

IDAHO ADMINISTRATIVE BULLETIN

November 2, 2011 -- Volume 11-11

Idaho Department of Administration
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IDAHO ADMINISTRATIVE BULLETIN

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Preface

The Idaho Administrative Bulletin is a monthly publication of the Office of the Administrative Rules Coordinator, Department of Administration, pursuant to Section 67-5203, Idaho Code. The Bulletin is a compilation of all administrative rulemaking documents in Idaho that are statutorily required to be published in the Bulletin. All official rulemaking notices, official rule text, executive orders of the Governor, all legislative documents affecting rules, and other such documents an agency may want promulgated through the Bulletin.

State agencies are required to provide public notice of all proposed rulemaking actions and must invite public input once formal rulemaking procedures have been initiated. The public receives notice that an agency has initiated formal rulemaking procedures through the Idaho Administrative Bulletin and a Public Notice of Intent (legal notice) that publishes in specific newspapers throughout the state. The legal notice provides reasonable opportunity for the public to participate when a proposed rule publishes in the Bulletin. Interested parties can submit written comments to the agency or request public hearings of the agency if none have been scheduled. Such submissions or requests must be presented to the agency within the time and manner specified in the individual "Notice of Rulemaking" for each proposed rule that is published in the Bulletin. After the comment period closes, the agency considers fully all information submitted regarding the proposed rule. Comment periods and public hearings are not provided for when the agency adopts a temporary or pending rule.

CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN

The Bulletin is cited by year and issue number. For example, Bulletin **09-1** refers to the first Bulletin issued in calendar year **2009**; Bulletin **10-1** refers to the first Bulletin issued in calendar year **2010**. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. **10-1** refers to January 2010; Volume No. **10-2** refers to February 2010; and so forth. Example: The Bulletin published in January 2010 is cited as Volume **10-1**. The December 2009 Bulletin is cited as Volume **09-12**.

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 whether any amendments have been made to the rule, the reader should refer to the **Cumulative Rulemaking Index** that can be accessed through the Administrative Rules homepage at adminrules.idaho.gov.

THE DIFFERENT RULES PUBLISHED IN THE ADMINISTRATIVE BULLETIN

Idaho's 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 incorporate all five of these actions. At a minimum, a rulemaking includes proposed, pending and final rulemaking. Many rules are adopted as temporary rules when they meet the required statutory criteria and agencies often engage in negotiated rulemaking at the beginning of the process to facilitate consensus building in controversial or complex rulemakings. In the majority of cases, the process begins with proposed rulemaking and ends with the final rulemaking. The following is a brief explanation of each type of administrative rule.

NEGOTIATED RULEMAKING

Negotiated rulemaking is a process in which all interested parties and the agency seek consensus on the content of a rule. Agencies are encouraged, and in some cases required, to engage in this rulemaking activity whenever it is feasible to do so. Publication of a “Notice of Intent to Promulgate - Negotiated Rulemaking” in the Administrative Bulletin by the agency is optional. This process normally results in the formulation of a proposed and the initiation of formal rulemaking procedures but the result may also be that formal rulemaking is not initiated and no further action is taken by the agency. The rulemaking effectively stops before it gets started.

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 Rulemaking - Proposed Rule” 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) 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 when the pending rule will become effective; provided, however, that notwithstanding Section 67-5231, Idaho Code, the absence or accuracy of a fiscal impact statement provided pursuant to this subsection shall not affect the validity or enforceability of the rule.
- d) the text of the proposed rule prepared in legislative format;
- e) the location, date, and time of any public hearings the agency intends to hold on the proposed rule;
- f) 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;
- g) the manner in which persons may request an opportunity for an oral presentation as provided in Section 67-5222, Idaho Code; and
- h) the deadline for public (written) comments on the proposed rule.

Any proposed rulemaking that is submitted for publication in the Bulletin that would impose a fee or charge must be accompanied by a cost/benefit analysis that is prepared by the agency. This cost/benefit analysis must estimate, as reasonably as possible, the costs to the agency to implement the rule and the estimated costs that would be borne by citizens or the private sector. This analysis is filed with the Director of LSO who then forwards it to the appropriate germane joint subcommittee assigned to review the promulgating agency’s proposed rules.

When incorporating by reference, the notice of proposed rulemaking must include a brief synopsis detailing the need to incorporate by reference any additional materials into the rule. The agency must also provide information regarding access to the incorporated materials. At a minimum, and when available, the agency must provide an electronic link to the documents that can be accessed on a website or post this information on its own website, or both. This link can be placed into the rule and activated once it is posted on the Coordinator’s website.

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 (terminate) a rulemaking after the publication of a proposed rule if it decides, for whatever reason, not to proceed further to finalize the rulemaking. The publication of a “Notice of Vacation of Proposed Rulemaking” in the Bulletin officially 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 one or more of the above legal criteria and the governor finds it is necessary that a rule become effective before it has been submitted to the legislature for review and approval and without allowing for any public input, the agency may proceed and adopt a temporary rule. The law allows that agency to make a temporary rule immediately effective upon adoption. 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 extended by concurrent resolution, is replaced by a final rule, or expires under its own terms.

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, will 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 Rulemaking Pending Rule." 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 and a statement that the pending rule may be rejected, amended or modified by concurrent resolution of the legislature;
- d) an identification of any portion of the rule imposing or increasing a fee or charge and a statement that this portion of the rule shall not become final and effective unless affirmatively approved by concurrent resolution of the legislature;
- (e) the specific statutory authority for the rulemaking including a citation to the specific section of the Idaho Code that has occasioned the rulemaking, or the federal statute or regulation if that is the basis of authority or requirement for the rulemaking; and
- (f) 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 when the pending rule will become effective; provided however, that notwithstanding section 67-5231, Idaho Code, the absence or

accuracy of a fiscal impact statement provided pursuant to this subsection shall not affect the validity or the enforceability of the rule.

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

Internet Access - The Administrative Code and Administrative Bulletin are available on the Internet at the following address: adminrules.idaho.gov

SUBSCRIPTIONS AND DISTRIBUTION

For subscription information and costs, 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 Code - annual subscription on CD-ROM. The Code is an annual compilation of all final administrative rules and all enforceable temporary rules and also includes all executive orders of the Governor that have published in the Bulletin, all legislative documents affecting rules, a table of contents, reference guides, and a subject index.

The Idaho Administrative Bulletin - annual subscription available on individual CD-ROM sent out monthly. The Bulletin is an official monthly publication of the State of Idaho and is available for purchase on CD-ROM only. Yearly subscriptions or individual CD-ROM's are available for purchase.

Internet Access - The Administrative Code and Administrative Bulletin, and many other rules-related documents are available on the Internet at the following address: adminrules.idaho.gov

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 “-”, (**38-0501-1001**). 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. 38-0501-1001”

“**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**).

“**1001**” denotes the year and sequential order of the docket being published; in this case the numbers refer to the first rulemaking action published in **calendar year 2010**. A subsequent rulemaking on this same rule chapter in calendar year 2010 would be designated as “**1002**”. The docket number in this scenario would be 38-0501-**1002**.

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 these rules.” OR “...in accordance with Subsection 201.06.c. of these rules.”

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 2011

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
11-1	January 2011	*November 19, 2010	January 5, 2011	January 26, 2011
11-2	February 2011	January 14, 2011	February 2, 2011	February 23, 2011
11-3	March 2011	February 11, 2011	March 2, 2011	March 23, 2011
11-4	April 2011	March 11, 2011	April 6, 2011	April 27, 2011
11-5	May 2011	April 8, 2011	May 4, 2011	May 25, 2011
11-6	June 2011	May 13, 2011	June 1, 2011	June 22, 2011
11-7	July 2011	June 10, 2011	July 6, 2011	July 27, 2011
11-8	August 2011	July 8, 2011	August 3, 2011	August 24, 2011
11-9	September 2011	August 5, 2011	September 7, 2011	September 28, 2011
11-10	October 2011	**August 31, 2011	October 5, 2011	October 26, 2011
11-11	November 2011	October 7, 2011	November 2, 2011	November 23, 2011
11-12	December 2011	November 4, 2011	December 7, 2011	December 28, 2011

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2012

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
12-1	January 2012	*November 25, 2011	January 4, 2012	January 25, 2012
12-2	February 2012	January 13, 2012	February 1, 2012	February 22, 2012
12-3	March 2012	February 10, 2012	March 7, 2012	March 28, 2012
12-4	April 2012	March 9, 2012	April 4, 2012	April 25, 2012
12-5	May 2012	April 6, 2012	May 2, 2012	May 23, 2012
12-6	June 2012	May 4, 2012	June 6, 2012	June 27, 2012
12-7	July 2012	June 8, 2012	July 4, 2012	July 25, 2012
12-8	August 2012	July 6, 2012	August 1, 2012	August 22, 2012
12-9	September 2012	August 3, 2012	September 5, 2012	September 28, 2012
12-10	October 2012	**August 31, 2012	October 3, 2012	October 24, 2012
12-11	November 2012	October 5, 2012	November 7, 2012	November 28, 2012
12-12	December 2012	November 2, 2012	December 5, 2012	December 26, 2012

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

*****Last day to submit a proposed rule in order to have the rulemaking completed and submitted for review by legislature.***

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THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2011-13

RENEWING THE CERTIFIED PUBLIC MANAGER PROGRAM

WHEREAS, the State of Idaho recognizes the value of investing in its human resources; and

WHEREAS, the government agencies of Idaho have identified the critical need for management development initiatives and to support and provide for successful workforce planning; and

WHEREAS, management development should be viewed as an integral tool to improve productivity and service delivery to the citizens of Idaho; and

WHEREAS, Idaho government agencies will benefit from the application of a comprehensive set of management principles and best practices; and

WHEREAS, the State of Idaho's leadership has placed a priority on the use of management knowledge and skills; and

WHEREAS, the Division of Human Resources and the Center for Public Policy and Administration at Boise State University will develop and use a nationally recognized management development curriculum; and

WHEREAS, the Certified Public Manager program is an accepted standard and has proven its value in a significant number of states;

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 do hereby continue the

CERTIFIED PUBLIC MANAGER PROGRAM

as a preferred management development program for the State of Idaho and, thereby, actively encourage the participation of state agencies in the development of government managers to enhance the quality and productivity of services delivered to the citizens of Idaho.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 14th day of September in the year of our Lord two thousand and eleven and of the Independence of the United States of America the two hundred thirty-fifth and of the Statehood of Idaho the one hundred twenty-first.

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

**BEN YSURSA
SECRETARY OF STATE**

IDAPA 10 - IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS

10.01.02 - RULES OF PROFESSIONAL RESPONSIBILITY

DOCKET NO. 10-0102-1101

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2012 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 54-1208, 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:

1. Reduced from 60 to 20 the number of days which a license holder has to respond to notification of discovery of a material discrepancy by another license holder;
2. Provide for an exception to the rule requiring license holders to notify other license holders of the discovery of material discrepancy if the licensee is working in the employ of an attorney as an expert witness;
3. Provide for a two-staged process of notification of discovery of material discrepancy, first informally, then in writing, and make notification to the Board optional rather than mandatory if the discoverer does not receive a response that answers the concerns of the discoverer; and
4. Establish a limitation on the amount of time that can pass following discovery of an event for the Board to accept an affidavit of complaint.

The difference between the proposed text and the pending text is to add the parenthetical phrase “with supportable evidence” to Subsection 005.04 which is reprinted here, as amended, following this notice.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only that section that has changes that differ from the proposed text is printed in this bulletin. The complete text of the proposed rule was published in the [July 6, 2011 Idaho Administrative Bulletin, Vol. 11-7, pages 31-33](#).

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 impact to the state general fund or to the dedicated fund of the Board.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact David L. Curtis, P.E., Executive Director, at dave.curtis@ipels.idaho.gov or at (208) 373-7210.

DATED this 16th day of September, 2011.

David L. Curtis, P.E., Executive Director
Board of Professional Engineers and Professional Land Surveyors
1510 E Watertower St., Ste 110
Meridian, ID 83642
Voice (208) 373-7210; Fax (208) 373-7213
Email: dave.curtis@ipels.idaho.gov

DOCKET NO. 10-0102-1101 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.
Italicized text that is underscoring 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 11-7, July 6, 2011, pages 31 through 33.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2012 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE AMENDED PENDING RULE TEXT OF DOCKET NO. 10-0102-1101

005. RESPONSIBILITY TO THE PUBLIC.

Subsection 005.04

04. **Obligation to Communicate Discovery of Discrepancy.** Except as provided in the Idaho Rules of Civil Procedure 26(b)(4)(B), if a Licensee or Certificate Holder, during the course of his work, discovers a material discrepancy, error, or omission in the work of another Licensee or Certificate Holder, which may impact the health, property and welfare of the public, the discoverer shall make a reasonable effort to inform, ~~in writing,~~ the Licensee or Certificate Holder whose work is believed to contain the discrepancy, error or omission. Such communication shall reference specific codes, standards or physical laws which are believed to be violated and identification of documents which are believed to contain the discrepancies. The Licensee or Certificate Holder whose work is believed to contain the discrepancy shall respond ~~in writing~~ within ~~sixty~~ twenty (~~62~~20) calendar days to any question about his work raised by another Licensee or Certificate Holder. In the event a response is not received within twenty (20) days, the discoverer shall notify the Licensee or Certificate Holder in writing, who shall have another twenty (20) days to respond. Failure to respond (with supportable evidence) on the part of the Licensee or Certificate Holder whose work is believed to contain the discrepancy shall be considered a violation of these rules and may subject the Licensee or Certificate Holder to disciplinary action by the Board. The discoverer ~~shall~~ may notify the Board in the event a response ~~satisfactory to the discoverer~~ that does not answer the concerns of the discoverer is not obtained within ~~sixty~~ the second twenty (~~62~~20) days. ~~(5-8-09)~~()

IDAPA 11 - IDAHO STATE POLICE

11.10.03 - RULES GOVERNING THE SEX OFFENDER REGISTRY

DOCKET NO. 11-1003-1101

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 18-8304(5), 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 16, 2011.

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:

Substantive changes were made to Title 18, Chapter 83, Idaho Code, Sexual Offender Registration Notification and Community Right-To-Know Act, under Senate Bill 1154. Changes made in this rulemaking conform the rule to the statutory changes made under SB 1154.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

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 the changes were made in response to law changes that were already in place.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Dawn Peck, Idaho State Police Bureau of Criminal Identification Manager, 208-884-7136.

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 23, 2011.

DATED this 20th day of September, 2011.

Col. G. Jerry Russell, Director
Idaho State Police
700 S. Stratford Dr.
Meridian, ID 83642
Phone: 208-884-7003
Fax: 208-884-7090

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 11-1003-1101

000. LEGAL AUTHORITY.

The Idaho State Police has authority to make rules to implement the sex offender central registry pursuant to Title 18, Chapter 83, Idaho Code, Sections 18-8301 through 18-832631. (3-18-99)()

(BREAK IN CONTINUITY OF SECTIONS)

003. ADMINISTRATIVE APPEALS.

Administrative appeals under this chapter shall be governed by the rules of administrative procedure of the attorney general, IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (3-18-99)

01. Exception. Any decision rendered by the central registry will be considered a final order for the purposes of appeal and will be governed by Title 67, Chapter 52, Idaho Code, Section 67-5270 et seq. ()

02. Delegation of Authority. The director of Idaho State Police hereby delegates his authority to the Bureau of Criminal Identification, Idaho State Police the ability to issue final orders on his behalf in instances where the bureau determines an offender's registration requirement based upon a conviction of a substantially similar or substantially equivalent crime. ()

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS.

Except as otherwise specifically provided, the terms defined in Section 67-3001, Idaho Code, will have the same meaning in these rules. In addition, the following terms shall have the meanings set forth below: ()

01. Bureau. "Bureau" means the Bureau of Criminal Identification, Idaho State Police. (3-18-99)

02. Central Registry. "Central Registry" means the state-level records system containing information, photographs and fingerprints relating to persons required to register as a sex offender under Title 18, Chapters 83 and 84, Idaho Code. (3-18-99)

03. Department. "Department" means the Idaho State Police. (3-18-99)

04. Director. "Director" means the director of the Idaho State Police. (3-18-99)

05. Substantially Equivalent or Similar. "Substantially Equivalent or Similar" means any sex offense related crime, regardless of whether a felony or misdemeanor, that consists of similar elements defined in Title 18 of the Idaho Criminal Code. It does not mean exactly the same, nor exactly identical to. ()

056. Working Days. "Working Days" means each day except Saturday, Sunday, or a legal state holiday. (3-18-99)

[Codified Section 011 has been moved and renumbered to proposed Section 012]

011. ABBREVIATIONS.

There are no abbreviations associated with this chapter of rules. ()

012. SEX OFFENDER CENTRAL REGISTRY -- ADMINISTRATION.

01. Central Registry Established. Pursuant to Title 18, Chapter 83, Idaho Code, the department

establishes a sex offender central registry in the bureau of criminal identification. The bureau is responsible for administration of the central registry pursuant to the requirements set forth in Title 18, Chapters 83 and 84, Idaho Code and these rules. (3-18-99)

02. Forms. The following forms and procedures ~~are prescribed for~~ will be used to providing notice to and collecting information from persons required to register as a sex offender pursuant to Title 18, Chapters 83 and 84, Idaho Code. (4-11-06)()

a. "Idaho Sex Offender Registry Notification and Registration Form." This ~~two~~ three (23) page form notifies an offender of ~~the duty to~~ register requirements and collects from an offender information required for ~~first-time registration in a county, annual re-registration in a county,~~ or any change of address or status, ~~within the county of residence as required by statute. This form is also used for change of name. The court, correctional agency, or the sheriff shall forward the original copy, along with the offender's photograph and fingerprints, when taken at the sheriff's department, to the bureau within three (3) working days of completing the form.~~ (4-11-06)()

b. "Idaho Sex Offender Registry Homeless - Location Verification Form." This one (1) page form is used during weekly reporting to collect from an offender the information required when the offender does not provide a physical address at the time of registration. ()

03. Information Required at Initial Registration. ~~In addition to the information required by Section 18-8307(8), Idaho Code, the "Idaho Sex Offender Registry Notification and Registration Form" shall collect the following information:~~ Registration Location. An offender who is required to register either as an adult under Title 18, Chapter 83, Idaho Code, or as a juvenile under Title 18, Chapter 84, Idaho Code, must notify and register at the sheriff's office in the county where the offender's primary address is located. (4-11-06)()

~~**a.** Whether the offender is registering as an adult under Title 18, Chapter 83, Idaho Code, or as a juvenile under Title 18, Chapter 84, Idaho Code;~~ (3-18-99)

~~**b.** Physical description of the offender, including gender, race, height, weight, eye color, hair color, and scars, marks, and tattoos;~~ (3-18-99)

~~**c.** Offender's occupation and name and place of employment;~~ (3-18-99)

~~**d.** The name and location of a school, college, or university that the offender attends; and~~ (3-18-99)

~~**e.** Name of the offender's probation/parole officer.~~ (3-18-99)

04. Photographs and Fingerprints. Whenever the Idaho Sex Offender Registry ~~Notification and Registration~~ Form is used to register an offender ~~who moves into a county or within a county, to re-register an offender annually, or register an offender who resides out of state but is employed in the state or enrolled in an institution of higher learning as defined in Section 18-8304(1)(d), it is~~ will be submitted to the central registry with the offender's photograph, ~~and~~ fingerprints, and palmprints. (4-11-06)()

a. An offender's photograph ~~shall~~ will be in color. The sheriff ~~shall~~ will forward ~~one (1) a copy of the~~ photograph ~~of the offender with each registration with tagging information so it may easily be located by registry staff in the department of transportation photo database.~~ Photographs submitted to the central registry ~~shall~~ will be a copy of the new photographs taken at the time of each registration. From collected registration fees, the sheriff ~~shall~~ will pay to the state the cost of photography materials lawfully required by a state agency or department. (4-11-06)()

b. The sheriff ~~shall~~ will also submit the required fingerprints on the federal bureau of investigation form FD-249. For each registrant, the sheriff ~~shall~~ will forward one (1) FBI fingerprint cards with each registration Form. (4-11-06)()

c. The sheriff will also submit the required palmprints on the federal bureau of investigation form. For each registrant, the sheriff will forward one (1) set of FBI palmprint cards with each registration form, unless a set was previously submitted. ()

~~05. Change of Address or Status Notification. (5-3-03)~~

~~a. When an offender changes address or actual residence within a county, the offender will complete within five (5) days after the change Idaho Sex Offender Registry Notification and Registration Form to provide the required notification. (4-11-06)~~

~~b. When an offender moves to another county to establish permanent or temporary domicile, the offender must register as a new resident with the sheriff having jurisdiction within ten (10) days of moving to the other county. (5-3-03)~~

~~c. When an offender moves to another state, the offender shall notify the central registry by certified mail within five (5) days after moving to the other state. (5-3-03)~~

~~d. When an offender enrolls as a student at or becomes an employee of a school, college, or university in the state, the offender, whether such enrollment or employment is part-time or full-time and is for more than fourteen (14) days or an aggregate period exceeding thirty (30) days per year, will complete within five (5) days of the commencement of employment or enrollment the Idaho Sex Offender Registry Notification and Registration Form to provide the required notification. (4-11-06)~~

~~e. When an offender, who is a student at or an employee of a school, college, or university, changes status as a student or employee, the offender will complete within five (5) days of the change of status the Idaho Sex Offender Registry Notification and Registration Form to provide the required notification. (4-11-06)~~

~~f. When a nonresident offender is required to register pursuant to Section 18-8304(1)(d), Idaho Code, the offender must register, within ten (10) days of the commencement of employment or enrollment, with the sheriff having jurisdiction. When the status of such employment or enrollment changes, the offender will complete within five (5) days after the change the Idaho Sex Offender Registry Notification and Registration Form to provide required notification. (4-11-06)~~

065. Notification to Local Law Enforcement. ~~The bureau will provide to a local law enforcement agency on its request a list of registered sex offenders residing in its jurisdiction. Lists of all offenders registered within a county are available on the sex offender registry web site located at http://isp.idaho.gov/sor_id/. The bureau will notify the local the appropriate county law enforcement agency with jurisdiction any time the bureau becomes aware of a change of status or change of residence of a registered sex offender; and of a registered offender's intent to reside in the an agency's jurisdiction. Whenever practical, the bureau will provide notification using the Idaho law enforcement telecommunication system (ILETS). (3-18-99)()~~

076. Notification to Other States Jurisdictions. Within one (1) working day of receiving notification that a registered sex offender is moving to another state jurisdiction, the bureau will notify the receiving state's designated sex offender registration agency of the move by mail or electronic means. (3-18-99)()

087. Expungement of Central Registry Information. (3-18-99)

a. Upon receipt of a certified copy of a death certificate recording the death of a person registered with the central registry, the bureau will expunge all records concerning the person from the central registry. (3-18-99)

b. Upon receipt of a duly attested copy of a pardon issued by the governor of a the state as to a where the conviction was entered and then reported to the central registry, the bureau will expunge all records concerning the conviction from the central registry. If the pardoned person has no other conviction requiring registration, the bureau will expunge all references concerning the person from the central registry. (3-18-99)()

c. Upon receipt of a duly attested document from a court clerk that a conviction previously reported to the central registry has been reversed or dismissed by the court of conviction, except where such a dismissal is on a withheld judgment, the bureau will expunge all records concerning the conviction from the central registry; if provided that the person has no other conviction requiring registration, the bureau will expunge all references

~~concerning the person from the central registry. An offender registered for a withheld judgment is required to obtain relief from registration under provisions of Section 18-8310, Idaho Code. (5-3-03)()~~

~~i. Expungement of a record will not occur in cases where a court has ordered a dismissal for a withheld judgment. ()~~

~~d. Upon receipt of a duly attested document from a court clerk that a registered sex offender has been released by the court from registration requirements pursuant to Section 18-8310, Idaho Code Pursuant to Section 18-8310(5), Idaho Code, if a person is exempted from the registration requirement by court order, the bureau will expunge all records and references concerning the offender from the central registry. (3-18-99)()~~

~~**09. Correction of Central Registry Information.** (3-18-99)~~

~~a. A person registered pursuant to Title 18, Chapters 83 or 84, Idaho Code, may submit a written request to the bureau to correct or modify information regarding that person in the central registry for the purpose of making the information accurate and complete. The bureau will respond to the request in writing within thirty (30) days after receipt of the request. When a request is denied, in whole or part, the bureau will explain the reasons for the decision.~~ (3-18-99)

~~b. A person whose request, under Subsection 011.09.a. of this Section, is denied, in whole or part, may appeal to the director for review of the decision within thirty (30) days after the mailing of the bureau's written response. The appeal must be in writing and must set out the reasons for the appeal. The decision of the director will be in writing and made within forty five (45) calendar days after the department's receipt of the appeal.~~ (3-18-99)

~~**08. Determination of Substantially Equivalent or Similar Crime.** ()~~

~~a. A person convicted of a sex offense in another state and who moves to Idaho may be required to register as a sex offender in Idaho pursuant to Title 18, Chapters 83 or 84, Idaho Code.~~ ()

~~b. The bureau shall determine if a person's out-of-state conviction is substantially equivalent or similar to an Idaho sex related offense, as defined by Idaho's Criminal Code, for the purposes of requiring a person to register in Idaho.~~ ()

~~c. The bureau's decision is an agency action as defined by Chapter 52, Title 67, Idaho Code.~~ ()

~~i. Judicial review of the bureau's decision shall be made in accordance with Chapter 52, Title 67, Idaho Code.~~ ()

~~**012. RELEASE OF INFORMATION TO THE PUBLIC.**~~

~~**01. Methods of Access.** (4-11-06)~~

~~a. Any person may inquire on a named person or obtain a list of sex offenders by geographic area by submitting a completed Request for Information Form SOR-4 to the bureau or local sheriff. The bureau or sheriff may only provide public access to central registry information by means of a completed Form SOR-4, which must include the requester's full name, address, and either driver's license number or social security number. The bureau or sheriff shall respond to a completed Form SOR-4 within ten (10) working days of receipt. A sheriff may refer a person to the bureau for public access to the central registry.~~ (4-11-06)

~~b. Any person can access registration information via an authorized web site.~~ (4-11-06)

~~**02. Geographic Lists.** Any person using a Form SOR-4 may request a list of offenders by county or zip code or any person may obtain a list of offenders by county or zip code from the bureau web site. (4-11-06)~~

~~**03. Information Released.** Only central registry information authorized for release pursuant to Section 18-8323(2), Idaho Code, may be provided by the bureau or sheriff in response to a completed Form SOR-4 or as a response to a query of the web site. A conviction of incest (Section 18-6602, Idaho Code, or equivalent offense) shall~~

~~be reported as sexual abuse of a child under sixteen (16) years of age (Section 18-1506, Idaho Code). (4-11-06)~~

~~**04. Fee for Accessing Information.** The bureau shall collect a fee of five dollars (\$5) for each inquiry on a named person or for each request for a list of sex offenders by geographic area. Schools, state agencies, and nonprofit organizations working with youth, women, or other vulnerable populations are exempt from payment of the fee. The bureau may request information additional to that required by the Form SOR-4 to determine eligibility status for nonfee access to central registry information. A registered offender may request a copy of the offender's own central registry information without payment of a fee. Any person can access registration information without charge on the bureau's web site. (4-11-06)~~

~~**05. Photographs.** Any person may request the photograph of a registered sex offender by submitting to the bureau a completed Request for Registry Photograph Form SOR-5. The bureau may only provide public access to central registry photographs by means of a completed Form SOR-5, which must include the requester's full name, address, and either driver's license number or social security number. Any person can access registration photos via the bureau's or an authorized web site. (4-11-06)~~

~~**06. Fee for Photographs.** The bureau shall collect a fee of five dollars (\$5) for each photograph provided in response to a completed Form SOR-5. Any person can access registration photos without charge on the bureau's web site. (4-11-06)~~

~~**07. Retention of Request Forms.** The bureau and all sheriffs shall retain in their files the original copies of forms SOR-4 and SOR-5 for a period of two (2) years from the date of submission. These forms are available for inspection only by law enforcement and criminal justice agencies. (3-18-99)~~

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.09 - MEDICAID BASIC PLAN BENEFITS

DOCKET NO. 16-0309-1102

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2012 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(7), 56-203(9), 56-250 through 56-257, and 56-260 through 56-266, 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:

House Bill 260, passed by the 2011 Legislature, repealed, amended, and added statutes that are being referenced in these rules. Changes in effect regarding hospital floor reimbursement percentage and the reduction to outpatient hospital costs were continued under this rulemaking. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the [August 3, 2011, Idaho Administrative Bulletin, Vol. 11-8, pages 50 through 55](#).

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 state general fund savings associated with this rulemaking are estimated to be \$388,000 for the state fiscal year 2012 and was included in the Department's appropriations for SFY 2012.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Robert Kellerman at (208) 364-1994.

DATED this 7th day of October, 2011.

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

DOCKET NO. 16-0309-1102 - 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 11-8, August 3, 2011, pages 50 through 55.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2012 Idaho State Legislature for final adoption.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.09 - MEDICAID BASIC PLAN BENEFITS

DOCKET NO. 16-0309-1103

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2012 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(7), 56-203(9), 56-250 through 56-257, and 56-260 through 56-266, 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.

House Bill 260, passed by the 2011 Legislature, directed the Department to limit benefits for Medicaid-eligible participants' dental services. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the [August 3, 2011, Idaho Administrative Bulletin, Vol. 11-8, pages 56 through 62](#).

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:

These rule changes are estimated to result in cost savings of \$2,101,600 (\$632,900 state funds, and \$1,468,700 federal funds) for state fiscal year 2012.

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

DATED this 7th day of October, 2011.

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

DOCKET NO. 16-0309-1103 - 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 11-8, August 3, 2011, pages 56 through 62.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2012 Idaho State Legislature for final adoption.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.10 - MEDICAID ENHANCED PLAN BENEFITS

DOCKET NO. 16-0310-1103

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2012 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(7), 56-203(9), 56-250 through 56-257, and 56-260 through 56-266, 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:

House Bill 260, passed by the 2011 Legislature, directed the Department to limit benefits for Medicaid-eligible participants' dental services. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the [August 3, 2011, Idaho Administrative Bulletin, Vol. 11-8, pages 90 through 113](#).

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:

These rule changes are estimated to result in cost savings of \$4,438,200 (\$1,336,600 state funds, and \$3,101,600 federal funds) for state fiscal year 2012.

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

DATED this 7th day of October, 2011.

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

DOCKET NO. 16-0310-1103 - 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 11-8, August 3, 2011, pages 90 through 113.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2012 Idaho State Legislature for final adoption.

IDAPA 18 - DEPARTMENT OF INSURANCE

18.01.05 - HEALTH CARRIER EXTERNAL REVIEW

DOCKET NO. 18-0105-1101

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: The pending rule has been adopted by the agency and is now pending review by the 2012 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, 41-5905, 41-5906, 41-5908, 41-5909, 41-5911, and 41-5916, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the [September 7, 2011 Idaho Administrative Bulletin, Vol. 11-9, pages 100 through 109](#).

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 Eileen Mundorff, 208-334-4326 or Eileen.mundorff@doi.idaho.gov.

DATED this October 6, 2011.

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. 18-0105-1101 - 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 11-9, September 7, 2011, pages 100 through 109.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2012 Idaho State Legislature for final adoption.

IDAPA 26 - DEPARTMENT OF PARKS AND RECREATION

26.01.36 - RULES GOVERNING THE WINTER RECREATIONAL PARKING PERMIT PROGRAM

DOCKET NO. 26-0136-1101

NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is January 1, 2012.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 67-5201 et seq., 67-4223, and 67-7115 et seq., Idaho Code.

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

Idaho Department of Parks and Recreation is in the process of expanding their on-line registration services. One change will allow customers to purchase winter recreation annual passes and temporary three-day permits via the IDPR web site. This rule change allows the temporary three-day permit to be placed on the vehicle dashboard or use the option of hanging the permit.

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

Adoption of the aforementioned rule allows for three-day permits purchased online to be placed upon the driver side dashboard of the vehicle, while allowing three-day permits purchased through established IDPR vendors to remain unchanged.

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:

No fee or charge is being imposed or increased as a result of this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Tamara Humiston, 208.514.2460.

DATED this 18th day of October, 2011.

Nancy Merrill
Director
Idaho Department of Parks and Recreation
5657 Warm Springs Avenue
Boise, ID 83716
PO Box 83720
Boise, ID 83720-0065
Phone: 208.514.2261
FAX: 208.334.3741

THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 26-0136-1101

050. LOCATION OF PERMIT ON VEHICLE.

The annual winter recreational parking permit shall be permanently affixed on the front window of the vehicle nearest the driver's seat and the temporary three-day permit shall be ~~hung on the vehicle's interior rear view mirror~~ displayed on the driver's side dashboard with the dated side displayed to the front of the vehicle in such a manner that it is completely visible and shall be kept in legible condition at all times. No person shall transfer or attempt to transfer an annual winter recreational parking permit decal or a temporary three-day permit ~~hangtag~~ hanging from the vehicle upon which it was legally registered and placed. ~~(7-1-93)~~(1-1-12)T

051. -- 099. (RESERVED)

100. PERMIT COST, EXPIRATION.

The fee for an annual winter recreational parking permit shall not exceed thirty dollars (\$30). The fee for a temporary winter recreational parking permit shall not exceed ten dollars (\$10). The annual winter recreational parking permit is valid until the expiration date printed on the decal. The temporary winter recreational parking permit is valid for only the three (3) consecutive days written on the permit ~~hangtag~~. ~~(7-1-99)~~(1-1-12)T

IDAPA 34 - SECRETARY OF STATE

34.04.02 - CORPORATE NAME AVAILABILITY

DOCKET NO. 34-0402-1101

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is October 6, 2011.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 67-903(9), 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 16, 2011.

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:

In 1999, the language used to determine business name similarity changed (House Bill No. 222). Business names became “distinguishable on the record,” rather than “deceptively similar.” This chapter of administrative rules was never amended to reflect that change. Furthermore, advancements in technology have provided alternatives that were not considered in 1999. Therefore, this chapter of rules needs to be amended as soon as possible to clarify business entity name requirements. These rule changes remove outdated language about “deceptively similar” business names (as required by prior legislative amendments), and provide requirements and examples that coincide with current statutes regarding business names that are “distinguishable on the record of the Secretary of State.”

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

These rule changes are necessary to reflect statutory changes made by the 1999 Idaho Legislature. Additionally, these rule changes will confer a benefit on the business filing public, as it will simplify and clarify the business naming conventions required to make a name “distinguishable on the record of the Secretary of State.”

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the need for temporary rulemaking.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Jeff Harvey, UCC Supervisor, at (208) 332-2849.

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 23, 2011.

DATED this 19th day of October, 2011.

Jeff Harvey, UCC Supervisor
Office of the Secretary of State
450 N. 4th St.
P. O. Box 83720
Boise, ID 83720-0080
Phone: (208) 332-2849
Facsimile: (208) 334-2847

THE FOLLOWING IS THE TEMPORARY RULE & PROPOSED TEXT OF DOCKET NO. 34-0402-1101

IDAPA 34
TITLE 04
CHAPTER 02

34.04.02 CORPORATE NAME AVAILABILITY RULES GOVERNING BUSINESS ENTITY NAMES

000. LEGAL AUTHORITY.

In accordance with Section 67-903(9), Idaho Code, the Secretary of State is authorized under Section 67-903, Idaho Code, has authority to adopt promulgate administrative rules in order to execute the duties of the office.
(7-1-93)(10-6-11)T

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 34.04.02, "Rules Governing Business Entity Names," IDAPA 34, Title 04, Chapter 02. (10-6-11)T

02. Scope. These rules shall apply to business entity name registration and business entity name reservation as provided for in Title 30, Chapters 1, 3 and 6, and Title 53, Chapter 2, Idaho Code. (10-6-11)T

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201, Idaho Code, documents relating to the interpretation of these rules, or to the documentation of compliance with the rules of this chapter, if any, are available for public inspection and copying at the Office of the Secretary of State. (10-6-11)T

003. ADMINISTRATIVE APPEALS.

This chapter does not provide for appeal. (10-6-11)T

004. INCORPORATION BY REFERENCE.

No documents are incorporated by reference into these rules. (10-6-11)T

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

The principal place of business of the Secretary of State's office is located at 700 W. Jefferson, Room E205, Boise, Idaho 83720-0080. The Commercial Division is located at 450 N. 4th Street, Boise, Idaho 83720-0080. Office hours are 8 a.m. to 5 p.m., Monday through Friday, except for legal holidays. The mailing address is P. O. Box 83720, Boise, Idaho 83720-0080. The telephone number for the office is (208) 334-2300. The telephone number for business entity inquiries is (208) 334-2301. The facsimile number is (208) 334-2080. The website address is http://

www.sos.idaho.gov/.

(10-6-11)T

006. PUBLIC RECORDS ACT COMPLIANCE.

The rules contained herein have been promulgated in accordance with the provisions of Title 67, Chapter 52, Idaho Code, and are public records.

(10-6-11)T

~~007.~~ -- ~~009.~~ (RESERVED)

010. DEFINITIONS.

01. Arabic Numerals. 0, 1, 2, 3, 4, 5, 6, 7, 8, and 9.

(10-6-11)T

02. Business Entity Identifiers. Company, Corporation, Incorporated, Limited, Chartered, Professional Association, Professional Company, Limited Liability Company, Limited Liability Partnership, Professional Limited Liability Company, Limited Partnership, Limited Liability Limited Partnership, and the abbreviations, Co., Corp., Inc., Ltd., P.A., P.C., Chtd., L.L.C., L.L.P., P.L.L.C., L.P., and L.L.L.P.

(10-6-11)T

03. English Alphabet. Letters A through Z.

(10-6-11)T

04. Key Word. Any word that is not an article, preposition, conjunction, or Business Entity Identifier.

(10-6-11)T

05. Special Characters. Any special characters, such as ! " \$ % () * @ ? +, and -, that are readily available on a standard English language keyboard.

(10-6-11)T

~~0121.~~ -- ~~099.~~ (RESERVED)

~~0100.~~ **GENERAL INFORMATION.**

01. Determination by Secretary of State. The Secretary of State shall determine whether a proposed business entity name is distinguishable on the records of the Secretary of State from the names of existing business entities by comparing the proposed business entity name to the names of existing business entity names.

(10-6-11)T

02. Existing Business Entity Names Considered. The names of business entities in good standing or business entities which have been administratively dissolved for less than six (6) months will be considered in determining whether a proposed business entity name is distinguishable on the records of the Secretary of State from existing business entity names.

(10-6-11)T

03. Alphabet Names. Where a name or a unit of a name consists of initials only or letters of the alphabet, the combination of initials will be considered as one (1) word for the purpose of determining if the business entity name is distinguishable.

EXAMPLE: The "words" AA – AAA – AAAA – A & B – AAB – AAC are different words and are distinguishable from one another.

(10-6-11)T

~~014.~~ **Characters of Print Acceptable in Business Entity Names.** Business entity names may shall consist of letters of the English Alphabet, Arabic Numerals, ~~and certain symbols capable of being reproduced on a standard English language typewriter, or combination thereof~~ or Special Characters.

(7-1-93)(10-6-11)T

a. Letters of the English Alphabet includes only upper case, or capital letters; no distinction as to type face or font is recognized.

(7-1-93)

b. Arabic Numerals includes 0, 1, 2, 3, 4, 5, 6, 7, 8, and 9.

(7-1-93)

*c. The symbols recognized as part of a name may include ! " \$ % () * @ ? , and . A space or spaces after words, letters, numerals or symbols may be considered as part of the name.*

(7-1-93)

~~02. **False Implication of Government Affiliation.** The corporate name may not be one that might falsely imply governmental affiliation. (7-1-93)~~

~~05. **Foreign Words.** Although business entity names may include words in a foreign language, such words will not be translated for the purpose of determining if a business entity name is distinguishable. (10-6-11)T~~

~~036. **Grossly Offensive Name.** The corporate business entity name may not be one that is deemed to be so grossly offensive as to be unacceptable as a corporate name. (7-1-93)(10-6-11)T~~

~~04. **“Words of Incorporation.”** “Words of incorporation” include Company, Corporation, Incorporated, Limited and their acceptable abbreviations. The acceptable abbreviations are respectively: Co., Corp., Inc., and Ltd. The acceptable “words of incorporation” for a professional corporation are Chartered, Professional Association, and the abbreviation P.A. (7-1-93)~~

~~05. **Written Comparison of Names.** A comparison of names to determine similarity is made by writing the names to be compared, using upper case letters of the English Alphabet and acceptable numerals and acceptable symbols. (7-1-93)~~

~~06. **Categories of Name Similarity.** There are three (3) categories of name similarity: (7-1-93)~~

~~a. Same. (7-1-93)~~

~~b. Deceptively similar. (7-1-93)~~

~~c. Acceptable. (7-1-93)~~

~~012. **(RESERVED)**~~

~~013. **SAME.**~~

~~01. **Defined.** Corporate names are the “same” if a comparison of the names, written as above provided, reveals no difference except for punctuation and symbols, spacing, articles of speech, conjunctions, the word “of,” plural or possessive endings, and words of incorporation. (7-1-93)~~

~~02. **Consent.** “Same” name not acceptable without consent and distinguishing words. A proposed corporate name which is the same as a corporate name already on file in this office cannot be accepted or filed, unless the holder of the name already on file gives its written consent to use of the name by the applicant, and the applicant adds one or more words to the name to make it distinguishable from the name on file. (7-1-93)~~

~~03. **Form of Consent.** No particular form of consent is required. The consent must be in writing and signed by an officer or authorized agent. Consent given orally or by telegraph cannot be accepted. Consent from more than one (1) corporation may be required in some instances. (7-1-93)~~

~~014. **DECEPTIVELY SIMILAR.**~~

~~01. **Defined.** Corporate names are deceptively similar if on comparison of the names, written as above, there exist striking similarities so that a person who did not know the exact name or did not know the full name of a corporation about which he was giving or receiving information would be likely to give or be given information about a different corporation having a similar name. In making the comparison, consideration will not be given to punctuation and symbols, spacing, articles of speech, conjunctions, the word “of,” plural or possessive endings, and words of incorporation. (7-1-93)~~

~~02. **Consent.** “Deceptively similar” not acceptable without consent and, if required, distinguishing words. A proposed corporate name which is deemed to be deceptively similar cannot be accepted or filed, unless the holder of the name already on file gives its written consent to the use of the name by the applicant, and, if the holder of the name already on file and the legal staff of the Secretary of State find it necessary, the applicant adds one or more words to the name to make it distinguishable from the name on file. (7-1-93)~~

~~03. Form of Consent. Same as Subsection 013.03. (7-1-93)~~

~~04. "Deceptively Similar," When. A proposed corporate name is deemed to be deceptively similar to a name already on file if: (7-1-93)~~

~~a. The proposed corporate name is the same as a corporate name on file except for a geographical designation.~~

~~EXAMPLE: Bull and Bear Club of Boise, Inc. is deceptively similar to Bull and Bear Club, Inc. (7-1-93)~~

~~b. The first two (2) words of a proposed corporate name are the same or virtually the same as the first two (2) words of a corporation name already on file, if at least one (1) of the first two (2) words is significant.~~

~~EXAMPLE: Janitorial Service and Supply, Inc. is deceptively similar to Janitorial Service, Inc. (7-1-93)~~

~~e. For purposes of Subsection 014.04.b., the following limitations shall apply: (7-1-93)~~

~~i. Commonly used two word terms or expressions shall be deemed to comprise one word; i.e. "Silver Dollar" would be deemed to be one (1) word.~~

~~EXAMPLE: "Silver Dollar Mining Co." is not deceptively similar to "Silver Dollar Cafe, Inc.", but is deceptively similar to "Silver Dollar Mining & Milling, Inc." (7-1-93)~~

~~ii. Words which are not considered to be significant are those which occur so commonly in corporate names as to add no distinctiveness to a name. They include, but are not limited to the points of the compass and derivations thereof, geographical and topographical designations in common use in Idaho, and ordinal designations.~~

~~EXAMPLE: Northwest, Sawtooth, Palouse Empire, Magic Valley, and First. (7-1-93)~~

~~iii. Exception: When a directional, geographical or topographical term precedes a common generic term and they comprise the whole corporate name exclusive of the word of incorporation, the directional, geographical or topographical term will be deemed to be significant and sufficient to distinguish the name from another name consisting of the generic term or the generic term preceded by a directional, geographical or topographical term.~~

~~EXAMPLE: "Boise Camera, Inc.," "Idaho Camera Co.," and "The Camera Company" are all acceptable when compared with one another. (7-1-93)~~

~~iv. A combination in series of two (2) or more words which are not significant will be deemed to be one significant word.~~

~~EXAMPLE: "First Idaho" would be deemed to be one (1) significant word. Therefore, "First Idaho Widget Co." is not deceptively similar to "First Idaho Capital Co.," but "First Idaho Capital Widget Co." is deceptively similar to "First Idaho Capital Co." (7-1-93)~~

~~v. If the first word of a name is not significant and the second word is significant, the comparison will be based on the second and the third words.~~

~~EXAMPLE: "Northwest Paint & Glass Co." is not deceptively similar to "Northwest Paint Supply Co.," but is deceptively similar to "Northwest Paint & Glass Supply Co." (7-1-93)~~

~~d. Names containing a fictitious, fanciful, or arbitrary word may be deemed deceptively similar to a name on file which contains the same word, although the name might seem to be available under other rules.~~

~~EXAMPLE: Entex Production Company is deceptively similar to Entex, Inc. (7-1-93)~~

~~e. The difference consists in inverted order of substantially the same words.~~

~~EXAMPLE: Van Lines of North America, Inc. is deceptively similar to North American Van Lines, Inc.~~

~~EXAMPLE: Club Caravan, Inc. is deceptively similar to Caravan Club, Inc.~~

~~EXAMPLE: Boise Electronics Supply, Inc. is deceptively similar to Electronics Supply of Boise, Inc. (7-1-93)~~

~~f. The difference consists in the presence or absence of letters which do not alter the names sufficiently to make them readily distinguishable.~~

~~EXAMPLE: Exxon — Exon — Exxon — Exxons. (7-1-93)~~

~~05. **Exception for Churches.** Where the name of a proposed incorporated church is deceptively similar to that of an incorporated church already on file by reason of the fact that the names are the same except for different geographical designations at the end of the name, nevertheless a letter of consent will not be required.~~

~~EXAMPLE: Persons proposing to incorporate a church named First Baptist Church of Lewiston would not be required to obtain a letter of consent from First Baptist Church of Twin Falls. (7-1-93)~~

~~015. **ACCEPTABLE.**~~

~~01. **Defined.** A proposed corporate name is acceptable for filing if it is not significantly similar to a corporate name already on file or if it is similar, but not to the extent that it is deemed to be deceptively similar. (7-1-93)~~

~~02. **“Acceptable,” When.** A proposed corporate name may be deemed to be acceptable if an existing corporate name on file has only one (1) significant word and the proposed corporate name consists of the same word followed by another word which does not imply that the proposed corporation is an affiliate of or in a series with the corporation having a similar name on file.~~

~~EXAMPLE: The following names are acceptable when compared to the name United, Inc.: United Sales, Inc. — United Enterprises, Inc. — United International, Inc.~~

~~EXAMPLE: The following names are deceptively similar to the name United, Inc.: — United of Idaho, Inc. — United Phase Two, Inc. (7-1-93)~~

~~03. **Surnames.** A surname is considered to be a “word.” Where proposed corporate name contains a surname as the second “word” and contains a given name or initials as the first “word” which is different from the first “word” of an existing corporation, the name is acceptable. (7-1-93)~~

~~04. **Alphabet Names.** Where a name or a unit of a name consists of initials only or letters of the alphabet, the combination of initials will be considered as one word for the purpose of applying name availability rules.~~

~~EXAMPLE: The following are different “words” and are not considered to be similar: A & A — AAA — AAAA — A & B — AAB — AAC.~~

~~EXAMPLE: A & B Supply is acceptable when compared to A & B, Inc.~~

~~EXAMPLE: A & B Electric Supply is deceptively similar when compared to A & B Electric Co. (7-1-93)~~

~~016~~**101. -- 199. (RESERVED)**

200. NOT DISTINGUISHABLE ON THE RECORD.

01. Abbreviations. The abbreviation of a word or Special Character is considered the equivalent of the complete word or Special Character. Such an abbreviation shall not make a name distinguishable.

EXAMPLE: DOE BROTHERS, LLC is not distinguishable from DOE BROS., LLC. (10-6-11)T

02. Business Entity Identifiers. The addition, removal, or alteration of Business Entity Identifiers and their applicable abbreviations shall not make a name distinguishable.

EXAMPLE: DOE BROTHERS CORPORATION is not distinguishable from DOE BROTHERS, INC. (10-6-11)T

03. Numbers. The use of a word or Roman numeral for a number instead of the Arabic Numeral shall not make a name distinguishable.

EXAMPLE: FOUR TURTLES, LLC is not distinguishable from 4 TURTLES, LLC, nor is it distinguishable from IV TURTLES, LLC. (10-6-11)T

04. Other Words. The presence or absence of an article, preposition, conjunction, or pronoun shall not make a name distinguishable.

EXAMPLE: THE DOE BROTHERS, LLC is not distinguishable from DOE BROTHERS, LLC. (10-6-11)T

05. Punctuation. Differences in punctuation shall not make a name distinguishable.

EXAMPLE: U.S.A. STEEL, LLC is not distinguishable from USA STEEL, LLC. (10-6-11)T

06. Spaces. Spaces, or the absence of spaces, shall not make a name distinguishable.

EXAMPLE: USA STEEL, LLC is not distinguishable from USASTEEL, LLC. (10-6-11)T

07. Special Characters. Differences created by use of Special Characters shall not make a name distinguishable.

EXAMPLE: AMERICAN PISTOLS, LLC is not distinguishable from AMER!CAN P!\$TOL\$, LLC. (10-6-11)T

08. The Letter "S". The addition or removal of the letter "s" to make a word singular, plural, or possessive shall not make a name distinguishable.

EXAMPLE: GOLDEN APPLE, LLC is not distinguishable from GOLDEN APPLES, LLC. (10-6-11)T

09. Typeface, Font, or Case. The use of a different typeface, font, or case shall not make a name distinguishable.

EXAMPLE: SISTERS' DINER is not distinguishable from *Sisters' Diner*. (10-6-11)T

201. -- 299. (RESERVED)

300. DISTINGUISHABLE ON THE RECORD.

01. Key Word Difference. If one (1) of the Key Words is different, the name is distinguishable.

EXAMPLE: WIDGET WONDER, LLC is distinguishable from WIDGET ELITE, LLC. (10-6-11)T

02. Key Word Order. If the Key Words are in a different order, the name is distinguishable.

EXAMPLE: WIDGET WONDER, LLC is distinguishable from WONDER WIDGET, LLC. (10-6-11)T

03. Key Word Addition. The addition of one (1) or more Key Words shall make a name distinguishable.

EXAMPLE: AMAZING WONDER WIDGET, INC. is distinguishable from WONDER WIDGET, INC. (10-6-11)T

04. Difference in Meaning. If the Key Words are significantly different in meaning, and the Key

Words are not identical, the name may be distinguishable.

EXAMPLE: CAPITAL WIDGET, LLC is distinguishable from CAPITOL WIDGET, LLC. (10-6-11)T

301. -- 399. (RESERVED)

017400. MATTERS NOT CONSIDERED.

Only the proposed corporate name and the names of active corporations (corporations which are in good standing or have been forfeited for less than six (6) months) are considered in determining name availability. When determining whether a business entity name is distinguishable on the records of the Secretary of State from another business entity name, the following are ~~A~~among the matters not considered~~are~~: (7-1-93)(10-6-11)T

01. Purpose. Whether ~~or not~~ the purpose of the proposed ~~corporation~~ business entity is the same as or similar to the purpose of an existing ~~corporation~~ business entity. (7-1-93)(10-6-11)T

02. Location. Whether ~~or not~~ the ~~corporations~~ business entities will be carrying out activities in the same or nearby locations. (7-1-93)(10-6-11)T

03. Prior Actions. Whether ~~or not~~ an analogous situation has previously been acted on ~~in this office by the Secretary of State~~. (7-1-93)(10-6-11)T

~~04. Opinion. Whether or not an "opinion" as opposed to a "ruling" has already been expressed by an employee of the Secretary of State in response to an oral or written request (see Section 019). (7-1-93)~~

054. Activity. Whether ~~or not~~ an existing ~~corporation~~ business entity is actively engaged in business, or has a telephone listing, or a location of a place of business. (7-1-93)(10-6-11)T

065. Intent. Whether ~~or not~~ an existing ~~corporation~~ business entity is about to change its name or be dissolved or merged out of existence. (7-1-93)(10-6-11)T

076. Reliance. Whether ~~or not~~ the applicant has ordered stationery, opened a bank account, signed a contract, or otherwise altered his position in the expectation, hope or belief that the proposed name would be available. (7-1-93)(10-6-11)T

087. Influence. Whether ~~or not~~ the applicant is more or less important, extensive, widely known, or influential than an existing ~~corporation~~ business entity. (7-1-93)(10-6-11)T

098. Common Law. Whether ~~or not~~ infringement or unfair trade practice has occurred or might occur. (7-1-93)(10-6-11)T

018. (RESERVED)

019. "RULING" VS. "OPINION."

~~01. Definitions. An "opinion" on name availability is a statement by an employee of the Secretary of State made prior to the time an instrument is accepted for filing. A "ruling" on name availability is a final determination made by the legal staff whether or not to accept an instrument for filing. (7-1-93)~~

~~02. Who May Express "Opinions." Any employee of the Corporation Division may express an "opinion" on name availability in response to written or telephone, or other oral requests; but such an "opinion" is not a "ruling" or final determination that the name will be "available" or that the name will be "not available" or that an instrument containing such will or will not be accepted for filing. (7-1-93)~~

~~03. Form of "Opinion." An "opinion" may be expressed orally or in writing. "Opinion" as to name availability will be stated as follows for the various name similarity categories: (7-1-93)~~

~~a. Same. (7-1-93)~~

~~b. Deceptively similar. (7-1-93)~~

~~c. Acceptable. (7-1-93)~~

~~04. "Opinion" Not Final. All "opinions" that a name is acceptable are merely advisory and are not final unless and until a proper legal instrument employing the name has been accepted for filing. (7-1-93)~~

~~05. Who May Make "Ruling." "Rulings" are made by members of the legal staff of the Corporate Division, except on name reservations. The corporation clerks consult the legal staff on all name availability questions involving any degree of similarity which arise in connection with a name reservation. The legal staff will make no "ruling" as to name availability prior to the submission of an instrument for filing. (7-1-93)~~

~~020~~401. -- 999. (RESERVED)

IDAPA 52 - IDAHO STATE LOTTERY COMMISSION

52.01.03 - RULES GOVERNING OPERATIONS OF THE IDAHO STATE LOTTERY

DOCKET NO. 52-0103-1101

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2012 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)(c), (e) and (f), Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the [September 7, 2011 Idaho Administrative Bulletin, Vol. 11-9, pages 168 through 172.](#)

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 Jeffrey R. Anderson, Director, at (208) 334-2600.

DATED this 5th day of October, 2011.

Jeffrey R. Anderson, Director
Idaho State Lottery
1199 Shoreline Lane, Ste. 100
Boise, ID 83702
Phone: (208) 334-2600
Facsimile: (208) 334-2610

DOCKET NO. 52-0103-1101 - 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 11-9, September 7, 2011, pages 168 through 172.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2012 Idaho State Legislature for final adoption.

IDAPA 57 - SEXUAL OFFENDER MANAGEMENT BOARD

57.01.01 - RULES OF THE SEXUAL OFFENDER MANAGEMENT BOARD

DOCKET NO. 57-0101-1101

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2012 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2011, 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 18-8314(3), Idaho Code.

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

This rulemaking was initiated to address statutory changes that became effective July 1, 2011. The Sexual Offender Classification Board was eliminated and replaced by a Sexual Offender Management Board, which assumed responsibilities. Additionally, procedures for the designation of violent sexual predator status were eliminated.

The pending rule is being adopted as proposed. The complete text of the proposed and temporary rule was published in the [August 3, 2011 Idaho Administrative Bulletin, Vol. 11-8 pages 262 through 270](#). The Sexual Offender Management Board received no comments to the proposed and temporary rule.

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 not be any negative fiscal impact on the state general fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Kathy Baird at (208) 658-2149 or at kbaird@idoc.idaho.gov.

DATED this 5th day of October, 2011.

Kathy Baird, Management Assistant
Sexual Offender Management Board
1299 N Orchard St Suite 110
Boise, ID 83706
p: (208) 658-2149; f: (208) 327-7102

DOCKET NO. 57-0101-1101 - 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 11-8, August 3, 2011, pages 262 through 270.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2012 Idaho State Legislature for final adoption.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY
THE LOLO CREEK TRIBUTARIES SUBBASIN ASSESSMENT AND TMDLS (HUC 17060306)
DOCKET NO. 58-0000-1104
NOTICE OF FINAL DECISION

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

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

The area covered by the Lolo Creek TMDLs (Hydrologic Unit Code 17060306) addresses ten (10) assessment units (AUs)/pollutant combinations listed as impaired on Idaho's 2008 § 303(d) list. DEQ completed TMDLs for all AU/pollutant combinations deemed water quality impaired. DEQ has submitted this TMDL document to the U.S. Environmental Protection Agency for approval under the Clean Water Act.

AVAILABILITY OF THE TMDL: Electronic copy of the TMDL can be obtained at www.deq.idaho.gov/lolo-creek-tributaries-subbasin or by contacting Ms. Marti Bridges, TMDL Program Manager, 208-373-0382, marti.bridges@deq.idaho.gov.

Dated this 29th day of September, 2011.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83706-1255
(208)373-0418/Fax No. (208)373-0481
paula.wilson@deq.idaho.gov

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY
THE ST. JOE RIVER TEMPERATURE TMDL ADDENDUM (HUC 17010304)

DOCKET NO. 58-0000-1105

NOTICE OF FINAL DECISION

AUTHORITY: In compliance with Section 39-3611, Idaho Code, notice is hereby given that this agency has issued a final decision on the St. Joe River Temperature Total Maximum Daily Load (TMDL) Addendum.

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

The area covered by the St. Joe River Temperature TMDL Addendum (Hydrologic Unit Code 17010304) addresses twenty-nine (29) water body assessment units within the St Joe/ St. Maries River portion of the subbasin that previously had temperature TMDLs approved by EPA in 2003. The previously approved temperature TMDLs have been revised using a different methodology called Potential Natural Vegetation (PNV) Temperature TMDLs. Twelve (12) other water body assessment units on Idaho's 2008 and 2010 § 303(d) list also had PNV Temperature TMDLs developed. Four (4) other water body assessment units were proposed to be moved to either Category 2 (meet water quality standards) or Category 3 (insufficient data to assess) of the Integrated Report. DEQ has submitted this TMDL to the U.S. Environmental Protection Agency for approval under the Clean Water Act.

AVAILABILITY OF THE TMDL: Electronic copy of the TMDL can be obtained at www.deq.idaho.gov/st-joe-river-subbasin or by contacting Ms. Marti Bridges, TMDL Program Manager, 208-373-0382, marti.bridges@deq.idaho.gov.

Dated this 6th day of October, 2011.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
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Boise, Idaho 83706-1255
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paula.wilson@deq.idaho.gov

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-1001

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2012 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second Regular Session of the Sixty-first Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291. This rule was adopted as a temporary rule by the Board in April 2011 and is currently effective.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Sections 39-105, 39-107, and 39-114, Idaho Code.

DESCRIPTIVE SUMMARY: A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the [Idaho Administrative Bulletin, June 1, 2011, Vol. 11-6, pages 65 through 69](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at <http://www.deq.idaho.gov/58-0101-1001-pending> or by contacting the undersigned.

IDAHO CODE SECTION 39-107D STATEMENT: This rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

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 when the pending rule will become effective: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Mary Anderson at mary.anderson@deq.idaho.gov or (208)373-0202.

Dated this 13th day of October, 2011.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
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Boise, Idaho 83706-1255
(208)373-0418/Fax No. (208)373-0481
paula.wilson@deq.idaho.gov

DOCKET NO. 58-0101-1001 - 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 11-6, June 1, 2011, pages 65 through 69.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2012 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. 58-0101-1102

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2012 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second Regular Session of the Sixty-first Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291. This rule was adopted as a temporary rule by the Board in April 2011 and is currently effective.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Sections 39-105 and 39-107, Idaho Code.

DESCRIPTIVE SUMMARY: A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the [Idaho Administrative Bulletin, June 1, 2011, Vol. 11-6, pages 73 through 76](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at <http://www.deq.idaho.gov/58-0101-1102-pending> or by contacting the undersigned.

IDAHO CODE SECTION 39-107D STATEMENT: This rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

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 when the pending rule will become effective: Not applicable.

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

Dated this 13th day of October, 2011.

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

DOCKET NO. 58-0101-1102 - 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 11-6, June 1, 2011, pages 73 through 76.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2012 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. 58-0101-1103

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2012 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second Regular Session of the Sixty-first Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Sections 39-105 and 39-107, Idaho Code. This rulemaking updates citations to the federal regulations incorporated by reference as mandated by the U.S. Environmental Protection Agency (EPA) for approval of the state's Title V Operating Permit Program pursuant to 40 CFR Part 70 and fulfilling the requirements of Idaho's delegation agreement with EPA under Section 112(l) of the Clean Air Act.

DESCRIPTIVE SUMMARY: A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the [Idaho Administrative Bulletin, August 3, 2011, Vol. 11-8, pages 273 through 278](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at <http://www.deq.idaho.gov/58-0101-1103-pending> or by contacting the undersigned.

IDAHO CODE SECTION 39-107D STATEMENT: This rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

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 when the pending rule will become effective: Not applicable.

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

Dated this 13th day of October, 2011.

Paula J. Wilson
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(208)373-0418/Fax No. (208)373-0481
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DOCKET NO. 58-0101-1103 - 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 11-8, August 3, 2011, pages 273 through 278](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2012 Idaho State Legislature for final adoption.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.04 - RULES FOR ADMINISTRATION OF WASTEWATER TREATMENT FACILITY GRANTS

DOCKET NO. 58-0104-1001

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2012 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second Regular Session of the Sixty-first Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291. This rule was adopted as a temporary rule by the Board in April 2011 and is currently effective.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Chapters 1 and 36, Title 39, Idaho Code.

DESCRIPTIVE SUMMARY: A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the [Idaho Administrative Bulletin, June 1, 2011, Vol. 11-6, pages 79 through 92](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at <http://www.deq.idaho.gov/58-0104-1001-pending> or by contacting the undersigned.

IDAHO CODE SECTION 39-107D STATEMENT: There is no federal law or regulation comparable to IDAPA 58.01.04, "Rules for Administration of Wastewater Treatment Facility Grants." Therefore, the rule does regulate an activity not regulated by the federal government but is not broader in scope or more stringent than federal law.

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 when the pending rule will become effective: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Tim Wendland at tim.wendland@deq.idaho.gov or (208)373-0439.

Dated this 13th day of October, 2011.

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

DOCKET NO. 58-0104-1001 - 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 11-6, June 1, 2011, pages 79 through 92](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2012 Idaho State Legislature for final adoption.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.09 - RULES REGULATING SWINE AND POULTRY FACILITIES

DOCKET NO. 58-0109-1101

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2012 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second Regular Session of the Sixty-first Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Sections 39-104A, 39-105, and 39-107, Idaho Code.

DESCRIPTIVE SUMMARY: A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the [Idaho Administrative Bulletin, July 6, 2011, Vol. 11-7, pages 275 through 285](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at <http://www.deq.idaho.gov/58-0109-1101-pending> or by contacting the undersigned.

IDAHO CODE SECTION 39-107D STATEMENT: This rule does regulate an activity not regulated by the federal government. The federal government does not regulate swine and poultry facilities for the state of Idaho; therefore, the rule revisions are not broader in scope or more stringent than federal law or regulations.

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 when the pending rule will become effective: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact the undersigned.

Dated this 13th day of October, 2011.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
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Boise, Idaho 83706-1255
(208)373-0418/Fax No. (208)373-0481
paula.wilson@deq.idaho.gov

DOCKET NO. 58-0109-1101 - 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 11-7, July 6, 2011, pages 275 through 285](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2012 Idaho State Legislature for final adoption.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.12 - RULES FOR ADMINISTRATION OF WATER POLLUTION CONTROL LOANS

DOCKET NO. 58-0112-1001

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2012 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second Regular Session of the Sixty-first Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Chapters 1 and 36, Title 39, Idaho Code.

DESCRIPTIVE SUMMARY: A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the [Idaho Administrative Bulletin, June 1, 2011, Vol. 11-6, pages 93 through 110](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at <http://www.deq.idaho.gov/58-0112-1001-pending> or by contacting the undersigned.

IDAHO CODE SECTION 39-107D STATEMENT: This rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

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 when the pending rule will become effective: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Tim Wendland at tim.wendland@deq.idaho.gov or (208)373-0439.

Dated this 13th day of October, 2011.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83706-1255
(208)373-0418/Fax No. (208)373-0481
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DOCKET NO. 58-0112-1001 - 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 11-6, June 1, 2011, pages 93 through 110.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2012 Idaho State Legislature for final adoption.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.20 - RULES FOR ADMINISTRATION OF DRINKING WATER LOAN PROGRAM

DOCKET NO. 58-0120-1001

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2012 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second Regular Session of the Sixty-first Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Chapters 1 and 76, Title 39, Idaho Code.

DESCRIPTIVE SUMMARY: A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the [Idaho Administrative Bulletin, June 1, 2011, Vol. 11-6, pages 111 through 127](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at <http://www.deq.idaho.gov/58-0120-1001-pending> or by contacting the undersigned.

IDAHO CODE SECTION 39-107D STATEMENT: This rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

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 when the pending rule will become effective: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Tim Wendland at tim.wendland@deq.idaho.gov or (208)373-0439.

Dated this 13th day of October, 2011.

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

DOCKET NO. 58-0120-1001 - 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 11-6, June 1, 2011, pages 111 through 127](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2012 Idaho State Legislature for final adoption.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.22 - RULES FOR ADMINISTRATION OF PLANNING GRANTS FOR PUBLIC DRINKING WATER FACILITIES

DOCKET NO. 58-0122-1001

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2012 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second Regular Session of the Sixty-first Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291. This rule was adopted as a temporary rule by the Board in April 2011 and is currently effective.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Chapters 1 and 36, Title 39, Idaho Code.

DESCRIPTIVE SUMMARY: A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the [Idaho Administrative Bulletin, June 1, 2011, Vol. 11-6, pages 128 through 141](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at <http://www.deq.idaho.gov/58-0122-1001-pending> or by contacting the undersigned.

CLARIFICATION NOTE: This is to clarify that the number of priority rating points given based on deficiencies for pumping, treating, storing, and delivering drinking water is up to sixty (60) points (Subsection 020.02.b.). This clarification is necessary due to a typographical error that occurred when the temporary/proposed rule was published in the June 1, 2011 issue of the Idaho Administrative Bulletin. There was a discrepancy between the alpha value of "sixty-one" and the numeric value of "(60)". The temporary rule adopted by the Board in April 2011 provided that number of points given in Subsection 020.02.b. is "up to sixty (60) points."

IDAHO CODE SECTION 39-107D STATEMENT: There is no federal law or regulation comparable to IDAPA 58.01.22, "Rules for Administration of Planning Grants for Public Drinking Water Facilities." Therefore, the rule does regulate an activity not regulated by the federal government but is not broader in scope or more stringent than federal law.

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 when the pending rule will become effective: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Tim Wendland at tim.wendland@deq.idaho.gov or (208)373-0439.

Dated this 13th day of October, 2011.

Paula J. Wilson, Hearing Coordinator
Department of Environmental Quality
(208)373-0418/Fax No. (208)373-0481

1410 N. Hilton
Boise, Idaho 83706-1255
paula.wilson@deq.idaho.gov

DOCKET NO. 58-0122-1001 - 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 11-6, June 1, 2011, pages 128 through 141](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and approval by the 2012 Idaho State Legislature for final adoption.

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LEGAL NOTICE

Summary of Proposed Rulemakings

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the latest publication of the state Administrative Bulletin.

*The written comment submission deadline is November 23, 2011, unless otherwise listed.
(Temp & Prop) indicates the rule is both Temporary and Proposed.
(*PH) indicates that a public hearing has been scheduled.*

IDAPA 11 - IDAHO STATE POLICE 700 S. Stratford Dr., Meridian, ID 83642

11-1003-1101, Rules Governing the Sex Offender Registry. Conforms to SB 1154 by updating and clarifying sex offender registration requirements and procedures, removing the violent sexual predator designation, and by creating a sexual offender management board.

IDAPA 34 - OFFICE OF THE SECRETARY OF STATE P.O. Box 83720, Boise, ID 83720-0080

34-0402-1101, Corporate Name Availability. (Temp & Prop) Removes outdated language about “deceptively similar” business names and provides requirements and examples that conform with current statutes regarding business naming conventions that “are distinguishable on the record of the Secretary of State.”

RULES ADOPTED AS TEMPORARY ONLY

Idaho Department of Parks and Recreation

26-0136-1101, Rules Governing the Winter Recreational Parking Permit Program.

Please refer to the Idaho Administrative Bulletin, **November 2, 2011, Volume 11-11**, for notices and text of all rulemakings, public hearings and negotiated meeting schedules, Governor's executive orders, and agency contact information.

Issues of the Idaho Administrative Bulletin can be viewed at adminrules.idaho.gov.

Office of the Administrative Rules Coordinator, Dept. of Administration, PO Box 83720, Boise, ID 83720-0306
Phone: 208-332-1820; Fax: 332-1896; Email: rulescoordinator@adm.idaho.gov

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

*Idaho Department of Administration
Office of the Administrative Rules Coordinator*

July 1, 1993 -- Present

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

*This online index provides a history of all agency rulemakings from 1993 to the present.
It tracks all rulemaking activities on each chapter of rules and includes negotiated,
temporary, proposed, pending and final rules, public hearing notices,
vacated rulemaking notices, and executive orders of the Governor.*

ABRIDGED RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

*Idaho Department of Administration
Office of the Administrative Rules Coordinator*

April 7, 2011 -- November 2, 2011

*(eff. *PLR) - Final Rule Adoption Date Pending Legislative Review And Approval*

(eff. date)L - Denotes Adoption by Legislative Action

(eff. date)T - Temporary Rule Effective Date

SCR # - denotes the number of a Senate Concurrent Resolution (Legislative Action)

HCR # - denotes the number of a House Concurrent Resolution (Legislative Action)

*(This Abridged Index includes rules promulgated before April 7, 2011 that have not been
adopted as final rules and all rulemakings being promulgated after April 7, 2011 - Sine Die.)*

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- 02.01.04, Rules Governing the Idaho Preferred™ Promotion Program**
02-0104-1101 Proposed Rulemaking, Bulletin Vol. 11-10
- 02.02.14, Rules for Weights and Measures**
02-0214-1101 Proposed Rulemaking, Bulletin Vol. 11-8
- 02.03.03, Rules Governing Pesticide and Chemigation Use and Application**
02-0303-1101 Proposed Rulemaking, Bulletin Vol. 11-8
- 02.04.09, Rules Governing Milk and Cream Procurement and Testing**
02-0433-1101* Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 11-7
**Chapter number has been changed (02.04.09) to keep it numerically aligned with the Department's other milk rules*
02-0409-1101 Proposed Rulemaking (New Chapter - Fee Rule), Bulletin Vol. 11-10
- 02.04.14, Rules Governing Dairy Waste**
02-0414-0902 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 09-10
- 02.04.18, Rules Governing CAFO Site Advisory Team**
02-0418-1101 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 11-7
02-0418-1101 Proposed Rulemaking, Bulletin Vol. 11-10
- 02.04.20, Rules Governing Brucellosis**
02-0420-1101 Temporary and Proposed Rulemaking, Bulletin Vol. 11-6 (eff. 5-1-11)T
- 02.04.26, Rules Governing Livestock Marketing**
02-0426-1101 Proposed Rulemaking (Fee Rule), Bulletin Vol. 11-10
- 02.04.30, Rules Governing Nutrient Management**
02-0430-1101 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 11-7
02-0430-1101 Proposed Rulemaking, Bulletin Vol. 11-10
- 02.04.32, Rules Governing Poultry Operations**
02-0432-1101 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 11-7
02-0432-1101 Proposed Rulemaking (New Chapter - Fee Rule), Bulletin Vol. 11-10
- 02.04.33, Rules Governing Milk and Cream Procurement and Testing**
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- 02.06.02, Rules Pertaining to the Idaho Commercial Feed Law**
02-0602-1101 Proposed Rulemaking, Bulletin Vol. 11-10
- 02.06.12, Rules Pertaining to the Idaho Fertilizer Law**
02-0612-1101 Proposed Rulemaking, Bulletin Vol. 11-10
- 02.06.13, Rules Relating to Rapeseed Production and Establishment of Rapeseed Districts in the State of Idaho**
02-0613-0801 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 08-9
02-0613-0801 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 08-10
02-0613-0801 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 08-11
- 02.06.20, Rules Governing Grape Planting Stock**

02-0620-1101 Proposed Rulemaking, Bulletin Vol. 11-10

02.06.30, Rules Under the Idaho Bee Inspection Law

02-0630-1101 Proposed Rulemaking, Bulletin Vol. 11-10

02.06.33, Organic Food Products Rules

02-0633-1101 Proposed Rulemaking, Bulletin Vol. 11-9

02.06.41, Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001

02-0641-1101 Proposed Rulemaking, Bulletin Vol. 11-10

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03.01.01, Rules of the State Athletic Commission

03-0101-1101 Proposed Rulemaking (Fee Rule), Bulletin Vol. 11-10

IDAPA 05 -- DEPARTMENT OF JUVENILE CORRECTIONS

05.01.02, Rules and Standards for Secure Juvenile Detention Facilities

05-0102-1101 Proposed Rulemaking, Bulletin Vol. 11-10

IDAPA 06 -- STATE BOARD OF CORRECTION

(Pursuant to Section 20-212, Idaho Code, all rules adopted by Proclamation by the Board of Correction become final and effective 30 days after publication in the Administrative Bulletin unless made effective sooner by an emergency proclamation signed by the Governor)

06.01.01, Rules of the Board of Correction

06-0101-1101 Notice of Proclamation of Rulemaking, Bulletin Vol. 11-10 (eff. 11-4-11)

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07-0103-1101 Proposed Rulemaking, Bulletin Vol. 11-10

07.01.04, Rules Governing Electrical Specialty Licensing

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07-0104-1102 Proposed Rulemaking, Bulletin Vol. 11-10

07.01.05, Rules Governing Examinations

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07.01.06, Rules Governing the Use of National Electrical Code

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07.01.07, Rules Governing Continuing Education Requirements

07-0107-1101 Proposed Rulemaking (Fee Rule), Bulletin Vol. 11-10

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07-0207-1101 Proposed Rulemaking, Bulletin Vol. 11-10

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08-0109-1101 Temporary and Proposed Rulemaking (New Chapter), Bulletin Vol. 11-10 (eff. 6-24-11)T

08.01.11, Registration of Postsecondary Educational Institutions and Proprietary Schools

08-0111-1101 Temporary Rulemaking, Bulletin Vol. 11-10 (eff. 6-24-11)T

08-0111-1102 Proposed Rulemaking, Bulletin Vol. 11-10

08.01.14, Idaho Rural Physician Incentive Program

08-0114-1101 Temporary and Proposed Rulemaking, Bulletin Vol. 11-10 (eff. 6-24-11)T

08.02.01, Rules Governing Administration

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08-0203-1101 Temporary and Proposed Rulemaking, Bulletin Vol. 11-7 (eff. 5-18-11)T

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- 09-0135-1101** Temporary and Proposed Rulemaking, Bulletin Vol. 11-8 (eff. 7-1-11)T
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- 10-0102-1101** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 11-5
10-0102-1101 Proposed Rulemaking, Bulletin Vol. 11-7
10-0102-1101 Adoption of Pending Rule, Bulletin Vol. 11-11 (eff. *PLR 2012)

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- 10-0104-1101** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 11-5
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- 11-0501-1101** Temporary Rulemaking, Bulletin Vol. 11-7 (eff. 7-6-11)T

11.10.02, Rules Establishing Fees for Services - Idaho Criminal Justice Information System

- 11-1002-1101** Proposed Rulemaking (Fee Rule), Bulletin Vol. 11-10

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- 11-1003-1101** Proposed Rulemaking, Bulletin Vol. 11-11

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- 11-1102-1101** Proposed Rulemaking, Bulletin Vol. 11-10

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- 12-0110-1101** Proposed Rulemaking, Bulletin Vol. 11-10

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13.01.04, Rules Governing Licensing

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13.01.08, Rules Governing the Taking of Big Game Animals in the State of Idaho

13-0108-1101 Temporary and Proposed Rulemaking, Bulletin Vol. 11-10 (eff. 8-1-11)T

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13.01.09, Rules Governing the Taking of Game Birds in the State of Idaho

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13-0112-1101 Proposed Rulemaking, Bulletin Vol. 11-10

13.01.16, The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals

13-0116-1101 Temporary and Proposed Rulemaking, Bulletin Vol. 11-10 (eff. 8-1-11)T

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*Changes chapter name to: "Emergency Medical Services" from: "Rules Governing Emergency Medical Services"

16.02.25, Fees Charged by the State Laboratory**16-0225-1101** Proposed Rulemaking (Fee Rule), Bulletin Vol. 11-8***16.03.01, Eligibility for Health Care Assistance for Families and Children*****16-0301-1003** Temporary and Proposed Rulemaking, Bulletin Vol. 10-12 (eff. (1-1-11)T**16-0301-1003** OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 108, Bulletin Vol. 11-5**16-0301-1003** Adoption of Pending Rule, Bulletin Vol. 11-5 (eff. *PLR 2012)**16-0301-1101** Proposed Rulemaking, Bulletin Vol. 11-10***16.03.03, Rules Governing Child Support Services*****16-0303-1001** Temporary and Proposed Rulemaking, Bulletin Vol. 10-12 (eff. (1-1-11)T**16-0303-1001** OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 108, Bulletin Vol. 11-5**16-0303-1001** Adoption of Pending Rule, Bulletin Vol. 11-5 (eff. *PLR 2012)***16.03.04, Rules Governing the Food Stamp Program in Idaho*****16-0304-1004** Temporary and Proposed Rulemaking, Bulletin Vol. 10-12 (eff. (1-1-11)T**16-0304-1004** OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 108, Bulletin Vol. 11-5**16-0304-1004** Adoption of Pending Rule, Bulletin Vol. 11-5 (eff. *PLR 2012)**16-0304-1101** Temporary and Proposed Rulemaking, Bulletin Vol. 11-10 (eff. 2-1-11)T - (3-1-11)T - (11-1-11)T

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

- 16-0305-1003** Temporary and Proposed Rulemaking, Bulletin Vol. 10-12 (eff. (1-1-11)T
- 16-0305-1003** OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 108, Bulletin Vol. 11-5
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- 16-0305-1101** Temporary and Proposed Rulemaking, Bulletin Vol. 11-6 (eff. (7-1-11)T
- 16-0305-1101** Rescission of Temporary Rule/Vacation of Proposed Rulemaking, Bulletin Vol. 11-8 (eff. 7-1-11)
- 16-0305-1102** Proposed Rulemaking, Bulletin Vol. 11-10

16.03.08, Rules Governing Temporary Assistance for Families in Idaho

- 16-0308-1002** Temporary and Proposed Rulemaking, Bulletin Vol. 10-12 (eff. (1-1-11)T
- 16-0308-1002** OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 108, Bulletin Vol. 11-5
- 16-0308-1002** Adoption of Pending Rule, Bulletin Vol. 11-5 (eff. *PLR 2012)
- 16-0308-1101** Proposed Rulemaking, Bulletin Vol. 11-10

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- 16-0309-1101** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 11-5
- 16-0309-1102** Temporary and Proposed Rulemaking, Bulletin Vol. 11-8 (eff. (7-1-11)T
- 16-0309-1103** Temporary and Proposed Rulemaking, Bulletin Vol. 11-8 (eff. (7-1-11)T
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- 16-0309-1106** Proposed Rulemaking, Bulletin Vol. 11-10
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- 16-0310-0902** Temporary and Proposed Rulemaking, Bulletin Vol. 09-1 (eff. 1-1-09)T
- 16-0310-0902** OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 108, Bulletin Vol. 09-6
- 16-0310-0902** OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 126, Bulletin Vol. 10-5
- 16-0310-1004** Temporary Rulemaking, Bulletin Vol. 10-9 (eff. 7-1-10)T (Expires June 30, 2011)
- 16-0310-1005** Temporary and Proposed Rulemaking, Bulletin Vol. 10-11 (eff. 11-1-10)T
- 16-0310-1006** Notice of Agency Action Regarding The Adoption of Temporary Rules, Bulletin Vol. 10-11
- 16-0310-1006** Temporary Rulemaking, Bulletin Vol. 10-12 (eff. 1-1-11)T - *Expires June 30, 2011*
- 16-0310-1007** Temporary and Proposed Rulemaking, Bulletin Vol. 10-12 (eff. 1-1-11)T
- 16-0310-1101** Temporary Rulemaking, Bulletin Vol. 11-1 (eff. 9-1-10)T - (1-1-11)T - *Expires June 30, 2011*
- 16-0310-1102** Temporary Rulemaking, Bulletin Vol. 11-1 (eff. 10-1-10)T - *Expires June 30, 2011*
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- 16-0310-1101** Notice of Rescission of Temporary Rule, Bulletin Vol. 11-8 (eff. 7-1-11)
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- 16-0310-1104** Notice of Public Hearings and Extension of Comment Period, Bulletin Vol. 11-9
- 16-0310-1103** Adoption of Pending Rule, Bulletin Vol. 11-11 (eff. *PLR 2012)

16.03.13, Consumer-Directed Services

- 16-0313-1101** Temporary and Proposed Rulemaking, Bulletin Vol. 11-8 (eff. 7-1-11)T

16.03.18, Medicaid Cost-Sharing

- 16-0318-1101** Proposed Rulemaking (Fee Rule), Bulletin Vol. 11-10

16.03.19, Rules Governing Certified Family Homes

- 16-0319-1101** Notice of Public Meetings, Bulletin Vol. 11-5
16-0319-1101 Temporary and Proposed Rulemaking, Bulletin Vol. 11-7 (eff. 7-1-11)T
16-0319-1101 Notice of Public Hearings and Extension of Comment Period, Bulletin Vol. 11-9

16.04.11, Developmental Disabilities Agencies (DDA)

- 16-0411-1101** Adoption of Temporary Rule, Bulletin Vol. 11-1 (eff. 1-1-11)T (*Expires 6-30-11*)
16-0411-1101 OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 108, Bulletin Vol. 11-5

16.04.14, Rules Governing the Low Income Home Energy Assistance Program

- 16-0414-1101** Proposed Rulemaking, Bulletin Vol. 11-10

16.04.17, Rules Governing Residential Habilitation Agencies

- 16-0417-1101** Temporary and Proposed Rulemaking, Bulletin Vol. 11-9 (8-5-11)T

16.05.01, Use and Disclosure of Department Records

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16.05.04, Rules of the Idaho Council on Domestic Violence and Victim Assistance Grant Funding

- 16-0504-1101** Temporary and Proposed Rulemaking, Bulletin Vol. 11-7 (eff. 7-1-11)T

16.05.06, Criminal History and Background Checks

- 16-0506-1101** Proposed Rulemaking, Bulletin Vol. 11-9

16.06.01, Child and Family Services

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16-0601-1102 Proposed Rulemaking (Fee Rule), Bulletin Vol. 11-9

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