

# 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 rule-making 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 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 rule-making activities.*

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

*The Bulletin is cited by year and issue number. For example, Bulletin **04-1** refers to the first Bulletin issued in calendar year **2004**; Bulletin **05-1** refers to the first Bulletin issued in calendar year **2005**. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. **04-1** refers to **January** 2004; Volume No. **04-2** refers to **February** 2004; and so forth. Example: The Bulletin published in **January 2005** is cited as Volume **05-1**. The **December 2004** Bulletin is cited as Volume **04-12**.*

## **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 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 Rulemaking Index of Idaho Administrative Rules**, 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, Title 67, Chapter 52, Idaho Code, comprises five distinct activities: negotiated, proposed, temporary, pending and final rulemaking. Not all rulemakings involve all five. At a minimum, a rulemaking includes proposed, pending and final rulemaking. Many rules are adopted as temporary rules when they meet the 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 the 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 consensus on the content of a 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 - Negotiated Rulemaking" 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 wherein 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. This notice must include:*

- a) the specific statutory authority (from Idaho Code) 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 as provided in Section 67-5222, Idaho Code; 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. 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) 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 legislative session unless the rule is approved, amended, or modified by concurrent resolution or when the rule has been replaced by a final rule.*

*State law required 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 the proposed rule, the rulemaking can be done concurrently as a proposed/temporary 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 become 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 Rulemaking". This includes:*

- a) a statement giving 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;*
- 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 change 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 Rulemaking" 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 an 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 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 that 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, Twin Falls, Lewiston and East Bonner County 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 83720-00306, telephone (208) 332-1820.*

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

*The **Idaho 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 are available on the Internet at the following address:*

*<http://www2.state.id.us/adm/adminrules/>*

## **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 38.07.01.200.02.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 Administrations's Division of Purchasing*

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

*"**200**." refers to Major Section 200, "Content of the Invitation to Bid"*

*"**02**." refers to Subsection 200.02.*

*"**c**." refers to Subsection 200.02.c.*

*"**ii**." refers to Subsection 200.02.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 "-", (38-0501-0401). 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. 38-0501-0401"

"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**).

"0401" denotes the year and sequential order of the docket received during the year; in this case the first rule-making action in calendar year 2004.

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 of a rule 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."

The citation may also include the IDAPA, Title, or Chapter number, 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 rule.

"01" denotes the Chapter number of the rule.

: "201" references the main Section number of the rule that the citation refers to.

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 38.04.041, "Rules Governing Capitol Mall Parking."

**BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2005**

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05-3	March 2005	February 2, 2005	March 2, 2005	March 23, 2005
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05-12	December 2005	November 2, 2005	December 7, 2005	December 28, 2005

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06-2	February 2006	January 4, 2006	February 1, 2006	February 22, 2006
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06-4	April 2006	March 1, 2006	April 5, 2006	April 26, 2006
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06-11	November 2006	October 4, 2006	November 1, 2006	November 22, 2006
06-12	December 2006	November 1, 2006	December 6, 2006	December 27, 2006

***\*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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<b>IDAPA 29</b>	<b>Potato Commission, Idaho</b>	<b>VOLUME 7</b>
<b>IDAPA 31</b>	<b>Public Utilities Commission</b>	<b>VOLUME 7</b>
<b>IDAPA 41</b>	<b>Public Health Districts</b>	<b>VOLUME 8</b>
<b>IDAPA 33</b>	<b>Real Estate Commission, Idaho</b>	<b>VOLUME 7</b>
<b>IDAPA 56</b>	<b>Rangeland Resources Commission, Idaho</b>	<b>VOLUME 9</b>
<b>IDAPA 34</b>	<b>Secretary of State, Office of the</b>	<b>VOLUME 7</b>
<b>IDAPA 49</b>	<b>Shorthand Reporters, Board of Certified</b>	<b>VOLUME 8</b>
<b>IDAPA 36</b>	<b>Tax Appeals, Board of</b>	<b>VOLUME 7</b>
<b>IDAPA 35</b>	<b>Tax Commission, State</b>	<b>VOLUME 7</b>
<b>IDAPA 54</b>	<b>Treasurer, Office of the State</b>	<b>VOLUME 8</b>
<b>IDAPA 21</b>	<b>Veterans Services, Division of</b>	<b>VOLUME 6</b>
<b>IDAPA 46</b>	<b>Veterinary Medical Examiners, Board of</b>	<b>VOLUME 8</b>
<b>IDAPA 55</b>	<b>Vocational and Technical Education, Division of</b>	<b>VOLUME 9</b>
<b>IDAPA 47</b>	<b>Vocational Rehabilitation, Division of</b>	<b>VOLUME 8</b>
<b>IDAPA 37</b>	<b>Water Resources, Department of</b>	<b>VOLUME 8</b>
<b>IDAPA 42</b>	<b>Wheat Commission</b>	<b>VOLUME 8</b>

**OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR  
IDAHO DEPARTMENT OF ADMINISTRATION**

**ADMINISTRATIVE RULES REVIEWED BY THE FIFTY-EIGHTH  
LEGISLATURE OF THE STATE OF IDAHO  
FIRST REGULAR SESSION - 2005**

**OMNIBUS RULEMAKING NOTICE OF FINAL LEGISLATIVE ACTION ON  
PENDING RULES AND TEMPORARY RULES**

**AUTHORITY:** In compliance with Sections 67-5224(5), 67-5224(7), 67-5226(3), and 67-5291, Idaho Code, notice is hereby given by the Office of the Administrative Rules Coordinator that the Fifty-eighth Legislature in the First Regular Session - 2005, has reviewed all pending rules and approved them as final and has extended temporary rules. The docket numbers of the affected rulemakings and their effective dates are listed below.

**DESCRIPTIVE SUMMARY:** The following is a statement in nontechnical language of the substance of the notice:

The following lists of final and temporary rules include those rules that were reviewed as pending and temporary rules during the 2005 Second Regular Session of the Fifty-eighth Legislature of the State of Idaho. The pending rules reviewed by the legislature that were not rejected in whole or in part have been approved and adopted and are now final rules. Pursuant to Section 67-5226, Idaho Code, all temporary rules were extended or rejected in whole or in part by Senate Concurrent Resolution 116. Pursuant to Section 67-5224, Idaho Code, all pending fee rules were approved or rejected in whole or in part by Senate Concurrent Resolution 117 and are now final rules.

The following tables list the docket number of the rulemaking, the volume number of the Idaho Administrative Bulletin in which the proposed, pending, and temporary rule text was published, the effective date of the rule, and the number of the Concurrent Resolution, if applicable, affecting the rulemaking.

<b>RULES APPROVED AS FINAL OR REJECTED BY THE 2005 IDAHO LEGISLATURE</b>					
<b>Docket Number</b>	<b>Bulletin Vol. No. Pending</b>	<b>Bulletin Vol. No. Proposed</b>	<b>Final Rule Effective Date</b>	<b>Rejected Sections</b>	<b>Action Taken by Concurrent Resolution</b>
01-0101-0401	04-11	04-1	(3-1-05)	---	---
01-0101-0402	04-12	04-10	(4-6-05)	---	---
02-0104-0401	04-12	04-10	(4-6-05)	---	---
02-0214-0401	04-11	04-8	(4-6-05)	---	---
02-0301-0401	05-1	04-9	(4-6-05)	---	---
02-0303-0401	05-1	04-10	(4-6-05)	---	---
02-0403-0401	04-11	04-9	(4-6-05)	---	---
02-0406-0401	04-12	04-10	(4-6-05)	---	---
02-0407-0401	04-12	04-10	(4-6-05)	---	---
02-0408-0401	04-12	04-10	(4-6-05)	---	---
02-0409-0401	04-12	04-10	(4-6-05)	---	---
02-0410-0401	04-12	04-10	(4-6-05)	---	---

<b>RULES APPROVED AS FINAL OR REJECTED BY THE 2005 IDAHO LEGISLATURE</b>					
<b>Docket Number</b>	<b>Bulletin Vol. No. Pending</b>	<b>Bulletin Vol. No. Proposed</b>	<b>Final Rule Effective Date</b>	<b>Rejected Sections</b>	<b>Action Taken by Concurrent Resolution</b>
02-0412-0401	04-12	04-10	(4-6-05)	---	---
02-0415-0401	05-1	04-9	(4-6-05)	---	---
02-0419-0401	05-1	04-10	(4-6-05)	---	---
02-0425-0401	05-1	04-10	(4-6-05)	---	---
02-0426-0401	04-11	04-9	(4-6-05)	---	---
02-0601-0401	04-12	04-9	(3-24-05)	---	Fee Approved by SCR-117
02-0602-0401	04-12	04-10	(4-6-05)	---	---
02-0602-0402	04-12	04-10	(2-25-05)	Entire Docket	Rejection by SCR-106
02-0605-0301	04-12	04-8	(4-6-05)	---	---
02-0612-0401	04-12	04-9	(4-6-05)	---	---
02-0612-0402	04-12	04-10	(4-6-05)	---	---
02-0616-0401	05-1	04-6	(3-24-05)	---	Fee Approved by SCR-117
02-0626-0401	04-12	04-9	(4-6-05)	---	---
02-0641-0401	04-12	04-10	(4-6-05)	---	---
02-0641-0402	04-12	04-10	(4-6-05)	---	---
03-0101-0401	04-10	04-8	(4-6-05)	---	---
05-0101-0401	05-1	04-10	(4-6-05)	---	---
05-0101-0402	05-1	04-10	(4-6-05)	---	---
05-0103-0401	05-1	04-10	(4-6-05)	---	---
05-0104-0401	05-1	04-10	(4-6-05)	---	---
07-0103-0401	04-8	04-6	(4-6-05)	---	---
07-0103-0402	04-8	04-6	(4-6-05)	---	---
07-0104-0401	04-10	04-8	(4-6-05)	---	---
07-0105-0401	04-10	04-8	(4-6-05)	---	---
07-0106-0403	04-12	04-10	(4-6-05)	---	---
07-0203-0401	04-12	04-10	(3-24-05)	---	Fee Approved by SCR-117

<b>RULES APPROVED AS FINAL OR REJECTED BY THE 2005 IDAHO LEGISLATURE</b>					
<b>Docket Number</b>	<b>Bulletin Vol. No. Pending</b>	<b>Bulletin Vol. No. Proposed</b>	<b>Final Rule Effective Date</b>	<b>Rejected Sections</b>	<b>Action Taken by Concurrent Resolution</b>
07-0205-0401	04-12	04-10	(4-6-05)	---	---
07-0205-0402	04-12	04-10	(4-6-05)	---	---
07-0205-0403	04-12	04-10	(4-6-05)	---	---
07-0206-0301	04-5	03-12	(4-6-05)	---	---
07-0207-0401	04-12	04-10	(3-24-05)	---	Fee Approved by SCR-117
07-0304-0401	04-9	04-7	(4-6-05)	---	---
07-0306-0401	05-1	04-11	(3-24-05)	---	Fee Approved by SCR-117
07-0307-0401	04-10	04-8	(4-6-05)	---	---
07-0308-0401	04-10	04-8	(3-24-05)	---	Fee Approved by SCR-117
07-0309-0401	04-12	04-10	(4-6-05)	---	---
07-0310-0401	04-10	04-8	(4-6-05)	---	---
07-0311-0401	04-12	04-10	(3-24-05)	---	Fee Approved by SCR-117
07-0313-0401	04-12	04-10	(3-24-05)	Entire Docket	Rejected by SCR-117
07-0402-0401	04-10	04-8	(4-6-05)	---	---
07-0501-0401	04-8	04-6	(4-6-05)	---	---
07-0601-0301	04-5	03-12	(4-6-05)	---	---
07-0701-0401	04-9	04-7	(4-6-05)	---	---
07-0701-0402	04-12	04-10	(3-8-05)	Entire Docket	Rejection by HCR-14
07-0701-0403	04-12	04-10	(4-6-05)	---	---
08-0108-0301	04-8	03-10	(4-6-05)	---	---
08-0202-0402	05-1	04-5	(4-6-05)	---	---
08-0202-0403	05-1	04-10	(4-6-05)	---	---
08-0202-0405	05-1	04-10	(4-6-05)	---	---
08-0202-0406	05-1	04-10	(3-14-05)	Document Incorporated by Reference in 004.07 & 230.01: Sections 1.0; 1.8; 9.0; 9.3.a; 9.4.f; 9.4.g.	Partial Rejection by SCR-112

<b>RULES APPROVED AS FINAL OR REJECTED BY THE 2005 IDAHO LEGISLATURE</b>					
<b>Docket Number</b>	<b>Bulletin Vol. No. Pending</b>	<b>Bulletin Vol. No. Proposed</b>	<b>Final Rule Effective Date</b>	<b>Rejected Sections</b>	<b>Action Taken by Concurrent Resolution</b>
08-0202-0407	05-1	04-10	(4-6-05)	---	---
08-0202-0408	05-1	04-10	(4-6-05)	---	---
08-0202-0409	05-1	04-10	(4-6-05)	---	---
08-0203-0401	04-10	04-6	(4-6-05)	---	---
08-0203-0402	05-1	04-8	(4-6-05)	---	---
08-0203-0403	05-1	04-8	(4-6-05)	---	---
08-0203-0404	05-1	04-10	(4-6-05)	---	---
09-0130-0401	05-1	04-10	(4-6-05)	---	---
09-0130-0402	05-1	04-10	(4-6-05)	---	---
09-0135-0401	05-1	04-10	(7-1-05)	---	---
09-0135-0402	05-1	04-10	(7-1-05)	---	---
09-0204-0401	05-1	04-10	(7-1-05)	---	---
10-0102-0401	04-11	04-8	(4-6-05)	---	---
11-1101-0401	04-12	04-10	(4-6-05)	---	---
12-0108-0401	04-12	04-9	(4-6-05)	---	---
12-0108-0402	04-12	04-9	(3-24-05)	---	Fee Approved by SCR-117
13-0102-0401	04-12	04-10	(4-6-05)	---	---
13-0104-0401	04-12	04-10	(4-6-05)	---	---
13-0106-0401	04-12	04-10	(4-6-05)	---	---
13-0107-0401	04-12	04-10	(4-6-05)	---	---
13-0108-0401	04-12	04-10	(4-6-05)	---	---
13-0109-0401	04-12	04-10	(4-6-05)	---	---
13-0111-0401	04-12	04-10	(4-6-05)	---	---
13-0112-0401	04-12	04-10	(4-6-05)	---	---
13-0113-0401	04-12	04-10	(4-6-05)	---	---
13-0114-0401	04-12	04-10	(4-6-05)	---	---

<b>RULES APPROVED AS FINAL OR REJECTED BY THE 2005 IDAHO LEGISLATURE</b>					
<b>Docket Number</b>	<b>Bulletin Vol. No. Pending</b>	<b>Bulletin Vol. No. Proposed</b>	<b>Final Rule Effective Date</b>	<b>Rejected Sections</b>	<b>Action Taken by Concurrent Resolution</b>
13-0116-0401	04-12	04-10	(4-6-05)	---	---
13-0119-0401	04-12	04-10	(4-6-05)	---	---
14-0101-0401	04-12	04-10	(4-6-05)	---	---
15-0101-0401	04-12	04-10	(4-6-05)	---	---
15-0102-0401	04-12	04-10	(4-6-05)	---	---
16-0201-0401	04-11	04-9	(4-6-05)	---	---
16-0203-0401	04-7	04-1	(4-6-05)	---	---
16-0210-0401	04-7	04-1	(4-6-05)	---	---
16-0210-0402	05-1	04-7	(4-6-05)	---	---
16-0211-0401	05-1	04-9	(4-6-05)	---	---
16-0215-0401	05-1	04-9	(4-6-05)	---	---
16-0219-0401	05-1	04-8	(4-6-05)	---	---
16-0219-0402	05-1	04-8	(4-6-05)	---	---
16-0223-0401	04-11	04-8	(4-6-05)	---	---
16-0226-0401	04-12	04-10	(4-6-05)	---	---
16-0301-0401	05-1	04-7	(4-6-05)	---	---
16-0304-0401	05-1	04-5	(4-6-05)	---	---
16-0309-0311	04-7	03-11	(4-6-05)	---	---
16-0309-0401	04-11	04-5	(4-6-05)	---	---
16-0309-0402	04-11	04-8	(4-6-05)	---	---
16-0309-0403	04-12	04-9	(4-6-05)	---	---
16-0309-0404	05-1	04-10	(4-6-05)	---	---
16-0309-0405	05-1	04-10	(4-6-05)	---	---
16-0310-0401	05-1	04-10	(7-1-05)	---	---
16-0310-0402	05-1	04-10	(4-6-05)	---	---
16-0317-0401	05-1	04-10	(4-6-05)	---	---

<b>RULES APPROVED AS FINAL OR REJECTED BY THE 2005 IDAHO LEGISLATURE</b>					
<b>Docket Number</b>	<b>Bulletin Vol. No. Pending</b>	<b>Bulletin Vol. No. Proposed</b>	<b>Final Rule Effective Date</b>	<b>Rejected Sections</b>	<b>Action Taken by Concurrent Resolution</b>
16-0318-0401	05-1	04-7	(4-6-05)	---	---
16-0318-0402	05-1	04-7	(3-24-05)	507.04	Partial Rejection by SCR-117
16-0404-0401	05-1	04-8	(4-6-05)	---	---
16-0411-0401	05-1	04-9	(4-6-05)	---	---
16-0411-0402	05-1	04-9	(4-6-05)	---	---
16-0417-0401	05-1	04-9	(4-6-05)	---	---
16-0502-0301	05-1	03-9	(4-6-05)	---	---
16-0601-0401	04-7	04-1	(4-6-05)	---	---
16-0601-0402	05-1	04-7	(4-6-05)	---	---
16-0606-0401	05-1	04-7	(4-6-05)	---	---
16-0614-0401	04-11	04-8	(4-6-05)	---	---
16-0901-0401	04-10	04-7	(4-6-05)	---	---
17-0602-0401	05-1	04-10	(4-6-05)	---	---
17-0701-0401	05-1	04-10	(4-6-05)	---	---
18-0150-0401	04-12	04-9	(4-6-05)	---	---
18-0156-0401	04-12	04-10	(3-8-05)	Entire Docket	Rejection by HCR-13
19-0101-0401	04-9	04-6	(4-6-05)	---	---
19-0101-0402	05-1	04-9	(4-6-05)	---	---
21-0102-0401	04-11	04-8	(4-6-05)	---	---
22-0104-0401	05-1	04-8	(4-6-05)	---	---
23-0101-0401	04-11	04-9	(4-6-05)	---	---
24-0101-0401	05-1	04-10	(4-6-05)	---	---
24-0201-0401	05-1	04-10	(3-24-05)	---	Fee Approved by SCR-117
24-0501-0401	05-1	04-10	(3-24-05)	---	Fee Approved by SCR-117
24-0601-0401	05-1	04-10	(3-24-05)	---	Fee Approved by SCR-117
24-0701-0401	05-1	04-10	(3-24-05)	---	Fee Approved by SCR-117

<b>RULES APPROVED AS FINAL OR REJECTED BY THE 2005 IDAHO LEGISLATURE</b>					
<b>Docket Number</b>	<b>Bulletin Vol. No. Pending</b>	<b>Bulletin Vol. No. Proposed</b>	<b>Final Rule Effective Date</b>	<b>Rejected Sections</b>	<b>Action Taken by Concurrent Resolution</b>
24-0901-0401	05-1	04-10	(4-6-05)	---	---
24-1201-0401	05-1	04-10	(3-24-05)	---	Fee Approved by SCR-117
24-1401-0401	05-1	04-10	(3-14-05)	202.01.b, 202.01.c, & 202.02.c	Partial Rejection by SCR-107
24-1501-0401	05-1	04-10	(4-6-05)	---	---
24-1601-0401	05-1	04-10	(3-24-05)	---	Fee Approved by SCR-117
24-1701-0401	05-1	04-10	(4-6-05)	---	---
24-1801-0401	05-1	04-10	(4-6-05)	---	---
24-1901-0401	05-1	04-10	(4-6-05)	---	---
25-0101-0402	05-1	04-9	(3-24-05)	Entire Docket	Rejected by SCR-117
27-0101-0401	04-10	04-8	(4-6-05)	---	---
27-0101-0402	04-12	04-10	(4-6-05)	---	---
27-0101-0403	04-12	04-10	(4-6-05)	---	---
27-0101-0404	04-12	04-10	(4-6-05)	---	---
27-0101-0405	04-12	04-10	(4-6-05)	---	---
31-1101-0401	05-1	04-10	(4-6-05)	---	---
31-2101-0401	05-1	04-10	(4-6-05)	---	---
31-4101-0401	05-1	04-10	(4-6-05)	---	---
34-0301-0401	04-12	04-10	(4-6-05)	---	---
35-0101-0401	05-1	04-10	(4-6-05)	---	---
35-0101-0402	05-1	04-10	(4-6-05)	---	---
35-0102-0401	05-1	04-10	(4-6-05)	---	---
35-0103-0401	05-1	04-10	(4-6-05)	---	---
35-0103-0402	05-1	04-10	(4-6-05)	---	---
35-0105-0401	05-1	04-10	(4-6-05)	---	---
35-0106-0401	05-1	04-9	(4-6-05)	---	---
35-0110-0401	05-1	04-9	(4-6-05)	---	---

<b>RULES APPROVED AS FINAL OR REJECTED BY THE 2005 IDAHO LEGISLATURE</b>					
<b>Docket Number</b>	<b>Bulletin Vol. No. Pending</b>	<b>Bulletin Vol. No. Proposed</b>	<b>Final Rule Effective Date</b>	<b>Rejected Sections</b>	<b>Action Taken by Concurrent Resolution</b>
35-0111-0401	05-1	04-9	(4-6-05)	---	---
35-0201-0401	05-1	04-10	(4-6-05)	---	---
36-0101-0401	05-1	04-10	(2-18-05)	030, 045, 082	Partial Rejection by SCR-105
39-0306-0401	04-12	04-9	(4-6-05)	---	---
39-0311-0401	04-12	04-10	(3-10-05)	200.06	Partial Rejection by HCR-11
39-0341-0401	04-12	04-10	(4-1-05)	---	---
40-0101-0401	04-12	04-10	(4-6-05)	---	---
49-0101-0401	04-12	04-10	(4-6-05)	---	---
51-0101-0401	04-12	04-10	(4-6-05)	---	---
57-0101-0401	05-1	04-10	(3-24-05)	---	Fee Approved by SCR-117
58-0101-0302	04-3	04-1	(4-6-05)	---	---
58-0101-0304	04-12	04-5	(4-6-05)	---	---
58-0101-0401	05-1	04-9	(4-6-05)	---	---
58-0101-0402	05-1	04-8	(4-6-05)	---	---
58-0102-0302	05-1	04-8	(4-6-05)	---	---
58-0102-0303	04-3	03-12	(4-6-05)	---	---
58-0102-0401	04-4	04-1	(4-6-05)	---	---
58-0102-0402	05-1	04-7	(4-6-05)	---	---
58-0105-0401	04-12	04-7	(4-6-05)	---	---
58-0105-0402	04-12	04-8	(4-6-05)	---	---
58-0108-0401	05-1	04-9	(4-6-05)	---	---
58-0108-0402	05-1	04-7	(4-6-05)	---	---
58-0108-0403	04-12	04-7	(4-6-05)	---	---
58-0117-0301	04-12	04-6	(4-6-05)	---	---
58-0123-0401	04-12	04-7	(4-6-05)	---	---

<b>TEMPORARY RULES EXTENDED/REJECTED BY SENATE CONCURRENT RESOLUTION 116</b>				
<b>Docket Number</b>	<b>Bulletin Vol. No.</b>	<b>Temporary Effective Date</b>	<b>Action Taken by Concurrent Resolution</b>	<b>Rejected Sections</b>
07-0701-0501	05-2	(1-1-05)T	Partial Rejection by SCR-116	005.01.d, 005.01.i, 006.01.e, & 006.01.i
08-0301-0401	04-10	(7-21-04)T	Extended by SCR-116	---
09-0210-0401	04-7	(3-26-04)T	Extended by SCR-116	---
11-0201-0501	05-1	(10-18-04)T	Extended by SCR-116	---
16-0309-0501	05-2	Expired	Rejected by SCR-116	Entire Docket
16-0309-0502	05-2	(3-1-05)T	Extended by SCR-116	---
24-1801-0501	05-1	(8-20-04)T	Extended by SCR-116	---
25-0101-0401	04-2	Expired	Rejected by SCR-116	Entire Docket
33-0101-0401	04-11	(4-1-04)T	Extended by SCR-116	---
37-0307-0201	02-12	(9-23-02)T	Extended by SCR-116	---
38-0601-0401	04-12	(12-1-04)T	Extended by SCR-116	---
39-0241-0401	04-12	(12-1-04)T	Extended by SCR-116	---
39-0317-0401	04-11	(10-1-04)T	Extended by SCR-116	---

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on questions concerning this notice, contact Dennis R. Stevenson at (208) 332-1820.

DATED this 7th day of April, 2005.

Dennis R. Stevenson  
 Administrative Rules Coordinator  
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**OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR  
IDAHO DEPARTMENT OF ADMINISTRATION**

**HISTORY NOTES INDEX OF ADMINISTRATIVE RULES REVIEWED AND APPROVED  
FOR FINAL ADOPTION DURING THE 2005 LEGISLATIVE SESSION**

The following table is a sections-affected, history notes index for those chapters of rules that were reviewed by the 2005 First Regular Session of the Fifty-eighth Legislature of the State of Idaho. The table lists those Sections of individual rule chapters that were affected by rulemakings that were submitted for review and acted upon by the legislature. The table includes the docket number of affected chapters, the amended section numbers, the Bulletin publication volumes, and the final effective date of the rule.

<b>HISTORY NOTES - LEGISLATIVE SESSION 2005</b>					
<b>Note: An "*" by the Final Bulletin Indicates Publication in the Omnibus Notice in that Bulletin</b>					
<b>Chapter and Docket No.</b>	<b>Amended Sections</b>	<b>Bulletin Vol. Proposed Rule</b>	<b>Bulletin Vol. Pending Rule</b>	<b>Bulletin Vol. Final Rule</b>	<b>Final Date</b>
<b>IDAPA 01 - Idaho Board of Accountancy</b>					
<i>01.01.01, Idaho Accountancy Rules</i>					
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01-0101-0402	004, 010, 606, 611-612, 615	04-10	04-12	05-5*	(4-6-05)
<b>IDAPA 02 - Department of Agriculture</b>					
<i>02.01.04, Rules Governing the Idaho Preferred TM Promotion Program</i>					
02-0104-0401	200	04-10	04-12	05-5*	(4-6-05)
<i>02.02.14, Rules for Weights and Measures</i>					
02-0214-0401	004-005	04-8	04-11	05-5*	(4-6-05)
<i>02.03.01, Rules Governing Pesticide Management Plans for Ground Water Protection</i>					
02-0301-0401	New Chapter (000-999)	04-9	05-1	05-5*	(4-6-05)
<i>02.03.03, Rules Governing Pesticide and Chemigation Use and Application</i>					
02-0303-0401	100	04-10	05-1	05-5*	(4-6-05)
<i>02.04.03, Rules Governing Animal Industry</i>					
02-0403-0401	220, 223, 234	04-9	04-11	05-5*	(4-6-05)
<i>02.04.06, Requirements for Licensed Dairy Plants</i>					

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02-0406-0401	000-006	04-10	04-12	05-5*	(4-6-05)
<b><i>02.04.07, Grade A Condensed/Dry Milk and Whey Products</i></b>					
02-0407-0401	Chapter Repeal	04-10	04-12	05-5*	(4-6-05)
<b><i>02.04.08, Rules Governing Grade A Milk and Milk Products</i></b>					
02-0408-0401	001-006	04-10	04-12	05-5*	(4-6-05)
<b><i>02.04.09, Rules Governing Methods of Making Sanitation Ratings of Milk Supplies</i></b>					
02-0409-0401	001, 003-006	04-10	04-12	05-5*	(4-6-05)
<b><i>02.04.10, Procedures Governing the Cooperative State-Public Health Services, Food and Drug</i></b>					
02-0410-0401	001, 003-006	04-10	04-12	05-5*	(4-6-05)
<b><i>02.04.12, Rules Governing Standards for the Fabrication of Single-Service Containers and</i></b>					
02-0412-0401	Chapter Repeal	04-10	04-12	05-5*	(4-6-05)
<b><i>02.04.15, Rules Governing Beef Cattle Animal Feeding Operations</i></b>					
02-0415-0401	001, 004, 010-013, 030-032, 040, 050	04-9	05-1	05-5*	(4-6-05)
<b><i>02.04.19, Rules Governing Domestic Cervidae</i></b>					
02-0419-0401	004, 010, 020-022, 026, 100, 202-205, 208, 250, 304-305, 501, 505, 600	04-10	05-1	05-5*	(4-6-05)
<b><i>02.04.25, Rules Governing the Private Feeding of Big Game Animals</i></b>					
02-0425-0401	New Chapter (000-999)	04-10	05-1	05-5*	(4-6-05)
<b><i>02.04.26, Rules Governing Livestock Marketing</i></b>					
02-0426-0401	New Chapter (000-999)	04-9	04-11	05-5*	(4-6-05)
<b><i>02.06.01, Rules Governing the Pure Seed Law</i></b>					
02-0601-0401	500, 600	04-9	04-12	05-5*	(3-24-05)
<b><i>02.06.02, Rules Pertaining to the Idaho Commercial Feed Law</i></b>					
02-0602-0401	000-006, 010	04-10	04-12	05-5*	(4-6-05)

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<b><i>02.06.05, Rules Governing Diseases of Hops (Humulus lupulus)</i></b>					
02-0605-0301	100	04-8	04-12	05-5*	(4-6-05)
<b><i>02.06.12, Rules Pertaining to the Idaho Fertilizer Law</i></b>					
02-0612-0401	001, 004, 050, 090	04-9	04-12	05-5*	(4-6-05)
02-0612-0402	004	04-10	04-12	05-5*	(4-6-05)
<b><i>02.06.16, Crop Residue Disposal Rules</i></b>					
02-0616-0401	100	04-6	05-1	05-5*	(3-24-05)
<b><i>02.06.26, Rules Governing Seed Potato Crop Management Areas</i></b>					
02-0626-0401	020	04-9	04-12	05-5*	(4-6-05)
<b><i>02.06.41, Rules Pertaining to the Soil and Plant Amendment Act of 2001</i></b>					
02-0641-0401	004	04-10	04-12	05-5*	(4-6-05)
02-0641-0402	004	04-10	04-12	05-5*	(4-6-05)
<b>IDAPA 03 - Idaho Athletic Commission</b>					
<b><i>03.01.01, Rules of the State Athletic Commission</i></b>					
03-0101-0401	732	04-8	04-10	05-5*	(4-6-05)
<b>IDAPA 05 - Department of Juvenile Corrections</b>					
<b><i>05.01.01, Rules of the Department of Juvenile Corrections and Standards for Private Contract</i></b>					
05-0101-0401	Chapter Repeal	04-10	05-1	05-5*	(4-6-05)
05-0101-0402	Chapter Rewrite (000-999)	04-10	05-1	05-5*	(4-6-05)
<b><i>05.01.03, Rules of the Custody Review Board</i></b>					
05-0103-0401	101, 201	04-10	05-1	05-5*	(4-6-05)

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<b><i>05.01.04, Uniform Standards for Juvenile Probation Services</i></b>					
05-0104-0401	New Chapter (000-999)	04-10	05-1	05-5*	(4-6-05)
<b>IDAPA 07 - Division of Building Safety</b>					
<b><i>07.01.03, Rules of Electrical Licensing and Registration</i></b>					
07-0103-0401	012	04-6	04-8	05-5*	(4-6-05)
07-0103-0402	014	04-6	04-8	05-5*	(4-6-05)
<b><i>07.01.04, Rules Governing Electrical Specialty Licensing</i></b>					
07-0104-0401	014	04-8	04-10	05-5*	(4-6-05)
<b><i>07.01.05, Rules Governing Examinations</i></b>					
07-0105-0401	011	04-8	04-10	05-5*	(4-6-05)
<b><i>07.01.06, Rules Governing the Use of National Electrical Code</i></b>					
07-0106-0403	011	04-10	04-12	05-5*	(4-6-05)
<b><i>07.02.03, Rules Governing Permit Fee Schedule</i></b>					
07-0203-0401	011	04-10	04-12	05-5*	(3-24-05)
<b><i>07.02.05, Rules Governing Plumbing Safety Licensing</i></b>					
07-0205-0401	011	04-10	04-12	05-5*	(4-6-05)
07-0205-0402	013, 016	04-10	04-12	05-5*	(4-6-05)
07-0205-0403	011	04-10	04-12	05-5*	(4-6-05)
<b><i>07.02.06, Rules Concerning Uniform Plumbing Code</i></b>					
07-0206-0301	011	03-12	04-5	05-5*	(4-6-05)
<b><i>07.02.07, Rules Governing Civil Penalties</i></b>					
07-0207-0401	New Chapter (000-999)	04-10	04-12	05-5*	(3-24-05)

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<b><i>07.03.04, Rules Governing the Use of the Uniform Mechanical Code Division of Building</i></b>					
07-0304-0401	Chapter Repeal	04-7	04-9	05-5*	(4-6-05)
<b><i>07.03.06, Rules Governing the Use of the International Building Code</i></b>					
07-0306-0401	011	04-11	05-1	05-5*	(3-24-05)
<b><i>07.03.07, Rules Governing the Use of the International Energy Conservation Code</i></b>					
07-0307-0401	Chapter Repeal	04-8	04-10	05-5*	(4-6-05)
<b><i>07.03.08, Rules Governing Commercial Coaches</i></b>					
07-0308-0401	018	04-8	04-10	05-5*	(3-24-05)
<b><i>07.03.09, Rules Governing Manufactured Homes - Consumer Complaints - Dispute Resolution</i></b>					
07-0309-0401	New Chapter (000-999)	04-10	04-12	05-5*	(4-6-05)
<b><i>07.03.10, Rules Governing Use of the International Residential Code</i></b>					
07-0310-0401	Chapter Repeal	04-8	04-10	05-5*	(4-6-05)
<b><i>07.03.11, Rules Governing Manufactured/Mobile Home Licensing</i></b>					
07-0311-0401	000-002, 004, 012-017, 019-020	04-10	04-12	05-5*	(3-24-05)
<b><i>07.04.02, Safety Rules for Elevators, Escalators, and Moving Walks</i></b>					
07-0402-0401	New Chapter (000-999)	04-8	04-10	05-5*	(4-6-05)
<b><i>07.05.01, Rules of the Public Works Contractors Board</i></b>					
07-0501-0401	199-200	04-6	04-8	05-5*	(4-6-05)
<b><i>07.06.01, Rules Governing Uniform School Building Safety</i></b>					
07-0601-0301	002, 004, 010, 05	03-12	04-5	05-5*	(4-6-05)
<b><i>07.07.01, Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems</i></b>					
07-0701-0401	011	04-7	04-9	05-5*	(4-6-05)
07-0701-0403	050	04-10	04-12	05-5*	(4-6-05)

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<b>IDAPA 08 - Department of Education</b>					
<i>08.02.02, Rules Governing Uniformity</i>					
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08-0202-0405	004	04-10	05-1	05-5*	(4-6-05)
08-0202-0407	004, 230	04-10	05-1	05-5*	(4-6-05)
08-0202-0408	140	04-10	05-1	05-5*	(4-6-05)
08-0202-0409	100	04-10	05-1	05-5*	(4-6-05)
<b>IDAPA 08 - State Board of Education</b>					
<i>08.01.08, Miscellaneous Rules</i>					
08-0108-0301	000-006, 100	03-10	04-8	05-5*	(4-6-05)
<i>08.02.02, Rules Governing Uniformity</i>					
08-0202-0402	045	04-5	05-1	05-5*	(4-6-05)
08-0202-0406	003-004, 230	04-10	05-1	05-5	(3-14-05)
<i>08.02.03, Rules Governing Thoroughness</i>					
08-0203-0401	111-112	04-6	04-10	05-5*	(4-6-05)
08-0203-0402	114	04-8	05-1	05-5*	(4-6-05)
08-0203-0403	670-674, 680-683, 689-692, 698-701, 707-710, 716-719, 725-728, 734-737, 743-746, 752-755	04-8	05-1	05-5*	(4-6-05)
08-0203-0404	113	04-10	05-1	05-5*	(4-6-05)
<b>IDAPA 09 - Department of Commerce and Labor</b>					
<i>09.01.30, Rules of the Benefits Bureau</i>					

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09-0130-0402	525	04-10	05-1	05-5*	(4-6-05)
<b><i>09.01.35, Rules of the Employer Accounts Bureau</i></b>					
09-0135-0401	040	04-10	05-1	05-5*	(7-1-05)
09-0135-0402	134	04-10	05-1	05-5*	(7-1-05)
<b><i>09.02.04, Idaho Gem Community Implementation Grant Program</i></b>					
09-0204-0401	000-006, 012-017, 020, 030-033, 035-036, 040, 042-043	04-10	05-1	05-5*	(7-1-05)
<b>IDAPA10 - Board of Professional Engineers and Land Surveyors</b>					
<b><i>10.01.02, Rules of Professional Responsibility</i></b>					
10-0102-0401	005	04-8	04-11	05-5*	(4-6-05)
<b>IDAPA 11 - Idaho State Police</b>					
<b><i>11.11.01, Rules of the Idaho Peace Officer Standards and Training Council</i></b>					
11-1101-0401	041, 053, 071, 075, 077, 092, 098, 131, 171,	04-10	04-12	05-5*	(4-6-05)
177, 360-363					
<b>IDAPA 12 - Department of Finance</b>					
<b><i>12.01.08, Rules Pursuant to the Idaho Securities Act</i></b>					
12-0108-0401	Chapter Repeal	04-9	04-12	05-5*	(4-6-05)
12-0108-0402	Chapter Rewrite (000-999)	04-9	04-12	05-5*	(3-24-05)

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<b>IDAPA 13 - Department of Fish and Game</b>					
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<i>13.01.04, Rules Governing Licensing</i>					
13-0104-0401	600, 602	04-10	04-12	05-5*	(4-6-05)
<i>13.01.06, Rules Governing Classification and Protections of Wildlife</i>					
13-0106-0401	000-005, 100, 150, 200-201, 300	04-10	04-12	05-5*	(4-6-05)
<i>13.01.07, Rules Governing the Taking of Upland Game Animals</i>					
13-0107-0401	101, 200, 400	04-10	04-12	05-5*	(4-6-05)
<i>13.01.08, Rules Governing the Taking of Big Game Animals in the State of Idaho</i>					
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<i>13.01.09, Rules Governing the Taking of Game Birds in the State of Idaho</i>					
13-0109-0401	300, 302, 400, 600-606, 616, 620, 900	04-10	04-12	05-5*	(4-6-05)
<i>13.01.11, Rules Governing Fish</i>					
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<i>13.01.12, Rules Governing Commercial Fishing</i>					
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<i>13.01.13, Rules Governing the Taking of Migratory Birds in the State of Idaho</i>					
13-0113-0401	000-001, 010, 100, 200, 300	04-10	04-12	05-5*	(4-6-05)
<i>13.01.14, Rules Governing Falconry in the State of Idaho</i>					
13-0114-0401	600, 610, 620, 630	04-10	04-12	05-5*	(4-6-05)
<i>13.01.16, The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing</i>					

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<b>13.01.19, Rules for Operating, Discontinuing, and Suspending Vendors</b>					
13-0119-0401	130	04-10	04-12	05-5*	(4-6-05)
<b>IDAPA 14 - Board of Registration of Professional Geologists</b>					
<b>14.01.01, Rules of Procedure of the Board of Registration of Professional Geologists</b>					
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<b>IDAPA 15 - Idaho Commission on Aging</b>					
<b>15.01.01, Rules Governing Senior Services Program</b>					
15-0101-0401	003, 010, 022-023, 025, 027-029, 040-044, 056	04-10	04-12	05-5*	(4-6-05)
15-0102-0401	021-022, 031-032	04-10	04-12	05-5*	(4-6-05)
<b>IDAPA 16 - Department of Health and Welfare</b>					
<b>16.02.01, Health Professional Loan Repayment Program</b>					
16-0201-0401	Chapter Repeal	04-9	04-11	05-5*	(4-6-05)
<b>16.02.03, Rules Governing Emergency Medical Services</b>					
16-0203-0401	000, 004-100, 201, 206, 226-227, 230-340, 500-999	04-1	04-7	05-5*	(4-6-05)
<b>16.02.10, Idaho Reportable Diseases</b>					
16-0210-0401	010, 020-025	04-1	04-7	05-5*	(4-6-05)
16-0210-0402	010, 020	04-7	05-1	05-5*	(4-6-05)

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<b><i>16.02.11, Immunization Requirements for Children Attending Licensed Day Care Facilities</i></b>					
16-0211-0401	000-006, 010, 100-102, 110, 200, 300, 310, 400, 996-999	04-9	05-1	05-5*	(4-6-05)
<b><i>16.02.15, Immunization Requirements for Idaho School Children</i></b>					
16-0215-0401	000-006, 010, 100-102, 105, 110, 150, 200, 996-999	04-9	05-1	05-5*	(4-6-05)
<b><i>16.02.19, Food Safety and Sanitation Standards for Food Establishments (Unicode)</i></b>					
16-0219-0401	Chapter Repeal	04-8	05-1	05-5*	(4-6-05)
16-0219-0402	Chapter Rewrite (000-999)	04-8	05-1	05-5*	(4-6-05)
<b><i>16.02.23, Indoor Smoking</i></b>					
16-0223-0401	000-006, 010, 100, 150, 200, 250, 300, 996-999	04-8	04-11	05-5*	(4-6-05)
<b><i>16.02.26, Rules Governing Idaho Children's Special Health Program</i></b>					
16-0226-0401	149-150	04-10	04-12	05-5*	(4-6-05)
<b><i>16.03.01, Eligibility for Health Care Assistance for Families and Children</i></b>					
16-0301-0401	000-001, 003-016, 100-101, 104-200, 205, 207, 214-217, 300-301, 309-310, 345-349, 370-372, 374, 377-378, 382, 384, 400-416, 500, 502-602, 604, 749-801	04-7	05-1	05-5*	(4-6-05)
<b><i>16.03.04, Rules Governing the Food Stamp Program in Idaho</i></b>					
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<b><i>16.03.09, Rules Governing the Medical Assistance Program</i></b>					
16-0309-0311	449-459, 464-470, 472	03-11	04-7	05-5*	(4-6-05)
16-0309-0401	810-811	04-5	04-11	05-5*	(4-6-05)

<b>HISTORY NOTES - LEGISLATIVE SESSION 2005</b>					
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<b>Chapter and Docket No.</b>	<b>Amended Sections</b>	<b>Bulletin Vol. Proposed Rule</b>	<b>Bulletin Vol. Pending Rule</b>	<b>Bulletin Vol. Final Rule</b>	<b>Final Date</b>
16-0309-0402	817	04-8	04-11	05-5*	(4-6-05)
16-0309-0403	118, 146-147, 476-484, 530, 669-670, 672, 692, 796	04-9	04-12	05-5*	(4-6-05)
16-0309-0404	310, 520-521	04-10	05-1	05-5*	(4-6-05)
16-0309-0405	060, 150	04-10	05-1	05-5*	(4-6-05)
<b><i>16.03.10, Rules Governing Medicaid Provider Reimbursement in Idaho</i></b>					
16-0310-0401	001, 004, 010-013, 030, 040-041	04-10	05-1	05-5*	(7-1-05)
16-0310-0402	006, 020, 110, 115, 208, 251, 302, 304, 311, 407	04-10	05-1	05-5*	(4-6-05)
<b><i>16.03.17, Service Coordination</i></b>					
16-0317-0401	004, 009-010, 400, 500, 550, 700, 725, 751	04-10	05-1	05-5*	(4-6-05)
<b><i>16.03.18, Chip B and Children's Access Card Rules</i></b>					
16-0318-0401	New Chapter (000-999)	04-7	05-1	05-5*	(4-6-05)
16-0318-0402	500, 506-507	04-7	05-1	05-5	(3-24-05)
<b><i>16.04.04, Rules and Minimum Standards for Employment Services</i></b>					
16-0404-0401	Chapter Repeal	04-8	05-1	05-5*	(4-6-05)
<b><i>16.04.11, Rules Governing Developmental Disabilities Agencies (DDA)</i></b>					
16-0411-0401	011	04-9	05-1	05-5*	(4-6-05)
16-0411-0402	010, 800, 802-814, 820	04-9	05-1	05-5*	(4-6-05)
<b><i>16.04.17, Rules Governing Residential Habilitation Agencies</i></b>					
16-0417-0401	011	04-9	05-1	05-5*	(4-6-05)
<b><i>16.05.02, Rules Governing Audits of Providers</i></b>					
16-0502-0301	Chapter Repeal	03-9	05-1	05-5*	(4-6-05)
<b><i>16.06.01, Rules Governing Family and Children's Services</i></b>					

<b>HISTORY NOTES - LEGISLATIVE SESSION 2005</b>					
Note: An "*" by the Final Bulletin Indicates Publication in the Omnibus Notice in that Bulletin					
Chapter and Docket No.	Amended Sections	Bulletin Vol. Proposed Rule	Bulletin Vol. Pending Rule	Bulletin Vol. Final Rule	Final Date
16-0601-0401	483	04-1	04-7	05-5*	(4-6-05)
16-0601-0402	010-013, 425-426, 430	04-7	05-1	05-5*	(4-6-05)
<b><i>16.06.06, Rules Governing Loans to Group Homes for Recovering Alcohol and Drug Abusers</i></b>					
16-0606-0401	Chapter Repeal	04-7	05-1	05-5*	(4-6-05)
<b><i>16.06.14, Rules Governing The Prevention of Minor's Access to Tobacco Products</i></b>					
16-0614-0401	003-007, 010, 020-022, 101	04-8	04-11	05-5*	(4-6-05)
<b><i>16.09.01, Day Care Center Health Standards</i></b>					
16-0901-0401	Chapter Repeal	04-7	04-10	05-5*	(4-6-05)
<b>IDAPA 17 - Industrial Commission</b>					
<b><i>17.06.02, Boiler and Pressure Vessel Safety Rules - Administration</i></b>					
17-0602-0401	013	04-10	05-1	05-5*	(4-6-05)
<b><i>17.07.01, Safety Rules for Elevators, Escalators and Moving Walks</i></b>					
17-0701-0401	Chapter Repeal	04-10	05-1	05-5*	(4-6-05)
<b>IDAPA 18 - Department of Insurance</b>					
<b><i>18.01.50, Adoption of the 2003 International Fire Code</i></b>					
18-0150-0401	001, 004, 026-027, 052, 056	04-9	04-12	05-5*	(4-6-05)
<b>IDAPA 19 - Board of Dentistry</b>					
<b><i>19.01.01, Rules of the Idaho State Board of Dentistry</i></b>					
19-0101-0401	004, 029-031, 035, 050-051	04-6	04-9	05-5*	(4-6-05)

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19-0101-0402	004, 040, 045-046	04-9	05-1	05-5*	(4-6-05)
<b>IDAPA 21 - Division of Veterans Services</b>					
<i>21.01.02, Rules Governing Emergency Relief for Veterans</i>					
21-0102-0401	002, 012	04-8	04-11	05-5*	(4-6-05)
<b>IDAPA 22 - Board of Medicine</b>					
<i>22.01.04, Rules for Registration of Supervising and Directing Physicians</i>					
22-0104-0401	000-001, 010, 020-021, 030	04-8	05-1	05-5*	(4-6-05)
<b>IDAPA 23 Board of Nursing</b>					
<i>23.01.01, Rules of the Idaho Board of Nursing</i>					
23-0101-0401	010, 077, 120, 221, 242, 260-261, 271, 280, 290, 300, 680	04-9	04-11	05-5*	(4-6-05)
<b>IDAPA 24 - Bureau of Occupational Licenses</b>					
<i>24.01.01, Rules of the Idaho Board of Architectural Examiners</i>					
24-0101-0401	005, 250, 450	04-10	05-1	05-5*	(4-6-05)
<i>24.02.01, Rules of the Board of Barber Examiners</i>					
24-0201-0401	005, 150	04-10	05-1	05-5*	(3-24-05)
<i>24.05.01, Rules of the Board of Drinking Water and Wastewater Professionals</i>					
24-0501-0401	New Chapter (000-999)	04-10	05-1	05-5*	(3-24-05)
<i>24.06.01, Rules of the Board of Hearing Aid Dealers and Fitters</i>					
24-0601-0401	005, 150, 200	04-10	05-1	05-5*	(3-24-05)

<b>HISTORY NOTES - LEGISLATIVE SESSION 2005</b>					
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<b><i>24.07.01, Rules of the Board of Landscape Architects</i></b>					
24-0701-0401	005, 400	04-10	05-1	05-5*	(3-24-05)
<b><i>24.09.01, Rules of the Board of Examiners of Nursing Home Administrators</i></b>					
24-0901-0401	005, 010, 050, 300, 400	04-10	05-1	05-5*	(4-6-05)
<b><i>24.12.01, Rules Governing the Board of Psychologist Examiners</i></b>					
24-1201-0401	005, 150, 600	04-10	05-1	05-5*	(3-24-05)
<b><i>24.14.01, Rules Governing the Board of Social Work Examiners</i></b>					
24-1401-0401	005, 201-202, 351	04-10	05-1	---	(3-14-05)
<b><i>24.15.01, Rules of the Idaho Licensing Board of Professional Counselors and Marriage and</i></b>					
24-1501-0401	005, 225, 235, 250, 425	04-10	05-1	05-5*	(4-6-05)
<b><i>24.16.01, Rules of the State Board of Dentistry</i></b>					
24-1601-0401	005, 250	04-10	05-1	05-5*	(3-24-05)
<b><i>24.17.01, Rules of the Idaho Board of Acupuncture</i></b>					
24-1701-0401	005, 305, 575	04-10	05-1	05-5*	(4-6-05)
<b><i>24.18.01, Rules of the Real Estate Appraisers Board</i></b>					
24-1801-0401	004-005, 010, 401	04-10	05-1	05-5*	(4-6-05)
<b><i>24.19.01, Rules of the Board of Examiners of Residential Care Facility Administrators</i></b>					
24-1901-0401	005, 150	04-10	05-1	05-5*	(4-6-05)
<b>IDAPA 27 - Board of Pharmacy</b>					
<b><i>27.01.01, Rules of the Idaho State Board of Pharmacy</i></b>					
27-0101-0401	251	04-8	04-10	05-5*	(4-6-05)
27-0101-0402	261-264	04-10	04-12	05-5*	(4-6-05)

<b>HISTORY NOTES - LEGISLATIVE SESSION 2005</b>					
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27-0101-0403	158	04-10	04-12	05-5*	(4-6-05)
27-0101-0404	142, 184	04-10	04-12	05-5*	(4-6-05)
27-0101-0405	162	04-10	04-12	05-5*	(4-6-05)
<b>IDAPA 31 - Public Utilities Commission</b>					
<i>31.11.01, Safety and Accident Reporting Rules for Utilities Regulated by Idaho Public Utilities</i>					
31-1101-0401	201	04-10	05-1	05-5*	(4-6-05)
<i>31.21.01, Customer Relations Rules for Gas, Electric, and Water Public Utilities Regulated by</i>					
31-2101-0401	108, 110	04-10	05-1	05-5*	(4-6-05)
<i>31.41.01, Customer Relations Rules for Telephone Corporations Providing Local Exchange or</i>					
31-4101-0401	109, 111, 308, 702	04-10	05-1	05-5*	(4-6-05)
<b>IDAPA 34 - Secretary of State</b>					
<i>34.03.01, Rules Implementing the Sunshine Law</i>					
34-0301-0401	000-006, 011	04-10	04-12	05-5*	(4-6-05)
<b>IDAPA 35 - State Tax Commission</b>					
<i>35.01.01, Income Tax Administrative Rules</i>					
35-0101-0401	032, 075, 120-122, 130, 193, 719-720, 746, 750, 770, 871-872, 874, 880, 895	04-10	05-1	05-5*	(4-6-05)
35-0101-0402	325, 330-334, 336, 340-345, 365, 485, 600	04-10	05-1	05-5*	(4-6-05)
<i>35.01.02, Idaho Sales and Use Tax Administrative Rules</i>					

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35-0102-0401	027, 033, 084, 101-102, 105, 110, 117	04-10	05-1	05-5*	(4-6-05)
<b>35.01.03, Property Tax Administrative Rules</b>					
35-0103-0401	006, 225, 304, 317, 404, 609, 613, 803, 961, 988-990, 995	04-10	05-1	05-5*	(4-6-05)
35-0103-0402	635	04-10	05-1	05-5*	(4-6-05)
<b>35.01.05, Idaho Motor Fuels Tax Administrative Rules</b>					
35-0105-0401	000, 002-005, 140, 292, 420-421, 500-501, 510	04-10	05-1	05-5*	(4-6-05)
<b>35.01.06, Idaho Hotel/Motel Room and Campground Sales Tax Administrative Rules</b>					
35-0106-0401	010	04-9	05-1	05-5*	(4-6-05)
<b>35.01.10, Idaho Cigarette and Tobacco Products Tax Administrative Rules</b>					
35-0110-0401	016	04-9	05-1	05-5*	(4-6-05)
<b>35.01.11, Idaho Unclaimed Property Tax Administrative Rules</b>					
35-0111-0401	021	04-9	05-1	05-5*	(4-6-05)
<b>35.02.01, Tax Commission Rules Governing Administration and Enforcement</b>					
35-0201-0401	010, 210, 310, 450, 704	04-10	05-1	05-5*	(4-6-05)
<b>IDAPA 36 - Idaho Board of Tax Appeals</b>					
<b>36.01.01, Idaho Board of Tax Appeals Rules</b>					
36-0101-0401	005-006, 010-012, 020-022, 025, 031-033, 035-037, 040, 046-052, 055, 060-063, 065-066, 070, 072-075, 080-081, 085-086, 090, 100-102, 104-107, 110-111, 115-118, 125, 135, 140, 145, 151, 155, 165	04-10	05-1	05-5	(2-18-05)

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<b>IDAPA 39 - Idaho Transportation Department</b>					
<i>39.03.06, Rule Governing Allowable Vehicle Size</i>					
39-0306-0401	001-006, 010, 100	04-9	04-12	05-5*	(4-6-05)
<i>39.03.11, Rules Governing Overlegal Permittee Responsibility and Travel Restrictions</i>					
39-0311-0401	002-006, 200	04-10	04-12	---	(3-10-05)
<i>39.03.41, Rules Governing Traffic Control Devices</i>					
39-0341-0401	004, 100	04-10	04-12	05-5*	(4-1-05)
<b>IDAPA 40 - Idaho Commission of the Arts</b>					
<i>40.01.01, Rules Governing the Idaho Commission on the Arts</i>					
40-0101-0401	000-007, 100, 200-208, 300-304, 400-405, 500-504, 600, 700, 900	04-10	04-12	05-5*	(4-6-05)
<b>IDAPA 49 - Board of Certified Shorthand Reporters</b>					
<i>49.01.01, Rules of Procedure of the Idaho Certified Shorthand Reporters Board</i>					
49-0101-0401	002-008, 010, 100-102, 300, 500	04-10	04-12	05-5*	(4-6-05)
<b>IDAPA 51 - Idaho Beef Council</b>					
<i>51.01.01, Rules of the Idaho Beef Council</i>					
51-0101-0401	007, 200, 400	04-10	04-12	05-5*	(4-6-05)
<b>IDAPA 57 - Sexual Offender Classification Board</b>					

<b>HISTORY NOTES - LEGISLATIVE SESSION 2005</b>					
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<b>Chapter and Docket No.</b>	<b>Amended Sections</b>	<b>Bulletin Vol. Proposed Rule</b>	<b>Bulletin Vol. Pending Rule</b>	<b>Bulletin Vol. Final Rule</b>	<b>Final Date</b>
<b><i>57.01.01, Rules Governing the Sexual Offender Classification Board</i></b>					
57-0101-0401	New Chapter (000-999)	04-10	05-1	05-5*	(3-24-05)
<b>IDAPA 58 - Department of Environmental Quality</b>					
<b><i>58.01.01, Rules for the Control of Air Pollution in Idaho</i></b>					
58-0101-0302	322	04-1	04-3	05-5*	(4-6-05)
58-0101-0304	006, 200, 202, 204, 205-206, 209, 225, 401	04-5	04-12	05-5*	(4-6-05)
58-0101-0401	220, 222	04-9	05-1	05-5*	(4-6-05)
58-0101-0402	008, 107, 200, 204-205	04-8	05-1	05-5*	(4-6-05)
<b><i>58.01.02, Water Quality Standards and Wastewater Treatment Requirements</i></b>					
58-0102-0302	210	04-8	05-1	05-5*	(4-6-05)
58-0102-0303	210	03-12	04-3	05-5*	(4-6-05)
58-0102-0401	286	04-1	04-4	05-5*	(4-6-05)
58-0102-0402	003, 403-412	04-7	05-1	05-5*	(4-6-05)
<b><i>58.01.05, Rules and Standards for Hazardous Waste</i></b>					
58-0105-0401	013, 996	04-7	04-12	05-5*	(4-6-05)
58-0105-0402	002, 004-013, 015-016	04-8	04-12	05-5*	(4-6-05)
<b><i>58.01.08, Idaho Rules for Public Drinking Water Systems</i></b>					
58-0108-0401	002-003, 300, 550-552, 560, 900	04-9	05-1	05-5*	(4-6-05)
58-0108-0402	003, 005, 550, 553-559, 561-562	04-7	05-1	05-5*	(4-6-05)
58-0108-0403	005, 050, 100, 250	04-7	04-12	05-5*	(4-6-05)
<b><i>58.01.17, Wastewater-Land Application Permit Rules</i></b>					
58-0117-0301	001-003, 100, 200, 300, 401, 600-602	04-6	04-12	05-5*	(4-6-05)

<b>HISTORY NOTES - LEGISLATIVE SESSION 2005</b>					
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<b><i>58.01.23, Rules of Administrative Procedure Before the Board of Environmental Quality</i></b>					
58-0123-0401	001, 010	04-7	04-12	05-5*	(4-6-05)

DATED this 7th day of April, 2005.

Dennis R. Stevenson  
Administrative Rules Coordinator  
Office of the Administrative Rules Coordinator  
Department of Administration  
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## HOUSE CONCURRENT RESOLUTION NO. 11

LEGISLATURE OF THE STATE OF IDAHO  
Fifty-eighth Legislature First Regular Session - 2005

IN THE HOUSE OF REPRESENTATIVES

HOUSE CONCURRENT RESOLUTION NO. 11

BY TRANSPORTATION AND DEFENSE COMMITTEE

### A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE AND REJECTING A PENDING RULE OF THE IDAHO TRANSPORTATION DEPARTMENT GOVERNING OVERLEGAL PERMITTEE RESPONSIBILITY AND TRAVEL RESTRICTIONS

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a pending rule of the Idaho Transportation Department governing overlegal permittee responsibility and travel restrictions is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 39.03.11, relating to overlegal permit- tee responsibility and travel restrictions, Section 200, subsection 06 only, pertaining to heavy commuter traffic restrictions, adopted as a pending rule under Docket Number 39-0311-0401, be, and the same is hereby rejected and declared null, void and of no force and effect.

#### Statement of Purpose / Fiscal Impact

##### STATEMENT OF PURPOSE RS 14832

This concurrent resolution would reject a pending rule of the Idaho Transportation Department governing overlegal permittee responsibility and travel restrictions. The effect of this resolution, if adopted by both houses, would be to prevent the agency rule from going into effect.

##### FISCAL NOTE

This concurrent resolution has no fiscal impact.

Signed: March 10, 2005.

Contact:  
Rep. Ken Roberts  
332-1146

## HOUSE CONCURRENT RESOLUTION NO. 13

LEGISLATURE OF THE STATE OF IDAHO  
Fifty-eighth Legislature First Regular Session - 2005

IN THE HOUSE OF REPRESENTATIVES

HOUSE CONCURRENT RESOLUTION NO. 13

BY BUSINESS COMMITTEE

### A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE AND REJECTING PENDING RULES OF THE DEPARTMENT OF INSURANCE RELATING TO REBATES AND ILLEGAL INDUCEMENTS TO OBTAINING TITLE INSURANCE BUSINESS

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain pending rules of the Department of Insurance relating to rebates and illegal inducements to obtaining title insurance business are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 18.01.56, pending rules of the Department of Insurance relating to rebates and illegal inducements to obtaining title insurance business, adopted as pending rules under Docket Number 18-0156-0401, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

#### Statement of Purpose / Fiscal Impact

##### STATEMENT OF PURPOSE RS 14933

This concurrent resolution would reject certain pending rules of the pending rules of the Department of Insurance relating to rebates and illegal inducements to obtaining title insurance business. The effect of this resolution, if adopted by both houses, would be to prevent the agency rules from going into effect.

##### FISCAL NOTE

This concurrent resolution has no fiscal impact.

Signed: March 8, 2005.

Contact:  
Rep. Gary Collins  
332-1139

## HOUSE CONCURRENT RESOLUTION NO. 14

LEGISLATURE OF THE STATE OF IDAHO  
Fifty-eighth Legislature First Regular Session - 2005

IN THE HOUSE OF REPRESENTATIVES

HOUSE CONCURRENT RESOLUTION NO. 14

BY BUSINESS COMMITTEE

### A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE AND REJECTING PENDING RULES OF THE DIVISION OF BUILDING SAFETY GOVERNING INSTALLATION OF HEATING, VENTILATION, AND AIR CONDITIONING SYSTEMS

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain pending rules of the Division of Building Safety governing installation of heating, ventilation, and air conditioning systems are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 07.07.01, pending rules of the Division of Building Safety governing installation of heating, ventilation, and air conditioning systems, adopted as pending rules under Docket Number 07-0701-0402, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

#### Statement of Purpose / Fiscal Impact

#### STATEMENT OF PURPOSE RS 14934

This concurrent resolution would reject certain pending rules of the pending rules of the Division of Building Safety governing installation of heating, ventilation, and air conditioning systems. The effect of this resolution, if adopted by both houses, would be to prevent the agency rules from going into effect.

#### FISCAL NOTE

This concurrent resolution has no fiscal impact.

Signed: March 8, 2005.

Contact:  
Rep. Gary Collins  
332-1139

## SENATE CONCURRENT RESOLUTION NO. 105

LEGISLATURE OF THE STATE OF IDAHO  
Fifty-eighth Legislature First Regular Session - 2005

IN THE SENATE

SENATE CONCURRENT RESOLUTION NO. 105

BY LOCAL GOVERNMENT AND TAXATION COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE  
AND REJECTING CERTAIN PROCEDURAL RULES OF THE BOARD OF TAX APPEALS  
RELATING TO REPRESENTATION AND PRACTICE BEFORE THE BOARD,  
NOTICE OF APPEAL AND AGENCY DISCOVERY RULES

---

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Board of Tax Appeals relating to representation and practice before the board, notice of appeal and agency discovery rules are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 36.01.01, Section 030, relating to the Representation and Practice Before the Board (Rule 30), Section 045, relating to Notice of Appeal -- Contents (Rule 45), and Section 082, relating to Agency -- Contrasted with Other Discovery (Rule 82), procedural rules of the Board of Tax Appeals, adopted as pending rules under Docket Number 36-0101-0401, be, and the same are hereby rejected and declared null, void and of no force and effect.

### Statement of Purpose / Fiscal Impact

#### STATEMENT OF PURPOSE RS 14784

This concurrent resolution would reject certain pending rules of the board of tax appeals relating to representation and practice before the board, notice of appeal and agency discovery rules. The effect of this resolution, if adopted by both houses, would be to prevent the agency rules from going into effect.

#### FISCAL NOTE

This concurrent resolution has no fiscal impact.

Signed: February 18, 2005.

Contact:

Sen. Tim Corder  
332-1317

## SENATE CONCURRENT RESOLUTION NO. 106

LEGISLATURE OF THE STATE OF IDAHO  
Fifty-eighth Legislature First Regular Session - 2005

IN THE SENATE

SENATE CONCURRENT RESOLUTION NO. 106

BY AGRICULTURAL AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE  
AND REJECTING A PENDING RULE OF THE IDAHO DEPARTMENT  
OF AGRICULTURE PERTAINING TO THE IDAHO COMMERCIAL FEED LAW

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a pending rule of the Idaho Department of Agriculture pertaining to the Idaho Commercial Feed Law is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the pending rule relating to IDAPA 02.06.02, Section 004, regarding incorporation by reference, adopted as a pending rule under Docket Number 02-0602-0402, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

### Statement of Purpose / Fiscal Impact

#### STATEMENT OF PURPOSE RS 14814

This concurrent resolution would reject a pending rule of the Department of Agriculture pertaining to the Idaho commercial feed law. The effect of this resolution, if adopted by both houses, would be to prevent the agency rule from going into effect.

#### FISCAL NOTE

This concurrent resolution has no fiscal impact.

Signed: February 25, 2005.

Contact:  
Sen. Tom Gannon  
332-1345

## SENATE CONCURRENT RESOLUTION NO. 107

LEGISLATURE OF THE STATE OF IDAHO  
Fifty-eighth Legislature First Regular Session - 2005

IN THE SENATE

SENATE CONCURRENT RESOLUTION NO. 107

BY HEALTH AND WELFARE COMMITTEE

### A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE BUREAU OF OCCUPATIONAL LICENSES GOVERNING THE BOARD OF SOCIAL WORK EXAMINERS

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Bureau of Occupational Licenses governing the Board of Social Work Examiners are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 24.14.01, Rules Governing the Board of Social Work Examiners, Section 202, relating to social work supervisor registration, Subsections 01.b, 01.c and 02.c only, Rules of the Bureau of Occupational Licenses adopted as pending rules under Docket Number 24-1401-0401, be, and the same are hereby rejected and declared null, void and of no force and effect.

#### Statement of Purpose / Fiscal Impact

##### STATEMENT OF PURPOSE RS 14945

This concurrent resolution would reject certain rules of the Bureau of Occupational Licenses governing the Board of Social Work Examiners that are not consistent with legislative intent. The effect of this resolution, if adopted by both houses, would be to prevent the agency rules from going into effect.

##### FISCAL NOTE

This concurrent resolution has no fiscal impact.

Signed: March 14, 2005.

Contact:

Sen. Richard L. "Dick" Compton  
332-1332

## SENATE CONCURRENT RESOLUTION NO. 112

LEGISLATURE OF THE STATE OF IDAHO  
Fifty-eighth Legislature First Regular Session - 2005

IN THE SENATE

SENATE CONCURRENT RESOLUTION NO. 112

BY JUDICIARY AND RULES COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE  
AND REJECTING CERTAIN STANDARDS FOR COMMERCIAL DRIVING SCHOOLS  
INCORPORATED BY REFERENCE INTO THE RULES OF THE STATE  
BOARD OF EDUCATION GOVERNING UNIFORMITY.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain standards for commercial driving schools incorporated by reference into the rules of the State Board of Education governing uniformity are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that Section 1.0, Subsection 1.8 pertaining to course content outline and sequence, Section 9.0, Subsection 9.3.a, pertaining to the number of days for conducting the training program, and Subsections 9.4.f and 9.4.g, both pertaining to maximum hours of classroom instruction, incorporated by reference into the rules of the State Board of Education governing uniformity, IDAPA 08.02.02, in Section 004, Subsection 07 and Section 230, Subsection 01, adopted as pending rules under Docket Number 08-0202-0406, be, and the same are hereby rejected and declared null, void and of no force and effect.

### Statement of Purpose / Fiscal Impact

#### STATEMENT OF PURPOSE RS 14943

This concurrent resolution would reject certain standards for commercial driving schools incorporated by reference into the rules governing uniformity of the State Board of Education. The effect of this resolution, if adopted by both houses, would be to prevent the agency rules from going into effect.

#### FISCAL NOTE

This concurrent resolution has no fiscal impact.

Signed: March 14, 2005.

Contact: Sen. John Andreason  
332-1333

## SENATE CONCURRENT RESOLUTION NO. 116

LEGISLATURE OF THE STATE OF IDAHO  
Fifty-eighth Legislature First Regular Session - 2005

IN THE SENATE

SENATE CONCURRENT RESOLUTION NO. 116

BY STATE AFFAIRS COMMITTEE

### A CONCURRENT RESOLUTION STATING LEGISLATIVE FINDINGS AND APPROVING AND EXTENDING TEMPORARY RULES REVIEWED BY THE LEGISLATURE, WITH EXCEPTIONS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature by statute must approve temporary rules by adoption of a concurrent resolution approving the rule if the temporary rule is to remain in effect beyond the end of the current legislative session; and

WHEREAS, the expiration of temporary rules would occasion additional expense to state agencies in readopting and republishing temporary rules needed to conduct state business; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that all temporary rules adopted by state agencies pursuant to the Administrative Procedure Act and submitted to the Legislature at the Legislature's request through the Office of Rules Coordinator for review during the 2005 legislative session, and all temporary rules previously approved and extended by concurrent resolution adopted in a prior regular session of the Idaho Legislature, be, and the same are approved, with the exception of the following enumerated temporary rules:

IDAPA 07.07.01, rules of the Division of Building Safety relating to rules governing installation of heating, ventilation, and air conditioning systems, Section 005 pertaining to adoption and incorporation by reference of the International Fuel Gas Code, 2003 Edition, Subsections 01.d and 01.i only, and Section 006 pertaining to adoption and incorporation by reference of Parts V (mechanical) and Parts VI (fuel gas) of the International Residential Code for One and Two- Family Dwellings, 2003 Edition, Subsections 01.e and 01.i only, rules of the Division of Building Safety, adopted as temporary rules under Docket Number 07-0701-0501.

IDAPA 16.03.09, rules of the Department of Health and Welfare governing the medical assistance program, adopted as temporary rules under Docket Number 16-0309-0501, the entire rulemaking docket.

IDAPA 25.01.01, rules of the Outfitters and Guides Licensing Board relating to skiing, non-hazardous and hazardous terrain outfitter, designated agent, ski guide and ski guide trainee, adopted as temporary rules under Docket Number 25-0101-0401, the entire rulemaking docket.

BE IT FURTHER RESOLVED that a temporary rule or partial temporary rule approved by this concurrent resolution shall remain in effect until it expires by its own terms or by operation of law or until it is replaced by a final rule, but in no event shall a temporary rule remain in effect beyond the conclusion of the Second Regular Session of the Fifty-eighth Idaho Legislature unless it is further extended by adoption of a concurrent resolution by both houses of the Legislature. Temporary rules or sections of temporary rules which are excepted from approval hereunder or which were not submitted to the Legislature for review during the 2005 legislative session shall expire by operation of statute upon adjournment of the First Regular Session of the Fifty-eighth Idaho Legislature, unless approved by adoption of a separate concurrent resolution by both houses of the Legislature.

#### **Statement of Purpose / Fiscal Impact**

STATEMENT OF PURPOSE  
RS 15104

Temporary rules adopted by state agencies under the Administrative Procedure Act, by statute expire at the end of the current legislative session. This concurrent resolution would approve and extend agency temporary rules beyond the current session, with exceptions.

FISCAL NOTE

Adoption of this concurrent resolution, in and of itself, would have no fiscal impact upon any state or local government funds or accounts, beyond the scope or impact of the individual rules themselves. By adopting this concurrent resolution, the Legislature avoids having necessary agency rules expire, which would occasion additional expense to state agencies for re- adopting and republishing temporary rules needed to conduct state business.

Signed: March 24, 2005.

Contact:

Carl Bianchi  
Director of Legislative Services  
334 - 2475

## SENATE CONCURRENT RESOLUTION NO. 117

LEGISLATURE OF THE STATE OF IDAHO  
Fifty-eighth Legislature First Regular Session - 2005

IN THE SENATE

SENATE CONCURRENT RESOLUTION NO. 117

BY STATE AFFAIRS COMMITTEE

### A CONCURRENT RESOLUTION STATING LEGISLATIVE FINDINGS AND APPROVING ADMINISTRATIVE RULES THAT IMPOSE A FEE OR CHARGE, WITH EXCEPTIONS, AND REJECTING CERTAIN AGENCY RULES THAT ARE NOT APPROVED

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain sections of Rules of the Division of Building Safety Governing Mobile Home Rehabilitation, certain Rules of the Department of Health and Welfare relating to CHIP B and Children's Access Card Rules pertaining to Delinquent Premium Payments, and certain Rules of the Outfitters and Guides Licensing Board are not consistent with legislative intent; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that all pending administrative rules or portions of pending administrative rules adopted by state agencies pursuant to the Administrative Procedure Act during the prior calendar year, and submitted through the Office of Rules Coordinator to the Legislature for review during the 2005 legislative session, which impose a fee or charge, be, and the same are approved, with the exception of the following enumerated pending fee rules:

IDAPA 07.03.13, Rules of the Division of Building Safety Governing Mobile Home Rehabilitation, adopted as pending fee rules under Docket Number 07-0313-0401, the entire rulemaking docket.

IDAPA 16.03.18, Rules of the Department of Health and Welfare relating to CHIP B and Children's Access Card Rules, Section 507, Subsection 04 only, pertaining to Delinquent Premiums at Renewal Date, adopted as pending fee rules under Docket Number 16-0318-0402.

IDAPA 25.01.01, Rules of the Outfitters and Guides Licensing Board, adopted as pending fee rules under Docket Number 25-0101-0402, the entire rulemaking docket.

BE IT FURTHER RESOLVED that IDAPA 07.03.13, Rules of the Division of Building Safety Governing Mobile Home Rehabilitation, adopted as a pending fee rule under Docket Number 07-0313-0401, the entire rulemaking docket, IDAPA 16.03.18, Rules of the Department of Health and Welfare relating to CHIP B and Children's Access Card Rules, Section 507, Subsection 04 only, pertaining to Delinquent Premiums at Renewal Date, adopted as pending fee rules under Docket Number 16-0318-0402, and IDAPA 25.01.01, Rules of the Outfitters and Guides Licensing Board, adopted as pending fee rules under Docket Number 25-0101-0402, the entire rulemaking docket be, and the same are hereby rejected and not approved, and thereby pursuant to Section 67-5291 and Section 67-5224, Idaho Code, are declared null, void and of no force and effect.

BE IT FURTHER RESOLVED that rule provisions imposing fees or charges that were not submitted through the Office of Rules Coordinator for legislative review or that otherwise are not included and approved in this concurrent resolution shall be null, void and of no force and effect unless approved by adoption of a separate

concurrent resolution by both houses of the Legislature as provided in Section 67-5224, Idaho Code.

**Statement of Purpose / Fiscal Impact**

STATEMENT OF PURPOSE  
RS 15105

By statute, agency rules adopted under the administrative Procedure Act that impose a fee or charge do not go into effect unless approved by concurrent resolution by both houses of the legislature. This concurrent resolution would approve agency fee or charge rules that have been adopted during the last calendar year, and which were submitted through the Office of the Rules Coordinator to the legislature for review during the current legislative session, with exceptions for those fee rules that were not approved by one committee that reviewed them.

FISCAL NOTE

Adoption of this concurrent resolution, in and of itself, would have no fiscal impact upon any state or local government funds, beyond the scope or impact of the individual rules themselves.

Signed: March 24, 2005.

Contact:

Carl Bianchi  
Director of Legislative Services  
334 - 2475

## IDAPA 02 - DEPARTMENT OF AGRICULTURE

### 02.06.02 - RULES PERTAINING TO THE IDAHO COMMERCIAL FEED LAW

DOCKET NO. 02-0602-0402

#### NOTICE OF RULEMAKING - FINAL RULE

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution on this rulemaking under Docket No. 02-0602-0402. This agency action for this final rulemaking is authorized pursuant to Section 25-2724, Idaho Code.

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

Pursuant to Senate Concurrent Resolution No. 106 (SCR 106), Docket No. 02-0602-0402 is not consistent with legislative intent and has been rejected in its entirety and is declared null, void and of no force and effect. The text of the rule remains as codified prior to this rulemaking.

The original text of the proposed rule was published in the October 6, 2004 Idaho Administrative Bulletin, Volume 04-10, pages 63 and 64. The pending rule was published in the December 1, 2004, Idaho Administrative Bulletin, Volume 04-12, page 26.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Susan Renfro at (208)334-3354.

DATED this 30th day of March, 2005.

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

**IDAPA 02 - DEPARTMENT OF AGRICULTURE**

**02.06.02 - RULES PERTAINING TO THE IDAHO COMMERCIAL FEED LAW**

**DOCKET NO. 02-0602-0501**

**NOTICE OF RULEMAKING - TEMPORARY RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is March 1, 2005.

**AUTHORITY:** In compliance with Section 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule. The action is authorized pursuant to Section 25-2724, Idaho Code.

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

This change will adopt the 2005 edition of "The Official Publication of the Association of American Feed Control Officials". This rulemaking is necessitated by the adoption of Senate Concurrent Resolution 106 of the 2005 legislative session which rejected Docket No. 02-0602-0402 in its entirety.

**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:

This publication is a standard reference manual published in January or February of each year and used by the Department and other state and federal regulatory officials for the review and registration of animal feed products. It provides consistency between the states in the registration of animal feed products. It also ensures that the Department uses the most up-to-date information regarding animal feed ingredients, including antibiotics, and maintains compliance with U.S. Food and Drug Administration regulations.

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the temporary rule, contact Michael E. Cooper, Bureau Chief or Ann Brueck, Program Specialist at (208) 332-8620.

DATED this 30th day of March, 2005.

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

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0602-0501**

**004. INCORPORATION BY REFERENCE.**

Copies of these documents may be obtained from the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701. IDAPA 02.06.02 incorporates by reference: (4-6-05)

**01. The Association of American Feed Control Officials (AAFCO) Official Publication.** The Terms, Ingredient Definitions and Policies as published in the “2004~~5~~ Official Publication” of AAFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under Title 25, Chapter 27, Idaho Code, and any rule promulgated thereunder.

~~(4-6-05)~~(3-1-05)T

**02. The Merck Index.** The “2001 Merck Index,” 13th Edition, as published by Merck Research Laboratories Division of Merck & Co., Incorporated.

(4-6-05)

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

### **07.07.01 - RULES GOVERNING INSTALLATION OF HEATING, VENTILATION, AND AIR CONDITIONING SYSTEMS**

**DOCKET NO. 07-0701-0402**

#### **NOTICE OF RULEMAKING - FINAL RULE**

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution on this rulemaking under Docket No. 07-0701-0402. This agency action for this final rulemaking is authorized pursuant to Section 54-5004(1), Idaho Code.

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

Pursuant to House Concurrent Resolution No. 14 (HCR 014), Docket No. 07-0701-0402 is not consistent with legislative intent and has been rejected and is declared null, void and of no force and effect. The text of the rule remains as codified prior to this rulemaking.

The original text of the proposed rule was published in the October 6, 2004, Idaho Administrative Bulletin, Volume 04-10, pages 166 through 170. The pending rule was published in the December 1, 2004, Idaho Administrative Bulletin, Volume 04-12, page 43.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this final rule, contact Dave Munroe, Administrator, 332-7100.

DATED this 14th day of March, 2005.

Dave Munroe, Administrator  
Division of Building Safety  
1090 E. Watertower St.  
Meridian, Idaho 83642  
Phone: 208-332-7100  
Fax: 208-855-2164

# **IDAPA 08 - STATE BOARD OF EDUCATION**

## **08.02.02 - RULES GOVERNING UNIFORMITY**

### **DOCKET NO. 08-0202-0406**

#### **NOTICE OF RULEMAKING - FINAL RULE**

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution on this rulemaking under Docket No. 08-0202-0406. This agency action for this final rulemaking is authorized pursuant to Section 33-1701(2), Idaho Code.

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

Docket No. 08-0202-0406 was submitted and reviewed by the 2005 Legislature for final approval. Pursuant to Senate Concurrent Resolution No. 112 (SCR 112), the rulemaking was not consistent with legislative intent and the final rule is being amended accordingly. The following changes are being made to the final rule:

Under Docket No. 08-0202-0406, the manual "Idaho Standards for Commercial Driving Schools," as approved and adopted by the State Board of Education on August 12, 2004, was incorporated by reference into the rule. SCR 112 rejected the following sections of the manual "Idaho Standards for Commercial Driving Schools": Section 1.0, Subsection 1.8 pertaining to course content outline and sequence, Section 9.0, Subsection 9.3.a, pertaining to the number of days for conducting the training program, and Subsections 9.4.f and 9.4.g, both pertaining to maximum hours of classroom instruction. The document was incorporated by reference in Section 004.07 and Section 230.01 of the rule. These Sections of the rule are not affected by SCR 112.

In order to be in compliance with the SCR 112, a new manual will be adopted. That manual will remove the above referenced sections that the legislature rejected.

The original text of the proposed rule was published in the October 6, 2004 Idaho Administrative Bulletin, Vol. 04-10, pages 175 through 180. The pending rule was published in the January 5, 2005 Idaho Administrative Bulletin, Vol. 05-1, pages 53 and 54.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this final rule, contact Karen Echeverria at (208) 332-1567.

DATED this 1st day of April, 2005.

Karen L. Echeverria  
Policy and Governmental Affairs Officer  
State Board of Education  
650 West State Street, 3rd Floor  
PO Box 83720  
Boise, ID 83720-0037  
(208) 332-1567 phone  
(208) 334-2632 fax

# IDAPA 08 - STATE BOARD OF EDUCATION

## 08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-0501

### NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

**EFFECTIVE DATE:** The effective date of the temporary rule is March 10, 2005.

**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 33-1701(2), 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 May 18, 2004.

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

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Under Docket No. 08-0202-0406, the manual "Idaho Standards for Commercial Driving Schools," as approved and adopted by the State Board of Education on August 12, 2004, was incorporated by reference into the rule. SCR 112 rejected the following sections of the manual "Idaho Standards for Commercial Driving Schools": Section 1.0, Subsection 1.8 pertaining to course content outline and sequence, Section 9.0, Subsection 9.3.a, pertaining to the number of days for conducting the training program, and Subsections 9.4.f and 9.4.g, both pertaining to maximum hours of classroom instruction. The document was incorporated by reference in Section 004.07 and Section 230.01 of the rule. These Sections are not affected by SCR 112.

In order to be in compliance with the legislatures directive, a new manual has been adopted. The new manual removes the sections that the legislature rejected.

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

To be in compliance with deadlines with amendments to governing law or federal programs.

**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: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because this amendment is being done in order to be in compliance with a Concurrent Resolution adopted by the Legislature during the 2005 legislative session.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Karen Echeverria at (208) 332-1567.

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 May 25, 2005.

DATED this 1st day of April, 2005.

Karen L. Echeverria  
Policy and Governmental Affairs Officer  
State Board of Education  
650 West State Street, 3<sup>rd</sup> Floor  
PO Box 83720, Boise, ID 83720-0037  
(208) 332-1567 phone / (208) 334-2632 fax

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-0501**

**004. INCORPORATION BY REFERENCE.**

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

**01. Incorporated Document.** The Idaho Standards for the Initial Certification of Professional School Personnel as approved on in June 2004. (4-6-05)

**02. Document Availability.** The Standards are available at the Office of the State Board of Education, 650 W. State St., PO Box 83720, Boise, Idaho, 83720-0037, and can also be accessed electronically at <http://www.idahoboardofed.org>. (3-16-04)

**03. Incorporated Document.** The Standards for Idaho School Buses and Operations as approved on August 13, 2004. (4-6-05)

**04. Document Availability.** The Standards for Idaho School Buses and Operations are available at the Idaho State Department of Education, 650 W. State St., Boise, Idaho, 83702. (7-1-02)

**05. Incorporated Document.** The Idaho Standards for Public School Driver Education and Training as approved on August 13, 2004. (4-6-05)

**06. Document Availability.** The Idaho Standards for Public School Driver Education and Training are available at the Idaho State Department of Education, 650 W. State St., Boise, Idaho, 83702. (5-3-03)

**07. Incorporated Document.** The Idaho Standards for Commercial Driving Schools as approved on ~~August 12, 2004~~ March 10, 2005. (~~3-14-05~~)(3-10-05)T

**08. Document Availability.** The Idaho Standards for Commercial Driving Schools is available at the Idaho State Department of Education, 650 W. State St., Boise, Idaho, 83702. (3-14-05)

**(BREAK IN CONTINUITY OF SECTIONS)**

**230. DRIVER EDUCATION.**

**01. Commercial Schools.** All driver education courses offered in Idaho commercial schools must be conducted in compliance with all the requirements in the Idaho Standards for Commercial Driving Schools as approved on ~~August 12, 2004~~ March 10, 2005. (~~3-14-05~~)(3-10-05)T

**02. Public Schools.** All driver education courses offered in Idaho public schools must be conducted in compliance with all the requirements in the Idaho Standards for Public School Driver Education and Training as approved on August 13, 2004. (4-6-05)

# IDAPA 08 - STATE BOARD OF EDUCATION

## 08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-0502

### NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

**EFFECTIVE DATE:** The effective date of the temporary rule is March 10, 2005.

**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 33-105, 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 May 18, 2004.

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

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule is being amended to clarify the Board's intent to allow currently certified teachers to add additional certificates and endorsements through the computer based alternative route. Previously, this provision was limited to individuals seeking initial certification. The Board had intended, from the inception of the rule, to allow teachers who were already certified to use this provision. The proposed rule change more clearly defines Board intent.

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

To confer a benefit upon those teachers who want to receive additional certification through and alternate route. It would also confer a benefit on those districts who wish to hire teachers with additional certifications.

**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: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because this amendment is non-controversial in nature and is a benefit to teachers and school districts who will be affected by it.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Marilyn Davis at (208) 332-1563.

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 May 25, 2005.

DATED this 1st day of April, 2005.

Karen L. Echeverria  
Policy and Governmental Affairs Officer  
State Board of Education  
650 West State Street, 3rd Floor  
PO Box 83720, Boise, ID 83720-0037  
(208) 332-1567 phone / (208) 334-2632 fax

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-0502

**045. COMPUTER-BASED ALTERNATIVE ROUTE TO TEACHER CERTIFICATION.**

An individual may acquire interim certification as found in Section 015 of these rules through a computer based alternative route certification program. (4-6-05)

**01. Approval of the Program.** The State Board of Education must approve any computer-based alternative route to teacher certification. The program must include, at a minimum, the following components: (4-6-05)

- a. Preassessment of teaching and content knowledge; (4-6-05)
- b. An academic advisor with knowledge of the prescribed instruction area; and (4-6-05)
- c. Exams of pedagogy and content knowledge. (4-6-05)

**02. Eligibility.** Individuals who possess a bachelor's degree or higher from an institution of higher education may utilize this alternative route to an interim Idaho Teacher Certification. (4-6-05)

**03. Requirements for Completion.** To complete this alternative route, the individual must: (4-6-05)

- a. Complete a Board approved program; (4-6-05)
- b. Pass the Board approved pedagogy and content knowledge exams; and (4-6-05)
- c. Complete the Idaho Department of Education Criminal History Check. (4-6-05)

**04. Interim Certificate.** Upon completion of the computer based certification process described herein, the individual will be awarded an interim certificate from the State Department of Education's Bureau of Certification and Professional Standards. The term of the interim certification shall be three (3) years. During the term of the interim certificate, teaching by the individual must be done in conjunction with a two (2) year a teacher mentoring program approved by the Board. The individual must start the mentoring program during the term of the interim certificate and it may be completed after standard certification is granted. All laws and rules governing the fully certificated teachers with respect to conduct, discipline and professional standards shall apply to individuals teaching under an interim certificate. (4-6-05)

**05. Interim Certificate Not Renewable.** Interim certification hereunder is only available on a one (1) time basis per individual. It will be the responsibility of the individual to obtain full Idaho Teacher Certification during the three (3) year interim certification term. (4-6-05)

**06. Types of Certificates and Endorsements.** The computer based alternative route may be used for initial certification, subsequent certificates, and additional endorsements. (3-10-05)T

**IDAPA 08 - STATE BOARD OF EDUCATION**  
**08.02.04 - RULES GOVERNING CHARTER SCHOOLS**  
**DOCKET NO. 08-0204-0401**  
**NOTICE OF RULEMAKING**  
**RESCISSION OF TEMPORARY RULE AND VACATION OF PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221 and 67-5226, Idaho Code, notice is hereby given that this agency has vacated the proposed rulemaking previously initiated under this docket and is rescinding the temporary rule previously adopted under this docket. The action is authorized pursuant to Section(s) 33-105, 33-5203, and 33-5213, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a summary of the reasons for the rescission and vacation of this rulemaking:

The temporary rule and proposed rule, adopted under Docket No. 08-0204-0402 by the State Board of Education, was published in the October 6, 2004 Administrative Bulletin, Volume 04-10, pages 193 through 210. This notice of rulemaking hereby rescinds the temporary rules, effective April 1, 2004, and vacates the proposed rulemaking.

The temporary and proposed rulemaking was done in order to repeal an outdated set of rules for public charter schools.

Therefore, this notice of rulemaking rescinds the temporary rule, effective April 1, 2004, and vacates the proposed rulemaking to repeal an outdated set of rules for public charter schools to be effective on April 1, 2004. The temporary rule is hereby null, void and of no force and effect.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this vacation of proposed rulemaking and rescission of temporary rule, contact Karen Echeverria at (208) 332-1567.

DATED this 10th day of March, 2005.

Karen L. Echeverria  
Policy and Governmental Affairs Officer  
Office of the State Board of Education  
650 West State Street, Rm. 307  
Boise, Idaho 83720  
(208)332-1567  
fax: (208) 334-2632

**IDAPA 08 - STATE BOARD OF EDUCATION**  
**08.02.04 - RULES GOVERNING PUBLIC CHARTER SCHOOLS**  
**DOCKET NO. 08-0204-0402**  
**NOTICE OF RULEMAKING**  
**RESCISSION OF TEMPORARY RULE AND VACATION OF PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221, Idaho Code, notice is hereby given that this agency has vacated the proposed rulemaking previously initiated under this docket and is rescinding the temporary rule previously adopted under this docket. The action is authorized pursuant to Section(s) 33-105, 33-5203, and 33-5213, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a summary of the reasons for the rescission and vacation of this rulemaking:

The temporary and proposed rule, adopted under Docket No. 08-0204-0402 by the State Board of Education, was published in the October 6, 2004 Administrative Bulletin, Volume 04-10, page(s) 193 through 210. This notice of rulemaking hereby rescinds the temporary rules, effective April 1, 2004, and vacates the proposed rulemaking.

The temporary and proposed rulemaking was done in order to implement a new set of rules governing public charter schools.

Therefore, this notice of rulemaking rescinds the temporary rule, effective April 1, 2004, and vacates the proposed rulemaking to implement a new set of rules for public charter schools to be effective on April 1, 2004.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this vacation of proposed rulemaking and rescission of temporary rule, contact Karen Echeverria at (208) 332-1567.

DATED this 10th day of March, 2005.

Karen L. Echeverria  
Policy and Governmental Affairs Officer  
Office of the State Board of Education  
650 West State Street, Rm. 307  
Boise, Idaho 83720  
(208)332-1567  
fax: (208) 334-2632

**IDAPA 08 - STATE BOARD OF EDUCATION**

**08.02.04 - RULES GOVERNING CHARTER SCHOOLS**

**DOCKET NO. 08-0204-0501 (CHAPTER REPEAL)**

**NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is March 10, 2005.

**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(s) 33-105, 33-5203, and 33-5213, Idaho Code.

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

**May 18, 2005 at 6:00 p.m.**  
**J.R. Williams Building, 700 West State Street**  
**Boise, Idaho**

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

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking: This chapter is being repealed pursuant to the passage of Senate Bill No. 1444a by the 2004 Idaho Legislature, which made substantial amendments to Idaho's laws governing public charter schools. This chapter is being rewritten under Docket No. 08-0204-0502.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of these rules is appropriate for the following reasons: This rulemaking is necessary to comply with governing law passed by the 2004 Idaho Legislature under Senate Bill No. 1444a.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**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: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was conducted. A statewide video conference was held on October 14, 2004 in seven locations around the state. Written comments were also received.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Karen Echeverria at (208) 332-1567.

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 May 25, 2005.

DATED this 10th day of March, 2005.

Karen L. Echeverria  
Policy and Governmental Affairs Officer  
Office of the State Board of Education  
650 West State Street, Rm. 307, Boise, Idaho 83720  
(208) 332-1567 / fax: (208) 334-2632

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**IDAPA 08.02.04 IS BEING REPEALED IN ITS ENTIRETY.**

**IDAPA 08 - STATE BOARD OF EDUCATION**  
**08.02.04 - RULES GOVERNING PUBLIC CHARTER SCHOOLS**  
**DOCKET NO. 08-0204-0502 (CHAPTER REWRITE)**  
**NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is March 10, 2005.

**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(s) 33-105, 33-5203, and 33-5213, Idaho Code.

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

**May 18, 2005 at 6:00 p.m.**  
**J.R. Williams Building**  
**700 West State Street, Boise, Idaho**

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

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This chapter is being rewritten to update the rules governing charter schools pursuant to the passage of Senate Bill No. 1444a by the 2004 Idaho Legislature, which amended Idaho's laws governing public charter schools.

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

This rulemaking is necessary to comply with new governing law passed by the 2004 Idaho Legislature under Senate Bill No. 1444a.

**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: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was conducted. A statewide video conference was held on October 14, 2004 in seven locations around the state. Written comments were also received.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Karen Echeverria at (208) 332-1567.

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 May 25, 2005.

DATED this 1st day of April, 2005.

Karen L. Echeverria - Policy and Governmental Affairs Officer  
Office of the State Board of Education  
650 West State Street, Rm. 307, Boise, Idaho 83720  
(208) 332-1567 / fax: (208) 334-2632

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0204-0502

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IDAPA 08, TITLE 02, CHAPTER 04

08.02.04 - RULES GOVERNING PUBLIC CHARTER SCHOOLS

**000. LEGAL AUTHORITY.**

In accordance with Sections 33-105, 33-5203, and 33-5213, Idaho Code, the Board shall promulgate rules implementing the provisions of Title 33, Chapter 52, Idaho Code. (3-10-05)T

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited as IDAPA 08.02.04, "Rules Governing Public Charter Schools". (3-10-05)T

**02. Scope.** These rules establish a consistent application and review process for the approval and maintenance of public charter schools in Idaho. (3-10-05)T

**002. WRITTEN INTERPRETATIONS.**

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, written interpretations, if any, of the rules of this chapter are available at the offices of the Board. (3-10-05)T

**003. ADMINISTRATIVE APPEALS.**

The provisions found in Sections 400 through 404, of these rules, shall govern administrative appeals of public charter schools. (3-10-05)T

**004. INCORPORATION BY REFERENCE.**

There are no documents that have been incorporated by reference into these rules. (3-10-05)T

**005. OFFICE INFORMATION.**

**01. Office Hours.** The offices of the Board are open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. (3-10-05)T

**02. Street Address.** The offices of the Board are located at 650 W. State Street, Boise, Idaho. (3-10-05)T

**03. Mailing Address.** The mailing address of the Board is P.O. Box 83720, Boise, Idaho 83720-0037. (3-10-05)T

**04. Telephone Number.** The telephone number of the Board is (208) 334-2270. (3-10-05)T

**05. Facsimile.** The facsimile number of the Board is (208) 334-2632. (3-10-05)T

**06. Electronic Address.** The electronic address of the Board is [www.idahoboardofed.org](http://www.idahoboardofed.org). (3-10-05)T

**006. PUBLIC RECORDS ACT COMPLIANCE.**

These rules are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (3-10-05)T

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

**010. DEFINITIONS.**

**01. Authorized Chartering Entity.** Is defined in Section 33-5202A(1), Idaho Code, and means either the local board of trustees of a school district in this state, or the Idaho Public Charter School Commission. (3-10-05)T

**02. Board.** Means the Idaho State Board of Education. (3-10-05)T

**03. Charter.** Is defined in Section 33-5202A(2), Idaho Code, and means the grant of authority approved by the authorized chartering entity to the board of directors of the charter school. (3-10-05)T

**04. Commission.** Means the Idaho Public Charter School Commission, as provided by Section 33-5213, Idaho Code. (3-10-05)T

**05. Department.** Means the Idaho Department of Education. (3-10-05)T

**06. Founder.** Is defined in Section 33-5202A(3), Idaho Code, and means a person, including employees or staff of a public charter school, who makes a material contribution toward the establishment of a public charter school in accordance with criteria determined by the board of directors of the public charter school, and who is designated as such at the time the board of directors acknowledges and accepts such contribution. The criteria for determining when a person is a founder shall not discriminate against any person on any basis prohibited by the federal or state constitutions or any federal, state, or local law. The designation of a person as a founder, and the admission preferences available to the children of a founder, shall not constitute pecuniary benefits. (3-10-05)T

**07. Petition.** Is defined in Section 33-5202A(4), Idaho Code, and means the document submitted by a person or persons to the authorized chartering entity to request the creation of a public charter school. (3-10-05)T

**08. Petitioners.** Means the group of persons who submit a petition to establish a new public charter school, or to convert an existing traditional public school to a public charter school, as provided by Section 33-5205, Idaho Code, and the procedures described in Sections 200 through 205 of these rules. (3-10-05)T

**09. Public Charter School.** Is defined in Section 33-5202A(5), Idaho Code, and means a school that is authorized under the Public Charter Schools Act, Title 33, Chapter 52, Idaho Code, to deliver public education in Idaho. (3-10-05)T

**10. Public Virtual School.** Is defined in Section 33-5202A(6), Idaho Code, and means a public charter school that may serve students in more than one (1) school district and that provides instruction to pupils primarily through virtual distance learning or online technologies. (3-10-05)T

**11. School Year.** Means the period beginning on July 1 and ending the next succeeding June 30 of each year. (3-10-05)T

**011. -- 099. (RESERVED).**

**100. LIMITATIONS ON NEW PUBLIC CHARTER SCHOOLS.**

**01. Number of New Public Charter Schools Approved for a School Year.** Section 33-5203(2), Idaho Code, limits the number of new public charter schools that may be approved for a school year to not more than six (6), and further limits the number of new public charter schools that may be approved for a single school district for a school year to not more than one (1). The Board shall use the procedure described in Section 100 of these rules for implementing this limitation on the approval of new public charter schools. (3-10-05)T

**02. Responsibilities of Petitioners on Grant of Charter.** Upon the approval of a new public charter school by an authorized chartering entity, the petitioners shall be responsible for providing the Board with written notice of such approval, and shall submit a copy of the final approved petition to the Board, as required by Section 33-5206(6), Idaho Code. In addition, in the event the final approved petition is revised at any time, as permitted by

Section 33-5209(1), Idaho Code, and pursuant to the procedures described in Section 302 of these rules, the governing board of the public charter school shall also be responsible for submitting copies of any such charter revisions to the Board. (3-10-05)T

**03. Chronological Numbering System.** The Board, in accordance with Section 33-5206(6), Idaho Code, shall record the date and the time that it receives each final approved petition for a new public charter school. In addition, the Board shall assign a number to each final approved petition that it receives on a chronological basis, beginning with the numeral "1," and continuing sequentially thereafter. The Board shall maintain a chronological list of approved charters for the purpose of determining which public charter schools shall be authorized to begin educational instruction during a given school year. (3-10-05)T

**04. Authorization to Begin Educational Instruction.** The six (6) public charter schools that will be authorized to begin educational instruction during a given school year shall be those public charter schools that have been assigned the lowest chronological number by the Board, and which are eligible to begin educational instruction at some time during such school year. A public charter school will be considered "eligible" in accordance with the preceding sentence if the public charter school has received approval from its authorized chartering entity to begin educational instruction at some time during such school year. In addition, a public charter school will be considered "eligible" only if no other public charter school located within the same school district has been assigned a lower chronological number, and has been approved to begin educational instruction during such school year. A public charter school that is not authorized to begin educational instruction because it is not "eligible," as described herein, shall maintain its position on the Board's chronological list of approved charters, and shall be under consideration for authorization to begin educational instruction during the next succeeding school year. A public charter school that is approved by an authorized chartering entity, but which does not begin educational instruction because it is not "eligible," as described herein, must confirm with the Board, on or before March 1 preceding the next succeeding school year, that it is able to begin educational instruction during such school year. (3-10-05)T

**05. Notification.** The Board shall, as soon as reasonably practicable after determining that a public charter school will be authorized to begin educational instruction during a given school year, provide written notification to the petitioners. The Board shall also send a copy of such notification to the authorized chartering entity that approved the charter. (3-10-05)T

**101. -- 199. (RESERVED).**

**200. PROCEDURE FOR FORMATION OF A NEW PUBLIC CHARTER SCHOOL.**

**01. Assistance With Petitions.** The Department shall, in accordance with Section 33-5211, Idaho Code, provide technical assistance to public charter school petitioners. The Department shall undertake this statutory responsibility by conducting public charter school workshops, as discussed in Subsection 200.02 of this rule. (3-10-05)T

**02. Public Charter School Workshops.** The purpose of the public charter school workshops shall be to provide public charter school petitioners with a brief overview of a variety of educational and operational issues relating to public charter schools, as well as to answer questions and to provide technical assistance, as may be necessary, to aid petitioners in the preparation of public charter school petitions. Petitioners, or a representative on behalf of petitioners, must attend a public charter school workshop prior to submitting a petition to form a proposed new public charter school with an authorized chartering entity. (3-10-05)T

**03. Petition Reviews.** Prior to submitting a petition to an authorized chartering entity, petitioners shall submit six (6) copies of the proposed draft petition to the Department, which will review the proposed draft petition to determine whether it complies with statutory requirements. (3-10-05)T

**201. POLICIES AND PROCEDURES ADOPTED BY AN AUTHORIZED CHARTERING ENTITY.**

**01. Charter School Policies and Procedures.** An authorized chartering entity may adopt its own charter school policies and procedures describing the charter school petition process and the procedures that petitioners must comply with in order to form a new public charter school, including a public virtual school. Petitioners must comply with the charter school policies and procedures adopted by the authorized chartering entity

with which a petition is submitted. Such charter school policies and procedures must comply with Title 33, Chapter 52, Idaho Code, and the rules promulgated by the Board. If there is any conflict between the charter school policies and procedures adopted by an authorized chartering entity and rules promulgated by the Board, then the Board rules shall govern. (3-10-05)T

**02. Application Deadline.** The date by which a petition must be submitted to an authorized chartering entity in order for a proposed new charter school to be eligible to begin operations during a given school year shall be not later than the first of February preceding such school year. A petition filed after such date may not be rejected by an authorized chartering entity as untimely, but if the petition is approved and the charter is granted, the proposed public charter school will not be eligible to begin operations until the next succeeding school year at the earliest, and only if authorized to begin operations during such school year in accordance with the approval procedure described in Subsection 100.04 of these rules. (3-10-05)T

**202. PETITION REQUIREMENTS.**

A petition to form a new or conversion public charter school shall be submitted in accordance with instructions, and in such format, as may be required by the Board. Notwithstanding, the petition must include, at a minimum, the information described in Section 33-5205, Idaho Code. (3-10-05)T

**203. ADMISSION PROCEDURES.**

**01. Model Admission Procedures.** In accordance with Section 33-5205(3)(i), Idaho Code, a petition to establish a new public charter school must describe the admission procedures to be utilized by the public charter school. In order to ensure that public charter schools utilize a fair and equitable selection process for initial admission to and enrollment in a public charter school, as well as admission to and enrollment in a public charter school during subsequent school years, the Board has approved model admission procedures that may be utilized and adopted by petitioners. The approved model admission procedures are described in Subsections 203.03 through 203.12 of these rules. Petitioners are not required to adopt the Board's model admission procedures, but must demonstrate a reason for varying from the Board's approved procedures. (3-10-05)T

**02. Enrollment Opportunities.** Section 33-5205(3)(s), Idaho Code, requires petitioners to describe the process by which the citizens in the area of attendance shall be made aware of the enrollment opportunities of the public charter school. Petitioners shall ensure that such process includes the dissemination of enrollment information, printed in both English and Spanish, at least three (3) months in advance of the enrollment deadline established by the public charter school each year, to be posted in highly visible and prominent locations within the area of attendance of the public charter school. In addition, petitioners shall ensure that such process includes the dissemination of press release or public service announcements, to media outlets that broadcast within, or disseminate printed publications within, the area of attendance of the public charter school; petitioners must ensure that such announcements are broadcast or published by such media outlets on not less than three (3) occasions, beginning not later than fourteen (14) days prior to the enrollment deadline each year. Finally, such enrollment information shall advise that all prospective students will be given the opportunity to enroll in the public charter school, regardless of race, color, national or ethnic origin, religion, gender, social or economic status, or special needs. (3-10-05)T

**03. Enrollment Deadline.** Each year a public charter school shall establish an enrollment admissions deadline, which shall be the date by which all requests for admission to attend the public charter school for the next school year must be received. (3-10-05)T

**04. Requests for Admission.** A parent, guardian, or other person with legal authority to make decisions regarding school attendance on behalf of a child in this state, may make a request in writing for such child to attend a public charter school. In the case of a family with more than one (1) child seeking to attend a public charter school, a single request for admission must be submitted on behalf of all siblings. The request for admission must be submitted to, and received by, the public charter school at which admission is sought on or before the enrollment deadline established by the public charter school. The request for admission shall contain the name, address, and telephone number of each prospective student in a family. If the initial capacity of the public charter school is insufficient to enroll all prospective students, then an equitable selection process, such as a lottery or other random method, shall be utilized to determine which prospective students will be admitted to the public charter school, as described in Subsection 203.09 of this rule. Only those written requests for admission submitted on behalf of prospective students that are received prior to the enrollment deadline established by the public charter school shall

be permitted in the equitable selection process. (3-10-05)T

**05. Admission Preferences.** A public charter school shall establish an admission preference for students residing in the attendance area of the public charter school, as provided in Section 33-5206, Idaho Code. In addition, a public charter school may establish admission preferences, as authorized by Section 33-5205(3)(i), Idaho Code, for students returning to the public charter school, for children of founders, and for siblings of students already selected to attend the public charter school. Such admission preferences must be approved by the authorized chartering entity and described in the final approved petition. (3-10-05)T

**06. Priority of Preferences for Initial Enrollment.** If a public charter school determines to establish admission preferences for initial enrollment of students in a public charter school, then the selection hierarchy with respect to such preferences shall be as follows: (3-10-05)T

**a.** First, to children of founders, provided that this admission preference shall be limited to not more than ten percent (10%) of the initial capacity of the public charter school. (3-10-05)T

**b.** Second, to siblings of pupils already selected by the lottery or other random method. (3-10-05)T

**c.** Third, to prospective students residing in the attendance area of the public charter school. (3-10-05)T

**d.** Fourth, an equitable selection process, such as by lottery or other random method. (3-10-05)T

**07. Priority of Preferences for Subsequent Enrollment Periods.** If a public charter school determines to establish admission preferences for enrollment of students in a public charter school in subsequent school years, then the selection hierarchy with respect to such preferences shall be as follows: (3-10-05)T

**a.** First, to pupils returning to the public charter school in the second or any subsequent year of operation. (3-10-05)T

**b.** Second, to children of founders, provided that this admission preference shall be limited to not more than ten percent (10%) of the capacity of the public charter school. (3-10-05)T

**c.** Third, to siblings of pupils already enrolled in the public charter school. (3-10-05)T

**d.** Fourth, to prospective students residing in the attendance area of the public charter school. (3-10-05)T

**e.** Fifth, an equitable selection process, such as by lottery or other random method. (3-10-05)T

**08. Proposed Attendance List.** Each year the public charter school shall maintain a proposed attendance list containing the names of all prospective students on whose behalf a request for admission was timely received by the public charter school, separated by grade level. In addition, the proposed attendance list shall contain columns next to the name of each student, in which the public charter school will designate admission preferences applicable to each prospective student. The columns shall be designated "A" for returning student preference; "B" for founders preference; "C" for sibling preference, with a corresponding cross-reference to each of the siblings of the prospective student; and "D" for attendance area preference. (3-10-05)T

**09. Equitable Selection Process.** If the initial capacity of a public charter school is insufficient to enroll all prospective students, or if capacity is insufficient to enroll all prospective students in subsequent school years, then the public charter school shall determine the students who will be offered admission to the public charter school by conducting a fair and equitable selection process. The selection procedure shall be conducted as follows: (3-10-05)T

**a.** The name of each prospective student on the proposed attendance list shall be individually affixed to or written on a three by five (3 x 5) inch index card. The index cards shall be separated by grade. The selection procedure shall be conducted one (1) grade level at a time, beginning with the highest grade. The index cards

containing the names of the prospective students for the grade level being selected shall be placed into a single container. (3-10-05)T

**b.** A neutral, third party shall draw each index card from the container, and such person shall write the selection number on each index card as drawn, beginning with the numeral "1" and continuing sequentially thereafter. In addition, after selecting each index card, the name of the person selected will be compared to the proposed attendance list to determine whether any preferences are applicable to such person. (3-10-05)T

**c.** If the name of the person selected is a returning student, then the letter "A" shall be written on such index card. If the name of the person selected is the child of a founder, the letter "B" shall be written on such index card. If the name of the person selected is the sibling of another student that has already been selected for admission to the public charter school, then the letter "C" shall be written on such index card. If the name of the person selected resides in the attendance area of the public charter school, then the letter "D" shall be written on such index card. (3-10-05)T

**d.** With regard to the sibling preference, if the name of the person selected has a sibling in a higher grade who has already been selected, but the person previously selected did not have the letter "C" written on his or her index card (because a sibling had not been selected for admission prior to the selection of the index card of that person), then the letter "C" shall now be written on that person's index card at this time. (3-10-05)T

**e.** With regard to the founder's preference, a running tally shall be kept during the course of the selection procedure of the number of index cards, in the aggregate, that have been marked with the letter "B." When the number of index cards marked with the letter "B" equals ten percent (10%) of the proposed capacity of the public charter school for the school year at issue, then no additional index cards shall be marked with the letter "B," even if such person selected would otherwise be eligible for the founders preference. (3-10-05)T

**f.** After all index cards have been selected for each grade, then the index cards shall be sorted for each grade level in accordance with the following procedure. All index cards with the letter "A" shall be sorted first, based on the chronological order of the selection number written on each index card; followed by all index cards with the letter "B," based on the chronological order of the selection number written on each index card; followed by all index cards with the letter "C," based on the chronological order of the selection number written on each index card; followed by all index cards with the letter "D," based on the chronological order of the selection number written on each index card; followed, finally, by all index cards containing no letters, based on the chronological order of the selection number written on each index card. (3-10-05)T

**g.** After the index cards have been sorted for each grade level, the names shall be transferred by grade level, and in such order, to the final selection list. (3-10-05)T

**10. Final Selection List.** The names of the persons in highest order on the final selection list shall have the highest priority for admission to the public charter school in that grade, and shall be offered admission to the public charter school in such grade until all seats for that grade are filled. (3-10-05)T

**11. Notification and Acceptance Process.** (3-10-05)T

**a.** With respect to students selected for admission to the public charter school, within seven (7) days after conducting the selection process, the public charter school shall send an offer letter to the parent, guardian, or other person who submitted a request for admission on behalf of a student, advising such person that the student has been selected for admission to the public charter school. The offer letter must be signed by such student's parent, or guardian, and returned to the public charter school by the date designated in such offer letter by the public charter school. (3-10-05)T

**b.** With respect to a prospective student not eligible for admission to the public charter school, within seven (7) days after conducting the selection process, the public charter school shall send a letter to the parent, guardian, or other person who submitted a request for admission on behalf of such student, advising such person that the prospective student is not eligible for admission, but will be placed on a waiting list and may be eligible for admission at a later date if a seat becomes available. (3-10-05)T

**c.** If a parent, guardian, or other person receives an offer letter on behalf of a student and declines admission, or fails to timely sign and return such offer by the date designated in such offer letter by the public charter school, then the name of such student will be stricken from the final selection list, and the seat that opens in that grade will be made available to the next eligible student on the final selection list. (3-10-05)T

**d.** If a student withdraws from the public charter school during the school year for any reason, then the seat that opens in that grade will be made available to the next eligible student on the final selection list. (3-10-05)T

**12. Subsequent School Years.** The final selection list for a given school year shall not roll over to the next subsequent school year. If the capacity of the public charter school is insufficient to enroll all prospective students during the next subsequent school year, then a new equitable selection process shall be conducted by the public charter school for such school year. (3-10-05)T

**204. SUBMISSION OF PETITION.**

**01. New Public Charter School.** To institute the approval process for the formation of a new public charter school, the petitioners must submit the petition to the local board of trustees of the school district in which the proposed new public charter school will be located, as required by Section 33-5205(a), Idaho Code. (3-10-05)T

**02. New Public Virtual School.** The petitioners for a new public virtual school that will serve students in more than one (1) school district in the state may choose to submit the petition for approval with the Commission, as an authorized chartering entity, as permitted by Section 33-5203(5), Idaho Code, instead of with the local board of trustees of the school district in which the proposed new public virtual school will be located. (3-10-05)T

**03. Notification to the Board.** Petitioners shall promptly notify the Board that a petition has been submitted to an authorized chartering entity. (3-10-05)T

**205. REVIEW OF PETITIONS.**

**01. Initial Review of Petition.** Prior to submitting a petition with an authorized chartering entity, petitioners shall submit six (6) copies of the proposed draft petition to the Department, which shall review the proposed draft petition for the purpose of determining whether it was prepared in accordance with the instructions furnished by, and in the format required by, the Board, and contains the information required by Section 33-5205, Idaho Code. (3-10-05)T

**02. Timeframe for Initial Review.** The Department shall complete the initial review of the proposed draft petition as soon as reasonably practicable after the date the proposed draft petition is received by the Department, but not later than thirty (30) days after receipt. (3-10-05)T

**03. Notification of Findings After Initial Review.** The Department shall notify the petitioners promptly in writing describing the results of the initial review of the proposed draft petition, and, if applicable, identify any deficiencies in the proposed draft petition. (3-10-05)T

**04. Substantive Review of Petition.** The substantive review of the merits of a petition by an authorized chartering entity shall be for the purpose of determining whether petitioners have demonstrated compliance with Title 33, Chapter 52, Idaho Code. (3-10-05)T

**05. Timeframe for Substantive Review.** An authorized chartering entity must comply with the procedural requirements described in Section 33-5205, Idaho Code. (3-10-05)T

**a.** Unless a petition is referred to the Commission as authorized by Section 33-5205(1)(a)(iii), Idaho Code, and as discussed in Subsection 206.01 of these rules, an authorized chartering entity must hold a meeting open to the public, not later than thirty (30) days after receipt of the petition, for the purpose of considering the merits of the petition, as well as the level of employee and parental support for the proposed public charter school. In the case of a petition being reviewed by the Commission, the meeting must also include any oral or written comments, if any, from an authorized representative of the school district in which the proposed public charter school would be

physically located regarding the merits of the petition and any potential impacts on the school district. (3-10-05)T

**b.** An authorized chartering entity must make a decision on whether to approve the petition and grant the charter within sixty (60) days after receipt of the petition. (3-10-05)T

**c.** An authorized chartering entity and the petitioners may mutually agree to extend the date by which a decision is required to be made on the merits of the petition up to an additional sixty (60) days. In addition, the authorized chartering entity may unilaterally determine to extend the date by which a decision is required to be made up to an additional sixty (60) days if it determines the petition is incomplete or fails to contain the requisite signatures. (3-10-05)T

**06. If Approved, Charter Is Granted, Subject to Limitations on Number of New Charters.** (3-10-05)T

**a.** If a petition is approved, then the authorized chartering entity must promptly prepare for petitioners a written notice of its decision to approve the charter. It shall be the responsibility of the petitioners to provide the Board with this written notice of approval, and with a copy of the final approved petition, in accordance with the procedure described in Section 100 of these rules. (3-10-05)T

**b.** The grant of a charter by an authorized chartering entity does not provide the petitioners with any right to begin educational instruction at the public charter school during a particular school year, or in accordance with the terms and conditions of the charter, as such approval is conditioned upon the limitations on the number of new public charter schools that may be approved to begin educational instruction for a school year, as described in Section 100 of these rules. (3-10-05)T

**07. If Denied, Petitioners May Appeal.** (3-10-05)T

**a.** If a petition is denied, then the authorized chartering entity must promptly prepare for petitioners a written notice of its decision to deny the charter. The written decision shall include all of the reasons for the denial, and shall also include a reasoned statement that states or explains the criteria and standards considered relevant by the authorized chartering entity, the relevant contested facts relied upon, and the rationale for the decision based on the applicable statutory provisions and factual information presented to the authorized chartering entity. If an authorized chartering entity fails to reach a decision on a petition before the time period by which a decision must be made, then this shall be considered a denial of the petition. (3-10-05)T

**b.** The petitioners may appeal the decision of the authorized chartering entity, in accordance with the procedures described in Sections 401 through 402 of these rules. (3-10-05)T

**206. WITHDRAWAL OF PETITION; REFERRAL OF PETITION TO THE COMMISSION.**

**01. Referral of Petition by Local Board of Trustees.** A board of trustees of a local school district may refer the petition for consideration to the Commission, as authorized by Section 33-5205(1)(a)(iii), Idaho Code. If a board of trustees of a local school district determines to refer a petition to the Commission, then it shall provide prompt notice of such decision to the petitioners. In addition, the board of trustees of a local school district must promptly forward the petition to the Commission. (3-10-05)T

**02. Withdrawal by Charter Petitioners.** Notwithstanding, if a board of trustees of a local school district does not refer a petition to the Commission, the charter petitioners may withdraw the petition from the local board of trustees and submit the petition to the Commission for consideration if, within thirty (30) days after the submission of the petition with the authorized chartering entity, the parties have not reached mutual agreement on the provisions of the charter, after a reasonable and good faith effort. (3-10-05)T

**03. Reasonable and Good Faith Effort.** For purposes of Subsection 205.02 of these rules, the parties shall be considered to have established a reasonable and good faith effort to reach mutual agreement on the provisions of the charter petition if representatives of the parties take at least all of the following actions: (3-10-05)T

**a.** The authorized chartering entity must send written notice to petitioners acknowledging receipt of

the charter petition and the date of receipt. (3-10-05)T

**b.** The authorized chartering entity posts public notice of an open meeting for the purpose of considering the petition, and such meeting is scheduled to occur not later than thirty (30) days after receipt of the charter petition by the authorized chartering entity. (3-10-05)T

**c.** Prior to the date the posted open meeting is scheduled, representatives of the authorized chartering entity must conduct a review of the charter petition and the State Department of Education sufficiency review of the charter petition, and if immediate concerns with the charter petition are identified, then written notice must be sent to petitioners identifying the concerns and requesting that said identified concerns be addressed. In the event correspondence is sent to petitioners identifying concerns with the charter petition, then petitioners must respond in writing to the authorized chartering entity addressing the identified concerns. (3-10-05)T

**d.** Either prior to or at the posted open meeting, representatives from both the authorized chartering entity and petitioners must meet and engage in face-to-face discussions regarding the charter petition. (3-10-05)T

**207. -- 299. (RESERVED).**

**300. PUBLIC CHARTER SCHOOL RESPONSIBILITIES.**

**01. General.** The governing board of a public charter school shall be responsible for ensuring that the public charter school is adequately staffed, and that such staff provides sufficient oversight over all public charter school operational and educational activities. In addition, the governing board of a public charter school shall be responsible for ensuring compliance with Section 33-5204(1), Idaho Code. (3-10-05)T

**02. Compliance with Terms of Charter.** The governing board of a public charter school shall be responsible for ensuring that the school is in compliance with all of the terms and conditions of the charter approved by the authorized chartering entity of the school, as reflected in the final approved petition filed with the Board. In addition, the governing board of the public charter school shall be responsible for ensuring that the school complies with all applicable federal and state education standards, as well as all applicable state and federal laws, rules and regulations, and policies. (3-10-05)T

**03. Annual Reports.** The governing board of a public charter school must submit an annual report to the authorized chartering entity of the school, as required by Section 33-5206(7), Idaho Code. The report shall contain the audit of the fiscal and programmatic operations as required in Section 33-5205(3)(j), Idaho Code, a report on student progress based on the public charter school's student educational standards identified in Section 33-5205(3)(b), Idaho Code, and a copy of the public charter school's accreditation report. An authorized chartering entity may reasonably request that a public charter school provide additional information to ensure that the public charter school is meeting the terms of its charter. (3-10-05)T

**04. Operational Issues.** The governing board of the public charter school shall be responsible for promptly notifying its authorized chartering entity if it becomes aware that the public charter school is not operating in compliance with the terms and conditions of its charter. Thereafter, the governing board of the public charter school shall also be responsible for advising its authorized chartering entity with follow-up information as to when, and how, such operational issues are finally resolved and corrected. (3-10-05)T

**301. AUTHORIZED CHARTERING ENTITY RESPONSIBILITIES.**

**01. Compliance Monitoring.** Notwithstanding Section 300 of these rules, the authorized chartering entity of a public charter school shall be responsible for ensuring that the public charter school operates in accordance with all of the terms and conditions of the charter approved by the authorized chartering entity, as reflected in the final approved petition filed with the Board, and as provided by Section 33-5209(1), Idaho Code. The authorized chartering entity also shall be responsible for ensuring that the public charter school program approved by the authorized chartering entity meets the terms of the charter, complies with the general education laws of the state, unless specifically directed otherwise in Title 33, Chapter 52, Idaho Code, and operates in accordance with the state educational standards of thoroughness as defined in Section 33-1612, Idaho Code, as provided in Section 33-5210(2), Idaho Code. (3-10-05)T

**02. Written Notice of Defect.** If an authorized chartering entity has reason to believe that a public charter school has committed any defect identified in Section 33-5209(2)(a)(e), Idaho Code, then the authorized chartering entity shall provide the public charter school with prompt written notice of such defect, and shall provide the public charter school a reasonable opportunity to cure such defect. (3-10-05)T

**03. Corrective Action Plan.** The public charter school shall provide the authorized chartering entity with a corrective action plan describing the public charter school's plan to cure the defect. The corrective action plan shall describe in detail the terms and conditions by which the public charter school will cure the defect at issue, including a reasonable time frame for completion. The public charter school shall send a copy of the corrective action plan to the Board. (3-10-05)T

**04. Failure to Cure.** If a public charter school fails to comply with the terms and conditions of the corrective action plan and to cure the defect at issue within a reasonable time, then the authorized chartering entity may provide notice to the public charter school of its intent to revoke the charter, as permitted by Section 33-5209(3), Idaho Code, and in accordance with Section 303 of these rules. (3-10-05)T

**302. CHARTER REVISIONS.**

The governing board of a public charter school may reasonably request that its authorized chartering entity revise its charter, as authorized by Section 33-5209(1), Idaho Code. (3-10-05)T

**01. Request for Revision.** The governing board of a public charter school that desires to revise its charter must submit a written request describing the proposed revisions with the public charter school's authorized chartering entity. In addition, the governing board of the public charter school shall also submit six (6) copies of the proposed revisions to the Department, which shall review the proposed revisions in the same manner that it reviews a proposed draft petition, as described in Section 204 of these rules. The Department shall complete its review of the proposed charter revisions not later than thirty (30) days after receipt, and shall notify the governing board of the public charter school and authorized chartering entity promptly in writing describing the results of such review. If the Department does not complete the review within thirty (30) days after receipt, then the proposed revisions shall be deemed sufficient. (3-10-05)T

**02. Limited Review.** The authorized chartering entity shall only be permitted to review and consider the proposed revisions to the charter, and shall not have authority to make other charter revisions that are not requested by the public charter school. (3-10-05)T

**03. Procedure for Reviewing Request for Charter Revision.** The authorized chartering entity shall have thirty (30) days from the date of receipt of the written notice from the Department, or the date the revisions are deemed sufficient, whichever is earlier, in which to issue its decision on the request for charter revision. If permitted by applicable policies and procedures adopted by the authorized chartering entity, the review of a request for a charter revision may be delegated to appropriate staff employed by the authorized chartering entity. An authorized chartering entity may, but is not required to, conduct a public hearing to consider the request for charter revision. (3-10-05)T

**04. Approval of Proposed Charter Revision.** If the authorized chartering entity approves the proposed charter revision, a copy of such revision shall be executed by each of the parties to the charter contract and shall be treated as either a supplement to, or amendment of, the final approved petition, whatever the case may be. The governing board of the public charter school shall be responsible for sending a copy of the charter revision to the Board, as required by Subsection 100.02 of these rules. (3-10-05)T

**05. Denial of Proposed Charter Revision.** If the proposed revision is denied, then the authorized chartering entity must prepare a written notice of its decision denying the request for charter revision. The decision to deny a request for a charter revision shall contain all of the reasons for the decision. The public charter school may appeal the decision denying the request for charter revision to the Board. The provisions of Section 403 of these rules shall govern the appeal. If an authorized chartering entity fails to reach a decision on a request before the time period by which a decision must be made, then this shall be considered a denial of the request. (3-10-05)T

**303. REVOCATION.**

An authorized chartering entity may revoke a charter in accordance with the procedure described in this Section 303

of this rule if a public charter school has failed to cure a defect with respect to the operation of the public charter school, as described in Subsection 301.04 of these rules, after receiving reasonable notice and a reasonable opportunity to cure the defect. (3-10-05)T

**01. Written Notice of Intention to Revoke Charter.** The authorized chartering entity must provide the public charter school with reasonable notice of the authorized chartering entity's intent to revoke the charter, which shall be in writing and must include all of the reasons for such proposed action. In addition, such notice shall provide the public charter school with a reasonable opportunity to reply, which shall not be less than thirty (30) days after the date of such notice. (3-10-05)T

**02. Public Hearing.** The authorized chartering entity shall conduct a public hearing with respect to its intent to revoke a charter. Such hearing shall be held no later than thirty (30) days after receipt of such written reply. If the public charter school does not reply by the date set in the notice, then such hearing shall be held no later than sixty (60) days after the date the notice was sent by the authorized chartering entity. (3-10-05)T

**a.** Written notification of the hearing shall be sent to the public charter school at least ten (10) days in advance of the hearing. (3-10-05)T

**b.** The public hearing shall be conducted by the authorized chartering entity, or such other person or persons appointed by the authorized chartering entity to conduct public hearings and receive evidence as a contested case in accordance with Section 67-5242, Idaho Code. (3-10-05)T

**03. Charter Revocation.** If the authorized chartering entity determines that the public charter school has not complied with the corrective action plan and cured the defect at issue, then the authorized chartering entity may revoke the charter. Such decision may be appealed to the Board. The provisions of Section 403 of these rules shall govern the appeal. (3-10-05)T

**304. -- 399. (RESERVED).**

**400. APPEALS.**

The following actions relating to public charter schools may be appealed to the Department or to the Board, as applicable, in accordance with the procedures described in Sections 401 through 403 of these rules: (3-10-05)T

**01. Denial of New Petition.** The denial by an authorized chartering entity of a petition to form a new public charter school, as authorized by Section 33-5207, Idaho Code. (3-10-05)T

**02. Grant of Conversion Petition.** The granting by an authorized chartering entity of a petition to convert a traditional public school to a public charter school over the objection of thirty (30) or more persons or employees of the local school district, as authorized by Section 33-5207, Idaho Code. (3-10-05)T

**03. Denial of Charter Revision.** The denial by the authorized chartering entity of a public charter school of a request to revise a charter, as authorized by Section 33-5209(4), Idaho Code. (3-10-05)T

**04. Revocation.** A decision of an authorized chartering entity to revoke a charter, as authorized by Section 33-5209(4), Idaho Code. (3-10-05)T

**401. APPEAL TO THE DEPARTMENT OF A DECISION RELATING TO THE FORMATION OF A NEW OR CONVERSION PUBLIC CHARTER SCHOOL.**

The denial of a petition to form a new public charter school, or the granting of a petition to form a conversion public charter school over the objection of thirty (30) or more persons or employees of the local school district, may be appealed to the Department, as provided by Section 33-5207(1), Idaho Code. The following procedures shall govern such appeals. (3-10-05)T

**01. Submission of Appeal.** To institute an appeal, the petitioners/appellants shall submit a notice of appeal and request for public hearing in writing to the Department that describes, in detail, all of the grounds for the appeal, and the remedy requested, within thirty (30) days from the date of the decision of the authorized chartering entity that reviewed the petition. A copy of the notice of appeal shall be submitted to the authorized chartering entity,

and with the Board. In addition, contemporaneous with the submission of the notice of appeal, the petitioners/appellants shall also submit to the Department two (2) copies of the complete record of all actions taken with respect to the consideration of the public charter school petition. The record must be in chronological order and must be appropriately tabbed and indexed. The record must contain, at a minimum, all of the following documents:

(3-10-05)T

**a.** The name, address, and telephone number of the person or persons submitting the appeal on behalf of petitioners/appellants, as well as the authorized chartering entity that issued the decision being appealed.

(3-10-05)T

**b.** The complete petition that was submitted to the authorized chartering entity, including any amendments thereto or supplements thereof.

(3-10-05)T

**c.** Copies of audio or video recordings, if any, and the minutes from all meeting(s) where the petition was considered or discussed.

(3-10-05)T

**d.** All correspondence between the petitioners/appellants and the authorized chartering entity relating to the petition from the date the original petition was submitted until the date the authorized chartering entity issued the decision being appealed.

(3-10-05)T

**e.** The written decision provided by the authorized chartering entity to the petitioner. A copy of such notice of appeal shall be submitted to the authorized chartering entity whose decision is being appealed, and to the Board.

(3-10-05)T

**02. Hearing Officer.** The Department shall hire a hearing officer to review the action of the authorized chartering entity and to conduct a public hearing, pursuant to Section 67-5242, Idaho Code. The Department shall forward to the hearing officer one (1) copy of the record provided by petitioners/appellants and attached to the notice of appeal.

(3-10-05)T

**03. Public Hearing.** A public hearing to review the decision of the authorized chartering entity shall be conducted by the hearing officer within thirty (30) days after the date of the submission of the notice of appeal and request for a public hearing with the Department.

(3-10-05)T

**04. Notice of Hearing.** All parties in an appeal shall be notified of a public hearing at least ten (10) days in advance, or within such time period as may be mandated by law. The notice shall identify the time, place, and nature of the hearing; a statement of the legal authority under which the hearing is to be held; the particular sections of the statutes and any rules involved; the issues involved; and the right to be represented. The notice shall identify how and when documents for the hearing will be provided to all parties.

(3-10-05)T

**05. Prehearing Conference.** The hearing officer may, upon written or other sufficient notice to all interested parties, hold a prehearing conference to formulate or simplify the issues; obtain admissions or stipulations of fact and documents; identify whether there is any additional information that had not been presented to the authorized chartering entity; arrange for exchange of any proposed exhibits or prepared expert testimony; limit the number of witnesses; determine the procedure at the hearing; and to determine any other matters which may expedite the orderly conduct and disposition of the proceeding.

(3-10-05)T

**06. Hearing Record.** The hearing shall be recorded unless a party requests a stenographic recording by a certified court reporter, in writing, at least seven (7) days prior to the date of the hearing. Any party requesting a stenographic recording by a certified court reporter shall be responsible for the costs of same. Any party may request that a transcript of the recorded hearing be prepared, at the expense of the party requesting such transcript, and prepayment or guarantee of payment may be required. Once a transcript is requested, any party may obtain a copy at the party's own expense.

(3-10-05)T

**07. Hearing Officer's Recommendation.** The hearing officer shall issue a recommendation within ten (10) days after the date of the hearing. The recommendation shall include specific findings on all major facts at issue; a reasoned statement in support of the decision; all other findings and recommendations of the hearing officer; and a recommendation affirming or reversing the decision of the authorized chartering entity. The hearing officer shall mail

or deliver a copy of the recommendation to the Department, the petitioners/appellants, and the authorized chartering entity. (3-10-05)T

**08. Review of Recommendation by Authorized Chartering Entity. (3-10-05)T**

**a.** The authorized chartering entity shall hold a public hearing to review the recommendation of the hearing officer within thirty (30) days of receipt of the recommendation. (3-10-05)T

**b.** Written notification of the scheduled public hearing shall be sent by the authorized chartering entity to the petitioners/appellants at least ten (10) days prior to the scheduled hearing date. (3-10-05)T

**c.** The authorized chartering entity shall make a final decision to affirm or reverse its initial decision within ten (10) days after the date the public hearing is conducted. (3-10-05)T

**09. Reversal of Initial Decision. (3-10-05)T**

**a.** If the authorized chartering entity reverses its initial decision and denies the conversion of a traditional public school to a public charter school, then that decision is final and there shall be no further appeal. (3-10-05)T

**b.** If the authorized chartering entity reverses its initial decision and approves the new public charter school, then the charter shall be granted and there shall be no further appeal. (3-10-05)T

**10. Affirmation of Initial Decision. (3-10-05)T**

**a.** If the authorized chartering entity affirms its initial decision to authorize the conversion of a traditional public school to a public charter school, then the charter shall be granted and there shall be no further appeal. (3-10-05)T

**b.** If the authorized chartering entity affirms its initial decision and denies the grant of a new public charter school, then the petitioners/appellants may appeal such final decision further to the Board in accordance with the procedure described in Section 402 of these rules. (3-10-05)T

**402. APPEAL TO THE BOARD RELATING TO THE DENIAL OF A REQUEST TO FORM A NEW PUBLIC CHARTER SCHOOL.**

The following procedures shall govern an appeal to the Board of the final decision of an authorized chartering entity relating to the denial of a petition to form a new public charter school. (3-10-05)T

**01. Submission of Appeal.** The petitioners/appellants shall submit a notice of appeal in writing with the Board that describes, in detail, all of the grounds for the appeal, and the remedy requested, within twenty-one (21) days from the date the authorized chartering entity issues its final decision to deny a petition to form a new public charter school. A copy of the notice of appeal shall be submitted to the authorized chartering entity. In addition, contemporaneous with the submission of the notice of appeal, the petitioners/appellants shall also submit to the Board, two (2) copies of a complete record of all actions taken with respect to the consideration of the public charter school petition. The record must be in chronological order, must be tabbed and indexed, and must contain, at a minimum, the following documents: (3-10-05)T

**a.** The complete record submitted to the Department, as provided in Subsection 401.01.a. through 401.01.e. of these rules. (3-10-05)T

**b.** A transcript, prepared by a neutral person whose interests are not affiliated with a party to the appeal, of the recorded public hearing conducted by the hearing officer, as described in Subsection 401.06 of these rules. (3-10-05)T

**c.** A copy of the hearing officer's recommendation. (3-10-05)T

**d.** Copies of audio or video recordings, if any, and the minutes of the public hearing conducted by the

authorized chartering entity to consider the recommendation of the hearing officer, as described in Subsection 401.08.a. through 401.08.c. of these rules. (3-10-05)T

**e.** Copies of any additional correspondence between the petitioners/appellants and the authorized chartering entity relating to the petition subsequent to the public hearing conducted by the Department. (3-10-05)T

**f.** The final written decision provided by the authorized chartering entity to the petitioners/appellants. (3-10-05)T

**02. Public Hearing.** A public hearing to review the final decision of the authorized chartering entity shall be conducted within a reasonable time from the date that the Board receives the notice of appeal, but not later than sixty (60) calendar days from such date. The public hearing shall be for the purpose of considering all of the materials in the record that were presented at prior proceedings. However, new evidence, testimony, documents, or materials that were not previously considered at prior hearings on the matter may be accepted or considered, in the sole reasonable discretion of the Board, or of the charter appeal committee or public hearing officer, as described in Subsection 402.04 of this rule. (3-10-05)T

**03. Notice of Hearing.** All parties in an appeal shall be notified of a public hearing at least ten (10) days in advance, or within such time period as may be mandated by law. The notice shall identify the time and place of the hearing; a statement of the legal authority under which the hearing is to be held; the particular sections of the statutes and any rules involved; the issues involved; and the right to be represented. The notice shall identify how and when documents for the hearing will be provided to all parties. (3-10-05)T

**04. Appointment of Charter Appeal Committee or Public Hearing Officer.** The Board may, in its reasonable discretion, determine to appoint a charter appeal committee, composed solely of Board members, or a combination of Board members and Board staff, or alternatively, to appoint a public hearing officer, for the purpose of conducting the public hearing. If the Board determines not to make such an appointment, then the Board shall conduct the public hearing. (3-10-05)T

**05. Recommended Findings.** If the public hearing is conducted by a charter appeal committee or appointed public hearing officer, then such committee or appointed public hearing officer shall forward to the Board all materials relating to the hearing as soon as reasonably practicable after the date of the public hearing. If so requested by the Board, the entity conducting the public hearing may prepare recommended findings for the Board to consider. The recommended findings shall include specific findings on all major facts at issue; a reasoned statement in support of the decision; all other findings and recommendations of the charter appeal committee or public hearing officer; and a recommended decision affirming or reversing the decision of the authorized chartering entity, or such other action recommended by the charter appeal committee or public hearing officer, such as remanding the matter back to the authorized chartering entity, or redirecting the petition to another authorized chartering entity. A copy of the recommended findings shall be mailed or delivered to all the parties. (3-10-05)T

**06. Final Decision and Order by the Board.** The Board shall consider the materials forwarded by the entity conducting the public hearing, including any recommended findings of the charter appeal committee or appointed public hearing officer, as may be applicable, in a meeting open to the public at the next regularly scheduled meeting of the Board that occurs after the public hearing. If the public hearing was not conducted by the Board, then the Board may allow representatives for both the petitioner/appellant and the authorized chartering entity an opportunity to deliver oral arguments to the Board advocating their respective positions, limited to thirty (30) minutes for each party. Whether the public hearing is conducted by the Board or by a charter appeal committee, the Board shall issue a final written decision on such appeal within sixty (60) days from the date of the public hearing. The final decision and order of the Board shall be sent to both the petitioners/appellants and the authorized chartering entity, and will not be subject to reconsideration. With respect to such written decision, the Board may take any of the following actions: (3-10-05)T

**a.** Approve the charter, if the Board determines that the authorized chartering entity failed to appropriately consider the charter petition, or if it acted in an arbitrary manner in denying the request. In the event the Board approves the charter, the charter shall operate under the jurisdiction of the Commission, as provided by Section 33-5207(6), Idaho Code. (3-10-05)T

- b.** Remand the petition back to the authorized chartering entity for further consideration with directions or instructions relating to such further review. (3-10-05)T
- c.** Redirect the petition for consideration to another authorized chartering entity. (3-10-05)T
- d.** Deny the appeal submitted by the petitioners/appellants. (3-10-05)T

**403. APPEAL RELATING TO THE DENIAL OF A REQUEST TO REVISE A CHARTER OR A CHARTER REVOCATION DECISION.**

The following procedures shall govern an appeal relating to the denial of a request to revise a charter or a charter revocation decision. (3-10-05)T

**01. Submission of Appeal.** The public charter school shall submit a notice of appeal in writing to the Board that describes, in detail, all of the grounds for the appeal, and the remedy requested, within thirty (30) days from the date of the written decision of the authorized chartering entity to revoke a charter or to deny a charter revision. A copy of the notice of appeal shall be submitted to the authorized chartering entity. In addition, contemporaneous with the submission of the notice of appeal, the appellant charter school shall also submit to the Board eleven (11), three (3)-holed punched, copies of the complete record of all actions taken with respect to the matter being appealed. The record must be in chronological order and must be appropriately tabbed and indexed. The record must contain, at a minimum, all of the following documents: (3-10-05)T

- a.** The name, address, and telephone number of the appellant public charter school and the authorized chartering entity that issued the decision being appealed. (3-10-05)T
- b.** Copies of all correspondence or other documents between the appellant public charter school and the authorized chartering entity relating to the matter being appealed. (3-10-05)T
- c.** Copies of audio or video recordings, if any, and the minutes from all meeting(s) where the matter on appeal was considered or discussed. (3-10-05)T
- d.** The written decision provided by the authorized chartering entity to the appellant public charter school. (3-10-05)T

**02. Public Hearing.** A public hearing to review the decision of the authorized chartering entity shall be conducted within thirty (30) days after the date of the filing of the notice of appeal. (3-10-05)T

**03. Notice of Hearing.** All parties in an appeal shall be notified of a public hearing at least ten (10) days in advance, or within such time period as may be mandated by law. The notice shall identify the time and place of the hearing; a statement of the legal authority under which the hearing is to be held; the particular sections of the statutes and any rules involved; the issues involved; and the right to be represented. The notice shall identify how and when documents for the hearing will be provided to all parties. (3-10-05)T

**04. Appointment of Charter Appeal Committee or Public Hearing Officer.** The Board may, in its reasonable discretion, determine to appoint a charter appeal committee, composed solely of Board members, or a combination of Board members and Board staff, or alternatively, to appoint a public hearing officer, for the purpose of conducting the public hearing. If the Board determines not to make such an appointment, then the Board shall conduct the public hearing. (3-10-05)T

**05. Prehearing Conference.** The entity conducting the public hearing may, upon written or other sufficient notice to all interested parties, hold a prehearing conference to formulate or simplify the issues; obtain admissions or stipulations of fact and documents; identify whether there is any additional information that had not been presented to the authorized chartering entity; arrange for exchange of any proposed exhibits or prepared expert testimony; limit the number of witnesses; determine the procedure at the hearing; and to determine any other matters which may expedite the orderly conduct and disposition of the proceeding. (3-10-05)T

**06. Hearing Record.** The hearing shall be recorded unless a party requests a stenographic recording by a certified court reporter, in writing, at least seven (7) days prior to the date of the hearing. Any party requesting a

stenographic recording by a certified court reporter shall be responsible for the costs of same. The record shall be transcribed at the expense of the party requesting a transcript, and prepayment or guarantee of payment may be required. Once a transcript is requested, any party may obtain a copy at the party's own expense. (3-10-05)T

**07. Recommended Findings.** If the public hearing is conducted by a charter appeal committee or appointed public hearing officer, then such committee or public hearing officer shall forward to the Board all materials relating to the hearing as soon as reasonably practicable after the date of the public hearing. If so requested by the Board, the entity conducting the public hearing may prepare recommended findings for the Board to consider. The recommended findings shall include specific findings on all major facts at issue; a reasoned statement in support of the decision; all other findings and recommendations of the charter appeal committee or public hearing officer; and a recommended decision affirming, reversing, or modifying the action or decision of the authorized chartering entity. A copy of the recommended findings shall be mailed or delivered to all the parties. (3-10-05)T

**08. Final Decision and Order by the Board.** The Board shall consider the materials forwarded by the entity conducting the public hearing, including any recommended findings of the charter appeal committee or appointed public hearing officer, as may be applicable, in a meeting open to the public at the next regularly scheduled meeting of the Board that occurs after the public hearing. If the public hearing was not conducted by the Board, then the Board may allow representatives for both the appellant public charter school and the authorized chartering entity an opportunity to deliver oral arguments to the Board advocating their respective positions, limited to thirty (30) minutes for each party. Whether the public hearing is conducted by the Board, or by a charter appeal committee or appointed public hearing officer, the Board shall issue a final written decision on such appeal within sixty (60) days from the date of the public hearing. The decision shall be sent to both the appellant public charter school and the authorized chartering entity. With respect to such written decision, the Board may take any of the following actions: (3-10-05)T

**a.** Grant the appeal and reverse the decision of the authorized chartering entity if the Board determines that the authorized chartering entity failed to appropriately consider the revocation of the charter, or the request to revise the charter, or that the authorized chartering authority acted in an arbitrary manner in determining to revoke the charter, or in denying the request to revise the charter. (3-10-05)T

**b.** Remand the matter back to the authorized chartering authority for further consideration with directions or instructions relating to such further review. (3-10-05)T

**c.** Redirect the matter for consideration to another authorized chartering entity. (3-10-05)T

**d.** Deny the appeal filed by the appellants. (3-10-05)T

**404. EX PARTE COMMUNICATIONS.**

Unless required for the disposition of a matter specifically authorized by statute to be done ex parte, no party to the appeal nor any representative of any such party to the appeal, nor any person or entity interested in such appeal, may communicate, directly or indirectly, regarding any substantive issue in the appeal with the Board or the charter appeal committee or any hearing officer appointed to hear or preside over the appeal hearing, except upon notice and opportunity for all parties to participate in the communication. (3-10-05)T

**405. -- 499. (RESERVED).**

**500. MISCELLANEOUS.**

**01. Definition of LEA.** As used in Section 500 of these rules, the term "local education agency" or "LEA" shall mean a public authority legally constituted within the state for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in the state, as such term is defined in the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001, and as such term is further defined in 34 CFR 300.18. (3-10-05)T

**02. LEA Designations.** Section 33-5203(7), Idaho Code, provides that the Board shall be responsible to designate those public charter schools that will be identified as an LEA; however, only public charter schools chartered by the board of trustees of a school district may be included in that district's LEA. A public charter school

may request to be designated as an LEA. Such request shall be in writing and state the reasons why the public charter school is requesting LEA status, and must be submitted to the executive director of the Board. The executive director of the Board shall have the responsibility of designating those public charter schools that will be identified as an LEA, in accordance with the following criteria. A public charter school that is chartered by the board of trustees of a school district shall be included in that district's LEA, and the executive director of the Board shall not be permitted to designate such a school as an LEA, except that the executive director of the Board may designate a public virtual school that is chartered by the board of trustees of a school district as an LEA. A public charter school that is chartered by the Commission must be designated as an LEA. If the executive director determines, in his reasonable discretion, that a public charter school has demonstrated a compelling reason to be designated an LEA, but such public charter school is not eligible under the criteria contained herein, then the executive director may refer such request to the Board for consideration. (3-10-05)T

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

## **IDAPA 08 - STATE BOARD OF EDUCATION**

### **08.03.01 - RULES GOVERNING THE CHARTER SCHOOL COMMISSION**

**DOCKET NO. 08-0301-0401**

#### **NOTICE OF RULEMAKING - PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2006 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-5213, 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.

SB 1444 provides for sweeping reform of public charter schools in Idaho. The legislation provides for a newly formed seven-member committee appointed by the Governor. The committee can act as a chartering and oversight entity for new charter schools. These rules would set out the parameters of their governance and oversight authority.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 6, 2004 Idaho Administrative Bulletin, Vol. 04-10, pages 211 through 213.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Karen Echeverria at (208) 332-1567.

DATED this 5th day of April, 2005.

Karen L. Echeverria  
Policy and Governmental Affairs Officer  
Office of the State Board of Education  
650 West State Street, Rm. 307  
Boise, Idaho 83720  
(208)332-1567  
fax: (208) 334-2632

**IDAPA 08 - STATE BOARD OF EDUCATION**  
**08.03.01 - RULES GOVERNING THE CHARTER SCHOOL COMMISSION**  
**DOCKET NO. 08-0301-0501**  
**NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is March 3, 2005.

**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 33-5213, 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 May 18, 2005.

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

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Commission adopted an initial set of Rules Governing the Public Charter School Commission at their July 2004 meeting. Since that time, the Commission has found that further clarification and information is needed in the rules.

These proposed rules clarify the petition submission process, information needed by the Commission for compliance monitoring and oversight, how public hearings before the Commission will be conducted, and the format of all petitions that are submitted to the Commission.

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

To confer a benefit. The clarifications set out in these amendments will make it easier for petitioners to understand what is needed when they file petitions with the Commission and what will be expected once they are chartered by the Commission.

**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: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the amendments are non-controversial in nature and affect only those entities who will be appearing before the Commission.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Karen Echeverria at (208) 332-1567.

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 May 25, 2005.

DATED this 1st day of April, 2005.

Karen L. Echeverria  
Policy and Governmental Affairs Officer  
Office of the State Board of Education  
650 West State Street, Rm. 307  
Boise, Idaho 83720  
(208)332-1567  
fax: (208) 334-2632

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0301-0501**

**204. -- 9299. (RESERVED).**

**300. PETITION -- SUBMISSION.**

**01. Number of Copies.** Petitioners shall submit a petition consisting of an unbound original application package and twelve (12) unbound, three (3)-hole punched, copies of the application package to the Commission and an electronic copy of the petition in word format. (3-3-05)T

**02. Case Number.** The Commission will assign a case number to a petition. Any future documents or correspondence submitted to the Commission after original filing must reference the assigned case number. (3-3-05)T

**03. Administratively Complete.** If the petition is not administratively complete when received, the Commission shall provide the petitioner notice of the deficiency, which identifies the missing documents and information. Administratively complete means the petition contains all of the information and documents required by Title 33, Chapter 52, Idaho Code, and IDAPA 08.02.04, "Rules Governing Public Charter Schools". (3-3-05)T

**04. Considered Received.** A petition is considered received by the Commission when it is presented to the Commission at the first scheduled meeting after the petition is filed and the petition is administratively complete. (3-3-05)T

**05. Supplemental Information.** Submission of supplemental information to the Commission shall be accomplished by filing only the pages being amended, with the text to be removed stricken and the new language underlined, with the page number of the page to be replaced at the bottom center of the page and the month and year of revision in the bottom left hand corner of the page. (3-3-05)T

**06. Sufficiency Review.** Petitioners shall submit a copy of the State Department of Education's sufficiency review, which is required by IDAPA 08.02.04, "Rules Governing Public Charter Schools." Subsection 200.03, and any related documents addressing the deficiencies, if any, at the time the petition is filed with the Commission. (3-3-05)T

**07. School District Comments.** If applicable, petitioners may provide comments of the school district where the public charter school will be physically located. (3-3-05)T

**08. Workshop Attendance.** Petitioners shall submit proof of attendance at the State Department of Education workshop, which is required by IDAPA 08.02.04, "Rules Governing Public Charter Schools." Subsections 200.01 and 200.02. (3-3-05)T

**301. COMPLIANCE MONITORING.**

The Commission shall be responsible for ensuring the public charter school operates in accordance with all of the terms and conditions of the approved charter, including compliance with all applicable federal and state education

standards and all applicable state and federal laws, rules and regulations, and policies. See IDAPA 08.02.04, "Rules Governing Public Charter Schools." Subsection 301.01. Commission staff will make a site visit and verify the existence of the following documents after the charter is granted: (3-3-05)T

**01. Certificate of Occupancy.** Certificate of Occupancy for the public charter school site no later than thirty (30) days prior to the opening of the school; (3-3-05)T

**02. Building Inspection Reports.** A copy of the inspection report from the Idaho Division of Building Safety to be submitted no later than thirty (30) days before the school initially opens and then within seven (7) days of receipt, thereafter; (3-3-05)T

**03. Lease Agreement.** If school structures are being leased, a copy of the lease agreement for the building(s) at which students will be taught; (3-3-05)T

**04. Fire Marshal Report.** A fire marshal report for the public charter school site; (3-3-05)T

**05. Financial Statements.** Audited financial statements from an independent auditor must be submitted as required by Section 33-701, Idaho Code; (3-3-05)T

**06. Reports.** Copies of the following reports within five (5) business days of said reporting being submitted; (3-3-05)T

**a.** All reports submitted to the State Department of Education including, but not limited to, the Idaho Basic Education Data System ("IBEDS"); (3-3-05)T

**b.** All reports submitted to the Board; and (3-3-05)T

**c.** All reports submitted to federal education agencies including, but not limited to, reports required by the No Child Left Behind Act and the Individuals with Disabilities Education Act. (3-3-05)T

**07. Accreditation Reports.** A copy of the public charter school's accreditation report must be submitted within five (5) business days of receipt. See Section 33-5206(7), Idaho Code; (3-3-05)T

**08. Complaints.** Copies of any complaints filed against the public charter school including, but not limited to, lawsuits and complaints filed with the Idaho Professional Standards Commission relating to school employees, within five (5) business days of receipt; (3-3-05)T

**09. Insurance Binders.** Copies of the initial insurance binders from a company authorized to do business in Idaho for a liability policy, a property loss policy, worker's compensation insurance, and unemployment insurance no later than thirty (30) days prior to the opening of school and thereafter, thirty (30) days before the expiration of the insurance policies; (3-3-05)T

**10. Board Members.** A current list of all public charter school board members, including full name, address, telephone number, and resume must be on file with the Commission within five (5) business days of any changes; (3-3-05)T

**11. Goals Attainment.** Reporting to be submitted by the close of the school year demonstrating the students' level of attainment of the established skills and knowledge specified as goals in the public charter school's educational program. See Section 33-5206(7), Idaho Code; (3-3-05)T

**12. Programmatic Operations Audit.** An audit of the programmatic operations of the public charter school as required by Section 33-5205(3)(j), Idaho Code, must be submitted no later than October 15th for the previous school year. See Section 33-5206(7), Idaho Code; (3-3-05)T

**13. Health District Inspection Certificate.** A copy of the health certificate issued by the health district for each site at which students will be taught; (3-3-05)T

**14. Proof of Compliance.** Proof the public charter school board is in compliance with all federal, state, and local rules, regulations, and statutes relating to education, health, safety, and insurance at least thirty (30) days before the first day of operation of the public charter school for each school year; (3-3-05)T

**15. Criminal History Checks.** A copy of the criminal history checks for all employees as required by Sections 33-130 and 33-5210(d), Idaho Code, no later than thirty (30) days prior to the first day of school; (3-3-05)T

**16. Instructional Staff Certification.** Proof of certification for all instructional staff employed by the public charter school must be submitted no later than thirty (30) days prior to the first day of school; and (3-3-05)T

**17. School Calendar.** Daily schedule, and instructional hours. Ninety (90) days before the commencement of each school year, documentation must be submitted to the Commission detailing the school's calendar for the school year, daily schedule, and documentation of the appropriate number of instructional hours for students at each grade level. (3-3-05)T

**302. -- 399. (RESERVED).**

**400. PETITION -- PUBLIC HEARING.**

A meeting open to the public, as required by Section 33-5205(2), Idaho Code, for consideration of a petition on its merits shall be conducted by the Commission as follows. See Section 67-5242, Idaho Code. The Commission will; (3-3-05)T

**01. Charter Provisions.** Consider the provisions of the public school charter petition. (3-3-05)T

**02. Petition Merits.** Consider the merits of the petition including, but not limited to, the presentation by authorized representatives for the petition. (3-3-05)T

**03. Petition Support.** Consider the level of employee and parental support of the petition. (3-3-05)T

**04. School District Comment.** Hear any oral or written comments of an authorized representative of the school district in which the proposed public charter school would be physically located. (3-3-05)T

**05. Public Comment.** Citizens intending to testify must notify the Commission the day of the meeting. Public comment will be limited to ten (10) minutes, unless otherwise determined by the Commission chairman. (3-3-05)T

**401. PETITION -- FORMAT.**

All petitions submitted to the Commission must be in the following format. Information will only be considered if it is located in the correct Section. (3-3-05)T

**01. Cover Page.** The cover page must include the following information: (3-3-05)T

**a.** Name of proposed charter school; (3-3-05)T

**b.** School year petitioning to open the school; (3-3-05)T

**c.** Name of the school district where the public charter school building will be physically located or whether it is a virtual school and the physical location of the main office; and (3-3-05)T

**d.** Name, address, telephone number, fax number, and e-mail address of the petitioner's authorized representative. (3-3-05)T

**02. Table of Contents.** The second page shall be the table of contents. (3-3-05)T

**03. Tab 1.** (3-3-05)T

**a.** Copies of articles of incorporation, file-stamped by the Idaho Secretary of State's Office; and of the

signed bylaws adopted by the board of directors of the nonprofit corporation. See Section 33-5204(1), Idaho Code. (3-3-05)T

**b.** Signatures of at least thirty (30) qualified electors of the proposed charter school's service area. Proof of qualification of electors must be attached. See Section 33-5205(1)(a), Idaho Code. (3-3-05)T

**c.** Mission statement. (3-3-05)T

**04. Tab 2.** The petitioner's information regarding the proposed operation and potential effects of the public charter school including, but not limited to, the facilities to be utilized by the public charter school, the manner in which administrative services of the public charter school are to be provided, and the potential civil liability effects upon the public charter school and upon the authorized chartering entity. See Section 33-5205(4), Idaho Code. (3-3-05)T

**05. Tab 3.** (3-3-05)T

**a.** A description of the public charter school's educational program and goals, including how each of the educational thoroughness standards, as defined in Section 33-1612, Idaho Code, shall be fulfilled. See Section 33-5205(3)(a), Idaho Code. (3-3-05)T

**b.** A description of what it means to be an "educated person" in the twenty-first century, and how learning best occurs. See Section 33-5205(3)(a), Idaho Code. (3-3-05)T

**c.** The manner by which special education services will be provided to students with disabilities who are eligible pursuant to the federal Individuals with Disabilities Education Act. See Section 33-5205(3)(q), Idaho Code. (3-3-05)T

**d.** The manner by which eligible students from the public charter school shall be allowed to participate in dual enrollment in non-charter schools within the same district as the public charter school, as provided for in Section 33-203(7), Idaho Code. See Section 33-5205(3)(r), Idaho Code. (3-3-05)T

**06. Tab 4.** (3-3-05)T

**a.** The measurable student educational standards the public charter school will use. See Section 33-5205(3)(b), Idaho Code. (3-3-05)T

**b.** The method by which student progress in meeting the identified student educational standards is to be measured. See Section 33-5205(3)(c), Idaho Code. (3-3-05)T

**c.** A provision by which students of the public charter school will be tested with the same standardized tests as other Idaho public school students. See Section 33-5205(3)(d), Idaho Code. (3-3-05)T

**d.** A provision that ensures that the public charter school shall be state accredited as provided by rule of the Board. See Section 33-5205(3)(e), Idaho Code, and IDAPA 08.02.02, "Rules Governing Uniformity," Section 140. (3-3-05)T

**e.** A provision describing the school's plan if it is ever identified as an in need of improvement school as outlined in the No Child Left Behind Act. (3-3-05)T

**07. Tab 5.** (3-3-05)T

**a.** A description of the governance structure of the public charter school including, but not limited to, the persons or entity who shall be legally accountable for the operation of the public charter school. See Section 33-5205(3)(f), Idaho Code. (3-3-05)T

**b.** The process to be followed by the public charter school to ensure parental involvement. See Section 33-5205(3)(f), Idaho Code. (3-3-05)T

**c.** The manner in which an annual audit of the financial and programmatic operations of the public charter school will be conducted. See Section 33-5205(3)(j), Idaho Code. (3-3-05)T

**d.** The procedures to be followed by the public charter school and the authorizing chartering entity to resolve disputes relating to provisions of the charter. See Section 33-5205(3)(p), Idaho Code. Recommended provision regarding dispute resolution is as follows: The Public Charter School Commission and [Name of School] will resolve disputes relating to provisions of the charter following the procedures set forth in Section 33-5209, Idaho Code, and the applicable rules of the State Board of Education for notice of defect and submission of a corrective action plan. (3-3-05)T

**08. Tab 6.** (3-3-05)T

**a.** The qualifications to be met by individuals employed by the public charter school. This should include a requirement for all staff members to submit to a criminal history check, as required by Section 33-130, Idaho Code, and that all instructional staff shall be certified teachers, as required by the Board. See Section 33-5205(3)(g), Idaho Code. (3-3-05)T

**b.** The procedures that the public charter school will follow to ensure the health and safety of students and staff. See Section 33-5205(3)(h), Idaho Code. (3-3-05)T

**c.** A provision which ensures that all staff members of the public charter school will be covered by the public employee retirement system, federal social security, unemployment insurance, and worker's compensation insurance. See Section 33-5205(3)(l), Idaho Code. (3-3-05)T

**d.** A description of the transfer rights of any employee choosing to work in a public charter school and the rights of such employees to return to any non-charter public school in the school district after employment at a public charter school. See Section 33-5205(3)(n), Idaho Code. (3-3-05)T

**e.** A provision that ensures that the staff of the public charter school shall be considered a separate unit for purposes of collective bargaining. See Section 33-5205(3)(o), Idaho Code. (3-3-05)T

**f.** A statement that all teachers and administrators will be on written contract as required by Section 33-5206(4), Idaho Code. (3-3-05)T

**09. Tab 7.** (3-3-05)T

**a.** Admission procedures, including provision for over enrollment. See Section 33-5205(3)(i), Idaho Code. (3-3-05)T

**b.** The disciplinary procedures that the public charter school will utilize, including the procedure by which students, including special education students, may be suspended, expelled, and reenrolled. See Section 33-5205(3)(k), Idaho Code. (3-3-05)T

**c.** The procedures required by Section 33-210, Idaho Code, for students using or under the influence of alcohol or controlled substances. (3-3-05)T

**d.** The public school attendance alternative for students residing within the school district who choose not to attend the public charter school. See Section 33-5205(3)(m), Idaho Code. (3-3-05)T

**e.** The process by which the citizens in the area of attendance shall be made aware of the enrollment opportunities of the public charter school. See Section 33-5205(3)(s), Idaho Code. (3-3-05)T

**f.** The student handbook that describes the school rules and the procedure ensuring a student's parent or guardian has access to this handbook. (3-3-05)T

**10. Tab 8.** (3-3-05)T

- a.** A detailed business plan including: (3-3-05)T
  - i.** Business description. (3-3-05)T
  - ii.** Marketing plan. (3-3-05)T
  - iii.** Management plan. (3-3-05)T
  - iv.** Resumes of the directors of the nonprofit corporation. (3-3-05)T
  - v.** The school's financial plan. (3-3-05)T
  - vi.** Start-up budget with assumptions form. (3-3-05)T
  - vii.** Three (3)-year operating budget form, and (3-3-05)T
  - viii.** First year month-by-month cash flow form. (3-3-05)T
- b.** The school's budget must be in the Idaho Financial Accounting Reporting Management System (IFARMS) format. (3-3-05)T
- c.** A proposal for transportation services with an estimated first year cost as required by Section 33-5208(4), Idaho Code. (3-3-05)T
- d.** Plans for a school lunch program, including how a determination of eligibility for free and reduced price meals will be made. (3-3-05)T
- 11.** **Tab 9.** If this is a virtual public charter school, a brief description of how the school meets the definition of a public virtual school as defined by Section 33-5202A(6), Idaho Code. (3-3-05)T
- 12.** **Tab 10.** (3-3-05)T
  - a.** A description of any business arrangements or partnerships with other schools, educational programs, businesses, or nonprofit organizations, and copies of any contracts or lease agreements. (3-3-05)T
  - b.** Additional information the petitioners want the authorizing chartering entity to consider as part of the petition. (3-3-05)T
  - c.** Plan for termination of the charter by the board of the public charter school including: (3-3-05)T
    - i.** Identification of who is responsible for the dissolution of the corporation. (3-3-05)T
    - ii.** A plan for the disposal of the public charter school's assets. (3-3-05)T
    - iii.** A description on how payment to creditors will be handled. (3-3-05)T
    - iv.** A procedure for transferring all records of students with notice to parents of how to request a transfer of student records to a specific school. (3-3-05)T
- 402. -- 999.** (RESERVED).

# IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

DOCKET NO. 16-0000-0502

## NOTICE OF UPDATE TO FINAL RULES

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5291, Idaho Code, and in conjunction with the Office of the Administrative Rules Coordinator, notice is hereby given that certain final rules of the Department of Health and Welfare are being updated as described below. The updates being made are a result of rulemakings that were approved and finalized by legislative action that have caused these citations to become incorrect or outdated. Because the changes are non-substantive in nature, this rulemaking is being done outside the normal rulemaking procedures with the permission of the Administrative Rules Coordinator. This agency action is authorized pursuant to Sections 56-203(b) and 56-203(g), Idaho Code. These changes are immediately effective.

**DESCRIPTIVE SUMMARY:** The following is a statement in nontechnical language of the substance of the notice and the action being taken:

This rulemaking consists of four separate updates that correct internal and external citations in the Administrative Rules. The following four tables identify the specific chapters and the Subsections of rule affected by the updates:

**Table One:** The Department has updated its official website with a new website address - <http://www.healthandwelfare.idaho.gov>. It is being updated in the following chapters:

IDAPA	AFFECTED RULE CHAPTER	AMENDED SECTIONS
16.02.03	Rules Governing Emergency Medical Services	Subsection 005.05.a.
16.02.11	Immunization Requirements for Children Attending Licensed Day Care Facilities in Idaho	Subsection 005.05
16.02.15	Immunization Requirements for Idaho School Children	Subsection 005.05
16.03.01	Eligibility for Health Care Assistance for Families and Children	Subsection 005.05
16.03.13	Prior Authorization for Behavioral Health Services	Subsection 005.05
16.03.17	Service Coordination	Subsection 005.05
16.04.11	Rules Governing Developmental Disabilities Agencies	Subsection 005.05
16.04.17	Rules Governing Residential Habilitation Agencies	Subsection 005.05
16.05.01	Use and Disclosure of Department Records	Subsection 005.05
16.06.13	Rules Governing Emergency Assistance for Families & Children	Subsection 005.05

**Table Two:** IDAPA 16.03.01 has been renamed "Eligibility for Health Care Assistance for Families and Children". It replaces the old chapter name "Rules Governing Eligibility for Medicaid for Families and Children".

IDAPA	AFFECTED RULE CHAPTER	AMENDED SECTIONS
16.03.05	Rules Governing Eligibility for Aid to the Aged, Blind and Disabled (AABD)	Subsection 005.12
16.03.06	Rules Governing Refugee Medical Assistance	Section 730

IDAPA	AFFECTED RULE CHAPTER	AMENDED SECTIONS
16.03.09	Rules Governing the Medical Assistance Program	Subsections 003.21, 045, 050.01, 143.07.a., 146.02.a., 146.10.a.
16.05.03	Rules Governing Contested Case Proceedings and Declaratory Rulings	Section: 200

**Table Three:** The rewrite of Chapter 16.02.19 “Food Safety and Sanitation Standards for Food Establishments” changed the chapter name and removed the terms “Rules Governing” and “UNICODE” from the chapter name. The chapter name change affects the following chapters:

IDAPA	AFFECTED RULE CHAPTER	AMENDED SECTIONS
16.03.02	Rules and Minimum Standards for Skilled Nursing and Intermediate Care Facilities	Subsections 107.08, 121.03.iii. and 121.09
16.03.11	Rules Governing Intermediate Care Facilities for the Mentally Retarded (ICF/MR)	Subsection 250.10
16.03.14	Rules and Minimum Standards for Hospitals in Idaho	Subsection 320.09
16.06.02	Rules Governing Standards for Child Care Licensing	Subsection 721.01
16.06.03	Rules and Minimum Standards Governing Alcohol/Drug Abuse Prevention and Treatment Programs	Subsection 160.02

**Table Four:** When Docket No. 16-0100-0002 was published in 2002, the citation Section 39-145, Idaho Code, made in Section 000 of the rule was not updated as part of that omnibus rulemaking. The corrected citation is Section 56-1018B, Idaho Code.

IDAPA	AFFECTED RULE CHAPTER	AMENDED SECTIONS
16.02.04	Rules Governing Emergency Medical Services Account III Grants	Section 000 Old citation: 39-145, IC New citation: 56-1018B, IC

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this final rule, contact Ken Mordan at (208) 334-5772.

DATED this 7th day of April, 2005.

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  
 kovachs@idhw.state.id.us e-mail

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**

**16.03.16 - ACCESS TO HEALTH INSURANCE PROGRAM**

**DOCKET NO. 16-0316-0501 (NEW CHAPTER)**

**NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2005.

**AUTHORITY:** In compliance with Section 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 56-202(b), 56-241 and 56-242, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearings concerning this rulemaking will be held as follows:

<b>Date:</b> Tuesday, May 17, 2005	<b>Tuesday, May 17, 2005</b>	<b>Wednesday, May 18, 2005</b>
<b>Time:</b> 7:00 - 9:00 p.m.	<b>7:00 - 9:00 p.m.</b>	<b>7:00 - 9:00 p.m.</b>
<b>Place:</b> Dept. of Health & Welfare 1720 Westgate Dr., Suite D Boise, ID	<b>Dept. of Health &amp; Welfare 2nd Floor Conf. Room 150 Shoup Ave, Idaho Falls, ID</b>	<b>Dept. of Health &amp; Welfare 1120 Ironwood Dr., Ste 102 Coeur d'Alene, ID</b>

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

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This new chapter of rule supports the implementation of the Idaho Health Insurance Access Card Act passed during the 2003 Idaho Legislative session. It describes the Access to Health Care program that provides insurance premium assistance for one thousand (1,000) adults who are either employees or spouses of employees working in an Idaho small business of two (2) to fifty (50) employees. The chapter includes information explaining eligibility criteria, benefits, and reimbursement.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: To comply with deadlines in governing law and confer a benefit to Idahoans.

**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: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

This rulemaking has no fiscal impact to the state general fund. The majority of funding is from federal funding and the remainder will come from the premium tax fund in lieu of utilizing state general funds.

**NEGOTIATED RULEMAKING:** Informal negotiated rulemaking was conducted. The Department has met with the Advisory Board consisting of small business employers and insurance representatives in development of the rules.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rules, contact Robin Pewtress, Idaho SCHIP, Director, at 208-364-1892.

Anyone can submit written comments regarding this rulemaking. All written comments and data concerning the rule must be directed to the undersigned and delivered on or before May 25, 2005.

DATED this 29th day of March, 2005.

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  
kovachs@idhw.state.id.us e-mail

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0316-0501**

**IDAPA 16, TITLE 03, CHAPTER 16**

**16.03.16 - ACCESS TO HEALTH INSURANCE PROGRAM**

**000. LEGAL AUTHORITY.**

Under Section 56-202(b), Idaho Code, the Legislature has delegated to the Department of Health and Welfare the responsibility to establish and enforce such rules as may be necessary or proper to administer public assistance programs within the state of Idaho. Under Sections 56-241 and 56-242, Idaho Code, the Idaho Legislature has authorized the Department of Health and Welfare to implement a Small Business Health Insurance Pilot program, which is a premium assistance program including eligibility criteria, benefits, and reimbursement. This program is named the Access to Health Insurance Program. The Idaho Department of Health and Welfare is the designated agency to administer programs under Title XIX and Title XXI of the Social Security Act. (7-1-05)T

**001. TITLE AND SCOPE.**

**01. Title.** The title of this chapter is IDAPA 16.03.16, "Access to Health Insurance Program". (7-1-05)T

**02. Scope.** Under Sections 56-241 and 56-242, Idaho Code, these rules describe the general provisions regarding the administration of the Access to Health Insurance Program. These rules identify eligibility criteria, benefits, and reimbursement. (7-1-05)T

**03. Policy.** It is the policy of the Department, under Section 56-209(b), Idaho Code, that the Access to Health Insurance Program is available to individuals who are found eligible under these rules. (7-1-05)T

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations for these rules. (7-1-05)T

**003. ADMINISTRATIVE APPEALS.**

All administrative appeals are governed by provisions of IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings". (7-1-05)T

**004. INCORPORATION BY REFERENCE.**

No documents have been incorporated by reference into these rules. (7-1-05)T

**005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS -- STREET ADDRESS -- TELEPHONE NUMBER -- INTERNET WEBSITE.**

**01. Office Hours.** Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (7-1-05)T

**02. Mailing Address.** The mailing address for the business office is Idaho Department of Health and Welfare, P.O. Box 83720, Boise, Idaho 83720-0036. (7-1-05)T

**03. Street Address.** The business office of the Idaho Department of Health and Welfare is located at 450 West State Street, Boise, Idaho 83702. (7-1-05)T

**04. Telephone.** The telephone number for the Idaho Department of Health and Welfare is (208) 334-5500. (7-1-05)T

**05. Internet Website.** The Department's internet website is found at "http://www.healthandwelfare.idaho.gov". The program website is "http://www.AccessToHealthInsurance.idaho.gov". (7-1-05)T

**006. CONFIDENTIALITY OF RECORDS AND PUBLIC RECORDS REQUESTS.**

Any use or disclosure of Department records must comply with IDAPA 16.05.01, "Use and Disclosure of Department Records". (7-1-05)T

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

**010. DEFINITIONS.**

**01. Adult.** An individual who is at least eighteen (18) years of age and is not a dependent child. (7-1-05)T

**02. Applicant.** An individual applying for premium assistance under these rules who is employed by, or is the spouse or dependent child of someone who is employed by, an Idaho Small Business. (7-1-05)T

**03. Application.** Two (2) forms used to determine eligibility. One (1) is a standard form for insurance coverage and one (1) is a supplemental form for Department use only. (7-1-05)T

**04. COBRA (Consolidated Omnibus Budget Reconciliation Act of 1985).** A federal law that requires most employers to allow eligible employees and their beneficiaries to continue to self-pay for their coverage after it normally terminates for up to eighteen (18), twenty-four (24), twenty-nine (29), or thirty-six (36) months. (7-1-05)T

**05. Creditable Health Insurance.** Creditable health insurance is coverage that provides benefits for inpatient and outpatient hospital services and physicians' medical and surgical services. Creditable coverage excludes liability, limited scope dental, vision, specified disease or other supplemental-type benefits. (7-1-05)T

**06. Co-Payment (Co-pay).** The amount a participant is required to pay for specified services. (7-1-05)T

**07. Cost-Sharing.** A payment the participant is required to make toward the cost of their health care. (7-1-05)T

**08. Department.** The Idaho Department of Health and Welfare. (7-1-05)T

**09. Dependent.** A dependent is an unmarried child under the age of nineteen (19) years or a spouse. (7-1-05)T

**10. Employee.** Employee means an employee who works on a full-time basis and has a normal work

week of thirty (30) or more hours or, by agreement between the employer and the carrier, an employee who works between twenty (20) and thirty (32) hours per week. The term includes a sole proprietor, a partner of a partnership, or an independent contractor, if the sole proprietor, partner, or independent contractor is included as an employee under a health benefit plan of a small employer. It does not include an employee who works on a part-time, temporary, and seasonal or substitute basis. (7-1-05)T

**11. Family.** Individuals related by marriage and any dependent child(ren) of either individual. An unmarried, childless individual is a family of one (1). (7-1-05)T

**12. Family Size.** The individuals counted to determine eligibility. (7-1-05)T

**13. Federal Poverty Guideline (FPG).** Federal Poverty Guideline is a measure of income issued annually by the Department of Health and Human Services (HHS). (7-1-05)T

**14. Insurance Carrier.** An insurance company regulated by the Idaho Department of Insurance. (7-1-05)T

**15. Insurance Representative.** An Insurance Representative is the acting intermediary between the Department of Health and Welfare and the participating small business employer. (7-1-05)T

**16. Insurance Vendor.** An insurance carrier authorized to receive payments from the Department. (7-1-05)T

**17. Institution.** A facility either under the control of the Idaho Department of Corrections or a facility primarily engaged in providing diagnosis, treatment or care of persons with mental diseases. (7-1-05)T

**18. Participant.** An individual receiving premium assistance under these rules who is employed by, or is the spouse or dependent child of someone who is employed by an Idaho Small Business. (7-1-05)T

**19. Participating Employer.** A small business employer with a signed employer agreement on file with the Department. (7-1-05)T

**20. Premium.** A regular and periodic charge or payment for health coverage. (7-1-05)T

**21. Premium Assistance.** The partial or total premium payment made to an insurance company to supplement the cost of enrolling a program participant in a health insurance plan. (7-1-05)T

**22. Renewal.** A review of all the eligibility criteria for a given participant to determine participation continuance. (7-1-05)T

**23. Slot.** A placeholder for an adult who is applying for or participating in the Access to Health Insurance program. (7-1-05)T

**24. Small Business Employer.** A Small Business Employer is a person, firm, corporation, partnership or association that is actively engaged in business that employs an average of at least two (2) but no more than fifty (50) employees during a calendar year. In determining the number of employees, companies that are affiliated companies, or are eligible to file a combined tax return for purposes of state taxation, will be considered one (1) employer. (7-1-05)T

**25. Small Group Health Plan.** A health benefit plan as defined in Title 41, Chapter 47, Idaho Code. (7-1-05)T

**26. Social Security Act.** 42 U.S.C. 101 et seq., authorizing, in part, federal grants to the states for health care assistance to eligible low-income individuals. (7-1-05)T

**27. State.** The state of Idaho. (7-1-05)T

**28. Title XIX Medicaid.** Medical assistance programs authorized under Title XIX of the Social Security Act. (7-1-05)T

**29. Title XXI State Children's Health Insurance Program (SCHIP).** Programs authorized under Title XXI of the Social Security Act for child health insurance. (7-1-05)T

**011. -- 099. (RESERVED).**

**100. EMPLOYER PARTICIPATION.**

A Small Business employer who wants to participate in the Access to Health Insurance program must meet each of the following conditions: (7-1-05)T

**01. Register Intent to Participate.** The Small Business employer or his insurance representative must electronically register the business' intent to participate in the program. The business is placed on a registration list ordered by the date and time stamp of the employer's registration. The business must indicate the number of program slots requested for adult applicants of the business. Placement on the employer registration list is not a guarantee of program participation. (7-1-05)T

**02. Qualify.** The business must qualify for Small Group Health Insurance coverage as defined in Title 41, Chapter 47, Idaho Code. (7-1-05)T

**03. Idaho Business.** The business must be physically located in Idaho and be actively engaged as an Idaho business. (7-1-05)T

**04. No Other Health Insurance.** The employer must not be offering health insurance to employees when the business registers its' intent to participate. (7-1-05)T

**05. Eligible Employee.** The business must have at least one (1) employee eligible for premium assistance. (7-1-05)T

**06. Employer Agreement.** The employer must have a signed program participation agreement on file with the Department. (7-1-05)T

**07. Employer Share.** The employer must pay at least fifty percent (50%) of employee's premium, or if the spouse also participates, fifty percent (50%) of the combined premium for the employee and spouse. (7-1-05)T

**101. -- 199. (RESERVED).**

**200. PARTICIPATION LIMITED.**

Participation in the Access to Health Insurance program is limited to one thousand (1000) adult participants in any calendar month. Priority for participation is ordered by the date and time stamp of the employer's registration. (7-1-05)T

**201. -- 209. (RESERVED).**

**210. OFFER TO PARTICIPATE.**

The Department will provide written notice to an employer or his insurance representative of an offer to participate in the program when the conditions in Subsections 210.01 through 210.03 in these rules are met. The insurance representative must forward the applications, as described in Sections 300 and 320 of these rules, to the Department within fifteen (15) calendar days of the written notice after which time the offer is void. (7-1-05)T

**01. Priority Status.** The employer is in the first position on the employer registration list. (7-1-05)T

**02. Available Program Slots.** The number of available program slots is equal to or greater than the number of adult applicants indicated on the employer's registration record. (7-1-05)T

**03. Participating Employers Decline.** All participating employers have declined use of the program

slot(s). (7-1-05)T

**211. -- 219. (RESERVED).**

**220. CONDITIONAL APPROVAL.**

The Department will provide written notification of a business' conditional approval for program participation to the insurance representative. The signed conditional approval letter must be returned to the Department with a signed employer agreement within fifteen (15) calendar days of the notification after which time the conditional approval is void. (7-1-05)T

**221. -- 229. (RESERVED).**

**230. FORFEIT OF REGISTRATION.**

A business that either voids its offer to participate or its conditional approval forfeits its placement on the employer registration list. Program slots pending use by a business that forfeits its registration are made available to other employers. (7-1-05)T

**231. -- 239. (RESERVED).**

**240. NEW REGISTRATION REQUIRED.**

A business that either voids its offer to participate or forfeits its registration must electronically re-register its intent to participate in the program. The business must meet the conditions specified in Section 210 of these rules to be reconsidered for participation. (7-1-05)T

**241. -- 299. (RESERVED).**

**300. APPLICATION FOR PREMIUM ASSISTANCE.**

The application must be completed and signed by the applicant or his authorized representative. By signing the application form, the signer agrees, under penalty of perjury, that statements made on the application are truthful. (7-1-05)T

**01. Application Time Limits.** Each application must be processed within sixty (60) days of postmark of application unless prevented by events beyond the Department's control. (7-1-05)T

**02. Notice.** The applicant must be sent a written notice of the outcome of his application. (7-1-05)T

**03. Insurance Representative Required.** Applications must be forwarded to the Department through the employer's insurance representative. An application received directly from an applicant will not be processed. (7-1-05)T

**301. -- 319. (RESERVED).**

**320. INDIVIDUAL NON-FINANCIAL ELIGIBILITY CRITERIA.**

An individual who wants to participate in the Access to Health Insurance program must meet each of the following conditions: (7-1-05)T

**01. Employer Participates.** The individual must be employed by, or be a dependent of an employee of, a participating Idaho Small Business employer. (7-1-05)T

**02. Application.** The individual must submit an application through the insurance representative for premium assistance to the Department. (7-1-05)T

**03. Citizen or Eligible Alien.** The individual must be a United States citizen or eligible alien. An individual is an eligible alien if he meets the requirements of IDAPA 16.03.01, "Rules Governing Eligibility for Health Care Assistance for Families and Children". (7-1-05)T

**04. Residency.** The individual must voluntarily live in Idaho and have no immediate intention of

leaving. (7-1-05)T

**05. Institution.** The individual must not be a resident of an institution at the time of application or renewal. (7-1-05)T

**06. No Health Insurance.** An individual must not have disenrolled from creditable health insurance in the six (6) months prior to his application with the intent to qualify for the Access to Health Insurance Program. (7-1-05)T

**07. Section 1931, Social Security Act, Not Eligible.** The individual must not be eligible for health care assistance under Section 1931 of the Social Security Act. (7-1-05)T

**08. No Other Assistance.** The individual must not receive health care assistance through any other program funded by Title XIX or Title XXI for the same month an Access to Health Insurance premium subsidy payment is made on the participant's behalf. (7-1-05)T

**09. Proof of Insurance.** The individual must provide proof of creditable health insurance coverage for any and all dependent children under the age of nineteen (19) if premium assistance is not requested for the children. (7-1-05)T

**10. Medical Support.** An individual who is the non-custodial parent of a dependent child may satisfy a medical support order for that child by providing the child's health insurance through the Access to Health Insurance Program unless the child is found eligible for health care assistance in another home. The child will be disenrolled from the Access to Health Insurance Program and enrolled in the direct coverage program effective the first of the following month. (7-1-05)T

**321. -- 349. (RESERVED).**

**350. FAMILY FINANCIAL ELIGIBILITY CRITERIA.**

**01. Individuals Counted in Family Size.** Individuals related by marriage and any dependent child(ren) of either individual are counted in the family size. (7-1-05)T

**02. Income Limit.** The family must have gross countable income less than or equal to one hundred and eighty-five percent (185%) of the Federal Poverty Guideline (FPG) for the family size. (7-1-05)T

**03. Adult's Income Counted.** Each adult's earned and unearned income is counted when determining family income. The income of a dependent child is not counted. (7-1-05)T

**04. No Income Deductions.** No deductions are applied to family countable income. (7-1-05)T

**05. Income Exclusions.** Income excluded from the family countable income is defined in IDAPA 16.03.01, "Rules Governing Eligibility for Health Care Assistance for Families and Children," Section 385. (7-1-05)T

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

**400. CONTINUOUS ELIGIBILITY.**

Applicants found eligible in an initial determination or a renewal remain eligible for a period of twelve (12) months unless one (1) of the following occurs: (7-1-05)T

**01. Incorrect Determination.** Eligibility was determined incorrectly for any reason. (7-1-05)T

**02. Death of Participant.** The participant dies. (7-1-05)T

**03. Loss of Residency.** The participant is no longer an Idaho resident. (7-1-05)T

**04. Insurance Discontinued.** The employer no longer offers health insurance or the participant drops the health insurance coverage. (7-1-05)T

**05. Employee Changes Employers.** The participant no longer works for the same small business. (7-1-05)T

**06. Change of Plans.** The employer changes insurance plans. (7-1-05)T

**07. No Longer a Dependent.** A participant who is a dependent child attains the age of nineteen (19) years. (7-1-05)T

**401. -- 409. (RESERVED).**

**410. ANNUAL RENEWAL.**  
Each participant's eligibility must be renewed annually. The annual renewal is a review of all eligibility factors. (7-1-05)T

**411. -- 449. (RESERVED)**

**450. PARTICIPATION VACANCY.**  
When a program slot is vacated, the opportunity to fill the vacancy is offered first to participating employers prior to an employer on the registration list. (7-1-05)T

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

**500. PARTICIPANT RIGHTS.**  
The participant has rights protected by federal and state laws and Department rules. The Department must inform participants of their rights during the application process and eligibility reviews. (7-1-05)T

**01. Right to Hearing.** Any participant can request a hearing to contest a Department decision. (7-1-05)T

**02. Civil Rights.** Participants have civil rights under the U.S. and Idaho Constitutions, the Social Security Act, Title IV of the Civil Rights Act of 1964, the Rehabilitation Act of 1973, and all other relevant parts of Federal and State laws. (7-1-05)T

**501. -- 599. (RESERVED).**

**600. PREMIUM ASSISTANCE.**  
The Access to Health Insurance Program pays a premium subsidy toward a private health insurance plan for a participant. The rules governing payment and benefits are found in Sections 605 through Section 620 of these rules. (7-1-05)T

**601. -- 604. (RESERVED).**

**605. INSURANCE PREMIUM SUBSIDY.**  
The Department or its designee will pay an insurance premium subsidy to an insurance vendor in partial payment of a premium for a qualifying health benefit plan selected by a participating employer. The Department's payment will not exceed one hundred dollars (\$100) each month for each participant. The total payment for eligible children in the same family will not exceed three hundred dollars (\$300) each month. The total payment for a family will not exceed five hundred dollars (\$500) each month. (7-1-05)T

**606. NO SUBSIDY FOR COBRA COVERAGE.**  
Premium assistance is not available for COBRA coverage. (7-1-05)T

**607. -- 614. (RESERVED).**

**615. BENEFITS AND COST-SHARING.**

Participating private health insurers must define the covered benefits and amounts of cost-sharing provided by the plan, subject to the requirements set forth in Title 41, Chapter 47, Idaho Code. Cost-sharing may include co-insurance, co-payments, deductibles, and excess premium costs above the Department's premium subsidy. (7-1-05)T

**616. -- 619. (RESERVED).**

**620. VENDOR APPLICATION.**

An insurance carrier that wants to participate in the Access to Health Insurance Program must apply to the Department and be approved for participation. The Department will confirm the vendor is an insurance carrier recognized by the Department of Insurance as having authority to sell health benefit plans regulated by Title 41, Chapter 47, Idaho Code. (7-1-05)T

**01. Conforming Benefit Plan.** The vendor must certify to the Department that the benefit plan meets the definition of a health benefit plan regulated by Title 41, Chapter 47, Idaho Code. (7-1-05)T

**02. Vendor Application Denied.** The Department will not approve the application of a vendor whose authority to sell insurance plans in the State of Idaho is suspended. (7-1-05)T

**621. -- 999. (RESERVED).**

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.03.18 - RULES GOVERNING CHIP B CHILDREN'S ACCESS CARD RULES**

**DOCKET NO. 16-0318-0402**

**NOTICE OF RULEMAKING - FINAL RULE**

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution on this rulemaking under Docket No. 16-0318-0402. This agency action for this final rulemaking is authorized pursuant to Sections 56-202(b), 56-239, and 56-240, Idaho Code.

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

Pursuant to Senate Concurrent Resolution No. 117 (SCR 117), Docket No. 16-0318-0402 is not consistent with legislative intent and is being amended accordingly. In accordance with the concurrent resolution, the following changes are being made to the final rule: Subsection 16.03.18.507.04, "Delinquent Premiums at Renewal Date," was not approved and has been rejected, declared null, void and of no force and effect.

The original text of the proposed rule was published in the July 7, 2004 Idaho Administrative Bulletin, Vol. 04-7, pages 81 and 82. The pending rule was published in the January 5, 2005 Idaho Administrative Bulletin, Vol. 05-1, page 119.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this final rule, contact Robin Pewtress at (208) 364-1892.

DATED this 29th day of March, 2005.

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  
kovachs@idhw.state.id.us e-mail

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**THE FOLLOWING IS THE TEXT OF THE FINAL RULE OF DOCKET NO. 16-0318-0402**

**507. DELINQUENT PREMIUM PAYMENTS.**

If the family is sixty (60) or more days past due on its premium payments, the family is offered a new eligibility determination. If the child is eligible for Title XIX Medicaid or CHIP A, the child will be moved to the appropriate coverage group. The change is effective the month after the child becomes eligible for Title XIX Medicaid or CHIP A. The following items apply to delinquent premium payments: (3-24-05)

**01. Premium Debt.** Any premium debt assessed, but not paid, after the child became eligible for Title XIX Medicaid or CHIP A will be forgiven. (3-24-05)

**02. Delinquent Payments.** A child must not be approved for or renewed for CHIP B if his premium payments are sixty (60) or more days delinquent as of the last working day of his twelve-month (12) continuous eligibility period. (3-24-05)

**03. Reestablishing Eligibility.** A family can reestablish a child's eligibility during a new open enrollment period by paying the premium debt in full. (3-24-05)

**IDAPA 18 - DEPARTMENT OF INSURANCE**

**18.01.56 - REBATES AND ILLEGAL INDUCEMENTS TO OBTAINING  
TITLE INSURANCE BUSINESS RULES**

**DOCKET NO. 18-0156-0401**

**NOTICE OF RULEMAKING - FINAL RULE**

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution on this rulemaking under Docket No. 18-0156-0401. This agency action for this final rulemaking is authorized pursuant to Section 41-211, Idaho Code.

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

Pursuant to House Concurrent Resolution No. 13 (HCR 013), Docket No. 18-0156-0401 is not consistent with legislative intent and has been rejected and is declared null, void and of no force and effect.

The original text of the proposed rule was published in the October 6, 2004 Idaho Administrative Bulletin, Vol. 04-10, pages 405 through 409. The pending rule was published in the December 1, 2004 Idaho Administrative Bulletin, Vol. 04-12, pages 72 and 73.

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

DATED this 21st day of March, 2005.

Gary L. Smith, 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 23 - IDAHO BOARD OF NURSING**  
**23.01.01 - RULES OF THE IDAHO BOARD OF NURSING**  
**DOCKET NO. 23-0101-0501 (FEE RULE)**  
**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-1404, 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 May 18, 2005.

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 proposed rulemaking is necessary, based on projections for agency needs in the next two to five years, to increase the fees for renewal of licensure and endorsement of licensure.

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

The proposed changes, pursuant to the Board's authority under Section 54-1404, Idaho Code, increase the cost of renewal of licensure from \$50 to \$90 for the two-year renewal period and endorsement of licensure from \$85 to \$110.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: The proposed rule making will have no impact on the general fund.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the relatively simple nature of the proposed change.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Sandy Evans, MAEd., R.N., Executive Director, at (208) 334-3110.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before May 25, 2005.

DATED this 14th day of February, 2005.

Sandy Evans, MAEd., R.N.  
Executive Director  
Idaho State Board of Nursing  
280 N. 8th St. (8th & Bannock), Ste. 210  
P. O. Box 83720, Boise, ID 83720-0061  
Phone: (208) 334-3110 / Fax: (208) 334-3262

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 23-0101-0501**

**900. RENEWAL AND REINSTATEMENT FEES.**

Fees will be assessed for renewal of licensure, for late renewal or reinstatement of a lapsed license, or reinstatement of a disciplined license. Any person submitting the renewal application and fee post-marked later than August 31 shall be considered delinquent and the license lapsed and therefore invalid: (4-2-03)

**01. Licensed Professional Nurse Renewal Fee.** Licensed professional nurses will be assessed a renewal fee of ~~fifty~~ ninety dollars (\$~~50~~90) due by August 31 of each odd-numbered year; and (~~3-30-01~~)(    )

**02. Licensed Practical Nurse Renewal Fee.** Licensed practical nurses will be assessed a renewal fee of ~~fifty~~ ninety dollars (\$~~50~~90) due by August 31 of each even-numbered year; and (~~3-30-01~~)(    )

**03. Advanced Practice Professional Nurse.** Licensed advanced practice professional nurses will be assessed a renewal fee of ~~fifty~~ ninety dollars (\$~~50~~90) due by August 31 of each odd-numbered year; and (~~3-30-01~~)(    )

**04. Emeritus License.** Emeritus status nurses will be assessed a renewal fee of twenty dollars (\$20) due by August 31 of the renewal year. (4-2-03)

**05. Late Renewal/Reinstatement Fee.** Advanced practice professional nurses, licensed professional nurses, licensed practical nurses, and emeritus status nurses, requesting a late renewal, reinstatement of a lapsed license, or reinstatement of a disciplined license, and emeritus status nurses seeking reinstatement of a license to active practice, will be assessed a fee of thirty-five dollars (\$35) for records verification and a fifty dollar (\$50) renewal fee which will be due upon application. (4-2-03)

**06. Delay in Processing.** Processing of renewal applications not accompanied by cash, cashier's check, a money order, or other guaranteed funds may be delayed in order to allow clearance of personal checks through the licensee's bank. (3-30-01)

**901. LICENSURE FEES.**

Fees will be assessed for licensure of professional and practical nurses by examination and endorsement, and for temporary licenses and verification of licensure to another state. (6-1-78)

**01. Licensure by Examination.** A fee will be assessed applicants for licensure by examination as follows: (3-30-01)

**a.** Professional nurse applicants: ninety dollars (\$90). (3-30-01)

**b.** Practical nurse applicants: seventy-five dollars (\$75). (3-30-01)

**02. Advanced Practice Professional Nurses.** Advanced practice professional nurse applicants: ninety dollars (\$90). (3-30-01)

**03. Licensure by Endorsement.** The fee assessed for licensure by endorsement of licensed professional and licensed practical nurses will be ~~eighty-five~~ one hundred ten dollars (\$~~85~~110). (~~3-30-01~~)(    )

**04. Verification of Licensure Fee.** Licensed professional and licensed practical nurses requesting verification of licensure to another state will be assessed a fee of thirty dollars (\$30) which will be due upon request. (3-30-01)

**05. Authorization Fee.** Advance practice professional nurses will be assessed an authorization fee of fifty dollars (\$50) which will be due upon application. (3-30-01)

**06. Emeritus License Fee.** Applicants requesting emeritus status will be assessed a fee of twenty-five dollars (\$25), which will be due upon application. (4-2-03)

**07. Temporary License Fee.** Professional and practical nurses requesting a temporary license will be

assessed a fee of twenty-five dollars (\$25) which will be due upon application. (3-30-01)

**08. Limited License Fee.** Persons who are issued a limited license following disciplinary action or temporary voluntary surrender of a license will be assessed a fee of one hundred dollars (\$100) which will be due upon issuance of the limited license. (3-30-01)

# **IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES**

## **24.14.01 - RULES OF THE BOARD OF SOCIAL WORK EXAMINERS**

**DOCKET NO. 24-1401-0401**

### **NOTICE OF RULEMAKING - FINAL RULE**

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution on this rulemaking under Docket No. 24-1401-0401. This agency action for this final rulemaking is authorized pursuant to Section 54-3204, Idaho Code.

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

Pursuant to Senate Concurrent Resolution No. 107 (SCR 107), Docket No. 24-1401-0401 is not consistent with legislative intent and is being amended accordingly. In accordance with the concurrent resolution the following changes are being made to the final rule: Section 202, relating to social work supervisor registration, Subsections 01.b, 01.c, and 02.c. are declared null, void, and of no force and effect. The final rule has been amended to reflect the changes required by the concurrent resolution.

The original text of the proposed rule was published in the October 6, 2004 Idaho Administrative Bulletin, Vol. 04-10, page(s) 440 through 445. The pending rule was published in the January 5, 2005 Idaho Administrative Bulletin, Vol. 05-1, page 150.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this final rule, contact Cherie Simpson at (208) 334-3233.

DATED this 7th day of April, 2005.

Rayola Jacobsen,  
Bureau Chief  
Bureau of Occupational Licenses  
1109 Main St., Ste 220  
Boise, ID 83709  
(208) 334-3233 (208) 334-3945

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#### **THE FOLLOWING IS THE TEXT OF THE FINAL RULE OF DOCKET NO. 24-0401-0401**

##### **202. SOCIAL WORK SUPERVISOR REGISTRATION (RULE 202).**

Effective January 1, 2006, Idaho licensed social workers shall be registered with the Board in order to provide postgraduate supervision for those individuals pursuing licensure in Idaho as a clinical social worker. (3-14-05)

- 01. Requirements for Registration.** (3-14-05)
  - a.** Document at least two (2) years experience as a licensed clinical social worker in Idaho. (3-14-05)
  - b.** Have not been the subject of any disciplinary action for five (5) years prior to application for registration. (3-14-05)
- 02. Registration.** A supervisor applicant shall submit to the Bureau a completed application form as approved by the board. (3-14-05)
  - a.** Upon receipt of a completed application verifying compliance with the requirements for registration as a supervisor, the applicant shall be registered as a supervisor. (3-14-05)
  - b.** A supervisor's registration shall be valid only so long as the individual's clinical social worker license remains current and in good standing. (3-14-05)

## **IDAPA 31 - PUBLIC UTILITIES COMMISSION**

### **31.61.01 - RULES FOR THE MEASUREMENT OF STRAY CURRENT OR VOLTAGE (THE STRAY VOLTAGE RULES)**

**DOCKET NO. 31-6101-0501**

#### **NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING**

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that the Commission intends to promulgate rules and to initiate informal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 61-515, 61-520, and 61-803, Idaho Code.

**WORKSHOP SCHEDULE:** The Commission's Staff will conduct a public workshop for the purpose of discussing draft rules that address the uniform procedures and protocols to be used for the measurement of stray current or voltage in proximity to dairy cows. The public workshop will convene on:

**June 7, 2005 at 9:30 a.m. MST  
Commission's Hearing Room  
472 West Washington Street, Boise, Idaho**

Persons needing the assistance of a sign language interpreter or other assistance must contact the Commission Secretary no later than May 31, 2005 as set out at the end of this notice.

**METHOD OF PARTICIPATION:** Persons wishing to participate in the informal negotiated rulemaking must do the following:

All interested persons may participate in the negotiated rulemaking workshop. The purpose of the informal workshop is to facilitate negotiated rulemaking in which all interested persons seek consensus on the content of temporary and proposed rules. Section 61-803, Idaho Code, requires that the Commission promulgate temporary rules and proposed rules no later than September 28, 2005. Persons interested in participating in the negotiated rulemaking workshop may obtain a copy of the draft rules by writing, calling or e-mailing the Commission Secretary after May 24, 2005. The Commission Secretary's contact information is contained at the end of this notice.

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

In March 2005, the Idaho Legislature passed and the Governor signed the Stray Current and Voltage Remediation Act. 2005 Idaho Session Laws, Chapter 189. The purpose of the Act is to provide for the safe and efficient availability of electricity by electric public utilities while at the same time address complaints regarding the effects of stray current or voltage on dairy cows. The Act is effective March 28, 2005.

"Stray voltage" is a natural phenomenon that can be found at low levels in areas where electricity is grounded. All electrical systems – including a dairy producer's on-farm system and a utility's distribution system – must be grounded to the earth as required by various safety codes to ensure continuous safety and reliability. Inevitably, some current flows through the earth at each point where the electrical system is grounded and a small voltage develops. When a portion of this voltage is measured between two objects that may be simultaneously contacted by a dairy cow, it is frequently called "stray voltage". Stray voltage is not electrocution and is not direct current, ground currents, electromagnetic fields (EMFs), or earth currents.

The Commission's rules will include comprehensive testing procedures and forms for investigators to use when gathering voltage data. These forms will require the use of a number of tests and the collection of a wide variety of data. The ultimate goal is to obtain accurate measurements of the voltage level a dairy cow may be subject to in its normal environment and identify the possible sources of the stray voltage so that remedial actions, if necessary, can be taken.

Section 61-803, Idaho Code, requires that the Commission promulgate temporary and proposed rules establishing uniform procedures and protocols for the measurement of stray current or voltage. This statute further provides that the Commission's rules shall be applicable to dairy producers, public utilities, and all persons or entities "involved in

any way in the measurement or remediation of stray current or voltage in this state.” Any measurement of stray current or voltage not made in compliance with Commission rules shall be inadmissible before the Commission or in any civil action in an Idaho court of law.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES:** For assistance on technical questions concerning this negotiated rulemaking contact Kira Dale Pfisterer, Deputy Attorney General, at (208) 334-0314.

A copy of the draft rules to be discussed during the negotiated workshop may be obtained from the Commission Secretary after May 24, 2005. The deadline for submitting written comments regarding the proposed rules will be scheduled later.

DATED at Boise, Idaho this 19th day of April, 2005.

Jean D. Jewell, Commission Secretary  
Idaho Public Utilities Commission  
PO Box 83720  
Boise, ID 83720-0074  
Telephone: (208) 334-0338  
Facsimile: (208) 334-3762  
E-mail: secretary@puc.idaho.gov

Street address for express delivery:  
472 W. Washington  
Boise, Idaho 83702-5983

# IDAPA 36 - IDAHO BOARD OF TAX APPEALS

## 36.01.01 - IDAHO BOARD OF TAX APPEALS RULES

DOCKET NO. 36-0101-0401

### NOTICE OF RULEMAKING - FINAL RULE

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution on this rulemaking under Docket No. 36-0101-0401. This agency action for this final rulemaking is authorized pursuant to Section 63-3808, Idaho Code.

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

Pursuant to Senate Concurrent Resolution No. 105 (SCR 105), a portion of Docket No. 36-0101-0401 is not consistent with legislative intent and is being amended accordingly. In accordance with the concurrent resolution the following changes are being made to the final rule:

Section 030 relating to the Representation and Practice Before the Board (Rule 30), and Section 045 relating to Notice of Appeal -- Contents (Rule 45), adopted as a pending rule under Docket No. 36-0101-0401, was rejected and declared null, void and of no force and effect. This section will remain as promulgated in 2000.

Section 082 relating to Agency -- Contrast with Other Discovery (Rule 82), adopted as a pending rule under Docket Number 36-0101-0401, was rejected and declared null, void and of no force and effect.

The original text of the proposed rule was published in the October 6, 2004 Idaho Administrative Bulletin, Volume 04-10, pages 592 through 614. The pending rule was published in the January 5, 2005, Idaho Administrative Bulletin, Volume 05-1, page 178.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Susan Renfro at (208)334-3354.

DATED this 30th day of March, 2005.

Susan Renfro  
Director and Clerk to the Board  
Board of Tax Appeals  
3380 Americana Terrance, Suite 110  
P.O. Box 83720  
Boise, ID 83720-0088  
Phone: (208)334-3354  
Fax: (208)334-4060

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### THE FOLLOWING IS THE TEXT OF THE FINAL RULE OF DOCKET NO. 36-0101-0401

#### **030. APPEARANCE AND PRACTICE BEFORE THE BOARD (RULE 30).**

All Proceedings. The right to appear and practice before the Board shall be limited to the following classes of persons: (4-5-00)

- 01. Natural Persons.** Parties who are natural persons representing themselves; (4-5-00)
- 02. Authorized Persons.** Duly authorized directors, officers or designated full-time salaried employees of corporations representing the corporations of which they are, respectively, directors, officers or employees; (4-5-00)
- 03. Authorized Representation.** Duly authorized partners, joint venturers, designated full-time salaried employees, or trustees representing their respective partnerships, joint ventures or trusts; (4-5-00)
- 04. Authorized Attorneys.** Attorneys duly authorized, who are qualified and entitled to practice in the courts of the state of Idaho; (4-5-00)
- 05. Officers or Employees.** Public officer or designated employees when representing the agency of which they are an officer or employee; (7-1-93)
- 06. Board Approved Power of Attorney.** A party may designate a representative in writing through a Board approved power of attorney; (4-5-00)
- 07. Intervention.** Parties entitled to intervene under Section 085. (4-5-00)

**(BREAK IN CONTINUITY OF SECTIONS)**

**045. NOTICE OF APPEAL -- CONTENTS (RULE 45).**

All appeals shall be in writing and shall contain clear and concise statements of the matters that lay a foundation for the relief that may be granted by the Idaho Board of Tax Appeals. All appeals shall allege necessary facts to establish jurisdiction of the Board to hear said appeal. (4-5-00)

- 01. Appeals.** All appeals shall contain: (4-5-00)
- a.** Appellant's full name; (4-5-00)
  - b.** Current mailing address; (4-5-00)
  - c.** Tax year(s) being appealed; and (4-5-00)
  - d.** The telephone number where the appellant can be reached during normal daytime business hours. (4-5-00)
- 02. Appeal Filed by an Attorney or Representative.** If any appeal is filed by an attorney or other representative, the pleading shall contain: (4-5-00)
- a.** The attorney's or representative's name, address, telephone number; and (4-5-00)
  - b.** For attorneys, the Idaho State Bar License number. Representatives shall include a power of attorney from the appellant. (4-5-00)
- 03. Board Must Be Informed of Any Changes in Address or Phone Number.** Parties and representatives must keep the Board informed of any changes in address or telephone number. (4-5-00)

**(BREAK IN CONTINUITY OF SECTIONS)**

**082. -- 084. (RESERVED).**

# IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

DOCKET NO. 58-0000-0503

## NOTICE OF TRIENNIAL REVIEW OF SURFACE WATER QUALITY STANDARDS

**AUTHORITY:** Notice is hereby given that the Department of Environmental Quality (DEQ) is initiating the process for triennial review of Idaho's water quality standards as required by Section 303(c) of the Clean Water Act.

**DESCRIPTIVE SUMMARY:** DEQ has planned a series of public meetings to initiate the 2005-2008 Triennial Review of the Idaho water quality standards. DEQ is required to review its water quality standards at least once every three years. This process, called triennial review, is required by Section 303(c) of the Clean Water Act and must include the opportunity for public input in helping DEQ identify needed or desired changes in the standards. The review is intended to ensure that standards meet public concerns, reflect new scientific and technical information, and follow EPA guidelines. Any identified changes that result from this review will later go through rulemaking procedures and a final review and approval by EPA.

Certain parts of Idaho's water quality standards are required under the Clean Water Act (uses, criteria, and antidegradation). Other parts are specifically identified in the federal regulations implementing the Clean Water Act as optional. Idaho's water quality standards include the "optional" topics of mixing zones, variances, and low flows. Idaho's water quality standards also contain other elements, such as definitions, application of water quality criteria, and wastewater treatment requirements. Federal regulations only require triennial review for those elements that are required and optional under the Clean Water Act. However, DEQ will consider all topics contained in its water quality standards in the 2005-2008 triennial review.

**MEETING SCHEDULE:** The public meetings will be held as follows.

**May 23, 2005, 6 to 8 p.m.**  
Idaho State University  
Pond Student Union  
1065 Cesar Chavez  
(Corner of Cesar Chavez  
and Humbolt)  
Pocatello, Idaho

**May 24, 2005, 6 to 8 p.m.**  
Idaho Department of  
Environmental Quality  
1410 N. Hilton  
Conference Rooms C and D  
Boise, Idaho

**May 26, 2005, 6 to 8 p.m.**  
University of Idaho  
Student Union Building  
Silver Room  
709 Deakin Ave.  
(Corner of Deakin and 6th St.)  
Moscow, Idaho

**AVAILABILITY OF TRIENNIAL REVIEW SCHEDULE AND RELATED DOCUMENTS:** Electronic copy of the documents can be obtained at [http://www.deq.idaho.gov/water/data\\_reports/surface\\_water/monitoring/tri\\_review.cfm](http://www.deq.idaho.gov/water/data_reports/surface_water/monitoring/tri_review.cfm) or by contacting Don Essig, 208-373-0119, [dessig@deq.idaho.gov](mailto:dessig@deq.idaho.gov).

Dated this 6th day of April, 2005.

Paula J. Wilson  
Hearing Coordinator  
Department of Environmental Quality  
1410 N. Hilton  
Boise, Idaho 83706-1255  
(208)373-0418/Fax No. (208)373-0481  
[pwilson@deq.idaho.gov](mailto:pwilson@deq.idaho.gov)

## **IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**

### **58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO**

**DOCKET NO. 58-0101-0503**

#### **NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULE**

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, and IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality," Sections 810 through 815, notice is hereby given that this agency intends to promulgate a rule and desires public participation before publishing a proposed rule. This rulemaking action is authorized by Sections 39-105 and 39-107, Idaho Code.

**MEETING SCHEDULE:** Those interested in participating in the negotiated rulemaking process are encouraged to attend the following meetings. Additional meetings may be scheduled if necessary. For information regarding additional meeting, contact Phyllis Heitman at (208) 373-0256 or pheitman@deq.idaho.gov.

**May 10, 2005, 1:30 p.m. to 3:30 p.m.**  
**Department of Environmental Quality, Conference Room C**  
**1410 N. Hilton, Boise, Idaho**

**DESCRIPTIVE SUMMARY:** House Bill 230 and Senate Bill 1228 require the Department of Environmental Quality (DEQ) to adopt rules that define the term "regulated air pollutant" as it applies to various Clean Air Act (CAA) permit to construct and operating permit programs. In addition, these bills require DEQ to adopt rules that are consistent with the CAA and its implementing regulations in regard to the permit applicability treatment of fugitive emissions.

Revisions to the Rules for the Control of Air Pollution in Idaho will clarify certain rule sections and permit requirements to ensure consistency with federal CAA requirements.

The text of the rule will be developed by DEQ in conjunction with a negotiating committee made up of persons having an interest in the development of this rule. All major and non-major sources of air pollution may be interested in participating in this rulemaking. Special interest groups, public officials, or members of the public who have an interest in the regulation of air emissions from sources in Idaho may also wish to participate in this rulemaking.

Upon conclusion of negotiations, DEQ intends to publish a proposed rule for public comment in the July 2005 issue of the Idaho Administrative Bulletin and then present the final proposal to the Board of Environmental Quality for adoption of a pending rule in October 2005. The pending rule will be published in the January 2006 issue of the Idaho Administrative Bulletin and will be reviewed by the 2006 Idaho Legislature.

**PRELIMINARY DRAFT:** A preliminary draft of the rule can be obtained at [www.deq.idaho.gov/rules/air/58\\_0101\\_0503\\_negotiated.cfm](http://www.deq.idaho.gov/rules/air/58_0101_0503_negotiated.cfm) or by contacting Phyllis Heitman at (208) 373-0256 or pheitman@deq.idaho.gov.

**GENERAL INFORMATION:** For more information about DEQ's programs and activities, visit DEQ's web site at [www.deq.idaho.gov](http://www.deq.idaho.gov).

**ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS:** For assistance on questions concerning the negotiated rulemaking, contact Martin Bauer at (208) 373-0440 or mbauer@deq.idaho.gov.

Anyone may submit written comments during this negotiated rulemaking by mail, fax or e-mail at the address below. Written comments on the preliminary draft must be received by May 25, 2005. For information regarding submission of written comments on subsequent drafts of the negotiated rule, and to receive the most recent version of the draft negotiated rule, contact Phyllis Heitman at (208) 373-0256 or pheitman@deq.idaho.gov.

Dated this 4th day of April, 2005.

Paula J. Wilson  
Hearing Coordinator  
Department of Environmental Quality  
1410 N. Hilton  
Boise, Idaho 83706-1255  
(208)373-0418/Fax No. (208)373-0481  
pwilson@deq.idaho.gov

# Subjects Affected Index

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**IDAPA 02 - DEPARTMENT OF AGRICULTURE**

***02.06.02 - Rules Pertaining to the Idaho Commercial Feed Law***

Docket No. **02-0602-0501**

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# LEGAL NOTICE

## Summary of Proposed Rulemakings

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### **PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES**

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

#### **IDAPA 08 - IDAHO STATE BOARD OF EDUCATION PO Box 83720, Boise, ID 83720-0037**

**08-0202-0501**, Rules Governing Uniformity. Incorporates by reference the Idaho Standards for Commercial Driving Schools manual adopted by the Board on March 10, 2005. Comment by: 5/25/05.

**08-0202-0502**, Rules Governing Uniformity. Allows currently certified teachers to add additional certificates and endorsements through a computer based alternative route. Comment by: 5/25/05.

**\*\*08-0204-0501**, Rules Governing Charter Schools. Chapter repeal. Comment by: 5/25/05.

**\*\*08-0204-0502**, Rules Governing Charter Schools. Rewrite of chapter updates the rules to comply with Senate Bill No. 1444a passed by the 2004 Idaho Legislature affecting charter schools. Comment by: 5/25/05.

**08-0301-0501**, Rules Governing the Charter School Commission. Clarifies the submission process and format for all petitions sent to the Commission; information needed by the Commission for compliance monitoring and oversight; and how public hearings before the Commission will be conducted. Comment by: 5/25/05.

#### **IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE PO Box 83720, Boise, ID 83720-0036**

**\*\*16-0316-0501**, Access to Health Insurance Program. Implements the Idaho Health Insurance Access Card Act and describes eligibility, benefits, and reimbursement criteria for small business employees or their spouses. Comment by: 5/25/05.

#### **IDAPA 23 - IDAHO BOARD OF NURSING PO Box 83720, Boise, ID 83720-0061**

**23-0101-0501**, Rules of the Idaho Board of Nursing. Fee rule increases fees for renewal of licensure and endorsement of licensure. Comment by: 5/25/05.

**\*\*Public Hearings Or Meetings Have Been Scheduled For These Dockets.**

**Negotiated Rulemakings - The Following Rulemakings Are Being Negotiated:**

**Public Utilities Commission - 31-6101-0501, The Stray Voltage Rules.**

**Dept. of Environmental Quality - 58-0101-0503, Rules for the Control of Air Pollution in Idaho.**

Please refer to the Idaho Administrative Bulletin, **May 4, 2005, Volume 05-5** for notices and text of all rulemakings,

public hearing schedules, Governor's executive orders, and agency contact information.

**Citizens of your county can view all issues of the Idaho Administrative Bulletin at the county law libraries.**

Copies of the Administrative Bulletin and other rules publications are available for purchase. For subscription information and ordering call (208) 332-1820 or write the Office of the Administrative Rules Coordinator, Department of Administration, 650 W. State St., Room 100, Boise, Idaho 83720. Visa and Mastercard accepted on purchases over \$50.

The Idaho Administrative Bulletin and Administrative Code are available on the Internet at the following address:  
**<http://www2.state.id.us/adm/adminrules/>**

**CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES**

**FOR THE ABOVE LINK TO WORK YOU HAVE  
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**This index tracks the history of all agency rulemakings from 1993 to the present.  
It includes all rulemaking activities on each chapter of rules  
and includes negotiated, temporary, proposed, pending  
and final rules, public hearing notices  
and vacated rulemaking notices.**

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