

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 - Military Division - Bureau of Homeland Security:

IDAPA 15.06.00 - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking
(Docket No. 15-0600-1900F).

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 07/22/2019. 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 08/19/2019.

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

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate State Affairs Committee Committee and the House State Affairs Committee Committee
FROM: Deputy Division Manager - Katharine Gerrity
DATE: July 2, 2019
SUBJECT: Office of the Governor - Military Division - Bureau of Homeland Security

IDAPA 15.06.00 - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking (Docket No. 15-0600-1900F)

The Idaho Military Division submits notice of temporary and proposed rules that reauthorize and re-publish the following previously approved chapter at IDAPA 15.06.03 - Public Safety Communications Systems Installation and Maintenance Fee Rules. These rules were previously analyzed and reviewed by the Legislative Services Office upon their initial promulgation. No other changes from the existing rules have been noted.

This is a fee rule. According to the division, 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.

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

cc: Office of the Governor - Military Division - Bureau of Homeland Security
Major General 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.

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

DOCKET NO. 15-0600-1900F

NOTICE OF OMNIBUS RULEMAKING – TEMPORARY AND PROPOSED FEE RULEMAKING

EFFECTIVE DATE: The effective date of the temporary rules listed in the descriptive summary of this notice is June 30, 2019.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 46-804, Idaho Code.

PUBLIC HEARING SCHEDULE: Oral comment 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 its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This temporary and proposed rulemaking adopts and re-publishes the following existing and previously approved and codified chapters under IDAPA 15.06, rules of the Military Division:

IDAPA 15.06.03

- 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 previously approved and codified 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. 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. These systems 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.

The fee or charge imposed by the rules is necessary to avoid immediate danger. The fees or charges reauthorized in this rulemaking are currently existing and have been previously promulgated by the agency and reviewed and approved by the Legislature. These fees and charges are part of the dedicated fund portion of the state budget, which makes up a material portion of the FY2020 budget. The FY2020 budget has already been set by the Legislature and passed into law. That budget relies upon the existence of these fees and charges to meet the state's obligations and provide necessary state services. Failing to reauthorize these fee 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. 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.

FEE SUMMARY: The preceding section and the attached rules provide a specific description of the fee or charge imposed or increased by this rulemaking. 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 lists fee schedules for Fleet Vehicle Equipment Installation, Time and Materials Rate, Microwave Communication Services, Building Space Rental, Radio Communication Equipment Space Rental, and Radio Communication Services.

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 FY2020 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 of the need to adopt the rules as temporary, and because these existing chapters of IDAPA are being re-published and re-authorized. Negotiated rulemaking also is not feasible because of the need to implement these rules before they expire; the rules form the regulatory framework of the laws of this state and have been previously promulgated and reviewed by the legislature pursuant to the Idaho Administrative Procedures Act, Chapter 52, Title 67, Idaho Code; and 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 temporary and proposed rules attached hereto.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Major Lauren Tschampl, (208) 42-5399.

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 June, 2019.

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

IDAPA 15
TITLE 06
CHAPTER 03

MILITARY DIVISION – PUBLIC SAFETY COMMUNICATIONS

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

000. LEGAL AUTHORITY (RULE 0).

This chapter is adopted under the authority of Section 46-804, Idaho Code. (3-20-14)

001. TITLE AND SCOPE (RULE 1).

01. Title. The title of this chapter is the IDAPA 15.06.03, “Public Safety Communications Systems Installation and Maintenance Fee Rules.” (3-20-14)

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. (3-20-14)

002. WRITTEN INTERPRETATIONS (RULE 2).

The Idaho Military Division does not rely on any interpretative statements with regard to this chapter. (3-20-14)

003. ADMINISTRATIVE APPEAL (RULE 3).

This chapter does not provide for administrative appeals. (3-20-14)

004. INCORPORATION BY REFERENCE (RULE 4).

No documents have been incorporated by reference into this chapter. (3-20-14)

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

01. Address. The main office of the Idaho Military Division is located at 700 South Stratford Drive, Building 600, Meridian, Idaho 83642. (3-25-16)

02. Office Hours. Office hours are weekdays, 8:00 a.m. to 4:30 p.m., excluding holidays. (3-27-13)

03. Telephone. The telephone number is (208) 288-4000. The facsimile number is (208) 288-2605. (3-25-16)

006. PUBLIC RECORDS ACT COMPLIANCE (RULE 6).

All records relative to this chapter are public records except to the extent such records are by law exempt from disclosure. (3-20-14)

007. COMMUNICATION WITH MILITARY DIVISION, PUBLIC SAFETY COMMUNICATIONS (RULE 7).

01. Records Custodian. The Director of the Military Division is the custodian of all records and files maintained in connection with this chapter. (3-25-16)

02. Filing. All written communications and documents that are intended to be part of an official record pertaining to this chapter must be filed with the records custodian. (3-20-14)

008. -- 009. (RESERVED)

010. DEFINITIONS (RULE 10).

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. (3-20-14)

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. (3-20-14)

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. (3-20-14)

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. (3-20-14)

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. (3-20-14)

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. (3-27-13)

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. (3-27-13)

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. (3-27-13)

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. (3-27-13)

011. -- 099. (RESERVED)

100. FEES (RULE 100).

01. Fee Schedule for Services. The fees listed are minimum rates and can be adjusted annually, based on the Consumer Price Index, and or as contracts are negotiated or renewed, without further rulemaking. (3-20-14)

02. Fleet Communication Services. (3-27-13)

a. Fleet Vehicle Equipment Installation:

FLEET VEHICLE EQUIPMENT INSTALLATION		Minimum Charges
1.	Standard Enforcement Package	\$1,500
2.	Special, Unmarked, or Disguise Package	\$1,300
3.	Standard Vehicles – High Tier Radio	\$500

FLEET VEHICLE EQUIPMENT INSTALLATION		Minimum Charges
4.	Standard Vehicles – Low / Mid Tier Radio	\$325
5.	Standard Vehicles- Multi-Band	\$750
6.	Non-Standard Fleet Packages	Will bid on individual fleets as needs arise

(3-27-13)

b. Time and Materials Rate:

TIME AND MATERIALS RATE		\$45.00 / Hr
(Minimum 2-hour charge for any labor or travel costs)		
1.	Travel Time & Mileage	Per Board of Examiners
2.	Parts	Cost + Shipping + Processing

(3-27-13)

03. Emergency Communication Services.

(3-27-13)

a. Microwave Communication Services:

MICROWAVE COMMUNICATION SERVICES		Month
Leased Lines & Analog Circuit Rates		
1.	Radio Control Circuit	\$200
2.	DS1 Circuit (T-1)	\$300
3.	Ethernet Access Fee (Per Meg)	\$200

(3-27-13)

b. Building Space Rental - (Equipment operating from mountaintop communications site):

BUILDING SPACE RENTAL	
1.	Equipment not to exceed 6 cubic feet of space \$125/month

(3-20-14)

c. Radio Communication Equipment Space Rental - (Equipment operating from mountain-top communications site):

RADIO COMMUNICATION EQUIPMENT SPACE RENTAL	
1.	Radio equipment rack space, not to exceed 72 x 19 inches \$125/month per transmitter

(3-20-14)

d. Radio Communication Services:

RADIO COMMUNICATION SERVICES		Monthly Rate / Unit
Maintenance Fees for Agency-Owned Equipment		
1.	Portables – Tier I (16 channel or less)	\$17.50
2.	Portables – Tier II (greater than 16 channels or groups)	\$36.50
3.	Mobile – Tier I (16 channel-non split mount)	\$25.50
4.	Mobile – Tier II (greater than 16 channel and/or remote mount)	\$37.50
5.	Mobile – Trunking (trunking radio with multiple groups / zones)	\$45.00
6.	Base Control – Local	\$60.00
7.	Base Control – Mountain Top (per transmitter)	\$95.00
8.	Repeater – Mountain Top (per transmitter)	\$95.00
9.	Console Desktop – Local	\$60.00
10.	Console – Multi-Channel – Small System – Single Position	\$165.00
11.	Console – Multi-Channel – Large System – Per operator position (The multi-channel large system console is computed by multiplying the number of operator positions by the monthly rate/unit.)	\$250.00
12.	Miscellaneous Equipment Maintenance	(Negotiated as determined)
13.	User Site Management Fees	(Based on site fees, license, and administrative costs)
14.	Other related systems or items	(Will be quoted as needed)

(3-27-13)

101. -- 999. (RESERVED)