

Dear Senators LODGE, Harris, Stennett, and  
Representatives HARRIS, Armstrong, Smith:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the  
Office of the Governor - Idaho Office of Emergency Management:

IDAPA 15.06.00 - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule (Docket No.  
15-0600-2000F).

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 10/16/2020. 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 11/13/2020.

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 334-4854, or send a written request to the address on the  
memorandum attached below.



Eric Milstead  
Director

# Legislative Services Office

## Idaho State Legislature

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*Serving Idaho's Citizen Legislature*

### MEMORANDUM

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

**FROM:** Deputy Division Manager - Katharine Gerrity

**DATE:** September 29, 2020

**SUBJECT:** Office of the Governor - Idaho Office of Emergency Management

IDAPA 15.06.00 - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule (Docket No. 15-0600-2000F)

#### Summary and Stated Reasons for the Rule

The Office of the Governor - Idaho Office of Emergency Management submits notice of proposed fee rule. According to the office, the rulemaking republishes the following temporary rule chapter that was previously submitted: IDAPA 15.06.03, Public Safety Communications Systems Installation and Maintenance Fee Rules.

The office states that the fee rule does not impose a fee or charge, or increase a fee or charge, beyond what was previously submitted to and reviewed by the Legislature in the prior rules. According to the office, the rule establishes all fees for or associated with installation and maintenance of public safety fleet communication services or emergency communication services for local, state, federal, and tribal agencies, emergency, and first responders.

#### Negotiated Rulemaking/Fiscal Impact

The office notes that negotiated rulemaking was not conducted because engaging in negotiated rulemaking for all previously existing rules would inhibit the agency from carrying out its ability to protect health, safety, and welfare. The department also confirms that the rulemaking is not anticipated to have any fiscal impact on the general fund.

#### Statutory Authority

The rulemaking appears to be authorized pursuant to Section 46-804, Idaho Code.

cc: Office of the Governor - Idaho Office of Emergency Management  
Major General Michael J. Garshak

Kristin Ford, Manager  
Research & Legislation

Paul Headlee, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

Statehouse, P.O. Box 83720  
Boise, Idaho 83720-0054

Tel: 208-334-2475  
www.legislature.idaho.gov

**\*\*\* PLEASE NOTE \*\*\***

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

**IDAPA 15 – OFFICE OF THE GOVERNOR  
IDAHO MILITARY DIVISION**

**DOCKET NO. 15-0600-2000F (FEE RULE)**

**NOTICE OF OMNIBUS RULEMAKING – PROPOSED RULE**

**AUTHORITY:** In compliance with Sections 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:** Opportunity for presentation of oral comments concerning this rulemaking will be scheduled in accordance with Section 67-5222, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of the purpose of the proposed rulemaking:

This proposed rulemaking re-publishes the following existing temporary rule chapter previously submitted to and reviewed by the Idaho Legislature under IDAPA 15.06.03, rules of the Military Division – Public Safety Communications:

**IDAPA 15.06**

- 15.06.03, *Public Safety Communications Systems Installation and Maintenance Fee Rules*

**FEE SUMMARY:** This rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously submitted to and reviewed by the Idaho Legislature in the prior rules. This rule establishes all fees for or associated with installation and maintenance of public safety fleet communication services or emergency communication services for local, state, federal, and tribal agencies, emergency, and first responders. Examples of these fees include, but are not limited to:

- Time and Materials Standard Shop Rate: \$45.00/hour, with a minimum two hour charge for labor, plus travel costs;
- Fleet Vehicle Equipment Installation: Cost dependent based on vehicle requirements; pre-negotiated at flat-rate per vehicle with the customer;
- Microwave Communication Services:
  - Radio control or ILETS circuit: \$200.00/month
  - DSI – T-1 circuit: \$300.00/month
  - Ethernet access fee (Per-Meg): \$200.00/month
- Building and Tower Space Rental:
  - Equipment space, not to exceed six cubic feet: \$125.00/month
  - Radio rack space, not to exceed 72” x 19” (per transmitter): \$125.00/month

A complete list of Public Safety Communications Standard Rates can be made available upon request.

**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: This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2021 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not feasible because engaging in negotiated rulemaking for all previously existing rules will inhibit the agency from carrying out its ability to serve the citizens of Idaho and to protect their health, safety, and welfare.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, incorporated material may be obtained or electronically accessed as provided in the text of the proposed rules attached hereto.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Mr. Collier Lipple or MAJ Stephen Stokes at (208) 272-5199.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered within twenty-one (21) days after publication of this Notice in the Idaho Administrative Bulletin. Oral presentation of comments may be requested pursuant to Section 67-5222(2), Idaho Code, and must be delivered to the undersigned within fourteen (14) days of the date of publication of this Notice in the Idaho Administrative Bulletin.

Dated this 19th day of August, 2020.

MAJ Stephen A. Stokes  
Staff Judge Advocate  
Idaho Military Division  
3882 W. Ellsworth St., Bldg. 440  
Boise, Idaho 83705  
(208) 272-5199

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

**000. LEGAL AUTHORITY.**

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

**001. TITLE AND SCOPE.**

**01. Title.** This chapter is titled IDAPA 15.06.03, “Public Safety Communications Systems Installation and Maintenance Fee Rules.” ( )

**02. Scope.** These rules establish fees for the installation and maintenance of public safety communications systems for local, state, federal, and tribal agencies, emergency, and first responders. ( )

**002. -- 009. (RESERVED)**

**010. DEFINITIONS.**

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

**02. Public Safety Communications Systems.** Equipment used in providing interoperable means of communications between local, state, federal, and tribal agencies. These systems are designed to give emergency and first responders the ability to respond to normal and emergency situations and carry out normal and emergency operations in the protection of life, property and civil authority. ( )

**03. Interoperable Communications.** 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. ( )

**04. Wireless Communications.** Is the ability to transfer information over 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. ( )

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

**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. ( )

**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. ( )

**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. ( )

**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. ( )

**011. FEES.**

All fees for or associated with fleet communication services or emergency communication services will be determined using the Idaho Military Division standard fee schedule or as negotiated or renewed. ( )

**012. -- 999. (RESERVED)**

## PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

**Department or Agency: Idaho Military Division**

**Agency Contact: MAJ Stephen Stokes Phone: 208-272-5199**

**Date: 12 August 2020**

**IDAPA, Chapter and Title Number and Chapter Name:**

[15.06.03 – Public Safety Communications Systems Installation and Maintenance Fee Rules](#)

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**Fee Rule Status: X Proposed \_\_\_\_\_ Temporary**

**Rulemaking Docket Number: 15-0600-2000F**

### **STATEMENT OF ECONOMIC IMPACT:**

This fee is remaining the same as it was when submitted for legislative review during the 2020 legislative session. This rule establishes all fees for or associated with installation and maintenance of public safety fleet communication services or emergency communication services for local, state, federal, and tribal agencies, emergency, and first responders. Fees are determined “using the Idaho Military Division standard fee schedule or negotiated as renewed.”

Examples of these fees include, but are not limited to:

- Time and Materials Standard Shop Rate: \$45.00/hour, with a minimum two hour charge for labor, plus travel costs;
- Fleet Vehicle Equipment Installation: Cost dependent based on vehicle requirements; pre-negotiated at flat-rate per vehicle with the customer;
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