

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 211

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

1 RELATING TO THE EMERGENCY COMMUNICATIONS ACT; AMENDING SECTION 31-4804,
2 IDAHO CODE, TO REVISE PROVISIONS REGARDING EMERGENCY COMMUNICATIONS
3 FEES AND TO PROVIDE FOR CERTAIN PAYMENTS; AMENDING SECTION 31-4818,
4 IDAHO CODE, TO PROVIDE FOR CERTAIN FEES TO BE PLACED IN THE IDAHO EMER-
5 GENCY COMMUNICATIONS FUND; AMENDING SECTION 31-4819, IDAHO CODE, TO
6 PROVIDE FOR CERTAIN FEES TO BE PLACED IN THE IDAHO EMERGENCY COMMUNICA-
7 TIONS FUND; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
8

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

10 SECTION 1. That Section 31-4804, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 31-4804. EMERGENCY COMMUNICATIONS FEE. (1) The emergency communica-
13 tions fee provided pursuant to the provisions of this chapter shall be a uni-
14 form amount ~~not to exceed~~ of one dollar (\$1.00) per month per access or in-
15 terconnected VoIP service line, and such fee shall be used exclusively to fi-
16 nance the initiation, maintenance, operation, enhancement, and governance
17 of a consolidated emergency communications system and to provide for the re-
18 imbursement of telecommunications providers for implementing enhanced con-
19 solidated emergency systems as provided for in section 31-4804A, Idaho Code.
20 All emergency communications fees collected and expended pursuant to this
21 section shall be audited by an independent, third-party auditor ordinarily
22 retained by the governing board for auditing purposes. The purpose of the
23 audit as related to emergency communications systems is to verify the accu-
24 racy and completeness of fees collected and costs expended.

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

30 (3) The telecommunications providers shall remit such fee to the county
31 treasurer's office or the administrator for the 911 service area based upon
32 the 911 service area from which the fees were collected. Such fees shall
33 be paid to the county treasurer within fifteen (15) days after the end of
34 the quarter. In the event the telecommunications provider remits such fees
35 based upon the emergency communications fee billed to the customer, a deduc-
36 tion shall be allowed for uncollected amounts when such amounts are treated
37 as bad debt for financial reporting purposes.

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

1 arate item on the telephone subscriber's bill and shall have no obligation to
 2 take any legal action to enforce the collection of any charge, nor be held li-
 3 able for such uncollected amounts.

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

25 SECTION 2. That Section 31-4818, Idaho Code, be, and the same is hereby
 26 amended to read as follows:

27 31-4818. IDAHO EMERGENCY COMMUNICATIONS FUND -- ESTABLISHMENT AND AD-
 28 MINISTRATION. (1) There is hereby created within the treasury of the state
 29 of Idaho a separate fund known as the Idaho emergency communications fund,
 30 which shall consist of moneys received from counties, cities, consolidated
 31 emergency communications operations, the fee imposed pursuant to the provi-
 32 sions of section 31-4813, Idaho Code, grants, donations, gifts and revenues
 33 from any other source to support the delivery of consolidated emergency com-
 34 munications systems.

35 (2) Moneys in the fund are hereby continuously appropriated and shall
 36 be utilized exclusively for the purposes set forth in this chapter as deter-
 37 mined by the commission.

38 (3) Annually, at the direction of the commission, not more than one per-
 39 cent (1%) of the total emergency communications fees collected in the state
 40 of Idaho is hereby dedicated for and shall be placed in the fund on a quar-
 41 terly basis by county, city or consolidated emergency communications sys-
 42 tems. The commission, on an annual basis, shall prepare a budget indicating
 43 that portion of the fee necessary for the continuous operation of the commis-
 44 sion to achieve the purposes of this chapter.

45 (4) The commission shall authorize disbursement of moneys in the fund
 46 to eligible entities.

47 (5) The state treasurer shall invest idle moneys in the fund and inter-
 48 est earned from such investments shall be returned to the fund.

1 (6) Funds received from the fee imposed pursuant to the provisions of
 2 section 31-4813, Idaho Code, shall be distributed quarterly to each govern-
 3 ing board based upon population served, excluding one percent (1%) to be used
 4 for administration of the emergency communications commission as described
 5 in this section.

6 (7) Fees collected in the state of Idaho pursuant to section 31-4819,
 7 Idaho Code, by telecommunications providers shall be placed in the fund
 8 within fifteen (15) days after the end of a quarter.

9 ~~(7)~~ (8) This act is necessary for the immediate preservation of the pub-
 10 lic peace, health, safety or support of the state government and its existing
 11 public institutions and takes effect January 1, 2014.

12 SECTION 3. That Section 31-4819, Idaho Code, be, and the same is hereby
 13 amended to read as follows:

14 31-4819. ENHANCED EMERGENCY COMMUNICATIONS GRANT FEE. (1) On and af-
 15 ter July 1, 2013, there shall be an enhanced emergency communications grant
 16 fee established by virtue of authority granted by this chapter. The fee
 17 shall be twenty-five cents (25¢) per month per access or interconnected VoIP
 18 service line.

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

22 (b) Such fee shall be remitted to the Idaho emergency communications
 23 fund provided in section 31-4818(1), Idaho Code, ~~on a quarterly basis~~
 24 ~~by county, city or consolidated emergency communications systems by a~~
 25 telecommunications provider within fifteen (15) days after the end of a
 26 quarter. Annually, at the discretion of the commission, a budget shall
 27 be prepared allocating a portion of the available grant funds for admin-
 28 istration of the grant program. The remaining grant funds shall be ded-
 29 icated for and shall be authorized for disbursement as grants to eligi-
 30 ble entities that are operating consolidated emergency communications
 31 systems for use to achieve the purposes of this chapter. Grant funds
 32 shall coincide with the strategic goals as identified by the commission
 33 in its annual report to the legislature. Grant funds may also be bud-
 34 geted for and utilized for the establishment of next generation consol-
 35 idated emergency systems (NG911) within the state.

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

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

45 (4) If a county or 911 service area has authorized the collection of the
 46 enhanced emergency communications grant fee pursuant to this chapter, such
 47 county or 911 service area shall retain the full amount of the emergency com-
 48 munication fee that was set by the board of commissioners or governing board
 49 pursuant to section 31-4803, Idaho Code. The county or 911 service area is

1 then also exempt from remitting to the Idaho public safety communications
2 commission one percent (1%) of the total emergency communications fee re-
3 ceived by the county or 911 service area as required in section 31-4818(3),
4 Idaho Code. The remaining funds from the enhanced emergency communications
5 grant fee collected shall then be remitted by the county or 911 service area
6 to the Idaho public safety communications commission.

7 SECTION 4. An emergency existing therefor, which emergency is hereby
8 declared to exist, this act shall be in full force and effect on and after
9 July 1, 2025.