

MAR 12 1997

LOCAL GOVERNMENT

HOUSE FILE 588

BY EDDIE and OSTERHAUS

(COMPANION TO LSB 2481SS

BY FLYNN)

Passed House, Date _____ Passed Senate, Date _____

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

Approved _____

A BILL FOR

1 An Act relating to the establishment of an E911 commission and
2 establishing a surcharge.

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

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PL 588

TL5B 2481HH 77

mj/jw/5

1 Section 1. Section 34A.15, Code 1997, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 2A. a. Notwithstanding section 34A.6,
4 the council, in consultation with the utilities board within
5 the utilities division of the department of commerce, shall
6 impose a monthly surcharge of up to one dollar on each
7 wireless communications service account provided in this
8 state.

9 b. The surcharge shall be collected as part of the
10 wireless communications service provider's periodic billing to
11 a subscriber. In compensation for the costs of billing and
12 collection, the provider may retain one percent of the gross
13 surcharges collected. The surcharges shall be remitted
14 quarterly by the provider to the E911 communications council
15 for deposit into the fund established in subsection 2B. A
16 provider is not liable for an uncollected surcharge for which
17 the provider has billed a subscriber but not been paid. The
18 surcharge shall appear as a single line item on a subscriber's
19 periodic billing entitled, "E911 emergency telephone service
20 surcharge". The E911 service surcharge is not subject to
21 sales or use tax.

22 NEW SUBSECTION. 2B. Moneys collected pursuant to
23 subsection 2A shall be deposited in a separate fund within the
24 state treasury under the control of the council to be expended
25 and distributed annually as follows:

26 a. Ten percent of the total surcharges collected or two
27 hundred thousand dollars, whichever is greater, shall be
28 retained by the council for implementation, support, and
29 maintenance of the functions of the council.

30 b. (1) The remainder of the surcharge collected shall be
31 divided into one hundred equal shares, with one share for each
32 county, to be remitted to the joint E911 service board serving
33 the county, with the remaining share to be remitted to the
34 communications division of the Iowa highway safety patrol in
35 the department of public safety, to be used for the

1 implementation of enhanced wireless communications
2 capabilities.

3 (2) If a county does not have a joint E911 service board,
4 that county's share of the surcharge shall be held in trust in
5 a separate account in the state treasury until such time as
6 the county establishes the board. If the county does not
7 create a joint E911 service board by July 1, 2002, the council
8 shall distribute the funds held in trust for that county
9 equally to all remaining joint E911 service boards.

10 NEW SUBSECTION. 2C. For purposes of this section,
11 "wireless communications service" means a radio-link telephone
12 service providing dial tone access to a portable, mobile, or
13 fixed location for which a charge is levied. "Wireless
14 communications service" includes, but is not limited to, radio
15 repeater stations operated in the specialized mobile radio
16 service where the telephone service is secondary to the radio
17 repeater use, and cellular communications services.

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EXPLANATION

19 This bill provides that the E911 communications council, in
20 consultation with the utilities board within the utilities
21 division of the department of commerce, is to impose a monthly
22 surcharge of up to one dollar on each wireless communications
23 service account provided in this state. The surcharge is to
24 be collected by the wireless communications service provider
25 and remitted to the council. Such provider is authorized to
26 retain one percent of the amount collected for administration.
27 The council is to distribute the surcharge collected with 10
28 percent or \$200,000, whichever is greater, to be retained by
29 the council for implementation, support, and maintenance of
30 the functions of the council, and the balance to be
31 distributed in equal shares, with one share for the joint E911
32 service board in each county and one share for the
33 communications division of the Iowa highway safety patrol.
34 Moneys distributed are to be used for the implementation of
35 enhanced wireless communications capabilities. If a county

1 does not have a joint E911 service board, that county's share
2 of the surcharge shall be held in trust in a separate account
3 in the state treasury until such time as the county
4 establishes a board. If the county does not create a joint
5 E911 service board by July 1, 2002, the council shall
6 distribute the funds held in trust for that county equally to
7 all remaining joint E911 service boards.

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