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**IDAPA 09
TITLE 01
CHAPTER 01**

IDAPA 09 - DEPARTMENT OF LABOR

09.01.01 - RULES OF THE EXECUTIVE DIVISION

000. -- 010. (RESERVED)

011. RULEMAKING PROCEDURE.

Adoption of Attorney General Rules of Administrative Procedure for Rulemaking. The Department hereby adopts the rules of administrative procedure promulgated by the Attorney General as Subchapter C, Rulemaking, contained in IDAPA 04.11.01.800 through 04.11.01.860, as the Department's own procedural rules for regular and emergency rulemaking, and procedures for filing petitions to initiate rulemaking. Said rules are hereby incorporated and adopted by reference. (2-25-94)

012. (RESERVED)

013. RULE NUMBER SYSTEM.

All Rules are numbered consecutively by program and are referenced to the Idaho Code, and the date of adoption is shown by (DATE) at the lower right of each rule. (12-1-78)

014. SEPARATE RULES.

Each section of these Rules is intended and shall be construed as a separate Rule within the meaning of the Idaho Code relating to the adoption, amendment, or rescission of rules. (12-1-78)

015. PAYMENT TO THE DEPARTMENT.

Collection of payments. Each check or other order for the payment of money tendered to the Department shall be accepted for collection only and shall not constitute payment of any amount due the Department unless paid upon presentment. In the event that the Department incurs necessary expense in the collection of any such check or other order for the payment of money, the amount of such expense shall be paid by the person who tendered said check or order to the Department. (2-25-94)

016. DECLARATORY RULING.

Form and Contents of Petitions for Declaratory Rulings on Applicability of Statutes or Rules. Any person petitioning for a declaratory ruling on the applicability of a statute or rule administered by the Department must substantially comply with this rule (2-25-94)

01. Form of Petition. The petition shall: identify the petitioner and state the petitioner's interest in the matter; state the declaratory ruling that the petitioner seeks; and indicate the statute, or rule, and the factual allegations upon which the petitioner relies to support the petition. (2-25-94)

02. Legal Assertions. Citations of cases and/or statutory provisions may accompany the legal assertions in a petition for a declaratory ruling. (2-25-94)

03. Filing Petition. A petition for a declaratory ruling on applicability of statutes or rules shall be filed with the Director of the Department at 317 Main Street, Boise, Idaho 83735. (2-25-94)

04. Disposition of Petitions for Declaratory Rulings. When a petition is received in the form and content required by these rules, the Director or the Director's designee shall review the contents of the petition and request additional information from the petitioner if necessary, and thereafter make the ruling requested and notify the petitioner and any other interested parties in writing of the ruling. (2-25-94)

017. -- 998. (RESERVED)

999. ADOPTION, INCORPORATION BY REFERENCE, EFFECTIVE DATES.

The rules previously adopted in Docket No. 09-0000-9401 as published in the Idaho Administrative Bulletin, April 6, 1994, Volume 94-4, at pages 09-10, are hereby incorporated by reference and adopted as final rule, effective February 8, 1994. (2-25-94)

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