

IN THE SENATE

SENATE BILL NO. 1212

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE EMERGENCY COMMUNICATIONS ACT; AMENDING SECTION 31-4801,
2 IDAHO CODE, TO ESTABLISH THE IDAHO PUBLIC SAFETY COMMUNICATIONS COMMIS-
3 SION AND TO PROVIDE FOR CERTAIN DUTIES AND SERVICES; AMENDING SECTION
4 31-4802, IDAHO CODE, TO PROVIDE DEFINITIONS AND TO MAKE TECHNICAL COR-
5 RECTIONS; AMENDING SECTION 31-4804, IDAHO CODE, TO EXPAND THE USE OF
6 THE EMERGENCY COMMUNICATIONS FEE AND TO MAKE TECHNICAL CORRECTIONS;
7 AMENDING SECTION 31-4804A, IDAHO CODE, TO AUTHORIZE THE ESTABLISHMENT
8 OF NEXT GENERATION CONSOLIDATED EMERGENCY SYSTEMS; AMENDING SECTION
9 31-4815, IDAHO CODE, TO PROVIDE FOR THE MEMBERSHIP OF THE IDAHO PUB-
10 LIC SAFETY COMMUNICATIONS COMMISSION; AMENDING SECTION 31-4816, IDAHO
11 CODE, TO PROVIDE FOR THE RESPONSIBILITIES OF THE IDAHO PUBLIC SAFETY
12 COMMUNICATIONS COMMISSION; AMENDING SECTION 31-4817, IDAHO CODE, TO
13 PROVIDE FOR MEDIATION REGARDING INTEROPERABLE PUBLIC SAFETY COMMU-
14 NICATIONS AND DATA SYSTEMS; AMENDING SECTION 31-4819, IDAHO CODE, TO
15 PROVIDE FOR THE BUDGETING AND USE OF THE ENHANCED EMERGENCY COMMUNI-
16 CATIONS GRANT FUNDS; AMENDING CHAPTER 48, TITLE 31, IDAHO CODE, BY THE
17 ADDITION OF A NEW SECTION 31-4820, IDAHO CODE, TO ESTABLISH THE IDAHO
18 PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS AND DATA SYSTEMS FUND;
19 AMENDING CHAPTER 48, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SEC-
20 TION 31-4821, IDAHO CODE, TO AUTHORIZE ADMINISTRATIVE SUPPORT FOR THE
21 COMMISSION; AND REPEALING CHAPTER 12, TITLE 46, IDAHO CODE, RELATING TO
22 STATEWIDE COMMUNICATIONS INTEROPERABILITY.
23

24 Be It Enacted by the Legislature of the State of Idaho:

25 SECTION 1. That Section 31-4801, Idaho Code, be, and the same is hereby
26 amended to read as follows:

27 31-4801. PURPOSE. The legislature recognizes that providing consol-
28 idated emergency communications systems and interoperable public safety
29 communications and data systems is vital in enhancing the public health,
30 safety, and welfare of the ~~residents of~~ people in the state of Idaho. The
31 legislature further finds that there is an obvious need for providing a means
32 to finance the initiation, maintenance, operation, enhancement and gover-
33 nance of interoperable and consolidated emergency communications systems.

34 (1) The legislature of the state of Idaho finds that:

35 (a) Since the original enactment of the emergency communications act
36 in 1988, many of Idaho's communities have found that they are lacking in
37 the resources to fully fund emergency communications systems at the lo-
38 cal level;

39 (b) Changes in technology and the rapid growth of communications media
40 have demonstrated that financing such systems solely by a line charge on
41 subscribers to wireline services does not reflect utilization of emer-

1 gency communications systems by subscribers to wireless and other forms
2 of communications systems;

3 (c) There is a need to enhance funding for the initiation and enhance-
4 ment of consolidated emergency communications systems throughout the
5 state;

6 (d) Utilization of cellular telephones and voice over internet proto-
7 col (VoIP) communications to access emergency communications systems
8 has substantially increased citizen access to emergency services while
9 at the same time increasing demands upon the emergency response system;

10 (e) In order to protect and promote the public health and safety, and to
11 keep pace with advances in telecommunications technology and the vari-
12 ous choices of telecommunications technology available to the public,
13 there is a need to plan and develop a statewide coordinated policy and
14 program to ensure that enhanced 911 services, next generation 911 ser-
15 VICES, and future and emerging public safety technologies are available
16 to all citizens of the state and people in all areas of the state.

17 (2) Therefore, it is hereby declared that the intent and purpose of the
18 provisions of this act are to:

19 (a) Provide authority to counties and 911 service areas to impose an
20 emergency communications fee on the use of telephone lines, wireless,
21 VoIP or other communications services that connect an individual or en-
22 tity dialing or accessing 911 to an established public safety answering
23 point;

24 (b) Provide that the emergency communications fee in section 31-4803,
25 Idaho Code, shall be exclusively utilized by the counties or 911 service
26 areas electing to impose it to finance the initiation, maintenance, op-
27 eration, enhancement and governance of consolidated emergency systems
28 as well as enhanced consolidated emergency systems or next generation
29 consolidated emergency systems;

30 (c) Provide for the agreed-to reimbursement to telecommunications
31 providers for their implementation of enhanced consolidated emergency
32 communications systems by counties or 911 service areas that have im-
33 plemented enhanced consolidated emergency communications systems;

34 (d) Create the Idaho public safety communications commission that will
35 have the duty to provide the governance structure through which public
36 safety communications stakeholders can collaborate to advance consis-
37 tency and common objectives, to provide integrated facilitation and
38 coordination for cross-jurisdictional consensus building, to assist
39 in the standardization of agreements for sharing resources among ju-
40 risdictions with emergency response communications infrastructure, to
41 suggest best practices, performance measures and performance evalua-
42 tion in the integrated statewide strategic planning and implementation
43 of interoperability among public safety communications professionals
44 and entities that serve people in Idaho regardless of jurisdiction, to
45 manage the Idaho public safety interoperable communications and data
46 systems fund as established by section 31-4820, Idaho Code, and to pur-
47 sue budget authorizations as set forth in this chapter.

48 SECTION 2. That Section 31-4802, Idaho Code, be, and the same is hereby
49 amended to read as follows:

1 31-4802. DEFINITIONS. As used in this chapter:

2 (1) "Access line" means any telephone line, trunk line, network access
3 register, dedicated radio signal, or equivalent that provides switched
4 telecommunications access to a consolidated emergency communications sys-
5 tem from either a service address or a place of primary use within this state.
6 In the case of wireless technology, each active dedicated telephone number
7 shall be considered a single access line.

8 (2) "Administrator" means the person, officer or agency designated
9 to operate a consolidated emergency communications system, and to receive
10 funds for such an operation.

11 (3) "Basic consolidated emergency system" means consolidated emer-
12 gency systems that are not enhanced.

13 (4) "Consolidated emergency communications system" means facilities,
14 equipment and dispatching services directly related to establishing, main-
15 taining, or enhancing a 911 emergency communications service.

16 (5) "District interoperability governance board" (DIGB) means any one
17 (1) of the six (6) regional governing bodies, comprised of representatives
18 and organized to provide input to the Idaho public safety communications
19 commission regarding the commission's objectives and regarding consoli-
20 dated emergency communications and interoperable public safety communi-
21 cations and data systems for the agencies and organizations within its own
22 geographic area. District one includes the area composed of Benewah, Bon-
23 ner, Boundary, Kootenai and Shoshone counties. District two includes the
24 area composed of Clearwater, Idaho, Latah, Lewis and Nez Perce counties.
25 District three includes the area composed of Ada, Adams, Boise, Canyon,
26 Elmore, Gem, Owyhee, Payette, Valley and Washington counties. District
27 four includes the area composed of Blaine, Camas, Cassia, Gooding, Jerome,
28 Lincoln, Minidoka and Twin Falls counties. District five includes the area
29 composed of Bannock, Bear Lake, Bingham, Butte, Caribou, Franklin, Oneida
30 and Power counties. District six includes the area composed of Bonneville,
31 Clark, Custer, Fremont, Jefferson, Lemhi, Madison and Teton counties.

32 (6) "Emergency communications fee" means the fee provided for in sec-
33 tion 31-4803, Idaho Code.

34 (67) "Enhanced consolidated emergency system" means consolidated
35 emergency systems that provide enhanced wireless 911 service and include,
36 but are not limited to, the technological capability to provide call back
37 numbers, cell site locations, and the location of calls by latitude and lon-
38 gitude and made through the systems of wireless carriers.

39 (78) "Governing board" means the joint powers board, if the 911 ser-
40 vice area is a multicounty area, or the board of county commissioners of the
41 county or the city council if the 911 service area is a city, or both the board
42 of county commissioners and the city council if the 911 service area includes
43 both city and county residents but not the entire county.

44 (9) "Governor's appointment" means the power and procedures of the gov-
45 ernor to appoint members to statewide commissions as provided for in section
46 67-802, Idaho Code.

47 (810) "Interconnected" means the ability of the user to receive calls
48 from and terminate calls to the public switched telephone network (PSTN) or
49 emergency services internet protocol network (ESInet), including commer-
50 cial mobile radio service (CMRS) networks.

1 (911) "Interconnected VoIP service" means a service bearing the fol-
2 lowing characteristics:

3 (a) The service enables real-time, two-way voice communications;

4 (b) The service requires a broadband connection from the user's loca-
5 tion;

6 (c) The service requires IP-compatible customer premises equipment;
7 and

8 (d) The service permits users to receive calls that originate on the
9 public switched telephone network (PSTN) or ESInet and to terminate
10 calls on the PSTN or ESInet.

11 (102) "Interconnected VoIP service line" means an interconnected VoIP
12 service that offers an active telephone number, or successor dialing proto-
13 col assigned by a VoIP provider to a VoIP service customer number that has an
14 outbound calling capability of directly accessing a public safety answering
15 point.

16 (13) "Interoperable public safety communications and data systems"
17 means facilities, equipment, networks, services, software and infrastruc-
18 ture directly related to establishing, maintaining or enhancing systems to
19 exchange voice, video or other public safety data, to include future tech-
20 nology advancements.

21 (14) "Interoperability" means the ability of public safety service and
22 support providers, law enforcement, public utilities, transportation and
23 others to communicate when necessary with staff from other responding agen-
24 cies, and to exchange voice, video, and data on demand, in real time, and when
25 authorized.

26 (15) "Next generation consolidated emergency system" or "NG911" means
27 consolidated emergency communications systems that provide an internet pro-
28 TOCOL (IP) based system of managed emergency services IP networks (ESInets),
29 functional elements (applications), and databases that replicate tradi-
30 tional E911 features and functions and provide additional capabilities.
31 NG911 is designed to provide access to emergency services from all connected
32 communications sources and to provide multimedia data capabilities for
33 public safety answering points (PSAPs) and other emergency service organi-
34 zations through current and emerging technology systems.

35 (146) "911 service area" means a regional, multicounty, county or area
36 other than a whole county in which area the residents have voted to establish
37 a consolidated emergency communications system.

38 (127) "Place of primary use" means the residential street address or
39 the primary business street address in Idaho where the customer's use of the
40 wireless or VoIP service primarily occurs. For the purposes of 911 fees im-
41 posed upon interconnected VoIP service lines, the place of primary use shall
42 be the customer's registered location on the date the customer is billed.

43 (18) "Public safety communications and data systems" refers to the gen-
44 eral systematic ability of people or entities to communicate or manage data
45 with other people or entities using technology for the purpose of report-
46 ing and responding to situations that require a public safety response. This
47 term does not refer to any existing state agency, division or office, build-
48 ing, network, personnel, or fund and is not related to the Idaho military di-
49 vision's unit of public safety communications.

1 (19) "Public safety communications stakeholders" means any city,
2 county, fire district, ambulance district, and the state.

3 ~~(1320)~~ "Telecommunications provider" means any person or entity pro-
4 viding:

5 (a) Exchange telephone service to a service address within this state;
6 or

7 (b) Any wireless carrier providing telecommunications service to any
8 customer having a place of primary use within this state; or

9 (c) Interconnected VoIP service to any customer having a place of pri-
10 mary use within this state; or

11 (d) A provider of any other communications service that connects an
12 individual having either a service address or a place of primary use
13 within this state to an established public safety answering point by
14 dialing 911.

15 ~~(1421)~~ "VoIP service provider" means any person or entity providing in-
16 terconnected voice over internet protocol (VoIP) service.

17 ~~(1522)~~ "Wireless carrier" means a cellular licensee, a personal commu-
18 nications service licensee, and certain specialized mobile radio providers
19 designated as covered carriers by the federal communications commission in
20 47 CFR 20.18 and any successor to such rule.

21 SECTION 3. That Section 31-4804, Idaho Code, be, and the same is hereby
22 amended to read as follows:

23 31-4804. EMERGENCY COMMUNICATIONS FEE. (1) The emergency communica-
24 tions fee provided pursuant to the provisions of this chapter shall be a uni-
25 form amount not to exceed one dollar (\$1.00) per month per access or inter-
26 connected VoIP service line, and such fee shall be used exclusively to fi-
27 nance the initiation, maintenance, operation, enhancement and governance
28 of a consolidated emergency communications system and provide for the re-
29 imbursement of telecommunications providers for implementing enhanced con-
30 solidated emergency systems as provided for in section 31-4804A, Idaho Code.
31 All emergency communications fees collected and expended pursuant to this
32 section shall be audited by an independent, third-party auditor ordinarily
33 retained by the governing board for auditing purposes. The purpose of the
34 audit as related to emergency communications systems is to verify the accu-
35 racy and completeness of fees collected and costs expended.

36 (2) The fee shall be imposed upon and collected from purchasers of ac-
37 cess lines or interconnected VoIP service lines with a service address or
38 place of primary use within the county or 911 service area on a monthly basis
39 by all telecommunications providers of such services. The fee may be listed
40 as a separate item on customers' monthly bills.

41 (3) The telecommunications providers shall remit such fee to the county
42 treasurer's office or the administrator for the 911 service area based upon
43 the 911 service area from which the fees were collected. In the event the
44 telecommunications provider remits such fees based upon the emergency com-
45 munications fee billed to the customer, a deduction shall be allowed for un-
46 collected amounts when such amounts are treated as bad debt for financial re-
47 porting purposes.

48 (4) From every remittance to the governing body made on or before the
49 date when the same becomes due, the telecommunications provider required to

1 remit the same shall be entitled to deduct and retain one percent (1%) of the
 2 collected amount as the cost of administration for collecting the charge.
 3 Telecommunications providers will be allowed to list the surcharge as a sep-
 4 arate item on the telephone subscriber's bill, and shall have no obligation
 5 to take any legal action to enforce the collection of any charge, nor be held
 6 liable for such uncollected amounts.

7 (5) Use of fees. The emergency communications fee provided hereunder
 8 shall be used only to pay for the lease, purchase or maintenance of emergency
 9 communications equipment for basic and enhanced consolidated emergency
 10 systems, and next generation consolidated emergency systems (NG911), in-
 11 cluding necessary computer hardware, software, database provisioning,
 12 training, salaries directly related to such systems, costs of establishing
 13 such systems, management, maintenance and operation of hardware and soft-
 14 ware applications and agreed-to reimbursement costs of telecommunications
 15 providers related to the operation of such systems. Use of the emergency
 16 communications fee should, if possible, coincide with the strategic goals
 17 as identified by the Idaho public safety communications commission in its
 18 annual report to the legislature. However, the county or 911 service area
 19 governing board has final authority on lawful expenditures. All other ex-
 20 penditures necessary to operate such systems and other normal and necessary
 21 safety or law enforcement functions including, but not limited to, those
 22 expenditures related to overhead, staffing, dispatching, administrative
 23 and other day-to-day operational expenditures, shall continue to be paid
 24 through the general funding of the respective governing boards; provided
 25 however, that any governing body using the emergency communications fee to
 26 pay the salaries of dispatchers as of March 1, 2006, may continue to do so
 27 until the beginning of such governing body's 2007 fiscal year.

28 SECTION 4. That Section 31-4804A, Idaho Code, be, and the same is hereby
 29 amended to read as follows:

30 31-4804A. ESTABLISHMENT OF ENHANCED CONSOLIDATED EMERGENCY COMMUNI-
 31 CATIONS SYSTEMS OR NEXT GENERATION CONSOLIDATED EMERGENCY SYSTEMS. (1) Any
 32 county or 911 service area that has established a basic consolidated emer-
 33 gency system may establish an enhanced consolidated emergency system or next
 34 generation consolidated emergency system by action of the governing board of
 35 the basic consolidated emergency system.

36 (2) The governing boards establishing enhanced consolidated emergency
 37 systems or next generation consolidated emergency systems shall request
 38 that wireless carriers serving such counties or 911 service areas collec-
 39 tively implement an enhanced consolidated emergency communications system
 40 within a reasonable time. When so requested, all wireless carriers serving
 41 such counties or 911 service areas shall implement enhanced consolidated
 42 emergency communications systems or next generation consolidated emergency
 43 systems within a reasonable time. The governing boards and wireless carri-
 44 ers shall enter into agreements that:

45 (a) Establish the scope and purpose of the proposed enhanced consol-
 46 idated emergency communications systems and next generation consoli-
 47 dated emergency systems.

48 (b) Provide for an agreed-to level of reimbursement for telecommunica-
 49 tions providers for the costs of wireless carriers resulting from their

1 implementation and operation of enhanced emergency communications sys-
 2 tems or next generation consolidated emergency systems that may include
 3 the acquisition, construction, financing, installation and operation
 4 of all equipment and facilities necessary to implement such ~~enhanced~~
 5 systems.

6 (c) Provide that the agreed-to level of reimbursement for telecom-
 7 munications providers for enhanced 911 service may include the costs
 8 and expenses incurred for designing, upgrading, purchasing, leasing,
 9 programming, installing, testing, or maintaining all necessary data,
 10 hardware and software required in order to provide such service as well
 11 as the recurring and nonrecurring costs of operating such service. All
 12 costs and expenses must be commercially reasonable.

13 (d) Provide that reimbursement to a telecommunications provider shall
 14 be nondiscriminatory and be made available to all other telecommunica-
 15 tions providers.

16 Agreements shall provide for prompt reimbursement on invoices submitted by
 17 wireless carriers to the governing board.

18 SECTION 5. That Section 31-4815, Idaho Code, be, and the same is hereby
 19 amended to read as follows:

20 31-4815. CREATION OF THE IDAHO EMERGENCY PUBLIC SAFETY COMMUNICATIONS
 21 COMMISSION -- TERMS. (1) There is hereby created in the military division
 22 an Idaho ~~emergency public safety~~ communications commission (hereinafter re-
 23 ferred to as "the commission") ~~for with the purposes identified of assisting~~
 24 ~~cities, counties, ambulance districts and fire districts in the establish-~~
 25 ~~ment, management, operations and accountability of consolidated emergency~~
 26 ~~communications systems~~ section 31-4801(2)(d), Idaho Code.

27 (2) Notwithstanding any other provision of law to the contrary, the
 28 commission shall, upon being constituted, exercise its powers and duties
 29 in accordance with the provisions of this section relative to consolidated
 30 emergency communications and interoperable public safety communications
 31 and data systems in this state established by enactment of the legislature
 32 or by private act.

33 (3) All members of the commission will be appointed by the governor and
 34 will serve at the pleasure of the governor.

35 (24) The commission shall be composed of ~~thirteen~~ eighteen (13~~8~~) vot-
 36 ing members, ~~with eleven (11) appointed by the governor as follows.~~ The
 37 statewide interoperability coordinator of the Idaho bureau of homeland se-
 38 curity will not be a member of the commission, but shall report quarterly to
 39 the commission.

40 (5) Appointment by the governor will include the following voting mem-
 41 bers:

42 (a) The director of the Idaho bureau of homeland security or a desig-
 43 nated representative and the director of the Idaho state police or a
 44 designated representative.

45 (b) The chair of the Idaho technology authority and one (1) legislator
 46 selected by joint approval from the speaker of the house of representa-
 47 tives and the president pro tempore of the senate.

48 (c) The governor will receive suggested names of candidates and al-
 49 ternates for representation from the following and will appoint at his

own discretion one (1) representative as a voting member from each: one (1) member representing the association of Idaho cities, one (1) member representing the Idaho association of counties, ~~one two~~ (±2) members representing the Idaho sheriffs' association, one (1) member representing the Idaho chiefs of police association, one (1) member representing the Idaho fire chiefs association, one (1) member representing the Idaho prosecuting attorneys association, ~~one (1) member representing the Idaho health and welfare department's state emergency medical services communications center, and one (1) member representing the Idaho emergency medical services association, one (1) member representing the public at large and two (2) members representing private industry service providers, one (1) from the wireless industry and one (1) from the traditional phone service industry~~ Native American tribes of the state.

~~(d) The commission shall also include the director of the Idaho state police or a designated representative and the adjutant general or a designated representative. One (1) representative of the attorney general shall serve as a nonvoting ex officio member~~ Six (6) district interoperable governance board (DIGB) representatives. Each district shall select from the following to represent its district: a county commissioner, sheriff, mayor, chief of police, fire service chief, public safety answering point manager, public safety technology manager or emergency medical services manager.

(6) Commission representatives shall be appointed by the governor as follows:

(a) Each association, entity or DIGB shall select one (1) primary and one (1) alternate candidate to represent the association, entity or DIGB. Following administrative procedures guidelines, both names shall be submitted to the administrative agency responsible for these tasks, which is the Idaho bureau of homeland security, within thirty (30) days after a term expires or a vacancy occurs. The Idaho bureau of homeland security will then forward each entity's names to the governor for consideration and appointment to the commission.

(b) Should any association, entity or DIGB fail to submit the names of the candidate and the alternate as directed in this subsection, the commission shall select a candidate and alternate from the association, entity or district and submit those names to the governor for consideration and appointment to the commission.

(37) Except as provided in this subsection, members of the commission shall be appointed ~~for~~ to a term of four (4) years. The following ~~five~~ (5) members shall be appointed to an initial term of two (2) years: the member representing the Idaho fire chiefs association, the member representing the Idaho ~~state~~ chiefs of police association, one (1) member representing the Idaho sheriffs' association, the member representing the Idaho department of health and welfare emergency medical services communications center, the member representing the Idaho emergency medical services association, the member representing the wireless industry Native American tribes, and ~~one~~ (1) the member representing from the public state legislature, the chair of the Idaho technology authority, and the representatives of DIGBs one, three and five. The remaining ~~six~~ (6) members appointed by the governor shall be

1 appointed for an initial term of four (4) years. Thereafter, all terms shall
2 be for a period of four (4) years.

3 (48) The commission shall ~~elect~~ recommend to the governor a list of
4 candidates to be appointed to a four-year term as chair. The governor shall
5 appoint the chair from the list of candidates. The commission shall elect a
6 vice-chair and such officers as it may deem necessary and appropriate. The
7 commission shall meet at least annually and at the call of the chair. Members
8 of the commission shall be compensated as provided in section 59-509(b),
9 Idaho Code. Compensation shall be paid from the emergency communications
10 fund created in section 31-4818, Idaho Code.

11 SECTION 6. That Section 31-4816, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 31-4816. IDAHO ~~EMERGENCY~~ PUBLIC SAFETY COMMUNICATIONS COMMISSION --
14 ~~PURPOSES AND RESPONSIBILITIES.~~ The ~~purposes and~~ responsibilities of the
15 commission are to:

16 (1) Determine the status and operability of consolidated emergency
17 communications systems and interoperable public safety communications and
18 data systems statewide;

19 (2) Determine the needs for the upgrade of consolidated emergency com-
20 munications systems and interoperable public safety communications and data
21 systems;

22 (3) Determine the costs for the upgrades;

23 (4) Recommend guidelines and standards for operation of consolidated
24 emergency communications systems and interoperable public safety communi-
25 cations and data systems;

26 (5) Recommend funding mechanisms for future implementation of up-
27 grades;

28 (6) Serve as a conduit for the future allocation of federal grant funds
29 to support the delivery of consolidated emergency communications systems
30 and interoperable public safety communications and data systems;

31 (7) Serve as the statewide interoperability executive committee (SIEC)
32 for issues related to public safety communications and data communication.
33 Such issues may involve the federal communications commission, national
34 telecommunications information administration and first responder network
35 authority;

36 (8) Perform an annual review of the statewide communications interop-
37 erability plan and provide the statewide interoperability coordinator with
38 guidance to improve operational and interoperable communications in the
39 state;

40 (9) Designate working groups or subcommittees as appropriate, which
41 may include consolidated emergency communications, information technology,
42 cross-jurisdictional relations with Native American tribes, interoperable
43 public safety communications and data systems, the national public safety
44 broadband network or future technologies, and others as deemed necessary by
45 the commission;

46 (10) Report annually to the legislature of the state of Idaho on the
47 planned expenditures for the next fiscal year, the collected revenues and
48 moneys disbursed from the fund and programs or projects in progress, com-
49 pleted or anticipated;

1 (811) Enter into contracts with experts, agents, employees or consul-
2 tants as may be necessary to carry out the purposes of this chapter; ~~and~~

3 (12) Assist public safety communications stakeholders in the estab-
4 lishment of consolidated emergency communications systems and public safety
5 communications and data systems, and to provide the governance structure
6 through which public safety communications stakeholders can collaborate to
7 advance consistency and common objectives;

8 (13) Provide integrated facilitation and coordination for cross-juris-
9 ditional consensus building;

10 (14) Assist in the standardization of agreements for sharing resources
11 among jurisdictions with emergency response communications infrastructure;

12 (15) Suggest best practices, performance measures and performance
13 evaluation in the integrated statewide strategic planning and implementa-
14 tion of interoperability;

15 (16) Manage funds as authorized by this chapter;

16 (17) Pursue budget authorizations for interoperable public safety com-
17 munications and data systems; and

18 (918) Promulgate rules pursuant to the provisions of chapter 52, title
19 67, Idaho Code, to carry out the purposes of the commission's duties.

20 SECTION 7. That Section 31-4817, Idaho Code, be, and the same is hereby
21 amended to read as follows:

22 31-4817. IDAHO ~~EMERGENCY~~ PUBLIC SAFETY COMMUNICATIONS COMMISSION --
23 MEDIATION. In the event that a dispute arises between local government en-
24 tities over the governance of operations of consolidated emergency commu-
25 nications systems and interoperable public safety communications and data
26 systems, those local governments shall be required, prior to initiating any
27 legal action, to submit the contested issue or issues to the commission for
28 purposes of mediation. The commission shall have sixty (60) days from the
29 date of submission of any issues to mediate and recommend a course of action
30 to the local governments involved in the dispute. Any recommendation of the
31 commission shall be advisory only and shall not be binding on the parties in-
32 volved. After receipt of any recommendation by the commission, the local
33 governments may accept in whole or in part the recommendations or may initi-
34 ate legal action as provided by contract or law.

35 SECTION 8. That Section 31-4819, Idaho Code, be, and the same is hereby
36 amended to read as follows:

37 31-4819. ENHANCED EMERGENCY COMMUNICATIONS GRANT FEE. (1) On and af-
38 ter July 1, 2013, there shall be an enhanced emergency communications grant
39 fee established by virtue of authority granted by this chapter. The fee
40 shall be twenty-five cents (25¢) per month per access or interconnected VoIP
41 service line.

42 (a) Such fee shall be authorized by resolution of a majority vote of the
43 board of commissioners of a countywide system or by the governing board
44 of a 911 service area.

45 (b) Such fee shall be remitted to the Idaho emergency communications
46 fund provided in section 31-4818(1), Idaho Code, on a quarterly basis
47 by county, city or consolidated emergency communications systems. ~~Such~~

1 fee Annually, at the discretion of the commission, a budget shall be
 2 prepared allocating a portion of the available grant funds for admin-
 3 istration of the grant program. The remaining grant funds shall be
 4 dedicated for and shall be authorized for disbursement as grants to
 5 eligible entities that are operating consolidated emergency communi-
 6 cations systems for use to achieve the purposes of this chapter. Grant
 7 funds shall coincide with the strategic goals as identified by the com-
 8 mission in its annual report to the legislature. Grant funds may also
 9 be budgeted for and utilized for the establishment of next generation
 10 consolidated emergency systems (NG911) within the state.

11 (2) The commission, on an annual basis, shall prepare a budget allo-
 12 cating the grant funds available to eligible entities and the portion of the
 13 funds necessary for the continuous operation of the commission to achieve
 14 the purposes of this chapter.

15 (3) To be eligible for grant funds under this chapter, a county or 911
 16 service area must be collecting the emergency communications fee in accor-
 17 dance with section 31-4804, Idaho Code, in the full amount authorized and
 18 must also be collecting the enhanced emergency communications grant fee in
 19 the full amount authorized in this subsection.

20 (4) If a county or 911 service area has authorized the collection of
 21 the enhanced emergency communications grant fee pursuant to this chapter,
 22 such county or 911 service area shall retain the full amount of the emergency
 23 communications fee that was set by the board of commissioners or governing
 24 board pursuant to section 31-4803, Idaho Code. The county or 911 service
 25 area is then also exempt from remitting to the Idaho ~~emergency~~ public safety
 26 communications commission one percent (1%) of the total emergency communi-
 27 cations fee received by the county or 911 service area as required in section
 28 31-4818(3), Idaho Code. The remaining funds from the enhanced emergency
 29 communications grant fee collected shall then be remitted by the county or
 30 911 service area to the Idaho ~~emergency~~ public safety communications commis-
 31 sion.

32 SECTION 9. That Chapter 48, Title 31, Idaho Code, be, and the same is
 33 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 34 ignated as Section 31-4820, Idaho Code, and to read as follows:

35 31-4820. IDAHO PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS AND DATA
 36 SYSTEMS FUND -- ESTABLISHMENT AND ADMINISTRATION. (1) There is hereby cre-
 37 ated within the treasury of the state of Idaho a separate fund known as the
 38 Idaho public safety interoperable communications and data systems fund.
 39 This fund may consist of moneys received from the state, counties, cities,
 40 grants, donations, gifts and other revenues.

41 (2) Moneys in the fund are hereby continuously appropriated and shall
 42 be utilized exclusively for the purposes set forth in this chapter.

43 (3) Annually, at the direction of the commission, a budget shall be
 44 prepared allocating a portion of the available funds for administration of
 45 the public safety interoperable communications and data systems programs,
 46 for the purposes of this section.

1 SECTION 10. That Chapter 48, Title 31, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 31-4821, Idaho Code, and to read as follows:

4 31-4821. ADMINISTRATIVE SUPPORT. The commission may, with consensus
5 of the governor and legislature of the state of Idaho, create positions in-
6 cluding, but not limited to, executive director, 911 program manager, 911
7 grants manager, statewide interoperability coordinator, national public
8 safety broadband network program manager, or other administrative support
9 positions as required to carry out the provisions of this chapter. In accor-
10 dance with the law of the state of Idaho, and striving to keep administrative
11 costs to a minimum, the commission may hire, fix the compensation and pre-
12 scribe the powers and duties of such individuals.

13 SECTION 11. That Chapter 12, Title 46, Idaho Code, be, and the same is
14 hereby repealed.