

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 530

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

RELATING TO THE EMERGENCY COMMUNICATIONS ACT; AMENDING SECTION 31-4803, IDAHO CODE, TO REVISE A PROVISION REGARDING AN EMERGENCY COMMUNICATIONS FEE; AMENDING SECTION 31-4804, IDAHO CODE, TO REVISE A PROVISION REGARDING AN EMERGENCY COMMUNICATIONS FEE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 31-4803, Idaho Code, be, and the same is hereby amended to read as follows:

31-4803. AUTHORITY TO ESTABLISH AND FOR VOTERS TO APPROVE FUNDING FOR A CONSOLIDATED EMERGENCY COMMUNICATIONS SYSTEM. (1) The board of commissioners of any county may establish a consolidated emergency communications system by virtue of authority granted by this chapter or by chapter 23, title 67, Idaho Code. The service area may be regional, multicounty, county-wide, or any part or parts of the county, and may include or exclude a city or cities. If the board of county commissioners has adopted a resolution stating that the county is unable to establish a countywide consolidated emergency communications system, or if the voters reject a countywide consolidated 911 system, then a 911 service area may be established by action of any city or cities within the county. The 911 service area shall be described in the ordinance of creation. The ordinance shall further provide for an election on the question as provided in subsection (2) of this section. The ordinance of creation shall define the governing board, designate the administrator, and the agency to service the 911 calls. The costs of the election ordered by the county shall be a proper charge against the county current expense fund. The costs of the election for a 911 service area shall be a proper charge against the city or cities initiating the election.

(2) The voters of any county or 911 service area may authorize funding to support implementation of a consolidated emergency communications system pursuant to the provisions of this chapter. The authorization to provide such funding must be made by the registered voters of the county or of the 911 service area at either a primary or general election. A notice for any election shall be published for twenty (20) days as required by section 60-109, Idaho Code. A sixty percent (60%) majority of the votes cast in favor of the question shall be necessary to authorize the emergency communications fee.

(3) If a 911 system is to be financed in whole or in part by an emergency communications fee, the governing board shall submit the question to the electors of the county or 911 service area in substantially the following form:

"Shall the governing board of ..... be authorized to institute an emergency communications fee in an amount no greater than ~~one dollar (\$1.00)~~ three dollars (\$3.00) per month to be used

1 to fund an emergency telephone system, commonly known as 911 ser-  
2 vice?".

3 (4) No emergency communications fee for a consolidated emergency com-  
4 munications system shall be charged without voter approval as provided in  
5 subsection (2) of this section.

6 (5) Any net savings in operating expenditures realized by any taxing  
7 district utilizing a consolidated emergency communications system shall be  
8 used by that taxing district for a reduction in the property tax charges of  
9 that taxing district.

10 (6) If the voters of any county or 911 service area have previously ap-  
11 proved funding of a consolidated emergency communications system in the man-  
12 ner provided in subsections (2) and (3) of this section, no further vote is  
13 necessary to authorize the emergency communications fee set forth in this  
14 act.

15 (7) Effective October 1, 2004, and every year thereafter, the emergency  
16 communications fee provided for in this act shall be reviewed and modified  
17 as required by this subsection by the board of commissioners of a countywide  
18 system or by the governing board of a 911 service area as follows:

19 (a) The level of the emergency communications fee shall be reviewed  
20 and, as appropriate and necessary, readjusted by action of the board of  
21 commissioners or the governing board on an annual basis. The board of  
22 commissioners or governing board shall set the level of the fee based  
23 upon the revenue requirements necessary to implement an annual budget  
24 prepared under the direction of the board of commissioners or governing  
25 board for the initiation, maintenance, operation, enhancement and gov-  
26 ernance of a consolidated emergency communications system, including  
27 both basic and, if applicable, enhanced consolidated emergency sys-  
28 tems.

29 (b) The revenues from emergency communications fees shall be exclu-  
30 sively expended pursuant to the budget established in paragraph (a)  
31 of this subsection. Use of such revenues for any other purpose is ex-  
32 pressly prohibited.

33 (c) The process of reviewing and setting the level of emergency com-  
34 munications fees shall be governed by the meeting and public notice  
35 provisions of section 31-710(4), Idaho Code. For the purposes of this  
36 section, the setting of a fee shall be deemed to be the promulgation of  
37 a rule such that public participation provisions of section 67-5222,  
38 Idaho Code, shall apply to the meetings of the board of commissioners or  
39 of a governing board pursuant to this section.

40 SECTION 2. That Section 31-4804, Idaho Code, be, and the same is hereby  
41 amended to read as follows:

42 31-4804. EMERGENCY COMMUNICATIONS FEE. (1) The emergency communi-  
43 cations fee provided pursuant to the provisions of this chapter shall be a  
44 uniform amount not to exceed ~~one dollar (\$1.00)~~ three dollars (\$3.00) per  
45 month per access or interconnected VoIP service line, and such fee shall  
46 be used exclusively to finance the initiation, maintenance, operation,  
47 enhancement and governance of a consolidated emergency communications sys-  
48 tem and provide for the reimbursement of telecommunications providers for  
49 implementing enhanced consolidated emergency systems as provided for in

1 section 31-4804A, Idaho Code. All emergency communications fees collected  
2 and expended pursuant to this section shall be audited by an independent,  
3 third-party auditor ordinarily retained by the governing board for auditing  
4 purposes. The purpose of the audit as related to emergency communications  
5 systems is to verify the accuracy and completeness of fees collected and  
6 costs expended.

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

12 (3) The telecommunications providers shall remit such fee to the county  
13 treasurer's office or the administrator for the 911 service area based upon  
14 the 911 service area from which the fees were collected. In the event the  
15 telecommunications provider remits such fees based upon the emergency com-  
16 munications fee billed to the customer, a deduction shall be allowed for un-  
17 collected amounts when such amounts are treated as bad debt for financial re-  
18 porting purposes.

19 (4) From every remittance to the governing body made on or before the  
20 date when the same becomes due, the telecommunications provider required to  
21 remit the same shall be entitled to deduct and retain one percent (1%) of the  
22 collected amount as the cost of administration for collecting the charge.  
23 Telecommunications providers will be allowed to list the surcharge as a sep-  
24 arate item on the telephone subscriber's bill and shall have no obligation to  
25 take any legal action to enforce the collection of any charge, nor be held li-  
26 able for such uncollected amounts.

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

48 SECTION 3. An emergency existing therefor, which emergency is hereby  
49 declared to exist, this act shall be in full force and effect on and after  
50 July 1, 2024.