

Dear Senators MCKENZIE, Davis, Stennett, and  
Representatives LOERTSCHER, Batt, Smith:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the  
Office of the Governor - Military Division - Bureau of Homeland Security:

IDAPA 15.06.03 - Rules Pertaining To The Public Safety Communications Rules (Docket No.  
15-0603-1301);

IDAPA 15.06.04 - Rules Pertaining To The Rules Governing Idaho Youth Challenge Program (New  
Chapter) (Docket No. 15-0604-1301);

IDAPA 15.06.05 - Rules Pertaining To The Notice of Legislative Action Affecting the Military  
Division & Bureau of Homeland Security HB 267AA, Session Law 281 (2009) (Docket  
No. 15-0605-1300);

IDAPA 15.13.01 - Rules Pertaining To The Rules of the Idaho Emergency Response Commission  
(Chapter Repeal) (Docket No. 15-1301-1301).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the  
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research  
and Legislation no later than fourteen (14) days after receipt of the rules analysis from Legislative  
Services. The final date to call a meeting on the enclosed rules is no later than 10/09/2013. If a meeting is  
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules analysis  
from Legislative Services. The final date to hold a meeting on the enclosed rules is 11/07/2013.

The germane joint subcommittee may request a statement of economic impact with respect to a  
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,  
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has  
been held.

To notify Research and Legislation, call 334-4845, or send a written request to the address on the  
memorandum attached below.



Jeff Youtz  
Director

# Legislative Services Office Idaho State Legislature

*Serving Idaho's Citizen Legislature*

## MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate State Affairs Committee and the House State Affairs Committee

**FROM:** Division Manager - Mike Nugent

**DATE:** September 20, 2013

**SUBJECT:** Office of the Governor - Military Division - Bureau of Homeland Security

IDAPA 15.06.03 - Rules Pertaining To The Public Safety Communications Rules (Docket No. 15-0603-1301)

IDAPA 15.06.04 - Rules Pertaining To The Rules Governing Idaho Youth Challenge Program (New Chapter) (Docket No. 15-0604-1301)

IDAPA 15.06.05 - Rules Pertaining To The Notice of Legislative Action Affecting the Military Division & Bureau of Homeland Security HB 267AA, Session Law 281 (2009) (Docket No. 15-0605-1300)

IDAPA 15.13.01 - Rules Pertaining To The Rules of the Idaho Emergency Response Commission (Chapter Repeal) (Docket No. 15-1301-1301)

Attached with this memo are four sets of proposed rules of the Military Division - Bureau of Homeland Security. The first set of proposed rules relate to public safety communications. We have a problem with the Notice of Rulemaking. It states "These rules are being revised to address several inconsistencies and formatting problems There is no change to the fees being charged. There are no changes in the fees." (They appear to have repeated themselves here.) "The rulemaking corrects citations, provides internal consistency in terminology and eliminates redundant and/or superflous language." While the rules may do this, they do quite a bit more than the notice indicates. We would hate to see these rules struck down on a technicality that the Notice of Rulemaking was deceptive or not meeting the requirements in the Administrative Procedure Act.

The second set of proposed rules implement the Idaho Youth Challenge Program. The Legislature passed legislation to create this program in Pierce, Idaho, in 2012 and legislation was enacted in 2013 to provide ADA funding under the school support formula to the program.

The third and fourth set of rules implement a bill that was passed in 2009 regarding hazardous substance emergency response to clearly indicate that the Military Division though the Bureau of Homeland Security is the administering entity of the program.

Other than the slight concern with the Notice of Rulemaking with the first set of proposed rules, we do not have any technical or substantive problems with these four sets of proposed rules.

cc: Office of the Governor - Military Division - Bureau of Homeland Security

Col. Brad Richy & Brig Gen Richard G. Turner; Dennis Stevenson, Rules Coordinator, Dept. of Admin.

Mike Nugent, Manager  
Research & Legislation

Cathy Holland-Smith, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

**IDAPA 15 - OFFICE OF THE GOVERNOR  
MILITARY DIVISION - BUREAU OF HOMELAND SECURITY**

**15.06.03 - PUBLIC SAFETY COMMUNICATIONS RULES**

**DOCKET NO. 15-0603-1301**

**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 46-804, 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 October 16, 2013.

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

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

These rules are being revised to address several inconsistencies and formatting problems. There is no change to the fees being charged. There are no changes in the fees. The rulemaking corrects citations, provides internal consistency in terminology, and eliminates redundant and/or superfluous language.

**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 changes to this chapter of rules are housekeeping in nature.

**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 Col. Brad Richey, Director, Bureau of Homeland Security, at (208) 422-3001.

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 October 23, 2013.

DATED this 30th day of August 2013.

Col. Brad Richey  
Director, Bureau of Homeland Security  
Military Division  
700 S. Stratford Dr., Bldg. 600  
Meridian, ID 83642  
Phone: (208) 422-3001  
Fax: (208) 288-2605

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 15-0603-1301

**15.06.03 - PUBLIC SAFETY COMMUNICATIONS SYSTEMS INSTALLATION AND MAINTENANCE FEE RULES**

**000. LEGAL AUTHORITY (RULE 0).**

This chapter is adopted under the authority of Section ~~39-7101~~ 46-804, Idaho Code. (3-27-13)( )

**001. TITLE AND SCOPE (RULE 1).**

**01. Title.** The title of this chapter is the IDAPA 15. ~~1306.013~~, "Public Safety Communications Systems Installation and Maintenance Fee Rules." (3-27-13)( )

**02. Scope.** ~~The scope of this chapter is creation of Public Safety Communications authorities and These rules pertaining to establish fees for the installation and maintenance of public safety communications services, fee structure for services, providing wireless interoperable communications, technical assistance and standards, microwave systems and high speed wireless bandwidth for state agencies' use in interoperable and public safety communications amongst systems for local, state, federal, and tribal entities agencies, emergency, and first responders.~~ (3-27-13)( )

**002. WRITTEN INTERPRETATIONS (RULE 2).**

~~In accordance with Section 67-5747(a)(i)(ii)(iii)(iv), Idaho Code, the agency Public Safety Communications has been transferred from the Department of Administration to The Idaho Military Division, which now pertain does not rely on any interpretative statements with regard to the interpretation of the rules of this chapter or to the documentation of compliance with the rules of this chapter. Included in these written statements is the charge of providing communications services to all state agencies except the executive office, state courts, and higher education. Pursuant to Section 67-5747(a)(i)(iii)(iv), Idaho Code.~~ (3-27-13)( )

**003. ADOPTION OF ATTORNEY GENERAL'S IDAHO RULES OF PROCEDURE ADMINISTRATIVE APPEAL (RULE 3).**

~~IDAPA 04-11-01, "Idaho Rules of Administrative Procedure of the Attorney General," are adopted for all contested cases before the Military Division and all rulemaking by the Military Division. This chapter does not provide for administrative appeals.~~ (3-27-13)( )

**004. ~~(RESERVED)~~ INCORPORATION BY REFERENCE (RULE 4).**

~~No documents have been incorporated by reference into this chapter.~~ ( )

**005. OFFICE, OFFICE HOURS, MAILING ADDRESS, TELEPHONE AND FACSIMILE NUMBERS, AND WEBSITE ADDRESS (RULE 5).**

**01. Address.** The main office of the Idaho ~~Public Safety Communications-~~ Military Division, Bureau of Homeland Security, is located at 700 South Stratford Drive, Building 600, Meridian, Idaho 83642. (3-27-13)( )

**02. Office Hours.** Office hours are weekdays, 8:00 a.m. to 4:30 p.m., excluding holidays. (3-27-13)

**03. Telephone.** The telephone number is (208) 288-4000. The twenty four (24) hour emergency notification number is (800) 632-8000 or (208) 846-7610. The facsimile number is (208) 288-2605. (3-27-13)( )

**04. Website.** The website address is http://www.bhs.idaho.gov/. ( )

**006. ~~(RESERVED)~~ PUBLIC RECORDS ACT COMPLIANCE (RULE 6).**

~~All records relative to this chapter are public records except to the extent such records are by law exempt from disclosure.~~ ( )

007. COMMUNICATION WITH MILITARY DIVISION, BUREAU OF HOMELAND SECURITY (RULE 7).

01. **Records Custodian.** The Director of the Military Division, Bureau of Homeland Security, is the custodian of all records and files maintained in ~~all formal proceedings under these rules and is responsible for service of all orders and notices~~ connection with this chapter. ~~Unless otherwise directed by order, the Director, Bureau of Homeland Security issues all official notices.~~ (3-27-13)( )

02. **Filing.** All written communications and documents that are intended to be part of an official ~~Military Division~~ record ~~for a decision in a contested case or a rulemaking~~ pertaining to this chapter must be filed with the ~~Director~~ records custodian. ~~Unless otherwise provided by statute, these rules, order or notice, documents are considered filed when received by the Director, not when mailed.~~ (3-27-13)( )

~~03. **Information.** Information concerning proceedings before the Military Division, or the status of any matter of public record is available from the Director, Bureau of Homeland Security.~~ (3-27-13)

008. -- 009. (RESERVED)

010. DEFINITIONS (RULE 10).

01. **Public Safety Communications.** ~~The Agency. Public Safety Communications (PSC) is a unit within Idaho Military transferred from the Department of Administration to the Idaho Military Division under House Bill 305. PSC is charged with "the acquisition and installation of all State public safety radio and microwave systems in support of state emergency communications and will be under the control of the Military Division". This transfer was accomplished to enhance services and coordination for emergency operations and logistics through federal channels already in place within the Idaho Military Division.~~ (3-27-13)

~~02. **Public Safety Communications.** The ability to transmit voice, video and data sent electronically be by means of radio, wireless, data, fiber, leased lines circuits, and digital transmission for emergency and first responders.~~ ( )

02. **Public sSafety eCommunications sSystems.** ~~is eEquipment or systems~~ used in providing interoperable means of communications amongst between local, state, federal, and tribal agencies. These systems ~~and equipment~~ are designed to give emergency and first responders the ability to respond to normal and emergency situations ~~in carrying out each respective agencies duties and responsibilities. These public safety communications systems are used to~~ carry out the normal operations and emergency operations in the protection of life, property and civil authority. (3-27-13)( )

03. **Interoperable Communications.** The ~~condition achieved among communications electronics systems or items of communications electronic equipment when information or services can be exchanged directly and satisfactorily between them and/or their users. Interoperability specifically refers to the~~ ability of emergency response officials to share information via voice and data signals on demand, in real time, when needed, and as authorized and may include one (1) or more forms of wireless communications and microwave systems. (3-27-13)( )

04. **Wireless Communications.** Is the ability to transfer information over ~~distant~~ distance utilizing electromagnetic waves through space as the medium to send voice, video, data, and information. Wireless communications for interoperability specifically refers to the ability of emergency response officials to share information via voice and data signals on demand, in real time, when needed, and as authorized. (3-27-13)( )

a. **Radio Systems.** These wireless systems are typically known as Land Mobile Radio ~~or LMR~~. Land Mobile Radio Systems are the main wireless communications systems deployed by public safety communications for emergency and first responders. (3-27-13)( )

b. **Data Systems.** These wireless systems are used to transmit data at rates typically from 1.2 kilobit up to approximately 1 megabit. These systems are used to send data and text messaging utilized by emergency and first

responders. (3-27-13)

**c.** Video Systems. These wireless systems are used to transmit video and closed circuit television (cctv) for use by emergency and first responders. These systems also carry full motion video for broadcast use such as Idaho Public Television. (3-27-13)

**d.** Broadband Systems. These wireless systems are used to transmit voice, video, and data information in multiple applications. These systems can either be point-to-point links or point to multi-point systems deployed today by emergency and first responders. (3-27-13)

**05. Microwave Systems.** Equipment or apparatus that utilize electromagnetic wavelengths between 1 meter down to 1 millimeter with the equivalent operating frequency between 0.3 GHz and 300 GHz to transmit and receive information. These transmissions are sent on micro-wave links which is a communications system operating between 0.3 GHz – 300 GHz that use electromagnetic waves to send voice, video and data information over distances ranging from a few feet to several hundred miles. (3-27-13)

**011. ABBREVIATIONS (RULE 11).**

- ~~01. PSC. Public Safety Communications. (3-27-13)~~
- ~~02. BHS. Idaho Bureau of Homeland Security. (3-27-13)~~
- ~~03. LMR. Land Mobile Radio. (3-27-13)~~
- ~~04. I.P. Internet Protocol (Ethernet based systems). (3-27-13)~~
- ~~05. GHz. Gigahertz (measured in cycles per second). (3-27-13)~~

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

**100. FEES (RULE 100).**

**01. Fee Schedule for Services.** ~~Public Safety Communications is a dedicated funded agency. It receives no direct funding from the state's general fund. The agency must therefore charge for the services that it provides to local, state, federal and tribal agencies, emergency and first responders. Public Safety Communication~~ The fees listed are minimum rates and can be adjusted annually, based on the Consumer Price Index, and or as contracts are negotiated or renewed, ~~without further rulemaking. These fees are used to maintain and operate the various communications systems that Public Safety Communications (the agency) is charged to maintain and provide.~~ (3-27-13)( )

**02. Fleet Communication Services. (3-27-13)**

**a. Fleet Vehicle Equipment Installation:**

FLEET VEHICLE EQUIPMENT INSTALLATION		Minimum Charges
1.	Standard Enforcement Package	\$1,500.00
2.	Special, Unmarked, or Disguise Package	\$1,300.00
3.	Standard Vehicles – High Tier Radio	\$500.00
4.	Standard Vehicles – Low / Mid Tier Radio	\$325.00
5.	Standard Vehicles- Multi-Band	\$750.00
6.	Non-Standard Fleet Packages	Will bid on individual fleets as needs arise

(3-27-13)

b. Time and Materials Rate:

TIME AND MATERIALS RATE (Minimum 2-hour charge for any labor or travel costs)		\$45.00 / Hr
1.	Travel Time & Mileage	Per Board of Examiners
2.	Parts	Cost + Shipping + Processing

(3-27-13)

03. Emergency Communication Services.

(3-27-13)

a. Microwave Communication Services:

MICROWAVE COMMUNICATION SERVICES Leased Lines & Analog Circuit Rates		Month
1.	Radio Control Circuit	\$200.00
2.	DS1 Circuit (T-1)	\$300.00
3.	Ethernet Access Fee (Per Meg)	\$200.00

(3-27-13)

b. Building Space Rental - (Equipment operating from mountaintop communications site):

BUILDING SPACE RENTAL <i>Equipment Operating From Mountaintop Communications Site</i>		
1.	<del>One customer provided</del> Equipment rack, occupying <del>no more than</del> <b>not to exceed</b> 6 cubic feet of space	\$125.00 / month

~~(3-27-13)~~ ( )

~~d.c.~~ Radio Communication Equipment Space Rental - (Equipment operating from mountain-top communications site):

RADIO COMMUNICATION EQUIPMENT SPACE RENTAL <i>Equipment Operating From Mountain-Top Communications Site</i>		
1.	<del>One customer provided</del> <b>Radio equipment rack space,</b> <del>not to exceed</del> 72 x 19 inches <del>equipment rack,</del> <del>(typically one radio transmitter per rack)</del>	\$125.00 / month, <b>per transmitter</b>

~~(3-27-13)~~ ( )

~~d.d.~~ Radio Communication Services:

RADIO COMMUNICATION SERVICES Maintenance Fees for Agency-Owned Equipment		Monthly Rate / Unit
1.	Portables – Tier I (16 channel or less)	\$17.50

<b>RADIO COMMUNICATION SERVICES</b>		<b>Monthly Rate / Unit</b>
<b>Maintenance Fees for Agency-Owned Equipment</b>		
2.	Portables – Tier II (greater than 16 channels or groups)	\$36.50
3.	Mobile – Tier I (16 channel-non split mount)	\$25.50
4.	Mobile – Tier II (greater than 16 channel and/or remote mount)	\$37.50
5.	Mobile – Trunking (trunking radio with multiple groups / zones)	\$45.00
6.	Base Control – Local	\$60.00
7.	Base Control – Mountain Top (per transmitter)	\$95.00
8.	Repeater – Mountain Top (per transmitter)	\$95.00
9.	Console Desktop – Local	\$60.00
10.	Console – Multi-Channel – Small System – Single Position	\$165.00
11.	Console – Multi-Channel – Large System – Per operator position (The multi-channel large system console is computed by multiplying the number of operator positions by the monthly rate/unit.)	\$250.00
12.	Miscellaneous Equipment Maintenance	(Negotiated as determined)
13.	User Site Management Fees	(Based on site fees, license, and administrative costs)
14.	Other related systems or items	(Will be quoted as needed)

(3-27-13)



**IDAPA 15 - OFFICE OF THE GOVERNOR  
MILITARY DIVISION - BUREAU OF HOMELAND SECURITY**

**15.06.04 - RULES GOVERNING IDAHO YOUTH CHALLENGE PROGRAM**

**DOCKET NO. 15-0604-1301 (NEW CHAPTER)**

**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 46-804 and 46-805, 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 October 16, 2013.

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 is a new title and chapter of rules that aid in the establishment and facilitation of the Idaho Youth Challenge Program. These rules define the student acceptance criteria for the Idaho Youth Challenge Program. They establish: a process for administering the criteria fairly to all potential students wishing to enroll; the Idaho Youth Challenge Board of Admissions, outline the duties therein, and list out those persons selected to serve on that Board; the Idaho Youth Challenge funding and accounting processes; the Idaho Youth Challenge Governing Board; and the Idaho Youth Challenge Board of Trustees.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the Idaho Youth Challenge Program provides a benefit to students who may be eligible for enrollment into the program. Furthermore, these rules are specifically authorized by Section 46-805, Idaho Code.

**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 Brig. Gen. Richard G. Turner, Director of Joint Staff, at (208) 422-5471.

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 October 23, 2013.

DATED this 30th day of August 2013.

Brig. Gen. Richard G. Turner  
Director of Joint Staff, Military Division  
700 S. Stratford Dr., Bldg. 600  
Meridian, ID 83642  
Phone: (208) 422-5471  
Fax: (208) 422-6179

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 15-0604-1301**

**IDAPA 15**  
**TITLE 06**  
**CHAPTER 04**

**MILITARY DIVISION - BUREAU OF HOMELAND SECURITY**

**15.06.04 - RULES GOVERNING THE IDAHO YOUTH CHALLENGE PROGRAM**

**000. LEGAL AUTHORITY.**

This chapter is adopted under the authority of Sections 46-804 and 46-805, Idaho Code. ( )

**001. TITLE AND SCOPE.**

**01. Title.** The title of this chapter is the IDAPA 15.06.04, "Rules Governing the Idaho Youth Challenge Program." ( )

**02. Scope.** These rules establish the criteria for student enrollment in the Idaho Youth Challenge Program. ( )

**002. WRITTEN INTERPRETATIONS.**

The Idaho Military Division does not rely on any interpretative statements with regard to this chapter. ( )

**003. ADMINISTRATIVE APPEALS.**

This chapter does not provide for administrative appeals. ( )

**004. INCORPORATION BY REFERENCE.**

No documents have been incorporated by reference into this chapter. ( )

**005. OFFICE ADDRESS, OFFICE HOURS, TELEPHONE AND FACSIMILE NUMBERS, AND WEBSITE ADDRESS.**

**01. Address.** The main office of the Idaho Military Division is located at 4040 West Guard Street, Gowen Field, Building 600, Boise, Idaho 83705. ( )

**02. Office Hours.** Office hours are weekdays, 8:00 a.m. to 4:30 p.m., excluding holidays. ( )

**03. Telephone.** The telephone number is (208) 422-3000. The facsimile number is (208) 422-3040. ( )

**04. Website.** The website address is <http://www.idaho.ang.af.mil>. ( )

**006. PUBLIC RECORDS ACT COMPLIANCE.**

All records relative to this chapter are public records except to the extent such records are by law exempt from disclosure. ( )

**007. -- 009. (RESERVED)**

**010. DEFINITIONS.**

**01. Participant.** A participant is a person who meets all of the participant selection criteria for the Youth Challenge Program and is selected to participate in the Program from among the eligible applicants. ( )

**02. Program.** The National Guard Youth Challenge Program is a community-based program that leads, trains and mentors at-risk youth so that they may become productive citizens in America's future. ( )

**011. -- 099. (RESERVED)**

**100. PARTICIPANT SELECTION CRITERIA.**

**01. Age.** A Participant must be between the ages of sixteen (16) to eighteen (18) years of age at the time of entry into the Program. ( )

**02. Residency.** A Participant must be a citizen or legal resident of the United States and resident of the state of Idaho. ( )

**03. Physical and Mental Requirements.** ( )

**a.** A Participant must be physically and mentally capable to participate in the Program in which enrolled with reasonable accommodation for physical and other disabilities. ( )

**b.** Selected Participants shall receive a physical examination in conjunction with their entry into the Program. Such examination shall be sufficiently complete so that a conclusion may be reached as to the Participant's ability to complete the program with reasonable accommodation for physical and other disabilities. The examination may also include testing for drug or substance abuse and pregnancy insofar as directed by Department of Defense instructions and insofar as such testing does not conflict with state law. ( )

**04. Additional Requirements.** In addition to the above requirements, a Participant must meet the following criteria to be eligible for the Program. ( )

**a.** A Participant must be a high school dropout. A high school dropout is defined as an individual who is no longer attending any school and who has not received a secondary school diploma or certificate from a program of equivalency for such diploma. ( )

**b.** A Participant must be unemployed or underemployed at the time an application is submitted. ( )

**c.** A Participant must not currently be on parole or probation for anything other than juvenile status offenses. ( )

**d.** A Participant must not be serving time or awaiting sentencing. ( )

**e.** A Participant must not be under indictment, charged with or convicted of a crime that is considered a felony when charged as an adult. ( )

**f.** A Participant must be free from use of illegal drugs or substances and free from the illegal use of drugs or substances. ( )

**101. GOVERNING BOARD.**

The Governing Board shall consist of the Adjutant General, the Director of the Youth Challenge Program, and three (3) at large members appointed by the Adjutant General. Each member of the Governing Board shall serve at the pleasure of the Adjutant General. ( )

**102. BOARD OF ADMISSIONS.**

The Board of Admissions shall consist of the Director of the Youth Challenge Program, the Deputy Director of the Youth Challenge Program, the Youth Challenge Academy Principle, the Youth Challenge Academy Commandant, the Youth Challenge Medical Liaison, the Youth Challenge Program Coordinator, and one (1) at large member appointed by the Adjutant General. Each member of the Governing Board shall serve at the pleasure of the Adjutant General. ( )

**103. -- 999. (RESERVED)**

**OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR**

**IDAPA 15 - OFFICE OF THE GOVERNOR - MILITARY DIVISION  
BUREAU OF HOMELAND SECURITY**

**15.06.05 - HAZARDOUS SUBSTANCE RESPONSE RULES**

**DOCKET NO. 15-0605-1300L**

**NOTICE OF LEGISLATIVE ACTION AFFECTING THE MILITARY DIVISION  
AND THE BUREAU OF HOMELAND SECURITY  
HOUSE BILL 267, AS AMENDED, SESSION LAW 281 (2009)**

**EFFECTIVE DATE:** The effective date of this legislative action is July 1, 2009.

**AUTHORITY:** In compliance with and as authorized by Sections 39-7104, 67-5202(2), 67-5202(3), 67-5203, 67-5224, Idaho Code, and pursuant to House Bill 267aaS (Session Law 281, 2009), notice is hereby given that the Office of the Administrative Rules Coordinator, in conjunction with the Military Division, has redesignated the Title and Chapter numbers of the rule previously under the jurisdiction of the Idaho Emergency Response Commission.

**DESCRIPTIVE SUMMARY:** The following is a statement in nontechnical language of the substance of the legislative action affecting these rules:

House Bill 267, as amended in the Senate, (Session Law 281, 2009) amended parts of Idaho Code Title 39, Chapter 71, the Hazardous Substance Emergency Response Act. The amendments to the Act made the Military Division, through the Bureau of Homeland Security, responsible for implementing the provisions of the Act. These responsibilities include the authority to promulgate rules. The Act was previously implemented and administered by the Idaho Emergency Response Commission which no longer exists. It is therefore necessary to redesignate this rule chapter to the Military Division and the Bureau of Homeland Security.

The rule was previously codified as IDAPA 15.13.02 and it has been redesignated as IDAPA 15.06.05, "Hazardous Substance Response Rules," and remains as currently codified without any additional substantive changes. Because the Military Division is a division of the Governor's Office, the IDAPA number is not changing.

Pursuant to Section 67-5202(2), Idaho Code, and further complying with the legislative intent of House Bill 267aaS, all non-substantive changes that do not affect the sense, meaning, or intent of the rules will be made to correct references and citations to the title and chapter numbers within the rules formerly promulgated under the authority of the Idaho Emergency Response Commission.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this notice, contact Dennis Stevenson, Administrative Rules Coordinator, 208-332-1820, or Col. Brad Richey, Director, Bureau of Homeland Security, at (208) 422-3001.

DATED this 10th day of September, 2013.

Dennis Stevenson  
Administrative Rules Coordinator  
Office of the Administrative Rules Coordinator  
Department of Administration  
PO Box 83720  
Boise, ID 83720-0306

**IDAPA 15 - OFFICE OF THE GOVERNOR  
MILITARY DIVISION - BUREAU OF HOMELAND SECURITY**

**15.13.01 - RULES OF THE IDAHO EMERGENCY RESPONSE COMMISSION**

**DOCKET NO. 15-1301-1301 (CHAPTER REPEAL)**

**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 39-7104 and 46-804, 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 October 16, 2013.

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 Military Division, through the Bureau of Homeland Security, is now responsible for implementing the provisions of the Hazardous Substances Emergency Response Act after the Idaho Emergency Response Commission was abolished. The Military Division is now repealing the rule previously codified under IDAPA 15.13.01, "Rules of the Idaho Emergency Response Commission."

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the Military Division wishes to repeal the rules presently found in IDAPA 15.13.01, "Rules of the Idaho Emergency Response Commission," because there is no longer an Emergency Response Commission.

**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 Col. Brad Richy, Director, Bureau of Homeland Security, at (208) 422-3001.

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 October 23, 2013.

DATED this 30th day of August 2013.

Col. Brad Richy, Director  
Bureau of Homeland Security  
Military Division  
700 S. Stratford Dr., Bldg. 600  
Meridian, ID 83642  
Phone: (208) 422-3001  
Fax: (208) 288-2605

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**IDAPA 15.13.01 IS BEING REPEALED IN ITS ENTIRETY**