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MAR 22 1989

HOUSE FILE 735

Place On Calendar

BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 367)

Passed House, Date 3-31-89 (p. 115) Passed Senate, Date 4-11-89
Vote: Ayes 92 Nays 0 Vote: Ayes 48 Nays 0

(P. 1342)

Approved May 15, 1989

A BILL FOR

1 An Act relating to enhanced 911 emergency telephone
2 communications systems.

3696-

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

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HOUSE FILE 735

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H-3696

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1 Amend House File 735 as follows:

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2 1. Page 4, line 22, by inserting after the word
3 "shall" the following: "not".

10

4 2. Page 4, by inserting after line 32, the
5 following:

11

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

16

14 3. Title page, line 2, by inserting after the
15 word "systems" the following: ", and providing for
16 the Act's applicability".

18

17 4. By renumbering as necessary.

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By BLANSHAN of Greene

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H-3696 FILED MARCH 29, 1989

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Adopted 3-31-89 (p. 115)

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

3 Joint 911 service boards to submit plans. The board of
4 supervisors of each county shall establish a joint 911 service
5 board not later than January 1, 1989. Each political
6 subdivision of the state having a public safety agency serving
7 territory within the county is entitled to voting membership
8 on the joint 911 service board. Each private safety entity
9 agency operating within the area is entitled to nonvoting
10 membership on the board. A township which does not operate
11 its own public safety agency, but contracts for the provision
12 of public safety services, is not entitled to membership on
13 the joint 911 service board, but its contractor is entitled to
14 membership according to the contractor's status as a public or
15 private safety agency. The joint 911 service board shall
16 develop an enhanced 911 service plan encompassing at minimum
17 the entire county, unless an exemption is granted by the
18 administrator permitting a smaller E911 service area. The
19 administrator may grant a discretionary exemption from the
20 single county minimum service area requirement based upon an
21 E911 joint service board's or other E911 service plan
22 operating authority's presentation of evidence which supports
23 the requested exemption if the administrator finds that local
24 conditions make adherence to the minimum standard unreasonable
25 or technically infeasible, and that the purposes of this
26 chapter would be furthered by granting an exemption. The
27 minimum size requirement is intended to prevent unnecessary
28 duplication of public safety answering points and minimize
29 other administrative, personnel, and equipment expenses. An
30 E911 service area must encompass a geographically contiguous
31 area. No exemption shall be granted from the contiguous area
32 requirement. The administrator may order the inclusion of a
33 specific territory in an adjoining E911 service plan area to
34 avoid the creation by exclusion of a territory smaller than a
35 single county not serviced by surrounding E911 service plan

1 areas upon request of the joint 911 service board representing
2 the territory. The E911 service plan operating authority
3 shall submit the plan on or before March 1, 1989, to all of
4 the following:

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

7 NEW UNNUMBERED PARAGRAPH. An alternative legal entity
8 created pursuant to chapter 28E as a substitute for a joint
9 911 service board, as permitted by this subsection, may be
10 created by either:

11 a. Agreement of the parties entitled to voting membership
12 on a joint 911 service board.

13 b. Agreement of the members of a joint 911 service board.

14 An alternative chapter 28E entity has all of the powers of
15 a joint 911 service board and any additional powers granted by
16 the agreement. As used in this chapter, "joint 911 service
17 board" includes an alternative chapter 28E entity created for
18 that purpose, except as specifically limited by the chapter
19 28E agreement or unless clearly provided otherwise in this
20 chapter. A chapter 28E agreement related to E911 service
21 shall permit the participation of a private safety agency or
22 other persons allowed to participate in a joint 911 service
23 board, but the terms, scope, and conditions of participation
24 are subject to the chapter 28E agreement.

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

27 477B.6 REFERENDUM ON E911 IN PROPOSED SERVICE AREA.

28 1. Before a joint E911 service board may request
29 imposition of the surcharge by the administrator, the board
30 shall submit the following question to either voters or
31 subscribers, as provided in subsection 2, in the proposed E911
32 service area, and the question shall receive a favorable vote
33 from a simple majority of persons submitting valid ballots on
34 the following question within the proposed E911 service area:

35 "Should enhanced 911 emergency telephone service be funded,

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

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

9 a.--A-local-exchange-access-company-providing-service-to
10 subscribers-within-the-proposed-E911-service-area-shall
11 provide-the-name-and-address-of-each-subscriber-to-be-served
12 to-the-joint-E911-service-board-proposing-to-provide-E911
13 service.--The-names-and-addresses-may-be-used-by-the-joint
14 E911-service-board-for-the-purpose-of-mailing-referendum
15 ballots.--Ballots-shall-be-retained-to-the-subscriber's-county
16 commissioner-of-elections-who-shall-report-the-results-to-the
17 joint-E911-service-board.--The-joint-E911-service-board-shall
18 compile-the-results-if-subscribers-from-more-than-one-county
19 are-included-within-the-proposed-service-area.--The-board
20 shall-announce-whether-a-simple-majority-of-subscribers
21 submitting-valid-ballots-within-the-proposed-E911-service-area
22 approved-the-referendum-question.--A-subscriber-may-only-vote
23 once.

24 b. At the request of the joint E911 service board a county
25 commissioner of elections shall include the question on the
26 next eligible general election ballot in each electoral
27 precinct to be served, in whole or in part, by the proposed
28 E911 service area, provided the request is timely submitted to
29 permit inclusion. The-question-may-be-included-in-the-next
30 election-in-which-all-of-the-voters-in-the-proposed-E911
31 service-area-will-be-eligible-to-vote-on-the-same-day, such as
32 a-primary, general, or school-board election. The county
33 commissioner of elections shall report the results to the
34 joint E911 service board. The joint E911 service board shall
35 compile the results if subscribers from more than one county

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

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

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

12 When an E911 service plan is implemented, the costs of
 13 providing E911 service within an E911 service area are the
 14 responsibility of the joint E911 service board and the member
 15 political subdivisions. Costs in excess of the amount raised
 16 by imposition of the E911 service surcharge provided for under
 17 subsection 1, shall be paid by the joint E911 service board
 18 from such revenue sources allocated among the member political
 19 subdivisions as determined by the joint E911 service board.

20 Funding is not limited to the surcharge, and surcharge
 21 revenues may be supplemented by other permissible local and
 22 state revenue sources. A joint 911 service board shall commit
 23 a political subdivision to appropriate property tax revenues
 24 to fund an E911 service plan without the consent of the
 25 political subdivision. A joint 911 service board may approve
 26 a 911 service plan, including a funding formula requiring
 27 appropriations by participating political subdivisions,
 28 subject to the approval of the funding formula by each
 29 political subdivision. However, a political subdivision may
 30 agree in advance to appropriate property tax revenues or other
 31 moneys according to a formula or plan developed by an
 32 alternative chapter 28E entity.

33 EXPLANATION

34 This bill revises the procedures for establishing enhanced
 35 911 emergency telephone communications systems relying upon

1 the surcharge mechanism authorized by the 1988 Session of the
2 General Assembly. The bill further defines those political
3 subdivisions granted voting membership on the joint 911
4 service boards charged with developing proposed service plans
5 at the local level. Section 1 provides that a township which
6 does not have its own public safety agency, but instead
7 contracts for public safety services, is not entitled to
8 membership, but that the township's contractor is. Sections 2
9 and 4 extend the permitted use of an entity created pursuant
10 to a chapter 28E agreement as an alternative to a joint 911
11 service board. Section 2 is in response to a restrictive
12 attorney general interpretation of the existing statute.
13 Section 4 provides that a joint 911 service board shall not
14 commit a participating political subdivision to appropriate
15 property tax revenues for 911 service without the political
16 subdivision's consent. Section 3 eliminates the mailed ballot
17 alternative for conducting the required referendum prior to
18 imposing the authorized monthly surcharge.

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Gen. State Court
DO PASS 45-81 (p. 1204)
deferred 41089 (p. 1299)

HOUSE FILE 735
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 367)

(As Amended and Passed by the House March 31, 1989)

re Passed House, Date 4-26-89 (p. 2014) Passed Senate, Date 4-11-89 (p. 1342)
Vote: Ayes 92 Nays 0 Vote: Ayes 48 Nays 0
Approved May 15, 1989

A BILL FOR

1 An Act relating to enhanced 911 emergency telephone
2 communications systems, and providing for the Act's
3 applicability.

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

House Amendments _____

4001, 3612
3616

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8 on the joint 911 service board. Each private safety entity
9 agency operating within the area is entitled to nonvoting
10 membership on the board. A township which does not operate
11 its own public safety agency, but contracts for the provision
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13 the joint 911 service board, but its contractor is entitled to
14 membership according to the contractor's status as a public or
15 private safety agency. The joint 911 service board shall
16 develop an enhanced 911 service plan encompassing at minimum
17 the entire county, unless an exemption is granted by the
18 administrator permitting a smaller E911 service area. The
19 administrator may grant a discretionary exemption from the
20 single county minimum service area requirement based upon an
21 E911 joint service board's or other E911 service plan
22 operating authority's presentation of evidence which supports
23 the requested exemption if the administrator finds that local
24 conditions make adherence to the minimum standard unreasonable
25 or technically infeasible, and that the purposes of this
26 chapter would be furthered by granting an exemption. The
27 minimum size requirement is intended to prevent unnecessary
28 duplication of public safety answering points and minimize
29 other administrative, personnel, and equipment expenses. An
30 E911 service area must encompass a geographically contiguous
31 area. No exemption shall be granted from the contiguous area
32 requirement. The administrator may order the inclusion of a
33 specific territory in an adjoining E911 service plan area to
34 avoid the creation by exclusion of a territory smaller than a
35 single county not serviced by surrounding E911 service plan

1 areas upon request of the joint 911 service board representing
2 the territory. The E911 service plan operating authority
3 shall submit the plan on or before March 1, 1989, to all of
4 the following:

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12 on a joint 911 service board.

13 b. Agreement of the members of a joint 911 service board.

14 An alternative chapter 28E entity has all of the powers of
15 a joint 911 service board and any additional powers granted by
16 the agreement. As used in this chapter, "joint 911 service
17 board" includes an alternative chapter 28E entity created for
18 that purpose, except as specifically limited by the chapter
19 28E agreement or unless clearly provided otherwise in this
20 chapter. A chapter 28E agreement related to E911 service
21 shall permit the participation of a private safety agency or
22 other persons allowed to participate in a joint 911 service
23 board, but the terms, scope, and conditions of participation
24 are subject to the chapter 28E agreement.

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

27 477B.6 REFERENDUM ON E911 IN PROPOSED SERVICE AREA.

28 1. Before a joint E911 service board may request
29 imposition of the surcharge by the administrator, the board
30 shall submit the following question to ~~either voters or~~
31 ~~subscribers~~, as provided in subsection 2, in the proposed E911
32 service area, and the question shall receive a favorable vote
33 from a simple majority of persons submitting valid ballots on
34 the following question within the proposed E911 service area:

35 "Should enhanced 911 emergency telephone service be funded,

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

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

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

4001,
3623-24 b. At the request of the joint E911 service board a county
25 commissioner of elections shall include the question on the
26 next eligible general election ballot in each electoral
27 precinct to be served, in whole or in part, by the proposed
28 E911 service area, provided the request is timely submitted to
29 permit inclusion. ~~The question may be included in the next~~
30 ~~election in which all of the voters in the proposed E911~~
31 ~~service area will be eligible to vote on the same day, such as~~
32 ~~a primary, general, or school board election.~~ The county
33 commissioner of elections shall report the results to the
34 joint E911 service board. The joint E911 service board shall
35 compile the results if subscribers from more than one county

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

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

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

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

33 Sec. 5. APPLICABILITY. Section 3 of this Act is
34 applicable to all referendums approved by either a county
35 board of supervisors or a joint 911 service board, or both, on

1 or after July 1, 1989. Section 3 is not applicable to a
2 referendum approved prior to July 1, 1989, notwithstanding
3 that the actual referendum election or balloting is conducted
4 on or after July 1, 1989.

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3612, 3616

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HOUSE FILE 735

S-3616

- 1 Amend House File 735, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 4, by inserting after line 32, the
 4 following:
 5 "Sec. ____ . Section 477B.7, subsection 1, paragraph
 6 a, subparagraph (1), Code 1989, is amended to read as
 7 follows:
 8 (1) The administrator shall notify a provider
 9 scheduled to provide exchange access line service to
 10 an E911 service area, that implementation of an
 11 approved E911 service plan has been approved by the
 12 joint 911 service board and by the service area
 13 referendum, and that collection of the surcharge is to
 14 begin within one hundred days."
 15 2. Page 4, by inserting before line 33, the
 16 following:
 17 "Sec. ____ . Section 477B.7, subsection 1, Code
 18 1989, is amended by adding the following new
 19 paragraph:
 20 NEW PARAGRAPH. c. The surcharge shall terminate
 21 at the end of twenty-four months if the joint E911
 22 service plan has not been approved by the
 23 administrator within eighteen months of the original
 24 notice to the provider to impose the surcharge, and
 25 shall not be reimposed until a service plan is
 26 approved by the administrator and the administrator
 27 gives providers notice as required by paragraph "a",
 28 subparagraphs (1) and (2)."
 29 3. Page 5, by inserting after line 4, the
 30 following:
 31 "Sec. ____ . This Act, being deemed of immediate
 32 importance, is effective upon enactment."
 33 4. Title page, line 3, by inserting after the
 34 word "applicability" the following: ", and providing
 35 a special effective date".
 36 5. By renumbering as necessary.

By MICHAEL E. GRONSTAL
 JACK NYSTROM
 BOB M. CARR

S-3616 FILED APRIL 10, 1989

Adopted 4-11-89 (p. 1342)

HOUSE FILE 735

S-3623

- 1 Amend House File 735, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 3, by striking lines 29 through 32, and
 4 inserting the following: "permit inclusion. The
 5 question may be included in the next election in which
 6 all of the voters in the proposed E911 service area
 7 will be eligible to vote on the same day, such as a
 8 primary, general, or school board election. The
 9 county".

By MICHAEL E. GRONSTAL

S-3623 FILED APRIL 11, 1989

ADOPTED 4-11-89 (p. 1342)

HOUSE FILE 735

S-3612

1 Amend House File 735, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 4, by inserting after line 32, the
4 following:

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

8 (1) The administrator shall notify a provider
9 scheduled to provide exchange access line service to
10 an E911 service area, that implementation of an
11 approved E911 service plan has been approved by the
12 joint E911 service board and by the service area
13 referendum, and that collection of the surcharge is to
14 begin within one hundred days."

15 2. Page 4, by inserting before line 33, the
16 following:

17 "Sec. ____ . Section 477B.7, subsection 1, Code
18 1989, is amended by adding the following new
19 paragraph:

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

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

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

33 4. Title page, line 3, by inserting after the
34 word "applicability" the following: ", and providing
35 a special effective date".

36 5. By renumbering as necessary.

By MICHAEL E. GRONSTAL
JACK NYSTROM
BOB M. CARR

S-3612 FILED APRIL 10, 1989
WITHDRAWN

SENATE AMENDMENT TO HOUSE FILE 735

H-4001

1 Amend House File 735, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 3, by striking lines 29 through 32, and
4 inserting the following: "permit inclusion. The
5 question may be included in the next election in which
6 all of the voters in the proposed E911 service area
7 will be eligible to vote on the same day, such as a
8 primary, general, or school board election. The
9 county".

10 2. Page 4, by inserting after line 32, the
11 following:

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13 a, subparagraph (1), Code 1989, is amended to read as
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16 scheduled to provide exchange access line service to
17 an E911 service area, that implementation of an
18 approved E911 service plan has been approved by the
19 joint 911 service board and by the service area
20 referendum, and that collection of the surcharge is to
21 begin within one hundred days."

22 3. Page 4, by inserting before line 33, the
23 following:

24 "Sec. ____ . Section 477B.7, subsection 1, Code
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27 NEW PARAGRAPH. c. The surcharge shall terminate
28 at the end of twenty-four months if the joint E911
29 service plan has not been approved by the
30 administrator within eighteen months of the original
31 notice to the provider to impose the surcharge, and
32 shall not be reimposed until a service plan is
33 approved by the administrator and the administrator
34 gives providers notice as required by paragraph "a",
35 subparagraphs (1) and (2)."

36 4. Page 5, by inserting after line 4, the
37 following:

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

40 5. Title page, line 3, by inserting after the
41 word "applicability" the following: ", and providing
42 a special effective date".

43 6. By renumbering, relettering, or redesignating
44 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-4001 FILED APRIL 13, 1989

House Concurred 4-26-89 (p2014)

STATE GOVERNMENT

HOUSE FILE

425

BY (PROPOSED COMMITTEE ON STATE GOVERNMENT BILL)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to enhanced 911 emergency telephone
2 communications systems.

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

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13 the joint 911 service board, but its contractor is entitled to
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15 private safety agency. The joint 911 service board shall
16 develop an enhanced 911 service plan encompassing at minimum
17 the entire county, unless an exemption is granted by the
18 administrator permitting a smaller E911 service area. The
19 administrator may grant a discretionary exemption from the
20 single county minimum service area requirement based upon an
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22 operating authority's presentation of evidence which supports
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26 chapter would be furthered by granting an exemption. The
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29 other administrative, personnel, and equipment expenses. An
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9 911 service board, as permitted by this subsection, may be
10 created by either:

11 a. Agreement of the parties entitled to voting membership
12 on a joint 911 service board.

13 b. Agreement of the members of a joint 911 service board.

14 An alternative chapter 28E entity has all of the powers of
15 a joint 911 service board and any additional powers granted by
16 the agreement. As used in this chapter, "joint 911 service
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18 that purpose, except as specifically limited by the chapter
19 28E agreement or unless clearly provided otherwise in this
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31 subscribers, as provided in subsection 2, in the proposed E911
32 service area, and the question shall receive a favorable vote
33 from a simple majority of persons submitting valid ballots on
34 the following question within the proposed E911 service area:

35 "Should enhanced 911 emergency telephone service be funded,

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

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

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

24 b. At the request of the joint E911 service board a county
25 commissioner of elections shall include the question on the
26 next eligible general election ballot in each electoral
27 precinct to be served, in whole or in part, by the proposed
28 E911 service area, provided the request is timely submitted to
29 permit inclusion. The-question-may-be-included-in-the-next
30 election-in-which-all-of-the-voters-in-the-proposed-E911
31 service-area-will-be-eligible-to-vote-on-the-same-day,-such-as
32 a-primary,-general,-or-school-board-election. The county
33 commissioner of elections shall report the results to the
34 joint E911 service board. The joint E911 service board shall
35 compile the results if subscribers from more than one county

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

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

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

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

33

EXPLANATION

34 This bill revises the procedures for establishing enhanced
35 911 emergency telephone communications systems relying upon

1 the surcharge mechanism authorized by the 1988 Session of the
2 General Assembly. The bill further defines those political
3 subdivisions granted voting membership on the joint 911
4 service boards charged with developing proposed service plans
5 at the local level. Section 1 provides that a township which
6 does not have its own public safety agency, but instead
7 contracts for public safety services, is not entitled to
8 membership, but that the township's contractor is. Sections 2
9 and 4 extend the permitted use of an entity created pursuant
10 to a chapter 28E agreement as an alternative to a joint 911
11 service board. Section 2 is in response to a restrictive
12 attorney general interpretation of the existing statute.
13 Section 4 provides that a joint 911 service board shall not
14 commit a participating political subdivision to appropriate
15 property tax revenues for 911 service without the political
16 subdivision's consent. Section 3 eliminates the mailed ballot
17 alternative for conducting the required referendum prior to
18 imposing the authorized monthly surcharge.

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HOUSE FILE 735

AN ACT

RELATING TO ENHANCED 911 EMERGENCY TELEPHONE COMMUNICATIONS SYSTEMS, AND PROVIDING FOR THE ACT'S APPLICABILITY, AND PROVIDING A SPECIAL EFFECTIVE DATE.

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

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

JOINT 911 SERVICE BOARDS TO SUBMIT PLANS. The board of supervisors of each county shall establish a joint 911 service board not later than January 1, 1989. Each political subdivision of the state having a public safety agency serving territory within the county is entitled to voting membership on the joint 911 service board. Each private safety entity agency operating within the area is entitled to nonvoting membership on the board. A township which does not operate its own public safety agency, but contracts for the provision of public safety services, is not entitled to membership on the joint 911 service board, but its contractor is entitled to membership according to the contractor's status as a public or private safety agency. The joint 911 service board shall develop an enhanced 911 service plan encompassing at minimum

the entire county, unless an exemption is granted by the administrator permitting a smaller E911 service area. The administrator may grant a discretionary exemption from the single county minimum service area requirement based upon an E911 joint service board's or other E911 service plan operating authority's presentation of evidence which supports the requested exemption if the administrator finds that local conditions make adherence to the minimum standard unreasonable or technically infeasible, and that the purposes of this chapter would be furthered by granting an exemption. The minimum size requirement is intended to prevent unnecessary duplication of public safety answering points and minimize other administrative, personnel, and equipment expenses. An E911 service area must encompass a geographically contiguous area. No exemption shall be granted from the contiguous area requirement. The administrator may order the inclusion of a specific territory in an adjoining E911 service plan area to avoid the creation by exclusion of a territory smaller than a single county not serviced by surrounding E911 service plan areas upon request of the joint 911 service board representing the territory. The E911 service plan operating authority shall submit the plan on or before March 1, 1989, to all of the following:

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

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

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

An alternative chapter 28E entity has all of the powers of a joint 911 service board and any additional powers granted by the agreement. As used in this chapter, "joint 911 service

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

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

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

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

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

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

a. A local exchange access company providing service to subscribers within the proposed E911 service area shall provide the name and address of each subscriber to be served to the joint E911 service board proposing to provide E911 service. The names and addresses may be used by the joint E911 service board for the purpose of mailing referendum ballots. Ballots shall be returned to the subscriber's county commissioner of elections who shall report the results to the

joint E911 service board. The joint E911 service board shall compile the results if subscribers from more than one county are included within the proposed service area. The board shall announce whether a simple majority of subscribers submitting valid ballots within the proposed E911 service area approved the referendum question. A subscriber may only vote once.

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

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

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

When an E911 service plan is implemented, the costs of providing E911 service within an E911 service area are the responsibility of the joint E911 service board and the member political subdivisions. Costs in excess of the amount raised by imposition of the E911 service surcharge provided for under

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

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

(1) The administrator shall notify a provider scheduled to provide exchange access line service to an E911 service area, that implementation of an approved E911 service plan has been approved by the joint 911 service board and by the service area referendum, and that collection of the surcharge is to begin within one hundred days.

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

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

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

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

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 735, Seventy-third General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 15, 1989

TERRY E. BRANSTAD
Governor