

3/10/98 Motion to R/c by Jinneman

FILED FEB 18 1998

3/17/98 Motion to R/c Withdrawn
H. 3/17/94 State Gov.

SENATE FILE 2264

BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 2092)

(p.602)
Passed Senate, Date 3/10/98
Vote: Ayes 44 Nays 0
Approved _____

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act transferring responsibility for administration of enhanced
2 911 public safety telephone answering and dispatching services
3 from the emergency management division in the department of
4 public defense to the E911 communications council.

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

- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22

S.F. 2264

1 Section 1. Section 16.161, Code 1997, is amended to read
2 as follows:

3 16.161 AUTHORITY TO ISSUE E911 PROGRAM BONDS AND NOTES.

4 The authority shall assist the ~~department-of-public-defense~~
5 E911 communications council as provided in chapter 34A,
6 subchapter II and the authority shall have all of the powers
7 delegated to it by a joint E911 service board or the
8 ~~department-of-public-defense~~ E911 communications council in a
9 chapter 28E agreement with respect to the issuance and
10 securing of bonds or notes and the carrying out of the
11 purposes of chapter 34A.

12 Sec. 2. Section 34A.2, subsections 2 and 3, Code 1997, are
13 amended by striking the subsections and inserting in lieu
14 thereof the following:

15 2. "Council" means the E911 communications council
16 established in section 34A.15.

17 Sec. 3. Section 34A.3, subsections 1 and 2, Code 1997, are
18 amended to read as follows:

19 1. JOINT 911 SERVICE BOARDS TO SUBMIT PLANS. The board of
20 supervisors of each county shall establish a joint 911 service
21 board not later than January 1, 1989. Each political
22 subdivision of the state having a public safety agency serving
23 territory within the county is entitled to voting membership
24 on the joint 911 service board. Each private safety agency
25 operating within the area is entitled to nonvoting membership
26 on the board. A township which does not operate its own
27 public safety agency, but contracts for the provision of
28 public safety services, is not entitled to membership on the
29 joint 911 service board, but its contractor is entitled to
30 membership according to the contractor's status as a public or
31 private safety agency. The joint 911 service board shall
32 develop an enhanced 911 service plan encompassing at minimum
33 the entire county, unless an exemption is granted by the
34 administrator council permitting a smaller E911 service area.
35 The administrator council may grant a discretionary exemption

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

- 21 a. The division council.
- 22 b. Public and private safety agencies in the enhanced 911
 23 service area.

24 c. Providers affected by the enhanced 911 service plan.
 25 An E911 joint service board that has a state-approved
 26 service plan in place prior to July 1, 1993, is exempt from
 27 the provisions of this section. The division council shall
 28 establish, by July 1, 1994, E911 service plans for those E911
 29 joint service boards which do not have a state-approved
 30 service plan in place on or before January 1, 1994.

31 The division council shall prepare a summary of the plans
 32 submitted and present the summary to the legislature on or
 33 before August 1, 1994.

34 2. COMPLIANCE WAIVERS AVAILABLE IN LIMITED CIRCUMSTANCES.
 35 The administrator council may extend, in whole or in part, the

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

17 Sec. 4. Section 34A.6, subsections 1 and 3, Code 1997, are
18 amended to read as follows:

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

26 Shall the following public YES
27 measure be adopted? NO

28 Enhanced 911 emergency telephone service shall be funded,
29 in whole or in part, by a monthly surcharge of (an amount
30 determined by the local joint E911 service board of up to one
31 dollar) on each telephone access line collected as part of
32 each telephone subscriber's monthly phone bill if provided
33 within (description of the proposed E911 service area).

34 3. The secretary of state, in consultation with the
35 ~~administrator of the office of emergency management of the~~

1 ~~department-of-public-defense~~ council, shall adopt rules for
2 the conduct of joint E911 service referendums as required by
3 and consistent with subsections 1 and 2.

4 Sec. 5. Section 34A.7, subsections 1 and 4, Code 1997, are
5 amended to read as follows:

6 1. LOCAL E911 SERVICE SURCHARGE IMPOSITION.

7 a. To encourage local implementation of E911 service, one
8 source of funding for E911 emergency telephone communication
9 systems shall come from a surcharge per month, per access line
10 on each access line subscriber, except as provided in
11 subsection 5, equal to the lowest amount of the following:

12 One dollar.

13 An amount less than one dollar, which would fully pay both
14 recurring and nonrecurring costs of the E911 service system
15 within five years from the date the maximum surcharge is
16 imposed.

17 The maximum monetary limitation approved by referendum.

18 The surcharge shall be imposed by order of the
19 administrator council as follows:

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

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

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

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

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

35 c. The surcharge shall terminate at the end of twenty-four

1 months if the joint E911 service plan has not been approved by
2 the administrator council within eighteen months of the
3 original notice to the provider to impose the surcharge, and
4 shall not be reimposed until a service plan is approved by the
5 administrator council and the administrator council gives
6 providers notice as required by paragraph "a", subparagraphs
7 (1) and (2).

8 4. E911 SERVICE FUND. Each joint E911 service board shall
9 establish and maintain as a separate account an E911 service
10 fund. Any funds remaining in the account at the end of each
11 fiscal year shall not revert to the general funds of the
12 member political subdivisions, except as provided in
13 subsection 5, but shall remain in the E911 service fund.
14 Moneys in an E911 service fund may only be used for
15 nonrecurring and recurring costs of the E911 service plan as
16 approved by the administrator council, as those terms are
17 defined by section 34A.2.

18 Sec. 6. Section 34A.7, subsection 5, paragraph b,
19 subparagraphs (2) and (3), Code 1997, are amended to read as
20 follows:

21 (2) If money remains in the fund after fully paying for
22 recurring costs incurred in the preceding year, the remainder
23 may be spent to pay for nonrecurring costs, not to exceed
24 actual nonrecurring costs as approved by the administrator
25 council.

26 (3) If money remains in the fund after fully paying
27 obligations under subparagraphs (1) and (2), the remainder may
28 be accumulated in the fund as a carryover operating surplus.
29 If the surplus is greater than twenty-five percent of the
30 approved annual operating budget for the next year, the
31 administrator council shall reduce the surcharge by an amount
32 calculated to result in a surplus of no more than twenty-five
33 percent of the planned annual operating budget. After
34 nonrecurring costs have been paid, if the surcharge is less
35 than the maximum allowed and the fund surplus is less than

1 twenty-five percent of the approved annual operating budget,
2 the administrator council shall, upon application of the joint
3 E911 service board, increase the surcharge in an amount
4 calculated to result in a surplus of twenty-five percent of
5 the approved annual operating budget. The surcharge may only
6 be adjusted once in a single year, upon one hundred days'
7 prior notice to the provider.

8 Sec. 7. Section 34A.20, subsection 2, Code 1997, is
9 amended to read as follows:

10 2. The authority shall cooperate with the department-of
11 public-defense council in the creation, administration, and
12 funding of the E911 program established in subchapter I.

13 EXPLANATION

14 This bill transfers all duties and responsibilities
15 associated with enhanced 911 public safety telephone answering
16 and dispatching services from the emergency management
17 division in the department of public defense to the E911
18 communications council.

19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

Tinsman
Salverson
McLaren

SSB 2092

Succeeded By
SENATE/HOUSE FILE SP/HF 2264
BY (PROPOSED DEPARTMENT OF
PUBLIC DEFENSE BILL)

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

A BILL FOR

1 An Act transferring responsibility for administration of enhanced
2 911 public safety telephone answering and dispatching services
3 from the emergency management division in the department of
4 public defense to the E911 communications council.

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

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

1 Section 1. Section 16.161, Code 1997, is amended to read
2 as follows:

3 16.161 AUTHORITY TO ISSUE E911 PROGRAM BONDS AND NOTES.

4 The authority shall assist the ~~department-of-public-defense~~
5 E911 communications council as provided in chapter 34A,
6 subchapter II and the authority shall have all of the powers
7 delegated to it by a joint E911 service board or the
8 ~~department-of-public-defense~~ E911 communications council in a
9 chapter 28E agreement with respect to the issuance and
10 securing of bonds or notes and the carrying out of the
11 purposes of chapter 34A.

12 Sec. 2. Section 34A.2, subsections 2 and 3, Code 1997, are
13 amended by striking the subsections and inserting in lieu
14 thereof the following:

15 2. "Council" means the E911 communications council
16 established in section 34A.15.

17 Sec. 3. Section 34A.3, subsections 1 and 2, Code 1997, are
18 amended to read as follows:

19 1. JOINT 911 SERVICE BOARDS TO SUBMIT PLANS. The board of
20 supervisors of each county shall establish a joint 911 service
21 board not later than January 1, 1989. Each political
22 subdivision of the state having a public safety agency serving
23 territory within the county is entitled to voting membership
24 on the joint 911 service board. Each private safety agency
25 operating within the area is entitled to nonvoting membership
26 on the board. A township which does not operate its own
27 public safety agency, but contracts for the provision of
28 public safety services, is not entitled to membership on the
29 joint 911 service board, but its contractor is entitled to
30 membership according to the contractor's status as a public or
31 private safety agency. The joint 911 service board shall
32 develop an enhanced 911 service plan encompassing at minimum
33 the entire county, unless an exemption is granted by the
34 ~~administrator~~ council permitting a smaller E911 service area.
35 The ~~administrator~~ council may grant a discretionary exemption

1 from the single county minimum service area requirement based
2 upon an E911 joint service board's or other E911 service plan
3 operating authority's presentation of evidence which supports
4 the requested exemption if the administrator council finds
5 that local conditions make adherence to the minimum standard
6 unreasonable or technically infeasible, and that the purposes
7 of this chapter would be furthered by granting an exemption.
8 The minimum size requirement is intended to prevent
9 unnecessary duplication of public safety answering points and
10 minimize other administrative, personnel, and equipment
11 expenses. An E911 service area must encompass a
12 geographically contiguous area. No exemption shall be granted
13 from the contiguous area requirement. The administrator
14 council may order the inclusion of a specific territory in an
15 adjoining E911 service plan area to avoid the creation by
16 exclusion of a territory smaller than a single county not
17 serviced by surrounding E911 service plan areas upon request
18 of the joint 911 service board representing the territory.
19 The E911 service plan operating authority shall submit the
20 plan on or before January 1, 1994, to all of the following:
21 a. The division council.
22 b. Public and private safety agencies in the enhanced 911
23 service area.
24 c. Providers affected by the enhanced 911 service plan.
25 An E911 joint service board that has a state-approved
26 service plan in place prior to July 1, 1993, is exempt from
27 the provisions of this section. The division council shall
28 establish, by July 1, 1994, E911 service plans for those E911
29 joint service boards which do not have a state-approved
30 service plan in place on or before January 1, 1994.
31 The division council shall prepare a summary of the plans
32 submitted and present the summary to the legislature on or
33 before August 1, 1994.

34 2. COMPLIANCE WAIVERS AVAILABLE IN LIMITED CIRCUMSTANCES.
35 The administrator council may extend, in whole or in part, the

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

17 Sec. 4. Section 34A.6, subsections 1 and 3, Code 1997, are
18 amended to read as follows:

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

26 Shall the following public	YES
27 measure be adopted?	NO

28 Enhanced 911 emergency telephone service shall be funded,
29 in whole or in part, by a monthly surcharge of (an amount
30 determined by the local joint E911 service board of up to one
31 dollar) on each telephone access line collected as part of
32 each telephone subscriber's monthly phone bill if provided
33 within (description of the proposed E911 service area).

34 3. The secretary of state, in consultation with the
35 ~~administrator-of-the-office-of-emergency-management-of-the~~

2092

1 ~~department-of-public-defense~~ council, shall adopt rules for
2 the conduct of joint E911 service referendums as required by
3 and consistent with subsections 1 and 2.

4 Sec. 5. Section 34A.7, subsections 1 and 4, Code 1997, are
5 amended to read as follows:

6 1. LOCAL E911 SERVICE SURCHARGE IMPOSITION.

7 a. To encourage local implementation of E911 service, one
8 source of funding for E911 emergency telephone communication
9 systems shall come from a surcharge per month, per access line
10 on each access line subscriber, except as provided in
11 subsection 5, equal to the lowest amount of the following:

12 One dollar.

13 An amount less than one dollar, which would fully pay both
14 recurring and nonrecurring costs of the E911 service system
15 within five years from the date the maximum surcharge is
16 imposed.

17 The maximum monetary limitation approved by referendum.

18 The surcharge shall be imposed by order of the
19 administrator council as follows:

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

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

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

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

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

35 c. The surcharge shall terminate at the end of twenty-four

1 months if the joint E911 service plan has not been approved by
2 the administrator council within eighteen months of the
3 original notice to the provider to impose the surcharge, and
4 shall not be reimposed until a service plan is approved by the
5 administrator council and the administrator council gives
6 providers notice as required by paragraph "a", subparagraphs
7 (1) and (2).

8 4. E911 SERVICE FUND. Each joint E911 service board shall
9 establish and maintain as a separate account an E911 service
10 fund. Any funds remaining in the account at the end of each
11 fiscal year shall not revert to the general funds of the
12 member political subdivisions, except as provided in
13 subsection 5, but shall remain in the E911 service fund.
14 Moneys in an E911 service fund may only be used for
15 nonrecurring and recurring costs of the E911 service plan as
16 approved by the administrator council, as those terms are
17 defined by section 34A.2.

18 Sec. 6. Section 34A.7, subsection 5, paragraph b,
19 subparagraphs (2) and (3), Code 1997, are amended to read as
20 follows:

21 (2) If money remains in the fund after fully paying for
22 recurring costs incurred in the preceding year, the remainder
23 may be spent to pay for nonrecurring costs, not to exceed
24 actual nonrecurring costs as approved by the administrator
25 council.

26 (3) If money remains in the fund after fully paying
27 obligations under subparagraphs (1) and (2), the remainder may
28 be accumulated in the fund as a carryover operating surplus.
29 If the surplus is greater than twenty-five percent of the
30 approved annual operating budget for the next year, the
31 administrator council shall reduce the surcharge by an amount
32 calculated to result in a surplus of no more than twenty-five
33 percent of the planned annual operating budget. After
34 nonrecurring costs have been paid, if the surcharge is less
35 than the maximum allowed and the fund surplus is less than

1 twenty-five percent of the approved annual operating budget,
 2 the ~~administrator~~ council shall, upon application of the joint
 3 E911 service board, increase the surcharge in an amount
 4 calculated to result in a surplus of twenty-five percent of
 5 the approved annual operating budget. The surcharge may only
 6 be adjusted once in a single year, upon one hundred days'
 7 prior notice to the provider.

8 Sec. 7. Section 34A.20, subsection 2, Code 1997, is
 9 amended to read as follows:

10 2. The authority shall cooperate with the ~~department-of~~
 11 ~~public-defense~~ council in the creation, administration, and
 12 funding of the E911 program established in subchapter I.

13 EXPLANATION

14 This bill transfers all duties and responsibilities
 15 associated with enhanced 911 public safety telephone answering
 16 and dispatching services from the emergency management
 17 division in the department of public defense to the E911
 18 communications council.

19
 20
 21
 22
 23
 24
 25
 26
 27
 28
 29
 30
 31
 32
 33
 34
 35



TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF PUBLIC DEFENSE
EMERGENCY MANAGEMENT DIVISION
ELLEN M. GORDON, ADMINISTRATOR

January 27, 1998

RE: LSB #3183DP

To Members of the General Assembly:

Chapter 34A of the Code of Iowa, provides that the Administrator, Iowa Emergency Management Division have oversight for the planning, implementation and operation of E911 systems within the state.

In 1996, the General Assembly passed, and Governor Branstad signed into law, Senate File 2470, creating an eleven member E911 Communications Council. The law provides that the Council shall:

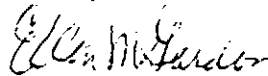
"coordinate the development and mediate disputes relating to E911 systems and service in this state. The council shall oversee the planning, implementation, and operation of E911 communications services. The council shall mediate issues relating to addressing, call routing, E911 database, E911 network, equipment, and surcharge collection which arise between and among E911 service boards, telephone companies, and other providers and users of E911 communications services."

The Council has been meeting on an almost monthly basis for the past year and one-half, working on a variety of E911 issues, in conjunction with the Emergency Management Division.

It has been the intent of the Emergency Management Division and the E911 Council, that after a transition period, the Council would assume all authorities, duties, and responsibilities currently assigned to the Division. Under the Council, oversight of E911 services will be provided by those most familiar with the technology, future development, and day-to-day operations of E911 systems.

This bill completes the act of transferring responsibility for the administration of E911 public safety telephone answering and dispatching services from the Emergency Management Division in the Department of Public Defense to the E911 Communications Council.

Sincerely,


Ellen M. Gordon
Administrator

EMG/dlm