

# IDAHO ADMINISTRATIVE BULLETIN

## Table of Contents

January 2, 2002 -- Volume 02-1

<b>TABLE OF CONTENTS</b> .....	1
<b>PREFACE</b> .....	9
<b><u>THE OFFICE OF THE GOVERNOR</u></b>	
EXECUTIVE ORDER NO. 2001-17	
Reduction Of General Fund Spending Authority .....	18
<b><u>IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE</u></b>	
<b>02.02.12 - BONDED WAREHOUSE RULES</b>	
Docket No. <b>02-0212-0101</b>	
Notice Of Rulemaking - Pending Rule.....	19
<b>02.02.13 - COMMODITY DEALERS' RULES</b>	
Docket No. <b>02-0213-0101</b>	
Notice Of Rulemaking - Pending Rule.....	20
<b>02.03.02 - SOIL AND PLANT AMENDMENT RULES</b>	
Docket No. <b>02-0302-0101</b> (Repeal Of Chapter)	
Notice Of Rulemaking - Pending Rule.....	21
<b>02.04.16 - RULES GOVERNING AGRICULTURE ODOR MANAGEMENT</b>	
Docket No. <b>02-0416-0101</b>	
Pending Rule And Amendment To Temporary Rule .....	22
<b>02.04.18 - RULES GOVERNING CAFO SITE ADVISORY TEAM</b>	
Docket No. <b>02-0418-0101</b>	
Pending Rule And Amendment To Temporary Rule .....	25
<b>02.06.09 - IDAHO QUARANTINE RULES CONCERNING THE NECROTIC STRAIN OF THE POTATO VIRUS Y</b>	
Docket No. <b>02-0609-0201</b> (Repeal Of Chapter)	
Notice Of Temporary And Proposed Rulemaking .....	28
<b>02.06.26 - RULES CREATING THE FREMONT SEED POTATO CROP MANAGEMENT AREA</b>	
Docket No. <b>02-0626-0201</b> (Repeal Of Chapter)	
Notice Of Temporary And Proposed Rulemaking .....	29
<b>02.06.26 - RULES CONCERNING SEED POTATO CROP MANAGEMENT AREAS</b>	
Docket No. <b>02-0626-0202</b>	
Notice Of Temporary And Proposed Rulemaking .....	30

<b>02.06.27 - RULES CREATING THE TETON AND PORTIONS OF MADISON COUNTIES SEED POTATO CROP MANAGEMENT AREA</b>	
Docket No. <b>02-0627-0201</b> (Repeal Of Chapter)	
Notice Of Temporary And Proposed Rulemaking .....	37
<b>02.06.28 - RULES CREATING THE LOST RIVER SEED POTATO CROP MANAGEMENT AREA</b>	
Docket No. <b>02-0628-0201</b> (Repeal Of Chapter)	
Notice Of Temporary And Proposed Rulemaking .....	38
<b>02.06.37 - RULES CREATING THE CARIBOU COUNTY AND THAT PORTION OF FRANKLIN COUNTY INCLUDED IN SCHOOL DISTRICT NO. 148 SEED POTATO CROP MANAGEMENT AREA</b>	
Docket No. <b>02-0637-0201</b> (Repeal Of Chapter)	
Notice Of Temporary And Proposed Rulemaking .....	39
<b>02.06.41 - RULES PERTAINING TO THE SOIL AND PLANT AMENDMENT ACT OF 2001</b>	
Docket No. <b>02-0641-0101</b>	
Notice Of Rulemaking - Pending Rule.....	40
<b><u>IDAPA 07 - DIVISION OF BUILDING SAFETY</u></b>	
<b>07.01.04 - RULES GOVERNING ELECTRICAL SPECIALTY LICENSING</b>	
Docket No. <b>07-0104-0102</b>	
Notice Of Vacation Of Rulemaking .....	42
<b>07.01.07 - RULES GOVERNING CONTINUING EDUCATION REQUIREMENTS</b>	
Docket No. <b>07-0107-0101</b>	
Notice Of Rulemaking - Pending Rule.....	43
<b>07.03.12 - RULES GOVERNING MANUFACTURED HOME INSTALLATIONS</b>	
Docket No. <b>07-0312-0101</b>	
Notice Of Rulemaking - Pending Rule.....	44
<b><u>IDAPA 08 - IDAHO STATE BOARD OF EDUCATION</u></b>	
<b>08.01.05 - STATE OF IDAHO SCHOLARSHIP PROGRAM</b>	
Docket No. <b>08-0105-0101</b> (Repeal Of Chapter)	
Notice Of Rulemaking - Pending Rule.....	45
<b>08.01.05 - IDAHO PROMISE SCHOLARSHIP PROGRAM</b>	
Docket No. <b>08-0105-0102</b> (Rewrite Of Chapter)	
Notice Of Rulemaking - Pending Rule.....	46
<b>08.01.12 - THE IDAHO MINORITY AND AT-RISK STUDENT SCHOLARSHIP PROGRAM</b>	
Docket No. <b>08-0112-0101</b>	
Notice Of Rulemaking - Pending Rule.....	49
<b>08.02.03 - RULES GOVERNING THOROUGHNESS</b>	
Docket No. <b>08-0203-0101</b>	
Notice Of Rulemaking - Pending Rule.....	52

Docket No. <b>08-0203-0102</b> Notice Of Rulemaking - Pending Rule.....	96
<b><u>IDAPA 09 - IDAHO DEPARTMENT OF LABOR</u></b>	
<b>09.01.35 - RULES OF THE EMPLOYER ACCOUNTS BUREAU</b>	
Docket No. <b>09-0135-0104</b> Notice Of Rulemaking - Pending Rule.....	101
Docket No. <b>09-0135-0105</b> Notice Of Rulemaking - Pending Rule.....	102
<b>09.01.60 - COMPLAINT PROCEDURES UNDER THE WORKFORCE INVESTMENT ACT</b>	
Docket No. <b>09-0160-0101</b> Notice Of Rulemaking - Pending Rule.....	103
<b><u>IDAPA 12 - DEPARTMENT OF FINANCE</u></b>	
<b>12.01.03 - RULES PURSUANT TO THE IDAHO COLLECTION AGENCY LAW</b>	
Docket No. <b>12-0103-0101</b> (Repeal Of Chapter) Notice Of Rulemaking - Pending Rule.....	104
<b>12.01.08 - RULES PURSUANT TO THE IDAHO SECURITIES ACT</b>	
Docket No. <b>12-0108-0101</b> Notice Of Rulemaking - Pending Fee Rule.....	105
<b><u>IDAPA 13 - IDAHO FISH AND GAME COMMISSION</u></b>	
<b>13.01.04 - RULES GOVERNING LICENSING</b>	
Docket No. <b>13-0104-0101</b> Notice Of Rulemaking - Pending Rule.....	106
<b>13.01.08 - RULES GOVERNING THE TAKING OF BIG GAME ANIMALS IN THE STATE OF IDAHO</b>	
Docket No. <b>13-0108-0101</b> Notice Of Rulemaking - Pending Rule.....	107
<b>13.01.09 - RULES GOVERNING THE TAKING OF GAME BIRDS IN THE STATE OF IDAHO</b>	
Docket No. <b>13-0109-0101</b> Notice Of Rulemaking - Pending Rule.....	108
<b>13.01.17 - RULES GOVERNING THE USE OF BAIT FOR TAKING BIG GAME ANIMALS</b>	
Docket No. <b>13-0117-0101</b> Notice Of Rulemaking - Pending Rule.....	109
<b><u>IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE</u></b>	
<b>16.02.08 - VITAL STATISTICS RULES</b>	
Docket No. <b>16-0208-0101</b> Notice Of Rulemaking - Pending Fee Rule.....	110
<b>16.02.14 - RULES GOVERNING CONSTRUCTION AND OPERATION</b>	

OF PUBLIC SWIMMING POOLS IN IDAHO	
Docket No. <b>16-0214-0101</b>	
Notice Of Rulemaking - Pending Rule.....	111
<b>16.03.08 - RULES GOVERNING TEMPORARY ASSISTANCE FOR FAMILIES IN IDAHO (TAFI)</b>	
Docket No. <b>16-0308-0102</b>	
Notice Of Rulemaking - Pending Rule.....	112
<b>16.03.09 - RULES GOVERNING THE MEDICAL ASSISTANCE PROGRAM</b>	
Docket No. <b>16-0309-0107</b>	
Notice Of Rulemaking - Pending Rule.....	113
Docket No. <b>16-0309-0108</b>	
Notice Of Rulemaking - Pending Rule.....	114
Docket No. <b>16-0309-0109</b>	
Notice Of Rulemaking - Pending Rule.....	115
Docket No. <b>16-0309-0110</b>	
Pending Rule And Amendment To Temporary Rule .....	129
Docket No. <b>16-0309-0112</b>	
Notice Of Rulemaking - Pending Rule.....	133
Docket No. <b>16-0309-0113</b>	
Notice Of Rulemaking - Pending Rule.....	134
Docket No. <b>16-0309-0114</b>	
Notice Of Rulemaking - Pending Rule.....	135
Docket No. <b>16-0309-0201</b>	
Notice Of Temporary And Proposed Rulemaking .....	136
<b>16.03.10 - RULES GOVERNING MEDICAID PROVIDER REIMBURSEMENT IN IDAHO</b>	
Docket No. <b>16-0310-0102</b>	
Notice Of Rulemaking - Pending Rule.....	139
<b>16.05.06 - RULES GOVERNING MANDATORY CRIMINAL HISTORY CHECKS</b>	
Docket No. <b>16-0506-0201</b>	
Notice Of Temporary And Proposed Rulemaking .....	140
<b>16.06.02 - RULES GOVERNING STANDARDS FOR CHILD CARE LICENSING</b>	
Docket No. <b>16-0602-0101</b>	
Notice Of Rulemaking - Pending Rule.....	142
<b><u>IDAPA 17 - INDUSTRIAL COMMISSION</u></b>	
<b>17.06.02 - BOILER AND PRESSURE VESSEL SAFETY RULES - ADMINISTRATION</b>	
Docket No. <b>17-0602-0101</b>	
Notice Of Rulemaking - Pending Rule.....	143

<b>17.07.01 - SAFETY RULES FOR ELEVATORS, ESCALATORS AND MOVING WALKS</b> Docket No. <b>17-0701-0101</b> Notice Of Rulemaking - Pending Rule.....	144
<b><u>IDAPA 20 - DEPARTMENT OF LANDS</u></b>	
<b>20.03.14 - GRAZING LEASES AND CROPLAND LEASES</b> Docket No. <b>20-0314-0101</b> Notice Of Rulemaking - Pending Fee Rule.....	145
<b><u>IDAPA 22 - BOARD OF MEDICINE</u></b>	
<b>22.01.03 - RULES FOR THE LICENSURE OF PHYSICIAN ASSISTANTS</b> Docket No. <b>22-0103-0101</b> Notice Of Rulemaking - Pending Rule.....	146
<b>22.01.05 - RULES FOR REGISTRATION OF PHYSICAL THERAPISTS             AND PHYSICAL THERAPIST ASSISTANTS</b> Docket No. <b>22-0105-0101</b> (Repeal Of Chapter) Notice Of Rulemaking - Pending Rule.....	147
Docket No. <b>22-0105-0102</b> (Rewrite Of Chapter) Notice Of Rulemaking - Pending Fee Rule.....	148
<b>22.01.14 - RULES RELATING TO COMPLAINT INVESTIGATION</b> Docket No. <b>22-0114-0101</b> Notice Of Rulemaking - Pending Rule.....	149
<b><u>IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES</u></b>	
<b>24.12.01 - RULES OF THE IDAHO STATE BOARD OF PSYCHOLOGIST EXAMINERS</b> Docket No. <b>24-1201-0101</b> Notice Of Rulemaking - Pending Rule.....	150
<b>24.15.01 - RULES OF THE IDAHO LICENSING BOARD OF PROFESSIONAL COUNSELORS             AND MARRIAGE AND FAMILY THERAPISTS</b> Docket No. <b>24-1501-0101</b> Pending Rule And Amendment To Temporary Fee Rule .....	151
<b><u>IDAPA 25 - OUTFITTERS AND GUIDES LICENSING BOARD</u></b>	
<b>25.01.01 - RULES OF THE OUTFITTERS AND GUIDES LICENSING BOARD</b> Docket No. <b>25-0101-0101</b> Notice Of Rulemaking - Pending Rule.....	154
<b><u>IDAPA 26 - IDAHO DEPARTMENT OF PARKS AND RECREATION</u></b>	
<b>26.01.30 - SAFE BOATING RULES</b> Docket No. <b>26-0130-0101</b> Notice Of Rulemaking - Pending Rule.....	156
<b><u>IDAPA 29 - IDAHO POTATO COMMISSION RULES</u></b>	
<b>29.01.02 - RULES GOVERNING PAYMENT OF ADVERTISING TAX AND USAGE             OF FEDERALLY REGISTERED TRADEMARKS</b>	

Docket No. **29-0102-0101**  
Notice Of Rulemaking - Pending Rule..... 157

**IDAPA 34 - SECRETARY OF STATE****34.05.06 - RULES GOVERNING LIEN FILINGS UNDER THE UCC**

Docket No. **34-0506-0101**  
Notice Of Rulemaking - Pending Rule..... 160

**IDAPA 35 - STATE TAX COMMISSION****35.01.00 - NOTICE OF RULEMAKING ACTION AFFECTING THE ADMINISTRATIVE  
RULES OF THE IDAHO STATE TAX COMMISSION**

Docket No. **35-0100-0101**  
Notice Of Rulemaking - Pending Rules ..... 161

**35.01.01 - INCOME TAX ADMINISTRATIVE RULES**

Docket No. **35-0101-0101**  
Notice Of Rulemaking - Pending Rules ..... 162

**35.01.02 - IDAHO SALES AND USE TAX ADMINISTRATIVE RULES**

Docket No. **35-0102-0101**  
Notice Of Rulemaking - Pending Rules ..... 164

Docket No. **35-0102-0102**  
Notice Of Rulemaking - Pending Rules ..... 165

**35.01.03 - PROPERTY TAX ADMINISTRATIVE RULES**

Docket No. **35-0103-0102**  
Notice Of Rulemaking - Pending Rules ..... 166

Docket No. **35-0103-0103**  
Notice Of Rulemaking - Pending Rule..... 168

Docket No. **35-0103-0104**  
Notice Of Rulemaking - Pending Rules ..... 169

Docket No. **35-0103-0105**  
Notice Of Rulemaking - Pending Rules ..... 171

**35.01.05 - MOTOR FUELS TAX ADMINISTRATIVE RULES**

Docket No. **35-0105-0101**  
Notice Of Rulemaking - Pending Rules ..... 172

**35.01.08 - IDAHO MINE LICENSE TAX ADMINISTRATIVE RULES**

Docket No. **35-0108-0101**  
Notice Of Rulemaking - Pending Rules ..... 173

**35.01.09 - IDAHO COUNTY KITCHEN AND TABLE WINE TAX ADMINISTRATIVE RULES**

Docket No. **35-0109-0101**

Notice Of Rulemaking - Pending Rules .....	174
<b>35.01.12 - IDAHO BEER TAX ADMINISTRATIVE RULES</b>	
Docket No. <b>35-0112-0101</b>	
Notice Of Rulemaking - Pending Rules .....	175
<b>35.02.01 - TAX COMMISSION ADMINISTRATION AND ENFORCEMENT RULES</b>	
Docket No. <b>35-0201-0101</b>	
Notice Of Rulemaking - Pending Rules .....	176
<b><u>IDAPA 37 - DEPARTMENT OF WATER RESOURCES</u></b>	
<b>37.02.01 - COMPREHENSIVE STATE WATER PLAN RULES</b>	
Docket No. <b>37-0201-0101</b>	
Notice Of Rulemaking - Pending Rule.....	177
<b><u>IDAPA 48 - DEPARTMENT OF COMMERCE</u></b>	
<b>48.01.04 - IDAHO GEM COUNTY COMMUNITY IMPLEMENTATION         GRANT PROGRAM (GCI)</b>	
Docket No. <b>48-0104-0101</b>	
Notice Of Rulemaking - Pending Rule.....	178
<b>48.01.05 - IDAHO RURAL COMMUNITY BLOCK GRANT PROGRAM (RCBG)</b>	
Docket No. <b>48-0105-0101</b>	
Notice Of Rulemaking - Pending Rule.....	179
<b><u>IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY</u></b>	
<b>58.01.00 - NON-SUBSTANTIVE CHANGES AFFECTING ADMINISTRATIVE RULES         OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY</b>	
Docket No. <b>58-0100-0002</b>	
Notice Of Temporary Rulemaking.....	180
<b>58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO</b>	
Docket No. <b>58-0101-0101</b>	
Pending Fee Rule And Amendment To Temporary Rule .....	199
Docket No. <b>58-0101-0104</b>	
Notice Of Rulemaking - Pending Fee Rule.....	201
<b>58.01.02 - WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIREMENTS</b>	
Docket No. <b>58-0102-0101</b>	
Pending Rule And Temporary Rule .....	206
Docket No. <b>58-0102-0102</b>	
Notice Of Rulemaking - Pending Rule.....	210
Docket No. <b>58-0102-0103</b>	
Notice Of Rulemaking - Pending Rule.....	212

Docket No. <b>58-0102-0201</b> Notice Of Negotiated Rulemaking .....	225
<b>58.01.05 - RULES AND STANDARDS FOR HAZARDOUS WASTE</b> Docket No. <b>58-0105-0101</b> Notice Of Rulemaking - Pending Rule.....	227
<b>58.01.08 - IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS</b> Docket No. <b>58-0108-0101</b> Notice Of Rulemaking - Pending Rule.....	228
<b>58.01.14 - RULES FOR ADMINISTRATION ON AGRICULTURAL WATER QUALITY PROGRAM</b> Docket No. <b>58-0114-0101</b> - (Repeal Of Chapter) Notice Of Rulemaking - Pending Rule.....	229
<b>58.01.23 - RULES OF ADMINISTRATIVE PROCEDURE BEFORE THE BOARD OF ENVIRONMENTAL QUALITY</b> Docket No. <b>58-0123-0001</b> Notice Of Temporary Rulemaking .....	230
<b>SUBJECTS AFFECTED INDEX</b> .....	257
<b>BULLETIN SUMMARY OF PROPOSED RULEMAKINGS</b> .....	268
<b>COMPREHENSIVE QUARTERLY INDEX - FIRST QUARTER 2002 CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES</b> .....	270
<b>SUBJECT INDEX</b> .....	400

# Preface

*The Idaho Administrative Bulletin is published once each month by the Department of Administration, Office of the Administrative Rules Coordinator, pursuant to Section 67-5203, Idaho Code. The Bulletin is a compilation of all administrative rulemaking documents in Idaho. The Bulletin publishes the official text notice and full text of such actions.*

*State agencies are required to provide public notice of rulemaking activity and invite public input. The public receives notice of a rulemaking activity through the Idaho Administrative Bulletin and the Legal Notice published monthly in local newspapers. The Legal Notice provides reasonable opportunity for public input, either oral or written, which may be presented to the agency within the time and manner specified in the Legal Notice. After the comment period closes, the agency considers fully all information submitted in regard to the rule. Comment periods are not provided in temporary or final rulemaking activities.*

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

*The Bulletin is cited by year and issue number. For example, Bulletin 00-1 refers to the first Bulletin issued in calendar year 2000, Bulletin 01-1 refers to the first Bulletin issued in calendar year 2001, etc. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. 1 refers to January; Volume No. 2 refers to February; and so forth. Example: The Bulletin published in January of 2001 is cited as Volume 01-1, the December 1999 Bulletin is cited as Volume 99-12. The March 2000 Bulletin is cited as Volume 00-3.*

## **RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE**

*The **Idaho Administrative Code** is published once a year and is a compilation or supplemental compilation of all final and enforceable administrative rules in effect in Idaho. In an effort to provide the reader with current, enforceable rules, temporary rules are also published in the Administrative Code. Temporary rules and final rules that have been adopted and approved by the legislature during the legislative session, and published in the monthly Idaho Administrative Bulletin, supplement the Administrative Code. Negotiated, proposed, and pending rules are **not** printed in the Administrative Code and are published only in the Bulletin.*

*To determine if a particular rule remains in effect, or to determine if a change has occurred, the reader should refer to the **Cumulative Index of Administrative Rulemaking**, printed in each Bulletin.*

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

*The state of Idaho administrative rulemaking process comprises five distinct activities; Negotiated, Proposed, Temporary, Pending, and Final rulemaking. Not all rulemakings consist of 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 to proceed through this informal rulemaking whenever it is feasible to do so. Publication of the text in the Administrative Bulletin by the agency is optional. This process should lead the rulemaking to the temporary and/or proposed rule stage.*

### **PROPOSED 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.*

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

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

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

### **PENDING RULEMAKING**

*A pending rule is a rule that has been adopted by an agency under the regular rulemaking process and remains subject to legislative review before it becomes a final, enforceable rule.*

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

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

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

### **FINAL RULEMAKING**

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

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

### **AVAILABILITY OF THE ADMINISTRATIVE CODE AND BULLETIN**

*The Idaho Administrative Code and all monthly Bulletins are available for viewing and use by the public in all 44 county law libraries, state university and college and community college libraries, the state law library, the state library, the Public Libraries in Boise, Pocatello, Idaho Falls and Twin Falls, the Lewiston City Library, East Bonner County Library, Eastern Idaho Technical College Library, Ricks College Library, and Northwest Nazarene College Library.*

---

## SUBSCRIPTIONS AND DISTRIBUTION

For subscription information and costs of publications, please contact the Department of Administration, Office of the Administrative Rules Coordinator, 650 W. State Street, Room 100, Boise, Idaho 83720-0306, telephone (208) 332-1820.

*The Administrative Bulletin* is an official monthly publication of the State of Idaho. Yearly subscriptions or individual copies are available for purchase.

*The Administrative Code*, is an annual compilation or supplemental compilation of all final and enforceable temporary administrative rules and includes tables of contents, reference guides, and a subject index.

*Individual Rule Chapters* and *Individual Rulemaking Dockets*, are specific portions of the Bulletin and Administrative Code produced on demand.

**Internet Access** - The Administrative Code and Administrative Bulletin, 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.

## 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. 38-0501-0101"

"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).

"0101" 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 2001.

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 2002

Volume No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
02-1	January, 2002	<b>*November 14, 2001</b>	January 2, 2002	January 23, 2002
02-2	February, 2002	December 19, 2001	February 6, 2002	February 27, 2002
02-3	March, 2002	January 23, 2002	March 6, 2002	March 27, 2002
02-4	April, 2002	February 20, 2002	April 3, 2002	April 24, 2002
02-5	May, 2002	March 27, 2002	May 1, 2002	May 22, 2002
02-6	June, 2002	April 24, 2002	June 5, 2002	June 26, 2002
02-7	July, 2002	May 22, 2002	July 3, 2002	July 24, 2002
02-8	August, 2002	June 19, 2002	August 7, 2002	August 28, 2002
02-9	September, 2002	July 24, 2002	September 4, 2002	September 25, 2002
02-10	October, 2002	<b>**August 21, 2002</b>	October 2, 2002	October 23, 2002
02-11	November, 2002	September 25, 2002	November 6, 2002	November 27, 2002
02-12	December, 2002	October 23, 2002	December 4, 2002	December 25, 2002

## BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2002

Volume No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
03-1	January, 2003	<b>*November 13, 2002</b>	January 1, 2003	January 22, 2003
03-2	February, 2003	December 18, 2002	February 5, 2003	February 26, 2003
03-3	March, 2003	January 22, 2003	March 5, 2003	March 26, 2003
03-4	April, 2003	February 19, 2003	April 2, 2003	April 23, 2003
03-5	May, 2003	March 26, 2003	May 7, 2003	May 28, 2003
03-6	June, 2003	April 23, 2003	June 4, 2003	June 25, 2003
03-7	July, 2003	May 21, 2003	July 2, 2003	July 23, 2003
03-8	August, 2003	June 25, 2003	August 6, 2003	August 27, 2003
03-9	September, 2003	July 23, 2003	September 3, 2003	September 24, 2003
03-10	October, 2003	<b>**August 20, 2003</b>	October 1, 2003	October 22, 2003
03-11	November, 2003	September 24, 2003	November 5, 2003	November 26, 2003
03-12	December, 2003	October 22, 2003	December 3, 2003	December 24, 2003

***\*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.***

<b>ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS AND THE 2001 ADMINISTRATIVE CODE VOLUME NUMBERS</b>		
<b>IDAPA 01</b>	<b>ACCOUNTANCY</b> , Board of	<b>VOLUME 1</b>
<b>IDAPA 38</b>	<b>ADMINISTRATION</b> , Department of	<b>VOLUME 8</b>
<b>IDAPA 44</b>	<b>ADMINISTRATIVE RULES COORDINATOR</b> , Office of the	<b>VOLUME 8</b>
<b>IDAPA 02</b>	<b>AGRICULTURE</b> , Idaho Department of	<b>VOLUME 1</b>
<b>IDAPA 40</b>	<b>ARTS</b> , Idaho Commission on the	<b>VOLUME 8</b>
<b>IDAPA 03</b>	<b>ATHLETIC COMMISSION</b>	<b>VOLUME 1</b>
<b>IDAPA 04</b>	<b>ATTORNEY GENERAL</b> , Office of the	<b>VOLUME 1</b>
<b>IDAPA 53</b>	<b>BARLEY COMMISSION</b> , Idaho	<b>VOLUME 9</b>
<b>IDAPA 51</b>	<b>BEEF COUNCIL</b> , Idaho	<b>VOLUME 9</b>
<b>IDAPA 07</b>	<b>BUILDING SAFETY</b> , Division of Electrical Board Plumbing Board Building Code Advisory Board Public Works Contractors License Board	<b>VOLUME 1</b>
<b>IDAPA 43</b>	<b>CANOLA AND RAPESEED COMMISSION</b> , Idaho	<b>VOLUME 8</b>
<b>IDAPA 48</b>	<b>COMMERCE</b> , Idaho Department of	<b>VOLUME 8</b>
<b>IDAPA 06</b>	<b>CORRECTION</b> , Board of	<b>VOLUME 1</b>
<b>IDAPA 19</b>	<b>DENTISTRY</b> , Board of	<b>VOLUME 6</b>
<b>IDAPA 08</b>	<b>EDUCATION</b> , Board of	<b>VOLUME 2</b>
<b>IDAPA 10</b>	<b>ENGINEERS AND LAND SURVEYORS</b> , Board of Professional	<b>VOLUME 2</b>
<b>IDAPA 58</b>	<b>ENVIRONMENTAL QUALITY</b> , Department of	<b>VOLUME 9</b>
<b>IDAPA 12</b>	<b>FINANCE</b> , Department of	<b>VOLUME 2</b>
<b>IDAPA 13</b>	<b>FISH AND GAME</b> , Department of	<b>VOLUME 2</b>
<b>IDAPA 14</b>	<b>GEOLOGISTS</b> , Board of Registration of Professional	<b>VOLUME 2</b>
<b>IDAPA 15</b>	<b>GOVERNOR</b> , 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	<b>VOLUME 3</b>

<b>ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS AND THE 2001 ADMINISTRATIVE CODE VOLUME NUMBERS</b>		
<b>IDAPA 16</b>	<b>HEALTH AND WELFARE</b> , Department of	<b>VOLUMES 3, 4, &amp; 5</b>
<b>IDAPA 45</b>	<b>HUMAN RIGHTS COMMISSION</b>	<b>VOLUME 8</b>
<b>IDAPA 30</b>	<b>IDAHO STATE LIBRARY</b>	<b>VOLUME 7</b>
<b>IDAPA 11</b>	<b>IDAHO STATE POLICE</b> (Law Enforcement)	<b>VOLUME 2</b>
<b>IDAPA 17</b>	<b>INDUSTRIAL COMMISSION</b>	<b>VOLUME 5</b>
<b>IDAPA 18</b>	<b>INSURANCE</b> , Department of	<b>VOLUME 5</b>
<b>IDAPA 05</b>	<b>JUVENILE CORRECTIONS</b> , Department of	<b>VOLUME 1</b>
<b>IDAPA 09</b>	<b>LABOR</b> , Idaho Department of	<b>VOLUME 2</b>
<b>IDAPA 20</b>	<b>LANDS</b> , Department of	<b>VOLUME 6</b>
<b>IDAPA 52</b>	<b>LOTTERY COMMISSION</b> , Idaho State	<b>VOLUME 9</b>
<b>IDAPA 22</b>	<b>MEDICINE</b> , Board of	<b>VOLUME 6</b>
<b>IDAPA 23</b>	<b>NURSING</b> , Board of	<b>VOLUME 6</b>
<b>IDAPA 24</b>	<b>OCCUPATIONAL LICENSES</b> , 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	<b>VOLUME 6</b>
<b>IDAPA 25</b>	<b>OUTFITTERS AND GUIDES LICENSING BOARD</b>	<b>VOLUME 6</b>
<b>IDAPA 50</b>	<b>PARDONS AND PAROLE</b> , Commission for	<b>VOLUME 9</b>
<b>IDAPA 26</b>	<b>PARKS AND RECREATION</b> , Department of	<b>VOLUME 6</b>
<b>IDAPA 59</b>	<b>PUBLIC EMPLOYEES RETIREMENT SYSTEM OF IDAHO - PERSI</b>	<b>VOLUME 9</b>
<b>IDAPA 27</b>	<b>PHARMACY</b> , Board of	<b>VOLUME 6</b>

<b>ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS AND THE 2001 ADMINISTRATIVE CODE VOLUME NUMBERS</b>		
<b>IDAPA 29</b>	<b>POTATO COMMISSION, Idaho</b>	<b>VOLUME 7</b>
<b>IDAPA 31</b>	<b>PUBLIC UTILITIES COMMISSION</b>	<b>VOLUME 7</b>
<b>IDAPA 41</b>	<b>PUBLIC HEALTH DISTRICTS</b>	<b>VOLUME 8</b>
<b>IDAPA 33</b>	<b>REAL ESTATE COMMISSION</b>	<b>VOLUME 7</b>
<b>IDAPA 34</b>	<b>SECRETARY OF STATE, Office of the</b>	<b>VOLUME 7</b>
<b>IDAPA 49</b>	<b>SHORTHAND REPORTERS, Board of Certified</b>	<b>VOLUME 8</b>
<b>IDAPA 36</b>	<b>TAX APPEALS, Idaho Board of</b>	<b>VOLUME 7</b>
<b>IDAPA 35</b>	<b>TAX COMMISSION, State</b>	<b>VOLUME 7</b>
<b>IDAPA 39</b>	<b>TRANSPORTATION, Department of</b>	<b>VOLUME 8</b>
<b>IDAPA 54</b>	<b>TREASURER, Office of the State</b>	<b>VOLUME 9</b>
<b>IDAPA 21</b>	<b>VETERANS SERVICES, Division of</b>	
<b>IDAPA 46</b>	<b>VETERINARY MEDICAL EXAMINERS, Board of</b>	<b>VOLUME 8</b>
<b>IDAPA 55</b>	<b>VOCATIONAL AND TECHNICAL EDUCATION, Division of</b>	<b>VOLUME 9</b>
<b>IDAPA 47</b>	<b>VOCATIONAL REHABILITATION, Division of</b>	<b>VOLUME 8</b>
<b>IDAPA 37</b>	<b>WATER RESOURCES, Department of</b>	<b>VOLUME 8</b>
<b>IDAPA 42</b>	<b>WHEAT COMMISSION, Idaho</b>	<b>VOLUME 8</b>

# THE OFFICE OF THE GOVERNOR

EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE

EXECUTIVE ORDER NO. 2001-17

## REDUCTION OF GENERAL FUND SPENDING AUTHORITY

---

WHEREAS, article 7, section 11, of the Idaho Constitution provides that except in extraordinary or emergency circumstances, expenditures of state government shall not exceed state government revenue; and

WHEREAS, I have determined that expenditures from the General Fund authorized by the Legislature for the current fiscal year will exceed anticipated state revenue to meet those authorized expenditures for the current fiscal year;

NOW, THEREFORE, I, Dirk Kempthorne, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of this state, and pursuant to Section 67-3512A, Idaho Code, do hereby order:

1. That the General Fund spending authority on file in the Office of the State Controller, in addition to the amount addressed within Executive Order 2001-10, be reduced for all departments, offices and institutions of the state by one percent (1%) of their Fiscal Year 2002 General Fund Appropriation.
2. That each department, office and institution shall notify the Office of the State Controller and the Division of Financial Management of the Executive Office of the Governor of budget changes by November 26, 2001 according to the attachment made part of this Executive Order.
3. That elected State Constitutional officials are requested to reduce General Fund expenditures for Fiscal Year 2002 to reflect the realities of the projected revenue shortfall without impairing the discharge of their constitutional duties.
4. That officers of the legislative and judicial branches are requested to assess and evaluate a reduction in General Fund expenditures for Fiscal Year 2002 to reflect similar revenue shortfalls in the executive branch of state government.

This order shall take effect immediately upon its execution and shall continue in effect until January 31, 2002, unless revoked or modified by the Governor, or until the Legislature or the Board of Examiners takes further action.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this sixteenth day of November in the year of our Lord two thousand and one and of the Independence of the United States of America the two hundred twenty-fifth and of the Statehood of Idaho the one hundred eleventh.

---

DIRK KEMPTHORNE  
GOVERNOR

---

PETE T. CENARRUSA  
SECRETARY OF STATE

## **IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE**

### **02.02.12 - BONDED WAREHOUSE RULES**

#### **DOCKET NO. 02-0212-0101**

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

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 69-231, 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 reasons for the proposed rule changes are clarifications: of definitions; when assessments are collected; Commodity Indemnity Fund Program ownership; how market value is determined; the process by which assessments are collected; failure to pay or late payment of assessments provisions; and development of formula for additional security, if required.

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 13 through 16.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Darrel McRoberts at 332-8660 or Dennis Doshier at 332-8674.

DATED this 9th day of November, 2001.

Mike Everett, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Road  
P.O. Box 790, Boise, Idaho 83712  
Phone: (208) 332-8500 / Fax: (208) 334-2170

---

### **IDAPA 02, TITLE 02, Chapter 12**

#### **BONDED WAREHOUSE 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 01-8, August 1, 2001, pages 13 through 16.**

**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**

### **02.02.13 - COMMODITY DEALERS' RULES**

**DOCKET NO. 02-0213-0101**

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

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 69-524, 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 reasons for the proposed rule changes are clarifications: of definitions; when assessments are collected; Commodity Indemnity Fund Program ownership; how market value is determined; the process by which assessments are collected; failure to pay or late payment of assessments provisions; and development of formula for additional security, if required.

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 17 through 20.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Darrel McRoberts at 332-8660 or Dennis Doshier at 332-8674.

DATED this 9th day of November, 2001.

Mike Everett, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Road  
P.O. Box 790, Boise, Idaho 83712  
Phone: (208) 332-8500 / Fax: (208) 334-2170

---

### **IDAPA 02, TITLE 02, Chapter 13**

#### **COMMODITY DEALERS' 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 01-8, August 1, 2001, pages 17 through 20.**

**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**

### **02.03.02 - SOIL AND PLANT AMENDMENT RULES**

#### **DOCKET NO. 02-0302-0101 (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 approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 22-2204, Idaho Code.

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

To repeal the rule in its entirety.

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, page 21.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Dr. Roger Vega, Administrator, Division of Plant Industries at 332-8620 or Michael E. Cooper, Bureau Chief, Division of Plant Industries at 332-8620.

DATED this 9th day of November, 2001.

Mike Everett, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Road  
P.O. Box 790, Boise, Idaho 83712  
Phone: (208) 332-8500 / Fax: (208) 334-2170

---

### **IDAPA 02, TITLE 03, Chapter 02**

#### **SOIL AND PLANT AMENDMENT RULES**

**IDAPA 02.03.02 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 01-8, August 1, 2001, page 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.**

**IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE**  
**02.04.16 - RULES GOVERNING AGRICULTURE ODOR MANAGEMENT**  
**DOCKET NO. 02-0416-0101**  
**NOTICE OF RULEMAKING**  
**PENDING RULE AND AMENDMENT TO TEMPORARY RULE**

**EFFECTIVE DATE:** The effective date of the amendment to the temporary rule is January 2, 2002. The pending rule has been adopted by the agency and is now pending review by the 2002 Idaho State Legislature for final approval. 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 Title 25, Chapter 38, 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.

The proposed rules have been amended in response to testimony received at public hearings, 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.

This pending rule amends the following Sections: 004, Incorporation By Reference; 400, Inspections; and 501, Contents of an Odor Management Plan.

Only the Sections that have amendments are printed in this bulletin. The original text of the proposed rule was published in the October 3, 2001 Idaho Administrative Bulletin, Volume 01-10, pages 24 through 33.

**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 19th day of November, 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 16**

**RULES GOVERNING AGRICULTURE ODOR MANAGEMENT**

There are substantive changes from the proposed rule text.

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 00-10, October 3, 2001, pages 24 through 33.

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. 02-0416-0101

***SUBSECTION 004.02***

**004. INCORPORATION BY REFERENCE.**

Copies of these documents may be obtained from the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701. IDAPA 02.04.16 incorporates by reference: (9-15-01)T

**02. Best Management Practices listed in the "Idaho Agricultural Pollution Abatement Plan",**  
~~1993 August 2001.~~ (9-15-01)T(1-2-02)T

***(BREAK IN CONTINUITY OF SECTIONS)***

***SECTION 400***

**400. INSPECTIONS.**

The Director or his designee is authorized to enter and inspect any agricultural operation, and, during normal business hours, have access to or copy any facility records deemed necessary to ensure compliance with these rules. (9-15-10)T(1-2-02)T

***(BREAK IN CONTINUITY OF SECTIONS)***

***SUBSECTION 501.04 AND SUBSECTION 501.04.g.***

**501. CONTENTS OF AN ODOR MANAGEMENT PLAN.**

Contents of an OMP for an agricultural operation may include, but are not limited to the following: (9-15-01)T

**04. Operation Description.** A description of the operation that includes, as applicable:  
(9-15-01)T(1-2-02)T

- a. Type of operation. (9-15-10)T
- b. General description of operation. (9-15-01)T
- c. Number and type of any animals including age groups. (9-15-01)T
- d. Any plans for expansion. (9-15-01)T
- e. Type of housing used related to age groups of animals. (9-15-01)T
- f. General description of nearby residential areas, public use areas, and pertinent agricultural operations. (9-15-01)T
- g. Type of crop and number of acres grown. (1-2-02)T

**IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE**

**02.04.18 - RULES GOVERNING CAFO SITE ADVISORY TEAM**

**DOCKET NO. 02-0418-0101**

**NOTICE OF RULEMAKING**

**PENDING RULE AND AMENDMENT TO TEMPORARY RULE**

**EFFECTIVE DATE:** The effective date of the amendment to the temporary rule is January 2, 2002. The pending rule has been adopted by the agency and is now pending review by the 2002 Idaho State Legislature for final approval. 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 Title 67, Chapter 65, 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.

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.

This pending rule amends the following Sections: 010, Definitions; and 300, Contents of a Request to form a Site Advisory Team.

Only the Sections that have amendments are printed in this bulletin. The original text of the proposed rule was published in the October 3, 2001 Idaho Administrative Bulletin, Volume 01-10, pages 34 through 39.

**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 14th day of November, 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 18**

**RULES GOVERNING CAFO SITE ADVISORY TEAM**

**There are substantive changes from the proposed rule text.**

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

**The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 00-10, October 3, 2001, pages 34 through 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.**

---

**THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 02-0418-0101**

***SUBSECTION 010.01***

**010. DEFINITIONS.**

The following definitions shall apply in the interpretation and enforcement of this chapter. (8-22-01)T

**01. Animal Unit.** A unit of measurement for any animal feeding operation calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by one (1), plus the number of young slaughter or feeder cattle, less than twelve (12) months of age multiplied by six-tenths (0.6), plus the number of mature dairy cattle multiplied by one and four-tenths (1.4), plus the number of young dairy cattle; less than one (1) year of age, multiplied by six-tenths (0.6), plus the number of swine weighing over twenty-five (25) kilograms, approximately fifty-five (55) pounds, multiplied by four-tenths (0.4), plus the number of weaned swine weighing less than twenty-five (25) kilograms multiplied by one-tenth (0.1), plus the number of sheep multiplied by one-tenth (0.1), plus the number of horses multiplied by two (2), plus the number of chickens multiplied by one-hundredth (0.01).

~~(8-22-01)T(1-2-02)T~~

***SUBSECTION 010.04.b., 010.04.c., 010.04.d.,***

**04. Concentrated Animal Feeding Operation (CAFO).** A lot or facility where the following conditions are met: (8-22-01)T

a. Animals have been, are, or will be stabled or confined and fed or maintained for a total of ninety (90) consecutive days or more in any twelve (12) month period; (8-22-01)T

b. Crops, vegetation, forage growth or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility; ~~and~~ ~~(8-22-01)T(1-2-02)T~~

c. The lot or facility is designed to confine or actually does confine an equivalent of one thousand (1,000) animal units or more; ~~and~~ ~~(8-22-01)T(1-2-02)T~~

d. Two (2) or more concentrated animal feeding operations under common ownership are considered, for the purposes of this definition, to be a single animal feeding operation if they adjoin each other or if they use a common area or system for the disposal of wastes. (1-2-02)T

(BREAK IN CONTINUITY OF SECTIONS)

**SUBSECTION 300.05**

**300. CONTENTS OF A REQUEST TO FORM A SITE ADVISORY TEAM.**

The information contained in a request shall include, but not be limited to, the following:

(8-22-01)T

**05. Vicinity Map With Site Location.** A detailed sketch of the proposed CAFO site location, on an aerial photograph, if available, which includes the following:

~~(8-22-01)T~~(1-2-02)T

**IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE**  
**02.06.09 - IDAHO QUARANTINE RULES CONCERNING THE NECROTIC**  
**STRAIN OF THE POTATO VIRUS Y**

**DOCKET NO. 02-0609-0201 (REPEAL OF CHAPTER)**

**NOTICE OF TEMPORARY AND PROPOSED RULEMAKING**

**EFFECTIVE DATE:** The effective date of the temporary rule is November 9, 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) 22-1905, 22-1915 and 22-2001, 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 January 16, 2002.

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

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

To repeal the rule in its entirety. The Seed Potato Advisory Committee of the Idaho Crop Improvement Association (ICIA) recommended that the necrotic strain of the potato virus Y be removed from quarantine status and be addressed in the ICIA seed potato certification rules.

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

To confer a benefit to the seed potato growers and the general public.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Dr. Roger R. Vega, Administrator, Division of Plant Industries at (208) 332-8620 or Michael E. Cooper, Chief, Bureau of Feeds and Plant Services 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 January 23, 2002.

DATED this 9th day of November, 2001.

Mike Everett, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Road  
P.O. Box 790, Boise, Idaho 83712  
Phone: (208) 332-8500 / Fax: (208) 334-2170

---

**IDAPA 02.06.09 IS BEING REPEALED IN ITS ENTIRETY.**

## IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

### 02.06.26 - RULES CREATING THE FREMONT SEED POTATO CROP MANAGEMENT AREA

#### DOCKET NO. 02-0626-0201 (REPEAL OF CHAPTER)

#### NOTICE OF TEMPORARY AND PROPOSED RULEMAKING

**EFFECTIVE DATE:** The effective date of the temporary rule is January 2, 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 Title 22, Chapter 10, 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 January 16, 2002.

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 non-technical explanation of the substance and purpose of the proposed rulemaking:

To repeal IDAPA 02.06.26 in its entirety. To combine the common provisions of IDAPA 02.06.26; 02.06.27; 02.06.28; and 02.06.37 into a new comprehensive rule IDAPA 02.06.26 "Rules Concerning Seed Potato Crop Management Areas".

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

To confer a benefit to the seed potato growers and the general public and to reduce annual printing costs.

**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, Division of Plant Industries or Michael Cooper, Bureau Chief, Division of Plant Industries 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 January 23, 2002.

DATED this 9th day of November, 2001.

Mike Everett, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Road  
P.O. Box 790  
Boise, Idaho 83712  
Phone: (208) 332-8500  
Fax: (208) 334-2170

---

**IDAPA 02.06.26 IS BEING REPEALED IN ITS ENTIRETY.**

**IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE**  
**02.06.26 - RULES CONCERNING SEED POTATO CROP MANAGEMENT AREAS**  
**DOCKET NO. 02-0626-0202**  
**NOTICE OF TEMPORARY AND PROPOSED RULEMAKING**

**EFFECTIVE DATE:** The effective date of the temporary rule is January 2, 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 Title 22, Chapter 10, 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 January 16, 2002.

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 non-technical explanation of the substance and purpose of the proposed rulemaking:

To eliminate duplications and combine the common provisions of IDAPA 02.06.26; 02.06.27; 02.06.28; and 02.06.37 into a new comprehensive rule IDAPA 02.06.26, "Rules Concerning Seed Potato Crop Management Areas".

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

To confer a benefit to the seed potato growers and the general public and to reduce annual printing costs.

**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, Division of Plant Industries or Michael Cooper, Bureau Chief, Division of Plant Industries 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 January 23, 2002.

DATED this 9th day of November, 2001.

Mike Everett, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Road  
P.O. Box 790  
Boise, Idaho 83712  
Phone: (208) 332-8500  
Fax: (208) 334-2170

---

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0626-0202**

**IDAPA 02, TITLE 06, Chapter 26**

**02.06.26 - RULES CONCERNING SEED POTATO CROP MANAGEMENT AREAS**

**000. LEGAL AUTHORITY.**

This chapter is adopted under the legal authority of Title 22, Chapter 10, Idaho Code. (1-2-02)T

**001. TITLE AND SCOPE.**

**01. Title.** The title of this chapter is "Rules Concerning Seed Potato Crop Management Areas". (1-2-02)T

**02. Scope.** This chapter has the following scope: These rules shall govern the procedures for all potato management within Seed Potato Crop Management Areas in Idaho. The official citation of this chapter is IDAPA 02.06.26.000 et seq. For example, this section's citation is IDAPA 02.06.26.001.02. (1-2-02)T

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations of these rules. (1-2-02)T

**003. ADMINISTRATIVE APPEAL.**

There is no provision for administrative appeals before the ISDA under this chapter. Hearing and appeal rights are pursuant to Title 67, Chapter 52, Idaho Code. (1-2-02)T

**004. INCORPORATIONS BY REFERENCE.**

Sections 22-501 and 22-1002, Idaho Code, are incorporated by reference. Copies of these documents may be obtained from the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701 and are also available at the state law library. (1-2-02)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. (1-2-02)T

**02. Mailing Address.** The mailing address for the central office is Idaho State Department of Agriculture, P.O. Box 790, Boise, Idaho 83701. (1-2-02)T

**03. Street Address.** The central office is located at 2270 Old Penitentiary Road, Boise, Idaho 83712. (1-2-02)T

**006. PUBLIC RECORDS ACT COMPLIANCE.**

These rules are public records available for inspection and copying at the department. (1-2-02)T

**007. -- 009. (RESERVED).**

**010. DEFINITIONS.**

The ISDA adopts the definitions set forth in Sections 22-501 and 22-1002, Idaho Code and in addition as used in this chapter: (1-2-02)T

**01. Cull Potatoes.** Cull potatoes shall be defined as those potatoes not useable for planting or human consumption. (1-2-02)T

**02. Grower.** Any person who plants and cultivates more than fifteen one-hundredths (.15) acres of potatoes within a Seed Potato Crop Management Area. (1-2-02)T

**03. Volunteer Potatoes.** Volunteer potatoes shall be defined as any residue left in a field from previous years of production which has sprouted and is growing. (1-2-02)T

**011. ABBREVIATIONS.**

**01. ICIA.** Idaho Crop Improvement Association. (1-2-02)T

**02. ISDA.** Idaho State Department of Agriculture. (1-2-02)T

**012. FINDINGS.**

The adoption of this rule will confer benefits to the seed potato industry. The establishment of Seed Potato Crop Management Areas was requested by the growers in each Seed Potato Crop Management Area pursuant to Section 22-1003, Idaho Code. The proposed rule is necessary to prevent the introduction of pests and diseases of significance into the Seed Potato Crop Management Areas. (1-2-02)T

**013. -- 019. (RESERVED).**

**020. SEED POTATO CROP MANAGEMENT AREAS.**

**01. Fremont Seed Potato Crop Management Area.** That portion of Fremont county described as follows: Beginning at a point which is the southwest corner of Section 16, Township 7 North, Range 43 East, Boise, Meridian, Fremont County, Idaho; Thence north approximately 1 mile to the northwest corner of Section 16, Township 7 North, Range 43 East; Thence west approximately 2 miles to the southwest corner of Section 7, Township 7 North, Range 43 East; Thence north approximately 1 mile to the northwest corner of Section 7, Township 7 North, Range 43 East; Thence west approximately 3 miles to the southwest corner of Section 3, Township 7 North, Range 42 East; Thence north approximately 2 miles to the northwest corner of Section 34, Township 8 North, Range 42 East; Thence west approximately 2 miles to the southwest corner of Section 29, Township 8 North, Range 42 East; Thence north approximately 1-3/8 miles to the center line of Fall River; Thence northwest along Fall River approximately 1-1/8 miles to where Fall River intersects the west line of Section 8, Township 8 North, Range 41 East; Thence north approximately 1-7/8 miles to the northwest corner of Section 7, Township 18 North, Range 41 East; Thence west approximately 2 miles to the southwest corner of Section 2, Township 8 North, Range 41 East; Thence north approximately 1 mile to the northwest corner of Section 2, Township 8 North, Range 41 East; Thence west approximately 1/4 of 1 mile; Thence north along an existing road approximately 4 miles; Thence northeasterly along said road approximately 1-1/10 miles to the northwest corner of Section 11, Township 9 North, Range 41 East; Thence north approximately 1 mile to the northwest corner of Section 2, Township 9 North, Range 41 East; Thence east approximately 14 miles to the northeast corner of Section 1, Township 9 North, Range 43 East; Thence south approximately 2 miles to the southeast corner of Section 12, Township 9 North, Range 43 East; Thence east approximately 4 miles to the northeast corner of Section 15, Township 9 North, Range 44 East, which is the west boundary line of the Targhee National Forest; Thence south along said forest boundary approximately 3 miles to the southeast corner of Section 27, Township 9 North, Range 44 East; Thence east continuing along said forest boundary approximately 2 miles to the northeast corner of Section 36, Township 9 North, Range 44 East; Thence south along said forest boundary approximately 1 mile to the east 1/4 corner of Section 1, Township 8 North, Range 44 East; Thence east continuing along said forest boundary approximately 2 miles to the east 1/4 corner of Section 5, Township 8 North, Range 45 East; Thence south continuing along said forest boundary approximately 5 miles to the east 1/4 corner of Section 32, Township 8 North, Range 45 East; Thence east continuing along said forest boundary approximately 1-1/2 miles to the center of Section 34, Township 8 North, Range 45 East; Thence south continuing along said forest boundary approximately 1-1/8 miles to the center line of Bitch Creek; Thence southwesterly along the center line of Bitch Creek approximately 10-1/2 miles to the confluence of Bitch Creek with the Teton River; Thence westerly 8 miles along the center line of the Teton River to the west line of Section 21, Township 7 North, Range 43 East; Thence north approximately 1/10 of a mile to the southwest corner of Section 16, Township 7 North, Range 43 East and the point of beginning. (1-2-02)T

**02. Teton And Portions Of Madison County Seed Potato Crop Management Area.** (1-2-02)T

a. All of Teton County, Idaho; (1-2-02)T

b. That portion of Madison County, Idaho, located in Township 6 North and Township 7 North lying

East of Canyon Creek; and (1-2-02)T

c. That portion of Madison County, Idaho located in Township 6 North, Range 42 East which includes portions of Sections 11 and 13 located south of Highway 33 and all of Sections 14, 15, 23, and 24. (1-2-02)T

**03. Lost River Seed Potato Crop Management Area.** Those portions of Butte and Custer Counties within Township 3 North to Township 7 North and Range 23 East to Range 27 East. (1-2-02)T

**04. Caribou And Franklin County Seed Potato Crop Management Area.** All of Caribou County, Idaho and all of Franklin County, Idaho. (1-2-02)T

**05. Almo Valley Bridge Seed Potato Crop Management Area.** (1-2-02)T

a. That portion of Cassia County, Idaho located in Township 16 South, Range 24 East which includes all of Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36; (1-2-02)T

b. That portion of Cassia County, Idaho located in Township 15 South, Range 24 East which includes all of Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36; (1-2-02)T

c. That portion of Cassia County, Idaho located in Township 14 South, Range 24 East which includes all of Section 36; (1-2-02)T

d. That portion of Cassia County, Idaho located in Township 14 South, Range 25 East which includes all of Sections 19, 20, 29, 30, 31, and 32; (1-2-02)T

e. That portion of Cassia County, Idaho located in Township 15 South, Range 25 East which includes all of Sections 5, 6, 7, 8, 18, 19, 20, 29, 30, 31, 32 and the Northeast ¼ of Section 33; (1-2-02)T

f. That portion of Cassia County, Idaho located in Township 16 South, Range 25 East which includes all of Sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 29, 30, 31, 32, 33, 34, 35, and 36; (1-2-02)T

g. That portion of Cassia County, Idaho located in Township 16 South, Range 26 East; and (1-2-02)T

h. That portion of Cassia County, Idaho located in Township 16 South, Range 27 East which includes all of Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, and 30. (1-2-02)T

**06. Ririe Reservoir Seed Potato Crop Management Area.** (1-2-02)T

a. That portion of Bonneville County, Idaho located in Township 3 North, Range 40 East which includes all of Sections 19, 20, 21, 22, 25, 26, 27, 28, 29, 30, 31, 33, 34, 35, and 36; (1-2-02)T

b. That portion of Bonneville County, Idaho located in Township 3 North, Range 41 East which includes all of Sections 8, 15, 16, 17, 18, 20, 21, 22, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36; (1-2-02)T

c. That portion of Bonneville County, Idaho located in Township 2 North, Range 42 East which includes all of Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34; and (1-2-02)T

d. That portion of Bonneville County, Idaho located in Township 3 North, Range 42 East which includes all of Sections 31, 32, and 33. (1-2-02)T

**021. -- 049. (RESERVED).**

**050. REGULATED ARTICLES.**

**01. Irish Potato.** All plants and plant parts of the Irish potato, *Solanum tuberosum*. (1-2-02)T

**02. Green Peach Aphid Hosts.** All plants which are hosts to the green peach aphid, *Myzus persicae*, including but not limited to peach and apricot trees and bedding plants. (1-2-02)T

**03. Any Host.** Any host which may spread or assist in the spread of any of the diseases or pests of concern (1-2-02)T

**04. Equipment.** All ground working, earth moving, or potato handling equipment shall be cleaned of soil and plant debris and disinfected before entering the Seed Potato Crop Management Areas in order to prevent the introduction of disease(s) or pest(s) of concern. (1-2-02)T

**051. -- 099. (RESERVED).**

**100. DISEASES AND PESTS OF CONCERN.**

**01. Introduction Of Pests.** Introduction into the Seed Potato Crop Management Areas of any of the pests or diseases listed in this Section by a contaminated vehicle or any other means shall constitute a violation of this rule. (1-2-02)T

**02. Leaf Roll.** Net necrosis or leaf roll, caused by potato leaf roll virus. (1-2-02)T

**03. Ring Rot.** Ring rot, *Corynebacterium sepedonicum*. (1-2-02)T

**04. Columbia Root Knot Nematode.** Columbia root knot nematode, *Meloidogyne chitwoodii*. (1-2-02)T

**05. Green Peach Aphid.** Green peach aphid, *Myzus persicae*, a vector of the leaf roll virus. (1-2-02)T

**06. Northern Root Knot Nematode.** Northern root knot nematode, *Meloidogyne hapla*. (1-2-02)T

**07. Corky Ring Spot.** Corky ring spot, a disease caused by tobacco rattle virus. (1-2-02)T

**08. Powdery Scab.** Powdery scab, *Spongospora subterranea* (Wallr.) Lagerh. f. sp. subterranea. (1-2-02)T

**09. Stubby Root Nematode.** Stubby root nematode, *Paratrichodorus pachydermus*, *Paratrichodorus christiei*, *Trichodorus primitivus*. (1-2-02)T

**10. Potato Late Blight.** Potato late blight, a disease caused by *Phytophthora infestans*. (1-2-02)T

**101. -- 149. (RESERVED).**

**150. PLANTING OF POTATOES.**

**01. Seed Potato Crop Management Area.** No person shall plant any potatoes in any of the Seed Potato Crop Management Areas except those which have met standards for recertification of the ICIA or equivalent agency of another state or political jurisdiction in accordance with Section 22-503, Idaho Code. (1-2-02)T

**02. Certification.** All plantings of potatoes shall be entered for certification with ICIA. The ISDA shall be notified by ICIA of any lots of potatoes rejected. Exceptions: (1-2-02)T

a. All plantings of potatoes in Lost River Seed Potato Crop Management Area; and (1-2-02)T

b. All plantings of potatoes in home gardens which are fifteen one-hundredths (.15) acre or less. (1-2-02)T

**03. Home Gardens.** Potatoes planted in home gardens within a Seed Potato Crop Management Area

shall be subject to inspection by the ISDA for the pests and diseases listed in Section 100. ISDA shall ensure that proper control measures shall be taken. (1-2-02)T

**04. Control.** The grower shall spray with a pesticide or take other control measures approved by ISDA when potato late blight is found within a twenty-five (25) mile radius of a Seed Potato Crop Management Area boundary except the Lost River Seed Potato Crop Management Area. A grower in the Lost River Seed Potato Crop Management Area shall spray with a pesticide or take other control measures approved by ISDA when potato late blight is found within the boundaries of the Lost River Seed Potato Crop Management Area. (1-2-02)T

**151. -- 199. (RESERVED).**

**200. PEACH, APRICOT TREES, OR ANY HOST.**

Peach, apricot trees, or any host of green peach aphid growing in Seed Potato Crop Management Areas shall be controlled with an ISDA approved pesticide. (1-2-02)T

**201 -- 249. (RESERVED).**

**250. BEDDING PLANTS.**

**01. Aphid Inspection.** All bedding plants shall be subject to inspection by the Director for aphids. If aphids are found, the plants shall be treated by a method approved by the Director. Such methods may include destruction of infested plants. (1-2-02)T

**02. Treatment For Infestation.** Bedding plants in transit to Seed Potato Crop Management Areas shall be subject to inspection for aphids and if found infested, shall be treated in a manner approved by the Director before delivery into Seed Potato Crop Management Areas. (1-2-02)T

**03. Treatment Of Property.** The Director may order treatment of property on which there are bedding plants or cut floral arrangements where he determines such treatment is necessary to control aphids. (1-2-02)T

**04. Treatment Of Cemeteries.** All cemeteries within Seed Potato Crop Management Areas shall be sprayed or controlled for insects immediately after the Memorial Day holiday. Such spraying or control shall be done in compliance with all State and Federal laws, rules and regulations. (1-2-02)T

**251. -- 299. (RESERVED).**

**300. STORAGE OF POTATOES.**

**01. Potatoes Produced Within Seed Potato Crop Management Areas.** All potatoes grown within Seed Potato Crop Management Areas may be stored within Seed Potato Crop Management Areas. All potatoes found to be infested with any disease or pests of concern as defined in Section 100 shall be removed from Seed Potato Crop Management Areas no later than April 15 of the year following harvest. (1-2-02)T

**02. Potatoes Produced Outside Seed Potato Crop Management Areas.** Before any lot of potatoes can be brought into Seed Potato Crop Management Areas, the lot shall be inspected, certified, and tagged by ICIA, the Federal/State Inspection Service or a recognized equivalent agency of another state or territory in accordance with Section 22-503, Idaho Code except the Lost River Seed Potato Crop Management Area. Before any lot of potatoes can be brought into the Lost River Seed Potato Crop Management Area the lot shall pass ICIA summer inspection or shall be inspected, certified, and tagged by the Federal/State Inspection Service or a recognized equivalent agency of another state or territory in accordance with Section 22-503, Idaho Code. (1-2-02)T

**301. SEED DISPOSITION NOTIFICATION.**

The Federal/State Inspection Service shall notify the ISDA of all seed lots rejected for certification. This notification shall include the variety, grower, storage location and the certification number of each rejected lot. (1-2-02)T

**302. -- 349. (RESERVED).**

**350. CULL AND VOLUNTEER POTATOES.**

**01. Plant Growth.** All plant growth on cull potato piles shall be controlled by a state approved chemical or mechanical measure including, but not limited to, burial with a minimum of eighteen (18) inches of soil, field spreading no more than two (2) potato layers and composting. (1-2-02)T

**02. Destroying Volunteer Potatoes.** It shall be the responsibility of each grower within Seed Potato Crop Management Areas to destroy all cull piles and volunteer potatoes growing on summer fallow, set-aside and non-cultivated areas of the grower's property. In the event that the grower fails to destroy such plants, the Director may order them destroyed at the expense of the grower. (1-2-02)T

**351. -- 399. (RESERVED).**

**400. TRANSPORTATION OF POTATOES.**

**01. Responsibilities.** It shall be the responsibility of the growers of rejected lots to keep contaminated trucks and equipment, infested vegetable matter and foliage from contaminating public roadways, neighboring fields and cellars. (1-2-02)T

**02. In Transit.** Potatoes in transit through Seed Potato Crop Management Areas shall be in covered vehicles. Potatoes in transit through Seed Potato Crop Management Areas shall not be unloaded in Seed Potato Crop Management Areas. (1-2-02)T

**401. -- 449. (RESERVED).**

**450. VIOLATIONS.**

Any person who violates any provision of this rule or who interferes with the carrying out of the provisions of this rule shall be guilty of a civil offense, and may be liable for treble the damages sustained and all costs of the suit including a reasonable attorney's fee. In addition, a civil fine of not more than three thousand dollars (\$3,000) may be imposed per incident of violation, as provided in Idaho Code, Section 22-1006. (1-2-02)T

**451. -- 499. (RESERVED).**

**500. POTATOES FOR CONSUMPTION.**

Potatoes for human and animal consumption, grown outside Seed Potato Crop Management Areas as defined in Section 020, shall be treated with a sprout inhibitor before being offered for sale within Seed Potato Crop Management Areas as defined in Section 020. (1-2-02)T

**501. -- 999. (RESERVED).**

## IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

### 02.06.27 - RULES CREATING THE TETON AND PORTIONS OF MADISON COUNTIES SEED POTATO CROP MANAGEMENT AREA

#### DOCKET NO. 02-0627-0201 (REPEAL OF CHAPTER)

#### NOTICE OF TEMPORARY AND PROPOSED RULEMAKING

**EFFECTIVE DATE:** The effective date of the temporary rule is January 2, 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 Title 22, Chapter 10, 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 January 16, 2002.

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 non-technical explanation of the substance and purpose of the proposed rulemaking:

To repeal IDAPA 02.06.27 in its entirety. To combine the common provisions within IDAPA 02.06.26; 02.06.27; 02.06.28; and 02.06.37 into a new comprehensive rule IDAPA 02.06.26, "Rules Concerning Seed Potato Crop Management Areas".

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

To confer a benefit to the seed potato growers and the general public. To reduce annual printing costs.

**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, Division of Plant Industries or Michael Cooper, Bureau Chief, Division of Plant Industries 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 January 23, 2002.

DATED this 9th day of November, 2001.

Mike Everett, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Road  
P.O. Box 790, Boise, Idaho 83712  
Phone: (208) 332-8500  
Fax: (208) 334-2170

---

**IDAPA 02.02.27 IS BEING REPEALED IN ITS ENTIRETY.**

## IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

### 02.06.28 - RULES CREATING THE LOST RIVER SEED POTATO CROP MANAGEMENT AREA

#### DOCKET NO. 02-0628-0201 (REPEAL OF CHAPTER)

#### NOTICE OF TEMPORARY AND PROPOSED RULEMAKING

**EFFECTIVE DATE:** The effective date of the temporary rule is January 2, 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 Title 22, Chapter 10, 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 January 16, 2002.

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 non-technical explanation of the substance and purpose of the proposed rulemaking:

To repeal IDAPA 02.06.28 in its entirety. To combine the common provisions within IDAPA 02.06.26; 02.06.27; 02.06.28; and 02.06.37 into a new comprehensive rule IDAPA 02.06.26, "Rules Concerning Seed Potato Crop Management Areas".

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

To confer a benefit to the seed potato growers and the general public and to reduce annual printing costs.

**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, Division of Plant Industries or Michael Cooper, Bureau Chief, Division of Plant Industries 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 January 23, 2002.

DATED this 9th day of November, 2001.

Mike Everett, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Road  
P.O. Box 790  
Boise, Idaho 83712  
Phone: (208) 332-8500  
Fax: (208) 334-2170

---

**IDAPA 02.06.28 IS BEING REPEALED IN ITS ENTIRETY.**

## IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

### 02.06.37 - RULES CREATING THE CARIBOU COUNTY AND THAT PORTION OF FRANKLIN COUNTY INCLUDED IN SCHOOL DISTRICT NO. 148 SEED POTATO CROP MANAGEMENT AREA

#### DOCKET NO. 02-0637-0201 (REPEAL OF CHAPTER)

#### NOTICE OF TEMPORARY AND PROPOSED RULEMAKING

**EFFECTIVE DATE:** The effective date of the temporary rule is January 2, 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 Title 22, Chapter 10, Idaho Code and Title 22, Chapter 5, 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 January 16, 2002.

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 non-technical explanation of the substance and purpose of the proposed rulemaking:

To repeal IDAPA 02.06.37 in its entirety. To combine the common provisions within IDAPA 02.06.26; 02.06.27; 02.06.28; and 02.06.37 into a new comprehensive rule IDAPA 02.06.26, "Rules Concerning Seed Potato Crop Management Areas".

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

To confer a benefit to the seed potato growers and the general public and to reduce annual printing costs.

**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, Division of Plant Industries or Michael Cooper, Bureau Chief, Division of Plant Industries 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 January 23, 2002.

DATED this 9th day of November, 2001.

Mike Everett, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Road  
P.O. Box 790, Boise, Idaho 83712  
Phone: (208) 332-8500  
Fax: (208) 334-2170

---

**IDAPA 02.06.37 IS BEING REPEALED IN ITS ENTIRETY.**

## **IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE**

### **02.06.41 - RULES PERTAINING TO THE SOIL AND PLANT AMENDMENT ACT OF 2001**

**DOCKET NO. 02-0641-0101**

#### **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(s) 22-2204, 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 rules are being revised to reflect that the authority for this rule has been transferred to the Division of Plant Industries. The revised rules incorporates by reference the Soil and Plant Amendment Act of 2001, Title 22, Chapter 22, Idaho Code, Sections 22-2201 through 22-2225; prescribes definitions not covered by the law; lists abbreviations; requires registration and provides for polyacrylamide (PAM) product registration; prescribes proper labeling; allows for certain nutrient claims on soil and plant amendment labels; provides for sampling; deficiencies; penalties and violations.

Subsection 010.03 - This subsection involves soil amendment and plant amendment registration and specifically states: "When a soil amendment or plant amendment is mixed, added to, or in any way changed from its original content, it is a different product, and must be registered as provided under Section 22-2205, Idaho Code." In order to clarify that the section deals with those soil and plant amendments that have already been registered and need to be registered again, the words "that has been registered" will be inserted after "plant amendment."

Only the sections that have changes are printed in this bulletin. The original text of the proposed rule was published in the August 1, 2001 Idaho Administrative Bulletin, Volume 01-8, pages 42 through 46.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Dr. Roger Vega, Administrator, Division of Plant Industries at 332-8620 or Michael E. Cooper, Bureau Chief, Division of Plant Industries at 332-8620.

DATED this 9th day of November, 2001.

Mike Everett, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Road  
P.O. Box 790, Boise, Idaho 83712  
Phone: (208) 332-8500  
Fax: (208) 334-2170

---

### **IDAPA 02, TITLE 06, Chapter 41**

#### **RULES PERTAINING TO THE SOIL AND PLANT AMENDMENT ACT OF 2001**

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 42 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.

---

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 02-0641-0101

***SUBSECTION 010.03***

**010. SOIL AMENDMENT AND PLANT AMENDMENT REGISTRATION.**

Each separately identifiable soil amendment or plant amendment product shall be registered pursuant to Section 22-2205, Idaho Code. (7-1-01)T

**03. Alteration From Original State.** When a soil amendment or plant amendment *that has been registered* is mixed, added to, or in any way changed from its original content, it is a different product, and must be registered as provided under Section 22-2205, Idaho Code. (~~7-1-01~~)F( )

**IDAPA 07 - DIVISION OF BUILDING SAFETY**  
**07.01.04 - RULES GOVERNING ELECTRICAL SPECIALTY LICENSING**  
**DOCKET NO. 07-0104-0102**  
**NOTICE OF VACATION OF RULEMAKING**

**AUTHORITY:** In compliance with Section 67-5221, Idaho Code, notice is hereby given that this agency has vacated the rulemaking previously initiated under this docket. The action is authorized pursuant to Sections 54-1006(5) and 54-1001, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a summary of the reasons for the vacating this rulemaking:

After a public hearing on Friday, November 9, 2001 the Idaho State Electrical Board voted against proceeding with the proposed rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this vacation of rulemaking, contact Gary Malmen, Electrical Bureau Chief, Division of Building Safety, (208) 334-2183.

DATED this 14th day of November, 2001.

Dave Munroe, Administrator  
Division of Building Safety  
1090 E. Watertower St.  
Meridian, Idaho 83642  
Telephone: (208) 334-3951  
Facsimile: (208) 855-2164

---

**IN COMPLIANCE WITH SECTION 67-5221, IDAHO CODE,  
THIS RULEMAKING IS BEING VACATED.**

## **IDAPA 07 - DIVISION OF BUILDING SAFETY**

### **07.01.07 - RULES GOVERNING CONTINUING EDUCATION REQUIREMENTS**

**DOCKET NO. 07-0107-0101**

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

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-1003 and 54-1006(5), 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, page 42.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this vacation of rulemaking, contact Gary Malmen, Electrical Bureau Chief, Division of Building Safety, (208) 334-2183.

DATED this 14th day of November, 2001.

Dave Munroe, Administrator  
Division of Building Safety  
1090 E. Watertower St.  
Meridian, Idaho 83642  
Telephone: (208) 334-3951  
Facsimile: (208) 855-2164

---

### **IDAPA 07, TITLE 01, Chapter 07**

#### **RULES GOVERNING CONTINUING EDUCATION REQUIREMENTS**

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 01-10, October 3, 2001, page 42.**

**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 07 - DIVISION OF BUILDING SAFETY**

### **07.03.12 - RULES GOVERNING MANUFACTURED HOME INSTALLATIONS**

**DOCKET NO. 07-0312-0101**

#### **NOTICE OF RULEMAKING - PENDING 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 approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 44-2201, 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 and 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, page 46.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Jack Rayne, Building Bureau Chief, Division of Building Safety, (208) 334-3896.

DATED this 14th day of November, 2001.

Dave Munroe, Administrator  
Division of Building Safety  
1090 E. Watertower St.  
Meridian, Idaho 83642  
Telephone: (208) 334-3951  
Facsimile: (208) 855-2164

---

### **IDAPA 07, TITLE 03, Chapter 12**

#### **RULES GOVERNING MANUFACTURED HOME INSTALLATIONS**

**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 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 08 - IDAHO STATE BOARD OF EDUCATION**

**08.01.05 - STATE OF IDAHO SCHOLARSHIP PROGRAM**

**DOCKET NO. 08-0105-0101 (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 approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-105 and Title 33, Chapter 43, 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 and with an explanation of the reasons for the change.

To repeal this chapter of rules in its entirety. The chapter is being rewritten to encompass changes made to Idaho Code for the Idaho Promise Scholarship Program, which replaced the State of Idaho Scholarship Program.

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, page 49.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the pending rule, contact Randi McDermott at 334-2270.

DATED this 13th day of November, 2001.

Randi McDermott  
State Board of Education  
650 W. State St.  
PO Box 83720, Boise, ID 83720-0037  
Phone: 208-334-2270 / Fax: 208-334-2632

---

**IDAPA 08, TITLE 01, Chapter 05**

**STATE OF IDAHO SCHOLARSHIP PROGRAM**

**IDAPA 08.01.05 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 49.**

**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 08 - IDAHO STATE BOARD OF EDUCATION**

## **08.01.05 - IDAHO PROMISE SCHOLARSHIP PROGRAM**

### **DOCKET NO. 08-0105-0102 (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 33-105 and Title 33, Chapter 43, 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 and with an explanation of the reasons for the change.

To change the name of the State of Idaho Scholarship Program to the Idaho Promise Scholarship Program and include provisions for priority and selection of scholarship recipients, eligibility requirements and appeals procedures.

Only the sections that have changes are printed in this bulletin. The original text of the proposed rule was published in the October 3, 2001 Idaho Administrative Bulletin, Volume 01-10, pages 50 through 58.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the pending rule, contact Randi McDermott at 334-2270.

DATED this 13th day of November, 2001.

Randi McDermott  
State Board of Education  
650 W. State St.  
PO Box 83720, Boise, ID 83720-0037  
Phone: 208-334-2270  
Fax: 208-334-2632

---

### **IDAPA 08, TITLE 01, Chapter 05**

#### **IDAHO PROMISE SCHOLARSHIP PROGRAM**

**There are substantive changes from the proposed rule text.**

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

**The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 00-10, October 3, 2001, pages 50 through 58.**

**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 08-0105-0102

**SECTION 000**

**000. LEGAL AUTHORITY.**

These rules are promulgated pursuant to the authority of the State Board of Education (*the Board*) under Section 33-105 and Title 33, Chapter 43, Idaho Code. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**SECTION 005**

**005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.**

The principal place of business of the *Board* is in Boise, Idaho. The mailing address is PO Box 83720, Boise, ID 83720-0037. The Board's street address is 650 West State Street, Room 307, Boise, Idaho, 83702. The office hours are from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**SUBSECTIONS 007.02 AND 007.05**

**007. DEFINITIONS.**

These definitions are applicable to this chapter only.

**02. Secondary School Equivalent.** The instruction of students in grades nine (9) through twelve (12), provided by home schools or other educational delivery systems or by successful completion of the General Educational Development (GED) test. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**SUBSECTION 103.06**

**103. SELECTION AND ELIGIBILITY REQUIREMENTS OF SCHOLARSHIP RECIPIENTS.**

**06. Category A Recipients.** Applicants who intend to enroll in academic programs at eligible Idaho postsecondary educational institutions are selected as recipients on the basis of their high school record as defined in this chapter. Applicants who intend to enroll in professional-technical programs at eligible Idaho postsecondary educational institutions are selected on the basis of performance on the ACT COMPASS exam and grade point average (GPA) in grades nine through twelve (9-12). Criteria used during the selection process are as follows: ( )

**SUBSECTION 104.03**

**104. CONTINUING ELIGIBILITY.**

To remain eligible for renewal of a scholarship following the successful completion of the first or freshman year of

study, the recipient must comply with all of the provisions of the Idaho Promise Scholarship Program and these rules in addition to the following requirements: ( )

**03. Transfer of Scholarship.** A recipient who transfers from one eligible postsecondary educational institution in Idaho to another must comply with all of the requirements of the Idaho Promise Scholarship Program and these rules to maintain eligibility for the scholarship. In addition, the Category A recipient must file a statement with the Office of the State Board of Education declaring his intention to transfer as a full-time undergraduate student in an academic or professional-technical program in an eligible postsecondary educational institution in Idaho for the succeeding year no later than sixty (60) days prior to the first day of the academic term in which the student intends to enroll. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**SUBSECTIONS 107.05 AND 107.05.b**

**107. ADDITIONAL RESPONSIBILITIES OF ELIGIBLE POSTSECONDARY INSTITUTIONS.**

In addition to other responsibilities provided for in this chapter, officials of Idaho postsecondary educational institutions in which scholarship recipients have enrolled are responsible for the following: ( )

**05. Withdrawal From Institution.** In the event a scholarship recipient withdraws from the college, school, or university, the officials at the college, school, or university must certify to the Office of the State Board of Education that the recipient has withdrawn. Furthermore, in the event a recipient withdraws from all classes within the first sixty percent (60%) of any semester, quarter, term, or equivalent, the officials must remit to the Office of the State Board of Education a prorated share of any scholarship payments made to the institution, up to the full amount of the scholarship received for the current semester, quarter, term, or equivalent. ( )

b. Waiver. In the event of extreme hardship as determined by the professional judgment of the designated official at the educational institution, a student may request to the educational institution a waiver of remittance. Members of the National Guard or Reserves who have been ordered to active military duty are eligible for a waiver of remittance. Each institution shall provide to the Office of the State Board of Education an accounting of all waivers granted. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**SECTION 112**

**112. AUDIT.**

Participating institutions shall agree in advance to submit to regular, periodic audits by the legislative auditor and/or an auditor designated by the Board to ensure compliance with the statutes, rules, and policies governing the Idaho Promise Scholarship Program. ( )

**IDAPA 08 - IDAHO STATE BOARD OF EDUCATION**  
**08.01.12 - THE IDAHO MINORITY AND AT-RISK STUDENT SCHOLARSHIP PROGRAM**  
**DOCKET NO. 08-0112-0101**  
**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 approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-105 and Title 33, Chapter 43, 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 and with an explanation of the reasons for the change.

Although the Minority/"At-Risk" Scholarship program has been in existence for some time, administrative rules were never drafted. This new rule contains provisions for priority and selection of scholarship recipients, eligibility requirements, and appeals procedures.

Only the sections that have changes are printed in this bulletin. The original text of the proposed rules was published in the October 3, 2001 Idaho Administrative Bulletin, Volume 01-10, pages 59 through 63.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the pending rule, contact Randi McDermott at 334-2270.

DATED this 13th day of November, 2001.

Randi McDermott  
State Board of Education  
650 W. State St.  
PO Box 83720  
Boise, ID 83720-0037  
Phone: 208-334-2270  
Fax: 208-334-2632

---

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

**THE IDAHO MINORITY AND AT-RISK STUDENT SCHOLARSHIP PROGRAM**

**There are substantive changes from the proposed rule text.**

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 00-10, October 3, 2001, pages 59 through 63.

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 08-0112-0101**

**SECTION 000**

**000. LEGAL AUTHORITY.**

These rules are promulgated pursuant to the authority of the State Board of Education (*the Board*) under Section 33-105, and Section 33-4606, Idaho Code. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**SECTION 005**

**005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.**

The principal place of business of the *Board* is in Boise, Idaho. The mailing address is PO Box 83720, Boise, ID 83720-0037. The Board's street address is 650 West State Street, Room 307, Boise, Idaho, 83702. The office hours are from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**SECTION 104**

**104. SELECTION OF SCHOLARSHIP RECIPIENTS.**

Recipients of scholarships are selected by a committee appointed by the financial aid director of each participating eligible institution, in accordance with Chapter 46, Title 33, Idaho Code, as verified by the staff of the *Board*. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**SUBSECTION 106.01**

**106. CONTINUING ELIGIBILITY.**

**01. Academic Progress.** To remain eligible for renewal of a scholarship, the recipient must enroll in and complete an average of twelve (12) credit hours per semester and maintain satisfactory academic progress as defined by the participating institution. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**SUBSECTIONS 107.03, AND 107.04**

**107. ADDITIONAL RESPONSIBILITIES OF ELIGIBLE POSTSECONDARY INSTITUTIONS.**

**03. Withdrawal From Institution.** In the event a scholarship recipient withdraws from the college, school, or university, the officials at the college, school, or university must certify to the Office of the State Board of Education that the recipient has withdrawn. Furthermore, in the event a recipient withdraws from all classes within the first sixty percent (60%) of any semester, quarter, term, or equivalent, the officials must remit to the Office of the State Board of Education a prorated share of any scholarship payments made to the institution, up to the full amount of the scholarship received for the current semester, quarter, term, or equivalent. ( )

**04. Waiver.** In the event of extreme hardship as determined by the professional judgement of the designated official at the educational institution, a student may request to the educational institution a waiver of remittance. Members of the National Guard or Reserves who have been ordered to active military duty are eligible for a waiver of remittance. Each institution shall provide to the Office of the State Board of Education an accounting of all waivers granted. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**SECTION 110**

**110. AUDIT.**

Participating institutions shall agree in advance to submit to regular, periodic audits by the legislative auditor and/or an auditor designated by the Board to ensure compliance with the statutes, rules, and policies governing the Minority and "At-Risk" Student Scholarship Program. ( )

# IDAPA 08 - IDAHO STATE BOARD OF EDUCATION

## 08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-0101

### 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 approval. 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 33-105(1) and 33-107(3), 33-116, and 33-1612, Idaho Code and Article IX, Section 2 of the Idaho Constitution.

**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 K-8 standards are added to the Administrative Code text (previously incorporated by reference). Additionally, the Standards have all been reformatted and the Samples of Application removed since they are only examples and not requirements. The Standards are substantively the same as previously adopted, with the exception of the new addition of Humanities Standards and some realignment of the Math and Science Standards to ensure content knowledge and skills are grade appropriate.

There have been substantive changes made from the proposed rule. The text of the proposed rule published in the Idaho Administrative Bulletin, October 3, 2001, Volume 01-10, pages 64 through 297.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the pending rule, contact Randi McDermott at 334-2270.

DATED this 13th day of November, 2001.

Randi McDermott  
State Board of Education  
PO Box 83720, Boise, ID 83720-0037  
Phone: 208-334-2270 / Fax: 208-334-2632  
rmcdermo@osbe.state.id.us

---

### IDAPA 08, TITLE 02, Chapter 03

#### RULES GOVERNING THOROUGHNESS

**There are substantive changes from the proposed rule text.**

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

**The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 00-10, October 3, 2001, pages 64 through 297.**

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. 08-0203-0101

**SUBSECTION 007.01**

~~212007.~~ DEFINITIONS A - G.

**01. All Students.** All students means all public school students, grades K-12, not just non-college bound. (4-5-00)(\_\_\_\_)

(BREAK IN CONTINUITY OF SECTIONS)

**SUBSECTION 009.03**

~~214009.~~ DEFINITIONS T - Z.

**03. Total Quality Management.** A systematic approach to standardizing and increasing the efficiency of internal systems and processes, whether in a business or a school, using statistical and management tools for continuous improvement. Emphasis is on documenting effective processes, committing to meet customers' needs and sharing decision making. (4-5-00)(\_\_\_\_)

(BREAK IN CONTINUITY OF SECTIONS)

**SUBSECTION 297.01.d.**

**297. BASIC ARITHMETIC, ESTIMATION, AND ACCURATE COMPUTATIONS.**

Rationale: An understanding of numbers and how they are used is necessary in the everyday world. Computational skills and procedures should be developed in context so the learner perceives them as tools for solving problems.

<b>Standard - The student will:</b>	<b>Content Knowledge and Skills:</b>
<b>01.</b> Understand and use numbers.	<b>a.</b> Read, write, order, and compare whole numbers to 1,000,000, commonly used fractions, and decimals through hundredths.
	<b>b.</b> Demonstrate and apply the knowledge of whole numbers, decimal place value, and patterns of periods (hundredths to millions).
	<b>c.</b> Determine by counting the value of a collection of bills and coins up to \$100.00.
	<b>d.</b> Use concrete materials to recognize, represent, and compare commonly used fractions.
	<b>e.</b> Understand decimals with money through hundredths.

<b>Standard - The student will:</b>	<b>Content Knowledge and Skills:</b>
	<b>f.</b> Understand and apply appropriate vocabulary.
<b>02.</b> Perform computations accurately.	<b>a.</b> Consistently and accurately add and subtract whole numbers.
	<b>b.</b> Multiply and divide whole numbers.
	<b>c.</b> Add and subtract fractions with like denominators (without requiring simplification).
	<b>d.</b> Add and subtract decimals using money.
	<b>e.</b> Instantly recall multiplication facts through 10s.
	<b>f.</b> Select and use an appropriate method of computation from mental math, paper and pencil, calculator, or a combination of the three.
	<b>g.</b> Use appropriate vocabulary.
<b>03.</b> Estimate and judge reasonableness of results.	<b>a.</b> Use estimation to predict computation results.
	<b>b.</b> Evaluate the reasonableness of an answer.
	<b>c.</b> Use appropriate vocabulary.

( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**SUBSECTION 308.04.a.**

**308. MATHEMATICAL REASONING AND PROBLEM SOLVING.**

Rationale: These processes are essential to all mathematics and must be incorporated in all other mathematics standards.

<b>Standard - The student will:</b>	<b>Content Knowledge and Skills:</b>
<b>01.</b> Understand and use a variety of problem-solving skills.	<b>a.</b> Use a variety of strategies to compute problems drawn from real-world situations.
	<b>b.</b> Solve problems using the 4-step process of problem solving (explore, plan, solve, examine).
	<b>c.</b> Make predictions and decisions based on information.
<b>02.</b> Use reasoning skills to recognize problems and express them mathematically.	<b>a.</b> Use a variety of methods, such as words, numbers, symbols, charts, graphs, tables, diagrams, and models, to explain mathematical reasoning and concepts.
	<b>b.</b> Apply solutions and strategies to new problem situations.
	<b>c.</b> Formulate conjectures and discuss why they must be or seem to be true.

Standard - The student will:	Content Knowledge and Skills:
<b>03.</b> <u>Apply appropriate technology and models to find solutions to problems.</u>	<b>a.</b> <u>Understand the purpose and capabilities of appropriate technology use as a tool to solve problems.</u> <b>b.</b> <u>Use computer applications to display and manipulate data.</u> <b>c.</b> <u>Select appropriate models to represent mathematical ideas.</u>
<b>04.</b> <u>Communicate results using appropriate terminology and methods.</u>	<b>a.</b> <u>Use a variety of methods, such as words, numbers, symbols, charts, graphs, tables, diagrams, and models, to communicate mathematical information.</u> <b>b.</b> <u>Use appropriate vocabulary to communicate mathematical information.</u> <b>c.</b> <u>Use appropriate notation.</u>

( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**SECTION 461**

**461. SOCIAL STUDIES STANDARDS - HISTORY OF HUMAN CIVILIZATION - MIDDLE GRADES (GRADES 6-8), SECTIONS 462 THROUGH 465.**

**(BREAK IN CONTINUITY OF SECTIONS)**

**SUBSECTION 485.02.a.**

**485. GEOGRAPHY.**

Standard - The student will:	Content Knowledge and Skills:
<b>01.</b> <u>Understand the spatial organizations of people, places and environment on the earth's surface.</u>	<b>a.</b> <u>Develop and use different kinds of maps, globes, graphs, charts, databases and models.</u>
<b>02.</b> <u>Understand the migration and settlement of human populations on the earth's surface.</u>	<b>a.</b> <u>Describe ways in which human migration influences <i>the</i> character of a place.</u>
<b>03.</b> <u>Understand that human actions modify the physical environment and how physical systems affect human activity and living conditions.</u>	<b>a.</b> <u>Analyze ways in which humans respond to their physical environment.</u>

( )

(BREAK IN CONTINUITY OF SECTIONS)

SECTION 632

**632. SCIENCE STANDARDS - MIDDLE GRADES (GRADES 7-8), SECTIONS 633 THROUGH 643.**  
Based on the necessary math knowledge and skills, student maturation level, and the need for secondary level Physical Science exposure, it is recommended that Earth Science be scheduled at the middle school level. The standards reflect this recommendation. ( )

(BREAK IN CONTINUITY OF SECTIONS)

SUBSECTION 648.03.c.

~~351~~648. UNIFYING CONCEPTS OF SCIENCE.

<b>Content Standard - The student will:</b>	<b>Content Knowledge and Skills:</b>	<b>Samples of Applications:-</b>
<b>01.</b> Understand systems, order, and organization.	<b>a.</b> Know the scientific meaning and application of the concepts of system, order, and organization.	<del>i. Analyze, design, assemble, and trouble shoot systems—mechanical, electrical, and biological—with easily discernable components. ii. Discuss the value of thinking in terms of systems, order, and organization.</del>
<b>02.</b> Understand concepts and processes of evidence, models, and explanation.	<b>a.</b> Know that observations and data are evidence on which to base scientific explanations.	<del>i. Students use a stream table to explore concepts such as river erosion and compare the results for the table model to what is known about full-scale erosion models.</del>
	<b>b.</b> Use models to explain how things work.	<del>i. Build and demonstrate a model of the solar system.</del>
	<b>c.</b> Develop scientific explanations based on scientific knowledge, logic and analysis.	<del>i. Through research explain the value of a recycling program.</del>
<b>03.</b> Understand constancy, change, and measurement.	<b>a.</b> Identify constancy in some concepts in science that do not change with time such as the speed of light.	<del>i. Define a meter in terms of distance traveled by light in a given period of time.</del>
	<b>b.</b> Recognize that change occurs in and among systems and change can be measured.	<del>i. Use demographic data to plot and explain population changes over a period of time.</del>
	<b>c.</b> Measure in both the metric and <u>U.S.</u> customary system.	<del>i. Record Celsius and Fahrenheit temperature readings over a period of time.</del>

<b>Content Standard - The student will:</b>	<b>Content Knowledge and Skills:</b>	<b>Samples of Applications:-</b>
04. Understand the theory that evolution is a process that relates to the gradual changes in the universe and of equilibrium as a physical state.	a. Know that the present arises from materials and forms of the past.	i. <del>Diagram the rock cycle.</del> ii. <del>Describe how soil forms.</del>
	b. Understand evolution as a series of changes, some gradual and some sporadic, that account for present form and function of objects, organisms, and natural or mechanical systems.	i. <del>Describe the earth's changes using plate tectonics as an example.</del> ii. <del>Describe the changes in Idaho's vegetation over the last 200 years and explain why they occurred.</del>
	c. Know that equilibrium is a physical state in which forces and changes occur in opposite and offsetting directions.	i. <del>Demonstrate Newton's laws of motion.</del>
05. Understand concepts of form and function.	a. Know that form refers to function and function refers to form.	i. <del>Describe how the foot of a frog and the shape of a leaf demonstrate form and function.</del>

(4-5-00)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**SUBSECTIONS 671.01.i., 671.01j., and 671.01.k.**

**671. READING.**

Rationale: Read a variety of grade-level materials and apply strategies appropriate to various situations.

<b>Standard - The student will:</b>	<b>Content Knowledge and Skills:</b>
01. <u>Read a variety of traditional and electronic materials for information and understanding.</u>	a. <u>Use decoding and word-recognition strategies to fluently read kindergarten materials.</u>
	<b><u>Phonics/Phonemic Awareness</u></b>
	b. <u>Using various techniques, identify and /or name two or more words that rhyme:</u> - <u>Complete phrases and sentences with rhyming words;</u> - <u>Produce a word that rhymes with a given word;</u> - <u>Recognize if two or more one-syllable words rhyme.</u>
	c. <u>Using varied techniques, orally segment:</u> - <u>Sentences into words;</u> - <u>Syllables into sounds;</u> - <u>Words into syllables and sounds.</u>
	d. <u>Orally blend phonemes into words.</u>
	<b><u>Phonics</u></b>

Standard - The student will:	Content Knowledge and Skills:
	<p><b>e.</b> Recognize names of upper and lower case letters.</p> <p><b>f.</b> Associate letters to letter sounds.</p> <p><b>g.</b> Identify beginning, middle, and ending letters in a word.</p> <p style="text-align: center;"><b>Concepts About Print (CAP)</b></p> <p><b>h.</b> - Identify front of book;                      - Attend to print;                      - Use picture clues to support text;                      - Use story language;                      - Know where to start reading;                      - Move left to right across print;                      - Make return sweep to next line of text;                      - Match word by word;                      - Understand first and last of text, top and bottom of page, and order of pages for turning;                      - Read left page before right page;                      - Identify one or two letters; first and last letter, and capital letters; point to specific letter when requested;                      - Match upper and lower case letters;                      - Use beginning sounds and final letters.</p> <p style="text-align: center;"><b>Reading Strategies</b></p> <p><b>i</b> - Draw on prior knowledge, discuss, and generate questions to predict text;                      - Prior to reading, preview illustrations and opening pages of a text, title page, and table of contents.</p> <p style="text-align: center;"><b>Context Clues</b></p> <p><b>j</b> Use pictures and follow patterns to group meaning from print.</p> <p style="text-align: center;"><b>Word Analysis</b></p> <p><b>k.</b> Use beginning letter sounds and pictures to identify words in order to cross check.</p>
<b>02.</b> Read and respond to a variety of literature to compare and contrast the many dimensions of the human experience.	<p><b>a.</b> Offer relevant background information during pre-reading discussion.</p> <p><b>b.</b> Demonstrate understanding of vocabulary of story during post-discussion or story response.</p>
<b>03.</b> Read a variety of traditional, technical, and electronic materials for critical analysis and evaluation.	<p><b>a.</b> Retell a story that includes setting, plot, and characters.</p>

Standard - The student will:	Content Knowledge and Skills:
	<p><b>b.</b> Identify the following story elements within a literary text:</p> <ul style="list-style-type: none"> <li>- Character;</li> <li>- Setting;</li> <li>- Simple sequence of events, including clear beginning, middle, and end;</li> <li>- Problems and solutions.</li> </ul> <p><b>c.</b> Determine cause and effect relationships by responding to “why,” “how,” and “what-if” questions.</p> <p><b>d.</b> Distinguish between fiction and nonfiction and real and pretend.</p>
<p><b>04.</b> Read to locate information from a variety of traditional, technical, and electronic sources.</p>	<p><b>a.</b> Locate resources for finding words in the classroom:</p> <ul style="list-style-type: none"> <li>- Word wall;</li> <li>- Color word chart;</li> <li>- Number word chart;</li> <li>- Familiar books;</li> <li>- Children's name labels and name tags;</li> <li>- Pictionary;</li> <li>- Computer;</li> <li>- Title page;</li> <li>- Dictionary.</li> </ul>
<p><b>05.</b> Read for technical information.</p>	<p><b>a.</b> Identify five software icons located in the classroom and school.</p>

( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**SUBSECTION 754.02.b.**

**403754. LISTENING.**

<b>Content Standard - The student will:</b>	<b>Content Knowledge and Skills:</b>	<b>Samples of Applications:-</b>
<p><b>01.</b> Listening for information and understanding.</p>	<p><b>a.</b> Acquire, interpret, and apply information from a variety of electronic or live sources.</p>	<p><b>i.</b> Demonstrate understanding of spoken directions, speeches, plays, advertising, lectures, personal conversations, and/or public dialogues.</p>
	<p><b>b.</b> Use listening skills to gain enrichment and information about various cultures.</p>	<p><b>i.</b> Listen and respond to the language, speech, music, folk stories, drama, poetry, dialect, theatre, and other Fine Arts of various cultures.</p>
	<p><b>c.</b> Demonstrate effective interpersonal listening skills.</p>	<p><b>i.</b> Practice effective listening skills such as paraphrasing, appropriate body language, note-taking, repeating, explaining, elaboration, outlining, and encouraging.</p>

<b>Content Standard - The student will:</b>	<b>Content Knowledge and Skills:</b>	<b><del>Samples of Applications:-</del></b>
<b>02.</b> Listen for literary response and expression.	<b>a.</b> Interpret and respond to a variety of oral presentations.	<del><i>i. Interpret oral presentations of narratives, stories, drama, and literary readings.</i></del> <del><i>ii. Evaluate reader's theatre or stage plays.</i></del>
	<b>b.</b> Compare and contrast a variety of <del>or</del> presentations.	<del><i>i. Critique songs, poems, monologues, and dramatic presentations.</i></del>
<b>03.</b> Listen for critical analysis and evaluation.	<b>a.</b> Make informed judgments about the purpose, content, organization, and delivery of verbal communications and non-verbal cues.	<del><i>i. Evaluate cultural performances, television productions, and/or speeches in relation to body language, diction, and tone.</i></del>

(4-5-00)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**SECTION 831**

**831. HEALTH STANDARDS - MIDDLE GRADES (GRADES 7-8), SECTIONS 832 THROUGH 836.**

**(BREAK IN CONTINUITY OF SECTIONS)**

***SUBSECTIONS 856.07, .08, .10, .19, .20, .26, .29, .36, AND .37 THAT WERE PUBLISHED IN THE PROPOSED RULE HAVE BEEN REMOVED FROM THE PENDING RULE. SECTION 856 HAS BEEN RENUMBERED TO REFLECT THE DELETIONS AND IS PRINTED HERE AS ADOPTED.***

**856. GLOSSARY OF HUMANITIES TERMS.**

The following definitions apply only to Sections 856 through 954 of these rules. ( )

**01. Aesthetics.** A branch of philosophy that deals with issues of beauty. The questions and ideas of aesthetics define what society considers art: the creation and response to art, the role of art in society, and the standards for judging and interpreting the significance of art. ( )

**02. Application.** The practice of using one's knowledge, techniques, and skills to produce a product. ( )

**03. Appreciation.** A sensitive awareness; in the context of the arts, a recognition of aesthetic values. ( )

**04. Arts Criticism.** A framework for considering art through description, interpretation, evaluation, theorizing, and making informed judgments. ( )

**05. Artifact.** A product of civilization, such as a tool or ornament, that shows human workmanship or modification. ( )

**06. Authentic Sources.** Materials created by people living in their culture (such as a country's newspapers, magazines, or menus). ( )

- 07. Creative Expression.** An imaginative response that exhibits both feeling and core knowledge of an art form. ( )
- 08. Culture/Cultures.** A group that influences ways of perceiving, valuing, behaving, and believing. (Vesta Daniel Ed.D.) ( )
- 09. Disciplines.** Specific fields of study within the arts and humanities (visual art, music, dance, literature, philosophy). ( )
- 10. Diversity.** The condition of being different, inclusive of wide ethnic representation, varied viewpoints, and range of abilities. ( )
- 11. Ethics/Ethical.** The discipline dealing with what is good and bad and with moral duty and obligation; behaving according to those determinations. ( )
- 12. Expository Writing.** Writing that is neither descriptive nor narrative and whose primary function is to explain and/or define. ( )
- 13. Genre.** A category of artistic, musical, or literary composition characterized by a particular style, form, or content. ( )
- 14. Historical/Living Culture.** A culture, civilization that has existed in the past as opposed to one that is current and/or evolving. ( )
- 15. Improvisational Interpretation.** A performance, speaking or acting, that is delivered without the use of a script. ( )
- 16. Integrate.** To incorporate into a larger unit. ( )
- 17. Interdisciplinary Humanities.** A study of two (2) or more related disciplines within the state-adopted list of humanities subjects. ( )
- 18. Interrelationships.** Mutual or reciprocal relationships of arts and humanities disciplines. ( )
- 19. Literary Work.** An example of writing that possesses the qualities or characteristics of letters, human learning, or literature. ( )
- 20. Nationalism.** A sense of national consciousness, placing primary emphasis on the culture and interests of a particular nation. ( )
- 21. Persona.** An individual's social façade or front as perceived by others. ( )
- 22. Reasoned Dialogue.** The process of presenting a calculated discussion of ideas through logical means (research, debate, analysis, judgment). ( )
- 23. Replicate.** To repeat or duplicate a product or process. ( )
- 24. Speculate.** To examine an idea or process and determine a logical outcome. ( )
- 25. Structural Analysis.** The act of studying how the parts of a work or product are put together. ( )
- 26. Style.** An accustomed manner or method of creating or performing as sanctioned by an accepted standard. ( )
- 27. Translate.** To turn into one's own or another language; to change an activity or idea from one (1) form into another. ( )

**SUBSECTIONS 857.04 THROUGH 857.07**

**857. IDAHO HUMANITIES STANDARDS.**

All Idaho students have the right to develop a basic understanding of the humanities disciplines. In order to achieve success, a student of the humanities must gain content knowledge, practice critical thinking skills, and experience personal expression. ( )

**04. Interdisciplinary Humanities.** *The interdisciplinary humanities standards are based on the assumption that connections exist between all aspects of human behavior. Through interdisciplinary study, the student should acquire knowledge and skills that promote understanding of these connections as they exist among the disciplines of history, visual and performing arts, and foreign language. The standards carry the presumption that the student has acquired the basic knowledge of each discipline prior to undertaking these studies.* ( )

**05. Visual And Performing Arts.** *The Idaho Standards for Arts Education are a statement of what every Idaho student should know and be able to do in four (4) arts disciplines - music, visual art, theatre, and dance. Their scope is grades K-12, and they speak to both content and achievement. Practicing the arts disciplines is fundamental to the healthy development of children's mind and spirit, a prerequisite for one becoming a healthy and effective world citizen. For this reason, the arts cannot be separated from the very meaning of the term "education". We know from long experience that no one can claim to be truly educated who lacks basic knowledge and skills in the arts. Arts education benefits the student because it cultivates the whole child, gradually building many kinds of literacy while developing intuition, reasoning, imagination, and dexterity into unique forms of expression and communication. When study and competence in the arts reinforce one another, the joy of learning becomes real, tangible, and powerful.* ( )

**06. World History-Humanities (Humanities In A Historical Context).** *World History-Humanities exposes the student to the wide diversity of expression chronicled through historical development. With an expanded worldview, the student now defines "self" through the humanities - the expression of individuality and connectedness to mankind as a citizen of the world. Through World History-Humanities, the student learns how ideas, beliefs, and values have profoundly influenced human actions throughout history. Religion, philosophy, art, and popular culture have all been central to the aspirations and achievements of all societies, and have been a mainspring of historical change from earliest times. A students' exploration of this sphere of human activity, through literature, sacred writings and oral traditions, political treatise, drama, art, architecture, music, and dance, deepen their understandings of the human experience.* ( )

**07. Foreign Language.** *Language and communication are at the heart of the human experience. The state of Idaho must equip students with linguistic and cultural skills to communicate in a culturally diverse society. It is presumed that the basic language acquisition skills (speaking, listening, reading, writing, observing) are taught in all language courses receiving humanities credit. The material below is designed to integrate the study of a foreign language with cultural contexts and critical thinking skills.* ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**SECTIONS 859 THROUGH 998 ARE BEING REPRINTED IN THEIR ENTIRETY BECAUSE OF NUMEROUS CHANGES MADE TO THESE SECTIONS.**

**859. -- 865. (RESERVED).**

**866. VISUAL AND PERFORMING ARTS - KINDERGARTEN THROUGH GRADE 3, SECTIONS 867 THROUGH 872.**

**867. HISTORICAL AND CULTURAL CONTEXTS OF VISUAL AND PERFORMING ARTS DISCIPLINES.**

**868. STANDARD ONE.**

Demonstrate an understanding of the cultural and historical contexts and interrelationships of the arts and humanities disciplines among various cultures.

Standard Breakout - By the end of grade 3, the student will:	Content Knowledge and Skills:
<p><b>01.</b> <u>Understand the historical and cultural contexts of the visual and performing arts.</u></p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. <u>Name the historical or cultural background of musical selections learned.</u></li> <li>2. <u>Identify the country or region of musical selections learned.</u></li> <li>3. <u>Describe the role music plays in today's society.</u></li> </ol> <p><b>b. VISUAL ART:</b></p> <ol style="list-style-type: none"> <li>1. <u>Recognize key differences in art works from two different time periods or cultures.</u></li> <li>2. <u>Identify the purpose of a work of art that was created in the past.</u></li> <li>3. <u>Describe the role visual arts play in today's society.</u></li> </ol> <p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Identify a dramatic presentation as belonging to the past, present, or future.</u></li> <li>2. <u>Describe the role theatre plays in today's society.</u></li> </ol> <p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Identify dances associated with particular places and events.</u></li> <li>2. <u>Identify historical events or scientific discoveries that have influenced dance.</u></li> <li>3. <u>Discover common subjects, ideas, and themes in dances from different cultures.</u></li> <li>4. <u>Describe the role dance plays in today's society.</u></li> </ol>
<p><b>02.</b> <u>Understand interrelationships among visual and performing arts disciplines.</u></p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. <u>Identify ideas and emotions that are expressed through music and other disciplines.</u></li> <li>2. <u>Compare a musical selection with another art form that uses a similar style.</u></li> </ol> <p><b>b. VISUAL ART:</b></p> <ol style="list-style-type: none"> <li>1. <u>Name ways in which the subject of a work of visual art is similar to another art form (music, dance.)</u></li> <li>2. <u>Identify ideas and emotions that are expressed through visual arts and other disciplines.</u></li> </ol> <p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Identify ideas and emotions that are expressed through theatre and other disciplines.</u></li> <li>2. <u>Compare a written (or visual) story with a dramatic performance of that same story.</u></li> </ol>

Standard Breakout - By the end of grade 3, the student will:	Content Knowledge and Skills:
	<p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Compare and contrast cultural dances and other art forms represented within a school, community, or region.</u></li> <li>2. <u>Name common subjects or ideas in dance and other arts of various cultures.</u></li> <li>3. <u>Identify ideas and emotions that are expressed through dance and other disciplines.</u></li> </ol>

( )

**869. CRITICAL THINKING IN THE VISUAL AND PERFORMING ARTS.**

**870. STANDARD TWO.**

Conduct analyses, engage in reasoned dialogue, and demonstrate informed judgment about philosophical, aesthetic, or ethical arts issues.

Standard Breakout - By the end of grade 3, the student will:	Content Knowledge and Skills:
<p><b>01.</b> <u>Conduct analyses in the arts and humanities disciplines.</u></p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. <u>Recognize and respond to characteristics and content of various musical forms.</u></li> <li>2. <u>Examine music as a form of communication.</u></li> <li>3. <u>Use arts vocabulary to discuss specific works of music.</u></li> <li>4. <u>Relate the significance of music to one's own life.</u></li> </ol> <p><b>b. VISUAL ART:</b></p> <ol style="list-style-type: none"> <li>1. <u>Recognize and respond to characteristics and content of various art forms.</u></li> <li>2. <u>Examine the visual arts as a form of communication.</u></li> <li>3. <u>Use arts vocabulary to discuss specific works of art.</u></li> </ol> <p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Recognize and respond to characteristics of drama.</u></li> <li>2. <u>Examine drama as a form of communication.</u></li> <li>3. <u>Use arts vocabulary to discuss a dramatic performance.</u></li> </ol> <p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Examine dance as a means of communicating meaning.</u></li> <li>2. <u>Show how the human body is used to express or communicate action, idea, or experience through movement.</u></li> <li>3. <u>Compare and contrast dance forms associated with specific groups of people, geographic regions, or time periods.</u></li> </ol>
<p><b>02.</b> <u>Engage in reasoned dialogue about arts and humanities issues.</u></p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. <u>Discuss the importance of music in one's own life.</u></li> <li>2. <u>Draw conclusions about the meaning of the term "classical music."</u></li> </ol> <p><b>b. VISUAL ART:</b></p> <ol style="list-style-type: none"> <li>1. <u>Discuss the importance of visual art in one's own life.</u></li> <li>2. <u>Discuss how symbols create meaning in art.</u></li> </ol>

Standard Breakout - By the end of grade 3, the student will:	Content Knowledge and Skills:
	<p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Discuss the role of drama in one's own life.</u></li> <li>2. <u>Compare and contrast current forms of drama today (theatre, film, television).</u></li> </ol> <p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Identify dance forms associated with particular places or events.</u></li> <li>2. <u>Locate common themes in dance (such as friendship or family) and create a personal response to that theme.</u></li> <li>3. <u>Show how dance elicits various interpretations.</u></li> </ol>
<p><b>03.</b> <u>Demonstrate informed judgment about philosophical, aesthetic, or ethical arts issues.</u></p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. <u>Recognize and verbalize emotions that are associated with music.</u></li> <li>2. <u>Verbalize personal preferences for a specific work of music, using arts vocabulary.</u></li> </ol> <p><b>b. VISUAL ART:</b></p> <ol style="list-style-type: none"> <li>1. <u>Discuss characteristics of one's own work and the work of others.</u></li> <li>2. <u>Compare one's own response to a work of art and to another student's response.</u></li> <li>3. <u>Show how expression in art causes different responses from viewers.</u></li> </ol> <p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Verbalize personal preferences of types of drama (formal, informal) within society today.</u></li> <li>2. <u>Identify the beginning, middle, and ending of dramatic performances.</u></li> <li>3. <u>Explain preferences for different parts of a dramatic performance.</u></li> </ol> <p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Develop and apply arts vocabulary when discussing art forms.</u></li> <li>2. <u>Explain ideas that dances can represent.</u></li> <li>3. <u>Suggest ways that artists get ideas.</u></li> <li>4. <u>Voice personal preferences about dances within a classroom or other setting.</u></li> </ol>

( )

**871. ACQUISITION, APPLICATION, AND EXPRESSION OF SPECIFIC CONTENT KNOWLEDGE AND SKILLS IN THE VISUAL AND PERFORMING ARTS.**

**872. STANDARD THREE.**

Communicate in the humanities disciplines through *acquisition*, application, and creative expression.

Standard Breakout - By the end of grade 3, the student will:	Content Knowledge and Skills:
<p><b>01.</b> <u>Communicate in the visual and performing arts through application of artistic concepts, knowledge, and skills.</u></p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. <u>Read and perform meter, rhythm, and pitch using standard music symbols.</u></li> <li>2. <u>Echo short rhythms and melodic patterns.</u></li> <li>3. <u>Sing on pitch, in rhythm, and with steady tempo.</u></li> <li>4. <u>Sing simple songs from different cultures and genres (ostinatos, rounds).</u></li> <li>5. <u>Illustrate group singing and instrumental skills in response to conductor cues.</u></li> <li>6. <u>Identify sounds of different instrument families and voices.</u></li> </ol>
	<p><b>b. VISUAL ART:</b></p> <ol style="list-style-type: none"> <li>1. <u>Name and use different art materials (paint, clay, paper, wood).</u></li> <li>2. <u>Acquire and develop skills necessary for understanding and applying arts techniques and processes.</u></li> <li>3. <u>Reproduce an existing work respecting the intent of its original creator.</u></li> <li>4. <u>Develop and use an arts vocabulary.</u></li> <li>5. <u>Express personal preferences for specific works and styles.</u></li> </ol>
	<p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Use dialogue to tell stories and record information on a personal cognitive level.</u></li> <li>2. <u>Create characters, environments, and situations for dramatization. (Let's pretend.)</u></li> <li>3. <u>Vary movement, vocal pitch, tempo, and tone for different characters.</u></li> <li>4. <u>Interact in imaginary situations.</u></li> <li>5. <u>Choose scenery, props, costumes, and makeup for a production.</u></li> <li>6. <u>Observe the visual, aural, oral, and kinetic elements of drama.</u></li> <li>7. <u>Develop reasons for personal preferences about dramatic performances.</u></li> </ol>
	<p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Identify and isolate movements of body parts.</u></li> <li>2. <u>Demonstrate the difference between tension and relaxation in stillness and motion.</u></li> <li>3. <u>Move without talking.</u></li> <li>4. <u>Demonstrate how the body can create shapes, heights, pathways, and personal space.</u></li> <li>5. <u>Imitate basic body movements, rhythm patterns, and tempos.</u></li> <li>6. <u>Move as an individual and as part of a group.</u></li> <li>7. <u>Illustrate different movement qualities (heavy, light, strong, limp).</u></li> <li>8. <u>Practice appropriate warm-up for large muscle groups.</u></li> </ol>

Standard Breakout - By the end of grade 3, the student will:	Content Knowledge and Skills:
<p><b>02.</b> <u>Communicate in the visual and performing arts through creative expression.</u></p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. <u>Create a musical line when given specific guidelines.</u></li> <li>2. <u>Move to the beat of music in both organized and free style.</u></li> <li>3. <u>Improvise “answers” to given rhythmic and/or melodic phrases.</u></li> <li>4. <u>Improvise movement that is stylistically appropriate to music.</u></li> </ol> <p><b>b. VISUAL ART:</b></p> <ol style="list-style-type: none"> <li>1. <u>Show respect for personal work and works of others.</u></li> <li>2. <u>Create a work of art using personal experience and skills.</u></li> <li>3. <u>Experiment with different materials, techniques, and processes in the visual arts.</u></li> </ol> <p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Act in an improvisation.</u></li> <li>2. <u>Assume roles based on personal experiences, imagination, and reading.</u></li> </ol> <p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Invent multiple solutions to movement problems.</u></li> <li>2. <u>Use movement vocabulary to compose a dance phrase.</u></li> <li>3. <u>Create a movement phrase with a beginning, middle, and end.</u></li> <li>4. <u>Use original ideas and/or concepts from other sources.</u></li> <li>5. <u>Express ideas, moods, and feelings, through dance.</u></li> </ol>

( )

**873. -- 874. (RESERVED).**

**875. WORLD HISTORY-HUMANITIES (HUMANITIES IN A HISTORICAL CONTEXT) - KINDERGARTEN THROUGH GRADE 3.**

World History standards do not apply at these grade levels.

( )

**876. -- 882. (RESERVED).**

**883. FOREIGN LANGUAGE - KINDERGARTEN THROUGH GRADE 3, SECTIONS 884 THROUGH 889.**

**884. HISTORICAL AND CULTURAL CONTEXTS OF FOREIGN LANGUAGE STUDY.**

**885. STANDARD ONE.**

Demonstrate an understanding of the cultural and historical contexts and interrelationships of the arts and humanities disciplines among various cultures.

Standard Breakout - By the end of grade 3, the student will:	Content Knowledge and Skills:
<p><b>01.</b> <u>Understand the historical contexts of language study.</u></p>	<p><b>a.</b> <u>Identify historical events related to the language(s) being studied.</u></p> <p><b>b.</b> <u>Identify expressions used historically and idiomatically.</u></p>

Standard Breakout - By the end of grade 3, the student will:	Content Knowledge and Skills:
<b>02.</b> <u>Understand the <i>interrelationships</i> between language study and the arts and humanities disciplines.</u>	<b>a.</b> <u>Identify basic cultural and traditional relationships within the target language.</u>
	<b>b.</b> <u>Examine the use of the target language in the arts and humanities disciplines.</u>
<b>03.</b> <u>Understand the <i>interrelationships</i> between cultures and the language of those cultures.</u>	<b>a.</b> <u>Recognize regional differences within the language and culture(s) being studied.</u>
	<b>b.</b> <u>Identify cultural beliefs of people in the target language.</u>
	<b>c.</b> <u>Recognize contributions of native cultures to the target language being studied.</u>

( )

**886. CRITICAL THINKING IN FOREIGN LANGUAGE STUDY.**

**887. STANDARD TWO.**

Conduct structural analyses, engage in reasoned dialogue, and demonstrate informed judgment about philosophical, aesthetic, or ethical arts issues.

Standard Breakout - By the end of grade 3, the student will:	Content Knowledge and Skills:
<b>01.</b> <u>Conduct analyses of language.</u>	<b>a.</b> <u>Identify ways one language influences another.</u>
	<b>b.</b> <u>Identify differences and similarities between English and the target language.</u>
<b>02.</b> <u>Engage in reasoned dialogue about language.</u>	<b>a.</b> <u>Compare and contrast the local culture(s) with the one(s) being studied, using authentic sources.</u>
	<b>b.</b> <u>Connect the language of the culture(s) being studied to other disciplines across the curriculum.</u>
<b>03.</b> <u>Demonstrate informed judgment about philosophical, aesthetic, or ethical arts issues.</u>	<b>a.</b> <u>Evaluate a cultural concept or idea within the language of study.</u>

( )

**888. ACQUISITION, APPLICATION, AND EXPRESSION OF SPECIFIC CONTENT KNOWLEDGE AND SKILLS IN FOREIGN LANGUAGE STUDY.**

**889. STANDARD THREE.**

Communicate in the humanities disciplines through *acquisition*, application and creative expression.

Standard Breakout - By the end of grade 3, the student will:	Content Knowledge and Skills:
<b>01.</b> <u>Understand concepts essential to foreign language study.</u>	<b>a.</b> <u>Recognize nonverbal cues and body language typically used in a target culture.</u>

Standard Breakout - By the end of grade 3, the student will:	Content Knowledge and Skills:
	<p><b>b.</b> <u>Recognize common phrase groupings and voice inflections.</u></p> <p><b>c.</b> <u>Recognize the conventions and styles of language appropriate to different ages and social groups.</u></p> <p><b>d.</b> <u>Recognize that an idea may be expressed in multiple ways in the target language.</u></p>
<p><b>02.</b> <u>Communicate in the humanities disciplines through application of language skills.</u></p>	<p><b>a.</b> <u>Engage in dialogue using vocabulary and structures in everyday situations.</u></p>
<p><b>03.</b> <u>Communicate in language study through creative expression.</u></p>	<p><b>a.</b> <u>Express preferences, desires, and feelings in the language being studied.</u></p>

( )

**890. -- 891. (RESERVED).**

**892. INTERDISCIPLINARY HUMANITIES - GRADES 4 AND 5.**

Interdisciplinary Humanities standards do not apply at these grade levels.

( )

**893. -- 899. (RESERVED).**

**900. VISUAL AND PERFORMING ARTS - GRADES 4 AND 5, SECTIONS 901 THROUGH 906.**

**901. HISTORICAL AND CULTURAL CONTEXTS OF VISUAL AND PERFORMING ARTS DISCIPLINES.**

**902. STANDARD ONE.**

Demonstrate an understanding of the cultural and historical contexts and interrelationships of the arts and humanities disciplines among various cultures.

Standard Breakout - By the end of grade 5, the student will:	Content Knowledge and Skills:
<p><b>01.</b> <u>Understand the historical and cultural contexts of visual and performing arts.</u></p>	<p><b>a. <u>MUSIC:</u></b></p> <p><b>1.</b> <u>Identify by genre or style music from various cultures.</u></p> <p><b>2.</b> <u>Identify characteristics of music from two different historical periods.</u></p> <p><b>3.</b> <u>Identify specific compositions as belonging to a particular era in music history.</u></p> <p><b>b. <u>VISUAL ART:</u></b></p> <p><b>1.</b> <u>Compare and contrast specific works of art from two different time periods.</u></p> <p><b>2.</b> <u>Show how a specific work of art reflects events in history.</u></p> <p><b>3.</b> <u>Compare works of art that represent two different cultures that existed during the same period of history.</u></p> <p><b>4.</b> <u>Identify specific works as belonging to a particular era in art history.</u></p>

Standard Breakout - By the end of grade 5, the student will:	Content Knowledge and Skills:
	<p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Translate a specific historical event into a dramatic presentation.</u></li> <li>2. <u>Create stage props and scenery that convey the historical accuracy in a dramatic reenactment.</u></li> <li>3. <u>Improvise historical figures and dialogue typical of that person's culture.</u></li> </ol> <p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Research dance forms that have evolved during particular periods of history.</u></li> <li>2. <u>Explain how a dance from a specific culture or time period reflects values of its society.</u></li> </ol>
<p><b>02.</b> <u>Understand interrelationships among visual and performing arts disciplines.</u></p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. <u>Identify music and art (or dance or drama) that has evolved from a similar ethnic, geographical, or historical origin.</u></li> <li>2. <u>Classify ways in which the elements of music and other art disciplines of a specific time period are similar.</u></li> </ol> <p><b>b. VISUAL ART:</b></p> <ol style="list-style-type: none"> <li>1. <u>Classify the ways in which ideas and subject matter of humanities disciplines are interrelated.</u></li> <li>2. <u>Describe how elements of various arts depict ideas and emotions.</u></li> <li>3. <u>Observe and describe the presence of the visual arts in today's society.</u></li> </ol> <p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Identify the use of visual art, music, and movement in theatrical presentations.</u></li> <li>2. <u>Describe the relationship between reality and fantasy in drama and other art forms.</u></li> </ol> <p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Compare and contrast dance and other art forms associated with specific groups of people, geographic regions, or time periods.</u></li> <li>2. <u>List ways in which art forms (including dance) have been transmitted from one generation to another.</u></li> </ol>

( )

**903. CRITICAL THINKING IN THE VISUAL AND PERFORMING ARTS.**

**904. STANDARD TWO.**

Conduct analyses, engage in reasoned dialogue, and demonstrate informed judgment about philosophical, aesthetic, or ethical arts issues.

Standard Breakout - By the end of grade 5, the student will:	Content Knowledge and Skills:
<p><b>01.</b> <u>Conduct analyses in the arts and humanities disciplines.</u></p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. <u>Recognize and respond to specific elements of music (pitch, rhythm, timbre, diction, posture, tempo).</u></li> <li>2. <u>Describe music as a form of communication.</u></li> <li>3. <u>Use music vocabulary to discuss specific compositions.</u></li> </ol> <p><b>b. VISUAL ART:</b></p> <ol style="list-style-type: none"> <li>1. <u>Recognize differences between art materials, techniques, and processes.</u></li> <li>2. <u>Use arts vocabulary to experience and discuss a variety of art works.</u></li> <li>3. <u>Discuss how people's experiences can influence and develop specific art works.</u></li> </ol> <p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Compare the relationship between theatre and popular notions about entertainment.</u></li> <li>2. <u>Discuss film and television as effective or ineffective ways to communicate meaning.</u></li> </ol> <p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Examine how dance creates and communicates meaning.</u></li> <li>2. <u>Speculate how different artistic choices can change the meaning of a dance.</u></li> </ol>
<p><b>02.</b> <u>Engage in reasoned dialogue about arts and humanities issues.</u></p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. <u>Discuss the importance of music in our society.</u></li> <li>2. <u>Discuss the differences between professional and amateur musicians.</u></li> </ol> <p><b>b. VISUAL ART:</b></p> <ol style="list-style-type: none"> <li>1. <u>Discuss how art works can elicit different responses.</u></li> <li>2. <u>Explain the difference between the visual characteristics and the purpose of a specific work of art (beauty versus meaning).</u></li> </ol> <p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Examine how theatre reveals universal themes.</u></li> <li>2. <u>Explain how facial expression and body language reveal meaning.</u></li> </ol> <p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Examine how dance reveals universal themes.</u></li> <li>2. <u>Identify ways in which the principles of other disciplines (like math or science) relate to movement and dance.</u></li> </ol>

Standard Breakout - By the end of grade 5, the student will:	Content Knowledge and Skills:
<p><b>903.</b> <u>Demonstrate informed judgment about philosophical, aesthetic, or ethical arts issues.</u></p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. <u>Justify personal preferences based on philosophical, aesthetic, or ethical arts issues.</u></li> <li>2. <u>Identify and debate copyright issues in music.</u></li> <li>3. <u>Express personal preferences for musical selection, using appropriate arts vocabulary.</u></li> </ol> <p><b>b. VISUAL ART:</b></p> <ol style="list-style-type: none"> <li>1. <u>Identify and evaluate characteristics of one's own work and works of others.</u></li> <li>2. <u>Explain how elements of composition and/or organization cause different responses.</u></li> <li>3. <u>Describe how different media communicate meaning in the visual arts.</u></li> <li>4. <u>Discuss copyright issues in visual arts.</u></li> </ol> <p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Evaluate one's performance of a scene and the performances of others.</u></li> <li>2. <u>Explain how lighting, sets, and costumes can create meaning in a dramatic performance.</u></li> </ol> <p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Examine how dance contains characteristics and merits that guide assessment of one's works and works of others.</u></li> <li>2. <u>Discuss the process and effort involved in developing an idea into a dance work.</u></li> <li>3. <u>Explain how a dance may elicit interpretations different from those intended by the dancer.</u></li> </ol>

( )

**905. ACQUISITION, APPLICATION, AND EXPRESSION OF SPECIFIC CONTENT KNOWLEDGE AND SKILLS IN THE VISUAL AND PERFORMING ARTS.**

**906. STANDARD THREE.**

Communicate in the humanities disciplines through acquisition, application, and creative expression.

Standard Breakout - By the end of grade 5, the student will:	Content Knowledge and Skills:
<p><b>01.</b> <u>Communicate in the visual and performing arts through application of artistic concepts, knowledge, and skills.</u></p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li><b>1.</b> <u>Sing in harmony using simple ostinatos, partner songs, descants, and canons.</u></li> <li><b>2.</b> <u>Use a variety of sound sources (classroom instruments, electronic and natural sounds) to compose/arrange.</u></li> <li><b>3.</b> <u>Perform independent instrumental parts while other students sing or play contrasting parts.</u></li> <li><b>4.</b> <u>Improvise simple rhythmic and/or melodic accompaniments.</u></li> <li><b>5.</b> <u>Read, notate, and perform meter, rhythm, pitch, dynamics, and tempo using standard music symbols.</u></li> <li><b>6.</b> <u>Identify symbols, traditional terms, and notations in music.</u></li> <li><b>7.</b> <u>Identify specific instruments in a recording or live performance.</u></li> </ol> <p><b>b. VISUAL ART:</b></p> <ol style="list-style-type: none"> <li><b>1.</b> <u>Show differences between art materials, techniques, and processes.</u></li> <li><b>2.</b> <u>Demonstrate how different media, techniques, and processes are used to communicate ideas.</u></li> <li><b>3.</b> <u>Show differences among visual characteristics and purposes of art.</u></li> <li><b>4.</b> <u>Demonstrate how composition, expression, and organization of art cause different responses.</u></li> <li><b>5.</b> <u>Compare ways in which subject matter, symbols, and ideas are used to communicate meaning.</u></li> </ol> <p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li><b>1.</b> <u>Improvise dialogue to tell stories and record information at a personal cognitive level.</u></li> <li><b>2.</b> <u>Create characters, environments, and situations for dramatization.</u></li> <li><b>3.</b> <u>Vary movements, vocal pitch, tempo, and tone for different characters.</u></li> <li><b>4.</b> <u>Select and organize materials that suggest scenery, properties, lighting, sound, costumes, and makeup.</u></li> <li><b>5.</b> <u>Use visual elements (space, color, line, shape, texture) to communicate place and mood.</u></li> </ol>

Standard Breakout - By the end of grade 5, the student will:	Content Knowledge and Skills:
	<p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li>1. Perform given movement sequences that emphasize weight shifts, lateral movement, elevation, and landing (aerial steps).</li> <li>2. Perform movement sequences that highlight balance and control.</li> <li>3. Memorize and perform set patterns of movement.</li> <li>4. Replicate a movement sequence from one theatrical (concert) and one recreational dance genre.</li> <li>5. Move various body parts simultaneously.</li> <li>6. Recreate a rhythmic pattern in movement.</li> <li>7. Identify components of time, space, and energy elements.</li> <li>8. Illustrate the correct way dancers warm up, stretch, and strengthen their bodies.</li> <li>9. Identify and execute movement in the three dimensions (vertical, horizontal, sagittal).</li> </ol>
<p><b>02. Communicate in the visual and performing arts through creative expression.</b></p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. Sing in a musical group, while blending vocal quality, matching dynamic levels, and responding to cues of a conductor.</li> <li>2. Create/arrange music within specified guidelines (style, form, instrumentation).</li> <li>3. Play rhythmic, melodic, and harmonic classroom instruments expressively.</li> </ol>
	<p><b>b. VISUAL ART:</b></p> <ol style="list-style-type: none"> <li>1. Interpret/perform a work respecting the intent of its creator.</li> <li>2. Create a work of art using personal experience and skills.</li> <li>3. Identify and demonstrate appropriate behavior when attending and/or participating in arts events.</li> <li>4. Show respect for personal work and works of others.</li> <li>5. Describe how human experience influences the development of specific artworks.</li> <li>6. Predict how specific artworks can elicit different responses.</li> </ol>
	<p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. Plan and interact in improvisations.</li> <li>2. Justify reasons for personal preference concerning dramatic performances.</li> <li>3. Construct and/or apply scenery, properties, costumes, and makeup for a dramatic performance.</li> </ol>
	<p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li>1. Use the elements of dance to abstract a literal gesture.</li> <li>2. Initiate spontaneous movement to different stimuli.</li> <li>3. Use contrasts in symmetry and asymmetry.</li> <li>4. Develop ideas cooperatively with a partner.</li> <li>5. Use props to extend movement ideas.</li> <li>6. Imitate steps from two different dance genres (ballet, tap, folk).</li> <li>7. Respond physically to a variety of movement images.</li> </ol>

( )

**907. -- 908. (RESERVED).**

**909. WORLD HISTORY-HUMANITIES (HUMANITIES IN A HISTORICAL CONTEXT) - GRADES 4 AND 5.**

World History standards do not apply at these grade levels. ( )

**910. -- 916. (RESERVED).**

**917. FOREIGN LANGUAGE - GRADES 4 AND 5, SECTIONS 918 THROUGH 923.**

**918. HISTORICAL AND CULTURAL CONTEXTS OF FOREIGN LANGUAGE STUDY.**

**919. STANDARD ONE.**

Demonstrate an understanding of the cultural and historical contexts and interrelationships of the arts and humanities disciplines among various cultures.

Standard Breakout - By the end of grade 5, the student will:	Content Knowledge and Skills:
<b>01.</b> Understand the historical contexts of language study.	<b>a.</b> Identify historical events related to the language(s) being studied.
	<b>b.</b> Identify expressions used historically and idiomatically.
<b>02.</b> Understand <i>interrelationships</i> between language study and the arts and humanities disciplines.	<b>a.</b> Identify basic cultural and traditional relationships within the target language.
	<b>b.</b> Examine the use of the target language in the arts and humanities disciplines
<b>03.</b> Understand the interrelationships between cultures and the language of those cultures.	<b>a.</b> Recognize regional differences within the language and culture(s) being studied.
	<b>b.</b> Identify cultural beliefs of people in the target language.
	<b>c.</b> Identify patterns and behaviors and their interaction in various settings in the target language.
	<b>d.</b> Recognize contributions of native cultures to the target language being studied.

( )

**920. CRITICAL THINKING IN FOREIGN LANGUAGE STUDY.**

**921. STANDARD TWO.**

Conduct structural analyses, engage in reasoned dialogue, and demonstrate informed judgment about philosophical, aesthetic, or ethical arts issues.

Standard Breakout - By the end of grade 5, the student will:	Content Knowledge and Skills:
<b>01.</b> Conduct analyses of language.	<b>a.</b> Identify and compare diversity <i>within</i> the culture(s) being studied, using authentic sources.
	<b>b.</b> Identify ways one language influences another.
	<b>c.</b> Connect the language of the culture(s) being studied to other disciplines across the curriculum.

Standard Breakout - By the end of grade 5, the student will:	Content Knowledge and Skills:
<b>02.</b> <u>Engage in reasoned dialogue about language.</u>	<b>a.</b> <u>Compare and contrast the local culture(s) with the one(s) being studied, using authentic sources.</u> <b>b.</b> <u>Connect the language of the culture(s) being studied to other disciplines across the curriculum.</u>
<b>03.</b> <u>Demonstrate informed judgment about philosophical, aesthetic, or ethical arts issues.</u>	<b>a.</b> <u>Evaluate a cultural concept or idea within the language of study.</u> <b>b.</b> <u>Critique a musical or visual performance representative of the targeted culture.</u>

( )

**922. ACQUISITION, APPLICATION, AND EXPRESSION OF SPECIFIC CONTENT KNOWLEDGE AND SKILLS IN FOREIGN LANGUAGE STUDY.**

**923. STANDARD THREE.**

Communicate in the humanities disciplines through *acquisition*, application, and creative expression.

Standard Breakout - By the end of grade 5, the student will:	Content Knowledge and Skills:
<b>01.</b> <u>Understand concepts essential to foreign language study.</u>	<b>a.</b> <u>Recognize nonverbal cues and body language typically used in a target culture.</u> <b>b.</b> <u>Recognize common phrase groupings and voice inflections.</u> <b>c.</b> <u>Recognize the conventions and styles of language appropriate to different ages and social groups.</u> <b>d.</b> <u>Recognize that an idea may be expressed in multiple ways in the target language.</u>
<b>02.</b> <u>Communicate in the humanities disciplines through application of language skills.</u>	<b>a.</b> <u>Engage in dialogue using vocabulary and structures in everyday situations.</u> <b>b.</b> <u>Create community awareness of a culture through a foreign language.</u>
<b>03.</b> <u>Communicate in language study through creative expression.</u>	<b>a.</b> <u>Express preferences, desires, and feelings in the language being studied.</u>

( )

**924. -- 925. (RESERVED).**

**926. INTERDISCIPLINARY HUMANITIES - GRADES 6 THROUGH 8.**

Interdisciplinary Humanities standards do not apply at these grade levels.

( )

**927. -- 933. (RESERVED).**

**934. VISUAL AND PERFORMING ARTS - GRADES 6 THROUGH 8, SECTIONS 935 THROUGH 940.**

**935. HISTORICAL AND CULTURAL CONTEXTS OF VISUAL AND PERFORMING ARTS DISCIPLINES.**

**936. STANDARD ONE.**

Demonstrate an understanding of the cultural and historical contexts and interrelationships of the arts and humanities disciplines among various cultures.

Standard Breakout - By the end of grade 8, the student will:	Content Knowledge and Skills:
<p><b>01.</b> <u>Understand the historical and cultural contexts of the visual and performing arts.</u></p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. <u>Investigate the relationship of a country's traditions and its music.</u></li> <li>2. <u>Explain the influence of historical events upon the development of music.</u></li> </ol> <p><b>b. VISUAL ART:</b></p> <ol style="list-style-type: none"> <li>1. <u>Explain the influence of historical events upon the development of artistic styles (modernism, cubism, impressionism).</u></li> <li>2. <u>Draw connections between recognizable traits or characteristics of artists sharing a common country or regional style.</u></li> </ol> <p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Explain the origins of Greek theatre and its impact upon modern society and culture.</u></li> <li>2. <u>Discuss various historical changes and developments in the theatre and stage.</u></li> </ol> <p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Investigate dance traditions and conventions of the United States and compare them with traditions and conventions of other countries, cultures, and geographic locations.</u></li> <li>2. <u>Examine the influence of historical events on the development of dance.</u></li> </ol>
<p><b>02.</b> <u>Understand interrelationships among visual and performing arts disciplines.</u></p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. <u>Document factors influencing art forms throughout history.</u></li> <li>2. <u>Compare a musical style with another art form sharing a similar style or movement.</u></li> </ol> <p><b>b. VISUAL ART:</b></p> <ol style="list-style-type: none"> <li>1. <u>Document factors influencing art forms throughout history.</u></li> <li>2. <u>Compare an art style, movement, or theory that shares characteristics with another art form.</u></li> </ol> <p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Document factors influencing art forms throughout history.</u></li> <li>2. <u>Compare the bare, simple approach of modern theatre with another modern art form.</u></li> </ol> <p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Document factors influencing art forms throughout history.</u></li> <li>2. <u>Compare and contrast traditional and modern ballet and find a counterpart with another art form sharing traditional and modern forms.</u></li> </ol>

( )

**937. CRITICAL THINKING IN THE VISUAL AND PERFORMING ARTS.**

**938. STANDARD TWO.**

Conduct analyses, engage in reasoned dialogue, and demonstrate informed judgment about philosophical, aesthetic, or ethical arts issues.

Standard Breakout - By the end of grade 8, the student will:	Content Knowledge and Skills:
<p><b>01.</b> <u>Conduct analyses in the arts and humanities disciplines.</u></p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. <u>Compare and contrast characteristics and content of various musical forms.</u></li> <li>2. <u>Examine music as a means of communication.</u></li> <li>3. <u>Use music vocabulary to discuss works of music.</u></li> </ol> <p><b>b. VISUAL ART:</b></p> <ol style="list-style-type: none"> <li>1. <u>Recognize and respond to characteristics and content of various art forms.</u></li> <li>2. <u>Investigate and evaluate the visual arts as a way to create and communicate meaning.</u></li> <li>3. <u>Analyze the visual arts of different cultures and time periods and compare to one's own culture.</u></li> <li>4. <u>Interpret a variety of art works using arts vocabulary.</u></li> </ol> <p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Investigate and evaluate theatre as a way to create and communicate meaning.</u></li> <li>2. <u>Compare theatre of different cultures and time periods to contemporary theatre.</u></li> <li>3. <u>Assess one's interpretation of a dramatic scene with interpretations of others.</u></li> <li>4. <u>Explain how dramatic elements (lighting, properties, scenery) can contribute to the meaning of a dramatic work.</u></li> </ol> <p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Communicate information about an idea or event through dance.</u></li> <li>2. <u>Discuss various responses and interpretations of a dance performance.</u></li> <li>3. <u>Explain how lighting, music, and costuming can contribute to the meaning of a dance.</u></li> <li>4. <u>Explain the role of dance in different time periods.</u></li> </ol>
<p><b>02.</b> <u>Engage in reasoned dialogue about arts and humanities issues.</u></p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. <u>Defend one's personal preferences in music.</u></li> <li>2. <u>Describe the significance of music in contemporary society.</u></li> <li>3. <u>Explain the role of music as entertainment today.</u></li> </ol> <p><b>b. VISUAL ART:</b></p> <ol style="list-style-type: none"> <li>1. <u>Assess the characteristics of personal work and the work of others.</u></li> <li>2. <u>Investigate the various purposes art plays in society today (beauty, commercial, personal expression).</u></li> </ol> <p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Explain the place of role-playing in contemporary society.</u></li> <li>2. <u>Describe the concept of the hero in real life, in theatrical presentations, and in film.</u></li> </ol>

Standard Breakout - By the end of grade 8, the student will:	Content Knowledge and Skills:
	<p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Examine how dance reveals universal concepts and themes.</u></li> <li>2. <u>Compare how various dance forms express different ideas (classical ballet/traditional love stories or modern ballet/ free movement).</u></li> <li>3. <u>Examine the role of dance in holidays and traditional celebrations.</u></li> <li>4. <u>Select an abstract idea and find examples of various works of art that represent this concept.</u></li> </ol>
<p><b>03. <u>Demonstrate informed judgment about philosophical, aesthetic, or ethical arts issues.</u></b></p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. <u>Express personal preferences for a specific work using appropriate arts vocabulary.</u></li> <li>2. <u>Critique a work based on given criteria.</u></li> <li>3. <u>Justify personal preferences based on knowledge of music.</u></li> <li>4. <u>Debate copyright issues in music.</u></li> </ol> <p><b>b. VISUAL ART:</b></p> <ol style="list-style-type: none"> <li>1. <u>Justify one's personal preferences based on knowledge of the elements of art.</u></li> <li>2. <u>Describe the difference between an artistic work's purpose and its visual presentation.</u></li> </ol> <p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Defend one's personal preferences for parts of a dramatic work.</u></li> <li>2. <u>Discuss drama as a study of human character and personality.</u></li> <li>3. <u>Use theatrical vocabulary to assess a dramatic performance.</u></li> </ol> <p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Examine how dance contains characteristics and merits on which to assess one's work and the work of others.</u></li> <li>2. <u>Use appropriate vocabulary when analyzing a dance performance.</u></li> <li>3. <u>Identify criteria for evaluating dance (skills of dancers, originality, visual and/or emotional impact, variety and contrast).</u></li> </ol>

( )

**939. ACQUISITION, APPLICATION, AND EXPRESSION OF SPECIFIC CONTENT KNOWLEDGE AND SKILLS IN THE VISUAL AND PERFORMING ARTS.**

**940. STANDARD THREE.**

Communicate in the humanities disciplines through *acquisition*, application, and creative expression.

Standard Breakout - By the end of grade 8, the student will:	Content Knowledge and Skills:
<p><b>01.</b> <u>Communicate in the visual and performing arts through application of artistic concepts, knowledge, and skills.</u></p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li><b>1.</b> <u>Sing or play with good breath control, expression, and technical accuracy.</u></li> <li><b>2.</b> <u>Demonstrate appropriate ensemble skills.</u></li> <li><b>3.</b> <u>Improvise simple melodic phrases.</u></li> <li><b>4.</b> <u>Implement elements of music composition (unity and variety, tension and release, balance, acoustic and electronic sound sources).</u></li> <li><b>5.</b> <u>Read and notate music (time and key signatures, note values, standard notation symbols for pitch, duration, dynamics, articulation, expression).</u></li> <li><b>6.</b> <u>Define basic principles of meter, rhythm, tonality, intervals, and chords.</u></li> </ol> <p><b>b. VISUAL ART:</b></p> <ol style="list-style-type: none"> <li><b>1.</b> <u>Describe factors that make a specific art media, technique, or process effective in communicating an idea.</u></li> <li><b>2.</b> <u>Illustrate how visual structures (line, color, shape, repetition, rhythm, balance) and functions of art improve communication of one's ideas.</u></li> <li><b>3.</b> <u>Use visual, spatial, and temporal concepts to communicate meaning in a work of art.</u></li> <li><b>4.</b> <u>Use different media, techniques, and processes to communicate an idea or to tell a story.</u></li> </ol> <p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li><b>1.</b> <u>Describe factors that make a specific art media, technique, or process effective in communicating an idea.</u></li> <li><b>2.</b> <u>Illustrate how visual structures (line, color, shape, repetition, rhythm, balance) and functions of art improve communication of one's ideas.</u></li> <li><b>3.</b> <u>Use visual, spatial, and temporal concepts to communicate meaning in theatre.</u></li> <li><b>4.</b> <u>Use nonverbal theatre (mime) to communicate an idea or tell a story.</u></li> </ol>

Standard Breakout - By the end of grade 8, the student will:	Content Knowledge and Skills:
	<p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Design an effective personal warm-up.</u></li> <li>2. <u>Choreograph correct strengthening and stretching sequences that include all the large muscle groups.</u></li> <li>3. <u>Isolate the movement in major body parts.</u></li> <li>4. <u>Illustrate muscular involvement that results in movement qualities (heavy, delicate, limp, powerful).</u></li> <li>5. <u>Identify and use correctly the large muscle groups in coordinated ways.</u></li> <li>6. <u>Maintain both stationary and moving alignment, balance, and control.</u></li> <li>7. <u>Identify and execute off-center movement phrases.</u></li> <li>8. <u>Identify and execute movement in the three planes (vertical/ frontal, sagittal, horizontal).</u></li> <li>9. <u>Create and follow a floor pattern.</u></li> <li>10. <u>Select and/or make costumes that support the intent of a dance.</u></li> </ol>
<p><b>02.</b> <u>Communicate in the visual and performing arts through creative expression.</u></p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. <u>Compose music within specific guidelines (ABA form, limited range, simple rhythms).</u></li> <li>2. <u>Use a variety of traditional and nontraditional sound sources and electronic media when composing music.</u></li> <li>3. <u>Perform a work of music considering the intent of its creator.</u></li> <li>4. <u>Demonstrate appropriate behavior while attending and/or participating in arts events.</u></li> </ol> <p><b>b. VISUAL ART:</b></p> <ol style="list-style-type: none"> <li>1. <u>Perform or create a work considering the intent of its creator.</u></li> <li>2. <u>Create a work of art that expresses personal understanding, opinions, and beliefs using knowledge of the arts.</u></li> <li>3. <u>Demonstrate appropriate behavior while attending and/or participating in arts events.</u></li> <li>4. <u>Show respect for personal work and works of others.</u></li> </ol> <p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Perform or create a work considering the intent of its creator.</u></li> <li>2. <u>Create a work of art that expresses personal understanding, opinions, and beliefs using knowledge of the arts.</u></li> <li>3. <u>Plan visual and aural elements and direct improvised and scripted scenes.</u></li> <li>4. <u>Demonstrate appropriate behavior while attending and/or participating in theatrical events.</u></li> <li>5. <u>Show respect for personal work and works of others.</u></li> </ol>

Standard Breakout - By the end of grade 8, the student will:	Content Knowledge and Skills:
	<p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li>1. Perform two contrasting dance styles (hip hop, lyrical jazz) within a single genre.</li> <li>2. Perform two out of the three recreational forms (international folk, square, social).</li> <li>3. Replicate a very fast dance (allegro vivace, presto).</li> <li>4. Choreograph a duet demonstrating an understanding of choreographic principles.</li> <li>5. Create a round or canon form for a group of dancers to perform.</li> <li>6. Memorize, practice, refine, and perform a dance created by someone else.</li> </ol>

( )

**941. -- 942. (RESERVED).**

**943. WORLD HISTORY-HUMANITIES (HUMANITIES IN A HISTORICAL CONTEXT) - GRADES 6 THROUGH 8.**

World History standards do not apply at these grade levels.

( )

**944. -- 950. (RESERVED).**

**951. FOREIGN LANGUAGE - GRADES 6 THROUGH 8. SECTIONS 952 THROUGH 955.**

**952. HISTORICAL AND CULTURAL CONTEXTS OF FOREIGN LANGUAGE STUDY.**

**953. STANDARD ONE.**

Demonstrate an understanding of the cultural and historical contexts and interrelationships of the arts and humanities disciplines among various cultures.

Standard Breakout - By the end of grade 8, the student will:	Content Knowledge and Skills:
<b>01.</b> <u>Understand the historical contexts of language study.</u>	<p><b>a.</b> <u>Identify historical events related to the language(s) being studied.</u></p> <p><b>b.</b> <u>Identify expressions used historically and idiomatically.</u></p>
<b>02.</b> <u>Understand the interrelationships between language study and the arts and humanities disciplines.</u>	<p><b>a.</b> <u>Identify basic cultural and traditional relationships within the target language.</u></p> <p><b>b.</b> <u>Examine the use of the target language in the arts and humanities disciplines.</u></p> <p><b>c.</b> <u>Compare linguistic, cultural, and traditional relationships.</u></p>
<b>03.</b> <u>Understand the interrelationships between cultures and the language of those cultures.</u>	<p><b>a.</b> <u>Recognize regional differences within the language and culture(s) being studied.</u></p> <p><b>b.</b> <u>Identify cultural beliefs of people in the target language.</u></p> <p><b>c.</b> <u>Identify patterns and behaviors and their interaction in various settings in the target language.</u></p>

Standard Breakout - By the end of grade 8, the student will:	Content Knowledge and Skills:
	<u>d. Recognize and compare contributions of native cultures to the target language being studied.</u>

( )

**954. CRITICAL THINKING IN FOREIGN LANGUAGE STUDY.**

**955. STANDARD TWO.**

Conduct analyses, engage in reasoned dialogue, and demonstrate informed judgment about philosophical, aesthetic, or ethical arts issues.

Standard Breakout - By the end of grade 8, the student will:	Content Knowledge and Skills:
<b>01.</b> <u>Conduct analyses of language.</u>	<b>a.</b> <u>Identify and compare diversity <i>within</i> the culture(s) being studied, using authentic sources.</u>
	<b>b.</b> <u>Identify ways one language influences another.</u>
	<b>c.</b> <u>Connect the language of the culture(s) being studied to other disciplines across the curriculum.</u>
<b>02.</b> <u>Engage in reasoned dialogue about language.</u>	<b>a.</b> <u>Compare and contrast the local culture(s) with the one(s) being studied, using authentic sources.</u>
	<b>b.</b> <u>Connect the language of the culture(s) being studied to other disciplines across the curriculum.</u>
<b>03.</b> <u>Demonstrate informed judgment about philosophical, aesthetic, or ethical arts issues.</u>	<b>a.</b> <u>Evaluate a cultural concept or idea within the language of study.</u>
	<b>b.</b> <u>Critique a musical or visual performance representative of the targeted culture, predicting possible philosophical, aesthetic, or ethical issues.</u>

( )

**956. ACQUISITION, APPLICATION, AND EXPRESSION OF SPECIFIC CONTENT KNOWLEDGE AND SKILLS IN FOREIGN LANGUAGE STUDY.**

**957. STANDARD THREE.**

Communicate in the humanities disciplines through *acquisition*, application, and creative expression.

Standard Breakout - By the end of grade 8, the student will:	Content Knowledge and Skills:
<b>01.</b> <u>Understand concepts essential to foreign language study.</u>	<b>a.</b> <u>Recognize nonverbal cues and body language typically used in a target culture.</u>
	<b>b.</b> <u>Recognize and produce common phrase groupings and voice inflections.</u>
	<b>c.</b> <u>Recognize the conventions and styles of language appropriate to different ages and social groups.</u>

Standard Breakout - By the end of grade 8, the student will:	Content Knowledge and Skills:
	<b>d.</b> Recognize and provide examples of how an idea may be expressed in multiple ways in the target language.
<b>02.</b> Communicate in the humanities disciplines through application of language skills.	<b>a.</b> Engage in dialogue using vocabulary and structures in everyday situations. <b>b.</b> Create community awareness of a culture through a foreign language.
<b>03.</b> Communicate in language study through creative expression.	<b>a.</b> Express preferences, desires, and feelings in the language being studied.

( )

**958. -- 959. (RESERVED).**

**960. INTERDISCIPLINARY HUMANITIES - GRADES 9 THROUGH 12, SECTIONS 961 THROUGH 966.**

**961. HISTORICAL AND CULTURAL CONTEXTS OF INTERDISCIPLINARY HUMANITIES.**

**962. STANDARD ONE.**

Demonstrate an understanding of the cultural and historical contexts and interrelationships of the arts and humanities disciplines among various cultures.

Standard Breakout - By the end of grade 12, the student will:	Content Knowledge and Skills:
<b>01.</b> Understand the historical contexts of the arts and humanities.	<b>a.</b> Identify, in context, events and people influential in the development of historical and living cultures.
	<b>b.</b> Demonstrate the ways in which the arts and humanities affect historical events.
<b>02.</b> Understand the interrelationships within the arts and humanities disciplines.	<b>a.</b> Acquire a working vocabulary of two or more humanities disciplines.
	<b>b.</b> Compare and contrast the products and processes of two humanities disciplines.
	<b>c.</b> Examine the relationship between two or more disciplines and the extent to which they enhance or influence each other.
<b>03.</b> Understand the interrelationships between cultures and the arts and humanities.	<b>a.</b> Identify the ways the structure of an art or discipline mirrors the structure and values of society.
	<b>b.</b> Assess the ways that the humanities affect human relationships.

( )

**963. CRITICAL THINKING IN INTERDISCIPLINARY HUMANITIES.**

**964. STANDARD TWO.**

Conduct analyses, engage in reasoned dialogue, and demonstrate informed judgment about philosophical, aesthetic, or ethical arts issues.

Standard Breakout - By the end of grade 12, the student will:	Content Knowledge and Skills:
<b>01.</b> <u>Conduct analyses in the arts and humanities disciplines.</u>	<b>a.</b> <u>Relate arts and humanities disciplines to past, present, or future ethical issues.</u>
	<b>b.</b> <u>Compare and contrast works or ideas from at least two cultures, historical periods, or geographical areas.</u>
<b>02.</b> <u>Engage in reasoned dialogue about arts and humanities issues.</u>	<b>a.</b> <u>Analyze an artifact or idea in the context of its societal values.</u>
<b>03.</b> <u>Demonstrate informed judgment about philosophical, aesthetic, or ethical arts issues.</u>	<b>a.</b> <u>Establish a set of aesthetic criteria and apply it in evaluating one's own work and works of others.</u>

( )

**965. ACQUISITION, APPLICATION, AND EXPRESSION OF SPECIFIC CONTENT KNOWLEDGE AND SKILLS IN THE INTERDISCIPLINARY HUMANITIES.**

**966. STANDARD THREE.**

Communicate in the humanities disciplines through *acquisition*, application, and creative expression.

Standard Breakout - By the end of grade 12, the student will:	Content Knowledge and Skills:
<b>01.</b> <u>Understand concepts essential to the arts and humanities disciplines.</u>	<b>a.</b> <u>Define diversity within the arts and humanities.</u>
	<b>b.</b> <u>Compare and contrast content knowledge between two humanities disciplines.</u>
<b>02.</b> <u>Communicate in the humanities disciplines through application of knowledge and skills.</u>	<b>a.</b> <u>Illustrate or document the potential of the arts and humanities to enhance and expand the student's worldview.</u>
<b>03.</b> <u>Communicate in the humanities disciplines through creative expression.</u>	<b>a.</b> <u>Express, through means other than expository writing, an understanding and appreciation of the arts and humanities.</u>
	<b>b.</b> <u>Express a relationship between two humanities art forms showing how they compliment one another.</u>

( )

**967. -- 968. (RESERVED).**

**969. VISUAL AND PERFORMING ARTS - GRADES 9 THROUGH 12, SECTIONS 970 THROUGH 975.**

**970. HISTORICAL AND CULTURAL CONTEXTS OF VISUAL AND PERFORMING ARTS DISCIPLINES.**

**971. STANDARD ONE.**

Demonstrate an understanding of the cultural and historical contexts and interrelationships of the arts and humanities disciplines among various cultures.

Standard Breakout - By the end of grade 12, the student will:	Content Knowledge and Skills:
<p><b>01.</b> <u>Understand the historical and cultural contexts of the visual and performing arts.</u></p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. <u>Identify representative musical works from a variety of cultures and historical periods.</u></li> <li>2. <u>Outline the purpose and function of a particular form of music through history.</u></li> <li>3. <u>Compare and contrast musical aesthetics from different cultural perspectives.</u></li> </ol> <p><b>b. VISUAL ART:</b></p> <ol style="list-style-type: none"> <li>1. <u>Compare and contrast the historical, social, and environmental contexts that influence artistic expression.</u></li> <li>2. <u>Identify representative visual works of art from a variety of cultures and historical periods.</u></li> <li>3. <u>Compare and contrast aesthetics (study of beauty, art, and taste) from different cultural perspectives.</u></li> <li>4. <u>Outline the history, purpose, and function of a particular visual art form.</u></li> </ol> <p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Show how theatre has a history, purpose, and function in cultures.</u></li> <li>2. <u>Compare and contrast the various historical and cultural contexts that influence theatrical expression.</u></li> <li>3. <u>Identify representative dramatic works from a variety of cultures and historical periods.</u></li> <li>4. <u>Trace the meaning of a dramatic term, such as “tragedy,” “comedy,” or “protagonist” through history.</u></li> <li>5. <u>Illustrate an understanding of cultural and historical perspectives required by a specific text.</u></li> </ol> <p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Use historical inquiry to examine the relationships between dance works and the culture and times in which they exist.</u></li> <li>2. <u>Show how dance has a history, purpose, and function in cultures.</u></li> <li>3. <u>Explore the human experience as it relates to dance across cultures and time.</u></li> </ol>
<p><b>02.</b> <u>Understand interrelationships among visual and performing arts disciplines.</u></p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. <u>Identify various musical forms that have literary or artistic counterparts in other arts disciplines (expressionist art, music).</u></li> <li>2. <u>Make connections between the history of one art form and another related art form (music and art history).</u></li> </ol> <p><b>b. VISUAL ART:</b></p> <ol style="list-style-type: none"> <li>1. <u>Identify the use of visual arts in theatre, dance, and musical productions.</u></li> <li>2. <u>Identify artists who practice in more than one art form.</u></li> <li>3. <u>Relate the trends and movements in visual art to other disciplines in the arts and humanities.</u></li> </ol>

Standard Breakout - By the end of grade 12, the student will:	Content Knowledge and Skills:
	<p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Demonstrate the use of art forms required for dramatic performances that create functional scenery, properties, lighting, sound, costumes, and makeup.</u></li> <li>2. <u>Plan visual and aural elements for improvised and scripted scenes.</u></li> </ol> <p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Demonstrate the use of art forms required for dance performances that create functional scenery, properties, lighting, sound, costumes.</u></li> <li>2. <u>Show how dance ideas can originate from visual arts works.</u></li> </ol>

( )

**972. CRITICAL THINKING IN THE VISUAL AND PERFORMING ARTS.**

**973. STANDARD TWO.**

Conduct analyses, engage in reasoned dialogue, and demonstrate informed judgment about philosophical, aesthetic, or ethical arts issues.

Standard Breakout - By the end of grade 12, the student will:	Content Knowledge and Skills:
<p><b>01.</b> <u>Conduct analyses in the arts and humanities disciplines.</u></p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. <u>Develop and use music vocabulary to discuss musical forms.</u></li> <li>2. <u>Analyze two contrasting musical works.</u></li> <li>3. <u>Discuss the similarities and differences of artistic styles.</u></li> <li>4. <u>Recognize common themes that appear in music throughout history.</u></li> </ol> <p><b>b. VISUAL ART:</b></p> <ol style="list-style-type: none"> <li>1. <u>Develop and use arts vocabulary to discuss a variety of art forms.</u></li> <li>2. <u>Develop and present basic analyses of works of visual art from structural, historical, and cultural perspectives.</u></li> </ol> <p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Develop and use theatre vocabulary to critique dramatic performances.</u></li> <li>2. <u>Develop and present basic analyses of theatrical works from different perspectives.</u></li> </ol> <p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Develop and use dance vocabulary to discuss a variety of dance forms and styles.</u></li> <li>2. <u>Present analyses of dance performances through examining how dance creates and communicates meaning.</u></li> <li>3. <u>Recognize point-of-view as physical, psychological, and/or cultural.</u></li> </ol>

Standard Breakout - By the end of grade 12, the student will:	Content Knowledge and Skills:
<p><b>02.</b> <u>Engage in reasoned dialogue about arts and humanities issues.</u></p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. <u>Write an informed critique about a live musical performance.</u></li> <li>2. <u>Offer an informed opinion regarding current arts issues in one's community.</u></li> </ol> <p><b>b. VISUAL ART:</b></p> <ol style="list-style-type: none"> <li>1. <u>Identify the role of the arts in today's society, including career and avocation opportunities.</u></li> <li>2. <u>Discuss the relationship between concepts of "truth" and beauty in the visual arts.</u></li> </ol> <p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Discuss the recurring interest in classical drama techniques and procedures.</u></li> <li>2. <u>Describe a modern drama as significant and thoughtful.</u></li> </ol> <p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Explore reasons why subjects and ideas are reinterpreted through the arts in different cultures.</u></li> <li>2. <u>Examine how dance reveals universal concepts and themes.</u></li> </ol>
<p><b>03.</b> <u>Demonstrate informed judgment about philosophical, aesthetic, or ethical arts issues.</u></p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. <u>Express personal preference for music, using appropriate musical terminology.</u></li> <li>2. <u>Research and report on controversial issues in musical circles.</u></li> <li>3. <u>Offer an alternative for copyright infringement, both for the consumer and the artist.</u></li> <li>4. <u>Critique a musical work or performance based on given criteria.</u></li> </ol> <p><b>b. VISUAL ART:</b></p> <ol style="list-style-type: none"> <li>1. <u>Express personal preference for visual art, using appropriate arts vocabulary.</u></li> <li>2. <u>Discuss the dividing line between imitating a master's style of creation and unfairly "copying" another person's original work.</u></li> <li>3. <u>Identify common symbols used in interpreting visual arts.</u></li> </ol> <p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Articulate and justify personal aesthetic criteria with the intent of a final aesthetic achievement (quality).</u></li> </ol> <p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Create and revise a dance, articulating reasons for artistic decisions and what was gained or lost by those decisions.</u></li> <li>2. <u>Apply specific criteria for making informed critical evaluations of the quality and effectiveness of performances, choreography, and other aspects of a dance presentation.</u></li> </ol>

( )

**974. ACQUISITION, APPLICATION, AND EXPRESSION OF SPECIFIC CONTENT KNOWLEDGE AND SKILLS IN THE VISUAL AND PERFORMING ARTS.**

**975. STANDARD THREE.**

Communicate in the humanities disciplines through *acquisition*, application, and creative expression.

Standard Breakout - By the end of grade 12, the student will:	Content Knowledge and Skills:
<p><b>01.</b> <u>Communicate in the visual and performing arts through application of artistic concepts, knowledge, and skills.</u></p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li><b>1.</b> <u>Perform solos using appropriate technique (breath control, intonation, expression, technical accuracy, phrasing and interpretation).</u></li> <li><b>2.</b> <u>Improvise musical lines using rhythm, melodic embellishments, and harmony.</u></li> <li><b>3.</b> <u>Articulate a method of consistent and efficient musical practice.</u></li> </ol> <p><b>b. VISUAL ART:</b></p> <ol style="list-style-type: none"> <li><b>1.</b> <u>Develop skills necessary to apply artistic techniques and processes.</u></li> <li><b>2.</b> <u>Interpret a work, respecting the intent of its original creator.</u></li> <li><b>3.</b> <u>Demonstrate appropriate behavior <i>while</i> attending or participating in arts events.</u></li> <li><b>4.</b> <u>Show respect for personal work and work of others.</u></li> <li><b>5.</b> <u>Use media, techniques, and processes that convey artistic intentions.</u></li> <li><b>6.</b> <u>Analyze the effectiveness of various selections of art in relation to organizational structures and functions.</u></li> <li><b>7.</b> <u>Demonstrate how organizational principles and functions can be used to solve specific visual arts problems.</u></li> </ol> <p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li><b>1.</b> <u>Show how varying collaborative efforts and artistic choices can affect performances and formal productions.</u></li> <li><b>2.</b> <u>Construct imaginative scripts that convey story and meaning to an audience.</u></li> <li><b>3.</b> <u>Interpret/perform a work respecting the intent of its creator.</u></li> <li><b>4.</b> <u>Create a dramatic work that expresses personal understanding, opinions, beliefs, and knowledge of the arts.</u></li> <li><b>5.</b> <u>Improvise and refine scripts to convey story and meaning to an audience.</u></li> <li><b>6.</b> <u>Research and apply physical, emotional, and social dimensions <i>involved in</i> creating character.</u></li> <li><b>7.</b> <u>Analyze visual, aural, oral, and kinetic elements of a dramatic performance.</u></li> </ol> <p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li><b>1.</b> <u>Use and refine complex movement patterns from two different genres.</u></li> <li><b>2.</b> <u>Identify and incorporate cultural styles and nuances in a selected genre.</u></li> <li><b>3.</b> <u>Study a choreographer's intent and interpret it clearly for an audience.</u></li> <li><b>4.</b> <u>Perform and describe similarities and differences between two contemporary theatrical/concert dance forms.</u></li> </ol>

Standard Breakout - By the end of grade 12, the student will:	Content Knowledge and Skills:
<p><b>02.</b> <u>Communicate in the visual and performing arts through creative expression.</u></p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. <u>Demonstrate advanced ensemble skills.</u></li> <li>2. <u>Read music that contains moderate technical demands, expanded ranges, and varied interpretive requirements.</u></li> <li>3. <u>Sing or play a varied repertoire of music literature with expression and technical accuracy.</u></li> <li>4. <u>Perform with expression and technical accuracy at a moderate level of difficulty.</u></li> <li>5. <u>Improvise rhythmic and melodic variations on given melodies.</u></li> </ol> <p><b>b. VISUAL ART:</b></p> <ol style="list-style-type: none"> <li>1. <u>Apply media, techniques, and processes with sufficient skill, confidence, and sensitivity that one's intentions are carried out in works of art.</u></li> <li>2. <u>Apply various symbols, subjects, and ideas in one's artwork.</u></li> <li>3. <u>Illustrate the effectiveness of various artworks in terms of organizational structures and functions.</u></li> </ol> <p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Create design sets that enhance the meaning of a performance.</u></li> <li>2. <u>Develop and sustain a character that communicates with the audience.</u></li> <li>3. <u>Organize and conduct rehearsals for formal or informal productions.</u></li> <li>4. <u>Develop designs of sets to convey environments that support the text.</u></li> <li>5. <u>Create a dramatic work that expresses personal understanding, opinions, beliefs, and knowledge of the arts.</u></li> </ol> <p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Demonstrate the ability to vary movement themes.</u></li> <li>2. <u>Create a climactic moment within a long phrase using contrast in energy and tempo.</u></li> <li>3. <u>Compose dance studies that exhibit a range of structural forms (ABA, variation, canon, rondo, chance).</u></li> <li>4. <u>Choreograph a dance with a clear intent.</u></li> <li>5. <u>Choreograph a dance without music and select or create an effective accompaniment.</u></li> <li>6. <u>Work with a partner on interrelated movement sequences (supporting, giving and receiving weight, counterbalancing).</u></li> <li>7. <u>Contrast balanced and off-balance movement as in fall and recovery.</u></li> <li>8. <u>Identify and execute three-dimensional movement.</u></li> </ol>

( )

**976. -- 977. (RESERVED).**

**978. WORLD HISTORY-HUMANITIES (HUMANITIES IN A HISTORICAL CONTEXT) - GRADES 9 THROUGH 12, SECTIONS 979 THROUGH 984.**

**979. HISTORICAL AND CULTURAL CONTEXTS OF WORLD HISTORY.**

**980. STANDARD ONE.**

Demonstrate an understanding of the cultural and historical contexts and interrelationships of the arts and humanities disciplines among various cultures.

Standard Breakout - By the end of grade 12, the student will:	Content Knowledge and Skills:
<b>01.</b> <u>Understand the historical contexts of the arts and humanities disciplines among various cultures.</u>	<p><b>a.</b> <u>Identify an example of the arts or humanities that has influenced or reflected an historical event.</u></p> <p><b>b.</b> <u>Know how an artifact symbolizes and reflects a particular culture and its ideology.</u></p>
<b>02.</b> <u>Understand the cultural contexts of the arts and humanities disciplines.</u>	<p><b>a.</b> <u>Identify an example of the arts or humanities that has influenced or reflected a cultural event.</u></p> <p><b>b.</b> <u>Identify a literary, artistic, or philosophical work that influences or reflects cultural values.</u></p>
<b>03.</b> <u>Understand the interrelationships within the <i>arts and</i> humanities disciplines.</u>	<p><b>a.</b> <u>Determine the characteristics of a particular artistic style and identify how that style reflects religious, cultural, or societal values.</u></p> <p><b>b.</b> <u>Describe ways in which artifacts symbolize and reflect a particular culture and its ideology.</u></p> <p><b>c.</b> <u>Identify a political theme captured in various works of art, as well as movements in art.</u></p> <p><b>d.</b> <u>Identify how a world religion has influenced and enhanced the arts and humanities.</u></p>
<b>04.</b> <u>Understand the interrelationships between cultures and the arts and humanities.</u>	<p><b>a.</b> <u>Explain how a work of literature reflects the political and intellectual climate of its historical context.</u></p> <p><b>b.</b> <u>Relate the significance of nationalism, patriotism, and cultural identity in the arts and humanities (national anthems, dances, customs, and religious practices).</u></p>

( )

**981. CRITICAL THINKING IN WORLD HISTORY.**

**982. STANDARD TWO.**

Conduct structural analyses, engage in reasoned dialogue, and demonstrate informed judgment about philosophical, aesthetic, or ethical arts issues.

Standard Breakout - By the end of grade 12, the student will:	Content Knowledge and Skills:
<b>01.</b> <u>Conduct analyses in the <i>arts and</i> humanities disciplines.</u>	<p><b>a.</b> <u>Use the Socratic Method to analyze a discipline in the arts or humanities.</u></p> <p><b>b.</b> <u>Identify and explain how a historical figure, event, or condition has dramatically impacted philosophical, aesthetic, or ethical issues.</u></p> <p><b>c.</b> <u>Understand the main reasons for major migration of people.</u></p>

Standard Breakout - By the end of grade 12, the student will:	Content Knowledge and Skills:
	<b>d.</b> Explain the importance and levels of social classes.
<b>02.</b> Engage in reasoned dialogue about arts and humanities issues.	<b>a.</b> Discuss the ethical limits to the pursuit of peace, prosperity, and individual happiness.
	<b>b.</b> Explain how the arts make a society more humane, compassionate, and enjoyable.
	<b>c.</b> Describe a world society void of the arts and humanities.
	<b>d.</b> Draw parallels between the lives, works, and influences of representative artists throughout history.
<b>03.</b> Demonstrate informed judgment about philosophical, aesthetic, or ethical arts issues.	<b>a.</b> Compare and contrast documented facts with intentional or unintentional distortions of a historical record.
	<b>b.</b> Describe the major influence of world religion on government, culture, technological development, and social conduct.
	<b>c.</b> Compare similarities among contemporary and historical works of literature, art, music, dance, and drama.
	<b>d.</b> Compare cultural similarities and/or differences among contemporary Post-World War II works of literature, art, music, dance, and drama.
	<b>e.</b> Explain how visual, spatial, temporal, and functional values of artworks are tempered by history.

( )

**983. ACQUISITION, APPLICATION, AND EXPRESSION OF SPECIFIC CONTENT KNOWLEDGE AND SKILLS IN WORLD HISTORY.**

**984. STANDARD THREE.**

Communicate in the humanities disciplines through *acquisition*, application, and creative expression.

Standard Breakout - By the end of grade 12, the student will:	Content Knowledge and Skills:
<b>01.</b> Understand the basic knowledge essential to world history.	<b>a.</b> Recognize the five components that define civilization (highly organized society, specialized workers, communication, advanced technology, and complex institutions).
	<b>b.</b> Show the causes and effects of social stratification.
	<b>c.</b> Illustrate ways in which the arts and humanities break through class barriers.
	<b>d.</b> Demonstrate common themes in the arts and humanities that appear in various historical periods.
<b>02.</b> Communicate in the humanities disciplines through application of knowledge.	<b>a.</b> Report on how a literary work relates to the history and culture from which it originated.

Standard Breakout - By the end of grade 12, the student will:	Content Knowledge and Skills:
	<p><b>b.</b> <u>Participate in a dialogue that debates the pros and cons of a state-supported system in the arts and humanities versus private sponsored funding of the arts and humanities in a modern society.</u></p>
<p><b>03.</b> <u>Communicate in the humanities disciplines through creative expression.</u></p>	<p><b>a.</b> <u>Create an artistic work that expresses the uniqueness of a historical period.</u></p> <p><b>b.</b> <u>Apply the concepts of artistic criticism to representative works from a historical period.</u></p>

( )

**985. -- 986. (RESERVED).**

**987. FOREIGN LANGUAGE - GRADES 9 THROUGH 12, SECTIONS 988 THROUGH 993.**

**988. HISTORICAL AND CULTURAL CONTEXTS OF FOREIGN LANGUAGE STUDY.**

**989. STANDARD ONE.**

Demonstrate an understanding of the cultural and historical contexts and interrelationships of the arts and humanities disciplines among various cultures.

Standard Breakout - By the end of grade 12, the student will:	Content Knowledge and Skills:
<p><b>01.</b> <u>Understand the historical contexts of language study.</u></p>	<p><b>a.</b> <u>Identify historical events related to the language(s) being studied.</u></p> <p><b>b.</b> <u>Identify and categorize expressions used historically and idiomatically.</u></p>
<p><b>02.</b> <u>Understand the interrelationships between language study and the arts and humanities disciplines.</u></p>	<p><b>a.</b> <u>Identify basic cultural and traditional relationships within the target language.</u></p> <p><b>b.</b> <u>Examine and critique the use of the target language in the arts and humanities disciplines.</u></p> <p><b>c.</b> <u>Compare and contrast linguistic, cultural, and traditional relationships.</u></p> <p><b>d.</b> <u>Compose an original work employing the target language.</u></p>
<p><b>03.</b> <u>Understand the interrelationships between cultures and the language of those cultures.</u></p>	<p><b>a.</b> <u>Identify regional differences within the language and culture(s) being studied.</u></p> <p><b>b.</b> <u>Outline cultural beliefs of people in the target language.</u></p> <p><b>c.</b> <u>Identify patterns and behaviors and their interaction in various settings in the target language.</u></p> <p><b>d.</b> <u>Recognize and compare contributions of native cultures to the target language.</u></p>

( )

**990. CRITICAL THINKING IN FOREIGN LANGUAGE STUDY.**

**991. STANDARD TWO.**

Conduct structural analyses, engage in reasoned dialogue, and demonstrate informed judgment about philosophical.

aesthetic, or ethical arts issues.

Standard Breakout - By the end of grade 12, the student will:	Content Knowledge and Skills:
<b>01.</b> <u>Conduct analyses of language.</u>	<b>a.</b> <u>Identify and compare perspectives and diversity of the culture(s) being studied, using authentic sources.</u>
	<b>b.</b> <u>Analyze the influence of the language being studied on other languages and cultures.</u>
<b>02.</b> <u>Engage in reasoned dialogue about language.</u>	<b>a.</b> <u>Compare and contrast local culture with the one(s) being studied, using authentic sources.</u>
	<b>b.</b> <u>Connect the language of the culture(s) being studied to other disciplines across the curriculum.</u>
<b>03.</b> <u>Demonstrate informed judgment about philosophical, aesthetic, or ethical arts issues.</u>	<b>a.</b> <u>Evaluate a cultural concept or idea within the language of study.</u>
	<b>b.</b> <u>Critique a musical or visual performance representative of the targeted culture, predicting possible philosophical, aesthetic, or ethical issues.</u>

( )

**992. ACQUISITION, APPLICATION, AND EXPRESSION OF SPECIFIC CONTENT KNOWLEDGE AND SKILLS IN FOREIGN LANGUAGE STUDY.**

**993. STANDARD THREE.**

Communicate in the humanities disciplines through acquisition, application, and creative expression.

Standard Breakout - By the end of grade 12, the student will:	Content Knowledge and Skills:
<b>01.</b> <u>Understand concepts essential to foreign language study.</u>	<b>a.</b> <u>Recognize nonverbal cues and body language typically used in a target culture.</u>
	<b>b.</b> <u>Recognize and produce common phrase groupings and voice inflections.</u>
	<b>c.</b> <u>Recognize the conventions and styles of language appropriate to different ages and social groups.</u>
	<b>d.</b> <u>Use appropriate cultural responses in diverse exchanges (expressing gratefulness, extending invitations, apologizing, closing a conversation).</u>
	<b>e.</b> <u>Recognize and provide examples of how an idea may be expressed in multiple ways in the target language.</u>
<b>02.</b> <u>Communicate in the humanities disciplines through application of language skills.</u>	<b>a.</b> <u>Engage in dialogue using vocabulary and structures in everyday situations.</u>
	<b>b.</b> <u>Use target language to express one's point-of-view through the exchange of personal feelings and ideas with members of the target culture.</u>
	<b>c.</b> <u>Create community awareness of a culture through a foreign language.</u>

Standard Breakout - By the end of grade 12, the student will:	Content Knowledge and Skills:
	<u>d. Use appropriate language to exchange information about national and international topics (information from newspaper or magazine articles, programs on television, radio, or video).</u>
	<u>e. Write in the target language in a variety of forms (personal essays, poems, letters, stories, e-mail, articles, reports).</u>
<u>03. Communicate in language study through creative expression.</u>	<u>a. Express preferences, desires, opinions, and feelings in the language being studied.</u>
	<u>b. React to current issues in the target language.</u>

( )

**457994. -- 9998. (RESERVED).**

***SUBSECTION 999.01***

**456999. GIFTED AND TALENTED PROGRAMS.**

**01. Definitions.** The following definitions apply only to Section 456 999 of these rules.

(~~3-30-01~~)( )

# IDAPA 08 - IDAHO STATE BOARD OF EDUCATION

## 08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-0102

### 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 approval. 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 33-105(1) and 33-107(3), 33-116, and 33-1612, Idaho Code and Article IX, Section 2 of the Idaho Constitution.

**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 and with an explanation of the reasons for the change.

Provides a revised state assessment program comprised of standardized tests, level tests, the Idaho Reading Indicator, and Direct Writing and Math Assessments. Expands the testing population from grades 3-11 to grades K-12.

Changes have been made to all sections of the original proposed rule and the entire docket is being reprinted in this bulletin following this notice. The original text of the proposed rule was published in the October 3, 2001 Idaho Administrative Bulletin, Volume 01-10, pages 298 through 302.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the pending rule, contact Randi McDermott at 334-2270.

DATED this 13th day of November, 2001.

Randi McDermott  
State Board of Education  
650 W. State St.  
PO Box 83720  
Boise, ID 83720-0037  
Phone: 208-334-2270  
Fax: 208-334-2632  
[rmcdermo@osbe.state.id.us](mailto:rmcdermo@osbe.state.id.us)

---

### IDAPA 08, TITLE 02, Chapter 03

### RULES GOVERNING THOROUGHNESS

**There are substantive changes from the proposed rule text.**

**Changes have been made to all sections, therefore, the entire docket is being reprinted.**

Changes made from the proposed text to the pending rule are shown in italics.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 00-10, October 3, 2001, pages 298 through 302.

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 08-0203-0102

111. **TESTING ASSESSMENT IN THE PUBLIC SCHOOLS.**

**01. Philosophy.** Acquiring the basic skills is essential to realization of full educational, vocational and personal/social development. Since Idaho schools are responsible for instruction in the basic scholastic skills, the State Board of Education has a vested interest in regularly surveying student skill acquisition as an index of the effectiveness of the educational program. This information can best be secured through objective assessment of student growth. A statewide student testing assessment program consisting of standardized achievement testing and performance appraisal activities in the fundamental basic skills will be conducted annually ~~under the supervision of the State Department of Education.~~ The State Board of Education will provide oversight for all components of the comprehensive assessment program. The State Department of Education will be responsible for the administration of assessment efforts as provided for by the State Board of Education. (4-1-97)( )

- 02. Purposes.** The purpose of testing assessment in the public schools is to: ( )
- a. Measure and improve student achievement; ( )
  - b. Assist classroom teachers in designing lessons; ( )
  - c. Identify areas needing intervention and remediation, and acceleration; ( )
  - d. Assist school districts in evaluating local curriculum and instructional practices in order to make needed curriculum adjustments; ( )
  - e. Inform parents and guardians of their child's progress; ( )
  - f. Provide comparative local, state and national data regarding the achievement of students in essential skill areas; ( )
  - g. ~~To identify performance trends in student achievement across grade levels tested and student growth over time; and to provide supplemental information to local educational agencies that may be useful in evaluating local curriculum and instructional practices, screening students for special program entry/exit, diagnosing individual differences, developing student schedules, making differential assignments within classes and in communicating school progress information to various publics; and to determine State Department of Education technical assistance/consultation priorities.~~ (4-1-97)( )
  - h. Help determine technical assistance/consultation priorities for the State Department of Education. ( )

**03. Content.** The ~~statewide testing~~ comprehensive assessment program will consist of ~~the Iowa Tests of Basic Skills (ITBS), the Tests of Achievement and Proficiency (TAP), multiple assessments, including level tests, the Idaho Reading Indicator,~~ the Direct Writing Assessment (DWA), ~~and~~ the Direct Mathematics Assessment (DMA),

the National Assessment of Educational Progress (NAEP), and the Idaho Standards Achievement Test (ISAT).  
(4-1-97)( )

**04. Testing Population.** All students in Idaho public schools, grades ~~three through eleven~~ kindergarten through twelve (3K-1+2), are required to participate in the ~~standardized portion of the statewide testing comprehensive assessment program approved by the State Board of Education and funded. In addition, all students in grades four (4), eight (8) and eleven (11) are required to participate in the Direct Writing Assessment and all students in grades four (4) and eight (8) are required to participate in the Direct Mathematics Assessment portions of the statewide testing program.~~ Non-public school students at those same grade levels are encouraged to participate at ~~private non-public~~ private non-public school expense. All students who are eligible for special education shall participate in the statewide assessment program. Each student's individualized education program team shall determine whether the student shall participate in the regular assessment without accommodations, the regular assessment with ~~allowable accommodations, or adaptations,~~ allowable accommodations, or whether the student qualifies for and shall participate in the alternate assessment. English Language Learners (ELL) students who have been in an English speaking school for less than one (1) year and score a 1 or 2 on the Pre-LAS or LAS, or a 1 or 2 on the Woodcock-Munoz, or an A or B on IPT, or limited or intermediate on the Macualitas may be excluded from testing. If the student does not have a local language score they are not excluded from testing.  
(4-5-00)( )

**05. Scoring And Report Formats.** Scores will be provided for each ~~skill~~ subject area assessed and reported in standard scores, ~~percentile ranks, stanines, and benchmark scores, or holistic scores (Direct Writing Assessment and Direct Mathematics Assessment).~~ Test results will be presented in a class list report of student scores, building/district summaries, content area criterion reports by skill, disaggregated group reports, and pressure sensitive labels. Information about the number of students who are eligible for special education who participate in regular and alternate assessments, and their performance results, shall be included in reports to the public if it is statistically sound to do so and would not disclose performance results identifiable to individual students.  
(4-5-00)( )

**06. Comprehensive Assessment Program** (Effective April 1, 2002). In a timeframe specified by the State Board of Education, all students in grade nine (9) and random samples of students in grades ten through twelve (10-12) will take the Idaho Standards Achievement Test, and students in grades two through nine (2-9) will participate in level testing on Language Arts/Communications and Math Standards. Each assessment will be comprehensive of and aligned to the Idaho State Achievement Standards it is intended to assess. ( )

**07. Comprehensive Assessment Program** (Effective August 1, 2002). The State approved comprehensive assessment program is outlined in Subsections 111.07.a. through 111.07.m. Each assessment will be comprehensive of and aligned to the Idaho State Achievement Standards it is intended to assess. In addition, districts are responsible for writing and implementing assessments in social studies, science, health and humanities. ( )

- a. Kindergarten - Idaho Reading Indicator. ( )
- b. Grade 1 - Idaho Reading Indicator. ( )
- c. Grade 2 - Idaho Reading Indicator, Level Testing on Language Arts/Communication and Math Standards. ( )
- d. Grade 3 - Idaho Reading Indicator, Level Testing on Language Arts/Communication and Math Standards. ( )
- e. Grade 4 - Direct Math Assessment, National Assessment of Educational Progress, Level Testing on Language Arts/Communication and Math Standards. ( )
- f. Grade 5 - Direct Writing Assessment, Level Testing on Language Arts/Communication and Math Standards. ( )
- g. Grade 6 - Direct Math Assessment, Level Testing on Language Arts/Communication and Math Standards. ( )

h. Grade 7 - Direct Writing Assessment, Level Testing on Language Arts/Communication and Math Standards. ( )

i. Grade 8 - Direct Math Assessment, National Assessment of Educational Progress, Level Testing on Language Arts/Communication and Math Standards. ( )

j. Grade 9 - Direct Writing Assessment, Level testing on Language Arts/Communication and Math Standards. Ninth grade students who meet eligibility criteria as established by the State Board of Education and who have parent approval may take the Idaho Standards Achievement Test (ISAT). ( )

k. Grade 10 - Idaho Standards Achievement Test (ISAT)\*. ( )

l. Grade 11 - Idaho Standards Achievement Test (ISAT)\*. ( )

m. Grade 12 - Idaho Standards Achievement Test (ISAT)\*. ( )

n. \*ISAT - Students who do not receive a proficient score on a portion or portions of the ISAT will retake the appropriate portion or portions each time thereafter that it is offered. Once a student achieves proficiency on a portion or portions of the assessment, regardless of which grade level, nine through twelve (9-12), that student is not required to continue taking that portion or portions. ( )

**068.** Testing Comprehensive Assessment Program Schedule (Effective August 1, 2002). The Iowa Tests of Basic Skills and the Tests of Achievement and Proficiency will be administered in October of each school year. The Direct Writing Assessment and the Direct Mathematics Assessment will be administered in the early spring of each school year during a time period specified by the State Department of Education. (4-1-97)( )

a. The Idaho Reading Indicator will be administered in accordance with Section 33-1614, Idaho Code. ( )

b. Level testing will be administered twice annually in September and May. ( )

c. The Direct Math Assessment and the Direct Writing Assessment will be administered in December in a time period specified by the State Department of Education. ( )

d. The National Assessment of Educational Progress will be administered in timeframe specified by the U.S. Department of Education. ( )

e. The Idaho Standards Achievement Test will be administered twice annually in October and May. ( )

**079.** **Costs Paid By The State.** Costs for the following testing activities will be paid by the state: (4-1-97)

a. All consumable and non-consumable ~~test~~ materials needed to conduct the prescribed statewide ~~testing comprehensive~~ assessment program; (4-1-97)( )

b. Statewide distribution of all ~~test~~ assessment materials; (4-1-97)( )

c. Processing and scoring student response forms, distribution of prescribed reports for the statewide ~~testing comprehensive~~ assessment program; and (4-1-97)( )

d. Implementation, ~~and scoring of processing, scoring and distribution of prescribed reports for the Direct Writing Assessment component to the fourth, eighth and eleventh grade batteries and the fourth and eighth grade batteries of the Direct Mathematics Assessment.~~ (4-1-97)( )

**0810.** **Costs Of Additional Services.** Costs for any additional ~~sub-test~~ administrations or scoring services

not included in the prescribed statewide ~~testing~~ comprehensive assessment program will be paid by the participating school districts. ~~Cost for replacement or supplemental materials which exceed expectation may also be charged to the district.~~ (4-1-97)(    )

**0911.** **Services.** ~~Statewide testing~~ The comprehensive assessment program should be scheduled so that a minimum of instructional time is invested. Student time spent in testing will not be charged against attendance requirements. (4-1-97)(    )

**102.** **Test Security.** Test security is of the utmost importance. ~~It is expected that~~ School districts will employ the same security measures in protecting statewide ~~testing~~ assessment materials from compromise as they use to safeguard other formal assessments. (4-1-97)(    )

**113.** **Demographic Information.** Demographic information ~~may will~~ be required ~~by the State Department of Education~~ to assist in interpreting test results. ~~It may include but not be limited to race, sex, ethnicity, special programs, Title I, English proficiency, migrant status, special education status, gifted and talented status, and socio-economic status.~~ (4-1-97)(    )

**12.** **Assurances.** ~~The State Department of Education will neither advocate nor undertake performance comparisons across Idaho school districts. It is recognized the scholastic achievement can be adversely impacted by individual/environmental differences beyond the control of the school.~~ (4-1-97)

**134.** **Dual Enrollment.** For the purpose of non-public school student participation in non-academic public school activities ~~as outlined in Section 33-203, Idaho Code~~, the Idaho State Board of Education recognizes ~~achievement test is Form K of the Iowa Tests of Basic Skills, at the elementary level (grades K-8), and the Tests of Achievement and Proficiency, at the secondary level (grades 9-12). The minimum score on each assessment is the fifth (5th) stanine for the battery total score.~~ the following: (4-1-97)(    )

a. State developed level tests (grades 2 – 9). (    )

b. The Idaho Standards Achievement Test (grades 10-12). (    )

c. A portfolio demonstrating grade level proficiency in at least five (5) of the subject areas listed in Subsections 111.14.c.i. through 111.14.c.vi. Portfolios are to be judged and confirmed by a committee comprised of at least one (1) teacher from each subject area presented in the portfolio and the building principal at the school where dual enrollment is desired. (    )

i. Language Arts/Communications. (    )

ii. Math. (    )

iii. Science. (    )

iv. Social Studies. (    )

v. Health. (    )

vi. Humanities. (    )

**IDAPA 09 - IDAHO DEPARTMENT OF LABOR**  
**09.01.35 - RULES OF THE EMPLOYER ACCOUNTS BUREAU**  
**DOCKET NO. 09-0135-0104**  
**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 approval. 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 72-1333(2) Idaho Code.

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

Under a substance over form analysis, states have identified fictitious business entities that have no economic substance and exist primarily for the purpose of avoiding employment taxes. The rule will provide a "substance over form" analysis for purposes of proper classification of wages, payments, workers and entities.

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, page 303.

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

DATED this 14th day of November, 2001.

Jean Hull, U.I. Administrator  
Idaho Department of Labor  
317 W. Main Street  
Boise, ID 83735  
208/332-3570 x 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 01-10, October 3, 2001, page 303.**

**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. 09-0135-0105**  
**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 approval. 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 and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

There are currently no rules governing Professional Employer Organizations (PEO) for purposes of the Employment Security Act. The proposed rule would clarify how a PEO must report workers, whose EIN to use in such reports, and what procedures a PEO must use in order to transfer or pool client employer's experience rates.

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, pages 304 and 305.

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

DATED this 14th day of November, 2001.

Jean Hull  
U.I. Administrator  
Idaho Department of Labor  
317 W. Main Street, Boise, ID 83735  
208/332-3570 x 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 01-10, October 3, 2001, pages 304 and 305.**

**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**

### **09.01.60 - COMPLAINT PROCEDURES UNDER THE WORKFORCE INVESTMENT ACT**

**DOCKET NO. 09-0160-0101**

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

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 72-1333(2), Idaho Code, and 20 CFR Section 667.600 and 29 CFR Part 37.

**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.

IDAPA 09.01.60 is being added to provide procedures for filing and processing program and discrimination complaints made by participants in Workforce Investment Act programs and by other interested parties

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, pages 306 through 312.

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

DATED this 22nd day of August, 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 60**

#### **COMPLAINT PROCEDURES UNDER THE WORKFORCE INVESTMENT ACT**

**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 306 through 312.**

**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 12 - DEPARTMENT OF FINANCE**

### **12.01.03 - RULES PURSUANT TO THE IDAHO COLLECTION AGENCY LAW**

#### **DOCKET NO. 12-0103-0101 (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 approval. 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 26-2248, 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 and it was published in the October 3, 2001 Idaho Administrative Bulletin, Volume 01-10, page 329. Because this rulemaking repealed IDAPA 12.01.03 in its entirety, there has been no publication of text in the Idaho Administrative Bulletin.

**ASSISTANCE ON TECHNICAL QUESTIONS,** For assistance on technical questions concerning this pending rule, contact Mary Hughes, Consumer Finance Bureau Chief, Idaho Department of Finance (208) 332-8000.

DATED this 8th day of November, 2001.

Mary Hughes  
Bureau Chief – Consumer Finance  
Idaho Department of Finance  
700 West State St. – 2nd Floor  
Boise, Idaho 83720  
(208) 332-8000 (phone) / (208) 332 8098 (fax)

---

### **IDAPA 12, TITLE 01, Chapter 03**

#### **RULES PURSUANT TO THE IDAHO COLLECTION AGENCY LAW**

**IDAPA 12.01.03 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 329.**

**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 12 - DEPARTMENT OF FINANCE**  
**12.01.08 - RULES PURSUANT TO THE IDAHO SECURITIES ACT**  
**DOCKET NO. 12-0108-0101**  
**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 approval. The pending rule becomes final and effective when 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 26-2248, Idaho Code.

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

This rule implements the new Investment Adviser Registration Depository (IARD) system for Idaho investment advisers and their agents. The pending rule is being adopted as proposed and it was published in the October 3, 2001 Idaho Administrative Bulletin, Volume 01-10, pages 330 through 334.

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

This fee or charge is being imposed pursuant to Section 30-1407, Idaho Code. This rule will result in the imposition of a one-time fee of \$150 per registrant to cover costs associated with IARD. 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 Marilyn Chastain at (208) 332-8070.

DATED this 14th day of November, 2001.

Marilyn Chastain  
Securities Bureau Chief  
Idaho Department of Finance/Securities Bureau  
700 West State St., Boise, Idaho 83720  
(208) 332-8000 (phone) / (208) 332 8098 (fax)

---

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

**RULES PURSUANT TO THE IDAHO SECURITIES ACT**

**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 330 through 334.**

**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 13 - IDAHO FISH AND GAME COMMISSION

### 13.01.04 - RULES GOVERNING LICENSING

DOCKET NO. 13-0104-0101

#### 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 approval. 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 36-104(b), 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.

Consider additional Landowner Appreciation Permits, and amend sale date for leftover controlled hunt permits (because the specified date falls on Sunday). Implement House Bill 43 providing for an Idaho Nursing Home Facility Resident Fishing Permit. Authorize sale of leftover nonresident tags, adjust outfitter allocation tag numbers, and adjust Landowner Appreciation Permit numbers.

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 335 through 342.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Dallas Burkhalter at 208-334-3715.

DATED this 14th day of November, 2001.

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

---

### IDAPA 13, TITLE 01, Chapter 04

#### RULES GOVERNING LICENSING

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 01-10, October 3, 2001, pages 335 through 342.**

**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 13 - IDAHO FISH AND GAME COMMISSION

### 13.01.08 - RULES GOVERNING THE TAKING OF BIG GAME ANIMALS IN THE STATE OF IDAHO

DOCKET NO. 13-0108-0101

#### 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 approval. 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 36-104(b), 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.

Increase mountain lion quotas to allow more hunting. Authorize primitive weapon hunts and define primitive weapon.

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 343 through 375.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Dallas Burkhalter at 208-334-3715.

DATED this 14th day of November, 2001.

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

---

### IDAPA 13, TITLE 01, Chapter 08

#### RULES GOVERNING THE TAKING OF BIG GAME ANIMALS IN THE STATE OF 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 01-10, October 3, 2001, pages 343 through 375.**

**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 13 - IDAHO FISH AND GAME COMMISSION

### 13.01.09 - RULES GOVERNING THE TAKING OF GAME BIRDS IN THE STATE OF IDAHO

DOCKET NO. 13-0109-0101

#### 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 approval. 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 36-104(b), 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.

Annual season setting for Sandhill crane and September goose. Season setting for migratory game birds (ducks and geese).

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 378 through 381.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Dallas Burkhalter at 208-334-3715.

DATED this 14th day of November, 2001.

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

---

### IDAPA 13, TITLE 01, Chapter 09

#### RULES GOVERNING THE TAKING OF GAME BIRDS IN THE STATE OF 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 01-10, October 3, 2001, pages 378 through 381.**

**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 13 - IDAHO FISH AND GAME COMMISSION

### 13.01.17 - RULES GOVERNING THE USE OF BAIT FOR TAKING BIG GAME ANIMALS

DOCKET NO. 13-0117-0101

#### 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 approval. 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 36-104(b), 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.

Allow preseason bear baiting in the Clearwater Study Area to increase harvest.

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 385 through 387.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Dallas Burkhalter at 208-334-3715.

DATED this 14th day of November, 2001.

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

---

#### IDAPA 13, TITLE 01, Chapter 17

### RULES GOVERNING THE USE OF BAIT FOR TAKING BIG GAME ANIMALS

**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 385 through 387.**

**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**

## **16.02.08 - VITAL STATISTICS RULES**

**DOCKET NO. 16-0208-0101**

### **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 approval. 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(s) Title 39, Chapters 1, 2, and 54, Idaho Code, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a statement of reasons for adopting the pending rule:

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 403 through 405.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: Vital Statistics has historically been self-sufficient, with operations exclusively funded from receipts (generated through services rendered) and from federal contracts. Vital Statistics requested, and was granted, fee increases in 1972, 1981, 1984, 1989, and 1997. In order to cover new, necessary costs, a fee increase of \$3 is required. The changes in rule will be, from \$10 to \$13 per certified copy or search; from \$10 to \$13 for legal actions (paternity's, court-ordered name changes, adoptions, delayed registrations, and rescissions); and from \$6 to \$9 per verification.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the proposed rules, contact Jane S. Smith at (208) 334-5976.

DATED this 30th 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 02, Chapter 08**

#### **VITAL STATISTICS 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 403 through 405.**

**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**  
**16.02.14 - RULES GOVERNING CONSTRUCTION AND OPERATION**  
**OF PUBLIC SWIMMING POOLS IN IDAHO**

**DOCKET NO. 16-0214-0101**

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

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 56-1003, 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 406 through 408.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Russell Duke at (208) 334-4964.

DATED this 31st 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 02, Chapter 14**

**RULES GOVERNING CONSTRUCTION AND OPERATION**  
**OF PUBLIC SWIMMING POOLS 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 01-10, October 3, 2001, pages 406 through 408.**

**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

### 16.03.08 - RULES GOVERNING TEMPORARY ASSISTANCE FOR FAMILIES IN IDAHO (TAFI)

DOCKET NO. 16-0308-0102

#### 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 approval. 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(s) 56-1004(l) and 56-202(b), 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 rules was published in the October 3, 2001 Idaho Administrative Bulletin, Volume 01-10, pages 416 and 417.

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

DATED this 30th 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

---

### IDAPA 16, TITLE 03, Chapter 08

#### RULES GOVERNING TEMPORARY ASSISTANCE FOR FAMILIES IN IDAHO (TAFI)

**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 416 and 417.**

**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**  
**16.03.09 - RULES GOVERNING THE MEDICAL ASSISTANCE PROGRAM**

**DOCKET NO. 16-0309-0107**

**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 approval. 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 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 the change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 3, 2001 Administrative Bulletin, Volume 01-10, page(s) 419 through 429.

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

DATED this 5th day of November, 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

---

**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 01-10, October 3, 2001, pages 419 through 429.**

**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**  
**16.03.09 - RULES GOVERNING THE MEDICAL ASSISTANCE PROGRAM**

**DOCKET NO. 16-0309-0108**

**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 approval. 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(s) 56-202(b), 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 Administrative Bulletin, Volume 01-10, page(s) 430 and 431.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Christine Cuellar at (208) 364-1891.

DATED this 5th day of November, 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

---

**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 01-10, October 3, 2001, pages 430 and 431.**

**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**  
**16.03.09 - RULES GOVERNING THE MEDICAL ASSISTANCE PROGRAM**

**DOCKET NO. 16-0309-0109**

**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 approval. 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, 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 the change.

The Department received an enormous amount of written and verbal feedback most of which was pretty consistent. This interaction with providers, Department staff, consumers and other interested citizens was very helpful in making changes to the proposed rules. Some of the changes made based on this feedback include: (1) prior authorization of PSR services while the provider is completing the task plan; (2) reintroduction of Psychotherapy, Occupational Therapy and Occupational Therapists into the rules; (3) inclusion of Licensed Professional Counselors and Licensed Pastoral Counselors under provider qualification; (4) individuals being discharged from psychiatric inpatient are immediately eligible for PSR services to prevent re-hospitalization; (5) clarification of time lines for assessment and plan approval; (6) reconfigured use of available community crisis hours to be more responsive to consumer needs; (7) added continuing education requirement for PSR providers; (8) made required supervision more "doable"; and (9) re-defined qualifications for PSR Specialists so that the standard could be more easily and reliably applied as well as "grand-fathering" all current PSR Specialists.

The following Sections were moved in whole or partially to different Sections from what was published in the proposed rule; Section 450.01.02.03; Section 451.05, 07, 08, 09, 10; Section 452.01 through 12; Section 455.02, 04 through 11 and 14; Section 456.07; Section 457.06 through 09; and Section 458.02 through 04.

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

Only the sections that have changes are printed in this bulletin. The original text of the proposed rule was published in the October 3, 2001 Idaho Administrative Bulletin, Volume 01-10, pages 432 through 444.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rules, contact Fack Weenberg at (208) 334-5795.

DATED this 14th day of November, 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

Substantive changes from the proposed rule text have been made to all Sections of this docket and it is being reprinted in its entirety.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 00-10, October 3, 2001, pages 432 through 444.

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. 16-0309-0109

***ALL OF THE SECTIONS OF THIS DOCKET ARE BEING REPRINTED***

**450. REHABILITATIVE SERVICES -- MENTAL HEALTH.**

Pursuant to 42 CFR 440.130(d), the Department shall purchase rehabilitative services for maximum reduction of mental disability, ~~and restoration of the recipient to the best~~ These services are intended to promote the highest possible functional level through restoration and skill maintenance. Rehabilitative Services, shall be provided through the State Mental Health Authority in each region, are hereafter referred to as the Psychosocial Rehabilitation Services (PSR), ~~in accordance with Title 39, Chapter 31, Idaho Code, Regional Mental Health Services. Each region shall deliver a range of Psychosocial Rehabilitation (PSR) services in their communities including treatment, rehabilitation and supportive services. Eligibility for PSR services shall be assessed, plans will be developed, and services prior authorized by the Department of Health Welfare, hereinafter referred to as the Department, or its designee in each region, in accordance with Section 39-3124, Idaho Code. For psychosocial rehabilitative services provided by a school district under an individualized education plan, refer to Section 560 of these rules.~~ (3-30-01)( )

**01. PSR Eligibility Criteria For Children.** A seriously emotionally disturbed child is an individual under the age of eighteen (18) who has a serious emotional disturbance (SED). The following definition of the SED target population is based on the guidelines taken from Section 1912(c) of the Public Health Services Act as amended by Public Law 102-321; the Children's Mental Health Services Act, Title 16, Chapter 24, Idaho Code; and IDAPA 16.06.01, "Rules Governing Family and Children's Services". ( )

a. Presence of an emotional or behavioral disorder, according to the DSM-IV or subsequent revisions to the DSM, which results in a serious disability; and ( )

b. Requires sustained treatment interventions; and ( )

c. Causes the child's functioning to be impaired in thought, perception, affect, or behavior. ( )

d. The disorder shall be considered to be a serious disability if it causes substantial impairment in functioning. Functional impairment shall be assessed using the Child and Adolescent Functional Assessment Scale (CAFAS). Substantial impairment shall require a full eight (8) scale score of eighty (80) or higher with "moderate" impairment in at least one (1) of the following three (3) scales: ( )

- i.* Self-Harmful Behavior; ( )
- ii.* Moods/Emotions; or ( )
- iii.* Thinking. ( )

*e.* A substance abuse disorder or conduct disorder, or developmental disorder, alone, does not constitute a serious emotional disturbance, although one (1) or more of these conditions may co-exist with serious emotional disturbance. ( )

**02. PSR Eligibility Criteria For Adults.** A severely and persistently mentally ill adult is any individual eighteen (18) years or older who has a severe and persistent mental illness. The following criteria are required to be a member of the target population based on the guidelines taken from the Federal Register pursuant to Section 1912(c) of the Public Health Services Act and as amended by Public Law 102-21 "adults with a serious mental illness". ( )

*a.* The individual must have a diagnosis under DSM-IV or subsequent revisions to the DSM, of Schizophrenia, Schizoaffective Disorder, Bipolar I Disorder, Bipolar II Disorder, Major Depressive Disorder severe, Delusional Disorder, or Borderline Personality Disorder. Also included is Psychotic Disorder NOS for a maximum of one hundred twenty (120) days without a more conclusive diagnosis, and ( )

*b.* The psychiatric disorder must be of sufficient severity to cause a substantial disturbance in role performance or coping skills in at least two (2) of the following areas on either a continuous or an intermittent (at least once per year) basis: ( )

- i.* Vocational/academic; ( )
- ii.* Financial; ( )
- iii.* Social/interpersonal; ( )
- iv.* Family; ( )
- v.* Basic living skills; ( )
- vi.* Housing; ( )
- vii.* Community/legal; or ( )
- viii.* Health/medical. ( )

**03. PSR Eligibility Following Discharge From Psychiatric Hospitalization.** Children and adults discharged from psychiatric hospitalization and who meet the diagnostic criteria of the target population in these rules shall be considered immediately eligible for PSR and a plan will be completed for a period of a least one-hundred and twenty (120) days following discharge from the hospital. ( )

**04. Place Of Service.** PSR services are to be community-based. ( )

*a.* PSR services shall be provided to the recipient in his home and community whenever possible. Any other location, including a provider's office or clinic, may be used if the specific place of service is stated in the task plan and is prior authorized. ( )

*b.* PSR services may be provided to a recipient living in a residential and assisted living facility (RALF) if the PSR services are determined by the Department or its designee to be appropriate, desired by the resident, and are not the responsibility of the RALF or another agency under the RALF Negotiated Service Agreement. ( )

**451. RESPONSIBILITIES OF REGIONS.**

Each region shall enter into a provider agreement with the Division of Medicaid for the provision of PSR services and shall also be responsible for the following tasks: (3-30-01)( )

**01. Service System.** Each region is responsible for the development, maintenance and coordination of a region-wide, comprehensive and integrated service system of including the Department and other private providers. (3-30-01)( )

**02. Service Provision.** Each region shall provide PSR services directly, or and through private providers and with supplemental service agreements whom the Department or its designee has negotiated a Supplemental Service Agreement. (3-30-01)( )

**03. Service Availability.** Assure provision of PSR services to recipients on a twenty-four (24) hour basis. (3-30-01)

~~**04. Intake Assessment.** Assure completion of an intake assessment and service plan for each recipient. (3-30-01)~~

~~**05. Service Authorizations.** Provide service authorizations and functions required to administer this section. **Comprehensive Assessment And Service Plan Development.** The Department or its designee is responsible to conduct a comprehensive assessment and develop a service plan for each recipient determined eligible for PSR services. At the point a decision is made that an individual is not eligible for PSR, a Notice of Decision citing the reason(s) the recipient is not eligible for PSR services will be issued by the Department or its designee. The Notice of Decision will be sent to the adult recipient and a copy to their guardian. When the recipient is a minor child, the Notice of Decision will be sent to the minor child's parent(s) or guardian. The adult or family of the minor child will receive appropriate referrals to meet their identified needs (3-30-01)( )~~

~~**06. Quality Of Services.** Monitor the quality of services provided in this section in coordination with the Divisions of Medicaid and Family and Community Services. **Service Authorizations.** All PSR services must be authorized by the Department or its designee. (3-30-01)( )~~

~~a. The signature of a physician, or other licensed practitioner of the healing arts within the scope of his practice under state law according to Title 54, Chapter 18, Idaho Code, is required on the service plan indicating the services are medically necessary. The date of the plan is the date it is signed by the physician. ( )~~

~~b. The Department or its designee shall authorize the number of hours and type of services which could be reasonably expected to lead to achievement of the service plan objectives. ( )~~

~~c. Service authorizations are limited to a twelve (12) month period and must be reviewed and updated at least annually. ( )~~

~~d. The Department or its designee shall monitor, coordinate, and jointly plan to prevent duplication of services provided to PSR recipients through other Medicaid reimbursable and non-Medicaid programs. ( )~~

**06. Task Plan Oversight.** Task plan oversight is the responsibility of the Department or its designee. ( )

a. The task plan shall be reviewed by the Department or its designee to assure that the tasks can be reasonably expected to lead to achievement of the objectives outlined in the service plan. ( )

b. The recipient shall participate in the development of the task plan to the fullest extent possible. ( )

c. The final task plan shall be reviewed, authorized and signed by the Department or its designee within ten (10) working days of receipt. ( )

**07. Minor Changes To The Task Plan.** *When the Department or its designee is notified, in writing, by the provider of necessary and specific amendments to the task plan which require no change in total hours or service type, as well as the rationale for those changes, the Department or its designee shall have ten (10) working days to respond to any or all of the amendments. If no response is received, the provider shall proceed to incorporate those and only those, specific amendments to the task plan. A copy of the amended task plan shall be forwarded to the Department or its designee. While task amendments may result in reassignment of available hours among tasks, under no circumstances does this permit the provider to increase the total number of hours prior authorized.* ( )

**08. Changes In Task Plan Hours Or Service Type.** *When the Department or its designee is notified, in writing, by the provider of recommended increases in hours or change in type of service provided, the Department or its designee will review the request and either approve or deny within ten (10) working days of receipt. A clear rationale for the change in hours or service type must be included with the request.* ( )

**09. Changes To Service Plan Objectives.** *When a provider believes that a service plan needs to be revised, the provider should include that recommendation and rationale in documentation of the next one hundred twenty (120) day review. The Department or its designee will review the information, and if appropriate, act on the recommendation. In the event substantial changes in the recipient's mental status or circumstances occur requiring immediate changes in the plan objectives, the provider shall notify the Department or its designee, in writing, of its recommendation and rationale for the change. The Department will have ten (10) working days to respond to and either approve or deny the request for change.* ( )

**10. Quality Of Services.** *The Department or its designee shall monitor the quality and outcomes of PSR services provided to recipients, in coordination with the Divisions of Medicaid, Management Services, and Family and Community Services.* ( )

**452. SERVICE DESCRIPTIONS.**

All services provided must be clinically appropriate in content, service location and duration and based on measurable and behaviorally specific and achievable objectives. A PSR shall consist of the following services:  
(3-30-01)( )

**01. Comprehensive Assessment.** *A comprehensive assessment shall be completed for each recipient of PSR services which addresses the recipient's assets, deficits and needs directed towards formulation of a written diagnosis and treatment plan. Assessment is an interactive process with the maximum feasible involvement of the recipient and is directly related to individual's mental illness. The assessment, with supplemental psychiatric, psychological, or specialty evaluations and tests, must be in written form, dated and signed. They must be retained in the recipient's file for documentation purposes. Should the assessment reveal that the person does not need rehabilitative services, appropriate referrals shall be made to meet other needs of the recipient. The assessment is reimbursable if conducted by a qualified provider, in accordance with Section 454. All the following areas must be evaluated and addressed A comprehensive assessment shall be completed for each recipient determined eligible for PSR. The assessment shall address the individual's strengths and supports, deficits and needs, and shall be directed toward formulation of a diagnosis and written service plan including the task plan. The recipient shall participate in the assessment to the fullest extent possible. The assessment shall be directly related to the individual's mental illness and level of functioning. Information from any of the recipient's service provider(s) shall be collected. The assessment and supplemental psychiatric, psychological, or other specialty evaluations and tests must be written, dated, signed and be retained in the recipient's file. The assessment is reimbursable if conducted by a qualified provider named in Section 455 of these rules. Each of the following areas must be assessed initially and at least annually thereafter:*  
(3-30-01)( )

a. Psychiatric history and current mental status ~~which includes~~ including at a minimum, age at onset, childhood history of physical or sexual abuse, number of hospitalizations, precursors of hospitalizations, symptoms of decompensation ~~that~~ the recipient manifests, the recipient's ability to identify his symptoms, medication history, substance abuse history, history of mental illness in the family, current mental status—~~observation~~, any other information that contributes assessment of to the recipient's current psychiatric status, ~~and must~~ This section must contain the diagnosis documented by a licensed physician or other licensed practitioner of the healing arts within the scope of his practice under state law; ~~and~~  
(3-30-01)( )

- b. Medical history and current medical status which includes at a minimum, history of any major non-psychiatric illnesses, surgeries, hospitalizations, dates of last physical, dental, or eye examinations, pertinent family history of medical illness, current health problems/needs, current medications, name of current primary physician; ~~and~~ (7-1-94)(\_\_\_\_)
- c. Vocational/Educational status which includes at a minimum, current and past job status, level of satisfaction with the vocation, educational level, military status, strengths and barriers to employment, For children, this area addresses relevant school enrollment, performance, achievement levels and school related social functioning; ~~and~~ (7-1-94)(\_\_\_\_)
- d. Financial status which includes at a minimum, adequacy and stability of the recipient's financial status, financial difficulties ~~of the recipient~~ perceives with it, resources available, and the recipient's ability to manage personal finances; ~~and~~ (7-1-94)(\_\_\_\_)
- e. Social relationships/support which includes, at a minimum, recipient's ability to establish/maintain personal support systems or relationships and recipient's ability to ~~acquire~~ develop leisure, recreational, or social interests; ~~and~~ (7-1-94)(\_\_\_\_)
- f. Family status which includes, at a minimum, the recipient's ability or desire to carry out family roles, recipient's perception of the support he receives from his family, and the role the family plays in the recipient's mental illness, For children this area addresses the child's functioning within the family and the impact of the child's mental illness on family functioning; ~~and~~ (7-1-94)(\_\_\_\_)
- g. Basic living skills which includes at a minimum, recipient's ability to meet age appropriate basic living ~~needs, what the recipient wants to accomplish in this area~~ skills including transition to adulthood; ~~and~~ (7-1-94)(\_\_\_\_)
- h. Housing which includes at a minimum, current living situation and level of satisfaction with the arrangement, ~~present situation as appropriate to the recipient's needs~~ and appropriateness of current living situation with respect to recipient's needs, their health and safety; ~~and~~ (7-1-94)(\_\_\_\_)
- i. Community/Legal status which includes at a minimum, legal history with law enforcement, transportation needs, supports the recipient has in the community, and daily living skills necessary for community living. (7-1-94)(\_\_\_\_)

**02. Written Service Plan.** A written service plan shall be developed and implemented for each recipient of PSR services as a vehicle to address the rehabilitative service needs of the recipient. ~~To the maximum extent possible, the development of a service plan shall be a collaborative process involving the recipient, his family and other support systems. The written service plan shall be developed within thirty (30) calendar days from the date of application and be signed by a licensed physician. Service planning is reimbursable if conducted by a qualified provider, in accordance with Subsections 454.01 through 454.09. Task planning may be done by a qualified provider in accordance with Section 454. The service plan must include, at a minimum:~~ Services must support the goals of PSR which are maximum reduction of mental disability and achievement of the highest possible functioning level for that individual. For adults this means becoming independent or maintaining the highest level of independence. For children this means learning or maintaining developmentally appropriate role functioning. The service plan identifies the goal(s), areas of need, the objectives and the total number of hours and types of services estimated to achieve all objectives based on the ability of the recipient to effectively utilize services. The service plan shall be developed by the recipient, his family, other support systems and the Department or its designee. ~~Service planning is reimbursable if conducted by a qualified provider, in accordance with Subsections 455.01 through 455.12 and 455.14 of these rules. The service plan shall be documented by the Department or its designee.~~ (3-30-01)(\_\_\_\_)

- a. A service plan must include the following, at a minimum: (\_\_\_\_)
- ai. A list of focus problems identified during the assessment statement which identifies the recipient's goal relative to the goals of PSR as per Section 450 and Subsection 452.02 of these rules; ~~and~~ (7-1-94)(\_\_\_\_)
- bii. Overall goal(s) and ~~Concrete, measurable~~ goals objectives to be achieved, including time frames

for ~~achievement~~ completion. At least one (1) objective is required for *the focus areas which will likely lead to the greatest stabilizing impact. At a minimum, this should include at least one (1) objective in each of the two (2) focus areas which qualify the recipient for PSR;* ~~and~~ (7-1-94)( )

e. *Specific objectives directed toward the achievement of each one of the goals; and* (7-1-94)

~~iii.~~ Documentation of ~~who participants~~ participated in the *development of the service planning;* the recipient, if possible, must be a participant. The *adult* recipient or the *adult* recipient's legal guardian must sign the service plan or documentation must be provided why this was not possible *including recipient refusal to sign. For a minor child recipient, the child's parent(s) or guardian(s) must sign the plan.* A copy of the plan ~~must~~ shall be given to the *adult* recipient *and their guardian or to the parent(s) or guardian of the minor child;* ~~and~~ (7-1-94)( )

b. *A service plan shall be developed within thirty (30) calendar days from initial face-to-face contact between the Department or its designee and the consumer or in the case of a minor child, the child's parents or guardians.* ( )

c. *A service plan review by the Department or its designee and the recipient shall occur at least annually. During the review, the Department or its designee and the recipient review any objectives which may be added to or deleted from the service plan. Input from other participants in the plan including provider(s) will be considered. Who attends the review is a decision of the adult consumer and guardian or in the case of a child, his family or legal guardian(s), and the Department or its designee. The Department or its designee's signature is necessary to approve any changes.* ( )

d. *Each service plan shall be reviewed and signed by a physician at least annually. Once the date of a plan is established, that date shall continue to be the annual date of the plan. Failure of the physician to sign a subsequent plan on or before the date of the plan will result in expiration of the plan and a new plan will be required. The date of the physician's signature on subsequent plans shall not be after the established annual date. This in no way precludes the Department or its designee from reformulating a completely new plan annually.* ( )

e. *Each recipient must choose a provider(s) of services to assist them in accomplishing the objectives stated in their service plan.* ( )

**THE CODIFIED SUBSECTION 452.03 HAS BEEN MOVED TO SUBSECTION 452.11**

**03. Task Plan.** *The task plan is developed by the recipient and the selected provider(s). It identifies specific, time-limited activities designed to accomplish the objectives of the service plan. The task plan must be completed within fourteen (14) working days from completion of the service plan. The task plan must be completed by a qualified provider in accordance with Section 455 of these rules. Each task shall specify the place of service, the frequency of services, the type of service, and the person(s) responsible to assist the recipient in the completion of tasks.* (3-30-01)( )

**04. Pharmacological Management.** *Pharmacological management services shall be provided in accordance with the service plan. Pharmacological management, alone, may be provided if the plan indicates that this service is necessary and sufficient to prevent relapse or hospitalization and that functional deficits are expected to return if pharmacological management is not provided. The telephoning of prescriptions to the pharmacy is not a billable service. Medication prescription must be done by a licensed physician or licensed nurse practitioner other practitioner of the healing arts within the scope of practice defined in their license in direct visual contact with the recipient.* (3-30-01)( )

**05. Administration Of Medication.** *Licensed and qualified nursing personnel can supervise, monitor, or administer medications within the limits of the Nurse Practice Act, Section 54-1402 (d), Idaho Code. Other PSR providers, included in Section 454, may assist in "self" administration by verbal prompts and must include assessment of current mental status.* (3-30-01)

**065. Individual Psychosocial Rehabilitation.** Individual Psychosocial Rehabilitation shall be provided

in accordance with the objectives specified in the service plan. The service plan goal is to aid recipients in work, school, or with other ~~problems~~ issues related to their mental illness, ~~in~~ by obtaining skills to live independently or ~~in~~ by preventing movement to a more restrictive living situation. Individual psychosocial rehabilitation is reimbursable if provided by ~~personnel of the region or an agency contracting with the region for PSR services~~ an agency with a current provider agreement and ~~if the employee is a qualified provider~~ the agency's providers meet the qualifications, in accordance with Section 4545 of these rules. ~~This service~~ Individual Psychosocial Rehabilitation includes one (1) or more of the following: (3-30-01)(\_\_\_\_)

a. Assistance in gaining and utilizing skills necessary to undertake school, ~~or~~ employment, or independence. This includes helping the recipient learn personal hygiene and grooming, ~~securing~~ selecting and acquiring appropriate clothing, time management and other skills related to recipient's psychosocial ~~condition~~ circumstances; (7-1-94)(\_\_\_\_)

b. Ongoing, on-site assessment, ~~evaluation,~~ and feedback sessions, including one hundred twenty (120) day reviews, to identify symptoms or behaviors and to develop interventions with the recipient and employer or teacher; (7-1-94)(\_\_\_\_)

c. Individual interventions in social skill training to improve communication skills and facilitate appropriate interpersonal behavior directly related to the individual's mental illness; (3-30-01)(\_\_\_\_)

d. Problem solving, support, and supervision related to activities of daily living to assist recipients to gain and utilize skills ~~including, but not limited to,~~ such as personal hygiene, household tasks, transportation utilization, and money management; (7-1-94)(\_\_\_\_)

e. To assist ~~the acquisition of recipient with receiving~~ necessary services when ~~recipients they have difficulty or~~ are unable to obtain them by ~~escorting~~ accompanying them to Medicaid reimbursable appointments. The PSR provider must be present during the appointment and deliver a PSR service during the appointment; (7-1-94)(\_\_\_\_)

f. Medication education may be provided by a licensed physician, ~~or~~ licensed nurse, or a licensed practitioner of the healing arts within the scope of his practice under state law. This service focuses on educating the recipient about the role and effects of medications in treating symptoms of mental illness and symptom management. (2-6-95)(\_\_\_\_)

g. Development of coping skills and symptom management to identify the symptoms of mental illness which are barriers to successful community integration and crisis prevention. (\_\_\_\_)

h. May assist recipient with "self" administration of medications by verbal prompts according to the direction of the prescribing physician. Verbal prompts will be delivered face-to-face and an assessment of the consumer's functioning will be completed and documented. In cases where verbal prompts by phone are justified, they must be specifically prior authorized. (\_\_\_\_)

**076. Group Psychosocial Rehabilitation.** Group psychosocial rehabilitation shall be provided in accordance with the objectives specified in the service plan. This is a service provided to two (2) or more individuals, at least one (1) of whom is a recipient. The service plan goal is to aid recipients in work, school or other problems related to their mental illness, in obtaining skills to live independently or in preventing movement to a more restrictive living situation. Group psychosocial rehabilitation is reimbursable if provided by ~~personnel of the region or an agency contracting with the region for PSR services~~ and if the employee is a qualified provider, with a current provider agreement and the agency's provider meets the qualifications in accordance with Section 4545 of these rules. This service includes one (1) or more of the following: (3-30-01)(\_\_\_\_)

a. Medication education groups provided by a licensed physician, ~~or~~ licensed nurse, or a licensed practitioner of the healing arts within the scope of his practice under state law. This service focuses on educating recipients about the role and effects of medications in treating symptoms of mental illness and symptom management. These groups ~~must~~ shall not be used solely for the purpose of group prescription writing; (7-1-94)(\_\_\_\_)

b. Employment or school related groups to focus on symptom management on the job or in school, ~~anxiety symptom~~ reduction, and education about appropriate job or school related behaviors; (7-1-94)(\_\_\_\_)

c. ~~Groups in e~~Communication and interpersonal skills groups, the goals of which are to improve communication skill and facilitate appropriate interpersonal behavior. The ~~client~~ recipient must be present; (3-30-01)(\_\_\_\_)

d. Symptom management groups to identify mental illness symptoms ~~of mental illnesses~~ which are barriers to successful community integration, crisis prevention, problem identification and resolution, coping skills, developing support systems and planning interventions with teachers, employers, family members and other support persons; and (7-1-94)(\_\_\_\_)

e. ~~Groups on a~~Activities of daily living groups which help recipients learn skills related to, ~~but not limited to,~~ personal hygiene, and grooming, household tasks, transportation utilization, socialization, and money management. (7-1-94)(\_\_\_\_)

**08Z. Community Crisis Support.** Community crisis support which includes intervention for recipients in crisis situations to ensure the health and safety or to prevent hospitalization or incarceration of a recipient. Community crisis support is reimbursable if provided by an agency with a current provider agreement and the agency's providers meet the qualifications of Section 455 of these rules and according to limitations contained in Subsection 458.03. of these rules. (3-30-01)(\_\_\_\_)

a. A crisis may be precipitated by loss of housing, employment or reduction of income, risk of incarceration, risk of physical harm, family altercation or other emergencies. (7-1-94)

b. Community crisis support may be provided prior to or after the completion of the assessment and service plan. Service is reimbursable if there is documentation that supports the need for the service, ~~even if it is not in the service plan~~ and the services are either authorized the next business day following the beginning of the crisis or prior authorized in anticipation of the need for crisis support. (7-1-94)(\_\_\_\_)

e. ~~Community crisis support is reimbursable if provided by personnel of the region or an agency contracting with the region for PSR services and if the employee is a qualified provider, in accordance with Section 454.~~ (3-30-01)

**08. Crisis Intervention (ER).** A service provided in a hospital emergency room as an adjunct to the medical evaluation completed by the emergency room physician. This evaluation may include a psychiatric assessment. The goal of this service is to assist in the identification of the least restrictive setting appropriate to the needs of the recipient. This service must be reported to, reviewed and authorized, when appropriate, by the Department or its designee on the next working day. Crisis Intervention (ER) is reimbursable if provided by an agency with a current provider agreement and the agency's providers meet the qualifications of Section 4545 of these rules. (\_\_\_\_)

**09. Collateral Contact.** Contacts made with significant individuals in the recipient's environment for the purpose of assisting the recipient to live in the community. Collaterals may include a parent, guardian, relatives, family members, landlords, employers, teachers, providers or other individuals with a primary relationship to the recipient. The purpose of collateral contacts is to gather and exchange information with individuals specifically identified in the service or task plan. Collateral contacts must be prior authorized. Collateral Contact is reimbursable if provided by an agency with a current provider agreement and the agency's providers meet the qualifications of Subsection 453.06 and Section 454 of these rules describes limitations on reimbursement for collateral contacts between providers. The types of collateral contact are as follows: (\_\_\_\_)

a. Collateral contact face-to-face. When two persons meet visually at the same time; (\_\_\_\_)

b. Collateral contact telephone. When it is the most expeditious and effective way to exchange information; and (\_\_\_\_)

c. Collateral contact parent group. When two (2) or more parents of children, under the age of

eighteen (18), with similar serious emotional disturbances meet to share information and learn about their children's needs. ( )

**10. Nursing Service.** A service performed by licensed and qualified nursing personnel within the limits of the Nurse Practice Act, Section 54-1402(d), Idaho Code. This may include supervision monitoring, and administration of medications. ( )

~~0311.~~ **Psychotherapy.** Individual, group and family psychotherapy ~~shall~~ must be prior authorized and provided in accordance with the objectives specified in the written service plan. Qualified providers for psychotherapy are identified in Clinic Services-Mental Health Clinics, Subsection 469.06 of these rules. Family psychotherapy must include the recipient and at least one (1) family member at any given time and must be delivered in accordance with objectives as specified in the written service plan. An agency shall assure clinical supervision is available to all staff who provide psychotherapy. The amount of supervision should be adequate to insure that the service plan objectives are achieved. Clinical supervision of psychotherapy must be provided by individuals whose training, experience, and license qualify them to provide clinical supervision of psychotherapy. Supervision may be provided by individuals in Subsections 455.01 through 455.06 of these rules. Documentation of supervision must be maintained by the agency and be available for review by the Department or its designee. (3-30-01)( )

~~a. These services are reimbursable if provided by a qualified professional who must have, at a minimum, one (1) or more of the following degrees: (3-30-01)~~

~~i. Psychiatrist, M.D.; or (3-30-01)~~

~~ii. Physician, M.D.; or (3-30-01)~~

~~iii. Licensed Psychologist; or (3-30-01)~~

~~iv. Psychologist extender, registered with the Bureau of Occupational Licenses; or (3-30-01)~~

~~v. Licensed Certified Social Worker or Licensed Certified Social Worker - Private practice; or (3-30-01)~~

~~vi. Licensed Professional Counselor - Private Practice License; or (3-30-01)~~

~~vii. A licensed social worker who was employed by the clinic prior to February 27, 1998; or (3-30-01)~~

~~viii. Certified Psychiatric Nurse, R.N.; or (3-30-01)~~

~~ix. A Registered Nurse, R.N., who was employed by the clinic prior to February 27, 1998. (3-30-01)~~

~~b. Family psychotherapy must include the recipient and at least one (1) family member at any given time and must be delivered in accordance with objectives as specified in the written service plan. (7-1-94)~~

**12. Occupational Therapy.** Occupational therapy services must be prior authorized by the Department or its designee, based on the results of an occupational therapy evaluation completed by a licensed Occupational Therapist in accordance with subsections 455.14 and 457.08 of these rules. ( )

**453. EXCLUDED SERVICES.**

Excluded services are those services which are not reimbursable under Medicaid PSR. The following is a list of those services: ( )

**01. Inpatient.** Treatment services rendered to recipients residing in inpatient medical facilities including nursing homes, hospitals or correctional facilities including jail and detention; (3-30-01)( )

**02. Recreational ~~Therapy~~ And Social Activities.** ~~Recreational therapy which includes a~~ Activities which are primarily social or recreational in ~~nature~~ purpose; (3-30-01)( )

03. **Employment.** Job-specific interventions, job training and job placement services which includes helping the recipient develop a resume, applying for a job, and job training or coaching; (3-30-01)( )

04. **Staff Performance Household Tasks.** Staff performance of household tasks and chores; (3-30-01)( )

05. **Treatment Of Other Individuals.** ~~Services for treatment of other individuals, such as family members.~~ Treatment services for persons other than the identified recipient; (3-30-01)( )

06. **Client Staffing Within ~~The Same PSR An~~ Agency.** ~~A Client staffing between two (2) staff who both provide PSR services within the same PSR agency is not reimbursable. A client staffing may fall under the definition of collateral contact when it is prior authorized and occurs between two (2) staff who are providing services from different Medicaid programs either within or outside the same agency.~~ (3-30-01)( )

07. **Medication Drops.** Delivery of medication only; ( )

08. **Services Delivered On An Expired Service Plan.** Services provided between the expiration date of one (1) plan and the start date of the subsequent plan; and ( )

079. **Services Not Listed.** Any other services not listed in Section 452 of these rules. (3-30-01)( )

**454. PROVIDER AGENCY REQUIREMENTS.**

*Each agency who enters a provider agreement with the Division of Medicaid for the provision of PSR services shall meet the following requirements:* ( )

01. **Agency.** A proprietorship, partnership, corporation, or other entity, employing at least two (2) providers and offering both PSR services and administrative services. *Administrative services may include such activities as billing, hiring staff, assuring staff qualifications are met and maintained, setting policy and procedure, payroll.* ( )

02. **Staff Qualifications.** An agency shall assure that all agency staff meet the qualification in Section 455 of these rules. ( )

03. **Supplemental Services Agreement.** An agency must have negotiated a Supplement Services Agreement (SSA) with the Department or its designee. The SSA shall specify what PSR services shall be provided by the agency. *An agency's Supplemental Services Agreement shall be reviewed at least annually and may be revised or cancelled at any time.* ( )

04. **Agency Employees And Subcontractors.** Employees and subcontractors of an agency shall be subject to the same conditions, restrictions, qualifications and rules as the agency. ( )

05. **Supervision.** An agency shall provide staff with adequate supervision to insure that the tasks on a recipient's task plan can be implemented effectively *in order for the service plan objectives to be achieved. Case specific supervisory contact shall be made weekly, at a minimum, with staff for whom supervision is a requirement. Individuals in Subsections 455.11 through 455.14 of these rules, must be supervised by individuals in Subsections 455.01 through 455.10. Documentation of supervision must be maintained by the agency and be available for review by the Department or its designee.* ( )

06. **Continuing Education.** *The agency shall assure that all staff complete twenty (20) hours of continuing education annually. Staff who are not licensed shall select the discipline closest to their own and use the continuing education standards attached to that professional license. Nothing in these rules will affect professional licensing continuing education standards and requirements set by the Bureau of Occupational Licenses.* ( )

**4545. PSYCHOSOCIAL REHABILITATION PROGRAM PROVIDER STAFF QUALIFICATIONS.**

~~All individuals providing services must be employees of the State Mental Health Authority in each region or employees of an agency contracting with the Department to provide psychosocial rehabilitation services.~~

~~Individuals in Subsections 454.08 through 454.11, of these rules, must be supervised by individuals in Subsections 454.01 through 454.07, of these rules. The employing entity shall supervise individual PSR providers and assure that the following qualifications are met for each individual provider~~ meet at least one (1) of the following qualifications:  
(3-30-01)( )

**01. Physician Or Psychiatrist.** A physician, ~~or~~ psychiatrist, or other licensed practitioners of the healing arts within the scope of his practice under state law shall be licensed in accordance with Title 54, Chapter 18, Idaho Code, to practice medicine. A licensed practitioner of the healing arts in Idaho may include Physician Assistants and Nurse Practitioners;  
(3-30-01)( )

**02. Certified Master's Level Psychiatric Nurse.** A certified psychiatric nurse, Clinical Nurse Specialist or Psychiatric Nurse Practitioner, shall be licensed in accordance with Title 54, Chapter 14, Idaho Code, or certified by a recognized national certification organization, and have a minimum of a master's degree;  
(3-30-01)( )

**03. Psychologist.** A psychologist shall be licensed in accordance with Title 54, Chapter 23, Idaho Code;  
(3-30-01)

~~064. Licensed Clinical Professional Counselor—Private Practice.~~ A licensed clinical professional counselor ~~—Private Practice Licensure who is~~ shall be licensed in accordance with ~~Section 54-3404(10) Title 54, Chapter 34, Idaho Code and IDAPA 24.15.01, “Rules of the Idaho Counselor Licensing Board of Professional Counselors and Marriage and Family Therapists;” Section 225;~~ Title 54, Chapter 34, Idaho Code and IDAPA 24.15.01, “Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists;”  
(3-30-01)( )

**05. Marriage And Family Therapist.** A marriage and family therapist shall be licensed in accordance with Title 54, Chapter 34, Idaho Code and IDAPA 24.15.01, “Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists;”  
( )

**076. Certified Social Worker.** A certified social worker (CSW) or Certified Social Worker, Private/Independent Practice (CSW-P), shall hold a license in accordance with Title 54, Chapter 32, Idaho Code and IDAPA 24.14.01, “Rules of the State Board of Social Work Examiners;”  
(3-30-01)( )

**047. Psychologist Extender.** A psychologist extender ~~who is~~ shall work under the supervision of a licensed psychologist and be registered with the Bureau of Occupational Licenses. A copy of that registration shall be retained in the extender's personnel file;  
(3-30-01)( )

**08. Professional Counselor.** A professional counselor shall be licensed in accordance with Title 54, Chapter 34, Idaho Code and IDAPA 24.15.01, “Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists;”  
( )

**052. Clinician.** A clinician shall hold a master's degree, be employed by a state agency and meet the minimum standards established by the Idaho State Division of Human Resources and the Idaho Department of Health and Welfare Division of Human Resources and the Personnel Commission;  
(3-30-01)( )

**10. Pastoral Counselor.** A pastoral counselor shall be licensed in accordance with Title 54, Chapter 34, Idaho Code and IDAPA 24.15.01, “Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists”. Training and experience in a mental health setting are required.  
( )

~~0811.~~ **Social Worker.** A social worker shall hold a license in accordance with Title 54, Chapter 32, Idaho Code and IDAPA 24.14.01, “Rules of the State Board of Social Work Examiners;”  
(3-30-01)

~~0912.~~ **Registered Nurse.** A registered nurse, R.N., shall be licensed in accordance with Title 54, Chapter 14, Idaho Code. An R.N. shall have a minimum of a bachelor's degree in nursing to be reimbursed for service planning.  
(3-30-01)( )

**103. Psychosocial Rehabilitation Specialist.** A psychosocial rehabilitation specialist shall hold a bachelor's degree from a nationally accredited university or college in a behavioral science ~~such as social work, psychology, marriage and family counseling, psychosocial rehabilitation, or a closely related field,~~ education, or

medicine. A PSR specialist must have at least twenty-one (21) semester credit hours (or quarter hour equivalent) in human service fields such as psychology, social work, special education, counseling, and psychosocial rehabilitation. Individuals approved as PSR specialists under previous rules in this section will be able to continue as qualified PSR specialists as long as they continue to work in the same agency as they did prior to the effective date of this rule.  
(3-30-01)( )

~~H. Occupational Therapist. An occupational therapist shall be licensed in accordance with Chapter 54, Idaho Code.~~  
(3-30-01)

**4556. RECORD REQUIREMENTS.**

In addition to the development and maintenance of the ~~treatment~~ task plan, the following documentation must be maintained by the provider:  
(7-1-94)( )

01. **Name.** Name of recipient; ~~and~~  
(3-30-01)( )

02. **Provider.** Name of the provider agency and person providing the service; ~~and~~  
(3-30-01)( )

03. **Date, Time, Duration Of Service, And Justification.** Date, time, and duration of services; ~~and duration must be justified by a~~ Documentation must justify the length of time which is billed; ~~and~~  
(3-30-01)( )

04. ~~Activity Record Documentation Of Progress. Activity record describing the recipient, the service provided, and the recipient's response to service; and~~ The written description of the service provided, the place of service, and the response of the recipient shall be included in the progress note. A separate progress note is required for each contact with a recipient;  
(3-30-01)( )

05. **Review Of Progress.** Documented review of progress toward each service plan goal and assessment of recipient's need for services at least every one hundred twenty (120) days. The one hundred twenty (120) day review shall be in visual contact with the recipient;  
(3-30-01)( )

~~06. Physician's Signature. Physician's signature assuring the need for the services.~~  
(3-30-01)

~~076. Service Provider's Signature.~~ The legible, dated signature, with degree credentials listed of the staff member performing the service; and  
(3-30-01)( )

**4567. PAYMENT FOR SERVICES.**

Payment for PSR services must be in accordance with rates established by the Department. (3-30-01)

01. **Duplication.** Payment for services shall not duplicate payment made to public or private entities under other program authorities for the same purpose. (3-30-01)

02. **Number Of Staff Able To Bill.** Only one (1) staff member may bill for an assessment, ~~treatment~~ service plan, or case review when multiple PSR staff are present. (3-30-01)( )

03. **Medication Prescription And Administration.** Medication prescription and administration may be billed only by physicians and other medical staff qualified under Title 54, Chapter 18 Idaho Code. ~~PSR staff shall not be paid for other medical procedures. For example, changing dressings on a wound.~~  
(3-30-01)( )

04. **Recoupment.** Billing for services and receiving reimbursement for services that were not rendered or failure to comply with these rules shall be cause for recoupment of payments for services, sanctions, or both. (3-30-01)

05. **Access To Information.** Upon request, ~~The~~ provider shall provide the Department with access to all information required to review compliance with these rules. Failure by the provider to comply with such a request shall result in termination of the Medicaid PSR Provider Agreement.  
(3-30-01)( )

06. **Evaluations And Tests.** ~~Psychiatric or psychological e~~ Evaluations and tests may be provided as a reimbursable service in conjunction with the assessment. (3-30-01)( )

**076. Psychological Evaluations.** Psychological evaluations are reimbursable if provided by a licensed psychologist, or by qualified clinician or psychology extender; in accordance with Section 45-45-04 of these rules; and under the direction of a licensed psychologist, ~~Ph.D.~~ (3-30-01)(\_\_\_\_)

**08. Evaluations By Occupational Therapists.** Evaluations performed by qualified ~~registered~~ licensed occupational therapists, ~~O.T.R.~~, performed in conjunction with development of a service plan are reimbursable. (3-30-01)(\_\_\_\_)

**09. Inpatient Stays.** Services may be provided during the last thirty (30) days of inpatient stay or if the inpatient stay is not expected to last longer than thirty (30) days, when not duplicating those included in the responsibilities of the inpatient facility. Treatment services are the responsibility of the facility. (3-30-01)(\_\_\_\_)

**4578. SERVICE LIMITATIONS.**

The following service limitations shall apply to PSR services, unless otherwise authorized by the ~~State Mental Health Authority~~ Department or its designee in each region. (3-30-01)(\_\_\_\_)

**01. Evaluation Or Diagnosis.** A combination of any evaluation or diagnostic services are limited to a maximum of six (6) hours annually. (3-30-01)

**02. Psychotherapy.** Individual, family and group psychotherapy services are limited to a maximum of twenty-four (24) hours annually. (3-30-01)

**03. Community Crisis Support.** ~~Community crisis support services are limited to a maximum of four (4) hours per day during a period of five (5) consecutive days and must receive prior authorization from the State Mental Health Authority in each region. A maximum of twenty (20) hours of community crisis support may be reimbursed per crisis during any consecutive five (5) day period. Authorization must follow procedure described above at Subsection 452.07.~~ (3-30-01)(\_\_\_\_)

**04. Psychosocial Rehabilitation.** Individual and group psychosocial rehabilitation services are ~~limited to~~ not to exceed twenty (20) hours per week and must receive prior authorization from the ~~State Mental Health Authority in each region~~ Department or its designee. Services in excess of twenty (20) hours require additional review and prior authorization by the ~~State Mental Health Authority~~ Department or its designee in each region. The prior authorization of additional hours must be documented in the service plan and written approval must be retained in the recipient's file. (3-30-01)(\_\_\_\_)

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.03.09 - RULES GOVERNING THE MEDICAL ASSISTANCE PROGRAM**  
**DOCKET NO. 16-0309-0110**  
**NOTICE OF RULEMAKING**  
**PENDING RULE AND AMENDMENT TO TEMPORARY RULE**

**EFFECTIVE DATE:** The effective date of the amendment to the temporary rule is July 1, 2001 and January 1, 2002. This pending rule has been adopted by the agency and is now pending review by the 2002 Idaho State Legislature for final approval. 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 pending a rule, and amended a temporary rule. The action is authorized pursuant to Section(s) 56-202(b), 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. Included is a statement of any change between the text of the proposed rule, the text of the pending rule, with an explanation of the reasons for the change.

Section 011, DMERC is spelled out. In Section 106 the following amendments have been made, Subsection(s) 106.01.a., 106.01.e., and 106.04, the effective date has been changed to allow time to obtain medical necessity documentation. Subsection 106.02, the responsibility of a participant has been clarified, redundant language deleted and clarification in regards to what Medicaid covers on wheelchairs has been made. In Subsection 106.03.e., coverage criteria has been added and Subsection 106.05.a., verbiage added to clarify Medicaid coverage beyond what DMERC allows.

The proposed rule has been amended in response to public comment and to make transcriptional corrections to the rules, and are being amended pursuant to Section 67-5227, Idaho Code. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Department amended the temporary rule with the same revisions in which have been made to the proposed rule. The original text of the proposed rule was published in the October 3, 2001 Administrative Bulletin, Volume 01-10, pages 445 through 457.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Dorrie Phillips at (208) 364-1830.

DATED this 6th day of November, 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

---

**IDAPA 16, TITLE 03, Chapter 09**

**RULES GOVERNING THE MEDICAL ASSISTANCE PROGRAM**

There are substantive changes from the proposed rule text.

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 00-10, October 3, 2001, pages 445 through 457.

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. 16-0309-0110**

**SUBSECTION 011.03**

**011. INCORPORATION BY REFERENCE.**

The following is incorporated by reference in this chapter of rules:

**03. Medicare Region D Durable Medical Equipment Regional Carrier DMERC Supplier Manual April 2001.** The full text of the Medicare Region D DMERC Supplier Manual Chapters IX and X is available via the Internet at [www.cignamedicare.com](http://www.cignamedicare.com). A copy is also available at the Idaho State Supreme Court Law Library.

~~(7-1-01)F(7-1-01)T~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**SECTION 106 AND AMENDED SUBSECTIONS**

**106. DURABLE MEDICAL EQUIPMENT AND MEDICAL SUPPLIES.**

The Department will purchase or rent, when medically necessary, reasonable, and cost effective, durable medical equipment (DME) and medical supplies for participants residing in community settings including those provided through home health agency plans of care which meet the requirements found in Subsections 105.01 and 105.02. No payment will be made for any participant's DME or medical supplies that are included in the per diem payment while such an individual is an inpatient in a hospital NF, or ICF/MR. The participant has a responsibility to reasonably protect and preserve equipment issued to him. Replacement of medical equipment or supplies that are lost, damaged or broken due to participant misuse/abuse are the responsibility of the participant. When multiple features, models or brands of equipment or supplies are available, coverage will be limited to the least costly version that will reasonably and effectively meet the minimum requirements of the individual's medical needs.

~~(7-1-01)F(7-1-01)T~~

**01. Medical Necessity Criteria.** Department standards for medical necessity are those national standards set by ~~Cigna Medicare in the DMERC Centers for Medicare and Medicaid Services (CMS) in Durable Medical Equipment Regional Carrier~~ Supplier Manual, hereafter referred to as DMERC. Exceptions to Medicare coverage are contained in this Section of these rules. DME/medical supplies will be purchased or rented only if ordered in writing (signed and dated) by a physician as listed in DMERC. Date of delivery is considered the date of

service. The following information to support the medical necessity of the item(s) shall be included in the physician's order and accompany all requests for prior authorization or be kept on file with the DME provider for items which do not require prior authorization: ~~(7-1-01)F~~(1-1-02)T

***SUBSECTION 106.01.e***

e. Documentation of the participant's medical necessity for the item, that meets coverage criteria in the DMERC. ~~(7-1-01)F~~(1-1-02)T

***SUBSECTIONS 106.02.a.i. AND 106.02.a.ii.***

**02. Medical Equipment Program Requirements.** All claims for durable medical equipment are subject to the following guidelines: (7-1-99)

a. Unless specified by the Department, durable medical equipment requires prior authorization by the Department or its designee. (7-1-01)T

i. Prior authorization means a written, faxed, or electronic approval from the Department that permits payment or coverage of a medical item or service that is covered only by such authorization. Medicaid payment will be denied for the medical item or service or portions thereof which were provided prior to the submission of a valid prior authorization request. The provider may not bill the Medicaid participant for services not reimbursed by Medicaid solely because the authorization was not requested or obtained in a timely manner. An exception may be allowed on a case-by-case basis where, despite diligent efforts on the part of the provider to submit a request, or events beyond the provider's control prevented it. An item or service will be deemed prior approved where the individual to whom the service was provided was not eligible for Medicaid at the time the service was provided, but was subsequently found eligible pursuant to IDAPA 16.03.05, "Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled," Subsection 051.03 and the medical item or service provided is approved by the Department by the same guidance that applies to other prior authorization requests. (7-1-01)T

ii. A valid prior authorization request is a written, faxed, or electronic request from a provider of Medicaid for services that contains all information and documentation as required by these rules to justify the medical necessity, amount of and duration for the item or service. (7-1-01)T

***SUBSECTIONS 106.02.b.i. AND 106.02.b.iv.***

b. Unless specified by the Department, all equipment must be rented except when it would be more cost effective to purchase it. Rentals are subject to the following guidelines: (7-1-01)T

i. Rental payments, including intermittent payments, shall automatically be applied to the purchase of the equipment. ~~When rental payments equal the purchase price of the equipment, ownership of the equipment shall pass to the participant.~~ (7-1-01)F(7-1-01)T

ii. The Department may choose to continue to rent certain equipment without purchasing it. Such items include but are not limited to apnea monitor, ventilators and other respiratory equipment. (7-1-01)T

iii. The total monthly rental cost of a DME item shall not exceed one-tenth (1/10) of the total purchase price of the item. (7-1-99)

iv. ~~The determination of cost-effectiveness of rental versus purchase will be made by the vendor based on guidelines specified by the Department. Documentation to support the vendor's decision must be kept on file.~~ (7-1-01)F

***SUBSECTION 106.02.e.***

~~e. Any equipment purchased will become the property of the recipient. (4-5-00)~~

~~f.~~ Covered equipment must meet the definition of durable medical equipment and be medically necessary as defined in Subsection 003.36. All equipment must be prior authorized by the Department or its designee except for the following: (4-5-00)

**SUBSECTION 106.03**

**03. Coverage Conditions - Equipment.** Medical equipment is subject to coverage limitations in DMERC. Additional documentation requirements or coverage beyond those in the DMERC Supplier Manual include: ~~(7-1-01)F(1-1-02)T~~

**SUBSECTION 106.03.e.**

~~e. Apnea monitors when there is documented apneic episodes in the last two (2) months. (7-1-01)T~~

**SUBSECTION 106.04**

**04. Medical Supply Program Requirements.** The Department will purchase no more than a one (1) month supply of necessary medical supplies per calendar month for the treatment or amelioration of a medical condition identified by the attending physician. Limitations for supplies follow DMERC. Supplies in excess of those limitations must be prior authorized by the Department. ~~(7-1-01)F(1-1-02)T~~

**SUBSECTION 106.05.a.**

**05. Coverage Conditions - Supplies.** Medical supplies are covered when medical necessity criteria per the Medicare DMERC Supplier Manual or the following medical supply items are subject to the following limitations and additional documentation requirements: (7-1-01)T

a. Nutritional products. Nutritional products will be purchased for participants who meet DMERC criteria, when the supplement is given by tube feeding or orally to meet caloric needs of the participant who cannot maintain growth, weight, and strength commensurate with his general condition from traditional foods alone. ~~(7-1-01)F(7-1-01)T~~

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

**DOCKET NO. 16-0309-0112**

**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 approval. 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 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:

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 3, 2001 Administrative Bulletin, Volume 01-10, page 463.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Arla Farmer at (208) 364-1958.

DATED this 5th day of November, 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

---

**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 01-10, October 3, 2001, page 463.**

**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**  
**16.03.09 - RULES GOVERNING THE MEDICAL ASSISTANCE PROGRAM**

**DOCKET NO. 16-0309-0113**

**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 approval. 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 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:

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 3, 2001 Administrative Bulletin, Volume 01-10, page(s) 464 through 466.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Gary Duerr at (208) 364-1829.

DATED this 5th day of November, 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

---

**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 01-10, October 3, 2001, pages 464 through 466.**

**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**  
**16.03.09 - RULES GOVERNING THE MEDICAL ASSISTANCE PROGRAM**

**DOCKET NO. 16-0309-0114**

**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 approval. 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 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:

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 3, 2001 Administrative Bulletin, Volume 01-10, page(s) 467 through 471.

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

DATED this 5th day of November, 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

---

**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 01-10, October 3, 2001, pages 467 through 471.**

**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**  
**16.03.09 - RULES GOVERNING THE MEDICAL ASSISTANCE PROGRAM**  
**DOCKET NO. 16-0309-0201**  
**NOTICE OF TEMPORARY AND PROPOSED RULEMAKING**

**EFFECTIVE DATE:** The effective date of the temporary rule is December 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) 56-202(b) and 56-203(g), 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 January 16, 2002.

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 non-technical explanation of the substance and purpose of the proposed rulemaking:

Senate Concurrent Resolution 110 directed the Department of Health and Welfare to explore a method to modify the Adult Aged, Blind, and Disabled Program to generate the use of Federal matching funds by using Personal Care Services. Participants living in Residential/Assisted Living or Certified Family Homes who receive Level I, II, or III care payment, will now receive Personal Care Services under Medicaid.

**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:

In order to comply with deadlines in amendments to governing law or federal programs and to confer a benefit to the public.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted. The rule changes are being made in order to comply with Senate Concurrent Resolution 110 to generate matching Federal funds.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary or proposed rule, contact Christine Cuellar at (208) 364-1891.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before January 23, 2002.

DATED this 1st day of November, 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. 16-0309-0201**

**148. PROVIDER REIMBURSEMENT FOR PERSONAL ASSISTANCE SERVICES.**

**01. Reimbursement Rate.** Personal assistance providers will be paid a uniform reimbursement rate for service as established by the Department pursuant to Section 39-5606, Idaho Code, on an annual basis. Provider claims for payment will be submitted on claim forms provided or approved by the Department. Billing instructions will be provided by the Department. (3-30-01)

**02. Calculated Fee.** The fee calculated for personal care provider reimbursement includes a basic rate for services and mileage. No separate charges for mileage will be paid by the Department for non-medical transportation, unless approved by the RMU under a Home and Community-Based Services (HCBS) waiver, or provider transportation to and from the participant's home. Fees will be calculated as follows: (3-30-01)

a. Annually Medicaid will conduct a poll of all Idaho nursing facilities and establish the weighted average hourly rates (WAHR) for nursing facility industry employees in comparable positions (i.e. RN, QMRP, certified and non-certified nurse's aides) in Idaho to be used for the reimbursement rate to be effective on July 1 of that year. (3-30-01)

b. Medicaid will then establish payment levels for personal assistance agencies for personal assistance services as follows: (3-30-01)

i. Weekly service needs of zero to sixteen (0-16) hours under the State Medicaid Plan, or a HCBS waiver:

Personal Assistance Agencies	WAHR x 1.55	=	\$ amount/hour
------------------------------	-------------	---	----------------

(3-30-01)

ii. Extended visit, one (1) child (eight and one-quarter (8.25) hours up to twenty-four (24) hours):

Personal Assistance Agencies	(WAHR x actual hours of care up to 5 hours x 1.55) plus (\$.65 x 1.55 hours on site on-call)	=	\$ amount (Maximum \$ 63.65)
Licensed Child Foster Homes	(WAHR x actual hours of care up to 5 hours x 1.22) plus (\$.65 x 1.22 x actual hours on site on-call)	=	\$ amount (Maximum \$ 60.36)

(3-30-01)

iii. Extended visit, two (2) children (eight and one-quarter (8.25) hours up to twenty-four (24) hours):

Personal Assistance Agencies	(WAHR x actual hours of care up to 4 hours x (1.55 plus \$.65 x 1.55 x hours on site on-call)	=	\$ amount (Maximum \$ 54.26)
Licensed Child Foster Homes	(WAHR x hours actual care up to 4 hours x 1.22) plus (\$.65 x 1.22 x hours on site on-call)	=	\$ amount (Maximum \$ 44.33)

(3-30-01)

iv. Adult participants living in Residential/Assisted Living Facilities (RALF) or Certified Family

Homes will receive personal care services at a rate based on their care level. Each level will convert to a specific number of hours of personal care services. (12-1-01)T

(1) Level I - One point twenty-five (1.25) hours of personal care services per day. (12-1-01)T

(2) Level II - One point five (1.5) hours of personal care services per day. (12-1-01)T

(3) Level III - Two point twenty-five (2.25) hours of personal care services per day. (12-1-01)T

c. The attending physician or authorized provider will be reimbursed for services provided using current payment levels and methodologies for other services provided to eligible participants. (3-30-01)

d. The supervisory RN and QMRP will be reimbursed at a per visit amount established by the Department for supervisory visits. Client evaluations and Care Plan Development will be reimbursed at a rate established by the Department, following authorization by the RMU. (1-1-91)

i. The number of supervisory visits by the RN or QMRP to be conducted per calendar quarter will be approved as part of the PCS care plan by the RMU. (3-30-01)

ii. Additional evaluations or emergency visits in excess of those contained in the approved care plan will be authorized when needed by the RMU. (1-1-91)

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

**16.03.10 - RULES GOVERNING MEDICAID PROVIDER REIMBURSEMENT IN IDAHO**

**DOCKET NO. 16-0310-0102**

**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 approval. 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 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:

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 3, 2001 Administrative Bulletin, Volume 01-10, page(s) 472 through 475.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Judith Shipley at (208) 334-5744.

DATED this 5th day of November, 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

---

**IDAPA 16, TITLE 03, Chapter 10**

**RULES GOVERNING MEDICAID PROVIDER REIMBURSEMENT 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 01-10, October 3, 2001, pages 472 through 475.**

**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. 16-0506-0201**

**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(s) 56-1007, 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 January 16, 2002.

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 non-technical explanation of the substance and purpose of the proposed rulemaking:

The rule will be modified to increase the fee for the Criminal History Background Check fee from thirty-four dollars (\$34) to forty-five dollars (\$45).

**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:

The rulemaking is necessary to protect the public health, safety, and welfare.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted. The rule change is in accordance with the Governor's two percent (2%) holdback/revenue enhancement and is necessary to protect the public, health, safety and welfare.

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

In accordance with the Governor's 2% holdback/revenue enhancement we are increasing the fee for the Criminal History Check to \$45.00. The current fee of \$34 is a pass-through amount of \$24.00 which is paid to the FBI and \$10.00 which is paid to BCI for their services. The additional \$11.00 will partially compensate for the cost of DHW services.

The Department began requiring Criminal History background checks for potential Foster Parents in the mid-1980's. Most of the background checks performed by the Department are required by the Federal Child Protection Act of 1994, which mandates background checks for those individuals providing services to children and vulnerable adults. At the inception of the Background Check Process, the Department was charging just the pass-through amount for the background check and has continued this practice to the present. The current pass-through cost and the current background check fee is \$34.00, \$24.00 for the FBI and \$10.00 for the Bureau of Criminal Identification (BCI). Since the start of this process the Department has fully absorbed their share of the cost of completing the background check. Due to the current financial difficulties the Department has determined a need to increase the background check fee to begin to cover some of the agency's cost of completing the background check. The Department has in the past several years experienced a substantial increase in the number of background check we must perform. The Department has not been in a position to increase staff to handle the increased volume of required background check, so we have upgraded the Criminal History automated system as well as streamlining the complete process, allowing us to continue to handle the volume without adding staff.

Background Check Historical Statistics:

	Completed Background Checks	% of Increase
FY 95	4,726	
FY 96	5,853	24%
FY 97	6,326	8%
FY 98	7,306	15%
FY 99	8,425	15%
FY 00	10,463	24%
FY 01	11,856	13%
FY 02	15,176 (1)	28%

(1) Projection based on July through October actuals.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary or proposed rule, contact Tracy Goodin at (208) 334-4932.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before January 23, 2002.

DATED this 3rd day of December, 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. 16-0506-0201**

**018. FEES AND COSTS.**

As of July 2001, the fees are twenty-eight dollars (\$28) for volunteers; and forty-five dollars (\$45) for ~~day care providers, 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)T~~(1-1-02)T

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.06.02 - RULES GOVERNING STANDARDS FOR CHILD CARE LICENSING**

**DOCKET NO. 16-0602-0101**

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

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 39-1111, 39-1208, 39-1209, 39-1210, 39-1211, 39-1213 and 56-1005(8), Idaho Code.

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

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 479 and 480.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Ed Van Dusen at (208) 334-5702.

DATED this 31st 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

---

**IDAPA 16, TITLE 06, Chapter 02**

**RULES GOVERNING STANDARDS FOR CHILD CARE LICENSING**

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 01-10, October 3, 2001, pages 479 and 480.**

**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 17 - INDUSTRIAL COMMISSION**

### **17.06.02 - BOILER AND PRESSURE VESSEL SAFETY RULES - ADMINISTRATION**

**DOCKET NO. 17-0602-0101**

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

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 72-508, 72-720, and 72-721, Idaho Code.

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

The proposed rule adopts the latest national safety standards for boilers and pressure vessels, adds a section providing the location at which the standards may be reviewed, and provides for the testing and inspection of certain pressure vessels by a professional testing laboratory using the American Petroleum Institute standards.

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 505 and 506.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Mike Poulin, Industrial Safety Supervisor, Division of Building Safety, Statehouse Mail, Boise, Idaho 83720 (telephone 208-334-2131).

DATED this 7th day of November, 2001.

Patricia S. Ramey, Commission Secretary  
Industrial Commission  
317 Main Street, 2nd Floor East  
P. O. Box 83720  
Boise, Idaho 83720-0041  
Phone: (208)334-6000 Fax: (208)334-5145

---

### **IDAPA 17, TITLE 06, Chapter 02**

#### **BOILER AND PRESSURE VESSEL SAFETY RULES - ADMINISTRATION**

**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 505 and 506.**

**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 17 - INDUSTRIAL COMMISSION**

### **17.07.01 - SAFETY RULES FOR ELEVATORS, ESCALATORS AND MOVING WALKS**

**DOCKET NO. 17-0701-0101**

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

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 72-508, 72-720, and 72-721, 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 amendments are proposed to update the state's safety standards for elevators, escalators, and moving walks to comply with updates in the national elevator safety standards published by the American National Standards Institute and the American Society of Mechanical Engineers, which are adopted by reference in IDAPA 17.07.01.004.

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 10-01, pages 507 and 508.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Mike Poulin, Industrial Safety Supervisor, Division of Building Safety, Statehouse Mail, Boise, Idaho 83720 (telephone 208-334-2131).

DATED this 7th day of November, 2001.

Patricia S. Ramey, Commission Secretary  
Industrial Commission  
317 Main Street, 2nd Floor East  
P. O. Box 83720, Boise, Idaho 83720-0041  
Phone: (208)334-6000 Fax: (208)334-5145

---

### **IDAPA 17, TITLE 07, Chapter 01**

#### **SAFETY RULES FOR ELEVATORS, ESCALATORS AND MOVING WALKS**

**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 507 and 508.**

**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 20 - DEPARTMENT OF LANDS**

### **20.03.14 - GRAZING LEASES AND CROPLAND LEASES**

**DOCKET NO. 20-0314-0101**

#### **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 approval. 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 58-104, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. The Idaho Department of Lands is updating the rules to better reflect changes in the Idaho State Board of Land Commissioners' policy and court decisions effecting management of endowment lands classified for grazing and cropping purposes. The amendments include, but are not limited to: the appeal process, the reclassification of land use, the lease application and cancellation process, the lease adjustment process and grazing management plans. 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 520 through 538.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. These fees or charges are being imposed pursuant to Section 58-104, Idaho Code. The Idaho State Board of Land Commissioners will periodically set the miscellaneous fees for lease administration in the following areas: Lease applications, full lease assignment, partial lease assignment, mortgage agreement, subleases, late rental payment, lease reinstatement, minimal lease fee, lease payment extension request, and request for reclassification of land use. Because of the fees being imposed or increased through this rulemaking, this pending rule will not be adopted as final nor will it become effective until it has been approved, amended, or modified by concurrent resolution of the legislature.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact: Tracy Behrens, Range Management Specialist, Idaho Department of Lands, 954 West Jefferson Street, PO Box 83720, Boise, Idaho 83720-0050; Telephone: (208) 334-0200, Fax: (208) 334-2339.

DATED this 13th day of November, 2001.

Winston A Wiggins, Director  
Idaho Department of Lands  
954 West Jefferson Street  
PO Box 83720, Boise, ID 83720-0050  
(208) 334-0200

---

#### **IDAPA 20, TITLE 03, Chapter 14**

#### **GRAZING LEASES AND CROPLAND LEASES**

**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 520 through 538.**

**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 22 - BOARD OF MEDICINE**

### **22.01.03 - RULES FOR THE LICENSURE OF PHYSICIAN ASSISTANTS**

**DOCKET NO. 22-0103-0101**

#### **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 approval. 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 54-1806 (2), Idaho Code.

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

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 3, 2001, Idaho Administrative Bulletin, Volume 10-01, pages 569 through 572.

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

DATED this 14th day of November, 2001.

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

---

### **IDAPA 22, TITLE 01, Chapter 03**

#### **RULES FOR THE LICENSURE OF PHYSICIAN ASSISTANTS**

**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 552 through 555.**

**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 22 - BOARD OF MEDICINE**

### **22.01.05 - RULES FOR REGISTRATION OF PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS**

**DOCKET NO. 22-0105-0101 (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 approval. 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 54-1806 (2), Idaho Code.

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

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 3, 2001, Idaho Administrative Bulletin, Volume 10-01, page 556.

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

DATED this 14th day of November, 2001.

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

---

### **IDAPA 22, TITLE 01, Chapter 05**

#### **RULES FOR REGISTRATION OF PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS**

**IDAPA 22.01.05 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 556.**

**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 22 - BOARD OF MEDICINE**

### **22.01.05 - RULES FOR REGISTRATION OF PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS**

#### **DOCKET NO. 22-0105-0102 (REWRITE OF CHAPTER)**

#### **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 approval. 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 54-1806 (2), Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 3, 2001, Idaho Administrative Bulletin, Volume 10-01, pages 557 through 568.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: Fees that are listed in this rulemaking docket are identical in all respects to the fees that are currently in effect as part of this rule. There have been no changes made to the fees in the rewrite of this chapter.

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

DATED this 14th day of November, 2001.

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

---

### **IDAPA 22, TITLE 01, Chapter 05**

#### **RULES FOR REGISTRATION OF PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS**

**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 557 through 568.**

**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 22 - BOARD OF MEDICINE**

### **22.01.14 - RULES RELATING TO COMPLAINT INVESTIGATION**

**DOCKET NO. 22-0114-0101**

#### **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 approval. 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 54-1806 (2), Idaho Code.

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

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 3, 2001, Idaho Administrative Bulletin, Volume 10-01, pages 569 through 572.

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

DATED this 14th day of November, 2001.

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

---

### **IDAPA 22, TITLE 01, Chapter 14**

#### **RULES RELATING TO COMPLAINT INVESTIGATION**

**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 569 through 572.**

**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**  
**24.12.01 - RULES OF THE IDAHO STATE BOARD OF PSYCHOLOGIST EXAMINERS**  
**DOCKET NO. 24-1201-0101**

**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 approval. 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 54-2305, 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 624 through 628.

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

DATED this 13th day of November, 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 12, Chapter 01**

**RULES OF THE IDAHO STATE BOARD OF PSYCHOLOGIST 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 624 through 628.**

**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**  
**24.15.01 - RULES OF THE IDAHO LICENSING BOARD OF PROFESSIONAL COUNSELORS**  
**AND MARRIAGE AND FAMILY THERAPISTS**

**DOCKET NO. 24-1501-0101**

**NOTICE OF RULEMAKING**

**PENDING RULE AND AMENDMENT TO TEMPORARY FEE RULE**

**EFFECTIVE DATE:** The effective date of the amendment to the temporary rule is July 1, 2001. This pending rule has been adopted by the agency and is now pending review by the 2002 Idaho State Legislature for final approval. 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 6-5224 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 54-3404, 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.

In Section 010, DEFINITIONS, the proposed definition of "Supervisor" found in Subsection 010.04, 010.04.a. and 010.04.b. is being removed. Subsections 150.02.b., 225.03, 225.03.b., and Sections 237 and 240 are being amended to make the language consistent with other references made throughout the rule.

Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Idaho Licensing Board of Professional Counselors and marriage and Family Therapists amended the temporary rule with the same revisions which have been made to the pending rule.

Only the sections that have changes are printed in this bulletin. The original text of the proposed rule was published in the October 3, 2001 Idaho Administrative Bulletin, Volume 01-10, pages 629 through 642.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: Add application fee of \$75, original license fee of \$75, and annual license renewal fee of \$60 for Marriage and Family Therapists. Statute authorizing these fees is Section 54-3411, Idaho Code.

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

DATED this 13th day of November, 2001.

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

**IDAPA 24, TITLE 15, Chapter 01**

**RULES OF THE IDAHO LICENSING BOARD OF PROFESSIONAL COUNSELORS  
AND MARRIAGE AND FAMILY THERAPISTS**

There are substantive changes from the proposed rule text.

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 00-10, October 3, 2001, pages 629 through 642.

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. 24-1501-0101**

**SUBSECTIONS 010.04, 014.a. AND 010.04.b.**

**010. DEFINITIONS (Rule 10).**

~~04. **Supervisor.** A supervisor shall be defined as follows: (7-1-01)F~~

~~a. A counseling supervisor shall be a person who has been licensed under Title 54, Chapter 34, Idaho Code, for at least five (5) years. (7-1-01)F~~

~~b. A marriage and family therapy supervisor shall be a person who has been licensed under Title 54, Chapter 34, Idaho Code, and who provides to the Board upon request proof of having completed at least fifteen (15) contact hours of continuing education in supervision. (7-1-01)F~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**SUBSECTION 150.02.b.**

**150. QUALIFICATIONS FOR PROFESSIONAL COUNSELOR LICENSURE (Rule 150).**

Licensure as a "professional counselor" shall be restricted to persons who have successfully completed each of the following requirements: (7-1-01)T

**02. Supervised Experience Requirement.** One thousand (1,000) hours of supervised experience in counseling acceptable to the Board. (7-1-93)

b. Effective July 1 1988, the supervision must be provided by a Professional Counselor or a Clinical

Professional Counselor-~~Private Practice~~ licensed by the state of Idaho. If the applicant's supervision was provided in another state, it must have been provided by a counseling professional licensed by that state, provided the requirements for licensure in that state are substantially equivalent to the requirements of Title 54, Chapter 34, Idaho Code. If supervision was obtained prior to July 1, 1988, or in a state that does not regulate counseling, that supervision must have been provided by a qualified counselor educator as a part of a planned graduate program or by a person who holds a graduate degree beyond the baccalaureate level who is certified and/or licensed as a counselor, social worker, psychologist, or psychiatrist. Supervision by an administrative superior who is not in a counseling related profession is not acceptable to the Board. Supervision by a professional counseling peer, however, may be acceptable to the Board if the peer/supervisory relationship includes the same controls and procedures expected in an internship setting. (See Subsection 150.02.a.) For example, the relationship should include the staffing of cases, the critiquing of counseling tapes and this supervision must be conducted in a formal, professional, consistent manner on a regularly scheduled basis. ~~(7-1-01)F~~(7-1-01)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**SUBSECTIONS 225.03 AND 225.03.b.**

**225. CLINICAL PROFESSIONAL COUNSELOR LICENSURE (RULE 225).**

The following requirements must be met for clinical professional counselor licensure.

~~(7-1-01)F~~(7-1-01)T

**03. Continuing Education.** Twenty (20) contact hours of continuing education germane to the practice of counseling as determined by the Board, is required each year to renew a Clinical Professional Counselor ~~Private Practice~~ license. ~~(7-1-01)F~~(7-1-01)T

b. Continuing education requirement shall be waived for the first renewal of a clinical professional counselor ~~private practice~~ license. ~~(7-1-01)F~~(7-1-01)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**SECTION 237**

**237. CONTINUING EDUCATION FOR ~~LICENSED~~ PASTORAL COUNSELOR (Rule 237).**

A ~~licensed~~ pastoral counselor must complete twenty (20) contact hours of continuing education to renew their license. ~~(7-1-98)F~~(7-1-01)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**SECTION 240**

**240. CONTINUING EDUCATION FOR ~~LICENSED~~ MARRIAGE AND FAMILY THERAPISTS (Rule 240).**

A ~~licensed~~ marriage and family therapist must annually complete twenty (20) contact hours of continuing education to renew their license. ~~(7-1-01)F~~(7-1-01)T

## IDAPA 25 - OUTFITTERS AND GUIDES LICENSING BOARD

### 25.01.01 - RULES OF THE OUTFITTERS AND GUIDES LICENSING BOARD

#### DOCKET NO. 25-0101-0101

#### 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 approval. 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 36-2107(b) and (d), Idaho Code.

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

The change in Subsection 002.27 clarifies that by definition, a minor activity is an activity which is not the primary purpose of an outfitted excursion; the change in Subsection 002.35 clarifies that an outfitter license is needed to operate on both public and private land; the change in Subsection 002.45 is in response to a legislative request that failure to pay state taxes is unethical/unprofessional conduct; the changes in Section 018 are to provide for a hearing to decide the successful applicant when more than one applicant submits an application with landowner signoffs and to provide that a licensed outfitter has priority for any opportunities within that outfitter's existing area boundaries; the change in Section 022 is to clarify that an outfitter may not operate in an area for which that outfitter doesn't have a landowner or land managers signoff; the change in Section 027 is to provide for multiple year licenses; the changes in Section 028 are to reword section and subsection titles clarifying that an outfitter license is not transferable; and the change to Section 055 is to provide that all float boats occupied by three or more clients shall be under the control of a licensed guide.

The proposed rules have been amended in response to public comment. The following changes have been made: The change to Subsection 002.35 removes superfluous language and eliminates any confusion as to whether or not outfitting is permitted on lands outside the licensed operating area, making this rule consistent with Subsection 002.22. The change in Subsection 018.05 clarifies that the priority given to licensed outfitters for opportunities within their operating area is a permissive rather than mandatory Board action and makes it consistent with Subsection 018.02.

The pending rule is being adopted as revised. The original text of the proposed rule was published in the October 3, 2001 Idaho Administrative Bulletin, Volume 01-10, pages 663 through 669.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Dean Sangrey, Executive Director, (208) 327-7380 - FAX (208) 327-7382.

DATED this 13th day of November, 2001.

Dean Sangrey  
Executive Director  
1365 North Orchard, Suite 172  
Boise ID 83706  
(208) 327-7380  
FAX (208) 327-7382

**IDAPA 25, TITLE 01, Chapter 01**

**RULES OF THE OUTFITTERS AND GUIDES LICENSING BOARD**

**There are substantive changes from the proposed rule text.**

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

**The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 00-10, October 3, 2001, pages 663 through 669.**

**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. 25-0101-0101**

***SUBSECTION 002.35,***

**002. DEFINITIONS.**

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

**35. Outfitter License.** A license issued by the Board to an individual, partnership, corporation, or other duly constituted organization to conduct activities as defined in ~~Idaho Code Section~~ 36-2102(b), Idaho Code. **NOTE:** The conduct of an outfitted operation on any private land(s) ~~within an operating area approved by the Board~~ is not authorized unless signed permission, a permit, or a lease is obtained from the private land owner(s), or their agent(s), and filed with the Board. (4-1-92)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

***SUBSECTION 018.05***

**018. NEW OUTFITTER OR OUTFITTER LICENSE AMENDMENT APPLICATION.**

In order to be complete, a new outfitter license or outfitter license amendment application, or new landowner signoff in existing areas must, in addition to all other requirements: (3-23-98)( )

**05. Existing Operating Area.** A licensed outfitter may be given priority for any opportunities within the outfitter's existing operating area boundaries. ( )

# **IDAPA 26 - IDAHO DEPARTMENT OF PARKS AND RECREATION**

## **26.01.30 - SAFE BOATING RULES**

**DOCKET NO. 26-0130-0101**

### **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 approval. 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 67-7002, Idaho Code.

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

Personal Flotation Devices would be required to be worn by children 14 years of age and younger, while onboard vessels 19 feet or less, when the vessel is underway. Thirty-seven states currently have similar PFD requirements. The National Transportation Safety Board, the National Marine Manufacturers Association, and the Ada County Parks and Waterways Board have written letters to Governor Kempthorne requesting that the state enact such a law.

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 670 and 671.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Douglas Strong at (208) 334-4199.

Dated this 14th day of November, 2001.

Douglas K. Strong  
Boating Supervisor  
Idaho Department of Parks and Recreation  
5657 Warm Springs Avenue  
P.O. Box 83720, Boise, ID 83720-0065  
(208) 334-4199 / FAX 33403741

---

## **IDAPA 26, TITLE 01, Chapter 30**

### **SAFE BOATING 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 670 and 671.**

**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 29 - IDAHO POTATO COMMISSION RULES

### 29.01.02 - RULES GOVERNING PAYMENT OF ADVERTISING TAX AND USAGE OF FEDERALLY REGISTERED TRADEMARKS

DOCKET NO. 29-0102-0101

#### 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 approval. 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(s) 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 22-1207(1), 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 changes:

Recent improvements in labeling now make it practical to sticker Idaho® potatoes. These rules update the Commission rules accordingly. Technical corrections to conform existing rules to statutory changes and requirements of the Office of Administrative Rules are also made.

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. The changes made were based upon input received from the potato industry through written comment and testimony at the public hearing held in this matter.

This rulemaking changes the name of the chapter to "Rules Governing Payment of Tax and Usage of Federally Registered Certification and Trademarks". Only the sections that have changes are printed in this bulletin. The original text of the proposed rule was published in the October 3, 2001 Idaho Administrative Bulletin, Volume 01-10, pages 678 through 685.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the pending rule, contact Patrick J. Kole; (208) 334-2350.

DATED this 14th day of November, 2001.

Patrick J. Kole, Vice President  
Legal & Governmental Affairs  
Idaho Potato Commission  
599 West Bannock Street  
Post Office Box 1068  
Boise, ID 83701-1068  
Telephone: (208) 334-2350  
Facsimile: (208) 334-2274

---

IDAPA 29, TITLE 01, Chapter 02

**RULES GOVERNING PAYMENT OF ADVERTISING TAX AND USAGE  
OF FEDERALLY REGISTERED TRADEMARKS**

There are substantive changes from the proposed rule text.

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 00-10, October 3, 2001, pages 678 through 685.

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. 29-0102-0101**

***SUBSECTIONS 102.01, 102.09, AND 102.10.b.vii.***

**102. CERTIFICATION MARKS FOR IDAHO® POTATO CONTAINERS.**

**01. Containers.** All potatoes grown in Idaho and packed or repacked in containers in Idaho shall be in containers printed, labeled or stenciled in a plain and legible manner with one (1) of the Commission's registered Certification Marks, and the "GROWN IN IDAHO®" Certification Mark. An exact reproduction of the Commission's Certification Marks appears in appendix A. Certification Marks may not be stamped on any Idaho® potato container. All containers must use Idaho specific approved produce code identification numbers, where the same have been obtained and approved. (7-1-93)( )

**09. Other Type Containers.** On all sack type containers of less than fifty (50) pounds, a Certification Mark shall appear plainly visible on the front of the containers; and it shall be in relative proportion to brands, labels or other printed matter thereon, but not less than one and one-half (1 1/2) inches in diameter or width. When registered and upon written approval by the Commission, a Spuddy Buddy Certification Mark may be used on a container. (7-1-93)( )

**10. Box Type Containers.** (3-30-01)

b. On all box type containers in which number two (2) grade Idaho, Potatoes will be packed, packing is permitted only when the following requirements are met: (3-30-01)

vii. Product code identification numbers on containers bearing the certification marks shall use Idaho specific codes where the same have been obtained and approved; and (3-30-01)( )

(BREAK IN CONTINUITY OF SECTIONS)

*SUBSECTIONS 103.01.j. and 103.01.k.*

**103. BRANDING, AND GRADE AND PACKAGING REQUIREMENTS OF STATE BRAND.**

**01. Branding Or Marking Of Individual IDAHO, Potatoes. (7-1-93)**

j. Branded potatoes ~~shall be Federal State inspected~~ must use Idaho specific, approved produce code identification numbers, *where the same have been obtained and approved.* ~~(7-1-93)~~( )

k. On all branded potatoes using a standard size sticker, the Certification Mark "Idaho® Potatoes" shall be printed in eight (8) point type and the Certification Mark "Grown in Idaho®" shall be printed with a minimum height of eight point one hundred twenty-nine (8.129) mm and minimum width of five point thirty-seven (5.37) mm. ( )

## **IDAPA 34 - SECRETARY OF STATE**

### **34.05.06 - RULES GOVERNING LIEN FILINGS UNDER THE UCC**

**DOCKET NO. 34-0506-0101**

#### **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 approval. 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. This action is authorized pursuant to Sections 67-903 (1977), 28-9-526 (2001), 28-9-525 (2001), 28-9-523 (2001), Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rules. The purpose of these rules is to implement the filing procedures mandated by the enactment of the Revised Article Nine of the Uniform Commercial Code-Secured Transactions (H.B. 205, 2001). Culminating a decade-long process, Revised Article 9 has been enacted in all 50 states and the District of Columbia. Lenders, and those who sell goods on credit, often choose to take security interests in property held by debtors. For many types of property, these security interests can only be preserved if a financing statement is filing in the Secretary of State's Office giving notice that a lien exists on certain property held by a named debtor. The Rules list the very few reasons for which lien filings can be rejected, including an insufficient fee and the failure to give legible names and addresses for the debtor and secured party. The Rules go into some detail in describing how information, particularly debtor names, are entered in the Lien database and made accessible by search. The Rules also describe the search logic used in determining if the name of a given debtor is in the database. Cross-references are given to lien filings under other laws dealing with seed, farm labor, federal taxes and various state and county liens.

The pending rules are being adopted as proposed. The original text of the proposed rule was published in the July 4, 2001, Idaho Administrative Bulletin, Volume Number 01-7, pages 94 through 114.

**ASSISTANCE ON TECHNICAL QUESTION:** For assistance on technical questions concerning the pending rules, contact Fred C. Goodenough, Deputy Secretary of State, Commercial Division, at (208) 334-3191.

Dated this 15th day of November, 2001.

Fred C. Goodenough  
Deputy Secretary of State  
Commercial Division  
700 West Jefferson St.  
P.O. Box 83720, Boise, Idaho 83720-0080  
Telephone: (208) 334-3191 / Facsimile: (208) 334-2847

---

### **IDAPA 34, TITLE 05, Chapter 06**

#### **RULES GOVERNING LIEN FILINGS UNDER THE UCC**

**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 95 through 114.**

**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 35 - STATE TAX COMMISSION**

### **35.01.00 - NOTICE OF RULEMAKING ACTION AFFECTING THE ADMINISTRATIVE RULES OF THE IDAHO STATE TAX COMMISSION**

**DOCKET NO. 35-0100-0101**

#### **NOTICE OF RULEMAKING - PENDING RULES**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2002 Idaho State Legislature for final approval. The pending rules become final and effective upon adjournment of the legislative session in 2002, unless the rules are approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rules are approved, amended or modified by concurrent resolution, the rules become final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

The pending rules are being adopted as proposed. The original text of the proposed rulemaking was published in the Idaho Administrative Bulletin, Volume 00-10, page 693 through 703.

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

DATED this 7th day of November, 2001.

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

---

### **IDAPA 35, TITLE 01, Chapter 00**

#### **NOTICE OF RULEMAKING ACTION AFFECTING THE ADMINISTRATIVE RULES OF THE IDAHO STATE TAX 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 693 through 703.**

**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 35 - STATE TAX COMMISSION**  
**35.01.01 - INCOME TAX ADMINISTRATIVE RULES**  
**DOCKET NO. 35-0101-0101**  
**NOTICE OF RULEMAKING - PENDING RULES**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2002 Idaho State Legislature for final approval. The pending rules become final and effective upon adjournment of the legislative session in 2002, unless the rules are approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rules are approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted pending rules. The action is authorized pursuant to Section(s) 63-105 and 63-3039, Idaho Code.

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

The pending rules are being adopted as proposed except for Rule 720 - Credit for Idaho Research Activities -- In General, which is being amended to clarify short taxable years. The original text of the proposed rulemaking was published in the Idaho Administrative Bulletin, October 3, 2001, Volume 01-10, pages 704 through 749.

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

DATED this 25th day of October, 2001.

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

---

**IDAPA 35, TITLE 01, Chapter 01**

**INCOME TAX ADMINISTRATIVE RULES**

**There are substantive changes from the proposed rule text.**

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

**The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 00-10, October 3, 2001, pages 704 through 749.**

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. 35-0101-0101

**RULE 720.05**

**720. CREDIT FOR IDAHO RESEARCH ACTIVITIES -- IN GENERAL (Rule 720).**  
Section 63-3029G, Idaho Code.

( )

**05. *Short Taxable Year Calculations.*** *Short taxable year calculations provided in Section 41, Internal Revenue Code, and related regulations shall be used to compute the Idaho credit if the taxpayer must use short taxable year calculations for purposes of computing the federal credit. If the taxpayer makes the election in Section 63-3029G(1)(a)(i), Idaho Code, and the taxpayer's taxable year is not a calendar year for 2001, the taxpayer must use the federal short taxable year calculations to compute the credit applicable for the period beginning January 1, 2001 and ending the last day of the taxpayer's fiscal year ending in 2001.*

( )

## **IDAPA 35 - STATE TAX COMMISSION**

### **35.01.02 - IDAHO SALES AND USE TAX ADMINISTRATIVE RULES**

**DOCKET NO. 35-0102-0101**

#### **NOTICE OF RULEMAKING - PENDING RULES**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2002 Idaho State Legislature for final approval. The pending rules become final and effective upon adjournment of the legislative session in 2002, unless the rules are approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rules are approved, amended or modified by concurrent resolution, the rules become final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

The pending rules are being adopted as proposed. The original text of the proposed rulemaking was published in the Idaho Administrative Bulletin, September 5, 2001, Volume 01-9, pages 138 through 150.

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

DATED this 7th day of November, 2001.

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

---

### **IDAPA 35, TITLE 01, Chapter 00**

#### **IDAHO SALES AND USE TAX ADMINISTRATIVE RULES**

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 01-9, September 5, 2001, pages 138 through 150.**

**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 35 - STATE TAX COMMISSION**

### **35.01.02 - IDAHO SALES AND USE TAX ADMINISTRATIVE RULES**

**DOCKET NO. 35-0102-0102**

#### **NOTICE OF RULEMAKING - PENDING RULES**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2002 Idaho State Legislature for final approval. The pending rules become final and effective upon adjournment of the legislative session in 2002, unless the rules are approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rules are approved, amended or modified by concurrent resolution, the rules become final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

The proposed amendment to Rule 075, Pollution Control Equipment, as published in the Idaho Administrative Bulletin, Volume 01-10, page 755, is being withdrawn. Rule 075 will remain a Reserved Section as currently codified. The remaining sales and use tax pending rules are being adopted as proposed. The original text of the proposed rulemaking was published in the Idaho Administrative Bulletin, October 3, 2001, Volume 01-10, pages 750 through 759.

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

DATED this 7th day of November, 2001.

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

---

### **IDAPA 35, TITLE 01, Chapter 02**

#### **INCOME TAX ADMINISTRATIVE RULES**

**There are substantive changes from the proposed rule text.**

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

**The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 00-10, October 3, 2001, pages 750 through 759.**

**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 35 - STATE TAX COMMISSION**  
**35.01.03 - PROPERTY TAX ADMINISTRATIVE RULES**  
**DOCKET NO. 35-0103-0102**  
**NOTICE OF RULEMAKING - PENDING RULES**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2002 Idaho State Legislature for final approval. The pending rules become final and effective upon adjournment of the legislative session in 2002, unless the rules are approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rules are approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

Rule 645 is being amended to delete the word "qualifying" from the proposed text in Rule 645.03. With this exception, the pending rules are being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, October 3, 2001, Volume 01-10, pages 761 through 767.

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

DATED this 7th day of November, 2001.

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

---

**IDAPA 35, TITLE 01, Chapter 03**

**PROPERTY TAX ADMINISTRATIVE RULES**

**There are substantive changes from the proposed rule text.**

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

**The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 00-10, October 3, 2001, pages 761 through 767.**

**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. 35-0103-0102

**RULE 645.03**

**645. LAND ACTIVELY DEVOTED TO AGRICULTURE DEFINED (Rule 645).**  
Section 63-604, Idaho Code.

( )

**03. Valuing Agricultural Land, Excluding The Homesite.** The assessor shall value ~~the~~ agricultural land, excluding the homesite, on the following basis: ~~(7-1-99)~~( )

**IDAPA 35 - STATE TAX COMMISSION**  
**35.01.03 - PROPERTY TAX ADMINISTRATIVE RULES**  
**DOCKET NO. 35-0103-0103**  
**NOTICE OF RULEMAKING - PENDING RULES**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2002 Idaho State Legislature for final approval. The pending rules become final and effective upon adjournment of the legislative session in 2002, unless the rules are approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rules are approved, amended or modified by concurrent resolution, the rules become final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

The pending rules are being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, August 1, 2001, Volume 01-8, pages 98 through 101.

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

DATED this 7th day of November, 2001.

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

---

**IDAPA 35, TITLE 01, Chapter 03**

**PROPERTY TAX ADMINISTRATIVE RULES**

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 01-8, August 1, 2001, pages 98 through 101.**

**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 35 - STATE TAX COMMISSION**  
**35.01.03 - PROPERTY TAX ADMINISTRATIVE RULES**  
**DOCKET NO. 35-0103-0104**  
**NOTICE OF RULEMAKING - PENDING RULES**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2002 Idaho State Legislature for final approval. The pending rules become final and effective upon adjournment of the legislative session in 2002, unless the rules are approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rules are approved, amended or modified by concurrent resolution, the rules become final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

The pending rules are being adopted as proposed except for Property Tax Rule 225. The original text of the proposed rules was published in the Idaho Administrative Bulletin, October 3, 2001, Volume 01-10, pages 768 through 788. The advertised proposed Property Tax Rule 225 will have Section 63-807, Idaho Code, added to the code references after the title.

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

DATED this 7th day of November, 2001.

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

---

**IDAPA 35, TITLE 01, Chapter 03**

**PROPERTY TAX ADMINISTRATIVE RULES**

**There are substantive changes from the proposed rule text.**

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

**The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 00-10, October 3, 2001, pages 768 through 788.**

**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. 35-0103-0104

*RULE 225*

225. DOCUMENTATION FOR NEWLY ORGANIZED OR ALTERED TAXING DISTRICTS OR ~~URBAN RENEWAL DISTRICTS CONTAINING~~ REVENUE ALLOCATION AREAS (RAAs) ~~NEWLY ORGANIZED OR ALTERED~~ UNDER THE JURISDICTION OF URBAN RENEWAL AGENCIES (Rule 225).

Sections 50-2907, 50-2908 and 63-215, 63-807, 63-1202, 63-3067 and 63-3638, Idaho Code. ~~(4-5-00)~~(\_\_\_\_\_)

**IDAPA 35 - STATE TAX COMMISSION**  
**35.01.03 - PROPERTY TAX ADMINISTRATIVE RULES**  
**DOCKET NO. 35-0103-0105**  
**NOTICE OF RULEMAKING - PENDING RULES**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2002 Idaho State Legislature for final approval. The pending rules become final and effective upon adjournment of the legislative session in 2002, unless the rules are approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rules are approved, amended or modified by concurrent resolution, the rules become final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

The pending rules are being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, October 3, 2001, Volume 01-10, pages 789 through 792.

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

DATED this 7th day of November, 2001.

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

---

**IDAPA 35, TITLE 01, Chapter 03**

**PROPERTY TAX ADMINISTRATIVE RULES**

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 01-10, October 3, 2001, pages 789 through 792.**

**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 35 - STATE TAX COMMISSION**  
**35.01.05 - MOTOR FUELS TAX ADMINISTRATIVE RULES**  
**DOCKET NO. 35-0105-0101**  
**NOTICE OF RULEMAKING - PENDING RULES**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2002 Idaho State Legislature for final approval. The pending rules become final and effective upon adjournment of the legislative session in 2002, unless the rules are approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rules become final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

The pending rules are being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, September 5, 2001, Volume 01-9, pages 151 through 159.

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

DATED this 7th day of November, 2001.

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

---

**IDAPA 35, TITLE 01, Chapter 05**

**MOTOR FUELS TAX ADMINISTRATIVE RULES**

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 01-9, September 5, 2001, pages 151 through 159.**

**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 35 - STATE TAX COMMISSION**  
**35.01.08 - IDAHO MINE LICENSE TAX ADMINISTRATIVE RULES**  
**DOCKET NO. 35-0108-0101**  
**NOTICE OF RULEMAKING - PENDING RULES**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2002 Idaho State Legislature for final approval. The pending rules become final and effective upon adjournment of the legislative session in 2002, unless the rules are approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rules are approved, amended or modified by concurrent resolution, the rules becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted pending rules. The action is authorized pursuant to Section(s) 63-105 and 63-2701, Idaho Code.

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

The pending rules are being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, October 3, 2001, Volume 01-10, pages 793 and 794.

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

DATED this 7th day of November, 2001.

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

---

**IDAPA 35, TITLE 01, Chapter 08**

**IDAHO MINE LICENSE TAX ADMINISTRATIVE RULES**

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 01-10, October 3, 2001, pages 793 and 794.**

**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 35 - STATE TAX COMMISSION**

### **35.01.09 - IDAHO COUNTY KITCHEN AND TABLE WINE TAX ADMINISTRATIVE RULES**

**DOCKET NO. 35-0109-0101**

#### **NOTICE OF RULEMAKING - PENDING RULES**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2002 Idaho State Legislature for final approval. The pending rules become final and effective upon adjournment of the legislative session in 2002, unless the rules are approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rules are approved, amended or modified by concurrent resolution, the rules become final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

The pending rules are being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, September 5, 2001, Volume 01-9, pages 160 through 162.

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

DATED this 7th day of November, 2001.

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

---

### **IDAPA 35, TITLE 01, Chapter 09**

#### **IDAHO COUNTY KITCHEN AND TABLE WINE TAX ADMINISTRATIVE RULES**

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 01-9, September 5, 2001, pages 160 through 162.**

**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 35 - STATE TAX COMMISSION**  
**35.01.12 - IDAHO BEER TAX ADMINISTRATIVE RULES**  
**DOCKET NO. 35-0112-0101**  
**NOTICE OF RULEMAKING - PENDING RULES**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2002 Idaho State Legislature for final approval. The pending rules become final and effective upon adjournment of the legislative session in 2002, unless the rules are approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rules are approved, amended or modified by concurrent resolution, the rules become final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

The pending rules are being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, September 5, 2001, Volume 01-9, pages 163 through 165.

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

DATED this 7th day of November, 2001.

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

---

**IDAPA 35, TITLE 01, Chapter 12**

**IDAHO BEER TAX ADMINISTRATIVE RULES**

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 01-9, September 5, 2001, pages 163 through 165.**

**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 35 - STATE TAX COMMISSION**

### **35.02.01 - TAX COMMISSION ADMINISTRATION AND ENFORCEMENT RULES**

**DOCKET NO. 35-0201-0101**

#### **NOTICE OF RULEMAKING - PENDING RULES**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2002 Idaho State Legislature for final approval. The pending rules become final and effective upon adjournment of the legislative session in 2002, unless the rules are approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rules are approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted pending rules. The action is authorized pursuant to Section(s) 63-105 and 63-3039, Idaho Code.

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

The pending rules are being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, October 3, 2001, Volume 01-10, pages 795 through 800.

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

DATED this 7th day of November, 2001.

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

---

### **IDAPA 35, TITLE 02, Chapter 01**

#### **TAX COMMISSION ADMINISTRATION AND ENFORCEMENT RULES**

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 01-10, October 3, 2001, pages 795 through 800.**

**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 37 - DEPARTMENT OF WATER RESOURCES**

## **37.02.01 - COMPREHENSIVE STATE WATER PLAN RULES**

**DOCKET NO. 37-0201-0101**

### **NOTICE OF RULEMAKING - PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2002 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 42-1734D and 67-5203, Idaho Code.

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

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 3, 2001 Idaho Administrative Bulletin, Volume 01-10, pages 801 and 802.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Bill Graham, Planning Bureau Chief, Idaho Department of Water Resources, (208) 327-7966.

DATED this 14th day of November, 2001.

Joseph L. Jordan, Chairman  
Idaho Water Resource Board  
1301 North Orchard  
Boise, Idaho 83706  
Phone: (208) 327-7880  
Fax: (208) 327-7866

---

### **IDAPA 37, TITLE 02, Chapter 01**

#### **COMPREHENSIVE STATE WATER PLAN 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 801 and 802.**

**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 48 - DEPARTMENT OF COMMERCE**  
**48.01.04 - IDAHO GEM COUNTY COMMUNITY IMPLEMENTATION**  
**GRANT PROGRAM (GCI)**

**DOCKET NO. 48-0104-0101**

**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 67-5226(1)(6) and 67-5226(1)(c), Idaho Code. This action is authorized pursuant to HB301.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule. The need is to establish requirements for the newly appropriated \$400,000 for a Gem Community Implementation Grant Program. The proposed rule provides qualified Gem Communities with program priorities and a process for applying and implementing these grants.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the July 4, 2001 Idaho Administrative Bulletin, Volume 01-7, pages 142 through 148.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the proposed rule, Robert Ford at (208) 334-2470.

DATED THIS 2nd day of November, 2001.

Robert Ford, Program Manager  
Division of Rural and Community Development  
Idaho Department of Commerce  
700 West State Street  
P.O. Box 83720  
Boise, Idaho 83720-0093  
Telephone: (208) 334-2470  
FAX: (208) 334-2631

---

**IDAPA 48, TITLE 01, Chapter 04**

**IDAHO GEM COUNTY COMMUNITY IMPLEMENTATION GRANT PROGRAM (GCI)**

**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 142 through 148.**

**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 48 - DEPARTMENT OF COMMERCE**  
**48.01.05 - IDAHO RURAL COMMUNITY BLOCK GRANT PROGRAM (RCBG)**  
**DOCKET NO. 48-0105-0101**  
**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 67-4703, Idaho Code.

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

The need is to establish requirements for \$3 million for an RCBG Program appropriated by the 2001 Idaho State Legislature. The temporary and proposed rule provides qualified rural communities with program priorities and a process for applying and implementing RCBGs.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the July 4, 2001 Idaho Administrative Bulletin, Volume 01-7, pages 149 through 155.

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

DATED this 8th day of November, 2001.

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

---

**IDAPA 48, TITLE 01, Chapter 05**

**IDAHO RURAL COMMUNITY BLOCK GRANT PROGRAM (RCBG)**

**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 149 through 155.**

**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**

### **58.01.00 - LEGISLATIVE CHANGES AFFECTING ADMINISTRATIVE RULES OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY**

**DOCKET NO. 58-0100-0002**

#### **NOTICE OF TEMPORARY RULEMAKING**

**EFFECTIVE DATE:** This temporary rule was effective November 9, 2001.

**AUTHORITY:** In compliance with Idaho Code Section 67-5226, notice is hereby given that the Board of Environmental Quality (Board) has adopted a temporary rule. The action is authorized by Chapters 1, 36, 44, 58, 72, 76, Title 39, Idaho Code.

**DESCRIPTIVE SUMMARY:** In June 2001 the Board adopted Rules of Administrative Procedure Before the Board of Environmental Quality, IDAPA 58.01.23, as pending rules awaiting legislative review before becoming final and effective. Idaho Administrative Bulletin, Volume 01-8, August 1, 2001. Until the pending rules are effective, and prior to this temporary adoption, contested cases before the Board had been governed by the Department of Health and Welfare Rules Governing Contested Case Proceedings and Declaratory Rulings, IDAPA 16.05.03, effective at the time DEQ became a department (Health and Welfare Rules). Sections 39-106(3) and 39-107(10), Idaho Code. The Board was directed by the Legislature to adopt rules and to make the transition from the Department of Health and Welfare by a certain date. Section 39-107(9), Idaho Code. The Health and Welfare Rules have recently been revised, making them even more unsuitable for DEQ contested cases and raising the potential for confusion regarding the rules applicable to contested cases before the Board of Environmental Quality. Temporary adoption of pending Docket Nos. 58-0100-0002 and 58-0123-0001 enables the Board to conduct DEQ contested cases under rules designed for DEQ rather than under another agency's rules and avoids any potential confusion regarding the rules applicable to such contested cases.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Sections 67-5226(1)(b) and (c), Idaho Code, the Governor has found that temporary adoption of these rules is necessary to meet deadlines in legislation and will benefit the public and DEQ in that DEQ contested cases will be conducted under pending rules already adopted by the Board of Environmental Quality rather than continuing to operate under the Health and Welfare Rules.

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this rule, contact Paula Gradwohl at (208)373-0418 or [pgradwoh@deq.state.id.us](mailto:pgradwoh@deq.state.id.us).

Dated this 13th 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](mailto:pgradwoh@deq.state.id.us)

---

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0100-0002**

**58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO**

**003. ADMINISTRATIVE APPEALS.**

Persons may be entitled to appeal ~~final~~ agency actions authorized under this chapter pursuant to IDAPA ~~16.05.03, Rules of the Department of Health and Welfare, IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings~~ 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality".

~~(5-1-94)~~(11-9-01)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**534. APPEALS.**

Persons may file an appeal within thirty (30) days of the date the person received the assessment and receipt issued under Subsection 531.03, or within thirty (30) days of the date the person received an assessment issued under Sections 530 or 535. The appeal shall be filed in accordance with ~~the Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings~~ 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality".

~~(5-1-94)~~(11-9-01)T

**(BREAK IN CONTINUITY OF SECTIONS).**

**587. LISTING OR DELISTING TOXIC AIR POLLUTANT INCREMENTS.**

Persons may request the listing of any toxic substance or delisting of any toxic air pollutant in Sections 585 or 586 by filing a petition for adoption of rules in accordance with IDAPA ~~16.05.03, "Rules Governing Contested Cases and Declaratory Rulings~~ 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality".

~~(5-1-94)~~(11-9-01)T

**BREAK IN CHAPTERS**

**58.01.02 - WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIREMENTS**

**996. ADMINISTRATIVE PROVISIONS.**

~~Contested case appeals shall be governed by Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, Sections 16.05.03.000 et seq., "Rules Governing Contested Cases and Declaratory Rulings".~~ Persons may be entitled to appeal agency actions authorized under these rules pursuant to IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality".

~~(7-1-93)~~(11-9-01)T

**BREAK IN CHAPTERS**

**58.01.03 - INDIVIDUAL/SUBSURFACE SEWAGE DISPOSAL RULES**

**996. ADMINISTRATIVE PROVISIONS.**

~~Contested case appeals shall be governed by Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, Sections 000. et seq., "Rules Governing Contested Cases and Declaratory Rulings".~~ Persons may be entitled to

appeal agency actions authorized under these rules pursuant to IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality". (5-7-93)(11-9-01)T

**997. CONFIDENTIALITY OF RECORDS.**

~~Any disclosure of~~ Information obtained by the Department under these rules is subject to *the restrictions contained in Idaho Department of Health and Welfare Rules, IDAPA 16.05.01, "Rules Governing the Protection and Disclosure of Department Records* public disclosure pursuant to the provisions of Chapter 3, Title 9, Idaho Code, and IDAPA 58.01.21, "Rules Governing the Protection and Disclosure of Records in the Possession of the Idaho Department of Environmental Quality". (5-7-93)(11-9-01)T

**BREAK IN CHAPTERS**

**58.01.04 - RULES FOR ADMINISTRATION OF WASTEWATER TREATMENT FACILITY GRANTS**

**080. SUSPENSION OR TERMINATION OF GRANT.**

**01. Causes.** The Director may suspend or terminate any grant for failure by the grantee or its agents, including his architectural/engineering firm(s), contractor(s) or subcontractor(s) to perform. A grant may be suspended or terminated for good cause including, but not limited to, the following: (3-15-85)

a. Commission of fraud, embezzlement, theft, forgery, bribery, misrepresentation, conversion, malpractice, misconduct, malfeasance, misfeasance, falsification or unlawful destruction of records, or receipt of stolen property, or any form of tortious conduct; or (3-15-85)

b. Commission of any crime for which the maximum sentence includes the possibility of one (1) or more years imprisonment or any crime involving or affecting the project; or (3-6-85)

c. Violation(s) of any term of agreement of the grant offer or contract agreement; or (3-15-85)

d. Any willful or serious failure to perform within the scope of the project, plan of operation and project schedule, terms of architectural/engineering subagreements, or contracts for construction; or (3-15-85)

e. Debarment of a contractor or subcontractor for good cause by any federal or state agency from working on public work projects funded by that agency. (3-15-85)

**02. Notice.** The Director will notify the grantee in writing and by certified mail of the intent to suspend or terminate the grant. The notice of intent shall state: (3-15-85)

a. Specific acts or omissions which form the basis for suspension or termination; and (3-15-85)

b. ~~Availability of a hearing, conducted by the Director as hearing officer or by his designee as hearing officer, said hearing being conducted in an informal manner at a time and in a place specified by the Director. That the grantee may be entitled to appeal the suspension or termination pursuant to IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality".~~ (3-15-85)(11-9-01)T

**03. Determination.** ~~Upon the proof of the existence of cause(s) for suspension or termination by substantial evidence or by proof of judgement or conviction of offense(s), the Director shall make a written determination, sending the determination to the grantee by certified mail within seven (7) days of the hearing. A determination will be made by the Board pursuant to IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality".~~ (3-15-85)(11-9-01)T

**04. Reinstatement Of Suspended Grant.** Upon written request by the grantee and evidence that the

causes(s) for suspension no longer exist, the Director may, if funds are available reinstate the grant. (3-15-85)

**05. Reinstatement Of Terminated Grant.** No terminated grant shall be reinstated. (3-15-85)

**(BREAK IN CONTINUITY OF SECTIONS)**

**996. ADMINISTRATIVE PROVISIONS.**

~~Contested case appeals shall be governed by Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, Sections 000, et seq., "Rules Governing Contested Cases and Declaratory Rulings".~~ Persons may be entitled to appeal agency actions authorized under these rules pursuant to IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality". ~~(12-31-91)~~(11-9-01)T

**997. CONFIDENTIALITY.**

Information ~~received~~ obtained by the Department ~~from grant applicants and recipients~~ under these rules is subject to ~~the provisions of Idaho Department of Health and Welfare Rules, IDAPA 16.05.01, "Rules Governing Protection and Disclosure of Department Records~~ public disclosure pursuant to the provisions of Chapter 3, Title 9, Idaho Code, and IDAPA 58.01.21, "Rules Governing the Protection and Disclosure of Records in the Possession of the Idaho Department of Environmental Quality". ~~(1-1-82)~~(11-9-01)T

**BREAK IN CHAPTERS**

**58.01.05 - RULES AND STANDARDS FOR HAZARDOUS WASTE**

**996. ADMINISTRATIVE PROVISIONS.**

Except as set forth in Section 013, administrative appeals ~~from all final~~ of agency decisions actions shall be governed by ~~Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, "Rules Governing Contested Cases and Declaratory Rulings~~ 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality". ~~(4-5-00)~~(11-9-01)T

**BREAK IN CHAPTERS**

**58.01.08 - IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS**

**005. GENERAL PROVISIONS FOR WAIVERS, VARIANCES, AND EXEMPTIONS.**

40 CFR 141.4, revised as of July 1, 1999, is herein incorporated by reference. (4-5-00)

**01. Waivers.** (12-10-92)

a. The Department may waive any requirement of Sections 550 through 552, if it can be shown to the satisfaction of the Department that the requirement is not necessary for the protection of public health, protection from contamination, and satisfactory operation and maintenance of a public water system. (12-10-92)

b. The Department may at its discretion waive the requirements outlined in Section 010. (10-1-93)

**02. Conditions.** A waiver, exemption or variance may be granted upon any conditions that the

Department, in its discretion, determines are appropriate. Failure by the public water system to comply with any condition voids the waiver, variance or exemption. (12-10-92)

**03. Public Hearing.** The Department shall provide public notice and an opportunity for public hearing in the area served by the public water system before any exemption or variance under Section 005 is granted by the Department. (12-10-92)

**04. Exceptions.** Any person aggrieved by the Department's decision on a request for a waiver, variance or exemption may file a petition for a contested case with the Board. Such petitions shall be filed with the Board, as prescribed in ~~Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, "Rules Governing Contested Cases and Declaratory Rulings~~ 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality". ~~(10-1-93)~~(11-9-01)T

**05. Surface Water Variances.** Variances from the requirements of Sections 300 through 303 are not allowed. (4-5-00)

**06. Surface Water Exemptions.** Exemptions from 40 CFR 141.72(a)(3) and 40 CFR 141.72(b)(2), incorporated by reference herein, are not allowed. (10-1-93)

**(BREAK IN CONTINUITY OF SECTIONS)**

**996. ADMINISTRATIVE PROVISIONS.**

~~Contested case appeals shall be governed by Idaho Department of Health and Welfare Rules, Sections 16.05.03.000 et seq., "Rules Governing Contested Cases and Declaratory Rulings".~~ Persons may be entitled to appeal agency actions authorized under these rules pursuant to IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality". ~~(10-1-93)~~(11-9-01)T

**BREAK IN CHAPTERS**

**58.01.09 - RULES REGULATING SWINE AND POULTRY FACILITIES**

**003. ADMINISTRATIVE APPEALS.**

Persons may be entitled to appeal agency actions authorized under these rules pursuant to ~~Rules of the Department of Health and Welfare, IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings~~ 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality". ~~(4-1-00)~~(11-9-01)T

**BREAK IN CHAPTERS**

**58.01.11 - GROUND WATER QUALITY RULE**

**002. ADMINISTRATIVE APPEALS.**

Persons may be entitled to appeal *final* agency actions authorized under this chapter pursuant to ~~IDAPA 16.05.03, Rules of the Department of Health and Welfare, IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings~~ 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality". ~~(3-20-97)~~(11-9-01)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**350. PROCEDURES FOR CATEGORIZING OR RECATEGORIZING AN AQUIFER.**

The following process shall be used for categorizing or recategorizing an aquifer. (3-20-97)

**01. Criteria For Aquifer Categories.** The following criteria shall be considered when a petition to categorize or recategorize aquifers or portions of aquifers is submitted to the Board: (3-20-97)

- a. For Sensitive Resource aquifers: (3-20-97)
  - i. The ground water in an aquifer or portion of an aquifer is of a better quality than the ground water quality standards in Section 200 and maintenance of this quality is needed to protect an identified beneficial use(s); (3-20-97)
  - ii. The ground water in an aquifer or portion of an aquifer is considered highly vulnerable; (3-20-97)
  - iii. The ground water in an aquifer or portion of an aquifer represents an irreplaceable source for the identified beneficial use(s); (3-20-97)
  - iv. The ground water quality in an aquifer or portion of an aquifer has been degraded and there is a need for additional protection measures to maintain or improve the water quality or prevent impairment of a beneficial use; (3-20-97)
  - v. The ground water within an aquifer or portion of an aquifer is shown to be hydrologically interconnected with surface water and additional protection is needed to maintain the quality of either surface or ground water. Hydrologic interconnections can include either natural or induced ground water recharge or discharge areas; or (7-1-98)
  - vi. The ground water within an aquifer or portion of an aquifer demonstrates other criteria which justify the need for additional protection. (3-20-97)
- b. For General Resource aquifers: (3-20-97)
  - i. An activity with the potential to degrade ground water quality is initiated over an aquifer or portion of an aquifer which presently has no such activities; (3-20-97)
  - ii. The ground water in an aquifer or portion of an aquifer is currently being used for drinking water or another beneficial use which requires similar protection; or (3-20-97)
  - iii. The ground water in an aquifer or portion of an aquifer has a projected future beneficial use of drinking water or another beneficial use which requires similar protection. (3-20-97)
- c. For other resource aquifers: (3-20-97)
  - i. The ground water quality within an aquifer or portion of an aquifer does not meet one or more of the ground water quality standards in Section 200; and allowing the ground water quality to remain at this level does not impair existing or projected future beneficial uses within the aquifer or portion of an aquifer; (3-20-97)
  - ii. The projected ground water quality within an aquifer or portion of an aquifer will not meet one or more of the ground water quality standards in Section 200 as a result of activities over or within the aquifer or portion of an aquifer; and allowing the proposed degradation will not impair existing or projected future beneficial uses; (3-20-97)
  - iii. Human caused conditions or sources of contamination have resulted in ground water quality standards in Section 200 being exceeded, and the contamination cannot be remedied for economical or technical reasons, or remediation would cause more environmental damage to correct than to leave in place; or (3-20-97)

iv. The ground water within an aquifer or portion of an aquifer demonstrates other criteria which justify the need for categorization as an Other Resource. (3-20-97)

**02. Petition Process.** The Department or any other person may petition the Board to initiate rulemaking to categorize or recategorize an aquifer or portion of an aquifer pursuant to IDAPA ~~16.05.03~~ 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality". In addition to the information required in a rulemaking Petition pursuant to IDAPA ~~16.05.03~~ 58.01.23, the following information shall be submitted in writing by the Petitioner for the identified aquifer or portion of an aquifer: ~~(3-20-97)~~ 11-9-01T

- a. Current category, if applicable; (3-20-97)
- b. Proposed category and an explanation of how one or more of the criteria in Subsection 350.01 are met; (3-20-97)
- c. An explanation of why the categorization or recategorization is being proposed; (3-20-97)
- d. Location, description and areal extent; (3-20-97)
- e. General location and description of existing and projected future ground water beneficial uses; (3-20-97)
- f. Documentation of the existing ground water quality; (3-20-97)
- g. Documentation of aquifer characteristics, where available, including, but not limited to: (3-20-97)
- i. Depth to ground water; (3-20-97)
- ii. Thickness of the water bearing section; (3-20-97)
- iii. Direction and rate of ground water flow; (3-20-97)
- iv. Known recharge and discharge areas; and (3-20-97)
- v. Geology of the area; (3-20-97)
- h. Identification of any proposed standards, for specified constituents, which would be stricter or less strict than the ground water quality standards in Section 200, or any standards to be applied in addition to those in Section 200; and a rationale for the proposed standards. (3-20-97)

**03. Preliminary Department Review.** Prior to submission of a petition to the Board to categorize or recategorize an aquifer, any person may seek a preliminary review of the petition from the Department. The Department shall respond to the petitioner with comments within forty-five (45) days. (3-20-97)

## BREAK IN CHAPTERS

### 58.01.12 - RULES FOR ADMINISTRATION OF WASTEWATER TREATMENT FACILITY LOANS

#### 080. SUSPENSION OR TERMINATION OF LOAN CONTRACTS.

**01. Causes.** The Director may suspend or terminate any loan contract prior to final disbursement for

failure by the loan recipient or its agents, including architectural/engineering firm(s), contractor(s) or subcontractor(s) to perform. A loan contract may be suspended or terminated for good cause including, but not limited to, the following: (1-1-89)

a. Commission of fraud, embezzlement, theft, forgery, bribery, misrepresentation, conversion, malpractice, misconduct, malfeasance, misfeasance, falsification or unlawful destruction of records, or receipt of stolen property, or any form of tortious conduct; or (1-1-89)

b. Commission of any crime for which the maximum sentence includes the possibility of one (1) or more years' imprisonment or any crime involving or affecting the project; or (1-1-89)

c. Violation(s) of any term of the loan contract; or (1-1-89)

d. Any willful or serious failure to perform within the scope of the project, plan of operation and project schedule, terms of architectural/engineering subagreements, or contracts for construction; or (1-1-89)

e. Debarment of a contractor or subcontractor for good cause by any federal or state agency from working on public work projects funded by that agency. (1-1-89)

**02. Notice.** The Director will notify the loan recipient in writing and by certified mail of the intent to suspend or terminate the loan contract. The notice of intent shall state: (1-1-89)

a. Specific acts or omissions which form the basis for suspension or termination; and (1-1-89)

b. ~~Availability of a hearing, conducted by the Director, hearing officer or his designee as hearing officer, said hearing being conducted in an informal manner at a time and in a place specified by the Director. That the loan recipient may be entitled to appeal the suspension or termination pursuant to IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality".~~ (1-1-89)(11-9-01)T

**03. Determination.** ~~Upon the proof of the existence of cause(s) for suspension or termination by substantial evidence or by proof of judgment or conviction of offense(s), the Director shall make a written determination, sending the determination to the loan recipient by certified mail within seven (7) days of the hearing. A determination will be made by the Board pursuant to IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality".~~ (1-1-89)(11-9-01)T

**04. Reinstatement Of Suspended Loan.** Upon written request by the loan recipient with evidence that the causes(s) for suspension no longer exists, the Director may, if funds are available reinstate the loan contract. If a suspended loan contract is not reinstated, the loan will be amortized and a repayment schedule prepared in accordance with provisions of the loan contract. (1-1-89)

**05. Reinstatement Of Terminated Loan.** No terminated loan shall be reinstated. Terminated loans will be amortized and a repayment schedule prepared in accordance with provisions of the loan contract. (1-1-89)

**(BREAK IN CONTINUITY OF SECTIONS)**

**996. ADMINISTRATIVE PROVISIONS.**

~~Contested case appeals shall be governed by Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, Sections 000, et seq., "Rules Governing Contested Cases and Declaratory Rulings". Persons may be entitled to appeal agency actions authorized under these rules pursuant to IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality".~~ (12-31-91)(11-9-01)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**998. CONFIDENTIALITY.**

Information ~~received~~ obtained by the Department ~~from loan applicants and recipients~~ under these rules is subject to ~~the provisions of Idaho Department of Health and Welfare Rules, IDAPA 16.05.01, "Rules Governing Protection and Disclosure of Department Records~~ public disclosure pursuant to the provisions of Chapter 3, Title 9, Idaho Code, and IDAPA 58.01.21, "Rules Governing the Protection and Disclosure of Records in the Possession of the Idaho Department of Environmental Quality".  
(~~1-1-89~~)(11-9-01)T

**BREAK IN CHAPTERS**

**58.01.13 - RULES FOR ORE PROCESSING BY CYANIDATION**

**850. PERMIT REVOCATION.**

**01. Cause For Revocation.** A material violation of a permit or these rules may be grounds for the Director to revoke a permit. A violation that is shown to have occurred as the result of an unforeseeable act of God despite a permittee's reasonable efforts to comply with all applicable legal requirements shall not be grounds for revocation. (1-1-88)

**02. Revocation Hearing.** If the Director decides to revoke a permit he shall issue a notice of intent which shall become final within twenty (20) days of service upon the permittee, unless the permittee requests in writing an administrative hearing. Written notice of the time and place of the hearing shall be mailed, at least twenty (20) days prior to the date set for the hearing, to the permittee. The hearing shall be conducted in accordance with ~~Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, "Rules Governing Contested Cases and Declaratory Rulings~~ 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality".  
(~~12-31-91~~)(11-9-01)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**996. ADMINISTRATIVE PROVISIONS.**

~~Contested case appeals shall be governed by Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, Subsection 000, et seq., "Rules Governing Contested Cases and Declaratory Rulings"~~. Persons may be entitled to appeal agency actions authorized under these rules pursuant to IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality".  
(~~12-31-91~~)(11-9-01)T

**997. CONFIDENTIALITY OF RECORDS.**

~~Any disclosure of~~ Information obtained by the Department under these rules is subject to ~~the restrictions contained in Idaho Department of Health and Welfare Rules, IDAPA 16.05.01, "Rules Governing the Protection and Disclosure of Department Records~~ public disclosure pursuant to the provisions of Chapter 3, Title 9, Idaho Code, and IDAPA 58.01.21, "Rules Governing the Protection and Disclosure of Records in the Possession of the Idaho Department of Environmental Quality".  
(~~12-31-91~~)(11-9-01)T

**BREAK IN CHAPTERS**

**58.01.14 - RULES FOR ADMINISTRATION OF AGRICULTURAL WATER QUALITY PROGRAM**

**403. CONTRACT VIOLATION AND APPEALS.**

- 01. Cause Of Violation.** A participant shall be in violation of the contract if he: (11-1-81)
- a. Knowingly or negligently destroys or breaks up a BMP in the water quality plan, unless prior written approval is given by the district; or (11-1-81)
  - b. Files a request for payment for BMP's not carried out or for BMP's carried out in a manner which does not meet district specifications. (11-1-81)
- 02. Forfeiture Of Further Cost-Share Payments.** The participant shall agree by signing a contract to forfeit all rights to further cost-share payments under the contract and to refund all cost-share payments received thereunder, if the district determines: (11-1-81)
- a. That there has been a violation of the contract; and (11-1-81)
  - b. That the violation is of such a nature as to warrant termination of the contract. (11-1-81)
- 03. Refund Of Cost-Share Payments.** The participant shall agree by signing a contract to make refunds of cost-share payments received under the contract or to accept payment adjustments in the contract, if the district determines: (11-1-81)
- a. That there has been a violation of the contract; and (11-1-81)
  - b. That said violation is of such a nature as not to warrant termination of the contract. (11-1-81)
  - c. Payment adjustments may include decreasing the rate of a cost-share or deleting from the contract a cost-share commitment or withholding cost-share payments earned but not paid. (11-1-81)
- 04. Notice Of Violation.** (11-1-81)
- a. If the district believes that a violation of a contract has occurred which would call for a forfeiture, refund, payment adjustment, or termination, written notice thereof shall be given to the participant(s) under said contract. (11-1-81)
  - b. The written notice, sent by certified mail, return receipt requested, shall set forth the nature of the alleged violation and shall inform the participant that he will be given an opportunity to appear at a contract violation review before the district if he files a written request for such review with the district no later than thirty (30) days after the issuance of the notice of violation. (11-22-89)
- 05. Contract Violation Review.** (11-1-81)
- a. Upon receipt of a request for contract violation review, the district shall notify the participant in writing of the time, date, and place set for the review. (11-1-81)
  - b. The review shall be conducted in the manner considered most likely to obtain the facts relevant to the alleged violation. (11-1-81)
  - c. If the participant does not file written request for a review, or does not appear at the appointed time, or is not represented at a review so requested, the participant shall have no further right to a review before the district. (11-1-81)
  - d. The district shall make a determination on the basis of the review. This determination shall: (11-1-81)
    - i. Be based on the BMP standards and specifications adopted by the district at the time the water quality plan is prepared; and (11-1-81)

ii. Shall specifically state whether the violation of the contract is of such a nature as to warrant termination of the contract or that the violation does not warrant termination of the contract. (11-1-81)

e. Each participant under said contract shall be notified in writing of the determination. (11-1-81)

**06. Appeal Of District Determination.** Appeal to the Board may be made by any participant adversely affected by a contract violation review determination of the district in accordance with IDAPA ~~16.05.03, "Rules Governing Contested Cases and Declaratory Rulings"~~ 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality," upon which there shall be no further rights to appeal in the program. ~~(12-31-91)~~(11-9-01)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**996. ADMINISTRATIVE PROVISIONS.**

~~Contested case appeals shall be governed by Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, Sections 000, et seq., "Rules Governing Contested Cases and Declaratory Rulings," upon which no further rights to appeal are granted.~~ Persons may be entitled to appeal agency actions authorized under these rules pursuant to IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality". ~~(12-31-91)~~(11-9-01)T

**997. CONFIDENTIALITY.**

Information ~~received~~ obtained by the Department ~~involving contested case proceedings~~ under these rules is subject to ~~the provisions of Idaho Department of Health and Welfare Rules, IDAPA 16.05.01, "Rules Governing Protection and Disclosure of Department Records"~~ public disclosure pursuant to the provisions of Chapter 3, Title 9, Idaho Code, and IDAPA 58.01.21, "Rules Governing the Protection and Disclosure of Records in the Possession of the Idaho Department of Environmental Quality". ~~(11-1-81)~~(11-9-01)T

**BREAK IN CHAPTERS**

**58.01.15 - RULES GOVERNING THE CLEANING OF SEPTIC TANKS**

**996. ADMINISTRATIVE PROVISIONS.**

~~Contested case appeals shall be governed by Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, Subsections 000, et seq., "Rules Governing Contested Cases and Declaratory Rulings".~~ Persons may be entitled to appeal agency actions authorized under these rules pursuant to IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality". ~~(12-31-91)~~(11-9-01)T

**997. CONFIDENTIALITY OF RECORDS.**

~~Any disclosure of~~ Information obtained by the Department under these rules is subject to ~~the restrictions contained in Idaho Department of Health and Welfare Rules, IDAPA 16.05.01, "Rules Governing the Protection and Disclosure of Department Records"~~ public disclosure pursuant to the provisions of Chapter 3, Title 9, Idaho Code, and IDAPA 58.01.21, "Rules Governing the Protection and Disclosure of Records in the Possession of the Idaho Department of Environmental Quality". ~~(12-31-91)~~(11-9-01)T

**BREAK IN CHAPTERS**

**58.01.16 - RULES FOR NUTRIENT MANAGEMENT**

**200. CONSISTENCY REVIEW OF LOCAL NUTRIENT MANAGEMENT PROGRAMS ESTABLISHED PRIOR TO THE DEVELOPMENT OF THE STATE NUTRIENT MANAGEMENT PLAN.**

**01. Responsibilities. (7-1-93)**

a. Local Units of Government. Any local unit of government that develops a nutrient management program prior to the development of the appropriate basin nutrient management plan shall submit an application for a consistency determination to the local Health District Board and the Department. Local units of government that have enacted nutrient management programs prior to the effective date of these rules shall submit an application for a consistency determination to the local Health District Board and the Department within thirty (30) days of the effective date of these rules. (12-28-94)

b. Health District Board. The local Health District Board is responsible, with the Department, for providing an evaluation of the findings and making a consistency determination within ninety (90) days of receipt of a complete application from the local unit of government. The local Health District Board is also responsible, with the Department, for reconsidering final consistency determinations as necessary. (7-9-90)

c. Department. The Department is responsible, with the local Health District Board, for providing an evaluation of the findings and making a consistency determination within ninety (90) days of receipt of a complete application from the local unit of government. The Department is also responsible, with the local Health District Board, for reconsidering final consistency determinations as necessary. (7-9-90)

**02. Review And Evaluation Of Local Nutrient Management Programs And Findings Of Fact. (7-9-90)**

a. Submission of Application. The local unit of government shall submit to the local Health District Board and the Department an application for consistency determination which shall consist of a written request for a consistency determination, a complete copy of the proposed nutrient management program, and the findings together with supporting documentation. (7-9-90)

b. Criteria for a Local Nutrient Management Program. Any local nutrient management program shall be consistent with the criteria for nutrient management plans as required in Section 39-105(3)(o), Idaho Code. The program shall: (7-9-90)

i. Be based upon the examination of the scientific evidence identifying nutrients and nutrient sources that have the potential to result in the overfeeding of aquatic plant life and a subsequent uncontrolled increase in the growth of algae or aquatic macrophytes; (7-9-90)

ii. Be based upon a consideration of the dynamics of nutrient removal, use and dispersal in the identified receiving waters; and (7-9-90)

iii. Include an evaluation of preventative or remedial actions and include such actions as are feasible and necessary to protect the receiving surface waters. (7-9-90)

c. Basis for Evaluation. A determination of inconsistency shall be based upon a finding that a local nutrient management program does not have a rational basis addressing a legitimate local nutrient management concern pursuant to and consistent with the criteria set forth in Subsection 200.02.b. and available scientific evidence. The basis for evaluation of a local nutrient management program shall include, but is not limited to, consideration of the adequacy of the findings with regard to the following items: (12-31-91)

i. Identification of Nutrient Sources. The findings shall identify nutrient(s), nutrient source(s) and receiving surface waters of concern. The findings shall include an evaluation of the effect the identified nutrient(s) and nutrient source(s) have or have the potential to have on the water quality of the identified receiving surface

waters. (7-9-90)

ii. Identification of the Dynamics of Nutrient Removal, Use and Dispersal. The findings shall include an evaluation of the dynamics of nutrient removal, use and dispersal in the identified receiving surface waters. (7-9-90)

iii. Identification of Preventative or Remedial Actions. The findings shall include an evaluation of the feasibility and necessity of any preventative or remedial actions, and their need for protecting identified receiving surface waters. (7-9-90)

iv. Best Management Practices. Any local nutrient management program that is a Best Management Practice (BMP) or the equivalent insofar as it addresses nonpoint sources of nutrients shall be compatible with any approved BMP defined in Idaho Department of Environmental Quality Rules, IDAPA 58.01.02, "Rules Governing Water Quality Standards and Wastewater Treatment Requirements," or any other BMP developed pursuant to the state Nonpoint Source (Section 319) Management Program, the state Agricultural Pollution Abatement Plan, or the state Forest Practices Water Quality Management Plan. (12-31-91)

**03. Consistency Determination.** (7-9-90)

a. Public Decision. The local nutrient management program will be reviewed by both the local Health District Board and the Department. A report on the consistency of the local nutrient program and recommendations will be provided jointly by the local Health District Board and the Department at a public meeting. The final consistency determination will be decided by a vote, in public, of the local Health District Board and the Director, each having one (1) vote. A tie vote will result in a determination of inconsistency. (7-9-90)

b. Notification of Consistency Determination. The Department shall provide written notification of the final consistency determination to the applicant and any other interested person requesting notification. (7-9-90)

c. Determination of Inconsistency. Any local nutrient management program found not to meet the criteria for inclusion in the comprehensive state nutrient management plan as enumerated in Subsection 200.02.b. shall be declared inconsistent. (12-31-91)

i. Reasons for a determination of inconsistency will be provided with the Department's notification of the final consistency determination. (7-9-90)

ii. A determination of inconsistency does not preclude or limit the applicant from reapplying for another consistency determination when the deficiencies in the local nutrient management program or the findings are resolved. (7-9-90)

d. Reconsideration of a Final Consistency Determination. Within thirty (30) days of receipt of a notification of consistency determination, the applicant or any interested person may petition jointly the local Health District Board and the Department to reconsider the final consistency determination in accordance with this section. (7-9-90)

i. Petition for Reconsideration. Any petition for reconsideration shall be in writing and state the reasons supporting the reconsideration. (7-9-90)

ii. Evaluation of a Petition for Reconsideration. A contested case hearing in accordance with ~~Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, "Rules Governing Contested Cases and Declaratory Rulings 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality,"~~ will be held within sixty (60) days of the filing of a petition for reconsideration. A public meeting will be held within forty-five (45) days of the receipt of the hearing officer's report by the Department and local Health District Board for the purpose of reconsidering the final consistency determination. A vote, in public, will decide if the final consistency determination should be reversed. The public meeting will be held in accordance with Subsection 200.05.c. and the public vote taken in accordance with Subsection 200.03.a. (~~12-28-94~~)(11-9-01)T

**04. Nutrient Management Program Modifications.** Any modification to an existing local nutrient

management program, prior to the completion of the basin nutrient management plan, shall be deemed a new nutrient management program and require a consistency review. (7-9-90)

**05. Public Participation.** (7-9-90)

a. Publication of Receipt of Application. Within fifteen (15) days of receipt of an application for a consistency determination, the local Health District Board and the Department shall jointly give public notice of the application by the following methods: (7-9-90)

i. By publishing notice of receipt of the application together with a summary of the application in a daily or weekly major newspaper of general circulation in the area affected by the local nutrient management program. (7-9-90)

ii. By mail to those persons on a mailing list who request to be notified. (7-9-90)

iii. By any other reasonable method needed to give actual notice of the application to the persons potentially affected, including radio or television notices. (7-9-90)

b. Availability of Application. Copies of the application including the local nutrient management program together with the findings shall be made available at a public office within the area affected by the local nutrient management program. (7-9-90)

c. Public Meetings and Comments. A public meeting(s) shall be held in the hydrologic basin of concern jointly by the local Health District Board and the Department to facilitate consistency determinations of local nutrient management programs and, as appropriate, reconsideration of final consistency determinations. The proceedings of the public meetings shall be transcribed and deemed part of the record for review. A public notice will be given for all public meetings. (7-9-90)

i. Comments germane to the local nutrient management program or, as appropriate, the final consistency determination, may be submitted by any person at or prior to the public meeting. (7-9-90)

ii. A public vote of the local Health District Board and the Director will be taken at a public meeting to determine the final consistency determination. If substantial comments are received at the initial public meeting, the public vote may take place at a subsequent public meeting. If an additional public meeting is necessary, written comments will be accepted if received within fifteen (15) days of the first public meeting. (7-9-90)

**(BREAK IN CONTINUITY OF SECTIONS)**

**996. ADMINISTRATIVE PROVISIONS.**

~~Contested case appeals shall be governed by Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, Subsections 000, et seq., "Rules Governing Contested Cases and Declaratory". Persons may be entitled to appeal agency actions authorized under these rules pursuant to IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality".~~ (12-28-94)(11-9-01)T

**997. CONFIDENTIALITY OF RECORDS.**

~~Any disclosure of information obtained by the Department under these rules is subject to the restrictions contained in Idaho Department of Health and Welfare Rules, IDAPA 16.05.01, "Rules Governing the Protection and Disclosure of Department Records" public disclosure pursuant to the provisions of Chapter 3, Title 9, Idaho Code, and IDAPA 58.01.21, "Rules Governing the Protection and Disclosure of Records in the Possession of the Idaho Department of Environmental Quality".~~ (12-28-94)(11-9-01)T

**BREAK IN CHAPTERS**

58.01.17 - WASTEWATER-LAND APPLICATION PERMIT RULES

~~801. -- 899.~~ (RESERVED).

~~900. ADMINISTRATIVE APPEAL OF FINAL PERMITS.~~

~~01. Review Of Decision. Within sixty (60) days after receipt of a notice of an incomplete application, a decision denying an application, or a final permit, the applicant may petition the Director to review the decision in accordance with this section. (4-1-88)~~

~~02. Time Period For Review. The sixty (60) day period within which an applicant may request review under this section begins on the date of receipt of the Director's decision unless a later date is specified in that notice. (4-1-88)~~

~~03. Petition -- Review. Any petition for administrative review shall be in writing and state the reasons supporting review. (4-1-88)~~

~~04. Hearing. Within a reasonable time following filing of a petition for review, the Director shall hold a hearing and issue a final decision. (12-31-91)~~

~~9801. -- 919.~~ (RESERVED).

920. PERMIT REVOCATION.

01. Conditions For Revocation. The Director may revoke a permit if the permittee violates any permit condition or these rules. (4-1-88)

02. Notice Of Revocation. Except in cases of emergency, the Director shall issue a written notice of intent to revoke to the permittee prior to final revocation. Revocation shall become final within twenty (20) days of receipt of the notice by the permittee, unless within that time the permittee requests an administrative hearing in writing. (4-1-88)

~~03. Notice Of Hearing. The Director shall notify the permittee in writing of any revocation hearing at least twenty (20) days prior to the date set for such hearing. The hearing shall be conducted in accordance with Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, "Rules Governing Contested Cases and Declaratory Rulings" 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality". (12-31-91)(11-9-01)T~~

043. Emergency Action. If the Director finds the public health, safety or welfare requires emergency action, the Director shall incorporate findings in support of such action in a written notice of emergency revocation issued to the permittee. Emergency revocation shall be effective upon receipt by the permittee. Thereafter, if requested by the permittee in writing, the Director shall provide the permittee a revocation hearing and prior notice thereof. Such hearings shall be conducted in accordance with Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, "Rules Governing Contested Cases and Declaratory Rulings" 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality". (12-31-91)(11-9-01)T

(BREAK IN CONTINUITY OF SECTIONS)

996. ADMINISTRATIVE PROVISIONS.

~~Contested case appeals shall be governed by Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, Subsections 000, et seq., "Rules Governing Contested Cases and Declaratory Rulings". Persons may be entitled to appeal agency actions authorized under these rules pursuant to IDAPA 58.01.23, "Rules of Administrative Procedure~~

Before the Board of Environmental Quality”.

~~(12-31-91)~~(11-9-01)T

**997. CONFIDENTIALITY OF RECORDS.**

~~Any disclosure of~~ Information obtained by the Department under these rules is subject to ~~the restrictions contained in Idaho Department of Health and Welfare Rules, IDAPA 16.05.01, “Rules Governing the Protection and Disclosure of Department Records~~ public disclosure pursuant to the provisions of Chapter 3, Title 9, Idaho Code, and IDAPA 58.01.21, “Rules Governing the Protection and Disclosure of Records in the Possession of the Idaho Department of Environmental Quality”.

~~(12-31-91)~~(11-9-01)T

**BREAK IN CHAPTERS**

**58.01.18 - IDAHO LAND REMEDIATION RULES**

**003. ADMINISTRATIVE APPEALS.**

Persons may be entitled to appeal *final* agency actions authorized under these rules pursuant to ~~IDAPA 16.05.03, Rules of the Department of Health and Welfare, IDAPA 16.05.03, “Rules Governing Contested Case Proceedings and Declaratory Rulings~~ 58.01.23, “Rules of Administrative Procedure Before the Board of Environmental Quality”.

~~(3-13-97)~~(11-9-01)T

**BREAK IN CHAPTERS**

**58.01.19 - SMALL COMMUNITIES IMPROVEMENT PROGRAM RULES**

**003. ADMINISTRATIVE APPEALS.**

Persons may be entitled to appeal *final* agency actions authorized under these rules pursuant to ~~IDAPA 16.05.03, Rules of the Department of Health and Welfare, IDAPA 16.05.03, “Rules Governing Contested Case Proceedings and Declaratory Rulings~~ 58.01.23, “Rules of Administrative Procedure Before the Board of Environmental Quality”.

~~(3-23-98)~~(11-9-01)T

**BREAK IN CHAPTERS**

**58.01.20 - RULES FOR ADMINISTRATION OF DRINKING WATER LOAN ACCOUNT**

**003. ADMINISTRATIVE APPEALS.**

Persons may be entitled to appeal *final* Department of Environmental Quality actions authorized under these rules pursuant to ~~IDAPA 16.05.03, Rules of the Department of Health and Welfare, IDAPA 16.05.03, “Rules Governing Contested Case Proceedings and Declaratory Rulings~~ 58.01.23, “Rules of Administrative Procedure Before the Board of Environmental Quality”.

~~(3-23-98)~~(11-9-01)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**080. SUSPENSION OR TERMINATION OF LOAN CONTRACTS.**

**01. Causes.** The Director may suspend or terminate any loan contract prior to final disbursement for failure by the loan recipient or its agents including architectural/engineering firm(s), contractor(s), or subcontractor(s) to perform. A loan contract may be suspended or terminated for good cause including, but not limited to, the following: (3-23-98)

a. Commission of fraud, embezzlement, theft, forgery, bribery, misrepresentation, conversion, malpractice, misconduct, malfeasance, misfeasance, falsification, or unlawful destruction of records, or receipt of stolen property, or any form of tortious conduct; (3-23-98)

b. Commission of any crime for which the maximum sentence includes the possibility of one (1) or more years of imprisonment or any crime involving or affecting the project; (3-23-98)

c. Violation(s) of any term of the loan contract; (3-23-98)

d. Any willful or serious failure to perform within the scope of the project, plan of operation, project schedule, terms of architectural/engineering sub-agreements, or contracts for construction; or (3-23-98)

e. Debarment of a contractor or subcontractor for good cause by any federal or state agency from working on public work projects funded by that agency. (3-23-98)

**02. Notice.** The Director shall notify the loan recipient in writing, and forwarded by certified mail, of the intent to suspend or terminate the loan contract. The notice of intent shall state: (3-23-98)

a. Specific acts or omissions which form the basis for suspension or termination; and (3-23-98)

b. ~~Availability of a hearing conducted by the Director, hearing officer, or his/her designee as hearing officer, and said hearing being conducted in an informal manner at a time and in a place specified by the Director. That the loan recipient may be entitled to appeal the suspension or termination pursuant to IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality".~~ (3-23-98)(11-9-01)T

**03. Determination.** ~~Upon the proof of the existence of cause(s) for suspension or termination by substantial evidence or by proof of judgment or conviction of offense(s), the Director shall make a written determination and send the determination to the loan recipient by certified mail within seven (7) days of the hearing. A determination will be made by the Board pursuant to IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality".~~ (3-23-98)(11-9-01)T

**04. Reinstatement Of Suspended Loan.** Upon written request by the loan recipient with evidence that the causes(s) for suspension no longer exist(s), the Director may, if funds are available, reinstate the loan contract. If a suspended loan contract is not reinstated, the loan shall be amortized and a repayment schedule prepared in accordance with provisions of the loan contract. (3-23-98)

**05. Reinstatement Of Terminated Loan.** No terminated loan shall be reinstated. Terminated loans shall be amortized and a repayment schedule prepared in accordance with provisions of the loan contract. (3-23-98)

**(BREAK IN CONTINUITY OF SECTIONS)**

**996. CONFIDENTIALITY.**

Information ~~submitted to~~ obtained by the Department ~~by loan applicants and recipients may be made available to the public under these rules is~~ subject to public disclosure pursuant to the provisions of Idaho Code Section 9-337 et seq Chapter 3, Title 9, Idaho Code, and IDAPA 58.01.21, "Rules Governing the Protection and Disclosure of Records in the Possession of the Idaho Department of Environmental Quality". (3-23-98)(11-9-01)T

**BREAK IN CHAPTERS**

**58.01.21 - RULES GOVERNING THE PROTECTION AND DISCLOSURE OF RECORDS  
IN THE POSSESSION OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY**

**003. APPEALS.**

Persons may be entitled to appeal *final* agency actions under these rules pursuant to Sections 9-342A(6)(b) or 9-343, Idaho Code, or *the Rules of the Department of Health and Welfare, IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality"*. ~~(4-5-00)~~(11-9-01)T

**BREAK IN CHAPTERS**

**58.01.22 - RULES FOR ADMINISTRATION OF PLANNING GRANTS  
FOR DRINKING WATER FACILITIES**

**003. ADMINISTRATIVE PROCEDURES.**

Persons may be entitled to appeal agency actions authorized under these rules pursuant to *Rules of the Department of Health and Welfare, IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality"*. ~~(3-30-01)~~(11-9-01)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**070. SUSPENSION OR TERMINATION OF GRANT.**

**01. Causes.** The Director may suspend or terminate any grant for failure by the grantee or its agents, including his engineering firm(s), contractor(s) or subcontractor(s) to perform. A grant may be suspended or terminated for good cause including, but not limited to, the following: (3-30-01)

a. Commission of fraud, embezzlement, theft, forgery, bribery, misrepresentation, conversion, malpractice, misconduct, malfeasance, misfeasance, falsification or unlawful destruction of records, or receipt of stolen property, or any form of tortious conduct; or (3-30-01)

b. Commission of any crime for which the maximum sentence includes the possibility of one (1) or more years imprisonment or any crime involving or affecting the project; or (3-30-01)

c. Violation(s) of any term of agreement of the grant offer or contract agreement; or (3-30-01)

d. Any willful or serious failure to perform within the scope of the project, plan of operation and project schedule, terms of engineering subagreements, or contracts for construction; or (3-30-01)

e. Debarment of an engineering firm, contractor or subcontractor for good cause by any federal or state agency from working on public work projects funded by that agency. (3-30-01)

**02. Notice.** The Director will notify the grantee in writing and by certified mail of the intent to suspend or terminate the grant. The notice of intent shall state: (3-30-01)

a. Specific acts or omissions which form the basis for suspension or termination; and (3-30-01)

b. That the grantee may be entitled to appeal the suspension or termination pursuant to *Rules of the Department of Health and Welfare, IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality."* ~~(3-30-01)~~(11-9-01)T

**03. Determination.** A determination will be made by the Board pursuant to *Rules of the Department of Health and Welfare, IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality"*. ~~(3-30-01)~~(11-9-01)T

**04. Reinstatement Of Suspended Grant.** Upon written request by the grantee and evidence that the cause(s) for suspension no longer exist, the Director may, if funds are available reinstate the grant. (3-30-01)

**05. Reinstatement Of Terminated Grant.** No terminated grant shall be reinstated. (3-30-01)

**IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**

**58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO**

**DOCKET NO. 58-0101-0101**

**NOTICE OF RULEMAKING**

**PENDING FEE RULE AND AMENDMENT TO TEMPORARY RULE**

**EFFECTIVE DATE:** The amendment to the temporary rule is effective November 9, 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 Idaho Code Sections 67-5224 and 67-5291.

**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:** A detailed summary of the reasons for initiating this rulemaking is set forth in the initial proposal published in the Idaho Administrative Bulletin, Volume 01-8, August 1, 2001, pages 119 through 124. The Department of Environmental Quality (DEQ) received public comments on the proposal. The rulemaking record, which includes DEQ's response to comments, can be obtained by contacting the undersigned. Section 556 has been changed as allowed under Section 67-6227, Idaho Code. The remaining sections have been adopted as initially proposed.

**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 and the environment.

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on questions concerning this rulemaking, contact Phyllis Heitman at (208)373-0502, [pheitman@deq.state.id.us](mailto:pheitman@deq.state.id.us).

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](mailto: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 00-9, September 1, 2001, pages 48 through 54.

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. 58-0101-0101

**SUBSECTION 556.01**

**556. CRITERIA FOR DEFINING LEVELS WITHIN STAGES.**

The air quality criteria defining each of these levels for carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), ozone (O<sub>3</sub>), particles with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers (PM-10), particles with an aerodynamic diameter less than or equal to a nominal two point five (2.5) micrometers (PM-2.5), and sulfur dioxide (SO<sub>2</sub>) are: (11-10-00)T

**01. Stage 1 - Forecast And Caution.** A Stage 1 Forecast and Caution shall be declared by the Department when particulate concentrations reach or ~~visibility attributable to particulate matter reaches, or is forecasted to reach, and continue, at or above the levels listed below~~ are forecasted to reach, and persist, at or above the levels listed below. The Department may call a Stage 1 Forecast and Caution, if it determines, after evaluating the pertinent meteorology and weather conditions and air quality conditions such as visibility, and source parameters such as source type, strength, location and projected duration, that a Stage 1 Forecast and Caution is required to protect the public health. (11-10-00)F

*a. Pollutant Levels:*

CO	NA
NO <sub>2</sub>	NA
O <sub>3</sub>	NA
SO <sub>2</sub>	NA
PM-2.5	<del>100</del> ug/m3 1 hour average
PM-2.5	50 ug/m3 24 hour average
PM-10	385 ug/m3 1 hour average
PM-10	150 mg/m3 24 hour average

(11-10-00)F(11-9-01)T

*b. Visibility. When PM-10 or PM-2.5 monitoring readings are not available, the Department may declare a Stage 1 Forecast and Caution based on visibility readings according to the following scale:*

<del>CO</del>	<del>NA</del>
<del>NO<sub>2</sub></del>	<del>NA</del>
<del>O<sub>3</sub></del>	<del>NA</del>
<del>SO<sub>2</sub></del>	<del>NA</del>
<del>PM</del>	<del>2.75 - 4.50 miles visibility</del>

(11-10-00)F

## IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

### 58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

#### DOCKET NO. 58-0101-0104

#### NOTICE OF RULEMAKING - PENDING FEE RULE

**EFFECTIVE DATE:** This rule has been adopted by the Board of Environmental Quality and is now pending review by the 2002 Idaho State Legislature for final approval. The pending rule will become final and effective July 1, 2002 if the rule is approved by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. The rule may be rejected, amended or modified by concurrent resolution of the Legislature.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Sections 39-105 and 39-107, Idaho Code. The collection of fees is authorized by Sections 39-115(3) and 39-119, Idaho Code.

**DESCRIPTIVE SUMMARY:** Economic growth in Idaho has resulted in a corresponding rise in the air quality permitting needs of the regulated community. The purpose of the rulemaking is to better match the level of funding available to the Department of Environmental Quality (DEQ) air quality permitting program to the level of permit applications received. The fee will support, in part, the costs to DEQ of processing applications for permits to construct (PTCs) and Tier II operating permits, and registrations for permits by rule, allowing the agency to better meet the needs of the regulated community. Persons proposing or operating existing stationary sources of air pollutant emissions and required to obtain construction or operating permits may be affected by the rule.

During its 2001 session, the Idaho Legislature appropriated \$310,000 contract funds to DEQ to be used by the agency to eliminate the existing permit backlog during FY2002. Without further legislative action, this money will not be available in the out years. At the same time, however, the permit workload is expected to stay the same or increase. For this reason, as a matter of strategic planning, DEQ has determined that it is prudent to look for a more permanent and stable source of funding. To this end, the Board of Environmental Quality has adopted a fee structure for air quality permits to construct and Tier 2 operating permits. The rule was developed through a negotiation that included affected industries. The fees generated by the new structure are intended to partially fund DEQ's non-Title V permitting activities and will be combined with the federal grant dollars and general fund appropriations to support the program. These types of fees exist in many other states. The fees will allow the agency to keep up with the permit needs of the regulated community and avoid repetition of the situation where applications have to be backlogged.

The initial proposal appeared in the Idaho Administrative Bulletin, Volume 01-9, September 5, 2001, pages 168 through 206. 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 224, 225, 227, 407, 409, and 802 have been changed as allowed under Section 67-6227, Idaho Code. The remaining sections have been adopted as initially proposed.

**FEE SUMMARY:** This rule adopts a permit to construct application fee, as well as processing fee schedules for calculating permit to construct and Tier II operating permit processing fees. The rule also includes a registration fee for owners of qualified facilities opting to register with DEQ under Sections 790 through 799 in lieu of obtaining an individual permit. The fee schedules are structured to provide an incentive for emission reduction as required by Section 39-115(3), Idaho Code. Collection of the fees is authorized by Sections 39-115(3) and 39-119, Idaho Code.

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on questions concerning this rulemaking, contact Phyllis Heitman at (208)373-0502, [pheitman@deq.state.id.us](mailto:pheitman@deq.state.id.us).

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**  
**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 00-9, September 5, 2001, pages 168 through 206.**

**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. 58-0101-0104**

***SUBSECTION 224.03***

**224. PERMIT TO CONSTRUCT APPLICATION FEE.**

All applicants for a permit to construct shall submit a permit to construct application fee of one thousand dollars (\$1,000) to the Department at the time of the original submission of the application. The permit to construct application fee is not required to be submitted for: ( )

**03. Name Or Ownership Change.** A change in the name or ownership of the holder of a permit to construct when the Department determines no other review or analysis is required. ( )

***SECTION 225***

**225. PERMIT TO CONSTRUCT PROCESSING FEE.**

A permit to construct processing fee, calculated by the Department pursuant to the categories provided in the following table, shall be paid to the Department by the person receiving the permit. The applicable processing fee category shall be determined by adding together the amount of increases of regulated pollutant emissions and subtracting any decreases of regulated pollutant emissions as identified in the permit to construct. The fee calculation

shall not include fugitive emissions.

<b>PERMIT TO CONSTRUCT CATEGORY</b>	<b>FEE</b>
<u>General permit, no facility-specific requirements (Defined as a source category specific permit for which the Department has developed standard emission limitations, operating requirements, monitoring and recordkeeping requirements, and that require minimal engineering analysis. General permit facilities may include portable concrete batch plants, portable hot-mix asphalt plants and portable rock crushing plants.)</u>	<u>\$500</u>
<u>New source or modification to existing source with increase of emissions of less than one (1) ton per year</u>	<u>\$1,000</u>
<u>New source or modification to existing source with increase of emissions of one (1) to less than ten (10) tons per year</u>	<u>\$2,500</u>
<u>New source or modification to existing source with increase of emissions of ten (10) to less than one hundred (100) tons per year</u>	<u>\$5,000</u>
<u>New source or modification to existing source with increase of emissions of one hundred (100) tons per year or more exempt under Subsection 205.04</u>	<u>\$7,500</u>
<u>New major facility or major modification not exempt under Subsection 205.04.</u>	<u>\$10,000</u>
<u>Permit modifications where no engineering analysis is required</u>	<u>\$250</u>
<u>Application submittals for exemption applicability determinations, typographical errors, and name and ownership changes as described in Subsections 224.01, 224.02, 224.03</u>	<u>\$0.00</u>

( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**227. RECEIPT AND USAGE OF FEES.**

Permit to construct application and processing fee receipts shall be deposited by the Department into a stationary source permit account. Monies from this account shall be used solely toward technical, legal and administrative support of the Department's permit to Construct and Tier II permit programs and shall not be used for those activities supported by the fund created for implementing the operating permit program required under Title V of the federal Clean Air Act amendments of 1990. The permit to construct application fee payable under Section 227 shall be retained by the Department regardless of whether a permit to construct is issued by the Department in response to an application. The Department will review the fee schedule at least every two (2) years.

( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**SECTION 407 IS BEING REPUBLISHED IN FULL**

**407. TIER II OPERATING PERMIT PROCESSING FEE.**

**01. Tier II Operating Permit Processing Fee.** A Tier II operating permit processing fee, calculated by the Department pursuant to the categories provided in the following table, shall be paid to the Department by the

person receiving a Tier II permit or permit renewal. *The fee calculation shall not include fugitive emissions.*

<b>TIER II OPERATING PERMIT CATEGORY</b>	<b>FEE</b>
General permit, no facility specific requirements ( <i>Defined as a source category specific permit for which the Department has developed standard emission limitations, operating requirements, monitoring and recordkeeping requirements, and that require minimal engineering analysis.</i> )	\$500
Stationary sources or facilities with permitted emissions of less than one (1) ton per year	\$1,250
Stationary sources or facilities with permitted emissions of one (1) to less than ten (10) tons per year	\$2,500
Stationary sources or facilities with permitted emissions of ten (10) to less than one hundred (100) tons per year	\$5,000
Stationary sources or facilities with permitted emissions of one hundred (100) tons or more per year	\$10,000
Synthetic minor stationary sources with permitted emissions below a major threshold level	\$10,000

( )

**02. Tier II Operating Permit Processing Fee Not Required.** So long as the Department determines no other review or analysis is required, the Tier II operating permit processing fee is not required to be submitted when: ( )

a. A permit to construct issued within the last five (5) years is rolled into a Tier II permit; ( )

b. A change to correct typographical errors is requested; ( )

c. A change in the name or ownership of the holder of a Tier II operating permit is requested; or ( )

d. A synthetic minor permit is issued and the Department's processing costs can be charged against fees collected from the person receiving the permit under Title V of the federal Clean Air Act amendments of 1990. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**SECTION 409**

**409. RECEIPT AND USAGE OF FEES.**

Tier II operating permit processing fee and delinquency interest receipts shall be deposited by the Department into a stationary source permit account. Monies from this account shall be used solely toward technical, legal and administrative support of the Department's Permit to Construct and Tier II permit programs and shall not be used for those activities supported by the fund created for implementing the operating permit program required under Title V of the federal Clean Air Act amendments of 1990. The Department will review the Tier II fee schedule at least every two (2) years. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**SECTION 802**

**802. RECEIPT AND USAGE OF FEES.**

Permit by rule registration fee receipts shall be deposited by the Department into a stationary source permit account. Monies from this account shall be used solely toward technical, legal and administrative support of the Department's Permit to Construct and Tier II permit programs and shall not be used for those activities supported by the fund created for implementing the operating permit program required under Title V of the federal Clean Air Act amendments of 1990. Fees payable under Section 800 shall be retained by the Department regardless of whether a permit by rule registration is accepted by the Department in response to a registration request. ( )

## IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

### 58.01.02 - WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIREMENTS

DOCKET NO. 58-0102-0101

#### NOTICE OF RULEMAKING

#### PENDING RULE AND TEMPORARY RULE

**EFFECTIVE DATE:** The temporary rule became effective November 9, 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 Idaho Code Sections 67-5224 and 67-5291.

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that the Board has adopted a temporary rule and a pending rule. The action is authorized by Sections 39-105, 39-107, and 39-3601 et seq., Idaho Code. In addition, this rulemaking is in response to a federally originated and mandated TMDL schedule.

**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 and with an explanation of the reasons for the change.

A detailed summary of the reasons for initiating this rulemaking is set forth in the initial proposal published in the Idaho Administrative Bulletin, Volume 01-8, August 1, 2001, pages 125 through 131. The Department of Environmental Quality (DEQ) received public comments on the proposal. The rulemaking record, which includes DEQ's response to comments, can be obtained by contacting the undersigned. The temporary/pending rule varies in content from that which was initially proposed as allowed under Section 67-5227, Idaho Code. Section 100 has been added to clarify that a designated use of a waterbody does not imply the safety, rights to access, or the ability to conduct an activity related to the use designation. Sections 140 and 278 have been revised; Section 130 has been adopted as initially proposed.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Sections 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is necessary to meet federal deadlines.

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

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

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](mailto:pgradwoh@deq.state.id.us)

IDAPA 58, TITLE 01, Chapter 02

WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIREMENTS

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 125 through 131.

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. 58-0102-0101

**100. SURFACE WATER USE DESIGNATIONS.**

*Waterbodies are designated in Idaho to protect water quality for existing or designated uses. The designated use of a waterbody does not imply any rights to access or ability to conduct any activity related to the use designation, nor does it imply that an activity is safe. For example, a designation of primary or secondary contact recreation may occur in areas where it is unsafe to enter the water due to water flows, depth or other hazardous conditions. Another example is that aquatic life uses may be designated in areas that are closed to fishing or access is not allowed by property owners.* Wherever attainable, the designated beneficial uses for which the surface waters of the state are to be protected include: ~~(4-5-00)~~(11-9-01)T

**01. Aquatic Life.** (7-1-93)

a. Cold water (COLD): water quality appropriate for the protection and maintenance of a viable aquatic life community for cold water species. (4-5-00)

b. Salmonid spawning: waters which provide or could provide a habitat for active self-propagating populations of salmonid fishes. (7-1-93)

c. Seasonal cold water (SC): water quality appropriate for the protection and maintenance of a viable aquatic life community of cool and cold water species, where cold water aquatic life may be absent during, or tolerant of, seasonally warm temperatures. (4-5-00)

d. Warm water (WARM): water quality appropriate for the protection and maintenance of a viable aquatic life community for warm water species. (4-5-00)

e. Modified (MOD): water quality appropriate for an aquatic life community that is limited due to one (1) or more conditions set forth in 40 CFR 131.10(g) which preclude attainment of reference streams or conditions. (4-5-00)

**02. Recreation.** (7-1-93)

a. Primary contact recreation (PCR): water quality appropriate for prolonged and intimate contact by

humans or for recreational activities when the ingestion of small quantities of water is likely to occur. Such activities include, but are not restricted to, those used for swimming, water skiing, or skin diving. (4-5-00)

b. Secondary contact recreation (SCR): water quality appropriate for recreational uses on or about the water and which are not included in the primary contact category. These activities may include fishing, boating, wading, infrequent swimming, and other activities where ingestion of raw water is not likely to occur. (4-5-00)

**03. Water Supply.** (7-1-93)

a. Domestic: water quality appropriate for drinking water supplies. (4-5-00)

b. Agricultural: water quality appropriate for the irrigation of crops or as drinking water for livestock. This use applies to all surface waters of the state. (4-5-00)

c. Industrial: water quality appropriate for industrial water supplies. This use applies to all surface waters of the state. (4-5-00)

**04. Wildlife Habitats.** Water quality appropriate for wildlife habitats. This use applies to all surface waters of the state. (4-5-00)

**05. Aesthetics.** This use applies to all surface waters of the state. (7-1-93)

**(BREAK IN CONTINUITY OF SECTIONS)**

**140. SOUTHWEST IDAHO BASIN.**

Surface waters found within the Southwest basin total nineteen (19) subbasins and are designated as follows:

**12. Lower Boise Subbasin.** The Lower Boise Subbasin, HUC 17050114, is comprised of seventeen (17) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
SW-1	Boise River- Indian Creek to mouth	COLD	PCR	
SW-2	Indian Creek - Sugar Ave. (T03N, R02W, Sec. 15) to mouth	COLD	SCR	
<u>SW-3a</u>	<u>Split between New York Canal and historic creek bed to Sugar Ave. (T03N, R02W, Sec. 15)</u>	<u>COLD</u> <u>SS</u>	<u>SCR</u>	
<u>SW-3b</u>	<u>Indian Creek Reservoir to split between New York Canal and historic creek bed</u>	<u>MOD</u>	<u>SCR</u>	
<u>SW-3c</u>	<u>Indian Creek Reservoir</u>	<u>WARM</u>	<u>PCR</u>	
SW-3d	Indian Creek - source to <del>Sugar Ave. (T03N, R02W, Sec. 15)</del> <u>Indian Creek Reservoir</u>	<del>COLD</del> <u>SS SC</u>	<del>PCR</del> <u>SCR</u>	
SW-4	Lake Lowell	WARM	PCR	SRW
SW-5	Boise River - river mile 50 (T04N, R02W, Sec. 32) to Indian Creek	COLD SS	PCR	
SW-6	Mason Creek - <del>source</del> <u>New York Canal</u> to mouth	<u>MOD</u>	<u>SCR</u>	
SW-7	Fifteenmile Creek - Miller Canal to mouth	<u>MOD</u>	<u>SCR</u>	

Unit	Waters	Aquatic Life	Recreation	Other
SW-8	Tenmile Creek - Blacks Creek Reservoir Dam to Miller Canal	<del>COLD</del> MOD	SCR	
SW-9	Blacks Creek - source to and including Blacks Creek Reservoir			
SW-10	Fivemile Creek - source to Miller Canal	<del>COLD</del> MOD	SCR	
SW-11a	Boise River - Diversion Dam to river mile 50 (T04N, R02W, Sec. 32)	COLD SS	PCR	DWS SRW
SW-11b	Boise River - Lucky Peak Dam to Diversion Dam	COLD	PCR	DWS SRW
SW-12	Stewart Gulch, Cottonwood and Crane Creeks -source to mouth			
SW-13	Dry Creek - source to mouth			
SW-14	Big/Little Gulch Creek complex			
SW-15	Willow Creek - source to mouth			
SW-16	Langley/Graveyard Gulch complex			
SW-17	Sand Hollow Creek - source to mouth	MOD	SCR	

(4-5-00)(11-9-01)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**278. LOWER BOISE RIVER SUBBASIN, HUC 17050114 SUBSECTION 150.12 - ~~SW-1 AND SW-5 - SALMONID SPAWNING AND DISSOLVED OXYGEN.~~**

**01. Boise River, SW-1 And SW-5 – Salmonid Spawning And Dissolved Oxygen.** The waters of the Boise River from Veterans State Park to its mouth will have dissolved oxygen concentrations of six (6) mg/l or seventy-five percent (75%) of saturation, whichever is greater, during the spawning period of salmonid fishes inhabiting those waters. (7-1-93)(11-9-01)T

**02. Indian Creek, SW-3b, Mason Creek, SW-6, And Sand Hollow Creek, SW-17 - Modified Aquatic Life Use.** All numeric criteria applicable to the seasonal cold water aquatic life use apply with the exception of dissolved oxygen. Dissolved oxygen concentrations are to exceed four (4) mg/l at all times. (11-9-01)T

**03. Fifteenmile Creek, SW-7; Tenmile Creek, SW-8, And Five Mile Creek, SW-10 - Modified Aquatic Life Use.** All numeric criteria applicable to the seasonal cold water aquatic life use apply. (11-9-01)T

## **IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**

### **58.01.02 - WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIREMENTS**

**DOCKET NO. 58-0102-0102**

#### **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 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 Idaho Code Sections 67-5224 and 67-5291.

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

**DESCRIPTIVE SUMMARY:** A detailed summary of the reasons for initiating this rulemaking is set forth in the initial proposal published in the Idaho Administrative Bulletin, Volume 01-8, August 1, 2001, pages 132 through 135. The Department of Environmental Quality (DEQ) received public comments on the proposal. The rulemaking record, which includes DEQ's response to comments, can be obtained by contacting the undersigned. Section 284 has been revised as allowed under Section 67-5227, Idaho Code. Section 110 has been adopted as initially proposed.

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

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

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](mailto:pgradwoh@deq.state.id.us)

---

**IDAPA 58  
TITLE 01  
Chapter 02**

### **WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIREMENTS**

**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 132 through 135.

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. 58-0102-0102

SUBSECTIONS 284.01.a., 284.01.b., 284.02.a., 284.02.b., 284.03.a., 284.03.b., 284.04.a., AND 284.04.b

**284. SOUTH FORK COEUR D'ALENE SUBBASIN, SUBSECTION 110.09, HUC 17010302, AQUATIC LIFE CRITERIA FOR CADMIUM, LEAD AND ZINC.**

The following criteria are to be met dependent upon the hardness, expressed as mg/l of calcium carbonate, of the water. Criterion maximum concentrations (CMC), one (1) hour average concentrations, and criterion continuous concentrations (CCC), four (4) day average concentrations, of the dissolved metals (in µg/l) are not to exceed, more than once every three (3) years, the values calculated using the following equations: ( )

**01. Cadmium.** ( )

a.  $CMC = 0.973 \times e^{[(1.0166 \times \ln(\text{hardness})) - 3.924]}$  ( )

b.  $CCC = [1.101672 - (\ln(\text{hardness}) \times 0.041838)] \times e^{[(0.7852 \times \ln(\text{hardness})) - 3.490]}$  ( )

**02. Lead.** ( )

a.  $CMC = e^{[(0.9371 \times \ln(\text{hardness})) + 1.1924]}$  ( )

b.  $CCC = e^{[(0.9371 \times \ln(\text{hardness})) - 0.9784]}$  ( )

**03. Zinc.** ( )

a.  $CMC = e^{[(0.6624 \times \ln(\text{hardness})) + 2.2235]}$  ( )

b.  $CCC = e^{[(0.6624 \times \ln(\text{hardness})) + 2.2235]}$  ( )

**04. Application.** ( )

a. *The maximum hardness allowed for use in the equations in Section 284 shall not be greater than four hundred (400) mg/l even if the actual ambient hardness is greater than four hundred (400) mg/l.* ( )

b. The criteria described in Section 284 apply to the South Fork Coeur d'Alene River subbasin, units P-11 and P-13. ( )

## **IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**

### **58.01.02 - WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIREMENTS**

**DOCKET NO. 58-0102-0103**

#### **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 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 Idaho Code Sections 67-5224 and 67-5291.

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

**DESCRIPTIVE SUMMARY:** 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 and with an explanation of the reasons for the change.

A detailed summary of the reasons for initiating this rulemaking is set forth in the initial proposal published in the Idaho Administrative Bulletin, Volume 01-8, August 1, 2001, pages 136 through 167. The Department of Environmental Quality (DEQ) received public comments on the proposal. The rulemaking record, which includes DEQ's response to comments, can be obtained by contacting the undersigned. The pending rule varies in content from that which was initially proposed as allowed under Section 67-5227, Idaho Code. In response to comment, the natural background provisions have been moved from proposed rule Section 070 to the sections to which those provisions are intended to apply (053 and 200). Sections 003, 070, 080, 250, 284, 401 and 420 have been revised; the remaining sections have been adopted as initially proposed.

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

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

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](mailto:pgradwoh@deq.state.id.us)

---

**IDAPA 58  
TITLE 01  
Chapter 01**

**WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIREMENTS**

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 136 through 167.

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. 58-0102-0103

*SUBSECTIONS 003.25, 003.42, 003.61, AND 003.65.*

**003. DEFINITIONS.**

For the purpose of the rules contained in IDAPA 58.01.02, "Water Quality Standards and Wastewater Treatment Requirements," the following definitions apply: (4-5-00)

~~235.~~ **Desirable Species.** Species indigenous to the area or those introduced species identified as desirable by the Idaho Department of Fish and Game. (7-1-93)( )

~~402.~~ **Full Protection, Full Support, Or Full Maintenance Of Designated Beneficial Uses Of Water.** Compliance with those levels of water quality criteria listed in Sections 200, 210, 250, 251, 252, 253, and 275 (if applicable) or ~~with~~ where no major biological group such as fish, macroinvertebrates, or algae has been modified by human activities significantly beyond the natural range of the reference streams or conditions approved by the Director in consultation with the appropriate basin advisory group. (4-5-00)( )

~~61.~~ **Maximum Weekly Maximum Temperature (MWMT).** The weekly maximum temperature (WMT) is the mean of daily maximum temperatures measured over a consecutive seven (7) day period. The MWMT is the single highest WMT that occurs during a given year. ( )

~~65.~~ **Natural Background Conditions.** No measurable change in the physical, chemical, biological, or radiological conditions existing in a water body without human sources of pollution within the watershed. ( )

**THE FOLLOWING SUBSECTIONS, 003.66 THROUGH 003.125, HAVE BEEN RENUMBERED.**

~~626.~~ **Nephelometric Turbidity Units (NTU).** A measure of turbidity based on a comparison of the intensity of the light scattered by the sample under defined conditions with the intensity of the light scattered by a standard reference suspension under the same conditions. (8-24-94)

~~637.~~ **Nonpoint Source Activities.** Activities on a geographical area on which pollutants are deposited or dissolved or suspended in water applied to or incident on that area, the resultant mixture being discharged into the waters of the state. Nonpoint source activities on ORWs do not include issuance of water rights permits or licenses, allocation of water rights, operation of diversions, or impoundments. Nonpoint sources activities include, but are not

- limited to: (3-20-97)
- a. Irrigated and nonirrigated lands used for: (7-1-93)
  - i. Grazing; (7-1-93)
  - ii. Crop production; (7-1-93)
  - iii. Silviculture; (7-1-93)
  - b. Log storage or rafting; (7-1-93)
  - c. Construction sites; (7-1-93)
  - d. Recreation sites; (3-20-97)
  - e. Septic tank disposal fields. (8-24-94)
  - f. Mining; (3-20-97)
  - g. Runoff from storms or other weather related events; and (3-20-97)
  - h. Other activities not subject to regulation under the federal national pollutant discharge elimination system. (3-20-97)

**648. No Observed Adverse Effect Level (NOAEL).** A threshold dose of a toxic substance or an effluent below which no adverse biological effects are observed, as identified from chronic or subchronic human epidemiology studies or animal exposure studies. (8-24-94)

**652. No Observed Effect Concentration (NOEC).** The highest concentration of a toxic substance or an effluent at which no adverse effects are observed on the aquatic test organisms. Determined using hypothesis testing with the assumption of a noncontinuous threshold model of the dose-response relationship. (8-24-94)

**6670. Nuisance.** Anything which is injurious to the public health or an obstruction to the free use, in the customary manner, of any waters of the state. (7-1-93)

**671. Nutrients.** The major substances necessary for the growth and reproduction of aquatic plant life, consisting of nitrogen, phosphorus, and carbon compounds. (7-1-93)

**6872. One Day Minimum.** The lowest daily instantaneous value measured. (3-20-97)

**6973. One Hour Average.** The mean of at least two (2) appropriately spaced measurements, as determined by the Department, calculated over a period of one (1) hour. When three (3) or more measurements have been taken, and if any measurement is greater or less than five-tenths (0.5) times the mean, additional measurements over the one-hour period may be needed to obtain a more representative mean. (3-20-97)

**704. Operator.** Any person presently or who was at any time during a release in control of, or having responsibility for, the daily operation of the PST system. (7-1-93)

**745. Outstanding Resource Water (ORW).** A high quality water, such as water of national and state parks and wildlife refuges and water of exceptional recreational or ecological significance, which has been designated by the legislature and subsequently listed in this chapter. ORW constitutes an outstanding national or state resource that requires protection from point and nonpoint source activities that may lower water quality. (3-20-97)

**726. Outstanding Resource Water Mixing Zone.** An area or volume of an ORW where pollutants are allowed to mix with the ORW receiving water at a location distinct from the sampling point where compliance with ORW quality standards is measured. An ORW mixing zone will be downstream from the discharge of a tributary or a

segment immediately upstream which contains man caused pollutants as a result of nonpoint source activities occurring on that tributary or segment. As a result of the discharge, the mixing zone may not meet all water quality standards applicable to the ORW, but shall still be protected for existing beneficial uses. The Department, after consideration of input from interested parties, will determine the size, configuration and location of mixing zones which are necessary to meet the requirements of this chapter. (7-1-93)

**737. Owner.** Any person who owns or owned a PST system any time during a release and the current owner of the property where the PST system is or was located. (7-1-93)

**748. Person.** An individual, public or private corporation, partnership, association, firm, joint stock company, joint venture, trust, estate, state, municipality, commission, political subdivision of the state, state or federal agency, department or instrumentality, special district, interstate body or any legal entity, which is recognized by law as the subject of rights and duties. (3-20-97)

**759. Petroleum Products.** Products derived from petroleum through various refining processes. (7-1-93)

**7680. Petroleum Storage Tank (PST) System.** Any one or combination of storage tanks or other containers, including pipes connected thereto, dispensing equipment, and other connected ancillary equipment, and stationary or mobile equipment, that contains petroleum or a mixture of petroleum with de minimis quantities of other regulated substances. (7-1-93)

**7781. Point Source.** Any discernible, confined, and discrete conveyance, including, but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are, or may be, discharged. This term does not include return flows from irrigated agriculture, discharges from dams and hydroelectric generating facilities or any source or activity considered a nonpoint source by definition. (7-1-93)

**782. Pollutant.** Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, silt, cellar dirt; and industrial, municipal and agricultural waste, gases entrained in water; or other materials which, when discharged to water in excessive quantities, cause or contribute to water pollution. Provided however, biological materials shall not include live or occasional dead fish that may accidentally escape into the waters of the state from aquaculture facilities. (3-20-97)

**7983. Potable Water.** A water which is free from impurities in such amounts that it is safe for human consumption without treatment. (7-1-93)

**804. Primary Treatment.** Processes or methods that serve as the first stage treatment of wastewater, intended for removal of suspended and settleable solids by gravity sedimentation; provides no changes in dissolved and colloidal matter in the sewage or wastes flow. (7-1-93)

**845. Project Plans.** Documents which describe actions to be taken under a proposed activity. These documents include environmental impact statements, environmental assessments, and other land use or resource management plans. (7-1-93)

**826. Receiving Waters.** Those waters which receive pollutants from point or nonpoint sources. (7-1-93)

**837. Recharge.** The process of adding water to the zone of saturation. (7-1-93)

**848. Recharge Water.** Water that is specifically utilized for the purpose of adding water to the zone of saturation. (7-1-93)

**859. Reference Stream Or Condition.** A water body which represents the minimum conditions necessary to fully support the applicable designated beneficial uses as further specified in these rules, or natural conditions with few impacts from human activities and which are representative of the highest level of support attainable in the basin. In highly mineralized areas or in the absence of such reference streams or water bodies, the

Director, in consultation with the basin advisory group and the technical advisors to it, may define appropriate hypothetical reference conditions or may use monitoring data specific to the site in question to determine conditions in which the beneficial uses are fully supported. (3-20-97)

**8690. Release.** Any unauthorized spilling, leaking, emitting, discharging, escaping, leaching, or disposing into soil, ground water, or surface water. (8-24-94)

**8791. Resident Species.** Those species that commonly occur in a site including those that occur only seasonally or intermittently. This includes the species, genera, families, orders, classes, and phyla that: (8-24-94)

- a. Are usually present at the site; (8-24-94)
- b. Are present only seasonally due to migration; (8-24-94)
- c. Are present intermittently because they periodically return or extend their ranges into the site; (8-24-94)
- d. Were present at the site in the past but are not currently due to degraded conditions, and are expected to be present at the site when conditions improve; and (8-24-94)
- e. Are present in nearby bodies of water but are not currently present at the site due to degraded conditions, and are expected to be present at the site when conditions improve. (8-24-94)

**8892. Responsible Persons In Charge.** Any person who: (8-24-94)

- a. By any acts or omissions, caused, contributed to or exacerbated an unauthorized release of hazardous materials; (8-24-94)
- b. Owns or owned the facility from which the unauthorized release occurred and the current owner of the property where the facility is or was located; or (8-24-94)
- c. Presently or who was at any time during an unauthorized release in control of, or had responsibility for, the daily operation of the facility from which an unauthorized release occurred. (8-24-94)

**893. Saturated Zone.** Zone or layer beneath the earth's surface in which all of the pore spaces of rock or soil are filled with water. (7-1-93)

**904. Secondary Treatment.** Processes or methods for the supplemental treatment of wastewater, usually following primary treatment, to affect additional improvement in the quality of the treated wastes by biological means of various types which are designed to remove or modify organic matter. (7-1-93)

**915. Seven Day Mean.** The average of the daily mean values calculated over a period of seven (7) consecutive days. (3-20-97)

**926. Sewage.** The water-carried human or animal waste from residences, buildings, industrial establishments or other places, together with such ground water infiltration and surface water as may be present. (8-24-94)

**937. Short-Term Or Temporary Activity.** An activity which is limited in scope and is expected to have only minimal impact on water quality as determined by the Director. Short-term or temporary activities include, but are not limited to, those activities described in Subsection 080.02. (3-20-97)

**948. Silviculture.** Those activities associated with the regeneration, growing and harvesting of trees and timber including, but not limited to, disposal of logging slash, preparing sites for new stands of trees to be either planted or allowed to regenerate through natural means, road construction and road maintenance, drainage of surface water which inhibits tree growth or logging operations, fertilization, application of herbicides or pesticides, all logging operations, and all forest management techniques employed to enhance the growth of stands of trees or

- timber. (3-20-97)
- 959. Sludge.** The semi-liquid mass produced by partial dewatering of potable or spent process waters or wastewater. (7-1-93)
- 96100. Special Resource Water.** Those specific segments or bodies of water which are recognized as needing intensive protection: (7-1-93)
- a. To preserve outstanding or unique characteristics; or (7-1-93)
- b. To maintain current beneficial use. (7-1-93)
- 97101. Specialized Best Management Practices.** Those practices designed with consideration of geology, land type, soil type, erosion hazard, climate and cumulative effects in order to fully protect the beneficial uses of water, and to prevent or reduce the pollution generated by nonpoint sources. (3-3-87)
- 98102. State.** The state of Idaho. (7-1-93)
- 99103. State Water Quality Management Plan.** The state management plan developed and updated by the Department in accordance with Sections 205, 208, and 303 of the Clean Water Act. (3-20-97)
- 1004. Steady-State Model.** A fate and transport model that uses constant values of input variables to predict constant values of receiving water quality concentrations. (8-24-94)
- 1045. Subsurface Disposal.** Disposal of effluent below ground surface, including, but not limited to, drainfields or sewage beds. (7-1-93)
- 1026. Suspended Sediment.** Organic and inorganic particulate matter which has been removed from its site of origin and measured while suspended in surface water. (7-1-93)
- 1037. Technology-Based Effluent Limitation.** Treatment requirements under Section 301(b) of the Clean Water Act that represent the minimum level of control that must be imposed in a permit issued under Section 402 of the Clean Water Act. (8-24-94)
- 1048. Total Maximum Daily Load (TMDL).** The sum of the individual wasteload allocations (WLAs) for point sources, load allocations (LAs) for nonpoint sources, and natural background. Such load shall be established at a level necessary to implement the applicable water quality standards with seasonal variations and a margin of safety which takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality. (8-24-94)
- 1059. Toxicity Test.** A procedure used to determine the toxicity of a chemical or an effluent using living organisms. A toxicity test measures the degree of response of an exposed test organism to a specific chemical or effluent. (8-24-94)
- 10610. Toxic Substance.** Any substance, material or disease-causing agent, or a combination thereof, which after discharge to waters of the State and upon exposure, ingestion, inhalation or assimilation into any organism (including humans), either directly from the environment or indirectly by ingestion through food chains, will cause death, disease, behavioral abnormalities, malignancy, genetic mutation, physiological abnormalities (including malfunctions in reproduction) or physical deformations in affected organisms or their offspring. Toxic substances include, but are not limited to, the one hundred twenty-six (126) priority pollutants identified by EPA pursuant to Section 307(a) of the federal Clean Water Act. (8-24-94)
- 10711. Treatment.** A process or activity conducted for the purpose of removing pollutants from wastewater. (7-1-93)
- 10812. Treatment System.** Any physical facility or land area for the purpose of collecting, treating, neutralizing or stabilizing pollutants including treatment by disposal plants, the necessary intercepting, outfall and

outlet sewers, pumping stations integral to such plants or sewers, equipment and furnishing thereof and their appurtenances. (7-1-93)

**10913. Trihalomethane (THM).** THM means one of the family of organic compounds named as derivatives of methane, wherein three (3) of the four (4) hydrogen atoms in the molecular structure of methane are substituted by one (1) of the chemical elements chlorine, bromine or iodine. (7-1-93)

**1104. Twenty-Four Hour Average.** The mean of at least two (2) appropriately spaced measurements, as determined by the Department, calculated over a period of twenty-four (24) consecutive hours. When three (3) or more measurements have been taken, and if any measurement is greater or less than five-tenths (0.5) times the mean, additional measurements over the twenty-four (24)-hour period may be needed to obtain a more representative mean. (3-20-97)

**1145. Unique Ecological Significance.** The attribute of any stream or water body which is inhabited or supports an endangered or threatened species of plant or animal or a species of special concern identified by the Idaho Department of Fish and Game, which provides anadromous fish passage, or which provides spawning or rearing habitat for anadromous or desirable species of lake dwelling fishes. (8-24-94)

**1126. Wasteload Allocation (WLA).** The portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution. (8-24-94)

**1137. Wastewater.** Unless otherwise specified, sewage, industrial waste, agricultural waste, and associated solids or combinations of these, whether treated or untreated, together with such water as is present. (7-1-93)

**1148. Water Body Unit.** Includes all named and unnamed tributaries within a drainage and is considered a single unit unless designated otherwise. (4-5-00)

**1159. Water Pollution.** Any alteration of the physical, thermal, chemical, biological, or radioactive properties of any waters of the state, or the discharge of any pollutant into the waters of the state, which will or is likely to create a nuisance or to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to fish and wildlife, or to domestic, commercial, industrial, recreational, aesthetic, or other beneficial uses. (8-24-94)

**14620. Water Quality-Based Effluent Limitation.** An effluent limitation that refers to specific levels of water quality that are expected to render a body of water suitable for its designated or existing beneficial uses. (8-24-94)

**14721. Water Quality Limited Water Body.** After monitoring, evaluation of required pollution controls, and consultation with the appropriate basin and watershed advisory groups, a water body identified by the Department, which does not meet applicable water quality standards, and/or is not expected to meet applicable water quality standards after the application of required pollution controls. A water body identified as water quality limited shall require the development of a TMDL or other equivalent process in accordance with Section 303 of the Clean Water Act and Sections 39-3601 et seq., Idaho Code. (3-20-97)

**14822. Waters And Waters Of The State.** All the accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof which are wholly or partially within, which flow through or border upon the state. (7-1-93)

**14923. Watershed.** The land area from which water flows into a stream or other body of water which drains the area. (3-20-97)

**1204. Watershed Advisory Group.** An advisory group appointed by the Director, with the advice of the appropriate Basin Advisory Group, which will recommend to the Department those specific actions needed to control point and nonpoint sources of pollution affecting water quality limited water bodies within the watershed. Members of each watershed advisory group shall be representative of the industries and interests affected by the management of that watershed, along with representatives of local government and the land managing or regulatory agencies with

an interest in the management of that watershed and the quality of the water bodies within it. (3-20-97)

~~1245.~~ **Whole-Effluent Toxicity.** The aggregate toxic effect of an effluent measured directly with a toxicity test. (8-24-94)

**(BREAK IN CONTINUITY OF SECTIONS)**

**053. BENEFICIAL USE SUPPORT STATUS.**

In determining whether a water body fully supports designated and existing beneficial uses, the Department shall determine whether all of the applicable water quality standards are being achieved, including any criteria developed pursuant to these rules, and whether a healthy, balanced biological community is present. The Department shall utilize biological and aquatic habitat parameters listed below and in the current version of the "Water Body Assessment Guidance", as published by the Idaho Department of Environmental Quality, as a guide to assist in the assessment of beneficial use status. Revisions to this guidance will be made after notice and an opportunity for public comment. These parameters are not to be considered or treated as individual water quality criteria or otherwise interpreted or applied as water quality standards. (4-5-00)

**01. Aquatic Habitat Parameters.** These parameters may include, but are not limited to, stream width, stream depth, stream shade, measurements of sediment impacts, bank stability, water flows, and other physical characteristics of the stream that affect habitat for fish, macroinvertebrates or other aquatic life; and (3-20-97)

**02. Biological Parameters.** These parameters may include, but are not limited to, evaluation of aquatic macroinvertebrates including Ephemeroptera, Plecoptera and Trichoptera (EPT), Hilsenhoff Biotic Index, measures of functional feeding groups, and the variety and number of fish or other aquatic life to determine biological community diversity and functionality. (3-20-97)

**03. Natural Conditions.** *There is no impairment of beneficial uses or violation of water quality standards where natural background conditions exceed any applicable water quality criteria as determined by the Department, and such natural background conditions shall not, alone, be the basis for placing a water body on the list of water quality limited water bodies described in Section 054.* ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**SUBSECTION 070.06**

**070. APPLICATION OF STANDARDS.**

~~**06. Natural Background Conditions.** *Where natural background conditions from natural surface or ground water sources exceed any applicable water quality criteria as determined by the Department, that background level shall become the applicable site specific water quality criteria. Natural background means any physical, chemical, biological, or radiological condition existing in a water body due only to non-human sources. Natural background shall be established according to procedures established or approved by the Department consistent with 40 CFR 131.11. The Department may require additional or continuing monitoring of natural conditions.* (4-5-00)~~

**076. Application Of Standards To Intermittent Waters.** Numeric water quality standards only apply to intermittent waters during optimum flow periods sufficient to support the uses for which the water body is designated. For recreation, optimum flow is equal to or greater than five (5) cubic feet per second (cfs). For aquatic life uses, optimum flow is equal to or greater than one (1) cfs. (3-30-01)

**087. Temperature Criteria.** In the application of temperature criteria, the Director may, at his discretion, waive or raise the temperature criteria as they pertain to a specific water body. Any such determination shall be made consistent with 40 CFR 131.11 and shall be based on a finding that the designated aquatic life use is not

an existing use in such water body or would be fully supported at a higher temperature criteria. For any determination, the Director shall, prior to making a determination, provide for public notice and comment on the proposed determination. For any such proposed determination, the Director shall prepare and make available to the public a technical support document addressing the proposed modification. (4-5-00)

**(BREAK IN CONTINUITY OF SECTIONS)**

**SUBSECTION 080.04**

**080. VIOLATION OF WATER QUALITY STANDARDS.**

**04. Temperature Exemption.** Exceeding the temperature criteria in Section 250 will not be considered a water quality standard violation when the air temperature of a given day exceeds the ninetieth percentile of a yearly series of the ~~seven (7) day average daily maximum~~ weekly maximum air temperature (MWMT) calculated ~~in yearly series~~ over the historic record measured at the nearest weather reporting station. (4-5-00)(      )

**(BREAK IN CONTINUITY OF SECTIONS)**

**200. GENERAL SURFACE WATER QUALITY CRITERIA.**

The following general water quality criteria apply to all surface waters of the state, in addition to the water quality criteria set forth for specifically designated waters. (4-5-00)

**01. Hazardous Materials.** Surface waters of the state shall be free from hazardous materials in concentrations found to be of public health significance or to impair designated beneficial uses. These materials do not include suspended sediment produced as a result of nonpoint source activities. (8-24-94)

**02. Toxic Substances.** Surface waters of the state shall be free from toxic substances in concentrations that impair designated beneficial uses. These substances do not include suspended sediment produced as a result of nonpoint source activities. (8-24-94)

**03. Deleterious Materials.** Surface waters of the state shall be free from deleterious materials in concentrations that impair designated beneficial uses. These materials do not include suspended sediment produced as a result of nonpoint source activities. (8-24-94)

**04. Radioactive Materials.** (7-1-93)

a. Radioactive materials or radioactivity shall not exceed the values listed in the Code of Federal Regulations, Title 10, Chapter 1, Part 20, Appendix B, Table 2, Effluent Concentrations, Column 2. (8-24-94)

b. Radioactive materials or radioactivity shall not exceed concentrations required to meet the standards set forth in Title 10, Chapter 1, Part 20, of the Code of Federal Regulations for maximum exposure of critical human organs in the case of foodstuffs harvested from these waters for human consumption. (7-1-93)

**05. Floating, Suspended Or Submerged Matter.** Surface waters of the state shall be free from floating, suspended, or submerged matter of any kind in concentrations causing nuisance or objectionable conditions or that may impair designated beneficial uses. This matter does not include suspended sediment produced as a result of nonpoint source activities. (8-24-94)

**06. Excess Nutrients.** Surface waters of the state shall be free from excess nutrients that can cause visible slime growths or other nuisance aquatic growths impairing designated beneficial uses. (8-24-94)

**07. Oxygen-Demanding Materials.** Surface waters of the state shall be free from oxygen-demanding materials in concentrations that would result in an anaerobic water condition. (7-1-93)

08. **Sediment.** Sediment shall not exceed quantities specified in Sections 250 and 252, or, in the absence of specific sediment criteria, quantities which impair designated beneficial uses. Determinations of impairment shall be based on water quality monitoring and surveillance and the information utilized as described in Section 350. (4-5-00)

09. **Natural Background Conditions.** When natural background conditions exceed any applicable water quality criteria set forth in Sections 210, 250, 251, 252, or 253, the applicable water quality criteria shall not apply; instead, pollutant levels shall not exceed the natural background conditions, except that temperature levels may be increased above natural background conditions when allowed under Section 401. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**SUBSECTIONS 250.02.d.ii.(b), 250.02.d.ii.(c) AND 250.05**

**250. SURFACE WATER QUALITY CRITERIA FOR AQUATIC LIFE USE DESIGNATIONS.**

02. **Cold Water.** Waters designated for cold water aquatic life are not to exhibit vary from the following characteristics due to human activities: (4-5-00)( )

a. Dissolved Oxygen Concentrations exceeding six (6) mg/l at all times. In lakes and reservoirs this standard does not apply to: (7-1-93)

i. The bottom twenty percent (20%) of water depth in natural lakes and reservoirs where depths are thirty-five (35) meters or less. (7-1-93)

ii. The bottom seven (7) meters of water depth in natural lakes and reservoirs where depths are greater than thirty-five (35) meters. (7-1-93)

iii. Those waters of the hypolimnion in stratified lakes and reservoirs. (7-1-93)

b. Water temperatures of twenty-two (22) degrees C or less with a maximum daily average of no greater than nineteen (19) degrees C. (8-24-94)

c. Temperature in lakes shall have no measurable change from natural background conditions. Reservoirs with mean detention times of greater than fifteen (15) days are considered lakes for this purpose. ( )

ed. Ammonia. The following criteria are not to be exceeded dependent upon the temperature, T (degrees C), and pH of the water body: (8-24-94)( )

i. ~~One (1) hour average concentration of un-ionized ammonia (as N) is not to exceed (0.43/A/B/2) mg/l, where:-~~

~~A = 1 if the water temperature (T) is greater than or equal to 20 degrees C (if T > 30 degrees C site-specific criteria should be defined), or~~

~~A = 10<sup>power(0.03(20-T))</sup> if T is less than twenty (20) degrees C, and~~

~~B = 1 if the pH is greater than or equal to 8 (if pH > 9.0 site-specific criteria should be defined); or~~

~~B = (1 + 10<sup>power(7.4-pH))</sup> / 1.25 if pH is less than 8 (if pH < 6.5 site-specific criteria should be defined). (8-24-94)~~

ii. ~~Four-day average concentration of un-ionized ammonia (as N) is not to exceed (0.66/A/B/C) mg/l, where:-~~

~~A = 1.4 if the water temperature (T) is greater than or equal to 15 degrees C (if T > 30 degrees C site-specific criteria~~

should be defined), or

$A = 10^{\text{power}(0.03(20-T))}$  if  $T$  is less than fifteen (15) degrees C, and

$B = 1$  if the pH is greater than or equal to 8 (if pH > 9.0 site-specific criteria should be defined), or

$B = (1 + 10^{\text{power}(7.4-pH)})/1.25$  if pH is less than 8 (if pH < 6.5 site-specific criteria should be defined), and

$C = 13.5$  if pH is greater than or equal to 7.7, or

$C = 20(10^{\text{power}(7.7-pH)})/(1 + 10^{\text{power}(7.4-pH)})$  if the pH is less than 7.7. (4-13-95)

i. Acute Criterion (Criterion Maximum Concentration (CMC)). The one (1) hour average concentration of total ammonia nitrogen (in mg N/L) is not to exceed, more than once every three (3) years, the value calculated using the following equation:

$$CMC = \frac{0.275}{1 + 10^{7.204 - pH}} + \frac{39.0}{1 + 10^{pH - 7.204}} \quad ( )$$

ii. Chronic Criterion (Criterion Continuous Concentration (CCC)). ( )

(1) The thirty (30) day average concentration of total ammonia nitrogen (in mg N/L) is not to exceed, more than once every three (3) years, the value calculated using the following equations: ( )

(a) When fish early life stages are likely present:

$$CCC = \left( \frac{0.0577}{1 + 10^{7.688 - pH}} + \frac{2.487}{1 + 10^{pH - 7.688}} \right) \cdot \text{MIN}(2.85, 1.45 \cdot 10^{0.028(25-T)}) \quad ( )$$

(b) When fish early life stages are likely absent:

$$CCC = \left( \frac{0.0577}{1 + 10^{7.688 - pH}} + \frac{2.487}{1 + 10^{pH - 7.688}} \right) \cdot 1.45 \cdot 10^{0.028(25-T)} \quad ( )$$

(2) The highest four-day (4) average within the thirty-day (30) period should not exceed two point five (2.5) times the CCC. ( )

(3) Because the Department presumes that many waters in the state may have both spring-spawning and fall-spawning species of fish present, early life stages of fish may be present throughout much of the year. Accordingly, the Department will apply the CCC for when fish early life stages are present at all times of the year unless: ( )

(a) Time frames during the year are identified when early life stages are unlikely to be present, and ( )

(b) The Department is provided all readily available information supporting this finding such as the fish species distributions, spawning periods, nursery periods, and the duration of early life stages found in the water body; and ( )

(c) The Department determines early life stages are likely absent. ( )

05. **Modified.** Water quality criteria for modified aquatic life will be determined on a case-by-case basis reflecting the chemical, physical, and biological levels necessary to *fully support* the existing aquatic life community. These criteria, when determined, will be adopted into ~~this rule~~ these rules. (4-5-00)( )

(BREAK IN CONTINUITY OF SECTIONS)

SUBSECTIONS 284.01.a., 284.01.b., 284.02.a., 284.02.b., 284.03.a., 284.03.b., AND 284.04.a.

**284. SOUTH FORK COEUR D'ALENE SUBBASIN, SUBSECTION 110.09, HUC 17010302, AQUATIC LIFE CRITERIA FOR CADMIUM, LEAD AND ZINC.**

The following criteria are to be met dependent upon the hardness, expressed as mg/l of calcium carbonate, of the water. Criterion maximum concentrations (CMC), one (1) hour average concentrations, and criterion continuous concentrations (CCC), four (4) day average concentrations, of the dissolved metals (in µg/l) are not to exceed, more than once every three (3) years, the values calculated using the following equations: ( )

**01. Cadmium.** ( )

a.  $CMC = 0.973 \times e^{[(1.0166 \times \ln(\text{hardness})) - 3.924]}$  ( )

b.  $CCC = [1.101672 - (\ln(\text{hardness}) \times 0.041838)] \times e^{[(0.7852 \times \ln(\text{hardness})) - 3.490]}$  ( )

**02. Lead.** ( )

a.  $CMC = e^{[(0.9371 \times \ln(\text{hardness})) + 1.1924]}$  ( )

b.  $CCC = e^{[(0.9371 \times \ln(\text{hardness})) - 0.9784]}$  ( )

**03. Zinc.** ( )

a.  $CMC = e^{[(0.6624 \times \ln(\text{hardness})) + 2.2235]}$  ( )

b.  $CCC = e^{[(0.6624 \times \ln(\text{hardness})) + 2.2235]}$  ( )

**04. Application.** ( )

a. The maximum hardness allowed for use in the equations in Section 284 shall not be greater than four hundred (400) mg/l even if the actual ambient hardness is greater than four hundred (400) mg/l. ( )

(BREAK IN CONTINUITY OF SECTIONS)

SUBSECTION 401.03.a.iv. AND 401.03.a.v.

**401. POINT SOURCE WASTEWATER TREATMENT REQUIREMENTS.**

**03. Treatment Requirements.** Unless more stringent limitations are necessary to meet the applicable requirements of Sections 200 through 300 or unless specific exemptions are made pursuant to Subsection 080.02 or 401.05, wastewaters discharged into surface waters of the state must have the following characteristics: (7-1-93)

a. Temperature - the wastewater must not affect the receiving water outside the mixing zone so that: (7-1-93)

- i. The temperature of the receiving water or of downstream waters will interfere with designated beneficial uses. (7-1-93)
- ii. Daily and seasonal temperature cycles characteristic of the water body are not maintained. (7-1-93)
- iii. If the water is designated for warm water ~~biota~~ aquatic life, the induced variation is more than plus two (+2) degrees C. (~~8-24-94~~)( )
- iv. If the water is designated for cold water ~~biota~~ aquatic life, seasonal cold water aquatic life, or salmonid spawning, the induced variation is more than plus one (+1) degree C. (~~8-24-94~~)( )
- v. If temperature criteria for the designated aquatic life use are exceeded in the receiving waters upstream of the discharge due to natural background conditions, then Subsections 401.03.a.iii. and 401.03.a.iv. do not apply and instead wastewater must not raise the receiving water temperatures by more than three tenths (0.3) degrees C. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**SUBSECTIONS 420.05.a., 420.05.a.i., 420.05.a.ii., 420.05.b., 420.05.b.i., AND 420.05.b.ii.**

**420. POINT SOURCE SEWAGE WASTEWATER DISCHARGE RESTRICTIONS.**

All provisions and requirements of Sections 400, 401, and 402 are applicable to sewage wastewater treatment facilities and their discharges. (8-24-94)

**05. Disinfection Requirements For Sewage Wastewater Treatment Plant Effluent.** When disinfection is determined to be required under Subsection 420.04, sewage wastewater treatment plant effluent must receive adequate disinfection by any disinfection process which satisfies the following applicable criteria, prior to discharge to any receiving water. (8-24-94)

a. ~~Fecal E. coliform~~ concentrations in secondary treated effluent (~~as determined by multiple tube fermentation or membrane filter procedures~~) must not exceed a geometric mean of ~~two one hundred and twenty-six (126) colonies per one hundred (200/100) ml (100) milliliters~~ based on ~~no more than one (1) week's data and a minimum of five (5) samples taken every three (3) to five (5) days over a thirty-day (30) period. A single sample must not exceed four hundred and six colonies per one hundred milliliters (406 colonies per 100 ml).~~ (~~7-1-93~~)( )

i. The samples must be representative of all samples collected during the ~~week~~ month; and (~~7-1-93~~)( )

ii. Geometric mean computations must be calculated and recorded ~~weekly~~ monthly. (~~7-1-93~~)( )

b. On an interim basis, pending the addition of secondary treatment, E. coli concentrations in primary effluent must not exceed contain fecal coliform E. coli concentrations (as determined by multiple tube fermentation or membrane filter procedures) not exceeding a geometric mean of four two hundred and fifty-two (252) colonies per one hundred (100) milliliters based on one hundred (400/100) ml with no more than one (1) sample per week exceeding one thousand/one hundred (1,00/100) ml, based on no more than one (1) week's data and a minimum of five (5) samples taken every three (3) to five (5) days over a thirty-day (30) period. A single sample must not exceed eight hundred and twelve colonies per one hundred milliliters (812 colonies per 100 ml). (~~7-1-93~~)( )

i. The samples must be representative of all samples collected during the ~~week~~ month; (~~7-1-93~~)( )

ii. Geometric mean computations must be calculated and recorded ~~weekly~~ monthly; and (~~7-1-93~~)( )

## IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

### 58.01.02 - WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIREMENTS

DOCKET NO. 58-0102-0201

#### 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 Sections 39-105, 39-107, 39-119, and 39-3601 et seq., Idaho Code.

**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 Nancy Bowser at (208)373-0502 or nbowser@deq.state.id.us.

**January 31, 2002, from 9 a.m. to 5 p.m.**  
**Department of Environmental Quality**  
**Conference Room B**  
**1410 N. Hilton, Boise, Idaho**

**PRELIMINARY DRAFT:** By January 16, 2002, DEQ will make available a preliminary draft of the rule. The preliminary draft can be obtained on or after that date at [www2.state.id.us/deq/rules/58-0102-0201.htm](http://www2.state.id.us/deq/rules/58-0102-0201.htm) or by contacting Lorie Duran at (208)373-0502 or lduran@deq.state.id.us.

**DESCRIPTIVE SUMMARY:** This rulemaking has been undertaken to adopt and implement a public wastewater operator certification program as required by Section 39-105(3)(i), Idaho Code. The purpose of this program is to ensure that operators of public wastewater treatment facilities have the technical expertise and certification to operate wastewater facilities in a manner to protect human health and the source waters of the state. The rules will provide consistency and standardization in nine areas:

- (1) Definition of a public wastewater facility to identify facilities affected by rule;
- (2) A classification system for operators and wastewater collection systems and wastewater treatment facilities;
- (3) Operator qualifications;
- (4) Certification renewal;
- (5) Ongoing professional growth requirements;
- (6) Re-certification;
- (7) Enforcement provisions for noncompliance;
- (8) Resources needed to implement the new rules; and
- (9) Ongoing stakeholder involvement.

The following topics will also be discussed and evaluated for inclusion into the new rules: reciprocity, confidentiality, contracting options, grandparenting rights, certification and wastewater permit program correlation, and periodic program and rule reviews.

The new rules will affect wastewater operators, the Idaho Water and Wastewater Operator Certification Board, wastewater permit programs, wastewater collection system owners, wastewater treatment facility owners, Association of Idaho Cities, Pacific Northwest Pollution Control Association, operator trainers, other special interest groups, and the general public.

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.

**FEE SUMMARY:** The rules will allow reasonable fees to be charged for application, examination and annual renewals. The fees will be used to help fund the ongoing costs of administering the wastewater certification program. Indirect fees will result from continuing education requirements. Imposition of the fees is authorized by Section 39-

119, Idaho Code.

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

**ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS:** For assistance on questions concerning this rulemaking, contact Nancy Bowser at (208)373-0502 or [nbowser@deq.state.id.us](mailto:nbowser@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 February 6, 2002.

Dated this 4th day of December, 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](mailto:pgradwoh@deq.state.id.us)

## **IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**

### **58.01.05 - RULES AND STANDARDS FOR HAZARDOUS WASTE**

**DOCKET NO. 58-0105-0101**

#### **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 Chapters 44 and 58, Title 39, Idaho Code. In addition, 40 CFR 271.21(e) and Section 39-4404, Idaho Code, require the Department of Environmental Quality (DEQ) to adopt amendments to federal law as proposed under this docket.

**DESCRIPTIVE SUMMARY:** A detailed summary of the reasons for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, Volume 01-9, September 5, 2001, pages 207 through 214. The agency received no public comments and the rule has been adopted as initially proposed. The rulemaking record can be obtained by contacting the undersigned.

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this rule, contact John Brueck at (208)373-0502 or [jbrueck@deq.state.id.us](mailto:jbrueck@deq.state.id.us).

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](mailto:pgradwoh@deq.state.id.us)

---

### **IDAPA 58, TITLE 01, Chapter 05**

#### **RULES AND STANDARDS FOR HAZARDOUS WASTE**

**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 207 through 214.**

**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**

### **58.01.08 - IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS**

**DOCKET NO. 58-0108-0101**

#### **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 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 142.10(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.

**DESCRIPTIVE SUMMARY:** A detailed summary of the reasons for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, Volume 01-7, July 4, 2001, pages 196 through 220. The agency received no public comments on the proposal, and the rule has been adopted as initially proposed. The rulemaking record can be obtained by contacting the undersigned.

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this rule, contact Tom Aucutt ([taucutt@deq.state.id.us](mailto:taucutt@deq.state.id.us)) or Jerri Henry ([jhenry@deq.state.id.us](mailto:jhenry@deq.state.id.us)), (208)373-0502.

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](mailto:pgradwoh@deq.state.id.us)

---

### **IDAPA 58, TITLE 01, Chapter 08**

#### **IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS**

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 01-7, July 4, 2001, pages 196 through 220.**

**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**

### **58.01.14 - RULES FOR ADMINISTRATION ON AGRICULTURAL WATER QUALITY PROGRAM**

#### **DOCKET NO. 58-0114-0101 - (REPEAL OF CHAPTER)**

#### **NOTICE OF RULEMAKING - PENDING RULE**

**EFFECTIVE DATE:** This repeal of the Rules for Administration of Agricultural Water Quality Program 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, 39-107, and 39-3601, 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 01-10, October 3, 2001, page 809. 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](http://www.state.id.us/deq).

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on questions concerning this rulemaking, contact the undersigned.

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](mailto:pgradwoh@deq.state.id.us)

---

### **IDAPA 58, TITLE 01, Chapter 14**

#### **RULES FOR ADMINISTRATION ON AGRICULTURAL WATER QUALITY PROGRAM**

**IDAPA 58.01.14 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 809.**

**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**

### **58.01.23 - RULES OF ADMINISTRATIVE PROCEDURE BEFORE THE BOARD OF ENVIRONMENTAL QUALITY**

**DOCKET NO. 58-0123-0001**

#### **NOTICE OF TEMPORARY RULEMAKING**

**EFFECTIVE DATE:** This temporary rule was effective November 9, 2001.

**AUTHORITY:** In compliance with Idaho Code Section 67-5226, notice is hereby given that the Board of Environmental Quality (Board) has adopted a temporary rule. The action is authorized by Sections 39-105 and 39-107, Idaho Code.

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

In June 2001 the Board adopted "Rules of Administrative Procedure Before the Board of Environmental Quality", IDAPA 58.01.23, as pending rules awaiting legislative review before becoming final and effective. The pending rules published in Idaho Administrative Bulletin, Volume 01-8, August 1, 2001. Until the pending rules are effective, and prior to this temporary adoption, contested cases before the Board had been governed by the Department of Health and Welfare Rules Governing Contested Case Proceedings and Declaratory Rulings, IDAPA 16.05.03, effective at the time DEQ became a department (Health and Welfare Rules). Sections 39-106(3) and 39-107(10), Idaho Code. The Board was directed by the Legislature to adopt rules and to make the transition from the Department of Health and Welfare by a certain date. Section 39-107(9), Idaho Code. The Health and Welfare Rules have recently been revised, making them even more unsuitable for DEQ contested cases and raising the potential for confusion regarding the rules applicable to contested cases before the Board of Environmental Quality. Temporary adoption of the pending Rules of Administrative Procedure Before the Board of Environmental Quality enables the Board to conduct DEQ contested cases under rules designed for DEQ rather than under another agency's rules and avoids any potential confusion regarding the rules applicable to such contested cases.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Sections 67-5226(1)(b) and (c), Idaho Code, the Governor has found that temporary adoption of these rules is necessary to meet deadlines in legislation and will benefit the public and DEQ in that DEQ contested cases will be conducted under pending rules already adopted by the Board of Environmental Quality rather than continuing to operate under the Health and Welfare Rules.

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this rule, contact Paula Gradwohl at (208)373-0418 or [pgradwoh@deq.state.id.us](mailto:pgradwoh@deq.state.id.us).

Dated this 13th 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](mailto:pgradwoh@deq.state.id.us)

**This docket was previously published as a Proposed Rule.**

**The original text of the Proposed Rule published in the Idaho Administrative Bulletin, Volume 01-8, August 2, 2000, pages 166 through 184.**

**The Pending Rule was published in the Idaho Administrative Bulletin, Volume 01-8, August 1, 2001, pages 176 through 202.**

**Pursuant to Section 67-5226, Idaho Code, the entire text of the Temporary Rule is being published in this Bulletin following this notice.**

---

**THE FOLLOWING IS THE TEXT OF TEMPORARY RULE - DOCKET NO. 58-0123-0001**

---

**IDAPA 58**  
**TITLE 01**  
**Chapter 23**

**58.01.23 - RULES OF ADMINISTRATIVE PROCEDURE BEFORE THE BOARD OF ENVIRONMENTAL QUALITY**

**000. LEGAL AUTHORITY.**

Under Sections 39-105, 39-107 and 67-5206, Idaho Code, the Idaho Legislature has granted the Board of Environmental Quality the authority to promulgate these rules. (11-9-01)T

**001. TITLE, SCOPE, AND APPLICABILITY.**

**01. Title.** These rules are shall be cited as IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality". (11-9-01)T

**02. Scope.** These rules establish general standards for contested case proceedings, petitions for rulemaking, and declaratory ruling proceedings, and rulemaking procedures as required by law. (11-9-01)T

**03. Applicability Of Contested Case Provisions.** Section 39-107, Idaho Code, provides the opportunity to initiate a contested case proceeding. It provides that any person aggrieved by an action or inaction of the Department shall be afforded an opportunity for a fair hearing upon a request therefore in writing pursuant to Chapter 52, Title 67, Idaho Code. These rules govern such proceedings, except for the following: (11-9-01)T

a. Hazardous Waste Permit Program--Procedures for Decision Making. The procedure for decision making regarding all hazardous waste permits, including all hearings and administrative appeals, shall be governed by Rules of the Idaho Department of Environmental Quality, IDAPA 58.01.05, Section 013, "Rules and Standards for Hazardous Waste". (11-9-01)T

b. Personnel Grievances and Employment Related Actions. Personnel grievances and employment related actions are governed by IDAPA 15.04.01, "Rules of the Division of Human Resources and Personnel Commission," and the DEQ Personnel Policies and Procedures Manual. (11-9-01)T

**002. WRITTEN INTERPRETATIONS.**

As described in Section 67-5201(19)(b)(iv), Idaho Code, the Department of Environmental Quality may have written statements which pertain to the interpretation of these rules. If available, such written statements can be inspected and copied at cost at the Department of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83706-1255. (11-9-01)T

**003. ADMINISTRATIVE PROCEDURES.**

These rules govern administrative procedures before the Board of Environmental Quality. (11-9-01)T

**004. INCORPORATION BY REFERENCE.**

These rules do not contain documents incorporated by reference. (11-9-01)T

**005. CONFIDENTIALITY OF RECORDS.**

Information obtained by the Department under these rules is subject to public disclosure pursuant to the provisions of Chapter 3, Title 9, Idaho Code, and IDAPA 58.01.21, "Rules Governing the Protection and Disclosure of Records in the Possession of the Idaho Department of Environmental Quality". (11-9-01)T

**006. APPLICABILITY OF RULES OF ADMINISTRATIVE PROCEDURE OF THE ATTORNEY GENERAL.**

The Environmental Protection and Health Act, Title 39, Chapter 1, Idaho Code, provides specific authority for the Board to adopt contested case rules that are consistent with the rules adopted by the Attorney General under Section 67-5206(4), Idaho Code. To the extent possible given the statutory authority of, and the programs administered by, the Department, the contested case provisions in these rules are consistent with the provisions of IDAPA 04.11.01, "Idaho Rules of Administrative Procedures of the Attorney General" (Attorney General Rules). The majority of the Attorney General Rules are adopted; however, certain provisions of the Attorney General Rules are not adopted or are modified to reflect administrative practice before the Board and the Environmental Protection and Health Act. (11-9-01)T

**007. RULES OF GENERAL PROCEDURE AND DEFINITIONS.**

Sections 007 through 013 establish provisions and definitions applicable to all proceedings governed by these rules. (11-9-01)T

**008. FILING AND SERVICE OF DOCUMENTS.**

**01. Filing of Documents.**

(11-9-01)T

a. All documents concerning actions governed by these rules shall be filed with the hearing coordinator at the following address: Hearing Coordinator, Department of Environmental Quality, 1410 N. Hilton, Boise, ID 83706-1255, FAX No. (208)373-0481. Pleadings and other documents may be filed by facsimile transmission (FAX). The originating party is responsible for retaining proof of filing by FAX. The documents are deemed to be filed on the date received by the hearing coordinator. Upon receipt of the filed document, the hearing coordinator will provide a conformed copy to the originating party. (11-9-01)T

b. Upon receipt of a petition initiating a contested case, rulemaking, or declaratory ruling, the hearing coordinator shall serve the petition upon the Department. In any proceeding involving a permit, the hearing coordinator shall serve upon the permit applicant or permit holder the petition and a notice informing the permit applicant or permit holder that they have twenty-one (21) days after the date of service of the petition to intervene in the proceeding and that they may be bound by any decision rendered in the proceeding. (11-9-01)T

**02. Service of Documents.** From the time a party files its petition initiating a contested case, rulemaking or, declaratory ruling, that party must serve and all other parties must serve all future documents intended to be part of the agency record upon all other parties or representatives designated pursuant to Section 044, unless otherwise directed by order or notice or by the presiding officer. The presiding officer may order parties to serve past documents filed in the case upon those representatives. The parties may serve courtesy copies upon the presiding officer. (11-9-01)T

**009. 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 a.m. to 5 p.m. Monday through Friday. (11-9-01)T

**010. DEFINITIONS AND ABBREVIATIONS.**

**01. Aggrieved Person Or Person Aggrieved.** Any person or entity with legal standing to challenge an action or inaction of the Department, including but not limited to permit holders and applicants for permits challenging Department permitting actions. (11-9-01)T

**02. Board.** The Idaho Board of Environmental Quality. (11-9-01)T

**03. Contested Case.** A proceeding resulting in an order, in which the legal rights, duties, licenses, privileges, immunities, or other legal interests of one (1) or more specific persons are required by law to be determined by the Board after an opportunity for a hearing. Contested case does not include rulemaking or Personnel grievances and employment related actions, or proceedings pursuant to the hazardous waste permit program governed by the Rules of the Department of Environmental Quality, IDAPA 58.01.05, "Rules and Standards for Hazardous Waste." (11-9-01)T

**04. Declaratory Ruling.** An interpretation by the Board, rendered pursuant to Section 67- 5232, Idaho Code, as to the applicability of any statute, order, or rule of the Board to a person's circumstances. (11-9-01)T

**05. Department Or DEQ.** The Idaho Department of Environmental Quality. (11-9-01)T

**06. Director.** The Director of the Department of Environmental Quality. (11-9-01)T

**07. Hearing Coordinator.** The Person who coordinates, schedules, issues notices, and administers actions governed by these rules on behalf of the presiding officer. The hearing coordinator assigns a permanent docket number to each action for purposes of identification and acts as custodian of records for all information and documentation involving actions governed by these rules. The hearing coordinator's mailing address and phone number is: Department of Environmental Quality, 1410 N. Hilton, Boise, ID 83706-1255, (208)373-0418, FAX (208)373-0481. (11-9-01)T

**08. Hearing Officer.** A Person appointed or designated by the Board, who presides over actions governed by these rules and who may act as the presiding officer. The hearing officer cannot be an employee of the Department. (11-9-01)T

**09. Idaho Administrative Bulletin.** The Idaho Administrative Bulletin established in Chapter 52, Title 67, Idaho Code. (11-9-01)T

**10. Order.** An agency action of particular applicability that determines the legal rights, duties, privileges, immunities, or other legal interests of one (1) or more specific persons. (11-9-01)T

**11. Party.** Each person or agency named or admitted as a party. A party to a contested case shall be one (1) of the following: (11-9-01)T

a. **Petitioner.** Any person aggrieved by an action or inaction of the Department who files, in accordance with these rules and Section 39-107, Idaho Code, a written petition for a determination of or appeal of his rights, duties, licenses or interests and any person who files a petition for a declaratory ruling or petition to initiate rulemaking. (11-9-01)T

b. **Respondent.** Any person who responds to a petition filed in accordance with these rules. (11-9-01)T

c. **Intervenor.** Any person, other than the petitioner or respondent, who is permitted to participate as a party pursuant to Sections 350 through 354. (11-9-01)T

**12. Person.** Any individual, partnership, corporation, association, governmental subdivision, department, agency or instrumentality, or public and private organization or entity of any character. (11-9-01)T

**13. Petition.** Pleadings initiating a contested case, rulemaking, or declaratory ruling, or to intervene filed in accordance with these rules. (11-9-01)T

**14. Pleadings.** All documents filed by any party in a contested case proceeding. (11-9-01)T

**15. Presiding Officer(s).** One (1) or more members of the Board or a duly appointed hearing officer. When more than one (1) officer sits at hearing, they may all jointly be presiding officers or may designate one (1) of them to be the presiding officer. (11-9-01)T

**011. LIBERAL CONSTRUCTION.**

The rules in this chapter will be liberally construed to secure just, speedy and economical determination of all issues presented to the agency. Unless required by statute, or otherwise expressly provided in these rules or order of the presiding officer, the Idaho Rules of Civil Procedure and the Idaho Rules of Evidence do not apply to contested case proceedings conducted before the agency. (11-9-01)T

**012. IDENTIFICATION OF PLEADINGS.**

Parties' pleadings addressing or pertaining to a given proceeding should be written under that proceeding's case caption and case number, if applicable. (11-9-01)T

**013. COMPUTATION OF TIME.**

In computing any period of time prescribed or allowed by these rules or by order of the presiding officer, the date of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, a Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, a Sunday nor a holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation. (11-9-01)T

**014. -- 042. (RESERVED).**

**043. RULES GOVERNING DECLARATORY RULING AND CONTESTED CASE PROCEEDINGS.**

Sections 043 through 048 establish provisions governing declaratory ruling and contested case proceedings. (11-9-01)T

**044. INITIAL PLEADING BY PARTY -- LISTING OF REPRESENTATIVES.**

The initial pleading of each party to a contested case and declaratory ruling must name the party's representative(s) for service and state the representative's(s') address(es) for purposes of receipt of all official documents. No more than two (2) representatives for service of documents may be listed in an initial pleading. Service of documents on the named representative(s) is valid service upon the party for all purposes in that proceeding. If no person is explicitly named as the party's representative, the person signing the pleading will be considered the party's representative. If an initial pleading is signed by more than one (1) person without identifying the representative(s) for service of documents, the presiding officer may select the person(s) upon whom documents are to be served. If two (2) or more parties or persons file identical or substantially like initial pleadings, the presiding officer may limit the number of parties or persons required to be served with official documents in order to expedite the proceeding and reasonably manage the burden of service upon the parties. (11-9-01)T

**045. REPRESENTATION OF PARTIES.**

**01. Appearances And Representation.** Unless otherwise authorized or required by law, appearances and representation of parties or other persons at contested case or declaratory ruling proceedings must be as follows: (11-9-01)T

a. **Natural Person.** A natural person may represent himself or herself or be represented by an attorney or, if the person lacks full legal capacity to act for himself or herself, then by a legal guardian or guardian ad litem or representative of an estate. (11-9-01)T

- b. A general partnership may be represented by a partner or an attorney. (11-9-01)T
- c. A corporation, or any other business entity other than a general partnership, shall be represented by an attorney. (11-9-01)T
- d. A municipal corporation, local government agency, unincorporated association or nonprofit organization shall be represented by an attorney. (11-9-01)T
- e. A state, federal or tribal governmental entity or agency shall be represented by an attorney. (11-9-01)T

**02. Representation.** The representatives of parties at a hearing, and no other persons or parties, are entitled to examine witnesses and make or argue motions. (11-9-01)T

**046. -- 047. (RESERVED).**

**048. SUBSTITUTION OF REPRESENTATIVE -- WITHDRAWAL OF REPRESENTATIVE.**  
A party's representative may be changed and a new representative may be substituted by notice to all parties so long as the proceedings are not unreasonably delayed. The presiding officer may permit substitution of representatives at the hearing in the presiding officer's discretion. Persons representing a party who wish to withdraw their representation of a party in a proceeding must immediately file a motion to withdraw representation and serve that motion on the party represented and all other parties. (11-9-01)T

**049. RULES GOVERNING DECLARATORY RULING PROCEEDINGS.**  
Sections 049 through 052 establish provisions governing declaratory ruling proceedings. (11-9-01)T

**050. FORM AND CONTENTS OF PETITION FOR DECLARATORY RULINGS.**  
Any person petitioning for a declaratory ruling on the applicability of a statute, rule or order administered by the Department must comply with this rule. (11-9-01)T

- 01. Form.** The petition shall: (11-9-01)T
  - a. Identify the petitioner and state the petitioner's interest in the matter; (11-9-01)T
  - b. State the declaratory ruling that the petitioner seeks; and (11-9-01)T
  - c. Indicate the statute, order, rule, or other controlling law, and the factual allegations upon which the petitioner relies to support the petition. (11-9-01)T

**02. Legal Assertions.** Legal assertions in the petition may be accompanied by citations of cases and/or statutory provisions. (11-9-01)T

**051. NOTICE OF PETITION FOR DECLARATORY RULING.**  
If the Board determines that the subject matter of a petition for declaratory ruling is of interest to the public, notice of receipt of the petition may be issued by the Board pursuant to the requirements of Chapter 1, Title 60, Idaho Code. (11-9-01)T

**052. PETITIONS FOR DECLARATORY RULINGS TO BE DECIDED BY ORDER.**

**01. Final Agency Action.** The Board's decision on a petition for declaratory ruling on the applicability of any statute, rule or order administered by the Department is a declaratory ruling and a final agency action within the meaning of Section 67-5255, Idaho Code. (11-9-01)T

**02. Content.** The Board's order issuing the declaratory ruling shall contain or must be accompanied by a document containing the following paragraphs or substantially similar paragraphs: (11-9-01)T

- a. This is a final agency action issuing a declaratory ruling. (11-9-01)T
- b. Pursuant to Sections 67-5270 and 67-5272, Idaho Code, any person aggrieved by this declaratory ruling may appeal to district court by filing a petition in the District Court in the county in which: (11-9-01)T
- i. A hearing was held; (11-9-01)T
- ii. The declaratory ruling was issued; (11-9-01)T
- iii. The party appealing resides, or operates its principal place of business in Idaho; or (11-9-01)T
- iv. The real property or personal property that was the subject of the declaratory ruling is located. (11-9-01)T
- c. This appeal must be filed within twenty-eight (28) days of the service date of the declaratory ruling. See Section 67-5273, Idaho Code. (11-9-01)T

**053. -- 098. (RESERVED).**

**099. RULES GOVERNING CONTESTED CASE PROCEEDINGS.**

Sections 099 through 791 establish provisions governing contested case proceedings. (11-9-01)T

**100. TIME PERIOD FOR FILING PETITION TO INITIATE CONTESTED CASE.**

The individual program rules for time limitations within which certain actions must be taken or documents filed shall be followed. In the event there is no provision in the Idaho Code or other specific rule, an aggrieved person shall have thirty-five (35) days from the date of the action or inaction of the Department to file a petition initiating a contested case. (11-9-01)T

**101. DEPARTMENT ACTION NOT STAYED.**

An action or inaction of the Department, which is the subject of a proceeding governed by these rules, is not stayed unless, upon a motion filed by a party, it is so ordered by the presiding officer. This section does not apply to Department action governed by Section 67-5254(1), Idaho Code. (11-9-01)T

**102. PETITIONER HAS BURDEN OF PROOF.**

Unless otherwise provided by statute, the petitioner in a contested case has the burden of proving by a preponderance of the evidence, the allegations in the petition. (11-9-01)T

**103. DISMISSAL OF INACTIVE CONTESTED CASES.**

In the absence of a showing of good cause for retention, any contested case in which no action has been taken for a period of six (6) months shall be dismissed. At least fourteen (14) days prior to such dismissal, the notice of the pending dismissal shall be served on all parties by mailing the notice to the last known addresses most likely to give notice to the parties. (11-9-01)T

**104. -- 206. (RESERVED).**

**207. CONDUCT REQUIRED.**

Representatives of parties and parties appearing in a proceeding must conduct themselves in an ethical and courteous manner. (11-9-01)T

**208. TAKING OF APPEARANCES -- PARTICIPATION BY DEPARTMENT STAFF.**

The presiding officer at a formal hearing or prehearing conference will take appearances to identify the representatives of all parties or other persons. In all proceedings in which the department staff will participate, or any report or recommendation of the department staff will be considered or used in reaching a decision, at the timely request of any party the department staff must appear at any hearing and be available for cross-examination. (11-9-01)T

**209. RESERVED.**

**210. PLEADINGS IN CONTESTED CASES LISTED -- MISCELLANEOUS.**

Pleadings in contested cases may include petitions, responses, motions, and objections. Affidavits may also be filed. A party's initial pleading in any proceeding must comply with Section 044. All pleadings filed during the proceeding must be filed in accordance with Sections 008 and 300 through 302. A party may adopt or join in any other party's pleading. Two (2) or more separately stated grounds, claims or answers concerning the same subject matter may be included in one (1) pleading. (11-9-01)T

**211. PETITIONS TO INITIATE CONTESTED CASE -- DEFINED -- FORM AND CONTENTS.**

- 01. Defined.** The pleading initiating a contested case is called a "petition". (11-9-01)T
- 02. Form And Contents.** The form and contents of a petition initiating contested cases shall: (11-9-01)T
- a. Fully state the facts upon which it is based, including the specific alleged action or inaction of the Department; (11-9-01)T
- b. Refer to the particular provisions of statute, rule, order or other controlling law upon which it is based; (11-9-01)T
- c. State the relief sought; and (11-9-01)T
- d. State the name of the person petitioned against (the respondent), if any. (11-9-01)T
- e. State the basis for the petitioner's legal standing to initiate the contested case. (11-9-01)T

**212. RESPONSES IN CONTESTED CASES -- DEFINED -- FORM AND CONTENTS.**

- 01. Defined.** The pleading filed by the respondent in response to the petition initiating the contested case is called a "response". (11-9-01)T
- 02. Form And Contents.** The form and contents of a response to a petition initiating a contested case shall: (11-9-01)T
- a. Separately admit or deny to each factual averment in the petition; (11-9-01)T
- b. Separately admit or deny the applicability of each legal authority asserted in the petition; (11-9-01)T
- c. Fully state any additional facts necessary to decision of the contested case; (11-9-01)T
- d. Refer to any additional provisions of statute, rule, order or other controlling law upon which it is based; and (11-9-01)T
- e. State the relief sought. (11-9-01)T
- 03. Filing And Service.** Responses to petitions must be filed and served on all parties of record within twenty-one (21) days after service of the petition, unless an order modifies the time within which a response may be made, or a motion to dismiss is filed within twenty-one (21) days. When a response is not timely filed under this rule, the presiding officer may enter a default order pursuant to Sections 700 through 702. (11-9-01)T

**213. MOTIONS -- DEFINED -- FORM AND CONTENTS.**

- 01. Defined.** All pleadings requesting the Board or presiding officer to take any action in a contested case, except petitions, are called "motions". Motions include, but are not limited to, those allowed by the Idaho Rules of Civil Procedure. (11-9-01)T

**02. Procedure On Prehearing Motions.** The presiding officer may consider and decide prehearing motions with or without oral argument or hearing. If oral argument or hearing on a motion is requested and denied, the presiding officer must state the grounds for denying the request. Unless otherwise provided by the presiding officer, motions for summary judgment shall be governed by the Idaho Rules of Civil Procedure, including the form, standard for determining, procedure and time frames for filing and responding. For any other motion, unless otherwise provided by the presiding officer, when a motion has been filed, all parties seeking similar substantive or procedural relief must join in the motion or file a similar motion within seven (7) days after receiving the original motion. The party(ies) responding to the motion(s) will have fourteen (14) days to respond. The presiding officer may allow an opportunity for the movant to file a reply brief. (11-9-01)T

**214. -- 299. (RESERVED).**

**300. FORM OF PLEADINGS.**

**01. Pleadings.** All pleadings, except those on agency forms, submitted by a party and intended to be part of an agency record should: (11-9-01)T

- a. Be submitted on white eight and one-half inch (8 1/2") by eleven inch (11") paper copied on one (1) side only; (11-9-01)T
- b. State the case caption, case number, if applicable, and title of the document; (11-9-01)T
- c. Include on the upper left corner of the first page the name(s), mailing and street address(es), and telephone and FAX number(s) of the person(s) filing the document or the person(s) to whom questions about the document can be directed; and (11-9-01)T
- d. Have at least one inch (1") left and top margins. (11-9-01)T

**02. Form.** Documents complying with this rule will be in the following form:

Name of Representative  
Mailing Address of Representative  
Street Address of Representative (if different)  
Telephone Number of Representative  
FAX Number of Representative (if there is one)  
Attorney/Representative for (Name of Party)

BEFORE THE BOARD OF ENVIRONMENTAL QUALITY

(Title of Proceeding) ) (CASE NO.)  
 ) )  
 ) ) (TITLE OF DOCUMENT)  
 ) ) (11-9-01)T

**301. (RESERVED).**

**302. PROOF OF SERVICE.**

Every document meeting the requirements for service set out in Section 008 must be attached to or accompanied by proof of service by the following or similar certificate:

I hereby certify that on this (insert date), a true and correct copy of the foregoing (insert name of document) was served on the following as indicated below:  
(insert names and addresses of parties and method of delivery (first class U.S. mail, facsimile, hand-delivery, or overnight express))

(Signature)

(11-9-01)T

**303. DEFECTIVE, INSUFFICIENT OR UNTIMELY PLEADINGS.**

Defective, insufficient or untimely pleadings shall not be considered unless the presiding officer determines otherwise, but the presiding officer shall not consider a petition that is filed outside the time limit set forth in Section 100. (11-9-01)T

**304. AMENDMENTS TO PLEADINGS -- WITHDRAWAL OF PLEADINGS.**

The presiding officer may allow any pleading to be amended or corrected or any omission to be supplied. Pleadings will be liberally construed, and defects that do not affect substantial rights of the parties will be disregarded. A party desiring to withdraw a pleading must file a notice of withdrawal of the pleading and serve all parties with a copy. Unless otherwise ordered by the presiding officer, the notice is effective fourteen (14) days after filing. (11-9-01)T

**305. -- 349. (RESERVED).**

**350. INTERVENTION.**

Persons not petitioners or respondents to a proceeding who claim a direct and substantial interest in the proceeding may petition for an order from the presiding officer granting intervention to become a party. (11-9-01)T

**351. FORM AND CONTENTS OF PETITIONS TO INTERVENE.**

Petitions to intervene must comply with Sections 200 through 349. The petition must set forth the name and address of the potential intervenor and must state the direct and substantial interest of the potential intervenor in the proceeding. If affirmative relief is sought, the petition must state the relief sought and the basis for granting it. (11-9-01)T

**352. TIMELY FILING OF PETITIONS TO INTERVENE.**

**01. General.** Petitions to intervene must be filed at least fourteen (14) days before the date set for the prehearing conference unless a different time is provided by order or notice. (11-9-01)T

**02. Proceedings Involving a Permit.** In any proceeding involving a permit, petitions to intervene by the permit applicant or permit holder must be filed within twenty-one (21) days after service of the initiating petition as provided in Subsection 008.01.b. (11-9-01)T

**03. Petitions Not Timely Filed.** Petitions not timely filed must state a substantial reason for delay. The presiding officer may deny or conditionally grant petitions to intervene that are not timely filed for failure to state good cause for untimely filing, to prevent disruption, prejudice to existing parties or undue broadening of the issues, or for other reasons. Intervenors are bound by orders and notices entered earlier in the proceeding. (11-9-01)T

**353. GRANTING PETITIONS TO INTERVENE.**

If a petition to intervene shows direct and substantial interest in any part of the subject matter of a proceeding, does not unduly broaden the issues, and will not cause delay or prejudice to the parties, the presiding officer may grant intervention, subject to reasonable conditions. In addition, upon timely filing of a petition in accordance with Subsection 352.02, a permit applicant or permit holder may intervene as a matter of right in any contested case in which the permit is contested. (11-9-01)T

**354. ORDERS GRANTING INTERVENTION -- OBJECTIONS.**

No petition to intervene will be acted upon fewer than seven (7) days after its filing. Any party opposing a petition to intervene, must file the objection within seven (7) days after receipt of the petition to intervene and serve the objection upon all parties of record and upon the person petitioning to intervene. (11-9-01)T

**355. -- 409. (RESERVED).**

**410. BOARD MEMBERS AS PRESIDING OFFICERS, APPOINTMENT OF HEARING OFFICERS -- NOTICE.**

One (1) or more members of the Board may act as the presiding officer in a contested case. The Board may appoint a hearing officer to act as the presiding officer on behalf of the Board. Hearing officers may be (but need not be)

attorneys. Hearing officers who are not attorneys should ordinarily be persons with technical expertise or experience in issues before the Board. The hearing coordinator shall administer the appointment of the hearing officer. Notice of appointment of a hearing officer and notice of those Board members who will act as presiding officers shall be served on all parties. (11-9-01)T

**411. (RESERVED).**

**412. DISQUALIFICATION OF OFFICERS HEARING CONTESTED CASES.**

Presiding officers, including hearing officers appointed by the Board, may be disqualified as provided in Section 67-5252, Idaho Code. (11-9-01)T

**413. SCOPE OF AUTHORITY OF PRESIDING OFFICERS.**

Unless the Board otherwise provides, presiding officers have the following authority: (11-9-01)T

**01. Authority to Schedule Cases.** Authority to schedule cases, including authority to issue notices of prehearing conference and of hearing, as appropriate; (11-9-01)T

**02. Authority to Schedule and Compel Discovery.** Authority to schedule, limit or compel discovery and to require advance filing of expert testimony; (11-9-01)T

**03. Authority to Preside at Hearings.** Authority to preside at and conduct hearings, accept evidence into the record, rule upon objections to evidence, and otherwise oversee the orderly presentations of the parties at hearing; and (11-9-01)T

**04. Authority to Issue a Written Decision.** Authority to issue a written decision, including a narrative of the proceedings before the presiding officer and findings of fact, conclusions of law, and preliminary or recommended orders. (11-9-01)T

**414. (RESERVED).**

**415. CHALLENGES TO STATUTES.**

A presiding officer in a contested case has no authority to declare a statute unconstitutional. However, when a court of competent jurisdiction whose decisions are binding precedent in the state of Idaho has declared a statute or rule unconstitutional and the presiding officer finds that the same state statute or rule or a substantively identical state statute or rule that would otherwise apply has been challenged in the proceeding before the presiding officer, then the presiding officer shall decide the proceeding in accordance with the precedent of the court. (11-9-01)T

**416. REVIEW OF RULES.**

When an order is issued by the Board in a contested case, the order may consider and decide whether a rule is within the Board's substantive rulemaking authority. The Board may also review whether a rule has been promulgated according to proper procedure, if noncompliance with procedural requirements is raised within the time limits set forth in Section 67-5231, Idaho Code. The Board may delegate to a presiding officer the authority to recommend a decision on issues of whether a rule is within the Board's substantive rulemaking authority or whether the rule has been promulgated according to proper procedure or may retain all such authority itself. (11-9-01)T

**417. EX PARTE COMMUNICATIONS.**

Unless required for the disposition of a matter specifically authorized by statute to be done ex parte, a presiding officer serving in a contested case shall not communicate, directly or indirectly, regarding any substantive issue in the contested case with any party, except upon notice and opportunity for all parties to participate in the communication. The presiding officer may communicate ex parte with a party concerning procedural matters (e.g., scheduling). When a presiding officer becomes aware of a written ex parte communication regarding any substantive issue from a party or representative of a party during a contested case, the presiding officer shall place a copy of the communication in the file for the case and order the party providing the written communication to serve a copy of the written communication upon all parties of record. Written communications from a party showing service upon all other parties are not ex parte communications. (11-9-01)T

**418. -- 499. (RESERVED).**

**500. ALTERNATIVE RESOLUTION OF CONTESTED CASES.**

The Idaho Legislature encourages informal means of alternative dispute resolution (ADR) and the parties to a contested case may agree to use ADR. For contested cases, the means of ADR include, but are not limited to, settlement negotiations, mediation, fact finding, minitrials, and arbitration, or any combination of them. (11-9-01)T

**501. NEUTRALS.**

When alternate dispute resolution (ADR) is agreed by the parties to be used for all or a portion of a contested case, a neutral may be used to assist the parties in resolving their disputed issues. The neutral may be an employee of another state agency or any other individual who is acceptable to the parties to the proceeding. A neutral shall have no official, financial, or personal conflict of interest with respect to the issues in controversy, unless such interest is disclosed in writing to all parties and all parties agree that the neutral may serve. (11-9-01)T

**502. -- 509. (RESERVED).**

**510. PREHEARING CONFERENCE.**

**01. Prehearing Conference.** As soon as reasonably possible after the Department files its response to the petition for contested case, the presiding officer shall, upon written or other sufficient notice to all parties, hold a prehearing conference for the following purposes: (11-9-01)T

a. To determine deadlines for the information exchange required by Section 540, other discovery if allowed and prehearing motions. The presiding officer shall attempt to set deadlines and a schedule that results in a preliminary or recommended order within one hundred eighty (180) days of the date the petition is filed. (11-9-01)T

b. To determine limits, if any, on other discovery if allowed, including without limitation, limits on the number of depositions or discovery requests and the areas of inquiry. (11-9-01)T

c. To formulate or simplify the issues; (11-9-01)T

d. To obtain admissions or stipulations of fact and of documents; (11-9-01)T

e. To arrange for exchange of proposed exhibits or prepared expert testimony; (11-9-01)T

f. To limit the number of witnesses; (11-9-01)T

g. To determine the procedure at the hearing; and (11-9-01)T

h. To determine any other matters which may expedite the orderly conduct and disposition of the proceeding. (11-9-01)T

**02. Additional Prehearing Conferences.** Additional prehearing conferences may be held, to address any of the issues listed in Subsection 510.01, at the request of any party or at the presiding officer's own initiative, if the presiding officer determines additional prehearing conferences would be useful. (11-9-01)T

**511. RECORD OF CONFERENCE.**

Prehearing conferences may be held formally (on the record) or informally (off the record). Agreements by the parties to the conference may be put on the record during formal conferences and shall be reduced to writing and filed with the hearing coordinator after formal or informal conferences. (11-9-01)T

**512. ORDERS RESULTING FROM PREHEARING CONFERENCE.**

The presiding officer shall issue a prehearing order or notice based upon the results of the agreements reached at or rulings made at a prehearing conference. A prehearing order will control the course of subsequent proceedings unless modified by the presiding officer for good cause. (11-9-01)T

**513. -- 528. (RESERVED).**

**529. EXHIBIT NUMBERS.**

The presiding officer assigns exhibit numbers to each party.

(11-9-01)T

**530. -- 539. (RESERVED).**

**540. EXCHANGE OF INFORMATION, OTHER DISCOVERY.**

**01. Information Exchange.** In accordance with the prehearing order issued by the presiding officer pursuant to Section 512, each party shall file and serve on all other parties an information exchange document. Documents and exhibits identified in the information exchange document shall be exchanged by the parties in accordance with the prehearing order but, unless otherwise determined by the presiding officer, need not be filed. The information exchange document shall include the following: (11-9-01)T

a. The names of any experts or other witnesses intended to be called at the hearing, together with a brief narrative summary of their expected testimony, or a statement that no witnesses will be called; and (11-9-01)T

b. A description of all documents and exhibits intended to be introduced into evidence at the hearing; and (11-9-01)T

c. An identification of any expert reports and prepared testimony; and (11-9-01)T

d. A list of all persons with specific knowledge regarding disputed issues of material fact asserted in the petition or the response to the petition. (11-9-01)T

**02. Additional Discovery.** Discovery in addition to the information exchange provided for in Subsection 540.01 may be allowed by the presiding officer in the prehearing order or in response to a motion by any party. In determining whether to allow additional discovery, the presiding officer shall consider the following: (11-9-01)T

a. Whether the discovery will unreasonably delay the proceeding or unreasonably burden other persons or parties; (11-9-01)T

b. Whether the information sought is most reasonably obtained from the party or person to whom it is directed and that party or person has refused to provide the information voluntarily; (11-9-01)T

c. Whether the information sought has significant probative value on a disputed issue of material fact relevant to the contested case. (11-9-01)T

**03. Scope of Additional Discovery Allowed.** If additional discovery is allowed, unless otherwise expressly provided in these rules or order of the presiding officer, the scope and methods of discovery are governed by the Idaho Rules of Civil Procedure. (11-9-01)T

**04. Supplementation of Information Exchange and Discovery.** A party who has made an information exchange or who has exchanged information in response to a request for information or a discovery order, shall promptly supplement or correct the exchange when the party learns that the information exchanged or response provided is incomplete, inaccurate or outdated, and the additional or corrected information has not otherwise been disclosed to the other party. (11-9-01)T

**541. SUBPOENAS.**

Pursuant to Section 39-107(3), Idaho Code, the presiding officer shall have the power to issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents and testimony. The presiding officer may, if a witness refuses to attend or testify, or to produce any papers required by such subpoenas, report to the district court in and for the county in which the proceeding is pending, by petition, setting forth that due notice has been given of the time and place of attendance of said witnesses, or the production of said papers, that the witness has been properly summoned, and that the witness has failed and refused to attend or produce the papers required by this subpoena before the presiding officer, or has refused to answer questions propounded to him in the course of said

proceedings, and ask an order of said court compelling the witness to attend and testify and produce said papers before the presiding officer. The court, upon the petition of the presiding officer, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than ten (10) days from the date of the order, and then and there shall show cause why he has not attended and testified or produced said papers before the presiding officer. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the presiding officer and regularly served, the court shall thereupon order that said witness appear before the presiding officer at the time and place fixed in said order, and testify or produce the required papers. Upon failure to obey said order, said witness shall be dealt with for contempt of court. (11-9-01)T

**542. FILING AND SERVICE OF DISCOVERY-RELATED DOCUMENTS.**

Discovery requests and responses thereto shall not be filed with the hearing coordinator. The party serving discovery requests or responses thereto shall file with the hearing coordinator a notice of when the discovery requests or responses were served and upon whom. (11-9-01)T

**543. DEPOSITIONS, PREPARED TESTIMONY AND EXHIBITS.**

Unless otherwise specified in an order pursuant to Section 512, all parties shall serve on all other parties any depositions, prepared expert testimony and/or exhibits to be presented at hearing not later than seven (7) days prior to the hearing. Assigned exhibits numbers should be used in all prepared testimony. (11-9-01)T

**544. SANCTIONS FOR FAILURE TO OBEY ORDER COMPELLING DISCOVERY.**

The presiding officer may impose all sanctions recognized by statute or rules for failure to comply with an order compelling discovery. (11-9-01)T

**545. PROTECTIVE ORDERS.**

**01. General Authority.** The presiding officer may issue protective orders limiting access to information generated or requested during settlement negotiations, discovery, or hearing, including but not limited to orders to protect a party or person from annoyance, embarrassment, oppression or undue burden or expense, orders to avoid an unreasonable delay in the proceedings, or orders to limit discovery of information that has no significant probative value on a disputed issue of material fact relevant to the contested case. (11-9-01)T

**02. Trade Secrets and Other Confidential Information.** Upon motion by a party or by the person from whom discovery is sought, and for good cause shown, the presiding officer may issue an order to protect trade secrets that are to be held confidential as provided in Section 9-342A, Idaho Code, or other confidential research, development or commercial information. The order may include, but need not be limited to, requirements that the trade secrets or other confidential information not be disclosed or be disclosed only in a designated way. The presiding officer's decision regarding a motion for such a protective order is an interlocutory or intermediate agency action that may be immediately reviewable in district court under Section 790 of these rules and Section 67-5271, Idaho Code. (11-9-01)T

**03. In Camera Review.** The presiding officer may review information that is the subject of a motion for a protective order without the presence of parties or persons to whom access to the information has been requested to be limited. (11-9-01)T

**546. -- 549. (RESERVED).**

**550. NOTICE OF HEARING.**

**01. Form And Content.** All parties in a contested case proceeding shall receive notice that shall include: (11-9-01)T

- a. A statement of the time, place and nature of the hearing; (11-9-01)T
- b. A statement of the legal authority under which the hearing is to be held; (11-9-01)T
- c. A short and plain statement of the matters asserted or the issues involved; and (11-9-01)T

d. A statement that the hearing will be conducted in a facility meeting the accessibility requirements of the Americans with Disabilities Act and that assistance can be provided upon request to the hearing coordinator at least seven (7) days before the date set for hearing. (11-9-01)T

**02. Time For Service.** The Notice of Hearing shall be served on all parties at least fourteen (14) days before the date set for hearing, unless the presiding officer finds by order that it is necessary or appropriate that the hearing be held earlier. (11-9-01)T

**551. HOW HEARINGS HELD.**

Hearings may be held in person or by telephone or television or other electronic means if each participant in the hearing has an opportunity to participate in the entire proceeding while it is taking place. (11-9-01)T

**552. LOCATION OF HEARINGS AND ADA REQUIREMENTS.**

All hearings concerning actions governed by these rules shall be held in facilities meeting the accessibility requirements of the Americans with Disabilities Act, shall be open to the public, and shall be held in a location reasonably convenient to all parties to the proceeding. The location shall be arranged by the hearing coordinator. (11-9-01)T

**553. CONFERENCE AT HEARING.**

In any proceeding the presiding officer may convene the parties before the hearing or recess the hearing to discuss formulation or simplification of the issues, admissions of fact or identification of documents to avoid unnecessary proof, exchanges of documents, exhibits or prepared testimony, limitation of witnesses, establishment of order of procedure, and other matters that may expedite orderly conduct of the hearing. The presiding officer shall state the results of the conference on the record. (11-9-01)T

**554. PRELIMINARY PROCEDURE AT HEARING.**

Before taking evidence, the presiding officer will call the hearing to order, take appearances of parties, and act upon any pending motions or petitions. The presiding officer may allow opening statements as necessary or appropriate to explain a party's presentation. (11-9-01)T

**555. CONSOLIDATION OF PROCEEDINGS.**

The presiding officer may consolidate two (2) or more proceedings for hearing upon finding that they present issues that are related and that the rights of the parties will not be prejudiced. In consolidated hearings, the presiding officer determines the order of the proceeding. (11-9-01)T

**556. STIPULATIONS.**

Parties may stipulate among themselves to any fact at issue in a contested case by written statement filed with the presiding officer or presented at hearing or by oral statement at hearing. A stipulation binds all parties agreeing to it only according to its terms. The presiding officer may regard a stipulation as evidence or may require proof by evidence of the facts stipulated. The presiding officer is not bound to adopt a stipulation of the parties, but may do so. If the presiding officer rejects a stipulation, it will do so before issuing a final order, and it will provide an additional opportunity for the parties to present evidence and arguments on the subject matter of the rejected stipulation. (11-9-01)T

**557. ORDER OF PROCEDURE.**

The presiding officer may determine the order of presentation of witnesses and examination of witnesses. Unless otherwise determined by the presiding officer, the petitioner shall present its case first, followed by the respondent's case. (11-9-01)T

**558. TESTIMONY UNDER OATH.**

All testimony presented at hearings will be given under oath or affirmation. (11-9-01)T

**559. PARTIES AND PERSONS WITH SIMILAR INTERESTS.**

If two (2) or more parties or persons have substantially like interests or positions, to expedite the proceeding and avoid duplication, the presiding officer may limit the number of them who testify, examine witnesses, or make and argue motions and objections. (11-9-01)T

**560. CONTINUANCE OF HEARING.**

The presiding officer may continue proceedings for further hearing for good cause shown. (11-9-01)T

**561. ORAL ARGUMENT.**

The presiding officer may set and hear oral argument on any matter in the contested case on reasonable notice according to the circumstances. (11-9-01)T

**562. BRIEFS -- MEMORANDA -- PROPOSED ORDERS OF THE PARTIES -- STATEMENTS OF POSITION.**

In any contested case, any party may ask to file briefs, memoranda, proposed orders or statements of position, and the presiding officer may request briefs, proposed orders, or statements of position. (11-9-01)T

**563. -- 599. (RESERVED).**

**600. RULES OF EVIDENCE -- EVALUATION OF EVIDENCE.**

The presiding officer at hearing is not bound by the Idaho Rules of Evidence. No informality in any proceeding or in the manner of taking testimony invalidates any order. The presiding officer, with or without objection, may exclude evidence that is irrelevant, unduly repetitious, inadmissible on constitutional or statutory grounds, or on the basis of any evidentiary privilege provided by statute or recognized in the courts of Idaho. All other evidence may be admitted. The Department's experience, technical competence and specialized knowledge may be used in evaluation of evidence. (11-9-01)T

**601. DOCUMENTARY EVIDENCE.**

Documentary evidence may be received in the form of copies or excerpts. Upon request, parties shall be given an opportunity to compare the copy with the original if available. To be admissible, document copies must be authentic. (11-9-01)T

**602. OFFICIAL NOTICE -- DEPARTMENT STAFF MEMORANDA.**

Official notice may be taken of any facts that could be judicially noticed in the courts of Idaho and generally recognized technical or scientific facts within the Department's specialized knowledge. Parties shall be notified of the specific facts or material noticed and the source thereof, including any staff memoranda and data. Notice should be provided either before or during the hearing, and must be provided before the issuance of any order that is based in whole or in part on facts or material noticed. Parties must be afforded a timely and meaningful opportunity to contest and rebut the facts or material so noticed. When the presiding officer proposes to notice staff memoranda or reports, a responsible staff member shall be made available for cross-examination if any party so requests. (11-9-01)T

**603. DEPOSITIONS.**

Depositions may be offered into evidence. (11-9-01)T

**604. OBJECTIONS -- OFFERS OF PROOF.**

Grounds for objection to the admission or exclusion of evidence must be stated briefly at the time the evidence is offered. An offer of proof for the record consists of a statement of the substance of the excluded evidence. When a party objects to the admission of evidence, the presiding officer will rule on the objection. (11-9-01)T

**605. PREPARED TESTIMONY.**

The presiding officer may order a witness's prepared testimony previously distributed to all parties to be included in the record of hearing as if read. Admissibility of prepared testimony is subject to Section 600. Upon request of any party, the witness shall be available for cross-examination on the prepared testimony. (11-9-01)T

**606. EXHIBITS.**

Unless already provided before the hearing in accordance with these rules, a copy of each documentary exhibit must be furnished to each party present and to the presiding officer. Copies must be of good quality. Exhibits offered at hearing are subject to appropriate and timely objection. Exhibits to which no objection is made are automatically admitted into evidence unless otherwise excluded by the presiding officer under Section 600. (11-9-01)T

**607. -- 609. (RESERVED).**

**610. CONFIDENTIALITY OF SETTLEMENT NEGOTIATIONS.**

Evidence of furnishing, offering, or promising to furnish, or accepting, offering, or promising to accept, a valuable consideration in compromising or attempting to compromise a claim which was disputed as to either validity or amount, is not admissible to prove liability for, invalidity of, or amount of the claim or any other claim. Evidence of conduct or statements made in compromise negotiations is likewise not admissible. This section does not require the exclusion of any evidence otherwise discoverable merely because it is presented in the course of compromise negotiations. This section does not require exclusion if the evidence is offered for another purpose, such as proving bias or prejudice of a witness or negating a contention of undue delay. Compromise negotiations encompass mediation. (11-9-01)T

**611. SUGGESTION FOR OR INQUIRY ABOUT SETTLEMENTS.**

Through notice or order or on the record at prehearing conference or hearing, the presiding officer may inquire of the parties in any proceeding whether settlement negotiations are in progress or are contemplated or may invite settlement of an entire proceeding or certain issues. (11-9-01)T

**612. CONSIDERATION OF SETTLEMENTS.**

When one (1) or more parties to a proceeding is not a party to the settlement or when the settlement presents issues of significant implication for other persons, the settlement agreement shall be presented to the presiding officer for approval. The presiding officer may hold an evidentiary hearing to consider the reasonableness of the settlement and whether acceptance of the settlement is consistent with the Board's charge under the law. (11-9-01)T

**613. BURDENS OF PROOF REGARDING SETTLEMENTS.**

Proponents of a proposed settlement carry the burden of showing that the settlement is in accordance with the law. The presiding officer may require the development of an appropriate record in support of or opposition to a proposed settlement as a condition of accepting or rejecting the settlement. (11-9-01)T

**614. SETTLEMENT NOT BINDING.**

The presiding officer is not bound by settlement agreements that are not unanimously accepted by all parties or that have significant implications for persons not parties. In these instances, the presiding officer will independently review any proposed settlement to determine whether the settlement is in accordance with the law. (11-9-01)T

**615. -- 649. (RESERVED).**

**650. RECORD FOR DECISION.**

**01. Official Record.** The Board shall maintain an official record for each contested case and (unless a statute provides otherwise) base its decision in a contested case on the official record for the case. (11-9-01)T

**02. Contents Of Record.** The record for a contested case shall include: (11-9-01)T

- a. All notices of proceedings; (11-9-01)T
- b. All petitions, responses, motions, and objections filed in the proceeding; (11-9-01)T
- c. All intermediate or interlocutory rulings of the presiding officer; (11-9-01)T
- d. All evidence received or considered (including all transcripts or recordings of hearings and all exhibits offered or identified at hearing); (11-9-01)T
- e. All offers of proof, however made; (11-9-01)T
- f. All briefs, memoranda, proposed orders of the parties or of the presiding officers, statements of position, statements of support, and exceptions filed by parties; (11-9-01)T
- g. All evidentiary rulings on testimony, exhibits, or offers of proof; (11-9-01)T

- h. All staff memoranda or data submitted in connection with the consideration of the proceeding; (11-9-01)T
- i. A statement of matters officially noticed; and (11-9-01)T
- j. All preliminary orders and final orders. (11-9-01)T

**651. RECORDING OF HEARINGS.**

All hearings shall be recorded by a certified court reporter and transcribed at the Department's expense. Any party may have a copy of the transcript prepared at its own expense. (11-9-01)T

**652. -- 699. (RESERVED).**

**700. NOTICE OF PROPOSED DEFAULT ORDER.**

If a party fails to appear at the time and place set for hearing or fails to timely file a response as set out in Section 212, the presiding officer may serve upon all parties a notice of proposed default order. The notice shall include a statement of the grounds for the proposed order. (11-9-01)T

**701. FOURTEEN DAYS TO RESPOND TO PROPOSED DEFAULT ORDER.**

Within fourteen (14) days after service of the notice of proposed default order, the party against whom it was issued may file a written petition requesting the proposed order to be vacated. The petition shall state the grounds relied upon. (11-9-01)T

**702. DEFAULT ORDER.**

The presiding officer shall either issue or vacate the default order promptly after the expiration of the time within which the party may file a petition as provided in Section 701. If the presiding officer issues a default order, the officer shall conduct any further proceedings necessary to complete the adjudication without the participation of the party in default and shall determine all issues in the adjudication, including those affecting the defaulting party. (11-9-01)T

**703. -- 709. (RESERVED).**

**710. INTERLOCUTORY ORDERS.**

Interlocutory orders are orders that do not decide all previously undecided issues presented in a proceeding, except the Board may by order decide some of the issues presented in a proceeding and provide in that order that its decision on those issues is final and subject to review by appeal, but is not final on other issues. Unless an order contains or is accompanied by a document containing one (1) of the statements set forth in Sections 730 or 740 or a statement substantially similar, the order is interlocutory. The following orders are always interlocutory: orders joining, consolidating or separating issues, proceedings or parties; orders granting or denying intervention; orders scheduling prehearing conferences, discovery, hearing, oral arguments or deadlines for written submissions; and orders limiting, compelling or refusing to compel discovery. (11-9-01)T

**711. REVIEW OF INTERLOCUTORY ORDERS.**

Any party or person affected by an interlocutory order may petition the presiding officer issuing the order to review the interlocutory order. The presiding officer issuing an interlocutory order may rescind, alter or amend any interlocutory order on the presiding officer's own motion, but will not on the presiding officer's own motion review any interlocutory order affecting any party's substantive rights without giving all parties notice and an opportunity for written comment. (11-9-01)T

**712. -- 719. (RESERVED).**

**720. RECOMMENDED ORDERS.**

**01. Definition.** Recommended orders are orders issued by the presiding officer that will become a final order of the Board only after review by the Board pursuant to Section 67-5244, Idaho Code. (11-9-01)T

**02. Content.** Every recommended order must contain or be accompanied by a document containing the

following paragraphs or substantially similar paragraphs: (11-9-01)T

a. This is a recommended order of the presiding officer. It will not become final without action of the Board. (11-9-01)T

b. Within twenty-one (21) days after the service date of this recommended order, any party may in writing support or take exceptions to any part of this recommended order and file briefs in support of the party's position on any issue in the proceeding. (11-9-01)T

c. Written briefs in support of or taking exceptions to the recommended order shall be filed with the hearing coordinator. Opposing parties shall have twenty-one (21) days to respond. The Board may schedule oral argument in the matter before issuing a final order. The Board will issue a final order within fifty-six (56) days of receipt of the written briefs or oral argument, whichever is later, unless waived by the parties or for good cause shown. The Board may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. (11-9-01)T

**03. No Motions For Reconsideration.** Motions for reconsideration of any recommended order shall not be considered. (11-9-01)T

**721. -- 729. (RESERVED).**

**730. PRELIMINARY ORDERS.**

**01. Definition.** Preliminary orders are orders issued by the presiding officer that will become a final order of the Board unless reviewed by the Board pursuant to Section 67-5245, Idaho Code. (11-9-01)T

**02. Content.** Every preliminary order must contain or be accompanied by a document containing the following paragraphs or substantially similar paragraphs: (11-9-01)T

a. This is a preliminary order of the presiding officer. It can and will become final without further action of the Board unless any party appeals to the Board; (11-9-01)T

b. Within fourteen (14) days after the service date of this preliminary order, any party may appeal to the Board by filing with the hearing coordinator a petition for review of the preliminary order or exceptions to any part of the preliminary order and may file briefs in support of the party's position on any issue in the proceeding to the Board. Otherwise, this preliminary order will become a final order of the Board. (11-9-01)T

c. If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the hearing coordinator. The Board may review the preliminary order on its own motion. (11-9-01)T

d. If the Board grants a petition to review the preliminary order, the Board shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. The Board will issue a final order within fifty-six (56) days of receipt of the written briefs or oral argument, whichever is later, unless waived by the parties or for good cause shown. The Board may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. (11-9-01)T

e. Pursuant to Sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which: (11-9-01)T

i. A hearing was held, (11-9-01)T

ii. The final agency action was taken, (11-9-01)T

iii. The party seeking review of the order resides, or operates its principal place of business in Idaho, or (11-9-01)T

iv. The real property or personal property that was the subject of the agency action is located. (11-9-01)T

f. This appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See Section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal. (11-9-01)T

**03. No Motions For Reconsideration.** Motions for reconsideration of any preliminary order shall not be considered. (11-9-01)T

**731. -- 739. (RESERVED).**

**740. FINAL ORDERS.**

**01. Definition.** Final orders are preliminary orders that have become final under Section 730 pursuant to Section 67-5245, Idaho Code, or orders issued by the Board pursuant to Section 67-5246, Idaho Code. An order shall be considered a final order pursuant to Section 67-5246, Idaho Code, if issued after a decision by the number of Board members necessary to constitute a quorum. Emergency orders issued under Section 67-5247, Idaho Code, shall be designated as final orders if the Board will not issue further orders or conduct further proceedings in the matter. (11-9-01)T

**02. Content.** Every final order issued by the Board must contain or be accompanied by a document containing the following paragraphs or substantially similar paragraphs: (11-9-01)T

a. This is a final order of the Board. (11-9-01)T

b. Pursuant to Sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by this final order or orders previously issued in this case may appeal this final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which: (11-9-01)T

i. A hearing was held; (11-9-01)T

ii. The final agency action was taken; (11-9-01)T

iii. The party seeking review of the order resides, or operates its principal place of business in Idaho; or (11-9-01)T

iv. The real property or personal property that was the subject of the agency action is located. (11-9-01)T

c. An appeal must be filed within twenty-eight (28) days of the service date of this final order. See Section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal. (11-9-01)T

**03. No Motions For Reconsideration.** Motions for reconsideration of any final order shall not be considered. (11-9-01)T

**741. -- 749. (RESERVED).**

**750. ORDER NOT DESIGNATED.**

If an order is not designated as recommended, preliminary or final at its release, but is designated as recommended, preliminary or final after its release, its effective date for purposes of appeal is the date of the order of designation. If a party believes that an order not designated as a recommended order, preliminary order or final order according to

the terms of these rules should be designated as a recommended order, preliminary order or final order, the party may move to designate the order as recommended, preliminary or final, as appropriate. (11-9-01)T

**751. -- 779. (RESERVED).**

**780. STAY OF ORDERS.**

The filing of the petition for review does not itself stay the effectiveness or enforcement of the Board action. The Board may grant, or the reviewing court may order, a stay upon appropriate terms. (11-9-01)T

**781. -- 789. (RESERVED).**

**790. PERSONS WHO MAY APPEAL.**

Pursuant to Section 67-5270, Idaho Code, any person aggrieved by a final order of the Board in a contested case may appeal to district court. Pursuant to Section 67-5271, Idaho Code, a person is not entitled to judicial review of an agency action in district court until that person has exhausted all administrative remedies available with the Board, but a preliminary, procedural, or intermediate agency action or ruling is immediately reviewable in district court if administrative review of the final agency action would not provide an adequate remedy. (11-9-01)T

**791. NOTICE OF APPEAL.**

The notice of appeal must be filed with the hearing coordinator as set out in Section 008 and with the district court and served on all parties. (11-9-01)T

**01. Filing Appeal.** Pursuant to Section 67-5272, Idaho Code, appeals may be filed in the District Court of the county in which: (11-9-01)T

- a. The hearing was held; (11-9-01)T
- b. The final agency action was taken; (11-9-01)T
- c. The party seeking review of the agency action resides; or (11-9-01)T
- d. The real property or personal property that was the subject of the agency action is located. (11-9-01)T

**02. Filing Deadline.** Pursuant to Section 67-5273, Idaho Code, a petition for judicial review of a final order in a contested case must be filed within twenty-eight (28) days of the service date of the final order. (11-9-01)T

**792. -- 798. (RESERVED).**

**799. RULES GOVERNING PROCEEDINGS ON PETITIONS TO INITIATE RULEMAKING.**

Sections 799 through 802 establish provisions governing proceedings on petitions to initiate rulemaking. (11-9-01)T

**800. FORM AND CONTENTS OF PETITION TO INITIATE RULEMAKING.**

This rule addresses petitions to initiate rulemaking as described by Section 67-5230, Idaho Code. (11-9-01)T

**01. Requirement.** Any person petitioning for initiation of rulemaking must comply with this rule. (11-9-01)T

**02. Form And Contents.** The petition must be filed with the hearing coordinator as set out in Section 008 and shall: (11-9-01)T

- a. Identify the petitioner and state the petitioner's interest(s) in the matter; (11-9-01)T
- b. Describe the nature of the rule or amendment to the rule urged to be promulgated and the petitioner's suggested rule or amendment; and (11-9-01)T
- c. Indicate the statute, order, rule, or other controlling law, and the factual allegations upon which the

petitioner relies to support the proposed rulemaking. Legal assertions in the petition may be accompanied by citations of cases and/or statutory provisions. (11-9-01)T

**801. BOARD RESPONSE TO PETITION.**

**01. Action Of Board.** The Board shall have until the first regularly scheduled meeting that takes place fourteen (14) or more days after submission of the petition to initiate rulemaking proceedings in accordance with Sections 67-5220 through 67-5225, Idaho Code, and these rules or deny the petition in writing, stating its reasons for the denial. (11-9-01)T

**02. Denial.** If the petition is denied, the written denial shall state: (11-9-01)T

a. The Board has denied your petition to initiate rulemaking. This denial is a final agency action within the meaning of Section 67-5230, Idaho Code. (11-9-01)T

b. Pursuant to Section 67-5270, Idaho Code, any person aggrieved by this final agency action may seek review of the denial to initiate rulemaking by filing a petition in the District Court of the county in which: (11-9-01)T

i. The hearing was held; (11-9-01)T

ii. This final agency action was taken; (11-9-01)T

iii. The party seeking review resides, or operates its principal place of business in Idaho; or (11-9-01)T

iv. The real property or personal property that was the subject of the denial of the petition for rulemaking is located. (11-9-01)T

c. This appeal must be filed within twenty-eight (28) days of the service date of this denial of the petition to initiate rulemaking. (11-9-01)T

**802. NOTICE OF INTENT TO INITIATE RULEMAKING CONSTITUTES ACTION ON PETITION.**

The Board may initiate rulemaking proceedings in response to a petition to initiate rulemaking by issuing a notice of intent to promulgate rules in accordance with Section 67-5220, Idaho Code, on the subject matter of the petition if it wishes to obtain further comment whether a rule should be proposed or what rule should be proposed. Publication of a notice of intent to promulgate rules satisfies the Board's obligations to take action on the petition and is not a denial of a petition to initiate rulemaking. (11-9-01)T

**803. -- 807. (RESERVED).**

**808. RULES GOVERNING RULEMAKING PROCEDURES.**

Sections 808 through 860 establish provisions governing rulemaking procedures. (11-9-01)T

**809. FORMAL AND INFORMAL RULEMAKING.**

Formal rulemaking refers only to rulemaking procedures associated with formal notice of proposed rulemaking, receipt of and consideration of written or oral comment on the record in response to notice of proposed rulemaking, and adoption of rules. Informal rulemaking refers to informal procedures for development of, comment upon, or review of rules for later formal consideration. No rule may come into effect solely as a result of informal rulemaking. Agreements coming from informal rulemaking must be finalized by formal rulemaking. (11-9-01)T

**810. LEGISLATIVE PREFERENCE FOR NEGOTIATED RULEMAKING PROCEDURES.**

This rule addresses informal, negotiated rulemaking as described by Section 67-5220, Idaho Code. The Department, when feasible, shall proceed by informal, negotiated rulemaking in order to improve the substance of proposed rules by drawing upon shared information, expertise and technical abilities possessed by the affected persons; to arrive at a consensus on the content of the rule; to expedite formal rulemaking; and to lessen the likelihood that affected persons will resist enforcement or challenge the rules in court. (11-9-01)T

**811. PUBLICATION IN IDAHO ADMINISTRATIVE BULLETIN.**

If the Department determines that informal, negotiated rulemaking is feasible, it shall publish in the Idaho Administrative Bulletin a notice of intent to promulgate a rule. If the Department determines that informal, negotiated rulemaking is not feasible, it shall explain in its notice of intent to promulgate rules why informal rulemaking is not feasible and shall proceed to formal rulemaking as provided in this chapter. Reasons why the Department may find that informal, negotiated rulemaking is not feasible include, but are not limited to, the need for temporary rulemaking, the simple nature of the proposed rule change, the lack of identifiable representatives of affected interests, or determination that affected interests are not likely to reach a consensus on a proposed rule. The determination of the Department whether to use informal, negotiated rulemaking is not reviewable. (11-9-01)T

**812. CONTENTS OF NOTICE OF INTENT TO PROMULGATE RULES.**

The notice of intent to promulgate rules shall announce that the Department intends to proceed by way of informal, negotiated rulemaking to develop a proposed rule and shall include: (11-9-01)T

**01. Subject Matter.** A brief, nontechnical statement of the subject matter to be addressed in the proposed rulemaking. (11-9-01)T

**02. Authority.** The statutory authority for the rulemaking. (11-9-01)T

**03. Obtain Copy.** An explanation how to obtain a preliminary draft of the proposed rules, if one is available. (11-9-01)T

**04. Issues.** The principal issues involved and the interests which are likely to be significantly affected by the rule. (11-9-01)T

**05. Department Contacts.** The person(s) designated to represent the Department. (11-9-01)T

**06. Method Of Participation.** An explanation how a person may participate in the informal, negotiated rulemaking. (11-9-01)T

**07. Schedule.** A proposed schedule for written comments or for a public meeting of interested persons, and a target date, if one (1) exists, to complete negotiation and to publish a proposed rule for notice and comment. (11-9-01)T

**813. PUBLIC MEETINGS.**

The Department may convene public meetings of interested persons to consider the matter proposed by the Department and to attempt to reach a consensus concerning a proposed rule with respect to the matter and any other matter the parties determine is relevant to the proposed rule. Person(s) representing the Department may participate in the deliberations. (11-9-01)T

**814. REPORTS TO THE DEPARTMENT.**

If the parties reach a consensus on a proposed rule, they shall transmit to the Department a report stating their consensus and, if appropriate, a draft of a proposed rule incorporating that consensus. If the parties are unable to reach a consensus on particular issues, they may transmit to the Department a report specifying those areas on which they reached consensus and those on which they did not, together with arguments for and against positions advocated by various participants. The participants or any individual participant may also include in a report any information, recommendations, or materials considered appropriate. (11-9-01)T

**815. DEPARTMENT CONSIDERATION OF REPORT.**

The Department may accept in whole or in part or reject the consensus reached by the parties in publishing a proposed rule for notice and comment. (11-9-01)T

**816. -- 829. (RESERVED).**

**830. REQUIREMENTS FOR NOTICE OF PROPOSED RULEMAKING.**

- 01. Content.** Every notice of proposed rulemaking shall include: (11-9-01)T
- a. A statement of the subject matter of the proposed rules; (11-9-01)T
  - b. A statement of the specific statutory authority for the proposed rules, including a citation to a specific federal statute or regulation if that is the basis of authority or requirement for the rulemaking; (11-9-01)T
  - c. A statement in nontechnical terms of the substance of the proposed rules, and, if the Department intends to take oral testimony on the proposed rule, the location, date and time of the oral presentations; (11-9-01)T
  - d. A statement whether the Department intends to conduct oral presentations concerning the proposed rules, and, if not, what persons must do in order to request an oral presentation; (11-9-01)T
  - e. The address to which written submissions concerning the proposed rules must be mailed, (11-9-01)T
  - f. The name and telephone number of an Department contact to whom questions about the proposed rules may be referred; (11-9-01)T
  - g. The deadline for written comment on the proposed rules and for asking for an opportunity for an oral presentation concerning the proposed rules; (11-9-01)T
  - h. A statement whether negotiated rulemaking has been conducted, and if not, why not; (11-9-01)T
  - i. A summary of the proposed rules; and (11-9-01)T
  - j. The name, mailing address and telephone number of an Department contact person for the rulemaking. (11-9-01)T

**02. Availability Of Information.** This information will be published in the Idaho Administrative Bulletin and be available directly from the Department. The notice of proposed rulemaking must be accompanied by a document showing the text of the proposed rule in legislative format. (11-9-01)T

**831. INFORMAL PHASES OF FORMAL RULEMAKING.**

In addition to the formal phases of rulemaking proceedings, the Department may schedule meetings after the formal proposal of rules to explain the operation of the rules proposed. (11-9-01)T

**832. COMMENTS ON PROPOSED RULES.**

Deadlines for comment upon proposed rules or amendments to proposed rules will be set forth in the Idaho Administrative Bulletin. Comments should be made to the officers listed in the notices of proposed rulemaking published in the Idaho Administrative Bulletin. Further information concerning individual rulemaking should be directed to the contact person listed for that rulemaking in the Idaho Administrative Bulletin. (11-9-01)T

**833. PETITIONS FOR ORAL PRESENTATION.**

**01. Requirement.** Any person petitioning for an opportunity for an oral presentation in a substantive rulemaking must substantially comply with this rule. (11-9-01)T

**02. Content.** The petition shall: (11-9-01)T

- a. Identify the petitioner and state the petitioner's interests in the matter, (11-9-01)T
- b. Describe the nature of the opposition to or support of the rule or amendment to the rule proposed to be promulgated by the Department, and (11-9-01)T
- c. Indicate alternative proposals of the petitioner and any statute, order, rule or other controlling law or factual allegations upon which the petitioner relies to support the request for the opportunity to provide an oral

presentation. Legal assertions in the petition may be accompanied by citations of cases and/or statutory provisions. (11-9-01)T

**03. Oral Presentation.** Within fourteen (14) days after receiving a petition for an oral presentation, the Department shall schedule the oral presentation or deny it. The Department shall provide an opportunity for oral presentation if requested by twenty-five (25) persons, a political subdivision, or another agency, but no oral presentation need be provided when the Department has no discretion as the substantive content of a proposed rule because the proposed rule is intended solely to comply with a controlling judicial decision or court order, or with the provisions of a statute or federal rule that has been amended since the adoption of the rule. If oral presentation is granted, notice of the oral presentation shall be published in the Idaho Administrative Bulletin. If oral presentation is denied, the denial shall state the grounds for denial. (11-9-01)T

**834. THE RULEMAKING RECORD.**

The Department shall maintain a record of each rulemaking proceeding. (11-9-01)T

**01. Contents.** The record for a rulemaking proceeding shall include: (11-9-01)T

a. Copies of all publications in the Idaho Administrative Bulletin relating to that rulemaking proceeding; (11-9-01)T

b. All written petitions, submissions, and comments received by the Department, and the Department's responses to those petitions, submissions and comments; (11-9-01)T

c. All written materials considered by the Department in connection with formulating the proposal or adoption of the rule; (11-9-01)T

d. A record of any oral presentations, any transcriptions of oral presentations, and any memoranda summarizing the contents of such presentations; and (11-9-01)T

e. Any other materials or documents prepared in conjunction with the rulemaking, including any summaries prepared for the Department in considering the rulemaking. (11-9-01)T

**02. Recording Or Reporting.** All oral presentations shall be recorded on audiotape or videotape or may be taken by a qualified court reporter at the Department's expense. The Department may provide for a transcript of the proceeding at its own expense. Persons may have a transcript of an oral presentation prepared at their own expense. (11-9-01)T

**835. ADOPTION AND PUBLICATION OF PENDING RULES FOLLOWING COMMENT OR ORAL PRESENTATION.**

**01. Adoption.** After the expiration of the written comment period for rulemaking and following any oral presentation on the rulemaking, but no sooner than seven (7) days after the expiration of the comment period, the Board shall consider fully all issues presented by the written and oral submissions respecting the proposed rule before adopting a pending rule. (11-9-01)T

**02. Publication.** Upon the Board's adoption of a pending rule, the Department shall publish the text of the pending rule in the bulletin, except that with the permission of the coordinator, the Department need not publish the full text of the pending rule if no significant changes have been made from the text of the proposed rule as published in the bulletin, but the notice of adoption of the pending rule must cite the volume of the bulletin where the text is available and must note all changes that have been made. In addition, the Department must publish in the bulletin a concise explanatory statement containing: (11-9-01)T

a. The reasons for adopting the pending rule; (11-9-01)T

b. 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 changes; (11-9-01)T

c. The date on which the pending rule will become final and effective pursuant to Section 67-5224(5), Idaho Code; (11-9-01)T

d. A statement that the pending rule may be rejected, amended or modified by concurrent resolution of the Legislature; (11-9-01)T

e. An identification of any portion of the pending rule imposing or increasing a fee or charge and stating that this portion of the pending rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature; and (11-9-01)T

f. A statement how to obtain a copy of the Department's written review of and written responses to the written and oral submissions respecting the proposed rule. (11-9-01)T

**03. Rule Imposing Or Increasing Fees.** When any pending rule imposes a new fee or charge or increases an existing fee or charge, the Department shall provide the coordinator with a description of that portion of the rule imposing a new fee or charge or increasing an existing fee or charge, along with a citation of the specific statute authorizing the imposition or increase of the fee or charge. (11-9-01)T

**836. FINAL RULES.**

Pending rules may become final rules, or may be rejected, amended or modified by concurrent resolution of the Legislature, as provided in Section 67-5224, Idaho Code. (11-9-01)T

**837. -- 839. (RESERVED).**

**840. PROCEDURE FOR ADOPTION OF TEMPORARY RULES.**

**01. Gubernatorial Finding.** The Board may adopt temporary rules upon the Governor's finding that protection of the public health, safety, or welfare, compliance with deadlines in amendments to governing law or federal programs, or conferring a benefit requires a rule to become effective before it has been submitted to the Legislature for review. No temporary rule imposing a fee or charge may become effective before it has been approved, amended or modified by concurrent resolution of the Legislature unless the Governor finds that the fee or charge is necessary to avoid immediate danger that justifies the imposition of the fee or charge. (11-9-01)T

**02. Effective Date.** Temporary rules take effect according to the effective date specified in the rules. Temporary rules may be immediately effective. (11-9-01)T

**03. Expiration.** In no case may a temporary rule remain in effect beyond the conclusion of the next succeeding regular session of the Legislature unless the rule is approved, amended or modified by concurrent resolution, in which case the rule may remain in effect until the time specified in the resolution or until the rule has been replaced by a final rule that has become effective pursuant to Section 67-5224(5), Idaho Code. (11-9-01)T

**04. Notice And Publication.** The Department shall give such notice as is practicable in connection with adoption of a temporary rule. Temporary rules will be published in the first available issue of the Idaho Administrative Bulletin. (11-9-01)T

**05. Associated Proposed Rule.** Concurrently with promulgation of a temporary rule, or as soon as reasonably possible thereafter, the Department must begin rulemaking procedures by issuing a proposed rule on the same subject matter as the temporary rule, unless the temporary rule will expire by its own terms or by operation of law before a proposed rule could become final. (11-9-01)T

**841. -- 849. (RESERVED).**

**850. CORRECTION OF TYPOGRAPHICAL, TRANSCRIPTION OR CLERICAL ERRORS IN PENDING RULES.**

The Board may amend pending rules to correct typographical errors, transcription errors, or clerical errors, in the manner approved by the Administrative Rules Coordinator. These amendments will be incorporated into the pending rule upon their publication in the Idaho Administrative Bulletin. (11-9-01)T

**851. -- 859. (RESERVED).**

**860. PERSONS WHO MAY SEEK JUDICIAL REVIEW.**

Pursuant to Section 67-5270, Idaho Code, any person aggrieved by an administrative rule of the Department (either temporary or final) may seek judicial review in district court. (11-9-01)T

**01. Filing.** The petition for judicial review must be filed with the hearing coordinator as set out in Section 008 and with the district court and served on all parties. Pursuant to Section 67-5272, Idaho Code, petitions for review may be filed in the District Court of the county in which: (11-9-01)T

- a. The hearing was held; (11-9-01)T
- b. The final agency action was taken; (11-9-01)T
- c. The party seeking review of the agency action resides, or operates its principal place of business in Idaho; or (11-9-01)T
- d. The real property or personal property that was the subject of the agency action is located. (11-9-01)T

**02. Time.** Pursuant to Section 67-5273, Idaho Code, a petition for judicial review of a final rule (except for a challenge to procedures used in promulgating the rule) may be filed at any time. (11-9-01)T

**861. -- 999. (RESERVED).**

# Subjects Affected Index

---

## **IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE**

### **02.04.16 - RULES GOVERNING AGRICULTURE ODOR MANAGEMENT**

#### **Docket No. 02-0416-0101**

004. Incorporation By Reference.....	23
400. Inspections.....	23
501. Contents Of An Odor Management Plan.....	23

### **02.04.18 - RULES GOVERNING CAFO SITE ADVISORY TEAM**

#### **Docket No. 02-0418-0101**

010. Definitions.....	26
300. Contents Of A Request To Form A Site Advisory Team.....	27

### **02.06.26 - RULES CONCERNING SEED POTATO CROP MANAGEMENT AREAS**

#### **Docket No. 02-0626-0202**

000. Legal Authority.....	31
001. Title And Scope.....	31
002. Written Interpretations.....	31
003. Administrative Appeal.....	31
004. Incorporations By Reference.....	31
005. Office -- Office Hours -- Mailing Address And Street Address.....	31
006. Public Records Act Compliance.....	31
007. -- 009. (Reserved).....	31
010. Definitions.....	31
011. Abbreviations.....	32
012. Findings.....	32
013. -- 019. (Reserved).....	32
020. Seed Potato Crop Management Areas.....	32
021. -- 049. (Reserved).....	33
050. Regulated Articles.....	33
051. -- 099. (Reserved).....	34
100. Diseases And Pests Of Concern.....	34
101. -- 149. (Reserved).....	34
150. Planting Of Potatoes.....	34
151. -- 199. (Reserved).....	35
200. Peach, Apricot Trees, Or Any Host.....	35
201 -- 249. (Reserved).....	35
250. Bedding Plants.....	35
251. -- 299. (Reserved).....	35
300. Storage Of Potatoes.....	35
301. Seed Disposition Notification.....	35
302. -- 349. (Reserved).....	35
350. Cull And Volunteer Potatoes.....	36
351. -- 399. (Reserved).....	36
400. Transportation Of Potatoes.....	36
401. -- 449. (Reserved).....	36
450. Violations.....	36
451. -- 499. (Reserved).....	36
500. Potatoes For Consumption.....	36
501. -- 999. (Reserved).....	36

**02.06.41 - RULES PERTAINING TO THE SOIL AND PLANT AMENDMENT ACT OF 2001**Docket No. **02-0641-0101**

010. Soil Amendment And Plant Amendment Registration.....	41
---	----

**IDAPA 08 - IDAHO STATE BOARD OF EDUCATION****08.01.05 - IDAHO PROMISE SCHOLARSHIP PROGRAM**Docket No. **08-0105-0102** (Rewrite Of Chapter)

000. Legal Authority.....	47
005. Office -- Office Hours -- Mailing Address And Street Address.....	47
007. Definitions.....	47
103. Selection And Eligibility Requirements Of Scholarship Recipients.....	47
104. Continuing Eligibility.....	47
107. Additional Responsibilities Of Eligible Postsecondary Institutions.....	48
112. Audit.....	48

**08.01.12 - THE IDAHO MINORITY AND AT-RISK STUDENT SCHOLARSHIP PROGRAM**Docket No. **08-0112-0101**

000. Legal Authority.....	50
005. Office -- Office Hours -- Mailing Address And Street Address.....	50
104. Selection Of Scholarship Recipients.....	50
106. Continuing Eligibility.....	50
107. Additional Responsibilities Of Eligible Postsecondary Institutions.....	51
110. Audit.....	51

**08.02.03 - RULES GOVERNING THOROUGHNESS**Docket No. **08-0203-0101**

007. Definitions A - G.....	53
009. Definitions T - Z.....	53
297. Basic Arithmetic, Estimation, And Accurate Computations.....	53
308. Mathematical Reasoning And Problem Solving.....	54
461. Social Studies Standards - History Of Human Civilization - Middle Grades (Grades 6-8), Sections 462 Through 465.....	55
485. Geography.....	55
632. Science Standards - Middle Grades (Grades 7-8), Sections 633 Through 643.....	56
648. Unifying Concepts Of Science.....	56
671. Reading.....	57
754. Listening.....	59
831. Health Standards - Middle Grades (Grades 7-8), Sections 832 Through 836.....	60
856. Glossary Of Humanities Terms.....	60
857. Idaho Humanities Standards.....	62
859. -- 865. (Reserved).....	62
866. Visual And Performing Arts - Kindergarten Through Grade 3, Sections 867 Through 872.....	62
867. Historical And Cultural Contexts Of Visual And Performing Arts Disciplines.....	63
868. Standard One.....	63
869. Critical Thinking In The Visual And Performing Arts.....	64
870. Standard Two.....	64
871. Acquisition, Application, And Expression Of Specific Content Knowledge And Skills In The Visual And Performing Arts.....	65
872. Standard Three.....	66
873. -- 874. (Reserved).....	67
875. World History-Humanities (Humanities In A Historical Context) - Kindergarten Through Grade 3.....	67

876. -- 882. (Reserved).....	67
883. Foreign Language - Kindergarten Through Grade 3, Sections 884 Through 889.....	67
884. Historical And Cultural Contexts Of Foreign Language Study. ....	67
885. Standard One.....	67
886. Critical Thinking In Foreign Language Study. ....	68
887. Standard Two.....	68
888. Acquisition, Application, And Expression Of Specific Content Knowledge And Skills In Foreign Language Study. ....	68
889. Standard Three. ....	68
890. -- 891. (Reserved).....	69
892. Interdisciplinary Humanities - Grades 4 And 5.....	69
893. -- 899. (Reserved).....	69
900. Visual And Performing Arts - Grades 4 And 5, Sections 901 Through 906.....	69
901. Historical And Cultural Contexts Of Visual And Performing Arts Disciplines. ....	69
902. Standard One.....	69
903. Critical Thinking In The Visual And Performing Arts. ....	70
904. Standard Two.....	70
905. Acquisition, Application, And Expression Of Specific Content Knowledge And Skills In The Visual And Performing Arts. ....	72
906. Standard Three. ....	72
907. -- 908. (Reserved).....	75
909. World History-Humanities (Humanities In A Historical Context) - Grades 4 And 5. ....	75
910. -- 916. (Reserved).....	75
917. Foreign Language - Grades 4 And 5, Sections 918 Through 923.....	75
918. Historical And Cultural Contexts Of Foreign Language Study. ....	75
919. Standard One.....	75
920. Critical Thinking In Foreign Language Study. ....	75
921. Standard Two.....	75
922. Acquisition, Application, And Expression Of Specific Content Knowledge And Skills In Foreign Language Study. ....	76
923. Standard Three. ....	76
924. -- 925. (Reserved).....	76
926. Interdisciplinary Humanities - Grades 6 Through 8.....	76
927. -- 933. (Reserved).....	76
934. Visual And Performing Arts - Grades 6 Through 8, Sections 935 Through 940.....	76
935. Historical And Cultural Contexts Of Visual And Performing Arts Disciplines. ....	76
936. Standard One.....	77
937. Critical Thinking In The Visual And Performing Arts. ....	77
938. Standard Two.....	78
939. Acquisition, Application, And Expression Of Specific Content Knowledge And Skills In The Visual And Performing Arts. ....	79
940. Standard Three. ....	79
941. -- 942. (Reserved).....	82
943. World History-Humanities (Humanities In A Historical Context) - Grades 6 Through 8. ....	82
944. -- 950. (Reserved).....	82
951. Foreign Language - Grades 6 Through 8, Sections 952 Through 955.....	82
952. Historical And Cultural Contexts Of Foreign Language Study. ....	82
953. Standard One.....	82
954. Critical Thinking In Foreign Language Study. ....	83
955. Standard Two.....	83
956. Acquisition, Application, And Expression Of Specific Content Knowledge And Skills In Foreign Language Study. ....	83
957. Standard Three. ....	83

958. -- 959. (Reserved)..... 84

960. Interdisciplinary Humanities - Grades 9 Through 12, Sections 961 Through 966..... 84

961. Historical And Cultural Contexts Of Interdisciplinary Humanities..... 84

962. Standard One..... 84

963. Critical Thinking In Interdisciplinary Humanities..... 84

964. Standard Two..... 84

965. Acquisition, Application, And Expression Of Specific Content Knowledge  
And Skills In The Interdisciplinary Humanities..... 85

966. Standard Three..... 85

967. -- 968. (Reserved)..... 85

969. Visual And Performing Arts - Grades 9 Through 12, Sections 970 Through 975..... 85

970. Historical And Cultural Contexts Of Visual And Performing Arts Disciplines..... 85

971. Standard One..... 85

972. Critical Thinking In The Visual And Performing Arts..... 87

973. Standard Two..... 87

974. Acquisition, Application, And Expression Of Specific Content Knowledge  
And Skills In The Visual And Performing Arts..... 88

975. Standard Three..... 88

976. -- 977. (Reserved)..... 90

978. World History-Humanities (Humanities In A Historical Context) -  
Grades 9 Through 12, Sections 979 Through 984..... 90

979. Historical And Cultural Contexts Of World History..... 91

980. Standard One..... 91

981. Critical Thinking In World History..... 91

982. Standard Two..... 91

983. Acquisition, Application, And Expression Of Specific Content Knowledge  
And Skills In World History..... 92

984. Standard Three..... 92

985. -- 986. (Reserved)..... 93

987. Foreign Language - Grades 9 Through 12, Sections 988 Through 993..... 93

988. Historical And Cultural Contexts Of Foreign Language Study..... 93

989. Standard One..... 93

990. Critical Thinking In Foreign Language Study..... 93

991. Standard Two..... 93

992. Acquisition, Application, And Expression Of Specific Content Knowledge  
And Skills In Foreign Language Study..... 94

993. Standard Three..... 94

457994. -- 9998. (Reserved)..... 95

999. Gifted And Talented Programs..... 95

Docket No. **08-0203-0102**

111. Assessment In The Public Schools..... 97

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

**16.03.09 - RULES GOVERNING THE MEDICAL ASSISTANCE PROGRAM**

Docket No. **16-0309-0109**

450. Rehabilitative Services -- Mental Health..... 116

451. Responsibilities Of Regions..... 118

452. Service Descriptions..... 119

453. Excluded Services..... 124

454. Provider Agency Requirements..... 125

455. Provider Qualifications..... 125

456. Record Requirements..... 127

457. Payment For Services.....	127
458. Service Limitations.....	128
<b>Docket No. 16-0309-0110</b>	
011. Incorporation By Reference.....	130
106. Durable Medical Equipment And Medical Supplies.....	130
<b>Docket No. 16-0309-0201</b>	
148. Provider Reimbursement For Personal Assistance Services.....	137
<b>16.05.06 - RULES GOVERNING MANDATORY CRIMINAL HISTORY CHECKS</b>	
<b>Docket No. 16-0506-0201</b>	
018. Fees And Costs.....	141

**IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES**

<b>24.15.01 - RULES OF THE IDAHO LICENSING BOARD OF PROFESSIONAL COUNSELORS AND MARRIAGE AND FAMILY THERAPISTS</b>	
<b>Docket No. 24-1501-0101</b>	
010. Definitions (Rule 10).....	152
150. Qualifications For Professional Counselor Licensure (Rule 150).....	152
225. Clinical Professional Counselor Licensure (Rule 225).....	153
237. Continuing Education For Pastoral Counselor (Rule 237).....	153
240. Continuing Education For Marriage And Family Therapists (Rule 240).....	153

**IDAPA 25 - OUTFITTERS AND GUIDES LICENSING BOARD**

<b>25.01.01 - RULES OF THE OUTFITTERS AND GUIDES LICENSING BOARD</b>	
<b>Docket No. 25-0101-0101</b>	
002. Definitions.....	155
018. New Outfitter Or Outfitter License Amendment Application.....	155

**IDAPA 29 - IDAHO POTATO COMMISSION RULES**

<b>29.01.02 - RULES GOVERNING PAYMENT OF ADVERTISING TAX AND USAGE OF FEDERALLY REGISTERED TRADEMARKS</b>	
<b>Docket No. 29-0102-0101</b>	
102. Certification Marks For Idaho® Potato Containers.....	158
103. Branding, And Grade And Packaging Requirements Of State Brand.....	159

**IDAPA 35 - STATE TAX COMMISSION**

<b>35.01.01 - INCOME TAX ADMINISTRATIVE RULES</b>	
<b>Docket No. 35-0101-0101</b>	
720. Credit For Idaho Research Activities -- In General (Rule 720).....	163
<b>35.01.03 - PROPERTY TAX ADMINISTRATIVE RULES</b>	
<b>Docket No. 35-0103-0102</b>	
645. Land Actively Devoted To Agriculture Defined (Rule 645).....	167
<b>Docket No. 35-0103-0104</b>	
225. Documentation For Newly Organized Or Altered Taxing Districts Or Urban Renewal Districts Containing Revenue Allocation Areas (RAAS) Newly Organized Or Altered Under The Jurisdiction Of Urban Renewal Agencies (Rule 225).....	170

**IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY****58.01.00 - NON-SUBSTANTIVE CHANGES AFFECTING ADMINISTRATIVE RULES  
OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY**Docket No. **58-0100-0002**

<b>58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO .....</b>	<b>180</b>
003. Administrative Appeals.....	180
534. Appeals.....	181
587. Listing Or Delisting Toxic Air Pollutant Increments.....	181
<b>58.01.02 - WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIREMENTS .....</b>	<b>181</b>
996. Administrative Provisions.....	181
<b>58.01.03 - INDIVIDUAL/SUBSURFACE SEWAGE DISPOSAL RULES .....</b>	<b>181</b>
996. Administrative Provisions.....	181
997. Confidentiality Of Records.....	182
<b>58.01.04 - RULES FOR ADMINISTRATION OF WASTEWATER TREATMENT FACILITY GRANTS .....</b>	<b>182</b>
080. Suspension Or Termination Of Grant.....	182
996. Administrative Provisions.....	183
997. Confidentiality.....	183
<b>58.01.05 - RULES AND STANDARDS FOR HAZARDOUS WASTE .....</b>	<b>183</b>
996. Administrative Provisions.....	183
<b>58.01.08 - IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS.....</b>	<b>183</b>
005. General Provisions For Waivers, Variances, And Exemptions.....	183
996. Administrative Provisions.....	184
<b>58.01.09 - RULES REGULATING SWINE AND POULTRY FACILITIES .....</b>	<b>184</b>
003. Administrative Appeals.....	184
<b>58.01.11 - GROUND WATER QUALITY RULE.....</b>	<b>184</b>
002. Administrative Appeals.....	184
350. Procedures For Categorizing Or Recategorizing An Aquifer.....	185
<b>58.01.12 - RULES FOR ADMINISTRATION OF WASTEWATER TREATMENT FACILITY LOANS .....</b>	<b>186</b>
080. Suspension Or Termination Of Loan Contracts.....	186
996. Administrative Provisions.....	187
998. Confidentiality.....	187
<b>58.01.13 - RULES FOR ORE PROCESSING BY CYANIDATION .....</b>	<b>188</b>
850. Permit Revocation.....	188
996. Administrative Provisions.....	188
997. Confidentiality Of Records.....	188
<b>58.01.14 - RULES FOR ADMINISTRATION OF AGRICULTURAL WATER QUALITY PROGRAM .....</b>	<b>188</b>
403. Contract Violation And Appeals.....	188
996. Administrative Provisions.....	190
997. Confidentiality.....	190
<b>58.01.15 - RULES GOVERNING THE CLEANING OF SEPTIC TANKS.....</b>	<b>190</b>

996. Administrative Provisions.....	190
997. Confidentiality Of Records.....	190
<b>58.01.16 - RULES FOR NUTRIENT MANAGEMENT .....</b>	<b>190</b>
200. Consistency Review Of Local Nutrient Management Programs Established Prior To The Development Of The State Nutrient Management Plan.....	191
996. Administrative Provisions.....	193
997. Confidentiality Of Records.....	193
<b>58.01.17 - WASTEWATER-LAND APPLICATION PERMIT RULES .....</b>	<b>194</b>
801. -- 919. (Reserved).....	194
920. Permit Revocation.....	194
996. Administrative Provisions.....	194
997. Confidentiality Of Records.....	195
<b>58.01.18 - IDAHO LAND REMEDIATION RULES .....</b>	<b>195</b>
003. Administrative Appeals.....	195
<b>58.01.19 - SMALL COMMUNITIES IMPROVEMENT PROGRAM RULES.....</b>	<b>195</b>
003. Administrative Appeals.....	195
<b>58.01.20 - RULES FOR ADMINISTRATION OF DRINKING WATER LOAN ACCOUNT.....</b>	<b>195</b>
003. Administrative Appeals.....	195
080. Suspension Or Termination Of Loan Contracts.....	196
996. Confidentiality.....	196
<b>58.01.21 - RULES GOVERNING THE PROTECTION AND DISCLOSURE OF RECORDS IN THE POSSESSION OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY .....</b>	<b>197</b>
003. Appeals.....	197
<b>58.01.22 - RULES FOR ADMINISTRATION OF PLANNING GRANTS FOR DRINKING WATER FACILITIES.....</b>	<b>197</b>
003. Administrative Procedures.....	197
070. Suspension Or Termination Of Grant.....	197
<b>58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO</b>	
Docket No. <b>58-0101-0101</b>	
556. Criteria For Defining Levels Within Stages.....	200
Docket No. <b>58-0101-0104</b>	
224. Permit To Construct Application Fee.....	202
225. Permit To Construct Processing Fee.....	202
227. Receipt And Usage Of Fees.....	203
407. Tier II Operating Permit Processing Fee.....	203
409. Receipt And Usage Of Fees.....	204
802. Receipt And Usage Of Fees.....	205
<b>58.01.02 - WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIREMENTS</b>	
Docket No. <b>58-0102-0101</b>	
100. Surface Water Use Designations.....	207
140. Southwest Idaho Basin.....	208
278. Lower Boise River Subbasin, HUC 17050114 Subsection 150.12.....	209

**Docket No. 58-0102-0102**

284. South Fork Coeur D'alene Subbasin, Subsection 110.09, HUC 17010302,  
Aquatic Life Criteria For Cadmium, Lead And Zinc. .... 211

**Docket No. 58-0102-0103**

003. Definitions..... 213  
 053. Beneficial Use Support Status..... 219  
 070. Application Of Standards..... 219  
 080. Violation Of Water Quality Standards..... 220  
 200. General Surface Water Quality Criteria..... 220  
 250. Surface Water Quality Criteria For Aquatic Life Use Designations. .... 221  
 284. South Fork Coeur D'alene Subbasin, Subsection 110.09, HUC 17010302,  
Aquatic Life Criteria For Cadmium, Lead And Zinc. .... 223  
 401. Point Source Wastewater Treatment Requirements..... 223  
 420. Point Source Sewage Wastewater Discharge Restrictions..... 224

**58.01.23 - RULES OF ADMINISTRATIVE PROCEDURE BEFORE THE BOARD OF ENVIRONMENTAL QUALITY**

**Docket No. 58-0123-0001**

000. Legal Authority. .... 231  
 001. Title, Scope, And Applicability..... 231  
 002. Written Interpretations..... 232  
 003. Administrative Procedures..... 232  
 004. Incorporation By Reference..... 232  
 005. Confidentiality Of Records..... 232  
 006. Applicability Of Rules Of Administrative Procedure Of The Attorney General..... 232  
 007. Rules Of General Procedure And Definitions..... 232  
 008. Filing And Service Of Documents..... 232  
 009. Office -- Office Hours -- Mailing Address And Street Address..... 232  
 010. Definitions And Abbreviations..... 233  
 011. Liberal Construction..... 234  
 012. Identification Of Pleadings..... 234  
 013. Computation Of Time..... 234  
 014. -- 042. (Reserved)..... 234  
 043. Rules Governing Declaratory Ruling And Contested Case Proceedings..... 234  
 044. Initial Pleading By Party -- Listing Of Representatives..... 234  
 045. Representation Of Parties..... 234  
 046. -- 047. (Reserved)..... 235  
 048. Substitution Of Representative -- Withdrawal Of Representative..... 235  
 049. Rules Governing Declaratory Ruling Proceedings..... 235  
 050. Form And Contents Of Petition For Declaratory Rulings..... 235  
 051. Notice Of Petition For Declaratory Ruling..... 235  
 052. Petitions For Declaratory Rulings To Be Decided By Order..... 235  
 053. -- 098. (Reserved)..... 236  
 099. Rules Governing Contested Case Proceedings..... 236  
 100. Time Period For Filing Petition To Initiate Contested Case..... 236  
 101. Department Action Not Stayed..... 236  
 102. Petitioner Has Burden Of Proof..... 236  
 103. Dismissal Of Inactive Contested Cases..... 236  
 104. -- 206. (Reserved)..... 236  
 207. Conduct Required..... 236  
 208. Taking Of Appearances -- Participation By Department Staff..... 236  
 209. Reserved..... 236

210. Pleadings In Contested Cases Listed -- Miscellaneous.....	237
211. Petitions To Initiate Contested Case -- Defined -- Form And Contents.....	237
212. Responses In Contested Cases -- Defined -- Form And Contents.....	237
213. Motions -- Defined -- Form And Contents.....	237
214. -- 299. (Reserved).....	238
300. Form Of Pleadings.....	238
301. (Reserved).....	238
302. Proof Of Service.....	238
303. Defective, Insufficient Or Untimely Pleadings.....	239
304. Amendments To Pleadings -- Withdrawal Of Pleadings.....	239
305. -- 349. (Reserved).....	239
350. Intervention.....	239
351. Form And Contents Of Petitions To Intervene.....	239
352. Timely Filing Of Petitions To Intervene.....	239
353. Granting Petitions To Intervene.....	239
354. Orders Granting Intervention -- Objections.....	239
355. -- 409. (Reserved).....	239
410. Board Members As Presiding Officers, Appointment Of Hearing Officers -- Notice.....	239
411. (Reserved).....	240
412. Disqualification Of Officers Hearing Contested Cases.....	240
413. Scope Of Authority Of Presiding Officers.....	240
414. (Reserved).....	240
415. Challenges To Statutes.....	240
416. Review Of Rules.....	240
417. Ex Parte Communications.....	240
418. -- 499. (Reserved).....	240
500. Alternative Resolution Of Contested Cases.....	241
501. Neutrals.....	241
502. -- 509. (Reserved).....	241
510. Prehearing Conference.....	241
511. Record Of Conference.....	241
512. Orders Resulting From Prehearing Conference.....	241
513. -- 528. (Reserved).....	241
529. Exhibit Numbers.....	242
530. -- 539. (Reserved).....	242
540. Exchange Of Information, Other Discovery.....	242
541. Subpoenas.....	242
542. Filing And Service Of Discovery-Related Documents.....	243
543. Depositions, Prepared Testimony And Exhibits.....	243
544. Sanctions For Failure To Obey Order Compelling Discovery.....	243
545. Protective Orders.....	243
546. -- 549. (Reserved).....	243
550. Notice Of Hearing.....	243
551. How Hearings Held.....	244
552. Location Of Hearings And Ada Requirements.....	244
553. Conference At Hearing.....	244
554. Preliminary Procedure At Hearing.....	244
555. Consolidation Of Proceedings.....	244
556. Stipulations.....	244
557. Order Of Procedure.....	244
558. Testimony Under Oath.....	244
559. Parties And Persons With Similar Interests.....	244

560. Continuance Of Hearing.....	245
561. Oral Argument.....	245
562. Briefs -- Memoranda -- Proposed Orders Of The Parties -- Statements Of Position.....	245
563. -- 599. (Reserved).....	245
600. Rules Of Evidence -- Evaluation Of Evidence.....	245
601. Documentary Evidence.....	245
602. Official Notice -- Department Staff Memoranda.....	245
603. Depositions.....	245
604. Objections -- Offers Of Proof.....	245
605. Prepared Testimony.....	245
606. Exhibits.....	245
607. -- 609. (Reserved).....	245
610. Confidentiality Of Settlement Negotiations.....	246
611. Suggestion For Or Inquiry About Settlements.....	246
612. Consideration Of Settlements.....	246
613. Burdens Of Proof Regarding Settlements.....	246
614. Settlement Not Binding.....	246
615. -- 649. (Reserved).....	246
650. Record For Decision.....	246
651. Recording Of Hearings.....	247
652. -- 699. (Reserved).....	247
700. Notice Of Proposed Default Order.....	247
701. Fourteen Days To Respond To Proposed Default Order.....	247
702. Default Order.....	247
703. -- 709. (Reserved).....	247
710. Interlocutory Orders.....	247
711. Review Of Interlocutory Orders.....	247
712. -- 719. (Reserved).....	247
720. Recommended Orders.....	247
721. -- 729. (Reserved).....	248
730. Preliminary Orders.....	248
731. -- 739. (Reserved).....	249
740. Final Orders.....	249
741. -- 749. (Reserved).....	249
750. Order Not Designated.....	249
751. -- 779. (Reserved).....	250
780. Stay Of Orders.....	250
781. -- 789. (Reserved).....	250
790. Persons Who May Appeal.....	250
791. Notice Of Appeal.....	250
792. -- 798. (Reserved).....	250
799. Rules Governing Proceedings On Petitions To Initiate Rulemaking.....	250
800. Form And Contents Of Petition To Initiate Rulemaking.....	250
801. Board Response To Petition.....	251
802. Notice Of Intent To Initiate Rulemaking Constitutes Action On Petition.....	251
803. -- 807. (Reserved).....	251
808. Rules Governing Rulemaking Procedures.....	251
809. Formal And Informal Rulemaking.....	251
810. Legislative Preference For Negotiated Rulemaking Procedures.....	251
811. Publication In Idaho Administrative Bulletin.....	252
812. Contents Of Notice Of Intent To Promulgate Rules.....	252
813. Public Meetings.....	252

814. Reports To The Department.....	252
815. Department Consideration Of Report.....	252
816. -- 829. (Reserved).....	252
830. Requirements For Notice Of Proposed Rulemaking. ....	252
831. Informal Phases Of Formal Rulemaking. ....	253
832. Comments On Proposed Rules.....	253
833. Petitions For Oral Presentation. ....	253
834. The Rulemaking Record.....	254
835. Adoption And Publication Of Pending Rules Following Comment Or Oral Presentation. ....	254
836. Final Rules. ....	255
837. -- 839. (Reserved).....	255
840. Procedure For Adoption Of Temporary Rules.....	255
841. -- 849. (Reserved).....	255
850. Correction Of Typographical, Transcription Or Clerical Errors In Pending Rules. ....	255
851. -- 859. (Reserved).....	256
860. Persons Who May Seek Judicial Review. ....	256
861. -- 999. (Reserved).....	256

# Bulletin Summary of Proposed Rulemakings

---

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

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

### **IDAPA 02 – DEPARTMENT OF AGRICULTURE PO Box 790, Boise, ID 83701**

Docket No. **02-0609-0201** – Idaho Quarantine Rules Concerning the Necrotic Strain of the Potato Virus Y. Repeal of chapter. Comment by: 1/23/02.

Docket No. **02-0626-0201** - Rules Creating the Fremont Seed Potato Crop Management Area. Repeal of chapter. Comment by: 1/23/02.

Docket No. **02-0626-0202** - Rules Concerning Seed Potato Crop Management Areas. Eliminates duplications and combines the common provisions of 02.06.26, 02.06.27, 02.06.28, and 02.06.37 into a new comprehensive chapter for seed potato crop management areas in Idaho. Comment by: 1/23/02.

Docket No. **02-0627-0201** - -- Rules Creating the Teton and Portions of Madison Counties Seed Potato Crop Management Area. Repeal of chapter. Comment by: 1/23/02.

Docket No. **02-0628-0201** - Rules Creating the Lost River Seed Potato Crop Management Area. Repeal of chapter. Comment by: 1/23/02.

Docket No. **02-0637-0201** - Rules Creating the Caribou County and that Portion of Franklin County Included in School District No. 148 Seed Potato Crop Management Area. Repeal of chapter. Comment by: 1/23/02.

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

Docket No. **16-0309-0201** - Rules Governing the Medical Assistance Program. Participants living in Residential/ Assisted Living or Certified Family Homes who receive Level I, II, or III care payment, will now receive Personal Care Services under Medicaid. Comment by: 1/23/02.

Docket No. **16-0506-0201** – Rules Governing Mandatory Criminal History Checks. Increases the fee for the Criminal History Background Check fee from \$34 to \$45. Comment by: 1/23/02.

**PUBLIC HEARINGS** – A Public Hearing Has Been Scheduled For The Following Docket:

#### **Department of Environmental Quality**

Docket No. **58-0102-0201** – Water Quality Standards and Wastewater Treatment Requirements (Negotiated Rulemaking).

Please refer to the Idaho Administrative Bulletin, **January 2, 2002, Volume 02-1** for notices and text of all rulemakings, public hearing schedules, Governor’s executive orders, and agency contact names.

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

Copies of the Administrative Bulletin and other rules publications are available for purchase. For subscription information and ordering call (208) 332-1820 or write the Office of Administrative Rules, Department of Administration, 650 W. State St., Room 100, Boise, Idaho 83720-0306. Visa and Mastercard accepted.

The Idaho Administrative Bulletin and Administrative Code are available on-line at: <http://www2.state.id.us/adm/adminrules/>

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

**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

- Abbreviations, IDAPA 02.06.26, Rules Concerning Seed Potato Crop Management Areas 32
- Acquisition, Application, And Expression Of Specific Content Knowledge And Skills In Foreign Language Study, Grades 4 - 5 76
- Acquisition, Application, And Expression Of Specific Content Knowledge And Skills In Foreign Language Study, Grades 6 - 8 83
- Acquisition, Application, And Expression Of Specific Content Knowledge And Skills In Foreign Language Study, Grades 9 - 12 94
- Acquisition, Application, And Expression Of Specific Content Knowledge And Skills In The Interdisciplinary Humanities, Grades 9 - 12 85
- Acquisition, Application, And Expression Of Specific Content Knowledge And Skills In The Visual And Performing Arts, Grades 4 - 5 72
- Acquisition, Application, And Expression Of Specific Content Knowledge And Skills In The Visual And Performing Arts, Grades 6 - 8 79
- Acquisition, Application, And Expression Of Specific Content Knowledge And Skills In The Visual And Performing Arts, Grades 9 - 12 88
- Acquisition, Application, And Expression Of Specific Content Knowledge And Skills In The Visual And Performing Arts, Grades K - 3 65
- Acquisition, Application, And Expression Of Specific Content Knowledge And Skills In World History, Grades 9 - 12 92
- Acquisition, Application, And/ Expression Of Specific Content Knowledge And Skills In Foreign Language Study, Grades K - 3 68
- Action Of Board, Administrative Procedure Before The Board Of Environmental Quality 251
- Acute Criterion (Criterion Maximum Concentration (CMC)), Spokane River One Hour Average 222
- Additional Responsibilities Of Eligible Postsecondary Institutions 51
- Administrative Provisions 181, 183
- Adoption And Publication Of Pending Rules Following Comment Or Oral Presentation 254
- Adoption, Pending Rule 254
- Aesthetics, Surface Water Use Designations 208
- Agency Consideration Of Report 252
- All Students 53
- Almo Valley Bridge Seed Potato Crop Management Area 33
- Alteration From Original State, Soil Amendment And Plant Amendment Registration 41
- Alternative Resolution Of Contested Cases 241
- Amendments To Pleadings, Withdrawal Of Pleadings 239
- Aphid Inspection, Bedding Plants, IDAPA 02.06.26 35
- Appeal Of District Determination, Agricultural Water Quality Program 190
- Appearances And Representation, Contested Case Proceedings 234
- Application Of Standards To Intermittent And Ephemeral Waters 219
- Application Of Standards, Water Quality 219
- Aquatic Habitat Parameters, Beneficial Use Support Status 219
- Aquatic Life, Surface Water Use Designations 207
- Assessment In The Public Schools 97
- Assessment Schedule, August 1, 2002 99
- Associated Proposed Rule, Procedure For Adoption Of Temporary Rules 255
- Assurances, Assessment In The Public Schools 100
- Availability Of Information, Administrative Procedure Before The Board Of Environmental Quality 253

## B

- Bedding Plants, IDAPA 02.06.26, Rules Concerning Seed Potato Crop Management 35
- Beneficial Use Support Status, Water Body 219
- Biological Parameters, Beneficial Use Support Status 219
- Board Members As Presiding Officers, Appointment Of Hearing Officers, Notice 239
- Board Response To Petition, Administrative Procedure Before The Board Of Environmental Quality 251
- Boise River Subbasin HUC 17050114 Subsection 150.12 209
- Boise River, SW-1 and SW-5 – Salmonid Spawning And Dissolved Oxygen 209
- Box Type Containers 158
- Branding Or Marking Of Individual IDAHO (Registered Trademark) Potatoes 159
- Branding, Grade And Packaging Requirements Of State Brand, Potato Commission 159
- Briefs, Memoranda, Proposed Orders Of The Parties, Statements Of Position 245
- Burdens Of Proof, Proponents 246

## C

- Calculated Fee, Personal Care Provider 137
- Caribou And Franklin County Seed Potato Crop Management Area 33
- Cause For Revocation, Ore Processing By Cyanidation Permit 188
- Cause Of Violation, Agricultural Water Quality Program 189
- Causes 182
- Causes, Suspension Or Termination Of Grant 197
- Causes, Suspension/Termination Of Loan Contracts, Drinking Water Loan Account 196
- Certification Marks For Idaho (Registered Trademark) Potato Containers 158
- Certification, Planting Of Potatoes, IDAPA 02.06.26 34

- Certified Social Worker 126  
Challenges To Statutes, Presiding  
Officer In A Contested Case 240  
Chronic Criterion (Criterion Continuous  
Concentration (CCC)), Spokane  
River Thirty Day Average 222  
Clinical Professional Counselor 126  
Clinical Professional Counselor  
Licensure 153  
Clinician 126  
Cold Water 221  
Columbia Root Knot Nematode,  
Diseases And Pests Of Concern 34  
Comments On Proposed Rules 253  
Community Crisis Support 123  
Comprehensive Assessment And  
Service Plan Development,  
Responsibilities Of Regions, Mental  
Health 118  
Comprehensive Assessment Program,  
Statewide Assessment Program 98  
Comprehensive Assessment, Service  
Descriptions, Mental Health 119  
Computation Of Time, Administrative  
Procedure Before The Board Of  
Environmental Quality 234  
Concentrated Animal Feeding  
Operation (CAFO) 26  
Conditions For Revocation,  
Wastewater-Land Application  
Permit 194  
Conduct Required, Administrative  
Procedure Before The Board Of  
Environmental Quality 236  
Conference At Hearing, Administrative  
Procedure Before The Board Of  
Environmental Quality 244  
Confidentiality 183  
Confidentiality Of Records 182  
Confidentiality Of Settlement  
Negotiations 246  
Consideration Of Settlements 246  
Consistency Determination, Local  
Nutrient Management Program 192  
Consistency Review Of Local Nutrient  
Management Programs Established  
Prior To The Development Of The  
State Nutrient Management  
Plan 191  
Consolidation Of Proceedings, Two Or  
More Hearings 244  
Containers 158  
Content, Declaratory Ruling 235  
Content, Final Order 249  
Content, Notice Of Proposed  
Rulemaking 253  
Content, Petitions For Oral  
Presentation 253  
Content, Preliminary Order 248  
Content, Recommended Order 247  
Content, Statewide Assessment  
Program 97  
Contents Of A Request To Form A Site  
Advisory Team, CAFO Site Advisory  
Team 27  
Contents Of An Odor Management  
Plan, Agriculture Odor  
Management 23  
Contents Of Notice Of Intent To  
Promulgate Rules 252  
Contents, Rulemaking Record 254  
Contested Case, Administrative  
Procedure Before The Board Of  
Environmental Quality 233  
Continuance Of Hearing 245  
Continuing Education For Licensed  
Marriage And Family  
Therapists 153  
Continuing Education For Licensed  
Pastoral Counselor 153  
Continuing Education, Private Practice  
Counselor Licensure 153  
Continuing Eligibility 47  
Continuing Eligibility, Objectives Of  
The Idaho Minority And At-risk  
Student Scholarship Program 50  
Contract Violation And Appeals,  
Agricultural Water Quality  
Program 188  
Control, Planting Of Potatoes, IDAPA  
02.06.26 35  
Corky Ring Spot, Diseases And Pests Of  
Concern 34  
Correction Of Typographical,  
Transcription Or Clerical Errors In  
Pending Rules 255  
Costs Of Additional Services,  
Assessment In The Public  
Schools 99  
Costs Paid By The State, Assessment In  
The Public Schools 99  
Coverage Conditions - Supplies 132  
Credit For Idaho Research Activities --  
In General 163  
Criteria For Aquifer Categories, Ground  
Water Quality 185  
Criteria For Defining Levels Within  
Stages 200  
Critical Thinking In Foreign Language  
Study, Grades 4 - 5 75  
Critical Thinking In Foreign Language  
Study, Grades 6 - 8 83  
Critical Thinking In Foreign Language  
Study, Grades 9 - 12 93  
Critical Thinking In Foreign Language  
Study, Grades K - 3 68  
Critical Thinking In Interdisciplinary  
Humanities, Grades 9 - 12 84  
Critical Thinking In The Visual And  
Performing Arts, Grades 4 - 5 70  
Critical Thinking In The Visual And  
Performing Arts, Grades 6 - 8 77  
Critical Thinking In The Visual And  
Performing Arts, Grades 9 - 12 87  
Critical Thinking In The Visual And  
Performing Arts, Grades K - 3 64  
Critical Thinking In World History,  
Grades 9 - 12 91  
Cull And Volunteer Potatoes, IDAPA  
02.06.26, Rules Concerning Seed  
Potato Crop Management 36  
Cull Potatoes 31
- D**
- Date, Time, Duration Of Service, And  
Justification, Record  
Requirements 127  
Declaratory Ruling, Administrative  
Procedure Before The Board Of  
Environmental Quality 233  
Defective, Insufficient Or Untimely  
Pleadings 239  
Definition, Final Orders 249  
Definition, Preliminary Orders 248  
Definition, Recommended Orders 247  
Definitions A - G, IDAPA 08.02.03 53  
Definitions And Abbreviations, IDAPA  
58.01.02, Water Quality Standards  
And Wastewater Treatment  
Requirements 213  
Definitions And Abbreviations, IDAPA  
58.01.23, Rules Of Administrative  
Procedure Before The Board Of  
Environmental Quality 233  
Definitions T - Z, IDAPA 08.02.03 53  
Definitions, IDAPA 02.04.18, Rules  
Governing CAFO Site Advisory

Team 26  
Definitions, IDAPA 02.06.26, Rules Concerning Seed Potato Crop Management Areas 31  
Definitions, IDAPA 08.02.03, Section 456 95  
Definitions, IDAPA 24.15.01, Rules Of The Idaho Counselor Licensing Board 152  
Definitions, IDAPA 25.01.01, Rules Of The Idaho Outfitters And Guides Licensing Board 155  
Deleterious Materials, General Surface Water Quality Criteria 220  
Demographic Information, Assessment In The Public Schools 100  
Denial, Rulemaking Petition 251  
Depositions, May Be Offered Into Evidence 245  
Desirable Species 213  
Destroying Volunteer Potatoes, Cull And Volunteer Potatoes, IDAPA 02.06.26 36  
Determination, Suspension/Termination Of Loan Contracts, Drinking Water Loan Account 196  
Diseases And Pests Of Concern, IDAPA 02.06.26, Rules Concerning Seed Potato Crop Management 34  
Disinfection Requirements For Sewage Wastewater Treatment Plant Effluent 224  
Dismissal Of Inactive Contested Cases, Administrative Procedure Before The Board Of Environmental Quality 236  
Dispositions, Prepared Testimony And Exhibits, Administrative Procedure Before The Board Of Environmental Quality 243  
Disqualification Of Officers Hearing Contested Cases 240  
Documentary Evidence 245  
Documentation Of Progress, Record Requirements, Mental Health 127  
Dual Enrollment, Testing In The Public Schools 100  
Durable Medical Equipment And Medical Supplies 130

**E**

Effective Date, Procedure For Adoption Of Temporary Rules 255

Eligibility Criteria For PSR Services, Rehabilitative Services -- Mental Health 116  
Emergency Action, Permit Revocation, Wastewater-Land Application Permit 194  
Equipment, Regulated Articles 34  
Evaluations And Tests 127  
Evaluations By Occupational Therapists 128  
Ex Parte Communications 240  
Excess Nutrients, General Surface Water Quality Criteria 220  
Excluded Services, Mental Health 124  
Exhibit Numbers, Administrative Procedure Before The Board Of Environmental Quality 242  
Exhibits, Administrative Procedure Before The Board Of Environmental Quality 245  
Expiration, Procedure For Adoption Of Temporary Rules 255

**F**

Fees And Costs, Individuals Subject To Mandatory Criminal History Checks 141  
Filing And Service Of Discovery, Administrative Procedure Before The Board Of Environmental Quality 243  
Filing And Service Of Documents 232  
Filing of Documents, Filing And Service Of Documents 232  
Filing, Petition For Judicial Review 256  
Final Agency Action, Declaratory Rulings Petition 235  
Final Orders 249  
Floating, Suspended Or Submerged Matter, General Surface Water Quality Criteria 220  
Foreign Language, Grades 4 - 5 75  
Foreign Language, Grades 6 - 8 82  
Foreign Language, Grades 9 - 12 93  
Foreign Language, Grades K - 3 67  
Forfeiture Of Further Cost-Share Payments, Agricultural Water Quality Program 189  
Form And Contents Of Petition For Declaratory Rulings 235  
Form And Contents Of Petition To Initiate RuleMaking 250

Form And Contents Of Petitions To Intervene 239  
Form And Contents, Petition To Initiate RuleMaking 250  
Form Of Pleadings, Administrative Procedure Before The Board Of Environmental Quality 238  
Formal And Informal Rulemaking 251  
Fremont Seed Potato Crop Management Area 32  
Full Protection, Full Support, Or Full Maintenance Of Designated Beneficial Uses Of Water 213

**G**

General Provisions For Waivers, Variances, And Exemptions, Drinking Water System 183  
General Surface Water Quality Criteria 220  
Gifted And Talented Programs, State Department Of Education 95  
Glossary Of Humanities Terms, IDAPA 08.02.03 60  
Granting Petitions To Intervene, Administrative Procedure Before The Board Of Environmental Quality 239  
Green Peach Aphid Hosts, Regulated Articles 34  
Green Peach Aphid, Diseases And Pests Of Concern 34  
Group Psychosocial Rehabilitation 122  
Grower 31  
Gubernatorial Finding, Procedure For Adoption Of Temporary Rules 255

**H**

Hazardous Materials, General Surface Water Quality Criteria 220  
Historical And Cultural Contexts Of Foreign Language Study, Grades 4 - 5 75  
Historical And Cultural Contexts Of Foreign Language Study, Grades 6 - 8 82  
Historical And Cultural Contexts Of Foreign Language Study, Grades 9 - 12 93  
Historical And Cultural Contexts Of Foreign Language Study, Grades K - 3 67

Historical And Cultural Contexts Of  
Interdisciplinary Humanities, Grades  
9 - 12 84

Historical And Cultural Contexts Of  
Visual And Performing Arts  
Disciplines, Grades 4 - 5 69

Historical And Cultural Contexts Of  
Visual And Performing Arts  
Disciplines, Grades 6 - 8 76

Historical And Cultural Contexts Of  
Visual And Performing Arts  
Disciplines, Grades 9 - 12 85

Historical And Cultural Contexts Of  
Visual And Performing Arts  
Disciplines, Grades K - 3 63

Historical And Cultural Contexts Of  
World History, Grades 9 - 12 91

Home Gardens, Planting Of Potatoes,  
IDAPA 02.06.26 34

How Hearings Held, In Person, By  
Telephone/Television Or Other  
Electronic Means 244

### I

Identification Of Pleadings,  
Proceeding's Case Caption And  
Number 234

In Transit, Transportation Of Potatoes,  
IDAPA 02.06.26 36

Indian Creek, SW-3b, Mason Creek,  
SW-6, And Sand Hollow Creek, SW-  
17 - Modified Aquatic Life Use 209

Individual Psychosocial  
Rehabilitation 121

Informal Phases Of Formal  
Rulemaking 253

Initial Pleading By Party Listing Of  
Representatives, Administrative  
Procedure Before The Board Of  
Environmental Quality 234

Inspections, Agriculture Odor  
Management 23

Interdisciplinary Humanities, Grades 4 -  
5 69

Interdisciplinary Humanities, Grades 6 -  
8 76

Interdisciplinary Humanities, Grades 9 -  
12 84

Interlocutory Orders, Administrative  
Procedure Before The Board Of  
Environmental Quality 247

Introduction Of Pests, Diseases And  
Pests Of Concern 34

Irish Potato, Regulated Articles 33  
Issuance Of Default Order 247

### L

Land Actively Devoted To Agriculture  
Defined 167

Leaf Roll, Diseases And Pests Of  
Concern 34

Legal Assertions, Petition For  
Declaratory Rulings 235

Legislative Preference For Negotiated  
Rulemaking Procedures 251

Listening 59

Listing Or Delisting Toxic Air Pollutant  
Increments 181

Location Of Hearings And ADA  
Requirements 244

Lost River Seed Potato Crop  
Management Area 33

Lower Boise Subbasin 208

### M

Master's Level Psychiatric Nurse 126  
Medical Equipment Program  
Requirements 131

Medical Necessity Criteria, DME/  
Medical Supplies 130

Medical Supply Program  
Requirements 132

Medication Prescription And  
Administration 127

Modified, Water Quality Criteria For  
Modified Aquatic Life 223

Motions, Defined, Form And Contents,  
Time For Filing 237

### N

Nephelometric Turbidity Units  
(NTU) 213

Neutrals, Administrative Procedure  
Before The Board Of Environmental  
Quality 241

New Outfitter Or Outfitter License  
Amendment Application 155

No Motions For Reconsideration, Final  
Orders 249

No Observed Adverse Effect Level  
(NOAEL) 214

No Observed Effect Concentration  
(NOEC) 214

Nonpoint Source Activities 213

Northern Root Knot Nematode,  
Diseases And Pests Of Concern 34

Notice And Publication, Procedure For  
Adoption Of Temporary Rules 255

Notice Of Appeal, Administrative  
Procedure Before The Board Of  
Environmental Quality 250

Notice Of Hearing, Administrative  
Procedure Before The Board Of  
Environmental Quality 243

Notice Of Hearing, Wastewater-Land  
Application Permit Revocation 194

Notice Of Intent To Initiate Rulemaking  
Constitutes Action On Petition 251

Notice Of Petition For Declaratory  
Ruling, Administrative Procedure  
Before The Board Of Environmental  
Quality 235

Notice Of Proposed Default After  
Failure To Appear 247

Notice, Administration Of Drinking  
Water Loan Account 196

Notice, Suspension Or Termination Of  
Grant 197

Nuisance 214

Nutrient Management Program  
Modifications 192

Nutrients 214

### O

Objections, Offers Of Proof 245

Occupational Therapist 127

Official Notice, Agency Staff  
Memoranda 245

One Day Minimum 214

One Hour Average 214

Oral Argument 245

Oral Presentation, Petition 254

Order Granting Intervention  
Necessary 239

Order Not Designated 249

Order Of Procedure, Administrative  
Procedure Before The Board Of  
Environmental Quality 244

Orders Granting Intervention,  
Opposition 239

Orders Resulting From Prehearing  
Conference 241

Other Type Containers, Sack Type  
Potato Containers 158

Outfitter License 155

Outstanding Resource Water  
(ORW) 214

Outstanding Resource Water Mixing  
Zone 214

Oxygen-Demanding Materials, General  
Surface Water Quality Criteria 220

## **P**

Parties And Persons With Similar  
Interests, Presiding Officer May  
Limit Witnesses 244  
Party, Administrative Procedure Before  
The Board Of Environmental  
Quality 233  
Payment For Services, Mental  
Health 127  
Peach, Apricot Trees, Or Any Host,  
IDAPA 02.06.26, Rules Concerning  
Seed Potato Crop Management 35  
Permit Revocation, Ore Processing By  
Cyanidation 188  
Permit Revocation, Wastewater-Land  
Application Permit 194  
Permit To Construct Application  
Fee 202  
Permit To Construct Processing  
Fee 202  
Persons Who May Appeal, Contested  
Cases 250  
Persons Who May Seek Judicial  
Review, Administrative Procedure  
Before The Board Of Environmental  
Quality 256  
Petition Process, Ground Water  
Quality 186  
Petition, Administrative Procedure  
Before The Board Of Environmental  
Quality 234  
Petitioner Has Burden Of Proof 236  
Petitions For Declaratory Rulings To Be  
Decided By Order 235  
Petitions For Oral Presentation,  
Administrative Procedure Before The  
Board Of Environmental  
Quality 253  
Petitions To Initiate Contested Cases,  
Petitions, Defined, Form And  
Contents 237  
Petroleum Products 215  
Petroleum Storage Tank (PST)  
System 215  
Pharmacological Management 121  
Philosophy, Assessment In The Public  
Schools 97  
Physician Or Psychiatrist 126  
Planting Of Potatoes, IDAPA 02.06.26,  
Rules Concerning Seed Potato Crop

Management 34  
Pleadings In Contested Cases Listed,  
Miscellaneous 237  
Point Source 215  
Point Source Sewage Wastewater  
Discharge Restrictions 224  
Point Source Wastewater Treatment  
Requirements 223  
Pollutant 215  
Potable Water 215  
Potato Late Blight, Diseases And Pests  
Of Concern 34  
Potatoes For Consumption, IDAPA  
02.06.26, Rules Concerning Seed  
Potato Crop Management 36  
Potatoes Produced Outside Seed Potato  
Crop Management Areas, Storage Of  
Potatoes, IDAPA 02.06.26 35  
Potatoes Produced Within Seed Potato  
Crop Management Areas, Storage Of  
Potatoes, IDAPA 02.06.26 35  
Powdery Scab, Diseases And Pests Of  
Concern 34  
Preliminary Department Review,  
Ground Water Quality 186  
Preliminary Orders 248  
Preliminary Procedure At Hearing 244  
Prepared Testimony, Administrative  
Procedure Before The Board Of  
Environmental Quality 245  
Presiding Officer(s), Administrative  
Procedure Before The Board Of  
Environmental Quality 234  
Primary Treatment 215  
Procedure For Adoption Of Temporary  
Rules 255  
Procedure On Prehearing Motions,  
Administrative Procedure Before The  
Board Of Environmental  
Quality 238  
Procedures For Categorizing Or  
Recategorizing An Aquifer 185  
Project Plans 215  
Proof Of Service, Administrative  
Procedure Before The Board Of  
Environmental Quality 238  
Protective Orders, Presiding  
Officer 243  
Provider Qualifications 125  
Provider Reimbursement For Personal  
Assistance Services 137  
Psychologist 126

Psychosocial Rehabilitation  
Specialist 126  
Public Meetings, Agency May  
Convene 252  
Public Participation, Nutrient  
Management 193  
Publication In Idaho Administrative  
Bulletin 252  
Publication, Pending Rule 254  
Purposes Of Prehearing Conferences,  
Administrative Procedure Before The  
Board Of Environmental  
Quality 241

## **Q**

Qualifications For Professional  
Counselor Licensure, Counselor  
Licensing 152  
Quality Of Services, Responsibilities Of  
Regions, Mental Health 119

## **R**

Radioactive Materials, General Surface  
Water Quality Criteria 220  
Receipt And Usage Of Fees 203  
Receipt And Usage Of Fees, Payment  
Of Fees For Permits By Rule  
Registration 205  
Receipt And Usage Of Fees, Tier II  
Operating Permit Processing  
Fee 204  
Receiving Waters 215  
Recharge 215  
Recharge Water 215  
Recommended Orders, Administrative  
Procedure Before The Board Of  
Environmental Quality 247  
Record For Decision, Contested  
Cases 246  
Record Of Conference, Prehearing 241  
Record Requirements, Mental  
Health 127  
Recording Of Hearings, Contested  
Cases 247  
Recording, Oral Presentations,  
Administrative Procedure Before The  
Board Of Environmental  
Quality 254  
Recreation, Contact Recreation 207  
Reference Stream Or Condition 215  
Refund Of Cost-Share Payments,  
Agricultural Water Quality  
Program 189

- Regulated Articles, IDAPA 02.06.26,  
Rules Concerning Seed Potato Crop  
Management 33
- Rehabilitative Services -- Mental  
Health 116
- Reimbursement Rate, Personal Care  
Providers 137
- Reinstatement Of Suspended  
Grant 182
- Reinstatement Of Suspended Grant,  
Public Drinking Water Facilities  
Grants 198
- Reinstatement Of Suspended Loan,  
Drinking Water Loan Account 196
- Reinstatement Of Suspended Loan,  
Water Pollution Control Loans 187
- Reinstatement Of Terminated  
Grant 182
- Reinstatement Of Terminated Grant,  
Public Drinking Water Facilities  
Grants 198
- Reinstatement Of Terminated Loan,  
Drinking Water Loan Account 196
- Reinstatement Of Terminated Loan,  
Water Pollution Control Loans 187
- Release 216
- Representation Of Parties At Hearing,  
Administrative Procedure Before The  
Board Of Environmental  
Quality 234
- Requirement, Administrative Procedure  
Before The Board Of Environmental  
Quality 253
- Requirement, Initiation Of  
Rule Making 250
- Requirements For Notice Of Proposed  
Rulemaking 252
- Resident Species 216
- Responses In Contested Cases,  
Answers, Defined, Form And  
Contents, Time For Filing 237
- Responsibilities Of Eligible  
Postsecondary Educational  
Institutions In Idaho 48
- Responsibilities Of Regions, Mental  
Health 118
- Responsibilities, Transportation Of  
Potatoes, IDAPA 02.06.26 36
- Responsible Persons In Charge 216
- Review And Evaluation Of Local  
Nutrient Management Programs And  
Findings Of Fact 191
- Review Of Interlocutory Orders 247
- Review Of Progress, Record  
Requirements, Mental Health 127
- Review Of Rules, Administrative  
Procedure Before The Board Of  
Environmental Quality 240
- Revocation Hearing, Ore Processing By  
Cyanidation 188
- Ring Rot, Diseases And Pests Of  
Concern 34
- Ririe Reservoir Seed Potato Crop  
Management Area 33
- Rule Imposing Or Increasing Fees 255
- Rules Governing Contested Case  
Proceedings, Administrative  
Procedure Before The Board Of  
Environmental Quality 236
- Rules Governing Declaratory Ruling  
And Contested Case Proceedings,  
Administrative Procedure Before The  
Board Of Environmental  
Quality 234
- Rules Governing Declaratory Ruling  
Proceedings 235
- Rules Governing Proceedings On  
Petitions To Initiate  
Rulemaking 250
- Rules Of Evidence, Evaluation Of  
Evidence 245
- S**
- Sanctions For Failure To Obey Order  
Compelling Discovery 243
- Saturated Zone 216
- Schedule, Intent To Promulgate  
Rules 252
- Scope Of Authority Of Hearing  
Officers 240
- Scoring And Report Formats,  
Assessment In The Public  
Schools 98
- Secondary Treatment 216
- Sediment 221
- Sediment, General Surface Water  
Quality Criteria 221
- Seed Potato Crop Management Area,  
Planting Of Potatoes, IDAPA  
02.06.26 34
- Seed Potato Crop Management  
Areas 32
- Selection Of Scholarship Recipients,  
Objectives Of The Idaho Minority  
And At-risk Student Scholarship  
Program 50
- Service Descriptions, Mental  
Health 119
- Service Limitations, Mental  
Health 128
- Service System 118
- Service of Documents, Filing And  
Service Of Documents 232
- Services, Statewide Testing 100
- Settlement Not Binding, Presiding  
Officer Is Not Bound By  
Settlement 246
- Seven Day Mean 216
- Seven Days To Challenge Proposed  
Default Order 247
- Short-Term Or Temporary  
Activity 216
- Silviculture 216
- Sludge 217
- Soil Amendment And Plant  
Amendment Registration 41
- South Fork Coeur d'Alene Subbasin,  
Subsection 110.09, HUC 17010302,  
Aquatic Life Criteria For Cadmium  
Lead And Zinc 211
- South Fork Coeur d'Alene Subbasin,  
Subsection 110.09, HUC 17010302,  
Aquatic Life Criteria For Cadmium,  
Lead And Zinc 223
- Southwest Idaho Basin 208
- Special Resource Water 217
- Specialized Best Management  
Practices 217
- State Water Quality Management  
Plan 217
- Stay Of Orders, Administrative  
Procedure Before The Board Of  
Environmental Quality 236, 250
- Steady-State Model 217
- Stipulations, Administrative Procedure  
Before The Board Of Environmental  
Quality 244
- Storage Of Potatoes, IDAPA 02.06.26,  
Rules Concerning Seed Potato Crop  
Management 35
- Stubby Root Nematode, Diseases And  
Pests Of Concern 34
- Subject Matter, Intent To Promulgate  
Rules 252
- Subpoenas, Presiding Officer 242
- Substitution Of Representative,  
Withdrawal Of Representative,

Administrative Procedure Before The Board Of Environmental Quality 235

Subsurface Disposal 217

Suggestion For Or Inquiry About Settlements 246

Supervised Experience Requirement, Counselor Licensing 152

Surface Water Exemptions, Drinking Water System 184

Surface Water Quality Criteria For Aquatic Life Use Designations 221

Surface Water Use Designations 207

Surface Water Variances, Drinking Water System 184

Suspended Sediment 217

Suspension Or Termination Of Grant 182

Suspension Or Termination Of Grant, Public Drinking Water System Grants 197

Suspension Or Termination Of Loan Contracts, Drinking Water Loan Account 196

Suspension Or Termination Of Loan Contracts, Water Pollution Control Loans 186

**T**

Taking Of Appearances--Participation By Agency Staff, Administrative Procedure Before The Board Of Environmental Quality 236

Task Plan Oversight, Responsibilities Of Regions, Mental Health 118

Task Plan, Service Descriptions, Mental Health 121

Technology-Based Effluent Limitation 217

Temperature Criteria, Application Of Water Quality Standards 219

Temperature Exemption, Exceeding The Temperature Criteria 220

Tenmile Creek, SW-8, And Five Mile Creek, SW-10 - Seasonal Cold Aquatic Life Use And Agricultural Water Supply 209

Test Security 100

Testimony Under Oath 244

Testing Population, Assessment In The Public Schools 98

Teton And Portions Of Madison County Seed Potato Crop Management

Area 32

The Rulemaking Record 254

Tier II Operating Permit Processing Fee 203

Tier II Operating Permit Processing Fee Not Required 204

Time Period For Filing Petition To Initiate Contested Case 236

Timely Filing Of Petitions To Intervene, Administrative Procedure Before The Board Of Environmental Quality 239

Total Maximum Daily Load (TMDL) 217

Total Quality Management 53

Toxic Substance 217

Toxic Substances, General Surface Water Quality Criteria 220

Toxicity Test 217

Trade Secrets and Other Confidential Information, Administrative Procedure Before The Board Of Environmental Quality 243

Transfer Of Scholarship 48

Transportation Of Potatoes, IDAPA 02.06.26, Rules Concerning Seed Potato Crop Management 36

Treatment 217

Treatment For Infestation, Bedding Plants, IDAPA 02.06.26 35

Treatment Of Cemeteries, Bedding Plants, IDAPA 02.06.26 35

Treatment Of Property, Bedding Plants, IDAPA 02.06.26 35

Treatment Requirements, Point Source Wastewater 223

Treatment System 217

Trihalomethane (THM) 218

Twenty-Four Hour Average 218

**U**

Unifying Concepts Of Science 56

Unique Ecological Significance 218

**V**

Valuing Agricultural Land, Land Actively Devoted To Agriculture, Excluding The Homesite 167

Vicinity Map With Site Location, Request To Form A Site Advisory Team 27

Violation Of Water Quality Standards 220

Violations, IDAPA 02.06.26, Rules Concerning Seed Potato Crop Management 36

Visual And Performing Arts, Grades 4 - 5 69

Visual And Performing Arts, Grades 6 - 8 76

Visual And Performing Arts, Grades 9 - 12 85

Volunteer Potatoes 32

**W**

Wasteload Allocation (WLA) 218

Wastewater 218

Water Body Unit 218

Water Pollution 218

Water Quality Limited Water Body 218

Water Quality-Based Effluent Limitation 218

Water Supply, Surface Water Use Designations 208

Waters And Waters Of The State 218

Watershed 218

Watershed Advisory Group 218

Whole-Effluent Toxicity 219

Wildlife Habitats, Surface Water Use Designations 208

Withdrawal From Institution 48

World History-Humanities (Humanities In A Historical Context), Grades 4 - 5 75

World History-Humanities (Humanities In A Historical Context), Grades 6 - 8 82

World History-Humanities (Humanities In A Historical Context), Grades 9 - 12 90

World History-Humanities (Humanities In A Historical Context), Grades K - 3 67

Written Service Plan 120