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MAR 4 1988

HOUSE FILE 2400

Place On Calendar

BY COMMITTEE ON SMALL BUSINESS
AND COMMERCE

(Formerly House Study Bill 254)

Passed House, Date 3/11/88 (p. 123) Passed Senate, Date 4/7/88 (p. 1338)
Vote: Ayes 93 Nays 0 Vote: Ayes 44 Nays 2
Approved May 6, 1988

A BILL FOR

1 An Act relating to enhanced 911 emergency telephone communication
2 systems, by requiring each county to prepare an enhanced 911
3 service plan to be implemented on or before July 1, 1992, by
4 requiring conversion of pay telephones to accept 911 calls
5 without charge, and by providing a limited privacy waiver to
6 permit nonlisted or unpublished numbers to be included in E911
7 service.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2400

1 Section 1. NEW SECTION. 477B.1 PURPOSE.

2 The purpose of this chapter is to enable the orderly
3 development and operation of enhanced 911 emergency telephone
4 communication systems statewide.

5 Sec. 2. NEW SECTION. 477B.2 DEFINITIONS.

6 As used in this chapter, unless the context otherwise
7 requires:

8 1. "Administrator" means the administrator of the division
9 of disaster services of the department of public defense.

10 2. "Public or private safety agency" means a unit of state
11 or local government, a special purpose district, or a private
12 firm which provides or has the authority to provide fire
13 fighting, police, ambulance, or emergency medical services.

14 3. "Provider" means a person who provides, or offers to
15 provide, E911 installation, maintenance, or exchange access
16 services within the enhanced 911 service area.

17 4. "Enhanced 911" or "E911" means a service which provides
18 the user of a public telephone system the ability to reach a
19 public safety answering point by dialing the digits 911, and
20 which has the following additional features:

21 a. Routes an incoming 911 call to the appropriate public
22 safety answering point selected from the public safety
23 answering points operating in a 911 service area.

24 b. Automatically displays the name, address, and telephone
25 number of an incoming 911 call and public safety agency
26 servicing the address on a video monitor at the appropriate
27 public safety answering point.

28 5. "Enhanced 911 service plan" means a plan that includes
29 the following information:

30 a. A description of the enhanced 911 service area.

31 b. A list of all public and private safety agencies within
32 the enhanced 911 service area.

33 c. The number of public safety answering points within the
34 enhanced 911 service area.

35 d. Identification of the agency responsible for management

1 and supervision of the enhanced 911 emergency telephone
2 communication system.

3 e. A statement of estimated costs, including separate
4 estimates of the following:

5 (1) Nonrecurring costs, including, but not limited to,
6 public safety answering points, networking, equipment,
7 software, database, addressing, initial training, and other
8 capital and start-up expenditures.

9 (2) Recurring costs, including, but not limited to,
10 network access fees and other telephone charges, software,
11 equipment, and database maintenance. Recurring costs shall
12 not include personnel costs for a public safety answering
13 point.

14 f. Current equipment operated by affected providers, and
15 central office equipment and technology upgrades necessary for
16 the provider to implement enhanced 911 service within the
17 enhanced 911 service area on or before July 1, 1992.

18 g. The number of telephone access lines in the enhanced
19 911 service area.

20 h. The total property valuation in the enhanced 911
21 service area.

22 6. "Enhanced 911 service area" means the geographic area
23 to be serviced, or currently serviced under an enhanced 911
24 service plan, provided that an enhanced 911 service area must
25 at minimum encompass one entire county. The enhanced 911
26 service area may encompass more than one county, and need not
27 be restricted to county boundaries.

28 7. "Division" means the division of disaster services,
29 department of public defense.

30 8. "Public safety answering point" means a twenty-four
31 hour local jurisdiction communications facility which receives
32 enhanced 911 service calls and directly dispatches emergency
33 response services or relays calls to the appropriate public or
34 private safety agency.

35 Sec. 3. NEW SECTION. 477B.3 JOINT 911 SERVICE BOARD --

1 911 SERVICE PLAN -- IMPLEMENTATION --WAIVERS.

2 1. JOINT 911 SERVICE BOARDS TO SUBMIT PLANS. The board of
3 supervisors of each county shall establish a joint 911 service
4 board not later than January 1, 1989. Each political
5 subdivision of the state having a public safety agency serving
6 territory within the county is entitled to voting membership
7 on the joint 911 service board. Each private safety entity
8 operating within the area is entitled to nonvoting membership
9 on the board. The joint 911 service board shall develop an
10 enhanced 911 service plan encompassing at minimum the entire
11 county, and shall submit the plan on or before March 1, 1989,
12 to all of the following:

13 a. The division.

14 b. Public and private safety agencies in the enhanced 911
15 service area.

16 c. Providers affected by the enhanced 911 service plan.

17 The division shall prepare a statewide summary of the plans
18 submitted and present the summary to the legislature on or
19 before June 1, 1989.

20 2. COMPLIANCE WAIVERS AVAILABLE IN LIMITED CIRCUMSTANCES.

21 The administrator may extend, in whole or in part, the time
22 for implementation of an enhanced 911 service plan beyond July
23 1, 1992, by issuance of a compliance waiver. The waiver shall
24 be based upon a joint 911 service board's presentation of
25 evidence which supports an extension if the administrator
26 finds that local conditions make implementation financially
27 unreasonable or technically infeasible by July 1, 1992. The
28 compliance waiver shall be for a set period of time, and
29 subject to review and renewal or denial of renewal upon its
30 expiration. The waiver may cover all or a portion of a 911
31 service plan's enhanced 911 service area to facilitate phased
32 implementation when possible. The granting of a compliance
33 waiver does not create a presumption that the identical or
34 similar waiver will be extended in the future. Consideration
35 of compliance waivers shall be on a case-by-case basis.

1 3. 28E AGREEMENT -- ALTERNATIVE TO JOINT 911 SERVICE
2 BOARD. A legal entity created pursuant to chapter 28E by a
3 county or counties, other political divisions, and public or
4 private agencies to jointly plan, implement, and operate a
5 countywide, or larger, enhanced 911 service system may be
6 substituted for the joint 911 service board required under
7 subsection 1.

8 4. PARTICIPATION REQUIRED IN PROVIDING ENHANCED 911
9 SERVICE. A political subdivision having a public safety
10 agency within its territory or jurisdiction shall participate
11 in providing enhanced 911 service not later than July 1, 1992.

12 Sec. 4. NEW SECTION. 477B.4 REQUIRED CONVERSION OF PAY
13 TELEPHONES TO ALLOW 911 CALLS WITHOUT DEPOSITING COINS OR
14 OTHER CHARGE.

15 1. CONVERSION AND NOTICE REQUIRED. When an enhanced 911
16 service system becomes operational or as soon as feasible
17 thereafter, each provider or other owner or lessee of a pay
18 station telephone to be operated within the enhanced 911
19 service area shall do the following:

20 a. Convert each telephone to permit a caller to dial 911
21 without first inserting a coin or paying any other charge.

22 b. Prominently display on each pay telephone a notice
23 advising callers to dial 911 in an emergency and that deposit
24 of a coin is not required.

25 2. CERTAIN PAY PHONES PROHIBITED WITHIN SERVICE AREA.

26 After commencement of enhanced 911 service in an enhanced 911
27 service area, a person shall not install or offer for use
28 within the 911 service area a pay station telephone unless the
29 telephone is capable of accepting a 911 call without prior
30 insertion of a coin or payment of any other charge, and unless
31 the telephone displays notice of free 911 service.

32 Sec. 5. NEW SECTION. 477B.5 PRIVATE LISTING SUBSCRIBERS
33 AND 911 SERVICE.

34 Private listing subscribers in an enhanced 911 service area
35 waive the privacy afforded by nonlisted or nonpublished

1 numbers to the extent that the name and address associated
2 with the telephone number may be furnished to the enhanced 911
3 service system, for E911 call retrieval purposes only.

4 EXPLANATION

5 This bill requires counties to prepare a plan for
6 submission to the division of disaster services for
7 implementation of enhanced 911 emergency telephone
8 communication systems. The bill specifies the makeup of the
9 county joint 911 service boards charged with preparation of
10 the county's plan. It provides for waivers if a plan is not
11 technically or economically feasible prior to July 1, 1992.
12 The bill specifically permits chapter 28E agreements and
13 requires certain parties to cooperate or participate.
14 Provisions are made for converting pay phones to accept 911
15 calls without charge and certain privacy protections are
16 extended telephone users.

17 Section 1 of the bill provides that its purpose is to
18 enable the orderly development and operation of enhanced 911
19 emergency telephone communication systems statewide.

20 Section 2 of the bill sets out key definitions.

21 Section 3 details the structure and duties of county joint
22 911 service boards, provides for waivers, authorizes chapter
23 28E agreements as an alternative to joint 911 service boards,
24 and requires the participation of political subdivisions with
25 a public safety agency.

26 Section 4 requires, after commencement of 911 service in a
27 911 service area, that all pay station telephones, whether on
28 public or private property, be capable of accepting a 911 call
29 without prior insertion of a coin or payment of any other
30 charge. The section also requires posting of a notice on pay
31 phones informing users that no coin is required to make 911
32 emergency calls.

33 Section 5 provides for a limited waiver of privacy afforded
34 subscribers by nonlisted or nonpublished numbers to permit
35 their inclusion in and use by the E911 data base.

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SIMILAR TO HSB 254 (LSB 2333HC)

HOUSE FILE 2400
FISCAL NOTE

REQUESTED BY REPRESENTATIVE SWARTZ

In compliance with a written request received March 5, 1988, a fiscal note for **HOUSE FILE 2400** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 2400 requires counties to prepare a plan for submission to the division of Disaster Services for implementation of enhanced 911 emergency telephone systems. The bill specifies the makeup of the county joint 911 service boards charged with preparation of the county's plan. It provides for waivers if a plan is not technically or economically feasible prior to July 1, 1992.

The bill specifically permits Chapter 28e agreements and requires certain parties to cooperate or participate. Provisions are made for converting pay phones to accept 911 calls without charge and certain privacy protections are extended to telephone users.

FISCAL EFFECT:

Implementation of this bill would require two additional staff for Disaster Services. The cost of these would be \$30,100 for one-half of FY 1989 and \$57,900 for FY 1990.

Additionally the costs to each County would be between \$4800 and \$7200 to develop the plan and provide it to Disaster Services.

(Source: Department of Public Defense)

(LSB 8411H. DPW)

FILED MARCH 9, 1988

BY DENNIS PROUTY, FISCAL DIRECTOR

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LSB 8411HV 72

dw/sc/14

HOUSE FILE 2400

H-5356

1 Amend House File 2400 as follows:
2 1. Page 3, line 11, by striking the word "and"
3 and inserting the following: "unless an exemption is
4 granted by the administrator permitting a smaller E911
5 service area. The administrator may grant a
6 discretionary exemption from the single county minimum
7 service area requirement based upon an E911 joint
8 service board's or other E911 service plan operating
9 authority's presentation of evidence which supports
10 the requested exemption if the administrator finds
11 that local conditions make adherence to the minimum
12 standard unreasonable or technically infeasible, and
13 that the purposes of this chapter would be furthered
14 by granting an exemption. The minimum size
15 requirement is intended to prevent unnecessary
16 duplication of public safety answering points and
17 minimize other administrative and equipment expenses.
18 An E911 service area must encompass a geographically
19 contiguous area. No exemption shall be granted from
20 the contiguous area requirement. The administrator
21 may order the inclusion of a specific territory in an
22 adjoining E911 service plan area to avoid the creation
23 by exclusion of a territory smaller than a single
24 county not serviced by surrounding E911 service plan
25 areas upon request of the joint 911 service board
26 representing the territory. The E911 service plan
27 operating authority".

BY BLANSHAN of Greene
KREMER of Buchanan

H-5356 FILED MARCH 7, 1988

10/18 8/10/88 362

HOUSE FILE 2400

H-5349

1 Amend House File 2400 as follows:

2 1. Page 1, line 3, by inserting after the word
3 "development" the following: ", funding,".

4 2. Page 5, by inserting after line 3, the
5 following:

6 "Sec. ____ . NEW SECTION. 477B.6 FUNDING.

7 1. LOCAL OPTION ACCESS LINE SURCHARGE IMPOSED.

8 Funding for recurring and nonrecurring costs of an
9 E911 service plan shall come from a surcharge on
10 access line subscribers. An access line subscriber
11 shall pay an E911 surcharge on a per month per access
12 line basis for access line services provided with E911
13 after approval of the E911 service plan by the
14 administrator and imposition of the surcharge by the
15 operating authority. The amount of the surcharge
16 shall be set by the E911 service plan operating
17 authority, and may be adjusted as needed, at the
18 discretion of the operating authority, based upon
19 actual recurring and nonrecurring costs, past
20 experience, and reasonably anticipated requirements
21 for the E911 service plan. The surcharge for service
22 plans in which 911 or E911 service was provided to all
23 or a portion of its E911 service area prior to
24 approval of the E911 service plan by the administrator
25 may include an amount calculated to repay recurring
26 and nonrecurring costs incurred prior to the
27 administrator's approval.

28 2. SURCHARGE COLLECTED BY PROVIDERS. The
29 surcharge shall be collected as part of the access
30 line service provider's periodic billing. The
31 surcharge shall be deposited with the operating
32 authority for deposit into an E911 service fund within
33 thirty days of collection of the surcharge by the
34 provider.

35 3. E911 SERVICE FUND. Each operating authority
36 shall establish and maintain as a separate account an
37 E911 service fund. Any funds remaining in the account
38 at the end of each fiscal year shall not revert to the
39 general funds of the member political subdivisions but
40 shall remain in the E911 service fund. Moneys in an
41 E911 service fund may only be used for nonrecurring
42 and recurring costs of the E911 service plan as
43 approved by the administrator, as those terms are
44 defined by section 477B.2."

45 3. By renumbering as necessary.

BY SCHNEKLOTH of Scott
PLATT of Muscatine
PELLETT of Cass
DE GROOT of Lyon
STROMER of Hancock
HERMANN of Scott
GARMAN of Story
DAGGETT of Adams
RENKEN of Grundy

MAULSBY of Calhoun
BRANSTAD of Winnebago
STUELAND of Clinton
PLASIER of Sioux
ROYER of Page
VAN MAANEN of Mahaska
SWEARINGEN of Keokuk
COREY of Louisa
TYRRELL of Iowa

HOUSE FILE 2400

H-5359

1 Amend House File 2400 as follows:

2 1. Page 1, line 3, by inserting after the word
3 "development" the following: ", funding,".

4 2. Page 3, line 11, by striking the word "and"
5 and inserting the following: "unless an exemption is
6 granted by the administrator permitting a smaller E911
7 service area. The administrator may grant a
8 discretionary exemption from the single county minimum
9 service area requirement based upon an E911 joint
10 service board's or other E911 service plan operating
11 authority's presentation of evidence which supports
12 the requested exemption if the administrator finds
13 that local conditions make adherence to the minimum
14 standard unreasonable or technically infeasible, and
15 that the purposes of this chapter would be furthered
16 by granting an exemption. The minimum size
17 requirement is intended to prevent unnecessary
18 duplication of public safety answering points and to
19 minimize other personnel, administrative, and
20 equipment expenses. An E911 service area must
21 encompass a geographically contiguous area. No
22 exemption shall be granted from the contiguous area
23 requirement. The administrator may order the
24 inclusion of a specific territory in an adjoining E911
25 service area or areas to avoid the creation by
26 exclusion of a territory smaller than a single county
27 not serviced by surrounding E911 service areas upon
28 request of the joint 911 service board representing
29 the territory. The E911 service plan operating
30 authority".

31 3. Page 5, by inserting after line 3, the
32 following:

33 "Sec. ____ . NEW SECTION. 477B.6 FUNDING.

34 1. ACCESS LINE SURCHARGE IMPOSED. An access line
35 subscriber shall pay a twenty-five cents per month per
36 access line surcharge for access line services
37 provided on or after January 1, 1989.

38 2. SURCHARGE COLLECTED BY PROVIDERS. The
39 surcharge shall be collected as part of the access
40 line service provider's periodic billing. The
41 surcharge shall be deposited with the treasurer of
42 state for deposit into the E911 service fund within
43 thirty days of collection of the surcharge by the
44 provider. The surcharge is not a part of a regulated
45 provider's rate base.

46 3. E911 STANDING LIMITED APPROPRIATION TO APPROVED
47 E911 SERVICE PLAN OPERATING AUTHORITIES. There is
48 appropriated from the general fund of the state
49 annually, beginning April 1, 1989, to each
50 administrator approved E911 service plan operating

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Page Two

1 authority, an amount equal to twenty-five cents
 2 multiplied by the number of access lines in the E911
 3 service area as determined annually by the
 4 administrator. The appropriation shall be reduced by
 5 an amount equal to an approved E911 service plan
 6 operating authority's pro rata share of past due and
 7 uncollected surcharges which providers report to the
 8 treasurer of state and the administrator. Moneys
 9 appropriated under this subsection from the general
 10 fund of the state may only be used for nonrecurring
 11 and recurring costs as those terms are defined by
 12 section 477B.2. The total annual appropriation
 13 provided for by this subsection is limited to no more
 14 than the total amount deposited in the general fund of
 15 the state by providers under subsection 2.

16 4. STANDING LIMITED APPROPRIATION TO APPROVED AND
 17 FULLY OPERATIONAL E911 SERVICE PLAN OPERATING
 18 AUTHORITIES. There is appropriated from the general
 19 fund of the state beginning with the fiscal year
 20 beginning July 1, 1989, and ending June 30, 1990, and
 21 each succeeding fiscal year, to each administrator
 22 approved and operational E911 service plan operating
 23 authority an amount equal to the pro rata share, based
 24 on the number of access lines in the E911 service area
 25 currently provided E911 service as determined annually
 26 by the administrator, of the balance of funds, if any,
 27 deposited by providers in the general fund of the
 28 state pursuant to subsection 2 after payment of the
 29 appropriation for the prior annum as required by
 30 subsection 3; provided that an E911 service plan
 31 operating authority shall not receive in total
 32 appropriations over time under this subsection an
 33 amount in excess of the actual recurring and
 34 nonrecurring costs, as those terms are defined in
 35 section 477B.2, incurred in establishing and operating
 36 a 911 or E911 emergency telephone communication system
 37 prior to obtaining approval from the administrator for
 38 the existing E911 service plan.

39 The amount of the funds appropriated from the
 40 general fund of the state under this section shall not
 41 exceed the amount of any funds credited to the general
 42 fund of the state from the surcharge collected under
 43 this section. If the amount of funds collected from
 44 the surcharge collected under this section is
 45 insufficient to pay in full the total amount claimed
 46 under this section, the amount of the claims shall be
 47 prorated.

48 Sec. ____ . NEW SECTION. 477B.7 ADMINISTRATOR HAS
 49 RULEMAKING AUTHORITY TO IMPLEMENT.

50 The administrator may adopt rules under chapter 17A
 Page Three

1 to implement this chapter."

2 4. By renumbering as necessary.

BY SWARTZ of Marshall
 SHERZAN of Polk
 PLATT of Muscatine

HOUSE FILE 2400

H-5529

1 Amend the amendment, H-5349, to House File 2400 as
2 follows:

3 1. Page 1, by striking lines 2 through 45 and
4 inserting the following:

5 " . . . Page 1, by striking lines 1 through 4, and
6 inserting the following:

7 "Section 1. NEW SECTION. 477B.1 PURPOSE.

8 The legislature finds that enhanced 911 emergency
9 telephone communication systems further the public
10 interest and protect the health, safety, and welfare
11 of the people of Iowa. The purpose of this chapter is
12 to enable the orderly development, installation, and
13 operation of enhanced 911 emergency telephone
14 communication systems statewide. These systems are to
15 be operated under governmental management and control
16 for the public benefit."

17 . . . Page 2, line 11, by inserting after the word
18 "database" the following: "management, and".

19 . . . Page 2, by inserting after line 17, the
20 following:

21 "g. A schedule for implementation of the plan
22 throughout the E911 service area. The schedule may
23 provide for phased implementation. However, a joint
24 911 service board may decide not to implement E911
25 service."

26 . . . Page 2, by inserting after line 27, the
27 following:

28 "7. "Enhanced 911 service surcharge" is a charge
29 set by the E911 service area operating authority and
30 assessed on each access line which physically
31 terminates within the E911 service area."

32 . . . Page 2, by inserting before line 28, the
33 following:

34 "8. "Access line" means a local exchange access
35 line that has the ability to access local dial tone
36 and reach a local public safety agency."

37 . . . Page 3, line 11, by striking the word "and"
38 and inserting the following: "unless an exemption is
39 granted by the administrator permitting a smaller E911
40 service area. The administrator may grant a
41 discretionary exemption from the single county minimum
42 service area requirement based upon an E911 joint
43 service board's or other E911 service plan operating
44 authority's presentation of evidence which supports
45 the requested exemption if the administrator finds
46 that local conditions make adherence to the minimum
47 standard unreasonable or technically infeasible, and
48 that the purposes of this chapter would be furthered
49 by granting an exemption. The minimum size
50 requirement is intended to prevent unnecessary

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Page Two

1 duplication of public safety answering points and
2 minimize other administrative, personnel, and
3 equipment expenses. An E911 service area must
4 encompass a geographically contiguous area. No
5 exemption shall be granted from the contiguous area
6 requirement. The administrator may order the
7 inclusion of a specific territory in an adjoining E911
8 service plan area to avoid the creation by exclusion
9 of a territory smaller than a single county not
10 serviced by surrounding E911 service plan areas upon
11 request of the joint 911 service board representing
12 the territory. The E911 service plan operating
13 authority".

14 _____. Page 3, lines 22 and 23, by striking the
15 word and figures "July 1, 1992," and inserting the
16 following: "the scheduled plan of implementation,".

17 _____. Page 3, line 27, by striking the word and
18 figures "July 1, 1992" and inserting the following:
19 "the originally scheduled plan of implementation".

20 _____. Page 5, by inserting after line 3, the
21 following:

22 "Sec. _____. NEW SECTION. 477B.6 FUNDING -- E911
23 SERVICE SURCHARGE.

24 1. LOCAL E911 SERVICE SURCHARGE IMPOSITION.

25 a. Funding for E911 emergency telephone
26 communication systems shall come from a ten cent per
27 month, per access line surcharge on access line
28 subscribers, except as provided in subsection 5. The
29 surcharge shall be imposed by order of the
30 administrator as follows:

31 (1) The administrator shall notify a provider
32 scheduled to provide exchange access line service to
33 an E911 service area, that implementation of an
34 approved E911 service plan is to begin within one
35 hundred days.

36 (2) The notice shall be provided at least one
37 hundred days before the surcharge must be billed for
38 the first time.

39 b. The surcharge shall terminate at the end of
40 twenty-four months, unless either, or both, of the
41 following conditions is met:

42 (1) E911 service is initiated for all or a part of
43 the E911 service area.

44 (2) An extension is granted by the administrator
45 for good cause.

46 2. SURCHARGE COLLECTED BY PROVIDERS. The
47 surcharge shall be collected as part of the access
48 line service provider's periodic billing to a
49 subscriber. In compensation for the costs of billing
50 and collection, the provider may retain one percent of

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1 the gross surcharges collected. The surcharge shall
2 be remitted to the E911 service operating authority
3 for deposit into the E911 service fund within thirty
4 days of collection of the surcharge by the provider.
5 A provider is not liable for an uncollected surcharge
6 for which the provider has billed a subscriber but not
7 been paid. The surcharge shall appear as a single
8 line item on a subscriber's periodic billing entitled,
9 "E911 emergency telephone service surcharge".

10 3. MAXIMUM LIMIT PER SUBSCRIBER FOR SURCHARGE. An
11 individual subscriber shall not be required to pay the
12 surcharge on more than one hundred access lines, or
13 their equivalent.

14 4. E911 SERVICE FUND. Each operating authority
15 shall establish and maintain as a separate account an
16 E911 service fund. Any funds remaining in the account
17 at the end of each fiscal year shall not revert to the
18 general funds of the member political subdivisions,
19 except as provided in subsection 5, but shall remain
20 in the E911 service fund. Moneys in an E911 service
21 fund may only be used for nonrecurring and recurring
22 costs of the E911 service plan as approved by the
23 administrator, as those terms are defined by section
24 477B.2.

25 5. USE OF MONEYS IN FUND -- PRIORITY AND
26 LIMITATIONS ON EXPENDITURE. Moneys deposited in the
27 E911 service fund shall be used for the following, in
28 order of priority:

29 a. Money shall first be spent for actual recurring
30 costs of operating the E911 service plan.

31 b. If money remains in the fund after fully paying
32 for recurring costs incurred in the preceding year,
33 the remainder may be spent to pay for nonrecurring
34 costs, not to exceed actual nonrecurring costs as
35 approved by the administrator.

36 c. If money remains in the fund after fully paying
37 obligations under subsections 1 and 2, the remainder
38 may be accumulated in the fund as a carryover
39 operating surplus. If the surplus is greater than
40 twenty-five percent of the approved annual operating
41 budget for the next year, the administrator shall
42 reduce the surcharge by an amount calculated to result
43 in a surplus of no more than twenty-five percent of
44 the planned annual operating budget. After
45 nonrecurring costs have been paid, if the surcharge is
46 less than ten cents and the fund surplus is less than
47 twenty-five percent of the approved annual operating
48 budget, the administrator shall increase the fee in an
amount calculated to result in a surplus of twenty-
five percent of the approved annual operating budget.

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1 In no case may the surcharge exceed ten cents per
 2 month, per access line. The surcharge may only be
 3 adjusted once in a single year.

4 6. LIMITATION OF ACTIONS -- PROVIDER NOT LIABLE ON
 5 CAUSE OF ACTION RELATED TO PROVISION OF 911 SERVICES.
 6 A claim or cause of action does not exist based upon
 7 or arising out of an act or omission in connection
 8 with a provider's participation in an E911 service
 9 plan or provision of 911 or local exchange access
 10 service.

11 Sec. _____. Section 613A.4, Code 1987, is amended by
 12 adding the following new subsection:

13 NEW SUBSECTION. 11. A claim based upon or arising
 14 out of an act or omission in connection with an
 15 emergency response including but not limited to acts
 16 or omissions in connection with emergency response
 17 communications services.

18 Sec. _____. Section 613A.4, Code 1987, is amended by
 19 adding the following new unnumbered paragraph:

20 NEW UNNUMBERED PARAGRAPH. This section does not
 21 expand any existing cause of action or create any new
 22 cause of action against a municipality."

23 _____. Title page, by striking line 3, and
 24 inserting the following: "service plan for submittal
 25 to the office of disaster services on or before March
 26 1, 1989, by".

27 _____. Title page, line 5, by inserting after the
 28 word "charge," the following: "by allowing a local
 29 E911 service surcharge, by providing certain liability
 30 exemptions in conjunction with the delivery of E911
 31 services, "."

32 2. By renumbering and relettering as required.

BY BLANSHAN of Greene
 GRONINGA of Cerro Gordo

H-5529 FILED MARCH 11, 1988

ADOPTED (p 722)

HOUSE FILE 2400
BY COMMITTEE ON SMALL BUSINESS
AND COMMERCE

(As Amended and Passed by the House March 11, 1988)

Passed House, Date 4/12/88 (p. 1720) Passed Senate, Date 4/7/88 (p. 1334)
Vote: Ayes 96 Nays 0 Vote: Ayes 44 Nays 2
Approved May 6, 1988

A BILL FOR

1 An Act relating to enhanced 911 emergency telephone communication
2 systems, by requiring each county to prepare an enhanced 911
3 service plan for submittal to the office of disaster services
4 on or before March 1, 1989, by requiring conversion of pay
5 telephones to accept 911 calls without charge, by allowing a
6 local E911 service surcharge, by providing certain liability
7 exemptions in conjunction with the delivery of E911 services,
8 and by providing a limited privacy waiver to permit nonlisted
9 or unpublished numbers to be included in E911 service.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____

1 Section 1. NEW SECTION. 477B.1 PURPOSE.

2 The legislature finds that enhanced 911 emergency telephone
3 communication systems further the public interest and protect
4 the health, safety, and welfare of the people of Iowa. The
5 purpose of this chapter is to enable the orderly development,
6 installation, and operation of enhanced 911 emergency
7 telephone communication systems statewide. These systems are
8 to be operated under governmental management and control for
9 the public benefit.

10 Sec. 2. NEW SECTION. 477B.2 DEFINITIONS.

11 As used in this chapter, unless the context otherwise
12 requires:

13 1. "Administrator" means the administrator of the division
14 of disaster services of the department of public defense.

15 2. "Public or private safety agency" means a unit of state
16 or local government, a special purpose district, or a private
17 firm which provides or has the authority to provide fire
18 fighting, police, ambulance, or emergency medical services.

19 3. "Provider" means a person who provides, or offers to
20 provide, E911 installation, maintenance, or exchange access
21 services within the enhanced 911 service area.

22 4. "Enhanced 911" or "E911" means a service which provides
23 the user of a public telephone system the ability to reach a
24 public safety answering point by dialing the digits 911, and
25 which has the following additional features:

26 a. Routes an incoming 911 call to the appropriate public
27 safety answering point selected from the public safety
28 answering points operating in a 911 service area.

29 b. Automatically displays the name, address, and telephone
30 number of an incoming 911 call and public safety agency
31 servicing the address on a video monitor at the appropriate
32 public safety answering point.

33 5. "Enhanced 911 service plan" means a plan that includes
34 the following information:

35 a. A description of the enhanced 911 service area.

1 b. A list of all public and private safety agencies within
2 the enhanced 911 service area.

3 c. The number of public safety answering points within the
4 enhanced 911 service area.

5 d. Identification of the agency responsible for management
6 and supervision of the enhanced 911 emergency telephone
7 communication system.

8 e. A statement of estimated costs, including separate
9 estimates of the following:

10 (1) Nonrecurring costs, including, but not limited to,
11 public safety answering points, networking, equipment,
12 software, database, addressing, initial training, and other
13 capital and start-up expenditures.

14 (2) Recurring costs, including, but not limited to,
15 network access fees and other telephone charges, software,
16 equipment, and database management, and maintenance.

17 Recurring costs shall not include personnel costs for a public
18 safety answering point.

19 f. Current equipment operated by affected providers, and
20 central office equipment and technology upgrades necessary for
21 the provider to implement enhanced 911 service within the
22 enhanced 911 service area on or before July 1, 1992.

23 g. A schedule for implementation of the plan throughout
24 the E911 service area. The schedule may provide for phased
25 implementation. However, a joint 911 service board may decide
26 not to implement E911 service.

27 h. The number of telephone access lines in the enhanced
28 911 service area.

29 i. The total property valuation in the enhanced 911
30 service area.

31 6. "Enhanced 911 service area" means the geographic area
32 to be serviced, or currently serviced under an enhanced 911
33 service plan, provided that an enhanced 911 service area must
34 at minimum encompass one entire county. The enhanced 911
35 service area may encompass more than one county, and need not

1 be restricted to county boundaries.

2 7. "Enhanced 911 service surcharge" is a charge set by the
3 E911 service area operating authority and assessed on each
4 access line which physically terminates within the E911
5 service area.

6 8. "Access line" means a local exchange access line that
7 has the ability to access local dial tone and reach a local
8 public safety agency.

9 9. "Division" means the division of disaster services,
10 department of public defense.

11 10. "Public safety answering point" means a twenty-four
12 hour local jurisdiction communications facility which receives
13 enhanced 911 service calls and directly dispatches emergency
14 response services or relays calls to the appropriate public or
15 private safety agency.

16 Sec. 3. NEW SECTION. 477B.3 JOINT 911 SERVICE BOARD --
17 911 SERVICE PLAN -- IMPLEMENTATION --WAIVERS.

18 1. JOINT 911 SERVICE BOARDS TO SUBMIT PLANS. The board of
19 supervisors of each county shall establish a joint 911 service
20 board not later than January 1, 1989. Each political
21 subdivision of the state having a public safety agency serving
22 territory within the county is entitled to voting membership
23 on the joint 911 service board. Each private safety entity
24 operating within the area is entitled to nonvoting membership
25 on the board. The joint 911 service board shall develop an
26 enhanced 911 service plan encompassing at minimum the entire
27 county, unless an exemption is granted by the administrator
28 permitting a smaller E911 service area. The administrator may
29 grant a discretionary exemption from the single county minimum
30 service area requirement based upon an E911 joint service
31 board's or other E911 service plan operating authority's
32 presentation of evidence which supports the requested
33 exemption if the administrator finds that local conditions
34 make adherence to the minimum standard unreasonable or
35 technically infeasible, and that the purposes of this chapter

1 would be furthered by granting an exemption. The minimum size
2 requirement is intended to prevent unnecessary duplication of
3 public safety answering points and minimize other
4 administrative, personnel, and equipment expenses. An E911
5 service area must encompass a geographically contiguous area.
6 No exemption shall be granted from the contiguous area
7 requirement. The administrator may order the inclusion of a
8 specific territory in an adjoining E911 service plan area to
9 avoid the creation by exclusion of a territory smaller than a
10 single county not serviced by surrounding E911 service plan
11 areas upon request of the joint 911 service board representing
12 the territory. The E911 service plan operating authority
13 shall submit the plan on or before March 1, 1989, to all of
14 the following:

15 a. The division.

16 b. Public and private safety agencies in the enhanced 911
17 service area.

18 c. Providers affected by the enhanced 911 service plan.

19 The division shall prepare a statewide summary of the plans
20 submitted and present the summary to the legislature on or
21 before June 1, 1989.

22 2. COMPLIANCE WAIVERS AVAILABLE IN LIMITED CIRCUMSTANCES.

23 The administrator may extend, in whole or in part, the time
24 for implementation of an enhanced 911 service plan beyond the
25 scheduled plan of implementation, by issuance of a compliance
26 waiver. The waiver shall be based upon a joint 911 service
27 board's presentation of evidence which supports an extension
28 if the administrator finds that local conditions make
29 implementation financially unreasonable or technically
30 infeasible by the originally scheduled plan of implementation.
31 The compliance waiver shall be for a set period of time, and
32 subject to review and renewal or denial of renewal upon its
33 expiration. The waiver may cover all or a portion of a 911
34 service plan's enhanced 911 service area to facilitate phased
35 implementation when possible. The granting of a compliance

1 waiver does not create a presumption that the identical or
2 similar waiver will be extended in the future. Consideration
3 of compliance waivers shall be on a case-by-case basis.

4 3. 28E AGREEMENT -- ALTERNATIVE TO JOINT 911 SERVICE
5 BOARD. A legal entity created pursuant to chapter 28E by a
6 county or counties, other political divisions, and public or
7 private agencies to jointly plan, implement, and operate a
8 countywide, or larger, enhanced 911 service system may be
9 substituted for the joint 911 service board required under
10 subsection 1.

11 4. PARTICIPATION REQUIRED IN PROVIDING ENHANCED 911
12 SERVICE. A political subdivision having a public safety
13 agency within its territory or jurisdiction shall participate
14 in providing enhanced 911 service not later than July 1, 1992.

15 Sec. 4. NEW SECTION. 477B.4 REQUIRED CONVERSION OF PAY
16 TELEPHONES TO ALLOW 911 CALLS WITHOUT DEPOSITING COINS OR
17 OTHER CHARGE.

18 1. CONVERSION AND NOTICE REQUIRED. When an enhanced 911
19 service system becomes operational or as soon as feasible
20 thereafter, each provider or other owner or lessee of a pay
21 station telephone to be operated within the enhanced 911
22 service area shall do the following:

23 a. Convert each telephone to permit a caller to dial 911
24 without first inserting a coin or paying any other charge.

25 b. Prominently display on each pay telephone a notice
26 advising callers to dial 911 in an emergency and that deposit
27 of a coin is not required.

28 2. CERTAIN PAY PHONES PROHIBITED WITHIN SERVICE AREA.
29 After commencement of enhanced 911 service in an enhanced 911
30 service area, a person shall not install or offer for use
31 within the 911 service area a pay station telephone unless the
32 telephone is capable of accepting a 911 call without prior
33 insertion of a coin or payment of any other charge, and unless
34 the telephone displays notice of free 911 service.

35 Sec. 5. NEW SECTION. 477B.5 PRIVATE LISTING SUBSCRIBERS

1 AND 911 SERVICE.

2 Private listing subscribers in an enhanced 911 service area
3 waive the privacy afforded by nonlisted or nonpublished
4 numbers to the extent that the name and address associated
5 with the telephone number may be furnished to the enhanced 911
6 service system, for E911 call retrieval purposes only.

7 Sec. 6. NEW SECTION. 477B.6 FUNDING -- E911 SERVICE
8 SURCHARGE.

9 1. LOCAL E911 SERVICE SURCHARGE IMPOSITION.

10 a. Funding for E911 emergency telephone communication
11 systems shall come from a ten cent per month, per access line
12 surchARGE on access line subscribers, except as provided in
13 subsection 5. The surcharge shall be imposed by order of the
14 administrator as follows:

15 (1) The administrator shall notify a provider scheduled to
16 provide exchange access line service to an E911 service area,
17 that implementation of an approved E911 service plan is to
18 begin within one hundred days.

19 (2) The notice shall be provided at least one hundred days
20 before the surcharge must be billed for the first time.

21 b. The surcharge shall terminate at the end of twenty-four
22 months, unless either, or both, of the following conditions is
23 met:

24 (1) E911 service is initiated for all or a part of the
25 E911 service area.

26 (2) An extension is granted by the administrator for good
27 cause.

28 2. SURCHARGE COLLECTED BY PROVIDERS. The surcharge shall
29 be collected as part of the access line service provider's
30 periodic billing to a subscriber. In compensation for the
31 costs of billing and collection, the provider may retain one
32 percent of the gross surcharges collected. The surcharge
33 shall be remitted to the E911 service operating authority for
34 deposit into the E911 service fund within thirty days of
35 collection of the surcharge by the provider. A provider is

1 not liable for an uncollected surcharge for which the provider
2 has billed a subscriber but not been paid. The surcharge
3 shall appear as a single line item on a subscriber's periodic
4 billing entitled, "E911 emergency telephone service
5 surcharge".

6 3. MAXIMUM LIMIT PER SUBSCRIBER FOR SURCHARGE. An
7 individual subscriber shall not be required to pay the
8 surcharge on more than one hundred access lines, or their
9 equivalent.

10 4. E911 SERVICE FUND. Each operating authority shall
11 establish and maintain as a separate account an E911 service
12 fund. Any funds remaining in the account at the end of each
13 fiscal year shall not revert to the general funds of the
14 member political subdivisions, except as provided in
15 subsection 5, but shall remain in the E911 service fund.
16 Moneys in an E911 service fund may only be used for
17 nonrecurring and recurring costs of the E911 service plan as
18 approved by the administrator, as those terms are defined by
19 section 477B.2.

20 5. USE OF MONEYS IN FUND -- PRIORITY AND LIMITATIONS ON
21 EXPENDITURE. Moneys deposited in the E911 service fund shall
22 be used for the following, in order of priority:

23 a. Money shall first be spent for actual recurring costs
24 of operating the E911 service plan.

25 b. If money remains in the fund after fully paying for
26 recurring costs incurred in the preceding year, the remainder
27 may be spent to pay for nonrecurring costs, not to exceed
28 actual nonrecurring costs as approved by the administrator.

29 c. If money remains in the fund after fully paying
30 obligations under subsections 1 and 2, the remainder may be
31 accumulated in the fund as a carryover operating surplus. If
32 the surplus is greater than twenty-five percent of the
33 approved annual operating budget for the next year, the
34 administrator shall reduce the surcharge by an amount
35 calculated to result in a surplus of no more than twenty-five

1 percent of the planned annual operating budget. After
2 nonrecurring costs have been paid, if the surcharge is less
3 than ten cents and the fund surplus is less than twenty-five
4 percent of the approved annual operating budget, the
5 administrator shall increase the fee in an amount calculated
6 to result in a surplus of twenty-five percent of the approved
7 annual operating budget. In no case may the surcharge exceed
8 ten cents per month, per access line. The surcharge may only
9 be adjusted once in a single year.

10 6. LIMITATION OF ACTIONS -- PROVIDER NOT LIABLE ON CAUSE
11 OF ACTION RELATED TO PROVISION OF 911 SERVICES. A claim or
12 cause of action does not exist based upon or arising out of an
13 act or omission in connection with a provider's participation
14 in an E911 service plan or provision of 911 or local exchange
15 access service.

16 Sec. 7. Section 613A.4, Code 1987, is amended by adding
17 the following new subsection:

18 NEW SUBSECTION. 11. A claim based upon or arising out of
19 an act or omission in connection with an emergency response
20 including but not limited to acts or omissions in connection
21 with emergency response communications services.

22 Sec. 8. Section 613A.4, Code 1987, is amended by adding
23 the following new unnumbered paragraph:

24 NEW UNNUMBERED PARAGRAPH. This section does not expand any
25 existing cause of action or create any new cause of action
26 against a municipality.

27 SIMILAR TO HSB 254 (LSB 2333HC)

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HOUSE FILE 2400

S-5590

1 Amend House File 2400, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 6, by inserting after line 6, the
4 following:

5 "Sec. ____ . NEW SECTION. 477B.5A REFERENDUM ON
6 E911 IN PROPOSED SERVICE AREA AND ON IMPOSITION OF FEE
7 TO FUND SERVICE.

8 1. Before a joint E911 service board may request
9 imposition of the fee by the administrator, the board
10 shall submit the following questions on a ballot
11 included in each telephone subscriber's periodic
12 telephone bill within the proposed E911 service area,
13 and each question must receive a favorable vote from a
14 simple majority of those returning completed ballots:

15 a. Should E911 service be provided within
16 (description of the proposed E911 service area)?

17 b. Should E911 service be funded, in whole or in
18 part, by imposition of a surcharge of up to ten cents
19 per month per telephone access line collected as part
20 of each telephone subscriber's monthly phone bill, as
21 permitted by state law upon approval by referendum?

22 If E911 service is already provided, the E911
23 operating authority may request imposition of the fee,
24 conditioned upon submission to, and favorable
25 recommendation by, the affected voters, of the
26 question in paragraph "b" only.

27 2. The E911 ballot shall be included in subscriber
28 billings within the proposed E911 service area by the
29 local exchange access line provider upon request of
30 the joint E911 service board under the following
31 conditions:

32 a. The board makes a written request including a
33 written description of the area to be served.

34 b. The ballot is included as a separate insert
35 clearly identifying the joint E911 service board as
36 the source of the request.

37 c. Instructions shall be approved by the
38 administrator, or adopted by rule of the
39 administrator. Instructions shall clearly
40 disassociate the local exchange access provider from
41 the ballot, shall contain no endorsement or
42 recommendation, and otherwise shall provide
43 instructions in plain, easy to understand, language.

44 d. The local exchange access company shall be
45 compensated for its costs associated with the
46 balloting in an amount at least equal to its charge
47 for commercial advertising inserts.

48 e. The local exchange access company shall be
49 indemnified for any liability arising out of inclusion
50 of the ballot in its billing materials.

S-5590 Page 2

- 1 f. Ballots may be returned to the local exchange
- 2 access provider with the subscriber's payment or to
- 3 the joint E911 service board in a separate, no postage
- 4 required, envelope.
- 5 h. Only one ballot shall be sent to each
- 6 subscriber."

S-5590

Filed March 28, 1988

BY EMIL J. HUSAK

4/5 4/7/88

HOUSE FILE 2400

S-5592

- 1 Amend House File 2400, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 6, by inserting after line 6, the
- 4 following:
- 5 "Sec. ____ . NEW SECTION. 477B.5A REFERENDUM ON
- 6 E911 IN PROPOSED SERVICE AREA AND ON IMPOSITION OF FEE
- 7 TO FUND SERVICE.
- 8 1. Before a joint E911 service board may request
- 9 imposition of the fee by the administrator, the board
- 10 shall submit the following questions on a general
- 11 election ballot to voters in the proposed E911 service
- 12 area, and each question must receive a favorable vote
- 13 from a simple majority:
- 14 a. Should E911 service be provided within
- 15 (description of the proposed E911 service area)?
- 16 b. Should E911 service be funded, in whole or in
- 17 part, by imposition of a surcharge of up to ten cents
- 18 per month per telephone access line collected as part
- 19 of each telephone subscriber's monthly phone bill, as
- 20 permitted by state law upon approval by referendum?
- 21 The questions shall be included on the ballot of
- 22 each electoral precinct to be served in whole or in
- 23 part by a proposed E911 service plan, upon request of
- 24 the joint E911 service board.
- 25 If E911 service is already provided, the E911
- 26 operating authority may request imposition of the fee,
- 27 conditioned only upon submission to, and favorable
- 28 recommendation by, the affected voters, of the
- 29 question in paragraph "b" only."

S-5592

Filed March 28, 1988

BY EMIL HUSAK

4/5 4/7/88

HOUSE FILE 2400

5680

1 Amend House File 2400, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 6, by inserting after line 6, the
4 following:

5 "Sec. ____ . NEW SECTION. 477B.5A REFERENDUM ON
6 E911 IN PROPOSED SERVICE AREA AND ON IMPOSITION OF FEE
7 TO FUND SERVICE.

8 1. Before a joint E911 service board may request
9 imposition of the fee by the administrator, the board
10 shall submit the following questions on a ballot
11 included in each telephone subscriber's periodic
12 telephone bill within the proposed E911 service area,
13 and each question must receive a favorable vote from a
14 simple majority of those returning completed ballots:

15 a. Should E911 service be provided within
16 (description of the proposed E911 service area)?

17 b. Should E911 service be funded, in whole or in
18 part, by imposition of a surcharge of up to the amount
19 determined by the joint E911 service board per month
20 per telephone access line collected as part of each
21 telephone subscriber's monthly phone bill, as
22 permitted by state law upon approval by referendum?

23 If E911 service is already provided, the E911
24 operating authority may request imposition of the fee,
25 conditioned upon submission to, and favorable
26 recommendation by, the affected voters, of the
27 question in paragraph "b" only.

28 2. The E911 ballot shall be included in subscriber
29 billings within the proposed E911 service area by the
30 local exchange access line provider upon request of
31 the joint E911 service board under the following
32 conditions:

33 a. The board makes a written request including a
34 written description of the area to be served.

35 b. The ballot is included as a separate insert
36 clearly identifying the joint E911 service board as
37 the source of the request.

38 c. Instructions shall be approved by the
39 administrator, or adopted by rule of the
40 administrator. Instructions shall clearly
41 disassociate the local exchange access provider from
42 the ballot, shall contain no endorsement or
43 recommendation, and otherwise shall provide
44 instructions in plain, easy to understand, language.

45 d. The local exchange access company shall be
46 compensated for its costs associated with the
47 balloting in an amount at least equal to its charge
48 for commercial advertising inserts.

49 e. The local exchange access company shall be
50 indemnified for any liability arising out of inclusion

1 of the ballot in its billing materials.

2 f. Ballots may be returned to the local exchange
3 access provider with the subscriber's payment or to
4 the joint E911 service board in a separate, no postage
5 required, envelope.

6 h. Only one ballot shall be sent to each
7 subscriber."

8 2. Page 6, by striking lines 11 and 12, and
9 inserting the following: "systems shall come from a
10 surcharge in an amount determined at the time an E911
11 service plan is originally prepared by each joint E911
12 service board, per month, per access line on each
13 access line subscriber, except as provided in".

14 3. Page 8, line 3, by striking the words "ten
15 cents" and inserting the following: "the maximum
16 surcharge amount determined by the joint E911 service
17 board,".

18 4. Page 8, line 8, by striking the words "ten
19 cents", and inserting the following: "the maximum
20 surcharge amount determined by the joint E911 service
21 board".

S-5680

Filed March 30, 1988

20/5 4/7 (p. 133)

BY EMIL J. HUSAK

HOUSE FILE 2400

S-5672

1 Amend House File 2400, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 8, by inserting after line 15, the
4 following:

5 "Sec. ____ . NEW SECTION. 477B.7 LOCAL EXCHANGE
6 SERVICE INFORMATION.

7 1. DONATION OF DATA BASE REQUIRED. A local
8 exchange service provider within an E911 service area
9 shall provide, at no cost to the joint E911 service
10 board, local exchange service information for all
11 subscribers within the E911 service area in a form to
12 facilitate assembly of the data base necessary to
13 provide E911 service.

14 2. COMPENSATION FOR DATA BASE MAINTENANCE. After
15 creation of the initial data base, a local exchange
16 service provider shall be compensated for data base
17 maintenance or the provision of periodic updates to
18 the local exchange service information. The amount or
19 rate of compensation shall be approved by the Iowa
20 utilities board, and shall at minimum compensate the
21 local exchange service provider for the actual costs
22 of providing the information or performing the data
23 base maintenance, but shall not exceed a fair and
24 reasonable rate."

25 2. By renumbering as necessary.

S-5672

Filed March 30, 1988

20/5 4/7 (p. 133)

BY EMIL J. HUSAK

-5681

1 Amend House File 2400, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 6, by inserting after line 6, the
4 following:

5 "Sec. _____ . NEW SECTION. 477B.5A REFERENDUM ON
6 E911 IN PROPOSED SERVICE AREA AND ON IMPOSITION OF FEE
7 TO FUND SERVICE.

8 1. Before a joint E911 service board may request
9 imposition of the fee by the administrator, the board
10 shall submit the following questions on a general
11 election ballot to voters in the proposed E911 service
12 area, and each question must receive a favorable vote
13 from a simple majority:

14 a. Should E911 service be provided within
15 (description of the proposed E911 service area)?

16 b. Should E911 service be funded, in whole or in
17 part, by imposition of a surcharge of up to the amount
18 determined by the joint E911 service board per month
19 per telephone access line collected as part of each
20 telephone subscriber's monthly phone bill, as
21 permitted by state law upon approval by referendum?

22 The questions shall be included on the ballot of
23 each electoral precinct to be served in whole or in
24 part by a proposed E911 service plan, upon request of
25 the joint E911 service board.

26 If E911 service is already provided, the E911
27 operating authority may request imposition of the fee,
28 conditioned only upon submission to, and favorable
29 recommendation by, the affected voters, of the
30 question in paragraph "b" only."

31 2. Page 6, by striking lines 11 and 12, and
32 inserting the following: "systems shall come from a
33 surcharge in an amount determined at the time an E911
34 service plan is originally prepared by each joint E911
35 service board, per month, per access line on each
36 access line subscriber, except as provided in".

37 3. Page 8, line 3, by striking the words "ten
38 cents" and inserting the following: "the maximum
39 surcharge amount determined by the joint E911 service
40 board,".

41 4. Page 8, line 8, by striking the words "ten
42 cents", and inserting the following: "the maximum
43 surcharge amount determined by the joint E911 service
44 board".

45 5. By renumbering as necessary.

S-5681

Filed March 30, 1988

BY EMIL HUSAK

Rec'd 4/7 (p. 13)

HOUSE FILE 2400

S-5679

1 Amend House File 2400, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 6, by striking lines 11 and 12, and
4 inserting the following: "systems shall come from a
5 surcharge in an amount determined at the time an E911
6 service plan is originally prepared by each joint E911
7 service board, per month, per access line on each
8 access line subscriber, except as provided in".
9 2. Page 8, line 3, by striking the words "ten
10 cents" and inserting the following: "the maximum
11 surcharge amount determined by the joint E911 service
12 board,".
13 3. Page 8, line 8, by striking the words "ten
14 cents", and inserting the following: "the maximum
15 surcharge amount determined by the joint E911 service
16 board".

S-5679

Filed March 30, 1988

BY EMIL J. HUSAK

Revised 4/1/88

HOUSE FILE 2400

S-5755

1 Amend the amendment, S-5672, to House File 2400 as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, line 24, by inserting after the word
5 "rate." the following: "The amount or rate of
6 compensation shall be the same without regard to which
7 E911 provider is designated by the joint E911 service
8 board."

S-5755

Filed April 4, 1988

BY EMIL J. HUSAK

Revised 4/1/88

HOUSE FILE 2400

S-5805

1 Amend House File 2400, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 20, by inserting after the figure
4 "E911" the following: "equipment,".

5 2. Page 2, line 8, by inserting after the word
6 "costs" the following: "to be incurred by the joint
7 E911 service board".

8 3. Page 2, line 11, by striking the words
9 "networking, equipment" and inserting the following:
10 "network equipment".

11 4. Page 2, line 13, by inserting after the word
12 "expenditures" the following: ", including the
13 purchase or lease of subscriber names, addresses, and
14 telephone information from the local exchange service
15 provider".

16 5. Page 2, line 16, by inserting after the word
17 "maintenance" the following: ", including the
18 purchase or lease of subscriber names, addresses, and
19 telephone information from the local exchange service
20 provider".

21 6. Page 2, by inserting after line 18, the
22 following:

23 "Costs are limited to nonrecurring and recurring
24 costs directly attributable to the provision of 911
25 emergency telephone communication service. Costs do
26 not include expenditures for any other purpose, and
27 specifically exclude costs attributable to other
28 emergency services or expenditures for buildings,
29 radios, or personnel."

30 7. Page 3, by inserting after line 15, the
31 following:

32 "11. "Local exchange service provider" means a
33 person engaged in providing telecommunications service
34 between points within an exchange."

35 8. Page 5, by striking lines 11 through 14, and
36 inserting the following:

37 "4. PARTICIPATION IN JOINT E911 SERVICE BOARD
38 REQUIRED. A political subdivision or state agency
39 having a public safety agency within its territory or
40 jurisdiction shall participate in a joint E911 service
41 board and cooperate in preparing the E911 service
42 plan."

43 9. Page 6, line 6, by striking the words "for
44 E911 call retrieval purposes only" and inserting the
45 following: "for all routing, for automatic retrieval
46 of location information, and for associated emergency
47 services".

48 10. Page 6, by inserting after line 8, the
49 following:

50 "When an E911 service plan is implemented, the

S-5805 Page 2

1 costs of providing E911 service within an E911 service
2 area are the responsibility of the joint E911 service
3 board and the member political subdivisions. Costs in
4 excess of the amount raised by imposition of the E911
5 service surcharge provided for under subsection 1,
6 shall be paid by the joint E911 service board from
7 such revenue sources allocated among the member
8 political subdivisions as determined by the joint E911
9 service board. Funding is not limited to the
10 surcharge, and surcharge revenues may be supplemented
11 by other permissible local and state revenue sources."

12 11. Page 6, line 10, by striking the word
13 "Funding" and inserting the following: "To encourage
14 local implementation of E911 service, one source of
15 funding".

16 12. Page 6, line 32, by inserting after the word
17 "collected." the following: "If the compensation is
18 insufficient to fully recover a provider's costs for
19 billing and collection of the surcharge, the
20 deficiency shall be included in the provider's costs
21 for ratemaking purposes to the extent it is reasonable
22 and just under section 476.6."

23 13. Page 6, lines 34 and 35, by striking the
24 words "within thirty days of collection of the
25 surcharge" and inserting the following: "quarterly".

26 14. Page 7, line 5, by inserting after the word
27 "surcharge." the following: "The E911 service
28 surcharge is not subject to sales or use tax."

29 15. Page 7, line 6, by inserting after the word
30 "SUBSCRIBER" the following: "BILLING".

31 16. Page 7, line 7, by inserting after the word
32 "pay" the following: "on a single periodic billing".

33 17. Page 7, line 9, by inserting after the word
34 "equivalent" the following: ", in an E911 service
35 area. A subscriber shall pay the surcharge in each
36 E911 service area in which the subscriber receives
37 access line service".

38 18. Page 7, line 10, by striking the words
39 "operating authority" and inserting the following:
40 "joint E911 service board".

41 19. Page 8, line 5, by striking the words
42 "increase the fee" and inserting the following: ",
43 upon application of the joint E911 service board,
44 increase the surcharge".

45 20. Page 8, line 9, by inserting after the word
46 "year" the following: ", upon one hundred days' prior
47 notice to the provider".

48 21. Page 8, line 15, by inserting after the word
49 "service" the following: ", unless the act or
50 omission is determined to be willful and wanton

5805 Page 3

1 negligence".

2 22. Page 8, by inserting after line 15, the
3 following:

4 "Sec. ____ . NEW SECTION. 477B.7 LOCAL EXCHANGE
5 SERVICE INFORMATION.

6 1. A local exchange service provider shall furnish
7 to the E911 service provider, designated by the joint
8 E911 service board, all names, addresses, and
9 telephone number information concerning its
10 subscribers which will be served by the E911 system
11 and shall periodically update the local exchange
12 service information. The local exchange service
13 provider shall receive as compensation for the
14 provision of local exchange service information
15 charges according to its tariffs on file with and
16 approved by the Iowa utilities board. The tariff
17 charges shall be the same whether or not the local
18 exchange service provider is designated as the E911
19 service provider by the joint E911 service board.

20 2. Subscriber information remains the property of
21 the local exchange service provider.

22 The joint E911 service board, the designated E911
23 provider, and the public safety answering point, their
24 agents, employees, and assigns shall use local
25 exchange service information provided by the local
26 exchange service provider solely for the purposes of
27 providing E911 emergency telephone service, and it
28 shall otherwise be kept confidential. A person who
29 violates this section is guilty of a simple
30 misdemeanor.

31 This chapter does not require a local exchange
32 service provider to sell or provide its subscriber
33 names, addresses, or telephone number information to
34 any person other than the E911 service provider
35 designated by the joint E911 service board."

36 23. Page 8, by inserting after line 26, the
37 following:

38 "Sec. ____ . This Act, being deemed of immediate
39 importance, is effective upon enactment."

40 24. Title page, line 9, by inserting after the
41 word "service" the following: "providing a penalty,
42 and an effective date".

43 25. By renumbering as necessary.

S-5805

Filed April 6, 1988

Adopted 4/7/88

BY MICHAEL E. GRONSTAL
EMIL J. HUSAK

HOUSE FILE 2400

S-5806

1 Amend House File 2400, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 8, by inserting after line 15 the
4 following:

5 "Sec. ____ . NEW SECTION. 476.66 LIFELINE
6 ASSISTANCE PROGRAM.

7 1. The utilities board shall adopt rules to
8 implement a lifeline assistance program as permitted
9 by federal law under federal communication commission
10 regulations providing matching funds to qualified
11 state programs to reduce subscriber line charges to
12 low-income households. The rules shall at minimum:

13 a. Conform with federal regulations for a
14 qualified state program.

15 b. Provide that upon request of a local exchange
16 utility, the board may approve inclusion of the
17 utility's lifeline program costs in its cost of
18 services for ratemaking purposes. The local exchange
19 utility's lifeline assistance program shall be
20 supplemented by federal matching funds provided for
21 under federal communication commission regulations.

22 2. A dispute regarding a utility's existing cost
23 of service shall not be a basis for rejecting a
24 utility's lifeline assistance program proposal."

25 2. By renumbering as necessary.

S-5806

Filed April 6, 1988

w/c 4/7 (of 1336)

BY CHARLES BRUNER

HOUSE FILE 2400

S-5839

1 Amend House File 2400, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 6, by inserting after line 6, the
4 following:

5 "Sec. ____ . NEW SECTION. 477B.5A REFERENDUM ON
6 E911 IN PROPOSED SERVICE AREA.

7 1. Before a joint E911 service board may request
8 imposition of the surcharge by the administrator, the
9 board shall submit the following question to either
10 voters or subscribers, as provided in subsection 2, in
11 the proposed E911 service area, and the question shall
12 receive a favorable vote from a simple majority of
13 persons submitting valid ballots on the following
14 question within the proposed E911 service area:

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

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

26 a. A local exchange access company providing
27 service to subscribers within the proposed E911
28 service area shall provide the name and address of
29 each subscriber to be served to the joint E911 service
30 board proposing to provide E911 service. The names
31 and addresses may be used by the joint E911 service
32 board for the purpose of mailing referendum ballots.
33 Ballots shall be returned to the subscriber's county
34 commissioner of elections who shall report the results
35 to the joint E911 service board. The joint E911
36 service board shall compile the results if subscribers
37 from more than one county are included within the
38 proposed service area. The board shall announce
39 whether a simple majority of subscribers submitting
40 valid ballots within the proposed E911 service area
41 approved the referendum question. A subscriber may
42 only vote once.

43 b. At the request of the joint E911 service board
44 a county commissioner of elections shall include the
45 question on the next eligible election ballot in each
46 electoral precinct to be served, in whole or in part,
47 by the proposed E911 service area. The question may
48 be included in the next election in which all of the
49 voters in the proposed E911 service area will be
50 eligible to vote on the same day, such as a primary,

1 general, or school board election. The county
2 commissioner of elections shall report the results to
3 the joint E911 service board. The joint E911 service
4 board shall compile the results if subscribers from
5 more than one county are included within the proposed
6 service area. The joint E911 service board shall
7 announce whether a simple majority of the compiled
8 votes reported by the commissioner approved the
9 referendum question.

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

15 2. Page 6, by striking lines 11 and 12, and
16 inserting the following: "systems shall come from a
17 surcharge of twenty-five cents, per month, per access
18 line on each access line subscriber, except as
19 provided in".

20 3. Page 8, line 3, by striking the words "ten
21 cents" and inserting the following: "twenty-five
22 cents".

23 4. Page 8, line 8, by striking the words "ten
24 cents" and inserting the following: "twenty-five
25 cents".

26 5. By renumbering as necessary.

S-5839

Filed April 7, 1988

ADOPTED

(p. 1537)

BY EMIL J. HUSAK

MICHAEL E. GRONSTAL

HOUSE FILE 2400

S-5852

1 Amend House File 2400, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 6, by striking lines 11 and 12, and
4 inserting the following: "systems shall come from a
5 surcharge of twenty-five cents, per month, per access
6 line on each access line subscriber, except as
7 provided in".

8 2. Page 8, line 3, by striking the word "ten" and
9 inserting the following: "twenty-five".

10 3. Page 8, by striking line 8, and inserting the
11 following: "twenty-five cents per month, per access
12 line, except as provided in paragraph "d". The
13 surcharge may only".

14 4. Page 8, by inserting after line 9, the
15 following:

16 "d. For the first twelve months of the surcharge
17 it shall be fifty cents per month, per access line, in
18 order to more fully fund start-up costs."

S-5852

Filed April 7, 1988

LOST

(p. 1537)

BY JOE J. WELSH

SENATE AMENDMENT TO HOUSE FILE 2400

H-6338

1 Amend House File 2400, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 20, by inserting after the figure
4 "E911" the following: "equipment,".

5 2. Page 2, line 8, by inserting after the word
6 "costs" the following: "to be incurred by the joint
7 E911 service board".

8 3. Page 2, line 11, by striking the words
9 "networking, equipment" and inserting the following:
10 "network equipment".

11 4. Page 2, line 13, by inserting after the word
12 "expenditures" the following: ", including the
13 purchase or lease of subscriber names, addresses, and
14 telephone information from the local exchange service
15 provider".

16 5. Page 2, line 16, by inserting after the word
17 "maintenance" the following: ", including the
18 purchase or lease of subscriber names, addresses, and
19 telephone information from the local exchange service
20 provider".

21 6. Page 2, by inserting after line 18, the
22 following:

23 "Costs are limited to nonrecurring and recurring
24 costs directly attributable to the provision of 911
25 emergency telephone communication service. Costs do
26 not include expenditures for any other purpose, and
27 specifically exclude costs attributable to other
28 emergency services or expenditures for buildings,
29 radios, or personnel."

30 7. Page 3, by inserting after line 15, the
31 following:

32 "11. "Local exchange service provider" means a
33 person engaged in providing telecommunications service
34 between points within an exchange."

35 8. Page 5, by striking lines 11 through 14, and
36 inserting the following:

37 "4. PARTICIPATION IN JOINT E911 SERVICE BOARD
38 REQUIRED. A political subdivision or state agency
39 having a public safety agency within its territory or
40 jurisdiction shall participate in a joint E911 service
41 board and cooperate in preparing the E911 service
42 plan."

43 9. Page 6, line 6, by striking the words "for
44 E911 call retrieval purposes only" and inserting the
45 following: "for all routing, for automatic retrieval
46 of location information, and for associated emergency
47 services".

48 10. Page 6, by inserting after line 6, the
49 following:

50 "Sec. ____ . NEW SECTION. 477B.5A REFERENDUM ON

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Page 2

1 E911 IN PROPOSED SERVICE AREA.

2 1. Before a joint E911 service board may request
3 imposition of the surcharge by the administrator, the
4 board shall submit the following question to either
5 voters or subscribers, as provided in subsection 2, in
6 the proposed E911 service area, and the question shall
7 receive a favorable vote from a simple majority of
8 persons submitting valid ballots on the following
9 question within the proposed E911 service area:

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

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

21 a. A local exchange access company providing
22 service to subscribers within the proposed E911
23 service area shall provide the name and address of
24 each subscriber to be served to the joint E911 service
25 board proposing to provide E911 service. The names
26 and addresses may be used by the joint E911 service
27 board for the purpose of mailing referendum ballots.
28 Ballots shall be returned to the subscriber's county
29 commissioner of elections who shall report the results
30 to the joint E911 service board. The joint E911
31 service board shall compile the results if subscribers
32 from more than one county are included within the
33 proposed service area. The board shall announce
34 whether a simple majority of subscribers submitting
35 valid ballots within the proposed E911 service area
36 approved the referendum question. A subscriber may
37 only vote once.

38 b. At the request of the joint E911 service board
39 a county commissioner of elections shall include the
40 question on the next eligible election ballot in each
41 electoral precinct to be served, in whole or in part,
42 by the proposed E911 service area. The question may
43 be included in the next election in which all of the
44 voters in the proposed E911 service area will be
45 eligible to vote on the same day, such as a primary,
46 general, or school board election. The county
47 commissioner of elections shall report the results to
48 the joint E911 service board. The joint E911 service
49 board shall compile the results if subscribers from
50 more than one county are included within the proposed

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1 service area. The joint E911 service board shall
2 announce whether a simple majority of the compiled
3 votes reported by the commissioner approved the
4 referendum question.

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

10 11. Page 6, by inserting after line 8, the
11 following:

12 "When an E911 service plan is implemented, the
13 costs of providing E911 service within an E911 service
14 area are the responsibility of the joint E911 service
15 board and the member political subdivisions. Costs in
16 excess of the amount raised by imposition of the E911
17 service surcharge provided for under subsection 1,
18 shall be paid by the joint E911 service board from
19 such revenue sources allocated among the member
20 political subdivisions as determined by the joint E911
21 service board. Funding is not limited to the
22 surcharge, and surcharge revenues may be supplemented
23 by other permissible local and state revenue sources."

24 12. Page 6, line 10, by striking the word
25 "Funding" and inserting the following: "To encourage
26 local implementation of E911 service, one source of
27 funding".

28 13. Page 6, by striking lines 11 and 12, and
29 inserting the following: "systems shall come from a
30 surcharge of twenty-five cents, per month, per access
31 line on each access line subscriber, except as
32 provided in".

33 14. Page 6, line 32, by inserting after the word
34 "collected." the following: "If the compensation is
35 insufficient to fully recover a provider's costs for
36 billing and collection of the surcharge, the
37 deficiency shall be included in the provider's costs
38 for ratemaking purposes to the extent it is reasonable
39 and just under section 476.6."

40 15. Page 6, lines 34 and 35, by striking the
41 words "within thirty days of collection of the
42 surcharge" and inserting the following: "quarterly".

43 16. Page 7, line 5, by inserting after the word
44 "surcharge." the following: "The E911 service
45 surcharge is not subject to sales or use tax."

46 17. Page 7, line 6, by inserting after the word
47 "SUBSCRIBER" the following: "BILLING".

48 18. Page 7, line 7, by inserting after the word
49 "pay" the following: "on a single periodic billing".

50 19. Page 7, line 9, by inserting after the word

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1 "equivalent" the following: ", in an E911 service
2 area. A subscriber shall pay the surcharge in each
3 E911 service area in which the subscriber receives
4 access line service".

5 20. Page 7, line 10, by striking the words
6 "operating authority" and inserting the following:
7 "joint E911 service board".

8 21. Page 8, line 3, by striking the words "ten
9 cents" and inserting the following: "twenty-five
10 cents".

11 22. Page 8, line 5, by striking the words
12 "increase the fee" and inserting the following: ",
13 upon application of the joint E911 service board,
14 increase the surcharge".

15 23. Page 8, line 8, by striking the words "ten
16 cents" and inserting the following: "twenty-five
17 cents".

18 24. Page 8, line 9, by inserting after the word
19 "year" the following: ", upon one hundred days' prior
20 notice to the provider".

21 25. Page 8, line 15, by inserting after the word
22 "service" the following: ", unless the act or
23 omission is determined to be willful and wanton
24 negligence".

25 26. Page 8, by inserting after line 15, the
26 following:

27 "Sec. ____ . NEW SECTION. 477B.7 LOCAL EXCHANGE
28 SERVICE INFORMATION.

29 1. A local exchange service provider shall furnish
30 to the E911 service provider, designated by the joint
31 E911 service board, all names, addresses, and
32 telephone number information concerning its
33 subscribers which will be served by the E911 system
34 and shall periodically update the local exchange
35 service information. The local exchange service
36 provider shall receive as compensation for the
37 provision of local exchange service information
38 charges according to its tariffs on file with and
39 approved by the Iowa utilities board. The tariff
40 charges shall be the same whether or not the local
41 exchange service provider is designated as the E911
42 service provider by the joint E911 service board.

43 2. Subscriber information remains the property of
44 the local exchange service provider.

45 The joint E911 service board, the designated E911
46 provider, and the public safety answering point, their
47 agents, employees, and assigns shall use local
48 exchange service information provided by the local
49 exchange service provider solely for the purposes of
50 providing E911 emergency telephone service, and it

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Page 5

1 shall otherwise be kept confidential. A person who
2 violates this section is guilty of a simple
3 misdemeanor.

4 This chapter does not require a local exchange
5 service provider to sell or provide its subscriber
6 names, addresses, or telephone number information to
7 any person other than the E911 service provider
8 designated by the joint E911 service board."

9 27. Page 8, by inserting after line 26, the
10 following:

11 "Sec. ____ . This Act, being deemed of immediate
12 importance, is effective upon enactment."

13 28. Title page, line 9, by inserting after the
14 word "service" the following: "providing a penalty,
15 and an effective date".

16 29. By renumbering, relettering, or redesignating
17 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-6338 FILED APRIL 8, 1988

House Journal 4/12 (p. 1720)

HOUSE FILE 2400

H-6373

1 Amend the Senate Amendment, H-6338, to House File
2 2400, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, line 15, by inserting after the word
5 "provider" the following: ". The costs of a public
6 hearing or referendum conducted pursuant to section
7 477B.5A are nonrecurring costs".

8 2. By striking page 1, line 50, through page 2,
9 line 1, and inserting the following:

10 "Sec. ____ . NEW SECTION. 477B.5A INITIATION OF
11 E911 WITHIN SERVICE AREA."

12 3. Page 2, by striking lines 4 through 6, and
13 inserting the following: "board shall elect one of
14 the review mechanisms provided in subsection 2. If a
15 referendum is held pursuant to either subsection 2,
16 paragraph "a" or "b", the following question shall be
17 submitted to the voters within the proposed E911
18 service area, and the question shall".

19 4. Page 2, by striking lines 16 through 37, and
20 inserting the following:

21 "2. A joint E911 service board may choose either
22 one of the following two mechanisms for submitting a
23 proposed E911 service surcharge to the scrutiny and
24 approval of the persons to be served:

25 a. The joint E911 service board may publish notice
26 of a public hearing at which the proposed E911 service
27 surcharge will be presented for public comment and
28 review. The board shall publish notice of the public
29 hearing at least once, not less than four nor more
30 than twenty days before the date of the hearing, in
31 one or more newspapers which meet the requirements of
32 section 618.14. The joint E911 service board shall
33 submit the question in subsection 1 to the voters only
34 if the following conditions are satisfied:

35 (1) A petition calling for the question of the
36 E911 service surcharge to be submitted to a referendum
37 is submitted to the board within thirty days of the
38 hearing.

39 (2) The petition must contain the signatures of
40 twenty-five percent of the voters within the proposed
41 E911 service area, as determined from the most recent
42 general election in which either the governor or the
43 president was elected.

44 If a referendum is required by a successful
45 petition, the electoral procedure in paragraph "b"
46 shall be utilized. Otherwise, the board may request
47 the administrator to impose the surcharge any time
48 after the expiration of thirty days from the date of
49 the public hearing."

50 5. Page 2, line 46, by inserting after the word

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Page 2

1 "election." the following: "Notice of the election
2 shall be published at least once, not less than four
3 days nor more than twenty days before the date of the
4 election, in one or more newspapers which meet the
5 requirements of section 618.14. Notice of an election
6 shall also comply with section 49.53."
7 6. Page 3, line 30, by inserting after the word
8 "of" the following: "up to".

By BLANSHAN of Greene
SWARTZ of Marshall

H-6373 FILED APRIL 11, 1988

Lost 4/12 (p. 1720)

HSB 254

SMALL BUSINESS AND COMMERCE

Now

HOUSE FILE 2400
BY (PROPOSED COMMITTEE ON SMALL
BUSINESS AND COMMERCE BILL)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the development, requirements, operation, and
2 local option funding for 911 emergency telephone communication
3 systems, providing a funding mechanism, and providing
4 penalties.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 477B.1 PURPOSE.

2 The purpose of this chapter is to enable the orderly
3 development, operation, and local option funding of 911
4 emergency telephone communication systems statewide by
5 providing a mechanism by which cities, counties, and chapter
6 28E organizations may provide local option funding for these
7 systems.

8 Sec. 2. NEW SECTION. 477B.2 DEFINITIONS.

9 As used in this chapter, unless the context requires
10 otherwise:

11 1. "Administrator" means the administrator of the division
12 of disaster services of the department of public defense.

13 2. "Department" means the department of revenue and
14 finance.

15 3. "Exchange access services" means:

16 a. Telephone exchange access lines or trunks which provide
17 local access from a subscriber in this state to the local
18 telecommunications network to effect the transfer of
19 information.

20 b. Unless a separate tariff rate is charged, any facility
21 or service provided in connection with services described in
22 paragraph "a".

23 4. "Public or private safety agency" means a unit of state
24 or local government, a special purpose district, or a private
25 firm which provides or has the authority to provide fire
26 fighting, police, ambulance, or emergency medical services.

27 5. "Subscriber" means a person who receives telephone
28 exchange access service.

29 6. "Provider" means a publicly owned or privately owned
30 utility which provides telephone exchange access services.

31 7. "Local jurisdiction" means a county, city, or joint
32 county and city entity organized under chapter 28E, comprised
33 of public officials, and public and private safety agencies
34 who have agreed to jointly plan, implement, and operate a 911
35 emergency telephone communication system.

1 8. "911 service" means a service which provides the user
2 of a public telephone system the ability to reach a public
3 safety answering point (PSAP) by dialing the digits 911.

4 9. "911 service plan" means a plan that must include the
5 area to be served, estimated costs, number of public safety
6 answering points, identification of the agency responsible for
7 management and supervision of the 911 emergency telephone
8 communication system, and any other information required by
9 the administrator.

10 10. "911 service area" means the geographic area to be
11 serviced, or currently serviced, under a 911 service plan.

12 11. "Division" means the division of disaster services,
13 department of public defense.

14 12. "Public safety answering point" or "PSAP" means a
15 twenty-four hour local jurisdiction communications facility
16 which:

17 a. Is automatically accessible anywhere in the local
18 jurisdiction service area by dialing 911.

19 b. Has the ability to relay or transfer 911 calls to the
20 appropriate private or public safety agency.

21 Sec. 3. NEW SECTION. 477B.3 EMERGENCY TELEPHONE
22 COMMUNICATION SYSTEM REQUIREMENTS -- "911" AS PRIMARY NUMBER -
23 - ALTERNATE NUMBERS REQUIRED.

24 1. The primary emergency telephone number within the state
25 is 911, but a public or private safety agency shall maintain
26 both a separate seven-digit secondary emergency number for use
27 by the telephone company operator and a separate seven-digit
28 nonemergency number. An emergency number other than 911 shall
29 not be published on the emergency listing page of a telephone
30 book for any local jurisdiction where a 911 emergency
31 telephone communication system has been adopted.

32 2. Each 911 service plan must provide for at least one
33 public safety answering point.

34 3. A 911 service area must at a minimum encompass one
35 entire county. The 911 service area may encompass more than

1 one county, and need not be restricted to county boundaries.

2 4. Private listing subscribers in a 911 service area waive
3 the privacy afforded by nonlisted or nonpublished numbers to
4 the extent that the name and address associated with the
5 telephone number may be furnished to the 911 system.

6 5. Name, address, and telephone number information
7 provided to a 911 system by a provider may be used only for
8 the purpose of identifying the telephone location or identity,
9 or both, of a person calling the 911 emergency telephone
10 number and shall not be used or disclosed by the provider,
11 local jurisdiction, or public or private safety agency, its
12 agents, or its employees for any other purpose, unless the
13 information is used or disclosed pursuant to a court order. A
14 person who violates this section is guilty of a simple
15 misdemeanor.

16 6. The installation of automatic intrusion alarms and
17 other automatic alerting devices which cause the number 911 to
18 be dialed is prohibited.

19 Sec. 4. NEW SECTION. 477B.4 DIVISION OF DISASTER
20 SERVICES -- DUTIES AND POWERS.

21 1. The division shall:

22 a. Adopt rules containing standards for eligibility of 911
23 emergency telephone communication systems to obtain funding
24 provided for in this chapter.

25 b. Upon request of a local jurisdiction, assist in
26 planning an emergency telephone communication system.

27 c. Review 911 service plans submitted by local
28 jurisdictions for compliance with the eligibility standards
29 adopted pursuant to this chapter, and approve a 911 service
30 plan complying with the eligibility standards.

31 2. The division may:

32 a. Grant discretionary exemptions from statutory and
33 regulatory standards for 911 service plans based upon a local
34 jurisdiction's presentation of evidence which supports
35 exemption if the administrator finds that local conditions

1 make adherence to standards unreasonable or technically
2 unfeasible, and that the purposes of this chapter would be
3 furthered by granting an exemption. The administrator may
4 require periodic review of an exemption. The granting of an
5 exemption does not create a presumption that the identical or
6 similar exemption will be granted in the future.
7 Consideration of exemption requests will be on a case by case
8 basis.

9 b. Call upon other state agencies to provide technical and
10 staff assistance in carrying out this chapter, and other state
11 agencies shall cooperate with the division in carrying out the
12 provisions of this chapter.

13 Sec. 5. NEW SECTION. 477B.5 SUBMISSION OF PRELIMINARY
14 PLANS BY LOCAL JURISDICTIONS -- REVIEW -- COST ESTIMATES.

15 A local jurisdiction may submit a preliminary 911 service
16 plan to establish a 911 emergency telephone communication
17 system to all of the following:

18 1. The division of disaster services, department of public
19 defense.

20 2. Public and private safety agencies in the local
21 jurisdiction.

22 3. Providers within the local jurisdiction service area.

23 The division shall review the preliminary plan for
24 compliance with this chapter and administrative rules adopted
25 pursuant to this chapter and report its approval or
26 disapproval to the local jurisdiction within one hundred
27 twenty days of receipt of the plan. A provider within the
28 local jurisdiction service area shall provide to the local
29 jurisdiction a good faith estimate of the cost to the local
30 jurisdiction of implementing the plan within one hundred
31 twenty days of receipt of the plan.

32 Sec. 6. NEW SECTION. 477B.6 SUBMISSION OF FINAL PLANS --
33 EXCEPTIONS -- APPROVAL OF PLANS.

34 A local jurisdiction may submit a proposed final 911
35 service plan to establish a 911 emergency telephone

1 communication system to all of the following:

2 1. The division of disaster services, department of public
3 defense.

4 2. Public and private safety agencies in the local
5 jurisdiction.

6 3. Providers within the local jurisdiction service area.

7 The division shall determine whether the final plan
8 complies with this chapter and the rules adopted pursuant to
9 this chapter. The final plan must include an estimate of the
10 surcharge to be imposed in the first year of 911 service plan
11 operations if approved. If the division determines that the
12 plan complies, it shall approve the plan. If the division
13 determines the plan does not comply, it shall notify the local
14 jurisdiction in writing, listing the specific reasons for
15 noncompliance. The local jurisdiction shall then have one
16 hundred eighty days to submit an amended plan, or to present
17 evidence which supports exemption. The local jurisdiction
18 shall be notified of the division's decision within ninety
19 calendar days of receipt of the amended plan or evidence for
20 exemption.

21 A local jurisdiction which has established a 911 emergency
22 telephone communication system prior to the effective date of
23 this Act may apply to the division for approval to impose a
24 local option surcharge, and shall submit to the division a
25 description of the system which shall be in substantially the
26 same form as a final 911 service plan. The system description
27 shall be approved or disapproved in the same manner as a final
28 911 service plan.

29 Sec. 7. NEW SECTION. 477B.7 PAY PHONES TO BE CONVERTED
30 TO ALLOW EMERGENCY CALLS WITHOUT CHARGE.

31 1. At the time that a 911 emergency telephone
32 communication system becomes operational or as soon as
33 feasible thereafter, each provider or other owner or lessee of
34 a pay station telephone to be operated within the 911 service
35 area shall do both of the following:

1 a. Convert or cause to be converted each such telephone to
2 permit a caller to dial 911 without first inserting a coin or
3 paying any other charge.

4 b. Prominently display on each such telephone a notice
5 advising callers to dial 911 in an emergency and that deposit
6 of a coin is not required.

7 2. After commencement of 911 service in a 911 service
8 area, a person shall not install, cause to be installed, or
9 offer for use within the 911 service area a pay station
10 telephone, whether on public or private premises, unless the
11 telephone is capable of accepting a 911 call without prior
12 insertion of a coin or payment of any other charge, and unless
13 the telephone displays the notice described in subsection 1.

14 Sec. 8. NEW SECTION. 477B.8 AGREEMENTS AMONG SAFETY
15 AGENCIES FOR RENDERING EMERGENCY SERVICES.

16 Public or private safety agencies may enter into agreements
17 which provide that an emergency unit dispatched by a 911
18 emergency telephone communication system shall render
19 emergency services without regard to jurisdictional
20 boundaries.

21 Sec. 9. NEW SECTION. 477B.9 FUNDING.

22 1. Funding for ongoing or recurring costs of operation and
23 maintenance of 911 emergency telephone communication systems
24 shall come from a surcharge on telephone subscribers. The
25 surcharge may be imposed by a local jurisdiction once local
26 jurisdiction's 911 service plan is approved under section
27 477B.6. The surcharge shall be imposed on each exchange
28 access service and the amount of the surcharge shall be
29 determined by the local jurisdiction, and may be adjusted as
30 needed, based upon actual costs, past experience, and
31 reasonably anticipated requirements for the approved 911
32 service plan.

33 2. The surcharge shall be collected by the provider and
34 paid to the local jurisdiction on a quarterly basis.

35 3. The provider shall be paid for any administrative costs

1 directly attributable to collecting the surcharge.

2 Sec. 10. NEW SECTION. 477B.10 EXCEPTIONS TO SURCHARGE.

3 The surcharge established by section 477B.9 does not apply
4 to either of the following:

5 1. Services which the local jurisdiction is prohibited
6 from taxing under the constitution or laws of the United
7 States or the constitution or laws of Iowa.

8 2. Amounts paid by depositing coins in a public or pay
9 station telephone.

10 Sec. 11. NEW SECTION. 477B.11 SURCHARGE COLLECTION.

11 The surcharge shall be collected under the same telephone
12 company procedures established for collection and enforcement
13 of payment of the fee for basic phone service.

14 Sec. 12. NEW SECTION. 477B.12 PENALTIES FOR FAILURE TO
15 COLLECT SURCHARGE.

16 If a provider required to collect the surcharge fails to
17 remit any amount so collected, the department may enforce the
18 collection in the same manner as for the collection of
19 delinquent sales taxes. The department shall enforce
20 collection when requested by the affected local jurisdiction.

21 Sec. 13. NEW SECTION. 477B.13 USE OF MONEYS RESTRICTED.

22 1. Moneys received under this chapter may be used only for
23 the payment of planning costs, installation costs, other
24 start-up and implementation costs, networking costs, data base
25 management and associated maintenance costs, other recurring
26 costs of approved 911 service plans which the administrator
27 deems reasonable, and administrative costs incurred by the
28 providers and the division which are directly related to 911
29 emergency telephone communication systems.

30 2. Funding for staffing and operation of the public safety
31 answering points in a 911 system shall not be paid from the
32 revenues of the surcharge, but are the responsibility of the
33 local jurisdiction.

34 EXPLANATION

35 This bill empowers the administrator of the division of

1 disaster services to oversee local jurisdictions' voluntary
2 establishment of 911 emergency telephone communication
3 systems. The bill includes regulatory authority and statutory
4 standards for 911 service plans. Additionally, the bill
5 provides encouragement for timely statewide adoption of 911
6 emergency telephone service by authorizing a local option
7 exchange access line surcharge in an amount to be set by each
8 local jurisdiction. The surcharge is to be collected by
9 service providers. The surcharge revenues are paid over to
10 the local jurisdiction on a quarterly basis.

11 Section 1 of the bill provides that its purpose is to
12 enable the orderly development, operation, and funding of 911
13 emergency telephone communication systems statewide.

14 Section 2 of the bill sets out key definitions.

15 Section 3 sets out the minimum statutory requirements for
16 an approved 911 emergency telephone communication system.

17 Section 4 details the duties and powers of the division of
18 disaster services.

19 Section 5 permits local jurisdictions to submit preliminary
20 911 service plans to various interested parties, including the
21 administrator, and requires affected providers to supply good
22 faith estimates of the costs of implementing the plan.

23 Section 6 establishes the basic procedure for submission,
24 review, and approval or rejection of final 911 service plans.

25 Section 7 requires, after commencement of 911 service in a
26 911 service area, that all pay station telephones, whether on
27 public or private property, be capable of accepting a 911 call
28 without prior insertion of a coin or payment of any other
29 charge. The section also requires posting of a notice on pay
30 phones informing users that no coin is required to make 911
31 emergency calls.

32 Section 8 authorizes agreements among public and private
33 safety agencies to provide services across jurisdictional
34 boundaries.

35 Section 9 creates the local option surcharge funding

1 mechanism for the ongoing or recurring costs of operating and
2 maintaining approved 911 service plans, including provisions
3 for:

4 1. A surcharge paid by telephone subscribers, in an amount
5 to be determined by each local jurisdiction, alterable as
6 needed, based upon actual costs, past experience, and
7 reasonably anticipated requirements for the approved 911
8 service plan.

9 2. Disbursement by providers of surcharge proceeds to
10 local jurisdictions on a quarterly basis with approved 911
11 service plans for enumerated recurring costs of operation and
12 maintenance.

13 Section 10 of the bill details that the surcharge does not
14 apply to services which the state is prohibited from taxing
15 under either state or federal constitutions or laws. Nor does
16 the surcharge apply to amounts paid by depositing coins in a
17 pay station telephone.

18 Sections 11 and 12 establish procedures for collecting the
19 surcharge, and penalties for failure to so collect or remit
20 the proceeds to the local jurisdiction.

21 Section 13 restricts the use of funds collected under the
22 bill to payment of networking costs, data base management and
23 associated maintenance costs, other recurring costs of
24 approved 911 service plans as the administrator deems
25 reasonable, and administrative costs incurred by the providers
26 directly related to 911 emergency telephone communication
27 systems.

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HOUSE FILE 2400

AN ACT

RELATING TO ENHANCED 911 EMERGENCY TELEPHONE COMMUNICATION SYSTEMS, BY REQUIRING EACH COUNTY TO PREPARE AN ENHANCED 911 SERVICE PLAN FOR SUBMITTAL TO THE OFFICE OF DISASTER SERVICES ON OR BEFORE MARCH 1, 1989, BY REQUIRING CONVERSION OF PAY TELEPHONES TO ACCEPT 911 CALLS WITHOUT CHARGE, BY ALLOWING A LOCAL E911 SERVICE SURCHARGE, BY PROVIDING CERTAIN LIABILITY EXEMPTIONS IN CONJUNCTION WITH THE DELIVERY OF E911 SERVICES, AND BY PROVIDING A LIMITED PRIVACY WAIVER TO PERMIT NONLISTED OR UNPUBLISHED NUMBERS TO BE INCLUDED IN E911 SERVICE PROVIDING A PENALTY, AND AN EFFECTIVE DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 477B.1 PURPOSE.

The legislature finds that enhanced 911 emergency telephone communication systems further the public interest and protect the health, safety, and welfare of the people of Iowa. The purpose of this chapter is to enable the orderly development, installation, and operation of enhanced 911 emergency telephone communication systems statewide. These systems are to be operated under governmental management and control for the public benefit.

Sec. 2. NEW SECTION. 477B.2 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Administrator" means the administrator of the division of disaster services of the department of public defense.
2. "Public or private safety agency" means a unit of state or local government, a special district, or a private firm which provides or has the authority to provide fire fighting, police, ambulance, or emergency medical services.
3. "Provider" means a person who provides, or offers to provide, E911 equipment, installation, maintenance, or exchange access services within the enhanced 911 service area.

4. "Enhanced 911" or "E911" means a service which provides the user of a public telephone system the ability to reach a public safety answering point by dialing the digits 911, and which has the following additional features:

- a. Routes an incoming 911 call to the appropriate public safety answering point selected from the public safety answering points operating in a 911 service area.
- b. Automatically displays the name, address, and telephone number of an incoming 911 call and public safety agency servicing the address on a video monitor at the appropriate public safety answering point.

5. "Enhanced 911 service plan" means a plan that includes the following information:

- a. A description of the enhanced 911 service area.
- b. A list of all public and private safety agencies within the enhanced 911 service area.
- c. The number of public safety answering points within the enhanced 911 service area.
- d. Identification of the agency responsible for management and supervision of the enhanced 911 emergency telephone communication system.
- e. A statement of estimated costs to be incurred by the joint E911 service board, including separate estimates of the following:
 - (1) Nonrecurring costs, including, but not limited to, public safety answering points, network equipment, software, database, addressing, initial training, and other capital and start-up expenditures, including the purchase or lease of subscriber names, addresses, and telephone information from the local exchange service provider.
 - (2) Recurring costs, including, but not limited to, network access fees and other telephone charges, software, equipment, and database management, and maintenance, including the purchase or lease of subscriber names, addresses, and telephone information from the local exchange service provider. Recurring costs shall not include personnel costs for a public safety answering point.

Costs are limited to nonrecurring and recurring costs directly attributable to the provision of 911 emergency telephone communication service. Costs do not include expenditures for any other purpose, and specifically exclude costs attributable to other emergency services or expenditures for buildings, radios, or personnel.

f. Current equipment operated by affected providers, and central office equipment and technology upgrades necessary for the provider to implement enhanced 911 service within the enhanced 911 service area on or before July 1, 1992.

g. A schedule for implementation of the plan throughout the E911 service area. The schedule may provide for phased implementation. However, a joint 911 service board may decide not to implement E911 service.

h. The number of telephone access lines in the enhanced 911 service area.

i. The total property valuation in the enhanced 911 service area.

6. "Enhanced 911 service area" means the geographic area to be serviced, or currently serviced under an enhanced 911 service plan, provided that an enhanced 911 service area must at minimum encompass one entire county. The enhanced 911 service area may encompass more than one county, and need not be restricted to county boundaries.

7. "Enhanced 911 service surcharge" is a charge set by the E911 service area operating authority and assessed on each access line which physically terminates within the E911 service area.

8. "Access line" means a local exchange access line that has the ability to access local dial tone and reach a local public safety agency.

9. "Division" means the division of disaster services, department of public defense.

10. "Public safety answering point" means a twenty-four hour local jurisdiction communications facility which receives enhanced 911 service calls and directly dispatches emergency

response services or relays calls to the appropriate public or private safety agency.

11. "Local exchange service provider" means a person engaged in providing telecommunications service between points within an exchange.

Sec. 3. NEW SECTION. 477B.3 JOINT 911 SERVICE BOARD -- 911 SERVICE PLAN -- IMPLEMENTATION -- WAIVERS.

1. 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 operating within the area is entitled to nonvoting membership on the board. 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:

- a. The division.
 - b. Public and private safety agencies in the enhanced 911 service area.
 - c. Providers affected by the enhanced 911 service plan.
- The division shall prepare a statewide summary of the plans submitted and present the summary to the legislature on or before June 1, 1989.

2. COMPLIANCE WAIVERS AVAILABLE IN LIMITED CIRCUMSTANCES.

The administrator may extend, in whole or in part, the time for implementation of an enhanced 911 service plan beyond the scheduled plan of implementation, by issuance of a compliance waiver. The waiver shall be based upon a joint 911 service board's presentation of evidence which supports an extension if the administrator finds that local conditions make implementation financially unreasonable or technically infeasible by the originally scheduled plan of implementation. The compliance waiver shall be for a set period of time, and subject to review and renewal or denial of renewal upon its expiration. The waiver may cover all or a portion of a 911 service plan's enhanced 911 service area to facilitate phased implementation when possible. The granting of a compliance waiver does not create a presumption that the identical or similar waiver will be extended in the future. Consideration of compliance waivers shall be on a case-by-case basis.

3. 28E AGREEMENT -- ALTERNATIVE TO JOINT 911 SERVICE BOARD. A legal entity created pursuant to chapter 28E by a county or counties, other political divisions, and public or private agencies to jointly plan, implement, and operate a countywide, or larger, enhanced 911 service system may be substituted for the joint 911 service board required under subsection 1.

4. PARTICIPATION IN JOINT E911 SERVICE BOARD REQUIRED. A political subdivision or state agency having a public safety

agency within its territory or jurisdiction shall participate in a joint E911 service board and cooperate in preparing the E911 service plan.

Sec. 4. NEW SECTION. 477B.4 REQUIRED CONVERSION OF PAY TELEPHONES TO ALLOW 911 CALLS WITHOUT DEPOSITING COINS OR OTHER CHARGE.

1. CONVERSION AND NOTICE REQUIRED. When an enhanced 911 service system becomes operational or as soon as feasible thereafter, each provider or other owner or lessee of a pay station telephone to be operated within the enhanced 911 service area shall do the following:

- a. Convert each telephone to permit a caller to dial 911 without first inserting a coin or paying any other charge.
- b. Prominently display on each pay telephone a notice advising callers to dial 911 in an emergency and that deposit of a coin is not required.

2. CERTAIN PAY PHONES PROHIBITED WITHIN SERVICE AREA. After commencement of enhanced 911 service in an enhanced 911 service area, a person shall not install or offer for use within the 911 service area a pay station telephone unless the telephone is capable of accepting a 911 call without prior insertion of a coin or payment of any other charge, and unless the telephone displays notice of free 911 service.

Sec. 5. NEW SECTION. 477B.5 PRIVATE LISTING SUBSCRIBERS AND 911 SERVICE.

Private listing subscribers in an enhanced 911 service area waive the privacy afforded by nonlisted or nonpublished numbers to the extent that the name and address associated with the telephone number may be furnished to the enhanced 911 service system, for all routing, for automatic retrieval of location information, and for associated emergency services.

Sec. 6. NEW SECTION. 477B.5A 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:

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 election ballot in each electoral precinct to be served, in whole or in part, by the proposed E911 service area. 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. 7. NEW SECTION. 477B.6 FUNDING -- E911 SERVICE SURCHARGE.

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.

1. LOCAL E911 SERVICE SURCHARGE IMPOSITION.

a. To encourage local implementation of E911 service, one source of funding for E911 emergency telephone communication systems shall come from a surcharge of twenty-five cents, per month, per access line on each access line subscriber, except as provided in subsection 5. The surcharge shall be imposed by order of the administrator 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 is to begin within one hundred days.

(2) The notice shall be provided at least one hundred days before the surcharge must be billed for the first time.

b. The surcharge shall terminate at the end of twenty-four months, unless either, or both, of the following conditions is met:

(1) E911 service is initiated for all or a part of the E911 service area.

(2) An extension is granted by the administrator for good cause.

2. SURCHARGE COLLECTED BY PROVIDERS. The surcharge shall be collected as part of the access line service provider's periodic billing to a subscriber. In compensation for the costs of billing and collection, the provider may retain one percent of the gross surcharges collected. If the compensation is insufficient to fully recover a provider's costs for billing and collection of the surcharge, the deficiency shall be included in the provider's costs for ratemaking purposes to the extent it is reasonable and just under section 476.6. The surcharge shall be remitted to the E911 service operating authority for deposit into the E911 service fund quarterly by the provider. A provider is not liable for an uncollected surcharge for which the provider has billed a subscriber but not been paid. The surcharge shall appear as a single line item on a subscriber's periodic billing entitled, "E911 emergency telephone service surcharge". The E911 service surcharge is not subject to sales or use tax.

3. MAXIMUM LIMIT PER SUBSCRIBER BILLING FOR SURCHARGE. An individual subscriber shall not be required to pay on a single periodic billing the surcharge on more than one hundred access lines, or their equivalent, in an E911 service area. A subscriber shall pay the surcharge in each E911 service area in which the subscriber receives access line service.

4. E911 SERVICE FUND. Each joint E911 service board shall establish and maintain as a separate account an E911 service fund. Any funds remaining in the account at the end of each

fiscal year shall not revert to the general funds of the member political subdivisions, except as provided in subsection 5, but shall remain in the E911 service fund. Moneys in an E911 service fund may only be used for nonrecurring and recurring costs of the E911 service plan as approved by the administrator, as those terms are defined by section 477B.2.

5. USE OF MONEYS IN FUND -- PRIORITY AND LIMITATIONS ON EXPENDITURE. Moneys deposited in the E911 service fund shall be used for the following, in order of priority:

a. Money shall first be spent for actual recurring costs of operating the E911 service plan.

b. If money remains in the fund after fully paying for recurring costs incurred in the preceding year, the remainder may be spent to pay for nonrecurring costs, not to exceed actual nonrecurring costs as approved by the administrator.

c. If money remains in the fund after fully paying obligations under subsections 1 and 2, the remainder may be accumulated in the fund as a carryover operating surplus. If the surplus is greater than twenty-five percent of the approved annual operating budget for the next year, the administrator shall reduce the surcharge by an amount calculated to result in a surplus of no more than twenty-five percent of the planned annual operating budget. After nonrecurring costs have been paid, if the surcharge is less than twenty-five cents and the fund surplus is less than twenty-five percent of the approved annual operating budget, the administrator shall, upon application of the joint E911 service board, increase the surcharge in an amount calculated to result in a surplus of twenty-five percent of the approved annual operating budget. In no case may the surcharge exceed twenty-five cents per month, per access line. The surcharge may only be adjusted once in a single year, upon one hundred days' prior notice to the provider.

6. LIMITATION OF ACTIONS -- PROVIDER NOT LIABLE ON CAUSE OF ACTION RELATED TO PROVISION OF 911 SERVICES. A claim or

cause of action does not exist based upon or arising out of an act or omission in connection with a provider's participation in an E911 service plan or provision of 911 or local exchange access service, unless the act or omission is determined to be willful and wanton negligence.

Sec. 8. NEW SECTION. 477B.7 LOCAL EXCHANGE SERVICE INFORMATION.

1. A local exchange service provider shall furnish to the E911 service provider, designated by the joint E911 service board, all names, addresses, and telephone number information concerning its subscribers which will be served by the E911 system and shall periodically update the local exchange service information. The local exchange service provider shall receive as compensation for the provision of local exchange service information charges according to its tariffs on file with and approved by the Iowa utilities board. The tariff charges shall be the same whether or not the local exchange service provider is designated as the E911 service provider by the joint E911 service board.

2. Subscriber information remains the property of the local exchange service provider.

The joint E911 service board, the designated E911 provider, and the public safety answering point, their agents, employees, and assigns shall use local exchange service information provided by the local exchange service provider solely for the purposes of providing E911 emergency telephone service, and it shall otherwise be kept confidential. A person who violates this section is guilty of a simple misdemeanor.

This chapter does not require a local exchange service provider to sell or provide its subscriber names, addresses, or telephone number information to any person other than the E911 service provider designated by the joint E911 service board.

Sec. 9. Section 613A.4, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 11. A claim based upon or arising out of an act or omission in connection with an emergency response including but not limited to acts or omissions in connection with emergency response communications services.

Sec. 10. Section 613A.4, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. This section does not expand any existing cause of action or create any new cause of action against a municipality.

Sec. 11. This Act, being deemed of immediate importance, is effective upon enactment.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2400, Seventy-second General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 6, 1988

TERRY E. BRANSTAD
Governor