

# IDAHO ADMINISTRATIVE BULLETIN

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Volume 00-5

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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 99-1 refers to the first Bulletin issued in calendar year 1999, Bulletin 00-1 refers to the first Bulletin issued in calendar year 2000, 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. The March 2000 Bulletin is cited as Volume 00-3.*

## **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 adopted and 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.*

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## SUBSCRIPTIONS AND DISTRIBUTION

For subscription information and costs of publications, please contact the Department of Administration, Office of the Administrative Rules Coordinator, 650 W. State Street, Room 100, Boise, Idaho 83720-0306, 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 YEAR 2000

| Volume No. | Monthly Issue of Bulletin | Closing Date for Agency Filing | Publication Date  |
|------------|---------------------------|--------------------------------|-------------------|
| 00-1       | January, 2000             | <b>*November 17, 1999</b>      | 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             | <b>**August 22, 2000</b>       | October 4, 2000   |
| 00-11      | November, 2000            | September 20, 2000             | November 1, 2000  |
| 00-12      | December, 2000            | October 25, 2000               | December 6, 2000  |

## BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2001

| Volume No. | Monthly Issue of Bulletin | Closing Date for Agency Filing | Publication Date  |
|------------|---------------------------|--------------------------------|-------------------|
| 01-1       | January, 2001             | <b>*November 15, 2000</b>      | January 3, 2001   |
| 01-2       | February, 2001            | December 20, 2000              | February 7, 2001  |
| 01-3       | March, 2001               | January 24, 2001               | March 7, 2001     |
| 01-4       | April, 2001               | February 21, 2001              | April 4, 2001     |
| 01-5       | May, 2001                 | March 21, 2001                 | May 2, 2001       |
| 01-6       | June, 2001                | April 18, 2001                 | June 6, 2001      |
| 01-7       | July, 2001                | May 23, 2001                   | July 4, 2001      |
| 01-8       | August, 2001              | June 20, 2001                  | August 1, 2001    |
| 01-9       | September, 2001           | July 18, 2001                  | September 5, 2001 |
| 01-10      | October, 2001             | <b>**August 22, 2001</b>       | October 3, 2001   |
| 01-11      | November, 2001            | September 19, 2001             | November 7, 2001  |
| 01-12      | December, 2001            | October 24, 2001               | December 5, 2001  |

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

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

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

| <u>IDAPA</u> | <u>AGENCY</u>  |
|--------------|--|
| 01           | Accountancy, Board of - Administrative Code Volume 1                             |
| 38           | Administration, Department of - Administrative Code Volume 8                     |
| 44           | Administrative Rules Coordinator, Office of the - Administrative Code Volume 8   |
| 02           | Agriculture, Idaho Department of - Administrative Code Volume 1                  |
| 40           | Arts, Idaho Commission on the - Administrative Code Volume 8                     |
| 03           | Athletic Commission - Administrative Code Volume 1                               |
| 04           | Attorney General, Office of the - Administrative Code Volume 1                   |
| 53           | Barley Commission, Idaho - Administrative Code Volume 8                          |
| 51           | Beef Council, Idaho - Administrative Code Volume 8                               |
| 07           | Building Safety, Division of - Administrative Code Volume 2                      |
| 43           | Canola and Rapeseed Commission, Idaho - Administrative Code Volume 8             |
| 48           | Commerce, Idaho Department of - Administrative Code Volume 8                     |
| 06           | Correction, Board of   |
| 19           | Dentistry, Board of - Administrative Code Volume 6                               |
| 08           | Education, Board of - Administrative Code Volume 1                               |
| 12           | Finance, Department of - Administrative Code Volume 2                            |
| 13           | Fish and Game, Department of - Administrative Code Volume 2                      |
| 14           | Geologists, Professional, Board of Registration, - Administrative Code Volume 2  |
| 15           | Governor, Office of the - Administrative Code Volume 2                           |
| 16           | Health and Welfare, Department of - Administrative Code Volumes 3, 4, 5          |
| 45           | Human Rights Commission - Administrative Code Volume 8                           |
| 17           | Industrial Commission - Administrative Code Volume 5                             |
| 18           | Insurance, Department of - Administrative Code Volume 6                          |
| 05           | Juvenile Corrections, Department of - Administrative Code Volume 1               |
| 09           | Labor, Idaho Department of - Administrative Code Volume 2                        |
| 20           | Lands, Department of - Administrative Code Volume 6                              |
| 11           | Law Enforcement, Department of - Administrative Code Volume 2                    |
| 30           | Library, Idaho State - Administrative Code Volume 7                              |
| 52           | Lottery Commission, Idaho State - Administrative Code Volume 8                   |
| 22           | Medicine, Board of - Administrative Code Volume 6                                |
| 23           | Nursing, Board of - Administrative Code Volume 6                                 |
| 24           | Occupational Licenses, Board of - Administrative Code Volume 6                   |
| 25           | Outfitters and Guides Licensing Board - Administrative Code Volume 7             |
| 50           | Pardons and Parole, Commission for - Administrative Code Volume 8                |
| 26           | Parks and Recreation, Department of - Administrative Code Volume 7               |
| 59           | PERSI - Public Employees Retirement System of Idaho - Administrative Code Vol. 8 |
| 27           | Pharmacy, Board of - Administrative Code Volume 7                                |
| 29           | Potato Commission, Idaho - Administrative Code Volume 7                          |
| 10           | Professional Engineers & Land Surveyors, Board of - Administrative Code Volume 2 |
| 32           | Public Works Contractors State Licenses Board - Administrative Code Volume 7     |
| 31           | Public Utilities Commission - Administrative Code Volume 7                       |
| 41           | Public Health Districts - Administrative Code Volume 8                           |
| 33           | Real Estate Commission - Administrative Code Volume 7                            |
| 34           | Secretary of State - Administrative Code Volume 7                                |
| 49           | Shorthand Reporters, Board of Certified, - Administrative Code Volume 8          |
| 36           | Tax Appeals, Idaho Board of - Administrative Code Volume 8                       |
| 35           | Tax Commission, State - Administrative Code Volume 7                             |
| 39           | Transportation, Department of - Administrative Code Volume 8                     |
| 54           | Treasurer, Office of the State - Administrative Code Volume 8                    |
| 46           | Veterinary Medical Examiners, Board of - Administrative Code Volume 8            |
| 55           | Vocational Education, Division of - Administrative Code Volume 8                 |
| 47           | Vocational Rehabilitation, Division of - Administrative Code Volume 8            |
| 37           | Water Resources, Department of - Administrative Code Volumes 8                   |
| 42           | Wheat Commission, Idaho - Administrative Code Volume 8                           |

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

**RULES ADOPTED AND EXTENDED BY THE FIFTY-FIFTH LEGISLATURE  
SECOND REGULAR SESSION - 2000**

**NOTICE OF LEGISLATIVE ADOPTION OF FINAL RULES  
AND EXTENSION OF TEMPORARY RULES**

**OMNIBUS NOTICE OF RULEMAKING**

**AUTHORITY:** In compliance with Sections 67-5224(5), 67-5224(7), 67-5226(3), and 67-5291, Idaho Code, notice is hereby given by the Office of the Administrative Rules Coordinator that the Fifty-fifth Legislature in the Second Regular Session - 2000 has reviewed all pending rules and pending fee rules and has adopted said rules as final rules and has reviewed and extended temporary rules. The Docket numbers of the effected rulemakings and their effective dates are listed below.

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

The following lists of final rules and temporary rules includes those rules which were reviewed during the 2000 second regular session of the fifty-fifth legislature of the state of Idaho. The final rules were adopted by the legislature and the temporary rules were extended by Senate Concurrent Resolution 153. Pending fee rules were adopted by Senate Concurrent Resolution 154. The lists include the docket number of the rulemaking, the volume number of the Idaho Administrative Bulletin in which the text was published, and the effective date of the rule.

| <b>FINAL RULES</b>         |  |   |                       |  |
|----------------------------|--|---|-----------------------|--|
| <b>Docket Number</b>       | <b>Pending Rule Bulletin Publication</b> | <b>Proposed Rule Bulletin Publication</b> | <b>Effective Date</b> | <b>Action Taken By Concurrent Resolution</b> |
| 02-0303-9901               | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 02-0304-9901<br>(Repealed) | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 02-0414-9901               | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 02-0503-9901               | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 02-0631-9901               | 00-4                                     | 99-9                                      | 3-10-00               | Approved by<br>SCR 154                       |
| 05-0101-9901               | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 05-0101-9902               | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 05-0102-9901               | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 07-0101-9901               | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 07-0103-9901               | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 07-0104-9901               | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 07-0104-9902               | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 07-0105-9901               | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 07-0106-9901               | 99-10                                    | 99-7                                      | 4-5-00                |  |
| 07-0107-9901               | 99-10                                    | 99-8                                      | 4-5-00                |  |
| 07-0311-9901               | 99-10                                    | 99-8                                      | 4-5-00                |  |

| FINAL RULES                |                                   |                                    |                |                                       |
|----------------------------|-----------------------------------|------------------------------------|----------------|---------------------------------------|
| Docket Number              | Pending Rule Bulletin Publication | Proposed Rule Bulletin Publication | Effective Date | Action Taken By Concurrent Resolution |
| 07-0312-9901               | 00-1                              | 99-10                              | 4-5-00         |                                       |
| 08-0106-9901               | 00-1                              | 99-10                              | 4-5-00         |                                       |
| 08-0202-9901               | 00-1                              | 99-10                              | 4-5-00         |                                       |
| 08-0203-9901               | 00-1                              | 99-7                               | 4-5-00         |                                       |
| 08-0203-9902               | 99-12                             | 99-8                               | 4-5-00         |                                       |
| 08-0204-9901               | 00-1                              | 99-10                              | 4-5-00         |                                       |
| 09-0106-9901               | 99-10                             | 99-7                               | 4-5-00         |                                       |
| 09-0130-9901               | 99-10                             | 99-7                               | 4-5-00         |                                       |
| 09-0130-9902               | 00-1                              | 99-10                              | 4-5-00         |                                       |
| 09-0135-9901               | 00-1                              | 99-10                              | 4-5-00         |                                       |
| 09-0601-9901<br>(Repealed) | 00-1                              | 99-10                              | 4-5-00         |                                       |
| 09-0602-9901<br>(Repealed) | 00-1                              | 99-10                              | 4-5-00         |                                       |
| 09-0603-9901<br>(Repealed) | 00-1                              | 99-10                              | 4-5-00         |                                       |
| 09-0604-9901<br>(Repealed) | 00-1                              | 99-10                              | 4-5-00         |                                       |
| 10-0101-9901               | 99-11                             | 99-9                               | 4-5-00         |                                       |
| 10-0102-9901               | 99-11                             | 99-9                               | 4-5-00         |                                       |
| 11-0201-9801               | 99-12                             | 99-8                               | 3-10-00        | Approved by<br>SCR 154                |
| 11-0402-9901               | 99-12                             | 99-9                               | 4-5-00         |                                       |
| 11-0501-9901               | 99-12                             | 99-7                               | 4-5-00         |                                       |
| 11-1301-9901               | 99-12                             | 99-6                               | 4-5-00         |                                       |
| 12-0108-9901               | 99-11                             | 99-7                               | 4-5-00         |                                       |
| 13-0104-9901               | 00-1                              | 99-7                               | 4-5-00         |                                       |
| 13-0108-9902               | 00-1                              | 99-7                               | 4-5-00         |                                       |
| 13-0109-9901               | 00-1                              | 99-7                               | 4-5-00         |                                       |
| 13-0115-9901               | 0-1                               | 99-7                               | 4-5-00         |                                       |
| 15-0101-9901               | 99-12                             | 99-9                               | 4-5-00         |                                       |
| 15-0102-9901               | 99-12                             | 99-9                               | 4-5-00         |                                       |
| 15-0120-9901               | 99-12                             | 99-9                               | 4-5-00         |                                       |

| FINAL RULES                |                                   |                                    |                |                                       |
|----------------------------|-----------------------------------|------------------------------------|----------------|---------------------------------------|
| Docket Number              | Pending Rule Bulletin Publication | Proposed Rule Bulletin Publication | Effective Date | Action Taken By Concurrent Resolution |
| 15-0121-9901               | 99-12                             | 99-9                               | 4-5-00         |                                       |
| 16-0101-9802               | 99-6                              | 99-1                               | 4-5-00         |                                       |
| 16-0101-9901               | 00-1                              | 99-8                               | 4-5-00         |                                       |
| 16-0101-9904               | 00-1                              | 99-8                               | 4-5-00         |                                       |
| 16-0102-9704               | 00-1                              | 99-6                               | 4-5-00         |                                       |
| 16-0105-9901               | 00-1                              | 99-9                               | 4-5-00         |                                       |
| 16-0107-9901<br>(Repealed) | 00-1                              | 99-9                               | 4-5-00         |                                       |
| 16-0108-9801               | 99-4                              | 98-11                              | 4-5-00         |                                       |
| 16-0108-9802               | 00-1                              | 99-8                               | 3-10-00        | Approved by<br>SCR 154                |
| 16-0108-9901               | 00-1                              | 99-8                               | 4-5-00         |                                       |
| 16-0109-9901               | 00-1                              | 99-9                               | 4-1-00         | Approved by<br>SCR 154                |
| 16-0121-9801               | 99-6                              | 99-1                               | 4-5-00         |                                       |
| 16-0203-9801               | 99-5                              | 98-10                              | 4-5-00         |                                       |
| 16-0204-9901               | 00-1                              | 99-9                               | 4-5-00         |                                       |
| 16-0208-9901               | 00-1                              | 99-10                              | 4-5-00         |                                       |
| 16-0210-9901               | 00-1                              | 99-8                               | 4-5-00         |                                       |
| 16-0214-9901               | 00-1                              | 99-9                               | 4-5-00         |                                       |
| 16-0301-9901               | 99-9                              | 99-6                               | 4-5-00         |                                       |
| 16-0301-9902               | 00-1                              | 99-1                               | 4-5-00         |                                       |
| 16-0304-9802               | 99-6                              | 98-11                              | 4-5-00         |                                       |
| 16-0304-9901               | 00-1                              | 99-10                              | 4-5-00         |                                       |
| 16-0305-9901               | 99-10                             | 99-1                               | 4-5-00         |                                       |
| 16-0305-9902               | 99-9                              | 99-6                               | 4-5-00         |                                       |
| 16-0305-9903               | 99-12                             | 99-9                               | 4-5-00         |                                       |
| 16-0308-9901               | 99-9                              | 99-6                               | 4-5-00         |                                       |
| 16-0309-9805               | 99-4                              | 98-12                              | 4-5-00         |                                       |
| 16-0309-9806               | 99-3                              | 98-11                              | 4-5-00         |                                       |
| 16-0309-9901               | 99-7                              | 99-1                               | 4-5-00         |                                       |
| 16-0309-9902               | 00-1                              | 99-5                               | 4-5-00         |                                       |
| 16-0309-9903               | 99-9                              | 99-5                               | 4-5-00         |                                       |

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| <b>Docket Number</b>       | <b>Pending Rule Bulletin Publication</b> | <b>Proposed Rule Bulletin Publication</b> | <b>Effective Date</b> | <b>Action Taken By Concurrent Resolution</b> |
| 16-0309-9904               | 00-1                                     | 99-7                                      | 4-5-00                |  |
| 16-0309-9905               | 00-1                                     | 99-7                                      | 4-5-00                |  |
| 16-0309-9906               | 00-1                                     | 99-9                                      | 4-5-00                |  |
| 16-0309-9907               | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 16-0309-9908               | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 16-0309-9909               | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 16-0309-9910               | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 16-0309-9912               | 00-1                                     | 99-12                                     | 4-5-00                |  |
| 16-0310-9901               | 99-9                                     | 99-6                                      | 4-5-00                |  |
| 16-0310-9902               | 00-1                                     | 99-8                                      | 4-5-00                |  |
| 16-0310-9903               | 00-1                                     | 99-9                                      | 4-5-00                |  |
| 16-0319-9601               | 99-8                                     | 96-8                                      | 4-5-00                |  |
| 16-0319-9901               | 00-1                                     | 99-8                                      | 4-5-00                |  |
| 16-0320-9901               | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 16-0321-9601<br>(Repealed) | 99-8                                     | 96-8                                      | 4-5-00                |  |
| 16-0322-9602               | 99-8                                     | 96-8                                      | 4-5-00                |  |
| 16-0322-9901               | 00-1                                     | 99-8                                      | 3-10-00               | Approved by<br>SCR 154                       |
| 16-0323-9901               | 00-1                                     | 99-7                                      | 4-5-00                |  |
| 16-0411-9902               | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 16-0412-9901               | 99-5                                     | 99-8                                      | 4-5-00                |  |
| 16-0413-9801               | 99-3                                     | 98-12                                     | 4-5-00                |  |
| 16-0414-9901               | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 16-0603-9801               | 99-5                                     | 98-10                                     | 4-5-00                |  |
| 16-0608-9901               | 99-11                                    | 99-6                                      | 4-5-00                |  |
| 16-0614-9801               | 99-3                                     | 98-12                                     | 4-5-00                |  |
| 17-0405-9901               | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 17-0602-9901               | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 18-0127-9901               | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 18-0144-9901               | 00-1                                     | 99-10                                     | 7-1-00                |  |
| 18-0144-9902               | 00-1                                     | 99-10                                     | 7-1-00                | Approved by<br>SCR 154                       |

| <b>FINAL RULES</b>   |  |   |                       |  |
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| 18-0149-9901         | 99-12                                    | 99-1                                      | 4-5-00                |  |
| 18-0153-9901         | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 18-0154-9901         | 99-12                                    | 99-7                                      | 4-5-00                |  |
| 18-0154-9902         | 99-12                                    | 99-7                                      | 4-5-00                |  |
| 18-0160-9901         | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 18-0160-9902         | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 18-0169-9901         | 99-12                                    | 99-8                                      | 4-5-00                |  |
| 18-0170-9801         | 99-12                                    | 98-11                                     | 4-5-00                |  |
| 18-0170-9901         | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 18-0172-9901         | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 18-0173-9901         | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 19-0101-9901         | 99-11                                    | 99-9                                      | 4-5-00                |  |
| 20-0201-9901         | 00-1                                     | 99-9                                      | 4-5-00                |  |
| 23-0101-9901         | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 24-0101-9901         | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 24-0201-9901         | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 24-0301-9901         | 00-1                                     | 99-10                                     | 3-10-00               | Approved by SCR 154                          |
| 24-0801-9901         | 00-1                                     | 99-10                                     | 3-10-00               | Approved by SCR 154                          |
| 24-0802-9901         | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 24-0901-9901         | 00-1                                     | 99-10                                     | 3-10-00               | Approved by SCR 154                          |
| 24-1001-9901         | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 24-1101-9901         | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 24-1601-9901         | 00-1                                     | 99-10                                     | 3-10-00               | Approved by SCR 154                          |
| 24-1701-9901         | 00-1                                     | 99-10                                     | 3-10-00               | Approved by SCR 154                          |
| 24-1801-9901         | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 24-1901-9901         | 00-1                                     | 99-8                                      | 4-5-00                |  |
| 25-0101-9901         | 99-12                                    | 99-7                                      | 4-5-00                |  |
| 25-0101-9902         | 99-12                                    | 99-9                                      | 4-5-00                |  |

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| 26-0120-9901         | 99-11                                    | 99-9                                      | 3-10-00               | Approved by SCR 154                          |
| 26-0124-9901         | 99-11                                    | 99-9                                      | 4-5-00                |  |
| 27-0101-9901         | 99-9                                     | 99-5                                      | 4-5-00                |  |
| 27-0101-9902         | 99-11                                    | 99-9                                      | 4-5-00                |  |
| 27-0101-9903         | 99-11                                    | 99-9                                      | 4-5-00                |  |
| 31-0000-9901         | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 31-0101-9901         | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 31-2102-9901         | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 31-4101-9901         | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 31-4102-9901         | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 31-4201-9901         | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 31-4601-9901         | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 31-7101-9901         | 99-12                                    | 99-8                                      | 4-5-00                |  |
| 33-0101-9901         | 00-1                                     | 99-10                                     | 3-10-00               | Approved by SCR 154                          |
| 35-0101-9901         | 99-12                                    | 99-9                                      | 4-5-00                |  |
| 35-0101-9902         | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 35-0102-9901         | 99-11                                    | 99-8                                      | 4-5-00                |  |
| 35-0102-9902         | 99-12                                    | 99-9                                      | 3-6-00                | Partially rejected by SCR 146                |
| 35-0103-9901         | 99-12                                    | 99-6                                      | 4-5-00                |  |
| 35-0103-9902         | 99-12                                    | 99-9                                      | 4-5-00                |  |
| 35-0103-9903         | 99-12                                    | 99-9                                      | 4-5-00                |  |
| 35-0103-9904         | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 35-0104-9901         | 99-11                                    | 99-8                                      | 4-5-00                |  |
| 35-0105-9901         | 99-12                                    | 99-9                                      | 4-5-00                |  |
| 35-0110-9901         | 99-11                                    | 99-8                                      | 4-5-00                |  |
| 35-0111-9901         | 99-11                                    | 99-8                                      | 4-5-00                |  |
| 35-0201-9901         | 99-12                                    | 99-6                                      | 4-5-00                |  |
| 35-0201-9902         | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 36-0101-9901         | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 37-0101-9901         | 00-1                                     | 99-10                                     | 4-5-00                |  |

| <b>FINAL RULES</b>   |  |   |                       |  |
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| 37-0310-9901         | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 37-0310-9902         | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 38-0501-9801         | 98-11                                    | 99-8                                      | 4-5-00                |  |
| 39-0272-9901         | 99-10                                    | 99-7                                      | 4-5-00                |  |
| 39-0280-9901         | 99-10                                    | 99-6                                      | 4-5-00                |  |
| 39-0308-9901         | 99-10                                    | 99-6                                      | 4-5-00                |  |
| 39-0309-9901         | 99-10                                    | 99-6                                      | 4-5-00                |  |
| 39-0310-9901         | 99-10                                    | 99-6                                      | 4-5-00                |  |
| 39-0311-9901         | 99-10                                    | 99-6                                      | 4-5-00                |  |
| 39-0312-9901         | 99-10                                    | 99-6                                      | 4-5-00                |  |
| 39-0313-9901         | 99-10                                    | 99-6                                      | 4-5-00                |  |
| 39-0316-9901         | 99-10                                    | 99-6                                      | 4-5-00                |  |
| 39-0317-9901         | 99-10                                    | 99-6                                      | 4-5-00                |  |
| 39-0318-9901         | 99-10                                    | 99-6                                      | 4-5-00                |  |
| 39-0319-9901         | 99-10                                    | 99-6                                      | 4-5-00                |  |
| 39-0322-9901         | 99-10                                    | 99-6                                      | 3-22-00               | Partially rejected by HCR 042                |
| 39-0324-9901         | 99-10                                    | 99-6                                      | 4-5-00                |  |
| 39-0362-9801         | 99-10                                    | 98-11                                     | 4-5-00                |  |
| 46-0101-9901         | 99-11                                    | 99-9                                      | 4-5-00                |  |
| 47-0101-9901         | 99-10                                    | 99-7                                      | 4-5-00                |  |
| 47-0102-9901         | 99-10                                    | 99-7                                      | 4-5-00                |  |
| 47-0103-9901         | 99-10                                    | 99-7                                      | 4-5-00                |  |
| 48-0103-9901         | 99-11                                    | 99-7                                      | 4-5-00                |  |
| 50-0101-9901         | 99-10                                    | 99-1                                      | 4-5-00                |  |
| 50-0101-9902         | 99-10                                    | 99-1                                      | 4-5-00                |  |
| 55-0101-9901         | 99-12                                    | 99-7                                      | 4-5-00                |  |
| 55-0101-9902         | 99-12                                    | 99-7                                      | 4-5-00                |  |
| 55-0102-9901         | 99-12                                    | 99-7                                      | 4-5-00                |  |
| 55-0102-9902         | 99-12                                    | 99-7                                      | 4-5-00                |  |
| 55-0103-9901         | 99-12                                    | 99-7                                      | 4-5-00                |  |
| 55-0103-9902         | 99-12                                    | 99-7                                      | 4-5-00                |  |

| <b>FINAL RULES</b>         |  |   |                       |  |
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| <b>Docket Number</b>       | <b>Pending Rule Bulletin Publication</b> | <b>Proposed Rule Bulletin Publication</b> | <b>Effective Date</b> | <b>Action Taken By Concurrent Resolution</b> |
| 55-0104-9901<br>(Repealed) | 99-12                                    | 99-7                                      | 4-5-00                |  |
| 55-0105-9901<br>(Repealed) | 99-12                                    | 99-7                                      | 4-5-00                |  |
| 56-0101-9901               | 99-11                                    | 99-9                                      | 3-28-00               | Partially rejected by<br>SCR 149             |
| 59-0104-9901               | 00-1                                     | 99-10                                     | 4-5-00                |  |
| 59-0104-9902               | 00-1                                     | 99-10                                     | 3-10-00               | Approved by<br>SCR 154                       |

| <b>TEMPORARY RULES THAT WERE EXTENDED BY<br/>SENATE CONCURRENT RESOLUTION 153</b> |                                 |                                 |  |
|---|---------------------------------|---------------------------------|--|
| <b>Docket No</b>  | <b>Temporary Rule Published</b> | <b>Temporary Effective Date</b> | <b>Action Taken By Concurrent Resolution</b> |
| 02-0202-9901  | 99-11                           | 9-29-99                         |  |
| 02-0216-0001  | 00-1                            | 4-1-00                          |  |
| 02-0614-9901  | 99-11                           | 9-16-99                         |  |
| 02-0617-9901  | 99-12                           | 10-20-99                        |  |
| 02-0633-9901  | 99-12                           | 10-20-99                        |  |
| 02-0635-9901  | 99-11                           | 9-16-99                         |  |
| 02-0640-9901  | 99-12                           | 10-1-99                         |  |
| 11-1101-9902  | 99-12                           | 10-14-99                        |  |
| 11-1301-0001  | 00-1                            | 7-1-99                          |  |
| 12-0108-0001  | 00-1                            | 2-1-00                          |  |
| 15-0101-0001  | 00-1                            | 11-15-99                        |  |
| 15-0102-9902  | 99-9                            | 7-1-99                          |  |
| 16-0109-9901  | 00-1                            | 11-19-99                        |  |
| 16-0301-0001  | 00-1                            | 11-1-99                         |  |
| 16-0303-0001  | 00-1                            | 12-1-99                         |  |
| 16-0305-0001  | 00-1                            | 1-1-00                          |  |
| 16-0308-0001  | 00-1                            | 12-1-99                         |  |
| 16-0309-9911  | 99-10                           | 10-1-99                         |  |
| 16-0411-9801  | 98-4                            | 3-1-98                          |  |

| <b>TEMPORARY RULES THAT WERE EXTENDED BY<br/>SENATE CONCURRENT RESOLUTION 153</b> |                                     |                                     |  |
|---|-------------------------------------|-------------------------------------|--|
| <b>Docket No</b>  | <b>Temporary Rule<br/>Published</b> | <b>Temporary<br/>Effective Date</b> | <b>Action Taken By<br/>Concurrent Resolution</b> |
| 16-0411-9901  | 99-11                               | 3-1-00                              | Partially rejected by<br>SCR 153                 |
| 18-0147-9901  | 99-12                               | 1-1-00                              |  |
| 39-0341-9901  | 99-12                               | 10-1-99                             |  |
| 50-0101-9903  | 99-12                               | 7-23-99                             | Partially rejected by<br>SCR 153                 |
| 59-0103-9902  | 99-12                               | 10-1-99                             |  |
| 59-0103-9903  | 99-12                               | 1-1-00                              |  |
| 59-0105-9901  | 99-12                               | 1-1-00                              |  |
| 59-0107-9901  | 99-12                               | 1-1-00                              |  |

**ASSISTANCE ON QUESTIONS:** For assistance on questions concerning this notice, contact Karen L. Gustafson at (208) 332-1821 or Dennis R. Stevenson at (208) 332-1822.

DATED this 12th day of April.

Rick Thompson  
Administrative Rules Coordinator  
P.O. Box 83720  
Boise, ID 83720-0004  
PHONE: (208) 332-1820  
FAX: (208) 334-2395

**IDAPA 11 - DEPARTMENT OF LAW ENFORCEMENT**

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

**DOCKET NO. 11-1101-9902**

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

**EFFECTIVE DATE:** The effective date of the amendment to the temporary rule is October 14, 1999. This pending rule has been adopted by the agency and is now pending review by the 2001 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 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Section 19-5107, Idaho Code.

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

The phrase "or the use of volunteer canine teams in which the handler is not an Idaho peace or detention officer" is being added to Subsection 117.02 to clarify that certification is not required for volunteer canine teams unless the handler is an Idaho peace or detention officer.

The proposed rule has been amended in response to public comment, and is being amended pursuant to Section 67-5227, Idaho Code. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Idaho Peace Officer Standards and Training Council amended the temporary rule with the same revisions which have been made to the proposed rule.

Only the sections that have changes are printed in this bulletin. The original text of the proposed rule was published in the December 1, 1999 Idaho Administrative Bulletin, Volume 99-12, pages 32 through 40.

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

DATED this 20th day of March, 2000.

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

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**IDAPA 11  
TITLE 11  
Chapter 01**

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

There are 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 text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-12, December 1, 1999, pages 32 through 40.

This rule has been adopted as a pending rule by the Agency and is now pending review and adoption by the 2001 Idaho State Legislature as a final rule.

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 11-1101-9902**

**117. CANINE TEAM CERTIFICATION.**

**01. Legal Authority.** The Idaho Legislature has given the Idaho Peace Officer Standards and Training Council the authority to promulgate these rules in Section 19-5107, Idaho Code. (3-20-97)

**02. Title And Scope.** These rules are intended to set minimum standards of performance for the certification of Idaho police canine teams. Nothing in these rules is intended to limit the use of canine teams employed by other states or federal agencies for law enforcement purposes, or the use of volunteer canine teams in which the handler is not an Idaho peace or detention officer. ~~(10-14-99)T~~(10-14-99)T

**03. Definitions.** (3-20-97)

a. Canine Team. A specific person and a specific canine controlled by that person in the capacity of handler, formally assigned by the employing agency to work together in the performance of law enforcement duties. (10-14-99)T

b. Evaluator. An Idaho POST-certified peace or detention officer or a corrections officer with three (3) years of canine handler experience and three hundred ninety (390) hours of accredited canine training who has been recommended to the Council by the Idaho Police Canine Association and subsequently approved as an Idaho POST-certified instructor of canine subjects for the purpose of testing and certifying canine teams. (10-14-99)T

c. Pace. A distance measuring two (2) feet. (10-14-99)T

**04. Certification.** (10-14-99)T

a. A canine team must be certified in order to perform their duties. (10-14-99)T

b. The canine handler must be an Idaho POST-certified peace or detention officer to be eligible for certification under these rules. (10-14-99)T

c. In evaluating the proficiency of the canine teams, the evaluators shall use the standards promulgated by the Idaho Police Canine Association and approved by the POST Council for that particular skill category. Performance shall be rated on a pass/fail basis. The evaluator shall have the discretion to discontinue the testing if excessive time has been spent without results. A POST Training Specialist, or his designee, must be present for all canine certification testing. (10-14-99)T

d. The Council shall certify a canine team which successfully demonstrates the handler's ability to control the canine, under the scrutiny of a canine evaluator, in addition to proficiency in one (1) or more of the

following areas: (10-14-99)T

- i. Patrol; (10-14-99)T
- ii. Tracking; (10-14-99)T
- iii. Evidence search; (10-14-99)T
- iv. Controlled substance detection; or (10-14-99)T
- v. Explosive substance detection. (10-14-99)T

**05. Expiration Of Certification.** Each certification issued pursuant to these rules shall remain valid for one (1) year, and shall expire on the anniversary date of the certification. A canine team must be evaluated annually to maintain their certification. If the canine team fails any portion of an evaluation, they must be re-evaluated for the failed area. A canine team certification shall lapse if the specific handler and canine, as originally paired at the time of certification, cease to perform canine team functions together. (10-14-99)T

**06. Appeal.** Any handler who believes there have been improper procedures applied in implementing the standards may file an appeal with the Idaho Peace Officer Standards and Training Academy in writing. This appeal must be filed within thirty (30) days of the testing date. (10-14-99)T

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**

**16.01.12 - RULES FOR ADMINISTRATION OF WASTEWATER TREATMENT FACILITY LOANS**

**DOCKET NO. 16-0112-0001**

**NOTICE OF NEGOTIATED RULEMAKING**

**AUTHORITY:** In compliance with Section 67-5220, Idaho Code, and IDAPA 04.11.01, Sections 810 through 815, notice is hereby given that this agency intends to promulgate a rule and desires public participation in an informal, negotiated rulemaking process prior to the initiation of formal rulemaking procedures by the agency. The negotiated rulemaking action is authorized by Section 39-105, Idaho Code. The formal rulemaking action is authorized by Sections 39-105 and 39-107, Idaho Code, and Chapter 36, Title 39, Idaho Code (amended by Senate Bill 1535).

**MEETING SCHEDULE:** For information regarding meeting dates and involvement opportunities, contact Bill Jerrel at (208)373-0502 or [wjerrel@deq.state.id.us](mailto:wjerrel@deq.state.id.us) before May 12, 2000. The Division of Environmental Quality (DEQ) intends to actively solicit participation from key interest groups. Interested persons may also participate in the negotiated rulemaking process by submitting written comments as provided below.

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

**DESCRIPTIVE SUMMARY:** This rulemaking implements the provisions of the 2000 legislation enacted under Senate Bill 1535 (to be codified at Sections 39-3626 and 39-3627, Idaho Code) wherein DEQ has been given the authority to expand the existing wastewater treatment loan program to provide loans to address nonpoint pollution problems such as agricultural runoff, effluent trading, septic tank replacement, wetland restoration and stormwater control.

The principal issue involved is that DEQ needs to establish a priority rating system that integrates wastewater treatment projects and nonpoint pollution projects into one list. Affected parties could include agriculture, cities, counties and water and sewer districts.

The text of the rule will be developed by DEQ in conjunction with a committee made up of persons having interests in the development of the rule. The goal of the negotiated rulemaking process will be to develop by consensus the text of a recommended rule. If a consensus is reached, a draft of the rule, incorporating the consensus and any other appropriate information, recommendations, or materials, will be transmitted to DEQ for consideration and use in the formal rulemaking process. If a consensus is unable to be achieved on particular issues, the negotiated rulemaking process may result in a report specifying those areas on which consensus was and was not reached, together with arguments for and against positions advocated by various participants. At the conclusion of the negotiated rulemaking process, DEQ intends to commence formal rulemaking with the publication of a proposed rule, using and taking into consideration the results of the negotiated rulemaking process.

**GENERAL INFORMATION:** For more information about DEQ's programs and activities, visit DEQ's web site at [www.state.id.us/deq](http://www.state.id.us/deq).

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on questions concerning the negotiated rulemaking, contact Bill Jerrel at (208)373-0502 or [wjerrel@deq.state.id.us](mailto:wjerrel@deq.state.id.us).

Anyone can submit written comments by mail, fax or e-mail at the address below regarding this proposal to initiate negotiated rulemaking. DEQ will consider all written comments received by the undersigned on or before May 24, 2000.

Dated this 7th day of April, 2000.

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

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.01.22 - RULES FOR ADMINISTRATION OF DRINKING WATER GRANT ACCOUNT**  
**DOCKET NO. 16-0122-0001**  
**NOTICE OF NEGOTIATED RULEMAKING**

**AUTHORITY:** In compliance with Section 67-5220, Idaho Code, and IDAPA 04.11.01, Sections 810 through 815, notice is hereby given that this agency intends to promulgate a rule and desires public participation in an informal, negotiated rulemaking process prior to the initiation of formal rulemaking procedures by the agency. The negotiated rulemaking action is authorized by Section 39-105, Idaho Code. The formal rulemaking action is authorized by Sections 39-105 and 39-107, Idaho Code, and Chapter 36, Title 39, Idaho Code (amended by Senate Bill 1387).

**MEETING SCHEDULE:** For information regarding meeting dates and involvement opportunities, contact Alan Stanford at (208)373-0502 or [astanfor@deq.state.id.us](mailto:astanfor@deq.state.id.us) before May 12, 2000. The Division of Environmental Quality (DEQ) intends to actively solicit participation from key interest groups. Interested persons may also participate in the negotiated rulemaking process by submitting written comments as provided below.

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

**DESCRIPTIVE SUMMARY:** This rulemaking implements the provisions of the 2000 legislation enacted under Senate Bill 1387 (to be codified at Sections 39-3624 through 39-3627, Idaho Code) wherein DEQ has been given the authority to provide grants to public drinking water systems in Idaho. The drinking water grant program will provide guidance for issuance of grants to eligible public drinking water systems in Idaho to do planning for drinking water construction projects. This will be a companion program to the existing wastewater facility grant program that is governed by IDAPA 16.01.04, "Rules for Administration of Wastewater Treatment Facility Grants". The new rules will be in large part a mirror image of the existing rules for wastewater treatment facility grants, which will serve as a template and format in preparation of the rules for drinking water system grants. Development of the rules should be relatively simple and straightforward. Key topics to be included in the rules are: 1) priority rating system, 2) limitations on pre-grant engineering, 3) review and evaluation of grant applications, 4) environmental reviews, 5) grant offer acceptance, 6) payments, and 7) waivers. The rules will affect eligible drinking water systems statewide.

DEQ is inviting the public to participate in a negotiation of the priority rating system portion of the rule. DEQ will draft the remaining portions of the rule using IDAPA 16.01.04, Rules for Administration of Wastewater Treatment Facility Grants, as model rules.

The portion of the rule dealing with priority rating system will be developed by DEQ in conjunction with a committee made up of persons having interests in the development of the rule. The goal of the negotiated rulemaking process will be to develop by consensus the text of a recommended rule. If a consensus is reached, a draft of the rule, incorporating the consensus and any other appropriate information, recommendations, or materials, will be transmitted to DEQ for consideration and use in the formal rulemaking process. If a consensus is unable to be achieved on particular issues, the negotiated rulemaking process may result in a report specifying those areas on which consensus was and was not reached, together with arguments for and against positions advocated by various participants. At the conclusion of the negotiated rulemaking process, DEQ intends to present a rule to its Board for temporary adoption and, at the same time, commence formal rulemaking with the publication of a proposed rule, using and taking into consideration the results of the negotiated rulemaking process. DEQ intends to present the rule to the Board for temporary adoption in summer of 2000.

**GENERAL INFORMATION:** For more information about DEQ's programs and activities, visit DEQ's web site at [www.state.id.us/deq](http://www.state.id.us/deq).

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on questions concerning the negotiated rulemaking, contact Alan Stanford at (208)373-0502 or [astanfor@deq.state.id.us](mailto:astanfor@deq.state.id.us).

Anyone can submit written comments by mail, fax or e-mail at the address below regarding this proposal to initiate negotiated rulemaking. DEQ will consider all written comments received by the undersigned on or before May 24, 2000.

Dated this 7th day of April, 2000.

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

**IDAPA 35 - STATE TAX COMMISSION**  
**35.01.02 - IDAHO SALES AND USE TAX ADMINISTRATIVE RULES**  
**DOCKET NO. 35-0102-9902**  
**NOTICE OF FINAL RULE**

**EFFECTIVE DATE:** Proposed rulemaking under this docket was rejected by Senate Concurrent Resolution No. 146 effective February 28, 2000.

**AUTHORITY:** In compliance with Section 67-5291, Idaho Code, notice is hereby given that the legislature has rejected proposed rulemaking under the above docket. IDAPA 35.01.02, Section 044 remains in full force and effect as it is published and now appears in Idaho Administrative Code.

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

Pursuant to Senate Concurrent Resolution No. 146, the proposed changes to IDAPA 35.01.02, Section 044, "Trade-Ins, Trade-Downs and Barter," are not consistent with legislative intent. IDAPA 35.01.02, Section 044 is in full force and effect as it is published and as it now appears in the Idaho Administrative Code.

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

DATED this 22nd day of March, 2000.

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

**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 FINAL RULE**

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution on this rulemaking under Docket No. 56-0101-9901. This agency action for this final rulemaking is authorized pursuant to Section 58-1408, Idaho Code.

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

Pursuant to Senate Concurrent Resolution No. 149, IDAPA 56.01.01, Subsection 100.02 only, has been determined to be inconsistent with legislative intent and rejected. Docket No. 56-0101-9901 is being amended accordingly by deleting the rejected subsection from the final rule.

The original text of the proposed rule was published in the Idaho Administrative Bulletin, Volume No. 99-9, September 1, 1999, pages 281 through 284.

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

DATED this 6th day of April, 2000.

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 11 - DEPARTMENT OF LAW ENFORCEMENT**

### **11.11.01 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL**

Docket No. **11-1101-9902**

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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.

There are no proposed rules being promulgated or published in this issue of the Bulletin.

Please refer to the Idaho Administrative Bulletin, **May 3, 2000, Volume 00-5** for notices and text of all rule-makings, public hearing schedules, governor's executives orders, and agency contact names.

**Citizens of your county can view all issues of the Idaho Administrative Bulletin at the county law libraries.**

Copies of the Administrative Bulletin and other rules publications are available for purchase. For subscription information and ordering call (208) 332-1820 or write the Office of the Administrative Rules Coordinator, Department of Administration, 650 W. State St., Room 100, Boise, Idaho 83720. Visa and Mastercard accepted.

The Idaho Administrative Bulletin and Administrative Code are available on the Internet at the following address: <http://www.state.id.us/> - from the State of Idaho Home Page select Administration Rules.

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