

## CHAPTER 1100

### EMERGENCY COMMUNICATIONS SERVICES — ALLOCATION OF FUNDS

H.F. 2439

**AN ACT** relating to the distribution and permissible expenditures of the emergency communications service surcharge and the duties of the E911 communications council.

*Be It Enacted by the General Assembly of the State of Iowa:*

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

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

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

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

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

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

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

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

(3) The funds allocated in this paragraph “b” shall be used by the public safety answering points for the receipt and disposition of 911 calls.

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

~~e. d.~~ The program manager shall reimburse communications service providers on a calendar quarter basis for carriers’ eligible expenses for transport costs between the selective router and the public safety answering points related to the delivery of wireless E911 phase 1 services and the integration of an internet protocol-enabled next generation 911 network.

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

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

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

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

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

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

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

f. The department of homeland security and emergency management may, in a reserve account established within the E911 emergency communications fund, credit each fiscal year an amount of up to twelve and one-half percent of the annual emergency communications service surcharge collected pursuant to [subsection 1](#) and the prepaid wireless E911 surcharge collected pursuant to [section 34A.7B, subsection 2](#). However, the moneys contained in such reserve account shall not exceed twelve and one-half percent of the total surcharges collected for each fiscal year. Moneys credited to the reserve account shall only be used by the department for the purpose of repairing or replacing equipment in the event of a catastrophic equipment failure, as determined by the director.

f. g. (1) If moneys remain in the fund after fully paying all obligations under paragraphs "a", "b", "c", "d", and "e", and "f", the remainder may be accumulated in the fund as a carryover operating surplus. an amount of up to four million four hundred thousand dollars shall, for the fiscal year beginning July 1, 2016, and ending June 30, 2017, be expended and distributed in the following priority order:

(a) (i) The director, in consultation with the program manager and the E911 communications council, may provide grants to any public safety answering point agreeing to consolidate. For purposes of this subparagraph division, "consolidate" means the consolidation of all public safety answering point systems, functions, enhanced 911 service areas, and physical facilities of two or more public safety answering points, resulting in the consolidated public safety answering point being responsible for all call answering and dispatch functions for the combined enhanced 911 service area, or the consolidation of two or more public safety answering points utilizing shared services technology to combine public safety answering point systems, including but not limited to 911 call processing equipment, computer-aided dispatch, mapping, radio, and logging recorders. Such a grant to a public safety answering point shall not exceed one-half of the projected cost of consolidation, or two hundred thousand dollars, whichever is less.

(ii) Grants provided under this subparagraph may, subject to available funding, be provided until June 30, 2022.

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

(b) The program manager, in consultation with the E911 communications council, shall allocate an amount, not to exceed one hundred thousand dollars per fiscal year, for development of public awareness and educational programs related to the use of 911 by the public, educational programs for personnel responsible for the maintenance, operation, and upgrading of local E911 systems, and the expenses of members of the E911 communications

council for travel, monthly meetings, and training, provided, however, that the members have not received reimbursement funds for such expenses from another source.

(c) The remaining surplus shall be used to fund future network and public safety answering point improvements for program manager shall allocate an equal amount of moneys to each public safety answering point for the following costs:

(i) Costs related to the receipt and disposition of 911 calls, including hardware and software for an internet protocol-enabled next generation 911 network, and wireless carriers' transport costs related to wireless E911 services, if those costs are not otherwise recovered by wireless carriers through customer billing or other sources and approved by the program manager in consultation with the E911 communications council.

(ii) Local costs related to access the state's interoperable communications system.

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

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

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

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

Sec. 3. STUDY OF CONSOLIDATION OF PUBLIC SAFETY ANSWERING POINTS. The department of homeland security and emergency management shall conduct a study to determine how public safety answering points can be consolidated to achieve operational and cost efficiencies. The study shall also review sections [34A.7](#) and [34A.7A](#) to determine the most efficient method of distributing surcharge revenues to support a network of consolidated public safety answering points. The department shall submit a report containing the results of the study no later than January 15, 2017.

Approved April 29, 2016