

IDAHO ADMINISTRATIVE BULLETIN

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Preface

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

State agencies are required to provide public notice of rulemaking activity and invite public input. The public receives notice of 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 Notice of Rulemaking 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 07-1 refers to the first Bulletin issued in calendar year 2007; Bulletin 08-1 refers to the first Bulletin issued in calendar year 2008. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. 08-1 refers to January 2008; Volume No. 08-2 refers to February 2008; and so forth. Example: The Bulletin published in January 2008 is cited as Volume 08-1. The December 2007 Bulletin is cited as Volume 07-12.

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 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 only published in the Bulletin and **not** printed in the Administrative Code.*

*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.

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 requires that the text of both a proposed rule and a temporary rule be published in the Administrative Bulletin. In cases where the text of the temporary rule is the same as 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 rule that is being vacated, the agency, in most instances, should rescind the temporary rule.

PENDING RULEMAKING

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

When a pending rule is published in the Bulletin, the agency is required to include certain information in the "Notice of Pending 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 reviewed by the legislature and not rejected, amended or modified becomes 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 83720-0306, 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 a table of contents, reference guides, and a subject index.*

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

***Internet Access** - The Administrative Code and Administrative Bulletin are available on the Internet at the following address: <http://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 38.05.01.200.02.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.*

*“**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 "-", (38-0501-0801). 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 number:

"DOCKET NO. 38-0501-0801"

"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).

"0801" denotes the year and sequential order of the docket being published; in this case the numbers refer to the first rule-making action published in calendar year 2008. A subsequent rulemaking on this same rule chapter in calendar year 2008 would be designated as "0802". The docket number in this scenario would be 38-0501-0802.

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" denotes the main Section number of the rule to which the citation refers.

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 2008

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
08-1	January 2008	*November 14, 2007	January 2, 2008	January 23, 2008
08-2	February 2008	January 4, 2008	February 6, 2008	February 27, 2008
08-3	March 2008	February 8, 2008	March 5, 2008	March 26, 2008
08-4	April 2008	March 7, 2008	April 2, 2008	April 23, 2008
08-5	May 2008	April 4, 2008	May 7, 2008	May 28, 2008
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08-11	November 2008	October 3, 2008	November 5, 2008	November 26, 2008
08-12	December 2008	October 31, 2008	December 3, 2008	December 24, 2008

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2009

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
09-1	January 2009	*November 14, 2008	January 7, 2009	January 28, 2009
09-2	February 2009	January 9, 2009	February 4, 2009	February 25, 2009
09-3	March 2009	February 6, 2009	March 4, 2009	March 25, 2009
09-4	April 2009	March 6, 2009	April 1, 2009	April 22, 2009
09-5	May 2009	April 3, 2009	May 6, 2009	May 27, 2009
09-6	June 2009	May 1, 2009	June 3, 2009	June 24, 2009
09-7	July 2009	May 29, 2009	July 1, 2009	July 22, 2009
09-8	August 2009	July 3, 2009	August 5, 2009	August 26, 2009
09-9	September 2009	July 31, 2009	September 2, 2009	September 23, 2009
09-10	October 2009	**August 28, 2009	October 7, 2009	October 28, 2009
09-11	November 2009	October 2, 2009	November 4, 2009	November 25, 2009
09-12	December 2009	November 6, 2009	December 2, 2009	December 23, 2009

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

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

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THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2007-21

**ESTABLISHING A POLICY TO REDUCE FOSSIL FUEL USE AND GREENHOUSE
GAS EMISSIONS FROM STATE VEHICLES**

WHEREAS, the State of Idaho has demonstrated leadership by establishing policies to reduce air pollution, wasteful, uneconomical and unnecessary uses of energy and greenhouse gas emissions caused by state government; and

WHEREAS, emissions from vehicles are a major source of greenhouse gas gases in Idaho as well as a major source of air pollution in Idaho's urban areas; and

WHEREAS, to perform their duties and service the citizens State of Idaho departments, offices and agencies own or lease a significant fleet of motor vehicles; and

WHEREAS, the State of Idaho can and should lead by example managing its state vehicle fleet to improve and protect air quality, reduce greenhouse gas emissions and reduce the amount of fossil fuels purchased and used; and

WHEREAS, reducing fossil fuel use and increasing fuel efficiency in the state's vehicle fleet will not only reduce greenhouse gas and air pollutant emissions but will also maximize efficiency in state government operations and reduce annual operating costs;

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by the authority vested in me under the Constitution and the laws of the State of Idaho do hereby order the following:

1. *All executive branch departments, agencies and offices of the State of Idaho shall decrease the amount of gasoline and diesel used in State vehicles by:
 - a. *increasing the fuel economy of its vehicles;*
 - b. *increasing the operating efficiency; and*
 - c. *reducing the number of miles driven by employees.**
2. *All executive branch departments, agencies and offices of the State of Idaho shall limit the purchase or lease of four-wheel drive sport utility vehicles and similar specialty vehicles to situations where there is a clear business need or the mission of the entity requires such vehicles.*
3. *All executive branch departments, agencies and offices of the State of Idaho shall give priority to the purchase and use of hybrid gas/electric and other fuel efficient/low emission and new petroleum efficient technology vehicles.*
4. *The Division of Purchasing will make available to all departments and agencies a list of available vehicle purchasing contracts, which will identify vehicles that meet the requirements of this executive order. Any purchase outside this list will need written justification signed by the director or administrator of the entity.*
5. *The Division of Purchasing will provide the Department of Environmental Quality and Office of the Governor a quarterly vehicle purchasing report.*



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 20th day of December in the year of our Lord two thousand and seven, and of the Independence of the United States of America the two hundred thirty-second and of the Statehood of Idaho the one hundred eighteenth.

C.L. "BUTCH" OTTER
GOVERNOR

BEN YSURSA
SECRETARY OF STATE

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

IDAPA 08 - STATE BOARD OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-0705

NOTICE OF RULEMAKING - CORRECTION TO PENDING AND TEMPORARY RULE

CORRECTION SUMMARY: This notice corrects an error in the published rule text of the pending rule being promulgated under Docket No. 08-0202-0705. The pending rule published in the January 2, 2008, Idaho Administrative Bulletin, Volume 08-1. Changes to the proposed rule that were approved and adopted by the State Board of Education for inclusion in the pending rule were inadvertently transcribed during the process. The text that published as an amendment to the pending and temporary rules was incorrect and is being corrected and republished in this Bulletin following this notice. The corrected text has been included in the rules review documents that will be submitted to the germane committees of the legislature for final approval.

EFFECTIVE DATE: The effective date of the temporary rule is October 12, 2007. The pending rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective upon 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, 67-5226, 67-5227, and 67-5228, Idaho Code, notice is hereby given that this agency has corrected the pending and amended the temporary rule. The action is authorized pursuant to Sections 33-105 and 33-107, Idaho Code and has been approved by the Administrative Rules Coordinator.

PUBLICATION OF THE PROPOSED AND PENDING RULES: The pending rule was published in the January 2, 2008, Idaho Administrative Bulletin, Volume 08-1, pages 38 and 39. The text of the proposed rule was published in the August 1, 2007, Idaho Administrative Bulletin, Volume 07-8, pages 50 through 52.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this correction to pending and temporary rule, contact Joan MacMillan, State Department of Education at (208)332-6812. For questions concerning the publication of this specific notice, contact Dennis Stevenson, Administrative Rules Coordinator at (208)332-1820.

DATED this 2nd day of January, 2008.

Dennis Stevenson
Administrative Rules Coordinator
Office of the Administrative Rules Coordinator
Department of Administration
650 W. State St.
Boise, Idaho 83720-0306
Telephone: (208) 332-1820
Facsimile: (208) 332-1896

THE FOLLOWING IS THE CORRECTED TEXT OF DOCKET NO. 08-0202-0705

Subsection 011.01

011. TECHNOLOGY STANDARDS.

The proliferation of technology in our daily lives makes it essential that certificated educators are technologically literate. The State Board of Education has established a statewide goal that teachers and administrators be trained in the use of technology for education. (5-3-03)

01. Preservice Competency. All applicants for initial Idaho certification (Kindergarten through grade 12) from an Idaho approved teacher education program must demonstrate proficiency in relevant technology skills and practices to enhance classroom management and instruction as *measured evidenced* by *completion of* the *credit hour technology* requirements *by of* the *approved* teacher *education preparation* program. ~~(10-12-07)F(10-12-07)T~~

IDAPA 08 - STATE BOARD OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-0801

NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE

COORDINATOR'S NOTE: Due to a miscommunication between the State Board staff and the Department of Education staff, a request to remove this docket from the January edition of the Idaho Administrative Bulletin was made to the Office of the Administrative Rules Coordinator. Because the resulting procedural error was inadvertent and the original submission of this rulemaking did meet statutory requirements for the timely publication of the temporary rule, the temporary rule is being printed in this Bulletin as originally intended and authorized by the State Board of Education. The Board and Department regret any confusion or inconvenience this may have caused.

EFFECTIVE DATE: The effective date of the temporary rule is October 12, 2007.

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. The action is authorized pursuant to Sections 33-105 and 33-107, Idaho Code.

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

Without this change students currently enrolled in 8th grade would be required to pass the science ISAT when they take the test in 10th grade. This would mean the class of 2012 would be the first class required to pass the science ISAT. Students currently in 8th grade have taken the science ISAT as 7th graders and therefore have some knowledge of the test's format and content. This will help prepare them for the test as 10th graders. This action will also give students advance notice of the requirements they must attain to graduate.

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

This rule confers a benefit on school district administrators, educators, parents and students. There is ambiguity as to when the science graduation test applies under the current rule as it is not directly mentioned. Cut scores were just set this summer for the test so it needs to be dealt with now. In addition, the temporary rule needs to be put into place to give 8th graders adequate notice.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Scott Smith, (208) 332-6952.

DATED this 13th day of November, 2007.

Tracie Bent, State Board of Education
650 West State Street
PO Box 83720, Boise, ID 83720-0037
(208) 332-1582 phone / (208) 334-2632 FAX

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-0801

105. GRADUATION FROM HIGH SCHOOL.

A student must meet all of the following requirements before the student will be eligible to graduate from an Idaho high school: (4-11-06)

01. Credit Requirements. (3-30-07)

a. (Effective for all students that graduate prior to January 1, 2013.) Each students shall demonstrate achievement in the CORE and other required subjects to include forty-two (42) semester credits, one (1) semester equaling one-half (1/2) year. (3-30-07)

b. (Effective for all students that enter the ninth grade in the fall of 2009 or later.) Each student shall complete the requirements found in Section 107 and other subjects to include forty-six (46) semester credits, one (1) semester equaling one-half (1/2) year. (3-30-07)

02. Achievement Standards. Each student shall meet locally established subject area achievement standards (using state standards as minimum requirements) demonstrated through various measures of accountability including examinations or other measures. (4-11-06)

03. Proficiency (Effective January 1, 2006). Each student shall achieve a proficient or advanced score on the High School Idaho Standards Achievement Test (ISAT) in math, reading and language usage in order to graduate. Effective on January 1, 2012, each student shall also achieve a proficient or advanced score on the science portion of the ISAT in order to graduate. A student who does not attain at least a proficient score prior to graduation may appeal to the school district or LEA, and, at the discretion of the school district or LEA, may be given an opportunity to demonstrate proficiency of the achievement standards through some other locally established mechanism. All locally established mechanisms used to demonstrate proficiency shall be forwarded to the State Board of Education for review and information. (~~4-11-06~~)(10-12-07)T

a. Before appealing to the school district or LEA for an alternate measure, the student must be: (4-11-06)

i. Enrolled in a special education program and have an Individual Education Plan (IEP), or (3-20-04)

ii. Enrolled in an Limited English Proficient (LEP) program for three (3) academic years or less, or (3-20-04)

iii. Enrolled in the fall semester of the senior year. (3-20-04)

b. The measure must be aligned at a minimum to tenth grade state content standards; (3-20-04)

c. The measure must be aligned to the state content standards for the subject matter in question; (3-20-04)

d. The measure must be valid and reliable; and (3-20-04)

e. Ninety percent (90%) of the criteria of the measure, or combination of measures, must be based on academic proficiency and performance. (3-20-04)

04. Foreign Exchange Students. Foreign exchange students may be eligible for graduation by completing a comparable program as approved by the school district or LEA. (4-11-06)

05. Special Education Students. A student who is eligible for special education services under the Individuals With Disabilities Education Improvement Act must, with the assistance of the student's Individualized Education Program (IEP) team, refer to the current Idaho Special Education Manual for guidance in addressing graduation requirements. (4-11-06)

(BREAK IN CONTINUITY OF SECTIONS)

107. HIGH SCHOOL GRADUATION REQUIREMENTS.

01. Requirements. (Effective for all students that graduate prior to January 31, 2013.) The State minimum graduation requirement for all Idaho public high schools is forty-two (42) semester credits and a proficient or advanced score on the ISAT (effective January 1, 2006). The core of instruction required by the State Board of Education is twenty-five (25) semester credits. Local school districts may establish graduation requirements beyond the state minimum. The local school district has the responsibility to provide education opportunities that meet the needs of students in both academic and professional-technical areas. It is the intent of the State Board of Education to give local school districts the flexibility to provide rigorous and challenging curriculum that is consistent with the needs of students and the desire of their local patrons. (3-30-07)

02. Requirements. (Effective for all students that enter the ninth grade in the fall of 2009 or later.) The State minimum graduation requirement for all Idaho public high schools requires that a student take a minimum of forty-six (46) semester credits and achieve a proficient or advanced score on the ISAT, as described in Subsection 105.03. ~~(3-30-07)~~(10-12-07)T

- a.** Twenty-nine (29) semester credits are required as listed in Subsections 107.03 through 107.08; and (3-30-07)
- b.** A minimum of seventeen (17) elective credits. (3-30-07)
- c.** All credit-bearing classes must be aligned with state high school standards in the content areas for which standards exist. (3-30-07)

d. Local school districts or LEAs may establish graduation requirements beyond the state minimum. The local school district or LEA has the responsibility to provide educational opportunities that meet the needs of students in both academic and professional technical areas. It is the intent of the State Board of Education to give local school districts the flexibility to provide rigorous and challenging curriculum that is consistent with the needs of students and the desire of their local patrons. (3-30-07)

03. Secondary Language Arts and Communication. Eight (8) credits required that includes four (4) years of instruction in English, each year will consist of language study, composition, and literature. One (1) credit of instruction in communications including oral communication and technological applications that includes a course in speech, a course in debate, or a sequence of instructional activities that meet the state high school communications standards requirements. (3-30-07)

04. Mathematics. (3-30-07)

a. Mathematics. (Effective for all students that graduate prior to January 31, 2013.) Eight (8) credits required, a minimum of four (4) credits in math and four (4) credits in science, two (2) of which will be laboratory based. Secondary mathematics includes Applied Mathematics, Business Mathematics, Algebra, Geometry, Trigonometry, Fundamentals of Calculus, Probability and Statistics, Discrete Mathematics, and courses in mathematical problem solving and reasoning. Secondary sciences will include instruction in applied sciences, earth and space sciences, physical sciences, and life sciences. (3-30-07)

b. Mathematics. (Effective for all students that enter the ninth grade in the fall of 2009 or later.) Six (6) credits required. Secondary mathematics shall include instruction in the following areas: (3-30-07)

- i.** Two (2) semesters of Algebra I or courses that meet Algebra I standards as approved by the State Department of Education; (3-30-07)
- ii.** Two (2) semesters of Geometry or courses that meet Geometry standards as approved by the State Department of Education; and (3-30-07)
- iii.** Two (2) semesters of mathematics of the student's choice. (3-30-07)
- iv.** Two (2) semesters of the required six (6) credits of mathematics must be taken in the last year of high school. (3-30-07)

c. If a student completes any required high school course with a grade of C or higher before entering grade nine (9), and if that course meets the same standards that are required in high school, then the student has met the high school content area requirement. However the student must complete six (6) credits of high school math in addition to the courses completed in middle school. (3-30-07)

05. Science. (Effective for all students that enter the ninth grade in the fall of 2009 or later.) Six (6) credits required. (3-30-07)

a. Secondary sciences shall include instruction in the following areas: (3-30-07)

i. Biology; (3-30-07)

ii. Physical science or chemistry; and (3-30-07)

iii. Earth, space, environment, or approved applied science. (3-30-07)

b. Four (4) credits of courses outlined in Subsection 107.05.a. must be laboratory based. (3-30-07)

c. If a student completes any required high school course with a grade of C or higher before entering grade nine (9), and if that course meets the same standards that are required in high school, then the student has met the high school content area requirement. However, the student must complete six (6) credits of high school science in addition to the courses completed in middle school. (3-30-07)

06. Social Studies. (Five (5) credits required), including government (two (2) credits), United States history (two (2) credits), and economics (one (1) credit). Current world affairs and geography will be integrated into all social studies instruction. Courses such as geography, sociology, world affairs, and world history may be offered as electives, not to be counted as a social studies requirement. (4-11-06)

07. Humanities. (Two (2) credits required). A course in interdisciplinary humanities, visual and performing arts, or world language. Other courses such as literature, history, philosophy, architecture, or comparative world religions may satisfy the humanities standards if the course syllabus is approved by the State Department of Education as being aligned with the Humanities Standards. (4-11-06)

08. Health/Wellness. (One (1) credit required). A course focusing on positive health habits. (7-1-00)

09. College Entrance Examination. (Effective for all students that enter the ninth grade in the fall of 2009 or later.) A student must take one (1) of the following college entrance examinations before the end of the student's eleventh grade year: COMPASS, ACT or SAT. Scores must be included in the Learning Plan. (3-30-07)

10. Senior Project. (Effective for all students that enter the ninth grade in the fall of 2009 or later.) A student shall complete a senior project that shall include a research paper and oral presentation by the end of grade twelve (12). (3-30-07)

11. Assessment. A student must achieve a proficient or advanced score on the ISAT in math reading and language usage. Effective on January 1, 2012, each student shall also achieve a proficient or advanced score on the science portion of the ISAT in order to graduate. A student is not required to achieve a proficient or advanced score on the ISAT if: ~~(4-11-06)~~(10-12-07)T

a. A student received a proficient or advanced score on an exit exam from another state that requires a standards-based exam for graduation. The state's exit exam shall be approved by the State Board of Education, and must measure skills at the tenth grade level or above and be in comparable subject areas to the ISAT; (4-11-06)

b. A student appeals for another measure approved by a school district or LEA as outlined in Subsection 105.03; or (4-11-06)

c. A student has an IEP that outlines alternate requirements for graduation. (4-11-06)

- d.** The requirement will be phased in providing the following exemptions for the calendar year of 2006 and 2007. (4-11-06)
- i. Calendar year of 2006. A student is not required to achieve a proficient or advanced score on the ISAT if: (4-11-06)
- (1) A student took the ISAT and was within six (6) Rasch Units (RIT points) of proficiency; (4-11-06)
 - (2) A student has a score of seventeen (17) on the ACT or two hundred (200) on the SAT in English and a score of nineteen (19) on the ACT or four hundred sixty (460) on the SAT in Math; (4-11-06)
 - (3) A student has an IEP that outlines alternate requirements for graduation; (4-11-06)
 - (4) A student is considered an LEP student through a score determined on the state language proficiency test and has been in an LEP program for three (3) academic years or less; (4-11-06)
 - (5) A student received a proficient or advanced score on an exit exam from another state that requires a standards-based exam for graduation. The state exit exams must be approved by the State Board of Education, measure skills at the tenth grade level or above and be in comparable subject areas to the ISAT; or (4-11-06)
 - (6) A student appeals for another measure approved by the school district or LEA as outlined in Subsection 105.03. (4-11-06)
- ii. Calendar year of 2007. A student is not required to achieve a proficient or advanced score on the ISAT if: (3-30-07)
- (1) A student took the ISAT and was within three (3) RIT points of proficiency; (4-11-06)
 - (2) A student has an IEP that outlines alternate requirements for graduation or adaptations are recommended on the test; (4-11-06)
 - (3) A student is considered an LEP student through a score determined on a language proficiency test and has been in an LEP program for three (3) academic years or less; (4-11-06)
 - (4) A student received a proficient or advanced score on an exit exam from another state that requires a standards-based exam for graduation. The state exit exams must be approved by the State Board of Education, measure skills at the tenth grade level or above and be in comparable subject areas to the ISAT; or (4-11-06)
 - (5) A student appeals for another measure approved by the school district or LEA as outlined in Subsection 105.03. (4-11-06)
- iii. Calendar year of 2008 and subsequent classes. A student is not required to achieve a proficient or advanced score on the ISAT if: (3-30-07)
- (1) A student has an IEP that outlines alternate requirements for graduation or adaptations are recommended on the test; (3-30-07)
 - (2) A student is considered an LEP student through a score determined on a language proficiency test and has been in an LEP program for three (3) academic years or less; (3-30-07)
 - (3) A student received a proficient or advanced score on an exit exam from another state that requires a standards-based exam for graduation. The state exit exams must be approved by the State Board of Education, measure skills at the tenth grade level or above and be in comparable subject areas to the ISAT; or (3-30-07)
 - (4) A student appeals for another measure approved by the school district or LEA as outlined in Subsection 105.03. (3-30-07)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.03 - RULES GOVERNING CHILD SUPPORT SERVICES

DOCKET NO. 16-0303-0801

NOTICE OF RULEMAKING - TEMPORARY FEE RULE

EFFECTIVE DATE: The effective date of the temporary rule is December 6, 2007.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 32-1214G and 56-203A, Idaho Code, and mandated by the Federal Deficit Reduction Act (DRA) of 2005.

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

This rule implements a federal mandate from the Deficit Reduction Act (DRA) of 2005. Each State is required to set up a process to collect a \$25 annual fee for each enforced child support case that has never participated in a cash assistance program. Collection of this annual fee is to take place once \$500 in support payments has been collected on each case, each year. For every \$25 collected, the federal government receives \$16.50 and states receive \$8.50. Idaho is planning to use the \$8.50 collections to help cover the federal share of the fee on cases in arrears where collection of the fee cannot be applied. Idaho must implement this program or face loss of federal TANF funds.

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

Failure to comply with the DRA mandate would violate state plan requirements, which would expose the state to penalties or potential loss of Idaho's TANF funding. The loss of this funding would create an immediate danger to the health and safety of children and families in Idaho.

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:

This rulemaking imposes a new \$25 dollar annual fee upon the non-custodial parent paying "enforced" child support payments. The Federal Budget Deficit Reduction Act of 2005 mandates that this fee be imposed in each child support case in which an individual has never received assistance under a program funded by the Temporary Assistance for Needy Families (TANF) program (Title IV-A of the Social Security Act) and where the state has collected more than \$500 in child support during the Federal Fiscal Year (FFY). Despite the fact that the Federal law requiring this fee was passed during the 2005 Federal Legislative Session, the proposed Federal Regulation governing the application and imposition of this fee was not published until January 24, 2007.

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:

The projected fiscal impact for SFY 2009 is \$399,674 general fund dollars, which will be required in order to advance the payment of the federal share of the fee on cases which qualify for the fee but on which collections cannot be applied to the fee due to existing case arrearages and inability to collect. (Not included in this fiscal impact statement is the total cost to the Department for system modification of \$192,960. Of this total, \$86,746 is the Child Support Program's responsibility.)

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Kandace Yearsley at (208) 334-0620.

DATED this 12th day of December, 2007.

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@dhw.idaho.gov e-mail

THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0303-0801

304. FEES.

01. Application Fee. At the time of application for child support services, a written application must be completed and a fee of twenty-five dollars (\$25) must be paid. The fee must be paid in advance of any services to be provided and is not refundable. (7-1-98)

02. Income Tax Offset Fees. A fee of twenty-five dollars (\$25) will be deducted each time child support is collected as a result of an income tax offset. (7-1-98)

03. Internal Revenue Service (IRS) Referral Fees. A fee of one hundred twenty-two dollars and fifty cents (\$122.50) shall be charged for a referral to the IRS for full collection of the child support obligation. (7-1-98)

04. Locate Fees. Child Support Services may charge an applicant/recipient a fee of ten dollars (\$10) for referral to FPLS for location of a non-custodial parent when no other child support services are being provided. Child Support Services may also charge a fee of four dollars (\$4) for referral to the FPLS for a social security number search. Child Support Services may charge a fee of seventy cents (\$.70) for referral to FPLS for location of a non-custodial parent. (7-1-98)

05. Federally Mandated Annual Service Fees. Child Support Services must charge an annual fee of twenty-five dollars (\$25) for each Title IV-D enforcement case in which Child Support Services has collected and disbursed five hundred dollars (\$500) of support in the federal fiscal year. The fee will be billed to the child support obligor once five hundred dollars (\$500) of support has been collected during the relevant federal fiscal year provided the case otherwise qualifies. The fee will not be collected on any case in which the applicant/recipient has ever received benefits under a State or Tribal Title IV-A program, or from any child support obligor who is currently required to participate in Title IV-D services as an eligibility requirement for Food Stamps participation. (12-6-07)T

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

IDAPA 20 - DEPARTMENT OF LANDS

**20.03.04 - RULES GOVERNING THE REGULATION OF BEDS, WATERS, AND
AIRSPACE OVER NAVIGABLE LAKES IN THE STATE OF IDAHO**

DOCKET NO. 20-0304-0701 (FEE RULE)

NOTICE OF RULEMAKING - CORRECTION TO PENDING FEE RULE

CORRECTION SUMMARY: This notice corrects an error in the rule text of the pending rule being promulgated under Docket No. 20-0304-0701. The pending rule published in the January 2, 2008, Idaho Administrative Bulletin, Volume 08-1. Changes to the proposed rule that were approved and adopted by the Department of Lands included some text were inadvertently left in the amended pending rule.

The text is being published in this Bulletin following this notice as submitted, approved, and adopted by the Department of Lands. The corrected text has been included in the rules review documents that have been submitted to the germane committees of the legislature for final approval.

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 Idaho Code Section 67-5224 and IDAPA 20.01.01, Rules of Practice and Procedure Before the State Board of Land Commissioners ("Board"), Sections 830 through 835, notice is hereby given that this agency has adopted a pending rule. This action is authorized pursuant to Section 58-104(6), Idaho Code.

PUBLICATION OF THE PROPOSED AND PENDING RULES: The proposed and pending rules were published as follows:

The pending rule was published in the January 2, 2008, Idaho Administrative Bulletin, Volume 08-1, page 174. The text of the proposed rule was published in Book 2 of the October 3rd, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 39 through 60.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this correction to pending rule, contact Eric Wilson, (208) 334-0261 or ewilson@idl.idaho.gov.

For questions concerning the publication of this specific notice, contact Dennis Stevenson, Administrative Rules Coordinator at (208)332-1820.

DATED this 7th day of January, 2008.

Dennis Stevenson
Administrative Rules Coordinator
Office of the Administrative Rules Coordinator
Department of Administration
650 W. State St.
Boise, Idaho 83720-0306
Telephone: (208) 332-1820
Facsimile: (208) 332-1896

THE FOLLOWING IS THE CORRECTED TEXT OF PENDING FEE DOCKET NO. 20-0304-0701

Subsection 015.03.c.

015. ~~DOCK ENCROACHMENT STANDARDS AND FLOAT HOME REQUIREMENTS.~~

03. Commercial Marina. ()

c. Commercial marinas shall provide a minimum of upland vehicle parking equivalent to one (1) parking space per two (2) watercraft moorages, and one (1) parking space per two (2) float home moorages. Local city or county ordinances governing parking requirements for marinas will apply if such have been enacted. ()

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

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.23.01 - RULES OF THE SPEECH AND HEARING SERVICES LICENSURE BOARD

DOCKET NO. 24-2301-0701

NOTICE OF RULEMAKING - CORRECTION TO PENDING RULE

CORRECTION SUMMARY: This notice corrects an error in the text of the pending rule being promulgated under Docket No. 24-2301-0701. The pending rule published in the December 5, 2007, Idaho Administrative Bulletin, Volume 07-12. Changes to the proposed rule that were approved and adopted by the Speech and Hearing Services Licensure Board for inclusion in the pending rule were not submitted for publication with the pending rule as intended and the changes were left out of the amended pending rule. The text is being published in this Bulletin following this notice as approved and adopted by the Board. The corrected text has been included in the rules review documents that will be submitted to the germane committees of the legislature for final approval.

EFFECTIVE DATE: The pending rule has been adopted by the board and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective upon 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, 67-5227, and 67-5228, Idaho Code, notice is hereby given that this agency has corrected a pending rule. The action is authorized pursuant to Sections 54-2910, Idaho Code.

PUBLICATION OF THE PROPOSED AND PENDING RULES: The pending rule was published in the December 5, 2007, Idaho Administrative Bulletin, Volume 07-12, page 126. The text of the proposed rule was published in Book 2 of the October 3, 2007, Idaho Administrative Bulletin, Volume 07-10, pages 170 through 173.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this correction to pending and temporary rule, contact Tana Cory, Bureau Chief, Bureau of Occupational Licenses at (208)334-3233. For questions concerning the publication of this specific notice, contact Dennis Stevenson, Administrative Rules Coordinator at (208)332-1820.

DATED this 7th day of January, 2008.

Dennis Stevenson
Administrative Rules Coordinator
Office of the Administrative Rules Coordinator
Department of Administration
650 W. State St.
Boise, Idaho 83720-0306
Telephone: (208) 332-1820
Facsimile: (208) 332-1896

THE FOLLOWING IS THE CORRECTED TEXT OF PENDING RULE DOCKET NO. 24-2301-0701

Section 210

210. QUALIFICATIONS FOR AUDIOLOGIST LICENSURE (RULE 210).

All applicants for licensure as an audiologist must comply with the following education, experience and examination requirements in addition to completion of an application as set forth in section 150: ()

Section 220

220. QUALIFICATIONS FOR SPEECH-LANGUAGE PATHOLOGIST LICENSURE (RULE 220).

All applicants for licensure as a speech-language pathologist must comply with the following education, experience and examination requirement in addition to completion of an application as set forth in section 150: ()

Section 230

230. QUALIFICATIONS FOR SPEECH-LANGUAGE PATHOLOGIST AIDE LICENSURE (RULE 230).

All applicants for licensure as a speech-language pathologist aide must comply with the following education and examination requirement in addition to completion of an application as set forth in section 150: ()

Section 240

240. QUALIFICATIONS FOR SPEECH-LANGUAGE PATHOLOGIST ASSISTANT LICENSURE (RULE 240).

All applicants for licensure as a speech-language pathologist assistant must comply with the following education and examination requirement in addition to completion of an application as set forth in section 150: ()

Section 250

250. QUALIFICATIONS FOR HEARING AID DEALER AND FITTER LICENSURE (RULE 250).

All applicants for licensure as a hearing aid dealer and fitter must comply with the following education, experience and examination requirement in addition to completion of an application as set forth in section 150: ()

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

IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION

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

DOCKET NO. 31-2101-0701

NOTICE OF RULEMAKING - CORRECTION TO PENDING RULE

CORRECTION SUMMARY: This notice corrects an error in the text of the pending rule being promulgated under Docket No. 31-2101-0701. The pending rule published in the December 5, 2007, Idaho Administrative Bulletin, Volume 07-12. Some of the changes to the proposed rule that were approved and adopted by the Idaho Public Utilities Commission were left out of the amended pending rule. The text is being published in this Bulletin following this notice as approved and adopted by the Commission. The corrected text has been included in the rules review documents that were submitted to the germane committees of the legislature for final approval.

EFFECTIVE DATE: The pending rule has been adopted by the Commission and reviewed by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective upon conclusion of the 2008 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 67-5226, 67-5227, and 67-5228, Idaho Code, notice is hereby given that the Idaho Public Utilities Commission has corrected the pending rule. A transcription error occurred during the publication of the pending rule. Proposed language that had been removed from the pending rule as a result of comments received to the proposed rule was inadvertently left in the pending rule. This action is authorized pursuant to Section 61-507, Idaho Code and was approved by the Administrative Rules Coordinator.

PUBLICATION OF THE PROPOSED AND PENDING RULES: The pending rule was published in the December 5, 2007, Idaho Administrative Bulletin, Volume 07-12, pages 139 through 141. The text of the proposed rule was published in Book 2 of the October 3, 2007, Idaho Administrative Bulletin, Volume 07-10, pages 229 through 235.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this correction to pending rule, contact Donald L. Howell, II, Deputy Attorney General at (208)334-0312. For questions concerning the publication of this notice or correction, contact Dennis Stevenson, Administrative Rules Coordinator at (208)332-1820.

DATED this 7th day of January, 2008.

Dennis Stevenson, Administrative Rules Coordinator
Office of the Administrative Rules Coordinator
Department of Administration
650 W. State St., Boise, Idaho 83720-0306
Telephone: (208) 332-1820 / Facsimile: (208) 332-1896

THE FOLLOWING IS THE CORRECTED TEXT OF PENDING RULE DOCKET NO. 31-2101-0701

Subsection 310.01.a.

310. **INSUFFICIENT GROUNDS FOR TERMINATION OR DENIAL OF SERVICE (RULE 310).**

01. Termination of Service. No customer shall be given notice of termination of service nor shall the customer's service be terminated if: (7-1-93)(____)

01a. Unpaid Bill Less Than Fifty Dollars. The customer's unpaid bill ~~cited as grounds for termination~~ totals less than fifty dollars (\$50) or two (2) months' charges for service, whichever is less. (7-1-93)(____)

Section 311, Subsections 311.01.c. and 311.01.d. (removed), and 311.02 through 311.06

311. **RESTRICTIONS ON TERMINATION OF SERVICE TIMES WHEN SERVICE MAY BE TERMINATED -- OPPORTUNITY TO AVOID TERMINATION OF SERVICE (RULE 311).**

01. When Termination Not Allowed of Service Is Prohibited. Except as authorized by Rule 303 or this rule, ~~service provided to a customer, applicant, resident or occupant~~ shall not be terminated; (____)

a. ~~On any Friday, after 12 noon, or on Saturday, Sunday, legal holidays recognized by the state of Idaho, or on any day immediately preceding any legal holiday; or~~ (____)

b. ~~At any time when the utility is not open for business, except as authorized by Rules 303.01 and 303.02;~~ (____)

02. Times When Service May Be Terminated. Service may be terminated; (____)

023. Personnel to Authorize Reconnection. Each utility shall have personnel available ~~after the time of termination~~ who are authorized to reconnect service if the conditions cited as grounds for termination are corrected to the utility's satisfaction. Service shall be reconnected as soon as possible, but no later than twenty-four (24) hours after the utility's conditions are satisfied and ~~the customer requests~~ reconnection is requested. (5-3-03)(____)

034. Opportunity to Prevent Termination of Service. Immediately preceding termination of service, the employee designated to terminate service shall identify himself or herself to the customer or other responsible adult upon the premises and shall announce the purpose of the employee's presence. This employee shall have in his or her possession the past due account record of the customer and shall request any available verification that the outstanding bills are satisfied or currently in dispute before this Commission. Upon presentation of evidence that outstanding bills are satisfied or currently in dispute before this Commission, service shall not be terminated. The employee shall be authorized to accept full payment, or, at the discretion of the utility, partial payment, and in such case shall not terminate service. Nothing in this rule prevents a utility from proceeding with termination of service if the customer or other responsible adult is not on the premises ~~at the time of termination.~~ (5-3-03)(____)

045. Notice of Procedure for Reconnecting Service. The utility employee ~~of the utility~~ designated to terminate service shall give to the customer or leave in a conspicuous location at the affected service address, ~~affected~~ a notice showing the time of and grounds for termination, steps to be taken to secure reconnection, and the telephone numbers of utility personnel or other authorized representatives who are available to authorize reconnection. (5-3-03)(____)

05. No Termination While Complaint Pending. ~~Except as authorized by order of the Commission or of the Judiciary, service shall not be terminated for failure to pay amounts in dispute while a complaint filed pursuant to Rule 402 is pending before this Commission or while a case placing at issue payment for utility service is pending before a court in the state of Idaho.~~ (7-1-93)

06. Applicant Without Service - Customer Requested Termination. Nothing in this rule prohibits a utility from terminating service at any time pursuant to a customer's request. (____)

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

DOCKET NO. 58-0000-0803

NOTICE OF FINAL DECISION ON THE SALMON FALLS CREEK SUBBASIN ASSESSMENT AND TMDL (HUC 17040213)

AUTHORITY: In compliance with Section 39-3611, Idaho Code, notice is hereby given that this agency has issued a final decision on the Salmon Falls Creek Subbasin Assessment (SBA) and Total Maximum Daily Load (TMDL).

DESCRIPTIVE SUMMARY: The Department of Environmental Quality (DEQ) hereby gives notice of the final decision on the Salmon Falls Creek SBA and TMDL. The final decision may be appealed to the Board of Environmental Quality by initiating a contested case in accordance with Sections 39-107(5), 67-5240 et seq., Idaho Code, and IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality." The petition initiating a contested case must be filed with the undersigned hearing coordinator within thirty-five (35) days of the publication date of this notice in the Idaho Administrative Bulletin.

The area covered by the Salmon Falls Creek SBA and TMDL (Hydrologic Unit Code 17040213) addresses fifty-two (52) assessment unit/pollutant combinations on Idaho's 2002 § 303(d) list. DEQ completed TMDLs for all assessment unit/pollutant combinations deemed water quality impaired. DEQ has submitted this TMDL to the U.S. Environmental Protection Agency for approval under the Clean Water Act.

AVAILABILITY OF THE TMDL: Electronic copy of the TMDL can be obtained at http://www.deq.idaho.gov/water/data_reports/surface_water/tmdls/salmon_falls_creek/salmon_falls_creek.cfm or by contacting Ms. Marti Bridges, TMDL Program Manager, 208-373-0382, Marti.Bridges@deq.idaho.gov.

Dated this 21st day of December, 2007.

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

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

DOCKET NO. 58-0000-0804

NOTICE OF FINAL DECISION ON THE PEND OREILLE TRIBUTARIES TMDLS (HUC 17010214)

AUTHORITY: In compliance with Section 39-3611, Idaho Code, notice is hereby given that this agency has issued a final decision on the Pend Oreille Tributaries Total Maximum Daily Loads (TMDLs).

DESCRIPTIVE SUMMARY: The Department of Environmental Quality (DEQ) hereby gives notice of the final decision on the Tributary Sediment TMDLs and Temperature TMDL Addendum to the Pend Oreille Tributaries TMDLs. The final decision may be appealed to the Board of Environmental Quality by initiating a contested case in accordance with Sections 39-107(5), 67-5240 et seq., Idaho Code, and IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality." The petition initiating a contested case must be filed with the undersigned hearing coordinator within thirty-five (35) days of the publication date of this notice in the Idaho Administrative Bulletin.

The area covered by the Tributary Sediment TMDLs (Hydrologic Unit Code 17010214) addresses fifteen (15) assessment units (AUs) listed for sediment on Idaho's 2002 § 303(d) list. Five (5) additional AUs were listed for an unknown pollutant that was deemed to be sediment and TMDLs were also developed for these AUs. The area covered by the Temperature TMDL Addendum addresses thirty-five (35) AUs. DEQ completed Temperature TMDLs for all AU/pollutant combinations deemed water quality impaired. DEQ has submitted these two TMDL documents to the U.S. Environmental Protection Agency for approval under the Clean Water Act.

AVAILABILITY OF THE TMDL: Electronic copy of the TMDL can be obtained at www.deq.idaho.gov/water/data_reports/surface_water/tmdls/pend_oreille_clark_fork/pend_oreille_clark_fork.cfm or by contacting Ms. Marti Bridges, TMDL Program Manager, 208-373-0382, marti.bridges@deq.idaho.gov.

Dated this 15th day of January, 2008.

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

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-0801

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 Sections 39-105 and 39-107, Idaho Code.

MEETING SCHEDULE: Those interested in participating in the negotiated rulemaking process are encouraged to attend the following meeting. For information regarding participation by telephone or scheduling of additional meetings, contact the undersigned. Requests to participate by telephone must be made by February 8, 2008.

February 12, 2008, 9 a.m. to noon
Department of Environmental Quality
Conference Room D
1410 N. Hilton, Boise, Idaho

February 21, 2008, 9 a.m. to noon
Department of Environmental Quality
Conference Room D
1410 N. Hilton, Boise, Idaho

PRELIMINARY DRAFT: A preliminary draft of the rule can be obtained at http://www.deq.idaho.gov/rules/air/58_0101_0801_negotiated.cfm or by contacting Paula Wilson at paula.wilson@deq.idaho.gov, (208)373-0418.

DESCRIPTIVE SUMMARY: Farmers desiring to burn crop residue, Safe Air for Everyone (SAFE), Idaho State Department of Agriculture (ISDA), and the Idaho Department of Environmental Quality (IDEQ) have agreed on various components of a Crop Residue Disposal (CRD) Program. The farmers will introduce legislation during the 2008 session to address the central components of the CRD Program; however, it is necessary to promulgate rules, subject to public input, to address the details and implement the legislation. Due to extremely tight time constraints, the rule must be negotiated in conjunction with the introduction and passage of the legislation.

Farmers desiring to burn crop residue, members of the regulated community who may be subject to Idaho's air quality rules as well as special interest groups (including SAFE), ISDA, tribes, public officials, and members of the public who have an interest in the regulation of air emissions from sources in Idaho may wish to participate in this rulemaking. Upon conclusion of negotiations, DEQ intends to present a rule to the Board of Environmental Quality for temporary adoption in March of 2008. If adopted by the Board, DEQ will then publish the temporary rule and initiate proposed rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the negotiated rulemaking, contact Martin Bauer at (208)373-0440, martin.bauer@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 February 20, 2008. 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 4th day of January, 2008.

Paula J. Wilson
Environmental Quality Section
Attorney General's Office
1410 N. Hilton
Boise, Idaho 83706-1255
(208)373-0418/Fax No. (208)373-0481
paula.wilson@deq.idaho.gov

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

**MODEL STATE ADMINISTRATIVE PROCEDURE ACT REVISION PROCESS
NOTICE OF INVITATION TO PARTICIPATE**

COORDINATOR'S NOTE: This notice is being published at the request of the Administrative Codes and Registers Section of the National Association of Secretaries of State and in conjunction with the National Conference of Commissioners on Uniform State Laws (NCCUSL) and its Model State Administrative Procedure Act (MSAPA) drafting committee. The Idaho Administrative Procedure Act, as adopted and codified in 1992, governs rulemaking and contested case proceedings in the State. The 1982 MSAPA was the guiding document used to draft Idaho's current Administrative Procedure Act (APA). The amendments currently being made to the MSAPA are the first revisions made to the Act since 1982.

INVITATION TO PARTICIPATE

The National Conference of Commissioners on Uniform State Laws (NCCUSL) is revising its Model State Administrative Procedure Act (MSAPA). NCCUSL invites organizations and individuals interested in state administrative agency processes to participate in this effort.

NCCUSL is a 117 year old national organization of lawyers, judges and law professors who are appointed to represent their states in drafting and seeking enactment of uniform laws to facilitate commerce and certainty in the law among the states. For more information about NCCUSL, visit <http://www.nccusl.org/>.

GOAL OF THE DRAFTING COMMITTEE

The goal of the MSAPA drafting committee is to make the administrative process more efficient, accessible and fair. The most recent draft of MSAPA is available at <http://www.nccusl.org/Update/CommitteeSearchResults.aspx?committee=234>. The drafting process will not be completed until the spring of 2009. The MSAPA drafting committee invites interested parties to attend committee meetings as an observer and make comments and suggestions at the meetings or by submitting them in writing.

BECOMING AN OBSERVER

To become an observer, please contact Ms. Leang Sou at NCCUSL at (312) 450-6606 or at leang.sou@nccusl.org. Submit written comments about the MSAPA to Commissioner Francis J. Pavetti, 18 The Strand, Goshen Point, Waterford, CT 06385.

FOR MORE INFORMATION: For more information concerning the publication of this invitation to participate, contact Dennis Stevenson, Administrative Rules Coordinator at (208) 332-1820.

DATED this 17th day of January, 2008.

Dennis Stevenson
Administrative Rules Coordinator
Office of the Administrative Rules Coordinator
Department of Administration
650 W. State St.
Boise, Idaho 83720-0306
Telephone: (208) 332-1820
Facsimile: (208) 332-1896

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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.

Because of the moratorium on proposed rulemaking during the legislative session there are no proposed rules being promulgated or published in this month's Bulletin

Please refer to the Idaho Administrative Bulletin, **February 6, 2008, Volume 08-2** for notices and text of all rulemakings, public hearing schedules, Governor's executive orders, and agency contact names.

Citizens of your county can view all issues of the Idaho Administrative Bulletin at the county law libraries.

Copies of the Administrative Bulletin and other rules publications are available for purchase. For subscription information and ordering call (208) 332-1820 or write the Office of Administrative Rules, Department of Administration, 650 W. State St., Room 100, Boise, Idaho 83720-0306. Visa and Mastercard accepted.

The Idaho Administrative Bulletin and Administrative Code are available on-line at: **<http://adm.idaho.gov/adminrules/>**

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

**FOR THE ABOVE LINK TO WORK YOU HAVE
TO BE CONNECTED TO THE INTERNET**

**This index tracks the history of all agency rulemakings from 1993 to the present.
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