

# 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 05-1 refers to the first Bulletin issued in calendar year 2005; Bulletin 06-1 refers to the first Bulletin issued in calendar year 2006. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. 05-1 refers to January 2005; Volume No. 05-2 refers to February 2005; and so forth. Example: The Bulletin published in January of 2006 is cited as Volume 06-1. The December 2005 Bulletin is cited as Volume 05-12.*

## **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" a rule in the Administrative Bulletin by the agency is optional. This process should result in the formulation of a proposed and/or temporary rule.*

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### **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 Rule Making 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://adm.idaho.gov/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 "-", (38-0501-0501). 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. 38-0501-0501"

"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**).

"0501" denotes the year and sequential order of the docket received during the year; in this case the first rule-making action in calendar year 2005.

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  
38.04.04, "Rules Governing Capitol Mall Parking."

**BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2006**

<b>Vol. No.</b>	<b>Monthly Issue of Bulletin</b>	<b>Closing Date for Agency Filing</b>	<b>Publication Date</b>	<b>21-day Comment Period End Date</b>
06-1	January 2006	<b>*November 19, 2005</b>	January 4, 2006	January 25, 2006
06-2	February 2006	January 5, 2006	February 1, 2006	February 22, 2006
06-3	March 2006	February 3, 2006	March 1, 2006	March 22, 2006
06-4	April 2006	March 3, 2006	April 5, 2006	April 26, 2006
06-5	May 2006	March 31, 2006	May 3, 2006	May 24, 2006
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06-10	October 2006	<b>**August 23, 2006</b>	October 4, 2006	October 25, 2006
06-11	November 2006	October 6, 2006	November 1, 2006	November 22, 2006
06-12	December 2006	November 3, 2006	December 6, 2006	December 27, 2006

**BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2007**

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07-1	January 2007	<b>*November 15, 2006</b>	January 3, 2007	January 24, 2007
07-2	February 2007	January 5, 2007	February 7, 2007	February 28, 2007
07-3	March 2007	February 2, 2007	March 7, 2007	March 28, 2007
07-4	April 2007	March 2, 2007	April 4, 2007	April 26, 2007
07-5	May 2007	April 6, 2007	May 2, 2007	May 24, 2007
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07-8	August 2007	June 29, 2007	August 1, 2007	August 23, 2007
07-9	September 2007	August 3, 2007	September 5, 2007	September 27, 2007
07-10	October 2007	<b>**August 22, 2007</b>	October 3, 2007	October 25, 2007
07-11	November 2007	October 5, 2007	November 7, 2007	November 22, 2007
07-12	December 2007	November 2, 2007	December 5, 2007	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.***

<b>ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBER AND THE CURRENT ADMINISTRATIVE CODE VOLUME NUMBERS</b>		
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<b>IDAPA 44</b>	<b>Administrative Rules Coordinator, Office of the</b>	<b>VOULME 8</b>
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<b>IDAPA 40</b>	<b>Arts, Idaho Commission on the</b>	<b>VOLUME 8</b>
<b>IDAPA 03</b>	<b>Athletic Commission</b>	<b>VOLUME 1</b>
<b>IDAPA 04</b>	<b>Attorney General, Office of the</b>	<b>VOLUME 1</b>
<b>IDAPA 53</b>	<b>Barley Commission, Idaho</b>	<b>VOLUME 9</b>
<b>IDAPA 51</b>	<b>Beef Council, Idaho</b>	<b>VOLUME 9</b>
<b>IDAPA 07</b>	<b>Building Safety, Division of</b> Electrical Board Plumbing Board Building Code Advisory Board Public Works Contractors License Board HVAC Board	<b>VOLUME 2</b>
<b>IDAPA 43</b>	<b>Canola and Rapeseed Commission, Idaho</b>	<b>VOLUME 8</b>
<b>IDAPA 09</b>	<b>Commerce and Labor, Idaho Department of</b>	<b>VOLUME 2</b>
<b>IDAPA 06</b>	<b>Correction, Board of</b>	<b>VOLUME 2</b>
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<b>IDAPA 13</b>	<b>Fish and Game, Department of</b>	<b>VOLUME 3</b>
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<b>IDAPA 24</b>	<b>Occupational Licenses, Board of</b> Board of Architectural Examiners Board of Barber Examiners Board of Chiropractic Physicians Board of Cosmetology Board of Drinking Water and Wastewater Specialists Board of Environmental Health Specialist Examiners Board of Hearing Aid Dealers and Fitters Board of Landscape Architects Board of Morticians Board of Examiners of Nursing Home Administrators Board of Optometry Board of Podiatry Board of Psychologist Examiners Board of Social Work Examiners Board of Professional Counselors and Marriage and Family Therapists Board of Dentistry Board of Acupuncture Real Estate Appraiser Board Board of Residential Care Facility Administrators	<b>VOLUME 6</b>

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# THE OFFICE OF THE GOVERNOR

EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE

EXECUTIVE ORDER NO. 2005-22

## ESTABLISHING STATEWIDE POLICIES ON COMPUTER, INTERNET AND ELECTRONIC MAIL USAGE BY STATE EMPLOYEES

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WHEREAS, computers, the Internet and electronic mail are powerful research, communication, commerce and time-saving tools that are made available to state employees; and

WHEREAS, use of these effective communication tools is critical and there is the potential for computers, the Internet and electronic mail to be used for inappropriate purposes; and

WHEREAS, perceptions and actions are important and state employees must constantly be aware of how their actions are perceived by the public.

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of this state do hereby order:

All state employees shall observe the following policies for use of computers, the Internet and electronic mail:

1. Users of the Internet and electronic mail are to comply with all appropriate laws and regulations;
2. The primary purpose of the Internet and electronic mail is to conduct official state business. Occasionally, employees may use the Internet and electronic mail for individual purposes on their personal time, if such use does not violate the terms and conditions of this policy;
3. Users should identify themselves properly when using the Internet and electronic mail, conduct themselves professionally, as representatives of Idaho State Government, and be aware that their activities reflect on the reputation and integrity of all state employees;
4. Each user is individually responsible for the content of any communication sent using electronic mail or placed on the Internet;
5. All employees have a responsibility to ensure a respectful workplace. State equipment shall not be used to visit Internet sites that contain pornographic or sexually explicit information, images, or cartoons;
6. Exceptions to this executive order are only allowed when pre-approved in writing by appointed authorities when deemed necessary for official state business, research or investigatory work;
7. It is unacceptable for state employees to:
  - a) Create or distribute defamatory, false, threatening, racially offensive, discriminatory or illegal material;
  - b) View or distribute obscene, pornographic, profane, or sexually oriented material;
  - c) Violate laws, rules, or regulations prohibiting sexual harassment;
  - d) Encourage the use of controlled substances;
  - e) Engage in any unauthorized activities for personal financial gain;
  - f) Place advertisements for commercial enterprises, including but not limited to goods, services or property;

- g) *Download, disseminate, store or print materials including articles and software in violation of copyright laws;*
- h) *Violate or infringe on the protected rights of others;*
- i) *Conduct business unauthorized by the department;*
- j) *Restrict or inhibit other users from using the system or the efficiency of the computer systems;*
- k) *Intentionally cause congestion or disruption of networks or systems;*
- l) *Transmit incendiary statements, which might incite violence or describe or promote the use of weapons;*
- m) *Conduct political activity; or*
- n) *Use the system for any illegal purpose.*

*Disregard for the policies or other improper use of the Internet may result in cancellation of a person's access and/or disciplinary action, up to and including dismissal;*

*Internet and electronic mail may be subject to monitoring;*

*The above policies are the minimum standards for using computers, the Internet and electronic mail. Individual state agencies may implement more restrictive policies as long as those policies are consistent with those developed by the Governor's Information Technology Resource Management Council (ITRMC). This Executive Order shall cease to be effective four years after its effective date.*



*IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 10th day of November in the year of our Lord two thousand and five, and of the Independence of the United States of America the two hundred thirtieth and of the Statehood of Idaho the one hundred sixteenth.*

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*DIRK KEMPTHORNE*  
*GOVERNOR*

\_\_\_\_\_  
*BEN YSURSA*  
*SECRETARY OF STATE*



**THE OFFICE OF THE GOVERNOR**

**EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE**

**EXECUTIVE ORDER NO. 2005-23**

**AUTHORIZING THE TRANSFER OF FUNDS TO THE DISASTER EMERGENCY ACCOUNT**

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WHEREAS, on September 3, 2005, in Disaster Proclamation ID-06-2005 I, DIRK KEMPTHORNE, Governor of the State of Idaho declared a state of disaster emergency for the State of Idaho to support victims of Hurricane Katrina throughout the United States in accordance with title 46, section 1008 of the Idaho Code; and

WHEREAS, the State of Idaho and the United States, in support of the Emergency Management Assistance Compact (EMAC) are mobilizing state resources to support the preservation of life, health and safety of victims, evacuees and others impacted by Hurricane Katrina; and

WHEREAS, all funds in the Disaster Emergency Account created by title 46 section, 1005(a) of the Idaho Code, have or soon will be expended; and

WHEREAS, General Fund monies are available for transfer to the Disaster Emergency Account under the requirements set forth in title 46, section 1005A(2)(b) of the Idaho Code; and

WHEREAS, it is my judgment, as Governor of the State of Idaho, that any monies transferred from the General Fund up to the limits provided below would not be required to support the current year's appropriation of these funds.

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho do hereby order the following:

1. The State Controller is directed to transfer money from the General Fund to the Disaster Emergency Account in such amount and at such times as directed by me or my designee, the Administrator of the Division of Financial Management. In no event shall more than \$22,800.00, twenty two thousand eight hundred dollars be transferred for the purposes of this Executive Order from the General Fund to the Disaster Emergency Account during the current fiscal year.
2. In no event may funds made available under this Executive Order exceed, during any fiscal year, one percent (1%) of the annual appropriation of the General Fund Account monies for the fiscal year.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 28th day of October in the year of our Lord two thousand and five, and of the Independence of the United States of America the two hundred thirtieth and of the Statehood of Idaho the one hundred sixteenth.

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DIRK KEMPTHORNE  
GOVERNOR

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BEN YSURSA  
SECRETARY OF STATE

## **IDAPA 01 - BOARD OF ACCOUNTANCY**

### **01.01.01 - IDAHO ACCOUNTANCY RULES**

#### **DOCKET NO. 01-0101-0501**

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

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 54-204(1), Idaho Code.

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

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 5, 2005 Idaho Administrative Bulletin, Volume 05-10, pages 31 and 32.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Barbara R. Porter, Executive Director, at 208-334-2490.

DATED this 28th day of October, 2005.

Barbara R. Porter  
Executive Director  
Idaho State Board of Accountancy  
1109 Main Street, Owyhee Plaza Suite 470  
PO Box 83720  
Boise, Idaho 83720-0002  
Phone: 208-334-2490  
Fax: 208-334-2615  
E-mail: bporter@boa.state.id.us

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#### **DOCKET NO. 01-0101-0501 - PENDING RULE**

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 05-10, October 5, 2005, pages 31 and 32.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

**IDAPA 07 - DIVISION OF BUILDING SAFETY**

**07.02.05 - RULES GOVERNING PLUMBING SAFETY LICENSING**

**DOCKET NO. 07-0205-0501**

**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 54-2605, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than December 21, 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 rule deletes the reference to "constant on the job" supervision and replaces it with "general" supervision, and defines "general supervision". This rule will address the concerns of the members of the plumbing industry by allowing greater flexibility on the part of journeymen who supervise apprentices.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: 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 resulting from this rulemaking: This rulemaking will have no fiscal impact on the general fund.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the rulemaking is being done at the request of the interested parties.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Steve Keys, Bureau Chief, 208-332-7147.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before December 28, 2005.

DATED this 1st day of November, 2005.

Stephen L. Keys  
Bureau Chief  
Division of Building Safety  
1090 E. Watertower St.  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (208) 855-2164

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0205-0501**

**011. APPRENTICE REGISTRATION - RENEWAL - GENERAL SUPERVISION.**

The minimum age for any apprentice shall be sixteen (16) years. All apprentices shall be registered with the division. The registration fee shall be as prescribed by Section 54-2614, Idaho Code. No examination is required. ( )

**01. Maintain Registration.** In order to maintain registration ~~properly~~, an ~~individual must be~~ apprentice must: ( )

**a.** ~~Working~~ at the trade under the ~~constant on the job~~ general supervision of a journeyman and in the employ of a contractor; and ( )

**b.** ~~The apprentice must also be e~~Enrolled and actively participate in an approved related training class for a total of four (4) years. Unless prior approval has been granted by the plumbing bureau, the apprentice must complete the required course work sequentially: year one (1) must be completed prior to beginning year two (2); year two (2) must be completed prior to beginning year three (3); and year three (3) must be completed prior to beginning year four (4). A minimum of one hundred forty-four (144) hours of classroom and/or other board approved instruction time per school year is required. A grade average of seventy percent (70%) must be maintained in these courses. Upon completion of apprenticeship training, the apprentice must obtain a certificate of completion, or a letter signed by the chairman of his apprenticeship committee, and attach the certificate or letter to his application for a journeyman license. ( )

**02. Renewal.** ~~In order to maintain registration, the apprentice shall renew his r~~Registration must be renewed annually ~~in the month of his initial registration~~. The renewal fee shall be as prescribed by Section 54-2614, Idaho Code. (4-6-05)( )

**03. General Supervision.** General supervision shall be that degree of supervision in which the journeyman authorizes the work to be carried out, but is not required to be on the premises when the authorized work is being performed. The journeyman must be able to respond to the premises within a reasonable amount of time. ( )

## IDAPA 07 - DIVISION OF BUILDING SAFETY

### 07.02.06 - RULES CONCERNING UNIFORM PLUMBING CODE

DOCKET NO. 07-0206-0502

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

**EFFECTIVE DATE:** The effective date of the temporary rule is September 9, 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 54-2605, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than December 21, 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:

As homes are constructed, more and more are being built with only 1/2" pipe. Most current water softeners require at least a 3/4" capacity. Altering existing drain systems to accommodate these water softeners is expensive and would be unnecessary if the larger pipe were utilized at the outset. The proposed rule provides that the discharge line shall be a minimum of 3/4" rather than the 1/2" required by the Uniform Plumbing Code.

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

In order to protect the public from incurring the expense and time involved in altering plumbing systems in newly constructed homes to adapt to current models of water softening devices.

**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 of the relatively simple nature of the rule change.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Stephen L. Keys, Bureau Chief, (208) 332-8986.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before December 28, 2005.

DATED this 1st day of November, 2005.

Stephen L. Keys  
Bureau Chief  
Division of Building Safety  
1090 E. Watertower St., Meridian, ID 83642  
Phone: (208) 332-8986; Fax: (208) 855-2164

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0206-0501**

**011. ADOPTION AND INCORPORATION BY REFERENCE OF THE 2003 UNIFORM PLUMBING CODE.**

The 2003 Uniform Plumbing Code, including Appendices “A, B, D, E, G, H, I, J, and L,” (herein U.P.C.) is adopted and incorporated by reference with the following amendments. The 2003 Uniform Plumbing Code is available at the Division of Building Safety, 1090 E. Watertower St., Meridian, Idaho 83642; and at the Division of Building Safety, 1250 Ironwood Dr., Ste. 220, Coeur d’Alene, Idaho 83814. (4-6-05)

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

**02. Section 316.1.6.** PVC DWV may be joined by the use of one-step solvent cement listed or labeled per U.P.C. Section 301.1.1. (4-6-05)

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

**04. Section 421.0.** Delete. (4-6-05)

**05. Section 604.1. Materials.** Crosslinked Polyethylene (PEX) Tubing manufactured to ASTM – F876/F877 and tested, approved, and listed to ANSI/NSF 14 and 61, for potable water along with all applicable installation standards may be used for hot and cold water distribution systems within a building or cold water distribution systems outside of a building. Listed PE (polyethylene) water service and yard piping may be installed within a building (above ground and below ground) with one (1) joint, provided that only listed and approved metallic transition fittings shall be used. (4-6-05)

**06. Section 609.4.** Testing. Deleting the phrase “Except for plastic piping,” at the beginning of the third sentence and add the following sentence at the end of the section: Plastic piping is to be tested in accordance with manufacturer’s installation standards. (4-6-05)

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

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

**09. Section 610.2.** All new one (1) and two (2) family residences must have a pre-plumbed water softener loop. The kitchen sink must have one (1) hot soft line and one (1) cold soft line and one (1) cold hard line. Exterior cold hose bibbs intended for irrigation purposes must be piped with hard water. ~~Provisions must be made for the discharge of the water softener to terminate in an approved location.~~ (5-3-03)(9-9-05)T

**10. Section 611.4.** Sizing of Residential Softeners. Amend Footnote 3 to read: Over four (4) bathroom groups, softeners shall be sized according to the manufacturer’s standards. (4-6-05)

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

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

**13. Section 703.2 and 710.5. Add Exception.** In single family dwellings, one (1) fixture unit may be

allowed for each gallon per minute of flow from a pump or a sump ejector. (3-15-02)

**14. Section 704.2.** Two inch (2") and smaller double sanitary tees may be used for back to back or side by side fixture trap arms without increasing the barrel size. (4-6-05)

**15. Section 704.3.** Delete. (5-3-03)

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

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

**18. Section 712.1.** In the first sentence, delete the phrase "except that plastic pipe shall not be tested with air". (4-6-05)

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

**20. Section 801.4. Drains.** Provisions must be made for the discharge of the water softener to terminate in an approved location. The drain line for a water softener must be three-fourths inch (¾") minimum. A washer box with a dual outlet is an approved location as long as it is on the same floor or one (1) floor below the softener unit and the water softener drain line is a minimum three-fourths inch (¾"). (9-9-05)T

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

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

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

**IDAPA 07 - DIVISION OF BUILDING SAFETY**

**07.03.01 - RULES OF BUILDING SAFETY - GENERAL**

**DOCKET NO. 07-0301-0501 (CHAPTER REPEAL)**

**NOTICE OF RULEMAKING - ADOPTION OF 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 39-4107, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 5, 2005 Idaho Administrative Bulletin, Vol. 05-10, page 82.

**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: No fiscal impact on the general fund.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Jack Rayne, Building Bureau Chief, (208) 332-7151.

DATED this 2nd day of November, 2005.

Stephen L. Keys  
Bureau Chief  
Division of Building Safety  
1090 E. Watertower St.  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (208) 855-2164

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**Docket No. 07-0301-0501 - PENDING RULE (CHAPTER REPEAL)**

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 05-10, October 5, 2005, page 82.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**



**IDAPA 07 - DIVISION OF BUILDING SAFETY**

**07.03.01 - RULES OF BUILDING SAFETY**

**DOCKET NO. 07-0301-0502 (CHAPTER REWRITE)**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE 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. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 39-4107, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 5, 2005 Idaho Administrative Bulletin, Vol. 05-10, pages 83 through 93.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 39-4107, Idaho Code. This docket includes an increase in the fees charged for processing and issuance of modular building insignia tags to out-of-state manufacturers, who are not otherwise required to pay Idaho building permit fees, from twenty-five dollars (\$25) to one hundred dollars (\$100).

**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: No fiscal impact on the general fund.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Jack Rayne, Building Bureau Chief, (208) 332-7151.

DATED this 2nd day of November, 2005.

Stephen L. Keys  
Bureau Chief  
Division of Building Safety  
1090 E. Watertower St.  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (208) 855-2164

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**DOCKET NO. 07-0301-0502 - PENDING FEE RULE (CHAPTER REWRITE)**

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 05-10, October 5, 2005, pages 83 through 93.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

**IDAPA 07 - DIVISION OF BUILDING SAFETY**  
**07.03.02 - RULES OF THE IDAHO BUILDING CODE BOARD**  
**DOCKET NO. 07-0302-0501 (CHAPTER REPEAL)**  
**NOTICE OF RULEMAKING - ADOPTION OF 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 39-4107, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 5, 2005 Idaho Administrative Bulletin, Vol. 05-10, page 94.

**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: No fiscal impact on the general fund.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Jack Rayne, Building Bureau Chief, (208) 332-7151.

DATED this 2nd day of November, 2005.

Stephen L. Keys  
Bureau Chief  
Division of Building Safety  
1090 E. Watertower St.  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (208) 855-2164

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**DOCKET NO. 07-0302-0501 - PENDING RULE (CHAPTER REPEAL)**

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 05-10, October 5, 2005, page 94.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

**IDAPA 07 - DIVISION OF BUILDING SAFETY**  
**07.03.03 - RULES GOVERNING MODULAR BUILDINGS**  
**DOCKET NO. 07-0303-0501 (CHAPTER REPEAL)**  
**NOTICE OF RULEMAKING - ADOPTION OF 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 39-4107, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 5, 2005 Idaho Administrative Bulletin, Vol. 05-10, page 95.

**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: No fiscal impact on the general fund.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Jack Rayne, Building Bureau Chief, (208) 332-7151.

DATED this 2nd day of November, 2005.

Stephen L. Keys  
Bureau Chief  
Division of Building Safety  
1090 E. Watertower St.  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (208) 855-2164

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**DOCKET NO. 07-0303-0501 - PENDING RULE (CHAPTER REPEAL)**

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 05-10, October 5, 2005, page 95.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

**IDAPA 07 - DIVISION OF BUILDING SAFETY**  
**07.03.05 - RULES GOVERNING MANUFACTURED HOMES**  
**DOCKET NO. 07-0305-0501 (CHAPTER REPEAL)**  
**NOTICE OF RULEMAKING - ADOPTION OF 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 39-4107, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 5, 2005 Idaho Administrative Bulletin, Vol. 05-10, page 96.

**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: No fiscal impact on the general fund.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Jack Rayne, Building Bureau Chief, (208) 332-7151.

DATED this 2nd day of November, 2005.

Stephen L. Keys  
Bureau Chief  
Division of Building Safety  
1090 E. Watertower St.  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (208) 855-2164

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**DOCKET NO. 07-0305-0501 - PENDING RULE (CHAPTER REPEAL)**

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 05-10, October 5, 2005, page 96.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

**IDAPA 07 - DIVISION OF BUILDING SAFETY**

**07.03.06 - RULES GOVERNING THE USE OF THE INTERNATIONAL BUILDING CODE**

**DOCKET NO. 07-0306-0501 (CHAPTER REPEAL)**

**NOTICE OF RULEMAKING - ADOPTION OF 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 39-4107, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 5, 2005 Idaho Administrative Bulletin, Vol. 05-10, page 97.

**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: No fiscal impact on the general fund.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Jack Rayne, Building Bureau Chief, (208) 332-7151.

DATED this 2nd day of November, 2005.

Stephen L. Keys  
Bureau Chief  
Division of Building Safety  
1090 E. Watertower St.  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (208) 855-2164

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**DOCKET NO. 07-0306-0501 - PENDING RULE (CHAPTER REPEAL)**

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 05-10, October 5, 2005, page 97.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

**IDAPA 07 - DIVISION OF BUILDING SAFETY**  
**07.03.08 - RULES GOVERNING COMMERCIAL COACHES**  
**DOCKET NO. 07-0308-0501 (CHAPTER REPEAL)**  
**NOTICE OF RULEMAKING - ADOPTION OF 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 39-4107, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 5, 2005 Idaho Administrative Bulletin, Vol. 05-10, page 98.

**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: No fiscal impact on the general fund.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Jack Rayne, Building Bureau Chief, (208) 332-7151.

DATED this 2nd day of November, 2005.

Stephen L. Keys  
Bureau Chief  
Division of Building Safety  
1090 E. Watertower St.  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (208) 855-2164

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**DOCKET NO. 07-0308-0501 - PENDING RULE (CHAPTER REPEAL)**

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 05-10, October 5, 2005, page 98.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

**IDAPA 07 - DIVISION OF BUILDING SAFETY**

**07.05.01 - RULES OF THE PUBLIC WORKS CONTRACTORS LICENSE BOARD**

**DOCKET NO. 07-0501-0501**

**NOTICE OF RULEMAKING - ADOPTION OF 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 54-1907, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 5, 2005 Idaho Administrative Bulletin, Vol. 05-10, pages 99 through 101.

**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 will have no fiscal impact on the general fund.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Stephen L. Keys, Bureau Chief, (208) 332-8986.

DATED this 28th day of October, 2005.

Stephen L. Keys  
Bureau Chief  
Division of Building Safety  
1090 E. Watertower St.  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (208) 855-2164

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**DOCKET NO. 07-0501-0501 - PENDING RULE**

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 05-10, October 5, 2005, pages 99 through 101.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

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

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

**DOCKET NO. 07-0701-0502**

#### **NOTICE OF RULEMAKING - ADOPTION OF 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 54-5004, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 5, 2005 Idaho Administrative Bulletin, Vol. 05-10, pages 102 through 105.

**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 will have no fiscal impact on the general fund.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Stephen L. Keys, Bureau Chief, (208) 332-8986.

DATED this 28th day of October, 2005.

Stephen L. Keys  
Bureau Chief  
Division of Building Safety  
1090 E. Watertower St.  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (208) 855-2164

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#### **DOCKET NO. 07-0701-0502 - PENDING RULE**

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 05-10, October 5, 2005, pages 102 through 105.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**



## IDAPA 08 - DEPARTMENT OF EDUCATION

### 08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-0503

#### NOTICE OF RULEMAKING - ADOPTION OF 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 Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-116, 33-1258, and 33-1612, Idaho Code.

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

The periodic development, review, and revision of the current Idaho's teacher standards are necessary to ensure that the standards align with best practices in the teaching profession. The No Child Left Behind Act, State Board highly qualified teacher requirements, and requirements for Idaho K-12 students make such a standards review and revision process critical. For this specific promulgation, Idaho standards for the preparation of teachers of elementary education, English language arts, foreign language, mathematics, and visual-performing arts (art, drama, and music) in the incorporated by reference document The Idaho Standards for the Initial Certification of Professional School Personnel have been reviewed and revised. Minor editing and typographical corrections have also been made to the standards in the incorporated by reference document.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 7, 2005 Idaho Administrative Bulletin, Vol. 05-9, pages 36 and 37.

**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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Dr. Michael Stefanic at (208) 332-6884 or Dr. Patricia Toney, (208) 332-6938.

DATED this 28th day of October, 2005.

Dr. Michael P. Stefanic  
Bureau Chief - Certification/Professional Standards and Adult Services  
Administrator - Professional Standards Commission  
Phone: (208) 332-6884 / Fax: (208) 334-2094

Idaho State Department of Education  
1650 W. State Street, (PO Box 83720),  
Boise, Idaho 83720-0027

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#### DOCKET NO. 08-0202-0503 - PENDING RULE

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

**The complete text of the proposed rule docket 08-0202-0503 was published in the Idaho Administrative Bulletin, Volume 05-9, September 7, 2005, pages 36 and 37.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

**IDAPA 08 - DEPARTMENT OF EDUCATION**  
**08.02.02 - RULES GOVERNING UNIFORMITY**  
**DOCKET NO. 08-0202-0504**  
**NOTICE OF VACATION OF PROPOSED RULEMAKING**

**AUTHORITY:** In compliance with Section 67-5221, Idaho Code, notice is hereby given that this agency is vacating the rulemaking previously initiated under this docket. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-116, and 33-1612, Idaho Code.

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

The Professional Standards Commission held public hearings on September 12, 2005, and September 21, 2005, to collect public comment. The 21-day public comment period ended September 28, 2005. Public comments from the hearings and those submitted in writing expressed significant opposition to changing the current rule regarding the reading in the content area requirement for secondary teachers. Comments focused on the need to maintain the current requirement because of the importance of teaching content literacy to students for their academic success. Reading in the content area is a more relevant requirement for teachers now than in the past because of No Child Left Behind and state requirements for high school students. To meet ISAT goals, some school districts are holding all of their teachers accountable for helping students with their content literacy skills. Teachers need to know how to work with pre, during, and post reading strategies. Additionally, students with learning challenges (disabilities or English language learners) need teachers who are knowledgeable about literacy.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this vacation of rulemaking, contact Dr. Michael Stefanic at (208) 332-6884 or Dr. Patricia Toney, (208) 332-6938.

DATED this 28th day of October, 2005.

Dr. Michael P. Stefanic  
Bureau Chief - Certification/Professional Standards and Adult Services  
Administrator - Professional Standards Commission  
Department of Education, Bureau of Certification/Professional Standards  
650 W. State Street  
PO Box 83720  
Boise, Idaho 83720-0027  
Phone: (208) 332-6884  
Fax: (208) 334-2094

## **IDAPA 08 - DEPARTMENT OF EDUCATION**

### **08.02.02 - RULES GOVERNING UNIFORMITY**

#### **DOCKET NO. 08-0202-0505**

#### **NOTICE OF RULEMAKING - ADOPTION OF 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 Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-116, 33-1258, and 33-1612, Idaho Code.

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

The Professional Standards Commission (PSC) may make recommendations for promoting professional practices and competence of the teaching profession. Feedback from teacher preparation standards review teams of K-12 and higher education content area experts confirmed the need to review and revise specific teacher endorsement requirements to ensure the requirements align with Idaho's performance-based teacher preparation standards and the needs of Idaho schools/districts/students. The No Child Left Behind Act, State Board highly qualified teacher requirements, and Idaho K-12 student requirements also made such an endorsement review and revision process critical. The proposed rule recommended Idaho endorsement requirements for teachers of the social studies, the sciences, the visual-performing arts (art, drama, and music), foreign languages, interdisciplinary humanities, and mathematics be revised. Also it was recommended that American Government and Political Science be merged into one endorsement, Dramatics be re-titled Drama, and several unused endorsements be eliminated (American Studies, Anthropology, Arts and Crafts, Consumer Economics, and Drafting). Finally, it was recommended that there be only one K-12 Mathematics endorsement.

The Professional Standards Commission and the State Department of Education reviewed public comments received and made appropriate revisions to the proposed rule in the following endorsement areas: American Government/Political Science (6-12), Art (K-12 or 6-12), Foreign Language (6-12 or K-12), Geography (6-12), History (6-12), Music (6-12 or K-12), and Natural Science (6-12). Revisions included adding language to allow higher education institutions flexibility in their preparation of teachers, maintaining the necessary content area emphasis, adding additional essential content area skills/knowledge, clarifying language for the requirements, and removing repetitive language.

The proposed rule recommended the elimination of Basic Mathematics. Public comments supported the retention of the current Basic Mathematics endorsement. The re-authorization of the federal Individuals with Disabilities Education Act (IDEA) makes it necessary for special education teachers be able to add endorsements to their Exceptional Child Certificates. Retaining Basic Mathematics would allow them to add this endorsement. The Basic Mathematics knowledge level is what special education teachers need to know to be able to teach their special needs students mathematics.

The proposed rule recommended changes to the requirements for a social studies endorsement. Public comments supported the retention of the current Social Studies endorsement because the proposed rule change made the endorsement requirements less rigorous. The current rule requires teachers to take course work in all the social studies areas; the proposed rule recommended course work in only four of the social studies areas. Social studies teachers in Idaho school districts often teach courses in the various specific social studies areas, such as economics, history, government, etc. Public comments expressed concern that with the proposed rule change these teachers might be assigned to teach social studies areas in which they have had no course work.

Pursuant to Section 67-5228, Idaho Code, typographical, transcriptional, and/or clerical corrections have been made

to the rule and are being published with this Notice of Rulemaking as part of the pending rule.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. The original text of the proposed rule was published in the September 7, 2005 Idaho Administrative Bulletin, Vol. 05-9, pages 40 through 46.

**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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Dr. Michael Stefanic at (208) 332-6884 or Dr. Patricia Toney, (208) 332-6938.

DATED this 28th day of October, 2005.

Dr. Michael P. Stefanic  
Bureau Chief – Certification/Professional Standards and Adult Services  
Administrator – Professional Standards Commission  
Department of Education, Bureau of Certification/Professional Standards  
650 W. State, Boise, Idaho 83720-0027  
Phone: (208) 332-6884 Fax: (208) 334-2094

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**DOCKET NO. 08-0202-0505 - PENDING RULE**

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

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 05-9, September 7, 2005, pages 40 through 46.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

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**THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 08-0202-0505**

***Subsections 022.02 and 022.03***

**022. ENDORSEMENTS A - D.**

**02. American Government /Political Science (6-12).** Twenty (20) semester credit hours, ~~including six (6) semester credit hours in American Government; six (6) semester credit hours in American History; three (3) semester credit hours in Comparative Government; with remaining course work taken in History or Political Science~~ to include: a minimum of six (6) semester credit hours in American Government, six (6) semester credit hours in U.S.

History Survey, and a minimum of three (3) semester credit hours in Comparative Government. Remaining course work must be selected from Political Science. Course work may include three (3) semester credit hours in World History Survey. (3-16-04)(\_\_\_\_)

**053. Art (K-12 or 6-12).** Twenty (20) semester credit hours in the area of Art to include a minimum of nine (9) semester credit hours in: Foundation Art and Design. Additional course work must include at least two (2) Studio Areas and Secondary Arts Methods. To obtain an Art (K-12) endorsement, applicants holding a Secondary Certificate must complete an elementary methods course, and applicants holding a Standard Elementary Certificate must complete a secondary methods course. (3-16-04)(\_\_\_\_)

### **Subsections 023.02, 023.07, 023.08, and 023.12**

#### **023. ENDORSEMENTS E - L.**

**02. Economics (6-12).** Twenty (20) semester credit hours in the area of Economics to include a minimum of three (3) semester credit hours of micro-economics, a minimum of three (3) semester credit hours of macro-economics, and a minimum of six (6) semester credit hours of Personal Finance/Consumer Economics/Economics Methods. Remaining course work may be selected from economics and finance course work in one (1) or more of the following areas: Agriculture Science and Technology, Business Education, Economics, Family and Consumer Science, or Marketing Education. (3-16-04)(\_\_\_\_)

**07. Foreign Language (6-12 or K-12).** Twenty (20) semester credit hours with course work in a specific foreign language including course work in two (2) or more of the following areas: Grammar, Conversation, Composition, Culture, and Literature; and course work in Foreign Language Methods. To obtain an endorsement in a specific foreign language (K-12), applicants holding a Secondary Certificate must complete an elementary methods course, and applicants holding a Standard Elementary Certificate must complete a secondary methods course. (3-16-04)(\_\_\_\_)

**08. Geography (6-12).** Twenty (20) semester credit hours in the area of Geography including course work in Cultural Geography and Physical Geography, and a maximum of six (6) semester credit hours in World History Survey. Remaining semester credit hours must be selected from Geography. (3-16-04)(\_\_\_\_)

**12. History (6-12).** Twenty (20) semester credit hours to include at least nine (9) semester credit hours in United States History, and at least three (3) semester credit hours in American Federal Government a minimum of six (6) semester credit hours of U.S. History Survey and a minimum of six (6) semester credit hours of World History Survey. Remaining course work must be in History or Political Science. Course work may include three (3) semester credit hours in American Government. (3-16-04)(\_\_\_\_)

### **Section 024 (Entire Section)**

#### **024. ENDORSEMENTS M - Z.**

**01. Marketing Technology Education (6-12).** (3-16-04)

**a.** Twenty (20) semester credit hours to include course work in each of the following areas: Marketing; Management; Economics; Coordination of Cooperative Programs; Merchandising/Retailing; and Curriculum and Materials Marketing, with remaining credit hours in the field of business. (3-16-04)

**b.** Occupational teacher preparation as provided in Sections 034 through 038. (3-16-04)

**02. Mathematics - Basic (6-12).** Twenty (20) semester credit hours in Mathematics including course work in Algebra, Geometry, and Trigonometry. Six (6) semester credit hours of computer programming may be

substituted for six (6) semester credits in Mathematics. (3-16-04)

**03. Mathematics –~~Standard~~ (6-12).** Twenty (20) semester credit hours including course work in *each of the following areas: Calculus and Analytical Geometry, with remaining course work in Mathematics. Six (6) semester credit hours of computer programming may be substituted for six (6) semester credits in Mathematics Linear Algebra, Discrete Mathematics, Probability and Statistics, and a minimum of three (3) semester credit hours of Calculus. Statistics course work may be taken from a department other than the mathematics department.* (3-16-04)(\_\_\_\_)

**04. Music (6-12 or K-12).** Twenty (20) semester credit hours to include course work in the following: Theory and Harmony; Aural Skills, Music History ~~or Appreciation~~; Conducting; Applied Music; and ~~Music Methods/ Materials~~ Piano Proficiency (Class Piano or Applied Piano), and Secondary Music Methods/Materials. To obtain a Music K-12 endorsement, applicants holding a Secondary Certificate must complete an elementary music methods course. (3-16-04)(\_\_\_\_)

**05. Natural Science (6-12).** ~~Follow one (1) of the following options:~~ An endorsement in: Biological Science, Physical Science, Physics, Chemistry, Earth Science, Geology, or Agriculture Science and Technology. Twenty-four (24) semester credit hours are required in each endorsement area as follows: (3-16-04)(\_\_\_\_)

**a.** ~~Option I: Must have an endorsement in biology, physics, chemistry, or geology, plus a minimum of twenty (20) semester credit hours to include a basic course plus a lab in each of the following areas: Biology; Physics; Chemistry; and Geology. The remaining course work may be taken from any of the following Natural Science areas: Biological Sciences; Botany; Zoology; Physical Science; Earth Science; Astronomy; Oceanography; Ecology; or Limnology~~ Biological Science Endorsement. Minimum of eight (8) semester credit hours in each of the following areas: Physics, Chemistry, and Earth Science or Geology. (3-16-04)(\_\_\_\_)

**b.** ~~Option II: Possess an endorsement in Agriculture Science & Technology and complete a minimum of twenty (20) hours of coursework to include a basic course plus a lab in the Biological Sciences; Physical Science, and Earth Science. The remaining course work may be taken in Botany, Zoology, Chemistry, Physics, Geology, Astronomy, Oceanography, Ecology, or Limnology. A passing score on the Praxis test for Natural Science is required.~~ Physics Endorsement. Minimum of eight (8) semester credit hours in each of the following areas: Biology, Chemistry, and Earth Science or Geology. (3-16-04)(\_\_\_\_)

**c.** Chemistry Endorsement. Minimum of eight (8) semester credit hours in each of the following areas: Biology, Physics, and Earth Science or Geology. (\_\_\_\_)

**d.** Earth Science or Geology Endorsement. Minimum of eight (8) semester credit hours in each of the following areas: Biology, Physics, and Chemistry. (\_\_\_\_)

**e.** Agriculture Science and Technology Endorsement. Minimum of four (4) semester credit hours in each of the following areas: Biology, Chemistry, Earth Science or Geology, and Physics. Remaining course work must be from the sciences: Biology, Chemistry, Earth Science or Geology, and Physics. (\_\_\_\_)

~~06.~~ **Philosophy (6-12).** Twenty (20) semester credit hours in the area of Philosophy. (3-16-04)

~~07.~~ **Physics (6-12).** Twenty (20) semester credit hours in the area of Physics. (3-16-04)

~~08.~~ **Physical Education (PE) (6-12 or K-12).** Twenty (20) semester credit hours to include course work in each of the following areas: Sport Skills; Secondary PE Methods; Student Evaluation in PE; Administration of a PE Program; Health; PE for Special Populations; Exercise Science; Sports Psychology or Sociology; and Movement. To obtain a Physical Education K-12 endorsement, applicants holding a Secondary Certificate must complete an elementary PE methods course. (3-16-04)

~~09.~~ **Physical Education/Health.** (3-16-04)

~~10.~~ **Physical Science (6-12).** Twenty (20) semester credit hours in the area of physical science to include a minimum of eight (8) semester credit hours in each of the following: Chemistry and Physics. (3-16-04)

- ~~11.~~ ~~**Political Science.** Twenty (20) semester credit hours in the area of Political Science.~~ (~~3-16-04~~)
- ~~1210.~~ **Psychology.** Twenty (20) semester credit hours in the area of Psychology. (3-16-04)
- ~~131.~~ **Reading (6-12 or K-12).** Twenty (20) semester credit hours in the area of reading including a minimum of fifteen (15) semester credit hours distributed among each of the following areas: Foundations of Reading or Developmental Reading; Reading in the Content Area; Literature for Youth; Psycholinguistics or Language Development; and Corrective/Diagnostic/Remedial Reading. To obtain a Reading K-12 endorsement, applicants holding a Secondary Certificate must complete an elementary methods course. (3-16-04)
- ~~142.~~ **Social Studies (6-12).** Must have an endorsement in History, ~~Political Science~~ American Government/Political Science, Economics, ~~Anthropology~~, Sociology, Psychology, or Geography plus a minimum of twenty (20) semester credit hours of which the following are required: a minimum of six (6) semester credit hours of general U.S. history survey; a minimum of three (3) semester credit hours of American ~~Federal~~ Government. The remaining semester credit hours must include course work from all of the following areas: World History, Geography, Economics, ~~Anthropology~~, Sociology, and Psychology. (~~3-16-04~~)(    )
- ~~153.~~ **Sociology (6-12).** Twenty (20) semester credit hours in the area of Sociology. (3-16-04)
- ~~164.~~ **Sociology/Anthropology (6-12).** Twenty (20) semester credit hours including a minimum of six (6) semester credit hours in each of the following: Anthropology and Sociology. (3-16-04)
- ~~175.~~ **Technology Education (6-12).** (3-16-04)
- a.** Twenty (20) semester credit hours to include course work in each of the following areas: Communication Technology; Computer Applications; Construction Technology; Electronics Technology; Manufacturing Technology; Power, Energy and Transportation; and Principles of Technology. (3-16-04)
- b.** Occupational teacher preparation as provided in Sections 034 through 038. (3-16-04)

**IDAPA 08 - DEPARTMENT OF EDUCATION**

**08.02.02 - RULES GOVERNING UNIFORMITY**

**DOCKET NO. 08-0202-0506**

**NOTICE OF RULEMAKING - ADOPTION OF 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 33-1254, Idaho Code.

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

The Professional Standards Commission is charged with reviewing the Code of Ethics for Idaho Professional Educators annually to ensure that the Code meets current needs. The Professional Standards Commission recommends that a section titled "Educator Perspective of the Code" (which is not part of the Code) be incorporated into the body of the Code of Ethics for Idaho Professional Educators for clarification and an update of the Code of Ethics. Other proposed changes in the Code of Ethics for Idaho Educators include clarification in language.

Pursuant to Section 67-5228, Idaho Code, a clerical correction has been made to the rule. In Subsection 076.10.b., a citation to the Idaho Code is being corrected to reflect a change made to the Idaho Code. In the Subsection the current reference to the Idaho Code is Section 16-1619. This has been changed to the correct citation Section 16-1605, Idaho Code. Although this Subsection was amended in the proposed rulemaking, the amendment did not include this correction. The correction is as follows:

**08.02.02.076.10.b.**

**b.** Failure to comply with Section 16-~~1619~~1605, Idaho Code, (reporting of child abuse, abandonment or neglect); ~~and~~; ~~(3-20-04)~~(\_\_\_\_\_)

The remainder of the pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 7, 2005 Idaho Administrative Bulletin, Vol. 05-9, pages 47 through 53.

**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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Keith Potter, 332-6887.

DATED this 28th day of October, 2005.

Dr. Michael P. Stefanic  
Bureau Chief – Certification/Professional Standards and Adult Services  
Administrator – Professional Standards Commission  
Idaho State Department of Education, Bureau of Certification/Professional Standards  
650 W. State St., (PO Box 83720), Boise, Idaho 83720-0027  
(208)332-6887 (phone) / (208) 334-2094 (fax)



**DOCKET NO. 08-0202-0506 - PENDING RULE**

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

**The text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 05-9, September 7, 2005, pages 47 through 53.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

## **IDAPA 08 - DEPARTMENT OF EDUCATION**

### **08.02.02 - RULES GOVERNING UNIFORMITY**

**DOCKET NO. 08-0202-0507**

#### **NOTICE OF RULEMAKING - ADOPTION OF 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 Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-116, 33-1258, and 33-1612, 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.

After a careful review of the armed forces requirements, the State Department of Education and the Professional Standards Commission developed a recommendation regarding the highly qualified status of Junior ROTC instructors and a process ensuring that status. Based on the list of names of individuals who have completed an official armed forces training program to qualify as Junior ROTC instructors in high schools and notarized copies of their certificate(s) of completion, the Bureau of Certification/Professional Standards will consider these individuals to be highly and uniquely qualified to teach in an Junior ROTC program at the high school level. In the pending rule, ROTC is clarified as Junior Reserved Officer Training Corps (Junior ROTC).

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the September 7, 2005 Idaho Administrative Bulletin, Vol. 05-9, pages 54 and 55.

**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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Dr. Michael Stefanic at (208) 332-6884 or Larry Norton (208) 332-6885.

DATED this 28th day of October, 2005.

Dr. Michael P. Stefanic  
Bureau Chief - Certification/Professional Standards and Adult Services  
Administrator - Professional Standards Commission  
Idaho State Department of Education  
650 W. State Street  
PO Box 83720  
Boise, Idaho 83720-0027  
Phone: (208) 332-6884  
Fax: (208) 334-2094

DOCKET NO. 08-0202-0507 - PENDING RULE

There are substantive changes from the proposed rule text.

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 05-9, September 7, 2005, pages 54 and 55.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.

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THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 08-0202-0507

*Section 031 (Entire Section)*

**031. JUNIOR RESERVED OFFICER TRAINING CORPS (JUNIOR ROTC) INSTRUCTORS.**

**01. List of Names.** Each school district with a *Junior* ROTC program shall provide the State Department of Education with a list of the names of those individuals who have completed an official armed forces training program to qualify as *Junior* ROTC instructors in high schools. ( )

**02. Notarized Copy.** Each school district with a *Junior* ROTC program shall provide the State Department of Education with a notarized copy of their certificate(s) of completion. ( )

**03. Authorization Letter.** Upon receiving the items identified in Subsections 031.01 and 031.02, the State Department of Education shall issue a letter authorizing these individuals as *Junior* ROTC instructors. ( )

~~031.2.~~ -- 033. (RESERVED).

## **IDAPA 08 - DEPARTMENT OF EDUCATION**

### **08.02.02 - RULES GOVERNING UNIFORMITY**

**DOCKET NO. 08-0202-0508**

#### **NOTICE OF RULEMAKING - ADOPTION OF 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 Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-116, 33-1258, and 33-1612, 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. Idaho's special education programs are divided into regular classes, resource rooms, self-contained classrooms, residential schools, etc. The endorsement areas recommended for elimination are not specifically required for special education program teaching assignments. The vast majority of special education classrooms are non-categorical; therefore, school district and student needs are best served through the Generalist K-12 Endorsement. Additionally, the Hearing Impaired and Visually Impaired Endorsements have been aligned with the Idaho preparation standards for teachers of the visually and hearing impaired to ensure teachers meet the necessary requirements. Due to school districts' misunderstanding of the positions of Consulting and Supervisors/Coordinators of Special Education, definitions were added to clarify the roles these teachers play in schools and districts. Finally, the PSC condensed the text of the rule to make it more precise and clearer.

Added to the pending rule is an option for a letter of recommendation from a school district superintendent as a demonstration of a teacher's competencies, which would allow school districts flexibility in hiring qualified consulting teachers. This change in text is based on submitted written public comments.

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

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. The original text of the proposed rule was published in the September 7, 2005 Idaho Administrative Bulletin, Vol. 05-9, pages 56 through 59.

**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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Russ Hammond at (208) 332-6919 or Dr. Patricia Toney, (208) 332-6938.

DATED this 28th day of October 2005.

Dr. Michael P. Stefanic  
Bureau Chief - Certification/Professional Standards and Adult Services  
Administrator - Professional Standards Commission  
Idaho State Department of Education  
650 W. State Street  
PO Box 83720  
Boise, Idaho 83720-0027  
Phone: (208) 332-6884 Fax: (208) 334-2094

DOCKET NO. 08-0202-0508 - PENDING RULE

There are substantive changes from the proposed rule text.

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 05-9, September 7, 2005, pages 56 through 59.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 08-0202-0508

*Subsections 029.02.c. and 029.02.d.*

**029. CONSULTING TEACHER ENDORSEMENT.**

**02. Eligibility for a Consulting Teacher Endorsement.** To be eligible for a Consulting Teacher endorsement on the Standard Exceptional Child Certificate, the Early Childhood /Early Childhood Special Education Blended Certificate (Birth-Grade 3), the Standard Elementary Certificate or the Standard Secondary Teaching Certificate, a candidate must have satisfied the following requirements: (3-16-04)

**c.** Letter of Recommendation. Provide a letter of recommendation from the superintendent of a school district that provides verification of demonstrated competencies in the following areas: assessment of learning behaviors; individualization of instructional programs based on educational diagnosis; behavioral and/or classroom management techniques; program implementation and supervision; knowledge in use of current methods, materials and resources available and management and operation of media centers; ability in identifying and utilizing community or agency resources and support services; and counseling skills and guidance of professional personnel and three (3) years of successful experience as a special education teacher working with classroom teachers in elementary or secondary schools; and ( )

**d.** Three (3) years of successful experience as a special education teacher working with classroom teachers in elementary or secondary schools. ( )

## **IDAPA 08 - DEPARTMENT OF EDUCATION**

### **08.02.03 - RULES GOVERNING THOROUGHNESS**

**DOCKET NO. 08-0203-0504**

#### **NOTICE OF RULEMAKING - ADOPTION OF 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 Sections 33-118 and 33-118A, 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.

According to IDAPA 08.02.03.128.01, the State Board of Education currently adopts curricular materials on a five (5) year adoption cycle for the following subject areas: reading, English, spelling, journalism, languages other than English, art, drama, social studies, music, mathematics, business education, career education and counseling, vocational/technical education, science, health, handwriting, literature, and driver education. The purpose of amending 08.02.03.128.01: Curricular Materials Selection is to extend to a six (6) year cycle Idaho's adoption cycle to align it with adoption cycles of larger states. This will provide Idaho teachers and students with the most current publications of curricular materials. Fifteen (15) of the twenty-two (22) states that adopt curricular materials do so on a six (6) year adoption cycle. It is also recommended that limited English proficiency be added to the listing of adoption subject areas because of the addition of English Language Proficiency Standards to the Idaho Student Achievement Language Arts/Communication Standards in April 2005.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 7, 2005 Idaho Administrative Bulletin, Vol. 05-9, pages 60 and 61.

**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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Val Fenske, (208) 332-6967.

DATED this 28th day of October, 2005.

Pat White, Bureau Chief, Bureau of Educational Improvement  
Department of Education - 650 W. State Street (PO Box 83720), Boise, Idaho 83720-0027  
Phone: (208) 332-6890 Fax: (208) 426-0104

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#### **DOCKET NO. 08-0203-0504 - PENDING RULE**

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

**The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 05-9, September 7, 2005, pages 60 and 61.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

## IDAPA 11 - IDAHO STATE POLICE

### 11.02.01 - RULES GOVERNING THE IDAHO STATE BRAND BOARD

#### DOCKET NO. 11-0201-0502 (FEE RULE)

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

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

**AUTHORITY:** In compliance with Section 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) 25-1160(a), 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 February 22, 2006.

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 Rule change raises the cattle fee from \$.84 to \$.94, and the pasture cattle fee from \$.42 to \$.47. The Idaho Brand Board fee increase enacted in FY2005 was insufficient to meet Brand Board costs. The FY2005 projection shows a deficit of \$598,800, with balances reaching just \$700 in FY2006. The Idaho Brand Board, in its September 15, 2005 meeting, approved a \$.10 increase in cattle brand inspection fees and a \$.05 increase in pasture cattle brand inspection fees, effective October 1, 2005.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1) (a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: The Idaho Brand Board fee increase enacted in FY2005 was insufficient to meet Brand Board costs. The FY2005 projection shows a deficit of \$598,800, with balances reaching just \$700 in FY2006. The Brand Board requires increased funding to continue its public safety services.

**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: the fee is an increase in the cattle fee from \$.84 to \$.94, and the pasture cattle fee from \$.42 to \$.47.

**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 resulting from this rulemaking: Not applicable. This rule change impacts only dedicated fund 0229-15-Brand Inspector.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because this matter is under the sole jurisdiction of the Brand Board. During its September 15, 2005 meeting, the Board approved the increases of \$.10 and \$.05, respectively.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Larry A. Hayhurst at 208-884-7070.

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 February 22, 2006.

DATED this 1st day of November, 2005.

Larry A. Hayhurst  
 State Brand Inspector  
 Idaho State Brand Board  
 700 S. Stratford  
 P. O. Box 1177, Meridian, ID 83680-1177  
 208-884-7070 / Fax 208-884-7097

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 11-0201-0502**

**034. SCHEDULE OF FEES FOR THE IDAHO STATE BRAND BOARD.**

**01. Fees.** Fees authorized by the State Brand Board and to be collected by the State Brand Inspector are as follows:

<b>SCHEDULE OF FEES</b>		
<b>Recording of a Brand</b>	<b>\$50 initial recording fee plus a \$10 per year prorated staggered renewal fee every year thereafter</b>	
Transfer of a recorded brand	\$25.00	
Renewal of a recorded brand (Every five years)	\$50.00	
Duplicate brand registration certificate	\$ 1.50	
Ownership and transportation certificate	\$25.00	
Duplicate ownership and transportation certificate	\$ 5.00	
Annual inspection equine or bovine	\$ 5.00	
	<b>CATTLE</b>	<b>HORSES</b>
Brand inspection (per head)	\$ . <del>89</del> 4	\$ 1.50
Idaho livestock to pasture (per head)	\$ . <del>42</del> 7	\$ .75
Minimum auction fee	\$50.00	\$50.00
Minimum field brand inspection fee	\$10.00	\$10.00
Courtesy brand inspection	\$ . <del>89</del> 4	\$ 1.50

<b>Fees To Be Collected By The State Brand Inspector For Other State Agencies:</b>	
Idaho Beef Council (per head)	\$1.00
Idaho Horse Board (per head)	\$3.00
Idaho Department of Agriculture:	
Animal health (per head)	\$ .22
Predator control (per head)	\$ .04



~~(10-18-04)F~~(10-1-05)T

**02. Due and Payable.** Pursuant to Section 25-1160(5), Idaho Code, all brand inspection fees, and all other fees required to be collected by the Brand Inspector are due and payable at the time of inspection, except that livestock owners may make arrangements with a deputy brand inspector to pay for all accumulated brand inspection fees within each seven (7) day period. Failure to comply with this rule will cancel the previously approved schedule and shall make all fees immediately due and payable. Feedlots, currently approved by the Idaho Department of Agriculture, and slaughter plants are exempt from the minimum brand inspection fee. Other minimum brand inspection fees may be waived at the discretion of the State Brand Inspector or District Brand Supervisor. (3-30-01)

## IDAPA 11 - IDAHO STATE POLICE

### 11.10.03 - RULES GOVERNING THE SEX OFFENDER REGISTRY

DOCKET NO. 11-1003-0501

#### NOTICE OF RULEMAKING - ADOPTION OF 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(s) 67-3003(2), Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. The changes in rule provide clear authorization for the link from the state's Sex Offender Registry Internet site to the National Sex Offender Registry Internet site. It also updates the rules to reflect changes in registration forms used to register sex offenders in the state. There is no change in text from the proposed rule. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 5, 2005 Idaho Administrative Bulletin, Vol. 05-10, pages 134 through 138.

**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: There is no negative fiscal impact to the state general fund.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Dawn Peck at (208) 884-7136.

DATED this 1st day of November, 2005.

Colonel R. Dan Charboneau  
Director, Idaho State Police  
700 S. Stratford  
P.O. Box 700  
Meridian, ID 83864  
(208) 884-7003  
(208) 884-7090 fax

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#### DOCKET NO. 11-1003-0501 - PENDING RULE

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 05-10, October 5, 2005, pages 134 through 138.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

## IDAPA 11 - IDAHO STATE POLICE

### 11.11.01 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL

DOCKET NO. 11-1101-0501

#### NOTICE OF RULEMAKING - ADOPTION OF 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 19-5107, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 7, 2005 Idaho Administrative Bulletin, Vol. 05-9, pages 85 through 108.

**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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Michael N. Becar at (208) 884-7251.

DATED this 26th day of October, 2005.

Michael N. Becar  
Executive Director  
Idaho State Police/Peace Officer Standards and Training  
700 S. Stratford Dr.  
P.O. Box 700  
Meridian, ID 83680-0700  
(208) 884-7251  
(208) 884-7295 (FAX)

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#### DOCKET NO. 11-1101-0501 - PENDING RULE

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 05-9, September 7, 2005, pages 85 through 108.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

## IDAPA 11 - IDAHO STATE POLICE

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

DOCKET NO. 11-1102-0501

#### NOTICE OF RULEMAKING - ADOPTION OF 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 19-5107, Idaho Code.

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

033.01.a. and 033.01.b.: Since the rule cannot have retroactive effect, the effective date for mandatory certification was changed from October 1, 2005 to October 1, 2006.

034.03.b.: The language was changed to specifically identify the high liability classes.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin.

The original text of the proposed rule was published in the September 7, 2005 Idaho Administrative Bulletin, Vol. 05-9, pages 109 through 112.

**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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Michael N. Becar at (208) 884-7251.

DATED this 27th day of October, 2005.

Michael N. Becar  
Executive Director  
Idaho State Police  
Peace Officer Standards and Training  
700 S. Stratford Dr./P.O. Box 700  
Meridian, ID 83680-0700  
(208) 884-7251  
(208) 884-7295 (FAX)

DOCKET NO. 11-1102-0501 - PENDING RULE

There are substantive changes from the proposed rule text.

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

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 05-9, September 7, 2005, pages 102 through 112.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.

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THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 11-1102-0501

*Subsections 033.01.a. and 033.01.b.*

**033. PART-TIME JUVENILE DETENTION OFFICER CERTIFICATION.**

**01. Certification.** The following dates govern mandatory certification: ( )

**a.** If employed after October 1, 2006, any part-time juvenile detention officer must be certified by obtaining mandatory certification from the Peace Officer Standards and Training Council within one (1) year of the date the officer was first employed as a part-time juvenile detention officer. ( )

**b.** Part-time juvenile detention officers employed prior to October 1, 2006, must comply with the training and certification provisions of Section 033 by September 30, 2007. ( )

*Subsection 034.03.b.*

**034. THE PART-TIME JUVENILE DETENTION OFFICER CERTIFICATE.**

The following requirements are necessary for award of the part-time juvenile detention officer certificate: ( )

**03. Basic Training.** The applicant must have completed the POST Part-Time Juvenile Detention Officer Training and must have passed the POST part-time juvenile detention officer certification examination approved by the Council. The applicant will be allowed two (2) attempts to pass the examination with a minimum score of seventy-five percent (75%). The attempts must be no less than thirty (30) days apart and no more than six (6) months apart. ( )

**b.** Portions of the core curriculum may be taught by uncertified instructors. However, Legal and Liability for Juvenile Detention Officers, Verbal Judo, and Appropriate Use of Force must be taught by POST-certified instructors. ( )

## IDAPA 12 - DEPARTMENT OF FINANCE

### 12.01.08 - RULES GOVERNING PURSUANT TO THE UNIFORM SECURITIES ACT

DOCKET NO. 12-0108-0501

#### NOTICE OF RULEMAKING - ADOPTION OF 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 30-14-605(A).

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 5, 2005 Idaho Administrative Bulletin, Volume 05-10, pages 139 through 151.

**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: None.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Marilyn Chastain, Securities Bureau, (208) 332-8070.

DATED this 26th day of October, 2005.

Marilyn Chastain  
Securities Bureau Chief  
Idaho Department of Finance/Securities Bureau  
700 West State Street  
PO Box 83720  
Boise, ID 83720-0031  
Phone: 332-8070 Fax: 332-8099

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#### DOCKET NO. 12-0108-0501 - PENDING RULE

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 05-10, October 5, 2005, pages 139 through 151.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

**IDAPA 13 - DEPARTMENT OF FISH AND GAME**

**13.01.04 - RULES GOVERNING LICENSING**

**DOCKET NO. 13-0104-0501**

**NOTICE OF RULEMAKING - ADOPTION OF 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 36-104(b), Idaho Code.

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

The current military raincheck and refund rule is specific to Special Operation Iraqi Freedom and has been amended previously to extend its applicability to subsequent calendar years. An amendment to the rule is necessary to broaden the scope to include members of the military who have been deployed to other war zones or in armed conflict, and to remove the reference to a specific year. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 5, 2005 Idaho Administrative Bulletin, Vol. 05-10, pages 153-155.

**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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Steve Barton (208) 287-2798.

DATED this 27th day of October, 2005.

W. Dallas Burkhalter  
Deputy Attorney General  
Natural Resources Division/Fish and Game  
600 S. Walnut  
P.O. Box 25  
Boise, ID 83707  
(208) 334-3715, Fax (208) 334-2148

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**DOCKET NO. 13-0104-0501 - PENDING RULE**

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 05-10, October 5, 2005, pages 153 through 155.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

## IDAPA 13 - DEPARTMENT OF FISH AND GAME

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

DOCKET NO. 13-0108-0501

#### NOTICE OF RULEMAKING - ADOPTION OF 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 Sections 36-104(b) and 36-1101, 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.

Season setting for Big Game. A proposed rule amendment to increase eligibility for left-over Moose permits, allow the use of round ball or conical lead bullets in traditional muzzleloader hunts, and require applicants for outfitter allocated controlled hunts to have a written agreement with an outfitter before submitting a controlled hunt application. The development of application criteria, drawing criteria and marketing procedures for certain controlled hunt tags to support the Department's Access Yes program. Grant priority to military personnel returning from active duty for emergency depredation hunts. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 5, 2005 Idaho Administrative Bulletin, Vol. 05-10, pages 156-166.

**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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Brad Compton (208) 287-2756.

DATED this 27th day of October, 2005.

W. Dallas Burkhalter  
Deputy Attorney General  
Natural Resources Division/Fish and Game  
600 S. Walnut  
P.O. Box 25  
Boise, Idaho 83707

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#### DOCKET NO. 13-0108-0501 - PENDING RULE

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 05-10, October 5, 2005, pages 156 through 166.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**



## **IDAPA 13 - DEPARTMENT OF FISH AND GAME**

### **13.01.10 - RULES GOVERNING THE IMPORTATION, POSSESSION, RELEASE, SALE OR SALVAGE OF WILDLIFE**

**DOCKET NO. 13-0110-0501**

#### **NOTICE OF RULEMAKING - ADOPTION OF 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 Sections 36-104(b) and 36-2205(c), 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.

Address the requirements and specifications for possessing or raising wildlife for medical research. Correct terminology throughout the chapter. Clarify the requirement for an importation permit. Clarify and update the allowed species importation list. Set bird disease standards and bird marking standards for shooting preserves. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 5, 2005 Idaho Administrative Bulletin, Vol. 05-10, pages 169 through 181.

**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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Dr. Mark Drew (208) 454-7646.

DATED this 27th day of October, 2005.

W. Dallas Burkhalter  
Deputy Attorney General  
Natural Resources Division/Fish and Game  
600 S. Walnut  
P.O. Box 25  
Boise, Idaho 83707

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#### **DOCKET NO. 13-0110-0501 - PENDING RULE**

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 05-10, October 5, 2005, pages 169 through 181.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

**IDAPA 13 - DEPARTMENT OF FISH AND GAME**

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

**DOCKET NO. 13-0117-0501**

**NOTICE OF RULEMAKING - ADOPTION OF 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 Sections 36-104(b) and 36-1101, Idaho Code.

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

Allow bear baiting one week prior to the opening of bear season in several wilderness areas; including Units 17, 19, 20, 20A, 26 and 27. This will encourage bear hunting in these backcountry areas and was requested by several hunters and outfitters. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 5, 2005 Idaho Administrative Bulletin, Vol. 05-10, pages 182 and 183.

**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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Jim Unsworth (208) 287-2738.

DATED this 27th day of October, 2005.

W. Dallas Burkhalter  
Deputy Attorney General  
Natural Resources Division/Fish and Game  
600 S. Walnut  
P.O. Box 25  
Boise, Idaho 83707

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**DOCKET NO. 13-0117-0501 - PENDING RULE**

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 05-10, October 5, 2005, pages 182 and 183.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

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

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

**DOCKET NO. 16-0309-0504**

**NOTICE OF RULEMAKING**

**RESCISSION OF TEMPORARY RULE AND VACATION OF PROPOSED RULEMAKING**

**AUTHORITY:** In compliance with Section 67-5221, Idaho Code, notice is hereby given that this agency is vacating 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 Sections 56-202(b) and 56-203(g), Idaho Code, and House Bill 324 (2005).

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

This proposed rule is being vacated and the temporary rule is being rescinded so the Department can add a section to the proposed rule and remain in compliance with the procedures defined in Idaho Code, Title 67 Chapter 52, also known as the Administrative Procedure Act. The new temporary and proposed docket regarding investigational procedures is being published simultaneously in this Bulletin under Docket No. 16-0309-0506.

The temporary and proposed rule, in Docket 16-0309-0504 was published in the August 3, 2005, Administrative Bulletin, Volume 05-8, pages 206 through 210. This Notice of Rulemaking hereby rescinds the temporary rules, effective April 7, 2005, and vacates the proposed rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this vacation of proposed rulemaking and the rescission of the temporary rule, contact Leslie Clement at (208) 364-1804.

DATED this 17th day of October, 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) 334-6558 fax  
kovachs@idhw.state.id.us e-mail

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

**DOCKET NO. 16-0309-0506**

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

**EFFECTIVE DATE:** The effective date of the temporary rule is April 7, 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 Sections 56-202(b) and 56-203(g), Idaho Code, and House Bill 324 (2005).

**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 Wednesday, December 21, 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:

To better protect the health and safety of Idahoans, these rules are being amended to allow for Medicaid coverage of investigational medical treatments and procedures when the medical review process indicates that such a procedure is necessary and would benefit the health of the participant. The rule changes also provide operational definitions of what constitutes an investigational or experimental service or procedure to comply with House Bill 324 (2005) that prohibits Medicaid coverage of experimental medical services or procedures. Outdated language was also updated to meet currently accepted standards. These proposed rule changes:

1. Identify the review and analysis required to determine coverage for investigational services or procedures;
2. Add a definition of experimental services or procedures;
3. Update the current standards for the coverage of weight loss surgery and clarify coverage of non-surgical options for the treatment of obesity; and
4. Clarify the coverage limitations for organ transplants.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate since it is necessary for the protection of the public health, safety, or welfare.

**FEE SUMMARY:** There is no fee or charge being imposed or increased in this docket.

**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.

This rule does not result in any additional costs to the Medical Assistance program as the changes proposed do not expand upon existing coverage; rather, they clarify how coverage determinations are made so that decisions will be cost effective and not arbitrary.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because this change was made to reflect internal Medicaid policy decisions and to comply with House Bill 324 (2005).

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Leslie Clement at (208) 364-1804.

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 Wednesday, December 28, 2005.

DATED this 2nd day of November, 2005.

Sherri Kovach  
Program Supervisor  
DHW – Administrative Procedures Section  
450 West State Street - 10th Floor  
P.O. Box 83720, Boise, ID 83720-0036  
(208) 334-5564 phone; (208) 334-6558 fax  
kovachs@idhw.state.id.us e-mail

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0309-0506**

**061. -- 0643. (RESERVED).**

**064. COVERAGE OF INVESTIGATIONAL PROCEDURES OR TREATMENTS.**

The Department may consider Medicaid coverage for investigational procedures or treatments on a case-by-case basis for life-threatening medical illnesses when no other treatment options are available. For these cases, a focused case review is completed by a professional medical review organization to determine if an investigational procedure would be beneficial to the participant. The Department will perform a cost/benefit analysis on the procedure or treatment in question. The Department will determine coverage based on this review and analysis. (4-7-05)T

- 01. Focused Case Review.** A focused case review consists of assessment of the following: (4-7-05)T
  - a.** Health benefit to the participant of the proposed procedure or treatment; (4-7-05)T
  - b.** Risk to the participant associated with the proposed procedure or treatment; (4-7-05)T
  - c.** Result of standard treatment for the participant's condition, including alternative treatments other than the requested procedure or treatment; (4-7-05)T
  - d.** Specific inclusion or exclusion by Medicare national coverage guidelines of the proposed procedure or treatment; (4-7-05)T
  - e.** Phase of the clinical trial of the proposed procedure or treatment; (4-7-05)T
  - f.** Guidance regarding the proposed procedure or treatment by national organizations; (4-7-05)T
  - g.** Clinical data and peer-reviewed literature pertaining to the proposed procedure or treatment; and (4-7-05)T
  - h.** Ethics Committee review, if appropriate. (4-7-05)T
- 02. Additional Clinical Information.** For cases in which the Department determines that there is insufficient information from the focused case review to render a coverage decision, the Department may, at its discretion, seek an independent professional opinion. (4-7-05)T
- 03. Cost/Benefit Analysis.** The Department will perform a cost/benefit analysis that will include at least the following: (4-7-05)T

- a. Estimated costs of the procedure or treatment in question. (4-7-05)T
- b. Estimated long-term medical costs if this procedure or treatment is allowed. (4-7-05)T
- c. Estimated long-term medical costs if this procedure is not allowed. (4-7-05)T
- d. Potential long-term impacts approval of this procedure or treatment may have on the medical assistance program. (4-7-05)T

**04. Coverage Determination.** The Department will make a decision about coverage of the investigational procedure or treatment after consideration of the focused case review, cost/benefit analysis, and any additional information received during the review process. (4-7-05)T

**065. SERVICES, TREATMENTS, AND PROCEDURES NOT COVERED BY MEDICAL ASSISTANCE.** The following services, treatments, and procedures are not covered for payment by the Medical Assistance Program: ~~(5-15-84)~~(4-7-05)T

**01. Service Categories ~~Excluded~~ Not Covered.** The following ~~categories of~~ service categories are ~~excluded from MA~~ not covered for payment by the Medical Assistance Program: ~~(5-15-84)~~(4-7-05)T

- a. Acupuncture services; ~~and~~ ~~(5-15-84)~~(4-7-05)T
- b. Naturopathic services; ~~and~~ ~~(5-15-84)~~(4-7-05)T
- c. Bio-feedback therapy; and (11-10-87)
- d. Fertility-related services, including testing. ~~(11-10-87)~~(4-7-05)T

**02. Procedures ~~Excluded~~ Types of Treatments and Procedures Not Covered.** The costs of physician and hospital services for the following types of treatments and procedures are ~~excluded from MA payment. This includes both the procedure itself, and the costs for all follow-up medical treatment directly associated with such a procedure~~ not covered for payment by the Medical Assistance Program: ~~(6-1-86)~~(4-7-05)T

- a. Elective medical and surgical treatment, except for family planning services, without Departmental approval. Procedures that are generally accepted by the medical community and are medically necessary may not require prior approval and may be eligible for payment; ~~or~~ ~~(6-1-86)~~(4-7-05)T
- b. Cosmetic surgery, excluding reconstructive surgery ~~which that~~ has prior approval by the Department; ~~or~~ ~~(7-1-98)~~(4-7-05)T
- c. Acupuncture; ~~or~~ ~~(6-1-86)~~(4-7-05)T
- d. Bio-feedback therapy; ~~or~~ ~~(6-1-86)~~(4-7-05)T
- e. Laetrile therapy; ~~or~~ ~~(6-1-86)~~(4-7-05)T
- ~~f. Organ transplants; lung, pancreas, or other transplants considered investigative or experimental procedures and multiple organ transplants; or~~ ~~(10-1-91)~~
- ~~gf.~~ Procedures and testing for the inducement of fertility. This includes, but is not limited to, artificial inseminations, consultations, counseling, office exams, tuboplasties, and vasovasostomies; ~~(11-10-87)~~(4-7-05)T
- ~~hg.~~ New procedures of unproven value and established procedures of questionable current usefulness as identified by the Public Health Service and ~~which that~~ are excluded by the Medicare program ~~are excluded from MA payment or major commercial carriers;~~ ~~or~~ ~~(5-15-84)~~(4-7-05)T
- ~~ih.~~ Drugs supplied to patients for self-administration other than those allowed under the conditions of

Section ~~126~~ 805; ~~or~~

~~(12-31-91)~~(4-7-05)T

- ~~ji.~~ Examinations: (6-1-86)
  - i. For routine checkups, other than those associated with the EPSDT program; ~~or~~ ~~(6-1-86)~~(4-7-05)T
  - ii. In connection with the attendance, participation, enrollment, or accomplishment of a program; or (6-1-86)
  - iii. For employment. (6-1-86)
- ~~kj.~~ Services provided by psychologists and social workers who are employees or contract agents of a physician, or a physician's group practice association except for psychological testing on the order of the physician; ~~or~~ ~~(6-1-86)~~(4-7-05)T
- ~~lk.~~ The treatment of complications, consequences, or repair of any medical procedure, ~~in which where~~ the original procedure was ~~excluded from MA coverage~~ not covered by the Medical Assistance Program, unless the resultant condition is life-threatening as determined by the ~~MA Section of the Department~~; ~~or~~ ~~(5-15-84)~~(4-7-05)T
- ~~ml.~~ Medical transportation costs incurred for travel to medical facilities for the purpose of receiving a noncovered medical service ~~are excluded from MA payment~~; ~~(5-15-84)~~(4-7-05)T
- ~~nm.~~ Eye exercise therapy; ~~or~~ ~~(10-25-88)~~(4-7-05)T
- ~~on.~~ Surgical procedures on the cornea for myopia. (3-2-94)

**03. Experimental Treatments or Procedures.** Treatments and procedures used solely to gain further evidence or knowledge or to test the usefulness of a drug or type of therapy are not covered for payment by the Medical Assistance Program. This includes both the treatment or procedure itself, and the costs for all follow-up medical treatment directly associated with such a procedure. Treatments and procedures deemed experimental are not covered for payment by the Medical Assistance Program under the following circumstances: (4-7-05)T

- a.** The treatment or procedure is in Phase I clinical trials in which the study drug or treatment is given to a small group of people for the first time to evaluate its safety, determine a safe dosage range, and identify side effects: (4-7-05)T
- b.** There is inadequate available clinical or pre-clinical data to provide a reasonable expectation that the trial treatment or procedure will be at least as effective as non-investigational therapy; or (4-7-05)T
- c.** Expert opinion suggests that additional information is needed to assess the safety or efficacy of the proposed treatment or procedure. (4-7-05)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**069. SURGICAL PROCEDURES FOR WEIGHT LOSS.**

**01. Surgery for the Correction of Obesity.** Surgery for the correction of obesity is covered *only with prior authorization from the Bureau of Medicaid Policy and Reimbursement. Surgical procedures for weight loss will be considered when the patient meets the weight criteria for morbid obesity as defined in Subsection 003-38 of these rules; and when all of the following conditions are met:* ~~(7-1-99)~~(4-7-05)T

- a.** *Has one (1) of the major life threatening complications of obesity: alveolar hypoventilation, uncontrolled diabetes, or uncontrolled hypertension.* The participant must meet criteria for clinically severe obesity with a Body Mass Index (BMI) equal to or greater than forty (40), or a BMI equal to or greater than thirty-five (35)

with comorbid conditions such as type 2 diabetes, hypothyroidism, atherosclerotic cardiovascular disease, or osteoarthritis of the lower extremities. The serious comorbid medical condition must be documented by the primary physician who refers the patient for the procedure, or a physician specializing in the participant's comorbid condition who is not associated by clinic or other affiliation with the surgeons who will perform the surgery. (7-1-97)(4-7-05)T

~~i. For purposes of this Subsection, "uncontrolled" means that there is inadequate compliance or response to a prescribed medical regimen. (7-1-97)~~

~~ii. Other complications of obesity such as orthopedic treatment, skin and wound care are not considered justification for a surgical remedy. (7-1-97)~~

~~b. Must have a psychiatric evaluation to determine the stability of personality at least three (3) months prior to date the surgery is requested. The obesity is caused by the serious comorbid condition, or the obesity could aggravate the participant's cardiac, respiratory or other systemic disease. (7-1-97)(4-7-05)T~~

~~c. Understands and accepts the resulting risks associated with the surgery. The Department or its designee must determine the surgery to be medically necessary, as defined in Section 003 of these rules. (7-1-97)(4-7-05)T~~

~~d. The participant must have a psychiatric evaluation to determine the stability of personality at least ninety (90) days prior to the date a request for prior authorization is submitted to Medicaid. (4-7-05)T~~

~~e. The surgery must be prior authorized by the Department or its designee. The Department will consider the guidelines of private and public payors, evidence-based national standards of medical practice, and the medical necessity of each participant's case when determining whether surgical correction of obesity will be prior authorized. (4-7-05)T~~

~~02. All Patients Requesting Surgery Non-Surgical Treatment for Obesity. All patients requesting surgery must have their physician send a complete history and physical exam, and medical records documenting the patient's weight and efforts to lose weight by conventional means over the past five (5) years for the request to be considered. Services in connection with non-surgical treatment of obesity are covered only when such services are an integral and necessary part of treatment for another medical condition that is covered by Medicaid. (7-1-97)(4-7-05)T~~

~~03. The Documentation of Life Threatening Complications. The documentation of life threatening complications in Subsection 069.01.e. of these rules, must be provided by a consultant specializing in pulmonary diseases, endocrinology, or cardiology/hypertensive illness who is not associated by clinic or other affiliation with the surgeons who will perform the surgery, or the primary physician who refers the patient for the procedure. (7-1-97)~~

~~043. Abdominoplasty or Panniculectomy. Abdominoplasty or panniculectomy is covered only with prior authorization from the Bureau of Medicaid Policy and Reimbursement. Medicaid does not cover procedures for cosmetic purposes when medically necessary, as defined in Section 003 of these rules, and when the surgery is prior authorized by the Department or its designee. The documentation that must accompany a request for prior authorization must include, but is not limited to, the following documentation: (7-1-97)(4-7-05)T~~

~~a. Photographs of the front, side and underside of the patient's participant's abdomen; and (7-1-97)(4-7-05)T~~

~~b. Documented treatment of the any ulceration and skin infections involving the panniculus; and (7-1-97)(4-7-05)T~~

~~c. Documented failure of conservative treatment, including weight loss; and (7-1-97)(4-7-05)T~~

~~d. That the panniculus severely inhibits the patient's participant's walking; and (7-1-97)(4-7-05)T~~

~~e. That the client participant is unable to wear a garment to hold the panniculus up; and~~



(7-1-97)(4-7-05)T

f. Other detrimental effects of the panniculus on the ~~patient's~~ participant's health such as severe arthritis in the lower body. (7-1-97)(4-7-05)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**081. ORGAN TRANSPLANTS.**

The Department may ~~purchase~~ reimburse for organ transplant services for bone marrows, kidneys, hearts, intestines, and livers when provided by hospitals approved by the ~~Health Care Financing Administration~~ Centers for Medicare and Medicaid for the Medicare program ~~and~~ that have completed a provider agreement with the Department. The Department may ~~purchase~~ reimburse for cornea transplants for conditions where such transplants have demonstrated efficacy. (3-15-02)(4-7-05)T

~~01. Heart or Liver Transplants. Heart or liver transplant surgery will be covered.~~ (3-15-02)

**021. Kidney Transplants.** Kidney transplantation surgery will be covered only in a renal transplantation facility participating in the Medicare program after meeting the criteria specified in 42 CFR 405 Subpart U. Facilities performing kidney transplants must belong to one (1) of the End Stage Renal Dialysis (ESRD) network area's organizations designated by the Secretary of Health and Human Services for Medicare certification. (10-1-91)(4-7-05)T

**032. Living Kidney Donor Costs.** The transplant costs for actual or potential living kidney donors are fully covered by Medicaid and include all reasonable preparatory, operation, and post-operation recovery expenses associated with the donation. Payments for post-operation expenses of a donor will be limited to the period of actual recovery. (10-1-91)

**043. Intestinal Transplants.** Intestinal transplantation surgery will be covered only for patients with irreversible intestinal failure, and who have failed total parenteral nutrition. (3-15-02)(4-7-05)T

**054. Coverage Limitations.** ~~When the need for transplant of a second organ such as a heart, lung, liver, bone marrow, pancreas, or kidney represents the coexistence of significant disease, the organ transplants will not be covered.~~ (10-1-91)(4-7-05)T

**a. Multi-organ transplants may be covered when:** (4-7-05)T

i. The primary organ defect caused damage to a second organ and transplant of the primary organ will eliminate the disease process; and (4-7-05)T

ii. The damage to the second organ will compromise the outcome of the transplant of the primary organ. (4-7-05)T

~~b.~~ Each kidney or lung is considered a single organ for transplant; (10-1-91)

~~b.~~ Retransplants will be covered only if the original transplant was performed for a covered condition and if the retransplant is performed in a Medicare/Medicaid approved facility; (10-1-91)

~~c.~~ A liver transplant from a live donor will not be covered by the Medical Assistance Program; (3-15-02)(4-7-05)T

~~d. Multi-organ transplants such as heart/lung or kidney/pancreas and the transplant of artificial hearts or ventricular assist devices are not covered;~~ (10-1-91)

~~e. Except for cornea transplants, all~~ No organ transplants are excluded from MA payment covered by

the Medical Assistance Program unless ~~prior~~ preauthorized by the Department or its designee, and performed for the treatment of medical conditions where such transplants have a demonstrated efficacy. (~~3-15-02~~)(4-7-05)T

~~06. **Noncovered Transplants.** Services, supplies, or equipment directly related to a noncovered transplant will be the responsibility of the recipient. (10-1-91)~~

**075. Follow-Up Care.** Follow-up care to a recipient who received a covered organ transplant may be provided by a Medicare/Medicaid participating hospital not approved for organ transplantation. (10-1-91)

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

**DOCKET NO. 16-0612-0501**

**NOTICE OF RULEMAKING - ADOPTION OF 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 56-202, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 7, 2005, Idaho Administrative Bulletin, Vol. 05-9, pages 165 and 166.

**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.

It is projected that ICCP caseload growth will exceed available funds in SFY '07. By limiting the use of work search as a qualifying activity for ICCP, this rule change reduces spending for SFY '07 so that currently allocated funds will meet the anticipated caseload growth.

Without this rule change, it is estimated that there will be the following shortfall in Idaho Child Care Program (ICCP) funds for SFY '07 due to the anticipated caseload growth in the program: (NOTE: These are 100% federal funds.)

One year - \$368,600  
Five years - \$1,843,000

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Genie Sue Weppner at (208) 334-5815.

DATED this 2nd day of November, 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) 334-6558 fax  
kovachs@idhw.state.id.us e-mail

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**DOCKET NO. 16-0612-0501 - PENDING RULE**

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 05-9, September 7, 2005, pages 165 and 166.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

## **IDAPA 17 - INDUSTRIAL COMMISSION**

### **17.02.08 - MISCELLANEOUS PROVISIONS**

**DOCKET NO. 17-0208-0501**

#### **NOTICE OF EXTENSION OF PUBLIC COMMENT PERIOD**

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5222, Idaho Code, notice is hereby given that this agency has extended the period of public comment on this rulemaking and will be accepting written comments to the proposed rule as outlined below. The action is authorized pursuant to Section(s) 72-508, 72-720, 72-721, 72-722, 72-723, and specifically, Section 72-803, Idaho Code.

**DESCRIPTIVE SUMMARY:** The full text and notice of this rulemaking action can be found in the Notice of Rulemaking - Proposed Rule that published in the Idaho Administrative Bulletin Vol. 05-10, dated October 5, 2005, pages 371 through 376. The original comment period that ended November 2, 2005 has now been extended.

The proposed rulemaking proposes using the Resource-Based Relative Value Scale (RBRVS) and the Relative Value Unit (RVU) assigned for all medical services with a Physicians' Current Procedural Terminology (CPT) code. A Conversion Factor for various categories of CPT coded services is proposed. Unnecessary language is proposed to be deleted from the rule.

**ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning this proposed rulemaking, contact Mindy Montgomery, Director, 208-334-6000.

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 5:00 p.m. Mountain Standard Time, January 13, 2006.

DATED this 10th day of November, 2005.

Mindy Montgomery, Director  
Industrial Commission  
317 Main Street  
P.O. Box 83720  
Boise, ID 83720-0041  
Phone: (208) 334-6000  
Fax: (208) 334-2321

## **IDAPA 19 - BOARD OF DENTISTRY**

### **19.01.01 - RULES OF THE IDAHO STATE BOARD OF DENTISTRY**

#### **DOCKET NO. 19-0101-0502**

#### **NOTICE OF RULEMAKING - ADOPTION OF 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 Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-912(4), Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 7, 2005, Idaho Administrative Bulletin, Volume 05-9, pages 177 through 184.

**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: There is no fiscal impact on the state general fund as the result of these administrative rule changes.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Michael J. Sheeley, Executive Director, Idaho State Board of Dentistry, at (208) 334-2369.

DATED this 24th day of October, 2005.

Michael J. Sheeley, Executive Director  
Idaho State Board of Dentistry  
708½ W. Franklin Street  
Boise, Idaho 83702  
(208) 334-2369 (telephone)  
(208) 334-3247 (facsimile)

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#### **DOCKET NO. 19-0101-0502 - PENDING RULE**

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 05-9, September 7, 2005, pages 177 through 184.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

## **IDAPA 19 - BOARD OF DENTISTRY**

### **19.01.01 - RULES OF THE IDAHO STATE BOARD OF DENTISTRY**

**DOCKET NO. 19-0101-0503**

#### **NOTICE OF RULEMAKING - ADOPTION OF 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 Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-912(4), Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 7, 2005, Idaho Administrative Bulletin, Volume 05-9, pages 185 through 189.

**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: There is no fiscal impact on the state general fund as the result of these administrative rule changes.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Michael J. Sheeley, Executive Director, Idaho State Board of Dentistry, at (208) 334-2369.

DATED this 24th day of October, 2005.

Michael J. Sheeley, Executive Director  
Idaho State Board of Dentistry  
708½ W. Franklin Street  
Boise, Idaho 83702  
(208) 334-2369 (telephone)  
(208) 334-3247 (facsimile)

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#### **DOCKET NO. 19-0101-0503 - PENDING RULE**

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 05-9, September 7, 2005, pages 185 through 189.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

## IDAPA 22 - BOARD OF MEDICINE

### 22.01.01 - RULES OF THE BOARD OF MEDICINE FOR LICENSURE TO PRACTICE MEDICINE AND SURGERY AND OSTEOPATHIC SURGERY IN IDAHO

DOCKET NO. 22-0101-0501

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE 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. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 54-1806 (2) Idaho Code.

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

The pending rule is being adopted as proposed. The original text of the proposed rules was published in the October 5, 2005, Idaho Administrative Bulletin, Volume 05-10, pages 421 through 432.

**FEE SUMMARY:** the following is a specific description of the fee or charge imposed or increased: The fee schedule is simplified, the fee for outdated state examination is eliminated and the zero fees for a volunteer license are added.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year. Dedicated fund agency - no impact on state general fund. No negative impact on agency dedicated funds.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Nancy M. Kerr, Idaho State Board of Medicine, (208)-327-7000.

DATED this 2nd day of November, 2005.

Nancy M. Kerr  
Executive Director  
Idaho State Board of Medicine  
1755 Westgate Drive  
PO Box 83720, Boise, Idaho 83720-0058  
(208) 327-7000, Fax (208) 327-7005

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#### DOCKET NO. 22-0101-0501 - PENDING FEE RULE

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 05-10, October 5, 2005, pages 421 through 432.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

## **IDAPA 25 - OUTFITTERS AND GUIDES LICENSING BOARD**

### **25.01.01 - RULES OF THE OUTFITTERS AND GUIDES LICENSING BOARD**

**DOCKET NO. 25-0101-0501**

#### **NOTICE OF RULEMAKING - ADOPTION OF 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. A 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 a pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

The change in Rule 030 clarifies that a name shall be kept on a waiting list for a period of five years or until December 31 of the fifth year the name is placed on the list. Rule 034 provides that a guide application must be accompanied by an affidavit signed by the employing outfitter that the applicant will have a valid first aid card before they are employed as a guide. The changes in Rule 044 define "Field Supervisor". Changes in Rule 059 clarify the boundaries of the CL1 Section of the Clearwater River shall be from Lowell to the Lower Bridge at Kooskia with no fishing between the upper and lower bridges for CL1 outfitters, on CL2 of the Clearwater River at the Upper Bridge at Kooskia to the Bridge at Orofino, and on CL3 of the Clearwater River from the Orofino Bridge to the Clearwater River's confluence with the Snake River at Lewiston. The sections of Coeur d'Alene river have been clarified with four sections, CDNF which is the Headwaters of the North Fork of the Coeur d'Alene River, CD1 which is the Coeur d'Alene River from Devil's Elbow to the South Fork confluence and CD2, the South Fork confluence downstream to Cataldo Mission Boat Ramp, and CD3, the Lateral (Coeur d'Alene chain) Lakes connected by the Coeur d'Alene River from the Cataldo Mission Boat Ramp to the Highway 97 Bridge.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the September 7, 2005, Idaho Administrative Bulletin, Vol. 05-9, pages 242 through 266.

**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 resulting from this rulemaking: N/A

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

DATED this 21st day of October, 2005.

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



**DOCKET NO. 25-0101-0501 - PENDING RULE**

There are substantive changes from the proposed rule text.

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, **Volume 05-9, September 7, 2005, pages 242 through 266.**

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.

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**THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 25-0101-0501**

***Subsection 030.04***

**030. OUTFITTER WAITING LISTS.**

When there are more outfitter applications for ~~river operations~~ an outfitter operating area than the maximum number of licenses allowing such activity, or when an ~~outfitter applicant~~ individual wishes to be ~~licensed~~ considered in an area to which another outfitter has historically been licensed, the Board shall maintain a list of such ~~applicants~~ individuals for notification of an available opening. ~~The initial application must be complete except for bond and license fee. When, or if, an available opening does occur and public announcement is made, the Board shall use the waiting list for direct notification by mail of interested parties, and shall select a qualified candidate. Any person on the list who remains interested in obtaining a license following notification of availability must re-apply during the open period as announced by the Board in order to have his application considered. If an existing operating area (hunting, boating, or other) is relinquished by the licensee, the Board (if it deems it advisable to relicense the area) shall publicize the area's availability and accept written applications for a thirty (30) day period of time from the date of public notice from those persons wishing to be licensed to the area. The Board shall then consider the qualifications of all applicants and license the area to the candidate determined to be most qualified. Criteria to be used in making this selection shall include, but shall not be limited to, the following:~~ If there is no waiting list for an area, the Board may proceed with the license application or may employ a competitive application process.

(5-1-95)(\_\_\_\_)

**04. ~~Financial Resources.~~ Financial resources available to operate the proposed business. Length of Time Name Is on Waiting List. A name on the waiting list shall be maintained for a period of five (5) years or until December 31 of the fifth year that the name is placed on the list, whichever comes first.**

(3-1-86)(\_\_\_\_)

***Subsection 034.01***

**034. GUIDE APPLICATION REQUIREMENTS - GENERAL.**

To be complete, an application for a guide license must:

(4-1-92)

**01. First Aid Card.** Be accompanied by an affidavit signed by the employing outfitter that the applicant will have a valid first aid card ~~while guiding~~ before they are employed as a guide.

(3-10-03)(\_\_\_\_)

**Subsection 044.05**

**044. SKIING, NON-HAZARDOUS AND HAZARDOUS TERRAIN OUTFITTER, DESIGNATED AGENT, SKI GUIDE AND SKI GUIDE TRAINEE.**

**05. Field Supervisor.** *The Outfitter must employ at least one individual acting as a field supervisor who must be a working Guide with the appropriate level of licensing for the operation and a minimum of five (5) years working at that level of guiding as to the scope of the operation, if the outfitter or Designated Agent does not satisfy this experience qualification. The individual will be required to provide a cover letter for each guide application attesting to the guides qualifications.* ( )

**Subsection 059.01. - (CL3), (CDNF), (CD1), and (CD2) only.**

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

**01. Licensable Waters -- River Sections (BL1) Blackfoot River through (PR1) Priest River --**  
**Table.** The following rivers and streams or sections that lie totally or partially within the state of Idaho shall be open to commercial boating operations by outfitters and guides. All other rivers and streams or sections that lie totally or partially within the state of Idaho shall be closed to commercial boating by outfitters and guides.

River/Section	Maximum No. Power	Maximum No. Float
<b>(CL1) Clearwater River</b> - Lowell to <u>the Lower Bridge at Kooskia.</u> (Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. <u>Fishing may not be conducted downstream from the Upper Bridge at Kooskia by CL1 outfitters.</u> The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan).	none	5
<b>(CL3) Clearwater River</b> - The Orofino Bridge to the <u>mouth of the Clearwater River with the Snake River at Lewiston.</u> (Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitters operating plan).	10	10
<b>(CDNF) Headwaters of North Fork Coeur d' Alene</b> - Including tributaries <u>(Independence and Tee Pee Creeks) upstream from Devils Elbow Campground.</u> Three (3) walk and wade only licenses. <u>Up to four (4) clients on the river at one time per license.</u>	none	none
<b>(CD1) Coeur d'Alene River</b> - Devil's Elbow to South Fork confluence (boating closing date <u>is June 30</u> ). Fishing limit is <u>two (2) float boats per license with a maximum of two (2) clients at a time per boat.</u> <u>Two (2) additional walk and wade licenses can be issued. Walk and wade limited to a maximum of two (2) clients at a time per license.</u>	none	51

River/Section	Maximum No. Power	Maximum No. Float
<u>(CD2) Coeur d'Alene River - South Fork confluence downstream to Cataldo Mission Boat Ramp. The float boat closing date is June 30. Fishing limit is one (1) float boat per license with a maximum of two (2) clients or two walk and wade clients per license at a time. Walk and wade activities do not have to be initiated from a float boat.</u>	none	1

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## IDAPA 27 - BOARD OF PHARMACY

### 27.01.01 - RULES OF THE IDAHO BOARD OF PHARMACY

DOCKET NO. 27-0101-0501

#### NOTICE OF RULEMAKING - ADOPTION OF 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 Sections 37-2702 and 54-1717, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 5, 2005 Idaho Administrative Bulletin, Volume 05-10, pages 551 through 553.

**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 rulemaking will have no fiscal impact on the general fund.

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

DATED this 4th day of November, 2005.

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

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#### DOCKET NO. 27-0101-0501 - PENDING RULE

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 05-10, October 5, 2005, pages 551 through 553.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

## **IDAPA 27 - BOARD OF PHARMACY**

### **27.01.01 - RULES OF THE IDAHO BOARD OF PHARMACY**

**DOCKET NO. 27-0101-0502**

#### **NOTICE OF RULEMAKING - ADOPTION OF 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 54-1717, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 5, 2005 Idaho Administrative Bulletin, Volume 05-10, pages 554 and 555.

**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 rulemaking will have no fiscal impact on the general fund.

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

DATED this 27th day of October, 2005.

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

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#### **DOCKET NO. 27-0101-0502 - PENDING RULE**

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 05-10, October 5, 2005, pages 554 and 555.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

## **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 RULEMAKING**

#### **ADOPTION OF PENDING RULE AND AMENDMENT TO TEMPORARY RULE**

**EFFECTIVE DATE:** The effective date of the amendment to the temporary rule is December 7, 2005. This pending rule has been adopted by the Commission 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 Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that the Commission has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Section 61-803, Idaho Code.

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

The Commission's Stray Voltage Rules standardize the measurement and testing procedures used to measure stray voltage and current at dairy farms. Idaho Power Company recommended four (4) changes to the proposed rules. First, Idaho Power suggested that Rule 71 be amended so that the testing utility is permitted to conduct the six (6) stray voltage tests in any sequence. Second, the Company proposed that Rule 71 be amended to allow the stray voltage investigation be suspended or limited in instance where the testing utility and the dairy producer agree in writing. Third, Idaho Power suggested changing Rule 74 to reduce the duration of Test 2 (the forty-eight (48) hour test) in instances where it is clearly determined that the utility must conduct remediation for stray voltage or current. The Commission Staff, the Idaho Dairymens' Association and the Milk Producers of Idaho all supported the changes including a clarification to Rule 71.03. The Commission adopted the recommended changes.

Idaho Power also recommended changing Rule 75 that requires the utility to conduct stray voltage measurements within three quarters (3/4) of a mile on either side of all primary service points and "on all branch lines encountered within this specific distance". Idaho Power recommended reducing the testing distance to one half (1/2) mile and deleting the testing of branch lines. The dairy organizations and the Staff supported deletion of the branch line testing but opposed the distance reduction. The Commission amended Rule 75 to delete the testing of "branch lines" but declines to reduce the area subject to testing.

As set out above, the text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, and is being republished following this notice. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Commission amends the temporary rule with the same revisions which have been made to the pending rule. Only the sections that have changes different from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the September 7, 2005 Idaho Administrative Bulletin, Volume 05-9, pages 267 through 300.

**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

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

DATED this 26th day of October, 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

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

**PENDING RULE AND AMENDMENT TO TEMPORARY RULE**

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

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

**The text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 05-9, September 7, 2005, pages 267 through 300.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

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**THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 31-6101-0501**

***Section 071 (Entire Section)***

**071. STRAY CURRENT OR VOLTAGE TESTS (RULE 71).**

Subject to Subsection 071.02, there are six (6) tests used to detect and measure stray current or voltage. (9-14-05)T

**01. Order Scheduling of Stray Voltage Tests.** *The tests shall be performed in the order listed below.* Efforts shall be made to perform the tests under conditions substantially similar to those conditions existing at the time(s) the dairy producer believes stray voltage to be a problem. (~~9-14-05~~)T(12-7-05)T

- a. Test 1 - Cow Contact Test; (9-14-05)T
- b. Test 2 - Forty-Eight (48) Hour Test; (9-14-05)T
- c. Test 3 - Primary Profile Test; (9-14-05)T
- d. Test 4 - Secondary Neutral Voltage Drop Test; (9-14-05)T
- e. Test 5 - Load Box Test; and (9-14-05)T
- f. Test 6 - Signature Test. (9-14-05)T

**02. Testing Sequence.** Tests 1 ~~and 2~~ shall be performed first ~~to determine the presence and level of stray voltage.~~ Tests 1 and 2 are used to determine the presence and level of stray voltage and shall be performed in all

investigations, subject to the provisions of Subsection 071.03. Tests 3, 4, 5, and 6 may be performed in any order and may be performed without first determining that these tests are required under Paragraph 071.02.b. Tests 3, 4, 5, and 6 may be performed prior to starting the recording for Test 2 or while Test 2 is in progress. Test 2 may be interrupted as necessary to conduct Tests 4, 5, and 6, or for review and analysis of the data recorded up to that point.

~~(9-14-05)F~~(12-7-05)T

**a.** If the results from Tests 1 and 2 indicate that stray voltage does not exceed the preventive action level (PAL), the utility has no further testing or remediation obligations under these rules during this test cycle.

(9-14-05)T

**b.** If the PAL is exceeded, the utility shall perform the remaining four (4) tests except as provided in Subsection 071.03. The utility shall also perform analysis to determine whether the portion of the stray current or voltage attributable to an off-farm source exceeds fifty percent (50%) of the PAL.

~~(9-14-05)F~~(12-7-05)T

**c.** If the PAL is exceeded, and the portion of the stray current or voltage attributable to an off-farm source does not exceed fifty percent (50%) of the PAL, the utility has no further testing or remediation obligations.

(9-14-05)T

**d.** If the PAL is exceeded, and the portion of the stray current or voltage attributable to an off-farm source exceeds fifty percent (50%) of the PAL, the utility shall conduct remediation pursuant to Section 091. Under this condition, the forty-eight (48) hour recording of Test 2 may be reduced to no fewer than twenty-four (24) hours.

~~(9-14-05)F~~(12-7-05)T

**e.** For all testing conducted under these rules, the utility shall have a qualified analyst prepare a report pursuant to Section 082.

(9-14-05)T

**03. Suspended or Limited Testing.** With the written agreement of both the utility and the dairy producer, a stray voltage investigation may be suspended at any point in the investigation. With the written agreement of both the utility and the dairy producer, the utility may employ a limited set of tests or measurements on a dairy as part of an intentionally limited evaluation. If the utility proposes to suspend a stray voltage investigation or to conduct a limited evaluation, its reasons for doing so shall be set forth in the written agreement between the utility and the dairy producer.

(12-7-05)T

**(BREAK IN CONTINUITY OF SECTIONS)**

***Subsections 074.01 and 074.06***

**074. TEST 2 -- FORTY-EIGHT HOUR TEST (RULE 74).**

**01. Purpose.** The purpose of this test is to determine whether stray current or voltage exceeds the preventive action level (PAL) at selected location(s) over a forty-eight (48) hour period, subject to Subsection 074.06 and Paragraph 071.02.d. The test also demonstrates whether the primary or secondary sides of the system have a specific impact on the recorded current or voltage at specific times of day.

~~(9-14-05)F~~(12-7-05)T

**06. Reduced Recording Period.** If a qualified analyst concludes that remediation by the utility is required under Paragraph 071.02.d, prior to the completion of a forty-eight (48) hour recording period, the recording period may be reduced to no fewer than twenty-four (24) hours.

(12-7-05)T

***Subsection 075.02.a.***



**075. TEST 3 -- PRIMARY PROFILE TEST (RULE 75).**

**02. Conducting the Test.** The primary profile test requires concurrent measurement of the ground electrode resistance and current at all primary system ground points within three quarters (3/4) of a mile on either side of all primary service points serving the dairy, or to the end of the line if less than three quarters (3/4) of a mile. Alternatively, the voltage between a remote grounding rod and the primary ground point being tested may be measured. (9-14-05)T

**a.** This test shall be conducted starting at one (1) end of the distribution system and working toward the other end ~~while checking all branch lines encountered within the specified distance~~ along the main primary distribution system. Figure 4 below illustrates the procedure. (9-14-05)T(12-7-05)T

## IDAPA 33 - REAL ESTATE COMMISSION

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

DOCKET NO. 33-0101-0501

#### NOTICE OF RULEMAKING - ADOPTION OF 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 54-2007, Idaho Code.

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

Effective July 1, 2005, and as a result of Senate Bill 1010, the text being deleted by this rulemaking was added to statute, at Section 54-2018, Idaho Code. The rulemaking is necessary to comply and coordinate with deadlines in the statutory amendment resulting from SB 1010. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 5, 2005 Idaho Administrative Bulletin, Vol. 05-10, pages 567 through 568.

**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: There is no fiscal impact on the state general fund, since all licensing fee revenues are credited to the Special Real Estate Account.

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

DATED this 28th day of October, 2005.

Donna M. Jones  
Executive Director  
Agency: Idaho Real Estate Commission  
Physical Address: 633 N. Fourth St., Boise, ID 83702  
PO Box 83720, Boise, ID 83720  
(208) 334-3285; (208) 334-2050 (fax)

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#### DOCKET NO. 33-0101-0501 - PENDING RULE

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 05-10, October 5, 2005, pages 566 and 568.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

## **IDAPA 33 - REAL ESTATE COMMISSION**

### **33.01.01 - RULES OF THE IDAHO REAL ESTATE COMMISSION**

**DOCKET NO. 33-0101-0502**

#### **NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE 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. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution. The agency requests that the effective date of the final rule be October 1, 2005, as authorized by 67-52254(5)(a), Idaho Code, and that that date be specified in the omnibus concurrent resolution affecting all pending fee rules.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 54-2007 and 54-2020, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 5, 2005 Idaho Administrative Bulletin, Volume 05-10, pages 569 and 570.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-2020(1), Idaho Code. This rulemaking reduces the licensing fee by twenty dollars (\$20) per bi-annual licensing period for licensed individuals (from \$200 to \$180), and by fifty dollars (\$50) per licensing period for licensed business entities (from \$100 to \$50).

**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: There is no fiscal impact on the state general fund, since all licensing fee revenues are credited to the Special Real Estate Account.

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

DATED this 28th day of October, 2005.

Donna M. Jones, Executive Director  
Agency: Idaho Real Estate Commission  
Physical Address: 633 N. Fourth St., Boise, ID 83702  
PO Box 83720, Boise, ID 83720  
(208) 334-3285; (208) 334-2050 (fax)

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#### **DOCKET NO. 33-0101-0502 - PENDING FEE RULE**

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 05-10, October 5, 2005, pages 569 and 570.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

## IDAPA 35 - STATE TAX COMMISSION

### 35.01.01 - INCOME TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0101-0501

#### NOTICE OF RULEMAKING - ADOPTION OF 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(s) 63-105 and 63-3039, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 5, 2005, Idaho Administrative Bulletin, Vol. 05-10, pages 571 through 591.

**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

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

DATED this 2nd day of November, 2005.

Janice Boyd  
Tax Policy Specialist  
Idaho State Tax Commission  
800 Park Blvd., Plaza IV  
P.O. Box 36  
Boise, ID 83722-0410

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#### DOCKET NO. 35-0101-0501 - PENDING RULE

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 05-10, October 5, 2005, pages 571 through 591.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

## IDAPA 35 - STATE TAX COMMISSION

### 35.01.01 - INCOME TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0101-0502

#### NOTICE OF RULEMAKING - ADOPTION OF 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(s) 63-105 and 63-3039, Idaho Code.

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

The proposed Rule 275 has been amended from the proposed text in Section 275.03 to more clearly define investments in securities and add a provision to exclude investments that are not passive investments from the exemption for investment income.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the October 5, 2005, Idaho Administrative Bulletin, Vol. 05-10, pages 592 and 593.

**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

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

DATED this 2nd day of November, 2005.

Janice Boyd, Tax Policy Specialist  
Idaho State Tax Commission  
800 Park Blvd., Plaza IV  
P.O. Box 36, Boise, ID 83722-0410

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#### DOCKET NO. 35-0101-0502 - PENDING RULE

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

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

**The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 05-10, October 5, 2005, pages 592 and 593.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET 35-0101-0502

*Subsection 275.03*

**275. INCOME FROM INTANGIBLE PROPERTY OF INVESTMENT PARTNERSHIPS (RULE 275).**  
Section 63-3026A(3)(c), Idaho Code. ( )

**03. Investment in Securities.** For purposes of this rule: ( )

**a.** Investment in securities shall include *any stock, bond, commodity, future, derivative, foreign currency, or similar financial product.* ( )

**b.** Investment in securities and activities incident thereto shall not include *the purchase or sale of real or tangible personal property, or any installment note received from the sale of real or tangible personal property.* ( )

**c.** Activities incident thereto shall include those activities that are usual and customary to the business of investing in securities including: *maintaining accounts for individual investors, soliciting applications from new investors, record keeping and storage, maintaining bank accounts for liquid assets and disbursing profits to investors, research and evaluation of investment opportunities and results, and the maintenance of an office in Idaho for such activities.* ( )

**d.** *Investment in securities and activities incident thereto shall include only investments that are passive investments. For purposes of this rule, investments are not passive investments where one (1) or more investors in the entity taxed as a partnership exercises direct or indirect control over the operation of a business entity from which the income received by the entity taxed as a partnership is derived.* ( )

## IDAPA 35 - STATE TAX COMMISSION

### 35.01.01 - INCOME TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0101-0503

#### NOTICE OF RULEMAKING - ADOPTION OF 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(s) 63-105 and 63-3039, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 5, 2005, Idaho Administrative Bulletin, Vol. 05-10, pages 594 through 613.

**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

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

DATED this 2nd day of November, 2005.

Janice Boyd  
Tax Policy Specialist  
Idaho State Tax Commission  
800 Park Blvd., Plaza IV  
P.O. Box 36  
Boise, ID 83722-0410

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#### DOCKET NO. 35-0101-0503 - PENDING RULE

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 05-10, October 5, 2005, pages 594 through 613.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

## IDAPA 35 - STATE TAX COMMISSION

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

DOCKET NO. 35-0102-0501

#### NOTICE OF RULEMAKING - ADOPTION OF 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(s) 63-105 and 63-3624, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 5, 2005, Idaho Administrative Bulletin, Vol. 05-10, pages 614 through 633.

**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

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

DATED this 2nd day of November, 2005.

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

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#### DOCKET NO. 35-0102-0501 - PENDING RULE

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 05-10, October 5, 2005, pages 614 through 633.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**



## IDAPA 35 - STATE TAX COMMISSION

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

DOCKET NO. 35-0102-0502

#### NOTICE OF RULEMAKING - ADOPTION OF 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(s) 63-105 and 63-3624, Idaho Code.

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

The proposed Rule 47 has been amended from the proposed text in Section 47.11 because of a public request to clarify that sales of jet boating trips are not taxable if the trips occur on navigable waters and to make a technical correction.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the October 5, 2005, Idaho Administrative Bulletin, Vol. 05-10, pages 634 through 640.

**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

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

DATED this 2nd day of November, 2005.

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

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#### DOCKET NO. 35-0102-0502 - PENDING RULE

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

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 05-10, October 5, 2005, pages 634 through 640.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 35-0102-0501

*Subsection 047.11*

**047. OUTFITTERS, GUIDES, AND LIKE OPERATIONS (RULE 047).**

**11. Federal Preemption.** The National Maritime Transportation Security Act of 2002, enacted November 25, 2002, prohibits the states from imposing tax on any vessel or other water craft, or its passengers or crew if the vessel or water craft is operating on any navigable waters. The Tax Commission interprets this statute to mean that states are prohibited from taxing sales of rafting and jet boating trips if they occur on navigable waters. See 33 U.S.C. Section 5. If Congress repeals the preemption sales of rafting trips will become taxable on the effective date of the repeal. This interpretation is subject to judicial review and could change, depending on rulings from state or federal courts. ( )

## IDAPA 35 - STATE TAX COMMISSION

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

DOCKET NO. 35-0102-0503

#### NOTICE OF RULEMAKING - ADOPTION OF 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(s) 63-105 and 63-3624, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 5, 2005, Idaho Administrative Bulletin, Vol. 05-10, pages 641 through 650.

**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

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

DATED this 2nd day of November, 2005.

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

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#### DOCKET NO. 35-0102-0503 - PENDING RULE

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 05-10, October 5, 2005, pages 641 through 650.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

## IDAPA 35 - STATE TAX COMMISSION

### 35.01.03 - PROPERTY TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0103-0501

#### NOTICE OF RULEMAKING - ADOPTION OF 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(s) 63-105A, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 5, 2005, Idaho Administrative Bulletin, Vol. 05-10, pages 651 through 654.

**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

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

DATED this 2nd day of November, 2005.

Alan Dornfest  
Tax Policy Supervisor  
Idaho State Tax Commission  
800 Park Blvd., Plaza IV  
P.O. Box 36  
Boise, ID 83722-0410

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#### DOCKET NO. 35-0103-0501 - PENDING RULE

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 05-10, October 5, 2005, pages 651 through 654.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

## IDAPA 35 - STATE TAX COMMISSION

### 35.01.03 - PROPERTY TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0103-0502

#### NOTICE OF RULEMAKING - ADOPTION OF 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(s) 63-105A, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the August 3, 2005, Idaho Administrative Bulletin, Vol. 05-08, pages 298 through 303.

**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

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

DATED this 2nd day of November, 2005.

Alan Dornfest  
Tax Policy Supervisor  
Idaho State Tax Commission  
800 Park Blvd., Plaza IV  
P.O. Box 36  
Boise, ID 83722-0410

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#### DOCKET NO. 35-0103-0502 - PENDING RULE

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 05-8, August 3, 2005, pages 298 through 303.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

## IDAPA 35 - STATE TAX COMMISSION

### 35.01.03 - PROPERTY TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0103-0503

#### NOTICE OF RULEMAKING - ADOPTION OF 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(s) 63-105A, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 5, 2005, Idaho Administrative Bulletin, Vol. 05-10, pages 655 through 669.

**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

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

DATED this 2nd day of November, 2005.

Alan Dornfest  
Tax Policy Supervisor  
Idaho State Tax Commission  
800 Park Blvd., Plaza IV  
P.O. Box 36  
Boise, ID 83722-0410

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#### DOCKET NO. 35-0103-0503 - PENDING RULE

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 05-10, October 5, 2005, pages 655 through 669.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

## IDAPA 35 - STATE TAX COMMISSION

### 35.01.05 - IDAHO MOTOR FUELS TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0105-0501

#### NOTICE OF RULEMAKING - ADOPTION OF 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(s) 63-105, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 5, 2005, Idaho Administrative Bulletin, Vol. 05-10, pages 670 through 685.

**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

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

DATED this 2nd day of November, 2005.

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

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#### DOCKET NO. 35-0105-0501 - PENDING RULE

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 05-10, October 5, 2005, pages 670 through 685.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

## IDAPA 35 - STATE TAX COMMISSION

### 35.01.10 - IDAHO CIGARETTE AND TOBACCO PRODUCTS TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0110-0501

#### NOTICE OF RULEMAKING - ADOPTION OF 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(s) 63-105, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 5, 2005, Idaho Administrative Bulletin, Vol. 05-10, pages 686 through 688.

**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

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

DATED this 2nd day of November, 2005.

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

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#### DOCKET NO. 35-0110-0501 - PENDING RULE

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 05-10, October 5, 2005, pages 686 through 688.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**



## IDAPA 35 - STATE TAX COMMISSION

### 35.01.11 - IDAHO UNCLAIMED PROPERTY ADMINISTRATIVE RULES

DOCKET NO. 35-0111-0501

#### NOTICE OF RULEMAKING - ADOPTION OF 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(s) 63-105, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 5, 2005, Idaho Administrative Bulletin, Vol. 05-10, pages 689 through 691.

**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

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

DATED this 2nd day of November, 2005.

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

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#### DOCKET NO. 35-0111-0501 - PENDING RULE

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 05-10, October 5, 2005, pages 689 through 691.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

## IDAPA 35 - STATE TAX COMMISSION

### 35.02.01 - TAX COMMISSION RULES GOVERNING ADMINISTRATION AND ENFORCEMENT

DOCKET NO. 35-0201-0501

#### NOTICE OF RULEMAKING - ADOPTION OF 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(s) 63-105 and 63-3039, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 5, 2005, Idaho Administrative Bulletin, Vol. 05-10, pages 692 through 697.

**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

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

DATED this 2nd day of November, 2005.

Janice Boyd  
Tax Policy Specialist  
Idaho State Tax Commission  
800 Park Blvd., Plaza IV  
P.O. Box 36  
Boise, ID 83722-0410

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#### DOCKET NO. 35-0201-0501 - PENDING RULE

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 05-10, October 5, 2005, pages 692 through 697.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

## IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

### 39.04.02 - RULES GOVERNING MARKING OF OBSTRUCTIONS TO AIR FLIGHT

DOCKET NO. 39-0402-0501

#### NOTICE OF RULEMAKING - ADOPTION OF 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 Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 21-515 and 21-519, Idaho Code.

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

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 5, 2005 Idaho Administrative Bulletin, Volume 05-10, pages 698 through 701.

**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: There is no negative fiscal impact to the state general fund.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Mark Lessor, Aviation Technician, 334-8895.

DATED this 2nd day of October, 2005.

Linda L. Emry, Management Assistant  
Office of Budget, Policy, Intergovernmental Relations  
Idaho Transportation Department  
P. O. Box 7129  
Boise ID 83707-1129  
Phone: 208-334-8810  
FAX: 208-334-8195

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#### DOCKET NO. 39-0402-0501 - PENDING RULE

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 05-10, October 5, 2005, pages 698 through 701.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

# IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

## 58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-0501

### NOTICE OF RULEMAKING

#### ADOPTION OF PENDING RULE AND AMENDMENT TO TEMPORARY RULE

**EFFECTIVE DATE:** The amendment to the temporary rule is effective December 7, 2005. This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2006 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second Regular Session of the Fifty-eighth Idaho Legislature unless prior to that date the rule is rejected, amended or modified by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

**DESCRIPTIVE SUMMARY:** The Department of Environmental Quality (DEQ) conducted negotiated rulemaking to make changes to sections of the Rules for the Control of Air Pollution in Idaho (Rules) that pertain to sources of air pollution that were deferred from the Title V permitting program as defined in IDAPA 58.01.01.301.02.b.iv. IDAPA 58.01.01.313.01.e.i stated that deferred sources were required to submit a Tier I operating permit application no later than June 1, 2005. DEQ anticipated that the Environmental Protection Agency (EPA), by December 2004, would have decided whether to require the deferred sources to submit an application; however, that decision has not been issued. Therefore, DEQ was required to put a rule in place on or before June 1, 2005 in order to address this issue.

In May 2005 the Board of Environmental Quality (Board) adopted a temporary rule allowing DEQ to exempt deferred sources from the requirement to obtain a Tier I operating permit unless EPA decides differently. In July 2005, DEQ published the temporary/proposed rule, inviting the public to comment on the rule. Idaho Administrative Bulletin, July 6, 2005, Vol. 05-7, pages 73 through 77. No public comments were received. After publication of the temporary/proposed rule, DEQ discovered that the rule was incomplete; a sentence in Subsection 794.03 should have been deleted but was not. The pending rule adopted by the Board contains the necessary revision and the temporary rule has been amended accordingly. The remaining sections have been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at [www.deq.idaho.gov](http://www.deq.idaho.gov) or by contacting the undersigned.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Board amended the temporary rule with the same revisions which have been made to the pending rule. Only the sections that have changes that differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the July 6, 2005, Idaho Administrative Bulletin, Vol. 05-7, pages 73 through 77.

**IDAHO CODE SECTION 39-107D STATEMENT:** This rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal law or regulations.

**IDAHO CODE SECTION 67-5224(2)(f) FISCAL IMPACT STATEMENT:** No negative impact occurs from this rulemaking; provision is not applicable.

**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:** For assistance on technical questions concerning this pending rule, contact Mike Simon at [michael.simon@deq.idaho.gov](mailto:michael.simon@deq.idaho.gov), (208)373-0212.

DATED this 2nd day of November, 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  
paula.wilson@deq.idaho.gov

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**DOCKET NO. 58-0101-0501 - PENDING RULE AND AMENDMENT TO TEMPORARY RULE**

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

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

**The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 05-7, July 6, 2005, pages 73 through 77.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

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**THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 58-0101-0501**

**794. PERMIT REQUIREMENTS.**

No owner or operator may commence construction, modification or operation of any source at a nonmetallic mineral processing plant without first obtaining a permit or complying with Sections 795 through 799. The owner or operator shall comply with the permitting requirements of Subsection 794.01 or Subsection 794.02 and the applicable portions of Subsection 794.03 and/or Subsection 794.04. (3-15-02)

**01. Permit by Rule.** Owners and operators of nonmetallic mineral processing plants that meet all of the applicable requirements set forth in Sections 795 through 799 shall be deemed to have a permit by rule (PBR) and shall not be required to obtain a permit to construct under Sections 200 through 228. (3-15-02)

**02. Permit to Construct.** Owners and operators of nonmetallic mineral processing plants that do not meet all of the requirements set forth in Sections 795 through 799, or that operate or intend to operate a nonmetallic mineral processing plant at a single site of operations for more than twelve (12) consecutive months, or that choose to construct and operate under specific permit requirements rather than the provisions of the permit by rule shall obtain a permit to construct pursuant to Sections 200 through 228. An existing permit to construct shall be considered valid until the permit is modified, incorporated into a Tier II operating permit, or terminated by the Department. Existing permits to construct may be terminated by the Department by registering the source under the permit by rule provisions in accordance with Section 797 after June 15, 2001. (3-15-02)

**03. Tier I Operating Permits.** Owners and operators of nonmetallic mineral processing plants that are affected facilities subject to a requirement of the New Source Performance Standards (NSPS) in 40 CFR 60 are Tier I sources as defined in Section 006. Tier I sources must comply with the applicable permitting requirements of Sections 300 through 399. *Sources that are not located at major facilities may request deferral in accordance with Subsection 301.02.b.iv. and Subsection 313.01.e.* (3-15-02)(12-7-05)T

**04. Tier II Operating Permits.** Owners and operators of nonmetallic mineral processing plants that are required by the Department or choose to obtain a Tier II operating permit pursuant to Sections 400 through 410 shall operate in accordance with the specific provisions of the Tier II operating permit until such time as the operating permit is terminated in writing by the Department. The Department may require owners and operators of nonmetallic mineral processing plants to obtain a Tier II operating permit whenever the Department determines that: (3-15-02)

**a.** Emission rate reductions are necessary to attain or maintain any ambient air quality standard or applicable prevention of significant deterioration (PSD) increment; or (3-15-02)

**b.** Specific emissions standards, or requirements on operation or maintenance are necessary to ensure compliance with any applicable emission standard or rule. (3-15-02)

**IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**

**58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO**

**DOCKET NO. 58-0101-0506**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2006 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second Regular Session of the Fifty-eighth Idaho Legislature unless prior to that date the rule is rejected, amended or modified by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

**DESCRIPTIVE SUMMARY:** A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, August 3, 2005, Vol. 05-8, pages 350 through 361. The agency received no public comments; however, Subsections 209.06 and 404.05 were revised for the purpose of correcting typographic errors. The remainder of the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at [www.deq.idaho.gov](http://www.deq.idaho.gov) or by contacting the undersigned.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the August 3, 2005, Idaho Administrative Bulletin, Vol. 05-8, pages 350 through 361.

**IDAHO CODE SECTION 39-107D STATEMENT:** This rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal law or regulations.

**IDAHO CODE SECTION 67-5224(2)(f) FISCAL IMPACT STATEMENT:** No negative impact occurs from this rulemaking; provision is not applicable.

**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:** For assistance on technical questions concerning this pending rule, contact Martin Bauer at [martin.bauer@deq.idaho.gov](mailto:martin.bauer@deq.idaho.gov), (208) 373-0440.

DATED this 2nd day of November, 2005.

Paula J. Wilson  
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(208)373-0418  
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DOCKET NO. 58-0101-0506 - PENDING RULE

There are substantive changes from the proposed rule text.

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 05-8, August 3, 2005, pages 350 through 361.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 58-0101-0506

*Subsections 209.06.a. and 209.06.b.iii.*

209. PROCEDURE FOR ISSUING PERMITS.

**06. Transfer of Permits to Construct.** ( )

**a. Transfers by Revision.** A permit to construct may be transferred to a new owner or operator in accordance with Subsection 209.04. ( )

**b. Automatic Transfers.** Any permit to construct, with or without transfer prohibition language, may be automatically transferred if: ( )

**i. The current permittee notifies the Department at least thirty (30) days in advance of the proposed transfer date:** ( )

**ii. The notice provides written documentation signed by the current and proposed permittees containing a date for transfer of permit responsibility, designation of the proposed permittee's responsible official, and certification that the proposed permittee has reviewed and intends to operate in accordance with the permit terms and conditions; and** ( )

**iii. The Department does not notify the current permittee and the proposed permittee within thirty (30) days of receipt of the notice of the Department's determination that the permit must be revised pursuant to Subsection 209.04. If the Department does not issue such notice, the transfer is effective on the date provided in the notice described in Subsection 209.06.b.ii.** ( )

*Subsections 404.05.a. and 404.05.b.iii.*

404. PROCEDURE FOR ISSUING PERMITS.

**05. Transfer of Tier II Permit.** ( )



**a.** Transfers by Revision. A Tier II permit may be transferred to a new owner or operator in accordance with Subsection 404.04. ( )

**b.** Automatic Transfers. Any Tier II permit, with or without transfer prohibition language, may be automatically transferred if: ( )

**i.** The current permittee notifies the Department at least thirty (30) days in advance of the proposed transfer date; ( )

**ii.** The notice provides written documentation signed by the current and proposed permittees containing a date for transfer of permit responsibility, designation of the proposed permittee's responsible official, and certification that the proposed permittee has reviewed and intends to operate in accordance with the permit terms and conditions; and ( )

**iii.** The Department does not notify the current permittee and the proposed permittee within thirty (30) days of receipt of the notice of the Department's determination that the permit must be revised pursuant to Subsection 404.04. If the Department does not issue such notice, the transfer is effective on the date provided in the notice described in Subsection 404.05.b.ii. ( )

## IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

### 58.01.02 - WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIREMENTS

DOCKET NO. 58-0102-0501

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2006 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second Regular Session of the Fifty-eighth Idaho Legislature unless prior to that date the rule is rejected, amended or modified by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

**DESCRIPTIVE SUMMARY:** A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, July 6, 2005 Vol. 05-7, pages 78 through 81. The agency received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at [www.deq.idaho.gov](http://www.deq.idaho.gov) or by contacting the undersigned.

The pending rule has been corrected at Subsection 003.55, definition of Intermittent Waters. The phrase "cubic feet per second" has been added before "cfs" for clarification purposes.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the July 6, 2005, Idaho Administrative Bulletin, Vol. 05-7, pages 78 through 81.

**IDAHO CODE SECTION 39-107D STATEMENT:** The changes in definitions and use designations are not broader in scope, nor more stringent, than federal regulations and do not regulate an activity not regulated by the federal government.

**IDAHO CODE SECTION 67-5224(2)(f) FISCAL IMPACT STATEMENT:** No negative impact occurs from this rulemaking; provision is not applicable.

**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:** For assistance on questions concerning this rulemaking, contact Don Essig at [don.essig@deq.idaho.gov](mailto:don.essig@deq.idaho.gov), (208)373-0119.

DATED this 2nd day of November, 2005.

Paula J. Wilson  
Hearing Coordinator  
Department of Environmental Quality  
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(208)373-0418  
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DOCKET NO. 58-0102-0501 - PENDING RULE

There are substantive changes from the proposed rule text.

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 05-7, July 6, 2005, pages 78 through 81.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.

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THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 58-0102-0501

*Subsection 003.55*

**003. DEFINITIONS.**

For the purpose of the rules contained in IDAPA 58.01.02, "Water Quality Standards and Wastewater Treatment Requirements," the following definitions apply: (4-5-00)

**55. Intermittent Waters.** A stream, reach, or water body which naturally has a period of zero (0) flow for at least one (1) week during most years. Where flow records are available, a stream with a 7Q2 hydrologically-based unregulated flow of less than one-tenth (0.1) cubic feet per second (cfs) is considered intermittent. Streams with natural perennial pools containing significant aquatic life uses are not intermittent. (~~4-5-00~~)(\_\_\_\_\_)

## IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

### 58.01.02 - WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIREMENTS

#### DOCKET NO. 58-0102-0502

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2006 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second Regular Session of the Fifty-eighth Idaho Legislature unless prior to that date the rule is rejected, amended or modified by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

**DESCRIPTIVE SUMMARY:** A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, July 6, 2005 Vol. 05-7, pages 82 through 92. The agency received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at [www.deq.idaho.gov](http://www.deq.idaho.gov) or by contacting the undersigned.

**IDAHO CODE SECTION 39-107D STATEMENT:** The changes in bacteria criteria and treatment requirements are not broader in scope, nor more stringent, than federal regulations and do not regulate an activity not regulated by the federal government.

**IDAHO CODE SECTION 67-5224(2)(f) FISCAL IMPACT STATEMENT:** No negative impact occurs from this rulemaking; provision is not applicable.

**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:** For assistance on questions concerning this pending rule, contact Don Essig at [don.essig@deq.idaho.gov](mailto:don.essig@deq.idaho.gov), (208)373-0119.

DATED this 2nd day of November, 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  
[paula.wilson@deq.idaho.gov](mailto:paula.wilson@deq.idaho.gov)

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#### DOCKET NO. 58-0102-0502 - PENDING RULE

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 05-7, July 6, 2005, pages 82 through 92.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

## **IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**

### **58.01.05 - RULES AND STANDARDS FOR HAZARDOUS WASTE**

**DOCKET NO. 58-0105-0501**

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

**EFFECTIVE DATE:** This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2006 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second Regular Session of the Fifty-eighth Idaho Legislature unless prior to that date the rule is rejected, amended or modified by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. The action is authorized by Chapters 44 and 58, Title 39, Idaho Code. In addition, 40 CFR 271.21(e) and Section 39-4404, Idaho Code, require DEQ to adopt amendments to federal law as proposed under this docket.

**DESCRIPTIVE SUMMARY:** A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, August 3, 2005, Volume 05-8, pages 362 through 368. The agency received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at [www.deq.idaho.gov](http://www.deq.idaho.gov) or by contacting the undersigned.

**IDAHO CODE SECTION 39-107D STATEMENT:** This rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

**IDAHO CODE SECTION 67-5224(2)(f) FISCAL IMPACT STATEMENT:** No negative impact occurs from this rulemaking; provision is not applicable.

**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:** For assistance on questions concerning this pending rule, contact John Brueck at (208)373-0458 or [john.brueck@deq.idaho.gov](mailto:john.brueck@deq.idaho.gov).

DATED this 2nd day of November, 2005.

Paula J. Wilson  
Hearing Coordinator  
Department of Environmental Quality  
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#### **DOCKET NO. 58-0105-0501 - PENDING RULE**

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 05-8, August 3, 2005, pages 362 through 368.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

# **IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**

## **58.01.16 - WASTEWATER RULES**

**DOCKET NO. 58-0116-0502**

### **NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING**

**AUTHORITY:** In compliance with Section 67-5220, 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 Title 39, Chapter 1, 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 meetings, contact Mark Mason at mark.mason@deq.idaho.gov, (208)373-0266.

**December 15, 2005, 9 a.m. to 5 p.m.**  
**Department of Environmental Quality,**  
**Conference Rooms B and C**  
**1410 N. Hilton, Boise, Idaho**

**January 17, 2006, 9 a.m. to 5 p.m.**  
**Department of Environmental Quality,**  
**Conference Rooms C and D**  
**1410 N. Hilton, Boise, Idaho**

**DESCRIPTIVE SUMMARY:** The purpose of this rulemaking is to initiate phase two of the effort to comply with Section 2 of Senate Bill 1220 (2005), which directed the Department of Environmental Quality (DEQ) to develop facility and design standards for both drinking water and wastewater systems. This is the wastewater portion. DEQ proposes to add or modify several sections between Sections 400 and 599 of the Wastewater Rules for wastewater pumping and treatment works. This rulemaking will also modify several other sections to reflect these changes and to add or modify existing language based on input from stakeholders and DEQ. Wastewater system owners and operators, developers, consultants, engineers, cities, counties, industry, wastewater professional organizations, and the public at large may be interested in this rulemaking. Upon conclusion of negotiations, DEQ intends to publish a proposed rule for public comment in the summer of 2006 and then present the final proposal to the Board of Environmental Quality for adoption of a pending rule in the fall. If adopted, the pending rule will be reviewed by the 2007 Idaho Legislature.

**PRELIMINARY DRAFT:** The preliminary draft rule can be obtained at [http://www.deq.idaho.gov/rules/wastewater/58\\_0116\\_0502\\_negotiated.cfm](http://www.deq.idaho.gov/rules/wastewater/58_0116_0502_negotiated.cfm) or by contacting Paula Wilson at paula.wilson@deq.idaho.gov, (208)373-0418.

**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 Mark Mason at (208)373-0266 or mark.mason@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 December 30, 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 the undersigned.

DATED this 9th day of November, 2005.

Paula J. Wilson  
Environmental Quality Section  
Attorney General's Office  
1410 N. Hilton  
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(208)373-0418/Fax No. (208)373-0481  
paula.wilson@deq.idaho.gov

# **IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**

## **58.01.17 - WASTEWATER-LAND APPLICATION PERMIT RULES**

**DOCKET NO. 58-0117-0501**

### **NOTICE OF RULEMAKING**

#### **ADOPTION OF PENDING RULE AND TEMPORARY RULE**

**EFFECTIVE DATE:** The temporary rule is effective December 7, 2005. This pending rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2006 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second Regular Session of the Fifty-eighth Idaho Legislature unless prior to that date the rule is rejected, amended or modified by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that the Board has adopted a pending and is also adopting a temporary rule. This action is authorized by Chapter 1, Title 39, Idaho Code.

**DESCRIPTIVE SUMMARY:** A detailed summary of the reasons for commencing the rulemaking is set forth in the initial proposed rule published in the Idaho Administrative Bulletin, August 3, 2005, Volume 05-8, pages 389 through 410. After consideration of public comments, the proposed rule has been revised at Sections 100, 200, 300, 401, 600, and 601. The remaining sections have been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at [www.deq.idaho.gov](http://www.deq.idaho.gov) or by contacting the undersigned.

In accordance with Section 67-5226, Idaho Code, the full text of the temporary rule is being published in this Bulletin following this notice and includes changes made to the pending rule. The text of the pending has been modified in accordance with Section 67-5227, Idaho Code. The original text of the proposed rule was published in the August 3, 2005, Idaho Administrative Bulletin, Vol. 05-8, pages 389 through 410.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Sections 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is necessary because it will allow municipalities to qualify for funding for upgrades and improvements in wastewater treatment facilities.

**IDAHO CODE SECTION 39-107D STATEMENT:** This rule regulates an activity not regulated by the federal government. The following is a summary of additional information required by Sections 39-107D(3) and (4), Idaho Code, supporting modifications to these rules. The requirements set forth in this rule are based upon studies and analysis conducted by other states, the U.S. Environmental Protection Agency (EPA), and national water reuse organizations that indicate the requirements are protective of human health and the environment and do not pose an unreasonable risk to the public potentially exposed. The referenced studies and analysis will be included in the rulemaking record and can be reviewed during the public comment period for further detailed information regarding risk.

#### **Section 39-107D(3)(a), Idaho Code. Identification of each population or receptor addressed by an estimate of public health effects or environmental effects.**

The limits placed on wastewater treatment in the stated modifications are proposed for both public health and environmental effects. The population affected by these limits includes the residents and users of facilities being irrigated by this wastewater effluent and the potential users of down-gradient beneficial uses of groundwater being recharged by this wastewater effluent.

#### **Section 39-107D(3)(b) and (c), Idaho Code. Identification of the expected risk or central estimate of risk for the specific population or receptor and identification of each appropriate upper bound or lower bound estimate of risk. The expected risk of exposure to this quality of wastewater effluent for each of these populations is as follows.**

The expected risk for nitrate contamination on groundwater is low. For nitrate from the wastewater effluent entering

the groundwater and affecting down-gradient beneficial users for drinking water (either directly or indirectly), the limits are based on the Idaho Rules for Public Drinking Water Systems, IDAPA 58.01.08, and Idaho's Ground Water Quality Rule, IDAPA 58.01.11. These standards are based on past studies by EPA determining the adverse health effects on infants from nitrate in drinking water.

The expected risk for pathogen contamination for affected populations is low. For pathogens in the wastewater effluent, the coliform limits are based on Idaho's existing Wastewater-Land Application Permit Rules. Associated additional requirements regarding treatment, buffer zones, reliability and redundancy are included to give additional assurance that the limits are attained consistently.

The expected risk of cross-connections from the wastewater effluent distribution system to the drinking water distribution system is low. There are multiple requirements put on the distribution system of the wastewater effluent. These requirements provide the affected populations with safeguards against contamination of their drinking water system from parallel or crossing main lines. These requirements also protect against contamination of their wastewater effluent system by raw sewage in parallel or crossing main lines.

The requirements set forth in this rule are based upon studies and analysis conducted by other states, EPA, and national water reuse organizations that indicate the requirements are protective of human health and the environment and do not pose an unreasonable risk to the public potentially exposed. The referenced studies and analysis will be included in the rulemaking record and can be reviewed during the public comment period for further detailed information regarding risk.

**Section 39-107D(3)(d), Idaho Code. Identification of each significant uncertainty identified in the process of the assessment of public health effects or environmental effects and any studies that would assist in resolving the uncertainty.**

The limits placed on wastewater treatment in the stated modifications are proposed for both public health and environmental effects. The limits in these rule modifications are based on limits and standards used by other states and as promoted by national water reuse organizations. Although Idaho's wastewater land application permit program has been in effect for many years utilizing treated effluent for agricultural and municipal beneficial irrigation, the use of highly treated wastewater for higher beneficial uses is an evolving industry throughout the U.S. and the world. These higher uses, involving almost unrestricted use and unrestricted access by the general public, call for higher treatment and monitoring requirements to protect the affected populations. The uncertainty in assessing the health and environmental effects is believed to be minimal, but not zero.

**Section 39-107D(3)(e), Idaho Code. Identification of studies known to the department that support, are directly relevant to, or fail to support any estimate of public health effects or environmental effects and the methodology used to reconcile inconsistencies in the data.**

The use of the 10 mg/l for nitrate is based on the existing Ground Water Quality Rule and the existing Idaho Rules for Public Drinking Water Systems. The use of the 2.2 total coliform limit is currently in the Wastewater-Land Application Permit Rules.

The requirements set forth in this rule are based upon studies and analysis conducted by other states, EPA, and national water reuse organizations that indicate the requirements are protective of human health and the environment and do not pose an unreasonable risk to the public potentially exposed. The referenced studies and analysis will be included in the rulemaking record and can be reviewed during the public comment period for further detailed information regarding risk.

**IDAHO CODE SECTION 67-5224(2)(f) FISCAL IMPACT STATEMENT:** No negative impact occurs from this rulemaking; provision is not applicable.

**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:** For assistance on questions concerning this pending rule, contact Mark Mason at [mark.mason@deq.idaho.gov](mailto:mark.mason@deq.idaho.gov), (208) 373-0266.



Dated this 2nd day of November, 2005.

Paula J. Wilson  
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Department of Environmental Quality  
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**DOCKET NO. 58-0117-0501 - PENDING RULE AND TEMPORARY RULE**

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

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

**The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 05-8, August 3, 2005, pages 389 through 410.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

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**THE FOLLOWING IS THE AMENDED PENDING RULE TEXT AND THE TEXT OF THE TEMPORARY RULE OF DOCKET NO. 58-0117-0501**

**001. TITLE AND SCOPE.**

**01. Title.** These rules are to be known and cited as Idaho Department of Environmental Quality Rules, IDAPA 58.01.17, "Wastewater-Land Application Permit Rules for the Reclamation and Reuse of Municipal and Industrial Wastewater". ~~(4-1-88)~~(12-7-05)T

**02. Scope.** These rules establish the procedures and requirements for the issuance and maintenance of pollution source permits for ~~the treatment of municipal and industrial wastewaters by application to land, and reclamation and reuse facilities, including permits for~~ the treatment of municipal wastewaters for other reuse purposes as defined in Subsection 600.07, Direct Use of Municipal Reclaimed Wastewater. ~~(4-6-05)~~(12-7-05)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**003. INCORPORATION BY REFERENCE.**

**01. General.** Unless expressly provided otherwise, any reference in these rules to any document identified in Subsection 003.02 shall constitute the full adoption by reference. (4-6-05)

**02. Documents Incorporated by Reference.** The following documents are incorporated by reference into these rules: (4-6-05)

a. IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," Subsection 550.06, as codified in the 2004~~5~~ Idaho Administrative Code. (4-6-05)(12-7-05)T

b. IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," Subsection 550.07, as codified in the 2004~~5~~ Idaho Administrative Code. (4-6-05)(12-7-05)T

**03. Availability of Documents Incorporated by Reference.** Copies of the documents incorporated by reference are available at the following locations. (4-6-05)

a. Idaho Department of Environmental Quality, 1410 N. Hilton, Boise, ID 83706-1255, [www.deq.idaho.gov](http://www.deq.idaho.gov). (4-6-05)(12-7-05)T

b. Idaho Administrative Rules website, <http://www.state.id.us/adm/adminrules/agyindex.htm>. (4-6-05)

**~~996~~004. ADMINISTRATIVE PROVISIONS.**

Persons may be entitled to appeal agency actions authorized under these rules pursuant to IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality". (3-15-02)

**~~997~~005. CONFIDENTIALITY OF RECORDS.**

Information obtained by the Department under these rules is subject to public disclosure pursuant to the provisions of Chapter 3, Title 9, Idaho Code, and IDAPA 58.01.21, "Rules Governing the Protection and Disclosure of Records in the Possession of the Idaho Department of Environmental Quality". (3-15-02)

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

The state office of the Department of Environmental Quality and the office of the Board of Environmental Quality are located at 1410 N. Hilton, Boise, Idaho 83706-1255, telephone number (208) 373-0502. The office hours are 8:00 a.m. to 5:00 p.m. Monday through Friday. (12-7-05)T

**~~0047~~. -- 099. (RESERVED).**

**100. APPLICABILITY.**

**01. ~~Existing Land Application~~ Applicability to Reclamation and Reuse Facilities. ~~Those land application facilities which are in operation on the effective date of these rules are deemed to be validly permitted for up to one (1) year. Permit conditions for the first permit issued to any existing facility under these rules shall substantially conform to the existing practices of such facility unless those existing practices cause or create conditions hazardous to the public health or to the environment, or violate other laws or regulations. All reclamation and reuse facilities are subject to the permit requirements of these rules.~~ (4-1-88)(12-7-05)T**

**02. Excluded Facilities.** Land application of wastewater from livestock truck washing facilities, feedlots, dairies and mining are excluded from permit requirements under these rules but are subject to Idaho Department of Environmental Quality Rules, IDAPA 58.01.~~0216~~, "~~Water Quality Standards and Wastewater Treatment Requirements~~ Rules". The Director may exclude other facilities if covered adequately by other law. (4-6-05)(12-7-05)T

**03. Reuse Policy.** It is the policy of the Department to promote the practice of reuse of both municipal and industrial reclaimed wastewater through the continued creation and implementation of rules and guidance that give permittees various opportunities for new forms of reuse. (12-7-05)T

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

**200. DEFINITIONS.**

For the purpose of these rules the following definitions apply unless another meaning is clearly indicated by context: (4-1-88)

- 01. Applicant.** The person applying for a ~~wastewater-land application~~ reclamation and reuse permit. ~~(4-6-05)~~(12-7-05)T
- 02. Applicable Requirements.** Any state, local or federal statutes, regulations or ordinances to which the facility is subject. (4-1-88)
- 03. Board.** The Idaho State Board of Environmental Quality. (12-31-91)
- 04. Buffer Distances.** (12-7-05)T
- a.** The distances between the actual ~~land application~~ point of reuse of reclaimed wastewater and other uses such as wells, adjoining property, inhabited dwellings, and other features. ~~These distances are further defined in The Idaho Guidance for Land Application of Municipal and Industrial Wastewater.~~ Buffer distances are set to: ~~(4-6-05)~~(12-7-05)T
- i.** Protect public health by limiting exposure to wastewater and conditions associated with reuse facilities; (12-7-05)T
- ii.** Protect waters of the state, including surface water, ground water and drinking water supplies; and (12-7-05)T
- iii.** Help ensure that wastewater is restricted to the reuse facilities. (12-7-05)T
- b.** In determining buffer distances, the Department will consider, as applicable, the degree of treatment or pretreatment of wastewater; the method of irrigation; physical or vegetative barriers; studies of the content of the wastewater, such as pathogen studies; best management practices; environmental conditions, such as wind speed and direction; and other information relevant to protecting public health and the environment. Further information regarding buffer distances is set forth in The Idaho Guidance for The Reclamation and Reuse of Municipal and Industrial Wastewater. (12-7-05)T
- 05. Class A Capacity.** The capabilities required of a Class A effluent treatment and distribution system in order to achieve and maintain compliance with these rules. (4-6-05)
- 06. Class A Effluent Distribution System.** The distribution system for Class A effluent as described in these rules. The distribution system does not include any of the collection or treatment portions of the wastewater facility and is not subject to operator licensing requirements of IDAPA 58.01.0216, "~~Water Quality Standards and Wastewater Treatment Requirements, Rules~~" Section 404. ~~(4-6-05)~~(12-7-05)T
- 07. Department.** The Idaho Department of Environmental Quality. (4-1-88)
- 08. Director.** The Director of the Department of Environmental Quality or the Director's designee. (4-1-88)
- 09. Idaho Guidance for ~~Land Application~~ the Reclamation and Reuse of Municipal and Industrial Wastewater.** This document, and subsequent revisions of this document, provides assistance in applying and interpreting these rules relating to for permitting and operating ~~land application~~ reclamation and reuse facilities. Copies of the document are available at the Idaho Department of Environmental Quality, 1410 N. Hilton, Boise, ID 83706-1255 and www.deq.idaho.gov. ~~(4-6-05)~~(12-7-05)T
- 10. ~~Land Application Facility or Facility.~~ Any structure or system designed or used to treat wastewater through application to the land surface: Industrial Wastewater.** Wastewater that is the by-product of any industrial processes including, but not limited to, food processing or food washing wastewater. ~~(4-1-88)~~(12-7-05)T
- 11. Land Application.** The application of municipal or industrial wastewater to land for the purpose of land treatment. (12-7-05)T
- 12. Land Treatment.** The use of land, soil, and crops for treatment of municipal or industrial

wastewater. (12-7-05)T

- ~~143.~~ **Municipal Wastewater.** Waste water that contains sewage. (4-1-88)
- ~~124.~~ **New Activity.** Any significant change in operation or construction of the wastewater treatment system which may impact the waters of the state. (4-1-88)
- ~~135.~~ **Non-Contact Cooling Water.** Water used to reduce temperature which does not come into direct contact with any raw material, intermediate product, waste product (other than heat) or finished product. (4-1-88)
- ~~146.~~ **NTU.** Nephelometric Turbidity Unit - a unit of measurement of the level of turbidity. (4-6-05)
- ~~157.~~ **Permit.** Written authorization by the Director to ~~land apply~~ modify, operate, construct or discharge ~~wastewater, other than to surface waters of the state, as identified in the plan of operation to a reclamation and reuse facility.~~ reclamation and reuse facility. (~~4-1-88~~)(12-7-05)T
- ~~168.~~ **Permittee.** The person to whom the ~~wastewater land application~~ reclamation and reuse permit is issued. (~~4-6-05~~)(12-7-05)T
- ~~179.~~ **Person.** An individual, corporation, partnership, association, state, municipality, commission, political subdivision of the state, state agency, federal agency, special district, or interstate body. (4-1-88)
- ~~1820.~~ **Point of Compliance.** That point in the reclamation and reuse facility where the ~~treated effluent reclaimed~~ wastewater must meet the ~~different limit~~ requirements of the permit. There may be more than one (1) point of compliance within the facility depending on the constituents to be monitored. (~~4-6-05~~)(12-7-05)T
- ~~1921.~~ **Primary Effluent.** Raw wastewater that has been mechanically treated by screening, degritting, sedimentation and/or skimming processes to remove substantially all floatable and settleable solids. (4-1-88)
- ~~202.~~ **Processed Food Crop.** Any crop intended for human consumption that has been changed from its original form and further disinfection occurs. (4-1-88)
- ~~213.~~ **Rapid Infiltration System.** A wastewater treatment method by which wastewater is applied to land in an amount of twenty (20) to six hundred (600) feet per year for percolation through the soil. Vegetation is not generally utilized by this method. (4-1-88)
- ~~224.~~ **Raw Food Crop.** Any crop intended for human consumption which is to be used in its original form. (4-1-88)
- ~~235.~~ **Reclaimed Wastewater.** For the purpose of these rules, the term reclaimed ~~wastewater or reuse~~ shall mean ~~municipal~~ wastewater that is used in accordance with these rules. (~~4-6-05~~)(12-7-05)T
- ~~246.~~ **Restricted Public Access.** Preventing public entry within ~~one thousand (1,000) feet of the border the area or point of reuse~~ of a facility and the buffer distance around the area by site location or physical structures such as fencing. A lesser buffer ~~strip less than one thousand (1,000) feet~~ distance may be accepted if aerosol drift is reduced. (~~4-1-88~~)(12-7-05)T
- ~~25.~~ **~~Reclaimed Wastewater Facility.~~** ~~Any municipal structure or system designed or used to treat municipal wastewater for the purpose of reusing the effluent including, but not limited to, municipal wastewater treatment facilities, pumping and storage facilities, pipeline and distribution facilities, and the property to which the reclaimed wastewater is applied.~~ (~~4-6-05~~)
- ~~27.~~ **Reclamation.** The treatment of municipal or industrial wastewater that allows it to be reused for beneficial uses. Reclamation also includes land treatment for wastewater that utilizes soil or crops for partial treatment. (12-7-05)T
- ~~28.~~ **Reuse.** The use of reclaimed wastewater for beneficial uses including, but not limited to, land

treatment, irrigation, aquifer recharge, use in surface water features, toilet flushing in commercial buildings, dust control, and other uses. (12-7-05)T

**29. Reclamation and Reuse Facility or Facility.** Any structure or system designed or used for reclamation or reuse of municipal or industrial wastewater including, but not limited to, industrial and municipal wastewater treatment facilities, pumping and storage facilities, pipeline and distribution facilities, and the property to which the reclaimed wastewater is applied. This does not include industrial in-plant processes and reuse of process waters within the plant. (12-7-05)T

**2630. Sewage.** The water-carried human wastes from residences, buildings, industrial establishments and other places. (4-1-88)

**2731. Sludge.** The semi-liquid mass produced by treatment of water or wastewater. (4-1-88)

**2832. Time Distribution of Flows.** A measurement of the volume of wastewater distributed over a specified area during a specified time period. Typical unit of measure is inches per acre per week. (4-1-88)

**2933. Wastewater.** Unless otherwise specified, industrial waste, municipal waste, agricultural waste, and associated solids or combinations of these, whether treated or untreated, together with such water as is present but not including sludge, or non-contact cooling water. (4-1-88)

~~**30. Wastewater Treatment System.** All phases of wastewater treatment including any pretreatment equipment and the land treatment facility on which the wastewater is applied. (4-6-05)~~

**314. Waters and Waters of the State.** All the accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof which are wholly or partially within, which flow through or border upon the state. (4-1-88)

201. -- 299. (RESERVED).

### 300. PERMIT REQUIREMENTS AND APPLICATION.

**01. Permit Required.** No person shall construct, modify, operate, or continue to operate a land application reclamation and reuse facility or other reclaimed wastewater facility without a valid permit issued by the Director as provided in these rules. (4-6-05)(12-7-05)T

**02. Dischargers.** No person shall discharge to a land application or other reclaimed wastewater reclamation and reuse facility without a valid permit issued by the Director as provided in these rules. (4-6-05)(12-7-05)T

**03. Pre-Application Conference.** Prospective applicants are encouraged to meet with the Department to discuss application procedure and anticipated application requirements. (4-1-88)

**04. Application Required.** Every person requiring a permit under these rules shall submit a permit application to the Department: (4-1-88)

a. At least one hundred eighty (180) days prior to the day on which a new activity is to begin; or (4-1-88)(12-7-05)T

b. At least one hundred eighty (180) days prior to the expiration of any permit issued pursuant to these rules; (4-1-88)(12-7-05)T

~~c. Within one hundred eighty (180) days after the effective date of these rules for any existing land application facility deemed to be permitted under these rules. (4-1-88)~~

**05. Application Contents.** Application shall be made on a form prescribed by the Director and available from the Department and shall include, but not be limited to, the following information: (4-1-88)

- a. Name, location, and mailing address of the facility; (4-1-88)
- b. Name, mailing address, and phone number of the facility owner and signature of the owner or authorized agent; (4-1-88)
- c. The nature of the entity owning the facility (federal, state, private, or public entity); (4-1-88)
- d. A list of local, state, and federal permits, licenses and approvals related to the activity which have been applied for and which have been received and the dates of application or approval; (4-1-88)
- e. A topographic map of the facility site identifying and showing the location and extent of: (4-1-88)
  - i. Wastewater inlets, outlets, and storage structures and facilities; (4-1-88)
  - ii. Wells, springs, wetlands, and surface waters; (4-1-88)
  - iii. Twenty-five (25), fifty (50), and one hundred (100) year flood plains, as available through the Federal Insurance Administration of the Federal Emergency Management Agency; (4-1-88)
  - iv. Service roads; (4-1-88)
  - v. Natural or man-made features necessary for treatment; (4-1-88)
  - vi. Buildings and structures; and (4-1-88)
  - vii. Process chemicals and residue storage facilities. (4-1-88)
- f. A topographic map which may be separate from or combined with the facility site map, extending one quarter (1/4) mile beyond the outer limits of the facility site. The map shall identify and show the location and extent of the following: (4-1-88)
  - i. Wells, springs, wetlands, and surface waters; (4-6-05)
  - ii. Public and private drinking water supply sources and source water assessment areas (public water system protection area information); (4-6-05)
  - iii. Public roads; and (4-1-88)
  - iv. Dwellings and private and public gathering places. (4-1-88)
- g. If the facility site or any portion thereof is leased or rented, a copy of that lease or rental agreement; (4-1-88)
- h. The volume of wastewaters to be treated and the time distribution of flows; (4-1-88)
- i. The physical, chemical, and biological characteristics of the wastewater; (4-1-88)
- j. The climatic, hydrogeologic, and soil characteristics of the facility site. (4-1-88)
- k. Other information may also be required. The Idaho Guidance for Land Application Reclamation and Reuse of Municipal and Industrial Wastewater is intended to provide assistance to permit applicants in obtaining a wastewater land application reclamation and reuse permit and may be considered in determining the need for other information. (~~4-6-05~~)(12-7-05)T

**06. Existing Land Application Reclamation and Reuse Facility Plan of Operation.** Any existing land application reclamation and reuse facility ~~or other reclaimed wastewater facility~~ shall be required to have a plan

of operation which describes in detail the operation, maintenance, and management of the wastewater treatment system. ~~(4-6-05)~~(12-7-05)T

**07. New ~~Land Application~~ Reclamation and Reuse Facility Plan of Operation.** Any new proposed ~~land application~~ reclamation and reuse facility ~~or other reclaimed wastewater facility~~ shall be required to have a detailed plan of operation at the fifty percent (50%) completion point of construction. In addition, after one (1) year of operation the plan must be updated to reflect actual operating procedures. A general outline of the plan of operation must be provided with the permit application which will satisfy the intent of these rules. ~~(4-6-05)~~(12-7-05)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**401. PLAN AND SPECIFICATION REVIEW.**

The current edition of the "Recommended Standards for Wastewater Facilities - Great Lakes-Upper Mississippi River Board of State Sanitary Engineers," "Idaho Standards for Public Works Construction," and other Department guidance shall be used as guides for the development of plans and specifications for all waste treatment facilities ~~in accordance with IDAPA 58.01.02, "Water Quality Standards and Wastewater Treatment Requirements," Section 402.~~ The Department may review the project plans and specifications and the permit application materials concurrently. Plans and specifications may require modification prior to a final permit being issued. The Department does not require review of industrial in-plant processes, only those processes that treat or distribute wastewater.

~~(4-6-05)~~(12-7-05)T

**01. Requirement for Single Point of Contact Responsible for Entire Wastewater Project.** The Applicant (Permittee) shall designate a single point of contact who is responsible for all submissions to the Department related to the wastewater reclamation and reuse facilities ~~construction project~~. This single point of contact shall be identified in the permit application. ~~(4-6-05)~~(12-7-05)T

**02. Requirement for Preparation of Plans and Specifications.** All plans and specifications for the construction of new sewage systems, sewage treatment plants or systems, other waste treatment or disposal facilities or modification or expansion to same shall be submitted to and approved by the Director before construction can begin in accordance with Chapter 1, Title 39, Idaho Code, and IDAPA 58.01.02~~16~~, "Water Quality Standards and Wastewater Treatment Requirements, Rules" ~~Section 402.~~ ~~(4-6-05)~~(12-7-05)T

**03. Requirement for Professional Engineer's Seal.** All plans and specifications for the construction of new sewage systems, sewage treatment plants or systems, other waste treatment or disposal facilities or modification or expansion to same, wherein the public welfare or the safeguarding of life, health, or property is involved, shall bear the seal, signature and date of a registered professional engineer licensed in the state of Idaho in accordance Chapter 12, Title 54, Idaho Code. (4-6-05)

**(BREAK IN CONTINUITY OF SECTIONS)**

**600. SPECIFIC PERMIT CONDITIONS.**

**01. Basis for Specific Permit Conditions.** Conditions necessary for the protection of the environment and the public health may differ from facility to facility because of varying environmental conditions and wastewater compositions. The Director may establish, on a case-by-case basis, specific permit conditions. Specific conditions shall be established in consideration of characteristics specific to a facility and inherent hazards of those characteristics. Such characteristics include, but are not limited to: (4-1-88)

- a. Chemical, biological, physical, and volumetric characteristics of the wastewater; (4-1-88)
- b. Geological and climatic nature of the facility site; (4-1-88)

- c. Size of the site and its proximity to population centers and to ground and surface water; (4-1-88)
  - d. Legal considerations relative to land use and water rights; (4-1-88)
  - e. Techniques used in wastewater distribution and the disposition of that vegetation exposed to wastewaters; (4-1-88)
  - f. Abilities of the soils and vegetative covers to treat the wastewater without undue hazard to the environment or to the public health; and (4-1-88)
  - g. The need for monitoring and record keeping to determine if the facility is being operated in conformance with its design and if its design is adequate to protect the environment and the public health. (4-1-88)
- 02. Duration of Permit.** The permit shall be effective for a fixed term of not more than five (5) years. (4-1-88)
- 03. Limitations to Operation.** Conditions of the permit may specify or limit: (4-1-88)
- a. Wastewater composition; (4-1-88)
  - b. Method, manner, and frequency of wastewater treatment; (4-1-88)
  - c. Wastewater pretreatment requirements; (4-1-88)
  - d. Physical, chemical, and biological characteristics of a land ~~application~~ treatment facility; and ~~(4-1-88)~~(12-7-05)T
  - e. Any other condition the Director finds necessary to protect public health or environment. (4-1-88)
- 04. Compliance Schedules.** The Director may establish a compliance schedule for existing facilities as part of the permit conditions including: (4-1-88)
- a. Specific steps or actions to be taken by the permittee to achieve compliance with applicable requirements or final permit conditions; (4-1-88)
  - b. Dates by which those steps or actions are to be taken; and (4-1-88)
  - c. In any case where the period of time for compliance exceeds one (1) year the schedule may also establish interim requirements and the dates for their achievements. (4-1-88)
- 05. Monitoring Requirements.** Any facility may be subject to monitoring requirements including, but not limited to: (4-1-88)
- a. The installation, use, and maintenance of monitoring equipment; (4-1-88)
  - b. Monitoring or sampling methodology, frequency, and locations; (4-1-88)
  - c. Monitored substances or parameters; (4-1-88)
  - d. Testing and analytical procedures; and (4-1-88)
  - e. Reporting requirements including both frequency and form. (4-1-88)
- 06. Rapid Infiltration Systems.** The following minimum treatment requirements are established for land application of wastewater using rapid infiltration methods and systems. ~~(4-1-88)~~(12-7-05)T
- a. Suspended solids content of wastewater which includes organic and inorganic particulate matter



shall not exceed a thirty (30) day average concentration of one hundred (100) mg/l. (4-1-88)

b. Nitrogen (total as N) content of wastewater shall not exceed a thirty (30) day average concentration of twenty (20) mg/l. (4-1-88)

**07. Direct Use of Municipal Reclaimed Wastewater.** Treatment requirements applicable to direct use of municipal reclaimed wastewater include, but are not limited to, the following. The applicable treatment requirements, buffer zones, access restrictions, disinfection requirements, uses, and other requirements are further described in the Classification Table in Subsection 600.08. (4-6-05)

a. Class A effluent is municipal reclaimed wastewater that may be used under particular circumstances for irrigation, including residential irrigation at individual homes ~~(controlled only by the system operator)~~, ground water recharge, using surface spreading, seepage ponds, or other unlined surface water features, and other appropriate uses acceptable to the Department. Class A effluent shall be oxidized, coagulated, clarified, and filtered, or treated by an equivalent process and adequately disinfected. ~~Enhanced~~ Filtration approval requirements, nutrient removal requirements, turbidity limits requirements, monitoring requirements, reliability and redundancy requirements, and distribution system requirements also apply. Class A treatment systems are required to be pilot tested at full scale prior to sewer hookups, lifting of sanitary restrictions, and start up or otherwise approved by the Department per Subsection 601.04 of these rules. Class A effluent shall be considered adequately disinfected if, at the point of compliance, the median number of total coliform organisms does not exceed two and two-tenths (2.2) per one hundred (100) milliliters, and does not exceed twenty-three (23) per one hundred (100) milliliters in any confirmed sample, as determined from the bacteriological results of the last seven (7) days for which analyses have been completed. For ground water recharge, using surface spreading, seepage ponds, and other unlined surface water features, IDAPA 58.01.11, "Ground Water Quality Rule," requirements apply. For Class A effluent, analysis shall be based on daily sampling during periods of use. The point of compliance for Class A effluent for total coliform shall be in the distribution at any point in the system following final treatment, final storage and disinfection contact time. It is recommended but not required that the effluent also be disinfected following storage. Class A effluent for residential irrigation ~~should~~ shall be applied only during periods of non-use. ~~(4-6-05)~~ (12-7-05)T

b. Class B effluent is municipal reclaimed wastewater that may contact any edible portion of raw food crops or is used to irrigate golf courses, parks, playgrounds, schoolyards and other areas where children are more likely to have access or exposure. Class B effluent shall be oxidized, coagulated, clarified, and filtered, or treated by an equivalent process and adequately disinfected. New Class B treatment systems are required to be pilot tested at full scale and approved by the Department prior to sewer hookups, lifting of sanitary restrictions, and start-up. Class B effluent shall meet the following turbidity limits. The daily arithmetic mean of all daily measurements of turbidity shall not exceed two (2) NTU, and turbidity shall not exceed five (5) NTU at any time. Turbidity shall be measured continuously. The turbidity standard shall be met prior to disinfection. For those systems that have in-line turbidimeters that are operating full-time, no additional monitoring for total suspended solids (TSS) is required. Class B effluent shall be considered adequately disinfected if, at the point of compliance, the median number of total coliform organisms does not exceed two and two-tenths (2.2) per one hundred (100) milliliters, and does not exceed twenty-three (23) per one hundred (100) milliliters in any confirmed sample, as determined from the bacteriological results of the last seven (7) days for which analyses have been completed. For Class B effluent, analysis shall be based on daily sampling during periods of application. The point of compliance for Class B effluent for total coliform shall be in the distribution at any point in the system following final treatment, final storage and disinfection contact time. It is recommended but not required that the effluent also be disinfected following storage. Residual chlorine at the point of compliance shall be not less than one (1) mg/L free chlorine after a contact time of thirty (30) minutes at peak flow. If an alternative disinfection process is used, it must be demonstrated to the satisfaction of the Department that the alternative process is comparable to that achieved by chlorination with one (1) mg/L free chlorine after thirty (30) minutes contact time. Class B effluent shall be applied only during periods of non-use by the public. ~~(4-6-05)~~ (12-7-05)T

c. Class C effluent is municipal reclaimed wastewater that will only contact the ~~inedible~~ inedible portion of raw food crops, or is used to irrigate orchards and vineyards during the fruiting season, if no fruit harvested for raw use comes in contact with the irrigation water or ground or will only contact the ~~inedible~~ inedible portion of raw food crops, or is used to irrigate cemeteries, ~~roadside~~ on sides and medians of highways, and other areas where individuals have access or exposure. Class C effluent shall be oxidized and adequately disinfected. Class C effluent shall be considered adequately disinfected if, at the point of compliance, the median number of total

coliform organisms does not exceed twenty-three (23) per one hundred (100) milliliters, and does not exceed two hundred thirty (230) per one hundred (100) milliliters in any confirmed sample as determined from the bacteriological results of the last five (5) days for which analyses have been completed. For Class C effluent, analysis shall be based on weekly sampling during periods of application. The point of compliance for Class C effluent for total coliform shall be at ~~the entrance to the distribution~~ any point in the system following final treatment and disinfection contact time, ~~but before storage~~. Class C effluent shall be applied only during periods of non-use by the public. ~~(4-6-05)(12-7-05)T~~

**d.** Class D effluent is municipal reclaimed wastewater that is used to irrigate fodder, seed, or processed food crops and is oxidized and adequately disinfected. Class D effluent shall be considered adequately disinfected if, at some location in the treatment process, the median number of total coliform organisms does not exceed two hundred thirty (230) per one hundred (100) milliliters, not to exceed two thousand three hundred (2300) per one hundred (100) milliliters in any confirmed sample, as determined from the bacteriological results of the last three (3) days for which analyses have been completed. For Class D effluent, analysis shall be based on monthly sampling during periods of application. The point of compliance for Class D effluent for total coliform shall be at any point in the system following final treatment and disinfection contact time. Animals shall not be grazed on land where Class D municipal wastewater is applied, and animals shall not be fed harvested vegetation irrigated in this manner within two (2) weeks of application. ~~(4-6-05)(12-7-05)T~~

**e.** Class E effluent is municipal reclaimed wastewater that is used to irrigate ~~fodder, seed, or processed food crops or~~ forested sites where public access is restricted and the municipal wastewater shall be of at least primary effluent quality. Animals shall not be grazed on land where Class E municipal wastewater is applied, and animals shall not be fed harvested vegetation irrigated in this manner within four (4) weeks of application. ~~(4-6-05)(12-7-05)T~~

**08. Direct Use of Municipal Reclaimed Wastewater - Classification Table.** The following table further describes the requirements for direct use of municipal reclaimed wastewater outlined in Subsection 600.07.

Classification Table					
Classification	Class A	Class B	Class C	Class D	Class E
Treatment	This is a partial list - see Section 601 for more detail: Oxidized, <u>clarified, and coagulated,</u> <del>clarified,</del> with <i>enhanced</i> filtration approval requirements or treated by an equivalent process, plus nutrient removal requirements, turbidity limits requirements, adequately disinfected and <i>pilot</i> tested.	Oxidized, coagulated, clarified, <u>and</u> filtered, or treated by an equivalent process, <u>turbidity limits requirements,</u> and adequately disinfected and <i>pilot</i> tested.	Oxidized and adequately disinfected	Oxidized and adequately disinfected	At least primary effluent quality
Disinfection	Total coliform organisms does not exceed two and two-tenths (2.2) per one hundred (100) milliliters	Total coliform organisms does not exceed two and two-tenths (2.2) per one hundred (100) milliliters	Total coliform organisms does not exceed twenty three (23) per one hundred (100) milliliters	Total coliform organisms does not exceed two hundred thirty (230) per one hundred (100) milliliters	Total coliform organisms up to "too numerous to count"

Classification Table					
Classification	Class A	Class B	Class C	Class D	Class E
Uses	Residential irrigation at individual homes, ground water recharge, <u>using</u> surface spreading, seepage ponds, other unlined <u>surface</u> water features, or Class B, C, D, or E uses. Other requirements apply for groundwater uses.	May contact any edible portion of raw food crops, or is used to irrigate golf courses, parks, playgrounds, schoolyards or Class C, D, or E uses.	Used to irrigate orchards and vineyards during the fruiting season, if no fruit harvested for raw use comes in contact with the irrigation water or ground, or will only contact the unedible portion of raw food crops, or is used to irrigate cemeteries, roadside vegetation or Class D or E uses.	Used to irrigate fodder, seed, or processed food crops or Class E uses.	Used to irrigate <del>fodder,</del> <del>seed,</del> <del>processed food crops,</del> or forested sites.
Access Restriction	Irrigated during periods of non-use.	Irrigated during periods of non-use by the public.	Irrigated during periods of non-use by the public.	Public access restricted.	Public access restricted.
Signing and Posting	See Subsection 601.02	Site specific - See Idaho Guidance for <del>Land Application</del> <u>The Reclamation and Reuse of Municipal and Industrial Wastewater</u>	Site specific - See Idaho Guidance for <del>Land Application</del> <u>The Reclamation and Reuse of Municipal and Industrial Wastewater</u>	Site specific - See Idaho Guidance for <del>Land Application</del> <u>The Reclamation and Reuse of Municipal and Industrial Wastewater</u>	Site specific - See Idaho Guidance for <del>Land Application</del> <u>The Reclamation and Reuse of Municipal and Industrial Wastewater</u>

Classification Table					
Classification	Class A	Class B	Class C	Class D	Class E
Buffer Zones Distances	No effluent is allowed to be applied <del>into or over natural waterways, or other conveyances that drain into natural waterways</del> without to surface waters in those circumstances when an NPDES Permit is required.	Site specific - See Idaho Guidance for Land Application The Reclamation and Reuse of Municipal and Industrial Wastewater. No effluent is allowed to be applied to surface waters in those circumstances when an NPDES Permit is required.	Site specific - See Idaho Guidance for Land Application The Reclamation and Reuse of Municipal and Industrial Wastewater. No effluent is allowed to be applied to surface waters in those circumstances when an NPDES Permit is required.	Site specific - See Idaho Guidance for Land Application The Reclamation and Reuse of Municipal and Industrial Wastewater. No effluent is allowed to be applied to surface waters in those circumstances when an NPDES Permit is required.	1000 ft. to inhabited dwellings and areas accessible to the public. No effluent is allowed to be applied to surface waters in those circumstances when an NPDES Permit is required.
Grazing	Grazing allowed only with approved grazing management plan.	Grazing allowed only with approved grazing management plan.	Grazing allowed only with approved grazing management plan.	Grazing not allowed.	Grazing not allowed.

(4-6-05)(12-7-05)T

**601. CLASS A EFFLUENT MUNICIPAL RECLAIMED WASTEWATER - ADDITIONAL REQUIREMENTS.**

**01. Engineering Report.** Engineering reports and application materials for new Class A effluent municipal reclaimed wastewater systems or major upgrades to Class A effluent municipal reclaimed wastewater systems shall be submitted to the Department with the application and must be approved by the Department prior to permit issuance. The engineering report shall include, but not be limited to, the following items as applicable: purpose; approach; development of alternatives; technical, financial, managerial, and legal issues; emergency response and security; operation and maintenance; pilot testing; client use issues; potential markets for reclaimed wastewater; potential sources of wastewater; public involvement and perception; targeted markets for reclaimed wastewater; allocation of reclaimed wastewater; preliminary investigations; staff development; treatment system upgrades to meet Class A requirements; distribution system development and schedule; new development infrastructure; reservoir or booster capacity; water balance calculations; costs; applicable regulations; and potential funding sources. This engineering report shall be stamped, dated and signed in accordance with Idaho Board of Registration of Professional Engineers and Professional Land Surveyors, IDAPA 10.01.02, "Rules of Professional Responsibility".

(4-6-05)(12-7-05)T

**02. Distribution System Requirements.** Class A distribution systems and the continued distribution systems of all of its customers shall have specific requirements including, but not limited to:

(4-6-05)

- a. Any person or agency that is planning to construct all or part of the distribution system must obtain

a plan and specification approval from the Department prior to beginning construction. Where Class A effluent is to be provided by pressure pipeline, the following applicable standards shall be used as guidance: the current edition of "Recommended Standards for Wastewater Facilities - Great Lakes-Upper Mississippi River Board of State Sanitary Engineers," the "AWWA Manual M24" Chapter 4 for dual water systems, and the current edition of "Idaho Standards for Public Works Construction". The above guidance documents shall be used for all new systems constructed after April 1, 2005. Requirements for irrigation systems proposed for conversion from use of non-Class A effluent water to use with Class A effluent will be considered on a case-by-case basis considering protection of public health and the environment. (4-6-05)

b. Distribution Lines. (4-6-05)

i. Minimum Separation. (4-6-05)

(1) Horizontal Separation. Class A effluent distribution mains parallel to potable (culinary) water mains shall be installed in accordance with IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," Subsection 550.06. Class A effluent distribution mains parallel to sanitary sewer mains shall be installed at least five (5) feet horizontally from the sanitary sewer main if the sanitary sewer main is located above the Class A effluent main, and three (3) feet horizontally from the sanitary sewer main if the sanitary sewer main is located below the Class A effluent main. (4-6-05)

(2) Vertical Separation. At crossings of Class A effluent distribution mains with potable water mains and sanitary sewer mains, the order of the mains from lowest in elevation to highest should be: sanitary sewer main, Class A effluent main, and potable water main. A minimum of eighteen (18) inches vertical separation between each of these utilities shall be provided as measured from outside of pipe to outside of pipe. The crossings shall be arranged so that the Class A effluent main joints will be equidistant and as far as possible from the water main joints and the sewer main joints. If the Class A effluent water main must cross above the potable water main, the vertical separation shall be a minimum eighteen (18) inches, the Class A effluent main shall be supported to prevent settling, and the Class A effluent main shall be encased in a continuous pipe sleeve to a distance on each side of the crossing equal to ten (10) feet. If the Class A effluent main must cross below the sanitary sewer main, the vertical separation shall be a minimum eighteen (18) inches and the Class A effluent main shall be encased in a continuous pipe sleeve to a distance on each side of the crossing equal to ten (10) feet. (4-6-05)

(3) Special Provisions. Where the horizontal and/or vertical separation as required above cannot be maintained, special construction requirements shall be provided in accordance with requirements in IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," Subsection 550.06, for protection of potable water mains. (4-6-05)

ii. Class A Effluent Pipe Identification. (4-6-05)

(1) General. All new buried pipe, including service lines, valves, and other appurtenances, shall be colored purple, Pantone 512 or equivalent. If fading or discoloration of the purple pipe is experienced during construction, identification tape or locating wire along the pipe is required. Label piping every ten (10) feet "Caution: Reclaimed Water - Do Not Drink". (4-6-05)

(2) Identification Tape. If identification tape is installed along with the purple pipe, it shall be prepared with white or black printing on a purple field, color Pantone 512 or equivalent, having the words, "Caution: Reclaimed Water - Do Not Drink". The overall width of the tape shall be at least three (3) inches. Identification tape shall be installed eighteen (18) inches above the transmission pipe longitudinally, shall be centered over the pipe, and shall run continuously along the length of the pipe. (4-6-05)

iii. Conversion of Existing Drinking Water or Irrigation Water Lines. Existing water lines that are being converted to use with Class A effluent shall first be accurately located and comply with leak test standards in accordance with IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," Subsection 550.06, and in coordination with the Department. The pipeline must be physically disconnected from any potable water lines and brought into compliance with current state cross connection rules and requirements (IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," Subsection 550.07), and must meet minimum separation requirements in Subsection 601.02.b. of these rules. If the existing lines meet approval of the water supplier and the Department based

upon the requirements set forth in Subsection 601.02.b.iii. of these rules, the lines shall be approved for Class A effluent distribution. If regulatory compliance of the system (accurate location and verification of no cross connections) cannot be verified with record drawings, televising, or otherwise, the lines shall be uncovered, inspected, and identified prior to use. All accessible portions of the system must be retrofitted to meet the requirements of these rules. After conversion of the water or irrigation line to a wastewater effluent line, the lines shall be marked as stated in Subsection 601.02.b.ii.(2) of these rules. (4-6-05)

iv. Valve Boxes and Other Surface Identification. All valves ~~covers~~ shall ~~be of~~ have locking valve covers that are non-interchangeable ~~shape~~ with ~~locking~~ potable water valve covers, and shall have an inscription cast on the top surface stating "Reclaimed Water". Valve boxes shall meet the requirements of IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," Subsection 550.06. All above ground pipes and pumps shall be consistently color coded (purple, Pantone 512) and marked to differentiate Class A effluent facilities from potable water facilities. ~~(4-6-05)~~(12-7-05)T

v. Blow-off Assemblies. If either an in-line type or end-of-line type blow-off or drain assembly is installed in the system, a plan for proposed discharge or runoff locations shall be submitted to the Department for review and approval. (4-6-05)

c. Storage. If storage or impoundment of Class A effluent is provided, the following requirements apply: (4-6-05)

i. Fencing. No fencing is required by these rules, but may be required by local laws or ordinances. (4-6-05)

ii. Identification. All storage facilities shall be identified by signs prepared according to the requirements of Subsection 601.02.e.v. of these rules. Signs shall be posted on the surrounding fence at minimum five hundred (500) foot intervals and at the entrance of each facility. If there is no fence, signs shall be located at a minimum on each side of the facility or at minimum two hundred fifty (250) foot intervals or at all accessible points. (4-6-05)

iii. For systems supplying irrigation water for residential lawn irrigation, minimum storage requirements shall include sufficient volume for daily use patterns, precipitation events, etc., and an alternate disposal point during non-irrigation season. (4-6-05)

d. Pumping Facilities. (4-6-05)

i. Marking. All exposed and above ground piping, risers, fittings, pumps, valves, etc., shall be painted purple, Pantone 512. In addition, all piping shall be identified using an accepted means of labeling reading "Warning: Reclaimed Water - Do Not Drink". In a fenced pump station area, signs shall be posted on the fence on all sides. (4-6-05)

ii. Seal Water. Any potable water used as seal water for reclaimed water pump seals shall be protected from backflow with a Department approved backflow prevention device or air gap. (4-6-05)

e. Other Requirements. (4-6-05)

i. Backflow Protection. In no case shall a direct connection be made between the potable and Class A effluent system. If it is necessary to put potable water into the Class A effluent distribution system, a Department approved reduced pressure principal device or air gap must be provided to protect the potable water system. (4-6-05)

ii. Drinking fountains, picnic tables, food establishments, and other public eating facilities shall be placed out of any spray irrigation area in which Class A effluent is used, or shall be otherwise protected from contact with the Class A effluent. Exterior drinking fountains, picnic tables, food establishments, and other public eating facilities shall be shown and called out on the construction plans. If no exterior drinking fountains, picnic tables, food establishments, or other public eating facilities are present in the design area, then it shall be specifically stated on the plans that none are to exist. (4-6-05)

iii. Equipment and Facilities. Any equipment or facilities such as tanks, temporary piping or valves, and portable pumps that have been or may be used with Class A effluent shall not be used with potable water or sewage. Any equipment or facilities such as tanks, temporary piping or valves, and portable pumps that have been or may be used with sewage shall not be used with Class A effluent or potable water. (4-6-05)

iv. Warning Labels. Warning labels shall be installed on designated facilities such as, but not limited to, controller panels and washdown or blow-off hydrants on water trucks, hose bibs, and temporary construction services. The labels shall read, "Warning: Reclaimed Wastewater - Do Not Drink". (4-6-05)

v. Warning signs. Where reclaimed water is stored or impounded, or used for irrigation in public areas, warning signs shall be installed and contain, at a minimum, one (1) inch purple letters (Pantone 512 or equivalent) on a white or other high contrast background notifying the public that the water is unsafe to drink. Signs may also have a purple background with white or other high contrast lettering. Warning signs and labels shall read, "Warning: Reclaimed Wastewater - Do Not Drink". The signs shall include the international symbol for Do Not Drink. (4-6-05)

**03. Other Permits Addressed as Necessary.** The following other permits may be necessary for a particular facility but are not regulated under these rules: (4-6-05)

a. NPDES permits from the Environmental Protection Agency for surface water discharge. (4-6-05)

b. Injection well permits from Idaho Department of Water Resources. (4-6-05)

**04. Filtration Technology Approval Requirements.** All Class A effluent projects in Idaho must have written approval from the Department for their proposed filtration technology prior to submitting plans and specifications for approval. The following approaches are methods by which this written approval may be obtained from the Department. (4-6-05)

a. Department approval based on previous similar projects in Idaho. (4-6-05)

b. National approval by National Reuse Association, Water Environment Federation Research Foundation, NSF International, or other organization approved by the Department. (4-6-05)

c. The State of California Department of Health Services Treatment Technology Report for Recycled Water. (4-6-05)

d. Other methods approved by the Department, including pilot testing. (~~4-6-05~~)(12-7-05)T

**05. Nutrient Removal Requirements.** Total nitrogen at the point of compliance shall not exceed ten (10) mg/L for ground water recharge systems, and thirty (30) mg/L for residential irrigation and other non-recharge systems, based on a monthly arithmetic mean as determined from daily weekly composite sampling. This value These limits may be much lower depending on the results of any applicable nutrient-pathogen studies that may be required. (~~4-6-05~~)(12-7-05)T

**06. Turbidity Limits and Monitoring Requirements.** (4-6-05)

a. One (1) in-line, continuously monitoring, recording turbidimeter is required for each treatment train. (4-6-05)

b. Class A effluent shall meet the following turbidity limits. The daily arithmetic mean of all daily measurements of turbidity shall not exceed two (2) NTU, and turbidity shall not exceed five (5) NTU at any time. Turbidity shall be measured continuously. The turbidity standard shall be met prior to disinfection. (4-6-05)

**07. Reliability and Redundancy Requirements.** (4-6-05)

a. Class A treatment systems shall have redundant treatment capabilities able to treat peak flow and

provide for an alternative disposal option or diversion to adequate lined storage capable of storing seven (7) days of effluent or equivalent back-up system must be automatically activated if turbidity exceeds or chlorine residual drops below the instantaneous required value for more than ~~two~~ five (25) minutes. Peak flow is defined for the purpose of this rule to mean the peak flow of the plant anticipated for the season in which Class A effluent is being produced. The maximum number of times a facility could exceed on this basis is twice in one (1) week, both of which times are required to be immediately reported. Failure to report or exceeding more than twice in one (1) week are sufficient grounds for the Department to require the system to be shut down for inspection and repair. ~~(4-6-05)(12-7-05)T~~

**b.** Redundant facilities, including, but not limited to, monitoring equipment and treatment trains shall be required. (4-6-05)

**c.** Standby Power sufficient to maintain all treatment and distribution works shall be required for the Class A effluent use. An alternative to this is to provide standby power sufficient for basic treatment and for automatic by-pass of filtration directly to an alternative disposal option or diversion to lined storage. (4-6-05)

**d.** Standby treatment filter units in fully operable condition capable of treating peak flow shall be plumbed and wired in place for immediate use. Peak flow is defined for the purpose of this rule to mean the peak flow of the plant anticipated for the season in which Class A effluent is being produced. An alternative to this is automatic by-pass of filtration directly to an alternative disposal option or diversion to lined storage. ~~(4-6-05)(12-7-05)T~~

**08. Other Class A Effluent Requirements.** (4-6-05)

**a.** Minimum treatment system size shall be ten thousand (10,000) gallons per day of wastewater flow being treated. (12-7-05)T

~~**a.b.** Five (5) Day Biochemical Oxygen Demand (BOD5) shall not exceed five (5) mg/L and Total Organic Carbon (TOC) shall not exceed five (5) mg/L for ground water recharge systems, and ten (10) mg/L each for residential irrigation and other non-recharge systems, based on a monthly arithmetic mean as determined from daily weekly composite sampling. Composite samples shall be comprised of at least six (6) flow proportionate samples taken over a one (1) day period at the point of compliance.~~ ~~(4-6-05)(12-7-05)T~~

~~**b.** Total Suspended Solids (TSS) prior to disinfection shall not exceed five (5) mg/L based on a monthly arithmetic mean as determined from daily composite sampling. Composite samples shall be comprised of at least six (6) flow proportionate samples taken over a one (1) day period at the point of compliance.~~ (4-6-05)

**c.** The pH as determined by daily grab samples or continuous monitoring shall be between six point zero (6.0) and nine point zero (9.0) inclusive. ~~(4-6-05)(12-7-05)T~~

**d.** Residual Chlorine at the point of compliance shall be not less than one (1) mg/L free chlorine after a contact time of thirty (30) minutes at peak flow. If an alternate disinfection process is used, it must be demonstrated to the satisfaction of the Department that the alternative process is comparable to that achieved by chlorination with a one (1) mg/L free chlorine residual after thirty (30) minutes contact time. (4-6-05)

**e.** For any type of ground water recharge system, the Class A effluent must also meet ground water quality standards per IDAPA 58.01.11, "Ground Water Quality Rule," at the point of compliance, and comply with the remaining sections of the "Ground Water Quality Rule". For these types of ground water recharge systems utilizing Class A effluent municipal reclaimed wastewater, the applicant shall propose to the Department for review and approval, the applicable testing requirements for the effluent as it relates to the primary and secondary ground water standards, as well as background ground water quality. Ground water recharge site locations shall be a minimum of ~~two~~ one thousand (21000) feet from any down gradient drinking water extraction well and shall also provide for a minimum of ~~one (1) year of storage~~ six (6) months time of travel in the aquifer prior to withdrawal. The minimum requirements for site location and aquifer storage time may also be greater depending on any source water assessment zone studies for public drinking water wells in the area. The owners of these systems must control the ownership of this down gradient area to prohibit future wells from being drilled in the impact zone of the ground water recharge system. The Idaho Department of Water Resources requires additional permits for ground water injection wells. ~~(4-6-05)(12-7-05)T~~



**f.** A filter to waste operational criteria is required for all Class A effluent filtration facilities for each time a filter starts up. The filter will automatically filter to waste until the effluent meets the required turbidity standard. (4-6-05)

**g.** Additional information in the form of reports by qualified soil scientists, professional geologists, professional engineers, or other qualified individuals relating to environmental assessments, nutrient management plans, or water rights issues shall be submitted to the Department at the pre-application conference or with the application and must be approved by the Department prior to permit issuance. (4-6-05)

**h.** Requirements for Class A effluent distribution system operators. All operators of Class A effluent distribution systems, including operators of the distribution system from the wastewater treatment plant to the point of compliance or point of use or point of sale, as applicable, and those operators that are employed by buyers of the Class A effluent for subsequent use, including home occupants, shall ~~have the following qualifications. Operators shall have a high school diploma or GED or equivalent. Operators shall be trained, by a qualified manufacturer's representative, in the use and repair of the particular distribution system to be operated. Operators shall be trained in the concepts and safety issues of wastewater reuse, including viral infection issues, by the licensed operator of the particular wastewater treatment plant providing the Class A effluent to the particular system in use~~ be required to sign a utility user agreement provided by the utility providing the Class A effluent that states that the user acknowledges that the user understands the origin of the effluent and the concept of agronomic rate for applying the Class A effluent. Contracts for sale of Class A effluent for subsequent use shall also ~~require these standards include these requirements.~~ Individual homeowners ~~shall not~~ are allowed to operate or maintain Class A effluent distribution systems. Providers of the Class A effluent shall undertake a public education program within its service area to teach potential customers the benefits and responsibilities of using Class A effluent. (4-6-05)(12-7-05)T

**602. DEMONSTRATION OF TECHNICAL, FINANCIAL, AND MANAGERIAL CAPACITY OF CLASS A EFFLUENT RECLAIMED WASTEWATER SYSTEMS.**

No person shall proceed, or cause to proceed, with construction of a new class A effluent reclaimed wastewater system until it has been demonstrated to the Department that the new Class A effluent reclaimed wastewater system will have adequate technical, financial, and managerial capacity. Demonstration of capacity shall be submitted to the Department prior to or concurrent with the submittal of plans and specifications, as required in Section 39-118, Idaho Code, and Subsection 601.02.a. of these rules. The Applicant must obtain Department approval of the new system capacity demonstration prior to permit issuance and construction. (4-6-05)

**01. Technical Capacity.** In order to meet this requirement, the Class A effluent reclaimed wastewater system shall submit documentation to demonstrate the following: (4-6-05)

- a.** The system meets the relevant design, construction, operating and maintenance requirements of these rules; (4-6-05)
- b.** The system has an adequate and consistent source of wastewater; (4-6-05)
- c.** A security plan is in place to protect the wastewater source and deal with emergencies; (4-6-05)
- d.** The system has trained personnel with an understanding of the technical and operational characteristics of the system; (4-6-05)
- e.** A plan for cross-connection control; (4-6-05)
- f.** Procedures for emergency response; and (4-6-05)
- g.** Quality assurance and quality control plans. (4-6-05)

**02. Financial Capacity.** A demonstration of financial capacity must include, but is not limited to, the following information: (4-6-05)

- a.** Documentation that organizational and financial arrangements are adequate to construct and operate the Class A effluent reclaimed wastewater distribution system in accordance with these rules. This

information can be provided by submitting estimated construction, operation, and maintenance costs, letters of credit, or other access to financial capital through public or private sources and, if available, a certified financial statement; (4-6-05)

**b.** Demonstration of revenue sufficiency that includes, but is not limited to, billing and collection procedures, a proposed rate structure which is affordable and ensures availability of operating funds, revenues for depreciation and reserves, and the ability to accrue a capital replacement fund. A preliminary operating budget shall be provided; (4-6-05)

**c.** Adequate fiscal controls shall be demonstrated; and (4-6-05)

**d.** Equipment inventory controls shall be in place. (4-6-05)

**03. Managerial Capacity.** In order to demonstrate adequate managerial capacity, the owner and/or operator of a new Class A effluent reclaimed wastewater system shall submit at least the following information to the Department: (4-6-05)

**a.** Clear documentation of legal ownership of the Class A effluent reclaimed wastewater system, including collection, treatment and effluent distribution systems, and any plans that may exist for transfer of that ownership on completion of construction or after a period of operation; (4-6-05)

**b.** The name, address, and telephone number of the person who will be accountable for ensuring that the Class A effluent reclaimed wastewater system is in compliance with these rules; (4-6-05)

**c.** The name, address, and telephone number of the system operator; (4-6-05)

**d.** A description of the manner in which the wastewater system will be managed. By-laws, restrictive covenants, articles of incorporation, or procedures and policy manuals which describe the management organization structure are a means of providing this information; (4-6-05)

**e.** Personnel management policies and a description of staffing, including training, experience, certification or licensing, and continuing education completed by the Class A effluent reclaimed wastewater system staff; (4-6-05)

**f.** An explanation of how the wastewater system operators will establish and maintain effective communications and relationships between the wastewater system management, its customers, professional service providers, and any applicable regulatory agencies; and (4-6-05)

**g.** Evidence of short-term and long-term planning for future growth, equipment repair and maintenance, and long term replacement of system components. (4-6-05)

~~**04. Submittal Form.** The Department shall provide a standard form to be used in preparing a new system capacity demonstration. (4-6-05)~~

**054. Consolidation.** In demonstrating new system capacity, the owner of the proposed new Class A effluent reclaimed wastewater system shall investigate the feasibility of obtaining water service from an established public water system. If such service is available, but the owner elects to proceed with an independent system, the owner shall explain why this choice is in the public interest in terms of environmental protection, affordability to water users, and protection of public health. (4-6-05)

**065. Exclusion.** New Class A effluent reclaimed wastewater systems which are public utilities as defined in Sections 61-104 (Corporation), 61-124 (Water System), 61-125 (Water Corporation), and 61-129 (Public Utility), Idaho Code, shall meet the regulatory requirements of the Idaho Public Utilities Commission (IPUC) in Chapter 1, Title 61, Idaho Code, Public Utilities Law, and IDAPA 31.01.01, "Rules of Procedure of the Idaho Public Utilities Commission". Such wastewater systems shall not be required to meet any requirements of Section 602 which are in conflict with the provisions and requirements of the Idaho Public Utilities Commission. (4-6-05)

(BREAK IN CONTINUITY OF SECTIONS)

**940. WAIVERS.**

Waivers from the requirements of these rules may be granted by the Director on a case-by-case basis upon full demonstration by the person requesting the waivers that such activities for which the waivers are granted will not have a detrimental effect upon existing water quality and uses are adequately protected; and: ~~(4-1-88)~~(12-7-05)T

**01. Effect.** ~~That such waivers will not have a detrimental effect upon existing water quality and uses are adequately protected; and~~ That the proposed loadings on the site will be di minimus in both quantity and quality; ~~(4-1-88)~~(12-7-05)T

**02. Treatment Requirements.** That the treatment requirements are: (4-1-88)

a. Unreasonable with current technology; or (4-1-88)

b. Economically prohibitive. (4-1-88)

**941. -- ~~949999.~~ (RESERVED).**

~~**950. PUBLIC AND CONFIDENTIAL INFORMATION.**~~

~~**01. Accessibility.** Except as provided in this section or other applicable law, information obtained or submitted pursuant to these rules will be available to the public for inspection and copying during normal working hours. Anyone requesting Department assistance in collecting, copying or mailing public information must tender, in advance, the reasonable cost of those services. (4-1-88)~~

~~**02. Confidentiality.** Information concerning a pollution source and submitted to the Director, Board, or Hearing Officer pursuant to these rules which, as certified by the owner or operator of such source, relates to production or sales figures or to processes or production unique to the owner or operator, or tends to adversely affect the competitive position of such owner or operator, shall be only for the confidential use of the Board, Director and Hearing Officer unless: (4-1-88)~~

~~a. The Board, after a hearing, determines that a claim of uniqueness or adverse effect is unwarranted; (4-1-88)~~

~~b. The owner or operator expressly consents to disclosure; or (4-1-88)~~

~~c. Disclosure is required for prosecution of a violation of the Idaho Environmental Protection and Health Act, these rules or a permit, or order issued thereunder. (4-1-88)~~

~~**03. Department Discretion.** The Department may decline to release to the public: (4-1-88)~~

~~a. Inconclusive preliminary data or reports generated as part of ongoing studies; and (4-1-88)~~

~~b. Information obtained as part of ongoing investigations when release would: (4-1-88)~~

~~i. Interfere with enforcement proceedings; (4-1-88)~~

~~ii. Deprive a person of a fair or impartial adjudication; (4-1-88)~~

~~iii. Discourage informants from disclosing information to the Department; (4-1-88)~~

~~iv. Disclose investigative techniques or proceedings; or (4-1-88)~~

~~v. Endanger the safety of Department personnel. (4-1-88)~~

~~951. — 995. (RESERVED).~~

**SECTION 996 HAS BEEN RENUMBERED AND MOVED TO SECTION 004**

**SECTION 997 HAS BEEN RENUMBERED AND MOVED TO SECTION 005**

~~998. **INCLUSIVE GENDER AND NUMBER.**~~

~~For the purposes of these rules, words used in the masculine gender include the feminine, or vice versa, where appropriate. (12-31-91)~~

~~999. **SEVERABILITY.**~~

~~The provision of these rules are severable and if a provision or its application is declared invalid for any reason, that declaration will not affect the validity of the remaining provisions. (4-1-88)~~

## **IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**

### **58.01.17 - WASTEWATER-LAND APPLICATION PERMIT RULES**

**DOCKET NO. 58-0117-0502**

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

**EFFECTIVE DATE:** This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2006 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second Regular Session of the Fifty-eighth Idaho Legislature unless prior to that date the rule is rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Chapter 1, Title 39, Idaho Code.

**DESCRIPTIVE SUMMARY:** A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, August 3, 2005 Vol. 05-8, pages 411 through 413. One public comment was received. This comment was received during the negotiated rulemaking comment period and again during the proposed rulemaking comment period. The proposed rule was drafted in response to the concerns raised in the comment and has not been revised. The Rulemaking and Public Comment Summary can be obtained at [www.deq.idaho.gov](http://www.deq.idaho.gov) or by contacting the undersigned.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the August 3, 2005, Idaho Administrative Bulletin, Vol. 05-8, pages 411 through 413.

**IDAHO CODE SECTION 39-107D STATEMENT:** Section 39-107D, Idaho Code, provides that DEQ must meet certain requirements when it formulates and recommends rules which are broader in scope or more stringent than federal law or regulations. There is no federal law or regulation that is comparable to the Wastewater-Land Application Permit Rules. Therefore, the changes to these rules are not broader in scope or more stringent than federal law or regulations.

Section 39-107D, Idaho Code, also applies to a rule which "proposes to regulate an activity not regulated by the federal government". This Rule does regulate an activity not regulated by the federal government; however, Sections 39-107D(3) and (4), Idaho Code, do not apply because this rulemaking does not propose a standard necessary to protect human health and the environment.

**IDAHO CODE SECTION 67-5224(2)(f) FISCAL IMPACT STATEMENT:** No negative impact occurs from this rulemaking; provision is not applicable.

**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:** For assistance on questions concerning this pending rule, contact Rick Huddleston at [richard.huddleston@deq.idaho.gov](mailto:richard.huddleston@deq.idaho.gov), (208)373-0561.

Dated this 2nd day of November, 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  
[paula.wilson@deq.idaho.gov](mailto:paula.wilson@deq.idaho.gov)

**DOCKET NO. 58-0117-0502 - PENDING RULE**

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

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 04-8, August 3, 2005, pages 411 through 413.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

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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 07 – DIVISION OF BUILDING SAFETY 1090 E. Watertower St., Meridian, ID 83642**

**07-0205-0501, Rules Governing Plumbing Safety Licensing.** Adds definition of “general supervision” to allow greater flexibility for journeymen who supervise apprentices and deletes reference to “constant on the job” supervision. Comment by: 12/28/05.

**07-0206-0502, Rules Concerning Uniform Plumbing Code.** Requires that the discharge line for a water softener must be a minimum of 3/4” rather than the 1/2” required by the Uniform Plumbing Code. Comment by: 12/28/05.

#### **IDAPA 11 – IDAHO STATE POLICE PO Box 1177, Meridian, ID 83680-1177**

**11-0201-0502, Rules of the Idaho State Brand Board.** Raises the cattle brand inspection fee from \$.84 to \$.94, and the pasture cattle brand fee from \$.42 to \$.47. Comment by: 2/22/06.

#### **IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE PO Box 83720, Boise, ID 83720-0036**

**16-0309-0506, Rules Governing the Medical Assistance Program.** Allows for Medicaid coverage of investigational medical treatments and procedures when such procedures are found necessary; adds a definition of experimental services or procedures; updates current standards for the coverage of weight loss surgery and clarifies coverage of non-surgical options or the treatment of obesity; clarifies the coverage limitations for organ transplants. Comment by: 12/28/05.

#### **Notice of Extension of Public Comment Period**

**INDUSTRIAL COMMISSION - PO Box 83720, Boise, ID 83720-0041**

**17-0208-0501, Miscellaneous Provisions -** Comment by: 01/13/06.

Please refer to the Idaho Administrative Bulletin, **December 7, 2005, Volume 05-12** for notices and text of all rulemakings, public hearing schedules, Governor’s executive orders, and agency contact information.

**Issues of the Idaho Administrative Bulletin can be viewed at the county law libraries or online.**

To view the Bulletin or Code, or for information on purchasing the Bulletin and other rules publications, visit our website at <http://adm.idaho.gov/adminrules/> or call (208) 332-1820 or write the Dept. of Administration, Office of Administrative Rules, 650 W. State St., Room 100, Boise, ID 83720-0306. Visa and MasterCard accepted for most purchases.

# **ABRIDGED EDITION OF THE CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES**

*Idaho Department of Administration  
Office of Administrative Rules*

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***April 6, 2005 -- April 5, 2006***

*(eff. \*PLR) - Final Rule Adoption Date Pending Legislative Review And Approval*

*(eff. date)L - Denotes Adoption by Legislative Action*

*(eff. date)T - Temporary Rule Effective Date*

*SCR # - denotes the number of a Senate Concurrent Resolution (Legislative Action)*

*HCR # - denotes the number of a House Concurrent Resolution (Legislative Action)*

*(This Abridged Index includes rules promulgated before April 6, 2005 that have not been adopted as final rules and all rulemakings being promulgated after May 4, 2005.)*

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## ***IDAPA 01 -- IDAHO BOARD OF ACCOUNTANCY***

### ***01.01.01, Idaho Accountancy Rules, IAC Vol. 1***

**01-0101-0501** Proposed Rulemaking, Bulletin Vol. 05-10

**01-0101-0501** Pending Rule, Bulletin Vol. 05-12 (eff. \*PLR 2006)

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

### ***02.02.09, Rules Requiring Inspection of Potatoes Intended for Sale or Offered for Sale in Retail Outlets, IAC Vol. 1***

**02-0209-0501\*** Temporary Rulemaking, Bulletin Vol. 05-11 (eff. 10-1-05)T

*\*Rulemaking changes chapter name to: "Rules Requiring Inspection of Potatoes Intended for Sale or Offered for Sale in Retail Outlets" from: "Rules Requiring Inspection of Potatoes Intended for Sale or Offered for Sale in Retail Outlets, Chapter 9, Title 22, Idaho Code, Section 22-91"*

### ***02.03.03, Rules Governing Pesticide and Chemigation Use and Application, IAC Vol. 1***

**02-0303-0501** Proposed Rulemaking (Fee Rule), Bulletin Vol. 05-10

**02-0303-0501** Pending Rule (Fee Rule), Bulletin Vol. 06-1 (eff. \*PLR 2006)

### ***02.04.20, Rules Governing Brucellosis, IAC Vol. 1***

**02-0420-0501** Proposed Rulemaking, Bulletin Vol. 05-10

**02-0420-0501** Pending Rule, Bulletin Vol. 06-1 (eff. \*PLR 2006)

### ***02.04.21, Rules Governing the Importation of Animals, IAC Vol. 1***

**02-0421-0501** Proposed Rulemaking, Bulletin Vol. 05-10

**02-0421-0501** Pending Rule, Bulletin Vol. 06-1 (eff. \*PLR 2006)

**02.04.24, Rules Governing Tuberculosis, IAC Vol. 1**

- 02-0424-0501 Proposed Rulemaking, Bulletin Vol. 05-10
- 02-0424-0501 Pending Rule, Bulletin Vol. 06-1 (eff. \*PLR 2006)

**02.04.27, Rules Governing Deleterious Exotic Animals, IAC Vol. 1**

- 02-0427-0501 Temporary and Proposed Rulemaking, Bulletin Vol. 05-10 (eff. 9-1-05)T
- 02-0427-0501 Pending Rule, Bulletin Vol. 06-1 (eff. \*PLR 2006)

**02.04.29, Rules Governing Fur Farms**

- 02-0429-0501 Temporary and Proposed Rulemaking (New Chapter), Bulletin Vol. 05-10 (eff. 10-1-05)T

**02.06.01, Rules Governing the Pure Seed Law, IAC Vol. 1**

- 02-0601-0501 Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 05-8 (eff. 8-1-05)T
- 02-0601-0501 Pending Rule (Fee Rule), Bulletin Vol. 06-1 (eff. \*PLR 2006)

**02.06.02, Rules Pertaining to the Idaho Commercial Feed Law, IAC Vol. 1**

- 02-0602-0501 Temporary Rulemaking, Bulletin Vol. 05-5 (eff. 3-1-05)T
- 02-0602-0502 Proposed Rulemaking, Bulletin Vol. 05-9
- 02-0602-0502 Pending Rule, Bulletin Vol. 06-1 (eff. \*PLR 2006)

**02.06.06, Rules Governing the Planting of Beans, (*Phaseolus*) Species, in Idaho, IAC Vol. 1**

- 02-0606-0501 Temporary Rulemaking, Bulletin Vol. 05-6 (eff. 4-1-05)T

**02.06.12, Rules Pertaining to the Idaho Commercial Fertilizer Law, IAC Vol. 1**

- 02-0612-0501 Proposed Rulemaking, Bulletin Vol. 05-9
- 02-0612-0501 Pending Rule, Bulletin Vol. 06-1 (eff. \*PLR 2006)

**02.06.13, Rules Relating to Rapeseed Production and Establishment of Rapeseed Districts  
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- 02-0613-0500 Notice of Correction to Final Rule, Bulletin Vol. 05-6 (eff. 3-20-97)

**02.06.17, Rules Governing the Disposal of Cull Onion and Potatoes, IAC Vol. 1**

- 02-0617-0501 Temporary and Proposed Rulemaking, Bulletin Vol. 05-10 (eff. 9-1-05)T
- 02-0617-0501 Pending Rule, Bulletin Vol. 06-1 (eff. \*PLR 2006)

**02.06.26, Rules Governing Seed Potato Crop Management Areas, IAC Vol. 1**

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**07.01.03, Rules of Electrical Licensing and Registration - General, IAC Vol. 2**

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**07.01.06, Rules Governing the Use of National Electrical Code, IAC Vol. 2**

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**07.02.06, Rules Concerning Uniform Plumbing Code, IAC Vol. 2**

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**07.03.06, Rules Governing the Use of the International Building Code, IAC Vol. 2**

- 07-0306-0501 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 05-10
- 07-0306-0501 Pending Rule (Chapter Repeal), Bulletin Vol. 05-12 (eff. \*PLR 2006)

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- 07-0701-0501 Pending Rule, Bulletin Vol. 05-8 (eff. \*PLR 2006)
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**DEPARTMENT OF EDUCATION**

**08.02.02, Rules Governing Uniformity - State Board of Education Rules, IAC Vol. 2**

- 08-0202-0501 Temporary and Proposed Rulemaking, Bulletin Vol. 05-5 (eff. 3-10-05)T
- 08-0202-0502 Temporary and Proposed Rulemaking, Bulletin Vol. 05-5 (eff. 3-10-05)T
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- 19-0101-0501 Proposed Rulemaking, Bulletin Vol. 05-7  
19-0101-0501 Pending Rule, Bulletin Vol. 05-9 (eff. \*PLR 2006)  
19-0101-0502 Proposed Rulemaking, Bulletin Vol. 05-9  
19-0101-0503 Proposed Rulemaking, Bulletin Vol. 05-9  
19-0101-0502 Pending Rule, Bulletin Vol. 05-12 (eff. \*PLR 2006)  
19-0101-0503 Pending Rule, Bulletin Vol. 05-12 (eff. \*PLR 2006)

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**20.02.01, Rules Pertaining to the Idaho Forest Practices Act, IAC Vol. 6**

- 20-0201-0501 Proposed Rulemaking, Bulletin Vol. 05-9  
20-0201-0501 Pending Rule, Bulletin Vol. 06-1 (eff. \*PLR 2006)

**20.03.02, Rules Governing Exploration and Surface Mining in Idaho, IAC Vol. 6**

- 20-0302-0501 Negotiated Rulemaking, Bulletin Vol. 05-4  
20-0302-0501\* Temporary Rulemaking (Fee Rule), Bulletin Vol. 05-9 (eff. 7-13-05)T  
\*Rulemaking changes chapter name to: "Rules Governing Exploration, Surface Mining, and Closure of Cyanidation Facilities" from: "Rules Governing Exploration and Surface Mining in Idaho"  
20-0302-0502\* Proposed Rulemaking (Fee Rule), Bulletin Vol. 05-10  
\*Rulemaking changes chapter name to: "Rules Governing Exploration, Surface Mining, and Closure of Cyanidation Facilities" from: "Rules Governing Exploration and Surface Mining in Idaho"  
20-0302-0502\* Pending Rule (Fee Rule), Bulletin Vol. 06-1 (eff. \*PLR 2006)

**20.03.08, Easements on State-Owned Lands, IAC Vol. 6**

- 20-0308-0501 Proposed Rulemaking - (Fee Rule), Bulletin Vol. 05-7  
20-0308-0501 Pending Rule (Fee Rule), Bulletin Vol. 05-11 (eff. \*PLR 2006)

**IDAPA 21 -- DIVISION OF VETERANS SERVICES**

**21.01.01, Rules Governing Admission, Residency, and Maintenance Charges in Idaho State Veterans Homes and Division of Veterans Services Administrative Procedure, IAC Vol. 6**

- 21-0101-0501 Proposed Rulemaking, Bulletin Vol. 05-9  
21-0101-0501 Pending Rule, Bulletin Vol. 05-11 (eff. \*PLR 2006)

**21.01.02, Rules Governing Emergency Relief for Veterans, IAC Vol. 6**

- 21-0102-0501 Proposed Rulemaking, Bulletin Vol. 05-9  
21-0102-0501 Pending Rule, Bulletin Vol. 05-11 (eff. \*PLR 2006)

**21.01.03, Rules Governing Medicaid Qualified Units in Idaho State Veterans Homes, IAC Vol. 6**

**21-0103-0501\*** Proposed Rulemaking, Bulletin Vol. 05-9

*\*Rulemaking changes chapter name to: "Rules Governing Medicare and Medicaid Qualified Units in Idaho State Veterans Homes" from: "Rules Governing Medicaid Qualified Units in Idaho State Veterans Homes"*

**21-0103-0501\*** Pending Rule, Bulletin Vol. 05-11 (eff. \*PLR 2006)

**21.01.04, Rules Governing the Idaho State Veterans Cemetery, IAC Vol. 6**

**21-0104-0501** Proposed Rulemaking (Fee Rule), Bulletin Vol. 05-9

**21-0104-0501** Pending Rule (Fee Rule), Bulletin Vol. 05-11 (eff. \*PLR 2006)

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**22.01.01, Rules of the Board of Medicine for Licensure to Practice Medicine and Surgery and Osteopathic Medicine and Surgery, IAC Vol. 6**

**22-0101-0501** Proposed Rulemaking (Fee Rule), Bulletin Vol. 05-10

**22-0101-0501** Pending Rule (Fee Rule), Bulletin Vol. 05-12 (eff. \*PLR 2006)

**22.01.05, Rules Governing Licensure of Physical Therapists and Physical Therapist Assistants, IAC Vol. 6**

**22-0105-0501** Proposed Rulemaking, Bulletin Vol. 05-10

**22-0105-0501** Pending Rule, Bulletin Vol. 06-1 (eff. \*PLR 2006)

**22.01.11, Rules for the Licensure of Respiratory Therapists and Permitting of Polysomnographers in Idaho, IAC Vol. 6**

**22-0111-0501** Proposed Rulemaking, Bulletin Vol. 05-10

**22-0111-0501** Pending Rule, Bulletin Vol. 06-1 (eff. \*PLR 2006)

**IDAPA 23 -- BOARD OF NURSING**

**23.01.01, Rules of the Idaho Board of Nursing, IAC Vol. 6**

**23-0101-0501** Proposed Rulemaking (Fee Rule), Bulletin Vol. 05-5

**23-0101-0501** Pending Rule - (Fee Rule), Bulletin Vol. 05-7 (eff. \*PLR 2006)

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**24.01.01, Rules of the Board of Architectural Examiners, IAC Vol. 6**

**24-0101-0501** Proposed Rulemaking, Bulletin Vol. 05-10

**24-0101-0501** Pending Rule, Bulletin Vol. 06-1 (eff. \*PLR 2006)

**24.03.01, Rules of the State Board of Chiropractic Physicians, IAC Vol. 6**

**24-0301-0501** Proposed Rulemaking, Bulletin Vol. 05-10

**24-0301-0501** Pending Rule, Bulletin Vol. 06-1 (eff. \*PLR 2006)

**24.05.01, Rules of the Board of Drinking Water and Wastewater Professionals, IAC Vol. 6**

**24-0501-0501** Proposed Rulemaking (Fee Rule), Bulletin Vol. 05-10

**24-0501-0501** Pending Rule (Fee Rule), Bulletin Vol. 06-1 (eff. \*PLR 2006)

**24.06.01, Rules of the Board of Hearing Aid Dealers and Fitters, IAC Vol. 6**

**24-0601-0501** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 05-10

**24-0601-0501** Pending Rule (Chapter Repeal), Bulletin Vol. 06-1 (eff. \*PLR 2006)

**24.08.01, Rules of the State Board of Morticians, IAC Vol. 6**

- 24-0801-0501 Proposed Rulemaking, Bulletin Vol. 05-10
- 24-0801-0501 Pending Rule, Bulletin Vol. 06-1 (eff. \*PLR 2006)

**24.11.01, Rules of the State Board of Podiatry, IAC Vol. 6**

- 24-1101-0501 Proposed Rulemaking, Bulletin Vol. 05-10
- 24-1101-0501 Pending Rule, Bulletin Vol. 06-1 (eff. \*PLR 2006)

**24.14.01, Rules of the State Board of Social Work Examiners, IAC Vol. 6**

- 24-1401-0501 Proposed Rulemaking, Bulletin Vol. 05-10
- 24-1401-0501 Pending Rule, Bulletin Vol. 06-1 (eff. \*PLR 2006)

**24.15.01, Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists, IAC Vol. 6**

- 24-1501-0501 Proposed Rulemaking (Fee Rule), Bulletin Vol. 05-10
- 24-1501-0501 Pending Rule (Fee Rule), Bulletin Vol. 06-1 (eff. \*PLR 2006)

**24.18.01, Rules of the Real Estate Appraiser Board, IAC Vol. 6**

- 24-1801-0501 Temporary and Proposed Rulemaking, Bulletin Vol. 05-1 (eff. 8-20-04)T
- 24-1801-0501 OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 116, Bulletin Vol. 05-5
- 24-1801-0501 Pending Rule, Bulletin Vol. 05-10 (eff. \*PLR 2006)
- 24-1801-0502 Proposed Rulemaking, Bulletin Vol. 05-10
- 24-1801-0502 Pending Rule, Bulletin Vol. 06-1 (eff. \*PLR 2006)

**24.19.01, Rules of the Board of Residential Care Facility Administrators, IAC Vol. 6**

- 24-1901-0501 Proposed Rulemaking (Fee Rule), Bulletin Vol. 05-10
- 24-1901-0501 Pending Rule (Fee Rule), Bulletin Vol. 06-1 (eff. \*PLR 2006)

**24.21.01, Rules of the Idaho State Contractors Board**

- 24-2101-0501 Temporary and Proposed Rulemaking (Fee Rule - New Chapter), Bulletin Vol. 05-10 (eff. 6-28-05)T
- 24-2101-0501 Pending Rule (Fee Rule - New Chapter), Bulletin Vol. 06-1 (eff. \*PLR 2006)

**24.22.01, Rules of the Idaho Liquefied Petroleum Gas Safety Board**

- 24-2201-0501 Temporary and Proposed Rulemaking (Fee Rule - New Chapter), Bulletin Vol. 05-10 (eff. 7-20-05)T
- 24-2201-0501 Pending Rule (Fee Rule - New Chapter), Bulletin Vol. 06-1 (eff. \*PLR 2006)

**24.23.01, Rules of the Idaho Board of Speech and Hearing Services**

- 24-2301-0501 Temporary and Proposed Rulemaking (Fee Rule - New Chapter), Bulletin Vol. 05-10 (eff. 8-19-05)T
- 24-2301-0501 Pending Rule (Fee Rule - New Chapter), Bulletin Vol. 06-1 (eff. \*PLR 2006)

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**25.01.01, Rules of the Outfitters and Guides Licensing Board, IAC Vol. 6**

- 25-0101-0402 Notice of Final Rule - Agency Filing, Rejection of Rulemaking by SCR 117, Bulletin Vol. 05-6 (eff. 3-24-05)
- 25-0101-0501 Proposed Rulemaking, Bulletin Vol. 05-9
- 25-0101-0501 Pending Rule, Bulletin Vol. 05-12 (eff. \*PLR 2006)

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- 26-0120-0501 Proposed Rulemaking (Fee Rule), Bulletin Vol. 05-10
- 26-0120-0501 Pending Rule (Fee Rule), Bulletin Vol. 06-1 (eff. \*PLR 2006)

**26.01.31, Rules Governing the Administration of Idaho Department of Parks and Recreation Recreational Program Grant Funds, IAC Vol. 7**

**26-0131-0501\*** Proposed Rulemaking, Bulletin Vol. 05-10

*\*Rulemaking changes chapter name to: "Rules Governing the Administration of Idaho Department of Parks and Recreation State and Federal Grant Funds" from: "Rules Governing the Administration of Idaho Department of Parks and Recreation Recreational Program Grant Funds"*

**26-0131-0501\*** Pending Rule, Bulletin Vol. 06-1 (eff. \*PLR 2006)

**26.01.37, Rules Governing Test Procedures and Instruments for Noise Abatement of Off Highway Vehicles, IAC Vol. 7**

**26-0137-0501** Proposed Rulemaking, Bulletin Vol. 05-10

**26-0137-0501** Pending Rule, Bulletin Vol. 06-1 (eff. \*PLR 2006)

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**27.01.01, Rules of the Idaho State Board of Pharmacy, IAC Vol. 7**

**27-0101-0501** Proposed Rulemaking, Bulletin Vol. 05-10

**27-0101-0502** Proposed Rulemaking, Bulletin Vol. 05-10

**27-0101-0501** Pending Rule, Bulletin Vol. 05-12 (eff. \*PLR 2006)

**27-0101-0502** Pending Rule, Bulletin Vol. 05-12 (eff. \*PLR 2006)

**IDAPA 31 -- PUBLIC UTILITIES COMMISSION**

**31.11.01, Safety and Accident Reporting Rules for Utilities Regulated by Idaho Public Utilities Commission, IAC Vol. 7**

**31-1101-0501** Proposed Rulemaking, Bulletin Vol. 05-10

**31-1101-0501** Pending Rule, Bulletin Vol. 06-1 (eff. \*PLR 2006)

**31.21.01, Customer Relations Rules for Gas, Electric, and Water Public Utilities Regulated by Idaho Public Utilities Commission (The Utility Customer Relations Rules), IAC Vol. 7**

**31-2101-0402** Negotiated Rulemaking Bulletin Vol. 04-10

**31-2101-0402** Proposed Rulemaking, Bulletin Vol. 05-10

**31-2101-0402** Pending Rule, Bulletin Vol. 06-1 (eff. \*PLR 2006)

**31-2101-0402** Notice of Correction to Pending Rule, Bulletin Vol. 06-2 (eff. \*PLR 2006)

**31.61.01, Rules for the Measurement of Stray Current or Voltage (The Stray Voltage Rules)**

**31-6101-0501** Negotiated Rulemaking Bulletin Vol. 05-5

**31-6101-0501** Temporary and Proposed Rulemaking, Bulletin Vol. 05-9 (eff. 9-14-05)T

**31-6101-0501** Pending Rule and Amendment to Temporary Rule, Bulletin Vol. 05-12 (eff. \*PLR 2006) - (12-7-05)T

**31.71.03, Railroad Safety/Sanitation Rules, IAC Vol. 7**

**31-7103-0501** Proposed Rulemaking, Bulletin Vol. 05-10

**31-7103-0501** Pending Rule, Bulletin Vol. 06-1 (eff. \*PLR 2006)

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**33.01.01, Rules of the Idaho Real Estate Commission, IAC Vol. 7**

**33-0101-0401** Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 04-11 (eff. 4-1-04)T

**33-0101-0401** OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 116, Bulletin Vol. 05-5

**33-0101-0401** Pending Rule (Fee Rule), Bulletin Vol. 05-10 (eff. \*PLR 2006)

- 33-0101-0501 Temporary and Proposed Rulemaking, Bulletin Vol. 05-10 (eff. 7-1-05)T
- 33-0101-0502 Proposed Rulemaking (Fee Rule), Bulletin Vol. 05-10
- 33-0101-0501 Pending Rule, Bulletin Vol. 05-12 (eff. \*PLR 2006)
- 33-0101-0502 Pending Rule (Fee Rule), Bulletin Vol. 05-12 (eff. \*PLR 2006)

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- 35-0101-0502 Proposed Rulemaking, Bulletin Vol. 05-10
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- 35-0101-0501 Pending Rule, Bulletin Vol. 05-12 (eff. \*PLR 2006)
- 35-0101-0502 Pending Rule, Bulletin Vol. 05-12 (eff. \*PLR 2006)
- 35-0101-0503 Pending Rule, Bulletin Vol. 05-12 (eff. \*PLR 2006)

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- 35-0102-0501 Proposed Rulemaking, Bulletin Vol. 05-10
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- 35-0102-0503 Proposed Rulemaking, Bulletin Vol. 05-10
- 35-0102-0501 Pending Rule, Bulletin Vol. 05-12 (eff. \*PLR 2006)
- 35-0102-0502 Pending Rule, Bulletin Vol. 05-12 (eff. \*PLR 2006)
- 35-0102-0503 Pending Rule, Bulletin Vol. 05-12 (eff. \*PLR 2006)

#### ***35.01.03, Property Tax Administrative Rules, IAC Vol. 7***

- 35-0103-0501 Temporary Rulemaking, Bulletin Vol. 05-8 (eff. 1-1-05)T
- 35-0103-0502 Temporary and Proposed Rulemaking, Bulletin Vol. 05-8 (eff. 1-1-05)T
- 35-0103-0501 Proposed Rulemaking, Bulletin Vol. 05-10
- 35-0103-0503 Proposed Rulemaking, Bulletin Vol. 05-10
- 35-0103-0501 Pending Rule, Bulletin Vol. 05-12 (eff. \*PLR 2006)
- 35-0103-0502 Pending Rule, Bulletin Vol. 05-12 (eff. \*PLR 2006)
- 35-0103-0503 Pending Rule, Bulletin Vol. 05-12 (eff. \*PLR 2006)

#### ***35.01.05, Motor Fuels Tax Administrative Rules, IAC Vol. 7***

- 35-0105-0501 Proposed Rulemaking, Bulletin Vol. 05-10
- 35-0105-0501 Pending Rule, Bulletin Vol. 05-12 (eff. \*PLR 2006)

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- 35-0110-0501 Proposed Rulemaking, Bulletin Vol. 05-10
- 35-0110-0501 Pending Rule, Bulletin Vol. 05-12 (eff. \*PLR 2006)

#### ***35.01.11, Idaho Unclaimed Property Administrative Rules, IAC Vol. 7***

- 35-0111-0501 Proposed Rulemaking, Bulletin Vol. 05-10
- 35-0111-0501 Pending Rule, Bulletin Vol. 05-12 (eff. \*PLR 2006)

#### ***35.02.01, Tax Commission Administration and Enforcement Rules, IAC Vol. 7***

- 35-0201-0501 Proposed Rulemaking, Bulletin Vol. 05-10
- 35-0201-0501 Pending Rule, Bulletin Vol. 05-12 (eff. \*PLR 2006)

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- 36-0101-0501 Pending Rule, Bulletin Vol. 05-11 (eff. \*PLR 2006)



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- 37-0307-0201** Temporary Rulemaking, Bulletin Vol. 02-12 (eff. 9-23-02)T
- 37-0307-0201** OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 110, Bulletin Vol. 03-6
- 37-0307-0201** OAR Omnibus Rulemaking Notice - Extension of Temporary Rule SCR 131, Bulletin Vol. 04-5
- 37-0307-0201** OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 116, Bulletin Vol. 05-5

***37.03.13, The Water Management Rules***

- 37-0313-9701** Negotiated Rulemaking, Bulletin Vol. 97-12
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- 37-0313-9701** Negotiated Rulemaking (2nd Notice), Bulletin Vol. 00-11

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***37.03.15, Water Management Rules - Eastern Snake Plain Aquifer***

- 37-0315-0001** Negotiated Rulemaking, Bulletin Vol. 00-12

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***38.06.01, Rules Governing the Idaho Emergency Communications Commission, IAC Vol. 8***

- 38-0601-0401** Temporary and Proposed Rulemaking (New Chapter), Bulletin Vol. 04-12 (eff. 12-1-04)T
- 38-0601-0401** OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 116, Bulletin Vol. 05-5
- 38-0601-0401** Pending Rule (New Chapter), Bulletin Vol. 05-9 (eff. \*PLR 2006)

***38.06.02, Rules Governing the Idaho Emergency Communications Commission Grants***

- 38-0602-0501** Proposed Rulemaking (New Chapter), Bulletin Vol. 05-9
- 38-0602-0501** Pending Rule (New Chapter), Bulletin Vol. 05-11 (eff. \*PLR 2006)

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- 39-0241-0401** Temporary and Proposed Rulemaking, Bulletin Vol. 04-12 (12-1-04)T
- 39-0241-0401** OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 116, Bulletin Vol. 05-5
- 39-0241-0401** Pending Rule, Bulletin Vol. 05-9 (eff. \*PLR 2006)

***39.03.11, Rules Governing Overlegal Permittee Responsibility and Travel Restrictions, IAC Vol. 8***

- 39-0311-0401** Notice of Final Rule - Agency Filing, Partial Rejection of Rulemaking by HCR 11, Bulletin Vol. 05-6 (eff. 3-10-05)
- 39-0311-0501** Temporary and Proposed Rulemaking, Bulletin Vol. 05-7 (eff. 3-10-05)T
- 39-0311-0501** Pending Rule, Bulletin Vol. 05-9 (eff. \*PLR 2006)

***39.03.17, Rules Governing Permits for Manufactured Homes, Modular Buildings, and Office Trailers, IAC Vol. 8***

- 39-0317-0401** Temporary and Proposed Rulemaking, Bulletin Vol. 04-11 (eff. 10-1-04)T
- 39-0317-0401** OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 116, Bulletin Vol. 05-5
- 39-0317-0401** Pending Rule, Bulletin Vol. 05-9 (eff. \*PLR 2006)

***39.03.45, Rules Governing Sale of No Longer Useful or Usable Real Property, IAC Vol. 8***

- 39-0345-0501** Temporary and Proposed Rulemaking, Bulletin Vol. 05-7 (eff. 7-1-05)T
- 39-0345-0501** Pending Rule, Bulletin Vol. 05-9 (eff. \*PLR 2006)

**39.04.02, Rules Governing the Marking of Obstructions to Air Flight, IAC Vol. 8**

**39-0402-0501\*** Temporary and Proposed Rulemaking, Bulletin Vol. 05-10 (eff. 7-1-05)T

*\*Rulemaking changes chapter name to: "Rules Governing the Marking of Hazards to Air Flight"  
from: "Rules Governing the Marking of Obstructions to Air Flight"*

**35-0402-0501\*** Pending Rule, Bulletin Vol. 05-12 (eff. \*PLR 2006)

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**54-0201-0501** Temporary and Proposed Rulemaking, Bulletin Vol. 05-6 (eff. 12-9-04)T

**54-0201-0501** Pending Rule, Bulletin Vol. 05-8 (eff. \*PLR 2006)

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**57-0101-0501** Proposed Rulemaking, Bulletin Vol. 05-9

**57-0101-0501** Pending Rule, Bulletin Vol. 06-1 (eff. \*PLR 2006)

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**58-0000-0504** Notice of Final Decision on the Beaver-Camas TMDL, Bulletin Vol. 05-8

**58-0000-0505** Notice of Final Decision on the Upper Snake Rock TMDL Modification, Bulletin Vol. 05-9

**58-0000-0506** Notice of Final Decision on the North Fork Payette Subbasin TMDL, Bulletin Vol. 05-10

**58-0000-0507** Notice of Final Decision on the Camas Creek TMDL, Bulletin Vol. 05-11

**58-0000-0508** Notice of Final Decision on the Little Wood River TMDL, Bulletin Vol. 05-11

**58-0000-0509** Notice of Public Hearing on the Proposed Revision to the Idaho State Implementation Plan,  
Changes to Section 39-115, Idaho Code, Bulletin Vol. 05-11

**58-0000-0601** Notice of Final Decision on the Cow Creek TMDL, Bulletin Vol. 06-2

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**58-0101-0501** Negotiated Rulemaking, Bulletin Vol. 05-3

**58-0101-0502** Negotiated Rulemaking, Bulletin Vol. 05-4

**58-0101-0503** Negotiated Rulemaking, Bulletin Vol. 05-5

**58-0101-0504** Negotiated Rulemaking, Bulletin Vol. 05-6

**58-0101-0501** Temporary and Proposed Rulemaking, Bulletin Vol. 05-7 (eff. 5-31-05)T

**58-0101-0503** Proposed Rulemaking, Bulletin Vol. 05-8

**58-0101-0505** Proposed Rulemaking, Bulletin Vol. 05-8

**58-0101-0506** Proposed Rulemaking, Bulletin Vol. 05-8

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**58-0101-0507** Proposed Rulemaking, Bulletin Vol. 05-9

**58-0101-0505** Notice of Extension of Comment Period, Bulletin Vol. 05-10

**58-0101-0508** Proposed Rulemaking, Bulletin Vol. 05-10

**58-0101-0501** Pending Rule and Amendment to Temporary Rule, Bulletin Vol. 05-12 (eff. \*PLR 2006) - (12-7-05)T

**58-0101-0506** Pending Rule, Bulletin Vol. 05-12 (eff. \*PLR 2006)

**58-0101-0503** Pending Rule, Bulletin Vol. 06-1 (eff. \*PLR 2006)

**58-0101-0504** Pending and Temporary Rulemaking, Bulletin Vol. 06-1 (eff. \*PLR 2006) -- (eff. 1-4-06)T

**58-0101-0505** Pending Rule, Bulletin Vol. 06-1 (eff. \*PLR 2006)

**58-0101-0507** Pending Rule, Bulletin Vol. 06-1 (eff. \*PLR 2006)

**58-0101-0508** Pending Rule, Bulletin Vol. 06-1 (eff. \*PLR 2006)

**58-0101-0601** Negotiated Rulemaking, Bulletin Vol. 06-1

**58-0101-0204** Notice of Vacation of Proposed Rulemaking, Vol. 06-3

58-0101-0502 Temporary Rulemaking, Bulletin Vol. 06-4 (eff. 7-1-06)T

**58.01.02, Water Quality Standards and Wastewater Treatment Requirements, IAC Vol. 9**

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58-0102-0502 Negotiated Rulemaking, Bulletin Vol. 05-4

58-0102-0503 Negotiated Rulemaking, Bulletin Vol. 05-4

58-0102-0501 Proposed Rulemaking, Bulletin Vol. 05-7

58-0102-0502 Proposed Rulemaking, Bulletin Vol. 05-7

58-0102-0503 Proposed Rulemaking, Bulletin Vol. 05-9

58-0102-0504\* Proposed Rulemaking, Bulletin Vol. 05-9

*\*Rulemaking changes chapter name to: "Water Quality Standards"  
from: "Water Quality Standards and Wastewater Treatment Requirements"*

58-0102-0505 Negotiated Rulemaking, Bulletin Vol. 05-11

58-0102-0501 Pending Rule, Bulletin Vol. 05-12 (eff. \*PLR 2006)

58-0102-0502 Pending Rule, Bulletin Vol. 05-12 (eff. \*PLR 2006)

58-0102-0503 Pending Rule, Bulletin Vol. 06-1 (eff. \*PLR 2006)

58-0102-0504\* Pending Rule, Bulletin Vol. 06-1 (eff. \*PLR 2006)

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58-0105-0501 Proposed Rulemaking, Bulletin Vol. 05-8

58-0105-0501 Pending Rule, Bulletin Vol. 05-12 (eff. \*PLR 2006)

58-0105-0501 Correction to Pending, Bulletin Vol. 06-4

58-0105-0601 Temporary Rulemaking, Bulletin Vol. 06-4 (eff. 4-5-06)T

**58.01.08, Idaho Rules for Public Drinking Water Systems, IAC Vol. 9**

58-0108-0501 Negotiated Rulemaking, Bulletin Vol. 05-6

58-0108-0501 Proposed Rulemaking, Bulletin Vol. 05-9

58-0108-0501 Pending Rule, Bulletin Vol. 06-1 (eff. \*PLR 2006)

58-0108-0601 Temporary and Proposed Rulemaking, Bulletin Vol. 06-1 (eff. 11-17-05)T

58-0108-0602 Negotiated Rulemaking, Bulletin Vol. 06-1

58-0108-0601 Pending Rule, Bulletin Vol. 06-4 (eff. \*PLR 2007)

**58.01.11, Ground Water Quality Rule, IAC Vol. 9**

58-0111-0501 Negotiated Rulemaking, Bulletin Vol. 05-4

58-0111-0501 Proposed Rulemaking, Bulletin Vol. 05-7

58-0111-0501 Notice of Vacation of Proposed Rulemaking, Vol. 06-3

58-0111-0601 Negotiated Rulemaking, Bulletin Vol. 06-4

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58-0112-0501 Negotiated Rulemaking, Bulletin Vol. 05-10

58-0112-0501 Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 06-1 (eff. 1-4-06)T

58-0112-0501 Pending Rule and Amendment to Temporary Rule (Fee Rule), Bulletin Vol. 06-4 (eff. \*PLR 2007) (eff. 2-24-06)T

**58.01.13, Rules for Ore Processing by Cyanidation, IAC Vol. 9**

58-0113-0501 Negotiated Rulemaking, Bulletin Vol. 05-4

58-0113-0501 Temporary and Proposed Rulemaking, Bulletin Vol. 05-8 (eff. 7-13-05)T

58-0113-0502 Proposed Rulemaking (Fee Rule), Bulletin Vol. 05-9

58-0113-0501 Pending Rule, Bulletin Vol. 06-1 (eff. \*PLR 2006)

58-0113-0502 Pending Rule (Fee Rule), Bulletin Vol. 06-1 (eff. \*PLR 2006)

**58.01.16, Wastewater Rules**

58-0116-0501 Negotiated Rulemaking, Bulletin Vol. 05-6

58-0116-0501 Proposed Rulemaking, Bulletin Vol. 05-9

58-0116-0502 Negotiated Rulemaking (1st Notice), Bulletin Vol. 05-12

58-0116-0501 Pending Rule, Bulletin Vol. 06-1 (eff. \*PLR 2006)

**58-0116-0502** Negotiated Rulemaking (2nd Notice), Bulletin Vol. 06-1

**58.01.17, Wastewater-Land Application Permit Rules, IAC Vol. 9**

**58-0117-0501** Negotiated Rulemaking, Bulletin Vol. 05-4

**58-0117-0502** Negotiated Rulemaking, Bulletin Vol. 05-6

**58-0117-0501\*** Proposed Rulemaking, Bulletin Vol. 05-8

*\*Rulemaking changes chapter name to: "Rules for the Reclamation and Reuse of Municipal and Industrial Wastewater"  
from: "Wastewater-Land Application Permit Rules"*

**58-0117-0502** Proposed Rulemaking, Bulletin Vol. 05-8

**58-0117-0501\*** Pending and Temporary Rulemaking. Bulletin Vol. 05-12 (eff. \*PLR 2006) -- (eff. 12-7-05)T

**58-0117-0502** Pending Rule, Bulletin Vol. 05-12 (eff. \*PLR 2006)

**58-0117-0601** Negotiated Rulemaking, Bulletin Vol. 06-4

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

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**59-0103-0501** Temporary Rulemaking, Bulletin Vol. 05-4 (eff. 6-30-05)T

**59-0103-0501** Notice of Rescission of Temporary Rule, Bulletin Vol. 06-1

**59-0103-0601** Temporary Rulemaking, Bulletin Vol. 06-1 (eff. 2-1-06)T

**59.01.06, Retirement Rules of PERSI, IAC Vol. 9**

**59-0106-0501** Proposed Rulemaking, Bulletin Vol. 05-10

**59-0106-0501** Pending Rule, Bulletin Vol. 06-1 (eff. \*PLR 2006)

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