohibited except units that have heating elements that are limited to not more than two hundred twelve (212) degrees Fahrenheit. The use of unvented, fuel-fired heating devices of any kind shall be prohibited. All portable space heaters must be U.L. approved as well as approved by the local fire or building authority; and (7-1-97)

f. Quantities of flammable or combustible materials deemed hazardous by the licensing agency shall not be stored in the facility; and (7-1-97)

g. All hazardous or toxic substances shall be properly labeled and stored under lock and key; and (7-1-97)

h. Water temperatures in areas accessed by consumers shall not exceed one hundred twenty (120) degrees Fahrenheit; and (7-1-97)

i. Portable fire extinguishers shall be installed throughout the facility. Numbers, types and location shall be directed by the applicable fire authority noted in Subsection 920.04.a. of these rules; and (7-1-97)

j. Electrical installations and equipment shall comply with all applicable local or state electrical

requirements. In addition, equipment designed to be grounded shall be maintained in a grounded condition and extension cords and multiple electrical outlet adapters shall not be utilized unless U.L. approved and the numbers, location, and use of them are approved, in writing, by the local fire or building authority. (7-1-97)

k. There shall be a telephone available on the premises for use in the event of an emergency. Emergency telephone numbers shall be posted near the telephone; and (7-1-97)

l. Furnishings, decorations or other objects shall not obstruct exits or access to exits. (7-1-97)

**05. Evacuation Plans.** Evacuation plans shall be posted throughout the building. Plans shall indicate point of orientation, location of all fire extinguishers, location of all fire exits, and designated meeting area outside of building. (7-1-97)

a. Emergency plans and training requirements: (7-1-97)

b. There shall be written policies and procedures covering the protection of all persons in the event of fire or other emergencies; and (7-1-97)

c. All employees shall participate in fire and safety training upon employment and at least annually thereafter; and (7-1-97)

d. All employees and consumers shall engage in quarterly fire drills. At least two (2) of these fire drills shall include evacuation of the building; and (7-1-97)

e. A brief summary of the fire drill and the response of the employees and consumers shall be written and maintained on file. The summary shall indicate the date and time the drill occurred, problems encountered and corrective action taken. (7-1-97)

**06. Food Preparation And Storage.** (7-1-97)

a. If foods are prepared in the agency, they shall be prepared by sanitary methods. (7-1-97)

b. Except during actual preparation time, cold perishable foods shall be stored and served under forty-five (45F) degrees Fahrenheit and hot perishable foods shall be stored and served over one hundred forty (140F) degrees Fahrenheit. (7-1-97)

c. Refrigerators and freezers used to store consumer lunches and other perishable foods used by consumers, shall be equipped with a reliable, easily-readable thermometer. Refrigerators shall be maintained at forty-five (45F) degrees Fahrenheit or below. Freezers shall be maintained at zero (0F) to ten (10F) degrees Fahrenheit or below. (7-1-97)

d. When meals are prepared or provided for by the agency, meals will meet the nutritional, dietary and individual needs of each consumer. (7-1-97)

**07. Housekeeping And Maintenance Services.** (7-1-97)

a. The interior and exterior of the agency shall be maintained in a clean, safe and orderly manner and shall be kept in good repair; and (7-1-97)

b. Deodorizers cannot be used to cover odors caused by poor housekeeping or unsanitary conditions; and (7-1-97)

c. All housekeeping equipment shall be in good repair and maintained in a clean, safe and sanitary manner; and (7-1-97)

d. The agency shall be maintained free from infestations of insects, rodents and other pests; and (7-1-97)

e. The facility shall maintain the temperature and humidity within a normal comfort range by heating, air conditioning or other means. (7-1-97)

~~08. **Vehicle Safety.** If the DDA provides transportation, a preventive maintenance program will be in place for each agency owned or leased vehicle, including but not limited to:~~ (7-1-97)

a. ~~Inspections, liability insurance, licensed drivers, and other maintenance to insure safety; and~~ (7-1-97)

b. ~~Coordination with transportation providers when the DDA does not provide the transportation.~~ (7-1-97)

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.06.08 - RULES GOVERNING MINIMUM STANDARDS FOR DUI EVALUATORS**

**DOCKET NO. 16-0608-9901**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) Title 18, Chapter 80, Section 18-8005(5) and Title 39, Chapter 3, Idaho Code, Idaho Code.

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

In Subsection 200.05.a., "in past two (2) years" was added for clarification. In Subsection 400.01.a., the identification of a medical physician was amended to read, "720 cumulative hours of professional experience over the three (3) years immediately preceding application date" was added. In Subsection's 400.01.d. and 400.01.e., "Idaho" was added before "Licensed" and in Subsection 400.02.b., "per week" was deleted to match Subsection 400.01.a.

The proposed rules have been amended in response to public comment and to make transcriptional, and clerical corrections to the rules, and are being amended pursuant to Section 67-5227, Idaho Code.

Only sections that have changes are printed in this bulletin. The original text of the proposed rules was published in the June 2, 1999 Idaho Administrative Bulletin, Volume 99-6, pages 251 through 258.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Decker Sanders at 334-5934.

DATED this 3rd day of November, 1999.

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

**16.06.08 - RULES GOVERNING MINIMUM STANDARDS FOR DUI EVALUATORS**

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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 99-6, June 2, 1999, pages 251 through 258.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0608-9901**

**200. LICENSURE.**

**01. Application For An ~~Initial~~ Operating License.** An individual seeking approval as a DUI Evaluator must submit a completed application on forms provided by the Department, accompanied by the documents noted in Subsection 400.02. In addition, the applicant must submit a statement of fees to be charged for services and an application fee of twenty-five dollars (\$25). (12-31-91)(\_\_\_\_)

a- ~~An individual who desires to be approved as a DUI evaluator must submit a completed application to the Department on forms provided by the Department, along with an application fee of twenty-five dollars (\$25).~~ (3-10-88)

b. ~~The application must be accompanied by those documents noted in Subsection 400.01.~~ (12-31-91)

e- ~~The applicant must submit a statement of the fees to be charged for services.~~ (3-10-88)

**02. Application Review And Issuance Of Operating License.** The Department must initiate a review including an investigation within fifteen (15) days of receipt of the forms, documents, and fee described in Subsection 200.01. The result of the review as to whether an applicant has complied with this chapter must be rendered within forty-five (45) days from the date of receipt. The Department will arrange testing for applicants found to have complied with this chapter. Upon successful completion of testing, the Department will issue an operating licence. (3-10-88)(\_\_\_\_)

a- ~~Upon receipt of the completed application, the Department will review and determine within fifteen (15) days if the application complies with these rules.~~ (1-1-84)

b. ~~An investigation of the applicant may be conducted within fifteen (15) days of receipt of the application.~~ (3-10-88)

e- ~~If the application review and subsequent investigation is conducted and shows the applicant satisfactorily complies with this chapter, the Department will issue an operating license.~~ (12-31-91)

i. ~~The license will be in effect for a period not to exceed one (1) year. The license will apply only to the person named therein and is not transferable. No license will be renewed, except as provided by Subsection 200.03.~~ (12-31-91)

ii. The license must be posted in a conspicuous location for client observation. (3-10-88)

**03. License Period, Posting Requirement, And Notification Of Changes.** The license, unless suspended or revoked, will be in effect for a period not to exceed one (1) calendar year from the date of issue printed on the license. The license will apply only to the person named therein and is not transferable. The license must be posted in a conspicuous location for client observation. The Department shall be notified by a licensee in writing of any changes in address, phone number or fees within thirty (30) days. (3-10-88)( )

**04. Expiration And Renewal Of License.** No license will be renewed, except as provided in Subsections 200.04 and 400.04. (3-10-88)( )

a. ~~Each license to operate as a DUI evaluator will, unless suspended or revoked, expire on June 30 of each year.~~ (3-10-88)

ba. At least sixty (60) days prior to the expiration of the license, the licensee will apply for a renewal of the license on forms provided by the Department. The application shall be accompanied by a twenty-five dollar (\$25) renewal fee payable to the Department. (3-10-88)

eb. The licensee must attend a minimum of ~~six~~ twelve (12) hours of substance abuse related continuing education ~~per~~ each year, and will provide verification of attendance with the renewal application. (3-10-88)( )

ec. Following the application review, the licensee meeting the requirements of this chapter, will have their licenses renewed for a period not to exceed one (1) year. (3-10-88)

**05. Denial, Suspension Or Revocation Of License.** The Department may deny, suspend or revoke the license of a DUI evaluator for any of the following reasons: (3-10-88)

a. If ~~the an~~ applicant has ~~been convicted of a DUI~~ substance-related violation within the past two (2) years. (3-10-88)( )

b. If ~~the a~~ licensee has ~~is convicted of a DUI~~ substance-related violation, the license shall be revoked for a period of ~~one~~ two (2) years. (3-10-88)( )

c. If the licensee has failed to comply with any portion of this chapter. (12-31-91)( )

d. If the licensee demonstrates a conflict of interest by providing both the DUI evaluation and treatment or by referring the client to the licensee's employer or business associate, unless this requirement is waived in writing by the sentencing court. (9-14-90)( )

e. If there has been a criminal, civil, or administrative determination that the licensee has committed misrepresentation in the preparation of the application or other documents required by the Department. (3-10-88)

f. If there has been a criminal, civil, or administrative determination that the licensee has committed fraud or gross negligence while operating as a licensed DUI evaluator. (3-10-88)

g. If ~~the an~~ applicant or licensee has been convicted of a felony within the past three (3) years. (3-10-88)( )

h. If there has been a criminal, civil, or administrative determination that the licensee has committed, permitted, or aided and abetted the commission of any illegal act while ~~operating as~~ holding a DUI Evaluator licensed alcohol and drug abuse evaluator. (1-1-84)( )

i. If the licensee demonstrates inadequate knowledge and/or performance by repeatedly recommending treatment programs for clients determined by review not to need treatment programs substandard peer and quality assurance reviews. (1-1-84)( )

j. If the licensee fails to furnish any data, information or records as requested. (3-10-88)

k. If the licensee refuses or fails to participate in the peer review and quality assurance process.( )

l. If the licensee was first issued an operating license prior to June 30, 2000 and fails to meet minimum qualification standards within the sunset provision under Section 400.04. ( )

m. Upon a second revocation, no further licenses shall be issued. ( )

**06. Notice And Hearing.** The Department must give the licensee notice of intent to suspend, deny, or revoke approval, the right to appeal in accordance with the provisions of Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, Sections ~~3600~~, et seq., "Rules Governing Contested Cases and Declaratory Rulings". (12-31-91)( )

**07. Return Of License.** The DUI evaluator license is the property of the state of Idaho and must be returned to the Department immediately upon the denial, suspension, or revocation of the license, or if the operation is discontinued by the voluntary action of the licensee. (3-10-88)

**(BREAK IN CONTINUITY OF SECTIONS)**

**400. QUALIFICATIONS.**

**01. Qualifications Of Staff.** In order for the applicant to be licensed as a DUI evaluator, the applicant shall meet the following criteria: (3-10-88)

a. ~~Is a currently licensed medical physician; or~~ Has professional experience in which a minimum of seven hundred twenty (720) cumulative hours were spent in the performance of alcohol/drug evaluation or treatment over the three (3) year period immediately prior to the application date; and (3-10-88)( )

b. ~~Is a Level II Certified Alcohol and Drug Counselor certified by the Idaho Board of Alcohol/Drug Counselor Certification; or~~ Holds a baccalaureate or higher degree in an allied health field; or (3-10-88)( )

c. Has passed the Substance Abuse Program's DUI examination for DUI evaluators; and Is a Certified Addictions Counselor as issued through the Idaho Board of Alcohol and Drug Counselor's Certification; or (3-10-88)( )

i. ~~Is a graduate from an accredited college or university with a baccalaureate degree in social or health sciences; or~~ (3-10-88)

ii. ~~Has three (3) years of directly supervised or supervisory work experience in a social service or alcohol/drug evaluation or treatment program for a minimum of thirty (30) hours per week.~~ (3-10-88)

d. Is an Idaho Licensed or Certified Social Worker; or ( )

e. Is an Idaho Licensed Professional Counselor. ( )

f. Applicants must successfully complete the competency-based DUI Evaluator examination. ( )

**02. Documentation.** The application submitted to the Department for licensure as a DUI evaluator shall be accompanied by: (3-10-88)

a. A ~~current certified copy of the physician's medical~~ all college transcripts; professional licenses, or certifications. (3-10-88)(    )

b. A ~~current copy of the Level II Certified Alcohol and Drug Counselor certificate; or~~ (3-10-88)

e. A ~~certified copy of college transcripts verifying graduation from a college or university with a baccalaureate degree in social or health sciences; or~~ (3-10-88)

d. A detailed employment history showing dates and hours ~~per week~~ of employment experience in an ~~social service or~~ alcohol/drug evaluation or treatment program, the name of the program, the name of the direct supervisor, and the nature of the duties performed. (3-10-88)(    )

**03. ~~Written Test Examination.~~** The written test examination required by Subsection 400.01.d.f. shall be administered a minimum of twice per year ~~by~~ under the direction of the Department at times and locations to be announced by the Department. (12-31-91)(    )

**04. ~~Sunset Provision.~~** Licensees issued an operating license prior to June 30, 2000 must meet minimum qualification standards set in Subsection 400.01 before June 30, 2003. This includes educational and examination requirements. Licensees qualifying under this provision will provide verification on progress toward meeting the minimum education and examination standards with their annual application for renewal. (    )

**IDAPA 19 - IDAHO STATE BOARD OF DENTISTRY**  
**19.01.01 - RULES OF THE IDAHO STATE BOARD OF DENTISTRY**  
**DOCKET NO. 19-0101-9901**  
**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the September 1, 1999 Idaho Administrative Bulletin, Volume No. 99-9, pages 132 through 134.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Sylvia C. Boyle, Administrator, at (208) 334-2369.

Dated this 22nd day of September, 1999.

Sylvia C. Boyle  
Administrator  
Idaho State Board of Dentistry  
708 ½ W. Franklin St.  
PO Box 83720  
Boise, ID 83720-0021  
(208) 334-2369 (telephone)  
(208) 334-3247 (facsimile)

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**IDAPA 19**  
**TITLE 01**  
**Chapter 01**

**RULES OF THE IDAHO STATE BOARD OF DENTISTRY**

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

**The original text was published in the Idaho Administrative Bulletin,  
Volume 99-9, September 1, 1999, pages 132 through 134.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 2000 Idaho State Legislature for final adoption.**

**IDAPA 26 - IDAHO DEPARTMENT OF PARKS AND RECREATION**  
**26.01.20 - RULES GOVERNING THE ADMINISTRATION OF PARK**  
**AND RECREATION AREAS AND FACILITIES**

**DOCKET NO. 26-0120-9901**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 67-4223 and 67-4249, 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 have been amended in Section 225 in response to public input and to prepare the agency to enter into a cooperative fee collection effort with other state and federal agencies.

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, Volume 99-9, pages 151 through 160.

**FEE SUMMARY:** The following is a specific description of the fees or charges imposed or increased by this rulemaking. These fees are being imposed pursuant to Section 67-4210, Idaho Code:

- 1) Allows the board to approve fees up to \$10/person for admission to internal park facilities which provide educational opportunities or require special accommodations.
- 2) Allows the board to approve daily motor vehicle entrance fees up to \$3 at all parks.
- 3) Establishes individual park annual passports and allows the board to charge up to \$25.
- 4) Allows the board to approve fees up to \$12/person/night for park yurts, tepees and cabins, and back country yurts. eliminates the higher non-resident fee for back country yurts.
- 5) Allows the board to approve fees up to \$14/person/night for the Harriman State Park dormitory and cookhouse.
- 6) Allows the board to approve fees up to \$250/night for the Ranch manager's house.
- 7) Allows the charging of state sales tax on all sales excluding daily motor vehicle entrance fees.
- 8) Allows the board to approve fees up to \$85/night for park cottages with full utilities.
- 9) Allows the board to approve fees up to \$3 for the use of park RV dump stations.

Because of the fees being imposed or increased through this rulemaking, this pending rule will not be adopted as final nor will it become effective until it has been approved, amended, or modified by concurrent resolution of the legislature

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Mark E. Brandt, at the address or phone number below.

Dated this 6th day of October, 1999.

Mark E. Brandt  
Policy Coordinator  
Idaho Department of Parks and Recreation  
5657 Warm Springs Avenue  
P.O. Box 83720  
Boise, ID 83720-0065  
Phone - (208) 334-4199 / FAX - (208) 334-3741

**IDAPA 26**  
**TITLE 20**  
**Chapter 01**

**26.01.20 - RULES GOVERNING THE ADMINISTRATION OF PARK AND  
RECREATION AREAS AND FACILITIES**

**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 99-9, September 1, 1999, pages 151 through 160.**

**This rule has been adopted as Final by the Agency and is now  
pending review by the 2000 Idaho State Legislature for final adoption.**

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 26-0120-9901**

**225. FEES AND SERVICES.**

**01. Authority. (3-13-97)**

- a. The board shall adopt fees for the use of lands, facilities, and equipment. Visitors shall pay all fees. (3-13-97)
- b. Park managers shall set fees for goods and services unique to the individual park. With the exception of those fees for services which are appropriately determined by negotiation on a case-by-case basis, all fees set by the park manager shall be clearly posted. (3-13-97)

**02. General Provisions.** All fees in this chapter are maximum fees unless otherwise stated. Actual fees charged shall be commensurate with the level of maintenance and operation of the facility or service for which the fee is charged. ( )

**023. Camping.** Camping fees include the right to use designated campsites and facilities. Utilities and facilities may be restricted by weather or other factors. (3-13-97)

**034. Group Use. (7-1-93)**

- a. Groups of twenty-five (25) persons or more, or any group needing special considerations or deviations from these rules shall have a permit. Permits may be issued after arrangements have been made for proper sanitation, population density limitations, safety of persons and property, and regulation of traffic. (1-1-94)
- b. Permits for groups of up to two hundred fifty (250) people may be approved by the park manager with thirty (30) days advance notice. Permits for groups of two hundred fifty (250) to one thousand (1,000) may be approved by the director with forty-five (45) days advance notice. Groups over one thousand (1,000) may be approved

by the board with sixty (60) days advance notice. The director may approve groups over one thousand (1,000) with thirty (30) days advance notice, if they are repeat users. (1-1-94)

c. The motorized vehicle entry fee may be charged to groups entering a designated area for a noncamping visit. (3-13-97)

**045. Fees And Deposits.** Fees and deposits may be required for certain uses or the reservation of certain facilities. (3-13-97)

**056. Fee Collection Surcharge.** A surcharge may be assessed when department staff are compelled to collect fees at a self-collection facility. (3-13-97)

**07. Admission Fees.** A maximum per person fee of ten dollars (\$10) may be charged for internal park facilities which provide an educational opportunity or require special accommodations. ( )

**08. Cooperative Fee Programs.** The department may collect and disperse fees in cooperation with fee programs of other state and federal agencies. ( )

**IDAPA 26 - DEPARTMENT OF PARKS AND RECREATION**  
**26.01.24 - RULES GOVERNING THE ADMINISTRATION OF THE SAWTOOTH NATIONAL**  
**RECREATION AREA SPECIAL LICENSE PLATE FUNDS**

**DOCKET NO. 26-0124-9901**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 67-4223 and 67-4249, 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, Volume 99-9, pages 161 through 164.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Mark E. Brandt, at the address or phone number below.

Dated this 6th day of October, 1999.

Mark E. Brandt  
Policy Coordinator  
Idaho Department of Parks and Recreation  
5657 Warm Springs Avenue  
P.O. Box 83720  
Boise, ID 83720-0065  
Phone - (208) 334-4199  
FAX - (208) 334-3741

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**IDAPA 26**  
**TITLE 01**  
**Chapter 24**

**RULES GOVERNING THE ADMINISTRATION OF THE SAWTOOTH NATIONAL**  
**RECREATION AREA SPECIAL LICENSE PLATE FUNDS**

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

**The original text was published in the Idaho Administrative Bulletin,**  
**Volume 99-9, September 1, 1999, pages 161 through 164.**

**This rule has been adopted as Final by the Agency and is now pending**  
**review by the 2000 Idaho State Legislature for final adoption.**

**IDAPA 27 - BOARD OF PHARMACY**  
**27.01.01 - RULES OF THE IDAHO BOARD OF PHARMACY**  
**DOCKET NO. 27-0101-9902**  
**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1717, Idaho Code.

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

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the September 1, 1999 Idaho Administrative Bulletin, Volume No. 99-9, pages 166 through 169.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Richard K. Markuson, Director, at (208) 334-2356.

DATED this 24th day of September, 1999.

Richard K. Markuson  
Director  
Idaho State Board of Pharmacy  
280 N. 8th St., Ste. 204  
Boise, Idaho 83702  
(208) 334-2356 (Telephone)  
(208) 334-3536 (Facsimile)

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**IDAPA 27**  
**TITLE 01**  
**Chapter 01**

**RULES OF THE IDAHO BOARD OF PHARMACY**

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

**The original text was published in the Idaho Administrative Bulletin,  
Volume 99-9, September 1, 1999, pages 166 through 169.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 2000 Idaho State Legislature for final adoption.**

**IDAPA 27 - BOARD OF PHARMACY**  
**27.01.01 - RULES OF THE IDAHO BOARD OF PHARMACY**  
**DOCKET NO. 27-0101-9903**  
**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1717, Idaho Code.

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

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the September 1, 1999 Idaho Administrative Bulletin, Volume No. 99-9, pages 170 through 172.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Richard K. Markuson, Director, at (208) 334-2356.

DATED this 24th day of September, 1999.

Richard K. Markuson  
Director  
Idaho State Board of Pharmacy  
280 N. 8th St., Ste. 204  
Boise, Idaho 83702  
(208) 334-2356 (Telephone)  
(208) 334-3536 (Facsimile)

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**IDAPA 27**  
**TITLE 01**  
**Chapter 01**

**RULES OF THE IDAHO BOARD OF PHARMACY**

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

**The original text was published in the Idaho Administrative Bulletin,  
Volume 99-9, September 1, 1999, pages 170 through 172.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 2000 Idaho State Legislature for final adoption.**

**IDAPA 35 - STATE TAX COMMISSION**  
**35.01.02 - IDAHO SALES AND USE TAX ADMINISTRATIVE RULES**  
**DOCKET NO. 35-0102-9901**  
**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment or the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-8, pages 343 and 344.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Jim Husted, (208) 334-7530.

DATED this 22nd day of September, 1999.

Jim Husted, 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

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**IDAPA 35**  
**TITLE 01**  
**Chapter 02**

**IDAHO SALES AND USE TAX ADMINISTRATIVE RULES**

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

**The original text was published in the Idaho Administrative Bulletin,  
Volume 99-8, August 4, 1999, pages 343 and 344.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 2000 Idaho State Legislature for final adoption.**

**IDAPA 35 - STATE TAX COMMISSION**  
**35.01.04 - IDAHO ESTATE AND TRANSFER TAX ADMINISTRATIVE RULES**

**DOCKET NO. 35-0104-9901**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2000 Idaho State Legislature for final adoption. The pending rules become final and effective upon adjournment of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

The pending rules are being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, Volume 99-8, pages 345 through 348.

In addition, to facilitate the use of its administrative rules, the State Tax Commission has adopted a practice of using section numbers for some chapters, as the identifying number of a rule. The State Tax Commission is implementing this practice for the rules associated with the Idaho Estate and Transfer Tax Administrative Rules by amending all sections of IDAPA 35.01.04 to add a parenthetical entry in the caption of the sections of the chapter identifying the section as a rule number identical with the section number. These changes are entirely nonsubstantive.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Jim Husted, (208) 334-7530.

DATED this 22nd day of September, 1999.

Jim Husted, 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

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**IDAPA 35**  
**TITLE 01**  
**Chapter 04**

**IDAHO ESTATE AND TRANSFER TAX ADMINISTRATIVE RULES**

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

**The original text was published in the Idaho Administrative Bulletin,  
Volume 99-8, August 4, 1999, pages 345 through 348.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 2000 Idaho State Legislature for final adoption.**

**IDAPA 35 - STATE TAX COMMISSION**  
**35.01.10 - IDAHO CIGARETTE AND TOBACCO PRODUCTS TAX ADMINISTRATIVE RULES**

**DOCKET NO. 35-0110-9901**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-8, pages 349 and 350.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Jim Husted, (208) 334-7530.

DATED this 22nd day of September, 1999.

Jim Husted, 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

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**IDAPA 35**  
**TITLE 01**  
**Chapter 10**

**IDAHO CIGARETTE AND TOBACCO PRODUCTS TAX ADMINISTRATIVE RULES**

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

**The original text was published in the Idaho Administrative Bulletin,  
Volume 99-8, August 4, 1999, pages 349 and 350.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 2000 Idaho State Legislature for final adoption.**

**IDAPA 35 - STATE TAX COMMISSION**  
**35.01.11 - IDAHO UNCLAIMED PROPERTY ADMINISTRATIVE RULES**  
**DOCKET NO. 35-0111-9901**  
**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-8, page 351.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Jim Husted, (208) 334-7530.

DATED this 22nd day of September, 1999.

Jim Husted, 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

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**IDAPA 35**  
**TITLE 01**  
**Chapter 11**

**IDAHO UNCLAIMED PROPERTY ADMINISTRATIVE RULES**

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

**The original text was published in the Idaho Administrative Bulletin,  
Volume 99-8, August 4, 1999, page 351.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 2000 Idaho State Legislature for final adoption.**

**IDAPA 46 - BOARD OF VETERINARY MEDICAL EXAMINERS**  
**46.01.01 - RULES OF THE IDAHO STATE BOARD OF VETERINARY MEDICAL EXAMINERS**  
**DOCKET NO. 46-0101-9901**  
**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 58-1408, 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.

Transcriptions errors occurred during the formatting of the proposed rule text of this docket. After consultation with the Office of Administrative Rules, these corrections are being made pursuant to Section 67-5228, Idaho Code. The errors occurred in the following Subsections.

In Subsection 010.01.b. text was inadvertently repeated and has been removed. In Subsection 153.01.c. the word "of" was left in and is being struck out as submitted. In Subsection 154.02 the word "treatment" was added and was inadvertently left in after being removed during the proofing of the docket. These corrections are being printed here in their corrected form as they were submitted for promulgation.

With the exception of the transcription errors, no substantive amendments have been made to this pending rule. It is being adopted as originally proposed. The text of the proposed rule was published in the September 1, 1999 Idaho Administrative Bulletin, Volume No. 99-9, pages 272 through 280.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Sheila Jensen, Senior Administrative Assistant, at (208) 332-8588.

DATED this 24th day of September, 1999.

Sheila Jensen  
Senior Administrative Assistant  
Idaho Board of Veterinary Medicine  
2270 Old Penitentiary Road  
Boise, Idaho 83712  
(208) 322-8588 (Telephone)  
(208) 334-4062 (Facsimile)

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**IDAPA 46**  
**TITLE 01**  
**Chapter 01**

**RULES OF THE IDAHO STATE BOARD OF VETERINARY MEDICAL EXAMINERS**

Corrections have been made to the pending rule text.

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

The original text was published in the Idaho Administrative Bulletin, Volume 99-9, September 1, 1999, pages 272 through 280.

This rule has been adopted as Final by the Agency and is now pending review by the 2000 Idaho State Legislature for final adoption.

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 46-0101-9901**

**IDAPA 46.01.01.010.01.b.**

b. In compliance with Section 54-2107(3), Idaho Code, the board will accept as eligible for licensure, any graduate of a veterinary school, college or university outside of the United States and Canada that fulfills the requirements for foreign veterinary graduates as set forth by current American Veterinary Medical Association standards. The board hereby incorporates by reference and adopts the current Educational Commission for Foreign Veterinary Graduate's of the AVMA's "Information for Graduates of Colleges of Veterinary Medicine Outside the U.S. and Canada" as amended as the requirements for foreign veterinary graduates. (Copies of this publication are on file at the State Law Library and the board office.) A graduate enrolled with in the AVMA foreign graduate program would be considered a student as defined by Section 54-2104(2)(b), Idaho Code. (3-18-99)(\_\_\_\_)

**(BREAK IN CONTINUITY OF SECTIONS)**

**IDAPA 46.01.01.153.01.c.**

c. A veterinarian shall establish a valid veterinarian/client/patient relationship as defined by rule Section 150, prior to the dispensing, using, prescription, or sale of any controlled substance or legend drug, or the prescribing of an extra-label use of any drug. (7-1-97)(\_\_\_\_)

**(BREAK IN CONTINUITY OF SECTIONS)**

**IDAPA 46.01.01.154.02**

**02. Consent Forms.** Signed consent forms by the patient's owner or other care giver for surgery, anesthesia, and euthanasia for each animal shall be maintained on file with the practitioner. (7-1-97)(\_\_\_\_)

**IDAPA 48 - IDAHO DEPARTMENT OF COMMERCE**  
**48.01.03 - RULES GOVERNING IDAHO REGIONAL TRAVEL AND CONVENTION GRANT PROGRAM**  
**DOCKET NO. 48-0103-9901**  
**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 58-1408, 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.

To change the amount of Idaho Travel Council funds grantees are allowed to shift without a formal amendment to the Idaho Travel Council. Regional Travel and Convention grantees may shift, with written notification, up to \$2,500 of the dollars between line items during the entire grant cycle. Amounts over \$2,500 will require an amendment, approved by the Idaho Travel Council.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the July 7, 1999 Idaho Administrative Bulletin, Volume No. 99-7, pages 251 and 252.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Carl Wilgus at (208) 334-2470.

DATED this 30th day of September, 1999.

Carl Wilgus, Administrator  
Department of Commerce/Tourism Development  
700 West State Street  
PO Box 83720  
Boise, Idaho 83720-0093  
(208) 334-2470 (Telephone) / (208) 334-2631 (Facsimile)

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**IDAPA 48**  
**TITLE 01**  
**Chapter 03**

**RULES GOVERNING IDAHO REGIONAL TRAVEL AND CONVENTION GRANT PROGRAM**

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

**The original text was published in the Idaho Administrative Bulletin,  
Volume 99-7, July 7, 1999, pages 251 and 252.**

**This rule has been adopted as Final by the Agency and is now pending  
review by the 2000 Idaho State Legislature for final adoption.**

**IDAPA 56 - IDAHO RANGELAND RESOURCES COMMISSION**  
**56.01.01 - RULES OF ADMINISTRATIVE PROCEDURE OF THE IDAHO**  
**RANGELAND RESOURCES COMMISSION**

**DOCKET NO. 56-0101-9901**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2000 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 58-1408, 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 September 1, 1999 Idaho Administrative Bulletin, Volume No. 99-9, pages 281 through 284.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Gretchen Hyde, Director, at (208) 398-7002.

DATED this 24th day of September, 1999.

Gretchen Hyde, Director  
Idaho Rangeland Resources Commission  
P. O. Box 126  
Emmett, Idaho 83617  
(208) 398-7002 (Telephone)  
(208) 365-4615 (Facsimile)

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**IDAPA 56**  
**TITLE 01**  
**Chapter 01**

**RULES OF ADMINISTRATIVE PROCEDURE OF THE IDAHO**  
**RANGELAND RESOURCES COMMISSION**

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

**The original text was published in the Idaho Administrative Bulletin,**  
**Volume 99-9, September 1, 1999, pages 281 through 284.**

**This rule has been adopted as Final by the Agency and is now pending**  
**review by the 2000 Idaho State Legislature for final adoption.**

**IDAPA 59 - PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO**

**59.01.04 - DISABILITY RULES OF PERSI**

**DOCKET NOS. 59-0104-9901 AND 59-0104-9902**

**NOTICE OF PUBLIC HEARING**

**AUTHORITY:** In compliance with Section 67-5222(2), Idaho Code, notice is hereby given that this agency has scheduled an opportunity for oral presentation and extended the period of public comment until November 9, 1999. The action is authorized pursuant to Section(s) 59-1314(1) and 72-1405, Idaho Code.

**PUBLIC HEARING SCHEDULE:** The opportunity for oral presentation concerning the rulemakings initiated under Docket Nos. 59-0104-9901 (Repeal) and 59-0104-9902 (Rewrite) will be held as follows:

**Tuesday, November 9, 1999, 3:00 p.m.**  
**Boise Office of PERSI**  
**3rd Floor Conference Room**  
**607 N. 8th St., Boise, Idaho**

The site 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 summary of the action under these dockets and the text of the proposed rules were published in the Idaho Administrative Bulletin Volume 99-10, dated October 6, 1999, pages 571- 576.

**ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning these rulemakings, contact Judy Aitken, Field Services Manager, 334-2451.

Anyone may submit written comments regarding these rulemakings. All written comments must be directed to the undersigned and must be delivered on or before November 9, 1999.

DATED this 21th day of October, 1999.

Alan H. Winkle,  
Executive Director  
Public Employee Retirement System of Idaho  
607 N. 8th St., Boise, ID 83702  
P.O. Box 83720  
Boise, ID 83720-0078  
Phone: (208) 334-2451  
FAX: (208) 334-3804

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# Bulletin Summary of Proposed Rulemakings

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

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

### **IDAPA 02 – DEPARTMENT OF AGRICULTURE P.O. Box 790, Boise, ID 83701-790**

Docket No. **02-0202-9901**, Controlled Atmosphere Storage Rules. Shortens from 90 to 60 days the time apples are held in controlled atmosphere to qualify as and be marketed as controlled atmosphere storage apples. Comment By: 10/24/99.

Docket No. **02-0614-9901**, Rules Pertaining to Annual Bluegrass, *Poa annua*. Redefines Annual Bluegrass and Seed Stock to include grass species; adds definition for Grass Species to include fescue, ryegrass, and bentgrass or redtop; removes the sample weight from the definition of Annual Bluegrass Analysis Certificate; changes the sample weight of bentgrass or redtop for laboratory seed testing from 10 to 5 grams. Comment By: 10/24/99.

Docket No. **02-0635-9901**, Rules Concerning Rough Bluegrass, *Poa trivialis*. Revises the Title and Scope sections; adds definitions for Official Seed Laboratory, Representative Sample, Rough Bluegrass Analysis Certificate, Quarantine Release Tag, Seed Stock, and Grass Species to include fescue, ryegrass, and bentgrass or redtop; revises regulated articles to include seed stocks; adds new section for the planting of regulated articles. Comment By: 10/24/99.

### **IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE P. O. Box 83720, Boise, ID 83720-0036**

Docket No. **16-0411-9901**, Rules Governing Developmental Disabilities Agencies. Changes comply with Department Criminal History Check Rules; repeals advisory reviews; adds transition plans for DDA consumers who have Targeted Service Coordinators; corrects reference to federal special education act; and adds safety requirements when DDAs or their employees transport consumers. Comment By: 10/30/99.

**PUBLIC HEARINGS** – A Public Hearing has been scheduled for the following docket:

#### **Department of Health and Welfare**

Docket No. **16-0411-9901**, Rules Governing Developmental Disabilities Agencies.

#### **Public Employees Retirement System of Idaho**

Docket Nos. **59-0104-9901** and **59-0104-9902**, Disability Rules of PERSI

#### **NOTICE OF ACCEPTANCE OF WRITTEN COMMENTS**

Public comment is being invited and accepted by Division of Environmental Quality on the following draft policy until 5:00 pm (MDT) on November 20, 1999.

Docket No. **16-0000-9901**, Notice of Public Review of Draft Ground Water Quality Management Policy.

Please refer to the Idaho Administrative Bulletin, **November 3, 1999, Volume 99-11** for notices and text of all rulemakings, 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.**

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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.

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