

IDAHO ADMINISTRATIVE BULLETIN

November 7, 2012 -- Volume 12-11

Idaho Department of Administration
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The Idaho Administrative Bulletin is published monthly by the Office of Administrative Rules, Department of Administration, Statehouse Mail, Boise, Idaho 83720-0306, pursuant to Title 67, Chapter 52, Idaho Code.

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IDAHO ADMINISTRATIVE BULLETIN

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Preface

The Idaho Administrative Bulletin is an electronic-only, online monthly publication of the Office of the Administrative Rules Coordinator, Department of Administration, that is published pursuant to Section 67-5203, Idaho Code. The Bulletin is a compilation of all official rulemaking notices, official rule text, executive orders of the Governor, and all legislative documents affecting rules that are statutorily required to be published in the Bulletin. It may also include other rules-related documents an agency may want to make public 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 may 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.

Once the comment period closes, the agency considers fully all comments and information submitted regarding the proposed rule. Changes may be made to the proposed rule at this stage of the rulemaking, but changes must be based on comments received and must be a “logical outgrowth” of the proposed rule. The agency may now adopt and publish the pending rule. A pending rule is “pending” legislative review for final approval. The pending rule is the agency’s final version of the rulemaking that will be forwarded to the legislature for review and final approval. 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 identified by the calendar year and issue number. For example, Bulletin **11-1** refers to the first Bulletin issued in calendar year **2011**; Bulletin **12-1** refers to the first Bulletin issued in calendar year **2012**. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. **12-1** refers to January 2012; Volume No. **12-2** refers to February 2012; and so forth. Example: The Bulletin published in January 2011 is cited as Volume **11-1**. The December 2011 Bulletin is cited as Volume **11-12**.

RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE

The **Idaho Administrative Code** is an electronic-only, online compilation of all final and enforceable administrative rules of the state of Idaho that are of full force and effect. Any temporary rule that is adopted by an agency and is of force and effect is codified into the Administrative Code upon becoming effective. All pending rules that have been approved by the legislature during the legislative session as final rules and any temporary rules that are extended supplement the Administrative Code. These rules are codified into the Administrative Code upon becoming effective. Because proposed and pending rules are not enforceable, they are published in the Administrative Bulletin only and cannot be codified into the Administrative Code.

To determine if a particular rule remains in effect or whether any amendments have been made to the rule, refer to the **Cumulative Rulemaking Index**. Link to it on 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 distinct rulemaking actions: negotiated, proposed, temporary, pending and final rulemaking. Not all rulemakings incorporate or require all 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 rule and the initiation of formal rulemaking procedures. One result, however, 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 Legislative Services Office 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 adopt the pending rule. Because a proposed rule is not enforceable, it has no effective date, even when published in conjunction with a temporary rule that is of full force and effect. 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 determines that it is necessary that a rule become effective prior to receiving legislative authorization and without allowing for any public input, the agency may proceed and adopt a temporary rule. The law allows an 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.

The statute that regulates rulemaking in Idaho requires that the text of all proposed rulemakings publish in the Bulletin in order for the rulemaking to be valid. This is true for all temporary rules as well. In most cases, the agency wants the temporary rule to also become a final rule and in most of these cases, the temporary rule and the proposed rule text is identical. In this event, both rulemakings may be promulgated concurrently yet they remain separate rulemaking actions. The rulemaking is published in the Bulletin as a temporary/proposed rule. Combining the rulemaking allows for a single publication of the text in the Bulletin.

An agency may, at any time, rescind a temporary rule that has been adopted and is in effect. The agency must publish a notice of rescission to effectively rescind the temporary rule. 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 pending 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 sections or their subparts 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 Rulemaking - Adoption of Pending Rule" is published.

FINAL RULEMAKING

A final rule is a rule that has been adopted by an agency under the regular rulemaking procedures and is of full force and effect.

No pending rule adopted by an agency becomes final and effective until it has been submitted to the legislature for review and approval. Where the legislature finds that an agency has violated the legislative intent of the authorizing statute, a concurrent resolution may be adopted to reject the rulemaking in whole or in part. A "Notice of Rulemaking - Final Rule" and the final codified text must be published in the Bulletin for any rule that is wholly or partially rejected by concurrent resolution of the legislature. Unless rejected by concurrent resolution, a pending rule that is reviewed by the legislature becomes final and effective at the end of the session in which it is reviewed without any further legislative action. All pending rules that are approved by concurrent resolution become final and effective upon adoption of the concurrent resolution unless otherwise stated. In no event can a pending rule 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 schematic. 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 that are further subdivided into 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. Each rulemaking that is filed with the Coordinator is assigned a **“DOCKET NUMBER.”** The docket number is a series of numbers separated by a hyphen **“-”**, (**38-0501-1201**). Rulemaking dockets are published sequentially by IDAPA number (the two-digit agency code) in the Bulletin. The following example is a breakdown of a typical rule docket number:

“DOCKET NO. 38-0501-1201”

“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**).

“1201” 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 2012**. A subsequent rulemaking on this same rule chapter in calendar year 2012 would be designated as **“1202”**. The docket number in this scenario would be **38-0501-1202**.

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)

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 26, 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

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2013

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
13-1	January 2013	*November 30, 2012	January 2, 2013	January 23, 2013
13-2	February 2013	January 11, 2013	February 6, 2013	February 27, 2013
13-3	March 2013	February 8, 2013	March 6, 2013	March 27, 2013
13-4	April 2013	March 8, 2013	April 3, 2013	April 24, 2013
13-5	May 2013	April 5, 2013	May 1, 2013	May 22, 2013
13-6	June 2013	May 10, 2013	June 5, 2013	June 26, 2013
13-7	July 2013	June 7, 2013	July 3, 2013	July 24, 2013
13-8	August 2013	July 5, 2013	August 7, 2013	August 28, 2013
13-9	September 2013	August 2, 2013	September 4, 2013	September 25, 2013
13-10	October 2013	**August 30, 2013	October 2, 2013	October 23, 2013
13-11	November 2013	October 4, 2013	November 6, 2013	November 27, 2013
13-12	December 2013	November 8, 2013	December 4, 2013	December 25, 2013

****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. 2012-05

**CREATING THE BOARD OF JUVENILE CORRECTIONS AND DESIGNATING IT AS THE
PRIMARY ADVISORY BODY FOR THE GOVERNOR AND THE DIRECTOR OF THE DEPARTMENT
OF JUVENILE CORRECTIONS ON MATTERS PERTAINING TO JUVENILE CORRECTIONS**

WHEREAS, an independent body would provide valuable recommendations on fiscal, policy and administrative matters concerning juvenile corrections to the Governor and the Director of the Department of Juvenile Corrections (Department); and

WHEREAS, an independent body would provide a unique perspective on the development of goals, standards and measures to evaluate the effectiveness and efficiency of the Department and its programs;

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

1. The Board of Juvenile Corrections (Board) is hereby designated as the primary advisory body for the Governor and the Department Director on matters pertaining to juvenile corrections.
2. The Board shall be responsible for advising the Governor and the Department Director on fiscal, policy and administrative matters concerning Idaho's Juvenile Corrections system.
3. The Board shall participate in the development of goals, standards and measures to evaluate the effectiveness and the efficiency of the Department and its programs.
4. The Board shall consist of the following members:
 - a. Three Idaho citizens;
 - b. The Chair of the Senate Judiciary and Rules Committee, or their designee; and
 - c. The Chair of the House Judiciary and Rules Committee, or their designee.
5. The Board shall serve without compensation, but shall be reimbursed by the Department for actual travel expenses not to exceed State of Idaho guidelines.
6. Representatives from Idaho's counties and the judicial branch may serve as ex-officio members.
7. Unless stated otherwise, members of the Board shall be appointed by and serve at the pleasure of the Governor and appointments shall be for six-year terms.



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 1st day of August in the year of our Lord two thousand and twelve and of the Independence of the United States of America the two hundred thirty-seventh and of the Statehood of Idaho the one hundred twenty-third.

C.L. "BUTCH" OTTER
GOVERNOR

BEN YSURSA
SECRETARY OF STATE

THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2012-06

**CREATING THE BOARD OF JUVENILE CORRECTIONS AND DESIGNATING IT AS THE
PRIMARY ADVISORY BODY FOR THE GOVERNOR AND THE DIRECTOR OF THE DEPARTMENT
OF JUVENILE CORRECTIONS ON MATTERS PERTAINING TO JUVENILE CORRECTIONS
REPEALING AND REPLACING EXECUTIVE ORDER 2012-05**

WHEREAS, an independent body would provide valuable recommendations on fiscal, policy and administrative matters concerning juvenile corrections to the Governor and the Director of the Department of Juvenile Corrections (Department); and

WHEREAS, an independent body would provide a unique perspective on the development of goals, standards and measures to evaluate the effectiveness and efficiency of the Department and its programs;

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

- 1. The Board of Juvenile Corrections (Board) is hereby designated as the primary advisory body for the Governor and the Department Director on matters pertaining to juvenile corrections.*
- 2. The Board shall be responsible for advising the Governor and the Department Director on fiscal, policy and administrative matters concerning Idaho's Juvenile Corrections system.*
- 3. The Board shall participate in the development of goals, standards and measures to evaluate the effectiveness and the efficiency of the Department and its programs.*
- 4. The Board shall consist of the following members:*
 - a. Three Idaho citizens;*
 - b. The Chair of the Senate Judiciary and Rules Committee, or their designee; and*
 - c. The Chair of the House Judiciary and Rules Committee, or their designee.*
- 5. The Board shall serve without compensation, but shall be reimbursed by the Department for actual travel expenses not to exceed State of Idaho guidelines.*
- 6. The Chair of the Board shall be selected by the Department Director subject to the approval of the Governor.*
- 7. Representatives from Idaho's counties and the judicial branch may serve as ex-officio members.*
- 8. Unless stated otherwise, members of the Board shall be appointed by and serve at the pleasure of the Governor and appointments shall be for six-year terms.*



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 15th day of August in the year of our Lord two thousand and twelve and of the Independence of the United States of America the two hundred thirty-seventh and of the Statehood of Idaho the one hundred twenty-third.

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

**BEN YSURSA
SECRETARY OF STATE**

THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2012-07

ESTABLISHING THE PACIFIC NORTHWEST ECONOMIC REGION IDAHO COUNCIL

WHEREAS, the Pacific Northwest Economic Region (PNWER) was established by statute in 1991 within the organization's seven original legislative districts of Idaho, Washington, Oregon, Montana, Alaska in the United States, and British Columbia and Alberta in Canada, including the additions of Saskatchewan and the Yukon Territory and the Northwest Territories;

WHEREAS, the vision of the PNWER was to establish a collaborative region-wide bi-national organization to address common issues and interests;

WHEREAS, the Governors and Premiers were added to the governance structure in 1993, with the private sector, nonprofit organizations and nongovernmental organizations added to the working group structure in 1994;

WHEREAS, the PNWER Working Groups currently include many areas essential to Idaho's economy and social structure, including: agriculture, Arctic caucus, cross-border livestock health, border issues, security and disaster resilience, energy transmission, renewable energy, environment, health care, innovation, invasive species, sustainable development, telecom, trade and economic development, transportation, tourism, water policy, workforce development; and

WHEREAS, the public and private sectors of Idaho could significantly benefit from a designated council to coordinate the efforts of and establish regular communications amongst and between the Idaho entities and the PNWER entities.

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state, do hereby create the Pacific Northwest Economic Region Idaho Council.

- 1. The Idaho Council shall consist of the following members:*
 - a. The Lieutenant Governor or his designee;*
 - b. Two representatives from the Department of Commerce, including the Director or his designee;*
 - c. Two representatives from the Idaho Department of Transportation, including the Director or his designee;*
 - d. Two representatives of the Idaho Department of Agriculture, including the Director or her designee;*
 - e. The Director of the Idaho Bureau of Homeland Security, or his designee;*
 - f. The Administrator of the Idaho Office of Energy Resources;*
 - g. Three members of the Idaho Senate, including representation by the minority party, as chosen by the President Pro Tempore;*
 - h. Three members of the Idaho House of Representatives, including representation by the minority party, as chosen by the Speaker of the House;*
 - i. Five members representing the private sector as chosen by PNWER subject to the approval of the Governor; and*
 - j. Designees of Idaho's Universities as chosen by PNWER subject to the approval of the Governor.*

2. *The Idaho Council's responsibilities including the following:*
 - a. *Design and develop an Idaho agenda of programs of interest in PNWER;*
 - b. *Provide leadership regarding Idaho's needs and opportunities related to domestic and international trade and business and government relations amongst PNWER participating entities;*
 - c. *Encourage the participation of Idaho's private, nonprofit and nongovernmental sector in PNWER initiatives; and*
 - d. *Strengthen relations with other PNWER entities by participating in and recognizing, to the extent possible, significant events and milestones such as elections, commemorations and awards.*
3. *Unless stated otherwise, members of the Council shall be appointed by and serve at the pleasure of the Governor.*
4. *The Lieutenant Governor shall serve as the Chair of the PNWER Idaho Council subject to the approval of the Governor.*
5. *The PNWER Idaho Council shall be coordinated by a Director, chosen and remunerated by PNWER subject to the approval of the Governor.*
6. *The PNWER Idaho Council shall have regular communications as determined by the majority of the Committee and bi-annual meetings called by the Chair and organized by the Director.*



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 13th day of September in the year of our Lord two thousand and twelve and of the Independence of the United States of America the two hundred thirty-seventh and of the Statehood of Idaho the one hundred twenty-third.

C.L. "BUTCH" OTTER
GOVERNOR

BEN YSURSA
SECRETARY OF STATE

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.06.02 - RULES PERTAINING TO THE IDAHO COMMERCIAL FEED LAW

DOCKET NO. 02-0602-1201

NOTICE OF PUBLIC HEARING

AUTHORITY: In compliance with Section 67-5221(1) and 67-5222, Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 25-2710, Idaho Code.

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

Tuesday - November 27, 2012 - 2:00 p.m. (MST)
Idaho State Department of Agriculture 2270 Old Penitentiary Road Boise, Idaho

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

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

- Add a section, 011, Exemptions: Defines those feed products that will be exempt from registration.
- Add a section, 020, Registration & Fees: Sets in rule a fee of \$45 per product.
- Add a section 050.01.h.: Inclusion of statements and promotion on company websites or other internet based customer interfaces into the definition of "labeling."

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Kathryn Mink, Section Manager Feed, Fertilizer & Seed at (208) 332-8620.

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 28, 2012.

DATED this 3rd day of October, 2012.

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

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.05.01 - RULES OF THE PUBLIC WORKS CONTRACTORS LICENSING BOARD

DOCKET NO. 07-0501-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Sections 54-1904 and 54-1907, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 5, 2012 Idaho Administrative Bulletin, [Vol. 12-9, pages 22 through 26](#).

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-1904, Idaho Code.

The rulemaking establishes minimum financial requirements for obtaining and maintaining a Class CC license in the amount of \$75,000 of net worth and \$25,000 of working capital. Additionally, it establishes an initial and renewal license fee for the Class CC license in the amount of \$125.

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

No anticipated impact to the Division or applicants for licensure in the aggregate, as any upgrades from C to CC would likely be offset by downgrades from B to CC.

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

DATED this 27th day of September 2012.

Steve Keys
Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St.

P. O. Box 83720
Meridian, ID 83642
Phone: (208) 332-8986
Fax: (208) 1-877-810-2840

DOCKET NO. 07-0501-1201 - ADOPTION OF PENDING FEE RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 12-9, September 5, 2012, pages 22 through 26](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.05.01 - RULES OF THE PUBLIC WORKS CONTRACTORS LICENSE BOARD

DOCKET NO. 07-0501-1202

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-1907 and 54-1910(4)(e), 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 5, 2012 Idaho Administrative Bulletin, [Vol. 12-9, pages 27 through 29](#).

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

No financial impact to the Division or applicants for licensure is expected.

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

DATED this 27th day of September, 2012.

Steve Keys
Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St.
P. O. Box 83720
Meridian, ID 83642
Phone: (208) 332-8986
Fax: (208) 1-877-810-2840

DOCKET NO. 07-0501-1202 - 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 12-9, September 5, 2012, pages 27 through 29](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 11 - IDAHO STATE POLICE

11.02.01 - RULES OF THE IDAHO STATE BRAND BOARD

DOCKET NO. 11-0201-1201 (FEE RULE)

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 67-2901, 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 21, 2012.

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:

A drop in the number of new brands being recorded and fewer brands being renewed has resulted in a decline of needed revenue. This rulemaking increases fees needed to secure the necessary revenue to properly execute the statutory functions of the Brand Board.

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

The enactment of House Bill 101 after the conclusion of 2011 legislative session increased the caps on certain fees charged by the Idaho Brand Board. During the June 29, 2010 Board meeting, the Board voted to increase certain fees and HB 101 was drafted to put those increases into state law.

The fees being increased in this rulemaking are as follows: the Transfer of Brand Fee is increased to \$50; the Renewal of a Recorded Brand (every 5 years) is increased to \$100; and the Ownership and Transportation Certificate fee is increased to \$35.

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

There is no negative impact to the general fund as this rule change has the potential to increase revenue approximately \$107,000. The increase in revenue will help cover the rising personnel benefit costs, fuel costs, and mileage reimbursement for private vehicle use.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because representatives of the affected parties were involved in the drafting and approval of the rule.

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 Larry Hayhurst, Brands Inspector, 884-7071 or larry.hayhurst@isp.idaho.gov.

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 28, 2012.

DATED this 25th day of October, 2012.

Col. G. Jerry Russell, Director
Idaho State Police
700 S. Stratford Dr.

Meridian, ID 83642
Phone: 208-884-7003
Fax: 208-884-7090

Pursuant to Section 67-5221(1), Idaho Code, this docket is being published as a proposed rule.

This docket has been previously published as a temporary rule.
 The temporary effective date is February 1, 2012.

The original text of the temporary rule was published in the Idaho Administrative Bulletin,
[Volume 12-3, March 7, 2012, pages 24 and 25.](#)

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 11-0201-1201

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

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

SCHEDULE OF FEES		
Recording of a Brand	\$50 initial recording fee plus a \$4020 per year prorated staggered renewal fee every year thereafter	
Transfer of a recorded brand	\$ 25 50.00	
Renewal of a recorded brand (Every five years)	\$ 50 100.00	
Duplicate brand registration certificate	\$1.50	
Ownership and transportation certificate	\$ 2 35.00	
Duplicate ownership and transportation certificate	\$5.00	
Annual inspection equine or bovine	\$5.00	
	CATTLE	HORSES
Brand inspection (per head)	\$.94	\$1.50
Idaho livestock to pasture (per head)	\$.47	\$.75
Minimum auction fee	\$50.00	\$50.00
Minimum field brand inspection fee	\$10.00	\$10.00
Courtesy brand inspection	\$.94	\$1.50

Fees To Be Collected By The State Brand Inspector For Other State Agencies:	
Idaho Beef Council (per head)	\$1. 00 50
Idaho Horse Board (per head)	\$3.00
Idaho Department of Agriculture:	
Animal health (per head)	\$.22

Fees To Be Collected By The State Brand Inspector For Other State Agencies:	
Predator control (per head)	\$. 0 ⁴⁰⁵

~~(3-19-07)~~()

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

IDAPA 11 - IDAHO STATE POLICE
11.02.02 - IDAHO LIVESTOCK DEALER LICENSING
DOCKET NO. 11-0202-1201 (FEE RULE)
NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 67-2901, 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 21, 2012.

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

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Idaho Brand Board has 181 licensed Idaho Livestock Dealers and 214 licensed Idaho livestock Representatives. This number has dropped over the years resulting of a decline of needed revenue. This rulemaking increases fees needed to secure the necessary revenue to properly execute the statutory functions of the Brand Board.

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

The enactment of House Bill 101 after the conclusion of 2011 legislative session increased the caps on certain fees charged by the Idaho Brand Board. During the June 29, 2010 Board meeting, the Board voted to increase certain fees and HB 101 was drafted to put those increases into state law.

The fees increased in this rulemaking are as follows: The Livestock Dealer Fees are increased from \$40 to \$100; and Livestock Dealer Representative Fees increased from \$15 to \$35.

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

There is no negative impact to the general fund as this rule change has the potential to increase revenue approximately \$12,000. The increase in revenue will help cover the rising personnel benefit costs, fuel costs, and mileage reimbursement for private vehicle use.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because representatives of the affected parties were involved in the drafting and approval of the rule.

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 Larry Hayhurst, Brands Inspector, 884-7071 or larry.hayhurst@isp.idaho.gov.

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 28, 2012.

DATED this 25th day of October, 2012.

Col. G. Jerry Russell, Director
Idaho State Police
700 S. Stratford Dr.

Meridian, ID 83642
Phone: 208-884-7003
Fax: 208-884-7090

Pursuant to Section 67-5221(1), Idaho Code, this docket is being published as a proposed rule.

This docket has been previously published as a temporary rule.
The temporary effective date is February 1, 2012.

The original text of the temporary rule was published in the Idaho Administrative Bulletin,
Volume 12-3, March 7, 2012, pages 26 through 28.

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 11-0202-1201

000. LEGAL AUTHORITY.

The State Brand Board has authority to make rules to implement and administer the provisions of this Title 25, Chapter 33, Idaho Code, relating to livestock dealer licensing. ()

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 11.02.02, "Idaho Livestock Dealer Licensing." ()

02. Scope. These rules provide for the issuance and administration of livestock dealer licenses, the collection of appropriate fees for licensure, the provision of requirements necessary for licensure, and the enforcement of penalties for violations of the provisions of Title 25, Chapter 33, Idaho Code. ()

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. ()

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." ()

004. MAILING ADDRESS AND OFFICE HOURS.

The mailing address of the Idaho State Brand Board is P.O. Box 1177, Meridian, Idaho 83680-1177. Office hours are Monday through Friday, 8 a.m. to 5 p.m. Any or all forms used by the Idaho State Brand Board are available for inspection during office hours at 700 S. Stratford, Meridian, Idaho 83642. ()

~~005.~~ -- ~~0039.~~ (RESERVED)

~~00410.~~ DEFINITIONS.

As used in these rules, the following terms have the following meanings: (7-1-93)

01. Board. The state brand board created in Title 25, Chapter 11, Idaho Code. (7-1-93)

02. Livestock. Cattle, swine, bison, horses, mules or asses. (7-1-93)

03. Livestock Dealer. Any person who buys, receives or assembles livestock for his own account for resale within twenty (20) days from the date of purchase, or for the account of another person. This term also includes both a person who pays and the person who does not pay the owner or auction market the full purchase price at the time of taking possession of the livestock. (7-1-93)

04. Person. An individual, partnership, corporation, broker, order buyer, video livestock sale or other type of electronic marketing organization, association or other legal entity. (7-1-93)

05. Representative of a Licensee. Any full time employee, agent or other person who buys, receives,

sells, or assembles livestock for resale on behalf of a licensed livestock dealer.

(7-1-93)

~~005.—010.~~ ~~(RESERVED)~~

(BREAK IN CONTINUITY OF SECTIONS)

012. APPLICATION FEES.

- 01. Annual Fees.** The annual fees cover the period from July 1 to June 30 of the next year. (7-1-93)
- 02. Livestock Dealer.** The application fee for a livestock dealer license is ~~forty~~ one hundred dollars
(~~\$40~~100). ~~(7-1-93)~~()
- 03. Licensed Dealer.** The application fee for a representative of a licensed dealer is ~~fifteen~~ thirty-five
dollars (~~\$15~~35). ~~(7-1-93)~~()

IDAPA 11 - IDAHO STATE POLICE

11.03.01 - RULES GOVERNING ALCOHOL TESTING

DOCKET NO. 11-0301-1201

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 67-2901, 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 21, 2012.

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:

Clarifies that blood samples need to only contain a minimal concentration of sodium fluoride. The tubes in the ISP Blood Alcohol kits are prepared so that if they are filled, the sodium fluoride concentration will be ten (10) milligrams of sodium fluoride per cubic centimeter of blood. If the blood tube is not all the way full, the concentration of sodium fluoride in the tube will be greater. Having a larger concentration of sodium fluoride in the tube (due to a smaller blood collection) makes no difference because the sodium fluoride is a preservative and has no effect on the testing. Regardless of the amount of blood in the tube, there will be an adequate amount of sodium fluoride to preserve the blood sample appropriately.

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 there is no change to the intent of the rule; the amending language removes ambiguity of interpretation regarding amount of sodium fluoride required for alcohol testing.

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 Matthew Gamette, ISPFS Quality Manger, 884-7217 or matthew.gamette@isp.idaho.gov.

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 28, 2012.

DATED this 25th day of October, 2012.

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

Pursuant to Section 67-5221(1), Idaho Code, this docket is being published as a proposed rule.

This docket has been previously published as a temporary rule.
The temporary effective date is November 1, 2011.

The original text of the temporary rule was published in the Idaho Administrative Bulletin,
Volume 12-1, January 4, 2012, pages 45 and 46.

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 11-0301-1201

013. REQUIREMENTS FOR LABORATORY ALCOHOL ANALYSIS.

01. Laboratory. Any laboratory desiring to perform urine alcohol or blood alcohol analysis shall meet the following standards: (3-19-99)

a. The laboratory shall prepare and maintain a written procedure governing its method of analysis, including guidelines for quality control and proficiency testing; (7-1-93)

b. The laboratory shall provide adequate facilities and space for the procedure used; (7-1-93)

c. Specimens shall be maintained in a secure storage area prior to analysis; (7-1-93)

d. All equipment, reagents and glassware necessary for the performance of the chosen procedure shall be on hand or readily available on the laboratory premises; (7-1-93)

e. The laboratory shall participate in approved proficiency testing and pass this proficiency testing according to standards set by the department. Failure to pass a proficiency test shall result in disapproval until the problem is corrected and a proficiency test is successfully completed; (7-1-93)

f. For a laboratory performing blood or urine alcohol analysis, approval shall be awarded to the laboratory director or primary analyst responsible for that laboratory. The responsibility for the correct performance of tests in that laboratory rests with that person; however, the duty of performing such tests may be delegated to any person designated by such director or primary analyst; (3-19-99)

g. Urine samples shall be collected in clean, dry containers. (7-1-93)

02. Blood Collection. Blood collection shall be accomplished according to the following requirements: (7-1-93)

a. Blood samples shall be collected using sterile, dry syringes and hypodermic needles, or other equipment of equivalent sterility; (7-1-93)

b. The skin at the area of puncture shall be cleansed thoroughly and disinfected with an aqueous solution of a nonvolatile antiseptic. Alcohol or phenolic solutions shall not be used as a skin antiseptic; (7-1-93)

c. Blood specimens shall contain at least ten (10) milligrams of sodium fluoride per cubic centimeter of blood plus an appropriate anticoagulant. (~~7-1-93~~) ()

03. Results. The results of analysis on blood for alcohol concentration shall be reported in units of grams of alcohol per one hundred (100) cubic centimeters of whole blood. (3-19-99)

04. Reported. The results of analysis on urine for alcohol concentration shall be reported in units of

grams of alcohol per sixty-seven (67) milliliters of urine. Results of alcohol analysis of urine specimens shall be accompanied by a warning statement about the questionable value of urine alcohol results. (3-19-99)

05. Records. All records regarding proficiency tests, quality control and results shall be retained for three (3) years. (7-1-93)

IDAPA 11 - IDAHO STATE POLICE

11.05.01 - RULES GOVERNING ALCOHOL BEVERAGE CONTROL

DOCKET NO. 11-0501-1101

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 Sections 23-901, 23-932, 23-1330, and 23-1408, 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 21, 2012.

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

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This proposed rule provides a definition of "Multipurpose Arena" currently listed in Section 23-943, Idaho Code, clarifies existing rules providing additional information for licensees to ensure compliance with regulations and allow more consistent enforcement of alcohol beverage laws. This rule provides specific circumstances when minors are permitted or prohibited, considering modern business concepts and the specific types of establishments. This rule also protects public safety by restricting minors from primarily drinking establishments, regulating "over/under" clubs.

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 representatives of the affected parties were involved in the drafting and approval of the rule.

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 Lt. Bob Clements 208-884-7062 or Robert.clements@isp.idaho.gov.

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 28, 2012.

DATED this 26th day of October, 2012.

Colonel G. Jerry Russell
Idaho State Police
700 S. Stratford Dr.
Meridian, ID 83642
Phone: (208) 884-7003
Facsimile: (208) 884-7090

Pursuant to Section 67-5221(1), Idaho Code, this docket is being published as a proposed rule.

This docket has been previously published as a temporary rule.
The temporary effective date is July 6, 2011.

The original text of the temporary rule was published in the Idaho Administrative Bulletin,
Volume 11-7, July 6, 2011, pages 38 through 41.

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 11-0501-1101

010. DEFINITIONS.

01. Licensee. Any person who has received a license from the Director under any of the provisions of Title 23, Chapters 9, 10 or 13, Idaho Code. (7-1-93)

02. Licensed Premises. Any premises for which a license has been issued under any of the provisions of Title 23, Chapters 9, 10 or 13, Idaho Code. All areas included on the floor plan submitted to the Director with the licensee's application for a license constitute the licensed premises. In the event of loss or move of the physical licensed premises, the licensee has ninety (90) days to secure and occupy a new premises in which to display the license. All licenses must be prominently displayed in a suitable premises and remain in actual use by the licensee and available for legitimate sales of alcoholic beverages by the drink. An additional sixty (60) days may be granted by the Director, upon petition by the license holder. (3-6-07)

03. New Licenses. For purposes of Section 23-908(4), Idaho Code, a "new license" is one that has become available as an additional license within a city's limits under the quota system after July 1, 1980. The requirement of Section 23-908(4), Idaho Code, that a new license be placed into actual use by the licensee and remain in use for at least six (6) consecutive months is satisfied if the licensee makes actual sales of liquor by the drink during at least eight (8) hours per day, no fewer than six (6) days per week. (3-6-07)

04. Multipurpose Arena. ()

a. For purposes of Section 23-944(3), Idaho Code, a Multipurpose Arena is a: ()

i. Publicly or privately owned or operated arena, coliseum, stadium, or other facility where sporting events, concerts, live entertainment, community events, and other functions are presented for a ticketed price of admission or one whose premises are leased for private events such as receptions; ()

ii. Facility that is licensed to sell liquor by the drink at retail for consumption upon the premises; and ()

iii. Facility that has been endorsed by the director. ()

b. A Multipurpose Arena facility must apply annually for an endorsement on its alcohol beverage license. ()

c. To receive a Multipurpose Arena endorsement under this Section will require the facility to have food available including, but not limited to, hamburgers, sandwiches, salads, or other snack food. The director may also restrict the type of events at a Multipurpose Arena facility at which beer, wine, and liquor by the drink may be served. The director will also consider the seating accommodations, eating facilities, and circulation patterns in such a facility, and other amenities available at a Multipurpose Arena facility before the director will endorse the license. ()

d. A licensee that applies for a Multipurpose Arena endorsement must submit with the application an operating/security plan to the director and the local law enforcement agency for review and approval. Once approved, the plan remains in effect until the licensee requests a change or the director determines that a change is necessary due to demonstrated problems or conditions not previously considered or adequately addressed in the original plan. The plan must be submitted in a format designated by the director and must contain all of the following elements: ()

i. How the Multipurpose Arena facility will prevent the sale and service of alcohol to persons under twenty-one (21) years of age and those who appear to be intoxicated; ()

ii. The ratio of alcohol service staff and security staff to the size of the audiences at events where alcohol is being served; ()

iii. Training provided to staff who serve, regulate, or supervise the service of alcohol; ()

iv. The facility's policy on the number of alcoholic beverages that will be served to an individual patron during one (1) transaction; ()

v. A list of event type/categories to be held in the facility at which alcohol service is planned, along with a request for the level of alcohol service at each event; and ()

vi. Diagrams and designation of alcohol service areas for each type of event category with identified restrictions of minors. ()

e. Prior to the first of each month, the licensee must provide a schedule of events for the upcoming month to the director and local law enforcement office. This schedule must show the date and time of each event during which alcohol service is planned. The licensee must notify the director and local law enforcement at least twenty-four (24) hours in advance of any events where alcohol service is planned that were not included in the monthly schedule. ()

f. To prevent persons who are under twenty-one (21) years of age or who appear intoxicated from gaining access to alcohol, the director may require that an operating plan include additional mandatory requirements if it is determined that the plan does not effectively prevent violations of liquor laws and regulations, particularly those that prevent persons under twenty-one (21) years of age or who are apparently intoxicated from obtaining alcohol. ()

g. If premises, licensed as a Multipurpose Arena, subsequently ceases to meet the qualifications of a Multipurpose Arena, the restrictions contained in Section 23-943, Idaho Code, shall apply and the posting of signs as provided for in Section 23-945, Idaho Code, shall be required. The licensee shall advise the director, by mail, that his premises no longer constitute a Multipurpose Arena, so that the license may be modified accordingly. ()

045. Partition. A partition, as used in Section 23-944 Idaho Code, is defined as a structure separating the place from the remainder of the premises. Access through the structure to the place will be controlled to prevent minors from entering the place. The structure must be: (3-6-07)

a. Permanently fixed from the premises ceiling to the premises floor. (3-6-07)

b. Made or constructed of solid material such as glass, wood, metal or a combination of those products. (3-6-07)

c. Designed to prevent an alcoholic beverage from being passed over, under or through the structure. (3-6-07)

d. All partitions must be approved by the Director. (3-6-07)

056. Place. For the purposes of Section 23-943, Idaho Code, "Place" as defined by Section 23-942(b), for a one (1) room restaurant without a barrier or partition, refers to the immediate bar area wherein there is seating alongside a counter or barrier that encloses bar supplies and equipment that are kept, and where alcoholic beverages

are mixed, poured, drawn or served for consumption. (3-6-07)

067. Restaurant. The term Restaurant, as defined by Section 23-942(c), Idaho Code, is further defined as an establishment maintained, advertised and held out to the public as primarily a food eating establishment, where individually priced meals are prepared and regularly served to the public, primarily for on-premises consumption. The establishment must also have a dining room or rooms, kitchen and cooking facilities for the preparation of food, and the number, and type of employees normally used in the preparing, cooking and serving of meals. Primarily as defined for the purposes of Section 010, also includes that the licensee must show to the director the following: (3-6-07)

- a. An established menu identifying the individually priced meals for consumption; (3-20-04)
- b. Food service and preparation occurs on the premises by establishment employees; (3-20-04)
- c. Stoves, ovens, refrigeration equipment or such other equipment usually and normally found in restaurants are located on the premises of the establishment; (3-20-04)
- d. The licensee must demonstrate to the satisfaction of the Director, through appropriate business records, that the establishment is advertised and held out to the public as primarily a food eating establishment, or that at least forty percent (40%) of the establishments consumable purchases are derived from purchases of food and non-alcoholic beverages. (3-20-04)

078. Stock Transfer. For the purposes of Section 23-908, Idaho Code, the sale or exchange of stock in a closely held corporation holding a license is deemed a transfer of the license. However, the sale or exchange of shares in a family corporation among family members, is not a transfer. (3-6-07)

(BREAK IN CONTINUITY OF SECTIONS)

021. AGE RESTRICTION REQUIREMENTS.

01. Over/Under Clubs. Minors shall not enter, remain or loiter in any licensed establishment that sells alcoholic beverages by the drink, ~~except for those premises listed in Section 23-944, Idaho Code, or where drinking alcohol is the predominant activity, or where an environment is created in which drinking alcohol appears to be the predominant activity. This includes an establishment that provides entertainment and whose primary source of revenue comes from the sale of alcoholic beverages for consumption on the premises, or cover charges, or both.~~ (3-6-07)()

02. Posting of Age Restriction Signs. Sections 23-945 and 23-1026, Idaho Code, require every alcoholic beverage licensee to post an age restriction sign. Such sign must contain the following words in lettering of at least one (1) inch in height: "Admittance of persons under twenty-one (21) years of age prohibited by law." Such sign must be placed conspicuously over or on the door of each entrance to the licensed premises and must be clearly visible from the exterior approached to such premises. (3-6-07)

03. Counterfeit or Altered Age Documents. If alcoholic beverage licensees, their employees, or agents receive age identification documents which have been lost or voluntarily surrendered, they shall deliver the documents to an agent or investigator of the Alcohol Beverage Control Bureau or to other law enforcement officials within fifteen (15) days from the date they were received, found or voluntarily surrenders. When identification documents that appear to be mutilated, altered or fraudulent are presented to a licensee, their employees or agents, they must contact law enforcement and/or refuse service. (3-6-07)

IDAPA 11 - IDAHO STATE POLICE
11.13.01 - THE MOTOR CARRIER RULES
DOCKET NO. 11-1301-1201
NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 67-2901A and 49-901, 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 21, 2012.

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

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule change updates the incorporation by reference of the Code of Federal Regulations pertaining to the commercial federal regulations governing commercial motor vehicles and, specifically, hours of service and the restricted use of hand held devices.

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 amendment of this rule aligns it with federal regulations that have already been implemented.

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: Updates the incorporation by reference of the CFR regarding hours of service and the restricted use of hand held devices for commercial motor vehicles

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Lt. Jim Eavenson, 884-7048 or james.eavenson@isp.idaho.gov.

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 28, 2012.

DATED this 25th day of October, 2012

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

Pursuant to Section 67-5221(1), Idaho Code, this docket is being published as a proposed rule.

This docket has been previously published as a temporary rule.
The temporary effective date is March 1, 2012.

The original text of the temporary rule was published in the Idaho Administrative Bulletin,
Volume 12-5, May 2, 2012, pages 62 through 64.

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 11-1301-1201

019. CARRIER SAFETY REQUIREMENTS (RULE 19).

01. Adoption of Federal Regulations. Adoption of Federal Regulations 49 CFR Parts 356, 365, 382, 383, 385, 387, 388 and 390 through 399 are hereby adopted by reference. Whenever any one (1) of these federal regulations (except Section 391.11(b)(1)) exempts intrastate carriers from any of their requirements, this rule at IDAPA 11.13.01, "The Motor Carrier Rules," Section 019, removes that exemption and subjects the intrastate carrier to the same requirements. The Department asserts its authority under Section 019 to the maximum extent allowed by Section 67-2901A, Idaho Code, Public Laws 89-679 and 89-170 (see 49 U.S.C. 502(c)(3)), 49 CFR Part 388.

(3-30-07)

a. All interstate and foreign carriers and intrastate carriers, except those carriers listed in Subsection 019.01.b., subject to the safety authority of the Idaho State Police while operating in Idaho that transport passengers or property, must comply with 49 CFR Parts 356, 365, 382, 383, 385, 387, 388 and 390 through 399, and the law and rules of the state of Idaho (except Part 391.11(b)(1) for intrastate carriers).

(3-30-07)

b. Intrastate carriers operating commercial motor vehicles transporting property with a GVW, GVWR, GCW or GCWR greater than ten thousand (10,000) pounds and up to twenty-six thousand (26,000) pounds, subject to the authority of the Idaho State Police, must comply with 49 CFR Part 390 Subpart A, Part 391.15, Parts 392, 393, and Part 396.1, 396.3(a), (a)(1), and (a)(2), and 396.5 through 396.9 and the law and rules of the state of Idaho. All intrastate carriers transporting placardable quantities of hazardous material under 49 CFR Part 172, Subpart F and passengers, meeting the definition of a commercial motor vehicle, must comply with 49 CFR Parts 356, 365, 382, 383, 385, 387, 388 and 390 through 399, and the law and rules of the state of Idaho (except Part 391.11(b)(1) for intrastate carriers).

(3-30-07)

c. The subject matter of 49 CFR 391.11(b)(1) is a twenty-one (21) year minimum age for drivers of commercial vehicles subject to federal safety regulation. Intrastate carriers subject to the safety authority of the Idaho State Police may hire drivers who are eighteen (18) years or older as set forth in Section 49-303, Idaho Code.

(3-30-07)

02. Obligation of Familiarity With Rules. All interstate and foreign carriers and all intrastate carriers subject to these Rules at IDAPA 11.13.01, "The Motor Carrier Rules," Section 019 must obtain copies of the federal regulations adopted by reference in Subsection 019.01 and make them available to their drivers and other personnel affected by the regulations. Failure to be familiar with these federal regulations adopted by reference is a violation of this Subsection 019.02 for any carrier subject to those regulations. The federal regulations adopted by reference address the following subject matter:

(4-5-00)

- a.** Part 356. Motor Carrier Routing Regulations. (3-29-10)
- b.** Part 365. Rules Governing Application for Operating Authority. (3-29-10)
- c.** Part 382. Controlled Substance and Alcohol Use and Testing. (4-5-00)

- d. Part 383. Commercial Driver's License Standards; Requirements and Penalties. (4-5-00)
- e. Part 385. Safety Fitness Procedures. (3-29-10)
- f. Part 387. Minimum Levels of Financial Responsibility. (3-29-10)
- g. Part 388. Cooperative Agreements with States. (4-5-00)
- h. Part 390. Federal Motor Carrier Safety Regulations: General. (4-5-00)
- i. Part 391. Qualifications of Drivers. (4-5-00)
- j. Part 392. Driving of Commercial Motor Vehicles. (3-29-10)
- k. Part 393. Parts and Accessories Necessary for Safe Operation. (4-5-00)
- l. Part 395. Hours of Service of Drivers. (4-5-00)
- m. Part 396. Inspection, Repair and Maintenance. (4-5-00)
- n. Part 397. Transportation of Hazardous Materials; Driving and Parking Rules. (4-5-00)
- o. Part 398. Transportation of Migrant Workers. (4-5-00)
- p. Part 399. Employee Safety and Health Standards. (4-5-00)

03. Recognition of Federal Waivers. Whenever a driver or carrier has applied to a federal agency and been granted a waiver from any of the requirements of the federal regulations adopted in Subsection 019.01, the federal waiver will also be recognized under these rules. The Department reserves the authority to implement a waiver program and grant waivers on the state level for intrastate commercial motor vehicle drivers. (4-5-00)

04. Version of Federal Regulations Adopted. The federal regulations adopted by reference in this ~~Sub~~section 019 are those contained in the compilation of 49 CFR Parts 356, 365, 382, 383, 385, 387, 388, 390 through 399 published in the Code of Federal Regulations volumes dated ~~October 1, 2008~~ March 1, 2012. (3-29-10)()

05. Availability of Incorporated Documents. The 49 CFRs can be found on the Federal Motor Carrier Safety Administration website at www.fmcsa.dot.gov or copies may be viewed at the office of the Idaho State Police. (3-29-10)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.09 - MEDICAID BASIC PLAN BENEFITS

DOCKET NO. 16-0309-1203

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 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, 56-250 through 56-257, and 56-260 through 56-266, Idaho Code; also Title XIX (Medicaid) of the Social Security Act, Section 1905(bb)(2) and Section 56-209(g), 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:

A revision to Title XIX, Section 1905(bb)(2) of the Social Security Act requires all State Medicaid Programs to cover tobacco cessation products and counseling for pregnant women and children. The Department submitted Docket No. 16-0309-1201 to cover tobacco cessation products for pregnant women and align this chapter with the federal mandate. The rule was rejected by the 2012 Legislature because of concerns that it did not take into consideration the recommendations in "A Clinical Practice Guideline," published by the Public Health Service (PHS) in May 2008.

This guideline document recommends strategies to assist clinicians in identifying and treating tobacco dependency. Idaho already covers the recommended strategies such as counseling, but under the current rules pharmacologic interventions are not available to all Medicaid participants. The overview of the PHS clinical guidelines indicates that, ". . . although smoking cessation pharmaceuticals are not usually recommended for pregnant women, such use may be evaluated on a case-by-case basis, as determined by a woman and her physician."

The rule amendments proposed under this docket will allow for coverage of tobacco cessation products for pregnant women and children when their physician determines that the products are necessary and safe for the health of the participant and the baby in accordance with the PHS guideline document cited above. Failure to align these rules with federal law may put the Department's federal matching funds at risk.

The Department is also aligning these rules with the Idaho Medicaid State Plan, and with Medicaid's reimbursement methodology defined in Section 56-209(g), Idaho Code. This realignment will eliminate the reference to the "unit dose fee" for the dispensing of prescription medications.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the July 4, 2012, Idaho Administrative Bulletin, [Vol. 12-7, pages 48 through 52](#).

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:

It is anticipated that the cost of this change will be less than \$1000. The tobacco cessation products are rarely recommended for pregnant women and children, and all products would require prior authorization. During the past calendar year there have been no requests for these products. There is no fiscal impact associated with the removal of the reference to "unit dose fee."

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Matt Wimmer at (208) 364-1989.

DATED this 4th day of October, 2012.

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. 16-0309-1203 - 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 12-7, July 4, 2012, pages 48 through 52.](#)**

**This rule has been adopted as a pending rule by the Agency and is now awaiting
review and approval by the 2013 Idaho State Legislature for final adoption.**

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.10 - MEDICAID ENHANCED PLAN BENEFITS

DOCKET NO. 16-0310-1204

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 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, 56-250 through 56-257, and 56-260 through 56-266, Idaho Code; also House bill 609 (2012).

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:

These rule changes are being made to bring this chapter into alignment with the changes made to Section 56-255(5)(c), Idaho Code, as amended under House Bill 609 (2012). Section 56-255(5)(c), Idaho Code (as amended), now states that "participants on the aged and disabled (A&D) waiver and the developmental disability (DD) waiver shall have access to dental services that reflect evidence-based practice." The Department is adding dental benefits to these two waivers to comply with the new state law, and is revising the rules to reflect these changes.

House Bill 609 also amended Section 56-264(2)(6), Idaho Code, to allow concurrent skill training by mental health providers and developmental disability providers, so long as the mental health skills training relates to the mental illness and is provided by professionals who possess mental health expertise, and the training provided by the developmental disability provider relates to the developmental disability. These services may not be duplicative of each other. The Department is aligning the rules regarding skill training with the changes in the law.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the July 4, 2012, Idaho Administrative Bulletin, [Vol. 12-7, pages 53 through 90](#).

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:

Dental benefits will have an estimated fiscal impact of \$600,000 to the state general fund. Skill training will have an estimated fiscal impact of \$900,000 to the state general fund. The net cost to the state general fund is projected to be \$1,500,000.

Note: HB 609 provided for these funds and they are included in the SFY 2013 budget for the Division of Medicaid.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Mark Wasserman at (208) 287-1156.

DATED this 4th day of October, 2012.

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. 16-0310-1204 - 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 12-7, July 4, 2012, pages 53 through 90.**

**This rule has been adopted as a pending rule by the Agency and is now awaiting
review and approval by the 2013 Idaho State Legislature for final adoption.**

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.25 - IDAHO MEDICAID ELECTRONIC HEALTH RECORD (EHR) INCENTIVE PROGRAM
DOCKET NO. 16-0325-1201 (NEW CHAPTER)
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 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, and 56-1054, Idaho Code; also the American Reinvestment and Recovery Act of 2009 (ARRA), Section 4201, and 42 CFR Part 495.

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 Department is adopting a new chapter of rules to administer the Medicaid Electronic Health Record (EHR) Incentive Program in which it has opted to participate. Section 4201 of the ARRA established this voluntary program to disburse incentive payments to Medicaid providers who adopt, implement, or upgrade to become meaningful users of certified electronic health record systems.

This new chapter of rules encompasses the Medicaid EHR Incentive Program state criteria for eligible professionals and eligible hospitals.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the July 4, 2012, Idaho Administrative Bulletin, [Vol. 12-7, pages 91 through 97](#).

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

The state general fund impact is neutral for this rulemaking. The Department will use existing resources to make this program operational. Through the authority of the ARRA the Department will pay 100% federally funded incentive payments to eligible providers in Idaho to purchase and maintain certified Electronic Health Record systems.

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

DATED this 4th day of October, 2012.

Tamara Prisock
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fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

DOCKET NO. 16-0325-1201 - 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 12-7, July 4, 2012, pages 91 through 97.**

**This rule has been adopted as a pending rule by the Agency and is now awaiting
review and approval by the 2013 Idaho State Legislature for final adoption.**

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.04.10 - RULES GOVERNING THE COMMUNITY SERVICES BLOCK GRANT PROGRAM

DOCKET NO. 16-0410-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 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 and 56-203, Idaho Code, and 42 USC Chapter 106.

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 aligning the federal poverty level with federal regulations is being adopted as proposed. The complete text of the proposed rule was published in the August 1, 2012, Idaho Administrative Bulletin, [Vol.12-8, pages 57 through 59](#).

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:

There is no fiscal impact to state general funds for this rulemaking. The Community Services Block Grant program is 100% federally funded.

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

DATED this 4th day of October, 2012.

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. 16-0410-1203 - 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 12-8, August 1, 2012, pages 57 through 59](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.06.01 - CHILD AND FAMILY SERVICES

DOCKET NO. 16-0601-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 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(b) and 56-204A, Idaho Code, and Department appropriations under Senate Bill 1414 adopted by the 2012 Legislature.

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 for foster care reimbursement is being adopted as proposed. The complete text of the proposed rule was published in the August 1, 2012, Idaho Administrative Bulletin, [Vol. 12-8, pages 60 and 61](#).

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 2012 Legislature added an ongoing increase to the Department's appropriations budget of \$150,000 in state general funds for foster care reimbursements. This funding increase is the only fiscal impact to the state general fund for this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the pending rule, contact Cameron Gilliland at (208) 334-5702.

DATED this 4th day of October, 2012.

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. 16-0601-1201 - 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 12-8, August 1, 2012, pages 60 and 61](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 18 - DEPARTMENT OF INSURANCE

18.01.09 - CONSUMER PROTECTION IN ANNUITY TRANSACTIONS

DOCKET NO. 18-0109-1201 (CHAPTER REPEAL)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 41-211 and 41-1940 Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the 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 5, 2012 Idaho Administrative Bulletin, [Vol. 12-9 page 135](#).

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 Tom Donovan, (208) 334-4214 or tom.donovan@doi.idaho.gov.

DATED this 5th day of October, 2012.

William Deal
Idaho Department of Insurance
700 West State Street, 3rd Floor
Boise, ID 837290-0043
Phone: (208) 334-4250

DOCKET NO. 18-0109-1201 - 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 12-9, September 5, 2012, page 135](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 18 - DEPARTMENT OF INSURANCE
18.01.09 - SUITABILITY IN ANNUITY TRANSACTIONS
DOCKET NO. 18-0109-1202 (CHAPTER REWRITE)
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 41-211 and 41-1940 Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the 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 5, 2012 Idaho Administrative Bulletin, [Vol. 12-9 pages 136 through 144](#).

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 Tom Donovan, (208) 334-4214 or tom.donovan@doi.idaho.gov.

DATED this 5th day of October, 2012.

William Deal
Idaho Department of Insurance
700 West State Street, 3rd Floor
Boise, ID 837290-0043
Phone: (208) 334-4250

DOCKET NO. 18-0109-1202 - 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 12-9, September 5, 2012, page 136 through 144.](#)**

**This rule has been adopted as a pending rule by the Agency and is now awaiting
review and approval by the 2013 Idaho State Legislature for final adoption.**

IDAPA 18 - DEPARTMENT OF INSURANCE

18.01.19 - INSURANCE RATES AND CREDIT RATING

DOCKET NO. 18-0119-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 41-211 and 41-1843, 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 5, 2012 Idaho Administrative Bulletin, [Vol. 12-9 pages 145 and 146](#).

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 Tom Donovan, (208) 334-4214, or tom.donovan@doi.idaho.gov.

DATED this 5th day of October, 2012.

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

DOCKET NO. 18-0119-1201 - 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 12-9, September 5, 2012, pages 145 and 146.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 18 - DEPARTMENT OF INSURANCE

18.01.44 - SCHEDULE OF FEES, LICENSES AND MISCELLANEOUS CHARGES

DOCKET NO. 18-0144-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Sections 41-211, 41-401, 41-1007(1)(b), and 41-1089(6), 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 5, 2012 Idaho Administrative Bulletin, [Vol. 12-9 pages 147 through 149](#).

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. These fees are being imposed pursuant to Section 41-401, Idaho Code.

For the original license application, a vendor of portable electronics insurance, a type of limited lines producer, engaged in portable electronics transactions at more than ten locations in the state of Idaho, the fee is \$1,000. For a vendor engaged in portable electronics transactions at ten or fewer locations in the state of Idaho, the fee is \$100.

For license renewal, a vendor of portable electronics insurance engaged in portable electronics transactions at more than ten locations in the state of Idaho, the fee is \$500. For a vendor engaged in portable electronics transactions at ten or fewer locations in the state of Idaho, the fee is \$100.

Fingerprint processing fees are increased up to, but may not exceed, \$80.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending fee rule, contact Tom Donovan, (208) 334-4214, or tom.donovan@doi.idaho.gov.

DATED this 5th day of October, 2012.

William W. Deal, Director
Idaho Department of Insurance
700 W. State St, 3rd Floor

Boise, ID 83720-0043
Phone: (208)334-4250
Fax: (208)334-4398

DOCKET NO. 18-0144-1201 - ADOPTION OF PENDING FEE RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 12-9, September 5, 2012, pages 147 through 149](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 18 - DEPARTMENT OF INSURANCE

18.01.56 - REBATES AND ILLEGAL INDUCEMENTS TO OBTAINING TITLE INSURANCE BUSINESS

DOCKET NO. 18-0156-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 41-211 and 41-1314, and 14-2708(3), 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 5, 2012 Idaho Administrative Bulletin, [Vol. 12-9, pages 150 and 151](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Tom Donovan, (208) 334-4214 or tom.donovan@doi.idaho.gov.

DATED this 5th day of October, 2012.

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

DOCKET NO. 18-0156-1201 - 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 12-9, September 5, 2012, pages 150 and 151.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 25 - IDAHO OUTFITTERS AND GUIDES LICENSING BOARD
25.01.01 - RULES OF THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD
DOCKET NO. 25-0101-1201

NOTICE OF PUBLIC HEARING AND EXTENSION OF WRITTEN COMMENT PERIOD

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5222, Idaho Code, notice is hereby given that this agency has scheduled public hearings and extended the period of public comment. This negotiated rulemaking action is authorized pursuant to Sections 67-5220(1), 36-2107(b) and (d); and 36-2110 and 36-2119 Idaho Code.

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

Thursday - 11/29/12 - 7-10 pm	Tuesday - 12/04/12 - 7-10 pm
Best Western Plus Lodge at River's Edge 615 Main Street Orofino ID 83544	Shilo Inn Suites Hotels 780 Lindsay Boulevard Idaho Falls ID 83402
Wednesday - 12/05/12 - 7-10 pm	Tuesday - 12/11/12 - 7-10 pm
Best Western Burley Inn & Convention Center 800 North Overland Avenue Burley ID 83318	Nampa Civic Center 311 3rd Street South Nampa ID 83651
Wednesday - 12/12/12 - 7-10 pm	
Boise Hotel & Conference Center 3300 Vista Avenue Boise ID 83705	

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 summary of this action can be found in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 614 through 616](#).

In general, the Board has initiated this Negotiated Rule making for the following purposes:

- <•> To address ambiguity in existing rules pertaining to outfitter licensure and private membership organizations and clubs.
- <•> To clarify in rule when private land owners are required to be licensed as outfitters.
- <•> To replace a current informal moratorium for outfitted turkey and waterfowl hunting with rules (with the force and effect of law) that will set appropriate limits on such activity.

The Board's goal using the Negotiated Rule Making process is to provide significant opportunities for public involvement over the next ten months. In doing so, the Board intends to be sensitive to the various elements of the "public", including but not limited to various individuals, sportsmen organizations, representatives of the outfitting and guiding industry, landowners and economic development groups, and other interested parties regarding their views. During this time IDFG will also be asked to collaborate in developing a final set of draft rules prior to their adoption by the Board in August, 2013. The adopted rules will then require gubernatorial and legislative review and approval culminating during the 2014 Legislative Session.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact the Idaho Outfitter and Guides Licensing Board, 208-327-7380.

SUBMISSION OF WRITTEN COMMENTS: The comment period for this rulemaking has been extended. Anyone may submit written comments regarding this rulemaking.

Any written comments submitted at a public hearing carry the same weight as oral testimony. All written comments must be directed to the undersigned and must be delivered on or before April 26, 2013.

DATED this 10th day of October, 2012.

Jake Howard
Executive Director
Idaho Outfitters and Guides Licensing Board
1365 North Orchard
Boise, Idaho 83706

IDAPA 46 - BOARD OF VETERINARY MEDICINE

46.01.01 - RULES OF THE STATE OF IDAHO BOARD OF VETERINARY MEDICINE

DOCKET NO. 46-0101-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-2105, 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 5, 2012 Idaho Administrative Bulletin, [Vol. 12-9, pages 205 through 217](#).

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

The Board of Veterinary Medicine is a dedicated fund agency; therefore the General Fund will not be impacted by this rulemaking. It is estimated that the Board's dedicated fund account either will not be impacted, or that there will be a minimal positive impact of less than \$2,000/year.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Karen Ewing, Executive Director, at (208) 332-8588.

DATED this 1st day of October, 2012.

Karen Ewing, Executive Director
Board of Veterinary Medicine
2270 Old Penitentiary Rd.
P. O. Box 7249
Boise, ID 83707
Phone: (208) 332-8588
FAX: (208)334-2170

DOCKET NO. 46-0101-1201 - 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 12-9, September 5, 2012, pages 205 through 217](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 52 - IDAHO STATE LOTTERY

52.01.03 - RULES GOVERNING OPERATIONS OF THE IDAHO STATE LOTTERY

DOCKET NO. 52-0103-1203

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 67-7408(1)(e), 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 21, 2012.

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

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Lottery offers many different play styles, from draw and Scratch games to PullTabs. This rule allows the Lottery to include a terminal produced Scratch style game in our current portfolio, which will appeal to social environment retailers and other non-traditional locations. The games are designed to be played on the Lottery's new player operated vending machine, the MP, which currently sells only draw tickets. The purpose of the machine is to reduce lines and speed transactions in high volume retail locations and improve the purchasing experience for customers and retailers. The change requested allows for a terminal game, which is structured like a Scratch game, with a finite number of tickets, pools and assigned pack and ticket numbers, but delivers the play via a multi-purpose vending machine, or MP.

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

The Lottery anticipates no negative fiscal impact. The requested game type will allow the Lottery to enhance existing offerings in the field, and potentially augment sales to current non-traditional, social environments.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the September 5, 2012 Idaho Administrative Bulletin, [Vol. 12-9, page 218](#).

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

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 28, 2012.

DATED this 2nd day of October, 2012.

Jeff Anderson, Executive Director
Idaho State Lottery
1199 Shoreline Lane
P. O. Box 6537
Boise, ID 83707-6537
Phone: (208) 334-2600
Fax: (208) 344-2610

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 52-0103-1203

204. ON-LINE COMPUTER GAMES (RULE 204).

01. On-Line Games -- Authorized -- Director's Authority. The Commission hereby authorizes the Director to select and operate on-line games which meet the criteria set forth in these rules. (3-26-08)

02. Definitions. As used in Rule 204 these terms have the following definitions: (3-26-08)

a. "Drawing." The procedure determined by the Director by which the Lottery selects the winning combination in accordance with the rules of the game. Drawings are open to the public. The equipment used in any drawing must be inspected by the Director of Security or his designee both before and after the drawing. (5-8-09)

b. "On-line Game." ()

i. A Lottery game in which a player selects a combination of numbers or symbols, the type of game and amount of play, and the drawing date by use of a computer. In return for paying the appropriate fee, the player receives a computer-generated ticket with the player's selection printed on it. Each ticket bearer whose valid ticket includes a winning combination will be entitled to a prize if claim is submitted within the specified time period. (3-26-08)

ii. On-line terminal (OLT) instant ticket game having characteristics as defined in Paragraphs 202.02.a., b., d. and i. of these rules. ()

c. "On-line Retailer." A person or business authorized by the Lottery to sell on-line tickets. (3-26-08)

d. "On-line Terminal (OLT)." The computer hardware by which an on-line retailer or player enters the combination selected by the player and by which on-line tickets are generated and claims are validated. (3-26-08)

e. "On-line Ticket." A computer-generated ticket issued by an on-line terminal to a player as a receipt for the combination a player has selected. That ticket is the only acceptable evidence of the combination of numbers or symbols selected. (3-26-08)

f. "Ticket Bearer." The person who has signed the on-line ticket or who has possession of an unsigned ticket. (3-26-08)

g. "Validation." The process of determining whether an on-line ticket presented for payment is a winning ticket. (3-26-08)

h. "Winning Combination." One (1) or more numbers or symbols randomly selected by the State Lottery or its designee in a public drawing. (3-26-08)

03. Distribution of Tickets. (3-26-08)

a. Tickets will be sold by retailers selected by the Director. (3-26-08)

b. The Director is authorized to arrange for the distribution of OLTs, player-activated terminals (PATs), ticket stock, and supplies to certificated retailers. (3-26-08)

04. Sale of Tickets. (3-26-08)

a. No person other than a retailer under a contract for the sale of tickets with the Lottery may sell on-line Lottery tickets, except that nothing in this section will be construed to prevent a person who may lawfully purchase tickets from making a gift of Lottery tickets to another. (3-26-08)

b. Tickets may not be sold at a location other than the address listed on the retailer's contract with the Lottery. (3-26-08)

c. Nothing in this section shall be construed to prohibit the Director from designating certain of its agents and employees to sell Lottery tickets directly to the public. (3-26-08)

05. On-Line Games Criteria. (3-26-08)

a. The base price of an on-line ticket will not be less than fifty cents (\$.50), except to the extent of discounts authorized by the Commission. (3-26-08)

b. The price for a ticket in any particular on-line game will be set out in the game rules adopted by the Commission for that game. No person may sell a ticket at a price other than that established in accordance with these rules. On the average, the total of all prizes available to be won in an on-line game shall not be less than forty-five percent (45%) of the on-line game's projected revenue. (3-26-08)

c. The manner and frequency of drawings may vary with the type of on-line game as defined in Subparagraph 204.02.b.i. of these rules. ~~(3-26-08)~~()

d. The times, locations, and drawing procedures will be determined by the Director. (3-26-08)

e. OLT instant ticket game as defined in Subparagraph 204.02.b.ii. of these rules will operate with a finite number of tickets per game and a predetermined and guaranteed prize structure approved by the Director. ()

ef. A ticket bearer entitled to a prize must submit the winning ticket as specified by the Director. The winning ticket must be validated by the Lottery or an on-line retailer through use of the validation number and any other means specified by the Director. (3-26-08)

06. Payment of Prizes. (3-26-08)

a. To claim an on-line game prize of less than six hundred dollars (\$600) the claimant may present the winning on-line ticket to any on-line retailer, or to the Boise Lottery office: (3-26-08)

i. If the claim is presented to an on-line retailer, the on-line retailer must validate the claim and, if determined to be a winning ticket, pay the amount due the claimant. If the on-line retailer cannot validate the claim, the claimant may obtain and complete a claim form and submit it with the disputed ticket to the Lottery by mail or in person. Upon determination that the ticket is a winning ticket, the Lottery will present or mail a check to the claimant in payment of the amount due. If the ticket is determined to be a non-winning ticket, the claim will be denied and the claimant will be promptly notified. Non-winning tickets will not be returned to the claimant. (3-26-08)

ii. If the claim is presented to the Boise Lottery office, the claimant may be required to complete a claim form and submit it with the winning ticket, either by mail or in person. Upon determination that the ticket is a winning ticket, the Lottery will present or mail a check to the claimant in payment of the amount due, less any withholding required by the Internal Revenue Code. If the ticket is determined to be a non-winning ticket, the claim will be denied and the claimant will be promptly notified. Non-winning tickets will not be returned to the claimant. (3-26-08)

b. To claim an on-line prize of six hundred dollars (\$600) or more, the claimant must obtain and complete a claim form and submit it with the winning ticket to the Boise Lottery office by mail or in person. Prizes of six hundred dollars (\$600) or more can be paid only from the Boise Lottery office. Upon determination that the ticket is a winning ticket, the Lottery will present or mail a check to the claimant in payment of the amount due, less any withholding required by the Internal Revenue Code. The amount due will be calculated according to the rules adopted for the particular on-line game. If the ticket is determined to be a non-winning ticket, the claim will be denied and the claimant will be promptly notified. Non-winning tickets will not be returned to the claimant. (3-26-08)

c. All prizes must be claimed within one hundred eighty (180) days from the drawing in which the

prize was won. If the final day of the one hundred eighty (180) day period falls on a Saturday, Sunday or a state holiday, the claim period will be extended to the end of the next business day. Any prize not claimed within the specified period will be forfeited and placed into the State Lottery account. (3-26-08)

07. Drawings and End of Sales Prior to Drawings. (3-26-08)

a. Drawings will be conducted in a location and at days and times designated by the Director. (3-26-08)

b. For each type of on-line game, the Director will establish a time before the drawing for the end of sales. (3-26-08)

c. The Director will designate a Drawing Manager who will oversee each drawing. The Drawing Manager must attest that the drawing was conducted in accordance with proper drawing procedures at the end of each drawing. (3-26-08)

d. The Director will designate the type of equipment to be used and will establish procedures to randomly select the winning combination for each type of on-line game. Drawing procedures will include provisions for the substitution of backup drawing equipment if the primary drawing equipment malfunctions or fails for any reason. (3-26-08)

e. The equipment used to determine the winning combination will not be electronically or otherwise connected to the central computer or to any tapes, discs, files, etc., generated or produced by the central computer. The equipment must be tested before and after each drawing to assure proper operation and lack of tampering or fraud. Drawings will not be held until all pre-inspection checks are completed. No prizes will be paid until after all post-inspection checks have been completed. (3-26-08)

f. All drawings may be broadcast live on television, provided the facilities for such broadcasts are available and operational and can be done at a reasonable cost. (5-8-09)

g. The Director will establish procedures governing the conduct of drawings for each type of on-line game. The procedures must include provisions for deviations that include but are not limited to: (3-26-08)

i. Malfunction of the drawing equipment before determination of the winning combination; (3-26-08)

ii. Fouled drawing; (3-26-08)

iii. Delayed drawing; and (3-26-08)

iv. Other equipment, facility or personnel difficulties. (3-26-08)

h. If a deviation occurs, the drawing will be completed under the supervision of the Lottery or its designee. The winning combination will be provided to the television network for dissemination to the public. (5-8-09)

i. If, during any live-broadcast drawing for a game, a mechanical failure or operator error causes an interruption in the selection of all numbers or symbols, a "foul" will be called by the Drawing Manager or the Lottery's designee. Any number drawn before a "foul" is called will stand and be deemed official after passing inspection and certification by the Drawing Manager or the Lottery's designee. (3-26-08)

j. The Director must delay payment of all prizes if any evidence exists or there are grounds for suspicion that tampering or fraud has occurred. Payment will be made after an investigation is completed and the drawing approved by the Drawing Manager or the Lottery's designee. If the drawing is not approved, it will be void and another drawing will be conducted to determine the actual winner. (3-26-08)

08. Validation Requirements. (3-26-08)

- a.** To be a valid winning on-line ticket, all of the following conditions must be met: (3-26-08)
- i.** All printing on the ticket must be present in its entirety, be legible, and correspond, using the computer validation file, to the combination and the date printed on the ticket. (3-26-08)
 - ii.** The ticket must be intact. (3-26-08)
 - iii.** The ticket must not be mutilated, altered, or tampered with in any manner. (3-26-08)
 - iv.** The ticket cannot be counterfeit or an exact duplicate of another winning ticket. (3-26-08)
 - v.** The ticket must have been issued by an authorized on-line retailer or dispensed by a player-activated terminal in an authorized manner. (3-26-08)
 - vi.** The ticket must not have been stolen or cancelled. (3-26-08)
 - vii.** The ticket must not have been previously paid. (3-26-08)
 - viii.** The ticket must pass all other confidential security checks of the Lottery. (3-26-08)
 - ix.** If the prize is for six hundred dollars (\$600) or more, the ticket must be signed. (3-26-08)
- b.** A ticket failing any of the validation requirements listed in Paragraph 204.08.a. of this rule is invalid and ineligible for a prize. The final decision on whether a prize is paid will be made by the Director. (3-26-08)
- c.** If there is a dispute between the Director and a claimant whether a ticket is a winning ticket, and if the Director determines that the ticket is not valid and a prize is not paid, the Director may replace the disputed ticket with a ticket of equivalent sales price for a future drawing of the same type of game. This will be the sole and exclusive remedy of the claimant. (3-26-08)
- d.** If a defective on-line ticket is purchased, the only responsibility or liability of the Lottery or of the on-line retailer is the replacement of the defective on-line ticket with another on-line ticket of equivalent value for a future drawing of the same type of game. (3-26-08)
- 09. Retailer Duties.** Retailers with an on-line terminal (OLT) must perform the following duties: (3-26-08)
- a.** Pay costs associated with providing a telephone line or internet or similar connection that must be located as specified by the Lottery. Payment of the telephone line or internet or similar connection is nonrefundable after installation, except if the Lottery denies, through no fault of retailer, the installation of the on-line terminal. (5-8-09)
 - b.** Pay the Lottery for the local monthly telephone or internet or similar charges per OLT as specified by the Lottery. The Lottery will pay for the mileage charges (if any) between the retailer's location and the Lottery's central site. (3-26-08)
 - c.** Hold funds generated from the sale of on-line tickets in trust for the Lottery. At a time specified by the Lottery, the retailer must pay these funds to the Lottery plus the monthly communications charge specified above in Paragraph 204.09.b. of this rule, less: (3-26-08)
 - i.** Prizes paid; (3-26-08)
 - ii.** Any credit; and (3-26-08)
 - iii.** The retailer discount. (3-26-08)

d. Locate the OLT within the retailer's premises at a point-of-sale location approved by the Lottery. The retailer is prohibited from moving an OLT unless the retailer follows the procedures established by the Director, including reimbursing the State Lottery for any telephone or internet or similar charges associated with the change of OLT location if the retailer requested the change. (3-26-08)

e. Provide dedicated AC power to within approximately five (5) feet of the terminal. Dedicated AC power means that there is no other equipment on the line that is to be used for the on-line terminal. The retailer is responsible for all costs associated with providing dedicated AC power. The Lottery will provide a schematic of outlet requirements to the retailer's electrical contractor. (3-26-08)

f. Sell all Lottery games, including but not limited to instant game tickets offered by the Lottery. The retailer agrees to continue the sale of instant tickets from all cash registers or other points of purchase. (3-26-08)

g. Conduct the sale of on-line tickets during all hours and days that the retailer's business is open and the on-line system is functioning. The retailer must post the hours that redemption of winning tickets may take place if these hours are different from the retailer's normal business hours. The retailer must monitor ticket supply levels and give timely notice when any item is in short supply. (3-26-08)

h. Post winning numbers prominently where tickets are sold as soon as possible following the drawing. (3-26-08)

i. Provide secure storage for OLT supplies and a secure area for the OLT. (3-26-08)

j. Exercise due diligence in the operation of the OLT and immediately notify the Lottery and the central computer facility of any telephone line, internet, radio, or OLT malfunction, such as the issuance of invalid on-line Lottery ticket, inability to sell or redeem an on-line ticket, and non-issuance of an on-line ticket. The retailer is prohibited from performing mechanical or electrical maintenance on the OLT. (3-26-08)

k. Replace ribbons and on-line or instant ticket stock and clear paper jams as required for the OLT per the instructions provided by the Lottery. (3-26-08)

l. Pay, without reimbursement, all electricity charges in connection with the operation of OLT. (3-26-08)

10. Payment of Prizes by On-Line Retailers. (3-26-08)

a. An on-line retailer must pay to the ticket bearer on-line games prizes of less than six hundred dollars (\$600) for any validated claims presented to that on-line retailer. These prizes must be paid during all normal business hours of the on-line retailer, unless redemption hours differ from normal business hours that have been posted pursuant to Paragraph 204.09.g. of this rule, provided, that the on-line system is operational and claims can be validated. (3-26-08)

b. An on-line retailer may pay prizes in cash or by business check, certified check, money order, or any combination thereof. An on-line retailer that pays a prize with a check that is dishonored may be subject to suspension or termination of its contract. (3-26-08)

11. Retailer Settlement. (3-26-08)

a. The Director may require on-line retailers to establish an account for deposit of monies derived from on-line games with a financial institution that has the capability of electronic funds transfer (EFT). (3-26-08)

b. The amount deposited must be sufficient to cover monies due the Lottery. The Lottery will withdraw by EFT the amount due the Lottery on the day specified by the Director. If the day specified for withdrawal falls on a state holiday, withdrawal may be delayed until the next business day. (3-26-08)

12. Prize Rights Unassignable. No right of any person to a prize drawn shall be assignable, except

that payment of any prize drawn may be paid to the estate of a deceased prize winner, and that any person may be paid the prize to which the winner is entitled pursuant to an appropriate judicial order. The Director will be discharged of all liability upon payment of a prize pursuant to this rule. (3-26-08)

13. Payment of Prizes to Persons Under Eighteen Years of Age. If a person entitled to a prize for a winning ticket is under the age of eighteen (18) years, the Director may direct payment of the prize to an adult member of the minor's family or to the minor's guardian by a check or draft payable to the adult member of the minor's family or to the minor's guardian. The adult member of the minor's family or the minor's guardian will have the same duties and powers as a person designated as a custodian in accordance with Idaho Law. For purposes of this Subsection the terms "adult member of a minor's family" and "guardian of a minor" have the same meaning as in the Idaho Gifts to Minors Law. The Director will be discharged of all liability upon payment of a prize to a minor pursuant to this rule. (3-26-08)

14. Prizes Payable After Death or Disability of Owner. (3-26-08)

a. All prizes, and portions of prizes, that remain unpaid at the time of the prize winner's death will be payable to the personal representative of the prize winner's estate once satisfactory evidence of the personal representative's appointment has been provided, and the Director is satisfied that payment to the personal representative is lawful and proper. The Director may rely on a certified copy of a court order appointing of a personal representative (or similar person responsible for the prize winner's estate, whether denominated an administrator, executor, executrix, or other representative of the prize winner's estate) or may petition the court to determine the proper payee. Payment to the personal representative of the estate of the deceased owner of any prize winnings will absolve the Director and the Lottery's employees of any further liability for payment of prize winnings. (3-26-08)

b. The Lottery may petition any court of competent jurisdiction for a determination of the rightful payee of any prize winnings that are or may be due to a person under a disability including, but not limited to, minority, mental deficiency, physical or mental incapacity. (3-26-08)

15. Discharge of State Lottery Upon Payment. The state of Idaho, its agents, officers, employees and representatives, the Lottery, its Director, agents, officers, employees and representatives shall be discharged of all liability upon payment of a prize or any one (1) installment thereof to the holder of any winning Lottery ticket or in accordance with the information set forth on the claim form supplied by the Director. If there is a conflict between the information on a winning Lottery ticket and the information on the claim form, the Lottery may rely on the claim form after the ticket for which it has been filed has been validated as a winning ticket and, in so doing, it will be relieved of all responsibility and liability in the payment of a prize in accordance with the information set forth therein. The Lottery's decisions and judgments in respect to the determination of a winning ticket or of any other dispute arising from payment or awarding of prizes will be final and binding upon all participants in the Lottery unless otherwise provided by law or these rules. If a question arises concerning the winning ticket, a claim form, the payment, or the awarding of any prize, the Lottery may deposit the prize winnings into an escrow fund until it determines the controversy and reaches a decision, or it may petition a court of competent jurisdiction for instructions and a resolution of the controversy. (3-26-08)

16. Disclosure. The Lottery may use the names, addresses, and photographs of winners in any Lottery promotional or publicity campaign. The address used will not contain the winner's street or house number without the winner's consent. The Lottery may condition payment of the prize upon agreement to these terms and conditions. (3-26-08)

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-1201

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 2013 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the First Regular Session of the Sixty-second 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 39-105 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 6, 2012, [Vol. 12-6, pages 48 through 92](#). DEQ received no public comments; however, the Board revised the definition of “Significant” at Subsection 006.106.a.iv.(3). by adding the word “or” for clarification purposes. The remainder of the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at www.deq.idaho.gov/58-0101-1201 or by contacting the undersigned.

IDAHO CODE SECTION 39-107D STATEMENT: Section 585, Toxic Air Pollutants Non-Carcinogenic Increments, and Section 586, Toxic Air Pollutants Carcinogenic Increments, do regulate an activity not regulated by the federal government. The federal government does not regulate toxic air pollutants for the state of Idaho; therefore, the rule revisions in Sections 585 and 586 are not broader in scope or more stringent than federal regulations. Notably, if a toxic air pollutant becomes subject to a federal regulation, that federal regulation applies in lieu of the state rules in accordance with Subsection 210.20. The remainder of the 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 Michael Simon at michael.simon@deq.idaho.gov or (208)373-0212.

Dated this 11th day of October, 2012.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
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DOCKET NO. 58-0101-1201 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.
Italicized red text that is double underscored 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 12-6, June 6, 2012, pages 48 through 92.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 58-0101-1201, ONLY

006. GENERAL DEFINITIONS.

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

- a. Pollutant and emissions rate: (4-11-06)
 - i. Carbon monoxide, one hundred (100) tons per year; (5-1-94)
 - ii. Nitrogen oxides, forty (40) tons per year; (5-1-94)
 - iii. Sulfur dioxide, forty (40) tons per year; (5-1-94)
 - iv. Particulate matter; ()
 - (1) Twenty-five (25) tons per year of particulate matter emissions; ()
 - (2) Fifteen (15) tons per year of PM₁₀ emissions; or (4-11-06)()

[Subparagraph 006.106.a.iv.(3).]

(3) Ten (10) tons per year of direct PM_{2.5} emissions; or forty (40) tons per year of sulfur dioxide emissions; or forty (40) tons per year of nitrogen oxide emissions; ()

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-1202

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 2013 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the First Regular Session of the Sixty-second 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 May 2012 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 39-116B, 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 6, 2012, [Vol. 12-6, pages 93 through 96](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at www.deq.idaho.gov/58-0101-1202 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 more stringent than federal regulations. The Clean Air Act requires, in marginal ozone nonattainment areas, a vehicle inspection and maintenance program. This rule is broader in scope than the federal law as it applies to sources in an area not yet designated nonattainment.

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 Michael Simon at michael.simon@deq.idaho.gov or (208)373-0212.

Dated this 11th day of October, 2012.

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DOCKET NO. 58-0101-1202 - 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 12-6, June 6, 2012, pages 93 through 96](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 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. 58-0101-1203

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 2013 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the First Regular Session of the Sixty-second 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 39-105 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 1, 2012, [Vol. 12-8, pages 76 through 81](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at www.deq.idaho.gov/58-0101-1203 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 Michael Simon at michael.simon@deq.idaho.gov or (208)373-0212.

Dated this 11th day of October, 2012.

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DOCKET NO. 58-0101-1203 - 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 12-8, August 1, 2012, pages 76 through 81](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.05 - RULES AND STANDARDS FOR HAZARDOUS WASTE

DOCKET NO. 58-0105-1201

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 2013 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the First Regular Session of the Sixty-second 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 44 and 58, Title 39, Idaho Code. In addition, 40 CFR 271.21(e) and Section 39-4404, Idaho Code, require DEQ to adopt amendments to federal law as proposed under this docket.

DESCRIPTIVE SUMMARY: A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, August 1, 2012, [Vol. 12-8, pages 82 through 88](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at www.deq.idaho.gov/58-0105-1201 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 John Brueck at john.brueck@deq.idaho.gov or (208)373-0458.

Dated this 11th day of October, 2012.

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DOCKET NO. 58-0105-1201 - 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 12-8, August 1, 2012, pages 82 through 88](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.08 - IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS

DOCKET NO. 58-0108-1101

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 2013 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the First Regular Session of the Sixty-second 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 Chapter 1, Title 39, Idaho Code, and Chapter 21, Title 37, 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, May 2, 2012, [Vol. 12-5, pages 118 through 243](#). After consideration of public comments, the rule has been revised at Sections 543 and 552. The remainder of the rule has been adopted as proposed. The Rulemaking and Public Comment Summary can be obtained at www.deq.idaho.gov/58-0108-1101 or by contacting the undersigned.

IDAHO CODE 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 Mike Piechowski at (208) 373-0274, mike.piechowski@deq.idaho.gov.

DATED this 11th day of October, 2012.

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DOCKET NO. 58-0108-1101 - ADOPTION OF PENDING RULE

**Substantive changes have been made to the pending rule.
Italicized red text that is double underscored 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 12-5, May 2, 2012, pages 118 through 243.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and approval by the 2013 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 58-0108-1101, ONLY

543. FACILITY AND DESIGN STANDARDS: CROSS CONNECTION CONTROL.

There shall be no connection between the distribution system and any pipes, pumps, hydrants, water loading stations, or tanks whereby unsafe water or other contaminating materials may be discharged or drawn into a public water system. The water purveyor is responsible through its cross connection control program to take reasonable and prudent measures to protect the water system against contamination and pollution from cross connections through premises isolation or containment, internal or in-plant isolation, fixture protection, or some combination of premises isolation, internal isolation, and fixture protection. (4-7-11)

[Subsection 543.03]

03. Replacement Parts and Components. All replacement parts and components, including resilient seated shutoff valves, shall meet original manufacturer's specifications or otherwise be approved by the USC Foundation as replacement parts or components for use on double check valve backflow prevention assemblies, reduced pressure principle backflow prevention assemblies, ~~and~~ pressure vacuum breakers, and spill resistant pressure vacuum breakers. The design, material, or operational characteristics of any assembly must not be altered during maintenance or repair. (4-7-11)()

552. ~~FACILITY AND DESIGN STANDARDS:~~ OPERATING CRITERIA FOR PUBLIC WATER SYSTEMS.

01. Quantity and Pressure Requirements. Design requirements regarding pressure analysis are found in Section 542.13. (5-8-09)

b. Pressure. All public water systems shall meet the following requirements: (4-7-11)

ii. Public Notification. ()

[Subparagraphs 552.01.b.ii.(1). through 552.01.b.iii.]

(1) During unplanned or emergency situations, ~~W~~when water pressures within the system ~~are~~ is known to have fallen below twenty (20) psi, the water ~~system~~ supplier must notify the Department, provide public notice to the affected customers within twenty-four (24) hours, and disinfect the system. When sampling and corrective procedures have been conducted and after determination by the Department that the water is safe, the water supplier may re-notify the affected customers that the water is safe for consumption. The water supplier shall notify the affected customers if the water is not safe for consumption. (4-7-11)()

(2) During planned maintenance or repair situations, when water pressure within the system is expected to fall below twenty (20) psi, the water supplier must provide public notice to the affected customers prior to the planned maintenance or repair activity and shall ensure that the water is safe for consumption. ()

iii. If an initial investigation by the water ~~system~~ supplier fails to discover the causes of inadequate or excessive pressure, the Department may require ~~a public drinking~~ the water ~~system~~ supplier to conduct a local pressure monitoring study to diagnose and correct pressure problems. Compliance with these requirements by water systems that do not have a meter vault or other point of access at the service connection or along the property line adjacent to the consumer's premises where pressure in the distribution system can be reliably measured shall be determined by measurements within the consumer's premises, or at another representative location acceptable to the Department. (4-7-11)()

06. Cross Connection Control Program - Community Water Systems. The water purveyor is responsible through its cross connection control program to take reasonable and prudent measures to protect the water system against contamination and pollution from cross connections through premises isolation, internal or in-plant isolation, fixture protection, or some combination of premises isolation, internal isolation, and fixture protection. Pursuant to Section 543, all suppliers of water for community water systems shall implement a cross connection control program to prevent the entrance to the system of materials known to be toxic or hazardous. The water purveyor is responsible to enforce the system's cross connection control program. The program will at a minimum include: (4-7-11)

[Paragraph 552.06.e.]

e. Assemblies that cannot pass annual tests or those found to be defective shall be repaired, replaced, or isolated within *ten (10)* business days. If the failed assembly cannot be repaired, replaced, or isolated within *ten (10)* business days, water service to the failed assembly shall be discontinued. ()

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

**58.01.23 - RULES OF ADMINISTRATIVE PROCEDURE BEFORE
THE BOARD OF ENVIRONMENTAL QUALITY**

DOCKET NO. 58-0123-1201

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 2013 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the First Regular Session of the Sixty-second 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 39-105, 39-107 and 67-5206, 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 6, 2012, [Vol. 12-6, pages 97 through 99](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at www.deq.idaho.gov/58-0123-1201 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 administrative procedures for the state of Idaho; therefore, the proposed 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 Paula Wilson at paula.wilson@deq.idaho.gov, (208)373-0418.

DATED this 11th day of October, 2012.

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. 58-0123-1201 - 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 12-6, June 6, 2012, pages 97 through 99.](#)**

**This rule has been adopted as a pending rule by the Agency and is now awaiting
review and approval by the 2013 Idaho State Legislature for final adoption.**

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11.02.01 - Rules of the Idaho State Brand Board	
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52.01.03 - Rules Governing Operations of the Idaho State Lottery	
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58.01.01 - Rules for the Control of Air Pollution in Idaho	
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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.

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

Idaho State Brand Board

11-0201-1201, Rules of the Idaho State Brand Board. Increases fees to offset increased costs for providing brand inspection services and other statutorily required functions of the Brand Board. Comment by: 11/28/12

11-0202-1201, Idaho Livestock Dealer Licensing. Increases livestock dealer and licensed dealer application fees as allowed by statute. Comment by: 11/28/12

Idaho State Forensics Laboratory

11-0301-1201, Rules Governing Alcohol Testing. Clarifies that a blood sample must contain at least 10 milligrams of sodium fluoride per cubic centimeter of blood to properly preserve the blood sample. Comment by: 11/28/12

Alcohol Beverage Control Bureau

11-0501-1101, Rules Governing Alcohol Beverage Control. Defines 'multipurpose arena'; provides specific circumstances when minors are permitted to enter or are prohibited from entering certain types of establishments whose primary source of revenue come from alcohol sales. Comment by: 11/28/12

Commercial Vehicle Safety Division

11-1301-1201, The Motor Carrier Rules. Updates the incorporation by reference of the CFR regarding hours of service and the restricted use of hand held devices for commercial motor vehicles. Comment by: 11/28/12

IDAPA 52 - IDAHO STATE LOTTERY COMMISSION P.O. Box 6537, Boise, ID 83707-6537

52-0103-1203, Rules Governing Operations of the Idaho State Lottery. Allows for a terminal-produced, scratch-style game, with a finite number of tickets, pools and assigned pack and ticket numbers, that is delivered via a multi-purpose vending machine, or MP. Comment by: 11/28/12

NOTICE OF PUBLIC HEARING

IDAPA 02 - Idaho State Department of Agriculture

02-0602-1201, Rules Pertaining to the Idaho Commercial Feed Law

IDAPA 25 - Idaho Outfitters and Guides Licensing Board

25-0101-1201, Rules of the Idaho Outfitters and Guides Licensing Board (Comment period closes April 26, 2013)

Please refer to the Idaho Administrative Bulletin, **November 7, 2012, Volume 12-11**, for the notices and text of all rulemakings, public hearings schedules, information on negotiated rulemakings, executive orders of the Governor, 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*

March 29, 2012 -- November 7, 2012

*(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 March 29, 2012 that have not been
adopted as final rules and all rulemakings being promulgated after March 29, 2012 - Sine Die.)*

IDAPA 01 -- IDAHO BOARD OF ACCOUNTANCY

01.01.01, Idaho Accountancy Rules

01-0101-1201 Proposed Rulemaking, Bulletin Vol. 12-10

IDAPA 02 -- DEPARTMENT OF AGRICULTURE

02.02.14, Rules for Weights and Measures

02-0214-1201 Proposed Rulemaking, Bulletin Vol. 12-7

02-0214-1201 Adoption of Pending Rule, Bulletin Vol. 12-10 (eff. *PLR 2013)

02.03.03, Rules Governing Pesticide and Chemigation Use and Application

02-0303-1201 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7

02-0303-1201 Proposed Rulemaking, Bulletin Vol. 12-10

02.04.08, Rules Governing Grade A Milk and Milk Products

02-0408-1201 Temporary and Proposed Rulemaking, Bulletin Vol. 12-5 (eff. 6-1-12)T

02.04.14, Rules Governing Dairy Waste

02-0414-0902 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 09-10

02.04.19, Rules Governing Domestic Cervidae

02-0419-1201 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-8

02-0419-1201 Proposed Rulemaking, Bulletin Vol. 12-10

02.04.21, Rules Governing the Importation of Animals

02-0421-1201 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-8

02-0421-1201 Proposed Rulemaking, Bulletin Vol. 12-10

02.06.02, Rules Pertaining to the Idaho Commercial Feed Law

02-0602-1201 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-6

02-0602-1201 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7 - Second Notice

02-0602-1201 Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-9 (eff. 9-5-12)T

02-0602-1201 Notice of Public Hearing, Bulletin Vol. 12-11

02.06.12, Rules Pertaining to the Idaho Fertilizer Law

02-0612-1201 Proposed Rulemaking, Bulletin Vol. 12-7

02-0612-1201 Adoption of Pending Rule, Bulletin Vol. 12-10 (eff. *PLR 2013)

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

02-0613-1201 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7

02-0613-1201 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Second Notice, Bulletin Vol. 12-8

02-0613-1201 Proposed Rulemaking, Bulletin Vol. 12-10

02.06.14, Rules Pertaining to Annual Bluegrass (*Poa annua*)

02-0614-1201 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7

02-0614-1201 Proposed Rulemaking, Bulletin Vol. 12-10

02.06.16, Rules Governing Honey Standards

02-0616-1201 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7

- 02-0616-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Second Notice, Bulletin Vol. 12-8
02-0616-1201 Proposed Rulemaking (New Chapter), Bulletin Vol. 12-10

02.06.31, Noxious Weed Free Forage and Straw Certification Rules

- 02-0631-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7
02-0631-1201 Proposed Rulemaking, Bulletin Vol. 12-10

02.06.33, Organic Food Products Rules

- 02-0633-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7
02-0633-1201 Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-10

02.06.35, Rules Concerning Rough Bluegrass (*Poa trivialis*)

- 02-0635-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7
02-0635-1201 Proposed Rulemaking, Bulletin Vol. 12-10

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

- 02-0641-1201** Proposed Rulemaking, Bulletin Vol. 12-7
02-0641-1201 Adoption of Pending Rule, Bulletin Vol. 12-10 (eff. *PLR 2013)

IDAPA 03 -- STATE ATHLETIC COMMISSION

03.01.01, Rules of the State Athletic Commission

- 03-0101-1201** Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-10

IDAPA 06 -- STATE BOARD OF CORRECTION

06.01.01, Rules of the Board of Correction

- 06-0101-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 12-5 (eff. 1-11-12)
06-0101-1202 Notice of Proclamation of Rulemaking, Bulletin Vol. 12-10 (eff. 11-1-12)

IDAPA 07 -- DIVISION OF BUILDING SAFETY

07.01.06, Rules Governing the Use of National Electrical Code

- 07-0106-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-4

07.02.03, Rules Governing Permit Fee Schedule

- 07-0203-1201** Proposed Rulemaking, Bulletin Vol. 12-10

07.02.04, Rules Governing Plumbing Safety Inspections

- 07-0204-1201** Proposed Rulemaking, Bulletin Vol. 12-10

07.02.06, Rules Concerning Uniform Plumbing Code

- 07-0206-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-5
07-0206-1201 Proposed Rulemaking, Bulletin Vol. 12-10

07.03.01, Rules of Building Safety

- 07-0301-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-3
07-0301-1201 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-6 (Second Notice)
07-0301-1201 Proposed Rulemaking, Bulletin Vol. 12-10
07-0301-1202 Proposed Rulemaking, Bulletin Vol. 12-10

07.03.12, Rules Governing Manufactured or Mobile Home Installations

- 07-0312-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-4
- 07-0312-1201** Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-10

07.05.01, Rules of the Public Works Contractors License Board

- 07-0501-1201** Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-9 (eff. 7-1-12)T
- 07-0501-1202** Proposed Rulemaking, Bulletin Vol. 12-9
- 07-0501-1201** Adoption of Pending Fee Rule, Bulletin Vol. 12-11 (eff. *PLR 2013)
- 07-0501-1202** Adoption of Pending Rule, Bulletin Vol. 12-11 (eff. *PLR 2013)

07.07.01, Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems

- 07-0701-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-5
- 07-0701-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 9-1-12)T
- 07-0701-1202** Proposed Rulemaking, Bulletin Vol. 12-10

**IDAHO 08 -- IDAHO STATE BOARD OF EDUCATION
AND STATE DEPARTMENT OF EDUCATION****08.01.10, Idaho College Work Study Program**

- 08-0110-1201** Proposed Rulemaking, Bulletin Vol. 12-10

08.01.11, Registration of Postsecondary Educational Institutions and Proprietary Schools

- 08-0111-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7
- 08-0111-1201** Proposed Rulemaking, Bulletin Vol. 12-10

08.01.14, Idaho Rural Physician Incentive Program

- 08-0114-1201** Temporary and Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 12-10 (eff. 8-16-12)T

08.02.01, Rules Governing Administration

- 08-0201-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-8 (eff. 6-21-12)T

08.02.02, Rules Governing Uniformity

- 08-0202-1201** Proposed Rulemaking, Bulletin Vol. 12-7
- 08-0202-1202** Proposed Rulemaking, Bulletin Vol. 12-8
- 08-0202-1203** Proposed Rulemaking, Bulletin Vol. 12-10
- 08-0202-1204** Proposed Rulemaking, Bulletin Vol. 12-10
- 08-0202-1205** Proposed Rulemaking, Bulletin Vol. 12-10
- 08-0202-1206** Proposed Rulemaking, Bulletin Vol. 12-10

08.02.03, Rules Governing Thoroughness

- 08-0203-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-6 (eff. 4-19-12)T
- 08-0203-1202** Proposed Rulemaking, Bulletin Vol. 12-8
- 08-0203-1203** Temporary and Proposed Rulemaking, Bulletin Vol. 12-8 (eff. 6-21-12)T
- 08-0203-1204** Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-8 (eff. 6-21-12)T
- 08-0203-1205** Proposed Rulemaking, Bulletin Vol. 12-10
- 08-0203-1206** Proposed Rulemaking, Bulletin Vol. 12-10

08.02.04, Rules Governing Public Charter Schools

- 08-0204-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7
- 08-0204-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 8-16-12)T

08.03.01, Rules of the Public Charter School Commission

- 08-0301-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7
- 08-0301-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 8-16-12)T

IDAPA 09 -- IDAHO DEPARTMENT OF LABOR

09.01.04, Unemployment Insurance Benefit Fraud and Overpayment Rules

- 09-0104-1201** Proposed Rulemaking, Bulletin Vol. 12-8
- 09-0104-1201** Adoption of Pending Rule, Bulletin Vol. 12-10 (eff. *PLR 2013)

09.01.30, Unemployment Insurance Benefits Administration Rules

- 09-0130-1201** Proposed Rulemaking, Bulletin Vol. 12-8
- 09-0130-1201** Adoption of Pending Rule, Bulletin Vol. 12-10 (eff. *PLR 2013)

09.01.35, Unemployment Insurance Tax Administration Rules

- 09-0135-1201** Proposed Rulemaking, Bulletin Vol. 12-8
- 09-0135-1201** Adoption of Pending Rule, Bulletin Vol. 12-10 (eff. *PLR 2013)

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

10.01.01, Rules of Procedure

- 10-0101-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-5 (eff. 7-1-12)T
- 10-0101-1201** Adoption of Pending Rule, Bulletin Vol. 12-7 (eff. *PLR 2013)

10.01.04, Rules of Continuing Professional Development

- 10-0104-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-5 (eff. 7-1-12)T
- 10-0104-1201** Adoption of Pending Rule, Bulletin Vol. 12-7 (eff. *PLR 2013)

IDAPA 11 -- IDAHO STATE POLICE

11.02.01, Rules of the Idaho State Brand Board

- 11-0201-1201** Temporary Rulemaking (Fee Rule), Bulletin Vol. 12-3 (eff. 2-1-12)T
- 11-0201-1201** Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-11

11.02.02, Idaho Livestock Dealer Licensing

- 11-0202-1201** Temporary Rulemaking (Fee Rule), Bulletin Vol. 12-3 (eff. 2-1-12)T
- 11-0202-1201** Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-11

11.03.01, Rules Governing Alcohol Testing, Idaho State Forensic Laboratory

- 11-0301-1201** Temporary Rulemaking, Bulletin Vol. 12-1 (eff. 11-1-11)T
- 11-0301-1201** OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 129, Bulletin Vol. 12-5
- 11-0301-1201** Proposed Rulemaking, Bulletin Vol. 12-11

11.05.01, Rules Governing Alcohol Beverage Control

- 11-0501-1101** Temporary Rulemaking, Bulletin Vol. 11-7 (eff. 7-6-11)T
- 11-0501-1201** OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 129, Bulletin Vol. 12-5
- 11-0501-1201** Proposed Rulemaking, Bulletin Vol. 12-11

11.11.01, Rules of the Idaho Peace Officer Standards and Training Council

- 11-1101-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-8 (eff. 7-1-12)T
- 11-1101-1201** Adoption of Pending Rule, Bulletin Vol. 12-10 (eff. *PLR 2013)
- 11-1101-1202** Proposed Rulemaking, Bulletin Vol. 12-10

11.11.02, Rules of the Idaho Peace Officer Standards and Training Council for Juvenile Detention Officers

11-1102-1201 Proposed Rulemaking, Bulletin Vol. 12-10

11.11.03, Rules of the Idaho Peace Officer Standards and Training Council for Juvenile Probation Officers

11-1103-1201 Proposed Rulemaking, Bulletin Vol. 12-10

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

11-1104-1201 Proposed Rulemaking, Bulletin Vol. 12-10

11.11.06, Rules of the Idaho Peace Officer Standards and Training Council for Misdemeanor Probation Officers

11-1106-1201 Proposed Rulemaking, Bulletin Vol. 12-10

11.13.01, The Motor Carrier Rules

11-1301-1201 Temporary Rulemaking, Bulletin Vol. 12-5 (eff. 3-1-12)T

11-1301-1201 Proposed Rulemaking, Bulletin Vol. 12-11

IDAPA 12 -- DEPARTMENT OF FINANCE

12.01.10, Rules Pursuant to the Idaho Residential Mortgage Practices Act

12-0110-1201 Proposed Rulemaking, Bulletin Vol. 12-10

IDAPA 13 -- IDAHO FISH AND GAME COMMISSION

13.01.02, Rules Governing Public Safety

13-0102-1201 Proposed Rulemaking, Bulletin Vol. 12-10

13.01.04, Rules Governing Licensing

13-0104-1201 Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 8-27-12)T

13-0104-1202 Proposed Rulemaking, Bulletin Vol. 12-10

13.01.07, Rules Governing the Taking of Upland Game Animals

13-0107-1201 Proposed Rulemaking, Bulletin Vol. 12-10

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

13-0108-1201 Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 7-16-12)T

13-0108-1202 Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 7-16-12)T

13-0108-1203 Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 7-16-12)T

13-0108-1204 Proposed Rulemaking, Bulletin Vol. 12-10

13-0108-1205 Proposed Rulemaking, Bulletin Vol. 12-10

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

13-0109-1201 Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 7-16-12)T

13-0109-1202 Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 7-16-12)T

13-0109-1203 Proposed Rulemaking, Bulletin Vol. 12-10

13-0109-1204 Proposed Rulemaking, Bulletin Vol. 12-10

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

13-0116-1201 Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 7-16-12)T

13.01.17, Rules Governing the Use of Bait and Trapping for Taking Big Game Animals

13-0117-1201* Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 7-16-12)T

**Rulemaking changes chapter name to: "Rules Governing the Use of Bait and Trapping for Taking Big Game Animals"
from: "Rules Governing the Use of Bait for Taking Big Game Animals"*

IDAPA 15 -- OFFICE OF THE GOVERNOR

Executive Orders of the Governor

Executive Order No. 2012-01 Bulletin Vol. 12-3	Executive Order No. 2012-02 Bulletin Vol. 12-5
Executive Order No. 2012-03 Bulletin Vol. 12-7	Executive Order No. 2012-04 Bulletin Vol. 12-9
Executive Order No. 2012-05 Bulletin Vol. 12-11	Executive Order No. 2012-06 Bulletin Vol. 12-11
Executive Order No. 2012-07 Bulletin Vol. 12-11	

Idaho Emergency Communications Commission - Idaho Military Division

15.06.03, Public Safety Communications Rules

15-0603-1201 Proposed Rulemaking (New Chapter - Fee Rule), Bulletin Vol. 12-10

IDAPA 16 -- DEPARTMENT OF HEALTH AND WELFARE

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

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