

**CHAPTER 168****ENHANCED 911 TELEPHONE SERVICE***H.F. 735*

**AN ACT** relating to enhanced 911 emergency telephone communications systems, and providing for the Act's applicability, and providing a special effective date.

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

Section 1. Section 477B.3, subsection 1, unnumbered paragraph 1, Code 1989, is amended to read as follows:

**JOINT 911 SERVICE BOARDS TO SUBMIT PLANS.** The board of supervisors of each county shall establish a joint 911 service board not later than January 1, 1989. Each political subdivision of the state having a public safety agency serving territory within the county is entitled to voting membership on the joint 911 service board. Each private safety ~~entity~~ agency operating within the area is entitled to nonvoting membership on the board. A township which does not operate its own public safety agency, but contracts for the provision of public safety services, is not entitled to membership on the joint 911 service board, but its contractor is entitled to membership according to the contractor's status as a public or private safety agency. The joint 911 service board shall develop an enhanced 911 service plan encompassing at minimum the entire county, unless an exemption is granted by the administrator permitting a smaller E911 service area. The administrator may grant a discretionary exemption from the single county minimum service area requirement based upon an E911 joint service board's or other E911 service plan operating authority's presentation of evidence which supports the requested exemption if the administrator finds that local conditions make adherence to the minimum standard unreasonable or technically infeasible, and that the purposes of this chapter would be furthered by granting an exemption. The minimum size requirement is intended to prevent unnecessary duplication of public safety answering points and minimize other administrative, personnel, and equipment expenses. An E911 service area must encompass a geographically contiguous area. No exemption shall be granted from the contiguous area requirement. The administrator may order the inclusion of a specific territory in an adjoining E911 service plan area to avoid the creation by exclusion of a territory smaller than a single county not serviced by surrounding E911 service plan areas upon request of the joint 911 service board representing the territory. The E911 service plan operating authority shall submit the plan on or before March 1, 1989, to all of the following:

Sec. 2. Section 477B.3, subsection 3, Code 1989, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** An alternative legal entity created pursuant to chapter 28E as a substitute for a joint 911 service board, as permitted by this subsection, may be created by either:

- a. Agreement of the parties entitled to voting membership on a joint 911 service board.
- b. Agreement of the members of a joint 911 service board.

An alternative chapter 28E entity has all of the powers of a joint 911 service board and any additional powers granted by the agreement. As used in this chapter, "joint 911 service board" includes an alternative chapter 28E entity created for that purpose, except as specifically limited by the chapter 28E agreement or unless clearly provided otherwise in this chapter. A chapter 28E agreement related to E911 service shall permit the participation of a private safety agency or other persons allowed to participate in a joint 911 service board, but the terms, scope, and conditions of participation are subject to the chapter 28E agreement.

Sec. 3. Section 477B.6, Code 1989, is amended to read as follows:

**477B.6 REFERENDUM ON E911 IN PROPOSED SERVICE AREA.**

1. Before a joint E911 service board may request imposition of the surcharge by the administrator, the board shall submit the following question to ~~either voters or subscribers~~, as provided

in subsection 2, in the proposed E911 service area, and the question shall receive a favorable vote from a simple majority of persons submitting valid ballots on the following question within the proposed E911 service area:

"Should enhanced 911 emergency telephone service be funded, in whole or in part, by a surcharge of (up to twenty-five cents) per month per telephone access line collected as part of each telephone subscriber's monthly phone bill if provided within (description of the proposed E911 service area)?"

2. The referendum required as a condition of the surcharge imposition in subsection 1 shall be conducted using ~~one of the following electoral mechanisms at the option of the joint E911 service board mechanism:~~

a. ~~A local exchange access company providing service to subscribers within the proposed E911 service area shall provide the name and address of each subscriber to be served to the joint E911 service board proposing to provide E911 service. The names and addresses may be used by the joint E911 service board for the purpose of mailing referendum ballots. Ballots shall be returned to the subscriber's county commissioner of elections who shall report the results to the joint E911 service board. The joint E911 service board shall compile the results if subscribers from more than one county are included within the proposed service area. The board shall announce whether a simple majority of subscribers submitting valid ballots within the proposed E911 service area approved the referendum question. A subscriber may only vote once.~~

b. ~~At the request of the joint E911 service board a county commissioner of elections shall include the question on the next eligible general election ballot in each electoral precinct to be served, in whole or in part, by the proposed E911 service area, provided the request is timely submitted to permit inclusion. The question may be included in the next election in which all of the voters in the proposed E911 service area will be eligible to vote on the same day, such as a primary, general, or school board election. The county commissioner of elections shall report the results to the joint E911 service board. The joint E911 service board shall compile the results if subscribers from more than one county are included within the proposed service area. The joint E911 service board shall announce whether a simple majority of the compiled votes reported by the commissioner approved the referendum question.~~

3. The secretary of state, in consultation with the administrator of the office of disaster services of the department of public defense, shall adopt rules for the conduct of joint E911 service referendums as required by and consistent with subsections 1 and 2.

Sec. 4. Section 477B.7, unnumbered paragraph 1, Code 1989, is amended to read as follows:

When an E911 service plan is implemented, the costs of providing E911 service within an E911 service area are the responsibility of the joint E911 service board and the member political subdivisions. Costs in excess of the amount raised by imposition of the E911 service surcharge provided for under subsection 1, shall be paid by the joint E911 service board from such revenue sources allocated among the member political subdivisions as determined by the joint E911 service board. Funding is not limited to the surcharge, and surcharge revenues may be supplemented by other permissible local and state revenue sources. A joint 911 service board shall not commit a political subdivision to appropriate property tax revenues to fund an E911 service plan without the consent of the political subdivision. A joint 911 service board may approve a 911 service plan, including a funding formula requiring appropriations by participating political subdivisions, subject to the approval of the funding formula by each political subdivision. However, a political subdivision may agree in advance to appropriate property tax revenues or other moneys according to a formula or plan developed by an alternative chapter 28E entity.

Sec. 5. Section 477B.7, subsection 1, paragraph a, subparagraph (1), Code 1989, is amended to read as follows:

(1) The administrator shall notify a provider scheduled to provide exchange access line service to an E911 service area, that implementation of an ~~approved~~ E911 service plan has been

approved by the joint 911 service board and by the service area referendum, and that collection of the surcharge is to begin within one hundred days.

Sec. 6. Section 477B.7, subsection 1, Code 1989, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. The surcharge shall terminate at the end of twenty-four months if the joint E911 service plan has not been approved by the administrator within eighteen months of the original notice to the provider to impose the surcharge, and shall not be reimposed until a service plan is approved by the administrator and the administrator gives providers notice as required by paragraph "a", subparagraphs (1) and (2).

Sec. 7. APPLICABILITY. Section 3 of this Act is applicable to all referendums approved by either a county board of supervisors or a joint 911 service board, or both, on or after July 1, 1989. Section 3 is not applicable to a referendum approved prior to July 1, 1989, notwithstanding that the actual referendum election or balloting is conducted on or after July 1, 1989.

Sec. 8. This Act, being deemed of immediate importance, is effective upon enactment.

Approved May 15, 1989

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## CHAPTER 169

### VOLUNTARY FOSTER CARE PLACEMENT

*H.F. 402*

**AN ACT** relating to foster care by establishing certain provisions regarding voluntary foster care placements.

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

Section 1. Section 232.2, Code 1989, is amended by adding the following new subsection:  
NEW SUBSECTION. 52A. "Voluntary placement" means a foster care placement in which the department provides foster care services to a child according to a signed placement agreement between the department and the child's parent or guardian.

Sec. 2. NEW SECTION. 232.175 PURPOSE AND POLICY.

It is the purpose and policy of this division to provide court oversight for placements that involve a handicapped child placed voluntarily in foster care by the child's parent or guardian, through review of the voluntary placements every six months by the department's foster care review committees or by a local foster care review board. It is the purpose and policy of this division to assure the additional safeguard of court oversight as required by Pub. L. No. 96-272, as codified in 42 U.S.C. § 671(a)(16), 627(a)(2)(B), and 675(1)(5), while maintaining parental decision-making authority.

Sec. 3. NEW SECTION. 232.176 JURISDICTION.

The court shall have exclusive jurisdiction over voluntary placement proceedings.

Sec. 4. NEW SECTION. 232.177 VENUE.

Venue for voluntary placement proceedings shall be determined in accordance with section 232.62.

Sec. 5. NEW SECTION. 232.178 PETITION.

1. The department shall file a petition to initiate a voluntary placement proceeding in accordance with criteria established pursuant to the Child Welfare Act of 1980, Pub. L. No. 96-272, as codified in 42 U.S.C. § 627(a).