

Senate Study Bill 3107 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
HOMELAND SECURITY AND
EMERGENCY MANAGEMENT BILL)

A BILL FOR

1 An Act relating to 911 emergency telephone and internet
2 communication systems, making appropriations, and including
3 effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 34A.2, Code 2018, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 01. *"911 call processing equipment"* means
4 equipment owned by the department that functions in a host
5 remote environment, provides 911 call processing functionality
6 to public safety answering points, and utilizes the next
7 generation 911 network. *"911 call processing equipment"*
8 includes but is not limited to computer aided dispatch, voice
9 logging recorders, mapping, and emergency medical dispatch.

10 NEW SUBSECTION. 001. *"911 call processing equipment*
11 *provider"* means a vendor or vendors selected by the department
12 to provide 911 call processing equipment.

13 NEW SUBSECTION. 0001. *"911 call transport provider"* means
14 a vendor or vendors selected by the department to deliver
15 aggregated wire-line 911 call traffic to the next generation
16 911 network and from the next generation 911 network to public
17 safety answering points.

18 NEW SUBSECTION. 014. *"Next generation 911 network service*
19 *provider"* means a vendor or vendors selected by the department
20 to provide next generation 911 network functionality.

21 Sec. 2. Section 34A.2, subsections 2 and 13, Code 2018, are
22 amended to read as follows:

23 2. *"911 service plan"* means a plan that includes the
24 following information:

25 a. A description of the 911 service area.

26 b. A list of all public and private safety agencies within
27 the 911 service area.

28 c. The number of public safety answering points within the
29 911 service area.

30 ~~d. Identification of the agency responsible for management~~
31 ~~and supervision of the 911 emergency communication system.~~

32 e. d. (1) A statement of estimated costs to be incurred by
33 the joint 911 service board or the department of public safety,
34 including separate estimates of the following:

35 (a) Nonrecurring costs, including but not limited to public

1 safety answering points, ~~network equipment, software~~ 911 call
2 processing equipment, internet and telephone access, database,
3 addressing, training, and other capital expenditures, including
4 the purchase or lease of subscriber names, addresses, and
5 telephone information from the local exchange service provider.

6 (b) Recurring costs, including but not limited to ~~network~~
7 ~~access fees and other telephone charges, software~~ 911
8 call processing equipment, internet and telephone access,
9 equipment, and database management, and maintenance, including
10 the purchase or lease of subscriber names, addresses, and
11 telephone information from the local exchange service provider.
12 Recurring costs shall not include personnel costs for a public
13 safety answering point.

14 (2) Funds deposited in a 911 service fund are appropriated
15 and shall be used for the payment of costs that are limited to
16 nonrecurring and recurring costs directly attributable to the
17 receipt and disposition of the 911 call. Costs do not include
18 expenditures for any other purpose, and specifically exclude
19 costs attributable to other emergency services or expenditures
20 for buildings or personnel, except for the costs of personnel
21 for database management and personnel directly associated with
22 addressing.

23 ~~f. Current equipment operated by affected local exchange~~
24 ~~service providers, and central office equipment and technology~~
25 ~~upgrades necessary for the provider to implement 911 service~~
26 ~~within the 911 service area.~~

27 ~~g. e.~~ A schedule for implementation of the plan throughout
28 the 911 service area. The schedule may provide for phased
29 implementation.

30 ~~h. f.~~ The number of telephone access lines and voice over
31 internet protocol service connections capable of access to 911
32 in the 911 service area.

33 ~~i. g.~~ The total property valuation in the 911 service area.

34 ~~j. h.~~ A plan to migrate to a next generation 911 network.

35 13. "Next generation 911 network" means an internet

1 protocol-enabled system that enables the public to transmit
2 digital information to public safety answering points and is
3 responsible for the delivery of all 911 messages within the
4 state. "Next generation 911 network" replaces enhanced 911,
5 and ~~that~~ includes but is not limited to 911 voice and nonvoice
6 messages generated by originating service providers, ESInet,
7 GIS, cybersecurity, and other system components.

8 Sec. 3. Section 34A.2, subsection 20, paragraph a, Code
9 2018, is amended to read as follows:

10 a. The service provides real-time two-way voice
11 communications transmitted using internet protocol, ~~and~~ or a
12 successor protocol.

13 Sec. 4. Section 34A.7, subsection 2, paragraph a, Code 2018,
14 is amended to read as follows:

15 a. The surcharge shall be collected as part of the access
16 line service provider's periodic billing to a subscriber. In
17 compensation for the costs of billing and collection, the local
18 exchange service provider may retain one percent of the gross
19 surcharges collected. If the compensation is insufficient to
20 fully recover a local exchange service provider's costs for
21 billing and collection of the surcharge, the deficiency shall
22 be included in the local exchange service provider's costs
23 for ratemaking purposes to the extent it is reasonable and
24 just under [section 476.6](#). The surcharge shall be remitted to
25 ~~the 911 service operating authority~~ joint 911 service board
26 for deposit into the 911 service fund quarterly by the local
27 exchange service provider. The total amount for multiple
28 exchanges may be combined.

29 Sec. 5. Section 34A.7A, subsection 2, paragraph b,
30 subparagraph (1), Code 2018, is amended to read as follows:

31 (1) The program manager shall allocate to each joint
32 911 service board and to the department of public safety a
33 minimum of one thousand dollars per calendar quarter for each
34 public safety answering point within the service area of the
35 department of public safety or joint 911 service board ~~that has~~

1 ~~submitted an annual written request to the program manager in a~~
2 ~~form approved by the program manager by May 15 of each year.~~

3 Sec. 6. Section 34A.7A, subsection 2, paragraph d, Code
4 2018, is amended by striking the paragraph.

5 Sec. 7. Section 34A.7A, subsection 2, paragraph e, Code
6 2018, is amended to read as follows:

7 e. (1) The program manager shall reimburse ~~wire-line~~
8 carriers next generation 911 network service providers,
9 911 call processing equipment providers, 911 call
10 transport providers, and third-party 911 automatic location
11 identification database providers on a calendar quarterly
12 basis for the costs of maintaining and upgrading the next
13 generation 911 components and functionalities beyond the input
14 to the 911 selective router, including the 911 selective router
15 network functionality, 911 call processing equipment, 911 call
16 transport from the next generation 911 network to public safety
17 answering points and from the wireless originating service
18 provider network to the next generation 911 network, and the
19 automatic location identification database.

20 (2) The program manager may also provide grants to joint
21 911 service boards and the department of public safety for
22 the purpose of developing and maintaining GIS data to be used
23 in support of the next generation 911 network. The program
24 manager shall provide guidelines, application forms, and notice
25 of the availability of such grants on the department's internet
26 site.

27 Sec. 8. Section 34A.7A, subsection 2, paragraph g,
28 subparagraph (1), unnumbered paragraph 1, Code 2018, is amended
29 to read as follows:

30 If moneys remain in the fund after fully paying all
31 obligations under paragraphs "a", "b", "c", "d", and "e",
32 and "f", ~~an amount of up to seven million dollars shall, for~~
33 ~~the fiscal year beginning July 1, 2017, and ending June 30,~~
34 2018, remaining funds shall be expended and distributed in the
35 following priority order:

1 Sec. 9. Section 34A.8, Code 2018, is amended to read as
2 follows:

3 **34A.8 Local exchange service information — penalty.**

4 1. A local exchange service provider shall furnish to the
5 next generation 911 network service provider, designated by
6 ~~the joint 911 service board~~ department, all names, addresses,
7 and telephone number information concerning its subscribers
8 which will be served by the next generation 911 system network
9 and shall periodically update the local exchange service
10 information. The 911 service provider shall furnish the
11 addresses and telephone number information received from the
12 local exchange service provider to the director for use in the
13 mass notification and emergency messaging system as defined
14 in [section 29C.2](#). The local exchange service provider shall
15 receive as compensation for the provision of local exchange
16 service information charges according to its tariffs on file
17 with and approved by the Iowa utilities board. The tariff
18 charges shall be the same whether or not the local exchange
19 service provider is designated as the next generation 911
20 network service provider by the ~~joint 911 service board~~
21 department.

22 2. *a.* Subscriber information remains the property of the
23 local exchange service provider.

24 *b.* The director, program manager, joint 911 service board,
25 local emergency management commission established pursuant
26 to [section 29C.9](#), the designated next generation 911 network
27 service provider, and the public safety answering point, their
28 agents, employees, and assigns shall use local exchange service
29 information provided by the local exchange service provider
30 solely for the purposes of providing 911 emergency telephone
31 service or providing related mass notification and emergency
32 messaging services as described in [section 29C.17A](#) utilizing
33 only the subscriber's information, and it shall otherwise be
34 kept confidential. A person who violates [this section](#) is
35 guilty of a simple misdemeanor.

1 c. This chapter does not require a local exchange service
2 provider to sell or provide its subscriber names, addresses,
3 or telephone number information to any person other than
4 the designated next generation 911 network service provider
5 ~~designated by the joint 911 service board.~~

6 Sec. 10. CONSOLIDATION OF NEXT GENERATION 911 NETWORK. The
7 department of homeland security and emergency management
8 shall implement its plan to consolidate the wire-line 911
9 network with the next generation 911 network. During the
10 consolidation, joint 911 service boards shall continue to
11 pay the costs of providing wire-line 911 service. When the
12 department notifies a joint 911 service board that wire-line
13 911 service is being delivered to public safety answering
14 points within the 911 service area of the joint 911 service
15 board via the next generation 911 network, the joint 911
16 service board shall no longer be responsible for any associated
17 functions or costs for providing wire-line 911 service and such
18 costs shall be addressed by the department pursuant to section
19 34A.7A, subsection 2, paragraph "e".

20 Sec. 11. EFFECTIVE DATE.

21 1. The section of this Act amending section 34A.7A,
22 subsection 2, paragraph g, subparagraph (1), unnumbered
23 paragraph 1, takes effect July 1, 2018.

24 2. The remaining sections of this Act, being deemed of
25 immediate importance, take effect upon enactment.

26 EXPLANATION

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

29 This bill modifies several provisions in Code chapter 34A
30 that relate to 911 emergency telephone communication systems.

31 The bill defines "911 call processing equipment" as
32 equipment owned by the department of homeland security and
33 emergency management (HSEMD) that functions in a host remote
34 environment, provides 911 call processing functionality
35 to public safety answering points, and utilizes the next

1 generation 911 network, including but not limited to computer
2 aided dispatch, voice logging recorders, mapping, and emergency
3 medical dispatch. The bill defines "911 call processing
4 equipment provider" as a vendor or vendors selected by HSEMD
5 to provide call processing equipment. The bill defines "911
6 call transport provider" as a vendor or vendors selected by
7 HSEMD to deliver aggregated wire-line 911 call traffic to the
8 next generation 911 network and from the next generation 911
9 network to public safety answering points. The bill defines
10 "next generation 911 network service provider" as a vendor
11 or vendors selected by HSEMD to provide next generation 911
12 network functionality.

13 The bill removes the identification of the agency
14 responsible for the 911 emergency communication system and
15 equipment operated by local exchange service providers from
16 the information required in the definition of "911 service
17 plan". The bill also includes 911 call processing equipment
18 and internet and telephone access in the statement of estimated
19 costs required, as defined in "911 service plan". The bill
20 amends the definition of "next generation 911 network" by
21 specifying that it is responsible for the delivery of all 911
22 messages within the state and that it includes 911 voice and
23 nonvoice messages generated by originating service providers.
24 The bill amends the definition of "voice over internet protocol
25 service" by specifying that the service must provide real-time
26 two-way voice communications transmitted using internet
27 protocol or a successor protocol.

28 The bill requires the wire-line service surcharge collected
29 pursuant to Code section 34A.7 to be remitted to the joint 911
30 service board instead of the 911 service operating authority.

31 The bill modifies several provisions in Code section 34A.7A,
32 which relates to the distribution and permissible expenditures
33 of the 911 emergency communications service surcharge. The
34 bill removes the requirement for public safety answering points
35 to submit written requests to the program manager to receive

1 specified funding. The bill removes the requirement for the
2 program manager to reimburse originating service providers
3 for expenses related to the delivery of wireless E911 phase
4 1 services and the integration of the next generation 911
5 network. The bill places the ability of the program manager to
6 provide grants to joint 911 service boards and the department
7 of public safety for developing and maintaining GIS data in
8 a lower priority on the order of permissible expenditures.
9 The bill requires the program manager to reimburse next
10 generation 911 network service providers, 911 call processing
11 equipment providers, 911 call transport providers, and
12 third-party 911 automatic location identification database
13 providers for the costs of maintaining the next generation
14 911 network functionality, 911 call processing equipment, 911
15 call transport, and the automatic location identification
16 database. The bill removes the allocation of up to \$7 million
17 for distribution to the obligations listed in Code section
18 34A.7A(2)(g) for the fiscal year beginning July 1, 2017, and
19 provides that remaining funds shall be distributed to such
20 obligations.

21 The bill requires local exchange service providers to
22 furnish certain information specified in Code section 34A.8 to
23 the next generation 911 network service provider designated by
24 HSEMD instead of the 911 service provider designated by the
25 joint 911 service board.

26 The bill requires HSEMD to implement its plan to consolidate
27 the wire-line 911 network with the next generation 911 network.
28 Joint 911 service boards shall continue to pay the costs of
29 providing wire-line 911 service during the consolidation.
30 When HSEMD notifies a joint 911 service board that wire-line
31 911 service is being delivered to public safety answering
32 points within its 911 service area via the next generation
33 911 network, the joint 911 service board shall no longer be
34 responsible for any associated functions or costs for providing
35 wire-line 911 service and such costs shall be addressed

1 pursuant to Code section 34.7A(2)(e).

2 The section of the bill removing the allocation of up to
3 \$7 million for distribution to the obligations listed in Code
4 section 34A.7A(2)(g) for the fiscal year beginning July 1,
5 2017, and providing that remaining funds shall be distributed
6 to such obligations, takes effect July 1, 2018. All other
7 sections of the bill take effect upon enactment.