

IDAPA 11 – IDAHO STATE POLICE

11.10.01 – RULES GOVERNING IDAHO PUBLIC SAFETY AND SECURITY INFORMATION SYSTEM

DOCKET NO. 11-1001-2401 (FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is April 24, 2024.

EXPIRATION DATE: In accordance with Section 67-5226(5), Idaho Code, this temporary rule will expire on its own terms July 1, 2024.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 19-5201-5204, Idaho Code.

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

During the 2024 Legislative Session, the Idaho Legislature approved the changes submitted under pending docket 11-1001-2301. However, the temporary rules adopted under the same docket expired upon sine die. House Bill 767, which makes all approved rules effective July 1, was also passed and signed into law during session. This temporary rule codifies the changes done as part of the negotiated rulemaking process and as approved by the Idaho Legislature until the final rules can take effect July 1, 2024.

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

This temporary rule is necessary to ensure the continue operation of the Idaho Public Safety and Information Security System (ILETS) can continue to provide the critical officer safety and other information used by law enforcement agencies across Idaho. The system is a vital link for law enforcement and provides 24/7 access to information that keeps communities safe. It will ensure adequate funding is available to support the continued stable operation of the ILETS System and is necessary to protect the public health, safety, and welfare of the people of Idaho.

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

Idaho Code 19-5202 authorizes the access chargers for users of the ILETS system. The following is the fee schedule effective on October 1, 2023.

Percentage of Total ILETS Message Traffic	Annual Usage Fee effective Oct. 1, 2023
0 - .25 %	\$3,750
.26 - .50 %	\$7,500
.51 - .75 %	\$15,000
.76 - 1.0 %	\$24,000
1.01 - 1.50 %	\$32,500
1.51 – 2.0 %	\$48,750
2.01 – 5.0 %	\$69,625
> 5.01 %	\$98,939

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Bureau Chief, Leila McNeill, (208) 884-7136, Email: Leila.Mcneill@isp.idaho.gov.

DATED this 5th day of June, 2024.

Lt. Colonel Bill Gardiner
Chief of Staff
Idaho State Police
700 S Stratford Drive
Meridian ID 83642
(208) 884-7004
Bill.gardiner@isp.idaho.gov

THE FOLLOWING IS THE TEXT OF THE TEMPORARY (FEE) RULE FOR DOCKET NO. 11-1001-2401
(Only Those Sections With Amendments Are Shown.)

018. USER ACCESS FEES.

01. Payment of Fees Required. Any agency that has signed a user agreement with ILETS to have direct terminal or system access to the network must pay access and usage fees as provided in Section 018. (3-23-22)

02. ILETS Network User Access Fees. The access fees approved by the Board and to be collected quarterly in advance by the department are as follows: (3-23-22)

a. An agency at the county or municipal level pays an annual access fee of five thousand, four hundred and twenty-five dollars (\$5,425). (3-23-22)

b. An agency at the state, federal, or tribal level pays an annual access fee of nine thousand dollars (\$9,000). (3-23-22)

03. Usage Fee. Any agency that has signed a user agreement with ILETS to have direct terminal or system access to the ILETS network pays quarterly a usage fee based on that agency's percentage of total annual messages sent and received by user agencies through the ILETS message switcher. The total percentage for an agency includes the message traffic generated by any other agency authorized to access ILETS through that agency's direct terminal or system access. (3-23-22)

a. The usage fee is assessed according to the following schedule:

Percentage of Total ILETS Message Traffic	Annual Usage Fee Effective October 1, 2014 2023
0 - .25 %	\$ 1,875 3,750
.26 - .50 %	\$ 3,750 7,500

Percentage of Total ILETS Message Traffic	Annual Usage Fee Effective October 1, 2014 2023
.51 - .75 %	\$ 7,500 15,000
.76 - 1.0 %	\$ 15,000 24,000
1.01 - 1.50 %	\$ 22,500 32,500
1.51 – 2.0 %	\$ 33,750 48,750
2.01 – 5.0 %	\$ 50,625 69,625
> 5.01 %	\$ 75,939 98,939

~~(3-23-22)~~(4-24-24)T

b. The department will conduct audits of ILETS message switcher traffic for even-numbered years to determine an agency’s annual usage fee. This fee is effective for two (2) years and begins with the quarterly statement beginning October 1 of odd-numbered years. (3-23-22)

c. If an agency discontinues direct terminal or system access to ILETS and acquires authorized access through another agency, the usage fee for the agency maintaining direct access will be adjusted to reflect the combined historical usage. (3-23-22)

d. A new agency approved for direct ILETS access that does not have historical usage will be assessed an interim usage fee by the department pending the next audit of ILETS message traffic. The department sets an interim fee based on the agency’s similarities to existing agencies with direct terminal or system access. An agency may appeal the interim usage fee set by the department to the ILETS Board. (3-23-22)

e. As operator of ILETS, the department, in lieu of payment of fees, provides direct and in-kind support of network operations. The Board reviews biennially the proportion of that support to the overall operating cost of the system. (3-23-22)

04. Billing and Payment. The department mails billing statements quarterly to all agencies with direct terminal or system access to ILETS. Payment of the fees is due by the first day of the month of each quarter (October 1, January 1, April 1, and July 1), unless it is a Saturday, a Sunday, or a legal holiday, in which event the payment is due on the first successive business day. (3-23-22)

05. Sanctions for Delinquency. Any user agency that becomes delinquent in payment of assessed fees is subject to sanctions under Section 028. (3-23-22)