

IDAHO ADMINISTRATIVE BULLETIN

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Preface

The Idaho Administrative Bulletin is published once each month by the Department of Administration, Office of the Administrative Rules Coordinator, pursuant to Section 67-5203, Idaho Code. The Bulletin is a compilation of all administrative 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.

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, as well as individual chapters and dockets, are available on the Internet at the following address:

<http://www.state.id.us/> - from Idaho Home Page select "Legal" then "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.

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	*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
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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	*November 15, 2000	January 3, 2001
01-2	February, 2001	December 20, 2000	February 7, 2001
01-3	March, 2001	January 24, 2001	March 7, 2001
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01-8	August, 2001	June 20, 2001	August 1, 2001
01-9	September, 2001	July 18, 2001	September 5, 2001
01-10	October, 2001	**August 22, 2001	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.*

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THE OFFICE OF THE GOVERNOR

EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE

EXECUTIVE ORDER NO. 2000-11

**CONTINUATION OF THE IDAHO COUNCIL FOR PURCHASES
FROM SEVERELY DISABLED PEOPLE
REPEALING AND REPLACING EXECUTIVE ORDER NO. 96-17**

WHEREAS, it is in the public interest to promote employment opportunities for severely disabled people; and

WHEREAS, the rehabilitation facilities of Idaho strive to provide employment opportunities for severely disabled people; and

WHEREAS, the Idaho Code provides for the purchase by the agencies of the State of Idaho of goods and services that are produced by severely disabled people employed by rehabilitation facilities;

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of the State of Idaho, do hereby order the continuation of the Idaho Council for Purchases from Severely Disabled People, as follows:

1) *The Council's responsibilities will be:*

To promote the purchase by state agencies of goods and services produced by severely disabled people in rehabilitation facilities under the auspices of Section 67-2319, Idaho Code;
To conduct monitoring and study of the implementation of the purchasing program authorized by said Section 67-2319;
To designate a central non-profit organization to coordinate the participation of rehabilitation facilities in the Idaho purchasing program and develop procedures for such participation;
To advise the Division of Purchasing on the development and operation of a program to purchase products and services from severely disabled people in rehabilitation facilities; and
To provide an annual report of activities, products, services, employment opportunities, and other benefits derived from this program.

2) *The Governor shall appoint members of the Council who shall serve at his pleasure. Council members shall be selected from rehabilitation facilities, the Division of Purchasing, the private sector, a labor organization, the Division of Vocational Rehabilitation, and the Division of Community Rehabilitation. The members of the Council shall elect one of their members Chairman.*

3) *The Council shall be administratively supported by the Division of Vocational Rehabilitation.*



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this eleventh day of October in the year of our Lord two-thousand 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.

DIRK KEMPTHORNE
GOVERNOR

PETE T. CENARRUSA
SECRETARY OF STATE

THE OFFICE OF THE GOVERNOR

EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE

EXECUTIVE ORDER NO. 2000-12

**ENERGY CONSERVATION CONSIDERATIONS IN STATE BUILDINGS AND LEASES,
REPEALING AND REPLACING EXECUTIVE ORDER NO. 96-18**

WHEREAS, the efficient use of energy is of prime importance to the economic and energy well-being of the State of Idaho; and

WHEREAS, the State of Idaho uses, in its owned and leased buildings, a considerable portion of the state's energy supply; and

WHEREAS, the state government's ability to control energy use in leased facilities has been minimal, particularly after signing a lease; and

WHEREAS, it is imperative that the state government of Idaho set an example of energy efficiency for owners and operators of public and private buildings;

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 that all building designs and lease agreements shall include, where feasible, energy conservation considerations, including:

- 1. Chapter 13 of the Uniform Building Code, 1997 Edition;*
- 2. Use of alternative energy sources;*
- 3. Energy management systems and controls to effectively monitor and maintain systems at optimal operations; and*
- 4. State-of-the-art systems and equipment to conserve energy economically.*

FURTHER, I order that all lease agreements be reviewed in draft form for compliance with these objectives. All parties are to be notified in any such negotiations that failure to comply with these objectives may be sufficient grounds for voiding the lease agreement. I further order that the signing of such agreements include a statement of accountability to the intent of this order so that compliance will be a part of the lease-drafting procedure rather than a source of conflict after a contract has been signed. I further direct the attention of all persons and agencies in all branches of state government to the spirit of this order. Consideration of long-term energy costs, including seasonal and peaking demands upon the suppliers of energy, shall be a major consideration in construction of all state buildings and execution of lease agreements.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this eleventh day of October in the year of our Lord two-thousand 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.

DIRK KEMPTHORNE
GOVERNOR

PETE T. CENARRUSA
SECRETARY OF STATE

THE OFFICE OF THE GOVERNOR

EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE

EXECUTIVE ORDER NO. 2000-13

**CONTINUATION OF THE IDAHO LEWIS AND CLARK TRAIL COMMITTEE
REPEALING AND REPLACING EXECUTIVE ORDER NO. 99-03**

WHEREAS, the Lewis and Clark Trail has great historical significance to the State of Idaho; and

WHEREAS, it is important that Idaho have an official organization to coordinate activities relating to the Lewis and Clark Trail with entities and individuals in Idaho and with other Lewis and Clark Trail states and organizations;

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, do hereby continue the Idaho Lewis and Clark Trail Committee as an advisory body to state, local and federal governments on development and management of the Lewis and Clark Trail and commemoration activities relating to the Lewis and Clark Expedition.

The Committee shall:

- 1. Act as the coordinating organization in planning activities to foster state recognition of the historic significance of the Lewis and Clark Expedition;*
- 2. Promote public awareness of the historic significance of the Lewis and Clark Expedition and encourage the development and protection of historical sites and outdoor recreation resources along the Lewis and Clark Trail;*
- 3. Act in an advisory capacity to other Idaho commissions, bureaus, agencies and committees by making recommendations regarding their activities and policies that relate to the history and trail of the Lewis and Clark Expedition; and*
- 4. Serve as the official liaison with other Lewis and Clark Trail states, the national Lewis and Clark Trail Heritage Foundation, Inc., and federal departments, bureaus, and committees concerned with the Lewis and Clark Trail, including promotion of the aims and recommendations of the federal Lewis and Clark Trail Commission, which existed from 1964-1969.*

The Committee shall consist of no more than 18 persons who are appointed by the Governor and serve at his pleasure. The membership of the committee shall include the President of the Idaho chapter of the Lewis and Clark Trail Heritage Foundation, Inc., and the Governor or his designee as an ex-officio member.

The Committee shall have regular meetings as determined by the majority of the Committee and shall meet on special occasions upon the call of the Chairperson.

This Executive Order repeals and replaces Executive Order No. 99-03.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this eleventh day of October in the year of our Lord two thousand 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.

DIRK KEMPTHORNE
GOVERNOR

PETE T. CENARRUSA
SECRETARY OF STATE

THE OFFICE OF THE GOVERNOR

EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE

EXECUTIVE ORDER NO. 2000-14

**CREATING A WORKFORCE DEVELOPMENT COUNCIL FOR PLANNING
AND OVERSIGHT OF THE STATE'S WORKFORCE DEVELOPMENT
SYSTEM REPEALING AND REPLACING EXECUTIVE ORDER NO. 96-19**

WHEREAS, the economic future of Idaho and the prosperity of its residents depend upon the ability of businesses in Idaho to compete in the world economy; and

WHEREAS, a well-educated and highly skilled workforce provides businesses in Idaho with a competitive edge critical for their success; and

WHEREAS, Idaho is committed to preparing its current and future workforce for the skills necessary in the 21st Century; and

WHEREAS, empowering business, labor and community leaders to take a more active and strategic role in developing the state's economic and workforce development policy will enhance the quality and responsiveness of these programs; and

WHEREAS, the development of a comprehensive workforce development strategy for Idaho and the consolidation of federal and state advisory councils will improve planning and oversight functions, improve the effectiveness, quality and coordination of services designed to maintain a highly skilled workforce, and help provide for the most efficient use of federal, state and local workforce development resources; and

WHEREAS, Idaho's current workforce development efforts and initiatives require clear strategic planning, increased coordination, and consolidated oversight for better coordination of workforce development programs under one council at the state level,

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state, do hereby order that:

1. *The Idaho Workforce Development Council (the "Council") is established in accordance with Title VII of the Job Training Partnership Act, as amended, and referred to as JTPA.*
2. *The Council shall consist of not more than 33 members appointed by the Governor, drawing upon the membership of the consolidated councils identified in paragraph 2 above, as appropriate and consistent with federal requirements for the nomination and composition requirements set forth in section 702 of the JTPA as amended. The Council's membership, shall be as follows:*
 - a. *Representatives of business and industry shall comprise at least 40% of the members;*
 - b. *At least 15% of the members shall be representatives of local public education, postsecondary institutions, and secondary or postsecondary vocational educational institutions;*
 - c. *At least 15% of the members shall be representatives of organized labor based on nominations from recognized state labor federations;*
 - d. *Representatives from the Department of Labor, the Department of Health & Welfare, the Department of Commerce, the Division of Vocational Rehabilitation, the Division of Vocational Education, the Commission on Aging and the Superintendent of Public Instruction;*
 - e. *A representative of a Community-Based Organization; and*
 - f. *Individuals from the general public who have special knowledge and qualifications with respect to special education and career development needs of hard to serve individuals.*

3. *The Council will be responsible for advising the Governor and the State Board of Education, as appropriate and at regular intervals, on the following:*
 - a. *Development of a statewide strategy for workforce development programs which encompasses all workforce programs including, school-to-work, work-to-work, welfare-to-work and economic stimulus initiatives;*
 - b. *Priorities for the use of any federal employment and training block grant and the employment and training related activities under any welfare reform grant as well as state appropriated workforce development funds;*
 - c. *Development, in collaboration with local and state stakeholders, of a substate structure for planning and oversight of the statewide workforce development system;*
 - d. *Streamlining of services to customers to achieve an efficient and effective, customer driven workforce system for the state;*
 - e. *Development of goals, standards and measures to evaluate the effectiveness and efficiency of workforce development programs; and,*
 - f. *Implementation of a continuous improvement process designed to ensure high quality services for Idaho's citizen and business customers;*

4. *The Council shall also be responsible for:*
 - a. *Approval and oversight of the expenditures from the Employment Security Special Administration Fund as set forth in Section 72-1347A, Idaho Code;*
 - b. *Development and oversight of procedures, criteria and performance measures for the Workforce Development Training fund established under Section 71-1347B, Idaho Code;*
 - c. *Oversight of all remaining funds and performance of duties of the State Council on Vocational Education as described in the Carl D. Perkins Act under P.L. 101-392, Section 112;*
 - d. *Such functions and responsibilities transferred to it from existing councils; and*
 - e. *Such other duties as the Governor assigns the Council.*

5. *The Governor shall name the chair and vice-chair from among the private sector members of the Council;*

6. *The Council shall be jointly staffed by a management team of directors of state agencies that administer workforce development programs, as designated by the Governor. Funding for the Council shall be provided by the agencies staffing the Council, which shall agree upon appropriate ratios for the allocation of administrative funding. The Idaho Department of Labor shall have responsibility for providing secretarial and logistical support to the Council;*

7. *The Council's members shall serve at the pleasure of the Governor, and appointments shall be for three-year terms.*



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this eleventh of October in the year of our Lord two thousand 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.

DIRK KEMPTHORNE
GOVERNOR

PETE T. CENARRUSA
SECRETARY OF STATE

THE OFFICE OF THE GOVERNOR

EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE

EXECUTIVE ORDER NO. 2000-15

**CONTINUATION OF THE GOVERNOR'S MOTOR CARRIER ADVISORY COMMITTEE,
REPEALING AND REPLACING EXECUTIVE ORDER NO. 96-20**

WHEREAS, the people of Idaho are dependent upon the motor carrier industry to deliver raw materials, manufactured goods, agricultural products and other necessities; and

WHEREAS, the motor carrier industry, which employs thousands of Idahoans, requires user participation in developing the rules and regulations to guide the industry;

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 the continuation of the Governor's Motor Carrier Advisory Committee as follows:

1. The purpose of the Committee shall be to meet quarterly or as needed to review appropriate changes to the safety, size and weight, and operational rules and regulations of state agencies as they apply to common, contract and private motor carriers and to advise the Governor of the Committee's findings and recommendations.
2. The Committee shall consist of 12 members. The members shall represent the various elements of the trucking industry, including: long haul, heavy haul, short haul, wood products, logging, contracting, agriculture, truck and trailer manufacturing, tankers, concrete and aggregates, private carriers, transcontinental interstate common carriers, and others deemed appropriate by the committee.
3. Appointment of the members to the Committee shall be made by the Governor. The Committee shall assist the Governor in this task by recommending to him the names of at least two persons for appointment to each seat that becomes open on the Committee. Appointments shall be for staggered three-year terms expiring on July 1, three years after appointment. Committee members shall elect their chairman from among their number.
4. Committee members shall receive no salary for their services. The Idaho Transportation Department shall, however, reimburse Committee members for expenses incurred in attending Committee meetings.
5. A representative from each of the following state agencies shall provide support to the Committee: The Idaho Transportation Department, the Idaho State Police, and the Tax Commission. The Idaho Transportation Department shall be the lead agency responsible for providing administrative support.
6. The Committee shall present all formal recommendations to the participating agencies and the Governor and shall present to the Governor each December a report of the activities of the Committee during that year.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this eleventh day of October in the year of our Lord two-thousand 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.

DIRK KEMPTHORNE
GOVERNOR

PETE T. CENARRUSA
SECRETARY OF STATE

THE OFFICE OF THE GOVERNOR

EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE

EXECUTIVE ORDER NO. 2000-16

**REGARDING THE UTILIZATION AND OVERSIGHT OF THE USE OF
STATE VEHICLES BY STATE EMPLOYEES**

WHEREAS, it is the policy of the State of Idaho to promote the efficient use of Idaho state owned or leased vehicles and;

WHEREAS, the State of Idaho is committed to ensuring the highest level of safety and reliability of our state vehicles;

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 the following:

- 1. Each department director, agency head, or their designee will develop the departmental policies governing the use, safety, and inspection of vehicles under their control. The written vehicle policy shall be communicated and readily available to the department employees. This policy shall include the identification of an agency employee that will be the agency point of contact.*
- 2. Vehicle policies and plans shall incorporate disposal and replacement criteria which includes maximum life cycle costing.*
- 3. Agencies shall develop an effective recording and reporting system that will be used to assess fleet operations. The assessment shall include a periodic analysis of the comparative cost of vehicle leasing, renting, and ownership as well as routine tracking of vehicle information such as type of vehicle, acquisition date, costs, maintenance records, mileage and/or trip information, name of the person, if any, to whom the vehicle is assigned, and any other information deemed necessary by the department director or their designee.*
- 4. Fleet information shall be current and retained in an equipment management system.*

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 on this eleventh day of October in the year of our Lord two thousand 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.

DIRK KEMPTHORNE
GOVERNOR

PETE T. CENARRUSA
SECRETARY OF STATE

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE
02.04.03 - RULES OF THE DEPARTMENT OF AGRICULTURE
GOVERNING ANIMAL INDUSTRY

DOCKET NO. 02-0403-0001

NOTICE OF PUBLIC HEARING

AUTHORITY: In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that this agency has scheduled a public hearing and extended the period of public comment. The action is authorized pursuant to Title 25, Chapter 2, Idaho Code.

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

November 8, 2000, 7 p.m.
Nampa Civic Auditorium
311 3rd Street South
Nampa, ID 83651

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.

The comment period which was originally scheduled to close on October 25, 2000, has been extended to the close of the public hearing on **November 8, 2000**.

DESCRIPTIVE SUMMARY: The summary of this action is found in Idaho Administrative Bulletin, Volume No. 00-10, dated October 4, 2000, pages 32 through 58.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Dr. Bob Hillman, Administrator; Dr. Kendal Eyre, Bureau Chief; or Dr. Phil Mamer, Veterinary Medical Officer, Idaho State Department of Agriculture, at (208) 332-8540.

DATED this 18th day of October, 2000.

Mike Everett, Deputy Director
Idaho State Department of Agriculture
P.O. Box 790
Boise, Idaho 83701-0790
(208) 332-8500
(208) 334-4623 FAX

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

10.01.01 - RULES OF PROCEDURE

DOCKET NO. 10-0101-0001

NOTICE OF PENDING RULE

EFFECTIVE DATE: This 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, 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 6, 2000, Idaho Administrative Bulletin, Volume No. 00-9, pages 37 through 42.

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

DATED this 28th day of September, 2000.

David L. Curtis, Executive Director
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

**IDAPA 10
TITLE 01
Chapter 01**

RULES OF PROCEDURE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 00-9, September 6, 2000, pages 37 through 42.](#)

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.

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

10.01.02 - RULES OF PROFESSIONAL RESPONSIBILITY

DOCKET NO. 10-0102-0001

NOTICE OF PENDING RULE

EFFECTIVE DATE: This 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, 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 6, 2000, Idaho Administrative Bulletin, Volume No. 00-9, pages 43 and 44.

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

DATED this 28th day of September, 2000.

David L. Curtis, Executive Director
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

**IDAPA 10
TITLE 01
Chapter 02**

RULES OF PROFESSIONAL RESPONSIBILITY

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 00-9, September 6, 2000, pages 43 and 44.

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.

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

10.01.03 - RULES FOR CORNER PERPETUATION AND FILING

DOCKET NO. 10-0103-0001

NOTICE OF PENDING RULE

EFFECTIVE DATE: This 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, 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 6, 2000, Idaho Administrative Bulletin, Volume No. 00-9, pages 45 and 46.

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

DATED this 28th day of September, 2000.

David L. Curtis, Executive Director
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

**IDAPA 10
TITLE 01
Chapter 03**

RULES FOR CORNER PERPETUATION AND FILING

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 00-9, September 6, 2000, pages 45 and 46.

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.

IDAPA 13 - IDAHO FISH AND GAME COMMISSION
13.01.15 - RULES GOVERNING THE USE OF DOGS
DOCKET NO. 13-0115-0002
NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: These temporary and proposed rules are effective July 17, 2000.

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 36-104(b).

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 14, 2000.

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

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of the supporting reasons for proposed rulemaking:

Amends Section 010 by adding a definition for "unarmed observer" and deletes the definition of "immediate family member". This was inadvertently omitted from a previous docket.

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

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

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Lonk Kuck at 334-2920.

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 22, 2000.

DATED this 18th day of August, 2000.

W. Dallas Burkhalter
Deputy Attorney General
Idaho Department of Fish and Game
600 South Walnut
PO Box 25
Boise, ID 83707
208-334-3715
FAX: 208-334-2148

THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0115-0002

010. DEFINITIONS.

~~01. **Immediate Family Member.** Immediate family member is defined exclusively as the parents, grandparents, siblings, spouse, children, and grandchildren of the Hound Hunting Permit holder, whether by blood or marriage. Immediate family members must be identified by affidavit on an approved form by the Hound Hunting Permit holder, and listed on the Hound Hunter permit. (4-5-00)~~

~~021. **Licensed Outfitter.** Licensed outfitter means the holder of an appropriate outfitter's license issued by the Idaho Outfitters and Guides Licensing Board pursuant to Sections 36-2101, et seq., Idaho Code. (4-5-00)~~

~~032. **Licensed Guide.** As defined in Section 36-2102(c), Idaho Code, any natural person who is employed by a licensed outfitter to furnish personal services for the conduct of outdoor activities directly related to the conduct of activities for which the employing outfitter is licensed. (4-5-00)~~

~~03. **Unarmed Observers.** Unarmed observer means a person without a weapon in possession and having no intent to take or harvest an animal who accompanies a hunt or pursuit with dogs. An unarmed observer is not required to possess a hunting license or Hound Hunter Permit. (7-17-00)T~~

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.06 - RULES GOVERNING REFUGEE MEDICAL ASSISTANCE

DOCKET NO. 16-0306-0001

NOTICE OF PENDING RULE

EFFECTIVE DATE: This 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 upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224(5)(a) and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 56-202(b); 56-1004(l), 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. Original text of the proposed rule was published in the August 2, 2000 Administrative Bulletin, Volume 00-8, pages 21 through 25.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Patti Campbell at (208)334-5818.

DATED this 30th day of August, 2000.

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) 332-7347 fax

IDAPA 16
TITLE 03
Chapter 06

RULES GOVERNING REFUGEE MEDICAL ASSISTANCE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 00-8, August 2, 2000, pages 21 through 25.](#)

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.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.08 - RULES GOVERNING TEMPORARY ASSISTANCE FOR FAMILIES IN IDAHO

DOCKET NO. 16-0308-0002

NOTICE OF PENDING RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is January 1, 2000. 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(s) 56-202 and 56-1004(1), 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 change.

Section 371 has been changed by removing "individual" from the text and adding "family". 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 Department 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 August 2, 2000 Administrative Bulletin, Volume 00-8, pages 26 through 33.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Patti Campbell at (208) 334-5818.

DATED this 8th day of September, 2000.

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) 332-7347 fax

IDAPA 16
TITLE 03
Chapter 08

RULES GOVERNING TEMPORARY ASSISTANCE FOR FAMILIES IN IDAHO

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 00-8, August 2, 2000, pages 26 through 33.

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.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0308-0002

371. CAREER ENHANCEMENT ELIGIBILITY CRITERIA.

The individual must meet the criteria in Subsections 371.01 through 371.14. (1-1-00)T

01. Application For Career Enhancement Services. An application form must be completed for Career Enhancement services, unless the family already receives services from the Food Stamp Medicaid, Idaho Child Care or Child Support Services programs. A Career Enhancement service plan must be completed for all eligible individuals. (1-1-00)T

02. Verification Of Career Enhancement Eligibility. SSN must be verified. Other eligibility criteria are verified at the discretion of the Department. (1-1-00)T

03. Eligible Individual. The individual must not have failed, without good cause, to comply with a previous Career Enhancement service plan. The individual must be a parent or a caretaker relative with a dependant child in the home, a pregnant woman; or a non-custodial parent legally responsible to provide support for a dependent child who does not reside in the same home. (1-1-00)T

04. Need For Work-Related Services. The individual must be in need of work-related services to obtain or maintain employment. The individual must participate in meeting the need to the extent possible. This requires the individual to meet a portion of the need if possible, and to explore other resources available to meet the need. (1-1-00)T

05. Income Limit. The family must meet the income limit for only the first month of the service to receive Career Enhancement services. The family's income must be below two hundred percent (200%) of the federal poverty guidelines, or the family must be eligible for Food Stamps, Medicaid or ICCP. For non-custodial parents, the family's income must be below four hundred percent (400%) of the federal poverty guidelines, or the family must be eligible for Food Stamps or Medicaid. (1-1-00)T

06. Citizenship And Legal Non-Citizen. The individual must be a citizen or must meet the legal non-citizenship requirements of Section 131. (7-1-99)

07. SSN. An SSN, or proof of application for an SSN, must be provided for the individual. (1-1-00)T

08. Residence. The individual must live in the state of Idaho and must not be a resident of another state. (7-1-99)

09. Duplication of Services. Career Enhancement services must not be provided for a need already met by Emergency Assistance under IDAPA 16.06.01, "Rules Governing Family and Children's Services," or by a

one-time TAFI cash payment.

(1-1-00)T

10. TANF Restrictions. The ~~individual~~ family must not be receiving TANF or TAFI benefits or be serving a TAFI sanction. The individual must not receive Career Enhancement services if he has received five (5) years of TANF benefits. The ~~individual~~ family must not be receiving TANF Extended Cash Assistance.

~~(1-1-00)T~~(1-1-00)T

11. Controlled Substance Felons. Individuals convicted under federal or state law of any offense classified as a felony involving the possession, use or distribution of a controlled substance can receive Career Enhancement services when they comply with the terms of a withheld judgment, probation or parole. The felony must have occurred after August 22, 1996.

(7-1-00)T

12. Fleeing Felons. Felons who are fleeing to avoid prosecution, custody or confinement after conviction of a felony or an attempt to commit a felony cannot receive Career Enhancement services.

(1-1-00)T

13. Probation Or Parole Violation. Felons who are violating a condition of probation or parole imposed for a federal or state felony cannot receive Career Enhancement services.

(1-1-00)T

14. Fraud. Individuals convicted in a federal or state court of fraudulently misrepresenting residence to get TANF, AABD, Food Stamps, Medicaid, or SSI, from two (2) or more states at the same time, cannot receive Career Enhancement services for ten (10) years from the date of conviction.

(1-1-00)T

IDAPA 22 - BOARD OF MEDICINE
22.01.07 - RULES OF PRACTICE AND PROCEDURE OF THE BOARD OF MEDICINE
DOCKET NO. 22-0107-0001 (REPEAL)
NOTICE OF PENDING RULE

EFFECTIVE DATE: 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 upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-1806(2) 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. Original text of the proposed rule was published in the August 2, 2000 Administrative Bulletin, Volume 00-8, page 110. The current rule is being repealed in its entirety and has been rewritten under Docket Number 22-0107-0002, as published on August 2, 2000, Idaho Administrative Bulletin, Volume 00-8, pages 111 through 115.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Nancy M. Kerr, Idaho State Board of Medicine, (208) 327-7000.

DATED this 25th day of September, 2000.

Nancy M. Kerr
Executive Director
Idaho State Board of Medicine
1755 Westgate Drive
PO Box 83720
Boise, Idaho 83720-0058
(208) 327-7000, Fax (208) 327-7005

IDAPA 22
TITLE 01
Chapter 07

RULES OF PRACTICE AND PROCEDURE OF THE BOARD OF MEDICINE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 00-8, August 2, 2000, page 110.](#)

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.

IDAPA 22 - BOARD OF MEDICINE
22.01.07 - RULES OF PRACTICE AND PROCEDURE OF THE BOARD OF MEDICINE
DOCKET NO. 22-0107-0002 (REWRITE)
NOTICE OF PENDING RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2000. 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 upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and has amended the temporary rule. The action is authorized pursuant to Sections 54-1806(2) 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 change.

The rulemaking is being done to comply with the legislative intent of HB 628 the Idaho State Board of Medicine is required to adopt new rules consistent with the Idaho Rules of Administrative Procedure of the Attorney General.

The original text of the proposed rule was published in the August 2, 2000 Administrative Bulletin, Volume 00-8, pages 111 through 115. With the following exception, the pending rule is being adopted as proposed.

To make a clerical correction, **22.01.07.002** is amended to reflect that the Board of Medicine as contact point for written interpretations and agency guidelines. The text has been modified in accordance with Section 67-5227, Idaho Code and, therefore, has been republished with this Notice.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Nancy M. Kerr, Idaho State Board of Medicine, (208) 327-7000.

DATED this 25th day of September, 2000.

Nancy M. Kerr
Executive Director
Idaho State Board of Medicine
1755 Westgate Drive
PO Box 83720
Boise, Idaho 83720-0058
(208) 327-7000, Fax (208) 327-7005

IDAPA 22
TITLE 01
Chapter 07

RULES OF PRACTICE AND PROCEDURE OF THE BOARD OF MEDICINE

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 00-8, August 2, 2000, pages 111 through 115](#).

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.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 22-0107-0002

002. WRITTEN INTERPRETATIONS - - AGENCY GUIDELINES (Rule 2).

Written interpretations of these rules in the form of explanatory comments accompanying the notice of proposed rulemaking that originally proposed the rules and review of comments submitted in the rulemaking process in the adoption of these rules are available for review and copying at cost from the *Office of the Attorney General, Statehouse Board of Medicine, 1755 Westgate Drive, Suite 140, Box 83720, Boise, Idaho 83720-0058.*

~~(7-1-00)F(7-1-00)T~~

IDAPA 22 - BOARD OF MEDICINE
22.01.14 - RULES RELATING TO COMPLAINT INVESTIGATION

DOCKET NO. 22-0114-0001

NOTICE OF PENDING RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2000. This 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 upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and has amended the temporary rule. The action is authorized pursuant to Section 54-1806(2), Idaho Code.

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

To comply with the legislative intent of HB 628 the Idaho State Board of Medicine is required to adopt new rules for the receipt, investigation and disposition of complaints.

The original text of the proposed rules was published in the August 2, 2000 Administrative Bulletin, Volume 00-8, pages 116 through 120. With the following exception, the pending rule is being adopted as proposed.

In response to public comment, IDAPA **22.01.14.021.07** is amended for clarity to specify that the opportunity to meet with the staff or committee, before initiation of a formal complaint, is at the discretion of the licensee.

The text has been modified in accordance with Section 67-5227, Idaho Code, and therefore, has been republished with this notice.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact, contact Nancy M. Kerr, Idaho State Board of Medicine (208) 327-7000.

DATED this 25th day of September, 2000.

Nancy M. Kerr
Executive Director
Idaho State Board of Medicine
1755 Westgate Drive
PO Box 83720
Boise, Idaho 83720-0058
(208) 327-7000, Fax (208) 327-7005

IDAPA 22
TITLE 01
Chapter 14

RULES RELATING TO COMPLAINT INVESTIGATION

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 00-8, August 2, 2000, pages 116 through 120.

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.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 22-0114-0001

021. TRACKING.

After review by the Committee of Professional Discipline and/or the Board of Medicine: ~~(7-1-00)F~~(7-1-00)T

01. Case Is Closed. If closed by the Board, the QAS shall correspond with the complainant and provider and notify each of the Board's final determination and action within the bounds of confidentiality. (7-1-00)T

02. Further Investigation Is Requested. If further investigation is requested by the Board, the QAS shall obtain the requested information and prepare a summary as described in Section 020. The complainant and provider shall be notified of the status of the complaint. (7-1-00)T

03. Consultant Is Requested. If a consultant is requested by the Board, the QAS shall, after appropriate consultation, request a consultant, with a comparable specialty, to review the information provided and prepare a report of findings to the Board. (7-1-00)T

04. Records Review Is Requested. If a records review is requested, the Board will define the focus, scope and depth of the review. (7-1-00)T

05. Stipulation And Order Is Issued. If a stipulation and order is issued, the QAS will complete the stipulation checklist as indicated by the nature of the stipulation, identify the monitoring requirements and establish a monitoring plan for the provider. (7-1-00)T

06. Other Disciplinary Action Directed. If other disciplinary actions are directed by the Board, the QAS will act under the guidance of the Executive Director and/or Board counsel. (7-1-00)T

07. Opportunity To Meet With Committee. Before the initiation of formal disciplinary proceedings, a person under investigation shall be provided an opportunity to meet with the Committee on Professional Discipline or its staff, at the discretion of the licensee. ~~(7-1-00)F~~(7-1-00)T

08. Recording Of Board Action. The QAS will update the database and the case file to reflect the Board's action on the reviewed cases. (7-1-00)T

IDAPA 27 - IDAHO BOARD OF PHARMACY
27.01.01 - RULES OF THE IDAHO BOARD OF PHARMACY
DOCKET NO. 27-0101-0002
NOTICE OF PUBLIC HEARING

AUTHORITY: In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that this agency has scheduled a public hearing. This action is authorized pursuant to Section 54-1717, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

November 6, 2000
10:00 a.m. in the West Conference Room
J.R. Williams Building,
700 West State Street, Boise, Idaho

The hearing 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 this action is found in Idaho Administrative Bulletin Volume 00-10, dated October 4, 2000, pages 582 through 586.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this rulemaking, contact Richard K. Markuson, Director, at (208) 334-2356.

DATED this 18th day of October, 2000.

Richard K. Markuson
Director
Idaho Board of Pharmacy
3380 Americana Terrace, Ste. 320
P. O. Box 83720
Boise, ID 83720-0067
Telephone: (208) 334-2356
Facsimile: (208) 334-3536

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

10.01.04 - RULES OF CONTINUING PROFESSIONAL DEVELOPMENT

DOCKET NO. 10-0104-0001

NOTICE OF PENDING RULE

EFFECTIVE DATE: This 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, 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 6, 2000, Idaho Administrative Bulletin, Volume No. 00-9, pages 47 through 49.

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

DATED this 28th day of September, 2000.

David L. Curtis, Executive Director
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

**IDAPA 10
TITLE 01
Chapter 04**

RULES OF CONTINUING PROFESSIONAL DEVELOPMENT

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 00-9, September 6, 2000, pages 47 through 49.](#)

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.

IDAPA 37 - DEPARTMENT OF WATER RESOURCES

37.03.13 - THE WATER MANAGEMENT RULES

DOCKET NO. 37-0313-9701

NOTICE OF CONTINUATION OF NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5221, Idaho Code, notice is hereby given that this agency intends to continue its efforts to develop rules through negotiation under this docket. The action is authorized pursuant to Sections 42-603 and 42-1805(8), Idaho Code.

PUBLIC HEARING SCHEDULE: The agency intends to provide notice of the date, time and place of the next negotiation meeting to previous participants in this rulemaking docket and to participants in the Basin-Wide Issue 5 Mediation (SRBA Subcase 91-00005) before the Snake River Basin Adjudication District Court.

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

The agency published Notice of Negotiated Rulemaking under this docket number in the December 3, 1997, Idaho Administrative Bulletin, Volume No. 97-12, Page 210. Notice of a Proposed Rule and the text of the Proposed Rule were published in the October 7, 1998, Idaho Administrative Bulletin, Volume No. 98-10, pages 411 through 419.

Rather than adopt the rule as a pending rule in its present form, the agency intends to continue the negotiation with persons interested in the rule making and to address additional potential issues within the scope of the rulemaking. The agency intends to incorporate in the rule a description of how the rule relates to other existing and proposed rules governing water administration, including the conjunctive management of surface and ground water.

The purpose and substance of the rule making, as previously published in the first Notice of Negotiated Rulemaking, is to establish rules of statewide application to enforce laws prohibiting unauthorized use of water; governing the use of supplemental water rights; and providing standards and procedures for the measurement and reporting of water diversion and use. The rule making is responsive to an agreement that arose from efforts initiated by the A&B Irrigation District seeking conjunctive management of surface and ground water supplies used in the Eastern Snake Plain Aquifer area. The notice stated the rule might address the formation and operation of ground water districts and water measurement districts.

ASSISTANCE ON TECHNICAL QUESTIONS: The agency intends to provide notice of the date, time and place of the next negotiation meeting to previous participants in this rule making docket and to participants in the Basin-Wide Issue 5 Mediation (SRBA Subcase 91-00005) before the Snake River Basin Adjudication District Court.

Other persons interested in participating in the negotiated rulemaking should notify the agency of their interest. For assistance on technical questions concerning this notice, contact Norman C. Young at (208) 327-7910.

DATED this 25th day of September, 2000.

Karl J. Dreher, Director
Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706
Phone: (208) 327-7910
Facsimile: (208) 327-7866

IDAPA 46 - BOARD OF VETERINARY MEDICAL EXAMINERS
46.01.01 - RULES OF THE STATE OF IDAHO BOARD OF VETERINARY MEDICINE
DOCKET NO. 46-0101-0001
NOTICE OF PENDING RULE

EFFECTIVE DATE: This 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 upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-2105, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any changes 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 5, 2000 Idaho Administrative Bulletin, Volume No. 00-7, pages 38 through 49.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Sheila Jensen, Administrative Assistant, (208) 332-8588.

DATED this 4th day of August, 2000.

Sheila Jensen
Administrative Assistant
Board of Veterinary Medicine
2270 Old Penitentiary Rd.
P. O. Box 7249, Boise, ID 83707
Telephone: (208) 332-8588
Facsimile: (208) 334-4062

IDAPA 46
TITLE 01
Chapter 01

RULES OF THE STATE OF IDAHO BOARD OF VETERINARY MEDICINE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 00-7, July 5, 2000, pages 38 through 49.](#)

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.

IDAPA 46 - BOARD OF VETERINARY MEDICAL EXAMINERS
46.01.01 - RULES OF THE STATE OF IDAHO BOARD OF VETERINARY MEDICINE

DOCKET NO. 46-0101-0002

NOTICE OF PENDING FEE RULE

EFFECTIVE DATE: This 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 upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-2105, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any changes 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 5, 2000 Idaho Administrative Bulletin, Volume No. 00-7, pages 50 through 77.

FEE SUMMARY: The following is a specific description of the fee or charge imposed. This fee or charge is being imposed pursuant to Section 54-2105(6)(d), Idaho Code. The \$50 fee will be charged for processing and evaluating applications. Because of the fee being imposed 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, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Sheila Jensen, Administrative Assistant, (208) 332-8588.

DATED this 4th day of August, 2000.

Sheila Jensen
Administrative Assistant
Board of Veterinary Medicine
2270 Old Penitentiary Rd.
P. O. Box 7249, Boise, ID 83707
Phone: (208) 332-8588 / Fax: (208) 334-4062

IDAPA 46
TITLE 01
Chapter 01

RULES OF THE STATE OF IDAHO BOARD OF VETERINARY MEDICINE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 00-7, July 5, 2000, pages 50 through 77.](#)

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.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY
58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO
DOCKET NO. 58-0101-0003
NOTICE OF PROPOSED RULE

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

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

December 5, 2000, 7:00 p.m.
Department of Environmental Quality Conference Center
1410 N. Hilton, Boise, Idaho.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made no later than five (5) days prior to the hearing. For arrangements, contact the undersigned at (208)373-0418.

DESCRIPTIVE SUMMARY: The purpose of this proposed rule is to implement an integral part of the settlement terms of "Idaho Clean Air Force, et al. v. EPA, et al." The lawsuit settlement will allow DEQ sufficient time to complete a PM-10 maintenance plan for northern Ada County thus avoiding a nonattainment classification for Ada County. Failure to make the proposed rule change will likely result in a PM-10 nonattainment classification for northern Ada County. A nonattainment classification would halt highway expansion and impose the same permit requirements for new major industrial source construction and modifications proposed in this rule change. Nonattainment would also impact DEQ's ability to implement airshed management in the Treasure Valley.

This proposed rule requires that the growth in transportation related PM-10 emissions be offset annually in the absence of federal transportation conformity requirements in the former northern Ada County PM-10 nonattainment area. Additionally the rule will change permit requirements for new major facilities or major modifications in the former northern Ada County PM-10 nonattainment area to be analogous to permit requirements for a PM-10 nonattainment area. Once adopted, this rule will remain in place until a PM-10 maintenance demonstration and maintenance plan containing a motor vehicle emissions budget can be developed, submitted to EPA, and approved as meeting the requirements of the Clean Air Act.

The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality in January 2001 for adoption of a pending rule. The rule is expected to be final and effective upon the conclusion of the 2001 session of the Idaho Legislature.

NEGOTIATED RULEMAKING: This rule was derived through settlement negotiations among the participants in the lawsuit.

GENERAL INFORMATION: For more information about the Department of Environmental Quality's programs and activities, visit DEQ's web site at www.state.id.us/deq.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on questions concerning the proposed rulemaking, contact Michael McGown (208) 373-0502, mmcgown@deq.state.id.us.

Anyone can submit written comments by mail, fax or e-mail at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before December 5, 2000.

Dated this 28th day of September, 2000.

Paula J. Gradwohl
Environmental Quality Section
Attorney General's Office
1410 N. Hilton
Boise, Idaho 83706-1255
Fax No. (208)373-0481
pgradwoh@deq.state.id.us

THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0101-0003

204. PERMIT REQUIREMENTS FOR NEW MAJOR FACILITIES OR MAJOR MODIFICATIONS IN NONATTAINMENT AREAS AND IN THE FORMER PM-10 NORTHERN ADA COUNTY NONATTAINMENT AREA (AS DEFINED IN SECTION 582).

The provision specifically referencing the former PM-10 northern Ada County nonattainment area in Section 204 shall expire by its terms and without further action when the EPA designates the former nonattainment area as either attainment or nonattainment. No permit to construct shall be granted for a new major facility or major modification which is proposed for location in a nonattainment area or in the former PM-10 northern Ada County nonattainment area and which would be major for the nonattainment regulated air pollutant(s) unless the applicant shows to the satisfaction of the Department all of the following: ~~(4-5-00)~~(____)

01. LAER. The new major facility or major modification would be operated at the lowest achievable emission rate (LAER) for the nonattainment regulated air pollutant, specifically: (4-5-00)

a. A new major facility would meet the lowest achievable emission rate at each new emissions unit which emits the nonattainment regulated air pollutant; and (4-5-00)

b. A major modification would meet the lowest achievable emission rate at each new or modified emissions unit which has a net emissions increase of the nonattainment regulated air pollutant. (4-5-00)

02. Required Offsets. Allowable emissions from the new major facility or major modification are offset by reductions in actual emissions from stationary sources, facilities, and/or mobile sources in the nonattainment area so as to represent reasonable further progress. All offsetting emission reductions must satisfy the requirements for emission reduction credits (Section 460) and provide for a net air quality benefit which satisfies the requirements of Section 208. If the offsets are provided by other stationary sources or facilities, a permit to construct shall not be issued for the new major facility or major modification until the offsetting reductions are made enforceable through the issuance of operating permits. The new major facility or major modification may not commence operation, and an operating permit for the new major facility or major modification shall not be effective before the date the offsetting reductions are achieved. (4-5-00)

03. Compliance Status. All other sources in the State owned or operated by the applicant, or by any entity controlling, controlled by or under common control with such person, are in compliance with all applicable emission limitations and standards or subject to an enforceable compliance schedule. (5-1-94)

04. Effect On Visibility. The effect on visibility of any federal Class I area, Class I area designated by the Department, or integral vista of a mandatory federal Class I area, by the new major facility or major modification is consistent with making reasonable progress toward remedying existing and preventing future visibility impairment, except that: (5-1-94)

a. New major facilities, or major modifications to major facilities, which are not designated facilities and which do not emit or have the potential to emit two-hundred fifty (250) tons per year, or more, of any regulated

air pollutant are exempt.

(4-5-00)

b. Any integral vista which the Federal Land Manager has not identified at least six (6) months prior to the submittal of a complete application, or which the Department determines was not identified in accordance with the criteria adopted pursuant to 40 CFR Part 51.304(a), may be exempted by the Department. (5-1-94)

05. Definition Of “Nonattainment Regulated Air Pollutant(s)”. For the purposes of Section 204, the term “nonattainment regulated air pollutant(s)” shall be defined to include the pollutant PM-10 in the former northern Ada County nonattainment area. ()

(BREAK IN CONTINUITY OF SECTIONS)

582. INTERIM CONFORMITY PROVISIONS FOR NORTHERN ADA COUNTY FORMER NONATTAINMENT AREA FOR PM-10.

The purpose of Section 582 is to implement part of the settlement of “Idaho Clean Air Force, et al. v. EPA, et al.” Section 582 requires that the growth in transportation related PM-10 emissions be offset annually in the absence of federal transportation conformity requirements in the former PM-10 nonattainment area in northern Ada County, Idaho. Section 582 will remain in place until a PM-10 maintenance demonstration and maintenance plan containing a motor vehicle emissions budget can be developed, submitted to the U.S. Environmental Protection Agency (EPA) and approved as meeting the requirements of Section 175A of the Clean Air Act, and the transportation plan and TIP for northern ADA County has been found to conform to the applicable implementation plan. The Department will prepare a PM-10 maintenance plan within the agreed upon time frame to be submitted to EPA for approval. ()

01. Definitions. Terms not specifically defined in Subsection 582.01 are defined in Sections 565 and 566 of these rules. ()

a. **Annual Reduction Amount.** Represents the estimated, annual average increase in PM-10 emissions in the former nonattainment area expected between the years 1997 and 2005 and is calculated at seven hundred fifty (750) kg/day. ()

c. **Consent Decree.** The consent decree approved by the Ninth Circuit Court of Appeals to resolve “Idaho Clean Air Force, et al. v. EPA, et al.” (Ninth Circuit Docket Nos. 99-70289 & 99-70576). ()

d. **Emissions Reductions.** Reductions in emissions of PM-10 or PM-10 precursors to be achieved by transportation control measures (as defined in 40 CFR 93.101) or other binding emissions control measures. Control measures adopted by the Metropolitan Planning Organization and approved by the Department shall be enforceable obligations of the State Implementation Plan (SIP). ()

e. **Former Nonattainment Area.** That portion of northern Ada County designated as a nonattainment area for PM-10 by 40 CFR 81.87 prior to March 12, 1999. ()

f. **Interim Period.** The period beginning with the fiscal year commencing October 1, 2000, until EPA approves a maintenance plan containing a motor vehicle emission budget for the former nonattainment area and the Metropolitan Planning Organization adopts a transportation plan and TIP that is found to conform in accordance with Section 176(c) of the Clean Air Act and 40 CFR Part 93. ()

g. **Metropolitan Planning Organization (MPO).** For purposes of Section 582, Community Planning Association of Southwest Idaho (COMPASS), or its successor organization, is the MPO for the former nonattainment area. ()

h. **Regionally Significant Project.** A transportation project, other than an exempt project, that is on a facility which serves regional transportation needs (such as access to and from the area outside the region, major activity centers in the region, major planned developments such as new retail malls, sports complexes, etc., or transportation terminals as well as most terminals themselves) and would normally be included in the modeling of a

metropolitan area's transportation network, including, at a minimum: ()

- i. All principal arterial highways; ()
- ii. All fixed guideway transit facilities that offer an alternative to regional highway travel; and ()
- iii. Any other facilities determined to be regionally significant through Section 570, interagency consultation. ()

02. Applicability. The provisions of Section 582 shall apply during the interim period. The transportation conformity requirements of 40 CFR Part 93 applicable to nonattainment areas shall apply to the former nonattainment area pursuant to 42 U.S.C. Section 7506(c)(5) if the area is designated nonattainment or attainment with an approved maintenance plan. The provisions of Section 582 shall no longer apply after a maintenance demonstration and maintenance plan containing motor vehicle emissions budget(s) for PM-10 is submitted by the Department as a State Implementation Plan (SIP) revision, has been approved by EPA as meeting the requirements of Section 175A of the Clean Air Act, and a transportation plan and TIP have been found to conform to the applicable implementation plan pursuant to 40 CFR Part 93. ()

03. Adoption Of Control Measures And Demonstration Of Emissions Reductions. As a precondition to: ()

- a. The expenditure of any non-exempt federal transportation funds; ()
- b. The construction of any regionally significant projects; ()
- c. The execution by the Idaho Transportation Department or the Ada County Highway District of any project agreements required by 23 U.S.C. Section 106(a); or ()
- d. The execution of agreements with contractors to begin construction on a highway project that is not exempt from a conformity determination pursuant to 40 CFR 93.126 and 93.127 during any fiscal year during the interim period, the MPO shall: ()
 - i. Demonstrate that the control measures adopted to achieve emissions reductions in prior fiscal years have been implemented and will continue to be implemented during the next fiscal year; ()
 - ii. Demonstrate that the control measures adopted to achieve emissions reductions have achieved the magnitude of emissions reductions expected as a result of the implementation of such measures; ()
 - iii. Adopt (subject to approval by the Department pursuant to Subsection 852.04) control measures adequate to achieve emissions reductions reasonably calculated to reduce actual emissions during the next fiscal year in the former nonattainment area by the annual reduction amount, at a minimum, in addition to any emissions reductions required to be achieved prior to the beginning of such fiscal year; and ()
 - iv. With regard to control measures that will not be implemented directly by the MPO, obtain written commitments from the responsible entities that the control measures will be implemented in the manner and within the fiscal year required to meet the emission reductions. ()

04. Department Review. Following adoption by the MPO, the control measures designed to achieve the new emissions reductions for the next fiscal year, associated emissions calculations, and the demonstrations required by Subsection 582.03 shall be submitted to the Department. The Department shall review and approve the submission if the Department determines that the requirements of Subsection 582.03 are met. The Department will respond to the submittal within thirty (30) days of receipt. The response may include approval of the submission, a request for further information, or conditional approval of the control measures subject to submission of evidence that entities responsible for implementation of the measures have adopted any ordinances, appropriations or other approvals needed to complete the implementation of such measures. If further information is required, such information shall be submitted to the Department within thirty (30) days of request. The Department shall take final action to approve or deny the submission within ninety (90) days of the MPO's submission of the documentation

required by Subsection 582.03. ()

05. First Year Emissions Reductions. For the initial fiscal year to which Section 582 applies, the MPO shall adopt new control measures reasonably calculated to achieve emissions reductions of two thousand (2000) kg/day. The MPO may take credit for any reductions in transportation-related emissions of PM-10 that were actually achieved by the implementation of enforceable control measures or other measures following March 12, 1999, and that continue to be implemented during the interim period. ()

06. Restrictions On Expenditures If Emissions Reductions Not Adopted. If the MPO adopts control measures for the purpose of achieving emissions reductions in a fiscal year, and the relevant local governmental entities do not adopt the necessary implementing ordinances or appropriate necessary funds, if any, by the beginning of the following fiscal year, the MPO shall not expend any non-exempt federal transportation funds and shall not construct any regionally significant projects in such following fiscal year until each of the relevant local governmental entities, if any, take such actions as may be necessary to implement the control measures previously approved by the MPO and the Department. ()

07. Restrictions On TIP If Emissions Reductions Not Adopted Or Achieved. If: ()

a. Control measures required to achieve emissions reductions for a prior fiscal year have not been implemented; or ()

b. The Department does not approve the control measures submitted by the MPO as adequate to achieve the required emissions reductions for any fiscal year; then: ()

i. The MPO shall not submit any TIP or TIP revision for a project subject to the requirements of Subsection 582.03 to the Idaho Transportation Department for inclusion into the State Transportation Improvement Program or to FHWA/FTA for approval; and ()

ii. No new agreement for a project subject to the requirements of Subsection 582.03 may be executed by the Idaho Transportation Department or the Ada County Highway District until control measures adequate to achieve the total emissions reductions required for any prior fiscal year are implemented and the control measures adequate to achieve the total emissions reductions for the next fiscal year are approved. ()

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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 13 – IDAHO DEPARTMENT OF FISH AND GAME PO Box 25, Boise, ID 83707

Docket No. **13-0115-0002**, Rules Governing the Use of Dogs. Adds definition for “unarmed observer” and deletes obsolete definition. Comment By: 11/22/00.

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY 1410 N. Hilton, Boise, Idaho 83706-1255

Docket No. **58-0101-0003**, Rules for the Control of Air Pollution in Idaho. Requires that the growth in transportation related PM-10 emissions be offset annually in the absence of federal transportation conformity requirements in the former northern Ada County PM-10 nonattainment area and changes permit requirements for new major facilities or major modifications in the former northern Ada County PM-10 nonattainment area to be analogous to permit requirements for a PM-10 nonattainment area. Comment By: 12/5/00.

PUBLIC HEARINGS – Public Hearings have been scheduled for the following dockets:

Department of Agriculture

Docket No. 02-0403-0001, Rules Governing Animal Industry - Comment by 11/8/00.

Idaho Board of Pharmacy

Docket No. 27-0101-0002, Rules of the Idaho Board of Pharmacy

Department of Environmental Quality

Docket No. **58-0101-0003**, Rules for the Control of Air Pollution in Idaho - Comment by 12/5/00.

Please refer to the Idaho Administrative Bulletin, **November 1, 2000, Volume 00-11** for notices and text of all rulemakings, public hearing schedules, Governor’s executive 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 go to Legal, then Administrative Rules.

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