

Dear Senators LODGE, Guthrie, Stennett, and
Representatives CRANE, Armstrong, Gannon:

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

IDAPA 15.06.01 - Rules Governing the Idaho Public Safety Communications Commission (ZBR
Chapter Rewrite) - Proposed Rule (Docket No. 15-0601-2201).

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 08/08/2022. 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 09/05/2022.

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.



Terri Kondeff
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: Deputy Division Manager - Katharine Gerrity
DATE: July 20, 2022
SUBJECT: Office of the Governor - Idaho Military Division

IDAPA 15.06.01 - Rules Governing the Idaho Public Safety Communications Commission (ZBR Chapter Rewrite) - Proposed Rule (Docket No. 15-0601-2201)

Summary and Stated Reasons for the Rule

The Idaho Military Division submits notice of proposed rule at IDAPA 15.06.01 - Rules Governing the Idaho Public Safety Communications Commission. The rulemaking is being done under the Zero-Based Regulation Executive Order. The purpose of changes are to streamline or simplify the rule language.

Negotiated Rulemaking / Fiscal Impact

The division states that the rule changes and formulation of the proposed rule were discussed with stakeholders in an open, noticed meeting held by the Idaho Public Safety Communications Commission. The division states that there is no fiscal impact as a result of the rulemaking.

Statutory Authority

The rulemaking appears authorized pursuant to Section 31-4816, Idaho Code.

cc: Office of the Governor - Idaho Military Division
Maj. Gen. Michael J. Garshak

***** 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.

Paul Headlee, Deputy Director Kristin Ford, Manager Keith Bybee, Manager April Renfro, Manager Glenn Harris, Manager
Legislative Services Office Research & Legislation Budget & Policy Analysis Legislative Audits Information Technology

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**IDAPA 15.06 – OFFICE OF THE GOVERNOR
IDAHO MILITARY DIVISION**

15.06.01 – RULES GOVERNING THE IDAHO PUBLIC SAFETY COMMUNICATIONS COMMISSION

DOCKET NO. 15-0601-2201 (ZBR CHAPTER REWRITE)

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 Sections 31-4801 and 31-4815, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Thursday, July 7, 2022, at 1:00 p.m. MT
Lucky Peak Room 109 945 E. Pine Ave. Meridian, Idaho 83642

The hearing site 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:

Under [Executive Order 2020-01, Zero-Based Regulation](#), the Idaho Public Safety Communications Commission (IPSCC) is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter, and use plain language for better understanding.

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

There is no fee associated with this rule.

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 as a result of this rulemaking: Not applicable.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, a Notice of Intent to Promulgate Rules - Negotiated Rulemaking was not published in the Idaho Administrative Bulletin. However, rule changes and formulation of the proposed rule were discussed with stakeholders in an open, noticed meeting held by the IPSCC.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the incorporation by reference is necessary: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Lt Col Lauren Tschampl at (208) 422-5399.

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 27 July 2022.

DATED this 20 May 2022.

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

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 15-0601-2201
(Zero Based Regulation (ZBR) Chapter Rewrite)

15.06.01 – RULES GOVERNING THE IDAHO PUBLIC SAFETY COMMUNICATIONS COMMISSION

000. LEGAL AUTHORITY.

Section 31-4816(18), Idaho Code. ()

001. SCOPE.

These rules govern the Commission's mediation and grant processes. ()

002. -- 009. (RESERVED)

010. DEFINITIONS.

01. Applicant. A Consolidated Emergency Communication Center submitting a grant application. ()

02. Commission. The Idaho Public Safety Communications Commission as established within the Military Division by Section 31-4815(1), Idaho Code. ()

03. Consolidated Emergency Communication Center. A governmental or multi-governmental organization authorized to collect emergency communication fees in accordance with Title 31, Chapter 48, Idaho Code. ()

04. Grant Cycle. The period between July 1 through the following June 30 for grant application distribution, submission, award notice and disbursement in accordance with dates established in Section 021 of these rules. ()

05. Mediation. The process required by Section 31-4817, Idaho Code, as a condition precedent to local government agencies initiating any legal action. ()

06. Taxing District. A fire protection district created pursuant to Section 31-1402, Idaho Code, an ambulance service created pursuant to Section 31-3901, Idaho Code, or an ambulance service district created pursuant to Section 31-3908, Idaho Code. ()

011. (RESERVED)

SUBCHAPTER A – RULES GOVERNING MEDIATION

012. REQUEST FOR MEDIATION.

The parties must submit a written request for mediation to the Commission demonstrating that all parties are requesting the mediation. Mediation process is delineated in Commission Policy letter. ()

013. SCHEDULED GROUP MEDIATION.

Within fifteen (15) days from the date of receipt of a request for mediation, the Commission will schedule a date for a mediation at which all parties and a quorum of the Commission can be present, and notify the parties in writing of the date of the group mediation. ()

014. REQUIREMENT OF SUBMISSION OF DOCUMENTS AND EXHIBITS.

The Commission may require the parties to produce documents at or before the date set for the group mediation. Such documents may include, but are not limited to, individual statements of position from each party. The Commission will notify the parties in writing of any documents that may need to be produced and the date of submission. ()

015. INDIVIDUAL POSITION STATEMENTS.

If the Commission requires individual statements of position from each party, the statements of position should begin with a one (1) page statement of the dispute. ()

01. Stipulation of Facts. The parties are encouraged to stipulate to as many facts as possible and clearly identify what facts are being stipulated. ()

02. Supporting Documents. The parties should present their entitlement position with specific references to appropriate supporting documents, to be included with the statement of position. ()

016. GROUP MEDIATION.

The Commission chairman, or in his absence the vice-chairman or other commissioner designated by the chairman, will preside over the mediation. ()

017. SUPPLEMENTAL DOCUMENTATION.

The Commission may require the parties to provide supplemental documentation and may establish a date by which such documentation is due. ()

018. COMMISSION RECOMMENDATION.

The Commission may make such recommendation orally or in writing. ()

019. TERMINATION OF MEDIATION.

The mediation is terminated as follows: ()

01. Settlement. By the signing of a settlement agreement between the parties covering any or all of the issues between them; and/or ()

02. Failure to Agree. By the written declaration of all parties and the chairman, on behalf of the Commission, that the parties could not come to an agreement in the mediation covering any or all of the issues between them. ()

020. -- 099. (RESERVED)

SUBCHAPTER B – COMMISSION GRANTS

100. GRANT ADMINISTRATION.

01. Grant Administration. The moneys that may be available through the ECGF are from the emergency communications fees placed in the Fund pursuant to Section 31-4819, Idaho Code. Administration of the Grants is detailed in Commission Policy Letter. ()

101. GRANT CYCLE.

- 01. Application Availability.** The Commission will make an application and guidance available no later than July 1 of each year. ()
- 02. Application Period.** The Applicant has until July 31 to complete and submit the application to the Commission. ()
- 03. Application Evaluation Period.** Prior to September 15, the Commission and, if applicable, a grant subcommittee, will evaluate the applications received. ()
- 04. Award Notification.** Prior to October 31, the Commission will issue notification to every Applicant regarding the disposition of its grant request. ()
- 05. Grant Disbursement.** Grant disbursement will occur prior to April 30. ()
- 06. Deadline for Return of Funds.** All unused grant funds not expended for costs associated with Applicant's award must be returned by the Applicant no later than May 31. ()

102. APPLICATION.

A completed application must be submitted by the Applicant on or before the conclusion of the application period to be considered during the Grant Cycle. ()

- 01. Application Frequency.** Only one (1) application per Consolidated Emergency Communication Center may be filed in any Grant Cycle, on the form required by the Commission. ()
- 02. Incomplete Application.** An application missing required information may be excluded from consideration for an award. ()
- 03. Applicant's Request for Amendment.** An Applicant may amend its application after the application period has ended by sending both a written request and the proposed application amendment to the IPSCC grant subcommittee. The Commission may grant such amendments at its discretion. ()

103. AWARD ELIGIBILITY REQUIREMENTS.

- 01. Equipment.** Only equipment identified as allowable in the application guidance may be purchased with grant funds. ()
- 02. Award Consideration Criteria.** To be considered for an award, an Applicant must meet all of the following requirements: ()
- a.** Be a Consolidated Emergency Communication Center collecting emergency communications fees in accordance with Title 31, Chapter 48, Idaho Code, delivering or seeking to deliver Consolidated Emergency Communication services; ()
 - b.** Comply and warrant to comply with applicable law, including but not limited to Section 31-4804(5), Idaho Code; ()
 - c.** Agree to follow all applicable bid laws in the acquisition of any equipment paid for with grant funds; and ()
 - d.** Agree to use any grant funds in strict compliance with the grant terms and agree to provide written documentation or proof of expenses to the Commission as required by the grant terms. ()

104. CRITERIA FOR EQUIPMENT.

The following weighted criteria will be used to evaluate applications for equipment, with maximum weight available for each criterion as indicated. Greater value will be assigned to conditions indicating greater need for each criterion:

()

01. Applicant Equipment Age. The age of similar equipment currently in use by the Applicant; value = fifteen (15). The application demonstrating older equipment will be assigned greater value. The application demonstrating replacement of older equipment with NG911/I3 compliant equipment will be assigned a greater value. ()

02. Applicant Equipment Availability. Similar equipment currently in use by the Applicant; value = fifteen (15). The application demonstrating lack of similar equipment will be assigned greater value; the application demonstrating no access to similar equipment will be assigned the maximum value. ()

03. Anticipated Use. An estimate of the frequency of use for the equipment; value = fifteen (15). The application demonstrating a higher ratio of dispatch per capita will be assigned greater value. ()

04. Duration of Use. An estimate of the length of time the equipment would be used, expressed as a mean time; value = fifteen (15). The application demonstrating a greater duration of use will be assigned greater value. ()

05. Fiscal Resource Base. The proportion of operating budget supported by tax revenue; value = ten (10). The application demonstrating less revenue from taxes expressed as a percent of total revenue for the most recent year will be assigned greater value. ()

06. City, County and Taxing District Endorsement. The proportion of Idaho cities, counties and Taxing Districts within which the Applicant's primary service area occurs that endorse the application; value = five (5). The application demonstrating a larger percent of endorsements will be assigned greater value. ()

07. Population. The number of people residing in the Consolidated Emergency Communications Center's service area; value = five (5). The application demonstrating a greater number of people will be assigned greater value. ()

08. Square Mileage. The area served by the Consolidated Emergency Communications Center; value = fifteen (15). The application demonstrating a greater square mileage will be assigned greater value. ()

09. Number of Law Enforcement, Fire and Emergency Medical Service Agencies Dispatched. Value = ten (10). The application demonstrating a higher number of law enforcement, fire and emergency medical service agencies will be assigned greater value. ()

10. Narrative. The need for and lack of availability of funds from other sources as documented by the Applicant; value = twenty (20). The application demonstrating a greater need for and lack of available funds will be assigned greater value. The application seeking to share resources and equipment with other 911 service areas (e.g., host remote) will be assigned a greater value. ()

105. FRAUDULENT INFORMATION ON GRANT APPLICATION. Providing false information on any application or document submitted under these rules is grounds for declaring the Applicant ineligible. Any and all funds determined to have been acquired on the basis of fraudulent information must be returned to the Commission. ()

106. -- 999. (RESERVED)