

IDAHO ADMINISTRATIVE BULLETIN

Table of Contents

November 5, 2008 -- Volume 08-11

PREFACE	6
THE OFFICE OF THE GOVERNOR	
Executive Order No. 2008-03	
Reduction of General Fund Spending Authority.....	15
IDAPA 01 - IDAHO BOARD OF ACCOUNTANCY	
01.01.01 - Idaho Accountancy Rules	
Docket No. 01-0101-0801	
Notice of Rulemaking - Adoption of Pending Rule.....	16
IDAPA 02- DEPARTMENT OF AGRICULTURE	
02.02.14 - Rules for Weights and Measures	
Docket No. 02-0214-0802	
Notice of Rulemaking - Adoption of Pending Fee Rule.....	17
02.06.09 - Invasive Species Rules	
Docket No. 02-0609-0801	
Notice of Public Hearing and Extension of Written Comment Period.....	19
02.06.13 - Rules Relating to Rapeseed Production and Establishment of Rapeseed Districts in the State of Idaho	
Docket No. 02-0613-0801	
Notice of Intent to Promulgate Rules - Request for Written Comments.....	20
IDAPA 07 - DIVISION OF BUILDING SAFETY	
07.01.02 - Rules Governing Fees for Electrical Inspections	
Docket No. 07-0102-0801 (Fee Rule)	
Notice of Rulemaking - Adoption of Pending Fee Rule.....	21
07.01.03 - Rules of Electrical Licensing and Registration - General	
Docket No. 07-0103-0801	
Notice of Rulemaking - Adoption of Pending Rule.....	22
07.02.03 - Rules Governing Permit Fee Schedule	
Docket No. 07-0203-0801 (Fee Rule)	
Notice of Rulemaking - Adoption of Pending Fee Rule.....	23
07.02.04 - Rules Governing Plumbing Safety Inspections	
Docket No. 07-0204-0801	
Notice of Rulemaking - Adoption of Pending Rule.....	24
07.02.06 - Rules Concerning Uniform Plumbing Code	
Docket No. 07-0206-0801	
Notice of Rulemaking - Adoption of Pending Rule.....	25

07.03.01 - Rules of Building Safety	
Docket No. 07-0301-0801	
Notice of Rulemaking - Adoption of Pending Rule	26
Docket No. 07-0301-0802 (Fee Rule)	
Notice of Rulemaking - Adoption of Pending Fee Rule	27
07.04.02 - Safety Rules for Elevators, Escalators, and Moving Walks	
Docket No. 07-0402-0801	
Notice of Rulemaking - Adoption of Pending Rule	28
Docket No. 07-0402-0802 (Fee Rule)	
Notice of Rulemaking - Adoption of Pending Fee Rule	29
07.07.01 - Rules Governing Installation of Heating Ventilation, and Air Conditioning Systems	
Docket No. 07-0701-0801 (Fee Rule)	
Notice of Rulemaking - Adoption of Pending Fee Rule	30
IDAPA 08 - STATE BOARD OF EDUCATION	
08.02.03 - Rules Governing Thoroughness	
Docket No. 08-0203-0805	
Notice of Rulemaking - Proposed Rule.....	31
IDAPA 09 - DEPARTMENT OF LABOR	
09.01.08 - Rules on Disclosure of Information	
Docket No. 09-0108-0801	
Notice of Rulemaking - Adoption of Pending Rule	38
09.01.35 - Unemployment Insurance Tax Administration Rules	
Docket No. 09-0135-0801	
Notice of Rulemaking - Adoption of Pending Rule	39
IDAPA 10 - PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS	
10.01.01 - Rules of Procedure	
Docket No. 10-0101-0801	
Notice of Public Hearing and Extension of Written Comment Period	40
10.01.02 - Rules of Professional Responsibility	
Docket No. 10-0102-0801	
Notice of Public Hearing and Extension of Written Comment Period	41
10.01.03 - Rules for Corner Perpetuation and Filing	
Docket No. 10-0103-0801	
Notice of Public Hearing and Extension of Written Comment Period	42
10.01.04 - Rules of Continuing Professional Development	
Docket No. 10-0104-0801	
Notice of Public Hearing and Extension of Written Comment Period	43
IDAPA 11 - IDAHO STATE POLICE	
11.07.01 - Rules Governing Motor Vehicles	
Docket No. 11-0701-0801	
Notice of Rulemaking - Adoption of Pending Rule	44

**11.11.04 - Rules of the Idaho Peace Officer Standards and Training Council for Correction Officers
and Adult Probation and Parole Officers**

Docket No. **11-1104-0801**

Notice of Rulemaking - Adoption of Pending Rule45

**IDAPA 15 - OFFICE OF THE GOVERNOR
DIVISION OF HUMAN RESOURCES AND PERSONNEL COMMISSION**

15.04.01 - Rules of the Division of Human Resources and Idaho Personnel Commission

Docket No. **15-0401-0801**

Notice of Public Hearing and Extension of Written Comment Period46

**OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR
IDAPA 15 - OFFICE OF THE GOVERNOR**

15.06 - Idaho Military division

Docket No. **15-0600-0801**

Notice of Legislative Action Relating to the Idaho Military Division
and the Department of Administration - House Bill 30547

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.02.02 - Rules of the Emergency Medical Services (EMS) Physician Commission

Docket No. **16-0202-0801**

Adoption of Pending Rule and Amendment to Temporary Rule48

16.03.01 - Eligibility for Health Care Assistance for Families and Children

Docket No. **16-0301-0801**

Adoption of Pending Rule and Amendment to Temporary Rule50

16.03.04 - Rules Governing the Food Stamp Program in Idaho

Docket No. **16-0304-0802**

Notice of Rulemaking - Adoption of Pending Rule52

16.03.05 - Eligibility for Aid to the Aged, Blind, and Disabled (AABD)

Docket No. **16-0305-0801**

Notice of Rulemaking - Adoption of Pending Rule53

16.03.06 - Rules Governing Refugee Medical Assistance

Docket No. **16-0306-0801**

Notice of Rulemaking - Adoption of Pending Rule54

16.03.08 - Rules Governing Temporary Assistance for Families in Idaho (TAFI)

Docket No. **16-0308-0802**

Notice of Rulemaking - Adoption of Pending Rule55

16.03.09 - Medicaid Basic Plan Benefits

Docket No. **16-0309-0804**

Notice of Rulemaking - Temporary and Proposed Rule56

16.05.06 - Criminal History and Background Checks

Docket No. **16-0506-0801**

Notice of Rulemaking - Adoption of Pending Fee Rule58

16.06.13 - Rules Governing Emergency Assistance for Families and Children

Docket No. **16-0613-0801**

Notice of Rulemaking - Adoption of Pending Rule59

16.07.39 - Appointment of Designated Examiners and Dispositioners
 Docket No. *16-0739-0801*
 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....60

IDAPA 18 - DEPARTMENT OF INSURANCE

18.01.09 - Senior Consumer Protection in Annuity Transactions
 Docket No. *18-0109-0801*
 Notice of Rulemaking - Adoption of Pending Rule61

18.01.80 - Preneed Life Insurance Minimum Standards for Determining Reserve Liabilities and Nonforfeiture Values
 Docket No. *18-0180-0801*
 Notice of Rulemaking - Adoption of Pending Rule62

IDAPA 21 - DIVISION OF VETERANS SERVICES

21.01.04 - Rules Governing the Idaho State Veterans Cemetery
 Docket No. *21-0104-0802*
 Notice of Rulemaking - Adoption of Pending Rule63

21.01.05 - Rules Governing Medical Transportation Payment for Wheelchair Confined Veterans
 Docket No. *21-0105-0801*
 Notice of Rulemaking - Adoption of Pending Rule64

IDAPA 23 - BOARD OF NURSING

23.01.01 - Rules of the Idaho Board of Nursing
 Docket No. *23-0101-0801*
 Notice of Rulemaking - Adoption of Pending Rule65

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.05.01 - Rules of the Board of Drinking Water and Wastewater Professionals
 Docket No. *24-0501-0801*
 Notice of Public Hearing66

IDAPA 25- OUTFITTERS AND GUIDES LICENSING BOARD

25.01.01 - Rules of the Outfitters and Guides Licensing Board
 Docket No. *25-0101-0802*
 Notice of Rulemaking - Proposed Rule.....67

IDAPA 30 - IDAHO COMMISSION FOR LIBRARIES

30.01.01 - Rules of the Idaho Commission for Libraries Governing the Use of Commission Services
 Docket No. *30-0101-0801*
 Notice of Rulemaking - Adoption of Pending Rule74

IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION

31.71.03 - Railroad Safety/Sanitation Rules
 Docket No. *31-7103-0801*
 Notice of Rulemaking - Adoption of Pending Rule75

IDAPA 37 - DEPARTMENT OF WATER RESOURCES

37.03.09 - Well Construction Standards Rules
 Docket No. *37-0309-0601*
 Notice of Rulemaking - Adoption of Pending Rule76

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT**39.03.45 - Rules Governing Sale of No Longer Useful or Usable Real Property**Docket No. **39-0345-0801 (Docket Reprint)**

Notice of Rulemaking - Temporary and Proposed Rule89

IDAPA 52 - IDAHO STATE LOTTERY**52.01.02 - Gaming Rules of the Idaho State Lottery Commission**Docket No. **52-0102-0801**

Notice of Rulemaking - Adoption of Pending Rule92

52.01.03 - Rules Governing Operations of the Idaho State LotteryDocket No. **52-0103-0801**

Notice of Rulemaking - Adoption of Pending Rule93

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**58.01.01 - Rules for the Control of Air Pollution in Idaho**Docket No. **58-0101-0702**

Notice of Rulemaking - Proposed Rule94

LEGAL NOTICE - SUMMARY OF PROPOSED RULEMAKINGS115**SECTIONS AFFECTED INDEX**117**CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES**119**SUBJECT INDEX**344

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, even when published in conjunction with a temporary rule, and therefore, is not enforceable. An agency may vacate a proposed rulemaking if it decides not to proceed beyond the proposed rulemaking step, and stops the formal rulemaking 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
08-6	June 2008	May 2, 2008	June 4, 2008	June 25, 2008
08-7	July 2008	May 30, 2008	July 2, 2008	July 23, 2008
08-8	August 2008	July 3, 2008	August 6, 2008	August 27, 2008
08-9	September 2008	August 1, 2008	September 3, 2008	September 24, 2008
08-10	October 2008	**August 20, 2008	October 1, 2008	October 22, 2008
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.***

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS	
IDAPA 01	Accountancy , Board of
IDAPA 38	Administration , Department of
IDAPA 44	Administrative Rules Coordinator , Office of the
IDAPA 02	Agriculture , Idaho Department of
IDAPA 40	Arts , Idaho Commission on the
IDAPA 03	Athletic Commission
IDAPA 04	Attorney General , Office of the
IDAPA 53	Barley Commission , Idaho
IDAPA 51	Beef Council , Idaho
IDAPA 07	Building Safety , Division of Electrical Board (07.01) Plumbing Board (07.02) Building Codes & Manufactured Homes (07.03) Building Code Advisory Board (07.03.01) Public Works Contractors License Board (07.05) Uniform School Building Safety (07.06) HVAC Board (07.07)
IDAPA 43	Canola and Rapeseed Commission , Idaho
IDAPA 28	Commerce , Idaho Department of
IDAPA 06	Correction , Board of
IDAPA 19	Dentistry , Board of
IDAPA 08	Education , Board of and Department of
IDAPA 10	Engineers and Land Surveyors , Board of Professional
IDAPA 58	Environmental Quality , Department of
IDAPA 12	Finance , Department of
IDAPA 13	Fish and Game , Department of
IDAPA 14	Geologists , Board of Registration of Professional
IDAPA 15	Governor , Office of the Idaho Commission on Aging (15.01) Idaho Commission for the Blind and Visually Impaired (15.02) Idaho Forest Products Commission (15.03) Division of Human Resources and Personnel Commission (15.04) Idaho Liquor Dispensary (15.10) Idaho Emergency Communications Commission (15.06) Emergency Response Commission (15.13)

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS	
IDAPA 48	Grape Growers and Wine Producers Commission, Idaho
IDAPA 16	Health and Welfare, Department of
IDAPA 41	Health Districts, Public
IDAPA 45	Human Rights Commission
IDAPA 17	Industrial Commission
IDAPA 18	Insurance, Department of
IDAPA 05	Juvenile Corrections, Department of
IDAPA 09	Labor, Idaho Department of
IDAPA 20	Lands, Department of
IDAPA 30	Libraries, Commission for
IDAPA 52	Lottery Commission, Idaho State
IDAPA 22	Medicine, Board of
IDAPA 23	Nursing, Board of
IDAPA 24	Occupational Licenses, Board of (24.20) Acupuncture, Board of (24.17) Architectural Examiners, Board of (24.01) Barber Examiners, Board of (24.02) Chiropractic Physicians (24.03) Contractors Board, Idaho State (24.21) Cosmetology, Board of (24.04) Dentistry, Board of (24.16) Drinking Water and Wastewater Professionals, Board of (24.05) Landscape Architects, Board of (24.07) Liquefied Petroleum Gas Safety Board, Idaho (24.22) Morticians, Board of (24.08) Nursing Home Administrators, Board of Examiners of (24.09) Optometry, Board of (24.10) Physical Therapy Licensure Board (24.13) Podiatry, Board of (24.11) Professional Counselors and Marriage & Family Therapists, Board of (24.15) Psychologist Examiners, Board of (24.12) Real Estate Appraiser Board (24.18) Residential Care Facility Administrators, Board of (24.19) Social Work Examiners, Board of (24.14) Speech and Hearing Services Licensure Board(24.23)
IDAPA 25	Outfitters and Guides Licensing Board
IDAPA 50	Pardons and Parole, Commission for
IDAPA 26	Parks and Recreation, Department of
IDAPA 27	Pharmacy, Board of
IDAPA 11	Police, Idaho State

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS	
IDAPA 29	Potato Commission, Idaho
IDAPA 55	Professional-Technical Education, Division of
IDAPA 59	Public Employee Retirement System of Idaho (PERSI)
IDAPA 31	Public Utilities Commission
IDAPA 56	Rangeland Resources Commission, Idaho
IDAPA 33	Real Estate Commission, Idaho
IDAPA 34	Secretary of State, Office of the
IDAPA 57	Sexual Offender Classification Board
IDAPA 49	Shorthand Reporters, Board of Certified
IDAPA 36	Tax Appeals, Board of
IDAPA 35	Tax Commission, State
IDAPA 39	Transportation Department, Idaho
IDAPA 54	Treasurer, Office of the State
IDAPA 21	Veterans Services, Division of
IDAPA 46	Veterinary Medical Examiners, Board of
IDAPA 47	Vocational Rehabilitation, Division of
IDAPA 37	Water Resources, Department of
IDAPA 42	Wheat Commission

THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2008-03

REDUCTION OF GENERAL FUND SPENDING AUTHORITY

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

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

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of this state, and pursuant to Section 67-3512A do hereby order:

- 1. That the General Fund spending authority on file in the Office of the State Controller be reduced for all departments, offices and institutions of the state by one percent (1%) of their Fiscal Year 2009 General Fund Appropriation;*
- 2. That each department, office and institution shall notify the Office of the State Controller and the Division of Financial Management of the Executive Office of the Governor of budget changes by October 6, 2008 according to the attachment made part of this Executive Order;*
- 3. That elected State Constitutional officials are requested to reduce General Fund expenditures for the Fiscal Year 2009 to reflect the realities of the projected revenue shortfall without impairing the discharge of their constitutional duties;*
- 4. That officers of the legislative and judicial branches are requested to assess and evaluate a reduction in the General Fund expenditures for the Fiscal Year 2009 to reflect similar revenue shortfalls in the executive branch of state government.*

This Order shall take effect immediately upon its execution and shall continue in effect until January 31, 2009, unless revoked or modified by the Governor, or until the Legislature or the Board of examiners takes further action.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 26th day of September in the year of our Lord two thousand and eight and of the Independence of the United States of America the two hundred thirty-third and of the Statehood of Idaho the one hundred nineteenth.

**C.L. "BUTCH" OTTER
GOVERNOR**

**BEN YSURSA
SECRETARY OF STATE**

IDAPA 01 - IDAHO BOARD OF ACCOUNTANCY

01.01.01 - IDAHO ACCOUNTANCY RULES

DOCKET NO. 01-0101-0801

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2009 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 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:

There are no changes to the pending rule, therefore, it is being adopted as proposed. The original text of the proposed rule was published in the June 4, 2008 Idaho Administrative Bulletin, Volume 08-6, pages 13 through 25.

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 Barbara R. Porter, Executive Director, at 208-334-2490.

DATED this 7th day of October, 2008.

Barbara R. Porter, Executive Director
Idaho State Board of Accountancy
3101 W Main Street Suite 210
PO Box 83720
Boise, Idaho 83720-0002
Phone: 208-334-2490
Fax: 208-334-2615
E-mail: barbara.porter@isba.idaho.gov

DOCKET NO. 01-0101-0801 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 08-6, June 4, 2008, pages 13 through 25.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2009 Idaho State Legislature for final adoption.

IDAPA 02- DEPARTMENT OF AGRICULTURE

02.02.14 - RULES FOR WEIGHTS AND MEASURES

DOCKET NO. 02-0214-0802

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 2009 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 71-111 and 71-121, Idaho Code

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

The rule change would increase the annual device license fees and increase rates for request testing to enable the Bureau to meet device testing requirements and fund replacement equipment.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 3, 2008 Idaho Administrative Bulletin, Vol. 08-9, pages 15 through 17. Negotiated rulemaking was conducted. A public hearing for the proposed rule was held and no one attended or submitted written comments. No comments were received by the department during the proposed rule comment period.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 71-121, Idaho Code:

KEY	CODE	FEE	KEY	CODE	FEE
scales ≤ 50 lb	A	\$6.00	petroleum meter 30 < 150 gpm	H	\$33.00
scales > 50 ≤ 1159 lb	B	\$12.00	petroleum meter ≥ 150 gpm	I	\$40.00
scales ≥ 1160 ≤ 7499 lb	C	\$24.00	LPG dispenser	J	\$40.00
scales ≥ 7500 ≤ 59,999 lb	D	\$65.00	LPG temperature compensated	K & L	\$60.00
scales 60,000 lb or more	E & F	\$80.00	cordage meter	M	\$5.00
motor-fuel device < 20 gpm	G	\$6.00	fabric meter	N	\$5.00
motor-fuel device 20 ≤ 30 gpm	T	\$10.00	bulk oil meter	O	\$35.00

Special request testing mileage charges are proposed to increase to \$0.55/mile for a car, \$0.75/mile for a pickup and \$2.50/mile for a heavy duty truck. Personnel charges for special request tests are proposed to increase to \$30.00/hour.

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 fiscal impact would be to increase the Bureau of Weights and Measures dedicated funds by approximately \$80,000 per year. This increase will not apply until the 2010 license period.

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

DATED this 2nd day of October, 2008.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701-0790
Phone 332-8500, Fax 334-4062

DOCKET NO. 02-0214-0802 - ADOPTION OF PENDING FEE RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 08-9, September 3, 2008, pages 15 through 17.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2009 Idaho State Legislature for final adoption.

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.06.09 - INVASIVE SPECIES RULES

DOCKET NO. 02-0609-0801

NOTICE OF PUBLIC HEARING AND EXTENSION OF WRITTEN COMMENT PERIOD

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5222, Idaho Code, notice is hereby given that this agency has scheduled a public hearing and extended the period of public comment. The action is authorized pursuant to Sections 22-1907, 22-2006 and 22-2015, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

FRIDAY - NOVEMBER 14, 2008 - 10:00 a.m. to 12:00 p.m.

**IDAHO FISH AND GAME MAGIC VALLEY REGIONAL OFFICE
324 South 417 East - Suite 1
(2 miles north of I-84 on US 93)
Jerome, ID 83338**

The hearing site 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 summary of this action is found in Idaho Administrative Bulletin Vol. 08-10, dated October 1, 2008, pages 48 through 57.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 2, 2008 Idaho Administrative Bulletin, Volume 08-07, page 19. The proposed rules were published in the October 3, 2008 Idaho Administrative Bulletin, Volume 08-10, pages 48 through 57.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Amy Ferriter, Invasive Species Coordinator (208) 332-8686 or Thomas E. Dayley, Administrator (208) 332-8620.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before November 14, 2008.

DATED this 16th day of October, 2008.

Pamm Juker, Chief of Staff
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701-0790
Phone 332-8500, Fax 334-2170

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.06.13 - RULES RELATING TO RAPESEED PRODUCTION AND ESTABLISHMENT OF RAPESEED DISTRICTS IN THE STATE OF IDAHO

DOCKET NO. 02-0613-0801

NOTICE OF INTENT TO PROMULGATE RULES - REQUEST FOR WRITTEN COMMENTS

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 22-108(2), Idaho Code.

METHOD OF PARTICIPATION: Persons wishing to participate in this request for written comments may do so by sending them to:

**Michael E. Cooper
Plant Industries Division
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701-0790**

DESCRIPTIVE SUMMARY: The following is a statement in non-technical language of the substance and purpose of the request for written comments:

The production of edible and industrial rapeseed for commercial uses and, seed production has changed significantly since the current rules were adopted and the Department is being asked to update the rules to better reflect the current state of the industry in Idaho. Issues needing to be addressed include but are not limited to:

1. Erucic acid and glucosinolate levels in edible and industrial type of rapeseed;
2. Isolation distances between commercial rapeseed production and seed production;
3. Impact of volunteer plants on commercial and seed production fields;
4. The potential impacts of cross pollination of rapeseed with related vegetable seed production, i.e. radish, mustard, rutabaga; and
5. Production of rapeseed for bio-diesel.

A copy of the current rules can be found at the following Internet Website: <http://adm.idaho.gov/adminrules/rules/idapa02/0613.pdf>.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES: For assistance on technical questions concerning this request for comments, contact Michael E. Cooper, Bureau Chief or Thomas Dayley, Administrator at (208) 332-8620.

All written comments must be directed to the undersigned and must be delivered on or before the first day of January, 2009. As the process moves forward, and negotiated rulemaking is scheduled, additional written comments will be accepted.

DATED this 17th day of July, 2008.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701-0790
Phone 332-8500, Fax 334-4062

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.01.02 - RULES GOVERNING FEES FOR ELECTRICAL INSPECTIONS

DOCKET NO. 07-0102-0801 (FEE RULE)

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 2009 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 54-1006(5), Idaho Code.

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

There are no changes to the pending rule, therefore, it is being adopted as proposed. The complete text of the proposed rule was published in the September 3, 2008 Idaho Administrative Bulletin, Vol. 08-9, pages 19 through 22.

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 54-1006(5), Idaho Code:

This rule change would simplify the calculation of permit fees for larger homes (homes over 4,500 square feet) to include a base fee plus additional fees for every 1,000 feet of square footage beyond 4,500 square feet (or a portion thereof). It also clarifies for the entire fee schedule that the square footage basis for the permits includes living space only.

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 Keys, Deputy Administrator - Operations, (208) 332-8986.

DATED this 25th day of September, 2008.

Steve Keys, Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St.
Meridian, ID 83642
Phone: (208) 332-8986
Fax: (208) 855-2164

DOCKET NO. 07-0102-0801 - ADOPTION OF PENDING FEE RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 08-9, September 3, 2008, pages 19 through 22.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2009 Idaho State Legislature for final adoption.

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.01.03 - RULES OF ELECTRICAL LICENSING AND REGISTRATION - GENERAL

DOCKET NO. 07-0103-0801

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2009 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

There are no changes to the pending rule, therefore, it is being adopted as proposed. The complete text of the proposed rule was published in the August 6, 2008 Idaho Administrative Bulletin, Vol. 08-8, pages 44 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 this pending rule, contact Steve Keys, Deputy Administrator - Operations, (208) 332-8986.

DATED this 28th day of August, 2008.

Steve Keys, Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St.
Meridian, ID 83642
Phone: (208) 332-8986
Fax: (208) 855-2164

DOCKET NO. 07-0103-0801 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 08-8, August 6, 2008, pages 44 through 46.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2009 Idaho State Legislature for final adoption.

IDAPA 07 - DIVISION OF BUILDING SAFETY
07.02.03 - RULES GOVERNING PERMIT FEE SCHEDULE
DOCKET NO. 07-0203-0801 (FEE RULE)
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 2009 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-2605(1), 54-2606, and 54-2623, Idaho Code.

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

There are no changes to the pending rule, therefore, it is being adopted as proposed. The complete text of the proposed rule was published in the September 3, 2008 Idaho Administrative Bulletin, Vol. 08-9, pages 24 through 27.

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 54-2606 and 54-2623, Idaho Code:

This rulemaking would simplify the calculation of plumbing inspection fees for larger homes.

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 Keys, Deputy Administrator - Operations, (208) 332-8986.

DATED this 25th day of September, 2008.

Steve Keys, Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St.
Meridian, ID 83642
Phone: (208) 332-8986
Fax: (208) 855-2164

DOCKET NO. 07-0203-0801 - ADOPTION OF PENDING FEE RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 08-9, September 3, 2008, pages 24 through 27.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2009 Idaho State Legislature for final adoption.

IDAPA 07 - DIVISION OF BUILDING SAFETY
07.02.04 - RULES GOVERNING PLUMBING SAFETY INSPECTIONS
DOCKET NO. 07-0204-0801
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2009 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 54-2606, Idaho Code.

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

There are no changes to the pending rule, therefore, it is being adopted as proposed. The complete text of the proposed rule was published in the August 6, 2008 Idaho Administrative Bulletin, Vol. 08-8, pages 47 and 48.

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 Keys, Deputy Administrator - Operations, (208) 332-8986.

DATED this 28th day of August, 2008.

Steve Keys, Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St.
Meridian, ID 83642
Phone: (208) 332-8986
Fax: (208) 855-2164

DOCKET NO. 07-0204-0801 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 08-8, August 6, 2008, pages 47 and 48.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2009 Idaho State Legislature for final adoption.

IDAPA 07 - DIVISION OF BUILDING SAFETY
07.02.06 - RULES CONCERNING UNIFORM PLUMBING CODE
DOCKET NO. 07-0206-0801
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2009 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 54-2606, Idaho Code.

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

There are no changes to the pending rule, therefore, it is being adopted as proposed. The complete text of the proposed rule was published in the September 3, 2008 Idaho Administrative Bulletin, Vol. 08-9, pages 28 through 31.

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 Keys, Deputy Administrator - Operations, (208) 332-8986.

DATED this 25th day of September, 2008.

Steve Keys, Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St.
Meridian, ID 83642
Phone: (208) 332-8986
Fax: (208) 855-2164

DOCKET NO. 07-0206-0801 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 08-9, September 3, 2008, pages 28 through 31.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2009 Idaho State Legislature for final adoption.

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.03.01 - RULES OF BUILDING SAFETY

DOCKET NO. 07-0301-0801

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2009 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 39-4107 and 39-4109, Idaho Code.

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

There are no changes to the pending rule, therefore, it is being adopted as proposed. The complete text of the proposed rule was published in the August 6, 2008 Idaho Administrative Bulletin, Vol. 08-8, pages 49 and 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: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Steve Keys, Deputy Administrator - Operations, (208) 332-8986.

DATED this 28th day of August, 2008.

Steve Keys, Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St.
Meridian, ID 83642
Phone: (208) 332-8986
Fax: (208) 855-2164

DOCKET NO. 07-0301-0801 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 08-8, August 6, 2008, pages 49 and 50.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2009 Idaho State Legislature for final adoption.

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.03.01 - RULES OF BUILDING SAFETY

DOCKET NO. 07-0301-0802 (FEE RULE)

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 2009 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 39-4004, Idaho Code.

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

There are no changes to the pending rule, therefore, it is being adopted as proposed. The complete text of the proposed rule was published in the September 3, 2008 Idaho Administrative Bulletin, Vol. 08-9, pages 32 and 33.

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 39-4004, Idaho Code:

The per floor inspection fee would increase to \$45 per floor from the current \$26 per floor fee. The hourly fee for hourly inspections would increase from \$36 to \$70.

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 Keys, Deputy Administrator - Operations, (208) 332-8986.

DATED this 25th day of September, 2008.

Steve Keys, Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St.
Meridian, ID 83642
Phone: (208) 332-8986
Fax: (208) 855-2164

DOCKET NO. 07-0301-0802 - ADOPTION OF PENDING FEE RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 08-9, September 3, 2008, pages 32 and 33.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2009 Idaho State Legislature for final adoption.

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.04.02 - SAFETY RULES FOR ELEVATORS, ESCALATORS, AND MOVING WALKS

DOCKET NO. 07-0402-0801

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2009 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 39-8605, Idaho Code.

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

There are no changes to the pending rule, therefore, it is being adopted as proposed. The complete text of the proposed rule was published in the September 3, 2008 Idaho Administrative Bulletin, Vol. 08-9, pages 34 and 35.

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 Keys, Deputy Administrator - Operations, (208) 332-8986.

DATED this 25th day of September, 2008.

Steve Keys, Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St.
Meridian, ID 83642
Phone: (208) 332-8986
Fax: (208) 855-2164

DOCKET NO. 07-0402-0801 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 08-9, September 3, 2008, pages 34 and 35.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2009 Idaho State Legislature for final adoption.

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.04.02 - SAFETY RULES FOR ELEVATORS, ESCALATORS, AND MOVING WALKS

DOCKET NO. 07-0402-0802 (FEE RULE)

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 2009 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 39-8605 and 39-8616, Idaho Code.

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

There are no changes to the pending rule, therefore, it is being adopted as proposed. The complete text of the proposed rule was published in the September 3, 2008 Idaho Administrative Bulletin, Vol. 08-9, pages 36 and 37.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Sections 39-8605 and 39-8616, Idaho Code:

This rulemaking will reduce the fee for reinspections of elevators, escalators, and lifts from \$500 or \$250 to a flat fee of \$100 thereby ensuring the safety of such conveyances through the reinspection process.

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 Keys, Deputy Administrator - Operations, (208) 332-8986.

DATED this 25th day of September, 2008.

Steve Keys, Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St.
Meridian, ID 83642
Phone: (208) 332-8986
Fax: (208) 855-2164

DOCKET NO. 07-0402-0802 - ADOPTION OF PENDING FEE RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 08-9, September 3, 2008, pages 36 and 37.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2009 Idaho State Legislature for final adoption.

IDAPA 07 - DIVISION OF BUILDING SAFETY

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

DOCKET NO. 07-0701-0801 (FEE RULE)

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 2009 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 54-5005(1) and (2), Idaho Code.

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

There are no changes to the pending rule, therefore, it is being adopted as proposed. The complete text of the proposed rule was published in the September 3, 2008 Idaho Administrative Bulletin, Vol. 08-9, pages 39 through 41.

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 54-5005(1), Idaho Code.

This rule change would simplify the calculation of inspection fees for heating, ventilation, and air conditioning (HVAC) systems of larger residences.

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 Keys, Deputy Administrator - Operations, (208) 332-8986.

DATED this 25th day of September, 2008.

Steve Keys, Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St.
Meridian, ID 83642
Phone: (208) 332-8986
Fax: (208) 855-2164

DOCKET NO. 07-0701-0801 - ADOPTION OF PENDING FEE RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 08-9, September 3, 2008, pages 39 through 41.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2009 Idaho State Legislature for final adoption.

IDAPA 08 - STATE BOARD OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-0805

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 33-105, Idaho Code and Public Law 107-110 ("No Child Left Behind") Section 1111.b.3.C.

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 November 19, 2008.

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:

This rulemaking will combine Sections 08.02.03.105 and 08.02.03.107 regarding graduation requirement, removing any redundancies and clarifying any confusion that having two Sections may have caused.

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

No fees or charges are being imposed as a result of this rulemaking.

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:

No negative fiscal impact to the general fund will result from this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because the rulemaking is non-controversial in nature.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Tracie Bent at (208) 332-1582.

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 November 26, 2008.

DATED this 20th day of August, 2008.

Tracie Bent
Planning, Policy and HR Officer
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. 08-0203-0805

105. HIGH SCHOOL GRADUATION ~~FROM HIGH SCHOOL~~ REQUIREMENTS.

A student must meet all of the ~~following~~ requirements identified in this section before the student will be eligible to graduate from an Idaho high school. The local school district or LEA may establish graduation requirements beyond the state minimum. (4-11-06)()

01. Credit Requirements. The State minimum graduation requirement for all Idaho public high schools is forty-two (42) semester credits. The forty-two (42) semester credits must include twenty-five (25) semester credits in core subjects as identified in Paragraphs 105.01.a. through 105.01.f. All credit-bearing classes must be aligned with state high school standards in the content areas for which standards exist. For all public school students who enter high school at the 9th grade level in Fall 2009 or later, the minimum graduation requirement will be forty-five (45) semester credits and must include twenty-nine (29) semester credits in core subjects as identified in Paragraphs 105.01.a. through 105.01.f. (3-30-07)()

a. (Effective for all students that graduate prior to January 1, 2013.) Each student 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. Secondary Language Arts and Communication. Nine (9) semester credits are required that include eight (8) semester credits of instruction in Language Arts. Each year shall consist of language study, composition, and literature; including one (1) semester credit of instruction in communications consisting of 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)()

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. Mathematics. Four (4) semester credits are required. 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. (3-30-07)()

i. 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 for such course. However, the student must complete the required four (4) credits of high school math in addition to the courses completed in middle school. ()

ii. For all public school students who enter high school at the 9th grade level in Fall 2009 or later, six (6) semester credits are required. For such students, secondary mathematics includes instruction in the following areas: ()

(1) Two (2) semester credits of Algebra I or courses that meet Algebra I standards as approved by the State Department of Education; ()

(2) Two (2) semester credits of Geometry or courses that meet Geometry standards as approved by the State Department of Education; and ()

(3) Two (2) semester credits of mathematics of the student's choice. ()

(4) Two (2) semester credits of the required six (6) semester credits of mathematics must be taken in the last year of high school. ()

c. Science. Four (4) semester credits are required, two (2) of which will be laboratory based. Secondary sciences include instruction in applied sciences, earth and space sciences, physical sciences, and life sciences. ()

i. Effective for all public school students who enter high school at the 9th grade level in Fall 2009 or later, six (6) semester credits will be required. Secondary sciences include instruction in the following areas: biology, physical science or chemistry, and earth, space, environment, or approved applied science. Four (4) semester credits of these courses must be laboratory based. ()

ii. 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 for such course. However, the student must complete the required number of semester credits of high school science in addition to the courses completed in middle school. ()

d. Social Studies. Five (5) semester credits are required, including government (two (2) semester credits), United States history (two (2) semester credits), and economics (one (1) semester 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, but are not to be counted as a social studies requirement. ()

e. Humanities. Two (2) semester credits are required. Humanities courses include instruction 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. ()

f. Health/Wellness. One (1) semester credit is required. Course must focus on positive health habits. ()

02. **Achievement Standards.** Each student shall meet locally established subject area standards (using state content standards as minimum requirements) demonstrated through various measures of accountability including examinations or other measures. (4-2-08)

03. **Proficiency (~~Effective January 1, 2006~~).** Each student ~~shall~~ **must** achieve a proficient or advanced score on the ~~High School~~ Grade 10 Idaho Standards Achievement Test (ISAT) in math, reading and language usage in order to graduate. For all public school students who enter high school at the 9th grade level in the Fall 2008 or later, each student must 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~~ will be given an opportunity to demonstrate proficiency of the ~~achievement content~~ standards through some other locally established mechanism. All locally established mechanisms used to demonstrate proficiency ~~shall will~~ be forwarded to the State Board of Education for review and information. Districts with alternate measures on file with the Board on the effective date of this rule must re-submit their plans to the Board. Alternate mechanisms must be re-submitted to the Board when changes are made in their plans. (~~4-11-06~~)()

a. Before entering an alternate measure, the student must be: (4-2-08)

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: (~~3-20-04~~)()

i. ~~aligned~~ Aligned at a minimum to tenth grade state content standards; (3-20-04)

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

iii. ~~The measure must be valid~~ Valid and reliable; and (~~3-20-04~~)()

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

- c.** A student is not required to achieve a proficient or advanced score on the ISAT if: ()
- i.** The 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 must approved by the State Board of Education and must measure skills at the tenth grade level and be in comparable subject areas to the ISAT: ()
- ii.** The student completes another measure established by a school district or LEA and received by the Board as outlined in Subsection 105.03; or ()
- iii.** The student has an IEP that outlines alternate requirements for graduation or adaptations are recommended on the test: ()
- iv.** The 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: ()

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)

06. College Entrance Examination. (Effective for all public school students who enter high school at the 9th grade level in Fall 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. ()

07. Senior Project. (Effective for all public school students who enter high school at the 9th grade level in Fall 2009 or later.) A student must complete a senior project by the end of grade twelve (12). The project must also include a written report and an oral presentation. ()

(BREAK IN CONTINUITY OF SECTIONS)

107. HIGH SCHOOL GRADUATION REQUIREMENTS (RESERVED).

~~**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. 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. (4-2-08)~~

~~**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. (3-30-07)~~

~~**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)~~

~~e. 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)~~

~~e. 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)~~

~~e. 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. A student is not required to achieve a proficient or advanced score on the ISAT if:~~

~~**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 completes another measure established by a school district or LEA and received by the Board as outlined in Subsection 105.03; or (4-2-08)~~

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

~~**d.** Calendar year of 2007. A student is not required to achieve a proficient or advanced score on the ISAT if: (3-30-07)~~

~~**i.** A student took the ISAT and was within three (3) RIT points of proficiency; (4-11-06)~~

~~**ii.** A student has an IEP that outlines alternate requirements for graduation or adaptations are recommended on the test; (4-11-06)~~

~~**iii.** 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)~~

~~**iv.** 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)~~

~~**v.** A student appeals for another measure approved by the school district or LEA as outlined in Subsection 105.03. (4-11-06)~~

~~**e.** 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)~~

~~i. A student has an IEP that outlines alternate requirements for graduation or adaptations are recommended on the test; (3-30-07)~~

~~ii. 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)~~

~~iii. 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)~~

~~iv. A student appeals for another measure approved by the school district or LEA as outlined in Subsection 105.03. (3-30-07)~~

IDAPA 09 - DEPARTMENT OF LABOR

09.01.08 - RULES ON DISCLOSURE OF INFORMATION

DOCKET NO. 09-0108-0801

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2009 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 72-1333 and 72-1342, Idaho Code, and 20 CFR part 603.

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

There are no changes to the pending rule, therefore, it is being adopted as proposed. The complete text of the proposed rule was published in the August 6, 2008, Idaho Administrative Bulletin, Vol. 08-8, pages 56 through 63.

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 will be no impact on the general fund as a result of this rule change.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Bob Fick, Communications & Legislative Liaison, 332-3570 ext. 3628.

DATED this 3rd day of October, 2008.

Bob Fick
Communications & Legislative Liaison
Department of Labor
317 W. Main St., Boise, ID 83735
Phone 332-3570 ext. 3628
Fax 334-6455

DOCKET NO. 09-0108-0801 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 08-8, August 6, 2008, pages 56 through 63.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2009 Idaho State Legislature for final adoption.

IDAPA 09 - DEPARTMENT OF LABOR

09.01.35 - UNEMPLOYMENT INSURANCE TAX ADMINISTRATION RULES

DOCKET NO. 09-0135-0801

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2009 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 72-1333, Idaho Code.

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

There are no changes to the pending rule, therefore, it is being adopted as proposed. The complete text of the proposed rule was published in the August 6, 2008, Idaho Administrative Bulletin, Vol. 08-8, pages 64 and 65.

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 will be no impact on the general fund as a result of this rule change.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Don Arnold, Unemployment Insurance Compliance Bureau Chief, 332-3570 ext. 3258.

DATED this 3rd day of October, 2008.

Don Arnold
Unemployment Insurance Compliance Bureau Chief
Department of Labor
317 W. Main St., Boise, ID 83735
Phone 332-3570 ext. 3258
Fax 334-6301

DOCKET NO. 09-0135-0801 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 08-8, August 6, 2008, pages 64 and 65.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2009 Idaho State Legislature for final adoption.

**IDAPA 10 - PROFESSIONAL ENGINEERS AND
PROFESSIONAL LAND SURVEYORS**

10.01.01 - RULES OF PROCEDURE

DOCKET NO. 10-0101-0801

NOTICE OF PUBLIC HEARING AND EXTENSION OF WRITTEN COMMENT PERIOD

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5222, Idaho Code, notice is hereby given that this agency has scheduled a public hearing and extended the period of public comment. The action is authorized pursuant to Section 54-1208(1), Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

THURSDAY - NOVEMBER 20, 2008 - 8:00 a.m.

**HILTON HOMEWOOD SUITE
7957 West Spectrum Way
Boise, Idaho**

The hearing site 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 summary of this action and the text of the proposed rules were published in the October 1, 2008 Idaho Administrative Bulletin, Vol. 08-10, Book 1, pages 142 through 151.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this rulemaking or the hearing schedule, contact David L. Curtis, Executive Director, Board of Professional Engineers and Professional Land Surveyors, 5535 West Overland Rd., Boise, ID 83705 (208) 373-7210.

Anyone may submit written comments regarding this rulemaking until November 20, 2008 or at the public hearing. Any written comments submitted at a public hearing carry the same weight as oral testimony.

DATED this 9th Day of October, 2008.

James L. Szatkowski, P.E.
Deputy Director
Board for Professional Engineers
and Professional Land Surveyors
5535 West Overland Road
Boise, Idaho 83705
Phone (208) 373-7210
Fax (208) 373-7213

**IDAPA 10 – PROFESSIONAL ENGINEERS AND
PROFESSIONAL LAND SURVEYORS**

10.01.02 - RULES OF PROFESSIONAL RESPONSIBILITY

DOCKET NO. 10-0102-0801

NOTICE OF PUBLIC HEARING AND EXTENSION OF WRITTEN COMMENT PERIOD

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5222, Idaho Code, notice is hereby given that this agency has scheduled a public hearing and extended the period of public comment. The action is authorized pursuant to Section 54-1208(1), Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

THURSDAY - NOVEMBER 20, 2008 - 8:00 a.m.

**HILTON HOMEWOOD SUITE
7957 West Spectrum Way
Boise, Idaho**

The hearing site 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 summary of this action and the text of the proposed rule was published in the Idaho Administrative Bulletin Vol. 08-10, dated October 1, 2008, Book 1, pages 152 through 157.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this rulemaking or the hearing schedule, contact David L. Curtis, Executive Director, Board for Professional Engineers and Professional Land Surveyors, 5535 West Overland Rd., Boise, ID 83705 (208) 373-7210.

Anyone may submit written comments regarding this rulemaking until November 20, 2008 or at the public hearing. Any written comments submitted at a public hearing carry the same weight as oral testimony.

DATED this 9th Day of October, 2008.

James L. Szatkowski, P.E.
Deputy Director
Board for Professional Engineers
and Professional Land Surveyors
5535 West Overland Road
Boise, Idaho 83705
Phone (208) 373-7210
Fax (208) 373-7213

**IDAPA 10 – PROFESSIONAL ENGINEERS AND
PROFESSIONAL LAND SURVEYORS**

10.01.03 - RULES FOR CORNER PERPETUATION AND FILING

DOCKET NO. 10-0103-0801

NOTICE OF PUBLIC HEARING AND EXTENSION OF WRITTEN COMMENT PERIOD

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5222, Idaho Code, notice is hereby given that this agency has scheduled a public hearing and extended the period of public comment. The action is authorized pursuant to Section 54-1208(1), Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

THURSDAY - NOVEMBER 20, 2008 - 8:00 a.m.

**HILTON HOMEWOOD SUITE
7957 West Spectrum Way
Boise, Idaho**

The hearing site 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 summary of this action and the text of the proposed rule was published in the Idaho Administrative Bulletin Vol. 08-10, dated October 1, 2008, Book 1, pages 158 and 159.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking or the hearing schedule, contact David L. Curtis, Executive Director, Board for Professional Engineers and Professional Land Surveyors, 5535 West Overland Rd., Boise, ID 83705 (208) 373-7210.

Anyone may submit written comments regarding this rulemaking until November 20, 2008 or at the public hearing. Any written comments submitted at a public hearing carry the same weight as oral testimony.

DATED this 9th Day of October, 2008.

James L. Szatkowski, P.E.
Deputy Director
Board for Professional Engineers
and Professional Land Surveyors
5535 West Overland Road
Boise, Idaho 83705
Phone (208) 373-7210
Fax (208) 373-7213

**IDAPA 10 - PROFESSIONAL ENGINEERS AND
PROFESSIONAL LAND SURVEYORS**

10.01.04 - RULES OF CONTINUING PROFESSIONAL DEVELOPMENT

DOCKET NO. 10-0104-0801

NOTICE OF PUBLIC HEARING AND EXTENSION OF WRITTEN COMMENT PERIOD

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5222, Idaho Code, notice is hereby given that this agency has scheduled a public hearing and extended the period of public comment. The action is authorized pursuant to Section 54-1208(1), Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

THURSDAY - NOVEMBER 20, 2008 - 8:00 a.m.

**HILTON HOMEWOOD SUITE
7957 West Spectrum Way
Boise, Idaho**

The hearing site 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 summary of this action and the text of the proposed rule was published in the Idaho Administrative Bulletin Vol. 08-10, dated October 1, 2008, Book 1, pages 160 through 164.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking or the hearing schedule, contact David L. Curtis, Executive Director, Board for Professional Engineers and Professional Land Surveyors, 5535 West Overland Rd., Boise, ID 83705 (208) 373-7210.

Anyone may submit written comments regarding this rulemaking until November 20, 2008 or at the public hearing. Any written comments submitted at a public hearing carry the same weight as oral testimony.

DATED this 9th Day of October, 2008.

James L. Szatkowski, P.E.
Deputy Director
Board for Professional Engineers
and Professional Land Surveyors
5535 West Overland Road
Boise, Idaho 83705
Phone (208) 373-7210
Fax (208) 373-7213

IDAPA 11 - IDAHO STATE POLICE

11.07.01 - RULES GOVERNING MOTOR VEHICLES

DOCKET NO. 11-0701-0801

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This 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 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 67-2901A and 49-901, Idaho Code.

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

This rulemaking removes unnecessary and conflicting language regarding formal declaratory orders. There are no changes to the pending rule, therefore, it is being adopted as proposed. The complete text of the proposed rule was published in the September 3, 2008, Idaho Administrative Bulletin, Vol. 08-9, page 42.

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 Lt. Bill Reese, (208) 884-7222.

DATED this 25th day of September, 2008.

Colonel G. Jerry Russell
Director
Idaho State Police
700 S. Stratford
P. O. Box 700
Meridian, ID 83680-0700
208-884-7000 Fax 208-884-7090

DOCKET NO. 11-0701-0801 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 08-9, September 3, 2008, page 42.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2009 Idaho State Legislature for final adoption.

IDAPA 11 - IDAHO STATE POLICE

11.11.04 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL FOR CORRECTION OFFICERS AND ADULT PROBATION AND PAROLE OFFICERS

DOCKET NO. 11-1104-0801

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2009 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:

There are no changes to the pending rule, therefore, it is being adopted as proposed. The complete text of the proposed rule was published in the September 3, 2008 Idaho Administrative Bulletin, Vol. 08-9, pages 43 and 44.

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 Trish Christy at (208) 884-7253.

DATED this 26th day of September, 2008.

Jeffrey J. Black
Executive Director
Idaho State Police/Peace Officer Standards and Training
700 S. Stratford Dr.
Meridian, ID 83642
P.O. Box 700
Meridian, ID 83680-0700
(208) 884-7251/(208) 884-7295 (FAX)

DOCKET NO. 11-1104-0801 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 08-9, September 3, 2008, pages 43 and 44.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2009 Idaho State Legislature for final adoption.

**IDAPA 15 - OFFICE OF THE GOVERNOR
DIVISION OF HUMAN RESOURCES AND PERSONNEL COMMISSION**

**15.04.01 - RULES OF THE DIVISION OF HUMAN RESOURCES
AND IDAHO PERSONNEL COMMISSION**

DOCKET NO. 15-0401-0801

NOTICE OF PUBLIC HEARING AND EXTENSION OF WRITTEN COMMENT PERIOD

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5222, Idaho Code, notice is hereby given that this agency has scheduled a public hearing and extended the period of public comment. The action is authorized pursuant to Sections 63-105 and 63-3039, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

MONDAY - NOVEMBER 10, 2008 - 10:00 a.m. to 12:00 p.m.

**DIVISION OF HUMAN RESOURCES
J. R. Williams Building
East Conference Room
700 W. State St., Boise, Idaho**

The hearing site 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.

Time for testimony will be limited due to the restricted time available for the hearing.

DESCRIPTIVE SUMMARY: The summary of this action is found in Idaho Administrative Bulletin Vol. 08-10, dated October 1, 2008, pages 288 through 289.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking or the hearing schedule, contact Dennis Moberly, Human Resources Program Manager, at (208) 429-5531 or at dmoberly@dhr.idaho.gov.

SUBMISSION OF WRITTEN COMMENTS: The comment period for this rulemaking has been extended. Anyone may submit written comments regarding this rulemaking. All written comments must be directed to the undersigned and must be delivered on or before 12:00 p.m. on November 10, 2008.

Anyone may submit written comments at the public hearing regarding this rulemaking. Any written comments submitted at a public hearing carry the same weight as oral testimony.

DATED this 16th day of October, 2008.

Judie Wright
Administrator
Division of Human Resources
700 W. State St.
P. O. Box 83720
Boise, ID 83720-0066
Phone: (208) 854-3054
Fax: (208) 334-2438

OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR

IDAPA 38 - IDAHO DEPARTMENT OF ADMINISTRATION

**IDAPA 15 - OFFICE OF THE GOVERNOR
15.06 - IDAHO MILITARY DIVISION**

DOCKET NO. 15-0600-0801

**NOTICE OF LEGISLATIVE ACTION RELATING TO THE IDAHO MILITARY DIVISION
AND THE DEPARTMENT OF ADMINISTRATION - HOUSE BILL 305**

EFFECTIVE DATE: The effective date of this action is July 1, 2007.

AUTHORITY: In compliance with Sections 67-5203 and 67-5220, Idaho Code, notice is hereby given by the Office of the Administrative Rules Coordinator that the Fifty-Ninth Legislature in the First Regular Session - 2007, passed House Bill 305 and that said bill was signed into law by Governor C.L. "Butch" Otter, Session Law Chapter 292, thereby amending existing law to transfer functions relating to emergency communications and equipment from the Department of Administration to the Military Division within the Office of the Governor.

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

House Bill 305 transfers the microwave services/public safety communications function of the Department of Administration to the Idaho Military Division within the Office of the Governor. This move provides enhanced services and coordination for emergency operations and logistics that are already being developed through federal channels with the Idaho Military Division.

This does not eliminate current functions, but rather changes where they are located organizationally and the means by which oversight of the function is provided. Communication and related support for first responders and state and local government response in times of disaster will be improved.

Notwithstanding the provisions of Title 67, Chapter 52, Idaho Code, and further complying with the legislative intent of House Bill 305, non-substantive changes will be made to update all references and citations within the rules now under the authority of the Military Division and include, but are not limited to, the following:

All citations and references to IDAPA 38 relating to the affected chapters under IDAPA 38, Title 06, Chapter 01 and IDAPA 38, Title 06, Chapter 02, are changed to IDAPA 15, Title 06, Chapter 01 and IDAPA 15, Title 06, Chapter 02 designation. These two chapters are now designated as follows:

IDAPA 15.06.01, "Rules Governing the Idaho Emergency Communications Commission."

IDAPA 15.06.02, "Rules Governing the Idaho Emergency Communications Commission Grants."

Citations and references to the Department Administration under IDAPA 38 relating to the affected chapters under Title 06, as referenced above, now refer to the Idaho Military Division.

Pursuant to Section 67-5204, Idaho Code, all of the above listed changes will be incorporated into and made available in both the printed and the on line versions of the Idaho Administrative Code.

ASSISTANCE ON QUESTIONS: For assistance on questions concerning this notice, contact Dennis Stevenson, Administrative Rules Coordinator, (208) 322-1820.

DATED this 15th day of October, 2008.

Dennis Stevenson, Administrative Rules Coordinator
Office of the Administrative Rules Coordinator
Department of Administration
Phone: (208) 322-1820 / Fax: (208) 322-1896
PO Box 83720
Boise, ID 83720-0306

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.02.02 - RULES OF THE EMERGENCY MEDICAL SERVICES (EMS) PHYSICIAN COMMISSION

DOCKET NO. 16-0202-0801

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 September 12, 2008. This rule has been adopted by the agency and is now pending review by the 2009 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended, or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended, or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Sections 56-1013A and 56-1017, 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 revised Idaho Emergency Medical Services (EMS) Physician Commission Standards Manual, edition 2008-1 went into effect on July 1, 2008. The EMS Physician Commission amended the manual on September 12, 2008. This amended version is edition 2008-1a and has been incorporated by reference to replace edition 2008-1.

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 amended the temporary rule with the same revisions which have been made to the pending rule. Only the section that has changes from the proposed text is printed in this bulletin. The complete text of the proposed rule was published in the Wednesday, July 2, 2008, Idaho Administrative Bulletin, Vol. 08-7, pages 39 and 40.

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 anticipated fiscal impact to the state general fund related to this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule or to request a copy of the Idaho Emergency Medical Services (EMS) Physician Commission Standards Manual, edition 2008-1a, contact Dia Gainor at (208) 334-4000.

DATED this 2nd day of October, 2008.

Tamara Prisock
DHW - Administrative Procedures Section
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
(208) 334-5564 phone; (208) 334-6558 fax
dhwrules@dhw.idaho.gov e-mail

DOCKET NO. 16-0202-0801 - ADOPTION OF PENDING RULE
AND AMENDMENT TO TEMPORARY RULE

Substantive changes have been made to the pending rule.
Italicized text that is underscoring is new text that is being added.
Italicized text that is ~~underscoring and struck through~~ is codified temporary text that is being removed from the temporary rule. This is also an amendment to the pending rule text.

Only those sections or subsections 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 08-7, July 2, 2007, pages 39 and 40.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2009 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE AMENDED TEMPORARY RULE AND THE
AMENDED PENDING RULE TEXT FOR DOCKET NO. 16-0202-0801

Section 004

004. INCORPORATION BY REFERENCE.

The Idaho Emergency Medical Services (EMS) Physician Commission has adopted the Idaho Emergency Medical Services (EMS) Physician Commission Standards Manual, edition 2007~~8-1~~a, and hereby incorporates this Standards Manual by reference. Copies of the manual may be obtained from the EMS Bureau located at 590 W. Washington Street, Boise, Idaho, 83702, whose mailing address is P.O. 83720, Boise, Idaho 83720-0036. ~~(4-2-08)~~(9-12-08)T

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.01 - ELIGIBILITY FOR HEALTH CARE ASSISTANCE FOR FAMILIES AND CHILDREN

DOCKET NO. 16-0301-0801

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 July 1, 2008. This pending rule has been adopted by the agency and is now pending review by the 2009 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended, or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended, or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule and amended a temporary rule. The action is authorized pursuant to Sections 56-202, 56-203, Idaho Code, and Public Laws 110-161, and 110-181.

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 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 Department amended the temporary rule with the same revisions which have been made to the pending rule.

Only the sections that have changes that differ from the proposed text are printed in this bulletin. The change being made to this rule is to no longer require proof of monthly earnings and child care expenses with each report.

The original text of the proposed rule was published in the August 6, 2008, Idaho Administrative Bulletin, Vol. 08-8, pages 67 through 72.

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 anticipated fiscal impact to the state general fund related to the special immigrants rulemaking is \$332,947, which is 30% of federal matching funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Peggy Cook at (208) 334-5969.

DATED this 2nd day of October, 2008.

Tamara Prisock
DHW - Administrative Procedures Section
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
(208) 334-5564 phone; (208) 334-6558 fax
dhwrules@dhw.idaho.gov e-mail

DOCKET NO. 16-0301-0801 - ADOPTION OF PENDING RULE
AND AMENDMENT TO TEMPORARY RULE

Substantive changes have been made to the pending rule.
Italicized text that is underscored is new text that is being added.
Italicized text that is ~~underscored and struck through~~ is codified temporary text that is being removed from the temporary rule. This is also an amendment to the pending rule text.

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

The text of the temporary/proposed rule was published in the Idaho Administrative Bulletin, [Volume 08-8, August, 2007, pages 67 through 72.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2009 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE AMENDED TEMPORARY RULE AND THE
AMENDED PENDING RULE TEXT FOR DOCKET 16-0301-0801

423. TRANSITIONAL MEDICAID REPORTING REQUIREMENT.

Families receiving To continue to receive Transitional Medicaid ~~are mailed three (3)~~ for months seven (7) through twelve (12), the family must complete and return three (3) quarterly reports ~~forms during the twelve (12) Transitional Medicaid months. Families must complete and return the reports as listed in Subsections 423.01 through 423.03.~~ Each report must include the family gross earnings, expenses for dependent care needed for employment, and any change to the family composition. ~~Proof of monthly earnings and dependent care expenses must be provided with each report.~~ (4-2-08)(7-1-08)I

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.04 - RULES GOVERNING THE FOOD STAMP PROGRAM IN IDAHO

DOCKET NO. 16-0304-0802

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2009 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 56-203, Idaho Code, and Public Laws 110-161, and 110-181.

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 6, 2008, Idaho Administrative Bulletin, Vol. 08-8, pages 73 and 74.

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 anticipated fiscal impact to the state general fund related to this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Rosie Andueza (208) 334-5553.

DATED this 2nd day of October, 2008.

Tamara Prisock
DHW - Administrative Procedures Section
450 W. State Street - 10th Floor
P.O. Box 83720, Boise, ID 83720-0036
(208) 334-5564 phone; (208) 334-6558 fax
dhwrules@dhw.idaho.gov e-mail

DOCKET NO. 16-0304-0802 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 08-8, August 6, 2008, pages 73 and 74.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2009 Idaho State Legislature for final adoption.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.05 - ELIGIBILITY FOR AID TO THE AGED, BLIND, AND DISABLED (AABD)

DOCKET NO. 16-0305-0801

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2009 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, and Public Laws 110-161, and 110-181.

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 6, 2008, Idaho Administrative Bulletin, Vol. 08-8, pages 75 through 77.

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 anticipated fiscal impact to the state general fund related to this rulemaking is \$58,108 which is 30% of federal matching funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Peggy Cook at (208) 334-5969.

DATED this 2nd day of October, 2008.

Tamara Prisock
DHW - Administrative Procedures Section
450 W. State Street - 10th Floor
P.O. Box 83720, Boise, ID 83720-0036
(208) 334-5564 phone; (208) 334-6558 fax
dhwrules@dhw.idaho.gov e-mail

DOCKET NO. 16-0305-0801 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 08-8, August 6, 2008, pages 75 through 77.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2009 Idaho State Legislature for final adoption.

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.06 - RULES GOVERNING REFUGEE MEDICAL ASSISTANCE**

DOCKET NO. 16-0306-0801

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2009 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended, or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended, or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-202, 56-203, Idaho Code, and Public Laws 110-161, and 110-181.

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 6, 2008, Idaho Administrative Bulletin, Vol. 08-8, pages 78 through 80.

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 anticipated fiscal impact to the state general fund related to this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Peggy Cook at (208) 334-5969.

DATED this 2nd day of October, 2008.

Tamara Prisock
DHW - Administrative Procedures Section
450 W. State Street - 10th Floor
P.O. Box 83720, Boise, ID 83720-0036
(208) 334-5564 phone; (208) 334-6558 fax
dhwrules@dhw.idaho.gov e-mail

DOCKET NO. 16-0306-0801 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 08-8, August 6, 2008, pages 78 through 80.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2009 Idaho State Legislature for final adoption.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

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

DOCKET NO. 16-0308-0802

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2009 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, 45 CFR Parts 260-265, Public Laws 110-161 and 110-081.

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 6, 2008, Idaho Administrative Bulletin, Vol. 08-8, pages 81 through 83.

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 anticipated fiscal impact to the state general fund related to this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Genie Sue Weppner (208) 334-5656.

DATED this 2nd day of October, 2008.

Tamara Prisock
DHW - Administrative Procedures Section
450 W. State Street - 10th Floor
P.O. Box 83720, Boise, ID 83720-0036
(208) 334-5564 phone; (208) 334-6558 fax
dhwrules@dhw.idaho.gov e-mail

DOCKET NO. 16-0308-0802 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 08-8, August 6, 2008, pages 81 through 83.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2009 Idaho State Legislature for final adoption.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.09 - MEDICAID BASIC PLAN BENEFITS

DOCKET NO. 16-0309-0804

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is October 1, 2008.

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), 56-203(g), 56-203(i), 56-250 through 56-257, Idaho Code; and the "U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007," Section 70029(b), P.L. 110-28 and P.L. 110-90.

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 November 19, 2008.

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 of October 1, 2008, all handwritten and computer generated printed prescriptions for fee-for-service Medicaid patients must be fully tamper resistant in compliance with federal implementation of an amendment to 42 USC 1396b(i).

Rules are being amended to require at least one industry recognized feature from each of the three categories of tamper resistance (characteristics that prevent unauthorized copying, erasure or modification of information, or the use of counterfeit prescription forms) for all handwritten and computer generated printed prescription for fee-for-service Medicaid patients. Prescriptions for Medicaid patients that are telephoned, faxed, or ePrescribed are exempt from these tamper resistance requirements.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5220, Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: This rulemaking is necessary to meet deadlines in federal regulation.

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

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

This rulemaking will have no anticipated fiscal impact to the state general fund.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 67-5220, negotiated rulemaking was not conducted because this rule is being written to comply with federal regulations.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Jeanne Siroky at (208) 364-1897.

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 November 26, 2008.

DATED this 2nd day of October, 2008.

Tamara Prisock
DHW - Administrative Procedures Section
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
(208) 334-5564 phone; (208) 334-6558 fax
dhwrules@dhw.idaho.gov e-mail

THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0309-0804

661. PRESCRIPTION DRUGS - PARTICIPANT ELIGIBILITY.

01. Obtaining a Prescription Drug. To obtain a prescription drug, a Medicaid participant or authorized agent must present the participant's Medicaid identification card to a participating pharmacy together with a prescription from a licensed prescriber. (3-30-07)

02. Tamper-Resistant Prescription Requirements. Any written, non-electronic prescription for a Medicaid participant must be written on a tamper-resistant prescription form. The paper on which the prescription is written must have: (10-1-08)T

a. One (1) or more industry-recognized features designed to prevent unauthorized copying of a completed or blank prescription form; (10-1-08)T

b. One (1) or more industry-recognized features designed to prevent the erasure or modification of information written on the prescription by the prescriber; (10-1-08)T

c. One (1) or more industry-recognized features designed to prevent the use of counterfeit prescription forms. (10-1-08)T

03. Tamper-Resistant Prescription Requirements Not Applicable. The tamper-resistant prescription requirements do not apply when the prescription is communicated by the prescriber to the pharmacy electronically, verbally, by fax, or when drugs are provided in an inpatient hospital or a nursing facility where the patient and family do not have direct access to the paper prescription. (10-1-08)T

024. Drug Coverage for Dual Eligibles. For Medicaid participants who are also eligible for Medicare known as ("dual eligibles"), the Department will pay for Medicaid-covered drugs that are not covered by Medicare Part D. Dual eligibles will be subject to the same limits and processes used for any other Medicaid participants. ~~(3-30-07)~~(10-1-08)T

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.05.06 - CRIMINAL HISTORY AND BACKGROUND CHECKS

DOCKET NO. 16-0506-0801

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 2009 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 56-1004A, 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 July 2, 2008, Idaho Administrative Bulletin, Vol. 08-7, pages 45 through 48.

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 56-1004A, Idaho Code. The fee amount for providing criminal history and background checks is based on costs incurred to complete these checks. This fee rule increases the fee an applicant must pay to cover current costs.

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 fiscal impact of this change will prevent an increase in the state general fund costs by approximately \$67,600 for fiscal year 2009. Any shortfall the Department incurs from providing criminal history and background checks would need to be paid by general fund money. An analysis of the Department's costs, shows that based on the current volume the fee needs to be increased to \$55.00 per criminal history check.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Steve Bellomy (208) 334-0609.

DATED this 2nd day of October, 2008.

Tamara Prisock
DHW - Administrative Procedures Section
450 W. State Street - 10th Floor
P.O. Box 83720, Boise, ID 83720-0036
(208) 334-5564 phone; (208) 334-6558 fax
dhwrules@dhw.idaho.gov e-mail

DOCKET NO. 16-0506-0801 - ADOPTION OF PENDING FEE RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 08-7, July 2, 2008, pages 45 through 48.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2009 Idaho State Legislature for final adoption.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.06.13 - RULES GOVERNING EMERGENCY ASSISTANCE FOR FAMILIES AND CHILDREN

DOCKET NO. 16-0613-0801

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2009 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 56-202(b), Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the August 6, 2008, Idaho Administrative Bulletin, Vol. 08-8, pages 93 through 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:

This rulemaking has no anticipated fiscal impact to the state general fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Scott Burlingame at (208) 332-7385.

DATED this 2nd day of October, 2008.

Tamara Prisock
DHW - Administrative Procedures Section
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
(208) 334-5564 phone; (208) 334-6558 fax
dhwrules@dhw.idaho.gov e-mail

DOCKET NO. 16-0613-0801 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 08-8, August 6, 2008, pages 93 through 95.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2009 Idaho State Legislature for final adoption.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.07.39 - APPOINTMENT OF DESIGNATED EXAMINERS AND DISPOSITIONERS

DOCKET NO. 16-0739-0801

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 16-2403, 66-317, 56-1003, and 56-1004 Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held as follows:

THURSDAY, NOVEMBER 13, 2008 9:00 a.m. PDT	FRIDAY, NOVEMBER 21, 2008 9:30 a.m. MDT	MONDAY, NOVEMBER 24, 2008 10:00 a.m. MDT
H & W Region I Office 1120 Ironwood Drive Large Conference Room Coeur d'Alene, ID	H & W Region VI Office 1070 Highline Road Second Floor, Suite 230 Pocatello, ID	H & W Region IV Office 1720 Westgate Drive Suite D, Room 119 Boise, ID

METHOD OF PARTICIPATION: Persons wishing to participate in this formal negotiated rulemaking must do at least one of the following:

1. Attend a negotiated rulemaking meeting and participate in the negotiation process;
2. Provide oral or written recommendations, or both, at a negotiated rulemaking meeting; or
3. Submit written recommendations and comments to the address below.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved: The Department of Health and Welfare invites you to participate in negotiated rulemaking regarding a new chapter of rules that will set forth the qualifications, appointment requirements, and appointment process for designated examiners and designated dispositioners. A "designated examiner" assesses individuals in circumstances where they appear to be gravely disabled due to mental illness or pose a grave danger to themselves or others. The designated examiner provides the court with a report stating whether the person is (1) mentally ill, (2) likely to injure himself or others, or (3) lacks the capacity to make informed decisions about treatment. A "dispositioner" is a designated examiner, typically employed by the Department, who determines the appropriate location for care and treatment of involuntary patients. The Department needs to define in rule the requirements for designated examiners and designated dispositioners to ensure these professionals have the education, training, and experience needed to perform reliably and effectively the duties required by this role.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact Jamie Teeter or Kurt Lyles at (208) 334-6997.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before Wednesday, November 26, 2008.

DATED this 2nd day of October, 2008.

Tamara Prisock
DHW - Administrative Procedures Section
450 W. State Street - 10th Floor
P.O. Box 83720, Boise, ID 83720-0036
(208) 334-5564 phone; (208) 334-6558 fax
dhwrules@dhw.idaho.gov e-mail

IDAPA 18 - DEPARTMENT OF INSURANCE

18.01.09 - SENIOR CONSUMER PROTECTION IN ANNUITY TRANSACTIONS

DOCKET NO. 18-0109-0801

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2009 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 41-211 and 41-1940, Idaho Code.

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

This rulemaking amends an existing rule governing sales of annuity products to make the rule applicable to all consumers rather than just senior consumers. This change was made necessary by the enactment of House Bill 411 which amended the law upon which this rule is based to extend annuity sales protections to all consumers.

There are no changes to the pending rule, therefore, it is being adopted as proposed. The complete text of the proposed rule was published in the August 6, 2008 Idaho Administrative Bulletin, Vol. 08-8, pages 97 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: No fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Shad Priest, 208-334-4214.

DATED this 29th day of August, 2008.

William W. Deal, Director
Idaho Department of Insurance
700 West State Street, 3rd Floor
Boise, Idaho 83720-0043
Phone: (208) 334-4250
Fax: (208) 334-4398

DOCKET NO. 18-0109-0801 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 08-8, August 6, 2008, pages 97 through 101.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2009 Idaho State Legislature for final adoption.

IDAPA 18 - DEPARTMENT OF INSURANCE

18.01.80 - PRENEED LIFE INSURANCE MINIMUM STANDARDS FOR DETERMINING RESERVE LIABILITIES AND NONFORFEITURE VALUES

DOCKET NO. 18-0180-0801

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2009 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 41-211, 41-612 and 41-1927, Idaho Code.

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

This rule establishes the 1980 CSO Mortality Table as the minimum standard for computation of policy reserves and nonforfeiture values for preneed policies, offered by life insurers to cover funeral and burial expenses. It is based on a model regulation recently developed by the National Association of Insurance Commissioners in conjunction with the insurance industry to address a recent finding by the Society of Actuaries that the mortality table slated to become the minimum standard effective January 1, 2009 produces inadequate reserves. The rule allows companies a time period to transition to the use of the 1980 CSO Mortality Tables and provides notice requirements to keep the Director of the Department of Insurance informed on which table is in use.

There are no changes to the pending rule, therefore, it is being adopted as proposed. Complete text of the proposed rule published in the September 3, 2008 Idaho Administrative Bulletin, Vol. 08-9, pages 121 through 124.

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 Martha Smith, Senior Financial Examiner, Idaho Department of Insurance, at 208/334-4315.

DATED this 10th day of September, 2008.

William W. Deal, Director
Idaho Department of Insurance
700 West State Street, 3rd Floor
Boise, ID 83720-0043
208-334-4250
208-334-4298 (Fax)
Bill.deal@doi.idaho.gov

DOCKET NO. 18-0180-0801 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 08-9, September 3, 2008, pages 121 through 124.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2009 Idaho State Legislature for final adoption.

IDAPA 21 - DIVISION OF VETERANS SERVICES

21.01.04 - RULES GOVERNING THE IDAHO STATE VETERANS CEMETERY

DOCKET NO. 21-0104-0802

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2009 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 65-202, Idaho Code.

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

There are no changes to the pending rule, therefore, it is being adopted as proposed. The complete text of the proposed rule was published in the September 3, 2008 Idaho Administrative Bulletin, Vol. 08-9, page 147.

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 Adams, Administrative Support Manager, (208) 246-8770.

DATED this 25th day of September, 2008.

David E. Brasuell, Administrator
Division of Veterans Services
320 Collins Road
Boise, ID 83702
Phone: (208) 334-351
Fax: (208) 334-2627

DOCKET NO. 21-0104-0802 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 08-9, September 3, 2008, page 147.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2009 Idaho State Legislature for final adoption.

IDAPA 21 - DIVISION OF VETERANS SERVICES
21.01.05 - RULES GOVERNING MEDICAL TRANSPORTATION PAYMENT
FOR WHEELCHAIR CONFINED VETERANS

DOCKET NO. 21-0105-0801

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2009 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 65-202, Idaho Code.

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

There are no changes to the pending rule, therefore, it is being adopted as proposed. The complete text of the proposed rule was published in the August 6, 2008 Idaho Administrative Bulletin, Vol. 08-8, pages 119 and 120.

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 rule will increase the reimbursement for veterans' transportation. Reimbursement will not exceed the appropriation for the program.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jim Adams, Administrative Support Manager, (208) 246-8770.

DATED this 28th day of August, 2008.

David E. Brasuell
Administrator
Division of Veterans Services
320 Collins Road
Boise, ID 83702
Phone: (208) 334-351
Fax (208) 334-2627

DOCKET NO. 21-0105-0801 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 08-8, August 6, 2008, pages 119 and 120.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2009 Idaho State Legislature for final adoption.

IDAPA 23 - BOARD OF NURSING

23.01.01 - RULES OF THE IDAHO BOARD OF NURSING

DOCKET NO. 23-0101-0801

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2009 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 54-1404, Idaho Code.

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

There are no changes to the pending rule, therefore, it is being adopted as proposed. The complete text of the proposed rule was published in the September 3, 2008 Idaho Administrative Bulletin, Vol. 08-9, pages 166 and 167.

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 Sandra Evans, Executive Director, (208) 334-3110 x26.

DATED this 25th day of September, 2008.

Sandra Evans, MAEd., R.N.
Executive Director
Idaho Board of Nursing
280 N. 8th St., Ste. 210
P. O. Box 83720
Boise, ID 83720-0061
Phone: (208) 334-3110 x26
Fax: (208) 334-3262

DOCKET NO. 23-0101-0801 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 08-9, September 3, 2008, pages 166 and 167.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2009 Idaho State Legislature for final adoption.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.05.01 - RULES OF THE BOARD OF DRINKING WATER AND WASTEWATER PROFESSIONALS

DOCKET NO. 24-0501-0801

NOTICE OF PUBLIC HEARING

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5222, Idaho Code, notice is hereby given that this agency has scheduled a public hearing and extended the period of public comment. The action is authorized pursuant to Section 54-2406, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

MONDAY - NOVEMBER 10, 2008 - 10:00 am to 12:00 pm

**BUREAU OF OCCUPATIONAL LICENSES
1109 Main St., Ste. 220
Boise, Id**

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 above.

DESCRIPTIVE SUMMARY: The summary of this action is found in Idaho Administrative Bulletin Vol. 08-9 dated September 3, 2008, pages 168 through 172.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking or the hearing schedule, contact Cherie Simpson, at (208) 334-3233 or e-mail at csimpson@ibol.idaho.gov.

Anyone may submit written comments at the public hearing regarding this rulemaking. Any written comments submitted at a public hearing carry the same weight as oral testimony.

DATED this 6th day of October, 2008.

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

IDAPA 25- OUTFITTERS AND GUIDES LICENSING BOARD

25.01.01 - RULES OF THE OUTFITTERS AND GUIDES LICENSING BOARD

DOCKET NO. 25-0101-0802

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 Sections 36-2107(b) and (d), 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 November 19, 2008.

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:

These changes require that outfitters continue to verify that the guides in their employ are properly trained. However, they remove the requirement that outfitters submit all training documents to the Board for review and storage. The Board has not had the means to verify individual guide training and has always been dependent on the outfitter for this verification. As such, it is the outfitter who has been liable for verifying that guides are properly trained, not the state. This change removes any doubt that the outfitter is liable for providing this verification. Training verification and situations requiring Board investigation and enforcement can now be dealt with on a case-by-case basis. These changes will provide greater efficiency in the licensing process and will expedite the issuance of guide licenses. It will also allow the Board to more effectively deal with pressing issues.

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: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this rule affects a broad industry with varying interests. However, these rules came as the result of a Working Group that was comprised of Industry Leaders who met several times during the spring and summer of 2007 providing an opportunity for overall industry input that has been fully considered by the Board.

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

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 November 26, 2008.

DATED this 8th day of October, 2008.

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

THE FOLLOWING IS THE TEXT OF DOCKET NO. 25-0101-0802

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 before they are employed as a guide. (4-11-06)

02. Signatures. Have the signature of the applicant and of the licensed outfitter(s) who wishes to employ the applicant as a guide, who shall certify that the applicant: (4-1-92)

a. Is qualified to perform the type of guiding activity(ies) for which the applicant seeks licensing; i.e., hunting, boating, skiing, or other as may be applicable. (4-11-06)

b. Has extensive, first-hand knowledge of the operating area(s) and water(s) in or on which the applicant will be guiding. (4-11-06)

c. If the applicant is land based, is able to read and understand a map and compass or operate a global positioning system (GPS) or other computerized map system. (4-11-06)

d. Is clean and well-mannered with a desire to please those whom the applicant is called upon to serve. (4-11-06)

e. The applicant for a hunting or boating guide license shall satisfy the training requirements pursuant to Sections 035 through 042 of this rule, prior to performing guiding services for an outfitter. Power boat fishing guides shall satisfy the training requirements pursuant to Section 048 of this rule. ()

f. For hunting and boating guide applicants, the training form or log set forth in Sections 035 through 042 and Section 048 of this rule and shall be completed in full on a form provided by the Board before the guide license application is submitted to the Board and shall be maintained by the outfitter during the time the guide is employed by the outfitter for one (1) complete license year following the termination of employment of the guide. ()

g. The applicant for a ski guide license shall satisfy the training requirements pursuant to Section 044 of this rule prior to performing guide services for an outfitter. The training documentation required pursuant Section 044 of this rule shall be provided to the Board by the outfitter for each guide at the time of application. A copy shall be maintained by the outfitter for one (1) complete license year following the termination of employment of the guide. ()

h. The applicant for a Technical Mountaineering/Rock Climbing license shall satisfy the training requirements pursuant to Section 045 of this rule prior to performing guide services for an outfitter. The training documentation shall be provided to the Board by the outfitter for each guide at the time of application. A copy shall be maintained by the outfitter for one (1) complete license year following the termination of employment of the guide. ()

i. The applicant for a Snowmobiling guide license shall satisfy the training requirements pursuant to Section 047 of this rule prior to performing guide services for an outfitter. The training documentation on these forms shall be provided to Board the by the outfitter for each guide at the time of application. A copy shall be maintained by the outfitter for one (1) complete license year following the termination of employment of the guide. ()

03. Retention of Training Forms. If a guide is involved in an accident or incident jeopardizing the health, safety or general welfare of a client, the training log shall be retained by the outfitter for a period of three (3) years from the date of the accident or incident. These forms shall be maintained by the outfitter for each guide and shall be available for inspection by the Board or agents of the Board. ()

035. GUIDE APPLICATION REQUIREMENTS - HUNTING.

A guide applicant for big game hunting may be licensed either as apprentice guide, or as a guide. (3-1-86)

01. Apprentice Guide. An apprentice guide is a new hunting guide applicant who has not had previous experience as an Idaho hunting guide. He may be licensed as an apprentice guide by submitting a completed application form and fee. (3-1-86)

02. Apprentice Guide. An apprentice guide may assist a hunting guide while completing training necessary to become a guide, but may not be given primary responsibility for guiding a hunt. (3-1-86)

03. Minimum Training Guide. A new hunting guide applicant must have in addition to other general requirements outlined in Section 034 of this rule, the following minimum training certified by the employing outfitter before a guide license may be issued: ~~(3-1-86)(____)~~

a. The applicant must have been in the outfitter's operating area(s) for at least ten (10) days and must be knowledgeable of trails, terrain, drainages, and game habits and habitat. (3-1-86)

b. He must be able to correctly cape an animal and be adequately trained so as to be able to instruct and assist clients in the proper care of meat. (3-1-86)

~~**04. Submission.**~~ *Submission of a copy of a training form, with the employing outfitter's signature certifying that training is complete, will permit licensing as a guide rather than as an apprentice.* (3-1-86)

~~**05. Expedite.**~~ *If an applicant wishes to expedite issuance of a hunting guide license, but does not have the required training and does not wish to be licensed as an apprentice guide, he must obtain from the Board, and have in his possession while training occurs, a validated training form. This form may be obtained by:* (3-1-86)

~~**a-** *Meeting all requirements for a hunting guide license except completion of the necessary training;* and (3-1-86)~~

~~**b-** *Submitting to the Board a completed guide license application form and guide license fee.* (3-1-86)~~

~~**c-** *Upon completion of the required training, the validated training form, with the outfitter's signature certifying that the required training has been completed, will serve as a twenty (20) day temporary license from the date the outfitter signs the form, provided that a copy of the validated training form has been immediately forwarded to the Board office for a license.* (3-1-86)~~

064. Upgraded. If an apprentice guide license has been issued, the apprentice license may be upgraded to that of a guide when the required training is completed, when certified by the employing outfitter, and a copy of the completed training form is submitted to the Board along with the amendment fee. ~~(3-1-86)(____)~~

036. ~~DESCRIPTION OF CLASSIFIED RIVERS~~ GUIDE APPLICATION REQUIREMENTS -- RIVERS, STREAMS, OR LAKES.

Boating on any river, stream or lake is considered hazardous. For the purpose of these Rules, specific sections of some whitewater river or streams which are considered more hazardous have been designated "classified." Classified rivers are denoted by an asterisk (*) in the list of rivers contained in Subsection 059.01. ~~(3-1-86)(____)~~

(BREAK IN CONTINUITY OF SECTIONS)

038. FLOAT BOAT GUIDE -- UNCLASSIFIED RIVERS.

To qualify as a float boat guide on unclassified rivers and streams, the applicant shall have had one (1) complete commercial float boat trip on each of the rivers applied for, (complete trip means the total section of river designated by the Board in Subsection 059.01), under the supervision of a float boat guide licensed for each of those rivers. A log of this experience shall ~~be kept and submitted to~~ be recorded on a form provided by the Board office giving dates, and

location, and ~~the signature of~~ shall be maintained by the outfitter. ~~This training must be recorded on a form provided by the Board.~~ (4-1-92)(____)

(BREAK IN CONTINUITY OF SECTIONS)

040. FLOAT BOATMAN QUALIFICATIONS -- CLASSIFIED RIVERS.

An applicant for a float boatman license on classified rivers may qualify in one (1) of three (3) ways: (4-1-92)

01. General. He shall have had three (3) complete float boat trips on each of the classified rivers applied for under the direct supervision of a float boatman licensed for that river (complete trip means the total section of river designated by the Board in Subsection 059.01), or he shall have had one (1) or more complete float boat trips on each of the classified rivers applied for under the direct supervision of a float boatman licensed for that river with the remaining trip(s) in a boat with no more than one (1) other trainee, following a licensed float boatman for that river, but he must not have passengers in the boat. (4-1-92)

a. Allowances may be made for experience gained as a commercial boat operator on selected whitewater rivers with characteristics similar to Idaho's classified rivers; e.g. Colorado River (Grand Canyon or Cataract Canyon), Yampa River, Rogue River, American and Toulumne Rivers, other Idaho classified rivers, or the unclassified section of the Salmon River from North Fork to Corn Creek, provided the applicant has logged at least five hundred (500) miles as a commercial float boat operator on one (1) or more of those rivers. (4-1-92)

b. To ~~obtain credit for~~ document this experience, a statement signed by the applicant under oath or affirmation and notarized ~~must accompany the application~~ shall be recorded on a form provided by the Board office. The statement should include precise put-in and take-out points, miles logged for each trip, and the names and addresses of the boat operators who have employed them. (4-1-92)(____)

02. Other. Or, he shall have logged at least five hundred (500) miles as a commercial float boat guide on any rivers applicable to Subsection 040.01.a., and shall have one (1) complete float boat trip on each river applied for under the direct supervision of a float boatman licensed for that river, or in a boat with no more than one (1) other trainee, following a float boatman licensed for that river, but there must not be any passengers in the boat. (Complete trip means the total section of river designated by the Board in Subsection 059.01). A log of this experience shall be recorded on a form provided by the Board office and maintained by the outfitter showing the dates, location of float boat trips and the signature of the outfitter. (4-1-92)(____)

03. Float Lead Boatman. Or, if he is licensed as a float lead boatman on a classified Idaho river, he may qualify for a float boatman license on other classified rivers after one (1) complete float boat trip on each river applied for, under the direct supervision of a float boatman licensed for that river, or in a boat with no more than one (1) other trainee, following a float boatman licensed for that river, but he must not have passengers in the boat. (Complete trip means the total section of river designated by the Board in Subsection 059.01.) A log of this experience shall be ~~kept and submitted to~~ recorded on a form provided by the Board office and maintained by the outfitter showing the dates, location of float boat trips, and the signature of the outfitter. ~~This training must be recorded on a form provided by the Board.~~ (4-1-92)(____)

041. FLOAT LEAD BOATMAN QUALIFICATIONS.

An applicant for a float lead boatman license must have had six (6) complete float boat trips except that upon Board approval, a licensee may train on and be licensed for a specific reach of a section only. (Complete trip means the total section or reach of a section of river designated by the Board in Subsection 059.01). One (1) trip must have been within the sixty (60) months preceding the date of the application on each of the classified rivers applied for. Any float boatman wishing to qualify for a lead float boatman license shall ~~maintain a log of~~ record on a form provided by the Board each commercial float boat trip made with dates, location, and signature of the outfitter. ~~This~~ The training ~~must~~ shall be recorded on a form provided by the Board and maintained by the outfitter. (4-5-00)(____)

042. POWER BOAT GUIDE.

To qualify for a power boat guide license on: (4-1-92)

01. Classified Rivers. An applicant shall have spent fifty (50) power boating hours on the total length of the river or section of river designated on the application by the Board for which he wishes to operate, under the direct supervision of a power boat guide licensed for that river. The fifty (50) hours required shall be distributed as evenly as possible along the total length of the river or section of river for which qualification is sought. The exception to this rule is the Salmon River from the mouth of the Middle Fork to Salmon Falls, Salmon Falls to Ludwig Rapids, and Ludwig Rapids to Vinegar Creek or Spring Bar, on which the applicant may train for twenty-five (25) hours on each section under the direct supervision of a power boat guide licensed for that river section. (4-1-92)

02. Unclassified Rivers and Streams. An applicant shall have spent at least ten (10) power boating hours on the total length of the river or section of river designated by the Board on the application for which he wishes to operate, under the direct supervision of a power boat guide licensed for that river or stream. The ten (10) hours required shall be distributed as evenly as possible along the total length of the river or section of river for which qualification is sought. (4-1-92)

03. Lakes and Reservoirs. An applicant shall have spent at least ten (10) power boating hours on the lake or reservoir on which he wishes to operate, under the direct supervision of a power boat guide licensed for that lake or reservoir. The ten (10) hours shall be distributed as evenly as possible on the entire area of the lake or reservoir for which qualification is sought. (4-1-92)

04. Log. A log of this experience shall be ~~kept and submitted with the application~~ recorded on a form provided by the Board office and maintained by the outfitter, showing the dates, river, lake or reservoir, location of put-in, destination, take-out, hours logged, and signature of outfitter. ~~This training must be recorded on a form provided by the Board.~~ (4-1-92)(____)

043. ~~BOAT TRAINING LOGS/FORMS (RESERVED).~~

~~Boat training logs are available from the Board to record training trips. Training logs may be used for licensing purposes as follows:~~ (4-1-92)

~~**01. First Time Applicant.** For a first time applicant, a copy of the completed training log that includes the applicant's signature and outfitter's dated signature verifying that the required training has been completed, shall be submitted, along with a completed guide application, copy of a current first aid card, and the necessary fees, to the Board before a guide license will be issued. (Exception: See Validated Training Form).~~ (4-1-92)

~~**02. Amend Current Guide License.** To amend a current guide license to add an additional river segment(s), a copy of the completed training log that includes the applicant's signature and outfitter's dated signature verifying that the required training has been completed, shall be submitted, along with the necessary fees, to the Board so that an amended guide license can be issued. Validated training forms may be used as a temporary guide license while the regular guide license is being processed. To obtain a validated training form, a guide must specify the particular river section on which he wishes to train, and meet the following requirements:~~ (4-1-92)

~~**03. Other.** If the guide is a first time applicant, he must submit a guide application form, first aid card, and necessary fees, and request a validated training form. When the completed paperwork is received at the Board, a validated training form will be issued to the applicant. Upon completion of training, a copy of the validated training form, containing the required guide's signature, supervisor's signature, and outfitter's dated signature, shall be returned to the Board. The validated training form retained by the guide will serve as a twenty (20) day temporary guide license effective the date of the employing outfitter's signature. The copy of the validated training form at the Board office will serve as an official training log to allow issuance of the regular guide license.~~ (4-1-92)

~~**04. Form.** A currently licensed guide may also request a validated training form to add additional river sections to his license. Upon receipt of a request for a validated training form accompanied by the appropriate amendment fees, the Board will issue said form for the specified river section. When training has been completed, a copy of the validated training form containing the required signatures shall be sent to the Board and will be considered an official training log. Upon receipt by the Board, the amended guide license will be issued. The validated training form retained by the guide will serve as a twenty (20) day temporary license, effective the date of the employing outfitters signature.~~ (4-1-92)

(BREAK IN CONTINUITY OF SECTIONS)

048. POWER BOAT FISHING GUIDE -- (LAKES AND RESERVOIRS).

All applicants for a power boat fishing guide license shall possess the ability and knowledge to: (10-15-88)

01. Maneuver or Pilot. Maneuver or pilot a power boat upon Idaho lakes and reservoirs open to power boat fishing. (10-15-88)

02. Operation. Have operated a power boat for a minimum of ten (10) hours upon the lakes and reservoirs being requested. (10-15-88)

03. Log. ~~Submit a log of said experience showing dates and hours logged, location of lakes and reservoirs upon which said experience has been gained as certified by the employing outfitter~~ A log of this experience shall be recorded on a form provided by the Board office and maintained by the outfitter showing the dates, location of power boat trips, and the signature of the outfitter. (10-15-88)(____)

04. Law. Conduct his business in accordance with the Idaho Safe Boating Act (Idaho Code, Title 67, Chapter 10). (10-15-88)

(BREAK IN CONTINUITY OF SECTIONS)

065. LICENSE AMENDMENTS.

01. Procedure for Amendment to Outfitter License. An outfitter must procure an amendment to their license through the following procedure: (4-5-00)

a. The applicant requests an Amendment Request Form (OG9) from the Board. (4-5-00)

b. The applicant fills out and returns the completed Amendment Request Form to the Board along with an amended operating plan, financial statement, map (if applicable), land manager signoff sheets (if applicable), and the amendment fee as provided for in Section 009. (4-5-00)

c. The Board initiates a review and analysis of the application following which the applicant is informed that: (4-5-00)

i. Additional materials are needed to complete the application; or (4-5-00)

ii. The amendment request is granted; or (4-5-00)

iii. The amendment request is denied. (4-5-00)

02. Procedure for Amendment to Guide License. A guide must procure an amendment to their license through the following procedure: (4-5-00)

a. The guide or the outfitter must initiate the amendment request by contacting the Board. (4-5-00)

b. ~~The guide for which all amendment requests are made must meet and provide proof of original training requirements for the area and activity to be added or amended and proof of such training must be sent to the Board along with the amendment fee as provided for in Section 009.~~ The outfitter for which all amendment requests are made must submit: (4-5-00)(____)

i. A properly completed amendment form that provides certification that training requirements for the

area and activity to be added have been met and proof of such training will be available at the Board's request.

()

ii. The amendment fee as provided for in Section 015.

()

c. The Board initiates a review and analysis of the application following which the applicant is informed that: (4-5-00)

i. Additional materials are needed to complete the application; or (4-5-00)

ii. The amendment request is granted; or (4-5-00)

iii. The amendment request is denied. (4-5-00)

IDAPA 30 - IDAHO COMMISSION FOR LIBRARIES

30.01.01 - RULES OF THE IDAHO COMMISSION FOR LIBRARIES GOVERNING THE USE OF COMMISSION SERVICES

DOCKET NO. 30-0101-0801

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2009 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 33-2503 and 33-2505C, Idaho Code.

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

There are no changes to the pending rule, therefore, it is being adopted as proposed. The complete text of the proposed rule was published in the August 6, 2008 Idaho Administrative Bulletin, Vol. 08-8, pages 128 through 130.

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:

State agencies complying with the current depository requirements will undoubtedly experience a decrease in expenditures as a result of the digital repository requirements as well as an increase in the reach of their state publications. Estimated costs for the Commission for Libraries to implement the digital repository are \$202,000 for the first year, and \$132,000 ongoing funds to maintain:

1. Capital - \$30,000 (OT) for server, storage, UPS, etc.;
2. Operating - \$50,000 (\$40,000 OT) for content management license; and
3. Personnel - \$122,000 ongoing for 1 FTE Librarian and 2 FTE OS2.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Ann Joslin, State Librarian, (208) 334-2150.

DATED this 28th day of August 2008.

Ann Joslin
State Librarian
Idaho Commission for Libraries
325 W. State St.

P. O. Box 83720
Boise, ID 83702
Phone: (208) 334-2150
Fax: (208) 334-4016

DOCKET NO. 30-0101-0801 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 08-8, August 6, 2008, pages 128 through 130.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2009 Idaho State Legislature for final adoption.

IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION

31.71.03 - RAILROAD SAFETY/SANITATION RULES

DOCKET NO. 31-7103-0801

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Public Utilities Commission and is now pending review by the 2009 State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Public Utilities Commission has adopted a pending rule. The action is authorized pursuant to Sections 61-515 and 61-515A, Idaho Code.

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

There were no comments filed in response to the proposed rule. Subsequently, the pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 3, 2008 Idaho Administrative Bulletin, Vol. 08-9, pages 198 and 199.

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 fiscal year: N/A

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

DATED this 1st day of October, 2008.

Jean D. Jewell
Commission Secretary
Idaho Public Utilities Commission
PO Box 83720
Boise, ID 83720-0074
Tele: (208) 334-0338
FAX: (208) 334-3762

DOCKET NO. 31-7103-0801 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 08-9, September 3, 2008, pages 198 and 199.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2009 Idaho State Legislature for final adoption.

IDAPA 37 - DEPARTMENT OF WATER RESOURCES

37.03.09 - WELL CONSTRUCTION STANDARDS RULES

DOCKET NO. 37-0309-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2009 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 42-238(12), Idaho Code.

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

There have been no substantive changes in the Well Construction Rules since 1988. Updates to the rules are necessary to protect the ground water resources of Idaho from waste and contamination. The Department has used an extensive two-year long negotiated rulemaking process to facilitate the development of the proposed rules.

Resolution to comments received during the public comment period resulted in changes to the language of the proposed rule. Minor editorial changes were made to Rule 025, Subsections 025.01.d., 025.02.b.i., and examples of nominal diameter with respect to outside casing diameter were added to Subsections 025.07.f., 025.07.f.i., 025.07.g., 025.07.g.iv., and 025.07.g.v. Minor editorial changes were made to Rule 025, Subsections 025.13, 025.16.b.ii., 025.18, 025.22, and an example calculation was added to the table in Subsection 025.23. Minor editorial changes were made to Rule 030, Subsection 030.03, 030.03.a., 030.03.c., and to Rule 035, Subsection 035.03, Subsections 035.04 through 035.10 were renumbered as Rule 036, Subsections 036.01 through 036.06. Minor editorial changes were made to Rule 045 Subsection 045.01.a., 045.02.d. and to Rule 050. Language has been added to Rule 025, Subsection 025.03 requiring well coordinates be identified using a GPS. This language appeared in the March 26, 2008 draft, lines 1417-1424 and the April 18, 2008 draft, lines 1362-1367. Significant changes to subsequent drafts resulted in this language being inadvertently omitted. In response to comments, this requirement has been re-inserted. Figures 01, 02, 03, 11, 12, and 13 reflect minor changes.

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 3, 2008 Idaho Administrative Bulletin, Vol. 08-9, pages 204 through 245.

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 Tom Neace, 287- 4935.

DATED this 9th day of October, 2008.

Thomas Neace, P.G. Manager
Ground Water Protection Section
Idaho Department of Water Resources
322 East Front Street

P.O. Box 83720
Boise, Idaho 83720
Phone 208-287- 4935
Fax 208-287-6700

DOCKET NO. 37-0309-0601 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.
Italicized text is new text that has been added to the pending rule.

Only those sections or subsections 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 08-9, September 3, 2008, pages 204 through 245.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2009 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 37-0309-0601

Subsections 025.01.d., 025.02.b.i., 025.03, 025.07.f. through 025.07.g.v., 025.13, 025.16.b.ii., 025.18, 025.22, and 025.23.

025. CONSTRUCTION OF COLD WATER WELLS (RULE 25).

All persons constructing wells must comply with the requirements of Section 42-238, Idaho Code, and IDAPA 37.03.10, "Well Driller Licensing Rules." The standards specified in Rule 25 apply to all wells with a bottom hole temperature of eighty-five (85) degrees Fahrenheit or less. Wells with a bottom hole temperature greater than eighty-five (85) degrees Fahrenheit, but less than two hundred twelve (212) degrees Fahrenheit, must meet the requirements of Rule 30 in addition to meeting the requirements of Rule 25. These standards also apply to any waste disposal and injection well as defined in Section 42-3902, Idaho Code. ()

01. General. The well driller must construct each well as follows: (7-1-93)()

d. Meet the siting and separation distance requirements in the table in this Subsection (025.01.d.). Additional siting and separation distance requirements are set forth by the governing district health department and the Idaho Department of Environmental Quality rules at IDAPA 58.01.03, "Individual/Subsurface Sewage Disposal Rules." and IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems". (No changes to table) ()

025.02

02. Waivers. In unique cases where the Director concludes that the ground water resources will be protected against waste and contamination and the public health and safety are not compromised, a waiver of specific standards required by these rules may be approved prior to constructing, decommissioning, or modifying a well. ()

b. The Director will evaluate and respond to the request within ten (10) business days of receiving the request. ()

i. If the request for waiver is approved, the intent of the rules will be served and all standards not waived will apply. Waivers approved by the Director will not supersede requirements of other regulatory agencies without specific concurrence from that agency. Work activity related to a waiver request will not proceed until a written or verbal approval is granted by the Director. ()

025.03

03. Records. In order to enable a comprehensive survey of the extent and occurrence of the state's ground water resource, the coordinates of every newly constructed, modified or decommissioned (abandoned) well location must be identified by latitude and longitude with a global positioning system (GPS) and recorded on the driller's report in degrees and decimal minutes and within the nearest 40 acre parcel using the Public Land Survey System. Every well driller must maintain records as described in IDAPA 37.03.10 "Well Driller Licensing Rules," pursuant to Section 42-238(11), Idaho Code, and provide the well owner with a copy of the approved well drilling permit and a copy of the well driller's report when submitted to the Director. ()

025.07

037. ~~Sealing of Casing~~ Use of Approved Sealing Materials and Required Annular Space. Well casings must be sealed in the required annular space with approved material to prevent the possible downward movement of contaminated surface waters or other fluids in any annular space around the well casing (Figure 02, Appendix A). Proper sealing is also required to prevent the movement of groundwater either upward or downward from zones of different pressure, temperature or quality within the well or outside the casing. The well driller must notify by phone the Department's appropriate Region Office at least four (4) hours in advance of placing any annular seal to provide Department staff the opportunity to observe seal placement. (7-1-93)()

f. For mixed grout seals the minimum annular space required must provide for a uniform seal thickness not less than one (1) inch on all sides of the casing or a borehole at least two (2) inches larger than the outside diameter (OD) of the casing to be sealed (Figure 02, Appendix A). (Note: a seven and seven-eighths (7 7/8) inch diameter (eight (8) inch nominal) borehole around a six and five-eighths (6 5/8) inch OD (six (6) inch nominal) casing does not satisfy the minimum annular space requirements). ()

i. When placing grout seals with a removable tremie pipe between casing strings or between a borehole and casing, the required annular space must be at least one (1) inch or equal to the OD of the tremie pipe whichever is greater. Permanent tremie pipes will be considered as a casing string and subject to minimum annular space requirements in addition to the annular space requirements around the well casing (Figure 03, Appendix A). ()

g. For dry bentonite seals the minimum annular space required must provide for a uniform seal thickness not less than one and five-eighths (1 5/8) inches on all sides of the casing or a borehole at least four (4) inches larger than the "nominal diameter" of the casing to be sealed. e.g., (six and five-eighths (6 5/8) inch OD (six (6) inch nominal) casing requires a ten and three fourths (10 3/4) inch OD (ten (10) inch nominal) temporary casing or a nine and seven-eighths (9 7/8) inch (ten (10) inch nominal) minimum borehole). Listed below are additional annular space requirements and limitations for placement of dry bentonite seals: ()

iv. If a granular bentonite seal is placed deeper than two hundred (200) feet, the minimum annular space must be increased by at least one (1) inch e.g., (six and five-eighths (6 5/8) inch OD (six (6) inch nominal) casing requires a twelve and three fourths (12 3/4) inch OD (twelve (12) inch nominal) temporary casing or an eleven and seven eighths (11 7/8) inch (twelve (12) inch nominal) minimum borehole). ()

v. Bentonite chips may be placed through water or drilling fluid of appropriate viscosity. Bentonite chip seals placed through more than fifty (50) feet of water or drilling fluid will require the minimum annular space to be increased by at least one (1) inch e.g., (six and five-eighths (6 5/8) inch OD (six (6) inch nominal) casing requires a twelve and three fourths (12 3/4) inch OD (twelve (12) inch nominal) temporary casing or an eleven and seven eighths (11 7/8) inch (twelve (12) inch nominal) minimum borehole). ()

025.13

103. Monitoring and Remediation Wells. All monitoring wells ~~shall~~ and remediation wells must be constructed and maintained in a manner that will prevent waste or contamination and as otherwise required by these rules. When a monitoring well or a remediation well is no longer useful or needed, the owner or operator of the well ~~shall~~ must decommission (abandon) the well in accordance with Rule 25, Subsection 025.126 of these rules. No person may divert ground water from a monitoring well or a remediation well for any purpose not authorized by the Director. The application for a permit for all monitoring wells and all remediation wells must include a design proposal prepared by a licensed engineer or registered geologist pursuant to Section 42-235, Idaho Code. Blanket permits for monitoring well and remediation well networks may be approved for site-specific monitoring and remediation programs. The designs and specification for monitoring wells and remediation wells must demonstrate that: (7-1-93)()

025.16

126. Decommissioning (Abandoning) of Wells. (7-1-93)()

b. The Director may require ~~the abandonment~~ decommissioning of a well in compliance with the provisions of ~~Rule Subsection 025.12.a: these rules,~~ if the ~~condition of the well:~~ ()

ii. Meets the definition of an unusable well: ()

025.18

148. Pitless Adapters. ~~The requirement of using seal material in the top eighteen (18) feet of the annular space around the well casing, as set forth in previous sections of these standards, may be altered when a pitless adaptor is installed; the well driller may, at his discretion, stop the well seal at a maximum of six (6) feet (seal from six (6) feet to eighteen (18) feet) below land surface.~~ When a pitless adaptor is used (Figure 12, Appendix A), the adaptor should be of the type approved by the ~~National Sanitation Foundation (NSF)~~ International testing laboratory or the approval code adopted by the Pitless Adaptor Division of the Water Systems Council. The pitless adaptor, including the cap or cover, casing extension, and other attachments, must be so designed and constructed to be water tight and to prevent contamination of the potable water supply from external sources. If a permanent surface or outer casing is installed and is cut off or breached to install the pitless adapter on an inner well casing or liner, the space between the permanent outer casing and the liner or inner casing must be sealed. The well owner or person installing the pitless adaptor ~~shall~~ must then seal the excavation surrounding the pitless adaptor using ~~benonite grout or other suitable an approved seal~~ material. (7-1-93)()

025.22

1822. Drilling Fluids or Drilling Additives. ~~Drilling fluids or drilling additives shall not contain drilling fluids or drilling additives a concentration of any substance in excess of drinking water standards as set forth in the current IDAPA 58.01.08, "Rules for Public Drinking Water Systems." The driller shall be responsible for using drilling fluids and additives in accordance with the manufacturer's specifications. Specific products may be approved by the Director on a case-by-case basis.~~ The well driller must use only potable water and drilling fluids or drilling additives that are manufactured for use in water wells, are NSF International, American Petroleum Institute (API), or ASTM/ANSI approved; and do not contain a concentration of any substance in excess of Primary Drinking Water Standards, as set forth in IDAPA 58.01.08, "Rules for Public Drinking Water Systems," according to manufacturer's specifications. The well driller may seek approval from the Director to use specific, non-certified products on a case-by-case basis. In addition, the well driller must ensure the containment of all drilling fluids and materials used or produced to the immediate drilling site, and will not dispose of such fluids or materials into any streams, canals, boreholes, wells, or other subsurface pathways. (7-1-93)()

025.23

1923. Disinfection and Decontamination. ~~No casing, pipe, pumps, artificial gravel packs, drilling~~

~~tools or other items shall be placed in a well which will cause contamination. Disinfection with a five hundred (500) parts per million chlorine solution (one (1) gallon of chlorine bleach per one hundred (100) gallons clean water) is recommended for all items placed in the well.~~ Upon completion of a well, the driller is responsible for adding the appropriate amount of disinfecting chemical compound and distributing it throughout the well to achieve a uniform concentration for "in place" disinfection of the well. Chlorine compounds used in accordance with the table listed below will satisfy this requirement. Other methods may be used if approved by the Director in advance.

Amount of Chlorine Needed Per 100 Feet of Water in Well			
<u>Casing Diameter (in.)</u>	<u>Gallons of water in casing per 100 ft. of water depth</u>	<u>Amount of 5.25% Sodium Hypochlorite (Unscented Laundry Bleach)</u>	<u>Amount of 65% Calcium Hypochlorite (Chlorine Granules)</u>
6	147	2 ¼ cups	3 tbsp
8	261	4 cups	5 tbsp
10	408	6 ¼ cups	½ cup
12	588	9 cups	¾ cup
16	1044	1 gal	1 ¼ cup

Note: 1 gal = 4 qt = 8 pt = 16 cups; 1 cup = 16 tbsp

Chlorine granules or tablets must be dissolved and placed into the well as a solution.

If another concentration of hypochlorite solution is used, the following equation should be used for calculating amounts.

$(\text{Volume of water in gallons}) \times (0.08) / \% \text{ Hypochlorite (e.g. } 50\% = 50) = \text{cups of hypochlorite}$

Example: To treat 147 gallons of water using a 50% concentration of hypochlorite solution:
 $(147 \text{ gallons water}) \times (0.08) / 50 = .23 \text{ (or approximately } 1/4) \text{ cup of } 50\% \text{ Hypochlorite solution}$

(7-1-93)(_____)

Subsections 030.03, 030.03.a., and 030.03.c.

030. CONSTRUCTION OF LOW TEMPERATURE GEOTHERMAL RESOURCE WELLS AND BONDING (RULE 30).

03. Casing. Low temperature geothermal resource wells ~~shall~~ **must** be properly cased and sealed to protected from cooling by preventing intermingling with cold water aquifers ~~and from loss of pressure by preventing flow into zones of lower pressure.~~ (7-1-93)(_____)

a. Steel Casing which meets or exceeds the minimum specifications for permanent steel casing of Rule 25, Subsection 0325.024 ~~shall~~ **must** be installed in every well. The Director may require a more rigid standard for collapse and burst strength as depths or pressures may dictate. Every low temperature geothermal resource well which flows at land surface ~~shall~~ **must** have a minimum of forty (40) feet of conductor pipe set and cemented its entire length. (7-1-93)(_____)

c. Subsection 030.03.b. may be waived if it can be demonstrated to the Director through the lithology, electrical logs, geophysical logs, injectivity tests or other data that formations encountered below the last casing string set, will neither accept nor yield fluids at anticipated pressure to the borehole. (7-1-93)(_____)

Section 035 (entire Section)

035. HEALTH STANDARDS (RULE 35).

01. Public ~~Supply~~ Water System Wells. In addition to meeting these standards, all wells that are constructed for public supply of domestic water ~~shall~~ must meet all of the requirements set forth by the Idaho Department of Environmental Quality Rules, IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems." (7-1-93)()

02. Special Standards for Construction of Wells When Mineralized or Contaminated Water Is Encountered. Any time in the construction of a well that mineralized or contaminated water is encountered, the well driller ~~shall~~ must take the appropriate steps necessary to prevent the poor quality waters from entering the well or moving up or down the annular space around the well casing. The method employed to case and seal out this water ~~shall~~ will be determined by the well driller, provided ~~the~~ all other minimum standards are met. The well driller will take special precautions must be taken in the case of ~~gravel~~ filter-packed wells to prevent water of inferior quality from moving vertically in the ~~gravel~~ filter packed portions of the well. All actions taken will be clearly documented on the well driller's report (7-1-93)()

03. Distances From Contaminante Sources. All water wells constructed for domestic use ~~shall~~ must comply with minimum distances from septic tanks, drain fields, drainfield replacement area and other siting requirements ~~of the Idaho Department of Environmental Quality and the appropriate District Health Department as set forth in Rule 25, Subsection 025.01.d.~~ (7-1-93)()

~~04. Well Maintenance.~~

Section 036 (originally part of Section 035)

036. OWNERS RESPONSIBILITIES FOR WELL USE AND MAINTENANCE (RULE 36).

After a well is completed the well owner shall be is responsible for water quality testing, properly maintaining the well, and reporting problems with a well to the Director. All wells ~~shall~~ must be capped, covered and sealed such that debris cannot enter the well, persons or animals cannot fall into the well, and water cannot enter the well around the outside of the casing. Pursuant to Section 42-1603, Idaho Code, the owner of any artesian well that will flow at land surface is required to apply to the Director for approval of a flow control device. (7-1-93)()

01. Use. The well owner must not operate any well in a manner that causes waste or contamination of the ground water resource. Failure to operate, maintain, knowingly allow the construction of any well in a manner that violates these rules, or failure to repair or properly decommission (abandon) any well as herein required will subject the well owner to civil penalties as provided by statute. ()

02. Maintenance. The well owner must: ()

a. Not allow modification to wells under their control without first obtaining an approved Idaho Department of Water Resources (IDWR) permit, pursuant to Section 42-235, Idaho Code; ()

b. Maintain the minimum casing height of twelve (12) inches above land surface and finished grade; ()

c. Maintain the appropriate well cap, and control device if required, according to these Rules; and ()

d. Not install or allow the installation of any well pump that would cause a violation of the sand production requirements in accordance with these Rules or allow the well to pump in excess of that allowed by a valid water right or domestic exemption. ()

e. Maintain the well to prevent waste or contamination of ground waters through leaky casings, pipes, fittings, valves, pumps, seals or through leakage around the outside of the casings, whether the leakage is above or below the land surface. Any person owning or controlling a non-compliant well must have the well repaired by a licensed well driller under a permit issued by the Director in accordance with these Rules. ()

03. New Construction. The well owner must not construct or allow construction of any permanent building, except for buildings to house a well or plumbing apparatus, or both, closer than ten (10) feet from an existing well. ()

04. Maintain All Other Separation Distances. The well owner must not construct or install, or allow the construction or installation of any object listed in a location closer than that allowed by the table of Rule 25, Subsection 025.01.e. ()

05. Unusable Wells. The well owner must have any unusable well repaired or decommissioned (abandoned) by a licensed well driller under a permit issued by the Director in accordance with these Rules. ()

06. Wells Posing a Threat to Human Health and Safety or Causing Contamination of the Ground Water Resource. The well owner must have any well shown to pose a threat to human health and safety or cause contamination of the ground water resource immediately repaired or decommissioned (abandoned) by a licensed well driller under a permit issued by the Director in accordance with these Rules. ()

036Z. -- 039. (RESERVED).

Subsections 045.01.a. and 045.02.d.

045. DRILLING PERMIT REQUIREMENTS (RULE 45).

01. General Provisions. (7-1-93)

a. ~~The owner of a well to be constructed, drilled, deepened or enlarged on or after July 1, 1987 shall obtain a drilling permit from the Director prior to construction or drilling of the well. Drilling permits are required pursuant to Section 42-235, Idaho Code, prior to construction or modification of any well.~~ (7-1-93)()

045.02

02. Effect of a Permit. (7-1-93)

d. A drilling permit authorizes the construction of one (1) well (except ~~group~~ for blanket monitoring well and blanket remediation well drilling permits) unless other holes started under terms of the permit are properly abandoned and the department is advised of the abandonment. (7-1-93)()

Section 050 (entire Section)

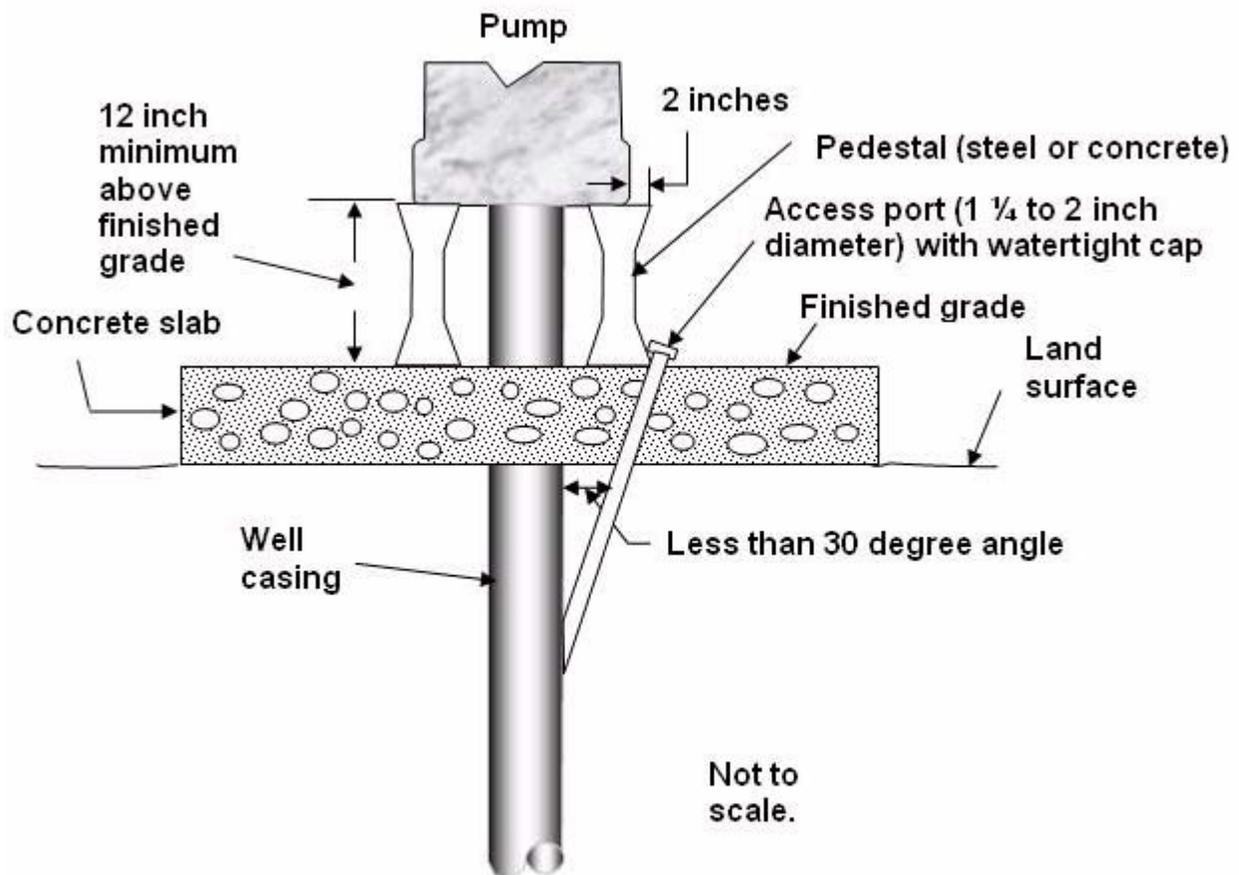
050. PENALTIES (RULE 50).

A person owning or controlling a well that allows waste or contamination of the state's ground water resources or causes a well not to meet the construction standards provided in these ~~Rules~~ is subject to the civil penalties as provided by statute. A driller who violates the foregoing provisions of these ~~Rules~~ is subject to enforcement action and the penalty provisions specified in 42-238 and 42-238b, Idaho Code penalties as provided by Statute. (7-1-93)()

Figures 01., 02., 03., 11., 12., and 13. in Appendix A have been amended.

APPENDIX A

Figure 01. Concrete Slabs and Finished Grade.



Note. Pedestal shall not extend more than two (2) inches past pump base in horizontal direction.

Figure 02. Annular Space and Overbore.

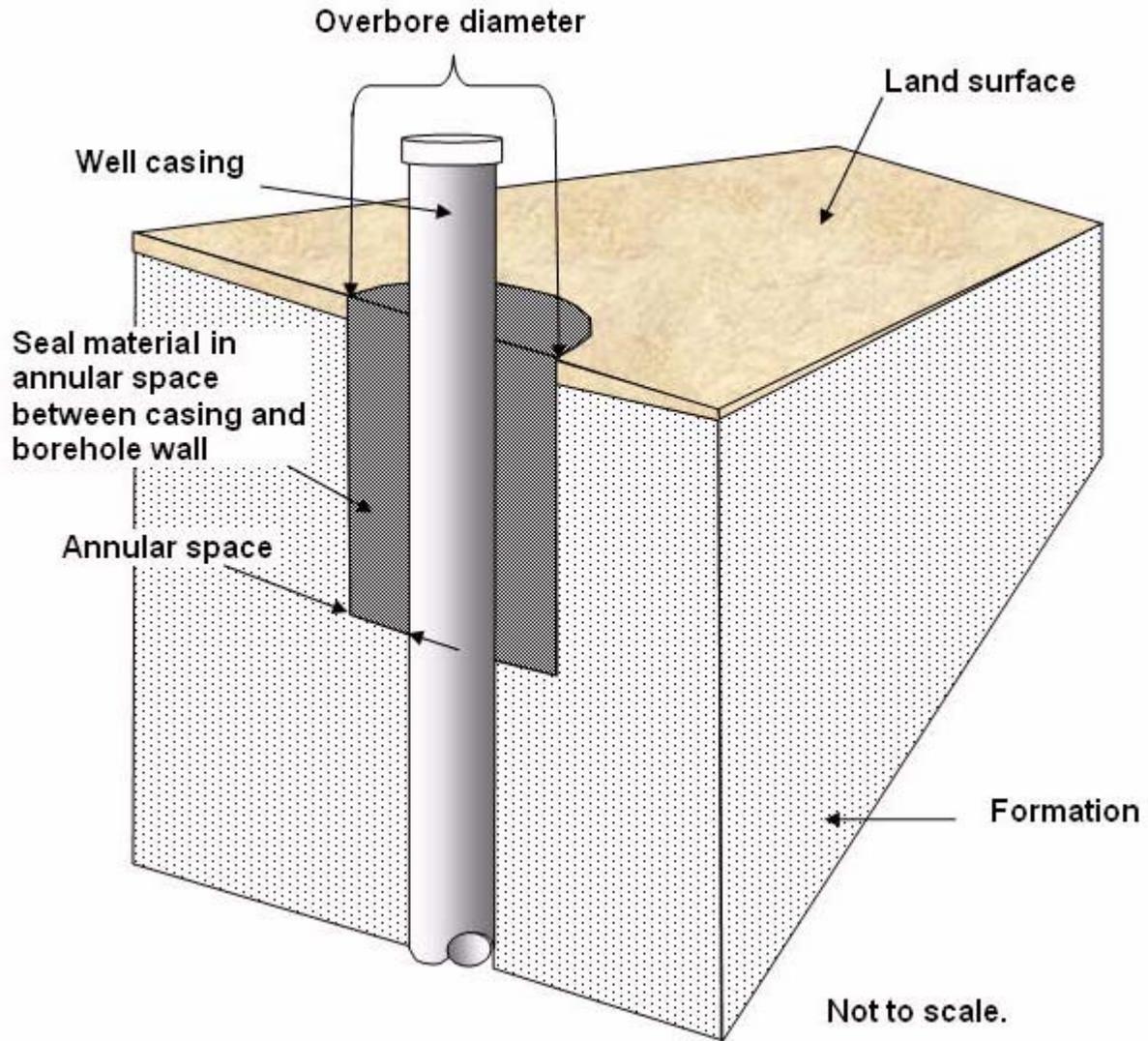


Figure 03. Overbore Requirements When a Tremie Pipe is Left in Place and A Grout Seal Installed.

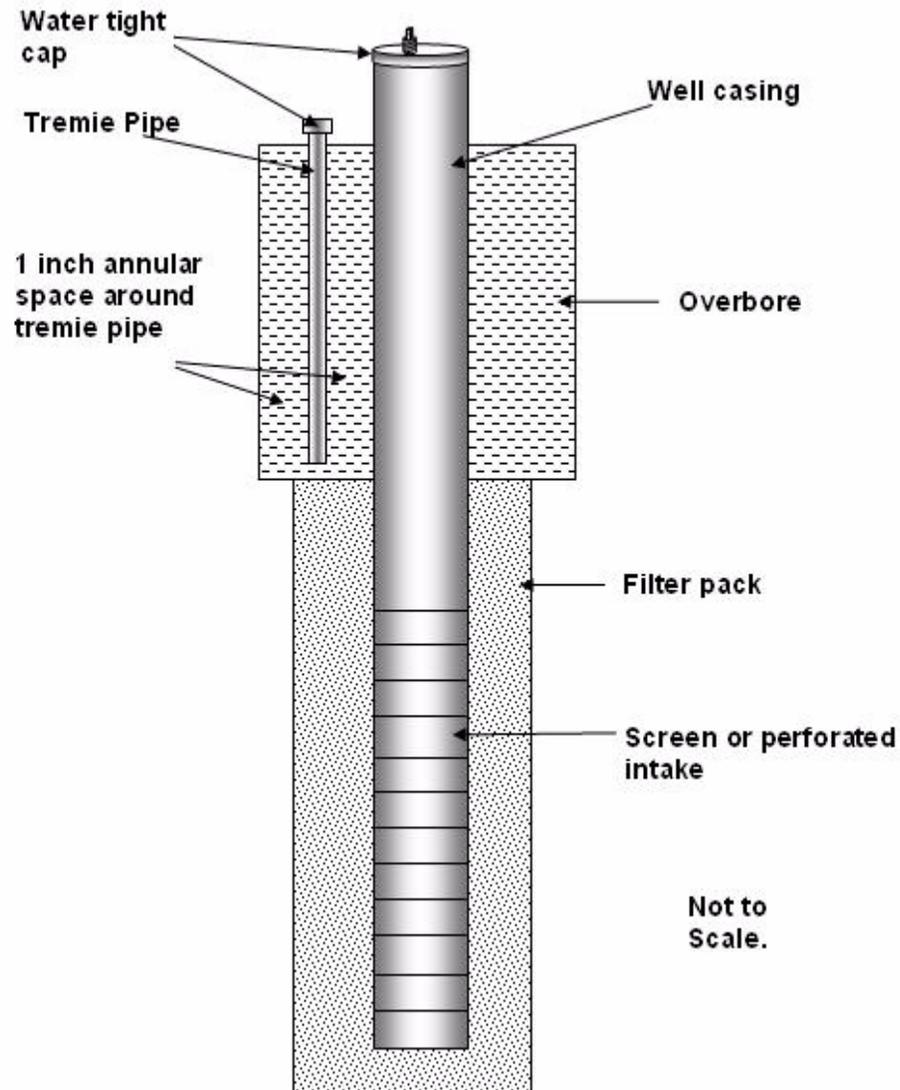
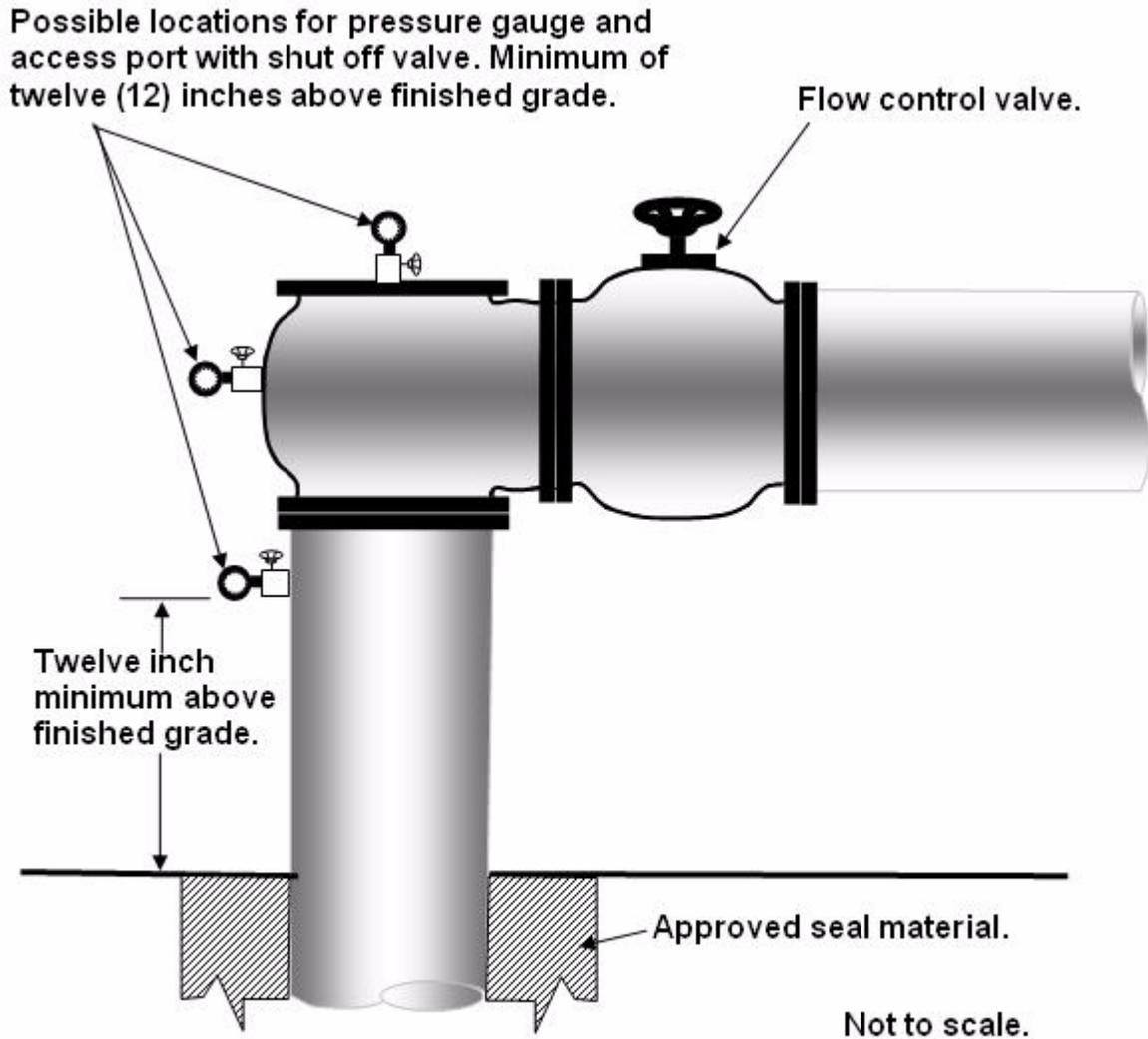


Figure 11. Access Ports, Pressure Gauges, and Control Valves.



Note. Application and approval of control device is required on any flowing artesian well per Section 42-1603, Idaho Code.

Figure 12. Well Cap and Access Port.

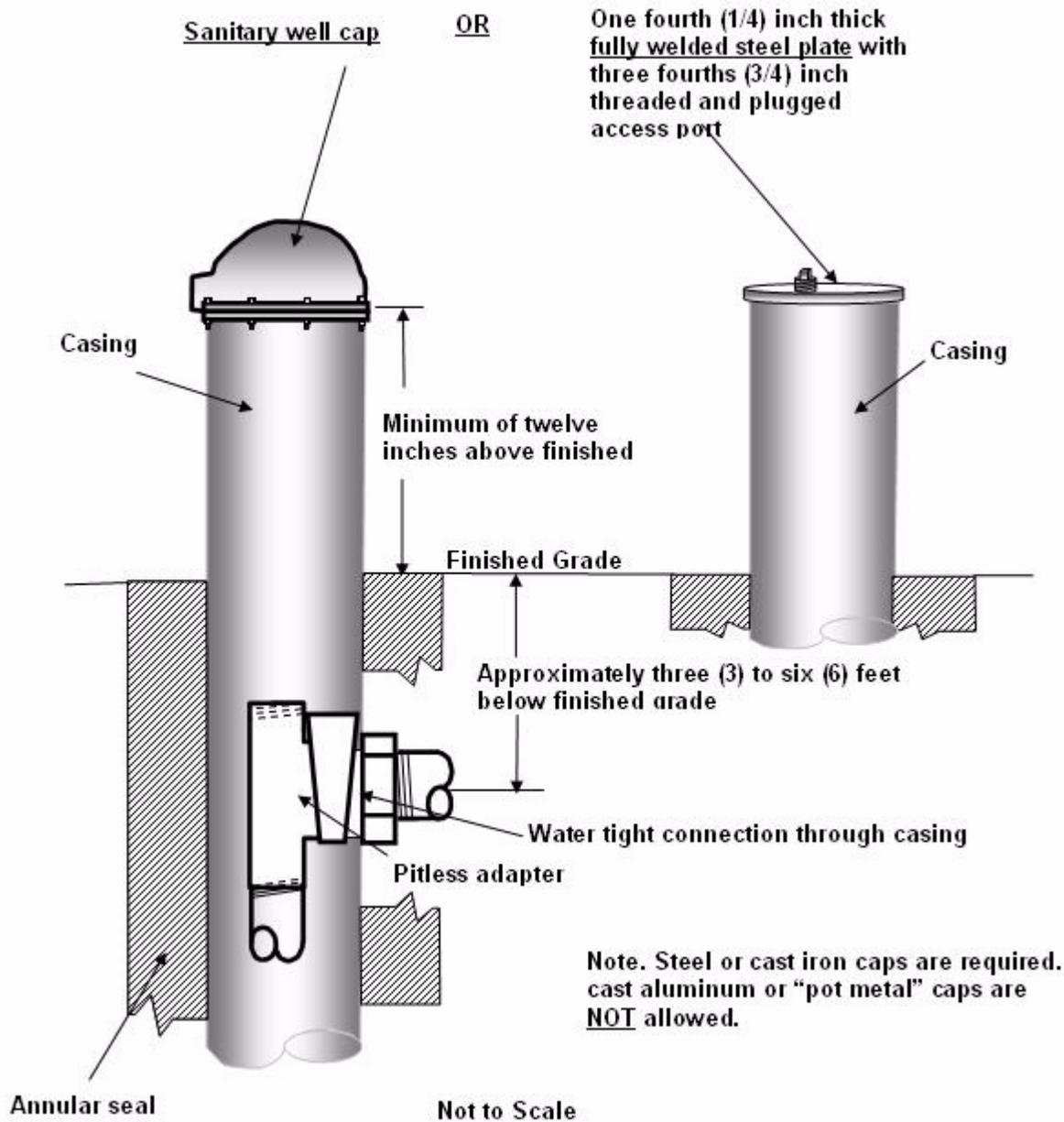
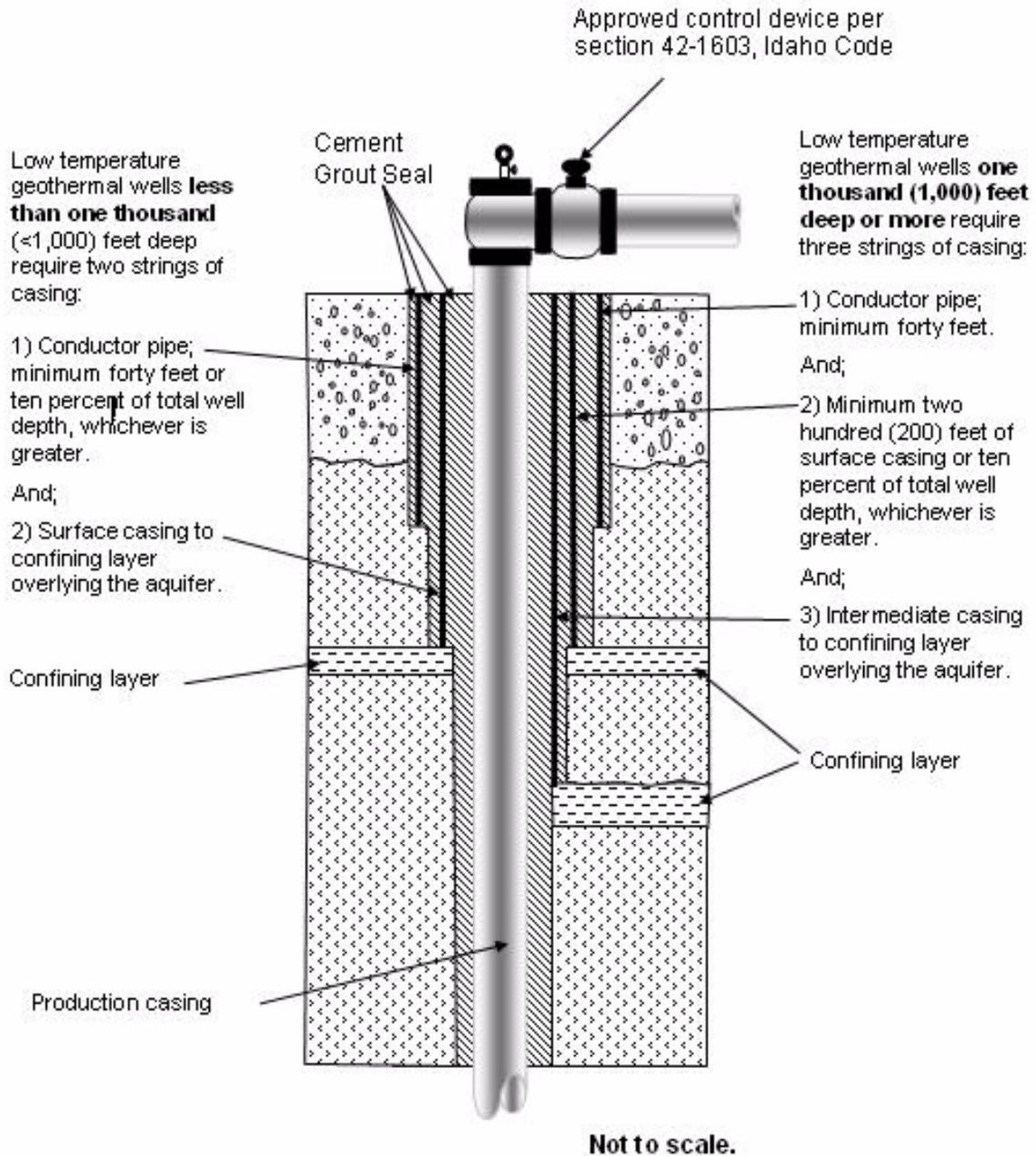


Figure 13. Casing Requirements for Low Temperature Geothermal Wells.



IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.03.45 - RULES GOVERNING SALE OF NO LONGER USEFUL OR USABLE REAL PROPERTY

DOCKET NO. 39-0345-0801 (DOCKET REPRINT)

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

COORDINATOR'S NOTE: This rulemaking is being reprinted here in its entirety due to an error that occurred during the printing of this docket in the September 3, 2008 edition of the Idaho Administrative Bulletin, Volume No. 08-9. The error caused the removal of the legislative format showing the amendments to the rule text. The result was that text that was being deleted from the codified rule was removed completely rather than being struck through. New text that was being added to the rule was inserted without the proper underscoring. This made it impossible to determine what changes were being made. For this reason the docket is being reprinted correctly with the required legislative format as it was originally submitted by the agency. This rulemaking was originally filed on August 1, 2008 for publication. Because this rulemaking is being reprinted here, the written comment submission deadline and the public hearing request deadline dates have been extended also. The Office of the Administrative Rules Coordinator regrets any inconvenience this error may have caused.

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2008.

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 rule-making procedures have been initiated. The action is authorized pursuant to Section 58-335A, 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 November 19, 2008.

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 rule-making:

This rulemaking is to ensure compliance with changes made to Section 58-335A, Idaho Code, in House Bill 483aa, in 2007, which provides that all surplus real property will be offered first to the adjacent land owner.

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

Compliance with House Bill 483aa, effective 7/1/08.

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: Not applicable.

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 to the state general fund.

NEGOTIATED RULE-MAKING: In compliance with Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because the rule making is necessary for compliance with Idaho Code, and therefore, not negotiable.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Marvin K. Brown, Sr. Right-of-Way Agent, 334-8515.

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 November 26, 2008.

DATED this 1st day of August, 2008.

Linda L. Emry
Budget, Policy, and Intergovernmental Relations
Idaho Transportation Department
3311 West State Street
Boise ID 83707-1129
Phone - 208-334-8810
FAX - 208-332-4107

**THIS DOCKET IS BEING REPRINTED IN THIS BULLETIN IN ITS CORRECTED
FORM AS ORIGINALLY SUBMITTED FOR PUBLICATION.**

THE FOLLOWING IS THE TEXT OF DOCKET NO. 39-0345-0801

010. DEFINITION.

- 01. Surplus Real Property.** Real property and the improvements thereon under the ownership and control of the Idaho Transportation Department outside the right-of-way limits which the Chief Engineer or his designee declares no longer useful or usable by the Department. (3-30-07)
- 02. Real Property.** ~~Real property~~ Land and improvements ~~within the Right-of-Way limits.~~ ~~(7-1-97)~~(7-1-08)T
- 03. Appraisal.** An opinion of value formulated by a licensed Appraiser. (7-1-97)
- 04. Surplus Property Value Estimate.** An estimate of value for surplus real properties valued at ten thousand dollars (\$10,000) or less formulated by the Idaho Transportation Department or its agents. (7-1-97)
- 05. Public Sale.** Public auction or sealed bid. (7-1-97)
- 06. Administrative Fee.** A fee determined by the Department to include direct sale expenses. (7-1-97)
- 07. Department.** Idaho Transportation Department. (7-1-97)
- 08. District.** Individually or collectively the jurisdictional areas of the Department. (7-1-97)
- 09. ~~Agent~~ Appraiser.** Any individual, firm, partnership, or corporation that has contracted with the Department to express an opinion of value on surplus real property owned by the Department. ~~(7-1-97)~~(7-1-08)T

(BREAK IN CONTINUITY OF SECTIONS)

301. METHOD OF SALE FOR PROPERTY ~~VALUED AT LESS THAN TEN THOUSAND DOLLARS.~~

Property shall first be offered to contiguous property owners. If more than one (1) contiguous property owner is interested in the property, a private auction will be held between those contiguous owners wishing to purchase the property. It shall be offered at an amount not less than the value estimate or appraisal. The sales price shall include

any administrative fees established by the Department. Term sales of up to twenty (20) years (five (5) years if the property is purchased for less than ten thousand dollars (\$10,000)) may be offered at the discretion of the Department. If the property is not purchased by a contiguous owner, it shall be offered to public entities in the manner and in accordance with the priority set out in Section 302. ~~(3-30-07)~~(7-1-08)T

302. SALE OR EXCHANGE OF PROPERTY TO TAX SUPPORTED ENTITIES AT THE APPRAISED VALUE.

As stated in Section 301, if not purchased by a contiguous owner, ~~the~~ Department shall ~~first~~ then offer the property for sale or exchange at the appraised value to the following: state agencies, the county in which the property is located, the city in which the property is located, the highway district in which the property is located. State agencies are given first priority to acquire the property, county second, city third and highway district fourth. Other tax supported entities not enumerated will not specifically be notified, but will have the fifth priority to purchase the property. The sale price shall include any administrative fees established by the Department. ~~(3-30-07)~~(7-1-08)T

(BREAK IN CONTINUITY OF SECTIONS)

304. METHOD OF SALE FOR PROPERTY NOT PURCHASED BY A PUBLIC ENTITY OR A CONTIGUOUS PROPERTY OWNER.

If no public agency purchases a property offered for sale, or if property ~~appraised under ten thousand dollars (\$10,000)~~ is not purchased by a contiguous property owner ~~or by a public agency~~, the surplus property will be offered at public sale for not less than the appraised price. The sales price shall include any administrative fees established by the Department. Term sales of up to twenty (20) years (five (5) years if the property is purchased for less than ten thousand dollars (\$10,000)) may be offered at the discretion of the Department. ~~(3-30-07)~~(7-1-08)T

IDAPA 52 - IDAHO STATE LOTTERY

52.01.02 - GAMING RULES OF THE IDAHO STATE LOTTERY COMMISSION

DOCKET NO. 52-0102-0801

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2009 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 67-7714, Idaho Code.

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

There are no changes to the pending rule, therefore, it is being adopted as proposed. The complete text of the proposed rule published in the September 3, 2008 Idaho Administrative Bulletin, Vol. 08-9, pages 253 through 261.

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 Amber French, Security Director, (208) 334-2277.

DATED this 25th day of September, 2008.

Jeff Anderson, Director
Idaho State Lottery
1199 Shoreline Ln., Ste. 100
Boise, ID 83702
Phone: (208) 334-2600
Fax: (208) 334-2610

DOCKET NO. 52-0102-0801 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 08-9, September 3, 2008, pages 253 through 261.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2009 Idaho State Legislature for final adoption.

IDAPA 52 - IDAHO STATE LOTTERY

52.01.03 - RULES GOVERNING OPERATIONS OF THE IDAHO STATE LOTTERY

DOCKET NO. 52-0103-0801

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2009 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 67-7408(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:

There are no changes to the pending rule, therefore, it is being adopted as proposed. The complete text of the proposed rule published in the September 3, 2008 Idaho Administrative Bulletin, Vol. 08-9, pages 262 through 281.

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 Jeff Anderson, Director, (208) 334-2600.

DATED this 25th day of September, 2008.

Jeff Anderson, Director
Idaho State Lottery
1199 Shoreline Ln., Ste. 100
Boise, ID 83702
Phone: (208) 334-2600
Fax: (208) 334-2610

DOCKET NO. 52-0103-0801 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 08-9, September 3, 2008, pages 262 through 281.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2009 Idaho State Legislature for final adoption.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-0702

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

PUBLIC HEARING SCHEDULE: A public hearing concerning this proposed rulemaking will be held as follows:

TUESDAY - DECEMBER 9, 2008 - 3:30 p.m.

**DEPARTMENT OF ENVIRONMENTAL QUALITY
Conference Room C
1410 N. Hilton, Boise, Idaho**

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made no later than five (5) days prior to the hearing. For arrangements, contact the undersigned at (208) 373-0418.

DESCRIPTIVE SUMMARY: The Treasure Valley is now, and has been for several years, experiencing high concentrations of ozone in the ambient air. The federal government lowered the national ambient air quality standard for ozone this year. Installation and operation of Stage 1 vapor collection equipment will reduce volatile organic compound (VOC) emissions by over 1,000 tons per year. Because VOCs are the major contributor to ozone formation, such a reduction should reduce ozone in the ambient air and potentially lower concentrations such that ozone nonattainment may be avoided.

Additionally, the Treasure Valley Air Quality Plan, as developed by the Treasure Valley Air Quality Council and accepted by the Idaho Legislature, requires the Department of Environmental Quality (DEQ) to develop a rule requiring Stage 1 vapor collection in Ada and Canyon Counties. Treasure Valley Air Quality Plan, February 27, 2007 at page 95.

DEQ has received approval from the Governor's office for temporary adoption of this rule in an effort to reduce VOC emissions and potentially avoid an ozone nonattainment designation by the U.S. Environmental Protection Agency. The sooner the vapor collection systems are installed, the greater chance the area has to avoid nonattainment designation. It is particularly important to have a rule effective by spring 2009 so that the regulated community will have time to install the necessary vapor collection equipment before the hot summer weather sets in, which is when ozone is formed.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality at the February 2009 Board meeting for adoption as a pending and temporary rule. If adopted by the Board, the temporary rule will become effective on April 1, 2009. The pending rule is expected to be final upon adjournment of the 2010 legislative session if approved by the Legislature.

NEGOTIATED RULEMAKING: The text of the proposed rule has been drafted based on discussions held and concerns raised during negotiations conducted pursuant to Section 67-5220, Idaho Code and IDAPA 04.11.01.810-815. On September 5, 2007, the Notice of Negotiated Rulemaking was published in the Idaho Administrative Bulletin, Vol. 07-9, page 309. On August 1, 2008, a preliminary draft rule was made available for public review. Meetings were held on September 27, 2007; October 18, 2007; December 6, 2007; February 6, 2008; August 13, 2008; and August 26, 2008. Several members of the public participated in this negotiated rulemaking process by attending the meetings and by submitting written comments.

IDAHO CODE SECTION 39-107D STATEMENT: The proposed rules do not regulate an activity not regulated by the federal government nor are they more stringent than federal regulations. The Clean Air Act requires, in moderate ozone nonattainment areas, the use of gasoline vapor collection for facilities that sell more than 10,000 gallons of

gasoline per month. The proposed rules are broader in scope than the federal law as they apply to sources in an area not yet designated nonattainment. Additionally, the National Emission Standard for Hazardous Air Pollutants (NESHAP) requires the use of gasoline vapor collection for gasoline dispensing facilities with throughput of 100,000 gallons or more of gasoline per month. 40 CFR Part 63, Subpart CCCCCC (40 CFR 63.11118). The proposed rules require gasoline vapor collection for gasoline storage tanks with a capacity of 10,000 gallons or more; thus, they apply to a broader class of gasoline dispensing facilities than the NESHAPs.

These proposed rules constitute an important preemptive step for the Treasure Valley to take to attempt to avoid an ozone nonattainment designation. The ozone national ambient air quality standard is a standard designed to protect human health and the environment. It is clear under federal law that scientists have determined that vapor collection is an important control measure to implement for ozone reduction.

FISCAL IMPACT STATEMENT: 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: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this rulemaking, contact Martin Bauer at (208) 373-0440 or martin.bauer@deq.idaho.gov.

Anyone may submit written comments by mail, fax or e-mail at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before December 9, 2008.

DATED this 3rd day of October, 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

THE FOLLOWING IS THE TEXT FOR DOCKET NO. 58-0101-0702

006. GENERAL DEFINITIONS.

01. Accountable. Any SIP emission trading program must account for the aggregate effect of the emissions trades in the demonstration of reasonable further progress, attainment, or maintenance. (4-5-00)

02. Act. The Environmental Protection and Health Act of 1972 as amended (Sections 39-101 through 39-130, Idaho Code). (5-1-94)

03. Actual Emissions. The actual rate of emissions of a pollutant from an emissions unit as determined in accordance with the following: (4-5-00)

a. In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operation. The Department shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the

unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period. (4-5-00)

b. The Department may presume that the source-specific allowable emissions for the unit are equivalent to actual emissions of the unit. (4-5-00)

c. For any emissions unit (other than an electric utility steam generating unit as specified below) which has not yet begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date. (4-5-00)

d. For an electric utility steam generating unit (other than a new unit or the replacement of an existing unit) actual emissions of the unit following the physical or operational change shall equal the representative actual annual emissions of the unit, provided the source owner or operator maintains and submits to the Department, on an annual basis for a period of five (5) years from the date the unit resumes regular operation, information demonstrating that the physical or operational change did not result in an emissions increase. A longer period, not to exceed ten (10) years may be required by the Department if it determines such a period to be more representative of normal source post-change operations. (4-5-00)

04. Adverse Impact on Visibility. Visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the Federal Class I Area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairments, and how these factors correlate with: (3-30-07)

a. Times of visitor use of the Federal Class I Area; and (3-30-07)

b. The frequency and timing of natural conditions that reduce visibility. (3-30-07)

c. This term does not include affects on integral vistas when applied to 40 CFR 51.307. (3-30-07)

05. Air Pollutant/Air Contaminant. Any substance, including but not limited to, dust, fume, gas, mist, odor, smoke, vapor, pollen, soot, carbon or particulate matter or any combination thereof. (4-5-00)

06. Air Pollution. The presence in the outdoor atmosphere of any air pollutant or combination thereof in such quantity of such nature and duration and under such conditions as would be injurious to human health or welfare, to animal or plant life, or to property, or to interfere unreasonably with the enjoyment of life or property. (4-5-00)

07. Air Quality. The specific measurement in the ambient air of a particular air pollutant at any given time. (5-1-94)

08. Air Quality Criterion. The information used as guidelines for decisions when establishing air quality goals and air quality standards. (5-1-94)

09. Allowable Emissions. The allowable emissions rate of a stationary source or facility calculated using the maximum rated capacity of the source or facility (unless the source or facility is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following: (4-5-00)

a. The applicable standards set forth in 40 CFR part 60 and 61; (4-5-00)

b. Any applicable State Implementation Plan emissions limitation including those with a future compliance date; or (4-5-00)

c. The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date. (4-5-00)

10. Ambient Air. That portion of the atmosphere, external to buildings, to which the general public has

access. (5-1-94)

11. Ambient Air Quality Violation. Any ambient concentration that causes or contributes to an exceedance of a national ambient air quality standard as determined by 40 CFR Part 50. (4-11-06)

12. Atmospheric Stagnation Advisory. An air pollution alert declared by the Department when air pollutant impacts have been observed and/or meteorological conditions are conducive to additional air pollutant buildup. (4-11-06)

13. Attainment Area. Any area which is designated, pursuant to 42 U.S.C. Section 7407(d), as having ambient concentrations equal to or less than national primary or secondary ambient air quality standards for a particular air pollutant or air pollutants. (4-11-06)

14. BART-Eligible Source. Any of the following stationary sources of air pollutants, including any reconstructed source, which was not in operation prior to August 7, 1962, and was in existence on August 7, 1977, and has the potential to emit two hundred fifty (250) tons per year or more of any air pollutant. In determining potential to emit, fugitive emissions, to the extent quantifiable, must be counted. (3-30-07)

- a.** Fossil-fuel fired steam electric plants of more than two hundred fifty (250) million BTU's per hour heat input; (3-30-07)
- b.** Coal cleaning plants (thermal dryers); (3-30-07)
- c.** Kraft pulp mills; (3-30-07)
- d.** Portland cement plants; (3-30-07)
- e.** Primary zinc smelters; (3-30-07)
- f.** Iron and steel mill plants; (3-30-07)
- g.** Primary aluminum ore reduction plants; (3-30-07)
- h.** Primary copper smelters; (3-30-07)
- i.** Municipal incinerators capable of charging more than two hundred fifty (250) tons of refuse per day; (3-30-07)
- j.** Hydrofluoric, sulfuric, and nitric acid plants; (3-30-07)
- k.** Petroleum refineries; (3-30-07)
- l.** Lime plants; (3-30-07)
- m.** Phosphate rock processing plants; (3-30-07)
- n.** Coke oven batteries; (3-30-07)
- o.** Sulfur recovery plants; (3-30-07)
- p.** Carbon black plants (furnace process); (3-30-07)
- q.** Primary lead smelters; (3-30-07)
- r.** Fuel conversion plants; (3-30-07)
- s.** Sintering plants; (3-30-07)

- t. Secondary metal production facilities; (3-30-07)
- u. Chemical process plants; (3-30-07)
- v. Fossil-fuel boilers of more than two hundred fifty (250) million BTU's per hour heat input; (3-30-07)
- w. Petroleum storage and transfer facilities with a capacity exceeding three hundred thousand (300,000) barrels; (3-30-07)
- x. Taconite ore processing facilities; (3-30-07)
- y. Glass fiber processing plants; and (3-30-07)
- z. Charcoal production facilities. (3-30-07)
- 15. Baseline (Area, Concentration, Date).** See Section 579. (5-1-94)
- 16. Best Available Retrofit Technology (BART).** Means an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by an existing stationary facility. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and non-air quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology. (3-30-07)
- 17. Board.** Idaho Board of Environmental Quality. (5-1-94)
- 18. Breakdown.** An unplanned failure of any equipment or emissions unit which may cause excess emissions. (4-5-00)
- 19. BTU.** British thermal unit. (5-1-94)
- 20. Clean Air Act.** The federal Clean Air Act, 42 U.S.C. Sections 7401 through 7671q. (5-1-94)
- 21. Collection Efficiency.** The overall performance of the air cleaning device in terms of ratio of materials collected to total input to the collector unless specific size fractions of the contaminant are stated or required. (5-1-94)
- 22. Commence Construction or Modification.** In general, this means initiation of physical on-site construction activities on an emissions unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures. With respect to a change in method of operation, this term refers to those on-site activities, other than preparatory activities, which mark the initiation of the change. (4-5-00)
- 23. Complete.** A determination made by the Department that all information needed to process a permit application has been submitted for review. (5-1-94)
- 24. Construction.** Fabrication, erection, installation, or modification of a stationary source or facility. (5-1-94)
- 25. Control Equipment.** Any method, process or equipment which removes, reduces or renders less noxious, air pollutants discharged into the atmosphere. (5-1-94)
- 26. Controlled Emission.** An emission which has been treated by control equipment to remove all or part of an air pollutant before release to the atmosphere. (5-1-94)

27. Criteria Air Pollutant. Any of the following: PM-10; sulfur oxides; ozone, nitrogen dioxide; carbon monoxide; lead. (4-5-00)

28. Deciview. A measurement of visibility impairment. A deciview is a haze index derived from calculated light extinction, such that uniform changes in haziness correspond to uniform incremental changes in perception across the entire range of conditions, from pristine to highly impaired. The deciview haze index is calculated based on the following equation (for the purposes of calculating deciview, the atmospheric light extinction coefficient must be calculated from aerosol measurements): Deciview Haze Index = $10 \ln_e (b_{\text{ext}} / 10 \text{Mm}^{-1})$ where b_{ext} = the atmospheric light extinction coefficient, expressed in inverse megameters (Mm^{-1}). (3-30-07)

- 29. Department.** The Department of Environmental Quality. (5-1-94)
- 30. Designated Facility.** Any of the following facilities: (5-1-94)
- a.** Fossil-fuel fired steam electric plants of more than two hundred fifty (250) million BTU's per hour heat input; (5-1-94)
 - b.** Coal cleaning plants (thermal dryers); (5-1-94)
 - c.** Kraft pulp mills; (5-1-94)
 - d.** Portland cement plants; (5-1-94)
 - e.** Primary zinc smelters; (5-1-94)
 - f.** Iron and steel mill plants; (5-1-94)
 - g.** Primary aluminum ore reduction plants; (5-1-94)
 - h.** Primary copper smelters; (5-1-94)
 - i.** Municipal incinerators capable of charging more than two hundred and fifty (250) tons of refuse per day; (5-1-94)
 - j.** Hydrofluoric, sulfuric, and nitric acid plants; (5-1-94)
 - k.** Petroleum refineries; (5-1-94)
 - l.** Lime plants; (5-1-94)
 - m.** Phosphate rock processing plants; (5-1-94)
 - n.** Coke oven batteries; (5-1-94)
 - o.** Sulfur recovery plants; (5-1-94)
 - p.** Carbon black plants (furnace process); (5-1-94)
 - q.** Primary lead smelters; (5-1-94)
 - r.** Fuel conversion plants; (5-1-94)
 - s.** Sintering plants; (5-1-94)
 - t.** Secondary metal production facilities; (5-1-94)

- u.** Chemical process plants; (5-1-94)
- v.** Fossil-fuel boilers (or combination thereof) of more than two hundred and fifty (250) million BTU's per hour heat input; (5-1-94)
- w.** Petroleum storage and transfer facilities with a capacity exceeding three hundred thousand (300,000) barrels; (5-1-94)
- x.** Taconite ore processing facilities; (5-1-94)
- y.** Glass fiber processing plants; and (5-1-94)
- z.** Charcoal production facilities. (5-1-94)
- 31. Director.** The Director of the Department of Environmental Quality or his designee. (5-1-94)
- 32. Effective Dose Equivalent.** The sum of the products of absorbed dose and appropriate factors to account for differences in biological effectiveness due to the quality of radiation and its distribution in the body of reference man. The unit of the effective dose equivalent is the rem. It is generally calculated as an annual dose. (5-1-94)
- 33. Emission.** Any controlled or uncontrolled release or discharge into the outdoor atmosphere of any air pollutants or combination thereof. Emission also includes any release or discharge of any air pollutant from a stack, vent, or other means into the outdoor atmosphere that originates from an emission unit. (5-1-94)
- 34. Emission Standard.** A permit or regulatory requirement established by the Department or EPA which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction. (4-5-00)
- 35. Emissions Unit.** An identifiable piece of process equipment or other part of a facility which emits or may emit any air pollutant. This definition does not alter or affect the term "unit" for the purposes of 42 U.S.C. Sections 7651 through 7651o. (5-1-94)
- 36. EPA.** The United States Environmental Protection Agency and its Administrator or designee. (5-1-94)
- 37. Environmental Remediation Source.** A stationary source that functions to remediate or recover any release, spill, leak, discharge or disposal of any petroleum product or petroleum substance, any hazardous waste or hazardous substance from any soil, ground water or surface water, and shall have an operational life no greater than five (5) years from the inception of any operations to the cessation of actual operations. Nothing in this definition shall be construed so as to actually limit remediation projects to five (5) years or less of total operation. (5-1-95)
- 38. Excess Emissions.** Emissions that exceed an applicable emissions standard established for any facility, source or emissions unit by statute, regulation, rule, permit, or order. (4-11-06)
- 39. Existing Stationary Source or Facility.** Any stationary source or facility that exists, is installed, or is under construction on the original effective date of any applicable provision of this chapter. (5-1-94)
- 40. Facility.** All of the pollutant-emitting activities which belong to the same industrial grouping, are located on one (1) or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same Major Group (i.e. which have the same two-digit code) as described in the Standard Industrial Classification Manual. The fugitive emissions shall not be considered in determining whether a permit is required unless required by federal law. (4-11-06)

- 41. Federal Class I Area.** Any federal land that is classified or reclassified "Class I." (3-30-07)
- 42. Federal Land Manager.** The Secretary of the department with authority over the Federal Class I Area (or the Secretary's designee). (3-30-07)
- 43. Federally Enforceable.** All limitations and conditions which are enforceable by EPA and the Department under the Clean Air Act, including those requirements developed pursuant to 40 CFR Parts 60 and 61 requirements within any applicable State Implementation Plan, and any permit requirements established pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR Parts 51, 52, 60, or 63. (3-30-07)
- 44. Fire Hazard.** The presence or accumulation of combustible material of such nature and in sufficient quantity that its continued existence constitutes an imminent and substantial danger to life, property, public welfare or adjacent lands. (5-1-94)
- 45. Fuel-Burning Equipment.** Any furnace, boiler, apparatus, stack and all appurtenances thereto, used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer. (5-1-94)
- 46. Fugitive Dust.** Fugitive emissions composed of particulate matter. (5-1-94)
- 47. Fugitive Emissions.** Those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening. (5-1-94)
- 48. Garbage.** Any waste consisting of putrescible animal and vegetable materials resulting from the handling, preparation, cooking and consumption of food including, but not limited to, waste materials from households, markets, storage facilities, handling and sale of produce and other food products. (5-1-94)
- 49. Gasoline.** Any mixture of volatile hydrocarbons suitable as a fuel for the propulsion of motor vehicles or motor boats. Gasoline also means aircraft engine fuels when used for the operation or propulsion of motor vehicles or motor boats and includes gasohol, but does not include special fuels. ()
- 50. Gasoline Cargo Tank.** Any tank or trailer used for the transport of gasoline from sources of supply to underground gasoline storage tanks. ()
- 51. Gasoline Dispensing Facility (GDF).** Any facility with underground gasoline storage tanks used for dispensing gasoline. ()
- ~~495~~**2. Grain Elevator.** Any plant or installation at which grain is unloaded, handled, cleaned, dried, stored, or loaded. (5-1-94)
- 503. Grain Storage Elevator.** Any grain elevator located at any wheat flour mill, wet corn mill, dry corn mill (human consumption), rice mill, or soybean extraction plant which has a permanent grain storage capacity of thirty five thousand two hundred (35,200) cubic meters (ca. 1 million bushels). (5-1-94)
- 514. Grain Terminal Elevator.** Any grain elevator which has a permanent storage capacity of more than eighty-eight thousand one hundred (88,100) cubic meters (ca. 2.5 million bushels), except those located at animal food manufacturers, pet food manufacturers, cereal manufacturers, breweries, and livestock feedlots. (5-1-94)
- ~~52~~**5. Hazardous Air Pollutant (HAP).** Any air pollutant listed pursuant to Section 112(b) of the Clean Air Act. Hazardous Air Pollutants are regulated air pollutants. (4-11-06)
- 536. Hazardous Waste.** Any waste or combination of wastes of a solid, liquid, semisolid, or contained gaseous form which, because of its quantity, concentration or characteristics (physical, chemical or biological) may:
- a.** Cause or significantly contribute to an increase in deaths or an increase in serious, irreversible, or incapacitating reversible illnesses; or (5-1-94)

b. Pose a substantial threat to human health or to the environment if improperly treated, stored, disposed of, or managed. Such wastes include, but are not limited to, materials which are toxic, corrosive, ignitable, or reactive, or materials which may have mutagenic, teratogenic, or carcinogenic properties; provided that such wastes do not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are allowed under a national pollution discharge elimination system permit, or source, special nuclear, or by-product material as defined by 42 U.S.C. Sections 2014(e),(z) or (aa).

(5-1-94)

547. Hot-Mix Asphalt Plant. Those facilities conveying proportioned quantities or batch loading of cold aggregate to a drier, and heating, drying, screening, classifying, measuring and mixing the aggregate and asphalt for the purpose of paving, construction, industrial, residential or commercial use.

(5-1-94)

558. Incinerator. Any source consisting of a furnace and all appurtenances thereto designed for the destruction of refuse by burning. "Open Burning" is not considered incineration. For purposes of these rules, the destruction of any combustible liquid or gaseous material by burning in a flare stack shall be considered incineration.

(5-1-94)

569. Indian Governing Body. The governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

(5-1-94)

5760. Integral Vista. A view perceived from within the mandatory Class I Federal Area of a specific landmark or panorama located outside the boundary of the mandatory Class I Federal Area.

(3-30-07)

5861. Kraft Pulping. Any pulping process which uses, for a cooking liquor, an alkaline sulfide solution containing sodium hydroxide and sodium sulfide.

(5-1-94)

5962. Least Impaired Days. The average visibility impairment (measured in deciviews) for the twenty percent (20%) of monitored days in a calendar year with the lowest amount of visibility impairment.

(3-30-07)

603. Lowest Achievable Emission Rate (LAER). For any source, the more stringent rate of emissions based on the following:

(4-5-00)

a. The most stringent emissions limitation which is contained in any State Implementation Plan for such class or category of facility, unless the owner or operator of the proposed facility demonstrates that such limitations are not achievable; or

(4-5-00)

b. The most stringent emissions limitation which is achieved in practice by such class or category of facilities. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within the facility. In no event shall the application of the term permit a proposed new or modified facility to emit any pollutant in excess of the amount allowable under an applicable new source standard of performance.

(4-5-00)

644. Mandatory Class I Federal Area. Any area identified in 40 CFR 81.400 through 81.437.

(3-30-07)

625. Member of the Public. For purposes of Subsection 006.103.a.xvi., a person located at any off-site point where there is a residence, school, business or office.

(3-30-07)

636. Modification.

(4-11-06)

a. Any physical change in, or change in the method of operation of, a stationary source or facility which results in an emission increase as defined in Section 007 or which results in the emission of any regulated air pollutant not previously emitted.

(4-11-06)

b. Any physical change in, or change in the method of operation of, a stationary source or facility

which results in an increase in the emissions rate of any state only toxic air pollutant, or emissions of any state only toxic air pollutant not previously emitted. (4-11-06)

c. Fugitive emissions shall not be considered in determining whether a permit is required for a modification unless required by federal law. (4-11-06)

d. For purposes of this definition of modification, routine maintenance, repair and replacement shall not be considered physical changes and the following shall not be considered a change in the method of operation: (3-30-07)

i. An increase in the production rate if such increase does not exceed the operating design capacity of the affected stationary source, and if a more restrictive production rate is not specified in a permit; (5-1-94)

ii. An increase in hours of operation if more restrictive hours of operation are not specified in a permit; and (5-1-94)

iii. Use of an alternative fuel or raw material if the stationary source is specifically designed to accommodate such fuel or raw material and use of such fuel or raw material is not specifically prohibited in a permit. (4-5-00)

647. Monitoring. Sampling and analysis, in a continuous or noncontinuous sequence, using techniques which will adequately measure emission levels and/or ambient air concentrations of air pollutants. (5-1-94)

658. Most Impaired Days. The average visibility impairment (measured in deciviews) for the twenty percent (20%) of monitored days in a calendar year with the highest amount of visibility impairment. (3-30-07)

669. Multiple Chamber Incinerator. Any article, machine, equipment, contrivance, structure or part of a structure used to dispose of combustible refuse by burning, consisting of three (3) or more refractory lined combustion furnaces in series physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate parameters necessary for maximum combustion of the material to be burned. (5-1-94)

670. Natural Conditions. Includes naturally occurring phenomena that reduce visibility as measured in terms of light extinction, visual range, contrast, or coloration. (3-30-07)

6871. New Stationary Source or Facility. (5-1-94)

a. Any stationary source or facility, the construction or modification of which is commenced after the original effective date of any applicable provision of this chapter; or (5-1-94)

b. The restart of a nonoperating facility shall be considered a new stationary source or facility if: (5-1-94)

i. The restart involves a modification to the facility; or (5-1-94)

ii. After the facility has been in a nonoperating status for a period of two (2) years, and the Department receives an application for a Permit to Construct in the area affected by the existing nonoperating facility, the Department will, within five (5) working days of receipt of the application notify the nonoperating facility of receipt of the application for a Permit to Construct. Upon receipt of this Departmental notification, the nonoperating facility will comply with the following restart schedule or be considered a new stationary source or facility when it does restart: Within thirty (30) working days after receipt of the Department's notification of the application for a Permit to Construct, the nonoperating facility shall provide the Department with a schedule detailing the restart of the facility. The restart must begin within sixty (60) days of the date the Department receives the restart schedule. (5-1-94)

6972. Nonattainment Area. Any area which is designated, pursuant to 42 U.S.C. Section 7407(d), as not meeting (or contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for the pollutant. (5-1-94)

- ~~703.~~ **Noncondensibles.** Gases and vapors from processes that are not condensed at standard temperature and pressure unless otherwise specified. (5-1-94)
- ~~714.~~ **Odor.** The sensation resulting from stimulation of the human sense of smell. (5-1-94)
- ~~725.~~ **Opacity.** A state which renders material partially or wholly impervious to rays of light and causes obstruction of an observer's view, expressed as percent. (5-1-94)
- ~~736.~~ **Open Burning.** The burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the ambient air without passing through a stack, duct or chimney. (5-1-94)
- ~~747.~~ **Operating Permit.** A permit issued by the Director pursuant to Sections 300 through 386 and/or 400 through 461. (4-5-00)
- ~~758.~~ **Particulate Matter.** Any material, except water in uncombined form, that exists as a liquid or a solid at standard conditions. (5-1-94)
- ~~769.~~ **Particulate Matter Emissions.** All particulate matter emitted to the ambient air as measured by an applicable reference method, or any equivalent or alternative method in accordance with Section 157. (4-5-00)
- ~~7780.~~ **Permit to Construct.** A permit issued by the Director pursuant to Sections 200 through 228. (7-1-02)
- ~~7881.~~ **Person.** Any individual, association, corporation, firm, partnership or any federal, state or local governmental entity. (5-1-94)
- ~~7982.~~ **PM-10.** All particulate matter in the ambient air with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers as measured by a reference method based on Appendix J of 40 CFR Part 50 and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53. (5-1-94)
- ~~803.~~ **PM-10 Emissions.** All particulate matter, including condensible particulates, with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternative method in accordance with Section 157. (4-5-00)
- ~~814.~~ **Potential to Emit/Potential Emissions.** The maximum capacity of a facility or stationary source to emit an air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the facility or source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is state or federally enforceable. Secondary emissions do not count in determining the potential to emit of a facility or stationary source. (3-30-07)
- ~~825.~~ **Portable Equipment.** Equipment which is designed to be dismantled and transported from one (1) job site to another job site. (5-1-94)
- ~~836.~~ **PPM (parts per million).** Parts of a gaseous contaminant per million parts of gas by volume. (5-1-94)
- ~~847.~~ **Prescribed Fire Management Burning.** The controlled application of fire to wildland fuels in either their natural or modified state under such conditions of weather, fuel moisture, soil moisture, etc., as will allow the fire to be confined to a predetermined area and at the same time produce the intensity of heat and rate of spread required to accomplish planned objectives, including: (5-1-94)
- a. Fire hazard reduction; (5-1-94)

- b.** The control of pests, insects, or diseases; (5-1-94)
 - c.** The promotion of range forage improvements; (5-1-94)
 - d.** The perpetuation of natural ecosystems; (5-1-94)
 - e.** The disposal of woody debris resulting from a logging operation, the clearing of rights of way, a land clearing operation, or a driftwood collection system; (5-1-94)
 - f.** The preparation of planting and seeding sites for forest regeneration; and (5-1-94)
 - g.** Other accepted natural resource management purposes. (5-1-94)
- 858. Primary Ambient Air Quality Standard.** That ambient air quality which, allowing an adequate margin of safety, is requisite to protect the public health. (5-1-94)
- 869. Process or Process Equipment.** Any equipment, device or contrivance for changing any materials whatever or for storage or handling of any materials, and all appurtenances thereto, including ducts, stack, etc., the use of which may cause any discharge of an air pollutant into the ambient air but not including that equipment specifically defined as fuel-burning equipment or refuse-burning equipment. (5-1-94)
- 870. Process Weight.** The total weight of all materials introduced into any source operation which may cause any emissions of particulate matter. Process weight includes solid fuels charged, but does not include liquid and gaseous fuels charged or combustion air. Water which occurs naturally in the feed material shall be considered part of the process weight. (5-1-94)
- 8891. Process Weight Rate.** The rate established as follows: (5-1-94)
- a.** For continuous or long-run steady-state source operations, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof; (4-5-00)
 - b.** For cyclical or batch source operations, the total process weight for a period that covers a complete cycle of operation or an integral number of cycles, divided by the hours of actual process operation during such a period. Where the nature of any process or operation or the design of any equipment is such as to permit more than one (1) interpretation of this definition, the interpretation that results in the minimum value for allowable emission shall apply. (4-5-00)
- 892. Quantifiable.** The Department must be able to determine the emissions impact of any SIP trading programs requirement(s) or emission limit(s). (4-5-00)
- 903. Radionuclide.** A type of atom which spontaneously undergoes radioactive decay. (5-1-94)
- 944. Regional Haze.** Visibility impairment that is caused by the emission of air pollutants from numerous sources located over a wide geographic area. Such sources include, but are not limited to, major and minor stationary sources, mobile sources, and area sources. (3-30-07)
- 925. Regulated Air Pollutant.** (4-11-06)
- a.** For purposes of determining applicability of major source permit to operate requirements, issuing, and modifying permits pursuant to Sections 300 through 397, and in accordance with Title V of the federal Clean Air Act amendments of 1990, 42 U.S.C. Section 7661 et seq., "regulated air pollutant" shall have the same meaning as in Title V of the federal Clean Air Act amendments of 1990, and any applicable federal regulations promulgated pursuant to Title V of the federal Clean Air Act amendments of 1990, 40 CFR Part 70; (4-11-06)
 - b.** For purposes of determining applicability of any other operating permit requirements, issuing, and modifying permits pursuant to Sections 400 through 410, the federal definition of "regulated air pollutant" as defined

in Subsection 006.94.a. shall also apply; (3-30-07)

c. For purposes of determining applicability of permit to construct requirements, issuing, and modifying permits pursuant to Sections 200 through 228, except Section 214, and in accordance with Part D of Subchapter I of the federal Clean Air Act, 42 U.S.C. Section 7501 et seq., “regulated air pollutant” shall mean those air contaminants that are regulated in non-attainment areas pursuant to Part D of Subchapter I of the federal Clean Air Act and applicable federal regulations promulgated pursuant to Part D of Subchapter I of the federal Clean Air Act, 40 CFR 51.165; and (4-11-06)

d. For purposes of determining applicability of any other major or minor permit to construct requirements, issuing, and modifying permits pursuant to 200 through 228, except Section 214, “regulated air pollutant” shall mean those air contaminants that are regulated in attainment and unclassifiable areas pursuant to Part C of Subchapter I of the federal Clean Air Act, 40 CFR 52.21, and any applicable federal regulations promulgated pursuant to Part C of Subchapter I of the federal Clean Air Act, 42 U.S.C. Section 7470 et seq. (4-11-06)

936. Replicable. Any SIP procedures for applying emission trading shall be structured so that two (2) independent entities would obtain the same result when determining compliance with the emission trading provisions. (4-5-00)

947. Responsible Official. One (1) of the following: (5-1-94)

a. For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one (1) or more manufacturing, production, or operating facilities applying for or subject to a permit and either: (5-1-94)

i. The facilities employ more than two hundred fifty (250) persons or have gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000) (in second quarter 1980 dollars); or (4-5-00)

ii. The delegation of authority to such representative is approved in advance by the Department. (5-1-94)

b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively. (5-1-94)

c. For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of Section 123, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA). (4-5-00)

d. For Phase II sources: (5-1-94)

i. The designated representative in so far as actions, standards, requirements, or prohibitions under 42 U.S.C. Sections 7651 through 7651o or the regulations promulgated thereunder are concerned; and (5-1-94)

ii. The designated representative for any other purposes under 40 CFR Part 70. (5-1-94)

958. Safety Measure. Any shutdown (and related startup) or bypass of equipment or processes undertaken to prevent imminent injury or death or severe damage to equipment or property which may cause excess emissions. (4-5-00)

969. Salvage Operation. Any source consisting of any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material, such as, but not limited to, reprocessing of used motor oils, metals, chemicals, shipping containers, or drums, and specifically including automobile graveyards and junkyards. (5-1-94)

97100. Scheduled Maintenance. Planned upkeep, repair activities and preventative maintenance on any

air pollution control equipment or emissions unit, including process equipment, and including shutdown and startup of such equipment. (3-20-97)

98101. Secondary Ambient Air Quality Standard. That ambient air quality which is requisite to protect the public welfare from any known or anticipated adverse effects associated with the presence of air pollutants in the ambient air. (5-1-94)

99102. Secondary Emissions. Emissions which would occur as a result of the construction, modification, or operation of a stationary source or facility, but do not come from the stationary source or facility itself. Secondary emissions must be specific, well defined, quantifiable, and affect the same general area as the stationary source, facility, or modification which causes the secondary emissions. Secondary emissions include emissions from any offsite support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the primary stationary source, facility or modification. Secondary emissions do not include any emissions which come directly from a mobile source regulated under 42 U.S.C. Sections 7521 through 7590. (3-30-07)

1093. Shutdown. The normal and customary time period required to cease operations of air pollution control equipment or an emissions unit beginning with the initiation of procedures to terminate normal operation and continuing until the termination is completed. (5-1-94)

1074. Significant. In reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following: (4-11-06)

- a. Pollutant and emissions rate: (4-11-06)
 - i. Carbon monoxide, one hundred (100) tons per year; (5-1-94)
 - ii. Nitrogen oxides, forty (40) tons per year; (5-1-94)
 - iii. Sulfur dioxide, forty (40) tons per year; (5-1-94)
 - iv. Particulate matter, twenty-five (25) tons per year of particulate matter emissions; fifteen (15) tons per year of PM₁₀ emissions; (4-11-06)
 - v. Ozone, forty (40) tons per year of volatile organic compounds; (4-11-06)
 - vi. Lead, six-tenths (0.6) of a ton per year; (5-1-94)
 - vii. Fluorides, three (3) tons per year; (5-1-94)
 - viii. Sulfuric acid mist, seven (7) tons per year; (5-1-94)
 - ix. Hydrogen sulfide (H₂S), ten (10) tons per year; (5-1-94)
 - x. Total reduced sulfur (including H₂S), ten (10) tons per year; (5-1-94)
 - xi. Reduced sulfur compounds (including H₂S), ten (10) tons per year; (5-1-94)
 - xii. Municipal waste combustor organics (measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans), thirty-five ten-millionths (0.0000035) tons per year; (5-1-94)
 - xiii. Municipal waste combustor metals (measured as particulate matter), fifteen (15) tons per year; (5-1-94)
 - xiv. Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride), forty (40) tons per year; (5-1-94)

xv. Municipal solid waste landfill emissions (measured as nonmethane organic compounds), fifty (50) tons per year; or (4-11-06)

xvi. Radionuclides, a quantity of emissions, from source categories regulated by 40 CFR Part 61, Subpart H, that have been determined in accordance with 40 CFR Part 61, Appendix D and by Department approved methods, that would cause any member of the public to receive an annual effective dose equivalent of at least one tenth (0.1) mrem per year, if total facility-wide emissions contribute an effective dose equivalent of less than three (3) mrem per year; or any radionuclide emission rate, if total facility-wide radionuclide emissions contribute an effective dose equivalent of greater than or equal to three (3) mrem per year. (5-1-95)

b. In reference to a net emissions increase or the potential of a source or facility to emit a regulated air pollutant not listed in Subsection 006.103.a. above and not a toxic air pollutant, any emission rate; or (3-30-07)

c. For a major facility or major modification which would be constructed within ten (10) kilometers of a Class I area, the emissions rate which would increase the ambient concentration of an emitted regulated air pollutant in the Class I area by one (1) microgram per cubic meter, twenty-four (24) hour average, or more. (4-5-00)

1025. Significant Contribution. Any increase in ambient concentrations which would exceed the following: (5-1-94)

a. Sulfur dioxide: (5-1-94)

i. One (1.0) microgram per cubic meter, annual average; (5-1-94)

ii. Five (5) micrograms per cubic meter, twenty-four (24) hour average; (5-1-94)

iii. Twenty-five (25) micrograms per cubic meter, three (3) hour average; (5-1-94)

b. Nitrogen dioxide, one (1.0) microgram per cubic meter, annual average; (5-1-94)

c. Carbon monoxide: (5-1-94)

i. One-half (0.5) milligrams per cubic meter, eight (8) hour average; (5-1-94)

ii. Two (2) milligrams per cubic meter, one (1) hour average; (5-1-94)

d. PM-10: (5-1-94)

i. One (1.0) microgram per cubic meter, annual average; (5-1-94)

ii. Five (5.0) micrograms per cubic meter, twenty-four (24) hour average. (5-1-94)

1036. Small Fire. A fire in which the material to be burned is not more than four (4) feet in diameter nor more than three (3) feet high. (5-1-94)

1047. Smoke. Small gas-borne particles resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon and other combustible material. (5-1-94)

1058. Smoke Management Plan. A document issued by the Director to implement Sections 606 through 616, Categories of Allowable Burning. (5-1-94)

1069. Smoke Management Program. A program whereby meteorological information, fuel conditions, fire behavior, smoke movement and atmospheric dispersal conditions are used as a basis for scheduling the location, amount and timing of open burning operations so as to minimize the impact of such burning on identified smoke sensitive areas. (5-1-94)

10710. Source. A stationary source. (5-1-94)

~~108~~**11. Source Operation.** The last operation preceding the emission of air pollutants, when this operation: (5-1-94)

a. Results in the separation of the air pollutants from the process materials or in the conversion of the process materials into air pollutants, as in the case of fuel combustion; and (5-1-94)

b. Is not an air cleaning device. (5-1-94)

112. Special Fuels. All fuel suitable as fuel for diesel engines; a compressed or liquefied gas obtained as a by-product in petroleum refining or natural gasoline manufacture, such as butane, isobutane, propane, propylene, butylenes, and their mixtures; and natural gas, either liquid or gas, and hydrogen, used for the generation of power for the operation or propulsion of motor vehicles. ()

~~109~~**13. Stack.** Any point in a source arranged to conduct emissions to the ambient air, including a chimney, flue, conduit, or duct but not including flares. (5-1-94)

114. Stage 1 Vapor Collection. Used during the refueling of underground gasoline storage tanks to reduce hydrocarbon emissions. Vapors in the tank, which are displaced by the incoming gasoline, are routed through a hose into the gasoline cargo tank and returned to the terminal for processing. Two (2) types of Stage 1 systems exist: coaxial and dual point. ()

a. Coaxial System. A Stage 1 vapor collection system that requires only one (1) tank opening. The tank opening is usually four (4) inches in diameter with a three (3) inch diameter product fill tube inserted into the opening. Fuel flows through the inner tube while vapors are displaced through the annular space between the inner and outer tubes. ()

b. Dual Point System. A Stage 1 vapor collection system that consists of two (2) separate tank openings, one (1) for delivery of the product and the other for the recovery of vapors. ()

1105. Standard Conditions. Except as specified in Subsection 576.02 for ambient air quality standards, a dry gas temperature of twenty degrees Celsius (20C) sixty-eight degrees Fahrenheit (68F) and a gas pressure of seven hundred sixty (760) millimeters of mercury (14.7 pounds per square inch) absolute. (4-5-00)

~~114~~**6. Startup.** The normal and customary time period required to bring air pollution control equipment or an emissions unit, including process equipment, from a nonoperational status into normal operation. (5-1-94)

1127. Stationary Source. Any building, structure, facility, emissions unit, or installation which emits or may emit any air pollutant. The fugitive emissions shall not be considered in determining whether a permit is required unless required by federal law. (4-11-06)

~~113~~**8. Tier I Source.** Any of the following: (5-1-94)

a. Any source located at any major facility as defined in Section 008; (4-5-00)

b. Any source, including an area source, subject to a standard, limitation, or other requirement under 42 U.S.C. Section 7411 or 40 CFR Part 60, and required by EPA to obtain a Part 70 permit; (4-11-06)

c. Any source, including an area source, subject to a standard or other requirement under 42 U.S.C. Section 7412, 40 CFR Part 61 or 40 CFR Part 63, and required by EPA to obtain a Part 70 permit, except that a source is not required to obtain a permit solely because it is subject to requirements under 42 U.S.C. Section 7412(r); (4-11-06)

d. Any Phase II source; and (5-1-94)

e. Any source in a source category designated by the Department. (5-1-94)

~~1149.~~ **Total Suspended Particulates.** Particulate matter as measured by the method described in 40 CFR 50 Appendix B. (4-5-00)

~~11520.~~ **Toxic Air Pollutant.** An air pollutant that has been determined by the Department to be by its nature, toxic to human or animal life or vegetation and listed in Section 585 or 586. (5-1-94)

~~11621.~~ **Toxic Air Pollutant Carcinogenic Increments.** Those ambient air quality increments based on the probability of developing excess cancers over a seventy (70) year lifetime exposure to one (1) microgram per cubic meter (1 ug/m³) of a given carcinogen and expressed in terms of a screening emission level or an acceptable ambient concentration for a carcinogenic toxic air pollutant. They are listed in Section 586. (5-1-94)

~~11722.~~ **Toxic Air Pollutant Non-carcinogenic Increments.** Those ambient air quality increments based on occupational exposure limits for airborne toxic chemicals expressed in terms of a screening emission level or an acceptable ambient concentration for a non-carcinogenic toxic air pollutant. They are listed in Section 585. (5-1-94)

~~11823.~~ **Toxic Substance.** Any air pollutant that is determined by the Department to be by its nature, toxic to human or animal life or vegetation. (5-1-94)

~~11924.~~ **Trade Waste.** Any solid, liquid or gaseous material resulting from the construction or demolition of any structure, or the operation of any business, trade or industry including, but not limited to, wood product industry waste such as sawdust, bark, peelings, chips, shavings and cull wood. (5-1-94)

~~1205.~~ **TRS (Total Reduced Sulfur).** Hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide and any other organic sulfide present. (5-1-94)

~~1216.~~ **Unclassifiable Area.** An area which, because of a lack of adequate data, is unable to be classified pursuant to 42 U.S.C. Section 7407(d) as either an attainment or a nonattainment area. (5-1-94)

~~1227.~~ **Uncontrolled Emission.** An emission which has not been treated by control equipment. (5-1-94)

~~1238.~~ **Upset.** An unplanned disruption in the normal operations of any equipment or emissions unit which may cause excess emissions. (4-5-00)

~~1249.~~ **Visibility Impairment.** Any humanly perceptible change in visibility (light extinction, visual range, contrast, coloration) from that which would have existed under natural conditions. (3-30-07)

~~12530.~~ **Visibility in Any Mandatory Class I Federal Area.** Includes any integral vista associated with that area. (3-30-07)

~~12631.~~ **Wigwam Burner.** Wood waste burning devices commonly called teepee burners, silos, truncated cones, and other such burners commonly used by the wood product industry for the disposal by burning of wood wastes. (5-1-94)

~~12732.~~ **Wood Stove Curtailment Advisory.** An air pollution alert issued through local authorities and/or the Department to limit wood stove emissions during air pollution episodes. (5-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

~~592. — 599. (RESERVED).~~

592. STAGE 1 VAPOR COLLECTION.

The purpose of Sections 592 through 598 is to set forth requirements for Stage 1 vapor collection systems. Section 599 sets forth the requirements for gasoline cargo tanks that deliver gasoline to those required to install and operate Stage 1 vapor collection systems. These sections apply to gasoline dispensing facilities (GDF) and gasoline cargo

tanks in Ada and Canyon Counties only. Nothing in these rules is intended to supersede or render inapplicable any federal, state, or local laws, including, but not limited to, the National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities, 40 CFR Part 63, Subpart CCCCC, of the federal Clean Air Act. ()

593. AFFECTED EQUIPMENT OR PROCESSES.

01. Applicability. Sections 592 through 598 apply to transfers of gasoline to underground storage tanks with a tank capacity of ten thousand (10,000) gallons and not otherwise subject to 40 CFR 63.11118. The emission sources include the underground gasoline storage tanks and associated equipment components in vapor or liquid gasoline service at new, reconstructed, or existing GDFs. Pressure/vacuum vents on underground gasoline storage tanks and the equipment necessary to unload product from cargo tanks into the storage tanks at GDFs are covered emission sources. ()

02. New Sources. A source is a new source if construction commenced on the source after April 1, 2009. ()

03. Reconstructed Sources. A source is reconstructed if meeting the criteria for reconstruction as defined in 40 CFR 63.2, incorporated by reference into these rules at Section 107. ()

04. Existing Sources. A source is an existing source if it is not new or reconstructed. ()

594. COMPLIANCE DATES.

01. New or Reconstructed Sources. For a new or reconstructed source, the owner or operator must comply with the standards in Sections 595 and 596 no later than April 1, 2009 or upon startup, whichever is later. Owners or operators of new sources shall install dual point systems. ()

02. Existing Sources. For an existing source, the owner or operator must comply with the standards in Sections 595 and 596 upon installation of the Stage 1 vapor collection system, or by May 1, 2010, whichever is earlier. ()

595. SUBMERGED FILL REQUIREMENTS.

The owner or operator must only load gasoline into underground storage tanks at the facility by utilizing submerged filling. ()

01. Installed On or Before November 9, 2006. Submerged fill pipes installed on or before November 9, 2006 must be no more than twelve (12) inches from the bottom of the storage tank. ()

02. Installed After November 9, 2006. Submerged fill pipes installed after November 9, 2006 must be no more than six (6) inches from the bottom of the storage tank. ()

596. VAPOR BALANCE REQUIREMENTS.

The owner or operator of a GDF must comply with the following requirements on and after the applicable compliance date in Section 594: ()

01. Loading. When loading an underground gasoline storage tank equipped with a vapor balance system, connect and ensure the proper operation of the vapor balance system whenever gasoline is being loaded. ()

02. Maintenance. Maintain all equipment associated with the vapor balance system to be vapor tight and in good working order. ()

03. Inspection. In order to ensure that the vapor balance equipment is maintained to be vapor tight and in good working order, inspect the vapor balance equipment on an annual basis to discover potential or actual equipment failures. A log form is available on the Department's website at www.deq.idaho.gov. ()

04. Repair. Replace, repair or modify any worn or ineffective component or design element within twenty-four (24) hours to ensure the vapor-tight integrity and efficiency of the vapor balance system. If repair parts must be ordered, either a written or verbal order for those parts must be initiated within two (2) working days of detecting such a leak. Such repair parts must be installed within five (5) working days after receipt. ()

597. TESTING AND MONITORING REQUIREMENTS.

The owner or operator of a GDF must comply with the following requirements within ninety (90) days of registration under Section 598 and every three (3) years thereafter. ()

01. Testing. ()

a. The owner or operator must demonstrate compliance with the leak rate and cracking pressure requirements, specified in item 1(g) of Table 1 to 40 CFR Part 63, Subpart CCCCC, incorporated by reference into these rules at Section 107, for pressure-vacuum vent valves installed on underground gasoline storage tanks using the test methods identified in Subsection 597.01.a.i. or 597.01.a.ii. ()

i. California Air Resources Board Vapor Recovery Test Procedure TP-201.1E.--Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves, adopted October 8, 2003 (see 40 CFR 63.14, incorporated by reference into these rules at Section 107). ()

ii. Use alternative test methods and procedures in accordance with the alternative test method requirements in 40 CFR 63.7(f), incorporated by reference into these rules at Section 107. ()

b. The owner or operator must demonstrate compliance with the static pressure performance requirement, specified in item 1(h) of Table 1 to 40 CFR Part 63, Subpart CCCCC, for the vapor balance system by conducting a static pressure test on the underground gasoline storage tanks using the test methods identified in paragraph 597.01.b.i. or 597.01.b.ii. ()

i. California Air Resources Board Vapor Recovery Test Procedure TP-201.3.--Determination of 2-Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities, adopted April 12, 1996, and amended March 17, 1999 (see 40 CFR 63.14, incorporated by reference into these rules at Section 107). ()

ii. Use alternative test methods and procedures in accordance with the alternative test method requirements in 40 CFR 63.7(f), incorporated by reference into these rules at Section 107. ()

02. Alternative Testing. The owner or operator of a GDF, choosing, under the provisions of 40 CFR 63.6(g), to use a vapor balance system other than that described in Table 1 to 40 CFR Part 63, Subpart CCCCC, must demonstrate to the Department the equivalency of their vapor balance system to that described in Table 1 to 40 CFR Part 63, Subpart CCCCC, using the procedures specified in Subsections 597.02.a. and 597.02.b. ()

a. The owner or operator must demonstrate compliance by conducting a performance test on the vapor balance system to demonstrate that the vapor balance system achieves 95 percent reduction using the California Air Resources Board Vapor Recovery Test Procedure TP-201.1.--Volumetric Efficiency for Phase I Vapor Recovery Systems, adopted April 12, 1996, and amended February 1, 2001, and October 8, 2003, (see 40 CFR 63.14, incorporated by reference into these rules at Section 107). ()

b. The owner or operator must, during the performance test required under Subsection 597.02.a., determine and document alternative acceptable values for the leak rate and cracking pressure requirements specified in item 1(g) of Table 1 to 40 CFR Part 63, Subpart CCCCC, and for the static pressure performance requirement in item 1(h) of Table 1 to 40 CFR Part 63, Subpart CCCCC. ()

598. REGISTRATION, RECORDKEEPING, AND REPORTING REQUIREMENTS.

01. Registration. ()

a. Any GDF subject to these rules shall: ()

i. Within thirty (30) days of installation of the Stage 1 vapor collection system, the owner or operator of the GDF shall submit to the Department a registration which provides, at a minimum, the operation name and address, signature of the owner or operator in accordance with Section 123 of these rules, the location of records and reports required by Subsections 598.02 and 598.03 (including contact person's name, address and telephone number), the number of underground gasoline storage tanks, the number of gasoline tank pipe vents, and the date of completion of installation of the Stage 1 vapor collection system and pressure/vacuum relief valve; and ()

ii. The registration certification shall be displayed at the GDF. ()

b. Upon modification of an existing Stage 1 vapor collection system or pressure/vacuum relief valve, the owner or operator of the GDF shall submit to the Department a registration that details the changes to the information provided in the previous registration and which includes the signature of the owner or operator. The registration must be submitted to the Department within thirty (30) days after completion of such modification. ()

c. A new registration must be submitted to the Department within thirty (30) days after any change in ownership of the GDF. ()

02. Recordkeeping Requirements. ()

a. Each owner or operator must keep the following records: ()

i. Records of all tests performed under Section 597; ()

ii. Records related to the operation and maintenance of vapor balance equipment required under Section 596. Any vapor balance component defect must be logged and tracked by station personnel on a monthly basis using forms provided by the Department or a reasonable facsimile; and ()

iii. Records of permanent changes made at the GDF and vapor balance equipment which may affect emissions. ()

b. Records required under 598.02.a. must be kept for a period of five (5) years and must be made available for inspection by the Department upon request. ()

03. Reporting Requirements. Each owner or operator subject to the management practices in Section 596 must report to the Department the results of all volumetric efficiency tests required under Section 597. Reports submitted under these rules must be submitted within thirty (30) days of the completion of the performance testing. ()

599. GASOLINE CARGO TANKS.

01. Prohibitions. After May 1, 2010, or if a Stage 1 vapor collection system is installed and operating, whichever is earlier, owners or operators of gasoline cargo tanks that unload gasoline into an underground gasoline storage tank with a capacity of ten thousand (10,000) gallons or more, in Ada or Canyon Counties, shall comply with Table 2 to 40 CFR Part 63, Subpart CCCCCC, incorporated by reference into these rules at Section 107. Table 2 requires that the following conditions are met prior to unloading the gasoline: ()

a. All hoses in the vapor balance system are properly connected; ()

b. The adapters or couplers that attach to the vapor line on the storage tank have closures that seal upon disconnect; ()

c. All vapor return hoses, couplers, and adapters used in the gasoline delivery are vapor-tight; ()

d. All tank truck vapor return equipment is compatible in size and forms a vapor-tight connection with the vapor balance equipment on the GDF storage tank; and ()

e. All hatches on the tank truck are closed and securely fastened. ()

f. The filling of storage tanks at GDF shall be limited to unloading by vapor-tight gasoline cargo tanks. Documentation that the cargo tank has met the specifications of EPA Method 27 (40 CFR Part 60, Appendix A-8, incorporated by reference into these rules at Section 107), shall be carried on the cargo tank. ()

02. Compliance. The owner or operator of a gasoline cargo tank subject to Section 599 shall ensure compliance with Table 2 to 40 CFR Part 63, Subpart CCCCCC, by visually inspecting the requirements set out in Subsections 599.01.a., b., d., and e. and by successfully completing the testing requirements set out in Subsections 599.01.c. and f. ()

03. Recordkeeping and Reporting. ()

a. The owner or operator of the gasoline cargo tank subject to Section 599 shall maintain records of all certification testing and repairs. The records must identify the gasoline cargo tank; the date of the test or repair; and if applicable, the type of repair and the date of retest. The records must be maintained in a legible, readily available condition for at least two (2) years after the date of testing or repair was completed and must be available for inspection by the Department upon request. ()

b. Copies of all tests required under Subsection 599.01 shall be submitted to the Department within thirty (30) days of certification testing. ()

LEGAL NOTICE

Summary of Proposed Rulemakings

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the latest publication of the state Administrative Bulletin.

*The written comment deadline is November 26, 2008, unless otherwise listed.
(Temp & Prop) indicates the rule is both temporary and proposed.
(*PH) indicates that a public hearing has been scheduled.*

IDAPA 08 - STATE BOARD OF EDUCATION PO Box 83720, Boise, ID 83720-0037

08-0203-0805, Rules Governing Thoroughness. Combines two sections regarding high school graduation requirements to remove redundancies and clarify the language.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE PO Box 83720, Boise, ID 83720-0036

16-0309-0804, Medicaid Basic Plan Benefits. (Temp & Prop) Requires all handwritten and computer generated printed prescriptions for fee-for-service Medicaid patients to be fully tamper resistant to comply with amendments to 42 USC 1396b(i).

IDAPA 25 - OUTFITTERS AND GUIDES LICENSING BOARD 1365 North Orchard, Suite 172, Boise, ID 83706

25-0101-0802, Rules of the Outfitters and Guides Licensing Board. Outfitters are liable for verifying that guides in their employ are properly trained, however, they are no longer required to file documents verifying this training with the Board.

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT PO Box 7129, Boise ID 83707-1129

39-0345-0801, Rules Governing Sale of No Longer Useful or Usable Real Property. Complies with Idaho Code by providing that all surplus real property will be offered first to the adjacent land owner.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY 1410 N. Hilton, Boise, ID 83706-1255

*(*PH)58-0101-0702, Rules for the Control of Air Pollution in Idaho.* (*PH) To avoid an ozone nonattainment designation by the U.S. EPA in the Treasure Valley, changes would reduce VOC (volatile organic compound) emissions through the installation and operation of Stage 1 vapor collection equipment which will reduce VOC emissions by over 1,000 tons per year. Comment by: 12/9/08.

WRITTEN COMMENTS ARE BEING SOLICITED FOR THE FOLLOWING:

IDAPA 02 - Department of Agriculture

02-0613-0801, Rules Relating to Rapeseed Production and Establishment of Rapeseed Districts in the State of Idaho. Written comments are being solicited as part of the negotiated rulemaking process.

NEGOTIATED RULEMAKING MEETINGS ARE SCHEDULED FOR THE FOLLOWING:

IDAPA 16 - Department of Health and Welfare

16-0739-0801, Appointment of Designated Examiners and Dispositioners.

PUBLIC HEARINGS HAVE BEEN SCHEDULED FOR THE FOLLOWING:

IDAPA 02 - Department of Agriculture

02-0609-0801, Invasive Species Rules (comment period extended)

IDAPA 10 - Board of Professional Engineers and Land Surveyors

10-0101-0801, Rules of Procedure (comment period extended)

10-0102-0801, Rules of Professional Responsibility (comment period extended)

10-0103-0801, Rules for Corner Perpetuation and Filing (comment period extended)

10-0104-0801, Rules of Continuing Professional Development (comment period extended)

IDAPA 15 - Division of Human Resources and Personnel Commission - Office of the Governor

15-0401-0801, Rules of the Division of Human Resources and Idaho Personnel Commission

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

Board of Drinking Water and Wastewater Professionals

24-0501-0801, Rule of the Board of Drinking Water and Wastewater Professionals

Please refer to the Idaho Administrative Bulletin, **November 5, 2008, Volume 08-11** for notices and text of all rulemakings, Senate and House Concurrent Resolutions, Omnibus Rulemaking Notice of Final and Temporary Rules, public hearings and negotiated meeting 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 www.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.

Sections Affected Index

IDAPA 08 - STATE BOARD OF EDUCATION

08.02.03 - Rules Governing Thoroughness

Docket No. **08-0203-0805**

105. High School Graduation Requirements.....	32
---	----

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.02.02 - Rules of the Emergency Medical Services (EMS) Physician Commission

Docket No. **16-0202-0801**

004. Incorporation By Reference.	49
---------------------------------------	----

16.03.01 - Eligibility for Health Care Assistance for Families and Children

Docket No. **16-0301-0801**

423. Transitional Medicaid Reporting Requirement.	51
--	----

16.03.09 - Medicaid Basic Plan Benefits

Docket No. **16-0309-0804**

661. Prescription Drugs - Participant Eligibility.....	57
--	----

IDAPA 25- OUTFITTERS AND GUIDES LICENSING BOARD

25.01.01 - Rules of the Outfitters and Guides Licensing Board

Docket No. **25-0101-0802**

034. Guide Application Requirements - General.....	68
035. Guide Application Requirements - Hunting.....	69
036. Guide Application Requirements - Rivers, Streams, Or Lakes.....	69
038. Float Boat Guide -- Unclassified Rivers.	69
040. Float Boatman Qualifications -- Classified Rivers.	70
041. Float Lead Boatman Qualifications.	70
042. Power Boat Guide.	70
043. (Reserved).	71
048. Power Boat Fishing Guide -- (Lakes And Reservoirs).....	72
065. License Amendments.....	72

IDAPA 37 - DEPARTMENT OF WATER RESOURCES

37.03.09 - Well Construction Standards Rules

Docket No. **37-0309-0601**

025. Construction Of Cold Water Wells (Rule 25).....	77
030. Construction Of Low Temperature Geothermal Resource Wells And Bonding (Rule 30).....	80
035. Health Standards (Rule 35).....	81
036. Owners Responsibilities For Well Use And Maintenance (Rule 36).	81
045. Drilling Permit Requirements (Rule 45).....	82
050. Penalties (Rule 50).....	82

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.03.45 - Rules Governing Sale of No Longer Useful or Usable Real Property

Docket No. **39-0345-0801 (Docket Reprint)**

010. Definition.	90
301. Method Of Sale For Property.	90
302. Sale Or Exchange Of Property To Tax Supported Entities At The Appraised Value.	91
304. Method Of Sale For Property Not Purchased By A Public Entity Or A Contiguous Property Owner.	91

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 - Rules for the Control of Air Pollution in Idaho

Docket No. **58-0101-0702**

006. General Definitions.....	95
593. Affected Equipment Or Processes.....	111
594. Compliance Dates.....	111
595. Submerged Fill Requirements.....	111
596. Vapor Balance Requirements.....	111
597. Testing And Monitoring Requirements.....	112
598. Registration, Recordkeeping, And Reporting Requirements.....	112
599. Gasoline Cargo Tanks.....	113

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.
It includes all rulemaking activities on each chapter of rules
and includes negotiated, temporary, proposed, pending
and final rules, public hearing notices
and vacated rulemaking notices.**

Subject Index

A

Accountable 95
Achievement Standards, High School
Graduation Requirements 33
Act 95
Actual Emissions 95
Administrative Fee 90
Adverse Impact on Visibility 96
Affected Equipment Or Processes 111
Air Pollutant/Air Contaminant 96
Air Pollution 96
Air Quality 96
Air Quality Criterion 96
Allowable Emissions 96
Ambient Air 96
Ambient Air Quality Violation 97
Apprentice Guide, Assist a Hunting
Guide 69
Apprentice Guide, Hunting 69
Atmospheric Stagnation Advisory 97
Attainment Area 97

B

BART-Eligible Source 97
Baseline, Area, Concentration, &
Date 98
Best Available Retrofit Technology
(BART) 98
Breakdown 98

C

Casing, Low Temperature Geothermal
Resource Wells & Bonding 80
Classified Rivers, Power Boat
Guides 71
Clean Air Act 98
Coaxial System 109
Collection Efficiency 98
College Entrance Examination, High
School Graduation Requirements 34
Commence Construction or
Modification 98
Complete Determination 98
Compliance Dates 111
Construction 98
Construction Of Cold Water Wells 77
Construction Of Low Temperature
Geothermal Resource Wells &
Bonding 80
Control Equipment 98
Controlled Emission 98
Credit Requirements, High School
Graduation Requirements 32

Criteria Air Pollutant 99

D

Decommissioning (Abandoning) of
Wells, Construction of Cold Water
Wells 79
Definitions, IDAPA 39.03.45, Rules
Governing Sale Of No Longer Useful
Or Usable Real Property 90
Designated Facility 99
Disinfection & Contamination,
Construction of Cold Water
Wells 79
Distances From Contaminate Sources,
Health Standards 81
Drilling Fluids or Drilling Additives,
Construction of Cold Water
Wells 79
Drilling Permit Requirements 82
Drug Coverage for Dual Eligibles 57
Dual Point System 109

E

Effect of a Permit, Drilling Permit
Requirements 82
Effective Dose Equivalent 100
Emission 100
Emission Standard 100
Emissions Unit 100
Environmental Remediation
Source 100
Excess Emissions 100
Existing Stationary Source or
Facility 100
Expedite, New Hunting Guide 69

F

Facility 100
Federal Class I Area 101
Federal Land Manager 101
Federally Enforceable 101
First Aid Card 68
Float Boat Guide - Unclassified
Rivers 69
Float Boatman Qualifications -
Classified Rivers 70
Float Lead Boatman 70
Float Lead Boatman Qualifications 70
Foreign Exchange Students, High
School Graduation Requirements 34
Fuel-Burning Equipment 101
Fugitive Dust 101
Fugitive Emissions 101

G

General Provisions, Drilling Permit
Requirements 82
Grain Elevator 101
Grain Storage Elevator 101
Grain Terminal Elevator 101
Guide 69
Guide Application Requirements -
General 68
Guide Application Requirements -
Hunting 69

H

Hazardous Air Pollutant (HAP) 101
Hazardous Waste 101
Health Standards 81
Health/Wellness, High School 33
High School Graduation
Requirements 32
Hot-Mix Asphalt Plant 102
Humanities, High School 33

I

Indian Governing Body 102
Integral Vista 102

K

Kraft Pulping 102

L

Lakes & Reservoirs, Power Boat
Guides 71
Law, Power Boat Fishing Guide 72
Least Impaired Days 102
License Amendments 72
Log, Experience of Power Boat
Guides 71
Log, Power Boat Fishing Guide-Lakes
& Reservoirs 72
Lowest Achievable Emission Rate
(LAER) 102

M

Maintain All Other Separation
Distances 82
Maintenance 81
Mandatory Federal Class I Area 102
Maneuver or Pilot, Power Boat Fishing
Guide 72
Member of the Public 102
Method Of Sale For Property Valued
Less Than Ten Thousand Dollars 90
Modification, Stationary Source or
Facility 102

Monitoring Wells, Construction of Cold
Water Wells 79
Monitoring, Air Pollution Control 103
Most Impaired Days 103
Multiple Chamber Incinerator 103

N

Natural Conditions 103
New Construction 82
New Stationary Source or Facility 103
Nonattainment Area 103
Noncondensibles 104

O

Obtaining a Prescription Drug 57
Opacity 104
Operating Permit 104
Owners Responsibilities For Well Use
And Maintenance 81

P

Particulate Matter 104
Particulate Matter Emissions 104
Penalties 82
Permit to Construct 104
Pitless Adapters, Construction of Cold
Water Wells 79
PM-10 104
PM-10 Emissions 104
Portable Equipment 104
Potential to Emit/Potential
Emissions 104
Power Boat Fishing Guide - (Lakes &
Reservoirs) 72
Power Boat Guide 70
PPM (Parts Per Million) 104
Prescribed Fire Management
Burning 104
Prescription Drugs - Participant
Eligibility 57
Primary Ambient Air Quality
Standard 105
Procedure for Amendment to Guide
License 72
Procedure for Amendment to Outfitter
License 72
Process or Process Equipment 105
Process Weight 105
Process Weight Rate 105
Proficiency, High School Graduation
Requirements 33
Public Sale 90
Public Supply, Health Standards 81

Q

Quantifiable 105

R

Radionuclide 105
Real Property 90
Regional Haze 105
Regulated Air Pollutant 105
Replicable 106
Responsible Official 106
Retention of Training Forms 68

S

Safety Measure 106
Sale Or Exchange Of Property To Tax
Supported Entities At The Appraised
Value 91
Salvage Operation 106
Scheduled Maintenance 106
Secondary Ambient Air Quality
Standard 107
Secondary Emissions 107
Senior Project, High School Graduation
Requirements 34
Shutdown 107
Signatures, Guide Application
Requirements 68
Significant 107
Significant Contribution 108
Smoke Management Plan 108
Smoke Management Program 108
Social Studies, High School Graduation
Requirements 33
Source Operation 109
Special Education Students, High
School Graduation Requirements 34
Special Fuels 109
Special Standards for Construction of
Wells When Mineralized or
Contaminated Water is Encountered,
Health Standards 81
Stack 109
Stage 1 Vapor Collection 109, 110
Standard Conditions 109
Startup 109
Stationary Source 109
Submission, New Hunting Guide 69
Surplus Property Value Estimate 90

T

Tamper-Resistant Prescription
Requirements 57
Tamper-Resistant Prescription

Requirements Not Applicable 57
Tier I Source 109
TM Reporting Requirement 51
Total Suspended Particulates 110
Toxic Air Pollutant 110
Toxic Air Pollutant Carcinogenic
Increments 110
Toxic Air Pollutant Non-Carcinogenic
Increments 110
Toxic Substance 110
Trade Waste 110
TRS (Total Reduced Sulfur) 110

U

Unclassifiable Area 110
Unclassified Rivers & Streams, Power
Boat Guides 71
Uncontrolled Emission 110
Unusable Wells 82
Upgraded, Apprentice Guide 69
Upset 110
Use 81
Use of Approved Sealing Materials &
Required Annular Space 78

V

Visibility Impairment 110
Visibility in Any Mandatory Class I
Federal Area 110

W

Wells Posing a Threat to Human Health
& Safety or Causing Contamination
of the Ground Water Resource 82
Wood Stove Curtailment
Advisory 110