

July 2, 2015

The Honorable Paul D. Pate
Secretary of State of Iowa
State Capitol
Des Moines, Iowa 50319

Dear Mr. Secretary:

I hereby transmit House File 651, an Act relating to expenditures of moneys from the E911 Emergency Communications Fund, other duties of the department of homeland security and emergency management, and other properly related matters, making an appropriation, and including effective date and retroactive applicability provisions.

House File 651 is approved on this date with the following exceptions, which I hereby disapprove.

My administration and the Iowa legislature worked in a bipartisan manner this session to provide the first \$4 million payment to build a statewide interoperable public safety communications system. This statewide system will allow all public safety officers across the state to operate in an efficient and effective manner, providing services to best protect the citizens of our state. This system is critically needed in Iowa, and it is needed now. Many other states, including all neighboring states, have a statewide system and the funds provided in this legislation are a step in the right direction. The funding provided by the legislature is necessary to show the Federal Communications Commission (FCC) the progress Iowa is making in terms of developing a statewide operable and interoperable network in order to maintain the 700 MHz spectrum license.

The Department of Administrative Services (DAS) issued a request for proposal (RFP) to build the statewide system and awarded the bid in 2014 to the lowest bidder. Officials from state, city and county government agencies have expressed support for the statewide interoperable system. This system will provide both short and long-term costs savings for all levels of government.

I am unable to approve the item designated as Section 1, subsection 1, in its entirety. This policy statement describes the department's process for selection of a provider. In order to ensure that fairness as well as a deep level of expertise were applied to this request and the evaluation of the responses, DAS contracted with an independent contractor that has experience at both the federal and state level in communications engineering. DAS awarded the RFP in 2014; therefore, this language is unnecessary. Further, the definition of provider in this item is incorrect and an error. Finally, this item contains incorrect terminology. It references the "actual annual lease costs associated with the

operation of a statewide land mobile radio communications system that interfaces with the Iowa interoperability radio platform.” There is no “platform” that is separate from the system, and thus the item would only create confusion and could frustrate the completion of the statewide system.

I am unable to approve the item designated as Section 1, subsection 2, in its entirety. Prior to the issuance of the RFP, DAS, in consultation with a subject matter expert, developed an RFP for the delivery of a statewide interoperability platform. The market-based responses received from the private sector confirmed the most efficient and effective method of delivery of the platform in compliance with the FCC mandates and Iowa Code. This information is available to both the public and the legislature. The language in this item is redundant of the statewide procurement process that has already occurred. If the procurement process is repeated, any delay would jeopardize the state’s 700 MHz spectrum license. Therefore, this language is unnecessary.

I am unable to approve the item designated as Section 2, in its entirety. This item would modify the current E911 pass-through rates from a sustainable 46% to 58%, a rate that could put the solvency of the fund in jeopardy. I believe some increase may be appropriate in the future; however, the increase proposed in this bill is premature. The Department of Homeland Security and Emergency Management is conducting a legislatively-required study on this very topic, and any increase in the rate should only increase upon the completion of the study. Additionally, the rate that is set should be sustainable. Also, I strongly support the consolidation of redundant government services; however, there is no evidence that this proposed incentive would work, and I look forward to working with the legislature in developing a model that would find efficiencies.

I am unable to approve the item designated as Section 4, in its entirety. This item is unnecessary due to my veto in Section 2. My disapproval of this section allows Public Safety Answering Points (PSAPs) to continue to receive their current rate of pass-through funding from this fund.

I am unable to approve the designated portions of the item designated as Section 5, lettered paragraph f. These portions are unnecessary due to my veto in Section 2.

For the above reasons, I respectfully disapprove the designated items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 651 are hereby approved as of this date.

Sincerely,

TERRY E. BRANSTAD
Governor