

MAR 4 1993

HOUSE FILE 388  
BY COMMITTEE ON COMMERCE

Place On Calendar

(SUCCESSOR TO HSB 51)

Passed House, Date <sup>(P.1487)</sup> 4-21-93      Passed Senate, Date <sup>(P.1400)</sup> 4/28/93  
 Vote: Ayes 89 Nays 9      Vote: Ayes 38 Nays 11  
 Approved May 12, 1993

**A BILL FOR**

1 An Act relating to establishing statewide implementation of 911  
 2 telephone services and providing for the funding of such  
 3 services and providing an effective date.

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

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HF 388

1 Section 1. Section 34.1, subsection 1, Code 1993, is  
2 amended by striking the subsection.

3 Sec. 2. Section 34.2, subsections 1 and 3, Code 1993, are  
4 amended to read as follows:

5 1. After July 1, 1986, when 911 service is established in  
6 a service area each public agency, public safety agency, and  
7 private safety entity serving territory within the service  
8 area shall participate in providing the 911 service. The 911  
9 service shall be established according to a written plan which  
10 has the written approval of the governing bodies of each  
11 public agency, public safety agency, and private safety entity  
12 serving territory within the 911 service area. Systems and  
13 plans must be approved by the division of disaster services to  
14 qualify for state funding.

15 3. The digits "911" shall be the primary emergency  
16 telephone number ~~within the 911 service areas established~~  
17 ~~under this section in this state.~~ A public safety agency or a  
18 private safety entity whose services are available through a  
19 911 system may maintain a separate secondary backup number for  
20 emergencies, and shall maintain a separate number for  
21 nonemergency telephone calls.

22 Sec. 3. Section 34A.2, subsections 1, 7, 8, and 9, Code  
23 1993, are amended to read as follows:

24 1. "Access line" means a local exchange access wire line  
25 or cellular or cellular-like service, except for radio common  
26 carriers and paging services, that has the ability to access  
27 local dial tone and reach, through the public switched  
28 network, a local public safety agency.

29 7. "Enhanced 911 service surcharge" is a charge set  
30 pursuant to section 34A.7 by the E911-service-area operating  
31 authority division and assessed on each access line for which  
32 the telephone number billed is identified as being assigned  
33 physically terminates within the E911-service-area this state.

34 8. "Local exchange service provider" means a person  
35 engaged in providing telecommunications service between points

1 within an exchange, wire line or cellular or cellular-like  
2 service.

3 9. "Provider" means a person who provides, or offers to  
4 provide, E911 equipment, installation, maintenance, or  
5 exchange access services capable of reaching a local public  
6 safety agency, wire line or nonwire line, within the-enhanced  
7 911-service-area this state.

8 Sec. 4. Section 34A.2, subsection 6, paragraph e, Code  
9 1993, is amended to read as follows:

10 e. A statement of estimated costs to be incurred by the  
11 joint E911 service board, including separate estimates of the  
12 following:

13 (1) Nonrecurring costs, including, but not limited to,  
14 public safety answering points, network equipment, software,  
15 database, addressing, initial training, and other capital and  
16 start-up expenditures, including the purchase or lease of  
17 subscriber names, addresses, and telephone information from  
18 the local exchange service provider.

19 (2) Recurring costs, including, but not limited to,  
20 network access fees and other telephone charges, software,  
21 equipment, and database management, and maintenance, including  
22 the purchase or lease of subscriber names, addresses, and  
23 telephone information from the local exchange service  
24 provider. ~~Recurring-costs-shall-not-include-personnel-costs~~  
25 ~~for-a-public-safety-answering-point.~~

26 Costs are limited to nonrecurring and recurring costs  
27 directly attributable to the provision of 911 emergency  
28 telephone communication service and may include costs for a  
29 building expense, and radios and other equipment permanently  
30 located at the public safety answering point. Costs do not  
31 include expenditures for any other purpose, and specifically  
32 exclude costs attributable to other emergency services or  
33 expenditures for buildings, radios, or personnel, except the  
34 cost of an E911 coordinator or database manager, and the cost  
35 of personnel directly associated with addressing.

1 Sec. 5. Section 34A.6, Code 1993, is amended by striking  
2 the section and inserting in lieu thereof the following:

3 34A.6 STATEWIDE E911 ESTABLISHMENT.

4 1. A joint 911 service board granted a waiver under  
5 section 34A.3, subsection 2, shall submit an updated enhanced  
6 911 service plan to the division on or before March 1, 1994.  
7 The plan shall provide for the establishment of a system on or  
8 before March 1, 1996, and list the nonrecurring and recurring  
9 costs associated with the implementation of the enhanced 911  
10 service plan. Recurring costs shall be estimated for the  
11 following five-year period beginning on March 1, 1996.

12 2. A joint 911 service board which has implemented an  
13 enhanced 911 service plan prior to March 1, 1994, whether in  
14 service or not, shall submit a detailed description of the  
15 plan and system. The description shall contain a listing of  
16 the actual nonrecurring and recurring costs incurred up to  
17 March 1, 1994, in an actual budget format. Telephone  
18 surcharge funds collected within a specific county but not  
19 used to pay for the establishment or operation of the county's  
20 system, as required by this chapter, prior to the effective  
21 date of this section shall be used to pay appropriate expenses  
22 for that county's system before statewide surcharge funds are  
23 used. Expenses incurred prior to March 1, 1994, shall be  
24 listed by dollars funded by consumer surcharge and other  
25 sources for each participating political subdivision. A  
26 recurring budget shall also be provided for the following  
27 five-year period commencing on March 1, 1994.

28 3. The enhanced 911 service plan and associated budgets  
29 shall be approved by the division under the guidance of the  
30 administrator. The division may hire a single individual to  
31 be responsible for the administration of the statewide E911  
32 service surcharge fund.

33 Sec. 6. Section 34A.7, Code 1993, is amended by striking  
34 the section and inserting in lieu thereof the following:

35 34A.7 FUNDING -- E911 SERVICE SURCHARGE.

1 After March 1, 1994, all nonrecurring and recurring costs  
2 of E911 service plans, approved by the division and  
3 implemented throughout the state, shall be the responsibility  
4 of the division.

5 1. STATEWIDE E911 SERVICE SURCHARGE IMPOSITION.

6 a. To further local implementation of E911 service  
7 throughout the state, a statewide surcharge per month, per  
8 access line on each access line subscriber no greater than one  
9 dollar, shall be imposed, except as provided in subsection 3.

10 b. Revenues generated by the imposition of the surcharge  
11 shall be deposited in a revolving fund to be administered by  
12 the division.

13 c. The division shall set the surcharge amount based on  
14 data submitted pursuant to section 34A.6, subject to the limit  
15 provided in this subsection. The surcharge amount shall be  
16 reviewed five years after the surcharge is imposed and shall  
17 be reduced should the moneys in the fund be in excess of the  
18 amount needed to cover the allowed costs.

19 2. SURCHARGE COLLECTED BY PROVIDERS. The surcharge shall  
20 be collected as part of the access line service provider's  
21 periodic billing to each subscriber. The provider may retain  
22 one percent of the gross surcharges collected as compensation  
23 for the costs of billing and collection. If the compensation  
24 is insufficient to fully recover a regulated provider's cost  
25 for billing and collection of the surcharge, the deficiency  
26 shall be included in the provider's cost for ratemaking  
27 purposes to the extent it is reasonable and just under section  
28 476.6. The surcharge shall be remitted to the division  
29 quarterly by the provider. A provider is not liable for an  
30 uncollected surcharge for which the provider has billed a  
31 subscriber but has not been paid. The surcharge shall appear  
32 as a single line item on a subscriber's periodic billing  
33 entitled "E911 emergency telephone service surcharge". The  
34 E911 service surcharge is not subject to the sales or use tax.

35 3. MAXIMUM LIMIT PER SUBSCRIBER BILLING FOR SURCHARGE. An

1 individual subscriber shall not be required to pay on a single  
2 periodic billing the surcharge on more than one hundred access  
3 lines, or their equivalent, in an E911 service area. A  
4 subscriber shall pay the surcharge in each E911 service area  
5 in which the subscriber receives access line service.

6 4. E911 SERVICE FUND. The division shall establish an  
7 E911 service fund as a separate account in the state treasury.  
8 The account shall be continually appropriated to and under the  
9 control of the division and shall not lapse. Moneys in the  
10 fund shall not be used for any purposes other than the  
11 development and operation of enhanced 911 services in  
12 accordance with this chapter. Any moneys remaining in the  
13 fund at the end of each fiscal year shall not revert to the  
14 general fund of the state or to any political subdivision,  
15 except as provided in subsection 5, but shall remain in the  
16 E911 service fund. Moneys in the fund may only be used for  
17 nonrecurring and recurring costs of the E911 service plan as  
18 approved by the division and the administrator.

19 5. USE OF MONEYS IN THE FUND -- PRIORITY AND LIMITATIONS  
20 ON EXPENDITURE.

21 a. Moneys deposited in the E911 service fund shall be used  
22 for the repayment of any bonds issued for the benefit of, or  
23 loan made to, any joint E911 service board pursuant to  
24 sections 34A.20 through 34A.22.

25 b. Moneys deposited in the E911 service fund shall be used  
26 for the following, in order of priority, if paragraph "a" does  
27 not apply:

28 (1) Moneys shall first be spent for actual recurring costs  
29 of operating the E911 service plans throughout the state.

30 (2) If moneys remain in the fund after fully paying for  
31 recurring costs incurred in the preceding year, the remainder  
32 may be spent to pay for nonrecurring costs, not to exceed  
33 actual nonrecurring costs as approved by the division and the  
34 administrator.

35 (3) If moneys remain in the fund after fully paying

1 obligations under subparagraphs (1) and (2), the division may  
2 use moneys from the E911 service fund to pay the salary costs  
3 directly associated with E911 system management.

4 (4) If moneys remain in the fund after fully paying  
5 obligations under subparagraphs (1), (2), and (3), the  
6 division shall reimburse political subdivisions for property  
7 tax revenues used to fund an E911 service plan prior to the  
8 statewide funding date of March 1, 1994, at a rate not to  
9 exceed twenty percent of the total reimbursable amount per  
10 year until the amount has been totally reimbursed.

11 (5) If moneys remain in the fund after fully paying  
12 obligations under subparagraphs (1), (2), (3), and (4), the  
13 remainder may be accumulated in the fund as a carryover  
14 operating surplus.

15 6. LIMITATION OF ACTIONS -- PROVIDER NOT LIABLE ON CAUSE  
16 OF ACTION RELATED TO PROVISION OF 911 SERVICES. A claim or  
17 cause of action does not exist based upon or arising out of an  
18 act or omission in connection with a provider's participation  
19 in an E911 service plan or provision of 911 or local exchange  
20 access service, unless the act or omission is determined to be  
21 willful and wanton negligence.

22 Sec. 7. EFFECTIVE DATE. This Act, being deemed of  
23 immediate importance, takes effect upon enactment.

24

#### EXPLANATION

25 This bill establishes a statewide enhanced 911 (E911)  
26 emergency telephone system. The system is to be in place by  
27 March 1, 1994. The division is to set a statewide surcharge  
28 per month, per access line on each access line subscriber no  
29 greater than one dollar. The surcharge is to be collected by  
30 providers and deposited in an E911 service fund established as  
31 a separate account in the state treasury. The fund is under  
32 the control of the division and funds remaining at the end of  
33 a fiscal year do not revert to the general fund of the state  
34 or to any political subdivision. The definition of  
35 nonrecurring costs is amended to include costs for a building

1 expense, radios and other equipment permanently located at the  
2 public safety answering point, and personnel costs. The bill  
3 takes effect upon enactment.

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HOUSE FILE 388  
FISCAL NOTE

A fiscal note for House File 388 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 388 establishes a statewide enhanced 911 (E911) emergency telephone system. The system is to be in place by March 1, 1994. The Disaster Services Division of the Department of Public Defense (DPD) is to set a statewide surcharge per month, per access line on each access line subscriber no greater than \$1.00.

The surcharge is to be collected by providers and deposited in an E911 Service Fund established as a separate account in the State treasury. The fund is under the control of the Division and funds remaining at the end of a fiscal year do not revert to the General Fund of the State or to any political subdivision.

The items that this fund can pay for is amended to include costs for building expense, radios and other equipment permanently located at the public safety answering point, and personnel costs. The bill takes effect upon enactment.

ASSUMPTIONS

1. Statewide implementation would require an additional 4.0 FTE positions within the Division
2. The cost of all State staff would be paid from surcharge receipts (\$199,525). The bill does not address support costs, so the costs to the General Fund would be \$45,000 in the first year and \$25,000 in the second year.
3. Each county would be allowed to employ a data base manager for the system at an estimated cost of \$21,600 for salary and benefits to be paid from the surcharge receipts.
4. The number of telephone wire access lines is estimated to be 1.4 million and the number of non-wire lines is estimated at 60,000.
5. The surcharge rate would be \$1.00 per phone access line per month.
6. All telephone companies would retain 1.0% of the surcharge collected.

FISCAL EFFECT

House File 388 will generate \$17.5 million annually. Off-the-top costs of the Statewide E911 System will include: \$200,000 for State staff, \$2.1 million for county staff increases, and \$175,000 retained by the telephone companies. This will result in \$15.0 million being available annually to pay the costs of System implementation.

(SOURCE: Emergency Management Division, DPD)

(LSB 1245hv, DLR)

FILED MARCH 8, 1993

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 388  
FISCAL NOTE

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A fiscal note for House File 388 as amended by H-3779 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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House File 388 as amended by H-3779 allows Enhanced 911 (E911) service boards to impose a surcharge of up to \$2.50 per access telephone line for a 24 month period if approved by a majority of the voters. This bill requires the Emergency Management Division of the Department of Public Defense (DPD) to prepare E911 service plans for those E911 joint service boards who do not have a state-approved plan in place on or before January 1, 1994. This bill also expands the eligible costs that can be incurred by the E911 service boards to include permanently installed radios and equipment, and for the cost of personnel for database management and addressing.

Background

Currently, there are a total of 87 counties that either have E911 service in place or have plans to implement E911 service within the near future. Of these 87 counties, 83 counties have passed a local referendum on E911 surcharge and 4 counties are implementing E911 service without the imposition of a surcharge.

The remaining 12 counties have no current plans to implement E911. These counties include Appanoose, Cass, Davis, Decatur, Fremont, Harrison, Lucas, Monroe, Montgomery, Page, Ringgold, and Van Buren.

Assumptions

1. The counties which have passed a local referendum for an E911 surcharge or have implemented E911 service without a surcharge will not pass a referendum increasing the surcharge to \$2.50.
2. The 12 counties with no current plans for implementing E911 service will pass a \$2.50 surcharge per telephone access line, per month for a two-year period. In the third year of implementation the surcharge will be reduced to \$1.00 as required in this legislation.
3. There are 64,102 telephone access lines in the 12 counties mentioned above.
4. The estimated recurring costs for E911 operations is \$47,500 per year, per county.
5. The one-time start up costs per county is estimated at \$264,000.
6. The Emergency Management Division of the DPD may be responsible for the preparation of about 4 E911 service plans, which can be completed with

existing staff.

Fiscal Effect

1. If the 12 counties enact a \$2.50 surcharge, this would generate a total of \$3.8 million over a two-year period. The start-up cost to implement E911 service in these 12 counties is estimated at \$3.2 million (\$264,000 per county).
2. During the third year of implementation the 12 counties would continue to collect \$769,000 with a \$1.00 surcharge in place. These funds would be use to help cover the recurring cost in these counties which is estimated at \$570,000 per year (\$47,500 per county).
3. However, under the provisions of this bill, some counties may not have the ability to generate sufficient revenues individually to cover costs associated with implementing E911 service.
4. It is uncertain how many counties who currently have E911 service in place will cover the cost of personnel with surcharge funds.

Source: Department of Public Defense, Emergency Management Division  
(LSB 1245hv.2, DLR)

FILED APRIL 15, 1993

BY DENNIS PROUTY, FISCAL DIRECTOR

## HOUSE FILE 388

H-3398

1 Amend House File 388 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "Section 1. Section 34A.1, Code 1993, is amended  
5 to read as follows:

6 34A.1 PURPOSE.

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

16 Sec. 2. Section 34A.2, subsection 6, paragraphs d  
17 and e, Code 1993, are amended to read as follows:

18 d. Identification of the agency responsible for  
19 management and supervision of the enhanced 911  
20 emergency telephone and communication system.

21 e. A statement of estimated costs to be incurred  
22 by the joint E911 service board, including separate  
23 estimates of the following:

24 (1) Nonrecurring costs, including, but not limited  
25 to, public safety answering points, network equipment,  
26 software, database, addressing, initial training, and  
27 other capital and start-up expenditures, including the  
28 purchase or lease of subscriber names, addresses, and  
29 telephone information from the local exchange service  
30 provider.

31 (2) Recurring costs, including, but not limited  
32 to, network access fees and other telephone charges,  
33 software, equipment, and database management, and  
34 maintenance, including the purchase or lease of  
35 subscriber names, addresses, and telephone information  
36 from the local exchange service provider. Recurring  
37 ~~costs shall not include personnel costs for a public~~  
38 ~~safety answering point.~~

39 Costs are limited to nonrecurring and recurring  
40 costs directly attributable to the provision of 911  
41 emergency telephone and public safety communication  
42 service services. ~~Costs do not may include~~  
43 ~~expenditures for any other purpose, and specifically~~  
44 ~~exclude costs attributable to~~ other emergency services  
45 or expenditures for buildings, radios, or personnel  
46 for county-wide public safety communications services  
47 that are providing services for fire, law enforcement,  
48 and emergency medical services.

49 Sec. 3. Section 34A.6, subsection 1, Code 1993, is  
50 amended to read as follows:

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H-3398

Page 2

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

9 Shall the following public YES \_\_\_\_\_  
 10 measure be adopted? NO \_\_\_\_\_

11 Enhanced 911 emergency telephone and communications  
 12 service shall be funded, in whole or in part, by a  
 13 monthly surcharge of (an amount determined by the  
 14 local joint E911 service board of up to one dollar) on  
 15 each telephone access line collected as part of each  
 16 telephone subscriber's monthly phone bill if provided  
 17 within (description of the proposed E911 service  
 18 area).

19 Sec. 4. Section 34A.7, subsection 1, paragraph a,  
 20 unnumbered paragraph 1, Code 1993, is amended to read  
 21 as follows:

22 To encourage local implementation of E911 service,  
 23 one source of funding for E911 emergency telephone and  
 24 communication systems shall come from a surcharge per  
 25 month, per access line on each access line subscriber,  
 26 except as provided in subsection 5, equal to the  
 27 lowest amount of the following:

28 Sec. 5. Section 34A.7, subsection 2, Code 1993, is  
 29 amended to read as follows:

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

50 Sec. 6. Section 34A.7, subsection 5, paragraph b,

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Page 3

1 subparagraphs (2) and (3), Code 1993, are amended to  
2 read as follows:

3 (2) If money remains in the fund after fully  
4 paying for recurring costs incurred in the preceding  
5 year, the remainder may be spent to pay for  
6 nonrecurring costs, not to exceed actual nonrecurring  
7 costs ~~as approved by the administrator.~~

8 (3) If money remains in the fund after fully  
9 paying obligations under subparagraphs (1) and (2),  
10 the remainder may be accumulated in the fund as a  
11 carryover operating surplus. ~~if the surplus is  
12 greater than twenty-five percent of the approved  
13 annual operating budget for the next year, the  
14 administrator shall reduce the surcharge by an amount  
15 calculated to result in a surplus of no more than  
16 twenty-five percent of the planned annual operating  
17 budget.~~ After nonrecurring costs have been paid, if  
18 the surcharge is less than the maximum allowed and the  
19 fund surplus is less than twenty-five percent of the  
20 approved annual operating budget, the administrator  
21 shall, upon application of the joint E911 service  
22 board, increase the surcharge in an amount calculated  
23 to result in a surplus of twenty-five percent of the  
24 approved annual operating budget. The surcharge may  
25 only be adjusted once in a single year, upon one  
26 hundred days' prior notice to the provider.

27 Sec. 7. Section 34A.7, subsection 7, Code 1993, is  
28 amended to read as follows:

29 7. REFERENDUM ON ADJUSTING MAXIMUM OF APPROVED  
30 SURCHARGE. If a local option E911 service surcharge  
31 was approved by referendum prior to ~~April 4, 1990~~ July  
32 1, 1993, the maximum E911 service surcharge monetary  
33 limitation may be amended up to a total of one dollar,  
34 per month, per access line, by another referendum as  
35 provided in section 34A.6. A joint E911 service board  
36 may adjust its E911 service surcharge within the  
37 monetary limitation approved by referendum as provided  
38 under this subsection by a simple majority vote of the  
39 voting members. As a result of the adjustment, the  
40 E911 service surcharge, per month, per access line, on  
41 each access line subscriber, except as provided in  
42 subsection 5, shall not exceed the lowest amount of  
43 the following:

- 44 a. One dollar.
- 45 b. An amount less than one dollar, which would  
46 fully pay both recurring and nonrecurring costs of the  
47 E911 service system within five years from the date of  
48 the adjustment.
- 49 c. The maximum monetary limitation approved by  
50 referendum."

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Page 4

- 1 2. Title page, line 1, by striking the words
- 2 "establishing statewide implementation of" and
- 3 inserting the following: "enhanced".
- 4 3. Title page, line 3, by striking the words "and
- 5 providing an effective date".

By HARPER of Black Hawk

H-3398 FILED MARCH 23, 1993

WITHDRAWN  
4-21-93

HOUSE FILE 388

H-3276

- 1 Amend House File 388 as follows:
- 2 1. Page 5, by inserting after line 29 the
- 3 following:
- 4 "(2) If moneys remain in the fund after fully
- 5 paying obligations under subparagraph (1), the
- 6 division may use moneys from the E911 service fund to
- 7 pay the salary costs directly associated with E911
- 8 system management."
- 9 2. Page 5, line 30, by striking the figure "(2)"
- 10 and inserting the following: "(3)".
- 11 3. By striking page 5, line 35, through page 6,
- 12 line 14, and inserting the following:
- 13 "(4) If moneys remain in the fund after fully
- 14 paying obligations under subparagraphs (1), (2), and
- 15 (3), the division shall disburse the remainder to the
- 16 counties. Each county shall receive a percentage of
- 17 the remaining funds equal to the percentage of that
- 18 county's population to the state's population. A
- 19 county shall use any moneys disbursed pursuant to this
- 20 subparagraph to repay any property tax investment the
- 21 county may have made, and to pay for signs, address
- 22 markers, and public safety answering point equipment."

By HALVORSON of Clayton

H-3276 FILED MARCH 15, 1993

*OUT of Order 4/21/93*

HOUSE FILE 388

H-3810

- 1 Amend the amendment, H-3779, to House File 388, as
- 2 follows:
- 3 1. Page 1, by striking lines 27 through 29 and
- 4 inserting the following: "include costs for portable
- 5 and vehicle radios. Costs do not include expenditures
- 6 for any".

By HARPER of Black Hawk

DICKINSON of Jackson

H-3810 FILED APRIL 8, 1993

WITT of Black Hawk

SHOULTZ of Black Hawk

WITHDRAWN

*4.21.93*

H-3779

1 Amend House File 388 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "Section 1. Section 34A.2, subsection 6, paragraph  
5 e, Code 1993, is amended to read as follows:

6 e. A statement of estimated costs to be incurred  
7 by the joint 911 service board, including separate  
8 estimates of the following:

9 (1) Nonrecurring costs, including, but not limited  
10 to, public safety answering points, network equipment,  
11 software, database, addressing, initial training, and  
12 other capital and start-up expenditures, including the  
13 purchase or lease of subscriber names, addresses, and  
14 telephone information from the local exchange service  
15 provider.

16 (2) Recurring costs, including, but not limited  
17 to, network access fees and other telephone charges,  
18 software, equipment, and database management, and  
19 maintenance, including the purchase or lease of  
20 subscriber names, addresses, and telephone information  
21 from the local exchange service provider. Recurring  
22 costs shall not include personnel costs for a public  
23 safety answering point.

24 Costs are limited to nonrecurring and recurring  
25 costs directly attributable to the provision of 911  
26 emergency telephone communication service and may  
27 include costs for radios and other equipment  
28 permanently located at the public safety answering  
29 point. Costs do not include expenditures for any  
30 other purpose, and specifically exclude costs  
31 attributable to other emergency services or  
32 expenditures for buildings, ~~radios~~ or personnel,  
33 except for the costs of personnel for database  
34 management and personnel directly associated with  
35 addressing.

36 Sec. 2. Section 34A.3, subsection 1, Code 1993, is  
37 amended to read as follows:

38 1. Joint 911 service boards to submit plans. The  
39 board of supervisors of each county shall establish a  
40 joint 911 service board not later than January 1,  
41 1989. Each political subdivision of the state having  
42 a public safety agency serving territory within the  
43 county is entitled to voting membership on the joint  
44 911 service board. Each private safety agency  
45 operating within the area is entitled to nonvoting  
46 membership on the board. A township which does not  
47 operate its own public safety agency, but contracts  
48 for the provision of public safety services, is not  
49 entitled to membership on the joint 911 service board,  
50 but its contractor is entitled to membership according

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Page 2

1 to the contractor's status as a public or private  
2 safety agency. The joint 911 service board shall  
3 develop an enhanced 911 service plan encompassing at  
4 minimum the entire county, unless an exemption is  
5 granted by the administrator permitting a smaller E911  
6 service area. The administrator may grant a  
7 discretionary exemption from the single county minimum  
8 service area requirement based upon an E911 joint  
9 service board's or other E911 service plan operating  
10 authority's presentation of evidence which supports  
11 the requested exemption if the administrator finds  
12 that local conditions make adherence to the minimum  
13 standard unreasonable or technically infeasible, and  
14 that the purposes of this chapter would be furthered  
15 by granting an exemption. The minimum size  
16 requirement is intended to prevent unnecessary  
17 duplication of public safety answering points and  
18 minimize other administrative, personnel, and  
19 equipment expenses. An E911 service area must  
20 encompass a geographically contiguous area. No  
21 exemption shall be granted from the contiguous area  
22 requirement. The administrator may order the  
23 inclusion of a specific territory in an adjoining E911  
24 service plan area to avoid the creation by exclusion  
25 of a territory smaller than a single county not  
26 serviced by surrounding E911 service plan areas upon  
27 request of the joint 911 service board representing  
28 the territory. The E911 service plan operating  
29 authority shall submit the plan on or before March-17-  
30 1989 January 1, 1994, to all of the following:

- 31 a. The division.
- 32 b. Public and private safety agencies in the  
33 enhanced 911 service area.
- 34 c. Providers affected by the enhanced 911 service  
35 plan.

36 An E911 joint service board that has a state-  
37 approved service plan in place prior to July 1, 1993,  
38 is exempt from the provisions of this section. The  
39 division shall establish, by July 1, 1994, E911  
40 service plans for those E911 joint service boards  
41 which do not have a state-approved service plan in  
42 place on or before January 1, 1994.

43 The division shall prepare a statewide summary of  
44 the plans submitted and present the summary to the  
45 legislature on or before June-17-1989 August 1, 1994.

46 Sec. 3. NEW SECTION. 34A.6A ALTERNATIVE  
47 SURCHARGE.

48 Notwithstanding section 34A.6, the board may  
49 request imposition of a surcharge in an amount up to  
50 two dollars and fifty cents per month on each

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Page 3

1 telephone access line. The board shall submit the  
2 question of the surcharge to voters in the same manner  
3 as provided in section 34A.6. If approved, the  
4 surcharge may be collected for a period of twenty-four  
5 months. At the end of the twenty-four-month period,  
6 the rate of the surcharge shall revert to one dollar  
7 per month, per access line."

8 2. Title page, by striking line 3 and inserting  
9 the following: "services."

By HALVORSON of Clayton  
RENKEN of Grundy

H-3779 FILED APRIL 7, 1993

*Adopted 4-21-93 (p. 1487)*

HOUSE FILE 388

H-4027

1 Amend the amendment, H-3779, to House File 388, as  
2 follows:

3 1. Page 1, by striking line 27 and inserting the  
4 following: "include costs for portable and vehicle  
5 radios or for other radios and equipment".

By HARPER of Black Hawk

H-4027 FILED APRIL 16, 1993

WITHDRAWN

*4-21-93*

HOUSE FILE 388

H-4069

1 Amend the amendment, H-3779, to House File 388, as  
2 follows:

3 1. Page 1, line 27, by striking the words "radios  
4 and other" and inserting the following: "portable and  
5 vehicle radios, communication towers, and other radios  
6 and".

By DICKINSON of Jackson

H-4069 FILED APRIL 20, 1993

*Adopted 4-21-93*

*(p. 1486)*

~~WITHDRAWN~~

HOUSE FILE 388  
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 51)

(As Amended and Passed by the House April 21, 1993)

Passed House, Date \_\_\_\_\_ Passed Senate <sup>(P. 1400)</sup> Date 4/28/93  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes 38 Nays 11  
Approved May 12, 1993

A BILL FOR

1 An Act relating to establishing statewide implementation of 911  
2 telephone services and providing for the funding of such  
3 services.

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

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6 All New Language by the House  
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HF 388

mj/pk/25

1 Section 1. Section 34A.2, subsection 6, paragraph e, Code  
2 1993, is amended to read as follows:

3 e. A statement of estimated costs to be incurred by the  
4 joint E911 service board, including separate estimates of the  
5 following:

6 (1) Nonrecurring costs, including, but not limited to,  
7 public safety answering points, network equipment, software,  
8 database, addressing, initial training, and other capital and  
9 start-up expenditures, including the purchase or lease of  
10 subscriber names, addresses, and telephone information from  
11 the local exchange service provider.

12 (2) Recurring costs, including, but not limited to,  
13 network access fees and other telephone charges, software,  
14 equipment, and database management, and maintenance, including  
15 the purchase or lease of subscriber names, addresses, and  
16 telephone information from the local exchange service  
17 provider. Recurring costs shall not include personnel costs  
18 for a public safety answering point.

19 Costs are limited to nonrecurring and recurring costs  
20 directly attributable to the provision of 911 emergency  
21 telephone communication service and may include costs for  
22 portable and vehicle radios, communication towers, and other  
23 radios and equipment permanently located at the public safety  
24 answering point. Costs do not include expenditures for any  
25 other purpose, and specifically exclude costs attributable to  
26 other emergency services or expenditures for buildings,  
27 radios, or personnel, except for the costs of personnel for  
28 database management and personnel directly associated with  
29 addressing.

30 Sec. 2. Section 34A.3, subsection 1, Code 1993, is amended  
31 to read as follows:

32 1. Joint 911 service boards to submit plans. The board of  
33 supervisors of each county shall establish a joint 911 service  
34 board not later than January 1, 1989. Each political  
35 subdivision of the state having a public safety agency serving

1 territory within the county is entitled to voting membership  
2 on the joint 911 service board. Each private safety agency  
3 operating within the area is entitled to nonvoting membership  
4 on the board. A township which does not operate its own  
5 public safety agency, but contracts for the provision of  
6 public safety services, is not entitled to membership on the  
7 joint 911 service board, but its contractor is entitled to  
8 membership according to the contractor's status as a public or  
9 private safety agency. The joint 911 service board shall  
10 develop an enhanced 911 service plan encompassing at minimum  
11 the entire county, unless an exemption is granted by the  
12 administrator permitting a smaller E911 service area. The  
13 administrator may grant a discretionary exemption from the  
14 single county minimum service area requirement based upon an  
15 E911 joint service board's or other E911 service plan  
16 operating authority's presentation of evidence which supports  
17 the requested exemption if the administrator finds that local  
18 conditions make adherence to the minimum standard unreasonable  
19 or technically infeasible, and that the purposes of this  
20 chapter would be furthered by granting an exemption. The  
21 minimum size requirement is intended to prevent unnecessary  
22 duplication of public safety answering points and minimize  
23 other administrative, personnel, and equipment expenses. An  
24 E911 service area must encompass a geographically contiguous  
25 area. No exemption shall be granted from the contiguous area  
26 requirement. The administrator may order the inclusion of a  
27 specific territory in an adjoining E911 service plan area to  
28 avoid the creation by exclusion of a territory smaller than a  
29 single county not serviced by surrounding E911 service plan  
30 areas upon request of the joint 911 service board representing  
31 the territory. The E911 service plan operating authority  
32 shall submit the plan on or before ~~March 17, 1989~~ January 1,  
33 1994, to all of the following:

- 34 a. The division.
- 35 b. Public and private safety agencies in the enhanced 911

1 service area.

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

3 An E911 joint service board that has a state-approved  
4 service plan in place prior to July 1, 1993, is exempt from  
5 the provisions of this section. The division shall establish,  
6 by July 1, 1994, E911 service plans for those E911 joint  
7 service boards which do not have a state-approved service plan  
8 in place on or before January 1, 1994.

9 The division shall prepare a statewide summary of the plans  
10 submitted and present the summary to the legislature on or  
11 before ~~June 17, 1989~~ August 1, 1994.

12 Sec. 3. NEW SECTION. 34A.6A ALTERNATIVE SURCHARGE.

13 Notwithstanding section 34A.6, the board may request  
14 imposition of a surcharge in an amount up to two dollars and  
15 fifty cents per month on each telephone access line. The  
16 board shall submit the question of the surcharge to voters in  
17 the same manner as provided in section 34A.6. If approved,  
18 the surcharge may be collected for a period of twenty-four  
19 months. At the end of the twenty-four-month period, the rate  
20 of the surcharge shall revert to one dollar per month, per  
21 access line.

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HOUSE FILE 388

S-3622

1 Amend House File 388, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, by striking line 22 and inserting the  
 4 following: "communication towers, and".  
 5 2. Page 1, line 23, by inserting after the word  
 6 "and" the following: "other".

By MICHAEL GRONSTAL

S-3622 FILED APRIL 26, 1993

*Adopted 4/27/93 (p.1370) Motion Prevailed 4/28/93*  
*Motion to R/c (p.1393) Amendment W/D 4/28/93*  
*p.1399*

HOUSE FILE 388

S-3632

1 Amend House File 388, as amended, passed, and re-  
 2 printed by the House, as follows:  
 3 1. Page 1, line 11, by inserting after the word  
 4 "provider." the following: "Nonrecurring costs also  
 5 include the reimbursement of political subdivisions  
 6 for property tax revenues or other revenues used to  
 7 fund an E911 service plan."

By JOE WELSH

S-3632 FILED APRIL 26, 1993

WITHDRAWN (p.1370)

HOUSE FILE 388

S-3646

1 Amend House File 388, as amended, passed, and re-  
 2 printed by the House, as follows:  
 3 1. Page 1, line 24, by inserting after the word  
 4 "point" the following: ", and may also include costs  
 5 for radio-related computer hardware and software".

By WAYNE BENNETT

S-3646 FILED APRIL 27, 1993  
ADOPTED (p.1370)

*4-28-93 Motion to R/c (p.1399) - Motion Prevailed 4/28/93*  
*Amendment 17-3646 Withdrawn (p.1499)*

HOUSE FILE 388

S-3647

1 Amend House File 388, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, by inserting after line 11 the  
 4 following:  
 5 "Nonrecurring costs also include the reimbursement  
 6 of political subdivisions for property tax revenues or  
 7 other revenues used for the payment of costs directly  
 8 related to the implementation of a state-approved E911  
 9 service plan prior to July 1, 1993. Such  
 10 reimbursement shall be at a rate not to exceed twenty  
 11 percent of the total reimbursable amount in any one  
 12 year until the amount has been totally reimbursed."

WITHDRAWN  
4-28-93

By MIKE CONNOLLY  
JOE J. WELSH

S-3647 FILED APRIL 27, 1993  
DEFERRED

WITHDRAWN

HOUSE FILE 388

S-3648

1 Amend House File 388, as amended, passed, and re-  
2 printed by the House, as follows:

3 1. Page 1, line 11, by inserting after the word  
4 "provider." the following: "Nonrecurring costs also  
5 include the reimbursement of political subdivisions  
6 for property tax revenues or other revenues used to  
7 fund E911 service equipment."

By JOE WELSH

S-3648 FILED APRIL 27, 1993  
DEFERRED

WITHDRAWN

4-28-93

KWAROCHTIN

Hobson of Clayton - ch  
Hanson - ch.  
Holbeck  
Miller  
Weigel

HSB 5  
Commerce

HOUSE FILE 388  
BY (PROPOSED COMMITTEE ON  
COMMERCE BILL BY CHAIR-  
PERSON RENKEN)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to establishing statewide implementation of 911  
2 telephone services and providing for the funding of such  
3 services and providing an effective date.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 34.1, subsection 1, Code 1993, is  
2 amended by striking the subsection.

3 Sec. 2. Section 34.2, subsections 1 and 3, Code 1993, are  
4 amended to read as follows:

5 1. After July 1, 1986, when 911 service is established in  
6 a service area each public agency, public safety agency, and  
7 private safety entity serving territory within the service  
8 area shall participate in providing the 911 service. The 911  
9 service shall be established according to a written plan which  
10 has the written approval of the governing bodies of each  
11 public agency, public safety agency, and private safety entity  
12 serving territory within the 911 service area. Systems and  
13 plans must be approved by the division of disaster services to  
14 qualify for state funding.

15 3. The digits "911" shall be the primary emergency  
16 telephone number ~~within the 911 service areas established~~  
17 ~~under this section~~ in this state. A public safety agency or a  
18 private safety entity whose services are available through a  
19 911 system may maintain a separate secondary backup number for  
20 emergencies, and shall maintain a separate number for  
21 nonemergency telephone calls.

22 Sec. 3. Section 34A.2, subsections 1, 7, 8, and 9, Code  
23 1993, are amended to read as follows:

24 1. "Access line" means a local exchange access wire line  
25 or nonwire line that has the ability to access local dial tone  
26 and reach, through the public switched network, a local public  
27 safety agency.

28 7. "Enhanced 911 service surcharge" is a charge set  
29 pursuant to section 34A.7 by the ~~E911 service area operating~~  
30 authority division and assessed on each access line which  
31 physically terminates within ~~the E911 service area~~ this state.

32 8. "Local exchange service provider" means a person  
33 engaged in providing telecommunications service between points  
34 within an exchange, wire line or nonwire line.

35 9. "Provider" means a person who provides, or offers to

1 provide, E911 equipment, installation, maintenance, or  
2 exchange access services capable of reaching a local public  
3 safety agency, wire line or nonwire line, within the-enhanced  
4 911-service-area this state.

5 Sec. 4. Section 34A.6, Code 1993, is amended by striking  
6 the section and inserting in lieu thereof the following:

7 34A.6 STATEWIDE E911 ESTABLISHMENT.

8 1. A joint 911 service board granted a waiver under  
9 section 34A.3, subsection 2, shall submit an updated enhanced  
10 911 service plan to the division on or before March 1, 1994.  
11 The plan shall provide for the establishment of a system on or  
12 before March 1, 1996, and list the nonrecurring and recurring  
13 costs associated with the implementation of the enhanced 911  
14 service plan. Recurring costs shall be estimated for the  
15 following five-year period beginning on March 1, 1996.

16 2. A joint 911 service board which has implemented an  
17 enhanced 911 service plan prior to March 1, 1994, whether in  
18 service or not, shall submit a detailed description of the  
19 plan and system. The description shall contain a listing of  
20 the actual nonrecurring and recurring costs incurred up to  
21 March 1, 1994, in an actual budget format. Telephone  
22 surcharge funds collected within a specific county but not  
23 used to pay for the establishment or operation of the county's  
24 system, as required by this chapter, prior to the effective  
25 date of this section shall be used to pay appropriate expenses  
26 for that county's system before statewide surcharge funds are  
27 used. Expenses incurred prior to March 1, 1994, shall be  
28 listed by dollars funded by consumer surcharge and other  
29 sources for each participating political subdivision. A  
30 recurring budget shall also be provided for the following  
31 five-year period commencing on March 1, 1994.

32 3. The enhanced 911 service plan and associated budgets  
33 shall be approved by the division under the guidance of the  
34 administrator. The division may hire a single individual to  
35 be responsible for the administration of the statewide E911

1 service surcharge fund.

2 Sec. 5. Section 34A.7, Code 1993, is amended by striking  
3 the section and inserting in lieu thereof the following:

4 34A.7 FUNDING -- E911 SERVICE SURCHARGE.

5 After March 1, 1994, all nonrecurring and recurring costs  
6 of E911 service plans, approved by the division and  
7 implemented throughout the state, shall be the responsibility  
8 of the division.

9 1. STATEWIDE E911 SERVICE SURCHARGE IMPOSITION.

10 a. To further local implementation of E911 service  
11 throughout the state, a statewide surcharge per month, per  
12 access line on each access line subscriber no greater than one  
13 dollar, shall be imposed, except as provided in subsection 3.

14 b. Revenues generated by the imposition of the surcharge  
15 shall be deposited in a revolving fund to be administered by  
16 the division.

17 c. The division shall set the surcharge amount based on  
18 data submitted pursuant to section 34A.6, subject to the limit  
19 provided in this subsection. The surcharge amount shall be  
20 reviewed five years after the surcharge is imposed and shall  
21 be reduced should the moneys in the fund be in excess of the  
22 amount needed to cover the allowed costs.

23 2. SURCHARGE COLLECTED BY PROVIDERS. The surcharge shall  
24 be collected as part of the access line service provider's  
25 periodic billing to each subscriber. The provider may retain  
26 one percent of the gross surcharges collected as compensation  
27 for the costs of billing and collection. If the compensation  
28 is insufficient to fully recover a regulated provider's cost  
29 for billing and collection of the surcharge, the deficiency  
30 shall be included in the provider's cost for ratemaking  
31 purposes to the extent it is reasonable and just under section  
32 476.6. The surcharge shall be remitted to the division  
33 quarterly by the provider. A provider is not liable for an  
34 uncollected surcharge for which the provider has billed a  
35 subscriber but has not been paid. The surcharge shall appear

1 as a single line item on a subscriber's periodic billing  
2 entitled "E911 emergency telephone service surcharge". The  
3 E911 service surcharge is not subject to the sales or use tax.

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

10 4. E911 SERVICE FUND. The division shall establish an  
11 E911 service fund as a separate account in the state treasury.  
12 The account shall be continually appropriated to and under the  
13 control of the division and shall not lapse. Moneys in the  
14 fund shall not be used for any purposes other than the  
15 development and operation of enhanced 911 services in  
16 accordance with this chapter. Any moneys remaining in the  
17 fund at the end of each fiscal year shall not revert to the  
18 general fund of the state or to any political subdivision,  
19 except as provided in subsection 5, but shall remain in the  
20 E911 service fund. Moneys in the fund may only be used for  
21 nonrecurring and recurring costs of the E911 service plan as  
22 approved by the division and the administrator.

23 5. USE OF MONEYS IN THE FUND -- PRIORITY AND LIMITATIONS  
24 ON EXPENDITURE.

25 a. Moneys deposited in the E911 service fund shall be used  
26 for the repayment of any bonds issued for the benefit of, or  
27 loan made to, any joint E911 service board pursuant to  
28 sections 34A.20 through 34A.22.

29 b. Moneys deposited in the E911 service fund shall be used  
30 for the following, in order of priority, if paragraph "a" does  
31 not apply:

32 (1) Moneys shall first be spent for actual recurring costs  
33 of operating the E911 service plans throughout the state.

34 (2) If moneys remain in the fund after fully paying for  
35 recurring costs incurred in the preceding year, the remainder

1 may be spent to pay for nonrecurring costs, not to exceed  
2 actual nonrecurring costs as approved by the division and the  
3 administrator.

4 (3) If moneys remain in the fund after fully paying  
5 obligations under subparagraphs (1) and (2), the division may  
6 use moneys from the E911 service fund to pay the salary of the  
7 administrator.

8 (4) If moneys remain in the fund after fully paying  
9 obligations under subparagraphs (1), (2), and (3), the  
10 division shall reimburse political subdivisions for property  
11 tax revenues used to fund an E911 service plan prior to the  
12 statewide funding date of March 1, 1994, at a rate not to  
13 exceed twenty percent of the total reimbursable amount per  
14 year until the amount has been totally reimbursed.

15 (5) If moneys remain in the fund after fully paying  
16 obligations under subparagraphs (1), (2), (3), and (4), the  
17 remainder may be accumulated in the fund as a carryover  
18 operating surplus.

19 6. LIMITATION OF ACTIONS -- PROVIDER NOT LIABLE ON CAUSE  
20 OF ACTION RELATED TO PROVISION OF 911 SERVICES. A claim or  
21 cause of action does not exist based upon or arising out of an  
22 act or omission in connection with a provider's participation  
23 in an E911 service plan or provision of 911 or local exchange  
24 access service, unless the act or omission is determined to be  
25 willful and wanton negligence.

26 Sec. 6. EFFECTIVE DATE. This Act, being deemed of  
27 immediate importance, takes effect upon enactment.

28 EXPLANATION

29 This bill establishes a statewide enhanced 911 (E911)  
30 emergency telephone system. The system is to be in place by  
31 March 1, 1994. The division is to set a statewide surcharge  
32 per month, per access line on each access line subscriber no  
33 greater than one dollar. The surcharge is to be collected by  
34 providers and deposited in an E911 service fund established as  
35 a separate account in the state treasury. The fund is under

1 the control of the division and funds remaining at the end of  
2 a fiscal year do not revert to the general fund of the state  
3 or to any political subdivision. The bill takes effect upon  
4 enactment.

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HOUSE FILE 388

AN ACT

RELATING TO ESTABLISHING STATEWIDE IMPLEMENTATION OF 911  
TELEPHONE SERVICES AND PROVIDING FOR THE FUNDING OF  
SUCH SERVICES.

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

Section 1. Section 34A.2, subsection 6, paragraph e, Code 1993, is amended to read as follows:

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 and may include costs for portable and vehicle radios, communication towers, and other radios and equipment permanently located at the public safety answering point. 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, except for the costs of personnel for database management and personnel directly associated with addressing.

Sec. 2. Section 34A.3, subsection 1, Code 1993, is amended to read as follows:

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 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~~ January 1, 1994, 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.

An E911 joint service board that has a state-approved service plan in place prior to July 1, 1993, is exempt from the provisions of this section. The division shall establish, by July 1, 1994, E911 service plans for those E911 joint service boards which do not have a state-approved service plan in place on or before January 1, 1994.

The division shall prepare a statewide summary of the plans submitted and present the summary to the legislature on or before ~~June 1, 1989~~ August 1, 1994.

Sec. 3. NEW SECTION. 34A.6A ALTERNATIVE SURCHARGE.

Notwithstanding section 34A.6, the board may request imposition of a surcharge in an amount up to two dollars and fifty cents per month on each telephone access line. The board shall submit the question of the surcharge to voters in the same manner as provided in section 34A.6. If approved, the surcharge may be collected for a period of twenty-four

months. At the end of the twenty-four-month period, the rate of the surcharge shall revert to one dollar per month, per access line.

---

HAROLD VAN MAANEN  
Speaker of the House

---

LEONARD L. BOSWELL  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 388, Seventy-fifth General Assembly.

---

ELIZABETH ISAACSON  
Chief Clerk of the House

Approved May 12 1993

---

TERRY E. BRANSTAD  
Governor