



Eric Milstead  
Director

# Legislative Services Office

## Idaho State Legislature

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### MEMORANDUM

**TO:** Senators LODGE, Harris, Stennett and,  
Representatives HARRIS, Armstrong, Smith

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

**DATE:** April 21, 2020

**SUBJECT:** Temporary Rule

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

We are forwarding this temporary rule to you for your information only. No analysis was done by LSO. This rule is posted on our web site. If you have any questions, please call Katharine Gerrity at the Legislative Services Office at (208) 334-4845. Thank you.

Attachment: Temporary Rule

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

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

**NOTICE OF OMNIBUS RULEMAKING – ADOPTION OF TEMPORARY RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule(s) being adopted through this omnibus rulemaking is the adjournment date of the second regular session of the 65th Idaho State Legislature - March 20, 2020.

**AUTHORITY:** In compliance with Section 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Section 46-804, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

This temporary rulemaking adopts the following chapter under IDAPA 15.06:

**IDAPA 15.06**

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

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Sections 67-5226(1) and 67-5226(2), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

These temporary rules are necessary to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These temporary rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety, and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fees or charges being imposed or increased is justified and necessary to avoid immediate danger and the fee(s) is described herein:

The fees or charges, authorized in Section 46-804, Idaho Code, are part of the agency's 2021 budget that relies upon the existence of these fees or charges to meet the state's obligations and provide necessary state services. Failing to reauthorize these temporary rules would create immediate danger to the state budget, immediate danger to necessary state functions and services, and immediate danger of a violation of Idaho's constitutional requirement that it balance its budget.

The following is a specific description of the fees or charges:

This rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously approved and codified in the prior rules. The rule allows fees to be negotiated, which was permitted in the previous rule. The various fees are associated with fleet communication services or emergency communication services, to include: Fleet Vehicle Equipment Installation, Time and Materials Rate, Microwave Communication Services, Building Space Rental, Radio Communication Equipment Space Rental, and Radio Communication Services.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the temporary rule, contact Maj Lauren Tschampl at 208-941-6984.

DATED this 20 February 2020

Michael J. Garshak  
The Adjutant General  
Idaho Military Division  
4040 W. Guard, Building 600  
Boise, Idaho 83705  
208-422-5242

**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. (3-20-20)T

**001. TITLE AND SCOPE.**

**01. Title.** This chapter is titled IDAPA 15.06.03, “Public Safety Communications Systems Installation and Maintenance Fee Rules.” (3-20-20)T

**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. (3-20-20)T

**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. (3-20-20)T

**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. (3-20-20)T

**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. (3-20-20)T

**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. (3-20-20)T

**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. (3-20-20)T

**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. (3-20-20)T

**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. (3-20-20)T

**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. (3-20-20)T

**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. (3-20-20)T

**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. (3-20-20)T

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