

IDAHO ADMINISTRATIVE BULLETIN

Table of Contents

December 5, 2001 -- Volume 01-12

TABLE OF CONTENTS.....	1
PREFACE.....	7
<u>IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE</u>	
02.02.14 - Rules For Weights And Measures	
Docket No. 02-0214-0101	
Notice Of Rulemaking - Pending Rule.....	16
02.02.15 - Idaho Organic Food Products Rules	
Docket No. 02-0215-0101 - (Repeal Of Chapter)	
Notice Of Temporary And Proposed Rulemaking	17
02.02.16 - Idaho Department Of Agriculture Rules Governing Organic Livestock Rules	
Docket No. 02-0216-0101 - (Repeal Of Chapter)	
Notice Of Temporary And Proposed Rulemaking	18
02.04.03 - Rules Of The Department Of Agriculture Governing Animal Industry	
Docket No. 02-0403-0002	
Notice Of Rulemaking - Pending Rule.....	19
02.04.17 - Rules Governing Dead Animal Movement And Disposal	
Docket No. 02-0417-0101	
Pending Rule And Amendment To Temporary Rule	20
02.06.33 - Organic Food Products Rules	
Docket No. 02-0633-0101	
Notice Of Temporary And Proposed Rulemaking	23
<u>IDAPA 06 - STATE BOARD OF CORRECTION</u>	
06.01.01 - Rules Of The Board Of Correction	
Docket No. 06-0101-0103	
Notice Of Proclamation Of Rulemaking	29
<u>IDAPA 08 - IDAHO STATE BOARD OF EDUCATION</u>	
08.02.02 - Rules Governing Uniformity	
Docket No. 08-0202-0101	
Notice Of Rulemaking - Pending Rule.....	36
<u>IDAPA 09 - IDAHO DEPARTMENT OF LABOR</u>	
09.01.30 - Rules Of The Benefits Bureau	
Docket No. 09-0130-0101	
Notice Of Rulemaking - Pending Rule.....	40
Docket No. 09-0130-0102	
Notice Of Rulemaking - Pending Rule.....	41
Docket No. 09-0130-0103	

Notice Of Rulemaking - Pending Rule.....	42
Docket No. 09-0130-0104 Notice Of Rulemaking - Pending Rule.....	43
Docket No. 09-0130-0105 Notice Of Rulemaking - Pending Rule.....	44
09.01.35 - Rules Of The Employer Accounts Bureau	
Docket No. 09-0135-0101 Notice Of Rulemaking - Pending Rule.....	45
Docket No. 09-0135-0102 Notice Of Rulemaking - Pending Rule.....	46
Docket No. 09-0135-0103 Notice Of Rulemaking - Pending Rule.....	47
09.01.40 - Rules Of The Job Training Partnership Act	
Docket No. 09-0140-0101 - (Repeal Of CHAPTER) Notice Of Rulemaking - Pending Rule.....	48
<u>IDAPA 10 - IDAHO BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS</u>	
10.01.01 - Rules Of Procedure	
Docket No. 10-0101-0101 Notice Of Rulemaking - Pending Rule.....	49
10.01.02 - Rules Of Professional Responsibility	
Docket No. 10-0102-0101 Notice Of Rulemaking - Pending Rule.....	50
<u>IDAPA 11 - IDAHO STATE POLICE</u>	
11.02.01 - Rules Of The Idaho State Brand Board	
Docket No. 11-0201-0101 Notice Of Rulemaking - Pending Fee Rule.....	51
11.05.01 - Rules Governing Alcohol Beverage Control	
Docket No. 11-0501-0101 Notice Of Rulemaking - Pending Fee Rule.....	52
11.10.01 - Rules Governing The Ilets System - Idaho Law Enforcement Teletypewriter System	
Docket No. 11-1001-0101 Notice Of Rulemaking - Pending Fee Rule.....	53
11.11.01 - Rules Of The Idaho Peace Officer Standards And Training Council	
Docket No. 11-1101-0102 Notice Of Rulemaking - Pending Rule.....	54
<u>IDAPA 14 - BOARD OF REGISTRATION OF PROFESSIONAL GEOLOGISTS</u>	
14.01.01 - Rules Of Procedure Of The Board Of Registration Of Professional Geologists	
Docket No. 14-0101-0101 Notice Of Rulemaking - Pending Fee Rule.....	55

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**16.03.04 - Rules Governing The Food Stamp Program In Idaho**

Docket No. 16-0304-0102

Pending Rule And Amendment To Temporary Rule56

16.03.09 - Rules Governing The Medical Assistance Program

Docket No. 16-0309-0106

Notice Of Rulemaking - Pending Rule.....60

16.05.06 - Rules Governing Mandatory Criminal History Checks

Docket No. 16-0506-0101 - (Repeal Of CHAPTER)

Notice Of Rulemaking - Pending Rule.....61

Docket No. 16-0506-0102

Pending Rule And Amendment To Temporary Rule62

16.06.12 - Rules Governing The Idaho Child Care Program (ICCP)

Docket No. 16-0612-0101

Notice Of Temporary And Proposed Rulemaking70

IDAPA 18 - DEPARTMENT OF INSURANCE**18.01.25 - Title Insurance And Title Insurance Agents
And Escrow Officers**

Docket No. 18-0125-0101

Notice Of Rulemaking - Pending Rule.....83

18.01.44 - Schedule Of Fees, Licenses And Miscellaneous Charges

Docket No. 18-0144-0101

Notice Of Rulemaking - Pending Fee Rule.....84

**18.01.56 - Rebates And Illegal Inducements To Obtaining
Title Insurance Business**

Docket No. 18-0156-0101

Notice Of Rulemaking - Pending Rule.....85

IDAPA 19 - BOARD OF DENTISTRY**19.01.01 - Rules Of The Idaho State Board Of Dentistry**

Docket No. 19-0101-0101

Notice Of Rulemaking - Pending Rule.....86

IDAPA 21 - DIVISION OF VETERANS SERVICES**21.01.01 - Rules Governing Admission, Residency And Maintenance
Charges In Idaho State Veterans Homes And Division Of
Veterans Services Administrative Procedure**

Docket No. 21-0101-0101

Notice Of Rulemaking - Pending Rule.....87

21.01.02 - Rules Governing Emergency Relief For Veterans

Docket No. 21-0102-0101

Notice Of Rulemaking - Pending Rule.....88

**21.01.03 - Rules Governing Medicaid Qualified Units
In Idaho State Veterans Homes**

Docket No. 21-0103-0101

Notice Of Rulemaking - Pending Rule.....	89
<u>IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES</u>	
24.01.01 - Rules Of The Board Of Architectural Examiners	
Docket No. 24-0101-0101	
Notice Of Rulemaking - Pending Rule.....	90
24.02.01 - Rules Of The Board Of Barber Examiners	
Docket No. 24-0201-0101	
Notice Of Rulemaking - Pending Fee Rule.....	91
24.03.01 - Rules Of The State Board Of Chiropractic Physicians	
Docket No. 24-0301-0101	
Notice Of Rulemaking - Pending Rule.....	92
24.04.01 - Rules Of The Idaho Board Of Cosmetology	
Docket No. 24-0401-0101	
Notice Of RULEMAKING - Pending Rule	93
24.09.01 - Rules Of The Board Of Examiners Of Nursing Home Administrators	
Docket No. 24-0901-0101	
Notice Of Rulemaking - Pending Fee Rule.....	94
24.10.01 - Rules Of The State Board Of Optometry	
Docket No. 24-1001-0101	
Notice Of Rulemaking - Pending Rule.....	95
24.11.01 - Rules Of The Idaho State Board Of Podiatry	
Docket No. 24-1101-0102	
Notice Of Rulemaking - Pending Rule.....	96
24.18.01 - Rules Of The Real Estate Appraiser Board	
Docket No. 24-1801-0101	
Notice Of Rulemaking - Pending Fee Rule.....	97
24.19.01 - Rules Of The Board Of Examiners Of Residential Care Facility Administrators	
Docket No. 24-1901-0101	
Notice Of rulemaking - Pending Rule	98
24.20.01 - Rules Of The Bureau Of Occupational Licenses	
Docket No. 24-2001-0101 - (Repeal Of Chapter)	
Notice Of Rulemaking - Pending Rule.....	99
24.20.01 - Rules Of The Bureau Of Occupational Licenses	
Docket No. 24-2001-0102 - (Rewrite Of Chapter)	
Notice Of Rulemaking - Pending Rule.....	100
<u>IDAPA 27 - BOARD OF PHARMACY</u>	
27.01.01 - Rules Of The Idaho Board Of Pharmacy	
Docket No. 27-0101-0101	
Notice Of Rulemaking - Pending Rule.....	101
27.01.01 - Rules Of The Idaho Board Of Pharmacy	

Docket No. 27-0101-0102 Notice Of Rulemaking - Pending Fee Rule.....	102
<u>IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION</u>	
31.42.01 - The Idaho Public Utilities Commission Rules For Telephone Corporations Subject To The Rules Of The Idaho Public Utilities Commission Under The Telecommunications Act Of 1988 (The Title 62 Telephone Corporation Rules)	
Docket No. 31-4201-0101 Notice Of Rulemaking - Pending Rule.....	103
<u>IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT</u>	
39.03.81 - Rules Governing Issuance Of Temporary Permits In Lieu Of Full Registration	
Docket No. 39-0381-0102 Notice Of Temporary And Proposed Rulemaking.....	104
<u>IDAPA 45 - HUMAN RIGHTS COMMISSION</u>	
45.01.01 - Rules Of The Human Rights Commission	
Docket No. 45-0101-0101 Notice Of Rulemaking - Pending Rule.....	107
<u>IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY</u>	
58.01.01 - Rules For The Control Of Air Pollution In Idaho	
Docket No. 58-0101-0002 Pending Rule And Amendment To Temporary Rule.....	108
Docket No. 58-0101-0102 Notice Of Rulemaking - Pending Rule.....	111
Docket No. 58-0101-0103 Notice Of Rulemaking - Pending Rule.....	112
58.01.06 - Solid Waste Management Rules And Standards	
Docket No. 58-0106-0101 Notice Of Extension Of Comment Period.....	113
58.01.08 - Idaho Rules For Public Drinking Water Systems	
Docket No. 58-0108-0102 Notice Of Negotiated Rulemaking.....	114
58.01.10 - Rules Regulating The Disposal Of Radioactive Materials Not Regulated Under The Atomic Energy Act Of 1954, As Amended	
Docket No. 58-0110-0101 Pending Rule And Temporary Rule.....	116
58.01.16 - Rules For Nutrient Management	
Docket No. 58-0116-0101 - (Repeal Of chapter) Notice Of Rulemaking - Pending Rule.....	122
SUBJECTS AFFECTED INDEX	123
CUMULATIVE RULEMAKING INDEX	127

SUBJECT INDEX128

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 monthly compilation of all administrative rulemaking documents in Idaho. The Bulletin publishes the official rulemaking notices and administrative rule text of state agency rulemakings and other official documents as necessary.

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 Rulemaking Notice published in the Bulletin. 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 Bulletins are cited by year and volume number. For example, Bulletin 02-1 refers to the first Bulletin issued in calendar year 2002, 03-1 refers to the first Bulletin issued in calendar year 2003. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No.02-1 refers to January 2002; Volume No. 02-2 refers to February 2002; and so forth. Example: The Bulletin published in January of 2003 is cited as Volume 03-1, the December 2002 Bulletin is cited as Volume 02-12, etc.

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 RULEMAKINGS PUBLISHED IN THE ADMINISTRATIVE BULLETIN

The state of Idaho administrative rulemaking process, governed by the Administrative Procedure Act, comprises five distinct activities; Negotiated, Proposed, Temporary, Pending, and Final rulemaking. Not all rulemakings include all five. At a minimum a rulemaking includes proposed, pending, and final rulemaking. Many rules are adopted as temporary rules when meeting required statutory criteria and agencies often engage in negotiated rulemaking at the beginning of the process to facilitate consensus building in controversial or complex rulemakings. 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 RULEMAKING

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, and in some cases required, to engage in this rulemaking activity whenever it is feasible to do so. Publication of a Notice of Intent to Promulgate a Rule in the Administrative Bulletin by the agency is optional. This process should result in the formulation of a proposed and/or temporary rule.

PROPOSED RULEMAKING

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 RULEMAKING

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. However, a temporary rule that imposes a fee or charge may be adopted only if the Governor finds that the fee or charge is necessary to avoid an immediate danger which justifies the imposition of the fee or charge.

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.

State law requires that the text of both a proposed rule and a temporary rule be published in the Administrative Bulletin. 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. Combining the rulemaking allows for a single publication of the text.

An agency may, at any time, rescind a temporary rule that has been adopted and is in effect. If the temporary rule is being replaced by a new temporary rule or if it has been published concurrently with a proposed rulemaking that is being vacated, the agency, in most instances, should rescind the temporary rule.

PENDING RULEMAKING

A pending rule is a rule that has been adopted by an agency under regular rulemaking procedures 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 RULEMAKING

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

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 may be adopted to reject the rulemaking 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, BYU Idaho 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, individual chapters and dockets, are available on the Internet at the following address: <http://www2.state.id.us/adm/adminrules/>

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 or FAX (208) 332-1896.

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 Paragraph 060.02.c.

"ii." refers to Subparagraph 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 "-", (38-0501-0101). 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. 38-0501-0301"

"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).

"0301" 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 2003.

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 2003

Volume No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
03-1	January, 2003	*November 13, 2002	January 1, 2003	January 22, 2003
03-2	February, 2003	January 1, 2003	February 5, 2003	February 26, 2003
03-3	March, 2003	February 5, 2003	March 5, 2003	March 26, 2003
03-4	April, 2003	March 5, 2003	April 2, 2003	April 23, 2003
03-5	May, 2003	April 2, 2003	May 7, 2003	May 28, 2003
03-6	June, 2003	April 30, 2003	June 4, 2003	June 25, 2003
03-7	July, 2003	June 4, 2003	July 2, 2003	July 23, 2003
03-8	August, 2003	July 2, 2003	August 6, 2003	August 27, 2003
03-9	September, 2003	July 30, 2003	September 3, 2003	September 24, 2003
03-10	October, 2003	**August 20, 2003	October 1, 2003	October 22, 2003
03-11	November, 2003	October 1, 2003	November 5, 2003	November 26, 2003
03-12	December, 2003	October 29, 2003	December 3, 2003	December 24, 2003

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2004

Volume No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
04-1	January, 2004	*November 19, 2003	January 7, 2004	January 28, 2004
04-2	February, 2004	January 7, 2004	February 4, 2004	February 25, 2004
04-3	March, 2004	February 4, 2004	March 3, 2004	March 24, 2004
04-4	April, 2004	March 3, 2004	April 4, 2004	April 25, 2004
04-5	May, 2004	March 31, 2004	May 5, 2004	May 26, 2004
04-6	June, 2004	May 5, 2004	June 2, 2004	June 22, 2004
04-7	July, 2004	June 2, 2004	July 7, 2004	July 28, 2004
04-8	August, 2004	June 30, 2004	August 4, 2004	August 25, 2004
04-9	September, 2004	July 28, 2004	September 1, 2004	September 22, 2004
04-10	October, 2004	**August 25, 2004	October 6, 2004	October 27, 2004
04-11	November, 2004	October 6, 2004	November 3, 2004	November 24, 2004
04-12	December, 2004	November 3, 2004	December 1, 2004	December 22, 2004

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

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

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS AND THE 2002 ADMINISTRATIVE CODE VOLUME NUMBERS		
IDAPA 01	ACCOUNTANCY , Board of	VOLUME 1
IDAPA 38	ADMINISTRATION , Department of	VOLUME 8
IDAPA 44	ADMINISTRATIVE RULES COORDINATOR , Office of the	VOLUME 8
IDAPA 02	AGRICULTURE , Idaho Department of	VOLUME 1
IDAPA 40	ARTS , Idaho Commission on the	VOLUME 8
IDAPA 03	ATHLETIC COMMISSION	VOLUME 1
IDAPA 04	ATTORNEY GENERAL , Office of the	VOLUME 1
IDAPA 53	BARLEY COMMISSION , Idaho	VOLUME 9
IDAPA 51	BEEF COUNCIL , Idaho	VOLUME 9
IDAPA 07	BUILDING SAFETY , Division of Electrical Board Plumbing Board Building Code Advisory Board Public Works Contractors License Board	VOLUME 1
IDAPA 43	CANOLA AND RAPESEED COMMISSION , Idaho	VOLUME 8
IDAPA 48	COMMERCE , Idaho Department of	VOLUME 8
IDAPA 06	CORRECTION , Board of	VOLUME 1
IDAPA 19	DENTISTRY , Board of	VOLUME 6
IDAPA 08	EDUCATION , Board of	VOLUME 2
IDAPA 10	ENGINEERS AND LAND SURVEYORS , Board of Professional	VOLUME 2
IDAPA 58	ENVIRONMENTAL QUALITY , Department of	VOLUME 9
IDAPA 12	FINANCE , Department of	VOLUME 2
IDAPA 13	FISH AND GAME , Department of	VOLUME 2
IDAPA 14	GEOLOGISTS , Board of Registration of Professional	VOLUME 2
IDAPA 15	GOVERNOR , Office of the Idaho Commission on Aging Idaho Commission for the Blind Idaho Forest Products Commission Division of Human Resources and Personnel Commission Idaho Liquor Dispensary Emergency Response Commission	VOLUME 3

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS AND THE 2002 ADMINISTRATIVE CODE VOLUME NUMBERS		
IDAPA 16	HEALTH AND WELFARE , Department of	VOLUMES 3, 4, & 5
IDAPA 45	HUMAN RIGHTS COMMISSION	VOLUME 8
IDAPA 30	IDAHO STATE LIBRARY	VOLUME 7
IDAPA 11	IDAHO STATE POLICE	VOLUME 2
IDAPA 17	INDUSTRIAL COMMISSION	VOLUME 5
IDAPA 18	INSURANCE , Department of	VOLUME 5
IDAPA 05	JUVENILE CORRECTIONS , Department of	VOLUME 1
IDAPA 09	LABOR , Idaho Department of	VOLUME 2
IDAPA 20	LANDS , Department of	VOLUME 6
IDAPA 52	LOTTERY COMMISSION , Idaho State	VOLUME 9
IDAPA 22	MEDICINE , Board of	VOLUME 6
IDAPA 23	NURSING , Board of	VOLUME 6
IDAPA 24	OCCUPATIONAL LICENSES , Board of Board of Architectural Examiners Board of Barber Examiners Board of Chiropractic Physicians Board of Cosmetology Board of Environmental Health Specialist Examiners Board of Hearing Aid Dealers and Fitters Board of Landscape Architects Board of Morticians Board of Examiners of Nursing Home Administrators Board of Optometry Board of Podiatry Board of Psychologist Examiners Board of Social Work Examiners Idaho Counselor Board Board of Dentistry Board of Acupuncture Real Estate Appraiser Board Board of Residential Care Facility Administrators	VOLUME 6
IDAPA 25	OUTFITTERS AND GUIDES LICENSING BOARD	VOLUME 6
IDAPA 50	PARDONS AND PAROLE , Commission for	VOLUME 9
IDAPA 26	PARKS AND RECREATION , Department of	VOLUME 6
IDAPA 59	PUBLIC EMPLOYEES RETIREMENT SYSTEM OF IDAHO - PERSI	VOLUME 9
IDAPA 27	PHARMACY , Board of	VOLUME 6

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS AND THE 2002 ADMINISTRATIVE CODE VOLUME NUMBERS		
IDAPA 29	POTATO COMMISSION, Idaho	VOLUME 7
IDAPA 31	PUBLIC UTILITIES COMMISSION	VOLUME 7
IDAPA 41	PUBLIC HEALTH DISTRICTS	VOLUME 8
IDAPA 33	REAL ESTATE COMMISSION	VOLUME 7
IDAPA 56	RANGELAND RESOURCES COMMISSION, Idaho	VOLUME 9
IDAPA 34	SECRETARY OF STATE, Office of the	VOLUME 7
IDAPA 49	SHORTHAND REPORTERS, Board of Certified	VOLUME 8
IDAPA 36	TAX APPEALS, Idaho Board of	VOLUME 7
IDAPA 35	TAX COMMISSION, State	VOLUME 7
IDAPA 39	TRANSPORTATION, Department of	VOLUME 8
IDAPA 54	TREASURER, Office of the State	VOLUME 9
IDAPA 21	VETERANS SERVICES, Division of	
IDAPA 46	VETERINARY MEDICAL EXAMINERS, Board of	VOLUME 8
IDAPA 55	VOCATIONAL AND TECHNICAL EDUCATION, Division of	VOLUME 9
IDAPA 47	VOCATIONAL REHABILITATION, Division of	VOLUME 8
IDAPA 37	WATER RESOURCES, Department of	VOLUME 8
IDAPA 42	WHEAT COMMISSION, Idaho	VOLUME 8

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

02.02.14 - RULES FOR WEIGHTS AND MEASURES

DOCKET NO. 02-0214-0101

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2002 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 71-111, 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 proposed changes to these rules are to eliminate the retroactive requirement for ticket printers for vehicle mounted metering systems, to delete obsolete language referencing National Bureau of Standards (NBS), to add date specific editions of National Institute of Standards and Technology (NIST) Handbooks 44 and 133 as adopted by reference, to delete references to documents no longer in print and add a website address for reference documents.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the September 5, 2001 Idaho Administrative Bulletin, Volume 01-9, pages 13 and 14.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Tom Schafer, at (208) 332-8690.

DATED this 24th day of October, 2001.

Patrick A. Takasugi
Idaho State Department of Agriculture
2270 Old Penitentiary Road
Boise, Idaho 83712
(208) 332-8500 / (208) 334-4062 FAX

IDAPA 02, TITLE 02, Chapter 14

RULES FOR WEIGHTS AND MEASURES

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 01-9, September 5, 2001, pages 13 and 14.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 Idaho State Legislature as a final rule.

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE
02.02.15 - IDAHO ORGANIC FOOD PRODUCTS RULES
DOCKET NO. 02-0215-0101 - (REPEAL OF CHAPTER)
NOTICE OF TEMPORARY AND PROPOSED RULEMAKING

EFFECTIVE DATE: The effective date of the temporary rule is January 1, 2002.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 22-1103, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than December 19, 2001.

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

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

IDAPA 02.02.15, "Idaho Organic Food Products Rules," is being repealed in its entirety.

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

To eliminate duplication and combine the common provisions of IDAPA 02.02.15 and IDAPA 02.02.16 into a new, comprehensive rule, IDAPA 02.06.33, "Organic Food Products Rules". The responsibility for the organic program was transferred from the Idaho State Department of Agriculture, Division of Agricultural Inspection to the Division of Plant Industries.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Dr. Roger Vega, Administrator or Margaret Misner, Program Manager at (208) 332-8620.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before December 26, 2001.

DATED this 24th day of October, 2001.

Patrick A. Takasugi
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701
Phone: (208) 332-8503
Fax: (208) 334-2170

IDAPA 02.02.15 IS BEING REPEALED IN ITS ENTIRETY.

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE
02.02.16 - IDAHO DEPARTMENT OF AGRICULTURE RULES GOVERNING
ORGANIC LIVESTOCK RULES

DOCKET NO. 02-0216-0101 - (REPEAL OF CHAPTER)
NOTICE OF TEMPORARY AND PROPOSED RULEMAKING

EFFECTIVE DATE: The effective date of the temporary rule is January 1, 2002.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 22-1103, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than December 19, 2001.

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

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

IDAPA 02.02.16, "Idaho Department of Agriculture Rules Governing Organic Livestock Rules," is being repealed in its entirety.

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

To eliminate duplication and combine the common provisions of IDAPA 02.02.15 and IDAPA 02.02.16 into a new, comprehensive rule, IDAPA 02.06.33, "Organic Food Products Rules". The responsibility for the organic program was transferred from the Idaho State Department of Agriculture, Division of Agricultural Inspection to the Division of Plant Industries.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Dr. Roger Vega, Administrator or Margaret Misner, Program Manager at (208) 332-8620.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before December 26, 2001.

DATED this 24th day of October, 2001.

Patrick A. Takasugi
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790, Boise, Idaho 83701
Phone: (208) 332-8503 / Fax: (208) 334-2170

IDAPA 02.02.16 IS BEING REPEALED IN ITS ENTIRETY.

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE
02.04.03 - RULES OF THE DEPARTMENT OF AGRICULTURE GOVERNING ANIMAL INDUSTRY
DOCKET NO. 02-0403-0002
NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2002 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. The action is authorized pursuant to Section 25-237, 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.

This pending rule is being adopted to delete IDAPA 02.04.03, "Dead Animal Movement And Disposal," Section 050, which is being replaced by a new chapter IDAPA 02.04.17, "Rules Governing Dead Animal Movement and Disposal," that is being published concurrently.

The pending rule is being adopted as proposed. The original text of the temporary and proposed rule was published in the July 4, 2001 Idaho Administrative Bulletin, Volume 01-7, pages 13 and 14.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact John Chatburn, Idaho Department of Agriculture, at (208) 332-8540.

DATED this 4th day of October, 2001.

Mike Everett, Deputy Director
Idaho State Department of Agriculture
P.O. Box 790
Boise, Idaho 83701-0790
(208) 332-8500
(208) 334-4062 FAX

IDAPA 02, TITLE 04, Chapter 03

RULES OF THE DEPARTMENT OF AGRICULTURE GOVERNING ANIMAL INDUSTRY

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 01-7, July 4, 2001, pages 13 and 14.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 Idaho State Legislature as a final rule.

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE
02.04.17 - RULES GOVERNING DEAD ANIMAL MOVEMENT AND DISPOSAL

DOCKET NO. 02-0417-0101

NOTICE OF RULEMAKING

PENDING RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is November 1, 2001. The pending rule has been adopted by the agency and is now pending review by the 2002 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 25-237, 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 any change.

This pending rule amends the definitions 010.01 Abandon; 010.07 Dead Animals; 010.15 Person; 010.16 Pets. Additionally amendments were made to the following Sections: 030, Disposal of Dead Animals; 040, Movement of Dead Animals; and 050, Dead Animal Emergencies.

The proposed rules have been amended in response to testimony received at a public hearing, public comments and to make typographical, transcriptional, and clerical corrections to the rules, and are being amended pursuant to Section 67-5227, Idaho Code. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Department of Agriculture amended the temporary rule with the same revisions which have been made to the proposed rule.

Only the Sections that have amendments are printed in this bulletin. The original text of the proposed rule was published in the July 4, 2001 Idaho Administrative Bulletin, Volume 01-7, pages 15 through 21.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule or temporary rule, contact John Chatburn, Idaho Department of Agriculture, at (208) 332-8540.

DATED this 4th day of October, 2001.

Mike Everett, Deputy Director
Idaho State Department of Agriculture
P.O. Box 790
Boise, Idaho 83701-0790
(208) 332-8500 / (208) 334-4062 FAX

IDAPA 02, TITLE 04, Chapter 17

RULES GOVERNING DEAD ANIMAL MOVEMENT AND DISPOSAL

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 00-7, July 41, 2001, pages 15 through 21.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 02-0417-0101

SUBSECTIONS 010.01, 010.07, 010.15, AND 010.16

010. DEFINITIONS.

01. Abandon. To ~~forsake~~, desert or intentionally leave a dead animal without proper disposal as provided in these rules. ~~(6-1-01)F(11-1-01)T~~

07. Dead Animals. Carcasses, and parts of carcasses, ~~or tissues~~ from dead animals including domesticated livestock, sheep, goats, poultry, pets, and commercial fish. ~~(6-1-01)F(11-1-01)T~~

15. Person. Any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, state or federal government department, agency or instrumentality, or any legal entity, which is recognized by law as the subject of rights and duties. ~~(6-1-01)F(11-1-01)T~~

16. Pets. Cats, dogs, and other non-human species of animals that are ~~typically~~ kept as household companions. ~~(6-1-01)F(11-1-01)T~~

(BREAK IN CONTINUITY OF SECTIONS)

SUBSECTION 030.01

030. DISPOSAL OF DEAD ANIMALS.

Dead animals shall be disposed of within seventy-two (72) hours after knowledge of the death of the animal or as provided by the Administrator. No person shall dispose of a dead animal on the land of another without the permission of the property owner. Disposal shall be by one (1) of the following methods: (6-1-01)T

01. Dead Animals On Federally Managed Land. Animals that die on federally managed rangeland from causes other than significant infectious or contagious diseases or agents shall be disposed of as provided by the rules and regulations of the responsible land management agency. ~~(6-1-01)F(11-1-01)T~~

SUBSECTION 030.04.a.

04. Burial. Dead animals shall be buried to such a depth that no part of the dead animal shall be nearer

than three (3) feet to the natural surface of the ground. Every part of the dead animal shall be covered with at least three (3) feet of earth. The location of a burial site shall be: (6-1-01)T

a. At least three hundred (300) feet from any wells, surface water intake structures, and public or private drinking water supply lakes or springs. (~~6-1-01~~)F(11-1-01)T

SUBSECTIONS 030.10.a., 030.10.b., AND 030.10.c.

10. Decomposition. Animals that die on private or state rangeland from causes other than significant infectious or contagious diseases or agents may be left to decompose naturally provided that: (6-1-01)T

a. They are at least one thousand three hundred twenty (1,320) feet from any wells, lakes, ponds, streams, surface water intake structures, public or private drinking water supply lakes, springs or sinkholes. (~~6-1-01~~)F(11-1-01)T

b. They are ~~At~~ least one thousand three hundred twenty (1,320) feet from any public roadways. (~~6-1-01~~)F(11-1-01)T

c. They are ~~At~~ least one thousand three hundred twenty (1,320) feet from any residence not owned by the owner of the dead animal. (~~6-1-01~~)F(11-1-01)T

(BREAK IN CONTINUITY OF SECTIONS)

SUBSECTION 040.01

040. MOVEMENT OF DEAD ANIMALS.

No dead animals shall be loaded into the same vehicle with live animals. (6-1-01)T

01. Vehicles Used For Transporting Dead Animals. Vehicles used for transporting dead animals shall be constructed and maintained, or be prepared prior to receiving dead animals into the vehicle, so ~~as not~~ that no liquid or fluid from the dead animals is allowed to drip or seep from the vehicle during transport. (~~6-1-01~~)F(11-1-01)T

(BREAK IN CONTINUITY OF SECTIONS)

SUBSECTIONS 050.01 AND 050.01.a.

050. DEAD ANIMAL EMERGENCIES.

Dead animal emergencies are those situations involving dead animals that have been determined by the Administrator to require extraordinary disposal measures. (6-1-01)T

01. Situations Requiring Extraordinary Disposal Measures. These situations ~~include~~, but are not limited to, the following: (~~6-1-01~~)F(11-1-01)T

a. Situations where one (1) or more animals ~~may~~ die of an infectious or contagious disease or agent that may pose a significant threat to humans or animals; (~~6-1-01~~)F(11-1-01)T

b. Situations wherein the number of dead animals is large enough to require extraordinary disposal measures. (6-1-01)T

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

02.06.33 - ORGANIC FOOD PRODUCTS RULES

DOCKET NO. 02-0633-0101

NOTICE OF TEMPORARY AND PROPOSED RULEMAKING

EFFECTIVE DATE: The effective date of the temporary rule is January 1, 2002.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 22-1103, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than December 19, 2001.

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

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

The rules will establish:

1. Definitions;
2. General provisions for certification, exemptions, exclusions and recordkeeping for producers and handlers;
3. Allowed and prohibited substances;
4. Methods and ingredients in organic production and handling;
5. Requirements for production of organic crops and livestock;
6. Labels and labeling of organic plant and animal products;
7. Fee structure; and
8. Penalty provisions for violation of organic rules.

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

To be in compliance with the National Organic Program (NOP) rules which became effective April 22, 2001. To eliminate duplication and combine the common provisions of IDAPA 02.02.15 and IDAPA 02.02.16 into a new, comprehensive rule, IDAPA 02.06.33, "Organic Food Products Rules". The responsibility for the organic program was transferred from the Idaho State Department of Agriculture, Division of Agricultural Inspection to the Division of Plant Industries.

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

Pursuant to Section 22-1106, Idaho Code, the director may adopt rules establishing a fee schedule that will provide for the recovery of the full cost of the certification program. The fees include, but are not limited to: registration fees, inspection fees, laboratory fees and graduated gross sales fees. These fees are identical to those previously provided for in the former IDAPA 02.02.15 and IDAPA 02.02.16, except the Transitional to Organic Producer and Transitional to Organic Handler fees have been repealed.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Dr. Roger Vega, Administrator or Margaret Misner, Program Manager at (208) 332-8620.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before December 26, 2001.

DATED this 24th day of October, 2001.

Patrick A. Takasugi
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790, Boise, Idaho 83701
Phone: (208) 332-8503 / Fax: (208) 334-2170

THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0633-0101

IDAPA 02
TITLE 06
CHAPTER 33

02.06.33 - ORGANIC FOOD PRODUCTS RULES

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Section 22-1103, Idaho Code. (1-1-02)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.06.33, "Organic Food Products Rules". (1-1-02)T

02. Scope. These rules govern: (1-1-02)T

a. Definitions; (1-1-02)T

b. The requirements for production and handling of organic plant and animal products; (1-1-02)T

c. Labels and labeling of organic plant and animal products; (1-1-02)T

d. General requirements for certification of producers and handlers of plant and animal products; (1-1-02)T

e. Fee structure; and (1-1-02)T

f. Penalty provisions for violation of organic law and rules. (1-1-02)T

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (1-1-02)T

003. ADMINISTRATIVE APPEAL.

Section 22-1108, Idaho Code, provides for an appeal process. (1-1-02)T

004. INCORPORATION BY REFERENCE.

The December 21, 2000 Code of Federal Regulations (CFR) 7 CFR Part 205 Subchapter M-Organic Foods Production Act Provisions, except sections 205.620 through 205.642, is incorporated by reference. Copies of this document may be obtained from the Idaho State Department of Agriculture (ISDA), 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701 and are also available at the state law library. (1-1-02)T

005. OFFICE – OFFICE HOURS – MAILING ADDRESS AND STREET ADDRESS.

01. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (1-1-02)T

02. Mailing Address. The mailing address for the central office is Idaho State Department of Agriculture, P.O. Box 790, Boise, Idaho 83701. (1-1-02)T

03. Street Address. The central office of the Idaho State Department of Agriculture is located at 2270 Old Penitentiary Road, Boise, Idaho 83712. (1-1-02)T

006. PUBLIC RECORDS ACT COMPLIANCE.
These rules are public records available for inspection and copying at the department. (1-1-02)T

007. -- 009. (RESERVED).

010. DEFINITIONS.

01. Department. The Idaho State Department of Agriculture. (1-1-02)T

02. Director. The director of the department of agriculture or the director's designee. (1-1-02)T

03. Food Products. Shall include all agricultural, horticultural, viticultural and vegetable products of the soil, apiary and apiary products, poultry and poultry products, livestock and livestock products, milk and dairy products and aquaculture products. (1-1-02)T

04. Handler. Any person or organization who processes, packages, resells, transports or stores organic food products or nonorganic food products. (1-1-02)T

05. Livestock. Cattle, swine, sheep, goats, ratites, domestic cervidae and bison. (1-1-02)T

06. Organic Certification Seal. The design approved by the director and which when imprinted or affixed on labels, packages or products, or used in advertising in any manner, shall signify that the standards and rules developed in accordance with the provisions of Chapter 11, Title 22, Idaho Code, and all other conditions of the provisions of that chapter have been met. (1-1-02)T

07. Organic Food Product. Any food product that is marketed using the term organic, or any derivative of the term organic in its labeling or advertising. Organic foods are those processed, packaged, transported and stored to retain maximum nutritional value, without the use of artificial preservatives, coloring or other additives, irradiation, or synthetic pesticides. (1-1-02)T

08. Organically Grown Food Products. Food products which are produced without the use of synthetically compounded fertilizers, pesticides, or growth regulators for a period not less than thirty-six (36) months prior to harvest. Organically grown food products are produced under the standards and rules established in accordance with the provisions of Chapter 11, Title 22, Idaho Code, and by other qualified agencies. (1-1-02)T

09. Person. Any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not. (1-1-02)T

10. Producer. Any person or organization who: (1-1-02)T

a. Grows, raises or produces a food product; and (1-1-02)T

b. Sells the food product as, or offers it for sale as, an organic food. (1-1-02)T

11. Vendor. Any person who sells organic food products to the consumer or another vendor. (1-1-02)T

011. FINDINGS.

The adoption of IDAPA 02.06.33, “Organic Food Products Rules” will facilitate domestic and international marketing of fresh and processed food that is organically produced and assure consumers that such products meet consistent, uniform standards. (1-1-02)T

012. -- 099. (RESERVED).

100. RECERTIFICATION.

01. Eligibility. In addition to the requirements outlined in 7 CFR Part 205 Subchapter M-Organic Foods Production Act Provisions “Continuance of Certification,” all producers and handlers shall attend one seminar annually to be eligible for recertification. (1-1-02)T

02. Request For Approval. A producer or handler attending a seminar that is either in or out of state or the organizer of a seminar shall submit to the department a request for approval of a seminar not less than thirty (30) days prior to the scheduled seminar. Such a request shall be submitted on a form prescribed by the department. Under exceptional circumstances, as described in writing by the producer or handler requesting approval, the thirty (30) day requirement may be waived. (1-1-02)T

03. List Of Attendees. The organizer of an approved seminar shall submit to the department a list of attendees. (1-1-02)T

04. Official Approval. Official approval shall be given only for those seminars that deal with: (1-1-02)T

- a. Organic production; (1-1-02)T
- b. Integrated pest management; (1-1-02)T
- c. Sustainable agriculture practices; (1-1-02)T
- d. Organic handling; or (1-1-02)T
- e. Processing practices. (1-1-02)T

101. -- 199. (RESERVED).

200. IDAHO ORGANIC CERTIFICATION SEAL.

01. Description Of Seal. The Idaho seal must replicate the form and design of the example in Figure 1 and must be printed legibly and conspicuously.

FIGURE 1



(1-1-02)T

02. Utilization Of Seal. The Idaho organic certification seal as approved by the director and as shown in Figure 1, may be imprinted or affixed on labels, packages or products, or used in advertising in any manner, shall signify that the standards and rules developed in accordance with the provisions of this rule and all other conditions of the provisions of this chapter have been met. (1-1-02)T

a. Any container manufacturer may apply for authorization to imprint facsimiles of the ISDA organic certification seal on containers of organic products. (1-1-02)T

b. Authorization granted to imprint facsimile seals shall be subject to review by the director on an annual basis, or more frequently if necessary. (1-1-02)T

c. Seals are available at the Department at the cost of two and one-half cents (\$.025) each plus Idaho sales tax. (1-1-02)T

201. -- 299. (RESERVED).

300. REGISTRATION AND CERTIFICATION - FEE SCHEDULE.

01. Deadlines For Applications Of Registration. All organic food producers and organic handlers in Idaho, shall register with the Department by April 30th of each year. The application and fees shall be forwarded to the Department on forms furnished by the Department. Applications received after April 30th will be considered late applications. (1-1-02)T

02. Deadlines For Applications Of Certification. All organic food producers and organic handlers in Idaho, except those production or handling operations exempted in Section 205.101 of 7 Code of Federal Regulations (CFR), shall apply for organic certification with the Department by April 30th of each year and are subject to an annual on-site inspection. When applying for certification with the Department, the application and fees shall be forwarded to the Department on forms furnished by the Department. Applications for certification received prior to April 30th will be given priority scheduling for on-site inspection services. Applications received after April 30th will be considered late applications. Late applicants may lose the opportunity to have their on-site farm inspection scheduled in conjunction with other applicants in the area, which could result in substantially higher inspection fees. Applications for certification received after July 1 will not be accepted. (1-1-02)T

03. Annual Registration Fees. (1-1-02)T

a. Organic producer with annual gross income of more than five thousand dollars (\$5,000) - One hundred dollars (\$100). (1-1-02)T

b. Organic producer with annual gross income of less than five thousand dollars (\$5,000) - Twenty-five dollars (\$25). (1-1-02)T

c. Organic handler with annual gross income of more than five thousand dollars (\$5,000) - One hundred dollars (\$100). (1-1-02)T

d. Organic handler with annual gross income of less than five thousand dollars (\$5,000) - Twenty-five dollars (\$25). (1-1-02)T

e. A person who produces and handles their own organic food products shall pay only one (1) registration fee of one hundred dollars (\$100) or twenty-five dollars (\$25) based on gross annual income. (1-1-02)T

04. Inspection Fees. (1-1-02)T

a. The hourly rate is twenty-five dollars (\$25) including travel time. (1-1-02)T

b. Travel time from an inspector's normal duty station to the inspection site and return to normal duty station will be compensable time charged to the applicant. (1-1-02)T

c. There will be a minimum charge of twenty-five dollars (\$25) plus mileage for any inspection. (1-1-02)T

d. A mileage rate as approved by the Board of Examiners will be included in the inspection fees.

(1-1-02)T

e. The costs for chemical residue analysis of organically grown food products may be assessed against the producer or handler. (1-1-02)T

f. Inspections conducted on weekends, holidays, or after normal office hours will be charged at an hourly rate of thirty-seven dollars and fifty cents (\$37.50) including travel time with a minimum charge of one (1) hour plus mileage. (1-1-02)T

05. Graduated Gross Sales Fee Schedule. (1-1-02)T

a. In addition to the fees prescribed above, all producers and handlers shall remit with their registration application an amount based on their annual gross organic sales during the last calendar year, or in the case of a first-time registrant, a projected gross dollar amount for the upcoming calendar year, with a minimum fee of ten dollars (\$10). The graduated gross organic sales fee structure is as follows:

0 - 2,000	\$ 10
2,001 - 5,000	\$ 25
5,001 - 10,000	\$ 50
10,001 - 15,000	\$ 75
15,001 - 20,000	\$ 100
20,001 - 25,000	\$ 125
25,001 - 30,000	\$ 150
30,001 - 35,000	\$ 175
35,001 - 50,000	\$ 250
50,001 - 75,000	\$ 375
75,001 - 100,000	\$ 500
100,001 - 150,000	\$ 750
150,001 - 200,000	\$1,000
200,001 - 280,000	\$1,400
280,001 - 375,000	\$1,875
375,001 - 500,000	\$2,500
500,001 and up	0.5% of gross organic sales

(1-1-02)T

b. Registration and application fees are non-refundable. (1-1-02)T

301. -- 399. (RESERVED).

400. PENALTY FOR VIOLATION - CIVIL PENALTY.

Any person violating these rules may be assessed a civil penalty as set forth in Section 22-1104, Idaho Code.

(1-1-02)T

401. -- 999. (RESERVED).

IDAPA 06 - STATE BOARD OF CORRECTION
06.01.01 - RULES OF THE BOARD OF CORRECTION
DOCKET NO. 06-0101-0103
NOTICE OF PROCLAMATION OF RULEMAKING

AUTHORITY: In compliance with Sections 20-212 and 67-5221(1), Idaho Code, notice is hereby given that this agency has adopted rules by proclamation and the text of the rule is being published in this volume of the Bulletin following this notice. In accordance with Section 20-212 of the Idaho Code these rules shall become final and effective thirty (30) days after the date of publication in the Idaho Administrative Bulletin. These rules shall be final and effective on January 4, 2002.

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

1. A name change for the Division of Field and Community Services to Community Corrections Division reflecting redefined goals.
2. The Department has moved from six operational units to five with the removal of Correctional Industries as a separate operational unit.
3. Pursuant to recent legislation the State of Idaho Board of Correction has amended Rule 108, Idaho Public Records Act.

NEGOTIATED RULEMAKING: Pursuant to Section 20-212, Idaho Code, the Board of Correction is exempt from conducting negotiated rulemaking. However, a revision to Rule 108, Idaho Public Records Act, was required by a statutory change, and the Board expected this revision to be controversial.

Therefore, the Board solicited input through the development of a committee comprised of affected parties, and co-chaired by the House and Senate Judicial Rules Committee Chairs. Input was solicited and received from affected parties through several committee meetings, subsequent Board meetings, and by written comment. This revision to Rule 108 is the outcome of the committee meetings and verbal and written comments from the affected parties.

ASSISTANCE OR QUESTIONS: For assistance or questions concerning this rulemaking, contact DeAnna Jones at telephone number (208) 658-2143.

DATED this 24th day of October, 2001.

Michael Johnson, Administrator
Institutional Services Division
Idaho Department of Correction
1299 North Orchard, Suite 110
Boise, Idaho 83706
(208) 658-2137 (Office)
(208) 327-7458 (Fax)

THE FOLLOWING IS THE TEXT OF DOCKET NO. 06-0101-0103

010. DEFINITIONS.

01. **Administrator.** The exempt employee in authority over a division of the Department. (11-5-99)
02. **Archival Research.** Research requiring access to stored historical data, files, documentation, video or audio tapes, electronically sorted data, or written material. (11-5-99)
03. **Attorney Of Record.** An attorney appointed by a court or retained by an inmate in a legal action. (11-5-99)
04. **Board.** The state Board of Correction. (11-5-99)
05. **Case Management File.** A collection of legal documents, reports, submissions, statements, and support materials used in making decisions about an inmate, parolee, or probationer regarding classification, treatment, programming, management, parole, or clemency decisions. (11-5-99)
06. **Confidential Mail.** Is mail to or from the president, the governor, the Attorney General or any Assistant or Deputy Attorney General, the Idaho legislature or Congress (except for bulk mailings), the courts, attorneys (except for bulk mailings), the Board, the director, and Department administrators and facility heads. (11-5-99)
07. **Contact Visiting.** Visiting with an inmate where there are no physical barriers between the visitor and the inmate and the inmate and visitor may be allowed to touch. (11-5-99)
08. **Contraband.** Any thing of any kind which is prohibited by Board, Department, or facility rules, procedures, or directives. Contraband also includes any thing of any kind which a facility head has not approved for possession by an inmate or which a facility head has not approved to bring in to a facility or on to department property. (11-5-99)
09. **Contractor.** A person who has entered into a contract with the Board or Department, or a contract with the state of Idaho administered by the Board or Department to provide any service. (11-5-99)
10. **County Jail.** A detention or holding facility operated by the sheriff of a county. (11-5-99)
11. **Department.** The state Department of Correction. (11-5-99)
12. **Department Property.** Real property owned or leased and operated or managed by the Board or Department. (11-5-99)
13. **Directive.** A sequence of steps within a particular division to implement a procedure. (11-5-99)
14. **Director.** The director of the Department of Correction. (11-5-99)
15. **Division.** An operating unit of the Department. The Department divisions are: (11-5-99)
- a. Prisons; (11-5-99)
 - b. Management Services; (11-5-99)
 - c. ~~Field and~~ Community Services Corrections; (~~11-5-99~~)(1-4-02)
 - ~~d. Correctional Industries;~~ (~~7-6-01~~)
 - ed. Institutional Services; and (7-6-01)
 - fe. Human Resource Services. (7-6-01)

16. **Execution.** The carrying out of a sentence of death. (11-5-99)
17. **Facility.** A building or residence, including the property and land where the building or residence is located, owned or leased and operated or managed by the Board or Department. (11-5-99)
18. **Facility Head.** The person with primary responsibility to oversee, manage or operate a Department facility. (11-5-99)
19. **Field Memoranda.** Detailed guidelines to implement directives within a facility or a service unit of a division. (11-5-99)
20. **General Mail.** All mail other than confidential mail. (11-5-99)
21. **Health Authority.** The Department employee with primary responsibility to oversee or manage the Department medical services. (11-5-99)
22. **Immediate Family.** The immediate family of an inmate is: (11-5-99)
- a. The mother or father of the inmate, including step parent; (11-5-99)
 - b. The brother or sister of the whole or half (1/2) blood or by adoption or the stepbrother or stepsister of the inmate; (11-5-99)
 - c. The wife or husband of the inmate, as proved by marriage license or other operation of law; (11-5-99)
 - d. The natural child, adopted child or stepchild of the inmate; (11-5-99)
 - e. The grandparents of blood relation to the inmate; or (11-5-99)
 - f. The grandchildren of blood relation to the inmate. (11-5-99)
23. **Intern.** A Student of a recognized college or university who may be involved in a course of study or research project conducted within a facility or service area under the authority of the Board. (11-5-99)
24. **Inmate.** An individual in the physical custody of the Board. (11-5-99)
25. **Inmate Visitor.** A member of the public who is approved to visit with an inmate at a Department facility. (11-5-99)
26. **Legal Assistant.** A person who has been granted permission by the facility head or designee to assist an inmate in a specific legal matter and who is a law student or an employee of an attorney of record, or an employee of a local, state or federal court, or an employee of a legal aid service. (11-5-99)
27. **Literature.** Notices, placards, banners, advertisements, and other writings not generated by the Department for Department distribution. (11-5-99)
28. **Minor.** A individual less than eighteen (18) years old. (11-5-99)
29. **Non-Contact Visiting.** Visiting with an inmate where there are physical barriers between the visitor and the inmate and the inmate and visitor are not allowed to touch. Verbal communication is generally accomplished through telephones, speakers or openings in the physical barrier designed to allow sound to pass. (11-5-99)
30. **Obscene.** Material is considered obscene if it: (11-5-99)
- a. Portrays physical contact of a person with the sexual organs of another by genital-genital, oral-

- genital, digital-anal, digital-genital, anal-genital contact; (11-5-99)
- b. Portrays the insertion of foreign objects into the anus or vagina; (11-5-99)
 - c. Portrays the discharge of bodily fluids; (11-5-99)
 - d. Portrays bestiality; (11-5-99)
 - e. Portrays sexual contact with a minor under age eighteen (18) or a person who appears to be under the age of eighteen (18); (11-5-99)
 - f. Portrays violent activity in a sexual context; or (11-5-99)
 - g. Portrays an act where one (1) of the participants appears to be non-consenting to the act. (11-5-99)
- 31. Offender.** A person under the legal care, custody, supervision or authority of the Board including a person within or without the state pursuant to agreement with another state or a contractor. (11-5-99)
- 32. Parole Commission.** The Idaho Commission of Pardons and Paroles. (11-5-99)
- 33. Parolee.** An offender who is released from a facility to a period of supervision upon grant of parole by a paroling authority. (11-5-99)
- 34. Penological Interests.** The security, programmatic, and rehabilitative interests of the Board and the Department. (11-5-99)
- 35. Person.** An individual, corporation, governmental entity or organization, however organized or constituted. (11-5-99)
- 36. Photo Identification.** A state issued driver's license, a state issued identification card displaying a photograph, a military issued identification card displaying a photograph or, a current valid passport. (11-5-99)
- 37. Post Order.** A detailed set of guidelines and procedures for each post or area of employee assignment which governs and explains the duties of the employee assigned to the post or area of responsibility. (11-5-99)
- 38. Probationer.** An offender who is placed on a period of supervision on probation by a court of competent jurisdiction. (11-5-99)
- 39. Procedure.** A sequence of steps or actions to be followed to implement and support a rule or policy. (11-5-99)
- 40. Public.** A person in the general public. For purposes of these rules public does not include offenders, contractors, vendors, volunteers, interns, or the employees of the Board, Department or, Parole Commission. (11-5-99)
- 41. Public Information Officer.** An employee of the Department designated by the director to be the primary contact person from whom the public and media may request information. (11-5-99)
- 42. Research Activities.** Activities which systematically investigate a phenomenon or series of phenomena. (11-5-99)
- 43. Research On Human Subjects.** Research requiring access to, and participation of, employees of the Department or offenders. (11-5-99)
- 44. Tobacco Products.** Cigarettes, whether packaged or hand rolled, cigars, snuff, chew, or any other

variation of a product containing tobacco. (11-5-99)

45. Vendor. A person who supplies goods or services to the Board or any operation or facility under the authority of the Board. (11-5-99)

46. Visiting Staff. Employees of the Department or the Parole Commission conducting business in the Department central office building on a regular or irregular basis. (11-5-99)

47. Visitor. A member of the public as defined herein who is approved to visit a department facility. (11-5-99)

48. Volunteer. A person who has volunteered or donated time or services to the Board or a Department operation or facility. (11-5-99)

49. Work Site. Any place where inmates may be found when assigned to a work project. (11-5-99)

(BREAK IN CONTINUITY OF SECTIONS)

108. IDAHO PUBLIC RECORDS ACT.

01. Intent Of The Board. It is the intent of the Board that the records of the Department shall be open to the public for inspection and copying at all reasonable times, unless the records or information contained therein is specifically exempted from disclosure by state or federal statute or court rule. It is the further intent of the Board to implement the exemptions for Department records as set forth in the Idaho Public Records Act. The Board has determined that disputes over denials or partial denials of public records requests should be resolved informally whenever possible. (1-4-02)

02. Public Records Requests. The Department shall develop guidelines and procedures for processing public records requests. The guidelines and procedures shall include the following: (1-4-02)

a. A written request for records of the Department shall be required; and (1-4-02)

b. If any Department record contains information that is not exempt from disclosure as well as information which is exempt from disclosure, the Department shall separate the exempt and non-exempt information and make the non-exempt information available for public inspection and copying. (1-4-02)

~~**03. Custodian of Records.** The following Certain Department employees are designated as official custodians of Department records. The employees designated as official custodians of the Department records may delegate duties and responsibilities of the custodians in order to more efficiently process public records requests. For purposes of this section, official custodians for records of the Department shall be:~~ (11-5-99)(1-4-02)

a. The director; (1-4-02)

~~b.~~ The public information officer; (11-5-99)

~~c.~~ The central records manager; (11-5-99)

~~d.~~ The administrators of the divisions; and (11-5-99)(1-4-02)

~~e.~~ The facility heads; ~~and.~~ (11-5-99)(1-4-02)

~~e.~~ The Department records clerks. (11-5-99)

024. Records Exempt From Disclosure. In order to protect information consistent with the public's

~~interest in confidentiality, public safety, security, and the habilitation of offenders. The following records are exempt from disclosure: Board has identified Records of the Department of Correction to the extent that disclosure thereof would interfere with the secure and orderly conduct of their operations, or the rehabilitation of any person in the custody of the Department of Correction, or on parole, or would substantially prejudice or prevent the carrying out of the functions of the Department of Correction, if the public interest and confidentiality clearly outweighs the public interest in disclosure be exempt from disclosure in whole or in part. These Records exempt from disclosure shall include, but are not be limited to: those containing the names and addresses of witnesses, or victims, or those containing information identifying victims or witnesses.~~ (1-4-02)

~~a. Pre-sentence investigation reports, addenda and the information contained in or attached to the reports shall not~~ Records to be disclosed to any person except exempt in compliance with Idaho Rule of Criminal Procedure 32: their entirety; (1-4-02)

~~i. Records of the Department that define specific building design details, such as facility blueprints, that if disclosed would jeopardize public safety and the security of the facility;~~ (1-4-02)

~~ii. Records of the Department that define specific operations used to respond to and control emergencies, such as emergency plans, that if disclosed would interfere with the secure and orderly conduct of Department operations;~~ (1-4-02)

~~iii. Records of the Department that define site-specific security operations, such as facility security procedures and site-specific post orders, that if disclosed would jeopardize public safety and the security of the facility;~~ (1-4-02)

~~iv. Records containing information specific to the habilitation of any offender, including information tracking the behavior, progress or digression of a particular offender under the legal care, custody, supervision or authority of the Board, including a person within or without the state pursuant to an agreement with another state or a contractor. Notwithstanding this exemption, records of this nature specific to inmates sentenced to death shall be available to counsel of record for inmates sentenced to death, subject to redaction;~~ (1-4-02)

~~v. Records of an offender when requested by another offender. For purposes of Subsection 108.04 the term offender shall not be construed to include a prisoner, probationer or parolee who has completed his sentence of incarceration or term of probation or parole;~~ (1-4-02)

~~vi. Offender academic records. Notwithstanding this exemption, consistent with Family Educational Rights and Privacy Act, FERPA, 34 C.F.R. part 99, an offender's academic records shall be disclosed to school officials, including teachers, having legitimate educational interests. Further, an offender's academic records shall be disclosed to the offender's attorney of record in his criminal case, provided that the attorney first submit a release, on his letterhead, signed by the offender. A release under Subsection 108.04.a.vi. must be current, within six (6) months.~~ (1-4-02)

~~vii. Pre-sentence investigation reports, addenda, and the information contained in or attached to the reports, shall not be disclosed to any person except as provided by Idaho Rules of Criminal Procedure;~~ (1-4-02)

~~viii. NCIC and ILETS records, FBI/CIB identification sheets, police reports, and drivers services sheets;~~ (1-4-02)

~~ix. Medical, counseling and treatment records. Notwithstanding this exemption, an offender's medical, counseling and treatment records shall be disclosed to the offender's attorney of record in his criminal case, or the offender's private professional health care provider, provided that the attorney or the health care provider submit a release for these records, on his letterhead, signed by the offender. A release under Subsection 108.04.a.ix. must be current, within six (6) months;~~ (1-4-02)

~~b. Records exempt in part, subject to redaction;~~ (1-4-02)

~~i. Records that contain any identifying information or any information that would lead to the identification of any victims or witnesses;~~ (1-4-02)

ii. Records of the Department containing the names and addresses of confidential informants, or containing information identifying confidential informants; (1-4-02)

iii. Department intelligence reports of offender criminal activity, that if disclosed would jeopardize public safety, the safety of confidential informants, offenders and staff, and the security of the facility; (1-4-02)

iv. Records that identify or would lead to the identification of a date, time, or a place of future transportation or movement of a prisoner; (1-4-02)

v. Department investigatory records, to the extent that disclosure of such records would interfere with enforcement proceedings, deprive a person of the right to a fair trial or impartial adjudication, disclose the identity of a confidential source or confidential information furnished only by the confidential source, disclose investigative techniques or procedures, or endanger the life or physical safety of any person. This exemption shall not preclude release of the following information: (1-4-02)

(1) The time, date, location, and nature and description of a reported crime, accident or incident; (1-4-02)

(2) The name, sex, age, and address of a person arrested, except as otherwise provided by law; (1-4-02)

(3) The time, date, and location of the incident and of the arrest; (1-4-02)

(4) The crime charged; and (1-4-02)

(5) Documents given or required by law to be given to the person arrested. (1-4-02)

vi. Employee personnel records; and (1-4-02)

vii. Other records or information not specifically identified herein, when the public interest in confidentiality, public safety, security, and the habilitation of offenders, clearly outweighs the public interest in disclosure. If a public records request is denied in whole or in part under this subsection, the custodian shall identify which specified public interest clearly outweighs the public interest in disclosure, and the requestor shall be so notified in writing. Any denial in whole or in part under Subsection 108.04.b.vii shall be reviewed and approved by the Director of the Department of Correction. (1-4-02)

§05. Records Of Civil Commitments. Civil commitment records differ in confidentiality from other offender records in that the civilly committed individual may not be convicted of a crime or may be held in a Department facility for reasons other than criminal conviction. Requests for information from the file of a civilly committed individual may be referred to ~~a~~Department legal counsel to determine applicability of federal and state statutes or court rules pertaining to individual privacy and the public's right to know. (~~11-5-99~~)(1-4-02)

e. *Other records may be designated as exempt from disclosure as provided by law.* (~~11-5-99~~)

IDAPA 08 - IDAHO STATE BOARD OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-0101

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2002 Idaho State Legislature for final adoption. The pending rule becomes final and effective July 1, 2002 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 67-5220(1), Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-1501 through 33-1512 and 33-1006, 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 rule change streamlines and clarifies current rule language including currently referenced documents, establishes a mechanism for distributing reimbursement criteria (a matrix), establishes a mechanism for distributing school bus out-of-service criteria (a matrix), creates and/or enhances minimum construction standards for Idaho school buses in accordance with 33-1511, Idaho Code, provides greater local control in implementing school bus driver training methods and curriculum, and requires, for purposes of reimbursement, an increased level of school district accountability in approving the busing of any pupil living less than one and one-half (1½) miles from the nearest appropriate school in accordance with 33-1006, 33-1501, 33-1502 and 33-1503, Idaho Codes.

The proposed rules have been amended in response to public comment and to make typographical, transcriptional, and clerical corrections to the rules, and are being amended pursuant to Section 67-5227, Idaho Code. Specific changes from proposed rule to pending rule include: 1) Changes approval date of a referenced document from October 19, 2001 to November 15, 2001; 2) adds the word "as" relating to the approval date of a referenced document (IDAPA 08.02.02.170 – School Bus Drivers and Vehicle Operation); 3) adds the word "Idaho", which was inadvertently left out in the proposed rule (IDAPA 08.02.02.190 – Program Operations); and 4) removes proposed language (not currently rule) regarding school bus out-of-service criteria (IDAPA 08.02.02.160.04 – Unsafe Vehicle), which is adequately addressed in the rule by reference document.

Subsequent to the Negotiated Rulemaking process which included several regional presentations, several steering committee meetings and a public hearing, the Proposed Rulemaking process which also included a steering committee meeting and a public hearing and secondary to the closing of the official public comment period, the agency adopted the pending rule and approved the referenced document, Standards for Idaho School Buses and Operations, on November 15, 2001.

ASSISTANCE ON TECHNICAL QUESTIONS - OBTAINING COPIES: For assistance on technical questions concerning the pending rule or to obtain a copy of the document that was approved and incorporated by reference (Standards for Idaho School Buses and Operations), contact Rodney D. McKnight, State Department of Education, Finance and Transportation, P.O. Box 83720, Boise, Idaho, (208) 332-6851 or fax to (208) 334-3484.

DATED this 15th day of November, 2001.

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
TITLE 02
Chapter 02

RULES GOVERNING UNIFORMITY

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. Additions to the text are printed in italics and underscored.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 00-10, October 3, 2001, pages 64 through 71.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 08-0202-0101

0054. INCORPORATION BY REFERENCE.

The State Board of Education adopts and incorporates into its rules: (4-5-00)

01. Incorporated Document. The Idaho Department of Education Certification Standards and Code of Ethics for the Idaho Teaching Profession as approved on October 19, 2000. (3-30-01)

02. Document Availability. The Idaho Department of Education Certification Standards and Code of Ethics for the Idaho Teaching Profession are available at the Idaho State Department of Education at 650 W. State St., PO Box 83720, Boise, Idaho, 83720-0027. (3-30-01)

03. Incorporated Document. The Idaho Standards for the Initial Certification of Professional School Personnel as approved on October 19, 2000. (3-30-01)

04. Document Availability. The Standards are available at the Office of the State Board of Education, 650 W. State St., PO Box 83720, Boise, Idaho, 83720-0037, and can also be accessed electronically at <http://www.sde.state.id.us/osbe>. (3-30-01)

05. Incorporated Document. The Standards for Idaho School Buses and Operations as approved on November 15, 2001. ()

06. Document Availability. The Standards for Idaho School Buses and Operations are available at the Idaho State Department of Education, 650 W. State St., Boise, Idaho, 83702. ()

(BREAK IN CONTINUITY OF SECTIONS)

SECTION 150

150. TRANSPORTATION.

National Standards Adopted. Effective April 1, 1997, Minimum School Bus Construction Standards. All new school bus chassis and bodies must meet or exceed the 1995 revised edition of the National Minimum Standards for Idaho School Buses Construction, as developed by the Twelfth National Conference on School Transportation, May 21-26, 1995, which are hereby adopted by reference, except for the following modifications: and Operations as approved on November 15, 2001, as authorized in Section 33-1511, Idaho Code. (4-1-97)()

(BREAK IN CONTINUITY OF SECTIONS)

SUBSECTION 160.01

160. MAINTENANCE STANDARDS AND INSPECTIONS.

01. Safety. School buses will be maintained in a safe operating condition at all times. *The following is a list of a few unsafe conditions: cracked or broken cross members or frame rails; any brake lines that are kinked or cracked; and any damaged body panel or bumper that is protruding from the bus to the extent that it could injure someone walking into it.* Certain equipment or parts of a school bus ~~which~~ that are critical to its safe operation must be maintained at prescribed standards. When routine maintenance checks reveal ~~the any unsafe condition of any items listed identified in Subsections 160.01.a. through 160.01.d. the Standards for Idaho School Buses and Operation as approved on November 15, 2001,~~ the school district will eliminate the deficiency before returning the vehicle to service. (4-1-97)()

SUBSECTION 160.04

04. Unsafe Vehicle. When a bus has been removed from service during a State Department of Education inspection due to an unsafe condition, the district will notify the State Department of Education on the appropriate form before the bus can be returned to service. When a bus has been found to have deficiencies that are not life-threatening, it will be repaired within thirty (30) days and the State Department of Education notified on the appropriate form. If the deficiencies cannot be repaired within thirty (30) days, the bus must be removed from service until the deficiencies have been corrected or an extension granted. (4-1-97)

(BREAK IN CONTINUITY OF SECTIONS)

SECTION 170

170. SCHOOL BUS DRIVERS AND VEHICLE OPERATION.

All school districts and school bus drivers must meet or exceed the training, performance and operation requirements delineated in the Standards for Idaho School Buses and Operations as approved on November 15, 2001. (Section 33-1508; 33-1509; 33-1511, Idaho Code) (4-1-97)()

(BREAK IN CONTINUITY OF SECTIONS)

SECTION 190

190. PROGRAM OPERATIONS.

The State Board of Education has adopted rules that set forth the fiscal reporting requirements and define allowable transportation costs for all school districts that operate a school transportation system. School district fiscal reporting requirements as well as reimbursable and non-reimbursable costs within the Pupil Transportation Support Program, including but not limited to administration, field and activity trips, safety busing, contracting for transportation services, leasing of district-owned buses, insurance, ineligible and non-public school students, ineligible vehicles, capital investments including the purchasing of school buses and equipment, and commercial computerized routing and scheduling software shall be delineated in Standards for Idaho School Buses and Operations as approved on November 15, 2001. (Section 33-1006, Idaho Code) ~~(4-1-97)~~(____)

IDAPA 09 - IDAHO DEPARTMENT OF LABOR
09.01.30 - RULES OF THE BENEFITS BUREAU
DOCKET NO. 09-0130-0101
NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2002 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(2), Idaho Code.

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

IDAPA 09.01.30, Section 275 is being amended to clarify situations in which a claimant has been suspended for an "indefinite period of time" to define, for benefit eligibility purposes, the suspension as a discharge.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 01-9, pages 16 and 17.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Roger Holmes, 208/332-3570 ext. 3233.

DATED this 24th day of October, 2001.

Jean Hull
U.I. Administrator
Idaho Department of Labor
317 W. Main Street
Boise, ID 83735
208/332-3570 ext. 3267
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 01-9, September 5, 2001, pages 16 and 17.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 Idaho State Legislature as a final rule.

IDAPA 09 - IDAHO DEPARTMENT OF LABOR
09.01.30 - RULES OF THE BENEFITS BUREAU
DOCKET NO. 09-0130-0102
NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2002 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(2), Idaho Code.

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

IDAPA 09.01.30, Section 375 is being amended to clarify that a claimant who has been suspended with or without pay for a specific number of days, who has been given a date to return to work, is not considered unemployed. The remainder of the rule, regarding claimants who receive an indefinite suspension, will be moved to the section of the benefits rules regarding discharge.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 01-9, page 18.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Roger Holmes, 208/332-3570 ext. 3233.

DATED this 24th day of October, 2001.

Jean Hull
U.I. Administrator
Idaho Department of Labor
317 W. Main Street
Boise, ID 83735
208/332-3570 ext. 3267
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 01-9, September 5, 2001, page 18.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 Idaho State Legislature as a final rule.

IDAPA 09 - IDAHO DEPARTMENT OF LABOR
09.01.30 - RULES OF THE BENEFITS BUREAU
DOCKET NO. 09-0130-0103
NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2002 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(2), Idaho Code.

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

IDAPA 09.01.30, Subsection 425.07 is being amended to add categories of information that a claimant must provide to the Department as a condition of eligibility for benefits, including a record of a claimant's work search, if requested, once a claim has been established.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 01-9, pages 19 through 23.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Roger Holmes, 208/332-3570 ext. 3233.

DATED this 24th day of October, 2001.

Jean Hull
U.I. Administrator
Idaho Department of Labor
317 W. Main Street
Boise, ID 83735
208/332-3570 ext. 3267
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 01-9, September 5, 2001, pages 19 through 23.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 Idaho State Legislature as a final rule.

IDAPA 09 - IDAHO DEPARTMENT OF LABOR
09.01.30 - RULES OF THE BENEFITS BUREAU
DOCKET NO. 09-0130-0104
NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2002 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(2), Idaho Code.

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

IDAPA 09.01.30, Subsection 425.10 is being amended to delete the penalty for employers who fail to provide separation information within 10 days of the Department's request. The penalty language is being deleted in response to changes made to Section 72-1368, Idaho Code, which was passed during the 2001 Legislative session and became effective March 8, 2001.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 01-9, pages 24 through 28.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Roger Holmes, 208/332-3570 ext. 3233.

DATED this 24th day of October, 2001.

Jean Hull
U.I. Administrator
Idaho Department of Labor
317 W. Main Street
Boise, ID 83735
208/332-3570 ext. 3267
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 01-9, September 5, 2001, pages 24 through 28.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 Idaho State Legislature as a final rule.

IDAPA 09 - IDAHO DEPARTMENT OF LABOR
09.01.30 - RULES OF THE BENEFITS BUREAU
DOCKET NO. 09-0130-0105
NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2002 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(2), Idaho Code.

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

IDAPA 09.01.30, Subsection 575.09 would be amended to add additional types of work-seeking activities, such as resume preparation or labor market research, that a claimant may be expected to perform to comply with the work-seeking requirement for eligibility for benefits.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 01-9, pages 29 through 31.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Roger Holmes, 208/332-3570 ext. 3233.

DATED this 24th day of October, 2001.

Jean Hull
U.I. Administrator
Idaho Department of Labor
317 W. Main Street
Boise, ID 83735
208/332-3570 ext. 3267
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 01-9, September 5, 2001, pages 29 through 31.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 Idaho State Legislature as a final rule.

IDAPA 09 - IDAHO DEPARTMENT OF LABOR
09.01.35 - RULES OF THE EMPLOYER ACCOUNTS BUREAU
DOCKET NO. 09-0135-0101
NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2002 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(2), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule. There are currently no clear definitions of what services constitute domestic labor, and what remuneration constitutes non-cash payments for farm work. The rule change will add new subsections to provide a definition of domestic labor consistent with that used by the Internal Revenue Service and to define what remuneration constitutes non-cash payments for farm work.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 01-9, pages 32 through 34.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Mark Whitworth, 208/332-3570 ext. 3266.

DATED this 24th day of October, 2001.

Jean Hull
U.I. Administrator
Idaho Department of Labor
317 W. Main Street
Boise, ID 83735
208/332-3570 ext. 3267
Fax: 208/334-6301

IDAPA 09, TITLE 01, Chapter 35

RULES OF THE EMPLOYER ACCOUNTS 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 01-9, September 5, 2001, pages 32 through 34.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 Idaho State Legislature as a final rule.

IDAPA 09 - IDAHO DEPARTMENT OF LABOR
09.01.35 - RULES OF THE EMPLOYER ACCOUNTS BUREAU
DOCKET NO. 09-0135-0102
NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2002 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(2), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule. Rule 09.01.35.221 is being changed to clarify that an employer is given appeal rights in all cases involving requests for transfer of experience rates. Also, to clarify that where an employer sells a business to another employer, the second employer may use the taxable wage base of the first employer for purposes of calculating a taxable wage base only if the experience rate of the predecessor employer has been transferred to the successor employer. Section 132 will be renumbered to remove Subsection 132.04 which is being replaced by the changes to Section 221.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 01-9, pages 35 and 36.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Mark Whitworth, 208/332-3570 ext. 3266.

DATED this 24th day of October, 2001.

Jean Hull
U.I. Administrator
Idaho Department of Labor
317 W. Main Street
Boise, ID 83735
208/332-3570 ext. 3267
Fax: 208/334-6301

IDAPA 09, TITLE 01, Chapter 35

RULES OF THE EMPLOYER ACCOUNTS 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 01-9, September 5, 2001, pages 35 and 36.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 Idaho State Legislature as a final rule.

IDAPA 09 - IDAHO DEPARTMENT OF LABOR
09.01.35 - RULES OF THE EMPLOYER ACCOUNTS BUREAU
DOCKET NO. 09-0135-0103
NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2002 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(2), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule. Recently, the U.S. Supreme Court ruled that for certain purposes, awards of back pay of wages to workers would be reported in the year the back wages are paid. This rule seeks to clarify which quarter the back wages will be assigned for purposes of calculating unemployment benefits. Changes to the existing rule provide clarification as to which calendar quarters to assign back wages in order to determine when employment security contributions on those wages are due and payable.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 01-9, pages 37 and 38.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Mark Whitworth, 208/332-3570 ext. 3266.

DATED this 24th day of October, 2001.

Jean Hull
U.I. Administrator
Idaho Department of Labor
317 W. Main Street
Boise, ID 83735
208/332-3570 ext. 3267
Fax: 208/334-6301

IDAPA 09, TITLE 01, Chapter 35

RULES OF THE EMPLOYER ACCOUNTS 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 01-9, September 5, 2001, pages 37 and 38.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 Idaho State Legislature as a final rule.

IDAPA 09 - IDAHO DEPARTMENT OF LABOR
09.01.40 - RULES OF THE JOB TRAINING PARTNERSHIP ACT
DOCKET NO. 09-0140-0101 - (REPEAL OF CHAPTER)
NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2002 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) 42-1333(2), Idaho Code.

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

The federal Job Training Partnership Act (JTPA) was superseded by the federal Workforce Investment Act (WIA). WIA was implemented effective July 1, 2000. The superseded JTPA rules are being repealed in their entirety.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 01-9, page 39. This chapter is being repealed in its entirety.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cheryl Brush, 208/332-3570 ext. 3312

DATED this 24th day of October, 2001.

Cheryl Brush
Bureau Chief, Workforce Systems
Idaho Department of Labor
317 W. Main Street, Boise, ID 83735
208/332-3570 ext. 3312
Fax: 208/332-7417

IDAPA 09, TITLE 01, Chapter 40

RULES OF THE JOB TRAINING PARTNERSHIP ACT

IDAPA 09.01.40 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 01-9, September 5, 2001, page 39.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 Idaho State Legislature as a final rule.

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

10.01.01 - RULES OF PROCEDURE

DOCKET NO. 10-0101-0101

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2002 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 54-1208, Idaho Code.

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

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the September 5, 2001 Idaho Administrative Bulletin, Volume 01-9, pages 40 through 46.

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

DATED this 1st day of October, 2001.

David L. Curtis, Executive Director
Idaho Board of Registration of Professional Engineers
and Professional Land Surveyors
Boise, Idaho 83705-1242
(208) 334-3860
(208) 334-2008 FAX

IDAPA 10, TITLE 01, Chapter 01

**IDAHO BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS
AND PROFESSIONAL LAND SURVEYORS**

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 01-9, September 5, 2001, pages 40 through 46.**

**This rule has been adopted as a pending rule by the Agency and is now pending
review and approval by the 2002 Idaho State Legislature as a final rule.**

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

10.01.02 - RULES OF PROFESSIONAL RESPONSIBILITY

DOCKET NO. 10-0102-0101

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2002 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 54-1208, Idaho Code.

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

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the September 5, 2001 Idaho Administrative Bulletin, Volume 01-9, pages 47 and 48.

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

DATED this 1st day of October, 2001.

David L. Curtis, Executive Director
Idaho Board of Registration of Professional Engineers
and Professional Land Surveyors
Boise, Idaho 83705-1242
(208) 334-3860
(208) 334-2008 FAX

IDAPA 10, TITLE 01, Chapter 02

RULES OF PROFESSIONAL RESPONSIBILITY

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 01-9, September 5, 2001, pages 47 and 48.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 Idaho State Legislature as a final rule.

IDAPA 11 - IDAHO STATE POLICE
11.02.01 - RULES OF THE IDAHO STATE BRAND BOARD
DOCKET NO. 11-0201-0101
NOTICE OF RULEMAKING - PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2002 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 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 October 3, 2001 Idaho Administrative Bulletin, Volume 01-10, pages 313 and 314.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. Pursuant to Section 25-1160(5), Idaho Code, authorizes the State Brand Inspector to collect fees. The fees to be changed in this rulemaking are: The correction of a scrivener's error of omission of the \$50 initial recording fee.

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 Larry Hayhurst, Idaho State Brand Board, at (208) 884-7070.

DATED this 24th day of October, 2001.

Margaret P. White
Deputy Attorney General
700 South Stratford Drive
P.O. Box 700, Meridian, ID 83680-0700
(208) 884-7050 / (208) 884-7295 (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 01-10, October 3, 2001, pages 313 and 314.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 Idaho State Legislature as a final rule.

IDAPA 11 - IDAHO STATE POLICE
11.05.01 - RULES GOVERNING ALCOHOL BEVERAGE CONTROL
DOCKET NO. 11-0501-0101
NOTICE OF RULEMAKING - PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2002 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 23-932, 23-946(b), 23-1330 and 23-1408, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. There is a need to clarify how the fees should apply to Section 23-908(4), Idaho Code. This rulemaking proposes to delete the reference to subparagraph (4) of Section 23-908, Idaho Code. The fee should apply to the entire Section 23-908, Idaho Code, not just subparagraph (4) of that Section.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 3, 2001 Idaho Administrative Bulletin, Volume 01-10, pages 315 and 316.

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

DATED this 24th day of October, 2001.

Margaret P. White
Deputy Attorney General
700 South Stratford Drive
P.O. Box 700
Meridian, ID 83680-0700
(208) 884-7050
(208) 884-7295 (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 01-10, October 3, 2001, pages 315 and 316.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 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. 11-1001-0101

NOTICE OF RULEMAKING - PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2002 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 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 October 3, 2001 Idaho Administrative Bulletin, Volume 01-10, pages 317 through 319.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. Pursuant to Section 19-5202, Idaho Code. The network has migrated from a system based on access via dumb terminals to one based on PCs and system to system interfaces. This upgrade necessitates a revision of the fee structure that supports the operation and maintenance of the ILETS network. The old fee structure based on terminals and printers will not generate sufficient funding to cover system costs.

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 Larry Hayhurst, Idaho State Brand Board, at (208) 884-7070.

DATED this 24th day of October, 2001.

Margaret P. White
Deputy Attorney General
700 South Stratford Drive
P.O. Box 700, Meridian, ID 83680-0700
(208) 884-7050 / (208) 884-7295 (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 01-10, October 3, 2001, pages 317 and 319.

This rule has been adopted as a pending rule by the Agency and is now pending
review and approval by the 2002 Idaho State Legislature as a final rule.

IDAPA 11 - IDAHO STATE POLICE
11.11.01 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL
DOCKET NO. 11-1101-0102
NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2002 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 19-5107, Idaho Code.

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

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 3, 2001 Idaho Administrative Bulletin, Volume 01-10, pages 324 through 328.

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

DATED this 19th day of October, 2001.

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 01

RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL

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 01-10, October 3, 2001, pages 324 through 328.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 Idaho State Legislature as a final rule.

IDAPA 14 - BOARD OF REGISTRATION OF PROFESSIONAL GEOLOGISTS

**14.01.01 - RULES OF PROCEDURE OF THE BOARD OF REGISTRATION
OF PROFESSIONAL GEOLOGISTS**

DOCKET NO. 14-0101-0101

NOTICE OF RULEMAKING - PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2002 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 Sections 54-2808 and 54-2814, 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 Idaho Board of Registration for Professional Geologists is becoming a member of the Association of State Boards of Geology, a national organization which provides examinations to states requiring an examination as part of the registration requirement. The national organization requires a fee for each exam provided. The proposed rules clarify the various fees involved in examination, certification, reexamination, and replacement of cost certificates and to address examination-related administrative issues. The proposed rules create a reduced renewal rate for licensees seventy (70) or older.

FEE SUMMARY: The Idaho Board began utilizing a national examination in September 2001. The fee change is necessary to complete implementation of that process.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the September 5, 2001 Idaho Administrative Bulletin, Volume 01-9, pages 49 through 55.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Allen Lockhart, Secretary of the Board, (208) 334-2268.

DATED this 22nd day of October, 2001.

Allen Lockhart, Secretary of the Board
Board of Registration of Professional Geologists
550 W. State St., P. O. Box 83720
Boise, ID 83720-0033
Telephone: (208) 334-2268

IDAPA 14, TITLE 01, Chapter 01

**RULES OF PROCEDURE OF THE BOARD OF REGISTRATION
OF PROFESSIONAL GEOLOGISTS**

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 01-9, September 5, 2001, pages 49 through 55.**

**This rule has been adopted as a pending rule by the Agency and is now pending
review and approval by the 2002 Idaho State Legislature as a final rule.**

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.04 - RULES GOVERNING THE FOOD STAMP PROGRAM IN IDAHO
DOCKET NO. 16-0304-0102
NOTICE OF RULEMAKING
PENDING RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rules that have been amended is June 1, 2001 and August 1, 2001. This pending rule has been adopted by the agency and is now pending review by the 2002 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) Section 5516(a) (Public Law 105-33) pertaining to Food Stamp Act of 1977, 56-202(b) and 45-1004(a), 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.

Section 120, adds no adverse action can be taken if the household fails to respond to a request for an in-office interview. Section 255, Food Stamp benefits will be prorated from the date the person regains eligibility. Section 256, a person who meets the work requirement may get Food Stamps for three (3) consecutive months. Removes that he must have lost a job through no fault of his own. Section 257, for persons residing in an area where FNS grants a time limit waiver, they are not exempt from being an ABAWD or work requirements. They do not lose their eligibility after three (3) months if there is no activity or not enough hours for them to meet the eligibility criteria. Section 613, removes the second sentence that was added to "Proof" because it addressed when information is unclear and more clearly defined what is needed when information is unclear. Section 676, Removed "individually and jointly" liable from the changes. Section 777, deletes the last sentence of changes and adds not to prorate the SUA if an ineligible alien is a member of the household.

The proposed rule has been amended in response to public comment and to make transcriptional changes 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 that have been made to the proposed rule.

The original text of the proposed rule was published in the September 5, 2001 Administrative Bulletin, Volume 01-9, pages 57 through 104.

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

DATED this 23rd day of October, 2001.

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 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 temporary and proposed rule was published in the Idaho Administrative Bulletin, Volume 00-9, September 5, 2001, pages 57 through 104.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 16-0304-0102

SECTION 120

120. HOUSEHOLD INTERVIEWS.

Households must have a face-to-face interview before certification and recertification, unless the interview is waived. A new interview is not necessary if the household had a face-to-face interview at initial certification and at least once every twelve (12) months thereafter. A household member or an authorized representative can be interviewed. The applicant may bring any other person to the interview. The Department does not require households to report for an in-office interview during their certification period, but they may be requested to do so. No adverse action can be taken if the household fails to respond to a request for an in-office interview during their certification period.

~~(6-1-01)F~~(6-1-01)T

(BREAK IN CONTINUITY OF SECTIONS)

SECTION 255

255. REGAINING ELIGIBILITY.

ABAWDs whose three (3) month eligibility expires may regain eligibility for Food Stamps. During any thirty (30) consecutive days, the person must meet one (1) of the work requirements in Subsections 255.01 ~~through and~~ 255.02. Prorate Food Stamp benefits ~~after~~ from the date the person regains eligibility. ABAWDs must continue to meet the work requirement to get Food Stamps, or meet conditions for the three (3) additional months. There is no limit on the number of times an ABAWD may regain and maintain eligibility by meeting the work requirement.

~~(8-1-01)F~~(8-1-01)T

01. Work Eighty Hours. The person must work eighty (80) or more hours per month. (8-1-01)T

02. Participate In JSAP. The person must participate in and comply with the requirements of the JSAP program (other than job search or job search training), the WIA program or a program under section 236 of the Trade Act of 1974 for eighty (80) or more hours per month. (8-1-01)T

SECTION 256

256. THREE ADDITIONAL MONTHS OF FOOD STAMPS AFTER REGAINING ELIGIBILITY.

A person who ~~met the work requirement but lost a job through no fault of their own~~ regained eligibility under Section 255 of these rules, but is no longer fulfilling the work requirements in Section 251, may get Food Stamps for an additional three (3) consecutive months. For applicants, the three (3) consecutive months begins the first full month of benefits. For participants, the three (3) consecutive months begins the month following the month the person no longer meets the work requirement. A person is eligible for the additional three (3) consecutive months only once in a thirty-six (36) month period. ~~(8-1-01)T~~(8-1-01)T

SUBSECTION 257.06

257. EXEMPTIONS FROM THE ABAWD WORK REQUIREMENT.

Persons meeting a condition in Subsections 257.01 through 257.06 are exempt from the ABAWD work requirement. (8-1-01)T

06. FNS ABAWD Waiver. Persons residing in an area where FNS granted a time limit waiver because of high unemployment or lack of jobs. ABAWDs are still subject to work requirements under the FNS waiver, but they do not lose Food Stamp eligibility after three (3) months if there is no activity or if they participate fewer hours. The ABAWDs must participate according to their plan or be sanctioned. ~~(8-1-01)T~~(8-1-01)T

(BREAK IN CONTINUITY OF SECTIONS)

SUBSECTION 613.04 AND 613.05

613. DEPARTMENT MUST TAKE ACTION ON CHANGES.

The Department must act when changes are reported or become known to the Department. (6-1-94)

04. Proof. Give the household a written request for proof. ~~The request for proof must clearly advise the household of the proof it must provide, or the action it must take. Allow the household at least ten (10) days to respond, either by telephone or by correspondence.~~ The household must be told failure to provide the proof will result in decreased or stopped benefits. The Department must document how the request for proof was made. ~~(8-1-01)T~~(8-1-01)T

05. Unclear Information. If unable to readily determine the effect of a change on the household's benefit amount, issue a written request clearly advising the household of proof it must provide or actions it must take, to clarify its circumstances. Allow ten (10) days for the household to respond, either by telephone or correspondence. (8-1-01)T

(BREAK IN CONTINUITY OF SECTIONS)

SUBSECTION 676.03

676. PERSONS LIABLE FOR FOOD STAMP CLAIMS.

The persons listed in Subsections 676.01 through 676.03 are responsible for paying a claim. (8-1-01)T

03. Person Connected To The Household. A person connected to the household, such as an authorized representative, who actually trafficks, or causes an overissuance or trafficking. ~~(8-1-01)T~~(8-1-01)T

(BREAK IN CONTINUITY OF SECTIONS)

SECTION 777 AND SUBSECTION 777.04

777. MEMBER DISQUALIFIED FOR FAILURE OR REFUSAL TO PROVIDE SSN, CHILD SUPPORT, CITIZENSHIP OR ALIENAGE, AND ABAWDS.

Food Stamp eligibility and benefit level for households containing members disqualified for failure or refusal to provide a SSN, failure to correct Numident, failure to cooperate with child support, failure to sign a citizenship or legal non-citizen status declaration, ~~or~~ reaching the ABAWD time limit, or ineligible non-citizen, must be computed using steps in Subsections 777.01 through 777.09. ~~(8-1-01)T~~(8-1-01)T

04. Step 4. Divide the allowable shelter, dependent care and child support expenses, paid by or billed to disqualified member, among all household members. Count all but the disqualified or ineligible member's share as a deductible shelter, dependent care or child support expense for the remaining household members. ~~If an ineligible alien is a member of the household, do~~ Do not prorate the SUA. ~~(8-1-01)T~~(8-1-01)T

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

DOCKET NO. 16-0309-0106

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 2002 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 any change.

The pending rules are being adopted as proposed. The original text of the proposed rules was published in the September 5, 2001 Administrative Bulletin, Volume 01-9, pages 116 through 137.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Lloyd Forbes at (208) 334-5795.

DATED this 3rd day of October, 2001.

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 01-9, September 5, 2001, pages 116 through 137.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 Idaho State Legislature as a final rule.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.05.06 - RULES GOVERNING MANDATORY CRIMINAL HISTORY CHECKS
DOCKET NO. 16-0506-0101 - (REPEAL OF CHAPTER)
NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: The pending rule has been adopted by the agency and is now pending review by the 2002 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(h), 56-204 A, 39-1208, 16-1826(2), 39-1210(10), 39-1211(4), 39-1213, 39-3372, 39-3342 and 39-5604, 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 January 3, 2001 Administrative Bulletin, Volume 01-1, page 134. This chapter is being repealed in its entirety.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Tracy Goodin at (208) 334-4932.

DATED this 27th day of September, 2001.

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 05, Chapter 06

RULES GOVERNING MANDATORY CRIMINAL HISTORY CHECKS

IDAPA 16.05.06 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 01-1, January 3, 2001, page 134.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 Idaho State Legislature as a final rule.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.05.06 - RULES GOVERNING MANDATORY CRIMINAL HISTORY CHECKS

DOCKET NO. 16-0506-0102

NOTICE OF RULEMAKING

PENDING RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is January 1, 2001. This pending rule has been adopted by the agency and is now pending review by the 2002 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(b), 56-203(b), 56-204 A, 39-1208, 16-1826(2), 39-1210(10), 39-1211(4), 39-1213, 39-3372, 39-3342 and 39-5604, 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.

Section 019 removed the requirement to update background checks every five years. Program and legal reference have been corrected and several sections have been revised to clarify the original intent.

The proposed rule has been amended in response to public comment and to make typographical, transcriptional, and clerical corrections to the rules, and are being amended pursuant to Section 67-5227, Idaho Code. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Department amended the temporary rule with the same revisions that have been made to the proposed rule.

The original text of the proposed rule was published in the January 3, 2001 Administrative Bulletin, Volume 01-1, pages 135 through 141.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Tracy Goodin at (208) 334-4932.

DATED this 27th day of September, 2001.

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 05, Chapter 06

RULES GOVERNING MANDATORY CRIMINAL HISTORY CHECKS

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 temporary and proposed rule was published in the Idaho Administrative Bulletin, Volume 00-1, January 3, 2001, pages 135 through 141.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 16-0506-0102

000. LEGAL AUTHORITY.

The Idaho Legislature has granted the Director of the Department of Health and Welfare the power and authority to conduct mandatory criminal history checks pursuant to Sections 56-202(b), 56-203(~~#b~~), 56-204(A), 39-1105, 39-1210(10), 39-1211(4), 39-1213, 39-3372, 39-3342, and 39-5604, Idaho Code. ~~(1-1-01)T~~(1-1-01)T

(BREAK IN CONTINUITY OF SECTIONS)

004. INCORPORATION BY REFERENCE.

~~There are no documents being incorporated by reference.~~ IDAPA 16.05.06, "Rules Governing Mandatory Criminal History Checks," incorporates by reference federal public law 103-209, federal public law 92-544, 28 CFR (Code of Federal Regulation) 16.34 and 28 CFR 50.12. ~~(1-1-01)T~~(1-1-01)T

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS AND ABBREVIATIONS.

01. Criminal History Check. The criminal history check is a fingerprint based check consisting of a self-declaration, fingerprints of the individual, information obtained from the Federal Bureau of Investigation, the National Criminal History Background Check System, Bureau of Criminal Identification, the statewide Child Abuse Registry, Adult Protection Registry, Sexual Offender Registry, and Medicaid S/URs ~~sanction~~ exclusion list. ~~(1-1-01)T~~(1-1-01)T

- 02. BCI.** The Idaho State Police Bureau of Criminal Identification. (1-1-01)T
- 03. EMS.** Emergency Medical Services. (1-1-01)T
- 04. FBI.** Federal Bureau of Investigation. (1-1-01)T
- 05. Department.** The Idaho Department of Health and Welfare. (1-1-01)T

06. **Good Cause.** The conduct of a reasonably prudent person in the same or similar circumstances. (1-1-01)T
07. **S/UR's.** Surveillance and Utilization Review Section. (1-1-01)T
08. **UOD.** Unit Organizational Director. A director or administrator of a Division, Region, or Institution in the Department. (1-1-01)T

(BREAK IN CONTINUITY OF SECTIONS)

015. INDIVIDUALS SUBJECT TO MANDATORY CRIMINAL HISTORY CHECKS.

01. **Department Individuals.** A self-declaration and a criminal history check shall be required of Department employees, volunteers, student interns, and any other persons who have direct contact with children or vulnerable adults as defined in Section 39-5302(10), Idaho Code. (1-1-01)T
02. **Other Individuals.** A self-declaration and a criminal history check shall be required of other individuals, including providers and contractors and their employees, volunteers, and student interns and any other persons, who provide Department funded direct care or services to children or vulnerable adults as defined in Section 39-5302(10), Idaho Code. These include but are not limited to: (1-1-01)T
- a. Providers of personal care, excluding employees of nursing homes and licensed residential and assisted living facilities; (1-1-01)T
 - b. Adult family home care providers and all adults in the home or living on the property; ~~(1-1-01)F~~(1-1-01)T
 - c. Children's foster home care providers and other individual(s) age eighteen (18) or older residing in the foster care provider's home or property; (1-1-01)T
 - d. Providers of adult day care and all adults in the home, if provided in a private residence; (1-1-01)T
 - e. Providers of children's day care and all other individuals over twelve (12) years of age in the day care who have unsupervised contact with children; (1-1-01)T
 - f. Adult Residential care facility ~~personnel~~ owners, operators, and administrators; ~~(1-1-01)F~~(1-1-01)T
 - g. Personnel of children's residential care facilities; (1-1-01)T
 - h. Providers in adult day treatment facilities; (1-1-01)T
 - i. Personnel of agencies with Medicaid Provider Agreements or Department contracts who have direct contact with children or vulnerable adults; (1-1-01)T
 - j. All persons applying to the Department to be an adoptive parent except step-parents applying for adoption of a step-child; ~~(1-1-01)F~~(1-1-01)T
 - k. All persons petitioning the court for adoption ~~for~~ of a child except in the case of a step-parent adoption or when waived by the Court; and ~~(1-1-01)F~~(1-1-01)T
 - l. Applicants for ~~certified~~ EMS certification and EMS communications specialists and managers. ~~(1-1-01)F~~(1-1-01)T

016. SELF-DECLARATION.

Individuals who are subject to a criminal history check shall complete a self-declaration form signed under penalty of perjury that contains the name, address, social security number and date of birth which appears on a valid identification document issued by a governmental entity. The self-declaration is the individual's request for the criminal history check to be done and authorizes the Department to obtain information and release it as required without liability in accordance with applicable state and federal law. The ~~applicant~~ individual shall disclose any conviction or pending indictment for crimes, and ~~to~~ shall furnish a description of the crime and the particulars. The individual shall also disclose any notice by a state or local agency of valid child or substantiated vulnerable adult abuse, neglect, or abandonment complaint, and any other information as required. The Department shall complete the criminal history check and inform the individual of the results. ~~(1-1-01)F(1-1-01)T~~

017. TIMEFRAME FOR SELF-DECLARATION AND FINGERPRINTING.

All individuals covered by these rules shall complete a self-declaration form and fingerprinting within ten (10) days from the date of hire or, in the case of volunteers or student interns, the date they begin to provide direct services prior to providing unsupervised direct care or services to children or vulnerable adults. The Department shall report an individual's or agency's non-compliance to the applicable licensing or certification unit. ~~(1-1-01)F(1-1-01)T~~

018. FEES AND COSTS.

The payment of the fee for a criminal history check and an updated criminal history check shall be the responsibility of the individual. As of July 2001, the fees ~~is~~ are ~~eighteen~~ twenty-eight dollars (\$28) for volunteers; ~~five dollars (\$5) for a state update;~~ forty-five dollars (\$45) for day care providers, and their employees and volunteers; and thirty-four dollars (\$34) for all other individuals. All fees are subject to change and are set by state and federal law. ~~(1-1-01)F(1-1-01)T~~

019. UPDATING CRIMINAL HISTORY CHECKS.

01. New Criminal History Check ~~Every Five Years. Every~~ Any individual covered under these rules shall complete an updated criminal history check every five (5) years if continuously employed or otherwise reimbursed in the state a criminal history check, including fingerprints, when he accepts employment with a new employer or agency providing Department funded direct care or services and his last criminal history check was completed more than one (1) year from the date of the new employment. An updated criminal history check shall include a self-declaration form, state and local checks, and child and adult protection checks. ~~(1-1-01)F(1-1-01)T~~

02. Individuals—Covered Not Continuously Employed Use Of Criminal History Check Within One Year Of Completion. Any individual covered under these rules who has not been continuously employed or otherwise reimbursed in the state during the past five (5) years shall complete a criminal history check, including fingerprints employer, agency or Department unit may use a criminal history check obtained under these rules for a different employer, agency or Department unit, for a period of one (1) year from the date of completion of the check. An employer, agency, or Department unit is not required to use a prior criminal history check and may request a new criminal history check as defined by Subsection 019.03 of these rules. ~~(1-1-01)F(1-1-01)T~~

03. Department Discretion. The Department may, at its discretion or pursuant to individual program rules, require a criminal history check or updated criminal history check of any individual covered under these rules at any time during the individual's employment, internship or volunteer-ship. Any individual required to complete a criminal history check under Section 019 shall be fingerprinted within fifteen (15) calendar days from the date of notification from the Department. ~~(1-1-01)F(1-1-01)T~~

04. Determination Of Time For Update. Five (5) years will be calculated from the date of the individual's most recent Criminal History Check letter of approval. ~~(1-1-01)F~~

(BREAK IN CONTINUITY OF SECTIONS)

030. DESIGNATED CRIMES RESULTING IN AN UNCONDITIONAL DENIAL.

Individuals shall not be permitted to provide direct care or services when their criminal history check reveals that they have pled guilty, been found guilty or have been adjudicated of one (1) of the designated crimes listed below, or their equivalent, under the laws of any other jurisdiction, regardless of whether the individual received a withheld judgment, a dismissal which resulted from a plea agreement where probation or restitution was required as defined by Section 19-2604, Idaho Code, or a sealed record. ~~(1-1-01)F~~(1-1-01)T

01. Unconditional Denial. An unconditional denial shall be issued within ~~ten~~ (10) working days of the completion of a criminal history check. ~~(1-1-01)F~~(1-1-01)T

02. Designated Crimes. ~~No exemption shall be granted~~ An unconditional denial shall be issued for any of the following designated crimes: ~~(1-1-01)F~~(1-1-01)T

- a. ~~Armed robbery~~ Abuse, neglect or exploitation of a vulnerable adult, as defined by Section 18-~~6150~~~~75~~, Idaho Code; ~~(1-1-01)F~~(1-1-01)T
- b. Aggravated, first degree and second-degree ~~A~~arson, as defined by Sections 18-801 through 18-805, Idaho Code; ~~(1-1-01)F~~(1-1-01)T
- c. Crimes against nature, as defined by Section 18-6605, Idaho Code; (1-1-01)T
- d. Forcible sexual penetration by use of a foreign object, as defined by Section 18-6608, Idaho Code; (1-1-01)T
- e. Incest, as defined by Section 18-6602, Idaho Code; (1-1-01)T
- f. Injury to a child, felony or misdemeanor, as defined by Section 18-1501, Idaho Code; (1-1-01)T
- g. Kidnapping, as defined by Sections 18-4501 through 18-4503, Idaho Code; (1-1-01)T
- h. Lewd conduct with a minor, as defined by Section 18-1508, Idaho Code; (1-1-01)T
- i. Mayhem, as defined by Section 18-5001, Idaho Code; (1-1-01)T
- j. Murder in any degree, voluntary manslaughter, assault or battery with intent to commit a serious felony, as defined by Sections 18-4001, 18-4003, 18-4006, and 18-4015, Idaho Code; (1-1-01)T
- k. Poisoning, as defined by Sections 18-4014 and 18-5501, Idaho Code; (1-1-01)T
- ~~l. A felony involving a controlled substance within seven (7) years of the date of conviction;~~ ~~(1-1-01)F~~
- ~~m~~l. Possession of sexually exploitative material, as defined by Section 18-1507A, Idaho Code; (1-1-01)T
- ~~n~~m. Rape, as defined by Section 18-6101, Idaho Code; (1-1-01)T
- n. Robbery, as defined by Section 18-6501, Idaho Code; (1-1-01)T
- o. Felony stalking, as defined by Section 18-7905, Idaho Code; (1-1-01)T
- p. Sale or barter of a child, as defined by Section 18-1511, Idaho Code; (1-1-01)T
- q. Sexual abuse or exploitation of a child, as defined by Sections 18-1506 and 18-1507, Idaho Code; (1-1-01)T
- r. Any felony punishable by death or life imprisonment; or ~~(1-1-01)F~~(1-1-01)T

~~s.~~ Any felony involving any type or degree of embezzlement, fraud, theft or burglary within seven (7) years from the date of conviction; (1-1-01)F

~~t.~~ Abuse, neglect or exploitation of a vulnerable adult, as defined by Section 18-1505, Idaho Code; or (1-1-01)F

~~u.s.~~ Attempt, ~~or~~ conspiracy, or accessory after the fact as defined by Sections 18-306, 18-1701, and 18-205, Idaho Code, to commit any of the designated crimes. (1-1-01)F(1-1-01)T

03. **Designated Seven-Year Crimes.** For seven (7) years from the date of conviction, an unconditional denial shall be issued for the following crimes: (1-1-01)T

a. Burglary as defined by Section 14-1401, Idaho Code; (1-1-01)T

b. Grand theft as defined by Section 18-2407(1), Idaho Code; (1-1-01)T

c. Theft as defined by Section 18-2403, Idaho Code; (1-1-01)T

d. Forgery of and fraudulent use of a financial transaction card as defined by Sections 18-3123 and 18-3124, Idaho Code; (1-1-01)T

e. Forgery and counterfeiting as defined by Section 18-3601 through 18-3620, Idaho Code; (1-1-01)T

f. Insurance fraud as defined by Sections 41-293 and 41-294, Idaho Code; and (1-1-01)T

g. Public assistance fraud as defined by Sections 56-227 and 56-227A, Idaho Code; or (1-1-01)T

h. A felony involving a controlled substance. (1-1-01)T

031. PREVIOUS DENIALS.

~~The Department shall automatically deny the current request for a criminal history check when there has been a denial within the last three (3) years for any Department program. The individual shall not be entitled an exemption review on the current application.~~ (1-1-01)F

0321. MEDICAID SANCTION EXCLUSION.

Any individual subject to these rules, who has a current ~~sanction exclusion~~ from S/URs or the Office of Inspector General, shall not provide services within the scope of these rules. At the expiration of the ~~sanction exclusion~~, the individual may reapply to the Department to provide services. (1-1-01)F(1-1-01)T

0332. CONDITIONAL DENIALS.

The Department may issue a conditional denial within fourteen (14) days of the completion of a criminal history check, when the criminal history check reveals a plea, finding or adjudication of guilt to any felony or misdemeanor, any crime other than a traffic violation which does not result in a suspension of the individual's driver's license, or a valid ~~finding in a~~ child protection complaint or a substantiated adult protection ~~referral~~ complaint. The Department may issue a conditional denial when the results of the criminal history check reveal that the individual has falsified or omitted information on the self-declaration form. A conditional denial shall become effective immediately, ~~unless the~~ An individual may request an exemption review within fourteen (14) days of the date of ~~mailing of the denial notice~~ the issuance of a conditional denial, unless good cause is shown for a delay. (1-1-01)F(1-1-01)T

0343. EXEMPTION REVIEWS.

The Department shall initiate an exemption review for crimes or actions not designated in Section 030 of these rules. As determined by the Department, the review may consist of a review of the documents and supplemental information provided by the individual, a telephonic interview with the individual, an in-person ~~hearing~~ interview, or any other review before the Department ~~manager(s) or supervisor(s) appointed as hearing officers by the regional or institutional director or any other review of the individual's criminal history~~ designee(s) as appointed by the UOD. Exemption reviews shall be governed by and conducted as follows. (1-1-01)F(1-1-01)T

01. Scheduling An Exemption Review. Upon receipt of ~~the~~ a request for an exemption review, the Department shall determine the type of review and, ~~where an in-person hearing is not necessary,~~ conduct such review within ~~fifteen~~ thirty (30) business calendar days from the date of the request. Where an in-person ~~hearing review~~ is appropriate, the Department shall ~~conduct a review not more than fifteen (15) business days from the receipt of the request and~~ provide the ~~applicant~~ individual at least seven (7) days notice of the review date ~~unless the time is waived by the individual.~~ ~~(1-1-01)F(1-1-01)T~~

02. Factors To Be Considered. During the review, the Department shall consider factors or evidence including, but not limited to, the following: (1-1-01)T

- a. The severity or nature of the crime or other findings; (1-1-01)T
- b. The period of time since the incident(s) under current review; (1-1-01)T
- c. The number and pattern of incident(s); (1-1-01)T
- d. Circumstances surrounding the incident(s) that would help determine the risk of repetition; (1-1-01)T
- e. Relationship of the incident(s) to ~~client~~ the care activity of children or vulnerable adults; ~~(1-1-01)F(1-1-01)T~~
- f. Activities since the incident(s) such as continuous employment, education, participation in treatment, payment of restitution, or any other factors which may be evidence of rehabilitation; (1-1-01)T
- g. Granting of a pardon by the Governor or the President; and (1-1-01)T
- h. The falsification or omission of information on the self-declaration form and other supplemental forms submitted. (1-1-01)T

03. Disqualification After Review. The ~~hearing officer(s)~~ Department designee, as appointed by the UOD, shall make ~~either a decision or a recommendation to the UOD as to suitability based upon the above factors to~~ the regional or institutional director. The Department shall issue a notice of decision within fifteen (15) business days of the ~~date~~ close of the review. ~~(1-1-01)F(1-1-01)T~~

04. Appeal. Reviews conducted under this section may be appealed under IDAPA 16.05.03, "Rules Governing Contested Cases Proceedings and Declaratory Rulings". The filing of a notice of appeal shall not stay the action of the Department. The individual who files an appeal must establish that the Department's denial was arbitrary and capricious. (1-1-01)T

034. PREVIOUS DENIALS.

The Department shall automatically deny the current request for a criminal history check when there has been a denial from an exemption review within the last three (3) years for any Department program. The individual shall not be entitled an exemption review on the current application. (1-1-01)T

(BREAK IN CONTINUITY OF SECTIONS)

040. CRIMINAL HISTORY RECORDS.

Criminal history checks done pursuant to this chapter become the property of the Department and shall be held confidential. (1-1-01)T

01. Release Of Criminal History Checks. A physical copy of the criminal history check as defined by Subsection 010.01 of these rules shall be released: ~~(1-1-01)F(1-1-01)T~~

a. To the individual named in the criminal history upon receipt of a written request to the Department, provided the individual also releases the state from all liability; ~~or~~ (1-1-01)F(1-1-01)T

b. In response to a subpoena issued by a court of competent jurisdiction; ~~or~~ (1-1-01)F(1-1-01)T

c. As otherwise required by law. (1-1-01)T

~~02. Release Of Information Obtained Through A Criminal History Check. Information may be released, upon written request or upon signed release by the individual who is the subject of the criminal history check, to:~~ (1-1-01)F

~~a. The verified employer of, or agency affiliated with an individual when the individual's employment requires a criminal history check under these rules;~~ (1-1-01)F

~~b. Department licensing or certification personnel; and~~ (1-1-01)F

~~c. As otherwise required by law.~~ (1-1-01)F

032. Retention Of Records. If an exemption is granted, the criminal history record, supplemental documentation received, notes from the review, and the decision shall be retained by the Department for a period of not less than ~~six~~ five (65) years after the criminal background check is completed. If an exemption is denied, the Department shall retain all records and electronic recordings pertaining to the review for ~~six~~ five (65) years after the criminal background check is completed. (1-1-01)F(1-1-01)T

043. Use And Dissemination Restrictions For FBI Criminal Identification Records. According to the provisions set for in 28 CFR 50.12, the Department shall: (1-1-01)T

a. Notify the ~~applicant or~~ individual fingerprinted that the fingerprints will be used to check the criminal history records of the FBI; (1-1-01)F(1-1-01)T

b. In determining the suitability for licensing or employment, provide the ~~applicant or~~ individual the opportunity to complete or challenge the accuracy of the information contained in the FBI identification record; (1-1-01)F(1-1-01)T

c. Afford the ~~applicant or~~ individual fifteen (15) days to correct or complete the FBI identification record or to decline to do so; and (1-1-01)F(1-1-01)T

d. Advise the ~~applicant or~~ individual who wishes to correct the FBI identification record that procedures for changing, correcting, or updating are set forth in 28 CFR 16.34. (1-1-01)F(1-1-01)T

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.06.12 - RULES GOVERNING THE IDAHO CHILD CARE PROGRAM (ICCP)

DOCKET NO. 16-0612-0101

NOTICE OF TEMPORARY AND PROPOSED RULEMAKING

EFFECTIVE DATE: The temporary rule is effective November 1, 2001 and April 1, 2002.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 56-201 through 56-233, Idaho Code.

PUBLIC HEARING SCHEDULE: Pursuant to Section 67-5222(2), Idaho Code, public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than December 19, 2001.

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

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

Idaho Child Care Oversight Committee recommendations approved by the Director of the Department of Health and Welfare, included the establishment of a mandatory Provider Agreement that obligates each provider to comply with ICCP health and safety standards. This will increase the number of required inspections completed by the Health Districts. Another recommendation is to make payments directly to the providers, resulting in fewer overpayments and increased payment accuracy. Changes in these rules simplify and clarify the income calculation process and provides for direct payments to child care providers.

TEMPORARY RULE JUSTIFICATION: The temporary rule has been adopted in accordance with Section 67-5226, Idaho Code and is necessary in order to confer a benefit.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was conducted with the Idaho Child Care Oversight Committee, the Work Force Development Committee, Idaho Tribes and Providers and parents.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary or proposed rule, contact Patti Campbell at (208) 334-5818.

Anyone can submit written comments regarding this proposed rule. All written comments and data concerning the rule must be directed to the undersigned and must be postmarked on or before December 26, 2001.

DATED this 12th day of October, 2001.

Sherri Kovach
Administrative Procedures Coordinator
DHW - Division of Legal Services
450 West State Street, 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone
(208) 332-7347 fax

THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0612-0101

004. DEFINITIONS.

The following definitions apply to this chapter: (7-1-99)

- 01. Caretaker.** The person responsible for the care of a child. (7-1-99)
- 02. Child Day Care.** Care provided by an individual, other than a parent, for less than twenty-four (24) hours in a day. (4-1-02)T
- 023. Child Support Income.** Any payment made by an absent parent designated to be used for the children. (7-1-99)
- 034. Child(ren).** All children under eighteen (18), if they are related to the parent or caretaker as specified above. Children over eighteen (18) or older, if claimed on tax returns as a dependent by the child's caretaker relative or parent. (7-1-99)
- 045. Department.** The Idaho Department of Health and Welfare. (7-1-99)
- 056. Earned Income.** Gross income received by a person as wages, tips, or self-employment income before deductions for taxes or any other purposes. (7-1-99)
- 067. Employment.** A job paying wages or salary, including work paid by commission, or in-kind compensation. Full or part-time participation in a VISTA program is also considered employment. (7-1-99)
- 078. Foster Care.** Twenty-four (24) hour parental care provided for a child by a family, arranged through a private or public agency. (7-1-99)
- 089. Foster Child.** A child placed for twenty-four (24) hour care by a private or public agency. (7-1-99)
- 0910. Fraud.** Obtaining or attempting to obtain ICCP services for which one is not eligible or in an amount to which not entitled by means of a willfully false statement or representation, or other fraudulent device. (7-1-99)
- 101. Good Cause.** The conduct of a reasonably prudent person in the same or similar circumstances, unless otherwise defined in these rules. (7-1-99)
- 112. In Loco Parentis.** Assuming care and custody of a child by an individual not related to the child. (7-1-99)
- 123. Job Training And Education Program.** A program recognized as a job training or education program. Programs include high school, junior college, community college, college, general equivalency diploma (GED), technical school, and vocational programs. To qualify, the program must prepare the trainee for employment. (7-1-99)
- 134. Loan.** Debt having a signed repayment agreement. (7-1-99)
- 145. Local Market Rate For Child Care.** Payment of child care set at the seventy-fifth percentile of the range of costs for child care in a specific area. The rate is adjusted for the age of the child, the region, and the type of child care facility. The local market rate establishes the maximum amount payable by ICCP. (7-1-99)
- 156. Mediation.** Process to resolve disputes between providers of child care services and parents or caretakers of children receiving child care. (7-1-99)

~~167.~~ **Minor Parent.** Parent under the age of eighteen (18). The minor parent is not considered a child for the purpose of determining eligibility for child care assistance. (7-1-99)

~~18.~~ **Related Caretaker.** An adult caretaker, other than a parent, related to the child by blood or marriage. This includes grandparents, great-grandparents, brothers, sisters, aunts, uncles, nephews, nieces, or first cousins. Relatives by marriage also include step-siblings. (4-1-02)T

~~179.~~ **Non-Recurring Lump Sum Income.** Income received by a family in a single payment, not expected to be available to the family again. (7-1-99)

~~1820.~~ **Non-Related Caretaker.** A person who is not related to an eligible child, who is acting in loco parentis. (7-1-99)

~~1921.~~ **Parent Or Guardian.** Persons legally responsible for child(ren) because of birth, adoption or legal guardianship. (7-1-99)

~~202.~~ **Prospective Income.** Income a family expects to receive within a given time. This can be earned or unearned income. (7-1-99)

~~213.~~ **Provider.** An individual, organization, agency, or other entity providing child care. (7-1-99)

~~24.~~ **Preventive Services.** Services needed to reduce or eliminate the need for protective intervention. (4-1-02)T

~~225.~~ **Resources.** Money or items that can be converted to money that can be used for family care. (7-1-99)

~~236.~~ **Satisfactory Progress.** A standard of progress which a participant must meet in an educational or training program. Standards are established by each individual program and must include both qualitative and quantitative measures of progress. (7-1-99)

~~247.~~ **Special Needs.** Any child with physical, mental, emotional, behavioral disabilities, or developmental delays identified on an ~~Individual Education Plan~~ (IEP) or an Individualized Family Service Plan. (7-1-99)(4-1-02)T

~~258.~~ **Step-Parent.** A person married to the child's parent who has no biological or adoptive relationship to the child. (7-1-99)

~~269.~~ **Unearned Income.** Income other than employment or self-employment. Unearned income includes retirements, and interest, and rental income. Money received when a resource is liquidated is unearned income during the month in which it is received. (7-1-99)(4-1-02)T

~~30.~~ **Unmarried Parents.** Individuals not married to each other, but whose common child lives in the home. (4-1-02)T

~~31.~~ **Very Low Income.** Family income less than one hundred fifty percent (150%) of the Federal Poverty Limit. (4-1-02)T

~~32.~~ **Working.** An individual is considered working when he has a job paying wages or salary, including work paying commission or in-kind compensation. (4-1-02)T

(BREAK IN CONTINUITY OF SECTIONS)

103. ~~SOCIAL SECURITY NUMBERS (SSN) (RESERVED).~~

~~Social Security Numbers for all household members shall be provided unless good cause is established. (7-1-99)~~

104. FAMILY COMPOSITION.

A family is a group of individuals living in a common residence, whose combined income and resources are is considered in determining eligibility and payment amount, ~~and who may be included in the family size. Married spouses living together in a common residence are considered a family. Adult relatives who reside together are considered separate families. Unrelated families living in a common residence are considered separate families. Persons living in the home who are claimed as tax dependents are considered members of the family. All persons meeting the family criteria must be included in the family size. No individual may be considered a member of more than one (1) family in the same month.~~ Each individual meeting the family criteria in Subsections 104.01 through 104.06 of these rules must be included in the family size. No individual may be considered a member of more than one (1) family in the same month. (7-1-99)(4-1-02)T

01. Married Spouses. Married spouses living together in a common residence are considered a family. (4-1-02)T

02. Unmarried Parents. Unmarried parents living together in a common residence are considered a family. (4-1-02)T

03. Tax Dependents. Individuals claimed as tax dependents, living in the home, are considered members of the family. (4-1-02)T

04. Minor Parent. A minor parent and child are considered a separate family when they apply for ICCP, even if they live with other relatives. (4-1-02)T

05. Non-Related Caretaker. When parents make a formal or informal agreement for another individual to care for their child, the non-related caretaker is eligible to apply for benefits. The caretaker must meet all eligibility requirements. (4-1-02)T

06. Adult Relatives. Adult relatives who are not parents of a common child, who reside together are considered separate families. Unrelated families living in a common residence are considered separate families. (4-1-02)T

(BREAK IN CONTINUITY OF SECTIONS)

108. QUALIFYING ACTIVITIES FOR CHILD CARE.

To be eligible for child care payments, a family must require child care for one (1) of the reasons listed in Subsections 108.01 through 108.04 of these rules. (7-1-99)(4-1-02)T

01. Child Care Needed For Employment. For the caretaker to seek, accept, or maintain employment. Work search activities must be documented at least every thirty (30) days. (7-1-99)(4-1-02)T

02. Child Care Needed For Training Or Education. For the caretaker to attend an education or training program. Persons with baccalaureate degrees or who are attending post-baccalaureate classes will not qualify for child care assistance. Satisfactory progress in the program must be maintained in order to continue to receive benefits. (7-1-99)

03. Child Care Needed For Preventive Services. ~~To~~ Preventive services permit families to participate in treatment services designed to reduce or eliminate the need for protective intervention. ~~Family and Children's Services must provide~~ Verification of continued need; for preventive services must be at least every three (3) months, for the family to continue to be eligible for payment. (7-1-99)(4-1-02)T

04. Activities Negotiated Between The Department And Participant. For the caretaker to complete

Personal Responsibility Contract activities negotiated between the Department and the participant. (7-1-99)

(BREAK IN CONTINUITY OF SECTIONS)

110. INTERIM CHILD CARE PAYMENT.

If child care arrangements would otherwise be lost, child care may be paid under conditions listed in Subsections 110.01 and 110.02. Relative providers are not eligible for interim child care payments. ~~(7-1-99)~~(4-1-02)T

- 01. Employment To Begin.** If employment or education is scheduled to begin within two (2) weeks. (7-1-99)
- 02. Break In Employment.** During a break in employment or education of one (1) month or less. (7-1-99)

(BREAK IN CONTINUITY OF SECTIONS)

202. EXCLUDED INCOME.

The following is not counted as family income. (7-1-99)

- 01. Earned Income Of A Dependent Child.** Income earned by a dependent child under age eighteen (18) is not counted unless the child is a parent. (7-1-99)
- 02. Income Received For Person Not Residing With The Family.** Income received on behalf of a person not living in the home is excluded. (7-1-99)
- 03. Education Funds.** All educational funds including grants, scholarships, an Americorps Education Award, and federal and state work study income. (7-1-99)
- 04. Assistance.** Assistance to meet a specific need from other organizations and agencies is not counted as income. (7-1-99)
- 05. Lump Sum Income.** Non-recurring or lump-sum income is ~~not counted~~ excluded as income if:
 - ~~a. Income was~~ used to pay medical bills resulting from accident or injury. ~~(7-1-99)~~
 - ~~b. Income was~~ or used to pay funeral or burial costs. ~~(7-1-99)~~
 - ~~c. When the amount of~~ lump-sum income, minus exclusions, exceeds the maximum income listed in the Sliding Fee Schedule, the family ~~will be is not~~ ineligible to receive benefits. The period of ineligibility ~~will be is~~ computed by dividing the lump-sum payment into the maximum qualifying income for that family. In no case will the period of ineligibility exceed twelve (12) months. ~~(7-1-99)~~(4-1-02)T
- 06. Loans.** Loans with written, signed repayment agreements are not counted as income. (7-1-99)
- 07. TAFI And AABD Benefits.** TAFI and AABD benefits are excluded. (7-1-99)
- 08. Foster Care Payments.** Foster care payments are excluded as income. (7-1-99)
- 09. VISTA Volunteers.** Living allowances and stipends paid to VISTA volunteers under P.L. 93-113, Title IV, Section 404(g) are excluded as income. (7-1-99)

10. Income Tax Refunds/Earned Income Tax Credits. Income tax refunds and earned income tax credits even if received with their wages are excluded as income. (7-1-99)

11. Travel Reimbursements. Reimbursements from employers for work related travel are excluded from income. (7-1-99)

12. Tribal Income. Income received from a tribe for any purpose other than direct wages are excluded from income. (7-1-99)

13. Foster Parents Income. Income may be excluded based on need, on a case by case basis, for foster parents when determining eligibility and sliding fee scale amounts for children in the custody of the Department. Income is counted when determining eligibility and sliding fee scale amounts for the foster parent's biological child(ren). (7-1-99)

14. Adoption Assistance. Adoption assistance payments are excluded from income. ~~(7-1-99)~~(4-1-02)T

15. Child Support Payments. Court ordered child support payments made by the participant are excluded from income. Both the legal obligation to pay child support and the actual amount paid must be verified. (7-1-99)

203. SELF-EMPLOYMENT INCOME.

~~Gross self-employment income, less fifty percent (50%) for business expenses, is counted as family income.~~ Income from self-employment is earned income. The family may choose one (1) of the calculation methods in Subsections 203.01 and 203.02 of these rules to determine income. Annualize the income if the participant has been self-employed for more than one (1) year. Average the income over the period of time the business has been operating, if the participant has been self-employed for less than one (1) year. ~~(7-1-99)~~(11-1-01)T

01. Gross Self-Employment Income. Gross self-employment income, less fifty percent (50%) for business expenses, is counted as family income. If the participant's current income from his business is different than past income, anticipate self-employment income and expenses. (11-1-01)T

02. Net Self-Employment Income. Net self-employment income is calculated from gross income. Subtract these allowable expenses: (11-1-01)T

- a. The cost of labor paid to individuals not in the home. (11-1-01)T
- b. The cost of stock. (11-1-01)T
- c. The cost of material. (11-1-01)T
- d. The cost for rent and utilities, advertising, shipping and legal fees. (11-1-01)T
- e. The cost of seed and fertilizer. (11-1-01)T
- f. Interest paid to purchase income-producing property, including real estate. (11-1-01)T
- g. Insurance premiums. (11-1-01)T
- h. Taxes paid on income-producing property. (11-1-01)T
- i. Transportation, when a vehicle is an integral part of business activity. (11-1-01)T

(BREAK IN CONTINUITY OF SECTIONS)

251. HEALTH AND SAFETY REQUIREMENTS.

All providers must submit a written statement, ~~on a form provided by the Department,~~ that they comply with the health and safety requirements listed in Subsections 251.01 through 251.130 of these rules. The provider must agree to a health and safety inspection. Compliance with these standards does not exempt a provider from complying with stricter health and safety standards under state law, tribal law, local ordinance, or other applicable law. ~~The health and safety requirements do not apply to a child care provider who is eighteen (18) years of age or older who provides child care services only to eligible children who are, by marriage, blood relationship, or court decree the grandchild, great grand child, niece, or nephew, or sibling of such provider.~~ (7-1-99)(4-1-02)T

01. Age Of Provider. All child care providers providing services must be eighteen (18) years old or older. Persons sixteen (16) or seventeen (17) years old may provide child care if they have direct, on-site supervision from a licensed child care provider who is at least eighteen (18) years old. (7-1-99)

02. Sanitary Food Preparation. Food for use in child care facilities must be prepared and served in a sanitary manner. Utensils and food preparation surfaces must be cleaned and sanitized before using to prevent contamination. (7-1-99)

03. Food Storage. All food served in child care facilities must be stored to protect it from potential contamination. (7-1-99)

04. Hazardous Substances. Medicines, cleaning supplies, and other hazardous substances must be stored out of the reach of children. (7-1-99)

05. Emergency Communication. A telephone or some type of emergency communication system is required. (7-1-99)

~~**06. Policies And Procedures.** Providers shall provide written policies and procedures which include payment collection policies, discipline policies, medication policies, and evacuation policies, with the self-declaration form.~~ (7-1-99)

~~**07. Provider Reading.** Providers must read information provided to them on control of infectious diseases, immunizations, and other health and safety issues.~~ (7-1-99)

08. Smoke Detectors, Fire Extinguisher And Exits. A properly installed and operational smoke detector must be on the premises where child care occurs. Adequate fire extinguishers and fire exits must be available on the premises. (7-1-99)

~~**09. Child Activities.** Appropriate play and educational materials to help stimulate child development shall be accessible to the children on a daily basis on the premises.~~ (7-1-99)

10. Hand Washing. Each provider shall wash his hands with soap and water at regular intervals, including before feeding, after diapering or assisting children with toileting, after nose wiping, and after administering first aid. (7-1-99)

~~**11. CPR/First Aid.** Providers shall insure that at all times children are present at least one (1) adult on the premises has current certification in pediatric rescue breathing and first aid treatment from a certified instructor.~~ (7-1-99)

~~**12. Health Of Provider.** Each provider shall certify that he/she does not have any physical or psychological condition that might pose a threat to the safety of a child in his/her care.~~ (7-1-99)

13. Child Abuse. Providers must report suspected child abuse to the appropriate authority. (7-1-99)

252. CHILD CARE PROVIDER REGISTRATION AGREEMENT.

All providers shall ~~register~~ sign and comply with a Provider Agreement made with the Department ~~through the resource and referral contractor and be entered in the child care provider vendor system before any child care is paid.~~ (7-1-99)(4-1-02)T

(BREAK IN CONTINUITY OF SECTIONS)

258. -- ~~300269~~. (RESERVED).

~~301270~~. ALLOWABLE CHILD CARE COSTS.

Care provided to an eligible child by an eligible provider is payable subject to the following conditions: (7-1-99)

01. Payment For Employment, Seeking Employment, Training, Education, Or Preventive Service Hours. Child care must be reasonably related to the hours of the qualifying activities. Travel time is included in determining qualifying activities. (7-1-99)

02. Family Member Or Guardian Not Payable. A parent, ~~guardian or member of the family as defined in Section 104 may~~ step-parent, or unmarried parent must not be paid for providing child care to ~~that~~ his child. A guardian must not be paid for providing child care for a child for whom he has guardianship. (7-1-99)(4-1-02)T

03. Person Provider Living At Same Address Not Payable. Child care ~~provided by any person a~~ child's grandparent, great-grandparent, aunt, uncle, or adult sibling living at the same address as the family will not be paid unless a condition in Subsections 270.03.a. through 270.03.c. of these rules is met. (7-1-99)(4-1-02)T

a. The parents' or caretakers' qualifying activity occurs when out-of-home care is not available. (4-1-02)T

b. The family lives in an area where out-of-home care is not available. (4-1-02)T

c. A child has a verified illness or disability. The illness or disability would place the child at risk in an out-of-home facility, or place the other children in the facility at risk. (4-1-02)T

04. One-Time Registration Fees. One-time fees for registering a child in a child care facility are payable, if the fee is charged to all who enroll in the facility. Fees may not exceed usual and customary ~~charges~~ rates charged to all families. Registration fees are separate from local market rates. (7-1-99)(4-1-02)T

~~30271~~. REPORTING REQUIREMENTS FOR FAMILIES.

Families applying for or receiving child care benefits shall report within ten (10) days the changes listed in Subsections ~~30271.01~~ through ~~30271.05~~ of these rules. (7-1-99)(4-1-02)T

01. Provider Charges. The rates charged for child care services changes. (7-1-99)

02. Provider. A child stops attending a child care, or is taken to another child care provider. (7-1-99)(4-1-02)T

03. Activity. ~~Type or h~~Hours or nature of qualifying activity changes. (7-1-99)(4-1-02)T

04. Income. The ~~amount~~ number of hours worked or a permanent ~~rate~~ change in rate of pay. Any permanent change in monthly income of twenty-five dollars (\$25) or more. (7-1-99)(4-1-02)T

05. Change Of Address. There is a change of address for either the participant or the provider. (7-1-99)

~~272~~. REPORTING REQUIREMENTS FOR PROVIDERS.

Child care providers shall report within ten (10) days the changes listed in Subsections ~~272.01~~ through ~~272.05~~ of these rules. (4-1-02)T

- 01. Change In Provider Charges.** The provider changes the rates for child care services. (4-1-02)T
- 02. Child Stops Attending Care.** A child stops attending child care, or is taken to another child care provider. (4-1-02)T
- 03. Change Of Provider Address.** There is a change in the location where child care is provided. (4-1-02)T
- 04. Change In Who Lives In Home.** Individuals providing child care in their home must report when someone moves into the home. (4-1-02)T
- 05. Intent Not To Renew License.** The provider intends to not renew his license, or other required certifications. (4-1-02)T

~~30273.~~ -- ~~304299.~~(RESERVED).

300. CALCULATING A FULL MONTH'S INCOME USING ACTUAL AND PROJECTED INCOME.
Calculate the monthly income using actual income already received during the month and income expected to be received in the month. The household and the Department must agree this is a reasonable estimate of that month's income. (4-1-02)T

01. Full Month's Income Expected From An Ongoing Source. If no changes are expected, use the actual income received in the past thirty (30) days to project a full month's income. If changes are expected, project the income for the month with the new information. (4-1-02)T

02. Full Month's Income Not Expected From An Ongoing Source. If a full month's income is not expected from an ongoing source, count the income expected for the month. If the actual amount is known, use the actual income. If the actual income is unknown, project the expected income for that month. (4-1-02)T

03. Full Month's Income Not Expected From A New Source. If income is from a new source and a full month's income is not expected, count the actual income expected for the month. Do not convert the new source of income to a monthly amount. If the actual income is unknown, project the expected income for that month. (4-1-02)T

04. Income From Terminated Source. If income is from a terminated source, and no additional income is expected in a future month, count the actual income received during the month. Do not convert income to a monthly amount if a full month's income from the terminated source is not expected. (4-1-02)T

05. Seasonal Income. If income changes seasonally, consider the household's income from the last season and any pay changes to project the month's income. (4-1-02)T

06. Fluctuating Income. When income fluctuates each pay period and the rate of pay remains the same, average the income from the past thirty (30) days to determine the average pay period amount. Convert the average pay period amount to a full month's income. (4-1-02)T

07. Income Paid As Salary. Count income paid as salary at the expected monthly salary rate. Do not count salary at an hourly rate. (4-1-02)T

(Sections Previously Numbered 301 and 302 Have Been Moved And Renumbered To Sections 270 and 271.)

301. (RESERVED).

302. CONVERTING INCOME OR EXPENSES TO A MONTHLY AMOUNT.
If a full month's income is expected, but income is received more often than monthly, convert the income to a monthly amount. If a full month's expense is expected, but is billed more often than monthly, convert the expense to a monthly amount. Use the appropriate formula in Subsections 302.01 through 302.03 of these rules. (4-1-02)T

01. Weekly Amount. Multiply a weekly amount by four point three (4.3). (4-1-02)T

02. Bi-Weekly Amount. Multiply a bi-weekly amount by two point fifteen (2.15). (4-1-02)T

03. Semi-Monthly Amount. Multiply a semi-monthly amount by two (2). (4-1-02)T

303. -- 304. (RESERVED).

305. AMOUNT OF PAYMENT.

Child Care payments will be based on Subsections 305.01 through 305.04 of these rules. (7-1-99)(4-1-02)T

01. Payment Rate. Payment will be based on the lower of the ~~actual~~ billed cost of child care, or the local market rate. (7-1-99)(4-1-02)T

a. The local market rate will be set at the seventy-fifth percentile of the range of child care charges for that type of care. The rates will be established from a survey of providers of child care. (7-1-99)

b. Each Region has a separate local market rate. Payment rates will be determined by the location of the child care facility. (7-1-99)

c. If the child care facility is not in Idaho, the local market rate will be the rate where the family lives. (7-1-99)

d. The rate survey will be conducted at least every two (2) years. (7-1-99)

02. Usual And Customary Rates. Rates charged by the child care provider must not exceed usual and customary rates charged to all families. (7-1-99)

03. In-Home Care. Parents are responsible to pay persons providing care in the child's home the minimum wage, as required by the Fair Labor Standards Act (29 U.S.C. 206a) and other applicable state and federal requirements. Department payments must not exceed the lower of the hourly Federal minimum wage or actual cost of care. Care provided in the home of the child will be paid only when ~~four~~ three (43) or more children are eligible and receiving payments. Fewer than ~~four~~ three (43) children will receive payment for in-home care only when one (1) of the following special circumstances is met: (7-1-99)(4-1-02)T

a. Parents' or caretakers' activity occurs during times when out-of-home care is not available; ~~or.~~ (7-1-99)(4-1-02)T

b. The family lives in an area where out-of-home care is not available; ~~or.~~ (7-1-99)(4-1-02)T

c. A child has a verified illness or disability which would place the child or other children in an out-of-home facility at risk. (7-1-99)

04. ~~Two-Party Warrants.~~ ~~Checks will be issued to eligible families by means of a warrant which requires endorsement by both the caretaker and the provider. One party warrants will be issued only in the following circumstances:~~ **Payments.** Payments will be issued directly to eligible providers. A warrant may be issued to a parent only when the parent provides proof the provider was paid in full, and no longer provides child care for the family. (7-1-99)(4-1-02)T

~~a. When a provider is no longer in the area, and there is verification that the provider has been paid for child care, a one-party warrant can be issued to the caretaker. (7-1-99)~~

~~b. When the family has left the area, the family can request that a one-party warrant be issued to the provider. (7-1-99)~~

~~e. When the family has left the area and cannot be located, the provider may provide verification that child care payment has not been made, and a one-party check may be issued to the provider. (7-1-99)~~

d. ~~When a family is suspected of fraud, and the provider has been designated to be payee for the family.~~ (7-1-99)

(BREAK IN CONTINUITY OF SECTIONS)

308. ACTION ON CHANGES.

Action on reported changes must be taken as listed in Subsections 308.01 through 308.03 of these rules. (4-1-02)T

01. Change In Income Or Hours Of Activity. If a change in income or hours of qualified activity is reported, and results in a decrease in the subsidy amount, the change becomes effective the month following the month the change is reported. (4-1-02)T

02. Change In Income Or Hours Of Activity And Billed Amount. If changes in the income or hours of qualified activity, and the billed amount of child care, are reported and result in a decrease in the subsidy amount, the change can be made effective in the current month. (4-1-02)T

03. Changes Resulting In An Increase. Changes resulting in an increase in the subsidy amount must be acted on for the current month. (4-1-02)T

309. REDETERMINATION.

Eligibility must be redetermined ~~at least every six (6) months~~ in all cases as listed in Subsections 309.01 through 309.03 of these rules. (7-1-99)(4-1-02)T

01. Work Search. Eligibility for individuals participating in work search must be redetermined every thirty (30) days. (4-1-02)T

02. Preventive Services. Eligibility for cases where child care is needed for preventive services must be redetermined every three (3) months. (4-1-02)T

03. All Other Cases. Eligibility for all other cases must be redetermined at least every six (6) months. (4-1-02)T

30910. COMPLAINT PROCEDURE.

The Department shall maintain a record of substantiated parental complaints. Information regarding substantiated parental complaints shall be made available to the public on request, in accordance with the Idaho Public Records Act. (7-1-99)

3101. (RESERVED).

311. DISALLOWED PAYMENTS.

~~Child care will not be paid if any condition listed in Subsections 311.01 through 311.07 exists. The Department will not disallow payments if the family fails to pay late fees or fails to pay advance notice of intention to leave fees.~~ (7-1-99)

~~**01. Provider Not Paid.** The provider has not been paid for allowable child care expenses, including co-payments and amounts above the Local Market Rate. (7-1-99)~~

~~**02. Satisfactory Payment Arrangements Not Made.** The participant has not made satisfactory payment arrangements as determined by the Department. (7-1-99)~~

~~**03. Income Exceeds Limit.** The income of the family exceeds program limits. (7-1-99)~~

~~**04. Child Care Provider Not Eligible.** The provider of the child care does not meet requirements.~~

(7-1-99)

~~05. **Qualifying Activity Stopped.** The child's caretaker(s) is no longer participating in work, training, education, job search or preventive service activities which qualify the family for child care benefits. (7-1-99)~~

~~06. **Child Not Eligible.** The child is no longer eligible. (7-1-99)~~

~~07. **Repayment Default.** The family has failed to repay an overpayment according to the signed repayment schedule either with the Department or a provider. (7-1-99)~~

312. OVERPAYMENTS AND RECOVERY.

Overpayments may occur for child care services as the result of agency error, family or provider error, Intentional Program Violations (IPV), or fraud as established by a judicial or administrative determination as described in Section 56-227, Idaho Code. Recovery of overpayments based on agency error may be pursued from parents or providers where the overpayment is one hundred dollars (\$100), or more. Overpayments due to IPV or fraud must be recovered in full. The Department will determine overpayments. ~~Repayments will be negotiated with the Department. Failure to comply with the negotiated repayment agreement will result in disqualification of the family. Disqualification will continue until a new repayment agreement is negotiated and the family begins to make payments according to that agreement. (7-1-99)(4-1-02)T~~

01. Providers Must Repay. Providers must repay overpayments resulting from their failure to report changes within time limits. Repayment schedules will be negotiated with the Department. Failure to comply with the negotiated repayment agreement will result in disqualification of the provider. Disqualification will continue until repayment is made or a new repayment agreement is negotiated. (4-1-02)T

02. Parents Must Repay. Parents must repay overpayments resulting from their failure to report changes within time limits. Repayment schedules will be negotiated with the Department. Failure to comply with the negotiated repayment agreement will result in disqualification of the family. Disqualification will continue until repayment is made or a new repayment agreement is negotiated. (4-1-02)T

313. INTENTIONAL PROGRAM VIOLATIONS (IPV).

An IPV is an intentionally false or misleading action or statement ~~made to establish or maintain eligibility as defined in Subsections 313.01 through 313.03 of these rules. The Department investigates and refers appropriate cases for IPV determination, which may include a referral for prosecution of fraud.~~ An IPV will be established when a family member or the child care provider admits the IPV in writing and waives the right to an administrative hearing, or when determined by an administrative hearing, a court decision, or through deferred adjudication. Deferred adjudication exists when the court ~~does not issue~~ defers a determination of guilt because the accused family member or child care provider meets the terms of a court order or an agreement with the prosecutor. ~~When an IPV determination has been made, the entire family or the child care provider is ineligible for the period of time listed in Subsections 313.01 through 313.03. (7-1-99)(4-1-02)T~~

01. First Offense. ~~Twelve (12) months for the first IPV or fraud offense, or the length of time specified by the court.~~ **False Statement.** An individual makes a false statement to the Department, either orally or in writing, to participate in the Idaho Child Care Program. (7-1-99)(4-1-02)T

02. Second Offense. ~~Twenty four (24) months for the second IPV or fraud offense, or the length of time specified by the court.~~ **Misleading Statement.** An individual makes a misleading statement to the Department, either orally or in writing, to participate in the Idaho Child Care Program. (7-1-99)(4-1-02)T

03. Third Offense. ~~Permanent disqualification for the third or subsequent IPV or fraud offense, or the length of time specified by the court.~~ **Misrepresentation Of Facts.** An individual misrepresents facts to the Department, either orally or in writing, to participate in the Idaho Child Care Program. (7-1-99)(4-1-02)T

04. Concealing Facts. An individual conceals or withholds facts to participate in the Idaho Child Care Program. (4-1-02)T

314. ~~UNDERPAYMENT PENALTIES FOR AN IPV.~~

~~Supplemental payment shall be made to a family entitled to an additional payment.~~ When the Department makes an IPV determination, the entire family, or the child care provider, is ineligible for the period of time listed in Subsections 314.01 through 314.03 of these rules. ~~(7-1-99)~~(4-1-02)T

01. First Offense. Twelve (12) months for the first IPV or fraud offense, or the length of time specified by the court. (4-1-02)T

02. Second Offense. Twenty-four (24) months for the second IPV or fraud offense, or the length of time specified by the court. (4-1-02)T

03. Third Offense. Permanent disqualification for the third or subsequent IPV or fraud offense, or the length of time specified by the court. (4-1-02)T

315. ~~(RESERVED)~~ UNDERPAYMENT.

Supplemental payment shall be made to a family entitled to an additional payment. (4-1-02)T

316. FUNDING RESTRICTIONS.

If a funding shortfall is projected, the Department shall take action to ensure the program operates within financial resources. (11-1-01)T

IDAPA 18 - DEPARTMENT OF INSURANCE
18.01.25 - TITLE INSURANCE AND TITLE INSURANCE AGENTS
AND ESCROW OFFICERS

DOCKET NO. 18-0125-0101

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2002 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 41-211 and 41-2705, 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 1, 2001 Idaho Administrative Bulletin, Volume 01-8, pages 59 through 62.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Robert Meunier, Financial Examiner, Sr., at (208) 334-4250.

DATED this 24th day of October 2001.

Mary L. Hartung, Director
Idaho Department of Insurance
700 W. State Street – 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043
Telephone No. (208) 334-4250

IDAPA 18, TITLE 01, Chapter 25

TITLE INSURANCE AND TITLE INSURANCE AGENTS AND ESCROW OFFICERS

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 01-8, August 1, 2001, pages 59 through 62.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 Idaho State Legislature as a final rule.

IDAPA 18 - DEPARTMENT OF INSURANCE
18.01.44 - SCHEDULE OF FEES, LICENSES AND MISCELLANEOUS CHARGES

DOCKET NO. 18-0144-0101

NOTICE OF RULEMAKING - PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2002 Idaho State Legislature for final adoption. The pending rule becomes final and effective after the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. After the pending rule is approved, rejected, 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 41-211, 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 June 6, 2001 Idaho Administrative Bulletin, Volume 01-6, pages 54 through 57.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jim Genetti, Bureau Chief at (208) 334-4250.

DATED this 24th day of October, 2001.

Mary L. Hartung, Director
Idaho Department of Insurance
700 W. State Street – 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043
Telephone No. (208) 334-4250

IDAPA 18, TITLE 01, Chapter 44

SCHEDULE OF FEES, LICENSES AND MISCELLANEOUS CHARGES

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 01-6, June 6, 2001, pages 54 through 57.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 Idaho State Legislature as a final rule.

IDAPA 18 - DEPARTMENT OF INSURANCE
18.01.56 - REBATES AND ILLEGAL INDUCEMENTS TO OBTAINING
TITLE INSURANCE BUSINESS

DOCKET NO. 18-0156-0101

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2002 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 41-211 and 41-2705, 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 1, 2001 Idaho Administrative Bulletin, Volume 01-8, pages 63 and 64.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Robert Meunier, Financial Examiner, Sr., at (208) 334-4250.

DATED this 24th day of October, 2001.

Mary L. Hartung, Director
Idaho Department of Insurance
700 W. State Street – 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043
Telephone No. (208) 334-4250

IDAPA 18, TITLE 01, Chapter 56

REBATES AND ILLEGAL INDUCEMENTS TO OBTAINING
TITLE INSURANCE BUSINESS

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 01-8, August 1, 2001, pages 63 and 64.

This rule has been adopted as a pending rule by the Agency and is now pending
review and approval by the 2002 Idaho State Legislature as a final rule.

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

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2002 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 41-211 and 41-2705, 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 3, 2001 Idaho Administrative Bulletin, Volume 01-10, pages 515 through 519.

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

DATED this 24th day of October, 2001.

Sylvia C. Boyle
Executive Director
Idaho State Board of Dentistry
708 1/2 W. Franklin St.
P.O. Box 83720
Boise, ID 83720-0041
Telephone No. (208) 334-2369

IDAPA 19, TITLE 01, Chapter 01

RULES OF THE IDAHO STATE BOARD OF DENTISTRY

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 01-10, October 3, 2001, pages 515 through 519.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 Idaho State Legislature as a final rule.

IDAPA 21 - DIVISION OF VETERANS SERVICES
21.01.01 - RULES GOVERNING ADMISSION, RESIDENCY AND MAINTENANCE CHARGES IN IDAHO STATE VETERANS HOMES AND DIVISION OF VETERANS SERVICES ADMINISTRATIVE PROCEDURE

DOCKET NO. 21-0101-0101

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2002 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 the concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 65-202, 65-204, and 66-907.

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 chapter must be amended to clarify certain admissions requirements, to comply with the Office of the Rules Coordinator (OAR) formatting requirements, to incorporate Centers for Medicare/Medicaid Services requirements and recommendations by the House Health and Welfare Committee, and to further facilitate the State Veterans Homes' change to Medicaid-certified facilities.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 3, 2001 Idaho Administrative Bulletin, Volume 01-10, pages 539 through 546.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Tina Basel at (208) 334-3513.

DATED this 25th day of October, 2001.

Gary Bermeosolo, Administrator
Division of Veterans Services
320 Collins Road, Boise, Idaho 83702
Phone: (208) 334-3513 / Fax: (208) 334-2627

IDAPA 21, TITLE 01, Chapter 01

**RULES GOVERNING ADMISSION, RESIDENCY AND MAINTENANCE CHARGES
IN IDAHO STATE VETERANS HOMES AND DIVISION OF VETERANS
SERVICES ADMINISTRATIVE PROCEDURE**

There are no substantive changes from the proposed rule text.

**The complete text of the proposed rule was published in the Idaho Administrative
Bulletin, Volume 01-10, October 3, 2001, pages 515 through 519.**

**This rule has been adopted as a pending rule by the Agency and is now pending
review and approval by the 2002 Idaho State Legislature as a final rule.**

IDAPA 21 - DIVISION OF VETERANS SERVICES
21.01.02 - RULES GOVERNING EMERGENCY RELIEF FOR VETERANS
DOCKET NO. 21-0102-0101
NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2002 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 the concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 65-201, 65-202, 65-203, 65-204, and 65-207.

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 chapter must be amended to comply with the Office of the Rules Coordinator (OAR) formatting requirements.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 3, 2001 Idaho Administrative Bulletin, Volume 01-10, pages 547 through 549.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Tina Basel at (208) 334-3513.

DATED this 25th day of October, 2001.

Gary Bermeosolo, Administrator
Division of Veterans Services
320 Collins Road
Boise, Idaho 83702
Phone: (208) 334-3513
Fax: (208) 334-2627

IDAPA 21, TITLE 01, Chapter 02

RULES GOVERNING EMERGENCY RELIEF FOR VETERANS

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 01-10, October 3, 2001, pages 547 through 549.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 Idaho State Legislature as a final rule.

IDAPA 21 - DIVISION OF VETERANS SERVICES
21.01.03 - RULES GOVERNING MEDICAID QUALIFIED UNITS
IN IDAHO STATE VETERANS HOMES

DOCKET NO. 21-0103-0101

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2002 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 the concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 65-202, 65-204, and 66-907.

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 chapter must be amended to comply with the Office of the Rules Coordinator (OAR) formatting requirements and to further facilitate the State Veterans Homes' change to Medicaid-certified facilities by clarifying Medicaid resident charges during leave of absence or hospitalization.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 3, 2001 Idaho Administrative Bulletin, Volume 01-10, pages 550 and 551.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Tina Basel at (208) 334-3513.

DATED this 25th day of October, 2001.

Gary Bermeosolo, Administrator
Division of Veterans Services
320 Collins Road, Boise, Idaho 83702
Phone: (208) 334-3513
Fax: (208) 334-2627

IDAPA 21, TITLE 01, Chapter 03

RULES GOVERNING MEDICAID QUALIFIED UNITS
IN IDAHO STATE VETERANS HOMES

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 01-10, October 3, 2001, pages 550 and 551.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 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. 24-0101-0101
NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2002 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 3, 2001 Idaho Administrative Bulletin, Volume 01-10, pages 576 through 580.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Budd A. Hetrick, Jr. (208) 334-3233.

DATED this 25th day of October, 2001.

Budd A. Hetrick, Jr.
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 01-10, October 3, 2001, pages 576 through 580.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES
24.02.01 - RULES OF THE BOARD OF BARBER EXAMINERS
DOCKET NO. 24-0201-0101
NOTICE OF RULEMAKING - PENDING FEE RULE

EFFECTIVE DATE: This pending rule has been adopted by the agency and is now pending review by the 2002 Idaho State Legislature for final adoption. The pending rule becomes final and effective after the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. After the pending rule is approved, rejected, 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 54-521, 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 3, 2001 Idaho Administrative Bulletin, Volume 01-10, pages 581 through 593.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. The new fee rules will establish an original barber-stylist license fee of \$30 and a barber-stylist annual license renewal fee of \$50. These fee rules are necessary as a result of the adoption of House Bill 28, which added the barber-stylist license category to the Barber Act. The statute authorizing this fee is Section 54-518, 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 Budd A. Hetrick, Jr. (208) 334-3233.

DATED this 25th day of October, 2001.

Budd A. Hetrick, Jr.
Owyhee Plaza
1109 Main Street, Suite 220
Boise, ID 83702
(208) 334-3233 / (208) 334-3945 (FAX)

IDAPA 24, TITLE 02, Chapter 01

RULES OF THE BOARD OF BARBER 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 01-10, October 3, 2001, pages 581 through 593.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 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. 24-0301-0101
NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2002 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 3, 2001 Idaho Administrative Bulletin, Volume 01-10, pages 594 through 601.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Budd A. Hetrick, Jr. (208) 334-3233.

DATED this 25th day of October, 2001.

Budd A. Hetrick, Jr.
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 01-10, October 3, 2001, pages 594 through 601.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES
24.04.01 - RULES OF THE IDAHO BOARD OF COSMETOLOGY

DOCKET NO. 24-0401-0101

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2002 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 54-821, 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 3, 2001 Idaho Administrative Bulletin, Volume 01-10, pages 602 through 613.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Budd A. Hetrick, Jr. (208) 334-3233.

DATED this 25th day of October, 2001.

Budd A. Hetrick, Jr.
Owyhee Plaza
1109 Main Street, Suite 220
Boise, ID 83702
(208) 334-3233
(208) 334-3945 (FAX)

IDAPA 24, TITLE 04, Chapter 01

RULES OF THE IDAHO BOARD OF COSMETOLOGY

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 01-10, October 3, 2001, pages 602 through 613.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES
24.09.01 - RULES OF THE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS
DOCKET NO. 24-0901-0101
NOTICE OF RULEMAKING - PENDING FEE RULE

EFFECTIVE DATE: This pending rule has been adopted by the agency and is now pending review by the 2002 Idaho State Legislature for final adoption. The pending rule becomes final and effective after the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. After the pending rule is approved, rejected, 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 54-1604, 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 temporary and proposed rule was published in the October 3, 2001 Idaho Administrative Bulletin, Volume 01-10, pages 614 through 617.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. Increase the original license fee to \$150; increase the renewal fee to \$175; increase the application fee to \$100; increase the temporary permit fee and the administrator in training fee to \$100; and increase the reinstatement fee to \$100. Statute authorizing these fees is 54-1604(1)(g).

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 Budd A. Hetrick, Jr. (208) 334-3233.

DATED this 25th day of October, 2001.

Budd A. Hetrick, Jr.
Owyhee Plaza
1109 Main Street, Suite 220
Boise, ID 83702
(208) 334-3233 / (208) 334-3945 (FAX)

IDAPA 24, TITLE 09, Chapter 01
RULES OF THE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

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 01-10, October 3, 2001, pages 614 through 617.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 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. 24-1001-0101

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2002 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 54-1509, 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 Idaho Administrative Bulletin, Volume 01-10, October 3, 2001, pages 618 through 623.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Budd A. Hetrick, Jr. (208) 334-3233.

DATED this 25th day of October, 2001.

Budd A. Hetrick, Jr.
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 01-10, October 3, 2001, pages 618 through 623.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES
24.11.01 - RULES OF THE IDAHO STATE BOARD OF PODIATRY
DOCKET NO. 24-1101-0102
NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2002 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 54-605, 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 3, 2001 Idaho Administrative Bulletin, Volume 01-10, pages 622 and 623.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Budd A. Hetrick, Jr. (208) 334-3233.

DATED this 25th day of October, 2001.

Budd A. Hetrick, Jr.
Owyhee Plaza
1109 Main Street, Suite 220
Boise, ID 83702
(208) 334-3233
(208) 334-3945 (FAX)

IDAPA 24, TITLE 11, Chapter 01

RULES OF THE IDAHO STATE BOARD OF PODIATRY

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 01-10, October 3, 2001, pages 622 and 623.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 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. 24-1801-0101
NOTICE OF RULEMAKING - PENDING FEE RULE

EFFECTIVE DATE: This pending rule has been adopted by the agency and is now pending review by the 2002 Idaho State Legislature for final adoption. The pending rule becomes final and effective after the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. After the pending rule is approved, rejected, 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 temporary and proposed rule was published in the October 3, 2001 Idaho Administrative Bulletin, Volume 01-10, pages 643 through 653.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. Addition to Idaho statute which provides for the registration of trainees and requiring in the rules a \$50 trainee registration fee, Section 54-4106, 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 Budd A. Hetrick, Jr. (208) 334-3233.

DATED this 25th day of October, 2001.

Budd A. Hetrick, Jr.
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 01-10, October 3, 2001, pages 643 through 653.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES
24.19.01 - RULES OF THE BOARD OF EXAMINERS OF RESIDENTIAL
CARE FACILITY ADMINISTRATORS

DOCKET NO. 24-1901-0101

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2002 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 54-4205, 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 3, 2001 Idaho Administrative Bulletin, Volume 01-10, pages 654 through 657.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Budd A. Hetrick, Jr. (208) 334-3233.

DATED this 25th day of October, 2001.

Budd A. Hetrick, Jr.
Owyhee Plaza
1109 Main Street, Suite 220
Boise, ID 83702
(208) 334-3233
(208) 334-3945 (FAX)

IDAPA 24, TITLE 19, Chapter 01

RULES OF THE BOARD OF EXAMINERS
OF RESIDENTIAL CARE FACILITY ADMINISTRATORS

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 01-10, October 3, 2001, pages 654 through 657.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES
24.20.01 - RULES OF THE BUREAU OF OCCUPATIONAL LICENSES
DOCKET NO. 24-2001-0101 - (REPEAL OF CHAPTER)
NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2002 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 67-2609, Idaho Code.

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

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 01-10, October 3, 2001, page 658. The chapter is being repealed in its entirety and is being rewritten under Docket No. 24-2001-0102 in this Bulletin.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Budd A. Hetrick, Jr. (208) 334-3233.

DATED this 25th day of October, 2001.

Budd A. Hetrick, Jr.
Owyhee Plaza
1109 Main Street, Suite 220
Boise, ID 83702
(208) 334-3233 / (208) 334-3945 (FAX)

IDAPA 24, TITLE 20, Chapter 01

RULES OF THE BUREAU OF OCCUPATIONAL LICENSES

IDAPA 24.20.01 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 01-10, October 3, 2001, page 658.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES
24.20.01 - RULES OF THE BUREAU OF OCCUPATIONAL LICENSES
DOCKET NO. 24-2001-0102 - (REWRITE OF CHAPTER)
NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2002 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 67-2609, Idaho Code.

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

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 01-10, October 3, 2001, page 659 through 662. This chapter is being repealed under Docket No. 24-2001-0101 and rewritten under Docket No. 24-2001-0102 in this Bulletin.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Budd A. Hetrick, Jr. (208) 334-3233.

DATED this 25th day of October, 2001.

Budd A. Hetrick, Jr.
Owyhee Plaza
1109 Main Street, Suite 220
Boise, ID 83702
(208) 334-3233
(208) 334-3945 (FAX)

IDAPA 24, TITLE 20, Chapter 01

RULES OF THE BUREAU OF OCCUPATIONAL LICENSES

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 01-10, October 3, 2001, pages 659 through 662.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 Idaho State Legislature as a final rule.

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

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2002 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 Sections 54-1717 and 54-1718, 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.

Pharmacy Externs are students enrolled in accredited pharmacy colleges who are allowed to work in pharmacies to gain valuable practical experience. Currently they are required to register annually with the Board of Pharmacy in the same fashion as Pharmacy Interns. This rule allows Pharmacy Externs to register with the Board of Pharmacy only once while they are in school and have the registration continue so long as they remain in school. This will be a benefit to the Pharmacy Externs and will reduce paper work and staff time at the Board of Pharmacy.

The pending rule is being adopted as proposed. The original text of the temporary and proposed rule was published in the October 3, 2001 Idaho Administrative Bulletin, Volume 01-10, pages 672 and 673.

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

DATED this 24th day of October, 2001.

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

IDAPA 27, TITLE 01, Chapter 01

RULES OF THE IDAHO BOARD OF PHARMACY

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 01-10, October 3, 2001, pages 672 and 673.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 Idaho State Legislature as a final rule.

IDAPA 27 - BOARD OF PHARMACY
27.01.01 - RULES OF THE IDAHO BOARD OF PHARMACY
DOCKET NO. 27-0101-0102
NOTICE OF RULEMAKING - PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2002 Idaho State Legislature for final adoption. When 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 54-1717, 54-1720, and 37-2715I, 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 proposed rule changes increase fees for various registrations and licenses issued by the Board of Pharmacy. There has been no adjustment to the Board's licensing and registration fees for several years. The proposed changes bring the fees into the current market.

The pending rules are being adopted as proposed. The original text of the proposed rule was published in the October 3, 2001 Idaho Administrative Bulletin, Volume 01-10, pages 674 through 677.

FEE SUMMARY: The following is a specific description of the fees increased. These fees are being imposed pursuant to Section 54-1720, Idaho Code. The proposed rule will increase fees for various registrations and licenses affecting pharmacy licensees and registrants, including new license applicants, pharmacists, pharmacy interns, externs, and technicians, pharmacies and other drug outlets, and controlled substance registrants.

Because of the fees being 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 Richard K. Markuson, Executive Director, (208) 334-2356.

DATED this 24th day of October, 2001.

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

IDAPA 27, TITLE 01, Chapter 01

RULES OF THE IDAHO BOARD OF PHARMACY

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 01-10, October 3, 2001, pages 674 through 677.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 Idaho State Legislature as a final rule.

IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION
31.42.01 - THE IDAHO PUBLIC UTILITIES COMMISSION RULES FOR TELEPHONE
CORPORATIONS SUBJECT TO THE RULES OF THE IDAHO PUBLIC UTILITIES
COMMISSION UNDER THE TELECOMMUNICATIONS ACT OF 1988
(THE TITLE 62 TELEPHONE CORPORATION RULES)

DOCKET NO. 31-4201-0101

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2002 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In conjunction with Section 67-5224, Idaho Code, notice is hereby given that the Idaho Public Utilities Commission has adopted a pending rule. The action is authorized pursuant to Sections 62-602, 62-611, 62-614, 62-615, 62-616 and 62-622, 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 received in response to the Notice of Proposed Rule. Consequently, the pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 3, 2001, Idaho Administrative Bulletin, Volume 01-10, pages 687 through 689.

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

DATED this 25th day of October, 2001.

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

IDAPA 31, TITLE 42, Chapter 01

THE IDAHO PUBLIC UTILITIES COMMISSION RULES FOR TELEPHONE CORPORATIONS
SUBJECT TO THE RULES OF THE IDAHO PUBLIC UTILITIES COMMISSION UNDER THE
TELECOMMUNICATIONS ACT OF 1988 (THE TITLE 62 TELEPHONE CORPORATION 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 01-10, October 3, 2001, pages 687 through 689.

This rule has been adopted as a pending rule by the Agency and is now pending
review and approval by the 2002 Idaho State Legislature as a final rule.

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT
39.03.81 - RULES GOVERNING ISSUANCE OF TEMPORARY PERMITS
IN LIEU OF FULL REGISTRATION

DOCKET NO. 39-0381-0102

NOTICE OF TEMPORARY AND PROPOSED RULEMAKING

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2001.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 49-201 and 49-432, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than December 19, 2001.

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

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

This rulemaking adds definitions for the terms "single vehicle" and "combination of vehicles" and further clarifies permit requirements for combination vehicles.

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

Compliance with effective dates of amendments to code.

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

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the rulemaking is based on changes to Idaho Code, and not subject to negotiation.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Alan Frew, Port of Entry Manager, 334-8694.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before December 26, 2001.

DATED this 24th day of October, 2001.

Linda L. Emry, Management Assistant
Budget, Policy, Intergovernmental Relations
Idaho Transportation Department
3311 West State Street
P O Box 7129
Boise ID 83707-1129
Phone – 208-334-8810
FAX – 208-334-8195

THE FOLLOWING IS THE TEXT OF DOCKET NO. 39-0381-0102

010. DEFINITIONS.

01. Combination Of Vehicles. A tractor or truck tractor and one (1) or more trailers and/or semitrailers. (7-1-01)T

042. First Available Location. The first vendor along an owner's or operator's route of travel from whom one hundred twenty (120) hour temporary permits in lieu of registration can be purchased. (7-1-01)T

023. Increased Registered Weight Temporary Permit. Temporary authority to exceed the registered maximum gross weight of a vehicle as authorized by Section 49-432, Idaho Code. (7-1-01)T

034. Licensed Vehicle. A vehicle currently registered in any jurisdiction. (7-1-01)T

045. One Hundred Twenty Hour Temporary Permit. A one hundred twenty (120) hour temporary permit issued in lieu of an IFTA license/decals and/or vehicle licensing and registration as authorized by Section 49-432, Idaho Code. (7-1-01)T

06. Single Vehicle. Any tractor, truck tractor, or motor vehicle that is not combined with nor towing one (1) or more trailers and/or semitrailers. Additionally, any unlicensed trailer or semitrailer may be deemed a single vehicle. (7-1-01)T

057. Vendor. A governmental agency, private or commercial business which sells temporary permits as an agent of the Idaho Transportation Department. (7-1-01)T

(BREAK IN CONTINUITY OF SECTIONS)**200. PERMIT REQUIREMENTS.**

01. Proof Of Ownership. An operator or owner of a vehicle shall show proof of ownership before a permit is issued. (6-4-90)

a. Resident vehicle proof of ownership may be documented by: (7-1-01)T

i. A copy of the Idaho title identifying the owner and vehicle; (7-1-01)T

ii. A copy of a valid lease agreement identifying the owner and the vehicle; (7-1-01)T

iii. A copy of an expired registration identifying the current owner and the vehicle; or (7-1-01)T

iv. A copy of a valid bill of sale transferring ownership of the vehicle. (7-1-01)T

b. Nonresident vehicle proof of ownership may be documented by: (7-1-01)T

i. A copy of a valid registration from a base jurisdiction, which qualifies for a permit, identifying the owner and the vehicle; (7-1-01)T

ii. A copy of an expired lease agreement of an owner/operator not acting as a lessee which identifies the owner and the vehicle; (7-1-01)T

iii. A copy of a current lease agreement, providing the base jurisdiction qualifies for a permit, which

identifies the owner/operator; (7-1-01)T

iv. A copy of a valid bill of sale transferring ownership of the vehicle; or (7-1-01)T

v. A copy of the title identifying owner and vehicle. (7-1-01)T

02. Weight Of Vehicle. One hundred twenty (120) hour temporary permits in lieu of registration shall authorize the legal operation of the permitted vehicle to the maximum combined gross weight of a vehicle, not to exceed one hundred five thousand five hundred (105,500) pounds. (7-1-01)T

03. Purchase Of Multiple Permits. Residents or nonresidents who qualify for permits may purchase more than one (1) permit at a time to cover a time period not to exceed ninety (90) days. Additional time periods must be purchased in increments of one hundred twenty (120) hours or thirty (30) days and assessed the appropriate fees for each increment. (7-1-01)T

04. Permit Denial. Any person who has been notified by mail at his last known business address as it appears on department records, that his registration has been suspended or revoked shall not be allowed to register in Idaho by securing a temporary permit. Any person, having been duly notified, who purchases a permit and subsequently operates a vehicle displaying such permit while his registration is suspended or revoked is in violation of this rule. Any person failing to provide proof of current registration shall not be allowed to temporarily permit for increased registered weight. Any person obtaining a temporary permit for increased registered weight without a current registration is in violation of this rule. (7-1-01)T

05. Violation Of Permit. If an owner or operator of a vehicle exceeds the operating weight authorized by temporary permit, such owner or operator may be issued a citation for violation of Section 49-438, Idaho Code. The violation shall be limited to the difference between the amount of the actual operating weight and the operating weight authorized by temporary permit. A single temporary permit in lieu of full registration may not be purchased when operating in combination with one (1) or more trailers or semitrailers. Example: Registered or unregistered trailer(s) operating in combination with an unregistered tractor or truck tractor will be required to purchase a temporary permit for a combination of vehicles. (~~7-1-01~~)(7-1-01)T

IDAPA 45 - HUMAN RIGHTS COMMISSION
45.01.01 - RULES OF THE HUMAN RIGHTS COMMISSION
DOCKET NO. 45-0101-0101
NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2002 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 the pending rule. The action is authorized pursuant to Section 67-5906(12), Idaho Code.

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

The Commission rules define "religion," "because of sex," and "substantially limits" by incorporating by reference the definitions for those terms in federal law, specifically the Civil Rights Act of 1964 (42 U.S.C.A. 2000e(j) and (k)) and the regulations implementing the Americans With Disabilities Act (29 CFR 1630.2). The pending rule sets forth the definitions rather than incorporating by reference the federal definitions.

The pending rule has been adopted as proposed. The original text of the proposed rule was published in the October 3, 2001 Idaho Administrative Bulletin, Volume No. 01-10, pages 806 through 808.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Jo-Ann Bowen at (208) 334-2873.

DATED this 29th day of October, 2001.

Leslie R. Goddard, Director
Idaho Human Rights Commission
1109 Main Street, Suite 400
P.O. Box 83720, Boise, Idaho 83720
(208) 334-2873 / fax: (208) 334-2664

IDAPA 45, TITLE 01, Chapter 01

RULES OF THE HUMAN RIGHTS 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 01-10, October 3, 2001, pages 806 through 808.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 Idaho State Legislature as a final rule.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY
58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO
DOCKET NO. 58-0101-0002
NOTICE OF RULEMAKING
PENDING RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The amendments to the temporary rule became effective October 19, 2001. This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2002 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second 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: The following is a concise explanatory statement of the reasons for adopting the pending rule and amending the 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 any change. This chapter is being repealed in its entirety.

In June 2001, the Board adopted a rule establishing the general operating equipment requirements for rock crushers. In August 2001, 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 01-8, August 1, 2001, pages 106 through 118. The DEQ received public comments on the proposal. The rulemaking record, which includes DEQ's response to comments, can be obtained by contacting the undersigned. Sections 201, 794, 796 and 799 have been revised; the remaining sections have been adopted as initially proposed. 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 Bill Rogers (208)373-0502 or wrogers@deq.state.id.us.

Dated this 22nd day of October, 2001.

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 1, 2001, pages 106 through 118.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 58-0101-0002

201. PERMIT TO CONSTRUCT REQUIRED.

No owner or operator may commence construction or modification of any stationary source, facility, major facility, or major modification without first obtaining a permit to construct from the Department which satisfies the requirements of Sections 200 through 223~~8~~ unless the source is exempted in any of Sections 220 through 223, ~~or~~ the owner or operator complies with Section 213 and obtains the required permit to construct, or the source operates in accordance with all of the applicable provisions of a permit by rule. ~~(6-15-01)T~~(10-19-01)T

(BREAK IN CONTINUITY OF SECTIONS)

THIS ENTIRE SECTION IS BEING REPRINTED

794. PERMIT REQUIREMENTS.

No owner or operator may commence construction, modification or operation of any source at a nonmetallic mineral processing plant without first obtaining a permit or complying with Sections 795 through 799. The owner or operator shall comply with the permitting requirements of Subsection 794.01 or Subsection 794.02 and the applicable portions of Subsection 794.03 and/or Subsection 794.04. (6-15-01)T

01. Permit By Rule. Owners and operators of nonmetallic mineral processing plants that meet all of the applicable requirements set forth in Sections 795 through 799 shall be deemed to have a permit by rule (PBR) and shall not be required to obtain a permit to construct under Sections 200 through 223~~8~~. ~~(6-15-01)T~~(10-19-01)T

02. Permit To Construct. Owners and operators of nonmetallic mineral processing plants that do not meet all of the requirements set forth in Sections 795 through 799, or that operate or intend to operate a nonmetallic mineral processing plant at a single site of operations for more than twelve (12) consecutive months, or that choose to construct and operate under specific permit requirements rather than the provisions of the permit by rule shall obtain a permit to construct pursuant to Sections 200 through 223~~8~~. An existing permit to construct shall be considered valid until the permit is modified, incorporated into a Tier II operating permit, or terminated by the Department. Existing permits to construct may be terminated by the Department by registering the source under the permit by rule provisions in accordance with Section 797 after June 15, 2001. ~~(6-15-01)T~~(10-19-01)T

03. Tier I Operating Permits. Owners and operators of nonmetallic mineral processing plants that are affected facilities subject to a requirement of the New Source Performance Standards (NSPS) in 40 CFR 60 are Tier I

sources as defined in Section 006. Tier I sources must comply with the applicable permitting requirements of Sections 300 through 38699. Sources that are not located at major facilities may request deferral in accordance with Subsection 301.02.b.iv. and Subsection 313.01.e. ~~(6-15-01)F~~(10-19-01)T

04. Tier II Operating Permits. Owners and operators of nonmetallic mineral processing plants that are required by the Department or choose to obtain a Tier II operating permit pursuant to Sections 400 through 40610 shall operate in accordance with the specific provisions of the Tier II operating permit until such time as the operating permit is terminated in writing by the Department. The Department may require owners and operators of nonmetallic mineral processing plants to obtain a Tier II operating permit whenever the Department determines that: ~~(6-15-01)F~~(10-19-01)T

a. Emission rate reductions are necessary to attain or maintain any ambient air quality standard or applicable prevention of significant deterioration (PSD) increment; or (6-15-01)T

b. Specific emissions standards, or requirements on operation or maintenance are necessary to ensure compliance with any applicable emission standard or rule. (6-15-01)T

(BREAK IN CONTINUITY OF SECTIONS)

SUBSECTION 796.01

796. APPLICABILITY.

01. Permit By Rule. Owners and operators of nonmetallic mineral processing plants shall be deemed to have a permit by rule if they comply with all of the applicable provisions of Sections 795 through 799. Nothing in Sections 795 through 799 shall preclude any owner or operator from obtaining a permit. Portable §sources that operate ~~in~~ or may be operated a single location or site of operations for more than twelve (12) consecutive months must obtain a permit to construct or a Tier II operating permit. ~~(6-15-01)F~~(10-19-01)T

(BREAK IN CONTINUITY OF SECTIONS)

SUBSECTION 799.01.a.

799. NONMETALLIC MINERAL PROCESSING PLANT FUGITIVE DUST BEST MANAGEMENT PRACTICE.

The owner or operator of a nonmetallic mineral processing plant shall use the Best Management Practices (BMP) contained in Section 799 to control the emissions of fugitive dust. Fugitive dust emissions shall be reasonably controlled as required by Sections 650 and 651. It shall be the responsibility of the owner or operator to reasonably control fugitive emissions at each site of operations but only for the duration of operations at each site under the control of the owner or operator. (6-15-01)T

01. Generally Applicable Requirements. All reasonable precautions shall be taken to prevent particulate matter from becoming airborne. The following requirements apply generally to this Fugitive Dust BMP. (6-15-01)T

a. Control strategy triggers. The owner or operator of a nonmetallic mineral processing plant shall ~~monitor~~ at all times be observant of all sources of fugitive dust emissions and monitor control strategies at least once per day when operating. When fugitive dust emissions are observed at any time to be exceeding any control strategy trigger specified in Subsections 799.02 through 799.06, that event shall trigger initiation of the prescribed control strategy or control strategies to control the fugitive dust emissions. ~~(6-15-01)F~~(10-19-01)T

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

DOCKET NO. 58-0101-0102

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2002 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second 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.

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 detailed summary of the reasons for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, Volume 01-01, January 3, 2001, pages 280 through 288. 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 its web site at www.state.id.us/deq.

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

Dated this 22nd day of October, 2001.

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 01-1, January 3, 2001, pages 280 through 288.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 Idaho State Legislature as a final rule.

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

DOCKET NO. 58-0101-0103

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2002 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second 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 39-128, Idaho Code. In addition, the this rulemaking updates citations to the federal regulations incorporated by reference as mandated by the U.S. Environmental Protection Agency (EPA) for approval of the state's Title V Operating Permit Program pursuant to 40 CFR Part 70 and fulfilling the requirements of Idaho's delegation agreement with EPA under Section 112(I) of the Clean Air Act.

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 detailed summary of the reasons for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, Volume 01-7, July 4, 2001, pages 156 through 164. The Department of Environmental Quality (DEQ) 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 its web site at www.state.id.us/deq.

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

Dated this 22nd day of October, 2001.

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 01-7, July 4, 2001, pages 156 through 164.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 Idaho State Legislature as a final rule.

**IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY
58.01.06 - SOLID WASTE MANAGEMENT RULES AND STANDARDS**

DOCKET NO. 58-0106-0101

NOTICE OF EXTENSION OF COMMENT PERIOD

AUTHORITY: In compliance with Sections 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized by Sections 39-105, 39-107 and 39-7408C, Idaho Code.

DESCRIPTIVE SUMMARY: The proposed rule was published in the Idaho Administrative Bulletin, Volume 01-7, July 4, 2001, pages 167 through 193. The Department of Environmental Quality (DEQ) has extended the comment period through December 26, 2001 to solicit additional public comment before presenting a final proposal to the Board of Environmental Quality in February 2002 for adoption of a pending rule. In addition to submitting written comment, the public can participate in the development of the final proposal by attending the December meeting of the Environmental Common Sense committee. For information regarding the meeting, and to obtain a copy of the version of the rule that will be up for discussion during the meeting, contact Dean Ehlert at (208)373-0502 or dehlert@deq.state.id.us.

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 rulemaking, contact Dean Ehlert at (208)373-0502 or dehlert@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 December 26, 2001.

DATED this 9th day of November, 2001.

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 - DEPARTMENT OF ENVIRONMENTAL QUALITY
58.01.08 - IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS

DOCKET NO. 58-0108-0102

NOTICE OF NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, and IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General," Sections 810 through 815, notice is hereby given that this agency intends to promulgate a rule and desires public participation. The negotiated rulemaking action is authorized by Section 39-105, Idaho Code. The formal rulemaking action is authorized by Chapter 1, Title 39, Idaho Code and Chapter 21, Title 37, Idaho Code. 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(b) through (d) 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.

MEETING SCHEDULE: Those interested in participating in the negotiated rulemaking process are encouraged to attend the following meeting. Additional meetings may be scheduled if necessary. For information regarding additional meetings, contact Tom John at (208)373-0502 or tjohn@deq.state.id.us.

January 23, 2002, from 10 a.m. to 2 p.m.
Department of Environmental Quality
Conference Room D
1410 N. Hilton, Boise, Idaho

PRELIMINARY DRAFT: A preliminary draft of the rule can be obtained by contacting Tom John at (208)373-0502 or tjohn@deq.state.id.us.

DESCRIPTIVE SUMMARY: Engineering standards dealing with design, construction, and operation of public water systems have not been systematically revisited since the mid-1980's. Advancing technologies and new national regulations have combined to make some portions of the rules increasingly dated and, in some instances, overly restrictive. This rulemaking is to update obsolete provisions, add flexibility where possible and appropriate, and clarify certain language that has presented interpretive difficulties in the past.

Additionally, a number of housekeeping changes are included in this rulemaking as a matter of convenience. These address spelling, punctuation, and syntax problems at various places in the rules. Certain dates of adoption for federal regulations, concerning disinfection by-products and enhanced filtration, have been updated to reflect technical corrections promulgated by the U.S. Environmental Protection Agency. Addresses and phone numbers of organizations referred to in the rules have been changed where necessary. In addition, provision is made for temporarily waiving continuing education requirements for certified operators who are called to active military service and are unable to comply.

The engineering standards apply to newly designed public water systems and to significant modifications proposed for existing public water systems. As such they affect consulting engineers, developers of new systems, and owners of new and existing systems. The housekeeping changes included in this rulemaking are for the benefit of all users of the rules and also serve to meet standards established by the Legislature and the Department of Administration.

At the conclusion of the negotiated rulemaking process, DEQ intends to publish a proposed rule for public comment. Using and taking into consideration public comment, DEQ will then present the rule to the Board of Environmental Quality for adoption of a pending rule in the fall of 2002.

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 questions concerning this rulemaking, contact Tom John at (208)373-0502 or tjohn@deq.state.id.us.

Anyone may submit written comments on the preliminary draft by mail, fax or e-mail to the address below. DEQ will consider all written comments received by the undersigned on or before December 26, 2001.

Dated this 22nd day of October, 2001.

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

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY
58.01.10 - RULES REGULATING THE DISPOSAL OF RADIOACTIVE MATERIALS NOT
REGULATED UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

DOCKET NO. 58-0110-0101

NOTICE OF RULEMAKING
PENDING RULE AND TEMPORARY RULE

EFFECTIVE DATE: The temporary rule became effective October 19, 2001. This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2002 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second 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 temporary and pending rule. The action is authorized by Sections 39-4405, Idaho Code.

DESCRIPTIVE SUMMARY: A detailed summary of the reasons for initiating this rulemaking is set forth in the Notice of Proposed Rulemaking published in the Idaho Administrative Bulletin, Volume 01-8, August 1, 2001, pages 171 through 175. The Department of Environmental Quality (DEQ) received public comments on the proposed rule. The rulemaking record, which includes DEQ's response to comments, can be obtained by contacting the undersigned. Sections 001, 004, 010 and 020 have been revised as allowed under Section 67-5227, Idaho Code. The remaining sections have been adopted as initially proposed. The text of the temporary rule, as adopted by the Board, is being published in its entirety following this notice.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate in that the rule is necessary to protect the public health, safety, and welfare.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary and pending rule, contact Dean Ehlert at (208)373-0502 or dehlert@deq.state.id.us.

Dated this 22nd day of October, 2001.

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 10

RULES REGULATING THE DISPOSAL OF RADIOACTIVE MATERIALS NOT
REGULATED UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

There are substantive changes from the proposed rule text.

This rule was previously published as a proposed rule and has now been adopted as a temporary rule. Pursuant to Section 67-5226(4), Idaho Code, the entire rule is being reprinted in the Bulletin following this notice.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 00-8, August 1, 2001, pages 171 through 175.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 Idaho State Legislature as a final rule.

The Following Is The Full Text Of The Temporary Rule And Includes Amendments Made To The Pending Rule Under Docket No. 58-0110-0101.

Additions Made To Pending Rule From The Original Proposed Text Are Shown In Italicized Text.

IDAPA 58
TITLE 01
Chapter 10

58.01.10 - RULES REGULATING THE DISPOSAL OF RADIOACTIVE MATERIALS NOT REGULATED UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

000. LEGAL AUTHORITY.

The Idaho Legislature has given the Board of Environmental Quality the authority to promulgate these rules pursuant to Section 39-4405, Idaho Code. *(10-19-01)T*

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as Rules of the Department of Environmental Quality, IDAPA 58.01.10, "Rules Regulating the Disposal of Radioactive Materials Not Regulated Under The Atomic Energy Act of 1954, As Amended." *(10-19-01)T*

02. Scope. These rules regulate the disposal of radioactive materials *not regulated under the Atomic Energy Act of 1954, As Amended*, at facilities *permitted* and subject to the requirements of the Idaho Hazardous Waste Management Act, Chapter 44, Title 39, Idaho Code, and the Idaho Hazardous Waste Facility Siting Act, Chapter 58, Title 39, Idaho Code. These rules do not regulate *NORM or TENORM waste* from the production of elemental phosphorus or from the production of phosphate fertilizers, which includes the production of *wet and purified* phosphoric acid. *These rules also place restrictions on disposal of certain radioactive materials at municipal solid waste landfills and identify other approved disposal options for radioactive materials.* *(10-19-01)T*

002. WRITTEN INTERPRETATIONS.

Any written statements pertaining to the interpretation of these rules shall be available for review at the Department of Environmental Quality, 1410 N. Hilton, Boise, ID 83706-1255. *(10-19-01)T*

003. ADMINISTRATIVE APPEALS.

Persons may be entitled to appeal agency actions authorized under this chapter pursuant to IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality". (10-19-01)T

004. INCORPORATION BY REFERENCE.

01. General. Unless expressly provided otherwise, any reference in these rules to any document identified in Subsection 004.02 shall constitute the full adoption by reference, including any notes and appendices therein. The term "documents" includes codes, standards or rules which have been adopted by an agency of the state or of the United States or by any nationally recognized organization or association. (10-19-01)T

02. Documents Incorporated By Reference. The following documents are incorporated by reference into these rules: (10-19-01)T

- a. 10 CFR 30.14 through 30.16, revised as of July 1, 2001. (10-19-01)T
- b. 10 CFR 30.18 through 30.21, revised as of July 1, 2001. (10-19-01)T
- c. 10 CFR 32.11, revised as of July 1, 2001. (10-19-01)T
- d. 10 CFR 32.18, revised as of July 1, 2001. (10-19-01)T
- e. 10 CFR 40.13, revised as of July 1, 2001. (10-19-01)T

03. Availability Of Referenced Material. Copies of the documents incorporated by reference into these rules are available at the following locations: (10-19-01)T

- a. Department of Environmental Quality, 1410 N. Hilton, Boise ID 83706-1255. (10-19-01)T
- b. Idaho State Law Library, 451 W. State Street, P.O. Box 83720, Boise ID 83720-0051. (10-19-01)T
- c. U.S. Government Printing Office, Superintendent of Documents, Washington, D.C. 20402, or U.S. Government Bookstore, Room 194 Federal Bldg., 915 Second Ave., Seattle, WA 98174. (10-19-01)T

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

The state office of the Department of Environmental Quality and the office of the Board of Environmental Quality are located at 1410 N. Hilton, Boise, Idaho 83706-1255, telephone number (208) 373-0502. The office hours are 8:00 a.m. to 5:00 p.m. Monday through Friday. (10-19-01)T

006. -- 009. (RESERVED).

010. DEFINITIONS.

01. Accelerator-Produced Radioactive Material. Any material made radioactive by exposing it to the radiation from a particle accelerator. (10-19-01)T

02. Board. The Idaho Board of Environmental Quality. (10-19-01)T

03. Byproduct Material. Byproduct Material means: (10-19-01)T

a. Any radioactive material (except special nuclear material) yielded in, or made radioactive by, exposure to the radiation incident to the process of producing or utilizing special nuclear material; and (10-19-01)T

b. The tailings or waste produced by the extraction or concentration of uranium or thorium from ore processed primarily for its source material content. (10-19-01)T

- 04. Department.** The Idaho Department of Environmental Quality. (10-19-01)T
- 05. Exempt Quantities And Concentrations Of Byproduct Materials.** Radioactive materials defined as byproduct by the U.S. Nuclear Regulatory Commission (10 CFR 30.14 through 30.16, 10 CFR 30.18 through 30.21, 10 CFR 32.11 and 10 CFR 32.18) in which the quantity and concentration of radionuclides are considered exempt from regulation. (10-19-01)T
- 06. Naturally Occurring Radioactive Material (NORM).** Any material containing natural radionuclides at natural background concentrations, where human intervention has not concentrated the naturally occurring radioactive material or altered its potential for causing human exposure. NORM does not include source, byproduct or special nuclear material licensed by the U.S. Nuclear Regulatory Commission under the Atomic Energy Act of 1954. (10-19-01)T
- 07. Operator.** Any person(s) currently responsible, or responsible at the time of disposal, for the overall operation of a hazardous waste treatment, storage or disposal facility or part of a hazardous waste treatment, storage or disposal site. (10-19-01)T
- 08. Owner.** Any person(s) who currently owns, or owned at the time of disposal, a hazardous waste treatment, storage or disposal facility or part of a hazardous waste treatment, storage or disposal site. (10-19-01)T
- 09. Person.** Any individual, association, partnership, firm, joint stock company, trust, political subdivision, public or private corporation, state or federal government department, agency, or instrumentality, municipality, industry, or any other legal entity which is recognized by law as the subject of rights and duties. (10-19-01)T
- 10. Radioactive Material.** Radioactive Material includes: (10-19-01)T
- a. Technologically Enhanced Naturally Occurring Radioactive Material; (10-19-01)T
 - b. Accelerator Produced Radioactive Material; (10-19-01)T
 - c. Exempt Quantities and Concentrations of Byproduct Materials; and (10-19-01)T
 - d. Unimportant Quantities of Source Material. (10-19-01)T
- 11. Reasonably Maximally Exposed Individual.** That individual or group of individuals who by reason of location has been determined, through the use of environmental transport modeling and dose calculation, to receive the highest total effective dose equivalent from radiation emitted from the site and/or radioactive material transported off-site. (10-19-01)T
- 12. Source Material.** Source material means: (10-19-01)T
- a. Uranium or thorium, or any combination thereof, in any physical or chemical form; or (10-19-01)T
 - b. Ores which contain by weight one-twentieth of one percent (0.05%) or more of: (10-19-01)T
 - i. Uranium; (10-19-01)T
 - ii. Thorium; or (10-19-01)T
 - iii. Any combination thereof. (10-19-01)T
 - c. Source material does not include special nuclear material. (10-19-01)T
- 13. Special Nuclear Material.** Special Nuclear Material means: (10-19-01)T

a. Plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the U.S. Nuclear Regulatory Commission determines to be special nuclear material. (10-19-01)T

b. Any material artificially enriched by any of the material listed in Subsection 010.12.a. (10-19-01)T

14. Technologically Enhanced Naturally Occurring Radioactive Material (TENORM). Any naturally occurring radioactive materials not subject to regulation under the Atomic Energy Act whose radionuclide concentrations or potential for human exposure have been increased above levels encountered in the natural state by human activities. TENORM does not include source, byproduct or special nuclear material licensed by the U.S. Nuclear Regulatory Commission under the Atomic Energy Act of 1954. *(10-19-01)T*

15. Unimportant Quantities Of Source Material. *Radioactive materials defined as unimportant quantities of source materials by the U.S. Nuclear Regulatory Commission (10 CFR 40.13). (10-19-01)T*

011. -- 019. (RESERVED).

020. RADIATION PROTECTION STANDARDS.

01. General Protection Standards.

a. All owners and operators shall conduct operations in a manner consistent with radiation protection standards contained in 10 CFR 20; (10-19-01)T

b. No owner or operator shall conduct operations, create, use or transfer radioactive materials in a manner such that any member of the public will receive an annual Total Effective Dose Equivalent (TEDE) in excess of one hundred (100) millirem per year (1 milliseivert/year); and (10-19-01)T

c. No person shall release radioactive materials for unrestricted use in such a manner that the reasonably maximally exposed individual will receive an annual TEDE in excess of fifteen (15) millirem per year (fifteen one-hundredths (0.15) milliseivert/year) excluding natural background. (10-19-01)T

02. Protection Of Workers During Operations. All owners and operators shall conduct operations in a manner consistent with radiation protection *standards for occupation workers* contained in 10 CFR 20. *(10-19-01)T*

03. Disposal Of Radioactive Material. No person, owner, or operator shall dispose of radioactive materials by any method other than: *(10-19-01)T*

a. At a permitted treatment, storage or disposal facility under the authority of the Idaho Hazardous Waste Management Act, Chapter 44, Title 39, Idaho Code, provided that the facility owner or operator complies with each of the following: *(10-19-01)T*

i. Department-approved waste acceptance criteria for radioactive material defined in Section 010; *(10-19-01)T*

ii. A Department-approved closure program that provides reasonable assurance that the radon emanation rate from the closed disposal unit will not exceed twenty (20) picocuries per square meter per second averaged across the entire area of the closed disposal unit and meets the requirements in Subsection 020.01.b.; and *(10-19-01)T*

iii. A Department-approved environmental monitoring program that monitors air, ground water, surface water and soil for radionuclides and ambient radiation levels in the environs of the facility and which demonstrates that no member of the general public is likely to exceed a radiation dose of one hundred (100) millirem (one (1) milliseivert) per year from operations conducted at the site. *(10-19-01)T*

b. By transferring wastes for disposal to a facility licensed under requirements for uranium or thorium byproduct materials in either 40 CFR 192 or 10 CFR 40 Appendix A; *(10-19-01)T*

c. By transferring wastes for disposal to a disposal facility licensed by the U.S. Nuclear Regulatory Commission, an agreement state, or a licensing state; or (10-19-01)T

d. In accordance with alternate methods authorized by the Department upon application or upon the Department's initiative, consistent with Section 020.01 and all applicable state statutes and regulations. (10-19-01)T

04. Prohibit Disposal At A Municipal Solid Waste Landfill. No person shall dispose of radioactive material *as defined in these rules* at a municipal solid waste landfill, except for individual consumer products containing radioactive material. (10-19-01)T

021. -- 029. (RESERVED).

030. RECORDS.

Records of disposal, including manifest, shall be maintained for three (3) years in accordance with 40 CFR 262.40 and 40 CFR 262.23. (10-19-01)T

031. -- 039. (RESERVED).

040. VIOLATIONS.

01. Failure To Comply. Failure by any person, owner, or operator to comply with the provisions of these rules shall be deemed a violation of these rules. (10-19-01)T

02. Falsification Of Statements And Records. It shall be a violation of these rules for any person, owner, or operator to knowingly make a false statement, representation, or certification in any document or record developed, maintained, or submitted pursuant to these rules. (10-19-01)T

03. Penalties. Any person violating any provision of these rules or order issued thereunder shall be liable for civil penalty in accordance with Chapter 44, Title 39, Idaho Code. (10-19-01)T

041. -- 999. (RESERVED).

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY
58.01.16 - RULES FOR NUTRIENT MANAGEMENT
DOCKET NO. 58-0116-0101 - (REPEAL OF CHAPTER)
NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This repeal of IDAPA 16.01.16, "Rules for Nutrient Management," has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2002 Idaho State Legislature for final approval. The repeal will become final and effective immediately upon the adjournment sine die of the Second 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 repealed a rule chapter. The action is authorized by Sections 39-105 and 39-107, Idaho Code.

DESCRIPTIVE SUMMARY: A detailed summary of the reasons for initiating this rulemaking is set forth in the initial proposal published in the Idaho Administrative Bulletin, Volume 01-9, September 5, 2001, page 216. The Department of Environmental Quality (DEQ) received no public comments on the proposal and the rule has been repealed 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 its web site at www.state.id.us/deq.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this rulemaking, contact the undersigned.

Dated this 22nd day of October, 2001.

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 16

RULES FOR NUTRIENT MANAGEMENT

IDAPA 58.01.16 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 01-9, September 5, 2001, page 216.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2002 Idaho State Legislature as a final rule.

Subjects Affected Index

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

02.04.17 - Rules Governing Dead Animal Movement And Disposal

Docket No. 02-0417-0101

010. Definitions.....	21
030. Disposal Of Dead Animals.	21
040. Movement Of Dead Animals.	22
050. Dead Animal Emergencies.....	22

02.06.33 - Organic Food Products Rules

Docket No. 02-0633-0101

000. Legal Authority.	24
001. Title And Scope.....	24
002. Written Interpretations.....	24
003. Administrative Appeal.....	24
004. Incorporation By Reference.....	24
005. Office – Office Hours – Mailing Address And Street Address.	24
006. Public Records Act Compliance.....	25
007. -- 009. (Reserved).....	25
010. Definitions.....	25
011. Findings.....	25
012. -- 099. (Reserved).....	26
100. Recertification.....	26
101. -- 199. (Reserved).....	26
200. Idaho Organic Certification Seal.....	26
201. -- 299. (Reserved).....	27
300. Registration And Certification - Fee Schedule.	27
301. -- 399. (Reserved).....	28
400. Penalty For Violation - Civil Penalty.	28
401. -- 999. (Reserved).....	28

IDAPA 06 - STATE BOARD OF CORRECTION

06.01.01 - Rules Of The Board Of Correction

Docket No. 06-0101-0103

010. Definitions.....	30
108. Idaho Public Records Act.....	33

IDAPA 08 - IDAHO STATE BOARD OF EDUCATION

08.02.02 - Rules Governing Uniformity

Docket No. 08-0202-0101

004. Incorporation By Reference.....	37
150. Transportation.	38
160. Maintenance Standards And Inspections.....	38
170. School Bus Drivers And Vehicle Operation.....	38
190. Program Operations.....	39

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.04 - Rules Governing The Food Stamp Program In Idaho

Docket No. 16-0304-0102

120. Household Interviews.....	57
255. Regaining Eligibility.	57
256. Three Additional Months Of Food Stamps After Regaining Eligibility.....	58

257. Exemptions From The ABAWD Work Requirement.....	58
613. Department Must Take Action On Changes.....	58
676. Persons Liable For Food Stamp Claims.....	58
777. Member Disqualified For Failure Or Refusal To Provide SSN, Child Support, Citizenship Or Alienage, And ABAWDS.....	59
16.05.06 - Rules Governing Mandatory Criminal History Checks	
Docket No. 16-0506-0102	
000. Legal Authority.....	63
004. Incorporation By Reference.....	63
010. Definitions And Abbreviations.....	63
015. Individuals Subject To Mandatory Criminal History Checks.....	64
016. Self-declaration.....	65
017. Timeframe For Self-declaration And Fingerprinting.....	65
018. Fees And Costs.....	65
019. Updating Criminal History Checks.....	65
030. Designated Crimes Resulting In An Unconditional Denial.....	66
031. Medicaid Exclusion.....	67
032. Conditional Denials.....	67
033. Exemption Reviews.....	67
034. Previous Denials.....	68
040. Criminal History Records.....	68
16.06.12 - Rules Governing The Idaho Child Care Program (Iccp)	
Docket No. 16-0612-0101	
004. Definitions.....	71
103. (Reserved).....	73
104. Family Composition.....	73
108. Qualifying Activities For Child Care.....	73
110. Interim Child Care Payment.....	74
202. Excluded Income.....	74
203. Self-employment Income.....	75
251. Health And Safety Requirements.....	76
252. Child Care Provider Agreement.....	76
258. -- 269. (Reserved).....	77
270. Allowable Child Care Costs.....	77
271. Reporting Requirements For Families.....	77
272. Reporting Requirements For Providers.....	77
273. -- 299. (Reserved).....	78
300. Calculating A Full Month's Income Using Actual And Projected Income.....	78
301. (Reserved).....	78
302. Converting Income Or Expenses To A Monthly Amount.....	78
303. -- 304. (Reserved).....	79
305. Amount Of Payment.....	79
308. Action On Changes.....	80
309. Redetermination.....	80
310. Complaint Procedure.....	80
311. (Reserved).....	80
312. Overpayments And Recovery.....	81
313. Intentional Program Violations (IPV).....	81
314. Penalties For An IPV.....	82
315. Underpayment.....	82
316. Funding Restrictions.....	82

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT**39.03.81 - Rules Governing Issuance Of Temporary Permits In Lieu Of Full Registration**

Docket No. 39-0381-0102

010. Definitions.....	105
200. Permit Requirements.....	105

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**58.01.01 - Rules For The Control Of Air Pollution In Idaho**

Docket No. 58-0101-0002

201. Permit To Construct Required.....	109
794. Permit Requirements.....	109
796. Applicability.....	110
799. Nonmetallic Mineral Processing Plant Fugitive Dust Best Management Practice.....	110

58.01.10 - Rules Regulating The Disposal Of Radioactive Materials Not Regulated Under The Atomic Energy Act Of 1954, As Amended

Docket No. 58-0110-0101

000. Legal Authority.....	117
001. Title And Scope.....	117
002. Written Interpretations.....	117
003. Administrative Appeals.....	118
004. Incorporation By Reference.....	118
005. Office -- Office Hours -- Mailing Address And Street Address.....	118
006. -- 009. (Reserved).....	118
010. Definitions.....	118
011. -- 019. (Reserved).....	120
020. Radiation Protection Standards.....	120
021. -- 029. (Reserved).....	121
030. Records.....	121
031. -- 039. (Reserved).....	121
040. Violations.....	121
041. -- 999. (Reserved).....	121

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

**FOR THE ABOVE LINK TO WORK YOU HAVE
TO BE CONNECTED TO THE INTERNET**

**This index tracks the history of all agency rulemakings from 1993 to the present.
It includes all rulemaking activities on each chapter of rules
and includes negotiated, temporary, proposed, pending
and final rules, public hearing notices
and vacated rulemaking notices.**

Subject Index

A

Accelerator-Produced Radioactive Material 118
Action On Changes, ICCP 80
Adult Relatives, Family Composition, ICCP 73
Allowable Child Care Costs, ICCP 77
Amount Of Payment, ICCP Payments 79
Annual Registration Fees, Organic Food Products Rules 27
Applicability, Nonmetallic Mineral Processing Plants 110
Archival Research 30
Attorney Of Record 30

B

BCI, IDAPA 16.05.06 63
Burial, Dead Animal Movement/ Disposal 21

C

Calculating A Full Month's Income Using Actual And Projected Income, ICCP 78
Caretaker 71
Case Management File 30
Child Care Provider Agreement, ICCP 76
Child Support Income 71
Child(ren) 71
Conditional Denials, Criminal History Checks 67
Confidential Mail 30
Contact Visiting 30
Contraband 30
Contractor 30
Converting Income Or Expenses To A Monthly Amount, ICCP 78
County Jail 30
Criminal History Check, IDAPA 16.05.06 63
Criminal History Records 68
Custodian of Records 33

D

Dead Animal Emergencies 22
Dead Animals On Federally Managed Land, Dead Animal Movement/ Disposal 21
Deadlines For Applications Of Certification, Organic Food Products Rules 27

Deadlines For Applications Of Registration, Organic Food Products Rules 27
Decomposition, Dead Animal Movement/Disposal 22
Definitions And Abbreviations, IDAPA 16.05.06, Rules Governing Mandatory Criminal History Checks 63
Definitions, IDAPA 02.06.33, Organic Food Products Rules 25
Definitions, IDAPA 06.01.01, Rules Of The Board Of Correction 30
Definitions, IDAPA 16.06.12 71
Definitions, IDAPA 39.03.81, Rules Governing Issuance Of Intransit Permits 105
Definitions, IDAPA 58.01.10, Rules Regulating The Disposal Of Radioactive Materials Not Regulated Under The Atomic Energy Act Of 1954, As Amended 118
Definitions, Rules Governing Dead Animal Movement And Disposal 21
Department Individuals, Individuals Subject To Mandatory Criminal History Checks 64
Department Must Take Action On Changes 58
Designated Crimes Resulting In An Unconditional Denial, Criminal History Checks 66
Designated Crimes, Resulting In An Unconditional Denial, Criminal History Checks 66
Designated Seven-Year Crimes, Designated Crimes Resulting In An Unconditional Denial, Criminal History Checks 67
Determination Of Time For Update, Updating Criminal History Checks 65
Disposal Of Dead Animals 21
Disposal Of Radioactive Material, Radiation Protection Standards 120
Disqualification After Review, Exemption Reviews, Criminal History Checks 68
Division 30

E

EMS, IDAPA 16.05.06 63
Earned Income 71

Eligibility, Recertification, Organic Food Products Rules 26
Employment 71
Excluded Income, ICCP 74
Execution 31
Exempt Quantities And Concentrations Of Byproduct Materials 119
Exemption Reviews, Criminal History Checks 67
Exemptions From The ABAWD Work Requirement 58

F

FNS ABAWD Waiver, Exemptions From The ABAWD Work Requirement 58
Facility 31
Factors To Be Considered, Exemption Reviews, Criminal History Checks 68
Falsification Of Statements And Records, Rules Regulating The Disposal Of Radioactive Materials Not Regulated Under The Atomic Energy Act Of 1954, As Amended 121
Family Composition, ICCP 73
Family Member Not Payable, ICCP 77
Fees And Costs, Individuals Subject To Mandatory Criminal History Checks 65
Field Memoranda 31
First Available Location, Issuance Of Intransit Permits 105
First Offense, IPV 82
Fluctuating Income, Calculating A Full Month's Income Using Actual And Projected Income, ICCP 78
Foster Care 71
Foster Child 71
Fraud 71
Full Month's Income Expected From An Ongoing Source, Calculating A Full Month's Income Using Actual And Projected Income, ICCP 78
Full Month's Income Not Expected From An Ongoing Source, Calculating A Full Month's Income Using Actual And Projected Income, ICCP 78

G

General Mail 31

Generally Applicable Requirements,
Nonmetallic Mineral Processing
Plant Fugitive Dust Best
Management Practice 110
Graduated Gross Sales Fee Schedule,
Organic Food Products Rules 28

H

Health And Safety Requirements, ICCP
Providers Must Submit A Written
Statement Of Compliance 76
Household Interviews, Food Stamp
Program 57

I

Idaho Organic Certification Seal,
Organic Food Products Rules 26
Idaho Public Records Act 33
In Loco Parentis 71
Income From Terminated Source,
Calculating A Full Month's Income
Using Actual And Projected Income,
ICCP 78
Income Paid As Salary, Calculating A
Full Month's Income Using Actual
And Projected Income, ICCP 78
Increased Registered Weight
Temporary Permit 105
Individuals Subject To Mandatory
Criminal History Checks 64
Inmate 31
Inmate Visitor 31
Inspection Fees, Organic Food Products
Rules 27
Intentional Program Violations (IPV),
ICCP 81
Interim Child Care Payment, ICCP 74

J

Job Training And Education
Program 71

L

Legal Assistant 31
Licensed Vehicle 105
Literature 31
Local Market Rate For Child Care 71

M

Maintenance Standards And
Inspections, School Buses 38
Married Spouses, Family Composition,
ICCP 73
Mediation 71

Medicaid Exclusion, Criminal History
Checks 67
Member Disqualified For Failure Or
Refusal To Provide SSN, Child
Support, Citizenship Or Alienage,
And ABAWDS 59
Minor Parent 72
Movement Of Dead Animals 22

N

Naturally Occurring Radioactive
Material (NORM) 119
New Criminal History Check 65
Non-Recurring Lump Sum Income 72
Non-Related Caretaker 72
Non-Related Caretaker, Family
Composition, ICCP 73
Non-contact Visiting 31
Nonmetallic Mineral Processing Plant
Fugitive Dust Best Management
Practice 110

O

Obscene 31
Offender 32
One Hundred Twenty Hour Temporary
Permit 105
Other Individuals, Individuals Subject
To Mandatory Criminal History
Checks 64
Overpayments And Recovery,
ICCP 81

P

Parole Commission 32
Parolee 32
Participate In JSAP 57
Payment For Employment, Seeking
Employment, Training, Education,
Or Preventive Service Hours,
ICCP 77

Penalties For An IPV 82
Penological Interests 32
Permit Denial, Permit Requirements,
Intransit Permits 106
Permit Requirements, Intransit
Permits 105
Permit Requirements, Nonmetallic
Mineral Processing Plant 109
Permit To Construct Required, Air
Pollution Control 109
Permit by Rule, Applicability,
Nonmetallic Mineral Processing

Plants 110
Permit by Rule, Permit Requirements,
Nonmetallic Mineral Processing
Plant 109
Permit to Construct, Permit
Requirements, Nonmetallic Mineral
Processing Plant 109
Persons Liable For Food Stamp
Claims 58
Photo Identification 32
Post Order 32
Previous Denials, Criminal History
Checks 68
Probationer 32
Program Operations, School
Transportation System 39
Prohibit Disposal At A Municipal Solid
Waste Landfill, Radiation Protection
Standards 121
Proof Of Ownership, Permit
Requirements, Intransit Permits 105
Proof, Inform Household Of Proof Of
Changes Required 58
Prospective Income 72
Protection Of Workers During
Operations, Radiation Protection
Standards 120
Provider Living At Same Address,
Allowable Child Care Costs,
ICCP 77
Public Information Officer 32
Purchase Of Multiple Permits, Permit
Requirements, Intransit Permits 106

Q

Qualifying Activities For Child Care,
ICCP 73

R

Radiation Protection Standards 120
Radioactive Material, Rules Regulating
The Disposal Of Radioactive
Materials Not Regulated Under
Th 119
Reasonably Maximally Exposed
Individual 119
Recertification, Organic Food Products
Rules 26
Records Exempt From Disclosure 33
Records, Radiation Protection
Standards 121
Redetermination, ICCP 80
Regaining Eligibility 57

Registration And Certification - Fee
Schedule, Organic Food Products
Rules 27
Release Of Criminal History
Checks 68
Reporting Requirements For Providers,
ICCP 77
Reporting Requirements, Families
Applying For/Receiving Child Care
Benefits 77
Request For Approval, Recertification,
Organic Food Products Rules 26
Research Activities 32
Research On Human Subjects 32

S

S/UR's, IDAPA 16.05.06 64
Safety, School Buses 38
Satisfactory Progress 72
Scheduling An Exemption Review,
Exemption Reviews, Criminal
History Checks 68
School Bus Drivers And Vehicle
Operation 38
Seasonal Income, Calculating A Full
Month's Income Using Actual And
Projected Income, ICCP 78
Second Offense, IPV 82
Self-Declaration, Individuals Subject
To Mandatory Criminal History
Checks 65
Self-Employment Income, ICCP 75
Situations Requiring Extraordinary
Disposal Measures, Dead Animal
Movement/Disposal 22
Special Needs 72
Step-Parent 72

T

Tax Dependents, Family Composition,
ICCP 73
Technologically Enhanced Naturally
Occurring Radioactive Material
(TENORM) 120
Third Offense, IPV 82
Three Additional Months Of Food
Stamps After Regaining
Eligibility 58
Tier I Operating Permits, Permit
Requirements, Nonmetallic Mineral
Processing Plant 109
Tier II Operating Permits, Permit
Requirements, Nonmetallic Mineral

Processing Plant 110
Timeframe For Self-Declaration And
Fingerprinting, Individuals Subject
To Mandatory Criminal History
Checks 65
Tobacco Products 32
Transportation, School Bus
Standards 38

U

Unconditional Denial, Designated
Crimes Resulting In An
Unconditional Denial, Criminal
History Check 66
Underpayment, ICCP 82
Unearned Income 72
Unimportant Quantities Of Source
Material 120
Unmarried Parents, Family
Composition, ICCP 73
Unsafe Vehicle, School Buses 38
Updating Criminal History Checks 65
Use And Dissemination Restrictions For
FBI Criminal Identification Records,
Criminal History Checks 69
Use Of Criminal History Check Within
One Year Of Completion 65

V

Vehicles 22
Vehicles Used For Transporting Dead
Animals, Dead Animal Movement/
Disposal 22
Vendor 33
Vendor, Issuance Of Intransit
Permits 105
Violation Of Permit, Permit
Requirements, Intransit Permits 106
Violations, Rules Regulating The
Disposal Of Radioactive Materials
Not Regulated Under The Atomic
Energy Act Of 1954, As
Amended 121
Visiting Staff 33
Visitor 33
Volunteer 33

W

Weight Of Vehicle, Permit
Requirements, Intransit Permits 106
Work Eighty (80) Hours 57
Work Site 33