

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO.

BY

AN ACT

RELATING TO EMERGENCY COMMUNICATIONS, AMENDING SECTION 31-4801, IDAHO CODE, TO INCLUDE INTEROPERABLE PUBLIC SAFETY COMMUNICATIONS SYSTEMS AND DATA SYSTEMS AND MENTION THE CREATION OF THE IDAHO EMERGENCY COMMUNICATIONS COMMISSION AS ONE OF THE PURPOSES OF THIS ACT; AMENDING SECTION 31-4802, IDAHO CODE, TO INCLUDE NEW DEFINITIONS; AMENDING SECTION 31-4804, IDAHO CODE, TO ALLOW FUNDS TO BE USED FOR NEXT GENERATION CONSOLIDATED EMERGENCY SYSTEMS; AMENDING SECTION 31-4804A, IDAHO CODE, TO INCLUDE NEXT GENERATION CONSOLIDATED EMERGENCY SYSTEMS; AMENDING SECTION 31-4815, IDAHO CODE, TO CHANGE MEMBERSHIP IN THE COMMISSION; AMENDING SECTION 31-4816, IDAHO CODE, TO EXPAND COMMISSION RESPONSIBILITIES IN ORDER TO ACCOUNT FOR EXISTING AND FUTURE TECHNOLOGIES; AMENDING SECTION 31-4817, IDAHO CODE, TO INCLUDE INTEROPERABLE AND PUBLIC SAFETY COMMUNICATIONS AND DATA SYSTEMS IN COMMISSION MEDIATIONS; AMENDING SECTION 31-4819, IDAHO CODE, TO ALLOW GRANT FUNDS TO BE USED FOR ADMINISTRATION OF GRANTS; AMENDING CHAPTER 48, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-4820, IDAHO CODE TO ESTABLISH AND ADMINISTER THE INTEROPERABLE PUBLIC SAFETY COMMUNICATIONS AND DATA SYSTEMS FUND; AMENDING CHAPTER 48, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-4821, IDAHO CODE TO ALLOW FOR ADMINISTRATIVE SUPPORT AND THE CREATION OF ADMINISTRATIVE POSITIONS; AND REPEALING CHAPTER 12, TITLE 46, IDAHO CODE.

**DRAFT**

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

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

31-4801. PURPOSE. The legislature recognizes that providing consolidated emergency communications systems and interoperable public safety communications and data systems is vital in enhancing the public health, safety, and welfare of the ~~residents of~~ people in the state of Idaho. The legislature further finds that there is an obvious need for providing a means to finance

the initiation, maintenance, operation, enhancement and governance of interoperable and consolidated emergency communications systems.

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

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

(b) Changes in technology and the rapid growth of communications media have demonstrated that financing such systems solely by a line charge on subscribers to wireline services does not reflect utilization of emergency communications systems by subscribers to wireless and other forms of communications systems;

(c) There is a need to enhance funding for the initiation and enhancement of consolidated emergency communications systems throughout the state;

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

(e) In order to protect and promote the public health and safety, and to keep pace with advances in telecommunications technology and the various choices of telecommunications technology available to the public, there is a need to plan and develop a statewide coordinated policy and program to ensure that enhanced 911 services, next generation 911 services, and future and emerging public safety technologies are available to all citizens of the state and people in all areas of the state.

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

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

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

(c) Provide for the agreed-to reimbursement to telecommunications providers for their implementation of enhanced consolidated emergency communications systems by counties or 911 service areas that have implemented enhanced consolidated emergency communications systems.

(d) Create the Idaho public safety communications commission which will have the purpose to provide the governance structure through which public safety communications stakeholders can collaborate to advance consistency and common objectives, to provide integrated facilitation and coordination for cross-jurisdictional consensus building, to assist in the standardization of agreements for sharing resources amongst jurisdictions with emergency response communications infrastructure, to suggest best practices, performance measures and performance evaluation in the integrated statewide strategic planning and implementation of interoperability among public safety communications



professionals and entities that serve people in Idaho regardless of jurisdiction, to manage the Idaho public safety interoperable communications and data systems fund as defined by section 31-4820, Idaho Code, and to pursue budget authorizations as set forth in this chapter.

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

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

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

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

(3) "Basic consolidated emergency system" means consolidated emergency systems that are not enhanced.

(4) "Consolidated emergency communications system" means facilities, equipment and dispatching services directly related to establishing, maintaining, or enhancing a 911 emergency communications service.

(5) "District interoperability governance board (DIGB)" means any one of the six (6) regional governing bodies, comprised of representatives, organized to provide input to the Idaho public safety communications commission in regard to the commission's objectives and regarding consolidated emergency communications and interoperable public safety communications and data systems for the agencies and organizations within its own geographic area. District one (1) includes the area composed of Benewah, Bonner, Boundary, Kootenai, and Shoshone counties. District two (2) includes the area composed of Clearwater, Idaho, Latah, Lewis, and Nez Perce counties. District three (3) includes the area composed of Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, and Washington counties. District four (4) includes the area composed of Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, and Twin Falls counties. District five (5) includes the area composed of Bannock, Bear Lake, Bingham, Butte, Caribou, Franklin, Oneida, and Power counties. District six (6) includes the area composed of Bonneville, Clark, Custer, Fremont, Jefferson, Lemhi, Madison, and Teton counties.

(6) "Emergency communications fee" means the fee provided for in section 31-4803, Idaho Code.

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

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



(9) "Governor's appointment" shall refer to the power and procedures of the governor to appoint members to statewide commissions provided for in section 67-802, Idaho Code.

(810) "Interconnected" means the ability of the user to receive calls from and terminate calls to the public switched telephone network (PSTN), or emergency services internet (ESInet), including commercial mobile radio service (CMRS) networks.

(911) "Interconnected VoIP service" means a service bearing the following characteristics:

- (a) The service enables real-time, two-way voice communications;
- (b) The service requires a broadband connection from the user's location;
- (c) The service requires IP-compatible customer premises equipment; and
- (d) The service permits users to receive calls that originate on the public switched telephone network (PSTN) or ESInet and to terminate calls on the PSTN or ESInet.

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

(13) "Interoperable public safety communications and data systems" means facilities, equipment, networks, services, software and infrastructure directly related to establishing, maintaining or enhancing systems to exchange voice, video or other public safety data, to include future technology advancements.

(14) "Interoperability" means the ability of public safety service and support providers, law enforcement, public utilities, transportation and others, to communicate when necessary with staff from other responding agencies, and to exchange voice, video, and/or data on demand, in real time, and when authorized.

(15) "Next generation consolidated emergency system" or "NG911" means consolidated emergency communications systems that provide an internet protocol (IP) based system of managed emergency services IP networks (ESInets), functional elements (applications), and databases that replicate traditional E9-1-1 features and functions and provides additional capabilities. NG911 is designed to provide access to emergency services from all connected communications sources, and provide multimedia data capabilities for public safety answering points (PSAPs) and other emergency service organizations through current and emerging technology systems.

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

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

(18) "Public safety communications and data systems" refers to the general systematic ability of people or entities to communicate or manage data with other people or entities using technology for the purpose of reporting and responding to situations that require a public safety response. This term does not refer to any existing state agency, division or office, building, network, personnel, or fund and is not related to the Idaho military division's unit of public safety communications.



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

~~(1320)~~ "Telecommunications provider" means any person or entity providing:

- (a) Exchange telephone service to a service address within this state; or
- (b) Any wireless carrier providing telecommunications service to any customer having a place of primary use within this state; or
- (c) Interconnected VoIP service to any customer having a place of primary use within this state; or
- (d) A provider of any other communications service that connects an individual having either a service address or a place of primary use within this state to an established public safety answering point by dialing 911.

~~(214)~~ "VoIP service provider" means any person or entity providing interconnected voice over internet protocol (VoIP) service.

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

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

31-4804. EMERGENCY COMMUNICATIONS FEE. (1) The emergency communications fee provided pursuant to the provisions of this chapter shall be a uniform amount not to exceed one dollar (\$1.00) per month per access or interconnected VoIP service line, and such fee shall be used exclusively to finance the initiation, maintenance, operation, enhancement and governance of a consolidated emergency communications system and provide for the reimbursement of telecommunications providers for implementing enhanced consolidated emergency systems as provided for in section 31-4804A, Idaho Code. All emergency communications fees collected and expended pursuant to this section shall be audited by an independent, third party auditor ordinarily retained by the governing board for auditing purposes. The purpose of the audit as related to emergency communications systems is to verify the accuracy and completeness of fees collected and costs expended.

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

(3) The telecommunications providers shall remit such fee to the county treasurer's office or the administrator for the 911 service area based upon the 911 service area from which the fees were collected. In the event the telecommunications provider remits such fees based upon the emergency communications fee billed to the customer, a deduction shall be allowed for uncollected amounts when such amounts are treated as bad debt for financial reporting purposes.

(4) From every remittance to the governing body made on or before the date when the same becomes due, the telecommunications provider required to remit the same shall be entitled to deduct and retain one percent (1%) of the collected amount as the cost of administration for collecting the charge. Telecommunications providers will be allowed to list the surcharge as a



separate item on the telephone subscriber's bill, and shall have no obligation to take any legal action to enforce the collection of any charge, nor be held liable for such uncollected amounts.

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

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

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

(2) The governing boards establishing enhanced consolidated emergency systems or next generation consolidated emergency systems shall request that wireless carriers serving such counties or 911 service areas collectively implement an enhanced consolidated emergency communications system within a reasonable time. When so requested, all wireless carriers serving such counties or 911 service areas shall implement enhanced consolidated emergency communications systems or next generation consolidated emergency systems within a reasonable time. The governing boards and wireless carriers shall enter into agreements that:

(a) Establish the scope and purpose of the proposed enhanced consolidated emergency communications systems and next generation consolidated emergency systems.

(b) Provide for an agreed-to level of reimbursement for telecommunications providers for the costs of wireless carriers resulting from their implementation and operation of enhanced emergency communications systems or next generation consolidated emergency systems that may include the acquisition, construction, financing, installation and operation of all equipment and facilities necessary to implement such ~~enhanced~~ systems.

(c) Provide that the agreed-to level of reimbursement for telecommunications providers for enhanced 911 service may include the costs and expenses incurred for designing,



upgrading, purchasing, leasing, programming, installing, testing, or maintaining all necessary data, hardware and software required in order to provide such service as well as the recurring and nonrecurring costs of operating such service. All costs and expenses must be commercially reasonable.

(d) Provide that reimbursement to a telecommunications provider shall be nondiscriminatory and be made available to all other telecommunications providers. Agreements shall provide for prompt reimbursement on invoices submitted by wireless carriers to the governing board.

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

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

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

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

(24) The commission shall be composed of ~~thirteen~~ seventeen (17) voting members, ~~with eleven (11) appointed by the governor as follows:~~ and one (1) nonvoting ex officio member. The statewide interoperability coordinator of the Idaho bureau of homeland security will not be a member of the commission, but shall report quarterly to the commission.

(5) Appointment by the governor will include the following voting members:

(a) The director of the Idaho bureau of homeland security, the director of the Idaho state police, the chair of the Idaho technology authority and one (1) legislator selected by joint approval from the speaker of the house and the senate president pro tempore.

(b) The governor will receive suggested names of candidates and alternates 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)~~ 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, 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.~~ 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.~~

~~(c) 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.~~

~~(d) One (1) member representing the tribes within the state will be appointed by the governor to serve as a nonvoting ex officio member.~~

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

~~(a) Each association, entity of 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, 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 (1), three (3) and five (5). The remaining six (6) members appointed by the governor shall be appointed for an initial term of four (4) years. Thereafter, all terms shall be for a period of four (4) years.~~

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

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



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

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

(2) Determine the needs for the upgrade of consolidated emergency communications systems and interoperable public safety communications and data systems;

(3) Determine the costs for the upgrades;

(4) Recommend guidelines and standards for operation of consolidated emergency communications systems and interoperable public safety communications and data systems;

(5) Recommend funding mechanisms for future implementation of upgrades;

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

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

(8) Perform an annual review of the statewide communications interoperability plan and provide the statewide interoperability coordinator with guidance to improve operational and interoperable communications in the state;

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

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

(11) Enter into contracts with experts, agents, employees or consultants as may be necessary to carry out the purposes of this chapter; ~~and~~

(12) Assist public safety communications stakeholders in the establishment of consolidated emergency communications systems and public safety communications and data systems, and to provide the governance structure through which public safety communications stakeholders can collaborate to advance consistency and common objectives;

(13) Provide integrated facilitation and coordination for cross-jurisdictional consensus building;

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

(15) Suggest best practices, performance measures and performance evaluation in the integrated statewide strategic planning and implementation of interoperability;

(16) Manage funds as authorized by this chapter;

(17) Pursue budget authorizations for interoperable public safety communications and data systems; and



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

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

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

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

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

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

(b) Such fee shall be remitted to the Idaho emergency communications fund provided in section 31-4818(1), Idaho Code, on a quarterly basis by county, city or consolidated emergency communications systems. Annually, at the discretion of the commission, a budget shall be prepared allocating a portion of the available grant funds for administration of the grant program. Such fee ~~Such fee~~ The remaining grant funds shall be dedicated for and shall be authorized for disbursement as grants to eligible entities that are operating consolidated emergency communications systems for use to achieve the purposes of this chapter. Grant funds shall coincide with the strategic goals as identified by the commission in its annual report to the legislature. Grant funds may also be budgeted for and utilized for the establishment of next generation consolidated emergency systems (NG911) within the state.

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

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



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

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

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

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

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

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

31-4821. ADMINISTRATIVE SUPPORT. The commission may, with consensus of the governor and legislature of the state of Idaho, create positions including but not limited to executive director, 911 program manager, 911 grants manager, statewide interoperability coordinator, national public safety broadband network program manager, or other administrative support positions as required to carry out the provisions of this chapter. In accordance with the law of the state, and striving to keep administrative costs to a minimum, the commission may hire, fix the compensation and prescribe the powers and duties of such individuals.

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