

**House Study Bill 627 - Introduced**

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
PUBLIC SAFETY BILL BY  
CHAIRPERSON BAUDLER)

**A BILL FOR**

1 An Act relating to the distribution and permissible  
2 expenditures of the emergency communications service  
3 surcharge and the duties of the E911 communications council.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 34A.7A, subsection 2, Code 2016, is  
2 amended to read as follows:

3 2. Moneys collected pursuant to subsection 1 and section  
4 34A.7B, subsection 2, shall be deposited in a separate E911  
5 emergency communications fund within the state treasury  
6 under the control of the program manager. Section 8.33 shall  
7 not apply to moneys in the fund. Moneys earned as income,  
8 including as interest, from the fund shall remain in the fund  
9 until expended as provided in this section. Moneys in the fund  
10 shall be expended and distributed in the following priority  
11 order:

12 a. An amount as appropriated by the general assembly to the  
13 director shall be allocated to the director and program manager  
14 for implementation, support, and maintenance of the functions  
15 of the director and program manager and to employ the auditor  
16 of state to perform an annual audit of the E911 emergency  
17 communications fund.

18 b. (1) The program manager shall allocate to each joint  
19 E911 service board and to the department of public safety a  
20 minimum of one thousand dollars per calendar quarter for each  
21 public safety answering point within the service area of the  
22 department of public safety or joint E911 service board that  
23 has submitted an annual written request to the program manager  
24 in a form approved by the program manager by May 15 of each  
25 year.

26 (2) The amount allocated under this paragraph "b" shall be  
27 sixty percent of the total amount of surcharge generated per  
28 calendar quarter allocated as follows:

29 (a) Sixty-five percent of the total dollars available for  
30 allocation shall be allocated in proportion to the square miles  
31 of the service area to the total square miles in this state.

32 (b) Thirty-five percent of the total dollars available for  
33 allocation shall be allocated in proportion to the wireless  
34 E911 calls taken at the public safety answering point in  
35 the service area to the total number of wireless E911 calls

1 originating in this state.

2 (c) Notwithstanding subparagraph divisions (a) and (b), the  
3 minimum amount allocated to each joint E911 service board and  
4 to the department of public safety shall be no less than one  
5 thousand dollars for each public safety answering point within  
6 the service area of the department of public safety or joint  
7 E911 service board.

8 (3) The funds allocated in this paragraph "b" shall be used  
9 for emergency communication equipment utilized by the public  
10 safety answering points for the implementation and maintenance  
11 of E911 services.

12 ~~b.~~ c. From July 1, 2013, until June 30, 2026, the program  
13 manager shall allocate ten percent of the total amount of  
14 surcharge generated to wireless carriers to recover their costs  
15 to deliver E911 phase 1 services. If the allocation in this  
16 paragraph is insufficient to reimburse all wireless carriers  
17 for such carrier's eligible expenses, the program manager  
18 shall allocate a prorated amount to each wireless carrier  
19 equal to the percentage of such carrier's eligible expenses as  
20 compared to the total of all eligible expenses for all wireless  
21 carriers for the calendar quarter during which such expenses  
22 were submitted. When prorated expenses are paid, the remaining  
23 unpaid expenses shall no longer be eligible for payment under  
24 this paragraph.

25 ~~e.~~ d. The program manager shall reimburse communications  
26 service providers on a calendar quarter basis for carriers'  
27 eligible expenses for transport costs between the selective  
28 router and the public safety answering points related to the  
29 delivery of wireless E911 phase 1 services.

30 ~~d.~~ e. The program manager shall reimburse wire-line  
31 carriers and third-party E911 automatic location information  
32 database providers on a calendar quarterly basis for the  
33 costs of maintaining and upgrading the E911 components and  
34 functionalities beyond the input to the E911 selective router,  
35 including the E911 selective router and the automatic location

1 information database.

2 ~~e. (1) The program manager shall allocate to each joint~~  
3 ~~E911 service board and to the department of public safety a~~  
4 ~~minimum of one thousand dollars per calendar quarter for each~~  
5 ~~public safety answering point within the service area of the~~  
6 ~~department of public safety or joint E911 service board that~~  
7 ~~has submitted an annual written request to the program manager~~  
8 ~~in a form approved by the program manager by May 15 of each~~  
9 ~~year.~~

10 ~~(2) The amount allocated under this paragraph "e" shall be~~  
11 ~~forty-six percent of the total amount of surcharge generated~~  
12 ~~per calendar quarter allocated as follows:~~

13 ~~(a) Sixty-five percent of the total dollars available for~~  
14 ~~allocation shall be allocated in proportion to the square miles~~  
15 ~~of the service area to the total square miles in this state.~~

16 ~~(b) Thirty-five percent of the total dollars available for~~  
17 ~~allocation shall be allocated in proportion to the wireless~~  
18 ~~E911 calls taken at the public safety answering point in~~  
19 ~~the service area to the total number of wireless E911 calls~~  
20 ~~originating in this state.~~

21 ~~(c) Notwithstanding subparagraph divisions (a) and (b), the~~  
22 ~~minimum amount allocated to each joint E911 service board and~~  
23 ~~to the department of public safety shall be no less than one~~  
24 ~~thousand dollars for each public safety answering point within~~  
25 ~~the service area of the department of public safety or joint~~  
26 ~~E911 service board.~~

27 ~~(3) The funds allocated in this paragraph "e" shall be~~  
28 ~~used for communication equipment utilized by the public safety~~  
29 ~~answering points for the implementation and maintenance of E911~~  
30 ~~services.~~

31 ~~f. (1) If moneys remain in the fund after fully paying~~  
32 ~~all obligations under paragraphs "a", "b", "c", "d", and "e",~~  
33 ~~the remainder may be accumulated in the fund as a carryover~~  
34 ~~operating surplus. shall be expended and distributed in the~~  
35 ~~following priority order:~~

1     (a) (i) The E911 communications council may provide a grant  
2 to any public safety answering point agreeing to consolidate  
3 with one or more other public safety answering points. Such  
4 a grant to a public safety answering point shall not exceed  
5 one-half of the projected cost of consolidation, or two hundred  
6 thousand dollars, whichever is less.

7     (ii) The grant program established in this subparagraph  
8 division shall expire on June 30, 2022.

9     (iii) The director, in consultation with the program  
10 manager and the E911 communications council, shall adopt rules  
11 governing the eligibility for and the E911 communications  
12 council's distribution of grants to public safety answering  
13 points pursuant to this subparagraph division.

14     (b) The program manager, in consultation with the E911  
15 communications council, shall allocate an amount, not to exceed  
16 one hundred thousand dollars per fiscal year, for development  
17 of public awareness and educational programs related to the  
18 use of 911 by the public, educational programs for personnel  
19 responsible for the maintenance, operation, and upgrading of  
20 local E911 systems, and the expenses of members of the E911  
21 communications council for travel, monthly meetings, and  
22 training.

23     (c) The program manager shall allocate remaining surplus  
24 shall be used moneys equally as follows:

25     (i) To public safety answering points to fund future network  
26 and public safety answering point improvements and for the  
27 receipt and disposition of 911 calls, including hardware and  
28 software for an internet protocol-enabled next generation  
29 network, and wireless.

30     (ii) Costs related to access the state's interoperable  
31 communications system.

32     (iii) Costs related to the receipt and disposition of 911  
33 calls.

34     (iv) Wireless carriers' transport costs related to wireless  
35 E911 services, if those costs are not otherwise recovered by

1 wireless carriers through customer billing or other sources and  
2 approved by the program manager in consultation with the E911  
3 communications council.

4 (2) Notwithstanding [section 8.33](#), any moneys remaining in  
5 the fund at the end of each fiscal year shall not revert to the  
6 general fund of the state but shall remain available for the  
7 purposes of the fund.

8 g. The director, in consultation with the program manager  
9 and the E911 communications council, shall adopt rules pursuant  
10 to [chapter 17A](#) governing the distribution of the surcharge  
11 collected and distributed pursuant to [this subsection](#). The  
12 rules shall include provisions that all joint E911 service  
13 boards and the department of public safety which answer  
14 or service wireless E911 calls are eligible to receive an  
15 equitable portion of the receipts.

16 Sec. 2. Section 34A.15, Code 2016, is amended by adding the  
17 following new subsection:

18 NEW SUBSECTION. 3A. The council may provide grants, subject  
19 to available moneys in the E911 emergency communications fund,  
20 to public safety answering points agreeing to consolidate  
21 pursuant to [section 34A.7A](#), subsection 2, paragraph "f".

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with  
24 the explanation's substance by the members of the general assembly.

25 This bill relates to the distribution and permissible  
26 expenditures of the E911 emergency communications service  
27 surcharge.

28 Under current Code section 34A.7A, a monthly surcharge  
29 is imposed on all communications service providers in Iowa.  
30 Moneys collected pursuant to the surcharge are deposited in  
31 a fund and are distributed by the E911 program manager in a  
32 priority order as listed in Code section 34A.7A(2), paragraphs  
33 "a" through "f".

34 The bill establishes a higher priority of funding for  
35 the contents of Code section 34A.7A(2), paragraph "e", which

1 relates to funding to be provided to joint E911 service boards  
2 and to the department of public safety (DPS), and increases the  
3 amount of moneys allocated for funding under this paragraph  
4 from 46 percent to 60 percent of the total amount of surcharge  
5 generated. The bill also specifies that the funds allocated to  
6 such joint E911 boards and to DPS shall be used for "emergency"  
7 communication equipment to receive and dispose of 911 calls.

8 The bill amends Code section 34A.7A(2), paragraph "f",  
9 which relates to the distribution of any moneys remaining  
10 after fully paying all prioritized obligations under the  
11 previous paragraphs, by establishing a new priority order for  
12 the expenditure and distribution of such remaining moneys.  
13 First in this priority order is an amount allocated to the  
14 E911 communications council to provide grants to public  
15 safety answering points agreeing to consolidate, not to exceed  
16 one-half of the cost of consolidation, or \$200,000, whichever  
17 is less. Such grants may be provided until June 30, 2022.  
18 Second in this priority order is an amount, not to exceed  
19 \$100,000 per year, to be allocated only for the development  
20 of public awareness and educational programs relating to the  
21 use and maintenance of E911 systems and not for the expenses  
22 of members of the E911 communications travel for meetings and  
23 training. Third in this priority order is for any remaining  
24 moneys to be allocated equally to the following: public safety  
25 answering points to fund future network improvements; costs  
26 related to access the Iowa interoperable communications system;  
27 costs related to the receipt and disposition of 911 calls; and  
28 wireless carriers' transport costs for wireless E911 services,  
29 if applicable.

30 The bill provides the E911 communications council with the  
31 authority to provide grants to consolidating public safety  
32 answering points under Code section 34A.15.