

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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00-7	July, 2000	May 24, 2000	July 5, 2000
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00-9	September, 2000	July 19, 2000	September 6, 2000
00-10	October, 2000	**August 22, 2000	October 4, 2000
00-11	November, 2000	September 20, 2000	November 1, 2000
00-12	December, 2000	October 25, 2000	December 6, 2000

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
01-4	April, 2001	February 21, 2001	April 4, 2001
01-5	May, 2001	March 21, 2001	May 2, 2001
01-6	June, 2001	April 18, 2001	June 6, 2001
01-7	July, 2001	May 23, 2001	July 4, 2001
01-8	August, 2001	June 20, 2001	August 1, 2001
01-9	September, 2001	July 18, 2001	September 5, 2001
01-10	October, 2001	**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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DOCKET NO. 07-0311-0001
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 Sections 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 44-2102, 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 September 6, 2000 Idaho Administrative Bulletin, Volume No. 00-9, pages 21 and 22.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Jack Rayne, Building Programs Manager, (208) 334-3896.

DATED this 11th day of October, 2000.

Jack Rayne
Building Programs Manager
Division of Building Safety, Building Bureau
277 N. 6th, Ste. 100
P. O. Box 83720
Boise, ID 83720-0048
Telephone: (208) 334-3896
Facsimile: (208) 334-2683

IDAPA 07, TITLE 03, Chapter 11

RULES GOVERNING MANUFACTURED/MOBILE HOME LICENSING

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 21 and 22.](#)

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 08 - IDAHO STATE BOARD OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-0003

NOTICE OF NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that this agency intends to propose rules and desires public comment prior to initiating formal rulemaking procedures. The action is negotiated rulemaking authorized pursuant to Sections 33-1501 through 33-1512 and 33-1006, Idaho Code.

HEARING SCHEDULE: Hearings on the negotiated rulemaking will be held as follows:

March 12, 2001, 9:00 a.m. to 5:00 p.m.
Idaho State Department of Education
LBJ Building - 2nd floor Conference Room
650 W. State St., Boise, ID 83720-0027

The meeting site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the meeting. For arrangements, contact the undersigned at (208) 332-6811.

METHOD OF PARTICIPATION: Interested persons may submit written comments through March 12, 2001. Requests to give an oral presentation during the March 12, 2001 public hearing must be submitted prior to March 1, 2001. Copies of the preliminary draft of the proposed rule will be provided to superintendents and other interested parties at the October through February regional superintendents meetings and also to school district business officials at their annual ISBA meeting in Boise on November 10, 2000. Subsequent negotiated proposed rule changes will be made available on an ongoing, month-to-month basis, at the regional superintendents meetings. Pupil transportation supervisors and Idaho's Pupil Transportation Steering Committee members will be provided copies on an ongoing basis.

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

Controversial pupil transportation operational issues continue to surface. These issues are generally related to reimbursement questions, but are also associated with National Minimum Standards for School Bus Construction, Maintenance Standards and Inspections, School Bus Drivers and Vehicle Operations, Written Policies related to pupil transportation, Program Operations including field trips, safety busing, educational programs, and contracting for transportation services, Capital Investment, and Commercial Computerized Routing.

The goal of the State Board of Education and the State Department of Education is to clarify board rule language, establish equitable reimbursement criteria (a matrix), develop minimum standards for school bus construction and operations, develop a school bus out-of-service matrix, provide for increased local control in driver training methods, and develop a mechanism to enhance district accountability.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact Rodney D. McKnight, State Department of Education, Bureau of Finance and Transportation, P.O. Box 83720, Boise, Idaho, (208) 332-6851 or fax to (208) 334-3484.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before March 12, 2001.

DATED this 23rd day of October, 2000.

Dr. Marilyn Howard, Superintendent of Public Instruction
State Department of Education
650 West State Street
P.O. Box 83720, Boise, Idaho 83720-0027
(208) 332-6811 - (208) 332-6836 fax

IDAPA 08 - STATE BOARD OF EDUCATION
08.02.03 - RULES GOVERNING THOROUGHNESS
DOCKET NO. 08-0203-0001
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 33-2003, Idaho Code.

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

The purpose of the proposed rulemaking is to increase uniformity and provide direction for gifted and talented programs statewide as required by Section 33-2003, Idaho Code.

The proposed rule was amended in response to public comment pursuant to Section 67-5227, Idaho Code. Changes have been made in Subsection 456.04.a. and 456.04.b. The original proposed language has been removed and the new language being added to these Subsection is shown in italics.

The original text of the proposed rule was published in the July 5, 2000, Idaho Administrative Bulletin, Volume No. 00-7, pages 30 through 32.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Gary Marx at (208) 332-6920.

DATED this 23rd day of October, 2000.

Dr. Bob West
Chief Deputy Superintendent
State Department of Education
PO Box 83720
Boise, ID 83720-0027
Phone: 332-6814
Fax: 334-2228

IDAPA 08, TITLE 02, Chapter 03

RULES GOVERNING THOROUGHNESS

There are substantive changes from the proposed rule text.

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

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 00-7, July 5, 2000, pages 30 through 32.

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. 08-0203-0001

456. ~~999.~~ **(RESERVED) GIFTED AND TALENTED PROGRAMS.**

- 01. Definitions.** The following definitions apply only to Section 456 of these rules. ()
- a. Department. State Department of Education. ()
- b. District. Local school district. ()
- c. Gifted/talented children. Those students who are identified as possessing demonstrated or potential abilities that give evidence of high performing capabilities in intellectual, creative, specific academic or leadership areas, or ability in the performing or visual arts and who require services or activities not ordinarily provided by the school in order to fully develop such capabilities Section 33-2001, Idaho Code. ()
- d. Governing gifted and talented educational requirements. Sections 33-201, 33-2001, 33-2003, Idaho Code. ()
- 02. Legal Compliance.** The State Department of Education and districts shall comply with all governing gifted and talented education requirements. ()
- 03. District Plan.** Each school district shall develop and write a plan for its gifted and talented program. The plan shall be submitted to the Department no later than October 15, 2001. The plan shall be updated and submitted every three (3) years thereafter and shall include: ()
- a. Philosophy statement. ()
- b. Definition of giftedness. ()
- c. Program goals. ()
- d. Program options. ()
- e. Identification procedures. ()
- f. Program evaluation. ()
- 04. Screening.** The district's process for identifying gifted and talented students shall include the following steps: ()
- a. The district shall screen all potentially gifted and talented students to ensure they have an

opportunity to be considered; and ()

b. The district shall assess those students meeting the screening criteria and additional gather information is gathered concerning their specific aptitudes and educational needs; and ()

c. The district shall match student needs with appropriate program options. ()

05. Assessment. Placement decisions shall not be determined by a single criterion (for instance, test scores, other measurement, teacher recommendation, or nomination). The district's identification process shall use multiple indicators of giftedness with information obtained through the following methods and sources: ()

a. Procedures for obtaining information about students shall include formal assessment methods, such as group and individual tests of achievement, general ability, specific aptitudes and creativity. ()

b. Procedures for obtaining information about students shall also include informal assessment methods, such as checklists, rating scales, pupil product evaluations, observations, nominations, biographical data, questionnaires, interviews and grades. ()

c. Information about students shall be obtained from multiple sources, such as teachers, counselors, peers, parents, community members, subject area experts, and the students themselves. ()

06. Administration. The district shall designate a certificated staff person to be responsible for program development, implementation and funding of the gifted and talented program. ()

457. -- 999. (RESERVED).

IDAPA 09 - IDAHO DEPARTMENT OF LABOR
09.01.30 - RULES OF THE BENEFITS BUREAU
DOCKET NO. 09-0130-0001
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 Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 72-1333(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 any 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 00-9, pages 23 through 28.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Roger Holmes at 208/334-6317.

DATED this 25th day of October, 2000.

Roger Holmes
UI Benefits Chief
Department of Labor
317 W. Main Street
Boise, ID 83735
208/334-6317
Fax: 208/334-6301

IDAPA 09, TITLE 01, Chapter 30

RULES OF THE BENEFITS BUREAU

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 23 through 28.](#)

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 09 - IDAHO DEPARTMENT OF LABOR
09.01.35 - RULES OF THE EMPLOYER ACCOUNTS BUREAU

DOCKET NO. 09-0135-0001

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(s) 72-1333, Idaho Code.

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

In Subsection 011.08.c., the statutory reference was incorrectly made to Section “72-1385”, Idaho Code. The correct statutory reference is to Section “72-1358”, Idaho Code. The proposed rule has been amended to make this typographical correction to the rule, and is being amended pursuant to Section 67-5227, Idaho Code. Because of the nature of this correction, it is not being reprinted in this Bulletin.

The original text of the proposed rule was published in the Idaho Administrative Bulletin, September 6, 2000, Volume 00-9, pages 29 through 34.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Mark Whitworth, Chief, Employer Accounts Bureau, 208/334-6385.

DATED this 25th day of October, 2000.

Mark Whitworth
Chief, Employer Accounts Bureau
Idaho Department of Labor
317 W. Main Street, Boise, ID 83735
Telephone: (208)334-6385/ Fax: (208)334-6301

IDAPA 09, TITLE 01, Chapter 35

RULES OF THE EMPLOYER ACCOUNTS BUREAU

There are substantive changes from the proposed rule text.

The change made to Section 011.08.c. is being shown in the descriptive summary of the notice and is not being printed in this Bulletin.

The text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 00-9, September 6, 2000, pages 29 through 34.](#)

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 09 - IDAHO DEPARTMENT OF LABOR
09.01.50 - RULES OF THE WAGE AND HOUR SECTION

DOCKET NO. 09-0150-0001

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(s) 72-1333 and 45-616, Idaho Code.

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

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, September 6, 2000, Volume 00-9, pages 35 and 36.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Ken Flatt, Labor Relations Supervisor, 208/332-7452.

DATED this 25th day of October, 2000.

Craig G. Bledsoe
Deputy Attorney General
Idaho Department of Labor
317 W. Main Street
Boise, Idaho 83735
Phone: (208)334-6256
Fax: (208)334-6125

IDAPA 09, TITLE 01, Chapter 50

RULES OF THE WAGE AND HOUR SECTION

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 35 and 36.](#)

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 11 - IDAHO STATE POLICE
11.02.01 - RULES OF THE IDAHO STATE BRAND BOARD
DOCKET NO. 11-0201-0001
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 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 and temporary rule. The action is authorized pursuant to Title 25, Chapter 11, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule 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 00-9, pages 50 through 60.

FEE SUMMARY: The following is a specific description of the fee imposed or increased. This fee is being imposed pursuant to Section 25-1160(5), Idaho Code. The fees to be changed in this rulemaking are: \$10 per year renewal fee on the staggered brand renewal system; a decrease in the transfer brand fee from \$50 to \$25; an increase in the minimum field brand inspection fee from \$3 to \$10; and the fee collected by the State Brand Inspector for the Idaho Horse Board will increase from \$1 to \$3.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Larry Hayhurst, Idaho State Brand Board, at (208) 884-7070.

DATED this 19th day of October, 2000.

Margaret P. White
Deputy Attorney General
Idaho State Police
P.O. Box 700, Meridian, ID 83680-0700
(208) 884-7050 / (208) 884-7090 (FAX)

IDAPA 11, TITLE 02, Chapter 01
RULES OF THE IDAHO STATE BRAND BOARD

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 50 through 60.](#)

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 11 - IDAHO STATE POLICE
11.05.01 - RULES GOVERNING ALCOHOL BEVERAGE CONTROL
DOCKET NO. 11-0501-0001
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 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 his agency has adopted a pending and temporary rule. The action is authorized pursuant to Title 67, Chapter 30, 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 00-9, pages 61 through 63.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Lonnie Gray at (208) 884-7060.

DATED this 19th day of October, 2000.

Margaret P. White
Deputy Attorney General
Idaho State Police
P.O. Box 700
Meridian, ID 83680-0700
(208) 884-7050
(208) 884-7090 (FAX)

IDAPA 11, TITLE 05, Chapter 01

RULES GOVERNING ALCOHOL BEVERAGE CONTROL

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 61 through 63.](#)

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 11 - IDAHO STATE POLICE
11.10.01 - RULES GOVERNING THE ILETS SYSTEM - IDAHO LAW
ENFORCEMENT TELETYPEWRITER SYSTEM

DOCKET NO. 11-1001-0003

NOTICE OF PENDING FEE 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 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 his agency has adopted a pending and temporary rule. The action is authorized pursuant to Title 67, Chapter 30, 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 00-9, pages 66 and 67.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 19-5202, Idaho Code. The ILETS system user access fees for the use of an ILETS communication interface, an ILETS terminal, and an ILETS printer are increasing by \$25 for each component for each month of service.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Robert Taylor, Bureau of Criminal Identification, at (208) 884-7132.

DATED this 19th day of October, 2000.

Margaret P. White
Deputy Attorney General
Idaho State Police
P.O. Box 700, Meridian, ID 83680-0700
(208) 884-7050 / (208) 884-7090 (FAX)

IDAPA 11, TITLE 10, Chapter 01

RULES GOVERNING THE ILETS SYSTEM - IDAHO LAW
ENFORCEMENT TELETYPEWRITER SYSTEM

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 66 and 67.

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 11 - IDAHO STATE POLICE
11.10.02 - RULES ESTABLISHING FEES FOR SERVICES - IDAHO CRIMINAL
JUSTICE INFORMATION SYSTEM

DOCKET NO. 11-1002-0001

NOTICE OF PENDING FEE 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 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 his agency has adopted a pending and temporary rule. The action is authorized pursuant to Section 67-3010, 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 October 4, 2000, Idaho Administrative Bulletin, Volume 00-10, pages 101 and 102.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 67-3010, Idaho Code.

The proposed rule will correct the statutory authority as adopted by the legislature and increase the name check fee from \$5 to \$10.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Robert Taylor, Bureau of Criminal Identification, at (208) 884-7132.

DATED this 19th day of October, 2000.

Margaret P. White
Deputy Attorney General
Idaho State Police
P.O. Box 700, Meridian, ID 83680-0700
(208) 884-7050 / (208) 884-7090 (FAX)

IDAPA 11, TITLE 11, Chapter 02

RULES ESTABLISHING FEES FOR SERVICES - IDAHO CRIMINAL
JUSTICE INFORMATION SYSTEM

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 66 and 67.

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 11 - IDAHO STATE POLICE

**11.11.02 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING
COUNCIL FOR JUVENILE DETENTION OFFICERS**

DOCKET NO. 11-1102-0001

NOTICE OF PENDING RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is October 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 19-5107, Idaho Code.

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

The word "county" is being added to Section 032 to clarify that employment as a juvenile detention officer by a county in another state also qualifies an applicant to challenge for certification in Idaho.

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

Only the sections that have changes are printed in this bulletin. The original text of the proposed rule was published in the October 4, 2000 Idaho Administrative Bulletin, Volume 00-10, pages 103 through 106.

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

DATED this 26th day of October, 2000.

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

IDAPA 11, TITLE 11, Chapter 02

**RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING
COUNCIL FOR JUVENILE DETENTION OFFICERS**

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 00-10, October 4, 2000, pages 103 through 106.](#)

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. 11-1102-0001

032. CHALLENGE PROCEDURE.

Any juvenile detention officer employed by a duly constituted Idaho juvenile detention center who has, within the last five (5) years, been employed by another county, state, or the federal government as a juvenile detention officer or a student who has satisfactorily completed a Basic Juvenile Detention Academy equivalent to Idaho's POST Basic Juvenile Detention Academy within the last three (3) years shall be eligible for certification in the state of Idaho without attending the Basic Juvenile Detention Academy, provided the officer: ~~(10-1-00)T~~(10-1-00)T

01. Documents. Submits a POST Juvenile Detention Certification Challenge Packet to POST Council, which must include copies of transcripts, certificates, diplomas, or other documents that substantiate the officer's training and experience; (10-1-00)T

02. Examination. Passes the POST juvenile detention certification examination approved by the Council and administered by a POST Training Specialist, conducted in the manner set forth in Subsection 030.02; (10-1-00)T

03. Training. Attends and passes the Idaho POST Juvenile Detention Academy's "Legal and Liability Issues" and "Appropriate Use of Physical Force" training or POST-approved equivalent; and (10-1-00)T

04. Probation Period. Completes probationary period, as required by Subsection 031.01. (10-1-00)T

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.04 - RULES GOVERNING THE FOOD STAMP PROGRAM IN IDAHO

DOCKET NO. 16-0304-0001

NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and are 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) and 56-1004, 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 00-9, pages 74 through 83.

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

DATED this 26th day of October, 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 04

RULES GOVERNING THE FOOD STAMP PROGRAM IN IDAHO

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 74 through 83.](#)

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
16.03.09 - RULES GOVERNING THE MEDICAL ASSISTANCE PROGRAM
DOCKET NO. 16-0309-0002
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(f), 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.

Based on Department review, Subsection 079.02.g was deleted to eliminate the exclusion of services to be provided based on the primary diagnosis of substance abuse. The proposed rules have been amended to make transcriptional corrections to the rules, and are 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 subsections that have changes are printed in this bulletin. The original text of the proposed rules was published in the June 7, 2000 Administrative Bulletin, Volume 00-6, pages 31 through 47.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Mary Lou Forbes at (208) 364-1844.

DATED this 4th day of October, 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 09

RULES GOVERNING THE MEDICAL ASSISTANCE PROGRAM

There are substantive changes from the proposed rule text.

Only those subsections that have changed from the original proposed text are printed in this notice.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 00-6, June 7, 2000, pages 31 through 47.

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 AMENDED TEXT OF DOCKET NO. 16-0309-0002

SUBSECTION 079.02

079. INPATIENT PSYCHIATRIC HOSPITAL SERVICES.

02. Exclusions. If a child meets one (1) or more of the following criteria, Medicaid reimbursement under IDAPA 16.03.09, "Rules Governing Medical Assistance," will be denied: (2-1-00)T

a. The child is unable to actively participate in an outpatient psychiatric treatment program solely because of a major medical condition, surgical illness or injury; or (7-1-99)

b. The child demonstrates anti-social or criminal behavior or has criminal or legal charges against him and does not meet the severity of illness or intensity of service criteria; or (7-1-99)

c. The child has anti-social behaviors or conduct problems that are a danger to others but are not attributable to a mental illness (DSM IV) with substantial impairment in thought, mood or perception; or (7-1-99)

d. The child has a primary diagnosis of mental retardation and the primary treatment need is related to the mental retardation; or (7-1-99)

e. The child lacks a place to live and/or family supports and does not meet severity of illness and intensity of service criteria; or (7-1-99)

f. The child has been suspended or expelled from school and does not meet severity of illness and intensity of service criteria; ~~or~~ (7-1-99)(2-1-00)T

~~g. Substance abuse is the primary diagnosis and the primary treatment need. (7-1-99)~~

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.09 - RULES GOVERNING THE MEDICAL ASSISTANCE PROGRAM

DOCKET NO. 16-0309-0005

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) and 56-203(g), 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 change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the August 2, 2000 Administrative Bulletin, Volume 00-8, pages 34 through 41.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Colleen Osborn at (208) 364-1923.

DATED this 4th day of October, 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 09

RULES GOVERNING THE MEDICAL ASSISTANCE PROGRAM

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 34 through 41.](#)

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
16.03.09 - RULES GOVERNING THE MEDICAL ASSISTANCE PROGRAM

DOCKET NO. 16-0309-0006

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) and 56-203(g), 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 change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the September 6, 2000 Administrative Bulletin, Volume 00-9, pages 88 and 89.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact DeeAnne Moore at (208) 364-1840.

DATED this 26th day of October, 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 09

RULES GOVERNING THE MEDICAL ASSISTANCE PROGRAM

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 88 and 89.

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
16.03.09 - RULES GOVERNING THE MEDICAL ASSISTANCE PROGRAM

DOCKET NO. 16-0309-0007

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), 56-203(g) and 56-209h, 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 change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the September 6, 2000 Administrative Bulletin, Volume 00-9, pages 90 through 93.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Mond Warren at (208) 334-1817.

DATED this 26th day of October, 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 09

RULES GOVERNING THE MEDICAL ASSISTANCE PROGRAM

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 90 through 93.](#)

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
16.03.10 - RULES GOVERNING MEDICAID PROVIDER REIMBURSEMENT IN IDAHO
DOCKET NO. 16-0310-0001

NOTICE OF PENDING RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is February 15, 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(f), 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.

Changes in Section 248 were made to address public concerns regarding the request of approval of a special rate for new admits as well as for clients currently in ICF/MR. The proposed rule has been amended in response to public comment, and are 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 Director amended the temporary rule with the same revisions which have been made to the proposed rule.

Only those sections that have changes are printed in this bulletin. The original text of the proposed rule was published in the June 7, 2000 Administrative Bulletin, Volume 00-7, page(s) 59 and 60.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Jean Christensen at (208) 364-1828.

DATED this 26th day of October, 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 10

RULES GOVERNING MEDICAID PROVIDER REIMBURSEMENT 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 00-6, June 7, 2000, pages 59 and 60.

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. 16-0310-0001

248. SPECIAL RATES FOR ICF'S/MR.

~~In accordance with~~ Section 56-117, Idaho Code, ~~the Director~~ provides that the Department may pay facilities a special rate for care given to consumers who have medical or behavior long-term care needs beyond the normal scope of facility services. These individuals must have one (1) or more of the following behavior needs; additional personnel for supervision, additional behavior management, or additional psychiatric or pharmacology services. A special rate may also be given to consumers having medical needs that may include but are not limited to individuals needing ventilator assistance, certain medical pediatric needs, or individuals requiring nasogastric or intravenous feeding devices. ~~These medical and behavior needs which~~ are not adequately reflected in the rates calculated pursuant to the principles set in Section 56-113, Idaho Code. The payment for such specialized care will be in addition to any payments made in accordance with other provisions of this chapter and will be based on a per diem rate applicable to the incremental additional costs incurred by the facility. Payment for special rates will start with approval by the Department and be and reviewed at least yearly for continued need. The incremental cost to a facility that exceeds the rate for services provided pursuant to the provisions of Section 248, will be excluded from the computation of payments or rates under other provisions of Section 56-102, Idaho Code, and IDAPA 16.03.10, "Rules Governing Medicaid Provider Reimbursement". ~~(2-15-00)F(2-15-00)T~~

01. Determinations. A determination to approve or not approve a special rate will be made on a consumer-by-consumer basis. No rate will be allowed if reimbursement for these needs is available from a non-Medicaid source. (2-15-00)T

02. Approval. ~~Authorization of a special rate is required prior to admission. In an emergency situation if necessary to divert the consumer from a more restrictive placement, prior authorization is not required for up to seventy two (72) hours. An emergency situation constitutes a diversion from a more restrictive placement. Special rates will not be paid unless prior authorized by the Department. A special rate may be used in the following circumstances:~~ Special rates will not be paid unless prior authorized by the Department. A special rate may be used in the following circumstances: ~~(2-15-00)F(2-15-00)T~~

- a. New admissions to a community ICF/MR; (2-15-00)T
- b. For individuals currently living in a community ICF/MR when there has been a significant change in condition not reflected in the current rate; or (2-15-00)T
- c. The Facility has altered services to achieve and maintain compliance with state licensing or federal certification requirements that have resulted in additional cost to the facility not reflected in their current rate. (2-15-00)T
- d. For the purpose of this rule, an emergency exists when the facility must incur additional behavioral or medical costs to prevent a more restrictive placement. (2-15-00)T

03. Reporting. Costs equivalent to payments at the special rate will be removed from the cost components subject to limits, and will be reported separately. (2-15-00)T

04. Limitations. The reimbursement rate paid will not exceed the provider's charges to other patients for similar services. (2-15-00)T

IDAPA 23 - BOARD OF NURSING
23.01.01 - RULES OF THE BOARD OF NURSING
DOCKET NO. 23-0101-0001
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 Sections 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1404(a), 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 October 4, 2000 Idaho Administrative Bulletin, Volume No. 00-10, pages 509 through 522.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: Renewal/reinstatement fees are being increased by \$5; licensure fees are being increased \$15 for licensed professional and licensed practical nurses; the endorsement licensure fee is increased by \$10; the temporary license fee by \$10; the limited license fee by \$10; and the license verification fee by \$15. The fees charged for evaluation of educational programs are being revised to allow charges of up to \$250 for nursing education programs and \$500 for programs offered by commercial establishments.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Sandra Evans, Executive Director, at (208) 334-3110.

DATED this 25th day of October, 2000.

Sandra Evans, Executive Director
Idaho Board of Nursing
280 N. 8th St., Ste. 210
P. O. Box 83720, Boise, ID 83720-0061
Telephone: (208) 334-3110 / Facsimile: (208) 334-3262

IDAPA 23, TITLE 01, Chapter 01
RULES OF THE BOARD OF NURSING

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 00-10, October 4, 2000, pages 509 through 522.](#)

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 24 - BUREAU OF OCCUPATIONAL LICENSES
24.01.01 - RULES OF THE BOARD OF ARCHITECTURAL EXAMINERS
DOCKET NO. 24-0101-0001
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 54-312, 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 October 4, 2000 Idaho Administrative Bulletin, Volume Number 00-10, pages 523 through 525.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dee Ann Randall, (208) 334-3233.

DATED this 26th day of October, 2000.

Dee Ann Randall
Owyhee Plaza
1109 Main Street, Suite 220
Boise, ID 83702
(208) 334-3233
(208) 334-3945 (FAX)

IDAPA 24
TITLE 01
Chapter 01

RULES OF THE BOARD OF ARCHITECTURAL EXAMINERS

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 00-10, October 4, 2000, pages 523 through 525.](#)

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 24 - BUREAU OF OCCUPATIONAL LICENSES
24.03.01 - RULES OF THE STATE BOARD OF CHIROPRACTIC PHYSICIANS

DOCKET NO. 24-0301-0001

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 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 54-707, 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 October 4, 2000 Idaho Administrative Bulletin, Volume Number 00-10, pages 526 through 529.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This change does not establish new or increased fees. The cost of the Peer Review process is paid largely by insurance companies and third-party providers. The changes will clarify the method of calculating the fees for review. Section 54-715, Idaho Code, authorizes the Peer Review Committee.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dee Ann Randall, (208) 334-3233.

DATED this 19th day of October, 2000.

Dee Ann Randall
Owyhee Plaza
1109 Main Street, Suite 220
Boise, ID 83702
(208) 334-3233
(208) 334-3945 (FAX)

IDAPA 24, TITLE 03, Chapter 01

RULES OF THE STATE BOARD OF CHIROPRACTIC PHYSICIANS

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 00-1, October 4, 2000, pages 526 through 529.](#)

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 24 - BUREAU OF OCCUPATIONAL LICENSES
24.05.01 - RULES OF THE BOARD OF ENVIRONMENTAL HEALTH SPECIALIST EXAMINERS

DOCKET NO. 24-0501-0001

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(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 54-2403 and 54-2405, 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 October 4, 2000 Idaho Administrative Bulletin, Volume Number 00-10, pages 555 and 556.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-2402, Idaho Code, which authorizes the Board to set fees for certificates of registration in amounts not to exceed \$60. The current fees are equal to the present statutory cap. The proposed license fee change does not increase current fees, but rather clarifies the original licensure fee. The fee for the trainee certificate is being clarified and increased to \$60 from \$5.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dee Ann Randall, (208) 334-3233.

DATED this 26th day of October, 2000.

Dee Ann Randall
Owyhee Plaza
1109 Main Street, Suite 220
Boise, ID 83702
(208) 334-3233 / (208) 334-3945 (FAX)

IDAPA 24, TITLE 05, Chapter 01

RULES OF THE BOARD OF ENVIRONMENTAL HEALTH SPECIALIST EXAMINERS

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 00-10, October 4, 2000, pages 555 and 556.](#)

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 24 - BUREAU OF OCCUPATIONAL LICENSES
24.10.01 - RULES OF THE STATE BOARD OF OPTOMETRY

DOCKET NO. 24-1001-0001

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(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 54-1509, 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 October 4, 2000 Idaho Administrative Bulletin, Volume Number 00-10, pages 557 through 560.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-1501, Idaho Code, which authorizes the Board to issue a certificate to prescribe, administer and dispense therapeutic pharmaceutical agents. The proposed fee will be assessed one time only per applicant, to defray the costs of printing and preparing the certificate.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dee Ann Randall, (208) 334-3233.

DATED this 26th day of October, 2000.

Dee Ann Randall
Owyhee Plaza
1109 Main Street, Suite 220
Boise, ID 83702
(208) 334-3233 / (208) 334-3945 (FAX)

IDAPA 24, TITLE 10, Chapter 01
RULES OF THE STATE BOARD OF OPTOMETRY

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 00-10, October 4, 2000, pages 557 through 560.](#)

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 24 - BUREAU OF OCCUPATIONAL LICENSES
24.15.01 - RULES OF THE IDAHO COUNSELOR LICENSING BOARD

DOCKET NO. 24-1501-0001

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 54-3404, 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 October 4, 2000 Idaho Administrative Bulletin, Volume Number 00-10, pages 561 through 565.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dee Ann Randall, (208) 334-3233.

DATED this 26th day of October, 2000.

Dee Ann Randall
Owyhee Plaza
1109 Main Street, Suite 220
Boise, ID 83702
(208) 334-3233
(208) 334-3945 (FAX)

IDAPA 24, TITLE 15, Chapter 01

RULES OF THE IDAHO COUNSELOR LICENSING BOARD

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 00-10, October 4, 2000, pages 561 through 565.

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 24 - BUREAU OF OCCUPATIONAL LICENSES
24.17.01 - RULES OF THE STATE BOARD OF ACUPUNCTURE

DOCKET NO. 24-1701-0001

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(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 54-4705, 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 October 4, 2000 Idaho Administrative Bulletin, Volume Number 00-10, pages 566 through 570.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. There will be no fiscal impact as the changes do not establish new or increased fees. The changes will clarify those fees authorized by Section 54-4710, Idaho Code.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dee Ann Randall, (208) 334-3233.

DATED this 26th day of October, 2000.

Dee Ann Randall
Owyhee Plaza
1109 Main Street, Suite 220
Boise, ID 83702
(208) 334-3233 / (208) 334-3945 (FAX)

IDAPA 24, TITLE 17, Chapter 01

RULES OF THE STATE BOARD OF ACUPUNCTURE

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 00-10, October 4, 2000, pages 566 through 570.](#)

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 24 - BUREAU OF OCCUPATIONAL LICENSES
24.18.01 - RULES OF THE REAL ESTATE APPRAISER BOARD
DOCKET NO. 24-1801-0001
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(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 54-4106, 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 October 4, 2000 Idaho Administrative Bulletin, Volume Number 00-10, pages 571 and 572.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. Section 54-4113, Idaho Code, authorizes the Board to set fees for certification, licensure, and renewal in amounts not to exceed \$500. The proposed changes are well under the statutory cap and are necessary to insure that the Board continues to be self-supporting within the Bureau of Occupational Licenses.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dee Ann Randall, (208) 334-3233.

DATED this 26th day of October, 2000.

Dee Ann Randall
Owyhee Plaza
1109 Main Street, Suite 220
Boise, ID 83702
(208) 334-3233
(208) 334-3945 (FAX)

IDAPA 24, TITLE 18, Chapter 01
RULES OF THE REAL ESTATE APPRAISER BOARD

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 00-10, October 4, 2000, pages 571 and 572.](#)

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 25 - OUTFITTERS AND GUIDES LICENSING BOARD

25.01.01 - RULES OF THE OUTFITTERS AND GUIDES LICENSING BOARD

DOCKET NO. 25-0101-0001

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 a 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 pending rules. The action is authorized pursuant to Section 36-2107(b) and (d), Idaho Code.

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

The proposed rules have been amended in response to public comment. A change has been made to Subsection 002.21: Language regarding pre-season or in-season scouting as activities that fall within the definition of "hunting" has been removed because of objections by the outfitting industry. In addition, at the request of Legislative Services, in Subsection 064.01, the words "with the concurrence of the Board" have been added to language authorizing the Board's Executive Director to grant or deny licenses.

With the exception of the changes noted above, 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 00-9, pages 140 through 148. The new language being added to these Subsection is shown in italics.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 36-2107, Idaho Code.

Section 053 is a new rule and converts a current Board policy into a rule. It provides for the license amendment process for controlled hunts outside an outfitters licensed area and places the \$10 amendment fee, which the Board currently charges for this type of amendment into rule format.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact: Dean Sangrey, Executive Director, (208) 327-7382 - FAX 327-7382

DATED this 25th day of October, 2000.

Dean Sangrey, Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, Idaho 83706
(208) 327-7380
FAX (208) 327-7382

IDAPA 25, TITLE 01, Chapter 01

RULES OF THE OUTFITTERS AND GUIDES LICENSING BOARD

There are substantive changes from the proposed rule text.

Only those Subsections 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 00-9, September 6, 2000, pages 140 through 148.](#)

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 AMENDED TEXT OF SUBSECTIONS 002.21
AND 064.01 OF DOCKET NO. 25-0101-0001**

SUBSECTION 002.21

002. DEFINITIONS.

The Act defines certain terminology applicable to its interpretation and administration (Idaho Code 36-2102). Further definitions, for the purposes of these Rules are: (4-1-92)

21. Hunting. The pursuit of any game animal or bird and all related activities including packing of *client* camp equipment, supplies, game meat and clients to and from a hunting camp. (~~12-30-93~~)()

(BREAK IN CONTINUITY OF SECTIONS)

SUBSECTION 064.01

064. ~~(RESERVED)~~ AUTHORIZATION FOR GRANTING, DENIAL AND REVOCATION OF LICENSES.

01. Executive Director Authorizations. The Executive Director is authorized to grant or deny licenses and license amendments, with the concurrence of the Board, under the following conditions: ()

**IDAHO DEPARTMENT OF ADMINISTRATION
OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR
AND THE IDAHO PUBLIC UTILITIES COMMISSION**

IDAPA 31 - PUBLIC UTILITIES COMMISSION

31.01.01 - RULES OF PROCEDURE OF THE IDAHO PUBLIC UTILITIES COMMISSION

DOCKET NO. 31-0101-0001

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 the Idaho Public Utilities Commission, in conjunction with the Office of the Administrative Rules Coordinator, has adopted a pending rule. The action is authorized pursuant to Sections 67-5206 and 61-601, 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 October 4, Idaho Administrative Bulletin, Volume No. 00-10, pages 587 and 588.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Don Howell at 334-0312 or Dennis Stevenson at 332-1820.

DATED this 25th day of October, 2000.

Rick Thompson, Administrative Rules Coordinator
Department of Administration
Office of Administrative Rules
PO Box 83720-0306, Boise, Idaho 83720
Phone: (208) 332-1820 / Fax: (208) 334-2395

IDAPA 31, TITLE 01, Chapter 01

RULES OF PROCEDURE OF THE IDAHO PUBLIC UTILITIES COMMISSION

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 00-10, October 4, 2000, pages 587 and 588.

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 31 - PUBLIC UTILITIES COMMISSION
31.71.03 - RAILROAD SAFETY/SANITATION RULES
DOCKET NO. 31-7103-0001
NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Idaho Public Utilities Commission 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 the Idaho Public Utilities Commission has adopted a pending rule. This action is authorized pursuant to Sections 61-515, 61-121 and 61-113, 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.

No written comments were submitted. Consequently, the pending rule is being adopted as proposed. The original text of the proposed rule was published on September 6, 2000 in the Idaho Administrative Bulletin, Volume 00-9, pages 185 and 186.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Donald L. Howell, II, Deputy Attorney General, (208) 334-0312.

DATED this 11th day of October, 2000.

Jean D. Jewell
Commission Secretary
Idaho Public Utilities Commission
472 W. Washington St. (83702-5983)
PO Box 83720
Boise, ID 83720-0074
Tel: (208) 334-0338
FAX: (208) 334-3762

IDAPA 31, TITLE 71, Chapter 03

RAILROAD SAFETY/SANITATION RULES

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 185 and 186.

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 33 - REAL ESTATE COMMISSION
33.01.01 - RULES OF THE IDAHO REAL ESTATE COMMISSION
DOCKET NO. 33-0101-0001
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 Sections 54-2007, 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:

Repeals the existing rules chapter, IDAPA 33.01.01, in its entirety. A new pending rule is being adopted under Docket No. 33-0101-0002 to replace this chapter.

The pending rule is being adopted as proposed and published in the June 7, 2000, Idaho Administrative Bulletin, Volume No. 00-6, page 68.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Donna Jones, (208) 334-3285 ext. 232 or Kim Coster, (208) 334-3285 ext. 235.

DATED this 25th day of October, 2000.

Donna M. Jones
Executive Director
Idaho Real Estate Commission
633 N. 4th Street
PO Box 83720
Boise, ID 83720
(208) 334-3285, (208) 334-2050 (Fax)

IDAPA 33, TITLE 01, Chapter 01

RULES OF THE IDAHO REAL ESTATE COMMISSION

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 00-6, June 7, 2000, page 68.](#)

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 33 - REAL ESTATE COMMISSION
33.01.01 - RULES OF THE IDAHO REAL ESTATE COMMISSION
DOCKET NO. 33-0101-0002
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 Sections 54-2007, 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:

A new chapter has been adopted to replace the former rules chapter, IDAPA 33.01.01. The new chapter consists of former rules that were not codified in the new statute, and reflects changes necessitated by the enactment of the new statute, SB 1312.

The pending rule is being adopted as proposed and published in the June 7, 2000, Idaho Administrative Bulletin, Volume No. 00-6, pages 69 through 83.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Donna Jones, (208) 334-3285 ext. 232 or Kim Coster, (208) 334-3285 ext. 235.

DATED this 25th day of October, 2000.

Donna M. Jones
Executive Director
Idaho Real Estate Commission
633 N. 4th Street
PO Box 83720
Boise, ID 83720
(208) 334-3285, (208) 334-2050 (Fax)

IDAPA 33, TITLE 01, Chapter 01

RULES OF THE IDAHO REAL ESTATE COMMISSION

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 00-6, June 7, 2000, pages 69 through 83.

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 33 - REAL ESTATE COMMISSION
33.01.01 - RULES OF THE IDAHO REAL ESTATE COMMISSION
DOCKET NO. 33-0101-0003
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 Sections 54-2007, Idaho Code.

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

The proposed rule would allow identification numbers to be assigned or approved by the Idaho Real Estate Commission that will constitute the user's signature when transmitted as part of an electronic record in the course of business with the Commission.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 4, 2000, Idaho Administrative Bulletin, Volume No. 00-10, pages 605 and 606.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Donna Jones, (208) 334-3285 ext. 232 or Kim Coster, (208) 334-3285 ext. 235.

DATED this 25th day of October, 2000.

Donna M. Jones
Executive Director
Idaho Real Estate Commission
633 N. 4th Street
PO Box 83720
Boise, ID 83720
(208) 334-3285, (208) 334-2050 (Fax)

IDAPA 33, TITLE 01, Chapter 01

RULES OF THE IDAHO REAL ESTATE COMMISSION

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 00-10, October 4, 2000, pages 605 and 606.](#)

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 33 - REAL ESTATE COMMISSION
33.01.01 - RULES OF THE IDAHO REAL ESTATE COMMISSION

DOCKET NO. 33-0101-0004

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 at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-2007, Idaho Code.

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

The Idaho Real Estate Commission has determined that assessing a reduced license fee for each licensed business entity is fair and necessary to cover the costs associated with administering the license. Currently, no fee is charged for the first entity license, but the broker is assessed an additional "broker license fee" (\$220) for the second and each sequential entity license. Under the proposed rule change, a flat fee of one hundred dollars (\$100) will be charged for each entity license, instead of charging the full broker license fees for multiple entity licenses.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 4, 2000, Idaho Administrative Bulletin, Volume No.00-10, pages 607 and 608.

FEE SUMMARY: The Commission will assess a bi-annual fee of one hundred dollars (\$100) for each new or renewing business entity license, and the additional broker license fees will no longer be charged for multiple entity licenses.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Donna Jones, (208) 334-3285 ext. 232 or Kim Coster, (208) 334-3285 ext. 235.

DATED this 25th day of October, 2000.

Donna M. Jones, Executive Director
Idaho Real Estate Commission
633 N. 4th Street
PO Box 83720, Boise, ID 83720
(208) 334-3285, (208) 334-2050 (Fax)

IDAPA 33, TITLE 01, Chapter 01

RULES OF THE IDAHO REAL ESTATE COMMISSION

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 00-10, October 4, 2000, pages 607 and 608.](#)

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 35 - STATE TAX COMMISSION
35.01.01 - INCOME TAX ADMINISTRATIVE RULES
DOCKET NO. 35-0101-0001
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 become final and effective upon adjournment of the legislative session in 2001, unless the rules are approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 63-105 and 63-3039, 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 October 4, 2000 Idaho Administrative Bulletin, Volume 00-10, pages 609 through 646.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rules, contact Janice Boyd, (208) 334-7530.

DATED this 25th day of October, 2000.

Janice Boyd, Tax Policy Specialist
State Tax Commission
800 Park, Plaza IV
P. O. Box 36
Boise, ID 83722
(208) 334-7530
FAX (208) 334-7844

IDAPA 35, TITLE 01, Chapter 01

RULES GOVERNING PROPERTY TAX ADMINISTRATIVE RULES

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 00-10, October 4, 2000, pages 609 through 646.](#)

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 35 - STATE TAX COMMISSION
35.01.02 - IDAHO SALES AND USE TAX ADMINISTRATIVE RULES
DOCKET NO. 35-0102-0001
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 upon adjournment of the legislative session in 2001, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

Subsection 063.05.a. is being corrected due to an error in the publication of the proposed rule. In the table in this subsection that reads "Total bad debt" the dollar amount "\$17,245" should have been struck and replaced with the dollar amount \$11,245. It was inadvertently missed in the proposed rule and is being reprinted here as originally submitted.

There are substantive changes from the proposed rule text. Only those Subsections that have changed from the original proposed text are printed in this Bulletin following this notice. The original text of the proposed rule was published in the October 4, 2000 Idaho Administrative Bulletin, Volume 00-10, pages 647 through 656.

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

DATED this 25th day of October, 2000.

Jim Husted, Tax Policy Specialist
State Tax Commission
800 Park Blvd. Plaza IV
P. O. Box 36, Boise, ID 83722
(208) 334-7530
FAX (208) 334-7844

IDAPA 35, TITLE 01, Chapter 02

IDAHO SALES AND USE TAX ADMINISTRATIVE RULES

There are substantive changes from the proposed rule text.

**Only the Subsection that has changed from the original proposed text
is printed in this docket following this Notice.**

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 00-10, October 4, 2000, pages 647 through 656.

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 AMENDED TEXT OF DOCKET NO. 35-0102-0001

Subsection 063.05

063. BAD DEBTS AND REPOSSESSIONS (Rule 063).

05. **Amount Of Credit Allowed.** The amount of credit that can be claimed is the amount of sales tax that is uncollectible. If both nontaxable and taxable items are financed, credit may be taken only for that portion of the bad debt which represents unpaid sales tax. (7-1-93)

a. Example: A taxable sale is made of a thirty thousand dollar (\$30,000) forklift, thirty-one thousand five hundred dollars (\$31,500) including sales tax, with a five thousand dollar (\$5,000) down payment, financing the balance on a sixty (60) month contract. The forklift is repossessed by the retailer after twenty (20) months and sold at a public sale for six thousand dollars (\$6,000). The remaining principal balance owed on the contract at the time of repossession is seventeen thousand two hundred forty-five dollars (\$17,245) including the financed sales tax. After the collateral is sold the amount deemed worthless is eleven thousand two hundred forty-five dollars (\$11,245). The sales tax bad debt write off is ~~eight hundred twenty-one~~ five hundred thirty-five dollars (\$~~821~~535).

Total taxable sale	\$30,000
5% sales tax	1,500
Total sale	31,500
Down payment	(5,000)
Total financed	\$26,500
Payment to principal after sale	(9,255)
<u>Amount realized at public sale</u>	<u>\$(6,000)</u>
Total bad debt	\$17,245 <u>11,245</u>
Sales tax portion of bad debt \$17,245 <u>11,245</u> ÷ (17,245 <u>11,245</u> / 1.05)	= \$821 <u>535</u>
OR	
\$17,245 <u>11,245</u> - \$16,424 <u>10,710</u>	= \$821 <u>535</u>
(\$16,424 <u>10,710</u> + 5% tax	= \$17,245 <u>11,245</u>)

(7-1-93)()

IDAPA 35 - STATE TAX COMMISSION
35.01.03 - PROPERTY TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0103-0001

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

AUTHORITY: In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 63-105A, Idaho Code.

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

The advertised proposed Property Tax Rule 314.04.a. has been amended in response to public comment received during the public hearing held October 4, 2000. With this exception, 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 00-9, pages 187 through 189.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Alan Dornfest, at (208) 334-7530.

DATED this 25th day of October, 2000.

Alan Dornfest, Tax Policy Supervisor
State Tax Commission
800 Park Blvd. Plaza IV
P. O. Box 36
Boise, ID 83722
(208) 334-7530 FAX (208) 334-7844

IDAPA 35, TITLE 01, Chapter 03

PROPERTY TAX ADMINISTRATIVE RULES

There are substantive changes from the proposed rule text.

Only the Subsection that has changed from the original proposed text is printed in this docket.

The text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 00-9, September 6, 2000, pages 187 through 189.](#)

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 AMENDED TEXT OF DOCKET NO. 35-0102-0001

Subsection 314.04.a.

314. COUNTY VALUATION PROGRAM TO BE CARRIED ON BY ASSESSOR (Rule 314). (7-19-00)T
Sections 63-314 and 63-316, Idaho Code.

04. Request For Extension. As provided in Section 63-314, Idaho Code, a county may request an extension to the current five (5) year county valuation plan. (7-19-00)T

a. Amended Plan. Any request for an extension must include an amended plan incorporating an inventory of the parcels to be appraised during the period of the approved extension. This inventory shall constitute the schedule of required appraisals for the initial year or years of the subsequent five (5) year valuation program. Parcels appraised during the extension will be considered appraised during both the current and subsequent five (5) year plan valuation program periods, maintaining the same five (5) year cycle for all counties. ~~(7-19-00)T()~~

b. Approval of the Extension and Amended Plan. A county shall be notified of the State Tax Commission's decision regarding the granting of an extension as provided in Section 63-314, Idaho Code, within thirty (30) days of receipt of the written request for the extension when accompanied by an amended plan. (7-19-00)T

c. Approval of the Amended Plan. The State Tax Commission's approval of any extension shall specify timing and nature of progress reports. (7-19-00)T

d. Voiding of the Extension. The State Tax Commission can void an extension unilaterally. (7-19-00)T

IDAPA 35 - STATE TAX COMMISSION
35.01.03 - PROPERTY TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0103-0002

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 legislative session in 2001, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

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 00-9, pages 190 through 192.

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

DATED this 25th day of October, 2000.

Alan Dornfest, Tax Policy Supervisor
State Tax Commission
800 Park Blvd. Plaza IV
P. O. Box 36, Boise, ID 83722
(208) 334-7530, FAX (208) 334-7844

IDAPA 35, TITLE 01, Chapter 03

PROPERTY TAX ADMINISTRATIVE RULES

There are 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 190 through 192.

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 35 - STATE TAX COMMISSION
35.01.03 - PROPERTY TAX ADMINISTRATIVE RULES
DOCKET NO. 35-0103-0003
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 legislative session in 2001, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

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 original text of the proposed rule was published in the September 6, 2000 Idaho Administrative Bulletin, Volume 00-9, pages 193 through 197.

The advertised proposed Property Tax Rule 484 will have no changes from the original rule except to renumber Rule 484 to Rule 961, amend the word "exclusive" to all lower case letters and add the word "Forest" to the section header. All other changes that appeared in the published proposed rule are being reverted back to the current effective rule.

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

DATED this 25th day of October, 2000.

Alan Dornfest, Tax Policy Supervisor
State Tax Commission
800 Park Blvd. Plaza IV
P. O. Box 36, Boise, ID 83722
(208) 334-7530, FAX (208) 334-7844

IDAPA 35, TITLE 01, Chapter 03

PROPERTY TAX ADMINISTRATIVE RULES

There are substantive changes from the proposed rule text.

Only the section that has changed from the original proposed text is printed in this Bulletin following this notice.

The text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 00-9, September 6, 2000, pages 193 through 197.](#)

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 AMENDED TEXT OF DOCKET NO. 35-0103-0003

~~484961~~. FOREST LANDS OF LESS THAN FIVE ACRES (Rule ~~484961~~).

Forest land of four and nine hundred ninety-nine one thousandths (4.999) contiguous acres or less shall not be eligible for valuation and taxation as forest land, whether or not the landowner owns other parcels which are eligible. The five (5) acre size is determined ~~EXCLUSIVE~~ exclusive of homesite. (7-1-93)(____)

01. Example 1. Landowner owns a fifteen (15) acre parcel which contains four (4) acres of forest, nine (9) acres of irrigated row crop, and two (2) acres of homesite. The four (4) acres of forest is not eligible for valuation and taxation as forest land. (7-1-93)

02. Example 2. Landowner owns eight (8) one (1) acre parcels of forest, and one (1) five hundred (500) acre parcel of forest. The eight (8) one (1) acre parcels are not eligible for valuation and taxation as forest lands. (7-1-93)

IDAPA 35 - STATE TAX COMMISSION
35.01.03 - PROPERTY TAX ADMINISTRATIVE RULES
DOCKET NO. 35-0103-0004
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 legislative session in 2001, 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 rules become final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

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 original text of the proposed rule was published in the October 4, 2000 Idaho Administrative Bulletin, Volume 00-10, pages 657 through 690.

The advertised proposed Property Tax Subsection 619.07.d. will have the word "a" added in two places. The advertised proposed Property Tax Subsection 717.01 will have the word "the" deleted and the code reference in 717.03 will be corrected by having the number "1" deleted. These changes are typographical and are not meant to be substantive changes.

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

DATED this 25th day of October, 2000.

Alan Dornfest, Tax Policy Supervisor
State Tax Commission
800 Park Blvd. Plaza IV
P. O. Box 36, Boise, ID 83722
(208) 334-7530
FAX (208) 334-7844

IDAPA 35, TITLE 01, Chapter 03

PROPERTY TAX ADMINISTRATIVE RULES

There are substantive changes from the proposed rule text.

Only those Subsections 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 00-10, October 4, 2000, pages 657 through 690.

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 AMENDED TEXT OF DOCKET NO. 35-0103-0004

Subsection 619.07.d

~~125~~619. PROPERTY EXEMPT FROM TAXATION -- FACILITIES FOR WATER OR AIR POLLUTION CONTROL (Rule 619).

07. Exemption For Portion Of Water Corporation Property. A portion of water corporation property may be exempt from taxation. (7-1-97)(____)

d. Any person or party wishing to contest the percentage of exemption reported to the State Tax Commission by the Public Utilities Commission may submit a written request for a public hearing to the State Tax Commission by August 1 of the current tax year. The request for a hearing shall state the petitioner's grounds for contesting the percentage reported by the Public Utilities Commission. ~~The~~ On or before the second Monday of August the State Tax Commission shall notify the petitioner's of the hearing time and place ~~on or before the second Monday of August~~. (7-1-97)(____)

(BREAK IN CONTINUITY OF SECTIONS)

Subsections 717.01 and 717.03

~~188~~717. PROCEDURE AFTER CLAIM APPROVAL (Rule 188717).

01. ~~Property Tax Reduction Roll~~ Formatting Requirements. The property tax reduction roll shall be formatted as required by ~~the Tax Commission~~ Section 63-707, Idaho Code. ~~Specific formatting requirements are found in the "Circuit Breaker Procedure Manual"~~. (7-1-93)(____)

03. ~~Completed~~ Final Property Tax Reduction Roll. The completed property tax reduction roll, certified by each county clerk to the State Tax Commission by the fourth (4th) Monday in October, shall be termed the final property tax reduction roll. The final property tax reduction roll shall list property tax reduction claimants in the same order as shown on the preliminary property tax reduction roll, except that all fully disapproved claimants shall be deleted and not shown on the final property tax reduction roll. Erroneous claims which are partially disapproved by the State Tax Commission shall be shown on the final property tax reduction roll after the county clerk has made all adjustments or corrections listed on the notice sent to the county auditor pursuant to Section 63-~~122(6)~~707(6), Idaho Code, termed county change letter. (7-1-93)(____)

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

DOCKET NO. 35-0104-0001

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 upon adjournment of the legislative session in 2001, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the September 6, 2000 Idaho Administrative Bulletin, Volume 00-9, page 198.

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

DATED this 25th day of October, 2000.

Jim Husted, Tax Policy Specialist
State Tax Commission
800 Park Blvd. Plaza IV
P. O. Box 36, Boise, ID 83722
(208) 334-7530, FAX (208) 334-7844

IDAPA 35
TITLE 01
Chapter 04

IDAHO ESTATE AND TRANSFER TAX ADMINISTRATIVE RULES

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, page 198.](#)

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 35 - STATE TAX COMMISSION
35.01.05 - MOTOR FUELS TAX ADMINISTRATIVE RULES
DOCKET NO. 35-0105-0001
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 legislative session in 2001, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

In Section 010 the subsection 01.c. should have been renumbered to 01.b. and was inadvertently missed. This subsection is being republished here in its corrected form. No other changes have been made to this docket and the pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 4, 2000 Idaho Administrative Bulletin, Volume 00-10, pages 691 through 700.

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

DATED this 25th day of October, 2000.

Randy Nilson, Tax Policy Specialist
State Tax Commission
800 Park Blvd. Plaza IV
P. O. Box 36
Boise, ID 83722
(208) 334-7530
FAX (208) 334-7844

IDAPA 35, TITLE 01, Chapter 05

MOTOR FUELS TAX ADMINISTRATIVE RULES

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 00-10, October 4, 2000, pages 691 through 700.](#)

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 AMENDED TEXT OF DOCKET NO. 35-0105-0001

Subsection 010.01.b.

010. DEFINITIONS (Rule 010).

The definitions provided by statute, including the definitions in Section 63-2401, Idaho Code, apply to these rules. Additionally, the following definitions shall apply. (6-23-94)

01. Bond. A person required to post a bond may, instead of posting a surety bond, deposit with the State Tax Commission any of the following amounts equivalent to the amount of the bond required: ~~(6-23-94)~~(____)

eb. Letters of credit. Irrevocable standby letters of credit, not exceeding the federally insured amount, issued by a bank doing business in Idaho, and insured by the Federal Deposit Insurance Corporation, made to the benefit of the Idaho State Tax Commission. The terms of the letter of credit must allow the State Tax Commission to make demand directly against the issuer of the letter of credit for any taxes, penalties, and interest due and unpaid, upon which the taxpayer's rights to appeal have expired, and for which the letter of credit was submitted to secure. The letter must include the following items: ~~(6-23-94)~~(____)

IDAPA 35 - STATE TAX COMMISSION
35.01.08 - IDAHO MINE LICENSE TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0108-0001

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 legislative session in 2001, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 63-105 and 63-2701, 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 October 4, 2000 Idaho Administrative Bulletin, Volume 00-10, page 701.

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

DATED this 25th day of October, 2000.

Janice Boyd, Tax Policy Specialist
State Tax Commission
800 Park Blvd. Plaza IV
P. O. Box 36
Boise, ID 83722
(208) 334-7530
FAX (208) 334-7844

IDAPA 35, TITLE 01, Chapter 08

IDAHO MINE LICENSE TAX ADMINISTRATIVE RULES

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 00-10, October 4, 2000, page 701.](#)

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 35 - STATE TAX COMMISSION
35.02.01 - TAX COMMISSION ADMINISTRATION AND ENFORCEMENT RULES

DOCKET NO. 35-0201-0001

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 legislative session in 2001, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 63-105 and 63-3039, 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 October 4, 2000 Idaho Administrative Bulletin, Volume 00-10, pages 702 through 708.

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

DATED this 25th day of October, 2000.

Janice Boyd, Tax Policy Specialist
State Tax Commission
800 Park Blvd. Plaza IV
P. O. Box 36
Boise, ID 83722
(208) 334-7530
FAX (208) 334-7844

IDAPA 35, TITLE 02, Chapter 01

TAX COMMISSION ADMINISTRATION AND ENFORCEMENT RULES

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 00-10, October 4, 2000, pages 702 through 708.](#)

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 36 - IDAHO BOARD OF TAX APPEALS
36.01.01 - IDAHO BOARD OF TAX APPEALS RULES

DOCKET NO. 36-0101-0001

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 63-3808, 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 legislature repealed Sections 63-3815, 63-3816, 63-3817, 63-3818, 63-3819 and 63-3820, Idaho Code, deleting the Small Claims Division of the State Board of Tax Appeals during the 2000 session. Board of Tax Appeals rules 160, 161, 162, 165 and 170 address the Small Claims Division, and without statutory basis after June 30, 2000, and are no longer enforceable.

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 00-9, pages 199 and 200.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Susan Renfro at 208/334-3354.

Dated this 17th day of October, 2000.

Susan G. Renfro
Board of Tax Appeals
3380 Americana Terrace Suite 110
P.O. Box 83720
Boise, ID 83720-0088
Phone 208/334-3354 FAX 208/334-4060

IDAPA 36, TITLE 01, Chapter 01

IDAHO BOARD OF TAX APPEALS RULES

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 199 and 200.](#)

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
37.03.15 - WATER MANAGEMENT RULES - EASTERN SNAKE PLAIN AQUIFER

DOCKET NO. 37-0315-0001

NOTICE OF INTENT TO PROMULGATE RULES
NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that the Department of Water Resources intends to propose rules and desires public comment prior to adopting temporary or proposed rules. The action for which notice is provided is negotiated rulemaking authorized pursuant to Section 67-5220(2), Idaho Code. This action is also authorized under 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 an initial negotiation meeting 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.

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

The Department of Water Resources proposes to negotiate rules to guide administration of water rights for the use of ground water from the Eastern Snake Plain Aquifer (ESPA) and the use of surface water from hydraulically connected reaches of the Snake River. For the purposes of the proposed rules, the ESPA is defined as that source of ground water tributary to the Snake River and its tributaries upstream of the King Hill Gaging Station, which includes the ESPA as defined in Rule 050.01 of IDAPA 37.03.11, "Rules for Conjunctive Management of Surface and Ground Water Resources". This rulemaking is being undertaken to provide for the protection of senior priority water rights to the use of water from the Snake River, and tributary springs, from ground water withdrawals from the ESPA under junior priority water rights. The proposed rules may also consider the need for administration of junior priority water rights for ground water from the ESPA to protect senior priority water rights for ground water from the ESPA. The proposed rules will address the timing and extent of depletions to surface water sources resulting from diversion and use of ground water from the ESPA, procedures for determining the nature and extent of injury caused by such depletions, and the procedures to be used to prevent or mitigate injury. The rules may also address the formation and operation of districts needed to provide mitigation and to regulate ground water diversion and use. The nature, extent, and timing of the adoption of rules will be shaped by ongoing technical studies to refine delineation of relationships between ground water and surface water in the Snake River Basin upstream of the King Hill Gaging Station.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: The agency intends to provide notice of the date, time, and place of an initial negotiation meeting 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 October, 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 44 - OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR

44.01.01 - RULES OF THE ADMINISTRATIVE RULES COORDINATOR

DOCKET NO. 44-0101-0001

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 the Office of the Administrative Rules Coordinator has adopted a pending rule. The action is authorized pursuant to Section 67-5206, 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 August 2, 2000, Idaho Administrative Bulletin, Volume No. 00-8, pages 125 through 130.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dennis Stevenson at 332-1820.

DATED this 23rd day of October, 2000.

Rick Thompson, Administrative Rules Coordinator
Department of Administration
Office of Administrative Rules
650 W. State St.
PO Box 83720-0306, Boise, Idaho 83720
Phone: (208) 332-1820 / Fax: (208) 334-2395

**IDAPA 44
TITLE 01
Chapter 01**

RULES OF THE ADMINISTRATIVE RULES COORDINATOR

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 125 through 130.](#)

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 48 - DEPARTMENT OF COMMERCE

48.01.01 - IDAHO COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (ICDBG)

DOCKET NO. 48-0101-0001

NOTICE OF PENDING RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is September 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 67-5220(l), Idaho Code, and Department of Housing and Urban Development Rules 24 CFR, Part 570, and Subpart 1.

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

ICDBG Subsection **084.05**, Eligible Activity Priority Ranking Table - adds Architectural to Engineering as a new category to be calculated for these points.

ICDBG Subsection **090.01** - there is a new addition that states "by completing the schedule in Exhibit 11 pages 211-212 of the application form." This has been changed to state "Appendix 11 pages 231-232 of the application..."

ICDBG Subsection **090.01.c.** - has been revised to be consistent with Subsections 085.01.d. and 085.01.e. which outlines the criteria for fire safety projects.

ICDBG Subsection **096.02.n.** - language has been added to be consistent with information requested in the application. This addition specifies that applicants must provide information on the overall value of the application, the impact on the Idaho economy and the commitment of the community to the project "by providing a one page narrative of project benefits."

ICDBG Subsection **101.04.a.** - is being corrected due to an error in the publication of the proposed rule. The word "divided" has been deleted. It was inadvertently left in the proposed rule and should have been struck.

The proposed rule has been amended pursuant to Section 67-5227, Idaho Code, to make typographical and clerical and language corrections. Rather than keep the temporary rule in place while the pending rules awaits legislative approval, the Idaho Department of Commerce amended the temporary rule with the same revision, which have been made to the proposed rule.

Only the Subsections that have changes are printed in this Bulletin. The original text of the proposed rule was published in October 4, 2000 Idaho Administrative Bulletin, Volume 00-10, and pages 773 through 792.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Gloria Mabbutt, Program Manager at (208) 334-2470.

Dated this 23th day of October, 2000.

Gloria Mabbutt, Program Manager
Idaho Department of Commerce
Division of Community Development
700 West State Street
P.O. Box 83720
Boise, Idaho 83720-0093
Telephone: (208) 334-2470 Fax: (208) 334-2631

IDAPA 48
TITLE 01
Chapter 01

IDAHO COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (ICDBG)

There are substantive changes from the proposed rule text.

Only those Subsections 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 00-10, October 4, 2000, pages 773 through 792.

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 AMENDED TEXT OF DOCKET NO. 48-0101-0001

SUBSECTION 084.05

084. PROGRAM IMPACT.

05. Eligible Activity Priority Ranking (one hundred (100) points). Each eligible activity (Sections 022 through 051) is assigned a priority point factor. The applicant should list the activities and the ICDBG funds budgeted to each. These points shall be assigned to an Application based upon the percentage of the total ICDBG funds committed to each activity and multiplied by the priority points assigned to each. The total of the priority points so calculated is the total of the priority points for the Application. Health and safety-related projects are defined as sewer, water, fire protection facilities, medical facilities, nursing homes, streets, and other similar projects. Social service facilities are defined to include community centers, senior centers, libraries, assisted housing, shelter care, senior housing, auditoriums, cultural facilities, recreation facilities, and parks.

Acquisition of Real Property	twenty-five (25) points
Acquisition of Real Property for Housing Projects	fifty (50) points
Public Facilities and Improvements - Health and Safety Related	one hundred (100) points
Public Facilities and Improvements - Housing Related	seventy-five(75) points
Public Facilities and Improvements - Social Service Related	fifty (50) points
Engineering - <u>Architectural</u>	seventy-five (75) points
Code Enforcement	fifty (50) points
Clearance and Demolition	ten (10) points

TABLE 1 -- "Eligible Activity Priority Ranking"	
Removal of Architectural Barriers	fifty (50) points
Rental Income Payments	zero (0) points
Disposition of Property	ten (10) points
Public Services	zero (0) points
Completion of Urban Renewal Projects	zero (0) points
Relocation Payments	twenty-five (25) points
Planning Activities	zero (0) points
Administration Activities	one hundred (100) points
Grants to Nonprofit Community Organizations	zero (0) points
Grants to Nonprofit Community Organizations for Housing Projects	seventy-five (75) points
Energy Planning	zero (0) points
Housing Rehabilitation	seventy-five (75) points

~~(9-1-00)F~~(9-1-00)T

(BREAK IN CONTINUITY OF SECTIONS)

SUBSECTION 090.01

090. PROJECT CATEGORIES.

01. Planning, Previous Actions And Schedule (one hundred and sixty (160) points). The applicant shall describe the process used to plan the project and describe the components of the project. The completeness of the process and project detail earn more points. Describe the problem identification process, the public involvement, the appropriate agency(s) involvement. Describe the steps and actions necessary to implement or construct the project, including, but not limited to, permits, approvals, easements and property acquisition, demolition, relocation, other funding needed and the process to secure it, zoning, environmental problems, historic preservation, preliminary architectural or engineering, construction period, service hookups, fees and special assessments, program income, grant administration, accounting and audits by completing the schedule in ~~Exhibit~~ Appendix 11, pages 2431 and 2432 of the application form. All activities needed to successfully administer and construct a project are carefully scheduled to advance the project to completion rapidly and smoothly. All activities that have not yet been accomplished are considered planning. These activities shall receive one (1) point each. Activities that have been accomplished are considered previous actions. These activities shall receive three (3) points each. ~~(9-1-00)F~~(9-1-00)T

a. For street and street related projects, applicants shall also provide a maintenance record for the project area for eighteen (18) months, prior to submittal of the application or addendum and a method of how the project was prioritized over other needs. (9-1-00)T

b. Applicants for water and sewer projects shall conduct a rate study and complete the Financial Viability Profile included in Exhibit 11 of the Application Handbook. (9-1-00)T

c. Applicants for fire safety projects must ~~provide information on the community's show~~ show efforts to comply with ~~the Uniform Fire Code, inspection, testing and maintenance activities, fire inspection certification, efforts to address the~~ fire insurance rating factors, ~~community fire safety education and fire incident inspections and reporting~~ maintenance personnel training and incident reporting. Bonus points are available for fire inspector

certification and community education. (See Subsections 085.01.d. and 085.01.e.

~~(9-1-00)T~~(9-1-00)T

d. Youth center projects shall be modeled after the Boys and Girls Club of America in that they shall provide services and programs for at-risk youth, ages six (6) to eighteen (18). These programs shall assist disadvantaged youth in developing the skills to overcome challenges and become responsible leaders by focusing on character and leadership, education and career, health and life styles, the arts, fitness and recreation and other specialized programs such as family support and intervention. Applicants shall provide information on the management and operation of the center and community outreach activities. Applicants requesting ICDBG funds for new construction must show the cost of rehabilitation exceed new construction costs, or the construction of a youth center facility will be in a community where no facility now exists, and if local operating funds are committed.

(9-1-00)T

(BREAK IN CONTINUITY OF SECTIONS)

SUBSECTION 096.02.n.

096. REVIEW AND RANKING NARRATIVE FOR BUSINESS EXPANSION PROJECTS.

02. Ranking Criteria (one thousand (1,000) points possible).

(7-6-94)

n. Economic Advisory Council Evaluation. The EAC will evaluate each Application on the basis of overall value, including its ability to make a significant impact on the Idaho economy and the commitment of the community to the project. This shall be done by providing a one (1) page narrative of project benefits. (two hundred (200) points).

~~(7-6-94)~~(9-1-00)T

(BREAK IN CONTINUITY OF SECTIONS)

SUBSECTION 101.04.a.

04. Match (one hundred (100) points). Cash and in-kind donations which are committed to the project shall receive points according to the percentage committed up to the total points in the category of match. A one dollar and fifty cent (\$1.50) value shall be calculated for every one dollar (\$1) of local cash committed to the project.

(9-1-00)T

a. The sixty (60) points for cash match shall be assigned on a quartile basis by taking the percentage resulting from the division of cash match ~~divided~~ by the total project. Quartile points will be assigned to this area in a descending order based upon the percentage of cash match in the project.

~~(9-1-00)T~~(9-1-00)T

IDAPA 55 - DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION
55.01.03 - RULES GOVERNING PERKINS TITLE III SECONDARY FUNDING FORMULA WAIVER
DOCKET NO. 55-0103-0001
NOTICE OF PENDING RULE (REPEAL)

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(s) 33-221, 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.

This pending rule is being repealed in its entirety and is being adopted as proposed. The original text of the proposed repeal of the rule was published in the July 5, 2000 Idaho Administrative Bulletin, Volume No. 00-7, page 78.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Mike Rush at 208/334-3216.

Dated this 25 day of October, 2000.

Mike Rush
State Administrator
Division of Professional-Technical Education
650 West State Street, Room 324
P.O. Box 83720, Boise, ID 83720-0095
Phone: 208/334-3216 / Fax: 208/334-2365

IDAPA 55
TITLE 01
Chapter 03

RULES GOVERNING PERKINS TITLE III SECONDARY FUNDING FORMULA WAIVER

This rule is being repealed in its entirety.

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, page 78.](#)

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 55 - DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION

55.01.03 - RULES FOR PROFESSIONAL-TECHNICAL SCHOOLS

DOCKET NO. 55-0103-0002

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 and a statement of any change between the text or the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

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

The changes made in this rule were based on public input collected since June, 2000. A public hearing was held on Friday, October 13, 2000 and written comments were received as well. The changes are:

(1) Subsection 005.01, Definition of Attendance Zone, has additional language included to clarify a particular point.

(2) A minor grammatical change was made in Section 106.02, which does not change the context of that section in any way. The words "point five" were replaced with "and one-half".

Only those Subsections that have changes are printed in this Bulletin. The original text of the proposed rule was published in the October 4, 2000 Idaho Administrative Bulletin, Volume No.00-10, pages 803 through 807.

ASSISTANCE ON TECHNICAL QUESTION: For assistance on technical questions concerning the pending rule, contact Mike Rush at 208/334-3216.

Dated this 25th day of October, 2000.

Mike Rush
State Administrator
Division of Professional-Technical Education
650 West State Street, Room 324
Boise, ID 83720-0095
Phone: 208/334-3216
Fax: 208/334-2365

IDAPA 55, TITLE 01, Chapter 03

RULES FOR PROFESSIONAL-TECHNICAL SCHOOLS

There are substantive changes from the proposed rule text.

Only those Subsections 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 00-10, October 4, 2000, pages 803 through 807.](#)

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 AMENDED TEXT OF DOCKET NO. 55-0103-0002

SUBSECTION 005.01

005. DEFINITIONS.

01. Attendance Zones. For purposes of Section 33-1002G, Idaho Code, each high school is classified as an attendance zone. The attendance zone requirement can be met by having students from at least two (2) high school zones within a district or at least two (2) high school zones in different districts participate in the professional-technical school. A minimum of fifteen percent (15%) of the total student body must reside in attendance zones apart from the attendance zone of the majority of students. Cooperative Service Agencies must meet the fifteen percent (15%) attendance criteria on a program-by-program basis. ()

(BREAK IN CONTINUITY OF SECTIONS)

SUBSECTION 106.02

106. PROFESSIONAL-TECHNICAL SCHOOL ADDED COST UNIT CALCULATION.

02. Support Unit Divisor. Added cost support units for professional-technical schools shall be calculated by using the secondary support unit attendance divisor of eighteen and one-half (18.5) as shown in Section 33-1002(6), Idaho Code. ()

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY
58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-9903
(originally published as 16-0101-9903)

NOTICE OF PENDING RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The amendments to the temporary rule are effective October 19, 2000. This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2001 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the First Regular Session of the Fifty-sixth Idaho Legislature unless prior to that date the rule is rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code.

AUTHORITY: In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that the Board has adopted a pending rule and amended a temporary rule. The action is authorized by Sections 39-105 and 39-107, Idaho Code.

DESCRIPTIVE SUMMARY: In June 2000, the Board adopted this rule to provide an alternative to the process weight rate rule. This rule was adopted because process weight rate is difficult to implement and enforce for a number of reasons. First, defining a specific process can be difficult in the industrial setting. Second, quantifying the weight of process through-put even if the process can be adequately defined can likewise be problematic. Therefore, showing compliance with the process weight rate rule can be very difficult also. The process weight rate rule, as an air pollution control standard, is an applicable requirement under 40 CFR Part 70 (Title V). 40 CFR Part 70 requires that compliance be shown for all applicable requirements. 40 CFR Part 70 also requires that no applicable requirement be relaxed or eliminated. In order to comply with enforceability requirements and stringency requirements of 40 CFR Part 70, this rule was adopted to replace the process weight rate with a grain loading standard. The grain loading standard is a particulate standard measured in grains per dry standard cubic foot. Compliance can be directly determined by testing the emission point for particulate emissions measured in grains per dry standard cubic foot. It is expected that the grain loading standard will be essentially equivalent to the process weight rate with regards to particulate emissions.

In August 2000, the Department of Environmental Quality (DEQ) proposed final adoption of the temporary rule, inviting the public to comment on the rule. Idaho Administrative Bulletin, Volume 00-8, August 2, 2000, pages 149 through 156.

DEQ received no comments from the public concerning the proposed rule, however, changes have been made to Sections 700 and 710 to resolve issues that have come to DEQ's attention since adoption of the temporary rule. Section 700 was changed to provide that sources permitted in accordance with 40 CFR Part 70 must demonstrate compliance with all federally enforceable applicable rules. The process weight rate rule remains the federally enforceable standard until the grain loading standards is approved as part of the State Implementation Plan (SIP). Therefore, the rule has been revised so that facilities permitted under 40 CFR Part 70 shall continue to use the process weight rate rule until the grain loading standard is approved by EPA as part of the SIP unless the source requests that the process weight rate rule continue to apply. Section 710 was revised to correct an error at Subsection 710.01.b. where "more stringent" should read "at least as stringent." Section 209 has been adopted as initially proposed and has not been republished. Rather than keep the temporary rule in place while the pending rule awaits legislative review, the Board amended the temporary rule with the same revisions which have been made to the proposed rule. The rulemaking record can be obtained by contacting the undersigned.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rule, contact Tim Teater at (208)373-0502 or tteater@deq.state.id.us.

Dated this 23rd day of October, 2000.

Paula J. Gradwohl
Environmental Quality Section
Attorney General's Office
1410 N. Hilton, Boise, Idaho 83706-1255
(208)373-0418/Fax No. (208)373-0481
pgradwoh@deq.state.id.us

IDAPA 58, TITLE 01, Chapter 01

RULES FOR THE CONTROL OF AIR POLLUTION 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 149 through 156.

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 AMENDED TEXT OF DOCKET NO. 58-0101-9903

SUBSECTION 700.01

700. PARTICULATE MATTER -- PROCESS WEIGHT LIMITATIONS.

01. Particulate Matter Emission Limitations. The purpose of Sections 700 through 703 is to establish particulate matter emission limitations for process equipment. Sections 700 through 703 shall ~~not apply be replaced by Section 710 on or after July 1, 2000, unless specifically referenced in a permit issued prior to July 1, 2000.~~ except Sections 700 through 703 shall continue to apply to: ~~(6-23-00)T~~(10-19-00)T

a. Sources where Sections 700 through 703 are specifically referenced in a permit issued prior to July 1, 2000; or (10-19-00)T

b. Tier I sources until such time as Section 710 is approved and adopted by the Administrator of the EPA as part of the State Implementation Plan (SIP). (10-19-00)T

(BREAK IN CONTINUITY OF SECTIONS)

SUBSECTION 710.04

710. PARTICULATE MATTER -- PROCESS EQUIPMENT EMISSION LIMITATIONS ON OR AFTER JULY 1, 2000.

04. Transition To New Particulate Matter Standard For Permitted Sources. Subsection 710.08 shall not apply to process equipment at Tier I sources until such time as Section 710 is approved and adopted by the Administrator of the EPA as part of the State Implementation Plan (SIP). Subsection 710.08 shall not apply to process equipment with an existing permit term or condition establishing a particulate matter standard prior to July 1, 2000 unless or until the existing permit is modified, revised, or incorporated into a new permit to construct or operating permit. At that time: ~~(6-23-00)T~~(10-19-00)T

SUBSECTION 710.10.b.

10. Alternative Permitted Standard. For a particulate matter standard in a permit issued on or after July 1, 2000 to apply in lieu of the standard in Subsection 710.08, or the existing permit pursuant to Subsection 710.04.b., the following must occur: (6-23-00)T

b. If the Department determines that the limit is ~~more~~ at least as stringent, the Department shall prepare and submit to EPA for review a draft or proposed permit, as appropriate, and technical memorandum, under Section 200, 300, or 400 prior to the scheduled public comment period, that contains the alternative emission limit, along with: ~~(6-23-00)T~~(10-19-00)T

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY
58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-0001
(originally published as 16-0101-0001)

NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2001 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the First Regular Session of the Fifty-sixth Idaho Legislature unless prior to that date the rule is rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. The action is authorized by Sections 39-105 and 39-107, Idaho Code. This rulemaking is not a federal requirement; however, under 64 Fed. Reg. 69637-43 (December 14, 1999) the U.S. Environmental Protection Agency (EPA) allows state permitting authorities the discretion to defer permit requirements until December 9, 2004.

DESCRIPTIVE SUMMARY: A detailed summary of the reasons for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, Volume 00-8, August 2, 2000, pages 157 through 164. The agency received no public comments on the proposal, and the rule has been adopted as initially proposed. The rulemaking record can be obtained by contacting the undersigned.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rule, contact Marjorie MartzEmerson at (208)373-0502, mmartzem@deq.state.id.us, or Mike Simon at (208)373-0502, msimon@deq.state.id.us.

Dated this 23rd day of October, 2000.

Paula J. Gradwohl
Environmental Quality Section
Attorney General's Office
1410 N. Hilton, Boise, Idaho 83706-1255
(208)373-0418/Fax No. (208)373-0481
pgradwoh@deq.state.id.us

IDAPA 58 ,TITLE 01, Chapter 01

RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

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 157 through 164.](#)

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
58.01.02 - WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIREMENTS

DOCKET NO. 58-0102-0001
(originally published as 16-0102-0001)

NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2001 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the First Regular Session of the Fifty-sixth Idaho Legislature unless prior to that date the rule is rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. The action is authorized by Sections 39-105, 39-107, and 39-3601 et seq., Idaho Code.

DESCRIPTIVE SUMMARY: A detailed summary of the reasons for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, Volume 00-6, June 7, 2000, pages 26 and 27. The agency received no public comments on the proposal, and the rule has been adopted as initially proposed. The rulemaking record can be obtained by contacting the undersigned.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rule, contact Chris Mebane at (208)373-0502 or cmebane@deq.state.id.us.

Dated this 23rd day of October, 2000.

Paula J. Gradwohl
Environmental Quality Section
Attorney General's Office
1410 N. Hilton, Boise, Idaho 83706-1255
(208)373-0418/Fax No. (208)373-0481
pgradwoh@deq.state.id.us

IDAPA 58
TITLE 01
Chapter 02

WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIREMENTS

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 00-6, June 7, 2000, pages 26 and 27.](#)

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
58.01.08 - IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS**

DOCKET NO. 58-0108-0001

NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2001 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the First Regular Session of the Fifty-sixth Idaho Legislature unless prior to that date the rule is rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. The action is authorized by Chapter 1, Title 39, Idaho Code and Chapter 21, Title 37, Idaho Code. In addition, states which have primary enforcement responsibility for the Safe Drinking Water Act are required by 40 CFR 142.10(a) and 40 CFR 142.12(a) to adopt, within two years of promulgation, national primary drinking water regulations that are no less stringent than the federal regulations in effect under 40 CFR Part 141.

DESCRIPTIVE SUMMARY: A detailed summary of the reasons for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, Volume 00-7, July 5, 2000, pages 97 through 100. The agency received no public comments on the proposal, and the rule has been adopted as initially proposed. The rulemaking record can be obtained by contacting the undersigned.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rule, contact Howard Woods at (208)373-0502 or hwoods@deq.state.id.us.

Dated this 23rd day of October, 2000.

Paula J. Gradwohl
Environmental Quality Section
Attorney General's Office
1410 N. Hilton
Boise, Idaho 83706-1255
(208)373-0418/Fax No. (208)373-0481
pgradwoh@deq.state.id.us

**IDAPA 58
TITLE 01
Chapter 08**

IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS

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 97 through 100.](#)

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 HEALTH AND WELFARE
58.01.09 - RULES REGULATING SWINE AND POULTRY FACILITIES

DOCKET NO. 58-0109-0001

NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The temporary rule was effective October 19, 2000.

AUTHORITY: In compliance with Sections 67-5226(1) and 67-5221(1), Idaho Code, notice is hereby given that the Board of Environmental Quality (Board) has adopted a temporary rule and the Department of Environmental Quality (DEQ) is commencing proposed rulemaking to promulgate a final rule. The action is authorized by Chapter 1, Title 39, Idaho Code. Section 39-104A, Idaho Code, (amended by House Bill 696) contains explicit authorization for requiring financial assurances for swine and poultry facilities.

PUBLIC HEARING SCHEDULE: No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency.

Written requests for a hearing must be received by the undersigned on or before December 20, 2000. If no such written request is received, a public hearing will not be held.

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

The purpose of this rulemaking is to amend the Rules Regulating Swine and Poultry Facilities to set forth requirements for financial assurances. Section 39-104A, Idaho Code, provides that permittees of swine and poultry facilities shall provide financial assurances for the operation, closure and remediation of their facilities. The specific requirements for financial assurances are to be determined by DEQ in rule. This rule change only affects those swine and poultry facilities that are required to be permitted under the Rules Regulating Swine and Poultry Facilities. It does not affect existing facilities that are required to be registered under those rules.

The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struckout. 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 the Spring of 2001 for adoption of a pending rule.

NEGOTIATED RULEMAKING: DEQ initiated negotiated rulemaking on the rules by publishing a Notice of Negotiated Rulemaking in the Idaho Administrative Bulletin, Volume 00-7, July 5, 2000, page 101. Only one member of the public attended the scheduled meeting and no further meetings were scheduled. A copy of the draft rules were mailed to members of a previous advisory committee for comment.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate in that the rule complies with deadlines in amendments to governing law.

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

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this rule, contact Susan Burke at (208)373-0502 or sburke@deq.state.id.us.

Anyone may 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 January 5, 2001.

DATED this 23rd day of October, 2000.

Paula J. Gradwohl
Environmental Quality Section
Attorney General's Office
1410 N. Hilton
Boise, Idaho 83706-1255
(208)373-0418/Fax No. (208)373-0481
pgradwoh@deq.state.id.us

THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0109-0001

200. PERMIT APPLICATION.

01. Permit Application. Every person requiring a permit under these rules shall submit a permit application to the Department. A permit application will be used to determine if the construction, operation, and closure of a swine or poultry facility will be in conformance with these and other applicable rules. (4-1-00)

02. Preapplication Conference. Prospective applicants are encouraged to meet with the Department to discuss application requirements and procedures. (4-1-00)

03. Contents Of Application. Each application shall include, in the format set forth by the Director and when determined applicable by the Director, the following information in Subsections 200.04 through 200.08 in sufficient detail to allow the Director to make necessary application review decisions concerning design, environmental protection and public health. (4-1-00)

04. Relevant Information. (4-1-00)

- a. Name, mailing address and phone number of the facility owner. (4-1-00)
- b. Name, mailing address and phone number of the facility operator. (4-1-00)
- c. Name and mailing address of the facility. (4-1-00)
- d. Legal description of the facility location. (4-1-00)
- e. The legal structure of the entity owning the facility, including the names and addresses of all directors, officers, registered agents and partners. (4-1-00)
- f. The names and locations of all swine or poultry facilities owned and/or operated by the applicant within the last ten (10) years. (4-1-00)
- g. The one-time animal unit capacity of the facility. (4-1-00)
- h. The type of animals to be confined at the facility. (4-1-00)
- i. Evidence that a valid water right exists to supply adequate water for the proposed facility or a copy of either an application for permit to appropriate water or an application to change the point of diversion, place, period and nature of use of an existing water right that has been filed with the Idaho Department of Water Resources which, if approved, will supply adequate water for the proposed operation. (4-1-00)
- j. Proof of financial capability to perform remedial actions and to meet the conditions of an approved

closure plan for a facility. The mechanism used to demonstrate financial capability must be legally valid, binding and enforceable under applicable law and must insure that the funds necessary to meet the costs of remediation and closure will be available whenever they are needed in accordance with Section 205. The mechanisms include, but are not limited to, trust funds, surety bonds, letters of credit, insurance and corporate guarantees. ~~(4-1-00)~~(10-19-00)T

k. The facility's biosecurity and sanitary standards. (4-1-00)

l. A statement of estimated annual income and operating expenses that demonstrate, to the satisfaction of the Department, financial capability to operate the facility. (10-19-00)T

05. Construction Plan. Plans and specifications for the facility's animal waste management system that include the following information: (4-1-00)

a. Vicinity map(s) prepared on one (1) or more seven and one-half minute (7.5') USGS topographic quadrangle maps or a high quality reproduction(s) that includes the following: (4-1-00)

i. Layout of the facility, including buildings and animal waste management system; (4-1-00)

ii. The one hundred (100) year FEMA flood zones or other appropriate flood data for the facility site and land application sites owned or leased by the applicant; (4-1-00)

iii. The location of occupied dwellings, public and private gathering places, such as schools, churches and parks, and incorporated municipalities which are within a two (2) mile radius of the facility; and (4-1-00)

iv. Private and community domestic water wells, irrigation wells, irrigation conveyance and drainage structures, monitoring wells, wetlands, streams, springs, and reservoirs which are within a one (1) mile radius of the facility. (4-1-00)

b. Facility construction specifications including: (4-1-00)

i. A site plan showing: (4-1-00)

(1) Building locations; (4-1-00)

(2) Waste facilities; (4-1-00)

(3) All waste conveyance systems; and (4-1-00)

(4) All irrigation systems used for land application, including details of approved water supply protection devices. (4-1-00)

ii. Building plans showing: (4-1-00)

(1) All wastewater collection systems in housed units; (4-1-00)

(2) All freshwater supply systems, including details of approved water supply protection devices; (4-1-00)

(3) Detailed drawings of wastewater collection and conveyance systems and containment construction; and (4-1-00)

(4) Detailed construction and installation procedures. (4-1-00)

06. Site Characterization. A characterization of the facility and any land application site(s) owned or operated by the applicant, prepared by a registered professional geologist, a registered professional engineer or a qualified ground water hydrologist, that includes the following information: (4-1-00)

- a. A description of monitoring methods, frequency, and reporting components related to either leak detection systems and/or ground water monitoring wells; (4-1-00)
- b. The climatic, hydrogeologic, and soil characteristics; (4-1-00)
- c. The depth to water and a potentiometric map for the uppermost and regional aquifer; (4-1-00)
- d. The vertical and horizontal conductivity, gradient, and ground water flow direction and velocity; (4-1-00)
- e. Estimates of recharge to the uppermost aquifer; (4-1-00)
- f. Information which characterizes the relationship between the ground water and adjacent surface waters; and (4-1-00)
- g. A summary of local ground water quality data. (4-1-00)

07. Nutrient Management Plan. A plan prepared by a Certified Planner demonstrating compliance with the Nutrient Management Standard for land application. (4-1-00)

08. Closure Plan. A plan describing the procedures for final closure of a facility that ensures no adverse impacts to the environment and waters of the state and that includes: (4-1-00)

- a. The estimated length of operation of the facility; and (4-1-00)
- b. A description of the procedures, methods, and schedule to be implemented at the facility for final disposal, handling, management and/or treatment of all animal waste. (4-1-00)

09. Other Information. An applicant shall provide any other information relative to Subsections 200.04 through 200.08 deemed necessary by the Director to assess protection of human health and the environment. (4-1-00)

10. Application Fee. A fee shall be submitted with each permit application as follows: (4-1-00)

- a. Three thousand dollars (\$3,000) for facilities that have a one-time animal unit capacity of less than five-thousand (5,000) animal units; (4-1-00)
- b. Five thousand dollars (\$5,000) for facilities that have a one-time animal unit capacity of five thousand to ten thousand (5,000-10,000) animal units; and (4-1-00)
- c. Ten thousand dollars (\$10,000) for facilities that have a one-time animal unit capacity over ten thousand (10,000) animal units. (4-1-00)

201. -- 2094. (RESERVED).

205. FINANCIAL ASSURANCE REQUIREMENTS.

01. Written Estimate Of Costs. The owner of a swine or poultry facility shall submit, as part of the permit application, a detailed written estimate, in current dollars, of the cost of hiring a third party to: (10-19-00)T

- a. Remediate potential contamination caused by the operation of the facility or of any potential spill or breach, including, without limitation, remediation pursuant to the facility's Spill Contingency Plan; and (10-19-00)T
- b. Close the facility in accordance with an approved closure plan. (10-19-00)T
- c. The Department must approve the cost estimate as reasonable prior to the issuance of a permit. (10-19-00)T

02. Financial Assurance Mechanisms. The owner shall submit as part of the permit application evidence of financial assurance to cover the approved remediation and closure cost estimates. However, if the Department has determined, prior to October 19, 2000, that a complete application has been submitted, the owner shall submit the remediation and closure cost estimates and financial assurance mechanism to the Department for approval prior to the issuance of a permit. The mechanism used to demonstrate financial assurance shall be submitted to the Department for approval and shall ensure that the funds necessary to meet the approved costs of remediation and closure will be available whenever they are needed. The financial assurance mechanisms allowed for swine and poultry facilities shall include any mechanism or a combination of mechanisms meeting the criteria set forth below or other mechanism approved by the Department. (10-19-00)T

a. Trust Fund. (10-19-00)T

i. An owner may satisfy the requirements of Subsection 205.02 by establishing a trust fund and submitting an originally signed duplicate of the trust agreement to the Department. The trustee must be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency. (10-19-00)T

ii. After the trust fund is established, whenever the current remediation and closure cost estimates change, the owner must compare the new estimates with the trustee's most recent annual valuation of the trust fund. If the value of the fund is less than the amount of the new estimate, the owner, within sixty (60) days after the change in the cost estimate, must either deposit an amount equal into the fund so that its value after this deposit at least equals the amount of the current remediation or closure cost estimate, or obtain other financial assurance as specified in Subsection 205.02 to cover the difference. (10-19-00)T

iii. If the value of the trust fund is greater than the total amount of the current remediation or closure cost estimate, the owner may submit a written request to the Department for release of the amount in excess of the current remediation or closure cost estimate. (10-19-00)T

iv. If an owner substitutes other financial assurance as specified in Subsection 205.02 for all or part of the trust fund, he may submit a written request to the Department for release of the amount in excess of the current remediation or closure cost estimate covered by the trust fund. (10-19-00)T

b. Surety Bond. (10-19-00)T

i. An owner may satisfy the requirements of Subsection 205.02 by obtaining a payment or performance surety bond and submitting a certified copy of the bond to the Department. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the U.S. Department of the Treasury. (10-19-00)T

ii. The penal sum of the bond must be in an amount at least equal to the current remediation and closure cost estimates. (10-19-00)T

iii. Under the terms of the bond, the surety will become liable on the bond obligation when: (10-19-00)T

(1) The owner fails to perform as guaranteed by the bond; or (10-19-00)T

(2) The Department notifies the owner that he has failed to meet requirements of these rules. (10-19-00)T

iv. Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner and the Department one hundred twenty (120) days in advance of cancellation. Cancellation may not occur, however, during the one hundred twenty (120) days beginning with the date of receipt of the notice by the Department, as evidenced by the return receipt. The surety shall remain liable on the bond for costs of remediation and closure unless the owner obtains a replacement financial assurance mechanism, approved by the Department in accordance with Subsection 205.02.f., that covers both the existing and future costs of remediation and

closure. (10-19-00)T

c. Letter of Credit. (10-19-00)T

i. An owner may satisfy the requirements of Subsection 205.02 by obtaining an irrevocable standby letter of credit and submitting a certified copy of the letter to the Department. The issuing institution must be an entity which has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a federal or state agency. (10-19-00)T

ii. The letter of credit must be accompanied by a letter from the owner referring to the letter of credit by number, issuing institution, and date, and providing the following information: the type of facility, name and address of the facility, and the amount of funds assured for remediation and closure of the facility by the letter of credit. (10-19-00)T

iii. The letter of credit must be irrevocable and issued for a period of at least one (1) year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least one (1) year unless, at least one hundred twenty (120) days before the current expiration date, the issuing institution notifies both the owner and the Department by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the one hundred twenty (120) days will begin on the date when the Department has received the notice, as evidenced by the return receipt. (10-19-00)T

iv. The letter of credit must be issued in an amount at least equal to the current remediation and closure cost estimates. (10-19-00)T

d. Insurance. (10-19-00)T

i. An owner may satisfy the requirements of Subsection 205.02 by obtaining remediation and closure insurance and submitting a certificate of such insurance to the Department. At a minimum, the insurer must be licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one (1) or more states. (10-19-00)T

ii. The insurance policy must be issued for a face amount at least equal to the current remediation and closure cost estimates. The term "face amount" means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments. (10-19-00)T

iii. Each insurance policy must contain a provision allowing assignment of the policy to a successor. Such assignment may be conditional upon consent of the insurer, provided such consent is not unreasonably refused. (10-19-00)T

iv. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. The insurer may cancel the policy by sending notice by certified mail to the owner and the Department one hundred twenty (120) days in advance. Cancellation may not occur, however, during the one hundred twenty (120) days beginning with the date of receipt of the notice by the Department, as evidenced by the return receipt. The insurer shall remain liable on the policy for costs of remediation and closure unless the owner obtains a replacement financial assurance mechanism, approved by the Department in accordance with Subsection 205.02.f., that covers both the existing and future costs of remediation and closure. (10-19-00)T

e. Corporate Guarantee. (10-19-00)T

i. An owner may satisfy the requirements of Subsection 205.02 by obtaining a written guarantee and submitting a certified copy of the guarantee and appropriate letter from the guarantor. The guarantor must be the direct or higher-tier parent corporation of the owner, a firm whose parent corporation is also the parent corporation of the owner, or a firm with a "substantial business relationship" with the owner. (10-19-00)T

ii. If the guarantor's parent company is also the parent corporation of the owner, a letter from the

guarantor's chief financial officer must describe the value received in consideration of the guarantee. (10-19-00)T

iii. If the guarantor is a firm with a "substantial business relationship" with the owner, the letter must describe the "substantial business relationship" and the value received in consideration of the guarantee. (10-19-00)T

iv. The terms of the guarantee shall provide that if the owner fails to perform remediation or closure of a facility covered by the guarantee, the guarantor will: (10-19-00)T

(1) Perform, or pay a third party to perform, remediation and closure as required (performance guarantee); or (10-19-00)T

(2) Establish a fully funded trust fund as specified in Subsection 205.02.a. in the name of the owner (payment guarantee). (10-19-00)T

v. The guarantee shall remain in force for as long as the owner must comply with the applicable financial assurance requirements of Subsection 205.02 unless the guarantor sends notice of cancellation by certified mail to the owner and to the Department one hundred twenty (120) days in advance. Cancellation may not occur, however, during the one hundred twenty (120) days beginning on the date of receipt of the notice by the Department, as evidenced by the return receipt. (10-19-00)T

f. If a financial assurance mechanism is cancelled by the issuing entity, the owner shall obtain alternate financial assurance, within sixty (60) days of receipt of notice of cancellation by the Department, which shall be submitted to the Department for approval. An owner may only cancel a financial assurance mechanism after first obtaining an alternative mechanism approved by the Department. (10-19-00)T

03. Continuous Coverage. The owner shall provide continuous coverage for remediation and closure until released from financial assurance requirements by the Department. (10-19-00)T

04. Adjustment Of Financial Assurance Amounts. The following provisions apply to the adjustment of the amount of financial assurance: (10-19-00)T

a. The owner shall increase the remediation and closure cost estimates and the amount of financial assurance if changes to the closure plan or facility conditions or operations increase the cost estimates at any time during the active life of the facility. The cost estimates and financial assurance shall also be adjusted to reflect inflation. Increased cost estimates and financial assurance shall be submitted to the Department for approval. (10-19-00)T

b. The owner may reduce the remediation and closure cost estimates and the amount of financial assurance if the cost estimates exceed the maximum cost of remediation or closure at any time during the active life of the facility. The owner shall first notify the Department and obtain its approval of the justification for the reduction of the remediation and closure cost estimates. (10-19-00)T

05. Release From Financial Assurance Requirements. When remediation and closure conditions required by a permit are complete, financial assurance shall be released by the Department as follows: (10-19-00)T

a. When the Department determines that initial closure activities have been completed, financial assurance, less identified retainages, shall be released. (10-19-00)T

b. A sufficient amount of financial assurance shall be retained by the Department, up to five (5) years after closure, to ensure proper remediation and closure of a facility. (10-19-00)T

c. Release of any amount of financial assurance shall not release the owner from any responsibility for meeting remediation or closure requirements. (10-19-00)T

06. Owner Liability. Nothing in these rules shall relieve the owner of liability for remediation and closure costs. The use of all financial assurance shall not relieve the owner from responsibility and liability for remediation and closure costs. (10-19-00)T

206. -- 209. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

400. PERMIT CONDITIONS.

The following conditions shall apply to all permittees. (4-1-00)

01. Compliance Required. The permittee shall comply with all conditions of the permit. The permit shall not relieve the permittee of the responsibility to comply with all other applicable local, state, and federal laws. (4-1-00)

02. Financial Capability. Permittees shall have the financial capability to perform remedial actions ~~(4-1-00)~~(10-19-00)T and to meet the conditions of an approved closure plan for a facility.

03. Construction And Operation Of Facility. The permittee shall ensure that construction, operation and maintenance of the facility proceed according to the construction plans and specifications and the approved monitoring, nutrient management and closure plans, and comply with the following: (4-1-00)

a. Within thirty (30) days of completion of construction, submit as built plans. (4-1-00)

b. Apply appropriate management practices as approved by the Director. (4-1-00)

c. The facility or operations associated with the facility shall not create a public health hazard or nuisance conditions including odors. (4-1-00)

d. The facility shall not dispose of any material not approved for disposal under the permit into the animal waste management system including, but not limited to, human waste. (4-1-00)

e. The removal of animal waste from an impoundment or storage structure shall be performed in a manner to not damage the integrity of the liner. (4-1-00)

f. Dead animals shall be removed from the facility for rendering, cremation, burial, composting or other disposal in accordance with IDAPA 02.04.03, "Rules of Department of Agriculture Governing Animal Industry," Section 050, "Dead Animals, Movement, Disposal". (4-1-00)

g. Nutrient management plans shall be amended if modifications to the facility operation, as outlined in the Nutrient Management Standard or other conditions, warrant the amendment. (4-1-00)

h. Soil tests shall be conducted on all land application sites owned or leased by the permittee every year to determine compliance with the nutrient management plan and Nutrient Management Standard. The Director may require more frequent soil tests if deemed necessary. (4-1-00)

04. Provide Information. The permittee shall furnish to the Director within a reasonable time, any information including copies of records required by the permit or other applicable rules, which the Director may reasonably require to determine whether cause exists for modifying or revoking the permit or to determine compliance with the permit or other applicable rules. (4-1-00)

05. Entry And Access. The permittee shall allow the Director, consistent with Title 39, Chapter 1, Idaho Code, and in compliance with the biosecurity and sanitary standards of a facility, so long as the standards and requirements do not inhibit reasonable access, to: (4-1-00)

a. Enter at reasonable times upon the premises of a permitted facility or where records are kept; (4-1-00)

- b. Have access to and copy at reasonable times any records that must be kept under conditions of the permit; (4-1-00)
- c. Inspect any facility or land application site; and (4-1-00)
- d. Sample or monitor at reasonable times, substances or parameters directly related to compliance with the permit or these rules. (4-1-00)

06. Reporting. The permittee shall report to the Director under the circumstances and in the manner specified in Section 400: (4-1-00)

a. Orally, no later than twenty-four (24) hours from the time the permittee knows or should reasonably know of any noncompliance which may endanger the public health or the environment; and (4-1-00)

b. In writing, within five (5) working days from the time a permittee knows or should reasonably know of any event which has resulted or which may result in noncompliance with these rules. The report shall contain: (4-1-00)

i. A description of the event and its cause or if the cause is not known, steps taken to investigate and determine the cause; (4-1-00)

ii. The period of the event including, to the extent possible, times and dates; (4-1-00)

iii. Measures taken to mitigate the event or eliminate the event and protect the public health; and (4-1-00)

iv. Steps taken to prevent recurrence of the event. (4-1-00)

c. In writing, when the permittee knows or should reasonably know of material relevant facts not submitted or incorrect information submitted in a permit application or any report or notice to the Director. (4-1-00)

07. Begin Construction. If a permittee fails to begin construction or expansion of a facility within two (2) years of the effective date of a permit, the Director may void the permit and require a new application. (4-1-00)

08. Permit Renewal. If a permittee intends to continue operation of the permitted facility after expiration of an existing permit, the permittee shall apply for a new permit at least one hundred eighty (180) days prior to the expiration of any permit issued pursuant to these rules. (4-1-00)

IDAPA 59 - PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO (PERSI)

59.01.03 - CONTRIBUTION RULES OF PERSI

DOCKET NO. 59-0103-0001

NOTICE OF PENDING RULE

EFFECTIVE DATE: The 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, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 59-1314(1) and 72-1405 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.

Section 59-1322(1), Idaho Code, requires the Retirement Board to establish contribution rates within certain constraints. Due to legislative changes the Board has reviewed and determined, based on actuarial valuation of reserves and liabilities, the contributions necessary to fund the level of benefits authorized by the plan. These rules continue the current rates until further modified by the board. In addition, Rule 176 is amended to be consistent with 1999 legislative changes to Section 59-1325, Idaho Code, related to the timing for transmitting contributions to PERSI.

The pending rule is being adopted as proposed. The original text of the temporary and proposed rule was published in the July 5, 2000 Idaho Administrative Bulletin, Volume 00-07, pages 104 through 106.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Alan H. Winkle, Executive Director, 334-2451.

DATED this 25th day of October, 2000.

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

IDAPA 59, TITLE 01, Chapter 03
CONTRIBUTION RULES OF PERSI

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 104 through 106.](#)

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 59 - PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO

59.01.06 - RETIREMENT RULES OF PERSI

DOCKET NO. 59-0106-0001

NOTICE OF PENDING RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The effective date of the amendment to 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 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 Sections 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) 59-1314(1) and 72-1405, Idaho Code.

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

During the 2000 session, the legislature passed HB 402 authorizing PERSI to establish an unused sick leave pool for the benefit of PERSI members and employers who do not currently participate in such a pool. This was intended primarily for cities, counties, and other political subdivisions such as taxing districts. Employers participate voluntarily. Although PERSI is not required to do so, it was authorized to implement such a plan effective July 1, 2000. Such arrangements are possible only if certain IRS requirements are met. This docket modifies existing rules governing unused sick leave arrangements to accommodate the "voluntary pool." It also adds additional sections that relate solely to the "voluntary pool." The new provisions are necessary to establish and to set forth the requirements for participation in the PERSI administered pool.

In addition, during the 2000 session, the legislature passed two bills providing for the purchase of service under the PERSI defined benefit plan. HB 657 authorized the purchase of up to forty-eight (48) months of membership service for active duty service in the armed forces of the United States that does not qualify for "military service" under Section 59-1302(23), Idaho Code. HB 717 authorized the purchase of up to forty-eight (48) months of membership service by any active vested member for any reason. Both bills are effective July 1, 2000. This docket adds new provisions that describe the methods for purchasing service and other requirements related to service purchase.

The temporary and proposed rules have been amended in response to public comment and pursuant to Section 67-5227, Idaho Code. The changes to the temporary rules are identical to the changes to the proposed rules. Rule 576 has been amended to add a new Subsection 576.05 to require participating employers to include coverage for Medicare eligible retirees, as well as those who have not reached Medicare eligible age. Rule 701 is amended to clarify that a member's class of service at the time of purchase determines the class of service to be purchased.

Only the sections that have been changed are printed in this bulletin. The original text of the temporary and proposed rule was published in the August 2, 2000 Idaho Administrative Bulletin, Volume 00-08, pages 185 through 189.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Judy Aitken, Field Services Manager, 334-2451.

DATED this 25th day of October, 2000.

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

IDAPA 59, TITLE 01, Chapter 06

RETIREMENT RULES OF PERSI

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, September 1, 2000, pages 185 through 189.

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 AMENDED TEXT OF DOCKET NO. 59-0106-0001

SUBSECTION 576.05

576. PARTICIPATION IN SUBDIVISION UNUSED SICK LEAVE POOL (Rule 576).

Any PERSI employer meeting the following requirements may elect to participate in the unused sick leave pool authorized by Section 59-1365, Idaho Code: (7-1-00)T

05. Medicare Eligible Retirees. Employer's group plan must provide coverage to all retired employees eligible for unused sick leave credits, including retirees that become Medicare eligible. (7-1-00)T

(BREAK IN CONTINUITY OF SECTIONS)

SECTION 701

701. TIME OF RETIREMENT (Rule 701).

Within ninety (90) days before an active member's effective date of retirement, the member may request the cost of service to be purchased. Costs provided for purchased service are valid only for the effective date requested. Purchased service will be calculated into the member's benefit only to the extent that it is paid by the effective date. In no event shall service be credited for which payment has not been made. Service may be purchased with after-tax dollars or with eligible rollover distributions. The member's service class at the time of purchase determines the class of service that may be purchased. (~~7-1-00~~)T(7-1-00)T

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Bulletin Summary of Proposed Rulemakings

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

Docket No. **58-0109-0001**, Rules Regulating Swine and Poultry Facilities. Requires permittees of swine and poultry facilities to provide financial assurances for the operation, closure and remediation of their facilities. The specific requirements for financial assurances are to be determined by DEQ in rule. This rule change only affects those swine and poultry facilities that are required to be permitted under the Rules Regulating Swine and Poultry Facilities. It does not affect existing facilities that are required to be registered under those rules. Comment By: 1/1/01.

Please refer to the Idaho Administrative Bulletin, **December 6, 2000, Volume 00-12** 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.

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

The Idaho Administrative Bulletin and Administrative Code are available on the Internet at the following address: **<http://www.state.id.us/>** - from the State of Idaho Home Page go to Legal, then Administrative Rules.

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