

Dear Senators MCKENZIE, Lodge, 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 15.06.06 - Rules Governing Use of Disaster Emergency Account Funds - (New Chapter)
Proposed Rule (Docket No. 15-0606-1601).

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 10/24/2016. 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 11/22/2016.

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 334-4834, or send a written request to the address on the
memorandum attached below.



Eric Milstead
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: October 04, 2016

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

IDAPA 15.06.06 - Rules Governing Use of Disaster Emergency Account Funds - (New Chapter) Proposed Rule (Docket No. 15-0606-1601)

The Office of Emergency Management in the Bureau of Homeland Security is proposing to promulgate administrative rules regarding the use of disaster emergency account funds. These rules are the result of negotiated rulemaking which was published in the August 3, 2016, Idaho Administrative Bulletin. It is indicated that in the past there has been confusion about the use of funds in the disaster emergency account fund. The proposed rules define the terms "mitigation" and "recovery" and provide that non-federal share contributions from the state disaster emergency account shall only be available to a public entity included in a state disaster declaration. The proposed rules also provide that state disaster emergency account funds used for mitigation shall be limited to projects that are directly tied to recovery from the disaster. The proposed rules provide that a project is not directly tied to the recovery from the disaster unless the need for the project directly arose from the event or events which led to the disaster declaration. The proposed rules also provide that when assistance is available, non-state recipients shall be required to pay up to forty percent (40%) of the non-federal cost share incurred by the non-state recipient. The rules mean that a non-state recipient means a recipient that is not the State of Idaho.

One comment we might make is that it is not crystal clear by the wording of the proposed rule that a political subdivision of the state such as a city, county or taxing district is or is not a non-state recipient. The Office of Emergency Management might want to clarify that. Other than the one comment, it appears the proposed rules are promulgated within the scope of statutory authority granted to the Office of Emergency Management.

cc: Office of the Governor - Military Division - Bureau of Homeland Security
Gen. Brad Richy

**IDAPA 15 - OFFICE OF THE GOVERNOR
MILITARY DIVISION - OFFICE OF EMERGENCY MANAGEMENT**

15.06.06 - RULES GOVERNING USE OF DISASTER EMERGENCY ACCOUNT FUNDS

DOCKET NO. 15-0606-1601 (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 Section 46-1027, 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 19, 2016.

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 Office of Emergency Management is responsible for managing the disaster emergency account. In the past, there has been some confusion as to what events and circumstances may qualify for funding from this account. In an effort to curb this confusion, the Office of Emergency Management would like to draft rules to specify what qualifies for fund use. These new rules outline what qualifies for disaster emergency fund use during a declared disaster.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the August 3, 2016 Idaho Administrative Bulletin, [Volume 16-8, page 110](#).

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 Brad Richy at (208) 422-3035.

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 26, 2016.

DATED this 1st day of September, 2016.

Brad Richy
Director, Office of Emergency Management
Idaho Military Division
700 S. Stratford Dr., Bldg. 600
Meridian, ID 83642
Phone: (208) 422-3035
Fax: (208) 288-2605

THE FOLLOWING IS THE NEW PROPOSED TEXT OF DOCKET NO. 15-0606-1601
(Only Those Sections With Amendments Are Shown.)

IDAPA 15
TITLE 06
CHAPTER 06

MILITARY DIVISION - OFFICE OF EMERGENCY MANAGEMENT

15.06.06 - RULES GOVERNING USE OF DISASTER EMERGENCY ACCOUNT FUNDS

000. LEGAL AUTHORITY (RULE 0).

This chapter is adopted under the authority of Section 46-1027, Idaho Code. ()

001. TITLE AND SCOPE (RULE 1).

01. Title. The title of this chapter is IDAPA 15.06.06, "Rules Governing Use of Disaster Emergency Account Funds." ()

02. Scope. The scope of this chapter is to govern the expenditure of funds from the Disaster Emergency Account. ()

002. WRITTEN INTERPRETATIONS (RULE 2).

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, the Division may have written statements that pertain to the interpretation of these rules or to the documentation of compliance with these rules. Any such documents are available for public inspection and copying at the Division office. ()

003. ADMINISTRATIVE APPEALS.

This chapter does not provide for administrative appeals of the procedures set forth in this chapter. ()

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference into this chapter. ()

005. OFFICE, OFFICE HOURS, MAILING ADDRESS, TELEPHONE NUMBERS (RULE 5).

The office of the Idaho Military Division-Office of Emergency Management is located at 4040 Guard St., Bldg. 600 Boise, Idaho 83705-5004. Office hours are weekdays, 8:00 a.m. to 4:30 p.m., excluding holidays. The telephone number is (208) 422-3040. The twenty four (24) hour emergency notification number is (800) 632-8000 or (208) 846-7610. ()

006. PUBLIC RECORDS ACT.

These rules are public records and are available for inspection and copying at the Division office. ()

007. – 009. (RESERVED).

010. DEFINITIONS

01. Mitigation. Projects funded under the authority of the Stafford Act aimed at reducing the loss of life and property that might occur during a disaster by taking calculated measures to lessen the impact of future

disasters. ()

02. Recovery. Actions taken to return a disaster-affected area to a normal or safer condition following the declaration of a state of disaster emergency. ()

011. – 099. (RESERVED).

100. STATE DISASTER EMERGENCY ACCOUNT.

01. Availability. In accordance with Section 46-1005A(1), Idaho Code, non-federal share contributions from the state disaster emergency account shall only be available to a public entity included in a state disaster declaration. ()

02. Mitigation. State disaster emergency account funds used for mitigation shall be limited to projects that are directly tied to recovery from the disaster. A project is not directly tied to the recovery from the disaster unless the need for the project directly arose from the event(s) which led to the disaster declaration. ()

03. Cost Share. In accordance with Section 46-1008(6), Idaho Code, when assistance is available, non-state recipients shall be required to pay up to forty percent (40%) of the non-federal cost share incurred by the non-state recipient. For the purpose of this section, non-state recipient means a recipient that is not the state of Idaho. ()

101. – 999. (RESERVED).