

REPRINTED

FILED FEB 26 1996

SENATE FILE 2300

BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2177)

Passed Senate, ^(P.608) Date 3/5/96
Vote: Ayes 49 Nays 1

Passed House, ^(P.1510) Date 4-10-96
Vote: Ayes 92 Nays 2

Approved _____

A BILL FOR

1 An Act relating to the willful destruction of E911 addressing
2 signs and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SENATE FILE 2300

S-5134

1 Amend Senate File 2300 as follows:
2 1. Page 1, line 3, by inserting after the word
3 "damages" the following: ", removes,".
By BILL FINK

S-5134 FILED FEBRUARY 27, 1996

adopted 3/5/96
(P. 608)

S.F. 2300

1 Section 1. NEW SECTION. 34A.19 WILLFUL DAMAGE TO OR
2 DESTRUCTION OF E911 ADDRESSING SIGNS.

3 A person who willfully or wantonly damages or destroys any
4 signage, mailbox, or other property used for indicating the
5 address of a residence or other location for purposes related
6 to an E911 emergency telephone communication system commits a
7 serious misdemeanor.

8 EXPLANATION

9 This bill provides that a person commits a serious
10 misdemeanor if the person willfully or wantonly damages or
11 destroys any signage, mailbox, or other property used for
12 indicating the address of a residence or other location for
13 E911 purposes.

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**SENATE FILE 2300
FISCAL NOTE**

The estimate for Senate File 2300 is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2300 makes the willful and wanton destruction of signs, mailboxes, and other property used to identify the location of a residence for E911 purposes a serious misdemeanor.

ASSUMPTIONS

Persons convicted under this law will receive the same penalty as persons convicted of criminal mischief in the fourth degree.

CORRECTIONAL IMPACT

There is no information available to estimate the number of incidents that will be prosecuted or convicted. Those who are convicted will be placed on probation. There will be no effect on the prison system.

FISCAL IMPACT

The cost of SF 2300 can not be determined due to insufficient information on which to base an accurate estimate.

SOURCES

Criminal and Juvenile Justice Planning Division, Department of Human Rights
Emergency Management Division, Department of Public Defense

(LSB 4041SV.2, MDF)

FILED FEBRUARY 28, 1996

BY DENNIS PROUTY, FISCAL DIRECTOR

1 Section 1. NEW SECTION. 34A.19 WILLFUL DAMAGE TO OR
2 DESTRUCTION OF E911 ADDRESSING SIGNS.

3 A person who willfully or wantonly damages, removes, or
4 destroys any signage, mailbox, or other property used for
5 indicating the address of a residence or other location for
6 purposes related to an E911 emergency telephone communication
7 system commits a serious misdemeanor.

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SENATE FILE 2300

H-5716

1 Amend Senate File 2300, as amended, passed, and
2 reprinted by the Senate, as follows:

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

5 "Section 1. Section 34A.6A, Code 1995, is amended
6 to read as follows:

7 34A.6A ALTERNATIVE SURCHARGE.

8 1. Notwithstanding section 34A.6, the board may
9 request imposition of a surcharge in an amount up to
10 two dollars and fifty cents per month on each
11 telephone access line. The board shall submit the
12 question of the surcharge to voters in the same manner
13 as provided in section 34A.6. If approved, the
14 surcharge may be collected for a period of no more
15 than twenty-four months unless the period is extended
16 as provided in subsection 2. At the end of the
17 twenty-four-month period, the rate of the surcharge
18 shall revert to one dollar per month, per access line.

19 2. Notwithstanding the twenty-four-month
20 limitation imposed by the voters in subsection 1, at
21 the end of the initial period during which a surcharge
22 of two dollars and fifty cents per month per access
23 line is imposed, the board, upon a determination that
24 insufficient funds are available to the board to
25 complete the E911 service plan due to personnel costs
26 directly associated with addressing, may extend the
27 period during which the two dollar and fifty cent
28 surcharge is to be imposed by a period of no more that
29 twelve additional months. The board shall only extend
30 such period after conducting a public hearing to allow
31 for public comment on such action."

32 2. Page 1, line 4, by striking the word "signage"
33 and inserting the following: "sign".

34 3. Page 1, line 5, by striking the word
35 "residence" and inserting the following: "residence,
36 business,".

37 4. Page 1, line 7, by inserting after the word
38 "misdemeanor." the following: "Each violation of this
39 section constitutes a separate offense."

40 5. Title page, line 1, by inserting after the
41 word "to" the following: "the extension of time
42 during which an alternative surcharge may be imposed
43 for E911 and".

44 6. By renumbering as necessary.

By GREINER of Washington

H-5716 FILED MARCH 28, 1996

A. Dept.
4.10-96

(P. 1510)

SENATE FILE 2300

H-5609

1 Amend Senate File 2300, as amended, passed, and
2 reprinted by the Senate, as follows:

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

5 "Section 1. Section 34A.6A, Code 1995, is amended
6 to read as follows:

7 34A.6A ALTERNATIVE SURCHARGE.

8 1. Notwithstanding section 34A.6, the board may
9 request imposition of a surcharge in an amount up to
10 two dollars and fifty cents per month on each
11 telephone access line. The board shall submit the
12 question of the surcharge to voters in the same manner
13 as provided in section 34A.6. If approved, the
14 surcharge may be collected for a period of no more
15 than twenty-four months unless the period is extended
16 as provided in subsection 2. At the end of the
17 twenty-four-month period, the rate of the surcharge
18 shall revert to one dollar per month, per access line.

19 2. Notwithstanding the twenty-four-month
20 limitation imposed by the voters in subsection 1, at
21 the end of the initial period during which a surcharge
22 of two dollars and fifty cents per month per access
23 line is imposed, the board, upon a determination that
24 insufficient funds are available to the board to
25 complete the E911 service plan or to repair vandalism
26 caused by damage or destruction of E911 signs, may
27 extend the period during which the two dollar and
28 fifty cent surcharge is to be imposed by a period of
29 no more that twelve additional months. The board
30 shall only extend such period after conducting a
31 public hearing to allow for public comment on such
32 action."

33 2. Page 1, line 4, by striking the word "signage"
34 and inserting the following: "sign".

35 3. Page 1, line 5, by striking the word
36 "residence" and inserting the following: "residence,
37 business,".

38 4. Page 1, line 7, by inserting after the word
39 "misdemeanor." the following: "Each violation of this
40 section constitutes a separate offense."

41 5. Title page, line 1, by inserting after the
42 word "to" the following: "the extension of time
43 during which an alternative surcharge may be imposed
44 for E911 and".

45 6. By renumbering as necessary.

By GREINER of Washington

H-5609 FILED MARCH 26, 1996

4/10/96

WITHDRAWN

(p. 1509)

HOUSE AMENDMENT TO
SENATE FILE 2300

S-5708

- 1 Amend Senate File 2300, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 34A.6A, Code 1995, is amended
6 to read as follows:
7 34A.6A ALTERNATIVE SURCHARGE.
8 1. Notwithstanding section 34A.6, the board may
9 request imposition of a surcharge in an amount up to
10 two dollars and fifty cents per month on each
11 telephone access line. The board shall submit the
12 question of the surcharge to voters in the same manner
13 as provided in section 34A.6. If approved, the
14 surcharge may be collected for a period of no more
15 than twenty-four months unless the period is extended
16 as provided in subsection 2. At the end of the
17 twenty-four-month period, the rate of the surcharge
18 shall revert to one dollar per month, per access line.
- 19 2. Notwithstanding the twenty-four-month
20 limitation imposed by the voters in subsection 1, at
21 the end of the initial period during which a surcharge
22 of two dollars and fifty cents per month per access
23 line is imposed, the board, upon a determination that
24 insufficient funds are available to the board to
25 complete the E911 service plan due to personnel costs
26 directly associated with addressing, may extend the
27 period during which the two dollar and fifty cent
28 surcharge is to be imposed by a period of no more than
29 twelve additional months. The board shall only extend
30 such period after conducting a public hearing to allow
31 for public comment on such action."
- 32 2. Page 1, line 4, by striking the word "signage"
33 and inserting the following: "sign".
- 34 3. Page 1, line 5, by striking the word
35 "residence" and inserting the following: "residence,
36 business,".
- 37 4. Page 1, line 7, by inserting after the word
38 "misdemeanor." the following: "Each violation of this
39 section constitutes a separate offense."
- 40 5. Title page, line 1, by inserting after the
41 word "to" the following: "the extension of time
42 during which an alternative surcharge may be imposed
43 for E911 and".
- 44 6. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-5708 FILED APRIL 10, 1996

Amie Refund
4-11-96
(P. 1345)

SENATE FILE 2300

-5727

1 Amend the House amendment, S-5708, to Senate File
2 2300, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, line 5, by inserting after the word
5 and figure "Section 1." the following: "Section
6 34A.3, subsection 1, unnumbered paragraph 1, Code
7 1995, is amended to read as follows:

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

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S-5727

Page 2

1 request of the joint 911 service board representing
2 the territory. The E911 service plan operating
3 authority shall submit the plan on or before January
4 1, 1994, to all of the following:
5 Sec. ____."
6 2. Page 1, by inserting after line 43 the
7 following:
8 "____. Title page, line 1, by inserting after the
9 word "to" the following: "E911 service systems by
10 providing for additional members on joint 911 service
11 boards and".
12 3. By renumbering as necessary.

By TOM FLYNN
MIKE CONNOLLY

S-5727 FILED APRIL 11, 1996
ADOPTED

(p. 1345)