

IDAHO ADMINISTRATIVE BULLETIN

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Preface

The Idaho Administrative Bulletin is published once each month by the Department of Administration, Office of the Administrative Rules Coordinator, pursuant to Section 67-5203, Idaho Code. The Bulletin is a monthly compilation of all administrative rulemaking documents in Idaho. The Bulletin publishes the official rulemaking notices and administrative rule text of state agency rulemakings and other official documents as necessary.

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

CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN

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

RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE

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

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

TYPES OF RULEMAKINGS PUBLISHED IN THE ADMINISTRATIVE BULLETIN

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

NEGOTIATED RULEMAKING

Negotiated rulemaking is a process in which all interested parties and the agency seek a consensus on the

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

PROPOSED RULEMAKING

A proposed rulemaking is an action by an agency in which the agency is proposing to amend or repeal an existing rule or to adopt a new rule. Prior to the adoption, amendment, or repeal of a rule, the agency must publish a notice of proposed rulemaking in the Bulletin. The notice of proposed rulemaking must include:

- a) the specific statutory authority for the rulemaking including a citation to a specific federal statute or regulation if that is the basis of authority or requirement for the rulemaking;*
- b) a statement in nontechnical language of the substance of the proposed rule, including a specific description of any fee or charge imposed or increased;*
- c) the text of the proposed rule prepared in legislative format;*
- d) the location, date, and time of any public hearings the agency intends to hold on the proposed rule;*
- e) the manner in which persons may make written comments on the proposed rule, including the name and address of a person in the agency to whom comments on the proposal may be sent;*
- f) the manner in which persons may request an opportunity for an oral presentation; and*
- g) the deadline for public (written) comments on the proposed rule.*

As stated, the text of the proposed rule must be published in the Bulletin. After meeting the statutory rulemaking criteria for a proposed rule, the agency may proceed to the pending rule stage. A proposed rule does not have an assigned effective date unless published in conjunction with a temporary rule docket. An agency may vacate a proposed rulemaking if it decides not to proceed further with the promulgation process.

TEMPORARY RULEMAKING

Temporary rules may be adopted only when the governor finds that it is necessary for:

- a) the protection of the public health, safety, or welfare; or*
- b) compliance with deadlines in amendments to governing law or federal programs; or*
- c) conferring a benefit.*

If a rulemaking meets any one or all of the above requirements, a rule may become effective before it has been submitted to the legislature for review and the agency may proceed and adopt a temporary rule. However, a temporary rule that imposes a fee or charge may be adopted only if the Governor finds that the fee or charge is necessary to avoid an immediate danger which justifies the imposition of the fee or charge.

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

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

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

PENDING RULEMAKING

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

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

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

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

FINAL RULEMAKING

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

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

AVAILABILITY OF THE ADMINISTRATIVE CODE AND BULLETIN

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

SUBSCRIPTIONS AND DISTRIBUTION

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

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

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

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

Internet Access - The Administrative Code and Administrative Bulletin, individual chapters and dockets, are available on the Internet at the following address: <http://www2.state.id.us/adm/adminrules/>

EDITOR'S NOTE: All rules are subject to frequent change. Users should reference all current issues of the Administrative Bulletin for negotiated, temporary, proposed, pending, and final changes to all rules, or call the Office of the Administrative Rules at (208) 332-1820 or FAX (208) 332-1896.

HOW TO USE THE IDAHO ADMINISTRATIVE BULLETIN

Rulemaking documents produced by state agencies and published in the *Idaho Administrative Bulletin* are organized by a numbering system. Each state agency has a two-digit identification code number known as the "IDAPA" number. (The "IDAPA" Codes are listed in the alphabetical/numerical index at the end of this Preface.) Within each agency there are divisions or departments to which a two-digit "TITLE" number is assigned. There are "CHAPTER" numbers assigned within the Title and the rule text is divided among major sections with a number of subsections. An example IDAPA number is as follows:

IDAPA 38.05.01.060.02.c.ii.

"IDAPA" refers to Administrative Rules in general that are subject to the Administrative Procedures Act and are required by this act to be published in the Idaho Administrative Code and the Idaho Administrative Bulletin.

"IDAPA 38." refers to the Idaho Department of Administration.

"05." refers to Title 05 which is the Department of Administration's Division of Purchasing.

"01." refers to Chapter 01 of Title 05, "Rules of the Division of Purchasing".

"060." refers to Major Section 060, "Content of the Invitation to Bid".

"02." refers to Subsection 060.02.

"c." refers to Paragraph 060.02.c.

"ii." refers to Subparagraph 060.02.c.ii.

DOCKET NUMBERING SYSTEM

Internally, the Bulletin is organized sequentially using a rule docketing system. All rulemaking actions (documents) are assigned a "DOCKET NUMBER". The "Docket Number" is a series of numbers separated by a hyphen "-", (38-0501-0101). The docket numbers are published sequentially by IDAPA designation (e.g. the two-digit agency code). The following example is a breakdown of a typical rule docket:

"DOCKET NO. 38-0501-0301"

"38-" denotes the agency's IDAPA number; in this case the Department of Administration.

"0501-" refers to the TITLE AND CHAPTER numbers of the agency rule being promulgated; in this case the Division of Purchasing (TITLE 05), "Rules of the Division of Purchasing" (Chapter 01).

"0301" denotes the year and sequential order of the docket submitted and published during the year; in this case the first rulemaking action of the chapter published in calendar year 2003.

Within each Docket, only the affected sections of chapters are printed. (See **Sections Affected Index** in each Bulletin for a listing of these.) The individual sections affected are printed in the Bulletin sequentially (e.g. Section "200" appears before Section "345" and so on). Whenever the sequence of the numbering is broken the following statement will appear:

"(BREAK IN CONTINUITY OF SECTIONS)"

INTERNAL AND EXTERNAL CITATIONS TO ADMINISTRATIVE RULES IN THE CODE AND BULLETIN

When making a citation to another Section or Subsection that is part of the same rule, a typical internal citation may appear as follows:

"...as found in Section 201 of this rule." OR "...in accordance with Subsection 201.06.c. of this rule."

It may also be cited to include the IDAPA, Title, and Chapter number also, as follows:

"...in accordance with IDAPA 38.05.01.201."

"38" denotes the IDAPA number of the agency.

"05" denotes the TITLE number of the agency rule.

"01" denotes the Chapter number of the agency rule.

"201" references the main Section number of the rule that is being cited.

Citations made within a rule to a different rule chapter (external citation) should also include the name of the Department and the name of the rule chapter being referenced, as well as the IDAPA, Title, and Chapter numbers. The following is a typical example of an external citation to another rule chapter:

"...as outlined in the Rules of the Department of Administration, IDAPA 38.04.04, 'Rules Governing Capitol Mall Parking.'"

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2003

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

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2004

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

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

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

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IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

02.02.14 - DEPARTMENT OF AGRICULTURE RULES FOR WEIGHTS AND MEASURES

DOCKET NO. 02-0214-0301 - (FEE RULE)

NOTICE OF RULEMAKING - PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. 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 71-111 and 71-121, 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 rulemaking implements the provisions of SB 1200 by establishing annual licensing and fees for weighing and measuring devices and the administration of those licenses. Other changes include the renumbering of IDAPA 02.02.14 to meet requirements, changing the date specific reference documents to the 2004 edition of NIST Handbook 44 and updating the fees for special request testing.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the September 3, 2003 Idaho Administrative Bulletin, Volume 03-9, pages 24 through 28.

Subsection 012.02 has been amended to identify instruments and devices on applications by "Device Code", as listed in TABLE 1-A, and "rated capacity" instead of by model and serial number. The change was made to stream-line the application process. Model and serial number will continue to be used to track instruments and devices for inspections. As per the Hearing Officer's report, Subsection 14.015 has been amended to clarify the language to show that a license is rejected thirty (30) days after the date of expiration. For clarity, device codes B, C, and D in TABLE 1-A have been amended to include less-than or equal-to indicators and numeric maximums. The word device has been added to the first column header in TABLE 1-A to make the table more clear. Section 016 has been amended to add the word "rated" to manufacturer's capacity for consistency.

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 71-121, Idaho Code.

DEVICE CODE	KEY	FEE
A	Scales \leq 50 lb	\$ 4.50
B	Scales \geq 50 \leq 1,159 lb	\$ 9.00
C	Scales \geq 1,160 \leq 7,499 lb	\$18.00
D	Scales \geq 7,500 \leq 59,999 lb	\$46.00
E & F	Scales 60,000 lbs or more	\$57.00
G	Motor-fuel device \leq 30 gpm	\$ 5.00
H	Petroleum meter 30 < 150 gpm	\$25.00

DEVICE CODE	KEY	FEE
I	Petroleum meter \geq 150 gpm	\$29.00
J	LPG dispenser	\$30.00
K & L	LPG temperature compensated	\$45.00
M	Cordage meter	\$ 4.00
N	Fabric meter	\$ 4.00
O	Bulk oil meter	\$25.00

Special request testing mileage charges are proposed to increase to \$0.36/mile for a car, \$0.50/mile for a pick-up truck and \$1.50/mile for a heavy duty truck. Proposed personnel charges include driving time.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact: Tom Schafer, 332-8690.

DATED this 30th day of October, 2003.

Patrick A. Takasugi, Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road, Boise, ID 83712
(208) 332-8500 / (208) 334-2170 FAX

IDAPA 02, TITLE 02, CHAPTER 14

RULES FOR WEIGHTS AND MEASURES

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 03-9, September 3, 2003, pages 24 through 28.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

*Language That Has Been Deleted From The Original Proposed Rule
Has Been Removed And New Language Is Shown In Italics*

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 02-0214-0301

SECTION 012 (Entire Section)

012. LICENSE REQUIRED FOR COMMERCIALY-USED WEIGHING OR MEASURING INSTRUMENT OR DEVICE.

Weighing or measuring instruments or devices used for commercial purposes in the State of Idaho shall be licensed annually. ()

01. Annual License. No person shall operate or use for commercial purposes within the state any weighing or measuring instrument or device specified in Section 71-113, Idaho Code, that is not licensed in accordance with the requirements of this rule. ()

02. Specific Device. Any license issued applies only to the instrument or device identified by *Device Code*, as listed in *TABLE 1-A*, and *rated capacity* on the application for license. The license shall be applicable to an equivalent replacement for the original instrument or device, within the annual license period. ()

SECTIONS 015 AND 016 (Entire Sections)

015. LICENSE RENEWALS.

Any device or instrument shall be considered rejected if the license for that device or instrument is not renewed thirty (30) days *after* expiration. A person failing to pay the annual license fee *after* forty-five (45) days following the expiration date, forfeits the right to use the instrument or device for commercial purposes, and the instrument or device may be taken out of service by the ISDA Bureau of Weights and Measures until the license fee is paid. ()

016. MAXIMUM LICENSE FEE SCHEDULE FOR COMMERCIALY USED WEIGHING AND MEASURING INSTRUMENTS AND DEVICES.

The annual license fee for instruments and devices is based on manufacturer's *rated capacity*. The annual license fee for commercially used instrument and device types not listed in *Table 1-A*, will be determined by one-third (1/3) of the actual average time costs involved with testing that type of device.

TABLE 1-A		
<u>DEVICE CODE</u>	<u>KEY</u>	<u>FEE</u>
A	Scales ≤ 50 lb	\$ 4.50
B	Scales $\geq 50 \leq 1,159$ lb	\$ 9.00
C	Scales $\geq 1,160 \leq 7,499$ lb	\$18.00
D	Scales $\geq 7,500 \leq 59,999$ lb	\$46.00
E & F	Scales 60,000 lbs or more	\$57.00
G	Motor-fuel device ≤ 30 gpm	\$ 5.00
H	Petroleum meter $30 < 150$ gpm	\$25.00
I	Petroleum meter ≥ 150 gpm	\$29.00
J	LPG dispenser	\$30.00
K & L	LPG temperature compensated	\$45.00
M	Cordage meter	\$ 4.00
N	Fabric meter	\$ 4.00
O	Bulk oil meter	\$25.00

()

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

02.04.03 - RULES GOVERNING ANIMAL INDUSTRY

DOCKET NO. 02-0403-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 25-203, 25-207, 25-305, 25-401, 25-601, and 25-3704, 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 complete text of the proposed rule was published in the September 3, 2003 Idaho Administrative Bulletin, Volume 03-9, pages 31 through 45.

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

DATED this 3rd day of November, 2003.

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

IDAPA 02, TITLE 04, CHAPTER 03

RULES GOVERNING ANIMAL INDUSTRY

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 03-9, September 3, 2003, pages 31 through 45.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE
02.04.21 - RULES GOVERNING THE IMPORTATION OF ANIMALS
DOCKET NO. 02-0421-0302
NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 Section 25-3903, 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 complete text of the proposed rule was published in the September 3, 2003 Idaho Administrative Bulletin, Volume 03-9, page 47 and 48.

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

DATED this 3rd day of November, 2003.

Patrick A. Takasugi, 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 21

RULES GOVERNING THE IMPORTATION OF 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 03-9, September 3, 2003, pages 47 and 48.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

02.04.24 - RULES GOVERNING TUBERCULOSIS

DOCKET NO. 02-0424-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 25-203, 25-305, 25-402, and 25-3704, 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 complete text of the proposed rule was published in the September 3, 2003 Idaho Administrative Bulletin, Volume 03-9, pages 49 through 58.

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

DATED this 3rd day of November, 2003.

Patrick A. Takasugi, 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 24

RULES GOVERNING TUBERCULOSIS

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 03-9, September 3, 2003, pages 49 through 58.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

02.04.25 - RULES GOVERNING THE PRIVATE FEEDING OF BIG GAME ANIMALS

DOCKET NO. 02-0425-0301

NOTICE OF RULEMAKING

PENDING RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is December 1, 2003. The pending rule has been adopted by the agency and is now pending review by the 2004 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 and amended a temporary rule. The action is authorized pursuant to Section 25-207A, 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 text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, and is being republished following this notice. 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 that have been made to the proposed rule. Only the Section that has changes different from the proposed text is printed in this bulletin. The original text of the proposed rule was published in the September 3, 2003 Idaho Administrative Bulletin, Volume 03-9, pages 59 through 64.

In response to public comments, this pending rule amends the following: Section 100 - Eastern Idaho Big Game Private Feeding Prohibition Zone.

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

DATED this 3rd day of November, 2003.

Patrick A. Takasugi, 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 25**

RULES GOVERNING THE PRIVATE FEEDING OF BIG GAME ANIMALS

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 03-9, September 4, 2003, pages 59 through 64.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 02-0425-0301

SECTION 100 (Entire Section)

100. EASTERN IDAHO BIG GAME PRIVATE FEEDING PROHIBITION ZONE.

In order to prevent the spread of brucellosis and other diseases between big game animals and from big game animals to livestock, the following portion of Idaho is designated as the eastern Idaho big game private feeding prohibition zone: (12-1-03)T

- | | | |
|-----------------------|---|-----------------------|
| 01. | Clark County. All of Clark County. | (12-1-03)T |
| 02. | Fremont County. All of Fremont County. | (12-1-03)T |
| 03. | Teton County. All of Teton County. | (12-1-03)T |
| 04. | Madison County. All of Madison County. | (12-1-03)T |
| 05. | Bonneville County. All of Bonneville County. | (12-1-03)T |
| 06. | Bingham County. All of Bingham County, except the portion inside the external boundaries of the Fort Hall Indian Reservation. | (12-1-03)T |
| 07. | Caribou County. All of Caribou County. | (12-1-03)T |
| 08. | Bear Lake County. All of Bear Lake County. | (12-1-03)T |
| 09. | Franklin County. All of Franklin County. | (12-1-03)T |

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

02.04.26 - RULES GOVERNING LIVESTOCK MARKETING

DOCKET NO. 02-0426-0301

NOTICE OF RULEMAKING

PENDING RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is December 1, 2003. The pending rule has been adopted by the agency and is now pending review by the 2004 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 and amended a temporary rule. The action is authorized pursuant to sections 25-203, 25-207, 25-305, 25-601, 25-1723, and 25-3520, 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 text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, and is being republished following this notice. 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 that have been made to the proposed rule. Only the Sections that have changes different from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the September 3, 2003 Idaho Administrative Bulletin, Volume 03-9, pages 65 through 77.

This pending rule amends the following: Section 010 - Definitions and Section 030 - Inspections.

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

DATED this 3rd day of November, 2003.

Patrick A. Takasugi, 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 26

RULES GOVERNING LIVESTOCK MARKETING

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 03-9, September 4, 2003, pages 65 through 77.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 02-0426-0301

SECTION 010 (Partial Section)

010. DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this chapter. (10-1-03)T

~~25. **Person.** Any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, or any legal entity, which is recognized by law as the subject of rights and duties. (12-1-03)T~~

~~256. **Public Livestock Market.** Any place, establishment, or facility owned or operated by a person in which livestock is received, held, sold or kept for sale or shipment, which is conducted or operated for compensation or profit as a public market for livestock. (10-1-03)T~~

~~26. **Person.** Any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, or any legal entity, which is recognized by law as the subject of rights and duties. (10-1-03)T~~

SECTION 030 (Entire Section)

030. INSPECTIONS.

To prevent the introduction and dissemination, or to control and eradicate diseases, state and federal animal health officials are authorized to inspect livestock records, premises, facilities, and livestock to ensure compliance with the provisions of this chapter and other state or federal laws or rules applicable to public livestock markets, buying stations, and livestock dealers. (10-1-03)T

01. Entering Premises. In order to conduct activities authorized by this chapter, state or federal animal health officials are authorized to enter public livestock markets, buying stations, or livestock dealer premises. State or federal officials will attempt to notify the owner or operator of the premises prior to conducting an inspection. ~~(10-1-03)T~~(12-1-03)T

02. Inspecting Records. To ensure compliance with the provisions of this chapter, state or federal animal health officials are authorized to have access to, inspect, review, and copy any records deemed necessary during normal business hours. State or federal animal health officials will attempt to notify the owner or operator of the premises where the records are located prior to inspecting records. (10-1-03)T

03. Emergencies. In the event of an emergency, as determined by the Administrator, the notification requirements of this section may be waived. (10-1-03)T

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE
02.04.27 - RULES GOVERNING DELETERIOUS EXOTIC ANIMALS
DOCKET NO. 02-0427-0301
NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 Section 25-3903, 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 complete text of the proposed rule was published in the September 3, 2003 Idaho Administrative Bulletin, Volume 03-9, page 78 through 86.

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

DATED this 3rd day of November, 2003.

Patrick A. Takasugi, 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 27

RULES GOVERNING DELETERIOUS EXOTIC 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 03-9, September 3, 2003, pages 78 through 86.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

02.06.04 - PHYTOSANITARY AND POST-ENTRY SEED CERTIFICATION RULES

DOCKET NO. 02-0604-0301 - (FEE RULE)

NOTICE OF RULEMAKING - PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. 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 22-107 and 22-2006, 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 export certification program budget has gone into a deficit in the past year requiring the shifting of personnel to other programs to allow the budget to recover. No serious overhaul of the fee structure has been undertaken in the past ten years. The fee structure in IDAPA 02.06.04.500 will be revised to reflect the proposed fee increases. The proposed fees are in line with those of surrounding states and less than those charged by the USDA for similar services.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 1, 2003 Idaho Administrative Bulletin, Volume 03-10, pages 18 through 20.

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 Sections 22-107 and 22-2006, Idaho Code.

SERVICE	EXISTING UNIT COST	PROPOSED UNIT COST
USDA (Federal) Phytosanitary Certificate	\$10.00	\$40.00
ISDA (State) Phytosanitary Certificate	\$10.00	\$25.00
Area Inspection Per Cwt.	\$0.075	\$0.14
USDA (Federal) Phytosanitary Certificate Sample	\$12.00	\$0.00
Officially Drawn Sample	\$12.00	\$20.00
Submitted Sample	\$10.00	\$20.00
Application for Field Inspection	\$3.00	\$5.00
Acreage Inspection, Minimum Fee	\$35.00	\$50.00
Bean Seed from East of the U.S. Continental Divide or a Foreign Country:		
Active Growth Inspection Per Acre, Per Inspection	\$7.50	\$10.00
Windrow Inspection Per Acre, Per Inspection	\$7.50	\$10.00
Tags, Green or Yellow, In-State Planting, Per Cwt.	\$0.12	\$0.18
Treatment Observation, Fumigation, Per Hour	\$25.00	\$30.00

Special Projects Not Covered by Existing Fee Structure: Research Fee, Lot History Verification, Data Entry, Sales and Purchases of Inventory, Transfer Lots into ISDA Database, ISDA Training of Private Company Personnel. This is a Per Hour Charge.	\$0.00	\$25.00
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Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Garry West, Program Manager at (208) 736-2195 or Michael E. Cooper, Acting Administrator at (208) 332-8620.

DATED this 3rd day of November, 2003.

Patrick A. Takasugi
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701
Phone: (208) 332-8500
Fax: (208) 334-2170

IDAPA 02, TITLE 06, CHAPTER 04

PHYTOSANITARY AND POST-ENTRY SEED CERTIFICATION 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 03-10, October 1, 2003, pages 18 through 20.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

02.06.06 - RULES GOVERNING THE PLANTING OF BEANS (*PHASEOLUS SPP.*) IN IDAHO

DOCKET NO. 02-0606-0301 - (FEE RULE)

NOTICE OF RULEMAKING - PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. 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 22-107 and 22-2006, 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 export certification program budget has gone into a deficit in the past year requiring the shifting of personnel to other programs to allow the budget to recover. No serious overhaul of the fee structure has been undertaken in the past ten years. The fee structure in IDAPA 02.06.06.550 will be revised to reflect the proposed fee increases. The proposed fees are in line with those of surrounding states and less than those charged by the USDA for similar services.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 1, 2003 Idaho Administrative Bulletin, Volume 03-10, pages 21 through 23.

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 Sections 22-107 and 22-2006, Idaho Code.

SERVICE	EXISTING UNIT COST	PROPOSED UNIT COST
USDA (Federal) Phytosanitary Certificate	\$10.00	\$40.00
ISDA (State) Phytosanitary Certificate	\$10.00	\$25.00
Area Inspection Per Cwt.	\$0.075	\$0.14
USDA (Federal) Phytosanitary Certificate Sample	\$12.00	\$0.00
Officially Drawn Sample	\$12.00	\$20.00
Submitted Sample	\$10.00	\$20.00
Application for Field Inspection	\$3.00	\$5.00
Acreage Inspection, Minimum Fee	\$35.00	\$50.00
Bean Seed from East of the U.S. Continental Divide or a Foreign Country:		
Active Growth Inspection Per Acre, Per Inspection	\$7.50	\$10.00
Windrow Inspection Per Acre, Per Inspection	\$7.50	\$10.00
Tags, Green or Yellow, In-State Planting, Per Cwt.	\$0.12	\$0.18
Treatment Observation, Fumigation, Per Hour	\$25.00	\$30.00

Special Projects Not Covered by Existing Fee Structure: Research Fee, Lot History Verification, Data Entry, Sales and Purchases of Inventory, Transfer Lots into ISDA Database, ISDA Training of Private Company Personnel. This is a Per Hour Charge	\$0.00	\$25.00
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Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Garry West, Program Manager at (208) 736-2195 or Michael E. Cooper, Acting Administrator at (208) 332-8620.

DATED this 3rd day of November, 2003.

Patrick A. Takasugi
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701
Phone: (208) 332-8500
Fax: (208) 334-2170

IDAPA 02, TITLE 06, CHAPTER 06

RULES GOVERNING THE PLANTING OF BEANS (*PHASEOLUS SPP.*) 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 03-10, October 1, 2003, pages 21 through 27.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

02.06.16 - CROP RESIDUE DISPOSAL RULES

DOCKET NO. 02-0616-0301 - (FEE RULE)

NOTICE OF RULEMAKING - PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. 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 22-4801, 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 comply with the new requirements of House Bill 391 passed by the 2003 Legislature. House Bill 391 was emergency legislation.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the July 2, 2003 Idaho Administrative Bulletin, Volume 03-7, pages 27 and 28.

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 22-4804, Idaho Code. A registration fee of one dollar (\$1) per acre for any fields located in the ten northern counties of Idaho to fund the Crop Residue Disposal program.

Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Michael E. Cooper, Acting Administrator at 208-332-8620.

DATED this 3rd day of November, 2003.

Patrick A. Takasugi
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790, Boise, Idaho 83701
Phone: (208) 332-8500 / Fax: (208) 334-2170

IDAPA 02, TITLE 06, CHAPTER 16

CROP RESIDUE DISPOSAL 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 03-7, July 2, 2003, pages 27 and 28.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

02.06.26 - RULES GOVERNING SEED POTATO CROP MANAGEMENT AREAS

DOCKET NO. 02-0626-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 22-2017, 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 define the geographical boundaries for a new Seed Potato Crop Management Area in Blaine County.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the July 2, 2003 Idaho Administrative Bulletin, Volume 03-7, pages 29 through 31.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Michael E. Cooper, Acting Administrator at (208) 332-8620.

DATED this 3rd day of November, 2003.

Patrick A. Takasugi
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701
Phone: (208) 332-8500
Fax: (208) 334-2170

IDAPA 02, TITLE 06, CHAPTER 26

RULES GOVERNING SEED POTATO CROP MANAGEMENT AREAS

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 03-7, July 2, 2003, pages 29 and 31.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

02.06.40 - RULES GOVERNING GINSENG EXPORT

DOCKET NO. 02-0640-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 Section 22-112, 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 change the title and authority for the rule and eliminate the requirement for a management area.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the July 2, 2003 Idaho Administrative Bulletin, Volume 03-7, pages 32 and 33.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Michael E. Cooper, Acting Administrator at (208) 332-8620.

DATED this 3rd day of November, 2003.

Patrick A. Takasugi
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701
Phone: (208) 332-8500
Fax: (208) 334-2170

IDAPA 02, TITLE 06, CHAPTER 40

RULES GOVERNING GINSENG EXPORT

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 03-7, July 2, 2003, pages 32 and 33.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.02.01 - RULES GOVERNING REPEAL OF EXISTING PLUMBING PERMIT RULES

DOCKET NO. 07-0201-0301 - (CHAPTER REPEAL)

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 54-2605(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 change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the August 6, 2003 Idaho Administrative Bulletin, Volume 03-8, page 26. This chapter is being repealed in its entirety.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Ted Hogander, Plumbing Bureau Chief, 332-7154.

DATED this 29th day of October, 2003.

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

THIS CHAPTER IS BEING REPEALED IN ITS ENTIRETY.

IDAPA 07, TITLE 02, CHAPTER 01

RULES GOVERNING REPEAL OF EXISTING PLUMBING PERMIT 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 03-8, August 6, 2003, page 26.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.02.06 - RULES CONCERNING UNIFORM PLUMBING CODE

DOCKET NO. 07-0206-0301

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is September 12, 2003.

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 rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-2605(1), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than December 17, 2003.

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

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

The temporary and proposed rule change is necessary in order to protect the public. By adopting the 2003 Uniform Plumbing Code, this change assures that the most recent version of the Uniform Plumbing Code is adopted for use in the state of Idaho as authorized by Idaho Code Section 54-2601.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate as the change 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: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the temporary and proposed rulemaking is necessary in order to protect the public health, safety and welfare.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Ted Hogander, Plumbing Bureau Chief, Division of Building Safety, (208) 332-7140.

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 December 24, 2003.

DATED this 29th day of October, 2003.

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

THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0206-0301

011. ADOPTION AND INCORPORATION BY REFERENCE OF THE 2000~~3~~ UNIFORM PLUMBING CODE.

The 2000~~3~~ Uniform Plumbing Code, including Appendices “A, B, ~~C~~, D, E, G, H, I, J, and L,” (herein U.P.C.) is adopted and incorporated by reference with the following amendments. The 2000~~3~~ Uniform Plumbing Code is available at the Division of Building Safety, 1090 E. Watertower St., Meridian, Idaho 83642; ~~the Division of Building Safety, 611 Wilson, Ste. 4-C, Pocatello, Idaho 83201;~~ and the Division of Building Safety, 1250 Ironwood Dr., Ste. 220, Coeur d’Alene, Idaho 83814. ~~(5-3-03)~~(9-12-03)T

01. Section 218. Delete definition of “Plumbing System.” Incorporate definition of “Plumbing System” as set forth in Section 54-2604, Idaho Code. (3-15-02)

02. Section 316.1.6. PVC DWV may be joined by the use of one-step solvent cement listed or labeled per U.P.C. Section 301.1.1. (9-12-03)T

023. Section 420.0. Pressure balance or thermostatic mixing valves are not required for high flow (over eight (8) g.p.m.) tub filler valves with hand shower sets attached. (3-15-02)

04. Section 421.0. Delete. (9-12-03)T

035. Section 604.1. Materials. Crosslinked Polyethylene (PEX) Tubing manufactured to ASTM – F876/F877 and tested, approved, and listed to ANSI/NSF 14 and 61, for potable water, ~~and Crosslinked Polyethylene, Aluminum Crosslinked Polyethylene (PEX/AL/PEX) along with Polyethylene, Aluminum, Polyethylene (PE/AL/PE) manufactured to ASTM – F1281/F1282 and tested, approved, and listed to the ANSI/NSF 61, for potable water~~ along with all applicable installation standards may be used for hot and cold water distribution systems within a building or cold water distribution systems outside of a building. Listed PE (polyethylene) water service and yard piping may be installed within a building (above ground and below ground) with one (1) joint, provided that only listed and approved metallic transition fittings shall be used. ~~(3-15-02)~~(9-12-03)T

06. Section 609.4. Testing. Deleting the phrase “Except for plastic piping.” at the beginning of the third sentence and add the following sentence at the end of the section: Plastic piping is to be tested in accordance with manufacturer’s installation standards. (9-12-03)T

047. Section 609.10. Water hammer. Does not apply to residential construction. (7-1-98)

058. Table 6-4 And Table A-2. Change fixture unit loading value for bathtub or combination bath/shower, and clotheswashers to two (2) fixture units. (3-15-02)

069. Section 610.2. All new one (1) and two (2) family residences must have a pre-plumbed water softener loop. The kitchen sink must have one (1) hot soft line and one (1) cold soft line and one (1) cold hard line. Exterior cold hose bibbs intended for irrigation purposes must be piped with hard water. Provisions must be made for the discharge of the water softener to terminate in an approved location. (5-3-03)

10. Section 611.4. Sizing of Residential Softeners. Amend Footnote 3 to read: Over four (4) bathroom groups, softeners shall be sized according to the manufacturer’s standards. (9-12-03)T

0711. Table 7-3. Maximum unit loading and maximum length of drainage and vent piping. (EXCEPTION) The building drain and building sewer is not less than four (4) inches extending from its connection with the city or private sewer system and shall run full size to inside the foundation or building lines (ref: Section 717.0). Change fixture unit loading value for clotheswashers, domestic to two (2) fixture units. (3-15-02)

0812. Section 703.1 - Underground Drainage And Vent Piping. No portion of the drainage or vent system installed underground, underground under concrete or below a basement or cellar shall be less than two (2) inches in diameter. (3-15-02)

0913. Section 703.2 And 710.5. Add Exception. In single family dwellings, one (1) fixture unit may be allowed for each gallon per minute of flow from a pump or a sump ejector. (3-15-02)

~~104.~~ **Section 704.2.** Two inch (2") and smaller ~~Double~~ sanitary tees may be used for back to back or side by side fixture trap arms without increasing the barrel size. ~~(7-1-98)~~(9-12-03)T

~~115.~~ **Section 704.3.** Delete. (5-3-03)

~~126.~~ **Table 7-5.** Change fixture unit loading value for one and a half (1 1/2) inch horizontal drainage to two (2) fixture units. (7-1-98)

~~137.~~ **Section 707.4 Cleanouts.** A full-sized accessible cleanout shall be installed in the vertical immediately above the floor or at the base of each waste or soil stack. A full-size cleanout extending to or above finished grade line shall be installed at the junction of the building drain and the building sewer (ref.: Section 719.1). Cleanouts shall be installed at fifty (50) foot intervals in horizontal drain lines two (2) inches or smaller. (3-15-02)

~~18.~~ **Section 712.1.** In the first sentence, delete the phrase "except that plastic pipe shall not be tested with air". (9-12-03)T

~~14.~~ **Sections 722.2, 722.3, 722.4, 722.5, and 722.6.** Delete. (3-15-02)

~~159.~~ **Section 801.2.3.** Add: Food preparation sinks, pot sinks, scullery sinks, dishwashing sinks, silverware sinks, commercial dishwashing machines, silverware-washing machines, steam kettles, potato peelers, ice cream dipper wells, and other similar equipment and fixtures must be indirectly connected to the drainage system by means of an air gap. The piping from the equipment to the receptor must not be smaller than the drain on the unit, but it must not be smaller than one (1) inch (twenty-five point four (25.4) mm). (5-3-03)

~~1620.~~ **Section 807.4.** A domestic dishwashing machine may be installed without the use of an airgap if the drain hose is looped to the bottom side of the counter top and secured properly. (3-15-02)

~~1721.~~ **Section 908. Exception - Vertical Wet Venting.** A horizontal wet vent may be created provided it is created in a vertical position and all other requirements of Section 908 are met. (7-1-98)

~~1822.~~ **Section 1002.3.** Trap arms may not exceed one hundred eighty (180) degrees of horizontal turn without the use of a cleanout. (3-15-02)

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.02.07 - RULES GOVERNING READOPTION OF RULES OF PLUMBING DIVISION

DOCKET NO. 07-0207-0301 - (CHAPTER REPEAL)

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 54-2605(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 change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the August 6, 2003 Idaho Administrative Bulletin, Volume 03-8, page 27. This chapter is being repealed in its entirety.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Ted Hogander, Plumbing Bureau Chief, 332-7154.

DATED this 29th day of October, 2003.

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

THIS CHAPTER IS BEING REPEALED IN ITS ENTIRETY.

IDAPA 07, TITLE 02, CHAPTER 07

RULES GOVERNING READOPTION OF RULES OF PLUMBING DIVISION

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 03-8, August 6, 2003, page 27.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 07 - DIVISION OF BUILDING SAFETY
07.03.03 - RULES GOVERNING MODULAR BUILDINGS
DOCKET NO. 07-0303-0301
NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 39-4107, 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 1, 2003 Idaho Administrative Bulletin, Volume 03-10, pages 25 through 27.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jack Rayne, Building Bureau Chief, 332-7151.

DATED this 29th day of October, 2003.

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

IDAPA 07, TITLE 03, CHAPTER 03

RULES GOVERNING MODULAR BUILDINGS

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 03-10, October 1, 2003, pages 25 through 27.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 07 - DIVISION OF BUILDING SAFETY
07.03.08 - RULES GOVERNING COMMERCIAL COACHES

DOCKET NO. 07-0308-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 39-4107, 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 1, 2003 Idaho Administrative Bulletin, Volume 03-10, pages 28 and 29.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jack Rayne, Building Bureau Chief, 332-7151.

DATED this 29th day of October, 2003.

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

IDAPA 07, TITLE 03, CHAPTER 08

RULES GOVERNING COMMERCIAL COACHES

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 03-10, October 1, 2003, pages 28 and 29.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.03.12 - RULES GOVERNING MANUFACTURED OR MOBILE HOME INSTALLATIONS

DOCKET NO. 07-0312-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 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 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 1, 2003 Idaho Administrative Bulletin, Volume 03-10, page 30.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jack Rayne, Building Bureau Chief, 332-7151.

DATED this 29th day of October, 2003.

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

IDAPA 07, TITLE 03, CHAPTER 12

RULES GOVERNING MANUFACTURED OR MOBILE 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 03-10, October 1, 2003, page 30.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.05.01 - RULES OF THE PUBLIC WORKS CONTRACTORS LICENSE BOARD

DOCKET NO. 07-0501-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 54-1904, 54-1907 and 54-1910 through 54-1912, 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 1, 2003 Idaho Administrative Bulletin, Volume 03-10, pages 31 through 43.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jack Rayne, Building Bureau Chief, 332-7151.

DATED this 29th day of October, 2003.

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

IDAPA 07, TITLE 05, CHAPTER 01

RULES OF THE PUBLIC WORKS CONTRACTORS LICENSE BOARD

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 03-10, October 1, 2003, pages 31 through 43.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 07 - DIVISION OF BUILDING SAFETY
07.06.01 - RULES GOVERNING UNIFORM SCHOOL BUILDING SAFETY
DOCKET NO. 07-0601-0301
NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is September 22, 2003.

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 rulemaking procedures have been initiated. The action is authorized pursuant to Section 39-8007, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than December 17, 2003.

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

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking: The temporary and proposed rule change is necessary in order to protect and confer a benefit to the public. These changes identify by name and edition those Codes and Standards that have been adopted as part of the Idaho Uniform School Building Safety Code. It also adds definitions for building code and serious safety hazard.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a) and (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate as the change is necessary to protect the public health, safety and welfare, and will confer a benefit to the public.

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

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the temporary and proposed rulemaking is necessary in order to protect the public health, safety and welfare.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Ted Hogander, Plumbing Bureau Chief, Division of Building Safety, (208) 332-7140.

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 December 24, 2003.

DATED this 29th day of October, 2003.

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

THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0601-0301

002. WRITTEN INTERPRETATIONS.

The Division of Building Safety may have written interpretations of this chapter ~~in the form of legal memoranda or explanatory comments accompanying the notice of proposed rulemaking that originally proposed the rules.~~ These

documents, if any, are available for public inspection and copying in the central office of the Division of Building Safety. (3-15-02)(9-22-03)T

(BREAK IN CONTINUITY OF SECTIONS)

004. INCORPORATION BY REFERENCE.

01. Uniform Codes. The following uniform codes are hereby incorporated by reference into IDAPA 07.06.01, "Rules Governing Uniform School Building Safety," as, and insofar as, they have been adopted by the state of Idaho pursuant to Sections 39-4109, 41-253, 54-1001, 54-2601, and 72-508, Idaho Code: (3-15-02)

- a. ~~1997 Uniform~~ 2000 International Building Code (IBC) and Appendix Chapter 11 for accessibility; (3-15-02)(9-22-03)T
- b. ~~1997 Uniform~~ 2000 International Mechanical Code (IMC); (3-15-02)(9-22-03)T
- c. ~~1997 Life Safety~~ 2000 International Fuel Gas Code (IFGC); (3-15-02)(9-22-03)T
- d. ~~1999~~ 2002 Safety Code for Elevators Code and Escalators (ASME/ANSI A17.1); (3-15-02)(9-22-03)T
- e. ~~1992 Accessibility Standards (ANSI A117.1)~~ 2000 International Energy Conservation Code; (3-15-02)(9-22-03)T
- f. ~~1995 Model Energy Code~~ 1998 Accessible and Usable Buildings and Facilities (ICC/ANSI A117.1); (3-15-02)(9-22-03)T
- g. 1997 Uniform Code for Building Conservation (UCBC); (3-15-02)
- h. ~~1997 Uniform~~ 2000 International Fire Code (IFC); (3-15-02)(9-22-03)T
- i. ~~1999~~ 2002 National Electrical Code (NEC); (3-15-02)(9-22-03)T
- j. ~~2000~~ 2003 International Plumbing Code (IPC); (3-15-02)(9-22-03)T
- k. 1995 Pacific NW AWWA Manual for Backflow Prevention and Cross Connection Control; and (3-15-02)
- l. ~~1997~~ 2003 Idaho General Safety and Health Standards. (3-15-02)(9-22-03)T

02. Idaho Uniform School Building Safety Code. These codes, set forth in 004.01.a through 004.01.l, of this rule, together with the definitions contained therein and the written interpretations thereof, insofar as they are applicable to school facilities, shall constitute the Idaho Uniform School Building Safety Code. A copy of each of the identified codes is available for review at the main office of the Division of Building Safety. (3-15-02)(9-22-03)T

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS.

~~01. Abatement Code.~~ *The 1997 Uniform Code for the Abatement of Dangerous Buildings.* (3-15-02)

021. Act. The Idaho Uniform School Building Safety Act, Section 39-8001, et seq., Idaho Code.

- (3-15-02)
- 032.** **Administrator.** The Administrator of the Division of Building Safety for the state of Idaho. (3-15-02)
- 03.** **Building Code.** The Building Code specified in Subsection 004.01.a. of this rule. (9-22-03)T
- 04.** **Bureau.** ~~The Building Bureau of the Division of Building Safety.~~ (~~3-15-02~~)
- 054.** **Code.** The Idaho Uniform School Building Safety Code. (3-15-02)
- 065.** **Division.** The Idaho Division of Building Safety. (3-15-02)
- 076.** **Imminent Safety Hazard.** A condition that presents an unreasonable risk of death or serious bodily injury to occupants of a building. (3-15-02)
- 087.** **School Building Or Building.** Any school building, including its structures and appurtenances necessary for the operation of the school building, and subject to the provisions of the Act. (3-15-02)
- 08.** **Serious Safety Hazard.** A condition that presents an unreasonable health risk or risk of injury to occupants of a building. (9-22-03)T
- 011. -- 049. (RESERVED).**
- 050. VIOLATION OF CODE.**
- 01. Duty to Act.** The Administrator shall immediately undertake the steps set forth in the Act whenever he shall find a violation of the Code. (3-15-02)
- 02. Imminent Safety Hazard.** Code violations, which shall constitute an imminent safety hazard, include, but are not limited to, the following: (3-15-02)
- a.** Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic; (3-15-02)
- b.** Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic; (3-15-02)
- c.** Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half (1-1/2) times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location; (3-15-02)
- d.** Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location; (3-15-02)
- e.** Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property; (3-15-02)
- f.** Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half (1/2) of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings; (3-15-02)

g. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction; (3-15-02)

h. Whenever the building or structure, or any portion thereof, because of: (3-15-02)

i. Dilapidation, deterioration or decay; (3-15-02)

ii. Faulty construction; (3-15-02)

iii. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (3-15-02)

iv. The deterioration, decay or inadequacy of its foundation; or (3-15-02)

v. Any other cause, is likely to partially or completely collapse; (3-15-02)

i. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code ~~or Housing Code~~, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings; ~~(3-15-02)~~(9-22-03)T

j. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than fifty percent (50%), or in any supporting part, member or portion less than sixty-six percent (66%) of the: (3-15-02)

i. Strength; (3-15-02)

ii. Fire-resisting qualities or characteristics; or (3-15-02)

iii. Weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location; (3-15-02)

k. Whenever any building or structure, because of obsolescence; dilapidated condition; deterioration; damage; inadequate exits; lack of sufficient fire-resistive construction; faulty electric wiring, gas connections or heating apparatus; or other cause, is determined by the fire marshal to be a fire hazard; (3-15-02)

l. Whenever a building or structure, because of inadequate maintenance; dilapidation; decay; damage; faulty construction or arrangement; inadequate light, air or sanitation facilities; or otherwise, is determined to be unsanitary, unfit for human occupancy or habitation, or in such a condition that is likely to cause accidents, sickness, or disease; (3-15-02)

m. Whenever any building or structure, because of dilapidated condition; deterioration; damage; inadequate exits; lack of sufficient fire-resistive construction; faulty electric wiring, gas connections, or heating apparatus; or other cause, is determined by the State fire marshal to be a fire or life safety hazard; and (3-15-02)

n. Whenever there is, within the building, the presence of vapors, fumes, smoke, dusts, chemicals, or materials in any form (natural or man made) in quantities that have been established by national health organizations to be a threat to the health or safety of the building occupants. This does not include materials stored, used, and processed in accordance with nationally recognized safety standards for the materials in question. (3-15-02)

~~03. Interpretation. (3-15-02)~~

~~**a.** In interpreting and applying any of the provisions of Subsections 050.02.a. through 050.02.k., which are a part of the Abatement Code, the Administrator shall employ applicable definitions contained in the Abatement Code together with any written interpretations thereof. (3-15-02)~~

~~**b.** In interpreting and applying any of the provisions of Subsections 050.02.a. through 050.02.k., references within the Abatement Code to the Building Code or the Housing Code, shall, for purposes of these rules only, be considered to refer to the Idaho Uniform School Building Safety Code. (3-15-02)~~

~~**e.** In interpreting and applying any of the provisions of Subsections 050.02.a. through 050.02.k., references within the Abatement Code to "buildings" or "structures" shall be limited to those buildings or structures which are the subject to the provisions of the Act. (3-15-02)~~

IDAPA 09 - IDAHO DEPARTMENT OF LABOR
09.01.35 - RULES OF THE EMPLOYER ACCOUNTS BUREAU
DOCKET NO. 09-0135-0301
NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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) 72-1333(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 no changes to the pending rule. The pending rule is being adopted as originally proposed. The original text of the proposed rule was published in the September 3, 2003, Idaho Administrative Bulletin, Volume 03-9, pages 88 through 91.

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

DATED this 29th day of October, 2003.

Mark Whitworth
Employer Accounts Bureau Chief
Idaho Department of Labor
317 W. Main Street, Boise, ID 83735
208/332-3570 ext. 3266
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 03-9, September 3, 2003, pages 88 through 91.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 11 - IDAHO STATE POLICE

11.04.01 - RULES GOVERNING HORSE RACING

DOCKET NO. 11-0401-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 54-2506, 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 complete text of the proposed rule was published in the October 1, 2003 Idaho Administrative Bulletin, Volume 03-10, pages 99 through 102.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Eugene O. "Jack" Baker, at (208) 884-7080.

DATED this 22nd day of October, 2003.

Eugene O. "Jack" Baker
Executive Director
Idaho State Racing Commission
P.O. Box 700
Meridian, ID 83680-0700
(208) 884-7050
(208) 884-7090 (FAX)

IDAPA 11, TITLE 04, CHAPTER 01

RULES GOVERNING HORSE RACING

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 03-10, October 2, 2003, pages 99 through 102.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 11 - IDAHO STATE POLICE
11.04.02 - RULES GOVERNING SIMULCASTING
DOCKET NO. 11-0402-0301
NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 54-2506, 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 complete text of the proposed rule was published in the October 1, 2003 Idaho Administrative Bulletin, Volume 03-10, pages 103 through 117.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Eugene O. "Jack" Baker, at (208) 884-7080.

DATED this 22nd day of October, 2003.

Eugene O. "Jack" Baker
Executive Director
Idaho State Racing Commission
P.O. Box 700
Meridian, ID 83680-0700
(208) 884-7050
(208) 884-7090 (FAX)

IDAPA 11, TITLE 04, CHAPTER 02

RULES GOVERNING SIMULCASTING

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 03-10, October 2, 2003, pages 103 through 117.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 11 - IDAHO STATE POLICE

11.05.01 - RULES GOVERNING ALCOHOL BEVERAGE CONTROL

DOCKET NO. 11-0501-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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) 67-2901A, 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 complete text of the proposed rule was published in the October 1, 2003 Idaho Administrative Bulletin, Volume 03-10, pages 118 and 119.

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

DATED this 22nd day of October, 2003.

Colonel R. Dan Charboneau, Director
Idaho State Police
700 S. Stratford Dr.
P.O. Box 700
Meridian, ID 83680-0700
(2089) 884-7003
884-7090 (FAX)

IDAPA 11, TITLE 05, CHAPTER 01

RULES GOVERNING ALCOHOL BEVERAGE CONTROL

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 03-10, October 1, 2003, pages 118 and 119.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 11 - IDAHO STATE POLICE

11.10.01 - RULES GOVERNING THE ILETS - IDAHO LAW ENFORCEMENT TELETYPEWRITER SYSTEM

DOCKET NO. 11-1001-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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) 67-2901A, 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 complete text of the proposed rule was published in the October 1, 2003 Idaho Administrative Bulletin, Volume 03-10, pages 120 through 131.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Bob Taylor at (208) 884-7132.

DATED this 22nd day of October, 2003.

Colonel R. Dan Charboneau, Director
Idaho State Police
700 S. Stratford Dr.
P.O. Box 700,
Meridian, ID 83680-0700
(2089) 884-7003
884-7090 (FAX)

IDAPA 11, TITLE 10, CHAPTER 01

RULES GOVERNING THE ILETS - IDAHO LAW ENFORCEMENT TELETYPEWRITER SYSTEM

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 03-10, October 1, 2003, pages 120 through 131.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

**IDAPA 15 - OFFICE OF THE GOVERNOR
IDAHO COMMISSION ON AGING**

15.01.20 - RULES GOVERNING AREA AGENCY ON AGING (AAA) OPERATIONS

DOCKET NO. 15-0120-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 Section 67-5003(3), 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 1, 2003 Idaho Administrative Bulletin, Volume 03-10, pages 162 through 169.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this pending rule, contact Sarah Scott, Program Operations Manager, at (208) 334-3833.

DATED this 23rd day of October 2003.

Sarah Scott, Program Operations Unit Manager
Idaho Commission on Aging
3380 Americana Terrace, Ste. 120
Boise, ID 83706
Telephone: (208) 334-3833
Facsimile: (208) 334-3033

IDAPA 15, TITLE 01, CHAPTER 20

RULES GOVERNING AREA AGENCY ON AGING (AAA) OPERATIONS

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 03-10, October 1, 2003, pages 162 through 169.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

**IDAPA 15 - OFFICE OF THE GOVERNOR
IDAHO COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED**

15.02.30 - BUSINESS ENTERPRISE PROGRAM

DOCKET NO. 15-0230-0302

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 Section 67-5407, 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 1, 2003 Idaho Administrative Bulletin, Volume 03-10, pages 170 and 171.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Angela Roan, Acting Administrator, at (208) 334-3220.

DATED this 28th day of October, 2003.

Angela Roan, Acting Administrator
Idaho Commission for the Blind and Visually Impaired
341 W. Washington St.
P. O. Box 83720, Boise, Idaho 83720-0012
Telephone: (208) 334-3220
Facsimile: (208) 334-2963

IDAPA 15, TITLE 02, CHAPTER 30

BUSINESS ENTERPRISE 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 03-10, October 1, 2003, pages 170 and 171.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

**IDAPA 15 - OFFICE OF THE GOVERNOR
IDAHO STATE LIQUOR DISPENSARY**

15.10.01 - RULES OF THE IDAHO STATE LIQUOR DISPENSARY

DOCKET NO. 15-1001-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 23-203, 23-206, and 23-208, 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 1, 2003 Idaho Administrative Bulletin, Volume 03-10, pages 218 through 220.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact James M. "Dyke" Nally, Superintendent, at (208) 947-9400.

DATED this 28th day of October, 2003.

James M. "Dyke" Nally, Superintendent
Idaho State Liquor Dispensary
1349 Beechcraft Crt.
P. O. Box 179001
Boise, Idaho 83717-9001
Telephone: (208) 947-9400
Facsimile: (208) 947-9413

IDAPA 15, TITLE 10, CHAPTER 01

RULES OF THE IDAHO STATE LIQUOR DISPENSARY

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 03-10, October 1, 2003, pages 218 through 230.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.01 - RULES GOVERNING ELIGIBILITY FOR MEDICAID FOR FAMILIES AND CHILDREN

DOCKET NO. 16-0301-0301

NOTICE OF RULEMAKING

PENDING RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is April 1, 2003. This pending rule has been adopted by the agency and is now pending review by the 2004 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 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 56-1004(1), Idaho Code.

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

The temporary rule and the pending rule are being amended to address comments that were received during the public comment period of the proposed rulemaking. The Department is deleting the Subsection 204.07 because it may not require legal permanent residents to have forty (40) quarters of work to be eligible for benefits.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, and is being republished following this notice. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Department amended the temporary rule with the same revisions which have been made to the pending rule. Only the sections that have changes different from the proposed text are printed in this bulletin. The original text of the proposed rules was published in the August Administrative Bulletin, Volume 03-8, pages 54 through 57.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Tiffany Kinzler at (208) 334-6540.

DATED this 29th day of September, 2003.

Sherri Kovach
Program Supervisor
DHW – Administrative Procedures Section
450 West State Street - 10th Floor
P.O. Box 83720, Boise, Idaho 83720-0036
(208) 334-5564 phone; (208) 332-7347 fax
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IDAPA 16, TITLE 03, CHAPTER 01

RULES GOVERNING ELIGIBILITY FOR MEDICAID FOR FAMILIES AND CHILDREN

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 03-8, August 6, 2003, pages 54 through 57.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET 16-0301-0301

SUBSECTIONS 204.07 through 204.11 (Partial Section)

204. CITIZENSHIP AND QUALIFIED NON-CITIZEN REQUIREMENTS.

To be eligible, an individual must be a member of one (1) of the groups listed in Subsections 204.01 through 204.12~~1~~
(4-1-03)T(4-1-03)T
of this rule.

~~07. Legal Permanent Resident (LPR) Entering On Or After August 22, 1996. A legal permanent resident (LPR) entering the U.S. on or after August 22, 1996, who has been living in the U.S. for five (5) years, and has forty (40) quarters of countable work; or~~
(4-1-03)T

087. Qualified Non-Citizen Entering On Or After August 22, 1996. A qualified non-citizen under 8 U.S.C. 1641(b) or (c), entering the U.S. on or after August 22, 1996, and who has had a qualified non-citizen status for at least five (5) years; or
(4-1-03)T

098. American Indian Born In Canada. An American Indian born in Canada under 8 U.S.C. 1359; or
(4-1-03)T

109. American Indian Born Outside The U.S. An American Indian born outside of the U.S., and is a member of a U.S. federally recognized tribe under 25 U.S.C. 450 b(e); or
(4-1-03)T

140. Qualified Non-Citizen Child Receiving Federal Foster Care. A qualified non-citizen child as defined in 8 U.S.C. 1641(b) or (c), and receiving federal foster care assistance; or
(4-1-03)T

121. Victim Of Severe Form Of Trafficking. A victim of a severe form of trafficking in persons, as defined in 22 U.S.C. 7102(13); who meets one (1) of the following:
(4-1-03)T

a. Is under the age of eighteen (18) years; or
(4-1-03)T

b. Is certified by the U.S. Department of Health and Human Services as willing to assist in the investigation and prosecution of a severe form of trafficking in persons; and
(4-1-03)T

i. Has made a bona fide application for a temporary visa under 8 U.S.C. 1104(a)(15)(T), which has not been denied, or
(4-1-03)T

ii. Is remaining in the U.S. to assist the U.S. Attorney General in the prosecution of traffickers in persons.
(4-1-03)T

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.03 - RULES GOVERNING CHILD SUPPORT SERVICES

DOCKET NO. 16-0303-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 7-1206, 32-1209, 32-1217, 32-1214G, 56-203A, and 56-1004, Idaho Code.

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

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the September 3, 2003 Administrative Bulletin, Volume 03-9, pages 101 and 102.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Terri Meyer at (208) 334-6673.

DATED this 8th day of October, 2003.

Sherri Kovach, Program Supervisor
DHW – Administrative Procedures Section
450 West State Street - 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone; (208) 332-7347 fax
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IDAPA 16, TITLE 03, CHAPTER 03

RULES GOVERNING CHILD SUPPORT SERVICES

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 03-9, September 3, 2003, pages 101 and 102.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.05 - RULES GOVERNING ELIGIBILITY FOR AID TO THE AGED, BLIND AND DISABLED

DOCKET NO. 16-0305-0301

NOTICE OF RULEMAKING

PENDING RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is April 1, 2003. This pending rule has been adopted by the agency and is now pending review by the 2004 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 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 56-1004(1), Idaho Code.

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

The temporary rule and the pending rule are being amended to address comments that were received during the public comment period of the proposed rulemaking. The Department is deleting the Subsection 106.07 because it may not require legal permanent residents to have forty (40) quarters of work to be eligible for benefits.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, and is being republished following this notice. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Department amended the temporary rule with the same revisions which have been made to the pending rule. Only the sections that have changes different from the proposed text are printed in this bulletin. The original text of the proposed rules was published in the August Administrative Bulletin, Volume 03-8, pages 58 through 61.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Maggie Manzo at (208) 334-5753.

DATED this 29th day of September, 2003.

Sherri Kovach
Program Supervisor
DHW – Administrative Procedures Section
450 West State Street - 10th Floor
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(208) 334-5564 phone; (208) 332-7347 fax
kovachs@idhw.state.id.us e-mail

IDAPA 16, TITLE 03, CHAPTER 05

RULES GOVERNING ELIGIBILITY FOR AID TO THE AGED, BLIND AND DISABLED (AABD)

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 03-8, August 6, 2003, pages 58 through 61.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET 16-0305-0301

SUBSECTIONS 106.07 through 106.14 (Partial Section)

106. CITIZENSHIP AND QUALIFIED NON-CITIZEN REQUIREMENTS.

To be eligible, an individual must be a member of one (1) of the groups listed in Subsections 106.01 through 106.143 of this rule. ~~(4-1-03)F~~(4-1-03)T

~~**07. Legal Permanent Resident (LPR) Entering On Or After August 22, 1996.** A legal permanent resident (LPR) entering the U.S. on or after August 22, 1996, who has been living in the U.S. for five (5) years, and has forty (40) quarters of countable work; or~~ ~~(4-1-03)F~~

087. Qualified Non-Citizen Entering On Or After August 22, 1996. A qualified non-citizen under 8 U.S.C. 1641(b) or (c), entering the U.S. on or after August 22, 1996, and who has had a qualified non-citizen status for at least five (5) years; or (4-1-03)T

098. American Indian Born In Canada. An American Indian born in Canada under 8 U.S.C. 1359; or (4-1-03)T

109. American Indian Born Outside The U.S. An American Indian born outside of the U.S., and is a member of a U.S. federally recognized tribe under 25 U.S.C. 450 b(e); or (4-1-03)T

140. Qualified Non-Citizen Child Receiving Federal Foster Care. A qualified non-citizen child as defined in 8 U.S.C. 1641(b) or (c), and receiving federal foster care assistance; or (4-1-03)T

121. Victim Of Severe Form Of Trafficking. A victim of a severe form of trafficking in persons, as defined in 22 U.S.C. 7102(13); who meets one (1) of the following: (4-1-03)T

a. Is under the age of eighteen (18) years; or (4-1-03)T

b. Is certified by the U.S. Department of Health and Human Services as willing to assist in the investigation and prosecution of a severe form of trafficking in persons; and (4-1-03)T

i. Has made a bona fide application for a temporary visa under 8 U.S.C. 1104(a)(15)(T), which has not been denied; or (4-1-03)T

ii. Is remaining in the U.S. to assist the U.S. Attorney General in the prosecution of traffickers in

persons; or

(4-1-03)T

132. Qualified Non-Citizen Receiving Supplement Security Income (SSI). A qualified non-citizen under 8 U.S.C. 1641(b) or (c), and is receiving SSI; or (4-1-03)T

143. Permanent Resident Receiving AABD Cash On August 22, 1996. A permanent resident receiving AABD cash on August 22, 1996. (4-1-03)T

154. Individuals Not Meeting The Citizenship Or Qualified Non-Citizen Requirements. Individuals who do not meet the citizenship or qualified non-citizen requirements in Subsections 106.01 through 106.143 of this rule, may be eligible for emergency medical services if they meet all other conditions of eligibility.

~~(4-1-03)T~~(4-1-03)T

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

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

DOCKET NO. 16-0308-0301

NOTICE OF RULEMAKING

PENDING RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is April 1, 2003. This pending rule has been adopted by the agency and is now pending review by the 2004 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 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 56-1004(1), Idaho Code.

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

The temporary rule and the pending rule are being amended to address comments that were received during the public comment period of the proposed rulemaking. The Department is deleting the Subsection 131.07 because it may not require legal permanent residents to have forty (40) quarters of work to be eligible for benefits.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, and is being republished following this notice. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Department amended the temporary rule with the same revisions which have been made to the pending rule. Only the sections that have changes different from the proposed text are printed in this bulletin. The original text of the proposed rules was published in the August 6, 2003 Idaho Administrative Bulletin, Volume 03-8, pages 62 through 65.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Tiffany Kinzler at (208) 334-6540.

DATED this 29th day of September, 2003.

Sherri Kovach
Program Supervisor
DHW – Administrative Procedures Section
450 West State Street - 10th Floor
P.O. Box 83720, Boise, Idaho 83720-0036
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IDAPA 16, TITLE 03, CHAPTER 08

RULES GOVERNING TEMPORARY ASSISTANCE FOR FAMILIES IN IDAHO (TAFI)

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 03-8, August 6, 2003, pages 62 through 65.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET 16-0308-0301

SUBSECTIONS 131.07 and 131.08 (Partial Section)

131. CITIZENSHIP AND QUALIFIED NON-CITIZEN ~~CRITERIA~~ REQUIREMENTS.

To be eligible, an individual must be a member of one (1) of the groups listed in Subsections 131.01 through 131.098 of this rule. ~~(4-1-03)T~~(4-1-03)T

~~**07. Legal Permanent Resident (LPR) Entering On Or After August 22, 1996.** A legal permanent resident (LPR) entering the U.S. on or after August 22, 1996, who has been living in the U.S. for five (5) years, and has forty (40) quarters of countable work; or~~ ~~(4-1-03)T~~

087. Qualified Non-Citizen Entering On Or After August 22, 1996. A qualified non-citizen under 8 U.S.C. 1641(b) or (c), entering the U.S. on or after August 22, 1996, and who has had a qualified non-citizen status for at least five (5) years; or (4-1-03)T

098. Victim Of Severe Form Of Trafficking. A victim of a severe form of trafficking in persons, as defined in 22 U.S.C. 7102(13); who meets one (1) of the following: (4-1-03)T

a. Is under the age of eighteen (18) years; or (4-1-03)T

b. Is certified by the U.S. Department of Health and Human Services as willing to assist in the investigation and prosecution of a severe form of trafficking in persons; and (4-1-03)T

i. Has made a bona fide application for a temporary visa under 8 U.S.C. 1104(a)(15)(T), which has not been denied; or (4-1-03)T

ii. Is remaining in the U.S. to assist the U.S. Attorney General in the prosecution of traffickers in persons. (4-1-03)T

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.09 - RULES GOVERNING THE MEDICAL ASSISTANCE PROGRAM
DOCKET NO. 16-0309-0303
NOTICE OF RULEMAKING
PENDING RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is May 12, 2003. This pending rule has been adopted by the agency and is now pending review by the 2004 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 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 Sections 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 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.

This rule is being amended in response to information received during the comment period and consultation between the Legislative Task Force and Department staff. It was clarified in Section 814 that the Pharmacy and Therapeutics Committee (P&T) members are appointed by the Director of the Department, the functions of the P&T Committee are more fully described, and text was added to explain under what circumstances the P&T Committee may adjourn to executive session while meeting. Text was deleted in Section 815 to simplify and clarify factors to be considered in determining exemptions from prior authorization.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, and is being republished following this notice. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Department amended the temporary rule with the same revisions which have been made to the pending rule. Only the sections that have changes that differ from the proposed text are printed in this bulletin. The original text of the proposed rules was published in the August 6, 2003 Administrative Bulletin, Volume 03-08, pages 68 and 69.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule and the amendment to temporary rule, contact Chris Baylis at (208) 364-1831.

DATED this 22nd day of October, 2003.

Sherri Kovach
Program Supervisor
DHW – Administrative Procedures Section
450 West State Street - 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone
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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 03-8, August 6, 2003, pages 68 and 69.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

*Language That Has Been Deleted From The Original Proposed Rule
Has Been Removed And New Language Is Shown In Italics*

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 16-0309-0303

SECTIONS 814 AND 815 (Entire Sections)

814. PHARMACY AND THERAPEUTICS COMMITTEE (P&T Committee).

01. Membership. The P&T Committee is appointed by the Director and is composed of practicing pharmacists, physicians and other licensed health care professionals with authority to prescribe medications. ~~(5-12-03)F~~(5-12-03)T

02. Function. The P&T Committee ~~will serve in an advisory capacity to the Department~~ has the following responsibilities for the prior authorization of drugs under Subsection 810.01.e. of these rules; ~~and will recommend to the Department the classes of medications to be reviewed through an evidence-based evaluation.~~ ~~(5-12-03)F~~(5-12-03)T

a. To serve in evaluational, educational and advisory capacities to the Idaho Medicaid Program specific to the prior authorization of drugs with therapeutically interchangeable alternatives. (5-12-03)T

b. To receive evidence-based clinical and pharmacoeconomic data and recommend to the Department the agents to be exempt from prior authorization in selected classes of drugs with therapeutically interchangeable alternatives. The recommendation of items to be exempt from prior authorization will be based primarily on objective evaluations of their relative safety, effectiveness, and clinical outcomes of the drug in comparison with other therapeutically interchangeable alternative drugs, and secondarily on cost. (5-12-03)T

c. To recommend to the Department the classes of medications to be reviewed through evidence-based evaluation. (5-12-03)T

d. To review drug utilization outcome studies and intervention reports from the Drug Utilization

Review Board as part of the process of reviewing and developing recommendations to the Department. (5-12-03)T

03. Meetings. The P&T Committee meetings will be open to the public and a portion of each meeting will be set aside to hear and review public comment. The P&T Committee may adjourn to executive session to consider the following: ~~(5-12-03)T~~(5-12-03)T

a. Relative cost information for prescription drugs that could be used by representatives of pharmaceutical manufacturers or other people to derive the proprietary information of other pharmaceutical manufacturers; or (5-12-03)T

b. Participant-specific or provider-specific information. (5-12-03)T

815. SUPPLEMENTAL REBATES.

01. Purpose. The purpose of supplemental rebates is to enable the Department to purchase prescription drugs provided to Medicaid beneficiaries in a cost effective manner, whether or not these drugs are subject to prior authorization by the Department. The supplemental rebate may be one factor considered in exempting a prescription drug from prior authorization, but is secondary to considerations of the safety, effectiveness, and clinical outcomes of the drug in comparison with other therapeutically interchangeable alternative drugs, ~~and the net economic impact of inclusion or exclusion of the drug from prior authorization.~~ (5-12-03)T(5-12-03)T

02. Rebate Amount. The Department or its designee may negotiate with manufacturers supplemental rebates for prescription drugs that are in addition to those required by Title XIX of the Social Security Act. There is no upper limit on the dollar amounts of the supplemental rebates the Department may negotiate. (5-12-03)T

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

DOCKET NO. 16-0309-0304

NOTICE OF RULEMAKING

PENDING RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is October 20, 2003. This pending rule has been adopted by the agency and is now pending review by the 2004 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 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 Sections 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 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.

HIPAA Release 2 implementation is October 20, 2003. The changes necessary for compliance with this implementation are being made to the temporary rule and pending rule with the effective date of October 20, 2003.

Pursuant to Section 67-5228, Idaho Code, typographical, transcriptional, and/or clerical corrections have been made to the rule and are being published with this Notice of Rulemaking as part of the pending rule.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, and is being republished following this notice. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Department amended the temporary rule with the same revisions which have been made to the pending rule. Only the sections that have changes differ from the proposed text are printed in this bulletin. The original text of the proposed rules was published in the August 6, 2003 Idaho Administrative Bulletin, Volume 03-8, pages 69 through 91.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Arla Farmer at (208) 364-1958.

DATED this 29th day of September, 2003.

Sherri Kovach
Program Supervisor
DHW – Administrative Procedures Section
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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 03-8, August 6, 2003, pages 69 through 91.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 16-0309-0304

SUBSECTION 906.02 (Partial Section and Partial Table)

906. PROSTHODONTICS.

02. Removable Prosthodontics By Codes.

TABLE 906.02 - PROSTHODONTICS	
Dental Code	Description
g. Other Removable Prosthetic Services.	
D5850	Tissue conditioning, maxillary - per denture unit.
D5851	Tissue conditioning, mandibular per denture unit.
D5899	Unspecified removable prosthetic procedure, by report. Narrative required when prior authorizing. Requires prior authorization.
0515 D5899	Unable to deliver full or partial denture. Prior authorization required. If the client does not complete the process for the denture; leaves the state; cannot be located; or dies; the laboratory and professional fees may be billed to Medicaid with an invoice listing lab fees and arch designation.

~~(7-1-03)F~~(10-20-03)T

SUBSECTION 913.03 (Partial Section)

913. DENTURIST POLICY GUIDELINES.

03. **Prior Authorization.** Prior authorization is not required for the dentist procedures except for dental code ~~0515~~D5899 found in Section 914 of these rules. ~~(7-1-03)F~~(10-20-03)T

SECTION 914 (Entire Section)

914. DENTURIST PROCEDURE CODES.

The following codes are valid denturist procedure codes:

TABLE 914 - DENTURIST PROCEDURE CODES	
Dental Code	Description
D5110D	Complete denture, upper
D5120D	Complete denture, lower
D5130D	Immediate denture, upper
D5140D	Immediate denture, lower
D5410D	Adjust complete denture, upper
D5411D	Adjust complete denture, lower
D5421D	Adjust partial denture, upper
D5422D	Adjust partial denture, lower
D5510D	Repair broken complete denture base; arch designation required.
D5520D	Replace missing or broken teeth, complete denture (each tooth); six (6) teeth maximum. Tooth designation required.
D5610D	Repair resin saddle or base; arch designation required.
D5620D	Repair cast framework; arch designation required.
D5630D	Repair or replace broken clasp; arch designation required.
D5640D	Replace broken teeth per tooth; tooth designation required.
D5650D	Add tooth to existing partial denture; tooth designation required.
D5660D	Add clasp to existing partial denture; not requiring the altering of oral tissue or natural teeth. Tooth designation required.
D5730D	Reline complete upper denture (chairside)
D5731D	Reline complete lower denture (chairside)
D5740D	Reline upper partial denture (chairside)
D5741D	Reline lower partial denture (chairside)
D5750D	Reline complete upper denture (laboratory)
D5751D	Reline complete lower denture (laboratory)
D5760D	Reline upper partial denture (laboratory)
D5761D	Reline lower partial denture (laboratory)
0515D5899	Unable to deliver full denture. Prior authorization required. If the client does not complete the process for the denture, leaves the state, cannot be located or dies, laboratory and professional fees may be billed to Medicaid with an invoice listing lab fees and arch designation.

(7-1-03)F(10-20-03)T

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

DOCKET NO. 16-0309-0305

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 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 rules are being adopted as proposed. The original text of the proposed rules was published in the August 6, 2003 Idaho Administrative Bulletin, Volume 03-8, pages 92 through 94.

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

DATED this 9th day of October, 2003.

Sherri Kovach
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IDAPA 16, TITLE 03, CHAPTER 09

RULES GOVERNING 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 03-8, August 6, 2003, pages 92 through 94.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 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. 16-0309-0306

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 56-202, 56-203, 56-1003(l), and 56-1004(l)(a), Idaho Code.

DESCRIPTIVE SUMMARY: The pending rules are being adopted as proposed. The original text of the proposed rules was published in the September 3, 2003, Administrative Bulletin, Volume 03-9, pages 103 through 105.

The following is a non-technical explanation of the substance and purpose of the rulemaking: As a part of the Medicaid budget appropriation for State Fiscal year (SFY) 2004, the Department was given \$147,900 with which to provide additional Targeted Case Management for the mentally ill. However, this appropriation was made subsequent to implementation of budget holdbacks during State Fiscal Year (SFY) 2003. Because the appropriation does not restore funding to prior levels, this proposed rule reduces coverage for crisis case management (from four (4) to three (3) hours) while increasing the coverage for non-crisis case management (from four (4) to five (5) hours). The Department believes greater commitment to non-crisis care can reduce the need for crisis care.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Paul Leary or Pat Guidry at (208) 364-1840.

DATED this 27th day of October, 2003.

Sherri Kovach, Program Supervisor
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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 03-9, September 3, 2003, pages 103 through 105.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 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. 16-0309-0308

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 56-202(b), 56-203(g) and 56-209h, Idaho Code.

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

The pending rules are being adopted as proposed. The original text of the proposed rules was published in the October 1, 2003 Idaho Administrative Bulletin, Volume 03-10, pages 248 through 254.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Mond Warren at (208) 334-5997.

DATED this 29th day of October, 2003.

Sherri Kovach
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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 03-10, October 1, 2003, pages 248 through 254.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 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. 16-0309-0309

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 56-202, 56-203, 56-1003(l), and 56-1004(l)(a), Idaho Code.

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

Changes are being made to the proposed text in response to public comment received. New Subsection 146.13.e. was added to permit agencies to use a software system allowing personal assistants to register their start and stop times and maintain a list of services they provide by placing a telephone call to the agency system from the participant's home.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the October 1, 2003, Administrative Bulletin, Volume 03-10, pages 255 through 269.

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

DATED this 29th day of October, 2003.

Sherri Kovach
Program Supervisor
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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 03-10, October 1, 2003, pages 255 through 269.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

*Language That Has Been Deleted From The Original Proposed Rule
Has Been Removed And New Language Is Shown In Italics*

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 16-0309-0309

SUBSECTION 146.13.e. (Partial Section)

146. PERSONAL CARE SERVICES (PCS).

Under Sections 39-5601 through 39-5607, Idaho Code, it is the intent of the Department to provide personal care services (PCS) to eligible participants in their own homes or personal residences to prevent unnecessary institutional placement, to provide for the greatest degree of independence possible, to enhance quality of life, to encourage individual choice, and to maintain community integration. ()

13. PCS Record Requirement - Participant In His Own Home. The PCS record must be maintained on all participants who receive PCS in their own homes. ()

e. Telephone Tracking System. Agencies may employ a software system that allows personal assistants to register their start and stop times and a list of services by placing a telephone call to the agency system from the participant's home. This system will not take the place of documentation requirements of Subsections 146.13.a. through 146.13.d. of this rule. ()

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.10 - RULES GOVERNING MEDICAID PROVIDER REIMBURSEMENT IN IDAHO

DOCKET NO. 16-0310-0302

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 56-101 through 135, 56-202, 56-203, 56-1003(1), 56-1004(1)(a), Idaho Code and 42 CFR Part 447.

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 rules are being adopted as proposed. The original text of the proposed rules was published in the August 6, 2003, Administrative Bulletin, Volume 03-8, pages 95 through 97.

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

DATED this 22nd day of September, 2003.

Sherri Kovach
Program Supervisor
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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 03-8, August 6, 2003, pages 95 through 97.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.05.05 - RULES GOVERNING FEES FOR HEALTH OPERATING PERMITS,
LICENSES, AND INSPECTION SERVICES

DOCKET NO. 16-0505-0301 - (CHAPTER REPEAL)

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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, 56-1003 and 56-1007, Idaho Code.

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

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the September 3, 2003 Idaho Administrative Bulletin, 03-9, page 188.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Elke Shaw-Tulloch at (208) 334-5950.

DATED this 26th day of September, 2003.

Sherri Kovach
Program Supervisor
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IDAPA 16, TITLE 05, CHAPTER 05

RULES GOVERNING FEES FOR HEALTH OPERATING PERMITS,
LICENSES, AND INSPECTION SERVICES

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 03-9, September 3, 2003, page 188.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.06.12 - RULES GOVERNING THE IDAHO CHILD CARE PROGRAM
DOCKET NO. 16-0612-0301 - (FEE RULE)
NOTICE OF RULEMAKING - PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. 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) 56-201 through 56-233, Idaho Code.

DESCRIPTIVE SUMMARY: The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 1, 2003 Administrative Bulletin, Volume 03-10, pages 319 through 322.

FEE SUMMARY: Pursuant to Section 67-5226(2), Idaho Code, the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

The rule is being promulgated in order to implement the three point five percent (3.5%) holdback imposed by the Office of the Governor. Section 56-1007, Idaho Code, authorizes the Department to charge and collect reasonable fees. The fee may be determined by a sliding fee scale, which this rule does.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Cheryl Bowers at (208) 334-5733.

DATED this 29th day of October, 2003.

Sherri Kovach
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IDAPA 16, TITLE 06, CHAPTER 12

RULES GOVERNING THE IDAHO CHILD CARE 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 03-10, October 1, 2003, pages 319 through 322.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 18 - DEPARTMENT OF INSURANCE

18.01.38 - INSURANCE AVAILABILITY FOR RIDESHARING ARRANGEMENTS

DOCKET NO. 18-0138-0301 - (CHAPTER REPEAL)

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 this agency has adopted a pending rule. The action is authorized pursuant to Section 41-211, Idaho Code.

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

This chapter is being repealed in its entirety because it is no longer needed. The chapter references and implements sections of the Idaho Code relating to ridesharing that are no longer in existence.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, Volume No. 03-10, October 1, 2003, page 330.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Shad Priest at (208) 334-4250.

Dated this 22nd day of October, 2003.

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

IDAPA 18, TITLE 01, CHAPTER 38

INSURANCE AVAILABILITY FOR RIDESHARING ARRANGEMENTS

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 03-10, October 1, 2003, page 330.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 21 - DIVISION OF VETERANS SERVICES

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

DOCKET NO. 21-0101-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 65-202, 65-204, and 65-907, 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 change certain eligibility requirements for residency in State Veterans Homes to comply with Medicaid requirements; to change certain rules related to the conduct of residents who reside in State Veterans Homes and the penalties for such conduct deleting all references to "restricting" residents; to clean up sections related to monthly charges; to change the notification of discharge time for nursing care residents from 15 to 30 days and to perform general clean up.

There is no change between the text of the proposed rule and the text of the pending rule. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 1, 2003 Idaho Administrative Bulletin, Volume 03-10, pages 337 through 346.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Richard W. Jones, Administrator, (208) 334-3513.

DATED this 23rd day of October, 2003.

Richard W. Jones, Administrator
Idaho Division of Veterans Services
320 Collins Road, Boise, Idaho 83702
Phone: (208) 334-3513 / Fax: (208) 334-2627

IDAPA 21, TITLE 01, CHAPTER 01

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

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 03-10, October 1, 2003, pages 337 through 346.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 21 - DIVISION OF VETERANS SERVICES

21.01.04 - RULES GOVERNING THE IDAHO STATE VETERANS CEMETERY

DOCKET NO. 21-0104-0301 - (FEE RULE)

NOTICE OF RULEMAKING - PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 the concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 65-202, 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. These rule changes were needed to insure that two cremains containers would fit into one niche for veterans who wish to be interred with a spouse and to establish the fees for interment, disinterment, and reinterment.

There is no change between the text of the proposed rule and the text of the pending rule. The pending rule is being adopted as proposed. The text of the proposed rule was published in the October 1, 2003 Idaho Administrative Bulletin, Volume 03-10, pages 347 and 348.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. A fee of \$300 will be imposed for interment, disinterment, or reinterment of remains in the State Veterans Cemetery.

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

DATED this 23rd day of October 2003.

Richard W. Jones, Administrator
Division of Veterans Services
320 Collins Road, Boise, Idaho 83702
Phone: (208) 334-3513 / Fax: (208) 334-2627

IDAPA 21, TITLE 01, CHAPTER 04

RULES GOVERNING THE IDAHO STATE VETERANS CEMETERY

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 03-10, October 1, 2003, pages 347 and 348.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.01.01 - RULES OF THE STATE BOARD OF ARCHITECTURAL EXAMINERS

DOCKET NO. 24-0101-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 54-312, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 1, 2003 Idaho Administrative Bulletin, Volume 03.10, pages 396 through 398.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Rayola Jacobsen at (208) 334-3233.

DATED this 29th day of October, 2003.

Rayola Jacobsen, Bureau Chief
Bureau of Occupational Licenses
1109 Main St. Ste. 220
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(208) 334-3233
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IDAPA 24, TITLE 01, CHAPTER 01

RULES OF THE STATE BOARD OF ARCHITECTURAL EXAMINERS

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-10, October 1, 2003, pages 396 through 398.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.04.01 - RULES OF THE IDAHO BOARD OF COSMETOLOGY

DOCKET NO. 24-0401-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 54-821, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 1, 2003, Idaho Administrative Bulletin, Volume 03-10, pages 399 through 402.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Rayola Jacobsen at (208) 334-3233.

DATED this 29th day of October, 2003.

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IDAPA 24, TITLE 04, CHAPTER 01

RULES OF THE IDAHO BOARD OF COSMETOLOGY

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-10, October 1, 2003, pages 399 through 402.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.06.01 - RULES GOVERNING THE BOARD OF HEARING AID DEALERS AND FITTERS

DOCKET NO. 24-0601-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 54-2914, 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 complete text of the proposed rule was published in the October 1, 2003, Idaho Administrative Bulletin, Volume 03-10, pages 403 through 406.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Rayola Jacobsen at (208) 334-3233.

DATED this 29th day of October, 2003.

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IDAPA 24, TITLE 06, CHAPTER 01

RULES GOVERNING THE BOARD OF HEARING AID DEALERS AND FITTERS

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 03-10, October 1, 2003, pages 403 through 406.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.07.01 - RULES OF THE IDAHO STATE BOARD OF LANDSCAPE ARCHITECTS

DOCKET NO. 24-0701-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 54-3003, 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.

Changes were made to proposed text due to public comment in 004 and 425. ASLA Code of Professional Ethics was replaced by CLARB Model Rules of Professional Conduct as approved September, 2002.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 1, 2003, Idaho Administrative Bulletin, Volume 03-10, pages 407 through 411.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Rayola Jacobsen at (208) 334-3233.

DATED this 29th day of October, 2003.

Rayola Jacobsen, Bureau Chief
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IDAPA 24, TITLE 07, CHAPTER 01

RULES OF THE IDAHO STATE BOARD OF LANDSCAPE ARCHITECTS

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 complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 03-10, October 1, 2003, pages 403 through 406.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

*Language That Has Been Deleted From The Original Proposed Rule
Has Been Removed And New Language Is Shown In Italics*

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 24-0701-0301

SECTION 004 (Entire Section)

004. INCORPORATION BY REFERENCE (Rule 4).

The document titled the *Council of Landscape Architectural Registration Boards (CLARB) Model Rules of Professional Conduct* as amended September 2002, referenced in Subsection 425, is herein incorporated by reference. ()

SECTION 425 (Entire Section)

425. RULES OF PROFESSIONAL RESPONSIBILITY (Rule 425).

01. Rules of Professional Responsibility. The *CLARB model rules of professional conduct* as amended September 2002 are hereby adopted as the Rules of Professional Responsibility for all Idaho licensed landscape architects. ()

02. Violation Of The Rules of Professional Responsibility. The Board will take action against a licensee under Section 54-3004(5), Idaho Code, who is found in violation of the Rules of Professional Responsibility. ()

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.08.01 - RULES OF THE STATE BOARD OF MORTICIANS

DOCKET NO. 24-0801-0301 - (FEE RULE)

NOTICE OF RULEMAKING - PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. 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 54-1106 and 54-1107, 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 complete text of the proposed rule was published in the October 1, 2003, Idaho Administrative Bulletin, Volume 03-10, pages 412 through 417.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: There is a fee added for Crematory establishment of \$200 as currently allowed in 24.08.02 which is being incorporated into 24.08.01.

Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule or temporary rule, contact Rayola Jacobsen at (208) 334-3233.

DATED this 29th day of October, 2003.

Rayola Jacobsen, Bureau Chief
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IDAPA 24, TITLE 08, CHAPTER 01

RULES OF THE STATE BOARD OF MORTICIANS

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 03-10, October 1, 2003, pages 412 through 417.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.08.02 - RULES OF THE IDAHO STATE BOARD OF MORTICIANS GOVERNING CREMATORIES

DOCKET NO. 24-0802-0301 - (CHAPTER REPEAL)

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 54-1107, 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 chapter is being repealed in its entirety. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 1, 2003 Idaho Administrative Bulletin, Volume 03-10, page 418.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Rayola Jacobson at (208) 334-3233.

DATED this 4th day of November, 2003.

Rayola Jacobson, Bureau Chief
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IDAPA 24, TITLE 08, CHAPTER 02

RULES OF THE IDAHO STATE BOARD OF MORTICIANS GOVERNING CREMATORIES

This chapter 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 03-10, October 2, 2003, page 418.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.10.01 - RULES OF THE STATE BOARD OF OPTOMETRY

DOCKET NO. 24-1001-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 54-1509, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 1, 2003, Idaho Administrative Bulletin, Volume 03-10, pages 419 through 421.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule or temporary rule, contact Rayola Jacobsen at (208) 334-3233.

DATED this 29th day of October, 2003.

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IDAPA 24, TITLE 10, CHAPTER 01

RULES OF THE STATE BOARD OF OPTOMETRY

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 03-10, October 1, 2003, pages 419 through 421.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES
24.12.01 - RULES OF THE STATE BOARD OF PSYCHOLOGIST EXAMINERS

DOCKET NO. 24-1201-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 complete text of the proposed rule was published in the October 1, 2003, Idaho Administrative Bulletin, Volume 03-10, pages 422 through 427.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Rayola Jacobsen at (208) 334-3233.

DATED this 29th day of October, 2003.

Rayola Jacobsen, Bureau Chief
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IDAPA 24, TITLE 12, CHAPTER 01

RULES OF THE 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 03-10, October 1, 2003, pages 422 through 427.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.14.01 - RULES OF THE STATE BOARD OF SOCIAL WORK EXAMINERS

DOCKET NO. 24-1401-0301

NOTICE OF RULEMAKING - PENDING AND TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is October 21, 2003. This pending rule has been adopted by the agency and is now pending review by the 2004 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 is also adopting a temporary rule. The action is authorized pursuant to Section 54-3204, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and 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.

Adds definition for psychotherapy, clarifies practice of social work at each level, clarifies examination procedure and endorsement requirements, amends continuing education in cases involving illness, clarifies continuing education ethics requirement, allows continuing education from social services agencies, and define competent practice for social workers.

Due to public comment, changes were made to proposed text as follows: include definition for supportive counseling; revisions were made in practice of social work; the word endorsement was added to 350; and competent practice for social workers is defined.

In accordance with Section 67-5226, Idaho Code, the full text of the temporary rule is being published in this Bulletin following this notice and includes changes made to the pending rule. The text of the pending has been modified in accordance with Section 67-5227, Idaho Code. The original text of the proposed rule was published in the October 1, 2003, Idaho Administrative Bulletin, Vol. 03-10, pages 428 through 433.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Rayola Jacobsen at (208) 334-3233.

DATED this 29th day of October, 2003.

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IDAPA 24, TITLE 14, CHAPTER 01

RULES OF THE STATE BOARD OF SOCIAL WORK EXAMINERS

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 03-10, October 1, 2003, pages 428 through 433.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

Language That Has Been Deleted From The Original Proposed Rule Has Been Removed And New Language Is Shown In Italics.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 24-1401-0301

010. DEFINITIONS (Rule 10).

01. Board. The State Board of Social Work Examiners as prescribed in Section 54-3202, Idaho Code. (7-1-93)

02. Bureau. The Bureau means the Bureau of Occupational Licenses, as prescribed in Sections 54-3204 and 67-2602, Idaho Code. (3-13-02)

03. Psychotherapy. Treatment methods using a specialized, formal interaction between a Clinical Social Worker and an individual, couple, family, or group in which a therapeutic relationship is established, maintained, or sustained to understand unconscious processes, intrapersonal, interpersonal, and psychosocial dynamics, and the diagnosis and treatment of mental, emotional, and behavioral disorders, conditions, and addictions. (10-21-03)T

04. Supportive Counseling. Supportive counseling by a social worker means a method used by social workers to assist individuals, couples, families, and groups in learning how to solve problems and make decisions about personal, health, social, educational, vocational, financial, and other interpersonal concerns. This help in the maintenance of adaptive patterns is done in the interview through reassurance, advice giving, information providing, and pointing out client strengths and resources. Supportive counseling does not seek to reach unconscious material. (10-21-03)T

(BREAK IN CONTINUITY OF SECTIONS)

201. PRACTICE OF SOCIAL WORK.

01. Baccalaureate Social Work. The application of social work theory, knowledge, methods, and ethics to restore or enhance social or psychosocial functioning of individuals, couples, families, groups, organizations, and communities. Baccalaureate social work is a generalist practice that includes assessment, planning, intervention, evaluation, case management, information and referral, supportive counseling, supervision, and consultation with clients. Baccalaureate social work also includes advocacy, education, community organization, and the development, implementation and administration of policies, programs, and activities. Bachelor level social

workers are prohibited from performing ~~clinical social work psychotherapy~~. (5-3-03)(10-21-03)T

02. Master's Social Work. The application of social work theory, knowledge, methods and ethics, and the professional use of self to restore or enhance social, psychosocial or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities. Master's social work requires the application of specialized knowledge and advanced practice skills in the areas of assessment, treatment planning, implementation and evaluation, case management, information and referral, supportive counseling, supervision and consultation with clients, advocacy, teaching, research, community organization, and the development, implementation, and administration of policies, programs, and activities. Master level social workers who do not hold clinical licensure may provide ~~clinical social work psychotherapy~~ only under the supervision of a licensed clinical social worker, psychologist, or psychiatrist and in accordance with an approved supervision plan. (refer to supervision plan). (5-3-03)(10-21-03)T

03. Clinical Social Work. The practice of clinical social work is a specialty within the practice of master's social work and requires the application of specialized clinical knowledge and advanced clinical skills in the areas of assessment, diagnosis, and treatment of mental, emotional, and behavioral disorders, conditions and addictions. Clinical social work is based on knowledge and theory of psychosocial development, behavior, psychopathology, motivation, interpersonal relationships, environmental stress, social systems, and cultural diversity, with particular attention to person-in-environment. It shares with all social work practice the goal of enhancement and maintenance of psychosocial functioning of individuals, families, and small groups. Clinical social work ~~encompasses interventions directed to interpersonal interactions, intrapsychic dynamics, and life support and management issues.~~ It includes, but is not limited to, individual, couples, family and group psychotherapy, and includes independent and private practice. (5-3-03)(10-21-03)T

04. Clinical Practice Exemption. A social worker licensed in Idaho at the masters level prior to August 5, 2002 engaged in clinical social work and employed directly by a physician, psychologist or other social worker, or by a public or private agency, institution, hospital, nursing home, rehabilitation center, or any similar facility may meet the supervised experience requirement for clinical licensure upon submission of documentation prior to July 1, 2005 showing a minimum of one hundred (100) face-to-face hours of employer provided supervision. No more than seventy-five (75) hours of supervision may be provided by a licensed counselor, marriage and family therapist, or psychiatric nurse and no less than twenty-five (25) hours of supervision may be provided by a licensed clinical social worker, psychologist, or an individual licensed to practice medicine and surgery who practices in the area of psychiatry. A licensed social worker who meets the requirements of Section 201 may continue to practice clinical social work until July 1, 2005. An individual practicing under this exemption must still pass the clinical examination as set forth in Section 350 prior to clinical licensure. (10-21-03)T

045. Independent Practice Of Social Work. As defined in Section 54-3207, Idaho Code, is that practice in which an individual who, wholly or in part, practices social work autonomously, with responsibility for that practice. No baccalaureate or masters level social worker, ~~regardless of the level of licensure,~~ shall engage in independent practice until such time as the social worker shall have worked in a supervised setting and received a minimum of three thousand (3000) hours in a supervised setting in no less than two (2) years. Anyone holding a current Idaho Social Work license who was licensed in Idaho prior to August 5, 2002 shall be exempt from the requirement to submit a plan of supervision and may apply for the Independent Practice certification. Such applicant shall, prior to July 1, 2005, submit documentation establishing that a minimum of three thousand (3000) hours of supervised practice, including one hundred (100) face-to-face hours, was obtained in a supervised setting and provided by a qualified and experienced professional working in the same area of practice; that supervision occurred on a regular and on-going basis; and that the supervisor(s) held a social work license in good standing. (5-3-03)(10-21-03)T

056. Private Practice Of Social Work. As defined in Section 54-3207, Idaho Code, is that independent practice in which an individual sets up and maintains responsibility for the contractual conditions of payment with clients, agencies, or institutions. (5-3-03)

067. Employment Of A Social Worker. A social worker employed directly by a physician, psychologist or other social worker, or by a public or private agency, institution, hospital, nursing home, rehabilitation center, or any similar facility, is not to be considered within the definition of an independent practitioner. Furthermore, a social worker who contracts with an agency or institution that assumes full responsibility

for and supervises the services provided to clients is not considered to be a private practitioner. (5-3-03)

078. Supervision. *Supervised experience shall be required for both independent practice status and clinical licensure.* Consultative-teaching supervision ~~that~~ is directed toward enhancement and improvement of the individual's social work values, knowledge, methods, and techniques. Supervision shall be face-to-face and provided by a qualified and experienced professional working in the same area of practice. Supervision ~~for licensure as an independent social worker~~ must occur on a regular and on-going basis and consist of a minimum of one hundred hours (100) hours. Ratio of supervisor/supervisee shall not exceed two (2) social workers to one (1) supervisor per hour of supervision. Supervisors must hold a degree in social work and a current license in good standing, except as noted in Subsection 201.078.c. ~~(5-3-03)~~(10-21-03)T

a. Supervision of baccalaureate social workers pursuing licensure as independent practitioners must be provided by a licensed social worker ~~who is~~ approved to provide independent practice at the baccalaureate, masters, or clinical level. ~~(5-3-03)~~(10-21-03)T

b. Supervision of masters social workers pursuing licensure as independent practitioners must be provided by a licensed social worker approved to provide independent practice at the masters or clinical level. (5-3-03)

c. Supervision of social workers pursuing licensure as clinical level ~~independent~~ practitioners must be provided by a licensed clinical social worker, a licensed clinical psychologist, or a person licensed to practice medicine and surgery who practices in the area of psychiatry, and must focus on clinical social work as defined. ~~(5-3-03)~~(10-21-03)T

d. Supervision reports shall be submitted from each supervisor directly to the Board within thirty (30) days following each six (6) month period. Failure of the supervisor to submit the required reports in a timely manner may result in the supervisor being restricted by the Board from providing further supervision. ~~(5-3-03)~~(10-21-03)T

089. Supervised Practice Required. To be eligible for licensure as an independent practitioner a candidate must: (5-3-03)

a. Meet the requirements set forth in Subsection 201.078; ~~(5-3-03)~~(10-21-03)T

b. Develop a plan for supervision that must be approved by the Board prior to commencement of supervision. Prior to a change in supervisors, the supervisee must notify the Board and the change must be approved by the Board prior to the commencement of supervision by the new supervisor; and (5-3-03)

c. Not have more than two (2) supervisors at any given time. (5-3-03)

(BREAK IN CONTINUITY OF SECTIONS)

350. EXAMINATIONS, ENDORSEMENT, AND BOARD MEETINGS (Rule 350).

Examinations will be conducted by the board for qualified applicants for social work licensing and board meetings will be held to conduct other business. Applications for examination may be reviewed and approved by a designated Board member upon determination that the applicant meets the qualifications for examination. Approval to sit for examination does not obligate the Board to issue a license if it is later determined that the applicant does not meet the requirements for licensure. ~~(7-1-03)~~(10-21-03)T

01. Board Meetings. Board meetings will be held at least three (3) times each year at such times and places as the board deems necessary. (5-3-03)

02. Exam Utilized. The Board utilizes the uniform, nationally standardized examination of the Association of Social Work Boards (ASWB). (5-3-03)

a. Bachelor level candidates shall be required to successfully pass the basic examination. (5-3-03)

- b.** Masters level candidates shall be required to successfully pass the intermediate examination. (5-3-03)
- c.** Clinical level candidates shall be required to successfully pass the clinical examination. (5-3-03)
- 03. Dates Of Exams.** Examination at all levels of social work licensing will be conducted on dates established for national administration. (7-1-93)
- 04. Graduation Date To Qualify For Exam.** Candidates for examination who can satisfy the board that they will be graduating at the end of the spring, summer or fall terms of any given year, may qualify for examination at the established testing period immediately preceding the date of graduation. (5-24-95)
- 05. Exemption From Exam.** An applicant who has been tested for licensure utilizing an acceptable examination will be exempt from the Idaho examination if the applicant received a converted score of seventy (70) based upon a criterion reference examination. (7-1-93)
- 06. Endorsement.** The Board may grant a license to any person who submits a completed application on a form approved by the Board together with the required fees and who: (5-3-03)
- a.** Holds a current active social work license, ~~in the profession at the level~~ for which a license is being sought, issued by the authorized regulatory entity in another state or country, the certification of which must be received directly by the Board from the issuing agency; and ~~(5-3-03)~~(10-21-03)T
- b.** Has not been disciplined within the last five (5) years, had a license revoked, suspended, restricted, or otherwise sanctioned by any regulatory entity and has never voluntarily surrendered a license; and (5-3-03)
- c.** Is of good moral character and has not been convicted, found guilty, or received a withheld judgment or suspended sentence for any felony; and (5-3-03)
- d.** Has successfully passed an examination, as referenced in Subsection 350.02, or an examination provided by the Professional Examination Service (PES) at the clinical social worker and social worker level or the Education Testing Service (ETS) examination; and (5-3-03)
- e.** Has certified under oath to abide by the laws and rules governing the practice of social work in Idaho and the code of professional conduct. (5-3-03)
- ~~**07- Application Deadline.** Applications must be received in the Bureau of Occupational Licenses at least ten (10) days prior to the next board meeting. Candidates whose applications are received after this date will be scheduled for the subsequent board meeting. (5-3-03)~~

351. CONTINUING EDUCATION (Rule 351).

- 01. Continuing Education Requirements.** (7-1-95)
- a.** Continuing education is required for renewal at all levels of social work licensure in Idaho. The board may, upon application, waive the requirements of this rule in cases involving illness or unusual circumstances interfering with the licensee's ability to practice or inability to conform to the rules. ~~(5-3-03)~~(10-21-03)T
- b.** The completion of a minimum of twenty (20) continuing education (CE) hours annually is required to renew each licensure level. (5-3-03)
- c.** Compliance with the continuing education (CE) requirements for licensees shall be reported annually. A continuing education course taken in any renewal year, but not claimed for CE credit in that year, may be utilized for credit in the following renewal year. (5-3-03)
- d.** Each licensed social worker shall complete and return to the Bureau a Board approved continuing education report form as part of the annual renewal of licenses. (5-3-03)

e. Licensees will maintain documentation verifying CE attendance and curriculum for a period of four (4) years. This documentation will be subject to audit by the board. (5-3-03)

f. Licensees shall not be required to comply with this requirement during the first year in which they become licensed under the social work act. (5-3-03)

g. One (1) continuing education hour shall equal one (1) clock hour. (7-1-95)

h. Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of fifteen (15) CE hours for each semester hour or ten (10) CE hours for each quarter hour of school credit awarded. (7-1-95)

i. No more than ten (10) continuing education hours may be obtained from category II. (7-1-95)

j. As part of the required hours of continuing education, all licensees must complete at least ~~four~~ one (~~4~~) hours of training every ~~four~~ (~~4~~) years in professional ethics. (~~7-1-95~~)(10-21-03)T

k. Applications for reinstatement of a cancelled license shall include documented proof of meeting the continuing education requirements for the previous twelve (12) months. The ~~four~~ (~~4~~) ~~year~~ cycle requirement for professional ethics training shall continue during any period of cancellation. (~~5-3-03~~)(10-21-03)T

02. Categories Of Continuing Education. (7-1-95)

a. Category I. Category I includes formally organized learning events, ideally involving face-to-face interaction with a teacher for the purpose of accomplishing specific learning objectives. Courses, workshops, conferences, practice oriented seminars, staff development and training activities coordinated and/or taught by approved and recognized educators also are included in this category. Because of our geographic location and sparse population, closed circuit T.V., video tapes, and correspondence courses may be substituted for face-to-face contact if coordinated by an approved instructor. Videotaped presentations require a discussion period to follow that reviews the learning objectives of the taped program. (7-1-95)

b. Category II. Category II consists of a variety of self-directed professional study activities and growth experiences. Examples include making an initial presentations on professional issues or programs, teaching a course for the first time, presenting a lecture, or conducting a workshop for the first time, editing or writing professional books or articles, and conducting professional research. (~~7-1-95~~)(10-21-03)T

c. The subject matter of all approved continuing education shall be germane to the practice of social work as defined in Section 54-3202, Idaho Code, and may include the specialties of Marriage and Family Therapy, Psychiatry, Psychiatric Nursing, Psychology, or Pastoral Counseling. (5-3-03)

03. Continuing Education Sources. (7-1-95)

a. Continuing education course providers shall include: (5-3-03)

i. Professional Associations. Continuing education hours may be obtained by participating in activities sponsored by or approved by professional associations including but not limited to the Idaho Chapter of the National Association of Social Workers, Idaho Society for Clinical Social Workers. The professional association shall certify the number of clock hours of educational content in each sponsored or approved activity. (5-3-03)

ii. Educational Institutions. Continuing education hours may be obtained by completing coursework not below your level of licensing or by participating in continuing education programs sponsored by or approved by educational institutions accredited by a regional body recognized by the Council on Post Secondary Accreditation. The educational institution shall certify the number of clock hours of educational content in each sponsored or approved program. (7-1-95)

iii. Government Agencies, Schools and Hospitals. Continuing education hours may be obtained by participating in in-service training, courses or workshops sponsored by federal, state, or local government agencies, public school systems and licensed hospitals. The provider shall certify the number of clock hours of educational

content in each approved activity. (7-1-95)

iv. Private social service agencies and other entities. Continuing education hours may be obtained by participating in continuing education programs sponsored by agencies or entities who regularly provide social work services. The provider shall certify the number of clock hours of educational content in each approved activity. (10-21-03)T

b. All continuing education hours must be relevant to the profession of social work at the individual's particular level of social work licensure. The presenter's level of education must be at the licensee's level or above. Continuing education for clinical licensees must be clinical in nature except that five (5) hours each year may be non-clinical but shall be germane to the practice of social work. Final approval of acceptable programs rests with the Board. (~~5-3-03~~)(10-21-03)T

04. Documentation. (7-1-95)

a. Each licensee shall maintain documentation verifying CE attendance and curriculum for a period of four (4) years from the date of completion. This documentation will be subject to audit by the Board. (5-3-03)

b. Licensees shall attest, on their annual license renewal application, that they have satisfied the continuing education requirements. False attestation of satisfaction of the continuing education requirements on a renewal application shall subject the licensee to disciplinary action, including revocation. (5-3-03)

c. Category I documents must be in the form of a certificate of attendance, a statement signed by the provider verifying participation in the activity, or an official transcript. (5-3-03)

d. In the event a licensee fails to provide the Board with acceptable documentation of the hours attested to on the renewal application, the license will not be renewed. (7-1-95)

e. Documented proof of meeting the continuing education requirement shall be in the form of a certificate or letter from the sponsoring entity that includes the title of the activity, the subject material covered, the dates and number of hours credited, and the presenter's full name and professional credentials. (5-3-03)

(BREAK IN CONTINUITY OF SECTIONS)

450. STATEMENT OF PUBLIC POLICY AND CODE OF PROFESSIONAL CONDUCT (Rule 450).

The profession of social work is dedicated to serving people; the professional relationship between social workers and clients thus shall be governed by the highest moral and ethical values. The client is in a vulnerable role that extends beyond the time frame of actual services. In both social and professional interactions, this vulnerability shall be taken into consideration whether the person is currently or has been a client. Following is the Code of Professional Conduct: (5-24-95)

01. The Social Worker's Ethical Responsibility To Clients. (7-1-93)

a. For the purpose of this Code of Professional Conduct, a client is anyone for whom the social worker provides social work services directly or indirectly through consultations, staffings, or supervision with other professionals. (7-1-93)

b. The social worker shall not commit fraud nor misrepresent services performed. (7-1-93)

c. The social worker shall not solicit the clients of an agency for which they provide services for his private practice. (7-1-93)

d. The social worker shall not divide a fee or accept or give anything of value for receiving or making a referral. (7-1-93)

e. The social worker shall provide clients with accurate and complete information regarding the

extent and nature of the services available to them. (7-1-93)

f. The social worker shall terminate service to clients, and professional relationships with them, when such service and relationships are no longer required or in which a conflict of interest arises. (7-1-93)

g. A social worker shall not violate a position of trust by knowingly committing any act detrimental to a client. (7-1-93)

h. A social worker shall not exploit their professional relationships with clients (or former clients), supervisees, supervisors, students, employees, or research participants, sexually or otherwise. Social workers shall not condone or engage in sexual harassment. Sexual harassment is defined as deliberate or repeated comments, gestures, or physical contacts of a sexual nature that are unwelcomed by the recipient. (7-1-93)

i. A social worker shall not engage in sexual acts with a client or with a person who has been a client within the past three (3) years. A social worker shall not provide social work services to a person with whom he/she has had a sexual relationship. (7-1-93)

02. The Social Worker's Conduct And Comportment As A Social Worker. (7-1-93)

a. In providing services, a social worker shall not discriminate on the basis of age, sex, race, color, religion, national origin, mental or physical handicap, political belief, or any other preference or personal characteristic, condition or status. (7-1-93)

b. Social workers shall not undertake any activity in which their personal problems are likely to lead to inadequate performance or harm to a client, colleague, student, or research participant. If engaged in such activity when they become aware of their personal problems, they shall seek competent professional assistance to determine whether they should suspend, terminate, or limit the scope of their professional activities. (7-1-93)

c. A social worker shall not provide social work service while under the influence of alcohol or other mind-altering or mood-altering drugs which impair delivery of services. (7-1-93)

d. A social worker shall not repeatedly fail to keep scheduled appointments. (7-1-93)

e. The social worker who anticipates the termination or interruption of service to clients shall notify clients promptly and seek the transfer, referral, or continuation of services in relation to the clients' needs and preferences. (7-1-93)

f. The social worker shall attempt to make appropriate referrals as indicated by the client's need for services. (7-1-93)

g. A social worker shall obtain the client's or legal guardian's informed written consent when a client is to be involved in any research project. A social worker shall explain the research, including any implications. (7-1-93)

h. The social worker shall obtain informed consent of clients before taping, recording, or permitting third party observation of their activities. (7-1-93)

i. A social worker shall safeguard information given by clients in providing client services. Except when required by law or judicial order, a social worker shall obtain the client's informed written consent before releasing confidential information from the setting or facility except for compelling reasons defined as but not limited to: (7-1-93)

i. Consultation with another professional on behalf of the client thought to be dangerous to self or others; (7-1-93)

ii. Duty to warn pursuant to Chapter 19, Title 6, Idaho Code; (5-24-95)

iii. Child abuse and sexual molestation pursuant to Chapter 16, Title 16, Idaho Code; and (5-24-95)

- iv. Any other situation in accordance with statutory requirements. (7-1-93)
- j. A social worker shall report any violation of the law or rules, including Code of Professional Conduct, by a person certified under Chapter 32, Title 54, Idaho Code. (7-1-93)

03. Competent Practice for Social Workers. All social workers shall practice in a competent manner consistent with their level of education, training and experience. (10-21-03)T

a. A social worker shall only represent themselves and practice within the boundaries of their education, training, licensure level, supervision, and other relevant professional experience. (10-21-03)T

b. A social worker shall only practice within new areas or use new intervention techniques or approaches after engaging in appropriate study, training, consultation, or supervision. (10-21-03)T

c. A social worker shall exercise careful judgement, when generally recognized standards do not exist with respect to an emerging area of practice, and take responsible steps to ensure the competence of their practice. (10-21-03)T

034. The Advertising Rules For Social Workers. No social worker shall disseminate or cause the dissemination of any advertisement or advertising which is any way fraudulent, false, deceptive or misleading. Any advertisement or advertising shall be deemed by the board to be fraudulent, false, deceptive, or misleading if it: (7-1-93)

- a. Contains a misrepresentation of fact; or (7-1-93)
- b. Is misleading or deceptive because in its content or in the context in which it is presented it makes only a partial disclosure of relevant facts. More specifically, it is misleading and deceptive for a social worker to advertise free services or services for a specific charge when in fact the social worker is transmitting a higher charge for the advertised services to a third party payor for payment or charges the patient or a third party. It is misleading and deceptive for a social worker or a group of social workers to advertise a social work referral service or bureau unless the advertisement specifically names each of the individual social workers who are participating in the referral service or bureau. (7-1-93)
- c. Creates false or unjustified expectations of beneficial treatment or successful outcomes; or (7-1-93)
- d. Fails to identify conspicuously the social worker or social workers referred to in the advertising as a social worker or social workers; or (7-1-93)
- e. Contains any representation or claims, as to which the social worker, referred to in the advertising, fails to perform; or (7-1-93)
- f. Contains any representation which identifies the social worker practice being advertised by a name which does not include the terms "social worker," "social work," or some easily recognizable derivation thereof; or (7-1-93)
- g. Contains any representation that the practitioner has received any license or recognition by the state of Idaho or its authorized agents, which is superior to the license and recognition granted to any social worker who successfully meets the licensing requirements of Chapter 32, Title 54, Idaho Code; or (7-1-93)
- h. Appears in any classified directory, listing, or compendium under a heading, which when considered together with the advertisement, has the capacity or tendency to be deceptive or misleading with respect to the profession or professional status of the social worker; or (7-1-93)
- i. Contains any other representation, statement, or claim which is misleading or deceptive. (7-1-93)

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. 24-1501-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 54-3404, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 1, 2003, Idaho Administrative Bulletin, Volume 03-10, pages 434 through 438.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Rayola Jacobsen at (208) 334-3233.

DATED this 29th day of October, 2003.

Rayola Jacobsen, Bureau Chief
Bureau of Occupational Licenses
1109 Main St. Ste. 220
Boise, ID 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 no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 03-10, October 1, 2003, pages 434 through 438.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.17.01 - RULES OF THE STATE BOARD OF ACUPUNCTURE

DOCKET NO. 24-1701-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 54-4705, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 1, 2003, Idaho Administrative Bulletin, Volume 03-10, pages 439 and 440.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Rayola Jacobsen at (208) 334-3233.

DATED this 29th day of October, 2003.

Rayola Jacobsen, Bureau Chief
Bureau of Occupational Licenses
1109 Main St. Ste. 220
Boise, ID 83702
(208) 334-3233
(208) 334-3945 fax

IDAPA 24, TITLE 17, CHAPTER 01

RULES OF THE STATE BOARD OF ACUPUNCTURE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-10, October 1, 2003, pages 439 and 440.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.18.01 - RULES OF THE REAL ESTATE APPRAISER BOARD

DOCKET NO. 24-1801-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 54-4106, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 1, 2003, Idaho Administrative Bulletin, Volume 03-10, pages 441 through 443.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Rayola Jacobsen at (208) 334-3233.

DATED this 29th day of October, 2003.

Rayola Jacobsen, Bureau Chief
Bureau of Occupational Licenses
1109 Main St. Ste. 220
Boise, ID 83702
(208) 334-3233
(208) 334-3945 fax

IDAPA 24, TITLE 18, CHAPTER 01

RULES OF THE REAL ESTATE APPRAISER BOARD

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 03-10, October 1, 2003, pages 441 through 443.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.19.01 - RULES OF THE BOARD OF RESIDENTIAL CARE FACILITY ADMINISTRATORS

DOCKET NO. 24-1901-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 54-4205, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 1, 2003, Idaho Administrative Bulletin, Volume 03-10, pages 444 and 445.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Rayola Jacobsen at (208) 334-3233.

DATED this 29th day of October, 2003.

Rayola Jacobsen, Bureau Chief
Bureau of Occupational Licenses
1109 Main St. Ste. 220
Boise, ID 83702
(208) 334-3233
(208) 334-3945 fax

IDAPA 24, TITLE 19, CHAPTER 01

RULES OF THE BOARD OF RESIDENTIAL CARE FACILITY ADMINISTRATORS

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-10, October 1, 2003, pages 444 and 445.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 25 - OUTFITTERS AND GUIDES LICENSING BOARD

25.01.01 - RULES GOVERNING OUTFITTERS AND GUIDES LICENSING BOARD

DOCKET NO. 25-0101-0301

NOTICE OF RULEMAKING

PENDING RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is September 25, 2003. These rules have been adopted by the agency and are now pending review by the 2004 Idaho State Legislature for final approval. A pending rule becomes final and effective upon adjournment 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 a pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted pending rules. The action is authorized pursuant to Section 36-2107(b) and (d), Idaho Code.

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

The pending rules are being adopted as proposed except for a changes being made to the pending rule that differs from the proposed text in Rules 55 and 59, based on Bureau of Land Management and outfitting industry comments and three Board hearings. Rule 55 is being changed to clarify the exemption to the rule. Rule 59 clarifies that there will be no outfitter fishing on Section SA6 below Vinegar Creek from September 15 through March 31, except that on a case-by-case basis, outfitter fishing may occur when permitted by the BLM and with the notification to and concurrence of the Board Executive Director. The number of power boat outfitter licenses on Section SA7B is reduced from ten (10) to six (6) and the number of float boat outfitter licenses on Section SA7B is reduced from twenty six (26) to twelve (12). SA7B licensed power boat outfitters may operate from Vinegar Creek to the Spring Bar Boat Ramp and SA7B licensed float boat outfitters may operate from Vinegar Creek to the Island Bar Board Ramp from September 15 to March 31 only. Each Section SA7B licensed power boat outfitter may use at any one time a maximum of two (2) boats for fishing, and one (1) additional boat for fishing when permitted by the BLM and with the notification to and concurrence of the Board Executive Director. Each Section SA7B licensed float boat outfitter may use at any one time a maximum of three (3) boats for fishing, and two (2) additional boats for fishing when permitted by the BLM and with the notification to and concurrence of the Board Executive Director.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, and is being republished following this notice. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Board amended the temporary rule with the same revisions which have been made to the pending rule. Only the sections that have changes different from the proposed text are printed in this bulletin. The original text of the proposed rules was published in the July 1, 2003, Idaho Administrative Bulletin, Volume 03-7, pages 57 through 67.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the pending rule, contact: Jake Howard, Executive Director, (208) 327-7380 - FAX 327-7382.

DATED this 14th day of October, 2003.

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

IDAPA 25, TITLE 01, CHAPTER 01

RULES GOVERNING 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 03-7, July 1, 2003, pages 57 through 67.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 25-0101-0301

055. BOATING CLIENT/GUIDE RATIO.

All float boats, occupied by three (3) or more clients, shall be under the control of a licensed guide; except a boat guide trainee may operate a boat under the direct supervision of a licensed boatman, or may train as indicated in Section 040. Kayaks and canoes and clients rowing ~~their own~~ rafts that they own are exempt from this rule.

~~(7-1-03)F~~(7-1-03)T

059. RIVER, LAKE AND RESERVOIR POWER AND FLOAT OUTFITTER LIMITS.

01. Licensable Waters -- Table. The following rivers and streams or sections that lie totally or partially within the state of Idaho shall be open to commercial boating operations by outfitters and guides. All other rivers and streams or sections that lie totally or partially within the state of Idaho shall be closed to commercial boating by outfitters and guides.

River/Section	Maximum No. Power	Maximum No. Float
(BL1) Blackfoot River - Morgan Bridge to Trail Creek Bridge	none	2
(B01) Boise River, South Fork - Danskin Bridge to the Neal Bridge EXCEPT on weekends or holidays. (Each outfitter may use only one (1) boat for fishing only with a maximum of two (2) fisherman.) No overnight camping or walk-and-wade fishing allowed.	none	2

River/Section	Maximum No. Power	Maximum No. Float
(BO2) Boise River - Downstream from the west side of the Garden City municipal limits to the east side of the Caldwell municipal limits. (Each outfitter may use at any time a maximum of four (4) boats for boating activities.) The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitters operating plan.	none	2
(CF1) Clark Fork River - Montana stateline to Lake Pend Oreille (boating closing date September 30)	4 outfitters for either power or float or combination thereof	
(CL1) Clearwater River - Lowell to Kooskia. (Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan).	none	5
(CL2) Clearwater River - Kooskia to Orofino. (Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan).	6	10
(CL3) Clearwater River - Orofino to Lewiston. (Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitters operating plan).	10	10
* (NFCL) North Fork Clearwater River - Kelly Forks Bridge downstream to backwaters of Dworshak Reservoir	none	4
(CD1) Coeur d'Alene River - Devil's Elbow to South Fork confluence (boating closing date June 30)	none	5
* (JB1) Jarbidge/Bruneau Rivers	none	4
(KO1) Kootenai River - Montana stateline to Canada boundary	5	5

River/Section	Maximum No. Power	Maximum No. Float
(LCL1) Little North Fork Clearwater River - Mouth of Canyon Creek to first bridge on the Little North Fork Clearwater River. Fishing only. (Each outfitter may use only two (2) boats per day with a maximum of two (2) fishermen per boat.)	none	2
* (LO1) Lochsa River	none	5
(MO1) Moyie River - Canada boundary to Bonners Ferry Municipal Dam (boating closing date July 20)	none	5
* (OW1) Owyhee River - Nevada stateline to Oregon stateline or South Fork to confluence with Owyhee River (and continuing on to a take-out point).	none	6
(PN1) Payette River, North Fork - Payette Lakes Outlet to Hartsell Bridge. Restrictions: NO FISHING ALLOWED. Four (4) boat or ten (10) canoe limit per trip, and only two (2) trips per day per outfitter.	none	2
(PN1A) Payette River, North Fork - Cascade City Park, 1/4 mile south of Cascade on Highway 55 to Cabarton. Restrictions: Catch and release for TROUT ONLY, other species F & G rules apply. No stopping by commercial groups from 1/4 mile above to 1/4 mile below heron nesting trees. Four (4) boat or ten (10) canoe limit per trip, and only two (2) trips per day per outfitter.	none	2
(PN2) Payette River, North Fork - Cabarton to Smiths Ferry Bridge	none	5
(PS1) Payette River, South Fork - Grandjean to Deadwood River	none	5
* (PS2) Payette River, South Fork - Deadwood River to Banks	none	5
(PA1) Payette River - Banks to Black Canyon Dam	none	5
(PO1) Pend Oreille River	5	5
(PR1) Priest River - Dickensheet Campground to Priest River City	none	5
###(MF1) Salmon River, Middle Fork - Boundary Creek to Indian Creek	none	27

River/Section	Maximum No. Power	Maximum No. Float
*** (MF2) Salmon River, Middle Fork - Indian Creek to Cache Bar on the Salmon River	none	27
(SA1) Salmon River - First bridge across Salmon River above Redfish Lake Creek to Torrey's Bar	none	6
(SA2) Salmon River - Torrey's Bar to first Highway 93 bridge above Challis. (Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are a part of an outfitter's operating plan).	none	5
(SA3) Salmon River - First Highway 93 bridge above Challis to Kilpatrick River access. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are a part of an outfitter's operating plan.	none	6
(SA4A) Salmon River - Kilpatrick River access to North Fork - License period from May 1 to September 30. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	5	11
(SA4B) Salmon River - Kilpatrick River access to North Fork - License period from October 1 to April 30. Each power boat outfitter may use at any one time a maximum of one (1) boat and each float boat outfitter may use at any one time a maximum of three (3) boats.	2	8
(SA5) Salmon River - North Fork to Corn Creek	3	9
*** (SA6) Salmon River - Corn Creek to Spring Bar Boat Ramp <u>with no outfitter fishing below Vinegar Creek from September 15 through March 31 except that on a case-by-case basis, outfitter fishing may occur when permitted by the BLM and with the notification to and concurrence of the Board Executive Director.</u>	14	31

River/Section	Maximum No. Power	Maximum No. Float
* (SA7A) Salmon River - Vinegar Creek to Hammer Creek - License period from March 15 to October 15. No power boating is allowed from the Saturday before Memorial Day through Labor Day from 10:30 a.m./Mountain Time to 5:00 p.m./Mountain Time daily between the Riggins City Boat Dock and Lucile.	10	26
* (SA7B) Salmon River - Power boats from Vinegar Creek to Spring Bar Boat Ramp and float boats from Vinegar Creek to Island Bar Boat Ramp, <u>open from September 15 to March 31 only. Each float boat outfitter may use at any one time a maximum of three (3) boats for fishing, or two (2) additional boats for fishing when permitted by the BLM and with the notification to and concurrence of the Board Executive Director; and Each power boat outfitter may use at any one time a maximum of one <u>two</u> (1) boats and each float boat outfitter may use at any one time a maximum of three (3) boats from September 15 to March 31 for fishing, or one (1) additional boat for fishing when permitted by the BLM and with the notification to and concurrence of the Board Executive Director.</u>	10 6	26 12
* (SA7C) Salmon River - Riggins City Park Boat Ramp to Hammer Creek. Three (3) designated outfitters may utilize float boats to fish from the Riggins City Boat Dock to Hammer Creek during the period from September 15 to March 31.	none	3
* ## (SA8) Salmon River - Hammer Creek to Heller Bar or Lewiston on the Snake River	15	35
* (SE1) Selway River - Paradise Campground to Selway Falls	none	4
(SE2) Selway River - Selway Falls to the mouth of the Selway River at Lowell. (Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments to these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.)	none	5
(SH1) Snake River, Henry's Fork - Henry's Lake Outlet to Hatchery Ford. (Each outfitter may use at any one time a maximum of (a) eight (8) boats for fishing (No more than three (3) of these boats may be used at any one time on any of the following river reaches: Henry's Lake Outlet to Island Park Dam, Island Park Dam to Last Chance, Last Chance to Osborn Bridge, and Osborn Bridge to Hatchery Ford), and (b) five (5) boats for other boating activities. The Board may approve adjustments to these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan).	none	7

River/Section	Maximum No. Power	Maximum No. Float
<p>(SH2) Snake River, Henry's Fork - Mesa Falls to St. Anthony. (Each outfitter may use at any one time a maximum of (a) eight (8) boats for fishing (No more than three (3) of these boats may be used at any one time on any one of the following river reaches: Mesa Falls to Warm River, Warm River to Ashton Dam, and Ashton Dam to St. Anthony), and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan).</p>	none	8
<p>(SH3) Snake River, Henry's Fork - St. Anthony to confluence with South Fork of Snake River. (Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan).</p>	none	4
<p>(SS1) Snake River - South Fork - Palisades Dam to confluence with Henry's Fork. No more than four (4) boats per section/per day may be used by an outfitter at any one time on any of the following river reaches: (a) Palisades Dam to Swan Valley Bridge; (b) Swan Valley Bridge to Black Canyon (Exception: Not more than eight (8) boats will be permitted in Section (b) on the same day, provided that no more than four (4) of said boats are in this Section after 11:00 a.m.); (c) Black Canyon to Poplar (Kelly Canyon); and (d) Poplar to the confluence with Henry's Fork. Restrictions: No outfitter may have more than twelve (12) boats on the SS1 in any one (1) day. Further, the lower boundary of Section (a) (Palisades Dam to Swan Valley Bridge) shall overlay Section (b) to the Conant takeout (Swan Valley Bridge to Black Canyon), and Section (b) shall overlay Section (c) to the Cottonwood access. Supply boats which do not carry clients are exempt from these restrictions.</p>	5	6
<p>(SN1) Snake River - Henry's Fork confluence downstream to Gem State Power Plant</p>	3	3
<p>(SN2) Snake River - Gem State Power Plant downstream to headwaters of American Falls Reservoir</p>	3	3
<p>(SN3) Snake River - American Falls Dam to Massacre Rocks State Park</p>	3	3
<p>(SN4) Snake River - Massacre Rocks State Park to Milner Dam</p>	3	3
<p>* (SN5) Snake River - Milner Dam to Star Falls</p>	none	3

River/Section	Maximum No. Power	Maximum No. Float
* (SN6) Snake River - Star Falls to Twin Falls	none	5
(SN7) Snake River - Twin Falls to Lower Salmon Falls Dam	3	3
(SN8) Snake River - Lower Salmon Falls Dam to Bliss Dam	3	5
(SN9) Snake River - Bliss Dam to headwaters of C.J. Strike Reservoir	5	5
(SN10) Snake River - C.J. Strike Dam to Walter's Ferry	5 outfitters for either power or float or combination thereof	
(SN11) Snake River - Walter's Ferry to headwaters of Brownlee Reservoir	5	none
* (SN12) Snake River - Hells Canyon Dam to Pittsburg Landing	18	15
* (SN13) Snake River - Hells Canyon Dam to Pittsburg Landing (Two (2) one-day float trips only)	none	2
(SN14) Snake River - Pittsburg Landing to Heller Bar or Lewiston	19	15
(SN15) Snake River - Washington/Oregon stateline to Lewiston	Limitations pending. (This section is set aside for future rules of fishing only outfitters)	
(SJ1) St. Joe River - Spruce Tree Campground to St Joe City Bridge. St. Joe City Bridge to Lake Coeur d'Alene	none 2	2 none
(SM1) St. Maries River	5	5
(TE1) Teton River - Upper put-in to Cache Bridge (motors not to exceed 10 hp)	5 outfitters for either power or float or combination thereof	

River/Section	Maximum No. Power	Maximum No. Float
(TE2) Teton River - Cache Bridge to Harrop Bridge (motors not to exceed 10 hp)	6 outfitters for either power or float or combination thereof	
(TE3) Teton River - Harrop Bridge to confluence with Snake River (motors not to exceed 10 hp)	none	5

* Classified rivers

Floatboat and powerboat outfitters on these sections shall be considered within their area of operations when hiking from the river or fishing in tributaries away from the river, but shall not include overnight activities. Conflicts with land-based outfitters shall be handled on a case-by-case basis. ~~(7-1-03)~~(9-25-03)T

02. Other -- Table. The following lakes and reservoirs or portions thereof that lie totally or partially within the state of Idaho shall be open to fishing by outfitters with the following limitations:

Lake or Reservoir	Maximum No. of Operators	Maximum No. Boats per Operator per Lake or Reservoir
Lake Coeur d'Alene	8	1
Dworshak Reservoir	7	2
Hayden Lake	1	2
Henry's Lake	8	2
Island Park Reservoir	7	2
Magic Reservoir	3	2
Palisades Reservoir	10	2
Lake Pend Oreille	11	1
Priest Lake	5	1
American Falls Reservoir	3	2
C.J. Strike Reservoir	4	2
Brownlee Reservoir	5	2
Oxbow Reservoir	3	2
Hells Canyon Reservoir	3	2

(4-1-92)

03. Other Lakes And Reservoirs. All other Idaho lakes and reservoirs shall be limited to two (2) outfitters with a maximum of two (2) boats (float or power) per outfitter. (4-1-92)

IDAPA 27 - BOARD OF PHARMACY

27.01.01 - RULES OF THE IDAHO BOARD OF PHARMACY

DOCKET NO. 27-0101-0205

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 54-1717, 37-2725, and 37-2718, 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 1, 2003 Idaho Administrative Bulletin, Volume 03-10, pages 456 through 459.

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

DATED this 28th day of October 2003.

R.K. "Mick" Markuson, Director
Idaho State Board of Pharmacy
3380 Americana Terrace, Ste. 320
P. O. Box 83720
Boise, ID 83720-0067
Phone: (208) 334-2356
Fax: (208) 334-3536

IDAPA 27, TITLE 01, CHAPTER 01

RULES OF THE IDAHO BOARD OF PHARMACY

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 03-10, October 1, 2003, pages 456 through 459.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 27 - BOARD OF PHARMACY

27.01.01 - RULES OF THE IDAHO BOARD OF PHARMACY

DOCKET NO. 27-0101-0303

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 54-1706 and 54-1719(1) and (3), 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 1, 2003 Idaho Administrative Bulletin, Volume 03-10, pages 460 through 463.

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

DATED this 28th day of October, 2003.

R.K. "Mick" Markuson, Director
Idaho State Board of Pharmacy
3380 Americana Terrace, Ste. 320
P. O. Box 83720
Boise, ID 83720-0067
Phone: (208) 334-2356
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IDAPA 27, TITLE 01, CHAPTER 01

RULES OF THE IDAHO BOARD OF PHARMACY

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 03-10, October 1, 2003, pages 460 through 463.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 27 - BOARD OF PHARMACY

27.01.01 - RULES OF THE IDAHO BOARD OF PHARMACY

DOCKET NO. 27-0101-0304

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 54-1706, 54-1717, and 54-1719(1) and (4), 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 1, 2003 Idaho Administrative Bulletin, Volume 03-10, page 464.

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

DATED this 28th day of October, 2003.

R.K. "Mick" Markuson, Director
Idaho State Board of Pharmacy
3380 Americana Terrace, Ste. 320
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IDAPA 27, TITLE 01, CHAPTER 01

RULES OF THE IDAHO BOARD OF PHARMACY

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 03-10, October 1, 2003, page 464.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 30 - IDAHO STATE LIBRARY

30.01.01 - RULES OF THE IDAHO STATE LIBRARY GOVERNING THE USE OF STATE LIBRARY MATERIALS AND SERVICES

DOCKET NO. 30-0101-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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 Section 33-2503, 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 1, 2003 Idaho Administrative Bulletin, Volume 03-10, pages 465 through 467.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this pending rule, contact Charlotte Fowles at (208) 334-2150.

DATED this 29th day of October, 2003.

Charles A. Bolles, State Librarian
Idaho State Library
325 W. State St.
P. O. Box 83720
Boise, Idaho 83702
Telephone: (208) 334-2150
Facsimile: (208) 334-4016

IDAPA 30, TITLE 01, CHAPTER 01

RULES OF THE IDAHO STATE LIBRARY GOVERNING THE USE OF STATE LIBRARY MATERIALS AND SERVICES

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 03-10, October 1, 2003, pages 465 through 467.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 31 - PUBLIC UTILITIES COMMISSION

31.01.01 - RULES OF PROCEDURE

DOCKET NO. 31-0101-0301 - (FEE RULE)

NOTICE OF RULEMAKING - PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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(5)(c) 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 the Commission has adopted a pending rule. This action is authorized pursuant to Sections 61-601, 61-617A(4), and 62-615(3), 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.

With the exception of one change noted in the "Fee Summary" below, the pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 1, 2003 Idaho Administrative Bulletin, Volume 03-10, pages 468 through 479.

FEE SUMMARY: The following is a specific description of the fee or charge imposed. This fee or charge is being imposed pursuant to an Order of the Idaho Supreme Court and Sections 3-401, 3-408, and 3-413, Idaho Code.

Section 043 adopts by incorporation and modifies Idaho Bar Commission Rule 222. This Bar Rule was issued by the Idaho State Bar and approved by the Idaho Supreme Court. Bar Rule 222 governs the practice of law by out-of-state attorneys applying for limited admission in Idaho courts. Bar Rule 222 establishes a \$200 fee for out-of-state attorneys (effective October 1, 2000) and the fee is payable to the State Bar. The Commission proposed to adopt a modified version of Bar Rule 222 for out-of-state attorneys applying for limited admission to represent parties in major cases before the Public Utilities Commission. In response to the one comment that addressed Section 043, the text of the section has been amended in accordance with Section 67-5227, Idaho Code. Instead of applying for separate admission for each major case, out-of-state attorneys shall apply for limited admission just once annually. Because this section has changes, the pending text is printed in this bulletin.

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

DATED this 29th day of October, 2003.

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

IDAPA 31, TITLE 01, CHAPTER 01

RULES OF PROCEDURE

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 03-9, September 4, 2003, 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 2004 Idaho State Legislature as a final rule.

Language That Has Been Deleted From The Original Proposed Rule Text Has Been Removed And New Language Is Shown In Italics

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 31-0101-0301

SUBSECTION 043.05 (Partial Section)

043. REPRESENTATION OF PARTIES AT ~~HEARING PROCEEDINGS~~ (Rule 43).

Recognizing that proceedings before the Commission are sometimes administrative in nature or quasi-judicial in nature, Appearances and representation of parties at hearing ~~must~~ shall be as follows: (7-1-93)()

05. Attorney Representation. Only an active member of the Idaho State Bar may represent a party as an attorney except as provided by Idaho Bar Commission Rule 222 (Limited Admission/Pro Hac Vice). The Commission adopts by incorporation Bar Rule 222 as modified below. ()

a. Given the administrative nature of many proceedings, limited admission by out-of-state attorneys will not be necessary in conjunction with administrative filings such as tariff schedules, tariff advices, price lists, certificates to provide local exchange service, and interconnection agreements. Out-of-state attorneys representing the same party in one (1) or more quasi-judicial cases (such as formal complaints, motions, petitions, and applications that request modified procedure or an evidentiary hearing), must request limited admission at least one (1) time per calendar year. ()

b. An attorney applying for limited admission to appear before the Commission in a representative capacity shall file a written motion with the Commission Secretary and serve a copy on all parties. The motion shall be substantially in the form set out in Bar Rule 222(1) with references to the Commission instead of the court. ()

c. A copy of the written motion shall be submitted to the Idaho State Bar accompanied by the fee prescribed by Bar Rule 222(j). ()

IDAPA 31 - PUBLIC UTILITIES COMMISSION

31.11.01 - SAFETY AND ACCIDENT REPORTING RULES FOR UTILITIES REGULATED BY THE IDAHO PUBLIC UTILITIES COMMISSION

DOCKET NO. 31-1101-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Idaho Public Utilities Commission and is now pending review by the 2004 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 the Commission has adopted a pending rule. This action is authorized pursuant to Sections 61-129 and 61-515, 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:

The pending rule is being adopted as proposed. One public comment was received in response to the proposed rule and it supported adoption of the proposed rule. The complete text of the proposed rule was published in the October 1, 2003 Idaho Administrative Bulletin, Volume 03-10, pages 480 and 481.

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

DATED this 28th day of October, 2003.

Jean D. Jewell Commission Secretary Idaho Public Utilities Commission PO Box 83720 Boise, ID 83720-0074 Telephone: (208) 334-0338 Facsimile: (208) 334-3762	Street address for express delivery: 472 W Washington Boise, Idaho 83702-5983
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IDAPA 31, TITLE 11, CHAPTER 01

SAFETY AND ACCIDENT REPORTING RULES FOR UTILITIES REGULATED BY THE IDAHO PUBLIC UTILITIES COMMISSION

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 03-10, October 1, 2003, pages 480 and 481.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 31 - PUBLIC UTILITIES COMMISSION

31.21.01 - CUSTOMER RELATIONS RULES FOR GAS, ELECTRIC AND WATER PUBLIC UTILITIES REGULATED BY THE IDAHO PUBLIC UTILITIES COMMISSION (THE UTILITY CUSTOMER RELATIONS RULES)

DOCKET NO. 31-2101-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Idaho Public Utilities Commission and is now pending review by the 2004 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 the Commission has adopted a pending rule. This action is authorized pursuant to Sections 61-507, 61-515, and 62-622(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 complete text of the proposed rule was published in the October 1, 2003, Idaho Administrative Bulletin, Volume 03-10, pages 482 through 489.

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

DATED this 28th day of October, 2003.

Jean D. Jewell Commission Secretary Idaho Public Utilities Commission PO Box 83720 Boise, ID 83720-0074 Telephone: (208) 334-0338 Facsimile: (208) 334-3762	Street address for express delivery: 472 W Washington Boise, Idaho 83702-5983
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IDAPA 31, TITLE 11, CHAPTER 01

CUSTOMER RELATIONS RULES FOR GAS, ELECTRIC AND WATER PUBLIC UTILITIES REGULATED BY THE IDAHO PUBLIC UTILITIES COMMISSION (THE UTILITY CUSTOMER RELATIONS 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 03-10, October 1, 2003, pages 482 through 489.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 35 - STATE TAX COMMISSION

35.01.02 - IDAHO SALES AND USE TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0102-0302

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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) 63-105, Idaho Code.

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

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the September 3, 2003, Idaho Administrative Bulletin, Volume 03-9, pages 209 through 219.

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

DATED this 29th day of October, 2003.

James Husted, Tax Policy Specialist
Idaho State Tax Commission
800 Park Bl., Plaza IV
P.O. Box 36
Boise, ID 83722-0410

IDAPA 35, TITLE 01, CHAPTER 02

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 03-9, September 3, 2003, pages 209 through 219.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 35 - STATE TAX COMMISSION

35.01.02 - IDAHO SALES AND USE TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0102-0303 - (FEE RULE)

NOTICE OF RULEMAKING - PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the September 3, 2003, Idaho Administrative Bulletin, Volume 03-9, pages 220 through 221.

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 63-3623B, Idaho Code. Under this formula the fee will be increased to \$42, an increase proportional to the tax rate increase enacted by the Legislature with HB 400 in 2003. With this formula the fee will automatically be reduced to \$35 when the sales tax rate returns to 5%.

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

DATED this 29th day of October, 2003.

James Husted, Tax Policy Specialist
Idaho State Tax Commission
800 Park Bl., Plaza IV
P.O. Box 36
Boise, ID 83722-0410

IDAPA 35, TITLE 01, CHAPTER 02

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 03-9, September 3, 2003, pages 220 and 221.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 35 - STATE TAX COMMISSION

35.01.02 - IDAHO SALES AND USE TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0102-0304

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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) 63-105, Idaho Code.

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

The proposed Rule 039 is being amended from the proposed text for grammatical changes. In Subsection 039.02.b. a grammatical change was made.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the October 1, 2003, Idaho Administrative Bulletin, Volume 03-10, pages 530 through 544.

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

DATED this 29th day of October, 2003.

James Husted, Tax Policy Specialist
Idaho State Tax Commission
800 Park Bl., Plaza IV
P.O. Box 36, Boise, ID 83722-0410

IDAPA 35, TITLE 01, CHAPTER 02

IDAHO SALES AND USE 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 03-10, October 1, 2003, pages 530 through 544.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

*Language That Has Been Deleted From The Original Proposed Rule
Text Has Been Removed And New Language Is Shown In Italics*

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO 35-0102-0304

SUBSECTION 039.02 (Partial Section)

039. SALE AND PURCHASE OF BULLION, COINS, OR OTHER CURRENCY (Rule 039).

02. Jewelry Or Other Works Of Art. The exemption does not extend to coins or money sold to create jewelry or other works of art. The exemption also does not extend to sales of coins whose values may be determined by their form, and which are not minted or manufactured as currency. ~~(7-1-93)(_____)~~

b. ~~An ingot~~ Sales of precious metal ~~purchased by an individual is~~ ingots are exempt from sales tax. Sales of ~~J~~ jewelry items, such as belt buckles, bracelets or necklaces, containing silver dollars or other legal tender or ingots are taxable. ~~(7-1-93)(_____)~~

IDAPA 35 - STATE TAX COMMISSION

35.01.05 - IDAHO MOTOR FUELS TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0105-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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) 63-105, Idaho Code.

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

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the September 3, 2003, Idaho Administrative Bulletin, Volume 03-9, pages 222 through 224.

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

DATED this 29th day of October, 2003.

Randy Nilson, Tax Policy Specialist
Idaho State Tax Commission
800 Park Bl., Plaza IV
P.O. Box 36
Boise, ID 83722-0410

IDAPA 35, TITLE 01, CHAPTER 05

IDAHO 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 03-9, September 3, 2003, pages 222 and 224.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 35 - STATE TAX COMMISSION

35.01.10 - IDAHO CIGARETTE AND TOBACCO PRODUCTS TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0110-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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) 63-105, Idaho Code.

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

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 1, 2003, Idaho Administrative Bulletin, Volume 03-10, pages 563 through 565.

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

DATED this 29th day of October, 2003.

James Husted, Tax Policy Specialist
Idaho State Tax Commission
800 Park Bl., Plaza IV
P.O. Box 36
Boise, ID 83722-0410

IDAPA 35, TITLE 01, CHAPTER 10

IDAHO CIGARETTE AND TOBACCO PRODUCTS 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 03-10, October 1, 2003, pages 563 through 565.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 35 - STATE TAX COMMISSION

35.01.11 - IDAHO UNCLAIMED PROPERTY TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0111-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 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) 63-105, Idaho Code.

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

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 1, 2003, Idaho Administrative Bulletin, Volume 03-10, pages 566 and 567.

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

DATED this 29th day of October, 2003.

James Husted, Tax Policy Specialist
Idaho State Tax Commission
800 Park Bl., Plaza IV
P.O. Box 36
Boise, ID 83722-0410

IDAPA 35, TITLE 01, CHAPTER 11

IDAHO UNCLAIMED 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 03-10, October 1, 2003, pages 566 and 567.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 47 - DIVISION OF VOCATIONAL REHABILITATION
47.01.01 - RULES OF IDAHO DIVISION OF VOCATIONAL REHABILITATION
DOCKET NO. 47-0101-0301
NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 2004 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) 33-2301, Idaho Code, and the 1998 Amendments of the Rehabilitation Act of 1973.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule: After review of our current administrative rules by our Federal partners, they recommended further changes to our rules and some deletions.

The pending rules are being adopted as proposed. The original text of the proposed rule was published in the October 1, 2003 Idaho Administrative Bulletin, Volume No. 03-10 pages 578 through 582.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Sue Payne (208) 334-3390 extension 110.

DATED this October 28, 2003.

Michael Graham
Administrator
Idaho Division of Vocational Rehabilitation
650 W. State Street, Room 150
P.O. Box 83720
Boise, ID 83720-0096
(208) 334-3390 ext. 108, Fax: (208) 334-5305

IDAPA 47, TITLE 01, CHAPTER 01

RULES OF IDAHO DIVISION OF VOCATIONAL REHABILITATION

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 03-10, October 1, 2003, pages 578 through 582.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-0301

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 2004 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-seventh 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 and 39-107, Idaho Code. This rulemaking updates citations to the federal regulations incorporated by reference as mandated by the U.S. Environmental Protection Agency (EPA) for approval of the state's Title V Operating Permit Program pursuant to 40 CFR Part 70 and fulfilling the requirements of Idaho's delegation agreement with EPA under Section 112(l) of the Clean Air Act.

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, August 6, 2003, Volume 03-8, pages 124 through 129. The agency received no public comments on the proposed rule, and the rule has been adopted as initially proposed. The rulemaking record can be obtained by contacting the undersigned.

SECTION 39-107D, IDAHO CODE, STATEMENT: This rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal law or regulations.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Phyllis Heitman at (208)373-0502, pheitman@deq.state.id.us.

DATED this 24rd day of October, 2003.

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

IDAPA 58, TITLE 01, CHAPTER 01

RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-8, August 6, 2003, pages 124 through 129.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.02 - WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIREMENTS

DOCKET NO. 58-0102-0303

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The temporary rule was effective October 24, 2003.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226(1), Idaho Code, notice is hereby given that the Board of Environmental Quality has adopted a temporary rule and the Department of Environmental Quality is commencing proposed rulemaking to promulgate a final rule. The action is authorized by Sections 39-105, 39-107, and 39-3601 et seq., Idaho Code.

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

Written requests for a hearing must be received by the undersigned on or before December 17, 2003. If no such written request is received, a public hearing will not be held.

DESCRIPTIVE SUMMARY: The purpose of this rulemaking is to correct errors found in Section 210. Those areas that have been identified for correction include cross-reference citations, the domestic supply use criteria for chlordane in Subsection 210.01, and the conversion factor for cadmium in Subsection 210.02. In addition, this rulemaking will include the addition of omitted dissolved total conversion factors for chromium (VI) and mercury in Subsection 210.02.

The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed. After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality in the spring of 2004 for adoption of a pending rule. The rule is expected to be final upon the conclusion of the 2005 session of the Idaho Legislature if approved by the Legislature.

SECTION 39-107D, IDAHO CODE, STATEMENT: This rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal law or regulations.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is necessary to protect public health.

NEGOTIATED RULEMAKING: Due to the nature of this rulemaking, negotiations were not held.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this rulemaking, contact Don Essig at (208)373-0502 or dessig@deq.state.id.us.

Anyone may submit written comments by mail, fax or e-mail at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before December 31, 2003.

DATED this 24th day of October, 2003.

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

THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0102-0303

210. NUMERIC CRITERIA FOR TOXIC SUBSTANCES FOR WATERS DESIGNATED FOR AQUATIC LIFE, RECREATION, OR DOMESTIC WATER SUPPLY USE.

01. **Criteria For Toxic Substances.** The criteria of Section 210 apply to surface waters of the state as follows. (5-3-03)

a. Columns B1, B2, and C2 of the following table apply to waters designated for aquatic life use. (5-3-03)

b. Column C2 of the following table applies to waters designated for recreation use. (5-3-03)

c. Column C1 of the following table applies to waters designated for domestic water supply use.

A		B Aquatic life		Human health for consumption of:				
(Number) Compound	^a CAS Number	^b CMC (µg/L)	^b CCC (µg/L)	Water & organisms (µg/L)		Organisms only (µg/L)		
		B1	B2	C1		C2		
1	Antimony	7440360			14	l	4300	l
2	Arsenic	7440382	360 e	190 e	50	d	50	d
3	Beryllium	7440417				h		h
4	Cadmium	7440439	3.7 i	1.0 i		h		h
5a	Chromium III	16065831	550 i	180 i		h		h
5b	Chromium VI	18540299	15 e	10 e		h		h
6	Copper	7440508	17 i	11 i				
7	Lead	7439921	65 i	2.5 i		h		h
8	Mercury	7439976	2.1 e	0.012 fg	0.14		0.15	
9	Nickel	7440020	1400 i	160 i	610	c	4600	c
10	Selenium	7782492	18	5 f		h		h
11	Silver	7440224	3.4 i					
12	Thallium	7440280			1.7	c	6.3	c
13	Zinc	7440666	114 i	105 i				
14	Cyanide	57125	22 j	5.2 j	700	c	220000	c
15	Asbestos	1332214			7,000,000 fibers/L	k		
16	2, 3, 7, 8-TCDD Dioxin	1746016			0.000000013	l	0.000000014	l
17	Acrolein	107028			320		780	
18	Acrylonitrile	107131			0.059	cl	0.66	cl

A		B Aquatic life		Human health for consumption of:			
(Number) Compound	^a CAS Number	^b CMC (µg/L)	^b CCC (µg/L)	Water & organisms (µg/L)		Organisms only (µg/L)	
		B1	B2	C1		C2	
19	Benzene	71432		1.2	cl	71	cl
20	Bromoform	75252		4.3	cl	360	cl
21	Carbon Tetrachloride	56235		0.25	cl	4.4	cl
22	Chlorobenzene	108907		680	c	21000	c
23	Chlorodibromomethane	124481		0.41	cl	34	cl
24	Chloroethane	75003					
25	2-Chloroethylvinyl Ether	110758					
26	Chloroform	67663		5.7	cl	470	cl
27	Dichlorobromomethane	75274		0.27	cl	22	cl
28	1,1-Dichloroethane	75343					
29	1,2-Dichloroethane	107062		0.38	cl	99	cl
30	1,1-Dichloroethylene	75354		0.057	cl	3.2	cl
31	1,2-Dichloropropane	78875					
32	1,3-Dichloropropylene	542756		10	c	1700	c
33	Ethylbenzene	100414		3100	c	29000	c
34	Methyl Bromide	74839		48	c	4000	c
35	Methyl Chloride	74873			h		h
36	Methylene Chloride	75092		4.7	cl	1600	cl
37	1,1,2,2-Tetrachloroethane	79345		0.17	cl	11	cl
38	Tetrachloroethylene	127184		0.8	l	8.85	l
39	Toluene	108883		6800	c	200000	c
40	1,2-Trans-Dichloroethylene	156605					
41	1,1,1-Trichloroethane	71556			h		h
42	1,1,2-Trichloroethane	79005		0.6	cl	42	cl
43	Trichloroethylene	79016		2.7	l	81	l
44	Vinyl Chloride	75014		2	l	525	l
45	2-Chlorophenol	95578					
46	2,4-Dichlorophenol	120832		93	c	790	c
47	2,4-Dimethylphenol	105679					

A		B Aquatic life		Human health for consumption of:			
(Number) Compound	^a CAS Number	^b CMC (µg/L)	^b CCC (µg/L)	Water & organisms (µg/L)		Organisms only (µg/L)	
		B1	B2	C1		C2	
48	2-Methyl-4,6-Dinitrophenol	534521			13.4		765
49	2,4-Dinitrophenol	51285			70	c	14000 c
50	2-Nitrophenol	88755					
51	4-Nitrophenol	100027					
52	3-Methyl-4-Chlorophenol	59507					
53	Pentachlorophenol	87865	20 m	13 m	0.28	cl	8.2 cl
54	Phenol	108952			21000	c	4600000 c
55	2,4,6-Trichlorophenol	88062			2.1	cl	6.5 cl
56	Acenaphthene	83329					
57	Acenaphthylene	208968					
58	Anthracene	120127			9600	c	110000 c
59	Benzidine	92875			0.00012	cl	0.00054 cl
60	Benzo(a)Anthracene	56553			0.0028	l	0.031 l
61	Benzo(a)Pyrene	50328			0.0028	l	0.031 l
62	Benzo(b)Fluoranthene	205992			0.0028	l	0.031 l
63	Benzo(ghi)Perylene	191242					
64	Benzo(k)Fluoranthene	207089			0.0028	l	0.031 l
65	Bis(2-Chloroethoxy) Methane	111911					
66	Bis(2-Chloroethyl)Ether	111444			0.031	cl	1.4 cl
67	Bis(2-Chloroisopropyl) Ether	108601			1400	c	170000 c
68	Bis(2-Ethylhexyl) Phthalate	117817			1.8	cl	5.9 cl
69	4-Bromophenyl Phenyl Ether	101553					
70	Butylbenzyl Phthalate	85687					
71	2-Chloronaphthalene	91587					
72	4-Chlorophenyl Phenyl Ether	7005723					

A		B Aquatic life		Human health for consumption of:				
(Number) Compound	^a CAS Number	^b CMC (µg/L)	^b CCC (µg/L)	Water & organisms (µg/L)		Organisms only (µg/L)		
		B1	B2	C1		C2		
73	Chrysene	218019			0.0028	l	0.031	l
74	Dibenzo(a,h)Anthracene	53703			0.0028	l	0.031	l
75	1,2-Dichlorobenzene	95501			2700	c	17000	c
76	1,3-Dichlorobenzene	541731			400		2600	
77	1,4-Dichlorobenzene	106467			400		2600	
78	3,3'-Dichlorobenzidine	91941			0.04	cl	0.077	cl
79	Diethyl Phthalate	84662			23000	c	120000	c
80	Dimethyl Phthalate	131113			313000		2900000	
81	Di-n-Butyl Phthalate	84742			2700	c	12000	c
82	2,4-Dinitrotoluene	121142			0.11	l	9.1	l
83	2,6-Dinitrotoluene	606202						
84	Di-n-Octyl Phthalate	117840						
85	1,2-Diphenylhydrazine	122667			0.040	cl	0.54	cl
86	Fluoranthene	206440			300	c	370	c
87	Fluorene	86737			1300	c	14000	c
88	Hexachlorobenzene	118741			0.00075	cl	0.00077	cl
89	Hexachlorobutadiene	87683			0.44	cl	50	cl
90	Hexachloro-cyclopentadiene	77474			240	c	17000	c
91	Hexachloroethane	67721			1.9	cl	8.9	cl
92	Ideno (1,2,3-cd) Pyrene	193395			0.0028	l	0.031	l
93	Isophorone	78591			8.4	cl	600	cl
94	Naphthalene	91203						
95	Nitrobenzene	98953			17	c	1900	c
96	N-Nitrosodimethylamine	62759			0.00069	cl	8.1	cl
97	N-Nitrosodi-n-Propylamine	621647						
98	N-Nitrosodiphenylamine	86306			5.0	cl	16	cl
99	Phenanthrene	85018						
100	Pyrene	129000			960	c	11000	c

A		B Aquatic life		Human health for consumption of:	
(Number) Compound	^a CAS Number	^b CMC (µg/L) B1	^b CCC (µg/L) B2	Water & organisms (µg/L) C1	Organisms only (µg/L) C2
101	1,2,4-Trichlorobenzene	120821			
102	Aldrin	309002	3	0.00013 cl	0.00014 cl
103	alpha-BHC	319846		0.0039 cl	0.013 cl
104	beta-BHC	319857		0.014 cl	0.046 cl
105	gamma-BHC (Lindane)	58899	2	0.019 l	0.063 l
106	delta-BHC	319868			
107	Chlordane	57749	2.4	0.00057 cl	0.00059 cl
108	4,4'-DDT	50293	1.1	0.00059 cl	0.00059 cl
109	4,4'-DDE	72559		0.00059 cl	0.00059 cl
110	4,4'-DDD	72548		0.00083 cl	0.00084 cl
111	Dieldrin	60571	2.5	0.00014 cl	0.00014 cl
112	alpha-Endosulfan	959988	0.22	0.93 c	2.0 c
113	beta-Endosulfan	33213659	0.22	0.93 c	2.0 c
114	Endosulfan Sulfate	1031078		0.93 c	2.0 c
115	Endrin	72208	0.18	0.76 c	0.81 c
116	Endrin Aldehyde	7421934		0.76 c	0.81 c
117	Heptachlor	76448	0.52	0.00021 cl	0.00021 cl
118	Heptachlor Epoxide	1024573	0.52	0.00010 cl	0.00011 cl
119	Polychlorinated Biphenyls PCBs:	n	0.014 n	0.00017 o	0.00017 o
120	Toxaphene	8001352	0.73	0.00073 cl	0.00075 cl
121	Chlorine		19 k		

A		B Aquatic life		Human health for consumption of:	
(Number) Compound	^a CAS Number	^b CMC (µg/L) B1	^b CCC (µg/L) B2	Water & organisms (µg/L) C1	Organisms only (µg/L) C2
Note to table: Table values are from 57 FR 60910, December 22, 1992 (National Toxics Rule) except as noted.					
Table Footnotes					
a. Chemical Abstracts Service (CAS) registry numbers which provide a unique identification for each chemical.					
b. See Definitions, Section 003 of these rules.					
c. This criterion has been revised to reflect The Environmental Protection Agency's q1* or RfD, as contained in the Integrated Risk Information System (IRIS) as of December 22, 1992. The fish tissue bioconcentration factor (BCF) from the 1980 Ambient Water Quality Criteria document was retained in each case.					
d. Inorganic form only. The criterion for arsenic is the MCL in effect as of April 5, 2000.					
e. Criteria for these metals are expressed as a function of the water effect ratio, WER, as defined in Subsection 210.03.b.ii. CMC = column B1 value X WER. CCC = column B2 value X WER.					
f. Criterion expressed as total recoverable (unfiltered) concentrations.					
g. If the CCC for total mercury is exceeded more than once in a three (3) year period in ambient water, the edible portion of aquatic species of concern must be analyzed to determine whether the concentration of methyl mercury exceeds the FDA action level (one (1.0) mg/kg). If the FDA action level is exceeded, the Director must notify the EPA regional administrator, initiate a review and as appropriate, revision of its mercury criterion in these water quality standards, and take other appropriate action such as the issuance of fish consumption advisory for the affected area.					
h. No numeric human health criteria has been established for this contaminant. However, permit authorities should address this contaminant in NPDES permit actions using the narrative criteria for toxics from Section 200 of these rules.					
i. Aquatic life criteria for these metals are expressed as a function of total hardness (mg/L as calcium carbonate), the pollutant's water effect ratio (WER) as defined in Subsection 210.03.b.ii and multiplied by an appropriate dissolved conversion factor as defined in Subsection 210.02. For comparative purposes only, the values displayed in this table are shown as dissolved metal and correspond to a total hardness of one hundred (100) mg/L and a water effect ratio of one (1.0).					
j. Criteria are expressed as weak acid dissociable (WAD) cyanide.					
k. Total chlorine residual concentrations.					
l. This criterion is based on carcinogenicity of 10 ⁻⁶ risk.					
m. Aquatic life criteria for pentachlorophenol are expressed as a function of pH, and are calculated as follows. Values displayed above in the table correspond to a pH of seven and eight tenths (7.8). CMC = exp(1.005(pH)-4.830) CCC = exp(1.005(pH)-5.290)					
n. PCBs are a class of chemicals which include Aroclors, 1242, 1254, 1221, 1232, 1248, 1260, and 1016, CAS numbers 53469219, 11097691, 11104282, 11141165, 12672296, 11096825 and 12674112 respectively. The aquatic life criteria apply to this set of PCBs.					
o. This criterion applies to total PCBs, (e.g. the sum of all congener, isomer, or Aroclor analyses).					

(5-3-03)(10-24-03)T

02. Factors For Calculating Hardness Dependent Metals Criteria. Hardness dependent metals criteria are calculated using values from the following table in the equations: (5-3-03)

a. $CMC = WER \exp\{m_A[\ln(\text{hardness})] + b_A\}$ X Acute Conversion Factor. (5-3-03)

b. $CCC = WER \exp\{m_C[\ln(\text{hardness})] + b_C\}$ X Chronic Conversion Factor.

Metal	m_A	b_A	m_C	b_C	^a Acute Conversion Factor	^a Chronic Conversion Factor
Arsenic	b	b	b	b	1.0	1.0
Cadmium	1.1228	-3.828	0.7852	-3.490	0.944	0.909
Chromium (III)	0.819	3.688	0.8190	1.561	0.316	0.860
<u>Chromium (VI)</u>	<u>b</u>	<u>b</u>	<u>b</u>	<u>b</u>	<u>0.982</u>	<u>0.962</u>
Copper	0.9422	-1.464	0.8545	-1.465	0.960	0.960
Lead	1.273	-1.460	1.273	-4.705	0.791	0.791
<u>Mercury</u>	<u>b</u>	<u>b</u>	<u>b</u>	<u>b</u>	<u>0.85</u>	<u>b</u>
Nickel	0.846	3.3612	0.8460	1.1645	0.998	0.997
Selenium	b	b	b	b	0.922	b
Silver	1.72	-6.52	c	c	0.85	c
Zinc	0.8473	0.8604	0.8473	0.7614	0.978	0.986

Note to table: The term "exp" represents the base e exponential function.

Footnotes to table:

a. Conversion factors (CF) are from "Stephan, C. E. 1995. Derivation of conversion factors for the calculation of dissolved freshwater aquatic life criteria for metals. U.S. Environmental Protection Agency, Environmental Research Laboratory – Duluth." The conversion factors for cadmium and lead are hardness-dependent and can be calculated for any hardness (see limitations in Subsection 210.03.b.i) using the following equations. For comparative purposes, the conversion factors for a total hardness of one hundred (100) mg/L are shown in the table.

Cadmium

Acute: $CF = 1.136672 - [(\ln \text{hardness})(0.041838)]$

Chronic: $CF = 1.101672 - [(\ln \text{hardness})(0.041838)]$

Lead (Acute and Chronic): $CF = 1.46203 - [(\ln \text{hardness})(0.145712)]$

b. Not applicable

c. No chronic criteria are available for silver.

(5-3-03)(10-24-03)T

03. Applicability. The criteria established in Section 210 are subject to the general rules of applicability in the same way and to the same extent as are the other numeric chemical criteria when applied to the same use classifications including mixing zones, and low flow design discharge conditions below which numeric standards can be exceeded in flowing waters. (5-3-03)

a. For all waters for which the Department has determined mixing zones to be applicable, the criteria apply at the appropriate locations specified within or at the boundary of the mixing zone of the mixing zones; otherwise the criteria apply through the waterbody including at the end of any discharge pipe, canal or other discharge point. (5-3-03)

b. Low flow design discharge conditions. Numeric chemical standards can only be exceeded in perennial streams due to permitted discharges when flows are less than the following values:

	Aquatic Life		Human Health
CMC ("acute" criteria)	1Q10 or 1B3	Non-carcinogens	30Q5
CCC ("chronic" criteria)	7Q10 or 4B3	Carcinogens	Harmonic mean flow

(5-3-03)

i. Where "1Q10" is the lowest one-day flow with an average recurrence frequency of once in ten (10) years determined hydrologically; (5-3-03)

ii. Where "1B3" is biologically based and indicates an allowable exceedence of once every three (3) years. It may be determined by EPA's computerized method (DFLOW model); (5-3-03)

iii. Where "7Q10" is the lowest average seven (7) consecutive day low flow with an average recurrence frequency of once in ten (10) years determined hydrologically; (5-3-03)

iv. Where "4B3" is biologically based and indicates an allowable exceedence for four (4) consecutive days once every three (3) years. It may be determined by EPA's computerized method (DFLOW model); (5-3-03)

v. Where "30Q5" is the lowest average thirty (30) consecutive day low flow with an average recurrence frequency of once in five (5) years determined hydrologically; and (5-3-03)

vi. Where the harmonic mean flow is a long term mean flow value calculated by dividing the number of daily flows analyzed by the sum of the reciprocals of those daily flows. (5-3-03)

c. Application of metals criteria. (5-3-03)

i. For purposes of calculating aquatic life criteria for metals from the equations in Subsection 210.02, the minimum hardness allowed for use in those equations shall not be less than twenty-five (25) mg/l, as calcium carbonate, even if the actual ambient hardness is less than twenty-five (25) mg/l as calcium carbonate. The maximum hardness allowed for use in those equations shall not be greater than four hundred (400) mg/l, as calcium carbonate, even if the actual ambient hardness is greater than four hundred (400) mg/l as calcium carbonate. (5-3-03)

ii. The hardness values used for calculating aquatic life criteria for metals at design discharge conditions shall be representative of the ambient hardnesses for a receiving water that occur at the design discharge conditions given in Subsection 210.03.b. (5-3-03)

iii. Except as otherwise noted, the aquatic life criteria for metals (compounds #1 through #13 in the criteria table of Subsection 210.02) are expressed as dissolved metal concentrations. Unless otherwise specified by the Department, dissolved concentrations are considered to be concentrations recovered from a sample which has passed through a forty-five hundredths (0.45) micron filter. For the purposes of calculating aquatic life criteria for metals from the equations in footnotes e. and i. in the criteria table in Subsection 210.01, the water effect ratio is computed as a specific pollutant's acute or chronic toxicity values measured in water from the site covered by the standard, divided by the respective acute or chronic toxicity value in laboratory dilution water. The water-effect ratio shall be assigned a value of one (1.0), except where the Department assigns a different value that protects the designated uses of the water body from the toxic effects of the pollutant, and is derived from suitable tests on sampled water representative of conditions in the affected water body, consistent with the design discharge conditions established in Subsection 210.03.b. For purposes of ~~Subsection 210.03.e.iii. calculating water effects ratios~~, the term acute toxicity value is the toxicity test results, such as the concentration lethal one-half (1/2) of the test organisms (i.e., LC50) after ninety-six (96) hours of exposure (e.g., fish toxicity tests) or the effect concentration to one-half of the test organisms, (i.e., EC50) after forty-eight (48) hours of exposure (e.g., daphnia toxicity tests). For purposes of ~~Subsection 210.03.e.iii. calculating water effects ratios~~, the term chronic value is the result from appropriate hypothesis testing or regression analysis of measurements of growth, reproduction, or survival from life cycle, partial life cycle, or early life stage tests. The determination of acute and chronic values shall be according to current

standard protocols (e.g., those published by the American Society for Testing and Materials (ASTM)) or other comparable methods. For calculation of criteria using site-specific values for both the hardness and the water effect ratio, the hardness used in the equations in Subsection 210.02 shall be as required in Subsection 210.03.~~bc.ii.~~ Water hardness shall be calculated from the measured calcium and magnesium ions present, and the ratio of calcium to magnesium shall be approximately the same in laboratory toxicity testing water as in the site water, or be similar to average ratios of laboratory waters used to derive the criteria. ~~(5-3-03)~~(10-24-03)T

04. National Pollutant Discharge Elimination System Permitting. For the purposes of NPDES permitting, interpretation and implementation of metals criteria listed in Subsection 210.02 should be governed by the following standards, that are hereby incorporated by reference, in addition to other scientifically defensible methods deemed appropriate by the Department; provided, however, any identified conversion factors within these documents are not incorporated by reference. Metals criteria conversion factors are identified in Subsection 210.02 of this rule. (5-3-03)

- 1993.
 - a. "Guidance Document on Dissolved Criteria -- Expression of Aquatic Life Criteria," EPA, October (4-5-00)
 - b. "Guidance Document on Dynamic Modeling and Translators," EPA, August 1993. (4-5-00)
 - c. "Guidance Document on Clean Analytical Techniques and Monitoring," EPA, October 1993. (4-5-00)
 - d. "Interim Guidance on Determination and Use of Water-Effect Ratios for Metals," EPA, February (4-5-00)

05. Development of Toxic Substance Criteria. (4-5-00)

a. Aquatic Life Communities Criteria. Numeric criteria for the protection of aquatic life uses not identified in these rules for toxic substances, may be derived by the Department from the following information: (4-5-00)

- i. Site-specific criteria developed pursuant to Section 275; (4-5-00)
- ii. Effluent biomonitoring, toxicity testing and whole-effluent toxicity determinations; (4-5-00)
- iii. The most recent recommended criteria defined in EPA's Aquatic Toxicity Information Retrieval (ACQUIRE) database. When using EPA recommended criteria to derive water quality criteria to protect aquatic life uses, the lowest observed effect concentrations (LOECs) shall be considered; or (4-5-00)

iv. Scientific studies including, but not limited to, instream benthic assessment or rapid bioassessment. (4-5-00)

b. Human Health Criteria. (4-5-00)

i. When numeric criteria for the protection of human health are not identified in these rules for toxic substances, quantifiable criteria may be derived by the Department from the most recent recommended criteria defined in EPA's Integrated Risk Information System (IRIS). When using EPA recommended criteria to derive water quality criteria to protect human health, a fish consumption rate of six point five (6.5) grams/day, a water ingestion rate of two (2) liters/day and a cancer risk level of 106 shall be utilized. (4-5-00)

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.23 - RULES OF ADMINISTRATIVE PROCEDURE BEFORE THE BOARD OF ENVIRONMENTAL QUALITY

DOCKET NO. 58-0123-0301

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 2004 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-seventh 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. This action is authorized Sections 39-105, 39-107, and 67-5206, Idaho Code.

DESCRIPTIVE SUMMARY: A detailed summary of the reasons for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, August 6, 2003, Volume 03-8, pages 162 through 167. The agency received no public comments on the proposed rule; however, the Board revised the rule at Sections 047 and 351. In Section 047, the number of days for publishing a legal notice was changed from 10 to 14. In Section 351, "demonstrate that" was changed to "state briefly why." The rulemaking record can be obtained by contacting the undersigned.

SECTION 39-107D, IDAHO CODE, STATEMENT: This rule regulates an activity not regulated by the federal government. The federal government does not regulate administrative procedures for the state of Idaho.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Paula Gradwohl at (208)373-0418, pgradwoh@deq.state.id.us.

DATED this 24th day of October, 2003.

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 23

RULES OF ADMINISTRATIVE PROCEDURE BEFORE THE BOARD OF ENVIRONMENTAL QUALITY

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 03-8, August 6, 2003, pages 162 through 167.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

*Language That Has Been Deleted From The Original Proposed Rule
Text Has Been Removed And New Language Is Shown In Italics*

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 58-0123-0301

SECTION 047 (Entire Section)

047. PUBLIC NOTICE OF PETITION FOR CONTESTED CASE AND DECLARATORY RULING.

Within fourteen (14) days of the date a petition for contested case or declaratory ruling is filed with the Board, the Board shall give reasonable notice to the public. The methods for giving notice shall include, at a minimum, the following: ()

01. Publication. Publishing a one-time legal notice in the newspaper of general circulation in the county in which the petitioner resides or in which the facility or other subject of the petition is located. The legal notice shall describe the nature of the action initiated by the filing of the petition and shall include the date the petition was filed, the date by which petitions to intervene must be filed, and a method by which interested persons can obtain a copy of the petition. ()

02. Mail. Mailing a copy of the legal notice prepared in accordance with Subsection 047.01 to persons on any mailing list developed by the Department relating to the subject matter of the petition for contested case or declaratory ruling. ()

SECTION 351 (Entire Section)

351. FORM AND CONTENTS OF PETITIONS TO INTERVENE.

Petitions to intervene must comply with Sections ~~200 through 349~~ 008, 044, and 300. 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, and *state briefly why* the intervention would not unduly broaden the issues and cause delay or prejudice to the parties. If affirmative relief is sought, the petition must state the relief sought and the basis for granting it. (3-15-02)()

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

59.01.03 - CONTRIBUTION RULES FOR THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO

DOCKET NO. 59-0103-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This pending rule has been adopted by the agency and is now pending review by the 2004 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 59-1314(1) and 72-1405 Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. The 2003 legislature has enacted Senate Bill 1050, which essentially transfers administration and funding of most public safety death benefits to PERSI, and expands eligibility for such benefits to firefighters who are active members of PERSI or FRF retirement funds. The bill's fiscal note indicated an estimated increase in employer costs of one-tenth of one percent of payroll (.10%). The bill adds a new section, 59-1361A, Idaho Code, which governs the benefit. Subsection (5) requires that the costs associated with this benefit be paid as an additional contribution component by the employers of those public safety officers who are eligible for the benefit. Because this benefit is effective July 1, 2003, the Retirement Board finds that it is necessary to adopt a temporary rule to comply with the legislation and fund the required benefits. This change increases the employer rate on public safety officers by one-tenth of one percent (.10%).

The pending rule is being adopted as proposed. The original text of the temporary and proposed rule was published in the June 4, 2003 Idaho Administrative Bulletin, Volume 03-6, pages 99 and 100.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Alan H. Winkle, Executive Director of PERSI, 334-3365.

DATED this 21st day of October, 2003.

Alan H. Winkle, Executive Director
Public Employee Retirement System of Idaho
607 N. 8th St., Boise, ID 83702
P.O. Box 83720, Boise, ID 83720-0078
Phone: (208) 334-3365 FAX: (208) 334-3804

IDAPA 59, TITLE 01, CHAPTER 03

CONTRIBUTION RULES FOR THE PUBLIC EMPLOYEE RETIREMENT SYSTEM 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 03-6, June 4, 2003, pages 99 and 100.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

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

59.01.03 - CONTRIBUTION RULES FOR THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO

DOCKET NO. 59-0103-0302

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This pending rule has been adopted by the agency and is now pending review by the 2004 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) 59-1314(1) and 72-1405 Idaho Code.

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

The pending rule is being adopted as proposed. The original text of the proposed rule and an explanatory statement were published in the July 2, 2003 Idaho Administrative Bulletin, Volume 03-7, pages 86 through 90.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Alan H. Winkle, Executive Director of PERSI, 334-3365.

DATED this 21st day of October, 2003.

Alan H. Winkle, Executive Director
Public Employee Retirement System of Idaho
607 N. 8th St., Boise, ID 83702
P.O. Box 83720
Boise, ID 83720-0078
Phone: (208) 334-3365
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IDAPA 59, TITLE 01, CHAPTER 03

CONTRIBUTION RULES FOR THE PUBLIC EMPLOYEE RETIREMENT SYSTEM 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 03-7, July 2, 2003, pages 86 through 90.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

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LEGAL NOTICE

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 07 - DIVISION OF BUILDING SAFETY 1090 E. Watertower St., Meridian, ID 83642

07-0206-0301, *Rules Concerning Uniform Plumbing Code.* Incorporates by reference the 2003 Uniform Plumbing Code. Comment by: 12/24/03.

07-0601-0301, *Rules Governing Uniform School Building Safety.* Identifies by name and edition those codes and standards adopted as part of the Idaho Uniform School Building Safety Code and adds definitions for building code and serious safety hazard. Comment by: 12/24/03.

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

58.01.02, *Water Quality Standards and Wastewater Treatment Requirements.* Corrects cross-reference citations for the domestic supply use criteria for chlordane and the conversion factor for cadmium and includes the addition of omitted dissolved total conversion factors for chromium (VI) and mercury. Comment by: 12/31/03.

Please refer to the Idaho Administrative Bulletin, **December 3, 2003, Volume 03-12** for notices and text of all rulemakings, public hearing schedules, Governor's executive orders, and agency contact names.

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

Copies of the Administrative Bulletin and other rules publications are available for purchase. For subscription information and ordering see our website or call (208) 332-1820 or write the Office of Administrative Rules, Department of Administration, 650 W. State St., Room 100, Boise, ID 83720-0306. Visa and MasterCard accepted for most purchases.

The Idaho Administrative Bulletin and Administrative Code are available on-line at: <http://www2.state.id.us/adm/adminrules/>

ABRIDGED EDITION OF THE CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

*Idaho Department of Administration
Office of Administrative Rules*

May 3, 2003 -- December 3, 2003

*(eff. *PLR) - Final Rule Adoption Date Pending Legislative Review And Approval*

(eff. date)L - Denotes Adoption by Legislative Action

(eff. date)T - Temporary Rule Effective Date

SCR # - denotes the number of a Senate Concurrent Resolution (Legislative Action)

HCR # - denotes the number of a House Concurrent Resolution (Legislative Action)

(This Abridged Index includes rules promulgated before April 3, 2002 that have been adopted as final rules and all rulemakings being promulgated after May 3, 2003.)

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01.01.01, Idaho Accountancy Rules, IAC Vol. 1

- 01-0101-0301** Temporary and Proposed Rulemaking, Bulletin Vol. 03-7 (eff. 7-1-03)T
- 01-0101-0302** Temporary and Proposed Rulemaking, Bulletin Vol. 03-7 (eff. 11-7-03)T
- 01-0101-0301** Pending Rule, Bulletin Vol. 03-11 (eff. *PLR 2004)
- 01-0101-0302** Pending Rule - (Fee Rule), Bulletin Vol. 03-11 (eff. *PLR 2004)

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02.01.04, Rules Governing the Idaho Preferred TM Promotion Program

- 02-0104-0301** Temporary and Proposed Rulemaking, Bulletin Vol. 03-8 (eff. 7-1-03)T

02.02.12, Bonded Warehouse Rules, IAC Vol. 1

- 02-0212-0301** Temporary and Proposed Rulemaking - Fee Rule, Bulletin Vol. 03-9 (eff. 9-3-03)T

02.02.13, Commodity Dealers' Rules, IAC Vol. 1

- 02-0213-0301** Temporary and Proposed Rulemaking - Fee Rule, Bulletin Vol. 03-9 (eff. 9-3-03)T

02.02.14, Department of Agriculture Rules for Weights and Measures, IAC Vol. 1

- 02-0214-0301*** Proposed Rulemaking, Bulletin Vol. 03-9
*(*Rulemaking changes chapter name to "Rules for Weights and Measures")*
- 02-0214-0301** Pending Rule - (Fee Rule), Bulletin Vol. 03-12 (eff. *PLR 2004)

02.02.15, Rules Governing the Seed Indemnity Fund, IAC Vol. 1

- 02-0215-0301** Temporary and Proposed Rulemaking - Fee Rule, Bulletin Vol. 03-9 (eff. 9-3-03)T

02.04.03, Rules Governing Animal Industry, IAC Vol. 1

- 02-0403-0301*** Temporary and Proposed Rulemaking, Bulletin Vol. 03-9 (eff. 10-1-03)T
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02-0403-0301 Pending Rule, Bulletin Vol. 03-12 (eff. *PLR 2004)

02.04.21, Rules Governing the Importation of Animal, IAC Vol. 1s

- 02-0421-0301** Temporary and Proposed Rulemaking, Bulletin Vol. 03-6 (eff. 4-15-03)T
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02-0421-0302 Pending Rule, Bulletin Vol. 03-12 (eff. *PLR 2004)

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02.04.25, Rules Governing Private Feeding of Big Game Animals

- 02-0425-0301** Temporary and Proposed Rulemaking (New Chapter), Bulletin Vol. 03-9 (eff. 12-1-03)T
02-0425-0301 Pending Rule and Amendment to Temporary Rule, Bulletin Vol. 03-12 (eff. *PLR 2004) -- (12-1-03)T

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- 02-0426-0301** Temporary and Proposed Rulemaking (New Chapter), Bulletin Vol. 03-9 (eff. 10-1-03)T
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- 02-0427-0301** Temporary and Proposed Rulemaking (New Chapter), Bulletin Vol. 03-9 (eff. 10-1-03)T
02-0427-0301 Pending Rule, Bulletin Vol. 03-12 (eff. *PLR 2004)

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- 02-0604-0301** Proposed Rulemaking, Bulletin Vol. 03-10
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- 02-0605-0301** Temporary Rulemaking, Bulletin Vol. 03-4 (eff. 2-21-03)T

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- 02-0625-0301** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 03-10

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- 02-0640-0301*** Temporary and Proposed Rulemaking, Bulletin Vol. 03-7 (eff. 6-2-03)T
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- 11-1101-0301** Pending Rule, Bulletin Vol. 03-11 (eff. *PLR 2004)

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- 11-1301-0301** Pending Rule, Bulletin Vol. 03-11 (eff. *PLR 2004)
- 11-1301-0201** Pending Rule, Bulletin Vol. 03-12 (eff. *PLR 2004)

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- 16-0301-0201 Pending Rule, Bulletin Vol. 03-2 (eff. *PLR 2004)
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- 16-0309-0306 Pending Rule, Bulletin Vol. 03-12 (eff. *PLR 2004)
- 16-0309-0308 Pending Rule, Bulletin Vol. 03-12 (eff. *PLR 2004)
- 16-0309-0309 Pending Rule, Bulletin Vol. 03-12 (eff. *PLR 2004)

16.03.10, Rules Governing Medicaid Provider Reimbursement in Idaho, IAC Vol. 4

- 16-0310-0203 Temporary and Proposed Rulemaking, Bulletin Vol. 02-12 (eff. 11-1-02)T
- 16-0310-0204 Temporary and Proposed Rulemaking, Bulletin Vol. 02-12 (eff. 8-1-02)T
- 16-0310-0301 Temporary and Proposed Rulemaking, Bulletin Vol. 03-1 (eff. 8-1-02)T
- 16-0310-0204 Pending Rule, Bulletin Vol. 03-5 (eff. *PLR 2004)
- 16-0310-0203 Pending Rule and Amendment to Temporary Rule, Bulletin Vol. 03-6 (eff. *PLR 2004) -- (11-1-02)T
- 16-0310-0203 OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 110, Bulletin Vol. 03-6
- 16-0310-0204 OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 110, Bulletin Vol. 03-6
- 16-0310-0301 OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 110, Bulletin Vol. 03-6
- 16-0310-0301 Pending Rule, Bulletin Vol. 03-6 (eff. *PLR 2004)
- 16-0310-0302 Temporary and Proposed Rulemaking, Bulletin Vol. 03-8 (eff. 11-1-03)T

- 16-0310-0303 Proposed Rulemaking, Bulletin Vol. 03-10
- 16-0310-0302 Pending Rule, Bulletin Vol. 03-12 (eff. *PLR 2004)

16.03.11, Rules Governing Intermediate Care Facilities for the Mentally Retarded, IAC Vol. 4

- 16-0311-0101 Temporary Rulemaking, Bulletin Vol. 01-1 (eff. 7-1-00)T
- 16-0311-0101 OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 118, Bulletin Vol. 01-5
- 16-0311-0101 Amendment to Temporary Rule, Bulletin Vol. 02-4 (eff. 1-1-02)T
- 16-0311-0101 OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 130, Bulletin Vol. 02-5
- 16-0311-0101 OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 110, Bulletin Vol. 03-6

16.03.13, Prior Authorization for Behavioral Health Services

- 16-0313-0301 Temporary and Proposed Rulemaking, Bulletin Vol. 03-9 (eff. 10-1-03)T

16.03.17, Service Coordination

- 16-0317-0301 Proposed Rulemaking, Bulletin Vol. 03-10

16.03.20, Rules Governing Electronic Payments of Public Assistance, Food Stamps, and Child Support

- 16-0320-0301 Temporary and Proposed Rulemaking, Bulletin Vol. 03-8 (eff. 7-1-03)T
- 16-0320-0301 Pending Rule, Bulletin Vol. 03-11 (eff. *PLR 2004)

16.03.22, Rules for Licensed Residential and Assisted Living Facilities in Idaho, IAC Vol. 4

- 16-0322-0301 Proposed Rulemaking, Bulletin Vol. 03-10

16.03.23, Rules Governing Uniform Assessments for State-Funded Clients

- 16-0323-0301 Temporary and Proposed Rulemaking, Bulletin Vol. 03-9 (eff. 10-1-03)T

16.04.11, Rules Governing Developmental Disabilities Agencies

- 16-0411-0301 Temporary and Proposed Rulemaking, Bulletin Vol. 03-9 (10-1-03)T

16.04.14, Rules Governing the Low Income Home Energy Assistance Program, IAC Vol. 4

- 16-0414-0301 Temporary and Proposed Rulemaking, Bulletin Vol. 03-1 (eff. 12-1-02)T
- 16-0414-0301 Pending Rule, Bulletin Vol. 03-6 (eff. *PLR 2004)
- 16-0414-0301 OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 110, Bulletin Vol. 03-6

16.04.17, Rules Governing Residential Habilitation Agencies

- 16-0417-0301 Temporary and Proposed Rulemaking, Bulletin Vol. 03-9 (10-1-03)T

16.05.01, Use and Disclosure of Department Records, IAC Vol. 4

- 16-0501-0301 Temporary Rulemaking (Repeal), Bulletin Vol. 03-4 (eff. 4-14-03)T
- 16-0501-0302* Temporary Rulemaking (Rewrite), Bulletin Vol. 03-4 (eff. 4-14-03)T
**(Temporary Rule changes chapter name from "Rules Governing the Protection and Disclosure of Department Records")*
- 16-0501-0301 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 03-10
- 16-0501-0302 Proposed Rulemaking (Chapter Rewrite), Bulletin Vol. 03-10

16.05.02, Rules Governing Audits of Providers

- 16-0502-0301 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 03-9

16.05.05, Rules Governing Fees for Health Operating Permits, Licenses, and Inspection Services

- 16-0505-0301 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 03-9
- 16-0505-0301 Pending Rule (Chapter Repeal), Bulletin Vol. 03-12 (eff. *PLR 2004)

16.06.01, Rules Governing Family and Children's Services, IAC Vol. 5

- 16-0601-0301 Temporary and Proposed Rulemaking, Bulletin Vol. 03-1 (eff. 7-1-02)T
- 16-0601-0301 OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 110, Bulletin Vol. 03-6
- 16-0601-0301 Pending Rule and Amendment to Temporary Rule, Bulletin Vol. 03-8 (eff. *PLR 2004) -- (7-1-03)T

16.06.03, Rules and Minimum Standards Governing Alcohol/Drug Abuse Prevention and Treatment Programs, IAC Vol. 5

- 16-0603-0301** Temporary and Proposed Rulemaking, Bulletin Vol. 03-1 (eff. 11-1-01)T - (7-1-02)T
- 16-0603-0301** OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 110, Bulletin Vol. 03-6
- 16-0603-0301** Pending Rule and Amendment to Temporary Rule, Bulletin Vol. 03-8 (eff. *PLR 2004) - (11-1-01)T - (4-12-03)T

16.06.12, Rules Governing the Idaho Child Care Program, IAC Vol. 5

- 16-0612-0301** Temporary Rulemaking - (Fee Rule), Bulletin Vol. 03-2 (eff. 3-1-03)T
- 16-0612-0301** Proposed Rulemaking, Bulletin Vol. 03-10
- 16-0612-0301** Pending Rule - (Fee Rule), Bulletin Vol. 03-12 (eff. *PLR 2004)

16.06.13, Rules Governing Emergency Assistance for Families and Children

- 16-0613-0301** Temporary and Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 03-7 (eff. 7-1-03)T
- 16-0613-0302** Temporary and Proposed Rulemaking (Chapter Rewrite), Bulletin Vol. 03-7 (eff. 7-1-03)T
- 16-0613-0301** Pending Rule (Chapter Repeal), Bulletin Vol. 03-10 (eff. *PLR 2004)
- 16-0613-0302** Pending Rule (Chapter Rewrite), Bulletin Vol. 03-10 (eff. *PLR 2004)

IDAPA 17 -- INDUSTRIAL COMMISSION

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- 17-0701-0301** Temporary Rulemaking, Bulletin Vol. 03-4 (eff. 2-6-03)T

IDAPA 18 -- DEPARTMENT OF INSURANCE

18.01.15, Fingerprinting of Agents, Solicitors, and Brokers

- 18-0115-0301** Temporary and Proposed Rulemaking, Bulletin Vol. 03-8 (eff. 7-1-03)T
- 18-0115-0301** Pending Rule, Bulletin Vol. 03-11 (eff. *PLR 2004)

18.01.19, Insurance Rates and Credit Scoring

- 18-0119-0201** Notice of Negotiated Rulemaking, Bulletin Vol. 02-6
- 18-0119-0201** Temporary Rulemaking, Bulletin Vol. 03-1 (eff. 1-1-03)T
- 18-0119-0201** OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 110, Bulletin Vol. 03-6
- 18-0119-0201*** Proposed Rulemaking, Bulletin Vol. 03-9
- *(This docket was inadvertently published incorrectly under Doc. No. 18-0119-0301)*
- 18-0119-0201** Pending Rule, Bulletin Vol. 03-11 (eff. *PLR 2004)

18.01.38, Insurance Availability for Ridesharing Arrangements, IAC Vol. 5

- 18-0138-0301** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 03-10
- 18-0138-0301** Pending Rule, Bulletin Vol. 03-12 (eff. *PLR 2004)

18.01.44, Schedule of Fees, Licenses, and Miscellaneous Charges

- 18-0144-0301** Temporary and Proposed Rulemaking - (Fee Rule), Bulletin Vol. 03-7 (eff. 7-1-03)T
- 18-0144-0301** Pending Rule - (Fee Rule), Bulletin Vol. 03-11 (eff. *PLR 2004)

18.01.48, Privacy of Consumer Financial Information

- 18-0148-0101** Notice of Expiration of Temporary Rule (not submitted for legislative review), Bulletin Vol. 03-7 (Expiration eff. 5-3-03)

18.01.53, Continuing Education

- 18-0153-0301** Temporary and Proposed Rulemaking, Bulletin Vol. 03-9 (eff. 1-1-04)T
- 18-0153-0301** Pending Rule, Bulletin Vol. 03-11 (eff. *PLR 2004)

18.01.59, Rule to Implement the Recognition of the 2001 CSO Mortality Table for Use in Determining Minimum

Reserve Liabilities and Nonforfeiture Benefits

- 18-0159-0301** Temporary and Proposed Rulemaking (New Chapter), Bulletin Vol. 03-9 (eff. 1-1-04)T
18-0159-0301 Pending Rule, Bulletin Vol. 03-11 (eff. *PLR 2004)

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- 19-0101-0301** Proposed Rulemaking, Bulletin Vol. 03-10

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- 20-0201-0201** Proposed Rulemaking, Bulletin Vol. 02-9
20-0201-0201 Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 03-11

20.03.03, Rules Governing Administration of the Reclamation Fund

- 20-0303-0301** Temporary and Proposed Rulemaking - (Fee Rule), Bulletin Vol. 03-7 (eff. 4-1-03)T
20-0303-0301 Pending Rule - (Fee Rule), Bulletin Vol. 03-11 (eff. *PLR 2004)

20.06.01, Rules of Practice and Procedure for Contested Cases and Rulemaking Before the Idaho Board of Scaling Practices

- 20-0601-0301** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 03-9
20-0601-0301 Pending Rule (Chapter Repeal), Bulletin Vol. 03-11 (*PLR 2004)

20.06.02, General Rules, Licensing, and Checkscales of the Idaho Board of Scaling Practices

- 20-0602-0301** Proposed Rulemaking, Bulletin Vol. 03-9
20-0602-0301 Pending Rule, Bulletin Vol. 03-11 (*PLR 2004)

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- 21-0101-0301** Proposed Rulemaking, Bulletin Vol. 03-10
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- 21-0104-0301** Proposed Rulemaking - (Fee Rule), Bulletin Vol. 03-10
21-0104-0301 Pending Rule - (Fee Rule), Bulletin Vol. 03-12 (eff. *PLR 2004)

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- 22-0103-0301** Proposed Rulemaking - (Fee Rule), Bulletin Vol. 03-10
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22.01.04, Rules for the Registration of Supervising Physicians, IAC Vol. 6

- 22-0104-0301** Proposed Rulemaking - (Fee Rule), Bulletin Vol. 03-10

22.01.10, Rules for the Registration of Athletic Trainers to Practice in Idaho, IAC Vol. 6

- 22-0110-0301*** Proposed Rulemaking - (Fee Rule), Bulletin Vol. 03-10

(*Rulemaking changes chapter name to "Rules for the Licensure of Athletic Trainers to Practice in Idaho")

22.01.11, Rules for the Licensure of Respiratory Therapists in Idaho, IAC Vol. 6

22-0111-0301* Proposed Rulemaking - (Fee Rule), Bulletin Vol. 03-10

(*Rulemaking changes chapter name to "Rules for the Licensure of Respiratory Therapists and Permitting of Polysomnographers in Idaho")

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24-0101-0301 Proposed Rulemaking, Bulletin Vol. 03-10

24-0101-0301 Pending Rule, Bulletin Vol. 03-12 (eff. *PLR 2004)

24.04.01, Rules of the Idaho Board of Cosmetology, IAC Vol. 6

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24-0401-0301 Pending Rule, Bulletin Vol. 03-12 (eff. *PLR 2004)

24.06.01, Rules of the Board of Hearing Aid Dealers and Fitters, IAC Vol. 6

24-0601-0301 Proposed Rulemaking, Bulletin Vol. 03-10

24-0601-0301 Pending Rule, Bulletin Vol. 03-12 (eff. *PLR 2004)

24.07.01, Rules of the Idaho State Board of Landscape Architects, IAC Vol. 6

24-0701-0301 Proposed Rulemaking, Bulletin Vol. 03-10

24-0701-0301 Pending Rule, Bulletin Vol. 03-12 (eff. *PLR 2004)

24.08.01, Rules of the State Board of Morticians, IAC Vol. 6

24-0801-0301 Temporary and Proposed Rulemaking - (Fee Rule), Bulletin Vol. 03-10 (eff. 8-15-03)T

24-0801-0301 Pending Rule - (Fee Rule), Bulletin Vol. 03-12 (eff. *PLR 2004)

24.08.02, Rules of the State Board of Morticians Governing Crematories in Idaho, IAC Vol. 6

24-0802-0301 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 03-10

24-0802-0301 Pending Rule (Chapter Repeal), Bulletin Vol. 03-12 (eff. *PLR 2004)

24.10.01, Rules of the State Board of Optometry, IAC Vol. 6

24-1001-0301 Proposed Rulemaking, Bulletin Vol. 03-10

24-1001-0301 Pending Rule, Bulletin Vol. 03-12 (eff. *PLR 2004)

24.12.01, Rules of the State Board of Psychologist Examiners, IAC Vol. 6

24-1201-0301 Proposed Rulemaking, Bulletin Vol. 03-10

24-1201-0301 Pending Rule, Bulletin Vol. 03-12 (eff. *PLR 2004)

24.14.01, Rules of the State Board of Social Work Examiners, IAC Vol. 6

24-1401-0301 Proposed Rulemaking, Bulletin Vol. 03-10

24-1401-0301 Pending Rule and Temporary Rule, Bulletin Vol. 03-12 (eff. *PLR 2004) -- (10-21-03)T

24.15.01, Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists, IAC Vol. 6

24-1501-0301 Proposed Rulemaking, Bulletin Vol. 03-10

24-1501-0301 Pending Rule, Bulletin Vol. 03-12 (eff. *PLR 2004)

24.17.01, Rules of the State Board of Acupuncture, IAC Vol. 6

24-1701-0301 Proposed Rulemaking, Bulletin Vol. 03-10

24-1701-0301 Pending Rule, Bulletin Vol. 03-12 (eff. *PLR 2004)

24.18.01, Rules of the Real Estate Appraiser Board, IAC Vol. 6

- 24-1801-0301 Proposed Rulemaking, Bulletin Vol. 03-10
- 24-1801-0301 Pending Rule, Bulletin Vol. 03-12 (eff. *PLR 2004)

24.19.01, Rules of the Board of Residential Care Facility Administrators, IAC Vol. 6

- 24-1901-0301 Temporary and Proposed Rulemaking, Bulletin Vol. 03-10 (eff. 7-7-03)T
- 24-1901-0301 Pending Rule, Bulletin Vol. 03-12 (eff. *PLR 2004)

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- 25-0101-0301 Temporary and Proposed Rulemaking, Bulletin Vol. 03-7 (eff. 7-1-03)T
- 25-0101-0201 Notice of Expiration of Temporary Rule, Bulletin Vol. 03-8 (eff. 5-3-03)
- 25-0101-0302 Proposed Rulemaking - (Fee Rule), Bulletin Vol. 03-10
- 25-0101-0301 Pending Rule and Amendment to Temporary Rule, Bulletin Vol. 03-12 (eff. *PLR 2004) -- (9-25-03)T

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- 26-0120-0202 Notice of Partial Rejection of Rulemaking - HCR 18 - Agency Filing of Final Rule, Bulletin Vol. 03-8 (eff. 3-7-03)
- 26-0120-0301 Temporary and Proposed Rulemaking - (Fee Rule), Bulletin Vol. 03-10 (eff. 8-5-03)T

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27.01.01, Rules of the Idaho Board of Pharmacy, IAC Vol. 6

- 27-0101-0205 Temporary Rulemaking, Bulletin Vol. 02-10 (eff. 8-21-02)T
- 27-0101-0301 Temporary Rulemaking, Bulletin Vol. 03-2 (eff. 12-18-02)T
- 27-0101-0205* OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 110, Bulletin Vol. 03-6
(*This docket was inadvertently left out of the OAR Omnibus Rulemaking Notice [Vol. 03-6] and has been extended.)
- 27-0101-0301 Notice of Rescission of Temporary Rule, Bulletin Vol. 03-6
- 27-0101-0302 Temporary and Proposed Rulemaking, Bulletin Vol. 03-6 (eff. 7-10-02)T
- 27-0101-0302 Pending Rule, Bulletin Vol. 03-8 (eff. *PLR-2004)
- 27-0101-0205 Proposed Rulemaking, Bulletin Vol. 03-10
- 27-0101-0303 Proposed Rulemaking, Bulletin Vol. 03-10
- 27-0101-0304 Proposed Rulemaking, Bulletin Vol. 03-10
- 27-0101-0205 Pending Rule, Bulletin Vol. 03-12 (eff. *PLR 2004)
- 27-0101-0303 Pending Rule, Bulletin Vol. 03-12 (eff. *PLR 2004)
- 27-0101-0304 Pending Rule, Bulletin Vol. 03-12 (eff. *PLR 2004)

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- 30-0101-0301 Proposed Rulemaking, Bulletin Vol. 03-10
- 30-0101-0301 Pending Rule, Bulletin Vol. 03-12 (eff. *PLR 2004)

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31.01.01, Rules of Procedure of the Idaho Public Utilities Commission, IAC Vol. 7

- 31-0101-0301 Proposed Rulemaking - (Fee Rule), Bulletin Vol. 03-10

31-0101-0301 Pending Rule - (Fee Rule), Bulletin Vol. 03-12 (eff. *PLR 2004)

31.11.01, Safety and Accident Reporting Rules for Utilities Regulated by Idaho Public Utilities Commission, IAC Vol. 7

31-1101-0301 Proposed Rulemaking, Bulletin Vol. 03-10

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31-2101-0301 Pending Rule, Bulletin Vol. 03-12 (eff. *PLR 2004)

31.71.03, Railroad Safety/Sanitation Rules

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31-7103-0301 Pending Rule, Bulletin Vol. 03-11 (eff. *PLR 2004)

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33-0101-0301 OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 110, Bulletin Vol. 03-6

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34.02.02, Rules Governing Complaint Process Under the Help America Vote Act

34-0202-0301 Temporary and Proposed Rulemaking, Bulletin Vol. 03-10 (eff. 10-1-03)T

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35.01.01, Income Tax Administrative Rules, IAC Vol. 7

35-0101-0301 Proposed Rulemaking, Bulletin Vol. 03-10

35-0101-0302 Proposed Rulemaking, Bulletin Vol. 03-10

35-0101-0303 Temporary and Proposed Rulemaking, Bulletin Vol. 03-10 (eff. 1-1-04)T

35.01.02, Idaho Sales and Use Tax Administrative Rules

35-0102-0301 Temporary and Proposed Rulemaking, Bulletin Vol. 03-7 (eff. 5-1-03)T

35-0102-0302 Proposed Rulemaking, Bulletin Vol. 03-9

35-0102-0303 Proposed Rulemaking - (Fee Rule), Bulletin Vol. 03-9

35-0102-0301 Pending Rule, Bulletin Vol. 03-10 (eff. *PLR 2004)

35-0102-0304 Proposed Rulemaking, Bulletin Vol. 03-10

35-0102-0302 Pending Rule, Bulletin Vol. 03-12 (eff. *PLR 2004)

35-0102-0303 Pending Rule - (Fee Rule), Bulletin Vol. 03-12 (eff. *PLR 2004)

35-0102-0304 Pending Rule, Bulletin Vol. 03-12 (eff. *PLR 2004)

35.01.03, Property Tax Administrative Rules, IAC Vol. 7

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35-0103-0302 Temporary and Proposed Rulemaking, Bulletin Vol. 03-10 (eff. 1-1-04)T

35-0103-0303 Temporary and Proposed Rulemaking, Bulletin Vol. 03-10 (eff. 1-1-04)T

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35-0105-0301 Pending Rule, Bulletin Vol. 03-12 (eff. *PLR 2004)

35.01.10, Idaho Cigarette and Tobacco Products Tax Administrative Rules, IAC Vol. 7

- 35-0110-0301** Proposed Rulemaking, Bulletin Vol. 03-10
- 35-0110-0301** Pending Rule, Bulletin Vol. 03-12 (eff. *PLR 2004)

35.01.11, Idaho Unclaimed Property Administrative Rules, IAC Vol. 7

- 35-0111-0301** Proposed Rulemaking, Bulletin Vol. 03-10
- 35-0111-0301** Pending Rule, Bulletin Vol. 03-12 (eff. *PLR 2004)

35.02.01, Tax Commission Administration and Enforcement Rules, IAC Vol. 7

- 35-0201-0301** Proposed Rulemaking, Bulletin Vol. 03-10
- 35-0201-0302** Proposed Rulemaking, Bulletin Vol. 03-10

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- 37-0203-0301** Temporary and Proposed Rulemaking, Bulletin Vol. 03-10 (eff. 6-27-03)T

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37.03.07, Stream Channel Alteration Rules, IAC Vol. 8

- 37-0307-0201** Temporary Rulemaking, Bulletin Vol. 02-12 (eff. 9-23-02)T
- 37-0307-0201** OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 110, Bulletin Vol. 03-6

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- 37-0313-9701** Negotiated Rulemaking, Bulletin Vol. 97-12
- 37-0313-9701** Proposed Rulemaking, Bulletin Vol. 98-10
- 37-0313-9701** Negotiated Rulemaking (2nd Notice), Bulletin Vol. 00-11

37.03.14, Transfers

- 37-0314-9801** Negotiated Rulemaking, Bulletin Vol. 98-5

37.03.15, Water Management Rules - Eastern Snake Plain Aquifer

- 37-0315-0001** Negotiated Rulemaking, Bulletin Vol. 00-12

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39.02.47, Rules Governing Revocation of Vehicle Registration for Failure to Comply with a Motor Vehicle Emission Inspection Ordinance

- 39-0247-0301** Temporary and Proposed Rulemaking, Bulletin Vol. 03-7 (eff. 7-1-03)T
- 39-0247-0301** Pending Rule, Bulletin Vol. 03-9 (eff. *PLR 2004)

39.03.16, Rules Governing Oversize Permits for Non-Reducible Vehicles and/or Loads

- 39-0316-0301** Temporary and Proposed Rulemaking, Bulletin Vol. 03-7 (eff. 7-1-03)T
- 39-0316-0301** Pending Rule, Bulletin Vol. 03-9 (eff. *PLR 2004)

39.03.22, Rules Governing Overlegal Permits for Extra-Length Vehicle Combinations

- 39-0322-0301** Temporary and Proposed Rulemaking, Bulletin Vol. 03-8 (eff. 7-1-03)T
- 39-0322-0301** Pending Rule, Bulletin Vol. 03-11 (eff. *PLR 2004)

39.03.41, Rules Governing Traffic Control Devices, IAC Vol. 8

- 39-0341-0201 Temporary and Proposed Rulemaking, Bulletin Vol. 02-12 (eff. 10-1-02)T
- 39-0341-0201 OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 110, Bulletin Vol. 03-6
- 39-0341-0201 Pending Rule, Bulletin Vol. 03-8 (eff. *PLR 2004)

39.03.43, Rules Governing Utilities on State Highway Right-of-Way, IAC Vol. 8

- 39-0343-0301 Proposed Rulemaking, Bulletin Vol. 03-9
- 39-0343-0301 Pending Rule, Bulletin Vol. 03-11 (eff. *PLR 2004)

39.03.46, Rules Governing Studded Tires

- 39-0346-0301 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 03-8
- 39-0346-0301 Pending Rule, Bulletin Vol. 03-11 (eff. *PLR 2004)

39.03.63, Rules Governing Traffic Accident Memorials, IAC Vol. 8

- 39-0363-0201 Temporary and Proposed Rulemaking, Bulletin Vol. 02-12 (eff. 1-1-03)T
- 39-0363-0201 OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 110, Bulletin Vol. 03-6
- 39-0363-0201 Pending Rule, Bulletin Vol. 03-8 (eff. *PLR 2004)

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- 44-0000-0201 Omnibus Rulemaking Notice of 2002 Legislative Action of Approval of Final Rules and Extension of Temporary Rules, Bulletin Vol. 03-6

44.01.01, Rules of the Administrative Rules Coordinator

- 44-0101-0301 Temporary and Proposed Rulemaking, Bulletin Vol. 03-7 (eff. 7-1-03)T
- 44-0101-0302 Proposed Rulemaking - (Fee Rule), Bulletin Vol. 03-7
- 44-0101-0301 Pending Rule, Bulletin Vol. 03-11 (eff. *PLR 2004)
- 44-0101-0302 Pending Rule - (Fee Rule), Bulletin Vol. 03-11 (eff. *PLR 2004)

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46.01.01, Rules of the State of Idaho Board of Veterinary Medicine, IAC Vol. 8

- 46-0101-0301* Temporary Rulemaking, Bulletin Vol. 03-3 (eff. 1-13-03)T (*This rule will expire at end of 2004 Legislative session)

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47.01.01, Rules of the Idaho Division of Vocational Rehabilitation, IAC Vol. 8

- 47-0101-0301 Proposed Rulemaking, Bulletin Vol. 03-10
- 47-0101-0301 Pending Rule, Bulletin Vol. 03-12 (eff. *PLR 2004)

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