

MAR 4 2004  
Place On Calendar

HOUSE FILE 2434  
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 681)

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

**A BILL FOR**

1 An Act to update and modify the enhanced 911 emergency telephone  
2 communications system.

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

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HF 2434

1 Section 1. Section 34A.1, Code 2003, is amended to read as  
2 follows:

3 34A.1 PURPOSE.

4 The ~~legislature~~ general assembly finds that enhanced 911  
5 emergency telephone communication systems and other emergency  
6 911 notification devices further the public interest and  
7 protect the health, safety, and welfare of the people of Iowa.  
8 The purpose of this chapter is to enable the orderly  
9 development, installation, and operation of enhanced 911  
10 emergency telephone communication systems and other emergency  
11 911 notification devices statewide. These systems are to be  
12 operated under governmental management and control for the  
13 public benefit.

14 Sec. 2. Section 34A.2, Code 2003, is amended to read as  
15 follows:

16 34A.2 DEFINITIONS.

17 As used in this chapter, unless the context otherwise  
18 requires:

19 1. "Access line" means ~~a local~~ an exchange access line  
20 that has the ability to access ~~local~~ dial tone and reach a  
21 ~~local~~ public safety agency answering point.

22 2. "Administrator" means the ~~E911~~ administrator appointed  
23 pursuant-to-section-34A-2A of the homeland security and  
24 emergency management division of the department of public  
25 defense.

26 3. "Competitive local exchange service provider" means the  
27 same as defined in section 476.96.

28 4. "Emergency 911 notification device" means a product  
29 capable of accessing a public safety answering point through  
30 the 911 system.

31 ~~3-~~ 5. "Enhanced 911" or "E911" means a service which that  
32 provides the user of a ~~public-telephone-system~~ communications  
33 service with the ability to reach a public safety answering  
34 point by dialing the digits 911, and which that has the  
35 following additional features:

1 a. Routes an incoming 911 call to the appropriate public  
2 safety answering point ~~selected-from-the-public-safety~~  
3 ~~answering-points-operating-in-a-911-service-area.~~

4 b. Automatically provides voice, displays the name,  
5 address or location, and telephone number of an incoming 911  
6 call and public safety agency servicing the ~~address-on-a-video~~  
7 ~~monitor-at-the-appropriate-public-safety-answering-point~~  
8 location.

9 ~~4-~~ 6. "Enhanced 911 service area" means the geographic  
10 area to be serviced, or currently serviced under an enhanced  
11 911 service plan, provided that an enhanced 911 service area  
12 must at minimum encompass one entire county. The enhanced 911  
13 service area may encompass more than one county, and need not  
14 be restricted to county boundaries.

15 ~~5-~~ 7. "Enhanced 911 service plan" means a plan that  
16 includes the following information:

17 a. A description of the enhanced 911 service area.

18 b. A list of all public and private safety agencies within  
19 the enhanced 911 service area.

20 c. The number of public safety answering points within the  
21 enhanced 911 service area.

22 d. Identification of the agency responsible for management  
23 and supervision of the enhanced 911 emergency ~~telephone~~  
24 communication system.

25 e. A statement of estimated costs to be incurred by the  
26 joint E911 service board or the department of public safety,  
27 including separate estimates of the following:

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

34 (2) Recurring costs, including, but not limited to,  
35 network access fees and other telephone charges, software,

1 equipment, and database management, and maintenance, including  
2 the purchase or lease of subscriber names, addresses, and  
3 telephone information from the local exchange service  
4 provider. Recurring costs shall not include personnel costs  
5 for a public safety answering point.

6 Funds deposited in an E911 service fund ~~shall be~~ are  
7 appropriated and shall be used for the payment of costs which  
8 that are limited to nonrecurring and recurring costs directly  
9 attributable to the provision of 911 emergency telephone  
10 communication service and may include costs for portable and  
11 vehicle radios, communication towers and associated equipment,  
12 and other radios and associated equipment permanently located  
13 at the public safety answering point and as directed by either  
14 the joint E911 service board or the department of public  
15 safety. Costs do not include expenditures for any other  
16 purpose, and specifically exclude costs attributable to other  
17 emergency services or expenditures for buildings or personnel,  
18 except for the costs of personnel for database management and  
19 personnel directly associated with addressing.

20 f. Current equipment operated by affected local exchange  
21 service providers, and central office equipment and technology  
22 upgrades necessary for the provider to implement enhanced 911  
23 service within the enhanced 911 service area ~~on or before July~~  
24 ~~17, 1992~~.

25 g. A schedule for implementation of the plan throughout  
26 the E911 service area. The schedule may provide for phased  
27 implementation. ~~However, a joint 911 service board may decide~~  
28 ~~not to implement E911 service.~~

29 h. The number of telephone access lines capable of access  
30 to 911 in the enhanced 911 service area.

31 i. The total property valuation in the enhanced 911  
32 service area.

33 ~~6. -- "Enhanced 911 service surcharge" is a charge set by the~~  
34 ~~E911 service area operating authority and assessed on each~~  
35 ~~access line which physically terminates within the E911~~

1 ~~service-area.~~

2 8. "Local exchange carrier" means the same as defined in  
3 section 476.96.

4 ~~7.~~ 9. "Local exchange service provider" means a person  
5 vendor engaged in providing telecommunications service between  
6 points within an exchange and includes but is not limited to a  
7 competitive local exchange service provider and a local  
8 exchange carrier.

9 10. "Program manager" means the E911 program manager  
10 appointed pursuant to section 34A.2A.

11 ~~8.~~ 11. "Provider" means a person vendor who provides, or  
12 offers to provide, E911 equipment, installation, maintenance,  
13 or exchange access services within the enhanced 911 service  
14 area.

15 ~~9.~~ 12. "Public or private safety agency" means a unit of  
16 state or local government, a special purpose district, or a  
17 private firm which provides or has the authority to provide  
18 fire fighting, police, ambulance, or emergency medical  
19 services, or hazardous materials response.

20 ~~10.~~ 13. "Public safety answering point" means a twenty-  
21 four-hour-local-jurisdiction twenty-four-hour public safety  
22 communications facility which that receives enhanced 911  
23 service calls and directly dispatches emergency response  
24 services or relays calls to the appropriate public or private  
25 safety agency.

26 14. "Wireless E911 phase 1" means a 911 call made from a  
27 wireless device in which the wireless service provider  
28 delivers the call-back number and address of the tower that  
29 received the call to the appropriate public safety answering  
30 point.

31 15. "Wireless E911 phase 2" means a 911 call made from a  
32 wireless device in which the wireless service provider  
33 delivers the call-back number and the latitude and longitude  
34 coordinates of the wireless device to the appropriate public  
35 safety answering point.

1 16. "Wire-line E911 service surcharge" is a charge set by  
2 the E911 service area operating authority and assessed on each  
3 wire-line access line which physically terminates within the  
4 E911 service area.

5 Sec. 3. Section 34A.2A, Code 2003, is amended to read as  
6 follows:

7 34A.2A ~~ADMINISTRATOR~~ PROGRAM MANAGER -- APPOINTMENT --  
8 DUTIES.

9 1. The administrator of the division of homeland security  
10 and emergency management division of the department of public  
11 defense shall appoint an E911 administrator program manager to  
12 administer this chapter.

13 2. The E911 administrator program manager shall act under  
14 the supervisory control of the administrator of the division  
15 of homeland security and emergency management division of the  
16 department of public defense, and in consultation with the  
17 E911 communications council, and perform the duties  
18 specifically set forth in this chapter and as assigned by the  
19 administrator.

20 Sec. 4. Section 34A.3, Code 2003, is amended to read as  
21 follows:

22 34A.3 ~~JOINT 911~~ E911 SERVICE BOARD -- 911 SERVICE PLAN --  
23 IMPLEMENTATION -- WAIVERS.

24 1. ~~JOINT 911~~ E911 SERVICE BOARDS ~~TO-SUBMIT~~ -- PLANS.

25 a. The board of supervisors of each county shall establish  
26 maintain a joint ~~911~~ E911 service board ~~not-later-than-January~~  
27 ~~17-1989~~.

28 (1) Each political subdivision of the state having a  
29 public safety agency serving territory within the county is  
30 entitled to voting membership on the joint ~~911~~ E911 service  
31 board. Each private safety agency operating within the area  
32 is entitled to nonvoting membership on the board.

33 (2) A township which that does not operate its own public  
34 safety agency, but contracts for the provision of public  
35 safety services, is not entitled to membership on the joint

1 911 E911 service board, but its contractor is entitled to  
2 membership according to the contractor's status as a public or  
3 private safety agency.

4 b. The joint 911 E911 service board shall ~~develop~~ maintain  
5 an enhanced 911 service plan encompassing at minimum the  
6 entire county, unless an exemption is granted by the  
7 ~~administrator~~ program manager permitting a smaller E911  
8 service area.

9 (1) The ~~administrator~~ program manager may grant a  
10 discretionary exemption from the single county minimum service  
11 area requirement based upon ~~an-E911~~ a joint E911 service  
12 board's or other E911 service plan operating authority's  
13 presentation of evidence which supports the requested  
14 exemption if the ~~administrator~~ program manager finds that  
15 local conditions make adherence to the minimum standard  
16 unreasonable or technically infeasible, and that the purposes  
17 of this chapter would be furthered by granting an exemption.  
18 The minimum size requirement is intended to prevent  
19 unnecessary duplication of public safety answering points and  
20 minimize other administrative, personnel, and equipment  
21 expenses. ~~An-E911-service-area-must-encompass-a~~  
22 ~~geographically-contiguous-area.--No-exemption-shall-be-granted~~  
23 ~~from-the-contiguous-area-requirement.~~

24 (2) The ~~administrator~~ program manager may order the  
25 inclusion of a specific territory in an adjoining E911 service  
26 plan area to avoid the creation by exclusion of a territory  
27 smaller than a single county not serviced by surrounding E911  
28 service plan areas upon request of the joint 911 E911 service  
29 board representing the territory.

30 c. The E911 service plan operating authority shall submit  
31 proposed changes to the plan ~~on-or-before-January-17-1994,~~ to  
32 all of the following:

33 a. (1) The ~~administrator~~ program manager.

34 b. (2) Public and private safety agencies in the enhanced  
35 911 service area.

1 ~~c. (3) Providers Local exchange service providers affected~~  
2 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 17, 1993, is exempt from~~  
5 ~~the provisions of this section. The administrator shall~~  
6 ~~establish, by July 17, 1994, E911 service plans for those E911~~  
7 ~~joint service boards which do not have a state approved~~  
8 ~~service plan in place on or before January 17, 1994.~~

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

12 2. COMPLIANCE WAIVERS AVAILABLE IN LIMITED CIRCUMSTANCES.

13 a. The administrator program manager may extend, in whole  
14 or in part, the time period for plan implementation by issuing  
15 for implementation of an enhanced 911 service plan beyond the  
16 scheduled plan of implementation, by issuance of a compliance  
17 waiver.

18 b. The compliance waiver shall be based upon a joint 911  
19 E911 service board's presentation of evidence which supports  
20 an extension if the administrator program manager finds that  
21 local conditions make implementation financially unreasonable  
22 or technically infeasible by the originally scheduled plan of  
23 implementation.

24 c. The compliance waiver shall be for a set period of  
25 time, and subject to review and renewal or denial of renewal  
26 upon its expiration.

27 d. The waiver may cover all or a portion of a 911 service  
28 plan's enhanced 911 service area to facilitate phased  
29 implementation when possible.

30 e. The granting of a compliance waiver does not create a  
31 presumption that the identical or similar waiver will be  
32 extended in the future.

33 f. Consideration of compliance waivers shall be on a case-  
34 by-case basis.

35 3. CHAPTER 28E AGREEMENT -- ALTERNATIVE TO JOINT 911 E911



1 SERVICE BOARD. A legal entity created pursuant to chapter 28E  
2 by a county or counties, other political divisions, and public  
3 or private agencies to jointly plan, implement, and operate a  
4 countywide, or larger, enhanced 911 service system may be  
5 substituted for the joint 911 E911 service board required  
6 under subsection 1.

7 An alternative legal entity created pursuant to chapter 28E  
8 as a substitute for a joint 911 E911 service board, as  
9 permitted by this subsection, may be created by either:

10 a. Agreement of the parties entitled to voting membership  
11 on a joint 911 E911 service board.

12 b. Agreement of the members of a joint 911 E911 service  
13 board.

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

25 4. PARTICIPATION IN JOINT E911 SERVICE BOARD REQUIRED. A  
26 political subdivision or state agency having a public safety  
27 agency within its territory or jurisdiction shall participate  
28 in a joint E911 service board and cooperate in preparing  
29 maintaining the E911 service plan.

30 Sec. 5. Section 34A.4, Code 2003, is amended to read as  
31 follows:

32 34A.4 REQUIRED-CONVERSION REQUIREMENTS OF PAY TELEPHONES  
33 AND OTHER TELECOMMUNICATIONS DEVICES TO ALLOW 911 CALLS  
34 WITHOUT DEPOSITING COINS OR OTHER CHARGE.

35 ~~1.--CONVERSION-AND-NOTICE-REQUIRED.--When-an-enhanced-911~~

1 ~~service-system-becomes-operational-or-as-soon-as-feasible~~  
2 ~~thereafter,-each-provider-or-other-owner-or-lessee-of-a-pay~~  
3 ~~station-telephone-to-be-operated-within-the-enhanced-911~~  
4 ~~service-area-shall-do-the-following:~~

5 a.--~~Convert-each-telephone-to-permit-a-caller-to-dial-911~~  
6 ~~without-first-inserting-a-coin-or-paying-any-other-charge.~~

7 b.--~~Prominently-display-on-each-pay-telephone-a-notice~~  
8 ~~advising-callers-to-dial-911-in-an-emergency-and-that-deposit~~  
9 ~~of-a-coin-is-not-required.~~

10 2.--~~CERTAIN-PAY-PHONES-PROHIBITED-WITHIN-SERVICE-AREA.~~

11 ~~After-commencement-of-enhanced-911-service-in~~ In an enhanced  
12 911 service area, a person shall not install or offer for use  
13 within the enhanced 911 service area a pay station telephone  
14 or other fixed device unless the telephone or device is  
15 capable of accepting making a 911 call without prior insertion  
16 of a coin or payment of any other charge, and unless the  
17 telephone or device displays notice of free 911 service.

18 Sec. 6. Section 34A.6, subsection 1, unnumbered paragraph  
19 1, Code 2003, is amended to read as follows:

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

27 Sec. 7. Section 34A.7, unnumbered paragraph 1, Code 2003,  
28 is amended to read as follows:

29 When an E911 service plan is implemented, the costs of  
30 providing E911 service within an E911 service area are the  
31 responsibility of the joint E911 service board and the member  
32 political subdivisions. Costs in excess of the amount raised  
33 by imposition of the E911 service surcharge provided for under  
34 subsection 1, shall be paid by the joint E911 service board  
35 from such revenue sources allocated among the member political

1 subdivisions as determined by the joint E911 service board.  
2 Funding is not limited to the surcharge, and surcharge  
3 revenues may be supplemented by other permissible local and  
4 state revenue sources. A joint ~~911~~ E911 service board shall  
5 not commit a political subdivision to appropriate property tax  
6 revenues to fund an E911 service plan without the consent of  
7 the political subdivision. A joint ~~911~~ E911 service board may  
8 approve ~~a-911~~ an E911 service plan, including a funding  
9 formula requiring appropriations by participating political  
10 subdivisions, subject to the approval of the funding formula  
11 by each political subdivision. However, a political  
12 subdivision may agree in advance to appropriate property tax  
13 revenues or other moneys according to a formula or plan  
14 developed by an alternative chapter 28E entity.

15 Sec. 8. Section 34A.7, subsections 1, 2, 3, and 4, Code  
16 2003, are amended to read as follows:

17 1. LOCAL WIRE-LINE E911 SERVICE SURCHARGE IMPOSITION.

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

23 (1) One dollar.

24 (2) An amount less than one dollar, which would fully pay  
25 both recurring and nonrecurring costs of the E911 service  
26 system within five years from the date the maximum surcharge  
27 is imposed.

28 (3) The maximum monetary limitation approved by  
29 referendum.

30 b. The surcharge shall be imposed by order of the  
31 administrator program manager as follows:

32 (1) The administrator program manager shall notify a local  
33 exchange service provider scheduled to provide exchange access  
34 line service to an E911 service area, that implementation of  
35 an E911 service plan has been approved by the joint ~~911~~ E911

1 service board and by the service area referendum, and that  
2 collection of the surcharge is to begin within one hundred  
3 days.

4 (2) ~~The notice shall be provided at least one hundred days~~  
5 ~~before the surcharge must be billed for the first time~~ program  
6 manager shall also provide notice to all affected public  
7 safety answering points.

8 ~~c. The surcharge shall terminate at the end of twenty-four~~  
9 ~~months, unless either, or both, of the following conditions is~~  
10 ~~met:~~

11 ~~(1) E911 service is initiated for all or a part of the~~  
12 ~~E911 service area.~~

13 ~~(2) An extension is granted by the administrator for good~~  
14 ~~cause.~~

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

22 2. SURCHARGE COLLECTED BY LOCAL EXCHANGE SERVICE  
23 PROVIDERS.

24 a. The surcharge shall be collected as part of the access  
25 line service provider's periodic billing to a subscriber. In  
26 compensation for the costs of billing and collection, the  
27 local exchange service provider may retain one percent of the  
28 gross surcharges collected. If the compensation is  
29 insufficient to fully recover a local exchange service  
30 provider's costs for billing and collection of the surcharge,  
31 the deficiency shall be included in the local exchange service  
32 provider's costs for ratemaking purposes to the extent it is  
33 reasonable and just under section 476.6. The surcharge shall  
34 be remitted to the E911 service operating authority for  
35 deposit into the E911 service fund quarterly by the local

1 exchange service provider. The total amount for multiple  
2 exchanges may be combined.

3 b. A local exchange service provider is not liable for an  
4 uncollected surcharge for which the local exchange service  
5 provider has billed a subscriber but not been paid. The  
6 surcharge shall appear as a single line item on a subscriber's  
7 periodic billing entitled, "E911 emergency telephone service  
8 surcharge". The E911 service surcharge is not subject to  
9 sales or use tax.

10 c. The joint E911 service board may request, not more than  
11 once each quarter, the following information from the local  
12 exchange service provider:

13 (1) The identity of the exchange from which the surcharge  
14 is collected.

15 (2) The number of lines to which the surcharge was applied  
16 for the quarter.

17 (3) The number of refusals to pay per exchange if  
18 applicable.

19 (4) Write-offs applied per exchange if applicable.

20 (5) The number of lines exempt per exchange.

21 (6) The amount retained by the local exchange service  
22 provider generated from the one percent administration fee.

23 d. Access line counts and surcharge remittances are  
24 confidential public records as provided in section 34A.8.

25 3. MAXIMUM LIMIT PER SUBSCRIBER BILLING FOR SURCHARGE. An  
26 individual subscriber shall not be required to pay on a single  
27 periodic billing the surcharge on more than one hundred access  
28 lines, or their equivalent, in an E911 service area. A  
29 subscriber shall pay the surcharge in each E911 service area  
30 in which the subscriber receives access line service.

31 4. E911 SERVICE FUND. Each joint E911 service board shall  
32 establish and maintain as a separate account an E911 service  
33 fund. Any funds remaining in the account at the end of each  
34 fiscal year shall not revert to the general funds of the  
35 member political subdivisions, except as provided in

1 subsection 5, but shall remain in the E911 service fund.  
2 Moneys in an E911 service fund may only be used for  
3 nonrecurring and recurring costs of the E911 service plan as  
4 approved by the administrator program manager, as those terms  
5 are defined by section 34A.2.

6 Sec. 9. Section 34A.7, subsection 5, paragraph b,  
7 subparagraphs (2) and (3), Code 2003, are amended to read as  
8 follows:

9 (2) If money remains in the fund after fully paying for  
10 recurring costs incurred in the preceding year, the remainder  
11 may be spent to pay for nonrecurring costs, not to exceed  
12 actual nonrecurring costs as approved by the administrator  
13 program manager.

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

31 Sec. 10. Section 34A.7A, subsection 1, paragraph b, Code  
32 2003, is amended to read as follows:

33 b. The administrator program manager shall provide no less  
34 than one hundred days' notice of the surcharge to be imposed  
35 to each wireless communications service provider. The

1 administrator program manager, subject to the fifty cent limit  
2 in paragraph "a", may adjust the amount of the surcharge as  
3 necessary, but no more than once in any calendar year.

4 Sec. 11. Section 34A.7A, subsection 1, paragraph c, Code  
5 2003, is amended to read as follows:

6 c. (1) The surcharge shall be collected as part of the  
7 wireless communications service provider's periodic billing to  
8 a subscriber. The surcharge shall appear as a single line  
9 item on a subscriber's periodic billing indicating that the  
10 surcharge is for E911 emergency telephone service. In the  
11 case of prepaid wireless telephone service, this surcharge  
12 shall be remitted based upon the address associated with the  
13 point of purchase, the customer billing address, or the  
14 location associated with the mobile telephone number for each  
15 active prepaid wireless telephone that has a sufficient  
16 positive balance as of the last days of the information, if  
17 that information is available. The wireless E911 service  
18 surcharge is not subject to sales or use tax.

19 (2) In compensation for the costs of billing and  
20 collection, the wireless communications service provider may  
21 retain one percent of the gross surcharges collected.

22 (3) The surcharges shall be remitted quarterly by the  
23 wireless communications service provider to the administrator  
24 program manager for deposit into the fund established in  
25 subsection 2.

26 (4) A wireless communications service provider is not  
27 liable for an uncollected surcharge for which the wireless  
28 communications service provider has billed a subscriber but  
29 which has not been paid. ~~The surcharge shall appear as a~~  
30 ~~single line item on a subscriber's periodic billing indicating~~  
31 ~~that the surcharge is for E911 emergency telephone service.~~  
32 ~~The E911 service surcharge is not subject to sales or use tax.~~

33 Sec. 12. Section 34A.7A, subsection 2, Code 2003, is  
34 amended to read as follows:

35 2. Moneys collected pursuant to subsection 1 shall be

1 deposited in a separate wireless E911 emergency communications  
2 fund within the state treasury under the control of the  
3 administrator program manager. Section 8.33 shall not apply  
4 to moneys in the fund. Moneys earned as income, including as  
5 interest, from the fund shall remain in the fund until  
6 expended as provided in this section. Moneys in the fund  
7 shall be expended and distributed annually-as-follows in the  
8 following priority order:

9 a. An amount as appropriated by the general assembly to  
10 the administrator shall be allocated to the administrator and  
11 program manager for implementation, support, and maintenance  
12 of the functions of the administrator and program manager and  
13 to employ the auditor of state to perform an annual audit of  
14 the wireless E911 emergency communications fund.

15 b. The program manager shall reimburse wire-line carriers  
16 on a calendar quarter basis for carriers' eligible expenses  
17 for transport costs between the selective router and the  
18 public safety answering points related to the delivery of  
19 wireless E911 phase 1 services. If the total amount of moneys  
20 available in the fund for the reimbursement of wire-line  
21 carriers pursuant to this paragraph is insufficient to  
22 reimburse all wire-line carriers for such carriers' eligible  
23 expenses, the program manager shall remit an amount to each  
24 wire-line carrier equal to the percentage of such carrier's  
25 eligible expenses as compared to the total of all eligible  
26 expenses for all wire-line carriers for the calendar quarter  
27 during which such expenses were submitted.

28 ~~b. c. (1) The administrator shall retain funds necessary~~  
29 ~~to reimburse wireless carriers for their costs to deliver E911~~  
30 ~~services. The administrator shall assure that wireless~~  
31 ~~carriers recover all eligible costs associated with the~~  
32 ~~implementation and operation of E911 services, including but~~  
33 ~~not limited to hardware, software, and transport costs. The~~  
34 ~~administrator shall adopt rules defining eligible costs which~~  
35 ~~are consistent with federal law, regulations, and any order of~~



1 a-federal-agency program manager shall reimburse wire-line  
2 carriers and third-party E911 automatic location information  
3 database providers on a calendar quarterly basis for the costs  
4 of maintaining and upgrading the E911 components and  
5 functionalities beyond the input to the E911 selective router,  
6 including the E911 selective router and the automatic location  
7 information database.

8 ~~(2)--The-administrator-shall-provide-for-the-reimbursement~~  
9 ~~of-wireless-carriers-on-a-quarterly-basis.--If-the-total~~  
10 ~~amount-of-moneys-available-in-the-fund-for-the-reimbursement~~  
11 ~~of-wireless-carriers-pursuant-to-subparagraph-(1)-is~~  
12 ~~insufficient-to-reimburse-all-wireless-carriers-for-such~~  
13 ~~carriers'-eligible-expenses, the-administrator-shall-remit-an~~  
14 ~~amount-to-each-wireless-carrier-equal-to-the-percentage-of~~  
15 ~~such-carrier's-eligible-expenses-as-compared-to-the-total-of~~  
16 ~~all-eligible-expenses-for-all-wireless-carriers-for-the~~  
17 ~~calendar-quarter-during-which-such-expenses-were-submitted.~~

18 d. The program manager shall apply an amount up to five  
19 hundred thousand dollars per calendar quarter to any  
20 outstanding wireless E911 phase 1 obligations incurred  
21 pursuant to this chapter prior to July 1, 2004.

22 e. (1) The program manager shall allocate an amount up to  
23 one hundred twenty-seven thousand dollars per calendar quarter  
24 equally to the joint E911 service boards and the department of  
25 public safety that have submitted an annual written request to  
26 the program manager in a form approved by the program manager  
27 by May 15 of each year.

28 (2) Upon retirement of outstanding obligations referred to  
29 in paragraph "d", the amount allocated under this paragraph  
30 "e" shall be an amount up to four hundred thousand dollars per  
31 calendar quarter allocated as follows:

32 (a) Sixty-five percent of the total dollars available for  
33 allocation shall be allocated in proportion to the square  
34 miles of the service area to the total square miles in this  
35 state.

1 (b) Thirty-five percent of the total dollars available for  
2 allocation shall be allocated in proportion to the wireless  
3 E911 calls taken at the public service answering point in the  
4 service area to the total number of wireless E911 calls  
5 originating in this state.

6 (c) Notwithstanding subparagraph subdivisions (a) and (b),  
7 the minimum amount allocated to each joint E911 service board  
8 and to the department of public safety shall be no less than  
9 one thousand dollars.

10 (3) The funds allocated in this paragraph "e" shall be  
11 used for communication equipment located inside the public  
12 safety answering points for the implementation and maintenance  
13 of wireless E911 phase 2. The joint E911 service boards and  
14 the department of public safety shall provide an estimate of  
15 phase 2 implementation costs to the program manager by January  
16 1, 2005.

17 ~~e.--(1)--The remainder of the surcharge collected shall be~~  
18 ~~remitted to the administrator for distribution to the joint~~  
19 ~~E911 service boards and the department of public safety~~  
20 ~~pursuant to subparagraph (2) to be used for the implementation~~  
21 ~~of enhanced wireless communications capabilities.~~

22 f. After the amounts in paragraph "d" and "e" have been  
23 applied and allocated, the program manager shall provide an  
24 amount up to thirty-two thousand dollars per calendar quarter  
25 to the Iowa law enforcement academy, created in section 80B.4,  
26 for reimbursement of costs related to E911 dispatcher  
27 training. The academy shall provide training to the E911  
28 dispatchers at no cost or minimal cost to recover actual  
29 expenses.

30 g. If moneys remain in the fund after fully paying all  
31 obligations under paragraphs "a" through "f", the remainder  
32 may be accumulated in the fund as a carryover operating  
33 surplus. This surplus shall be used to fund future phase 2  
34 network and public safety answering point improvements and  
35 wireless carriers' transport costs related to wireless E911

1 services, if those costs are not otherwise recovered by  
2 wireless carriers through customer billing or other sources.  
3 Notwithstanding section 8.33, any moneys remaining in the fund  
4 at the end of each fiscal year shall not revert to the general  
5 fund of the state but shall remain available for the purposes  
6 of the fund.

7 {2} h. The administrator, in consultation with the  
8 program manager and the E911 communications council, shall  
9 adopt rules pursuant to chapter 17A governing the distribution  
10 of the surcharge collected and distributed pursuant to this  
11 lettered-paragraph subsection. The rules shall include  
12 provisions that all joint E911 service boards and the  
13 department of public safety which answer or service wireless  
14 E911 calls are eligible to receive an equitable portion of the  
15 receipts.

16 ~~A joint E911 service board or the department of public~~  
17 ~~safety, to receive funds from the wireless E911 emergency~~  
18 ~~communications fund, must submit a written request for such~~  
19 ~~funds to the administrator in a form as approved by the~~  
20 ~~administrator. A request shall be for funding under an~~  
21 ~~approved E911 service plan for equipment which is directly~~  
22 ~~related to the reception and disposition of incoming wireless~~  
23 ~~E911 calls. The administrator may approve the distribution of~~  
24 ~~funds pursuant to such request if the administrator finds that~~  
25 ~~the requested funding is for equipment necessary for the~~  
26 ~~reception and disposition of such calls and that sufficient~~  
27 ~~funds are available for such distribution.~~

28 ~~If insufficient funds are available to fund all requests,~~  
29 ~~the administrator shall fund requests in an order deemed~~  
30 ~~appropriate by the administrator after considering factors~~  
31 ~~including, but not limited to, all of the following:~~

32 {a} ~~Documented volume of wireless E911 calls received by~~  
33 ~~each public safety answering point.~~

34 {b} ~~The population served by each public safety answering~~  
35 ~~point.~~

1 ~~(c)--The number of wireless telephones in the public safety~~  
2 ~~answering point jurisdiction.~~

3 ~~(d)--The public safety of the citizens of this state.~~

4 ~~(e)--Any other factor deemed appropriate by the~~  
5 ~~administrator, in consultation with the E911 communications~~  
6 ~~council, and adopted by rule.~~

7 (3) 2A. a. The administrator program manager shall  
8 submit an annual report by January 15 of each year to the  
9 legislative government oversight committee advising the  
10 general assembly of the status of E911 implementation and  
11 operations, including both ~~land-line~~ wire-line and wireless  
12 services, and the distribution of surcharge receipts, and an  
13 accounting of the revenues and expenses of the E911 program.

14 b. The program manager shall submit a calendar quarter  
15 report of the revenues and expenses of the E911 program to the  
16 fiscal services division of the legislative services agency.

17 c. The legislative government oversight committee shall  
18 review the priorities of distribution of funds under this  
19 chapter at least every two years.

20 Sec. 13. Section 34A.7A, subsection 3, Code 2003, is  
21 amended to read as follows:

22 3. The amount collected from a wireless service provider  
23 and deposited in the fund, pursuant to section 22.7,  
24 subsection 6, information provided by a wireless service  
25 provider to the administrator program manager consisting of  
26 trade secrets, pursuant to section 22.7, subsection 3, and  
27 other financial or commercial operations information provided  
28 by a wireless service provider to the administrator program  
29 manager, shall be kept confidential as provided under section  
30 22.7. This subsection does not prohibit the inclusion of  
31 information in any report providing aggregate amounts and  
32 information which does not identify numbers of accounts or  
33 customers, revenues, or expenses attributable to an individual  
34 wireless communications service provider.

35 Sec. 14. Section 34A.8, subsection 2, unnumbered paragraph

1 2, Code 2003, is amended to read as follows:

2 The program manager, joint E911 service board, the  
3 designated E911 service provider, and the public safety  
4 answering point, their agents, employees, and assigns shall  
5 use local exchange service information provided by the local  
6 exchange service provider solely for the purposes of providing  
7 E911 emergency telephone service, and it shall otherwise be  
8 kept confidential. A person who violates this section is  
9 guilty of a simple misdemeanor.

10 Sec. 15. Section 34A.9, Code 2003, is amended to read as  
11 follows:

12 34A.9 TELECOMMUNICATIONS DEVICES FOR THE DEAF SPEECH AND  
13 HEARING-IMPAIRED.

14 ~~By January 17, 1998, each county~~ Each public safety  
15 answering point shall provide for the installation and use of  
16 ~~at least one~~ telecommunications device devices for the ~~deaf at~~  
17 ~~a public safety answering point~~ speech and hearing-impaired.

18 Sec. 16. NEW SECTION. 34A.10 E911 SELECTIVE ROUTER.

19 On and after July 1, 2004, only the program manager shall  
20 approve access to the E911 selective router.

21 Sec. 17. Section 34A.15, Code 2003, is amended by adding  
22 the following new subsection:

23 NEW SUBSECTION. 1A. The auditor of state or the auditor  
24 of state's designee shall serve as an ex officio nonvoting  
25 member.

26 Sec. 18. Section 34A.15, subsection 2, Code 2003, is  
27 amended to read as follows:

28 2. The council shall advise and make recommendations to  
29 the administrator and program manager regarding the  
30 implementation of this chapter. Such advice and  
31 recommendations shall be provided on issues at the request of  
32 the administrator or program manager or as deemed necessary by  
33 the council.

34 Sec. 19. Section 16.161, unnumbered paragraph 1, Code  
35 2003, is amended to read as follows:

1 The authority shall assist the administrator program  
2 manager, appointed pursuant to section 34A.2A, as provided in  
3 chapter 34A, subchapter II, and the authority shall have all  
4 of the powers delegated to it by a joint E911 service board or  
5 the department of public defense in a chapter 28E agreement  
6 with respect to the issuance and securing of bonds or notes  
7 and the carrying out of the purposes of chapter 34A.

8

EXPLANATION

9 This bill amends and adds definitions to Code chapter 34A  
10 to include expanding E911 technology and wireless  
11 communication services and to differentiate the various types  
12 of local exchange carriers.

13 The E911 administrator is renamed the E911 program manager  
14 to avoid confusion with the administrator of the homeland  
15 security and emergency management division of the department  
16 of public defense who also has duties under this Code chapter.  
17 Obsolete language regarding the creation of local joint E911  
18 areas and boards is removed.

19 Local exchange service providers are required to provide  
20 certain information to local joint E911 service boards.  
21 Appropriations shall also be used to employ the auditor of  
22 state to perform an annual audit of the E911 emergency  
23 communications fund.

24 The wireless communications service surcharge is  
25 distributed by priority to support the E911 program manager,  
26 administrator, to reimburse wire-line carriers to recover  
27 wireless phase 1 transport costs, to reimburse wire-line  
28 carriers and third-party E911 automatic location information  
29 database providers for costs of maintaining and upgrading the  
30 E911 components and functionalities, to pay up to a maximum  
31 amount for past outstanding obligations incurred prior to July  
32 1, 2004, to pay to joint E911 service boards and the  
33 department of public safety for communication equipment in  
34 public safety answering points, and to reimburse the law  
35 enforcement academy for dispatcher training. The bill

1 provides that any surplus in the wireless surcharge fund shall  
 2 support future wireless E911 phase 2 improvements and wireless  
 3 carriers' transport costs.

4 The bill strikes the authorization to make distributions  
 5 from the wireless surcharge fund to wireless carriers to  
 6 reimburse the carriers for general costs to deliver E911  
 7 services by specifying the costs that may be reimbursed and  
 8 prioritizing payments.

9 The program manager is required to submit an annual  
 10 accounting to the legislative government oversight committee  
 11 and quarterly reports to the fiscal services division of the  
 12 legislative services agency.

13 The bill makes other grammatical and technical changes  
 14 regarding the E911 system.

15  
 16  
 17  
 18  
 19

20 **HOUSE FILE 2434**

21 **S-5281**

22 1 Amend House File 2434, as passed by the House, as  
 23 2 follows:

- 24 3 1. Page 16, line 23, by striking the word  
 25 4 "twenty-seven" and inserting the following: "fifty-  
 26 5 nine".  
 27 6 2. Page 17, by striking lines 22 through 29.  
 28 7 3. Page 17, line 30, by striking the word "g."  
 29 8 and inserting the following: "f."  
 30 9 4. Page 17, line 31, by striking the word "f"  
 31 10 and inserting the following: "e".

32 **By RON WIECK**

33 **S-5281 FILED APRIL 6, 2004**

34 **LOST**

35

HOUSE FILE 2434

S-5143

- 1 Amend House File 2434, as passed by the House, as  
2 follows:  
3 1. Page 16, line 23, by striking the word  
4 "twenty-seven" and inserting the following: "fifty-  
5 nine".  
6 2. Page 17, by striking lines 22 through 29.  
7 3. Page 17, line 30, by striking the word "g."  
8 and inserting the following: "f.".  
9 4. Page 17, line 31, by striking the word "f"  
10 and inserting the following: "e".

By RON WIECK  
JOHN PUTNEY  
DARYL BEALL

S-5143 FILED MARCH 24, 2004

HOUSE FILE 2434

S-5154

- 1 Amend House File 2434, as passed by the House, as  
2 follows:  
3 1. Page 16, line 23, by striking the word  
4 "twenty-seven" and inserting the following: "fifty-  
5 nine".  
6 2. Page 17, by striking lines 22 through 29.  
7 3. Page 17, line 30, by striking the word "g."  
8 and inserting the following: "f.".  
9 4. Page 17, line 31, by striking the word "f"  
10 and inserting the following: "e".

By COMMITTEE ON COMMERCE  
JERRY BEHN, Chairperson

S-5154 FILED MARCH 29, 2004

HOUSE FILE 2434

S-5179

- 1 Amend the amendment, S-5154, to House File 2434, as  
2 passed by the House, as follows:  
3 1. Page 1, by inserting after line 5 the  
4 following:  
5 "\_\_\_\_\_". Page 16, line 30, by inserting after the  
6 word "hundred" the following: "thirty-two".  
7 2. By renumbering as necessary.

By JOHN PUTNEY

S-5179 FILED MARCH 30, 2004



## HOUSE FILE 2434

## S-5244

- 1 Amend House File 2434, as passed by the House, as  
2 follows:
- 3 1. Page 13, line 31, by striking the words  
4 "paragraph b".
- 5 2. Page 13, by inserting after line 32 the  
6 following:
- 7 "1. a. Notwithstanding section 34A.6, the  
8 administrator shall adopt by rule a monthly surcharge  
9 of up to ~~fifty~~ sixty-five cents to be imposed on each  
10 wireless communications service number provided in  
11 this state. The surcharge shall be imposed uniformly  
12 on a statewide basis and simultaneously on all  
13 wireless communications service numbers as provided by  
14 rule of the administrator."
- 15 3. Page 14, line 1, by striking the word "fifty"  
16 and inserting the following: "fifty sixty-five".
- 17 4. Page 14, by striking lines 4 and 5.
- 18 5. Page 15, by inserting after line 14 the  
19 following:
- 20 "b. The program manager shall allocate twenty-one  
21 percent of the total amount of surcharge generated to  
22 wireless carriers to recover their costs to deliver  
23 E911 phase 1 services. If the total amount of moneys  
24 remaining in the fund is insufficient to reimburse all  
25 wireless carriers for such carrier's eligible  
26 expenses, the program manager shall allocate a  
27 prorated amount to each wireless carrier equal to the  
28 percentage of such carrier's eligible expenses as  
29 compared to the total of all eligible expenses for all  
30 wireless carriers for the calendar quarter during  
31 which such expenses were submitted. When prorated  
32 expenses are paid, the remaining unpaid expenses shall  
33 no longer be eligible for payment under this  
34 paragraph."
- 35 6. Page 15, line 15, by striking the word "b."  
36 and inserting the following: "c."
- 37 7. Page 15, line 28, by striking the word "c."  
38 and inserting the following: "d."
- 39 8. Page 16, line 18, by striking the word "d."  
40 and inserting the following: "e."
- 41 9. Page 16, line 22, by striking the word "e."  
42 and inserting the following: "f."
- 43 10. Page 16, line 27, by inserting after the word  
44 "year." the following: "The program manager shall  
45 allocate to each joint E911 service board and to the  
46 department of public safety a minimum of one thousand  
47 dollars per calendar quarter for each public safety  
48 answering point within the service area of the  
49 department of public safety or joint E911 service  
50 board."

S-5244

-1-

**S-5244**

Page 2

1 11. Page 16, line 29, by striking the word "d"  
2 and inserting the following: "e".

3 12. Page 16, by striking line 30 and inserting  
4 the following: "f shall be twenty-four percent of  
5 the total amount of surcharge generated per".

6 13. Page 17, line 9, by inserting after the word  
7 "dollars" the following: "for each public safety  
8 answering point within the service area of the  
9 department of public safety or joint E911 service  
10 board".

11 14. Page 17, line 10, by striking the word "e"  
12 and inserting the following: "f".

13 15. Page 17, by striking line 22 and inserting  
14 the following:

15 "g. After amounts in paragraphs "e" and "f" have  
16 been".

17 16. Page 17, line 30, by striking the word "g."  
18 and inserting the following: "h."

19 17. Page 17, line 31, by striking the word "f"  
20 and inserting the following: "g".

21 18. Page 18, line 2, by inserting after the word  
22 "sources" the following: "and approved by the program  
23 manager".

24 19. Page 18, line 7, by striking the word "h."  
25 and inserting the following: "i."

26 20. By renumbering as necessary.

By DOUG SHULL  
JOHN PUTNEY  
DARYL BEALL

**S-5244** FILED APRIL 1, 2004

**SENATE AMENDMENT TO  
HOUSE FILE 2434**

**H-8431**

1 Amend House File 2434, as passed by the House, as  
2 follows:

3 1. Page 13, line 31, by striking the words  
4 "paragraph b".

5 2. Page 13, by inserting after line 32 the  
6 following:

7 "1. a. Notwithstanding section 34A.6, the  
8 administrator shall adopt by rule a monthly surcharge  
9 of up to ~~fifty~~ sixty-five cents to be imposed on each  
10 wireless communications service number provided in  
11 this state. The surcharge shall be imposed uniformly  
12 on a statewide basis and simultaneously on all  
13 wireless communications service numbers as provided by  
14 rule of the administrator."

15 3. Page 14, line 1, by striking the word "fifty"  
16 and inserting the following: "~~fifty~~ sixty-five".

17 4. Page 14, by striking lines 4 and 5.

18 5. Page 15, by inserting after line 14 the  
19 following:

20 "b. The program manager shall allocate twenty-one  
21 percent of the total amount of surcharge generated to  
22 wireless carriers to recover their costs to deliver  
23 E911 phase 1 services. If the total amount of moneys  
24 remaining in the fund is insufficient to reimburse all  
25 wireless carriers for such carrier's eligible  
26 expenses, the program manager shall allocate a  
27 prorated amount to each wireless carrier equal to the  
28 percentage of such carrier's eligible expenses as  
29 compared to the total of all eligible expenses for all  
30 wireless carriers for the calendar quarter during  
31 which such expenses were submitted. When prorated  
32 expenses are paid, the remaining unpaid expenses shall  
33 no longer be eligible for payment under this  
34 paragraph."

35 6. Page 15, line 15, by striking the word "b."  
36 and inserting the following: "c."

37 7. Page 15, line 28, by striking the word "c."  
38 and inserting the following: "d."

39 8. Page 16, line 18, by striking the word "d."  
40 and inserting the following: "e."

41 9. Page 16, line 22, by striking the word "e."  
42 and inserting the following: "f."

43 10. Page 16, line 27, by inserting after the word  
44 "year." the following: "The program manager shall  
45 allocate to each joint E911 service board and to the  
46 department of public safety a minimum of one thousand  
47 dollars per calendar quarter for each public safety  
48 answering point within the service area of the  
49 department of public safety or joint E911 service  
50 board."

**H-8431**

**H-8431**

Page 2

1 11. Page 16, line 29, by striking the word "d"  
2 and inserting the following: "e".

3 12. Page 16, by striking line 30 and inserting  
4 the following: "f shall be twenty-four percent of  
5 the total amount of surcharge generated per".

6 13. Page 17, line 9, by inserting after the word  
7 "dollars" the following: "for each public safety  
8 answering point within the service area of the  
9 department of public safety or joint E911 service  
10 board".

11 14. Page 17, line 10, by striking the word "e"  
12 and inserting the following: "f".

13 15. Page 17, by striking line 22 and inserting  
14 the following:

15 "g. After amounts in paragraphs "e" and "f" have  
16 been".

17 16. Page 17, line 30, by striking the word "g."  
18 and inserting the following: "h."

19 17. Page 17, line 31, by striking the word "f"  
20 and inserting the following: "g".

21 18. Page 18, line 2, by inserting after the word  
22 "sources" the following: "and approved by the program  
23 manager".

24 19. Page 18, line 7, by striking the word "h."  
25 and inserting the following: "i."

26 20. By renumbering as necessary.

RECEIVED FROM THE SENATE

**H-8431 FILED APRIL 6, 2004**

**Fiscal Services Division  
Legislative Services Agency  
Fiscal Note**

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HF 2434 - E911 (LSB 6446 HV)

Analyst: Jennifer Acton (Phone: (515) 281-7846) (jennifer.acton@legis.state.ia.us)

Fiscal Note Version - New

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**Description**

House File 2434 updates and modifies the enhanced 911 emergency telephone communications system.

**Assumptions**

1. There are approximately 1.3 million wireless cellular phone subscribers. Changes in the subscriber base affect receipts and expenses in the State E911 Program.
2. Senate File 530 (FY 1999 E911 Commission Act) provided for a \$0.50 statewide monthly per phone line surcharge on wireless communications, which began January 1, 1999. The surcharge is collected monthly by wireless providers and remitted to the State E911 Program on a quarterly basis (Chapter 605 – 10.5, Iowa Administrative Code).
3. The quarterly revenue estimate per calendar quarter is approximately \$2.0 million or \$8.0 million per year.
4. The current surcharge is \$0.50 on each wireless telephone line. The past cost to implement and maintain Phase 1 was \$0.58, which created a carry forward debt of about \$3.0 million (As of July 1, 2004). Recently, the Department of Homeland Security and Emergency Management renegotiated the tariffs with Quest, which reduced the cost to maintain Phase 1 to \$0.49 per line/per month. The Department is using the remaining \$105,000 per quarter to pay off outstanding obligations. At this amount, the debt will be paid off in seven and one quarter years or October 1, 2011.
5. Under Phase 1, a 911 call made from a wireless device has the call back number and address of the nearest tower forwarded to the appropriate public safety answering point.
6. Phase 2 would add latitude and longitude coordinates of the phone at the time the 911 call was received. To implement Phase 2, updates and modifications need to be made to the equipment at the Public Safety Answering Points (PSAPs).
7. There are 127 Public Safety Answering Points in Iowa.
8. The Department of Homeland Security has received a \$500,000 grant from the Public Safety Foundation of America, which will help start the implementation of Phase 2 in approximately 110 of the 127 PSAPs. (Some PSAPs have been using wire-line money to start the Phase 2 conversion in the meantime).
9. The local wire-line E911 surcharge is passed by local county referendum to fund recurring and non-recurring costs at the PSAP. The amount of the surcharge can vary from \$0.25 to \$2.50 per month, per telephone line. As of December 31, 2003, 72 counties had a \$1.00 surcharge, 23 counties had less than a \$1.00 surcharge, two counties had more than a \$1.00 surcharge, and two counties had no surcharge.
10. The Federal Communications Commission (FCC) states that once Phase 2 is requested by the PSAP, the upgrade should be 50.0% complete within six months and completely finished within 18 months. The average cost for a PSAP to upgrade to Phase 1 and implement Phase 2 is estimated to be about \$100,000 per PSAP.
11. House File 2434 establishes a priority order of payment. Under this priority order, the debt will be paid off by January 1, 2006.
12. The cost for the State Auditor to audit the E911 Fund ranges from \$5,000 to \$10,000 for the first year. The cost for ongoing years may be less costly. The costs may vary based on the amount of hours required for the audit, the number of employees needed, and the expertise level of the employees involved in the audit.

13. The wire-line reimbursement for transport costs is \$408,000 per quarter, which includes \$342,000 for Qwest and \$66,000 to the other telephone companies.
14. The associated wireless carriers and third-party Automated Location Information (ALI) costs are \$870,000 per quarter, which includes \$484,000 for the selective router and \$386,000 for the third-party database.
15. Prior to the debt being paid off, \$127,000 per quarter is going to the Public Safety Answering Points, which equates to \$508,000 per year divided by 127 PSAPs is about \$4,000 per PSAP.
16. Once the debt is paid off, up to \$400,000 per quarter would be allocated by a formula to the E911 Service Boards or PSAPs with no less than \$1,000 going to each of the 127 PSAPs. This equates to \$1.6 million per year.
17. House File 2434 reimburses the Iowa Law Enforcement Academy for dispatcher training by \$32,000 per quarter or \$128,000 per year to help offset the cost to run the Program.

### **Fiscal Impact**

House File 2434 does not create any additional revenue above current law, however, the current \$0.50 level of revenue will be redistributed as follows:

<u>CURRENT LAW</u>	<u>QUARTERLY DISTRIBUTION</u>
A Administration	\$ 50,000
B Wireline carrier reimbursement for transport costs	\$ 408,000
C Associated wireless carriers and third-party Automated Location Information (ALI) costs	\$ 870,000
Wireless carrier cost recovery	\$ 525,000
D Per quarter payment towards debt retirement	\$ 105,000
 <u>PRIOR TO DEBT BEING PAID OFF - HF 2434</u>	
A Administration	\$ 51,000
B Wireline reimbursement for transport costs	\$ 408,000
C Associated wireless carriers ALI costs	\$ 870,000
D Per quarter payment towards debt retirement	\$ 500,000
E Money to Public Safety Answering Points (PSAPs)	\$ 127,000
 <u>AFTER DEBT IS PAID OFF - HF 2434 - January 1, 2006</u>	
A Administration	\$ 51,000
B Wireline reimbursement for transport costs	\$ 408,000
C Associated wireless carriers ALI costs	\$ 870,000
E Money to PSAPS	\$ 400,000
F Law Enforcement Academy Dispatcher Training	\$ 32,000
G Wireless Carrier Cost Recovery	\$ 197,000

### **Source**

Department of Homeland Security and Emergency Management Division

Dennis C Prouty

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March 9, 2004

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The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

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**Fiscal Services Division  
Legislative Services Agency  
Fiscal Note**

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HF 2434 - E911 (LSB 6446 HV.3)

Analyst: Jennifer Acton (Phone: (515) 281-7846) (jennifer.acton@legis.state.ia.us)

Fiscal Note Version – As Amended and Passed by the Senate

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**Description**

House File 2434 as amended and passed by the Senate updates and modifies the enhanced 911 emergency telephone communications system.

**Assumptions**

1. There are approximately 1.3 million wireless cellular phone subscribers. Changes in the subscriber base affect receipts and expenses in the State E911 Program.
2. The Bill increases the monthly surcharge imposed on wireless communication service numbers from \$0.50 to \$0.65.
3. The quarterly revenue estimate, per calendar quarter, is approximately \$2.5 million or \$10.0 million per calendar year.
4. The current surcharge is \$0.50 on each wireless telephone line. The past cost to implement and maintain Phase 1 was \$0.58, which created a carry forward debt of approximately \$3.0 million (as of July 1, 2004). Recently, the Department of Homeland Security and Emergency Management renegotiated the tariffs with Qwest, which reduced the cost to maintain Phase 1 to \$0.49 per line/per month. The Department is using the remaining \$105,000 per quarter to pay off outstanding obligations. At \$105,000 per quarter, the debt will be paid off in seven and one quarter years (October 1, 2011).
5. Under Phase 1, a 911 call made from a wireless device has the call back number and address of the nearest tower forwarded to the appropriate Public Safety Answering Point. Phase 2 would add latitude and longitude coordinates of the phone at the time the 911 call was received. To implement Phase 2, updates and modifications need to be made to the equipment at the Public Safety Answering Points (PSAPs).
6. There are 127 Public Safety Answering Points in Iowa.
7. The Department of Homeland Security has received a \$500,000 grant from the Public Safety Foundation of America, which will help start the implementation of Phase 2 in approximately 110 of the 127 PSAPs. (Some PSAPs have been using wire-line money to start the Phase 2 conversion.)
8. The Federal Communications Commission (FCC) states that once Phase 2 is requested by the PSAP, the upgrade should be 50.0% complete within six months and completely finished within 18 months. The average cost for a PSAP to upgrade to Phase 1 and implement Phase 2 is estimated to be about \$100,000 per PSAP.
9. House File 2434 as amended establishes a priority order of payment. Under this priority order, the debt will be paid off by January 1, 2006.
10. The cost for the State Auditor to audit the E911 Fund is expected to be less than \$10,000 annually.
11. The Bill defines a new Section B, which allocates up to 21.0% of the total amount to wireless carriers for Phase I cost recovery. The Wireless Carrier Cost Recovery amount under the increased surcharge for both pre-debt pay off and post-debt pay off is \$532,000 per quarter or \$2.1 million per year.
12. The wire-line reimbursement for transport costs is \$408,000 per quarter, which includes \$342,000 for Qwest and \$66,000 to the other telephone companies.
13. The associated wireless carriers and third-party Automated Location Information (ALI) costs are \$870,000 per quarter, which includes \$484,000 for the selective router and \$386,000 for the third-party database.
14. Prior to the debt being paid off, \$127,000 per quarter is allocated to the Public Safety Answering Points, or \$508,000 per year. This results in approximately \$4,000 per PSAP, with no less than \$1,000 going to each of the 127 PSAPS per quarter.

15. Once the debt is paid off, the Amendment allocates 24.0% of the total surcharge amount or up to \$609,000 per quarter to be allocated by formula to the E911 Service Boards or PSAPs with no less than \$1,000 going to each of the 127 PSAPs. This equates to \$2.4 million per year.
16. House File 2434 as amended reimburses the Iowa Law Enforcement Academy for dispatcher training \$32,000 per quarter or \$128,000 per year to help offset the cost to run the Program.
17. The remainder of the amount generated from the surcharge may be accumulated in a fund as carryover operating surplus. That amount is estimated to be approximately \$16,000 per quarter prior to debt pay off and \$34,000 per quarter after the debt is paid off.

### **Fiscal Impact**

House File 2434 as amended by the Senate creates additional revenue above current law and redistributes the priority order of payment as follows:

<b>Revenue</b>	<b><u>Quarterly Distribution</u></b>
	\$ 2,535,000
<b><u>PRIOR TO DEBT PAID OFF</u></b>	
A Administration	\$ 50,000
B Wireless Carrier Cost Recovery	\$ 532,000
C Wireline reimbursement for transport costs	\$ 408,000
D Associated wireless carriers Automated Location Information (ALI) costs	\$ 870,000
E Per quarter payment towards debt retirement	\$ 500,000
F Money to Public Safety Answering Points (PSAPs)	\$ 127,000
G Law Enforcement Academy Dispatcher Training	\$ 32,000
H Carryover Operating Surplus Fund	\$ 16,000
<b><u>AFTER DEBT PAY OFF - January 1, 2006</u></b>	
A Administration	\$ 50,000
B Wireless Carrier Cost Recovery	\$ 532,000
C Wireline reimbursement for transport costs	\$ 408,000
D Associated wireless carriers ALI costs	\$ 870,000
F Money to PSAPS	\$ 609,000
G Law Enforcement Academy Dispatcher Training	\$ 32,000
H Carryover Operating Surplus Fund	\$ 34,000

### **Source**

Department of Homeland Security and Emergency Management Division

Dennis C Prouty

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April 7 2004

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The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

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REPORT OF THE CONFERENCE COMMITTEE  
ON HOUSE FILE 2434

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2434, a bill for an Act to update and modify the enhanced 911 emergency telephone communications system, respectfully make the following report:

1. That the Senate recedes from its amendment, H-8431.
2. That House File 2434, as passed by the House, is amended as follows:
  1. Page 15, by inserting after line 14 the following:

"b. The program manager shall allocate an amount up to two hundred thirty thousand dollars per calendar quarter to wireless carriers to recover their costs to deliver E911 phase 1 services. If the allocation in this paragraph is insufficient to reimburse all wireless carriers for such carriers' eligible expenses, the program manager shall allocate a prorated amount to each wireless carrier equal to the percentage of such carrier's eligible expenses as compared to the total of all eligible expenses for all wireless carriers for the calendar quarter during which such expenses were submitted. When prorated expenses are paid, the remaining unpaid expenses shall no longer be eligible for payment under this paragraph."
  2. Page 15, line 15, by striking the word "b." and inserting the following: "c."
  3. Page 15, by striking lines 19 through 27 and inserting

**CCH 2434**

Page 2

the following: "wireless E911 phase 1 services."

4. Page 15, line 28, by striking the word "c." and inserting the following: "d."

5. Page 16, line 18, by striking the word "d." and inserting the following: "e."

6. Page 16, by striking lines 22 and 23 and inserting the following:

"f. (1) The program manager shall allocate all remaining moneys in the fund per calendar quarter".

7. Page 16, by striking lines 27 through 31 and inserting the following: "by May 15 of each year. The amount allocated under this paragraph shall be allocated as follows:"

8. Page 17, line 3, by striking the word "service" and inserting the following: "safety".

9. Page 17, line 9, by inserting after the word "dollars" the following: "for each public safety answering point within the service area of the department of public safety or joint E911 service board".

10. Page 17, line 10, by striking the figure "(3)" inserting the following: "(2)".

11. Page 17, line 10, by striking the word "e" and inserting the following: "f".

12. Page 17, by striking lines 22 through 29.

13. Page 17, by striking lines 33 through 35 and inserting the following: "surplus. This surplus shall be allocated to wireless carriers to recover their costs to deliver E911 phase 1".

14. Page 21, by inserting after line 7 the following:

"Sec. \_\_\_\_ . APPLICABILITY DATE. Section 34A.7A, subsection 2, paragraph "b", as enacted by this Act, shall not be applicable until the outstanding wireless E911 phase 1 obligation incurred pursuant to chapter 34A prior to July 1, 2004, as referred to in section 34A.7A, subsection 2, paragraph "e", is retired. The fiscal services division of the legislative services agency shall notify the Code editor when the outstanding obligation has been retired."

**CCH 2434**

Page 3

15. Title page, line 2, by inserting after the word "system" the following: "and providing an applicability date".

16. By renumbering as necessary.

**ON THE PART OF THE HOUSE:**

DAVE TJEPKES, Chairperson  
CLEL BAUDLER  
LISA HEDDENS  
RALPH KLEMME  
BRIAN QUIRK

**ON THE PART OF THE SENATE:**

JOHN PUTNEY, Chairperson  
DARYL BEALL  
GENE FRAISE  
DOUG SHULL  
RON WIECK

**CCR 2434** FILED APRIL 14, 2004

REPORT OF THE CONFERENCE COMMITTEE  
ON HOUSE FILE 2434

To the Speaker of the House of Representatives and the President of the Senate:

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## CCH 2434

Page 2

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5. Page 16, line 18, by striking the word "d." and inserting the following: "e."

6. Page 16, by striking lines 22 and 23 and inserting the following:

"f. (1) The program manager shall allocate all remaining moneys in the fund per calendar quarter".

7. Page 16, by striking lines 27 through 31 and inserting the following: "by May 15 of each year. The amount allocated under this paragraph shall be allocated as follows:"

8. Page 17, line 3, by striking the word "service" and inserting the following: "safety".

9. Page 17, line 9, by inserting after the word "dollars" the following: "for each public safety answering point within the service area of the department of public safety or joint E911 service board".

10. Page 17, line 10, by striking the figure "(3)" inserting the following: "(2)".

11. Page 17, line 10, by striking the word "e" and inserting the following: "f".

12. Page 17, by striking lines 22 through 29.

13. Page 17, by striking lines 33 through 35 and inserting the following: "surplus. This surplus shall be allocated to wireless carriers to recover their costs to deliver E911 phase 1".

14. Page 21, by inserting after line 7 the following:

"Sec. \_\_\_\_ . APPLICABILITY DATE. Section 34A.7A, subsection 2, paragraph "b", as enacted by this Act, shall not be applicable until the outstanding wireless E911 phase 1 obligation incurred pursuant to chapter 34A prior to July 1, 2004, as referred to in section 34A.7A, subsection 2, paragraph "e", is retired. The fiscal services division of the legislative services agency shall notify the Code editor when the outstanding obligation has been retired."

**CCH 2434**

Page 3

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16. By renumbering as necessary.

**ON THE PART OF THE HOUSE:**

DAVE TJEPKES, Chairperson  
CLEL BAUDLER  
LISA HEDDENS  
RALPH KLEMME  
BRIAN QUIRK

**ON THE PART OF THE SENATE:**

JOHN PUTNEY, Chairperson  
DARYL BEALL  
GENE FRAISE  
DOUG SHULL  
RON WIECK

**CCR 2434** FILED APRIL 14, 2004

Tjepkes, ch

Heddens

Baudler

Klemme

McCarthy

Successed By  
SF *Oatz*

HSB 681

PUBLIC SAFETY

HOUSE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
PUBLIC SAFETY BILL

BY CHAIRPERSON BAUDLER)

Passed House, Date \_\_\_\_\_

Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act to update and modify the enhanced 911 emergency telephone  
2 communications system.

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

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1 Section 1. Section 34A.1, Code 2003, is amended to read as  
2 follows:

3 34A.1 PURPOSE.

4 The ~~legislature~~ general assembly finds that enhanced 911  
5 emergency telephone communication systems and other emergency  
6 911 notification devices further the public interest and  
7 protect the health, safety, and welfare of the people of Iowa.  
8 The purpose of this chapter is to enable the orderly  
9 development, installation, and operation of enhanced 911  
10 emergency telephone communication systems and other emergency  
11 911 notification devices statewide. These systems are to be  
12 operated under governmental management and control for the  
13 public benefit.

14 Sec. 2. Section 34A.2, Code 2003, is amended to read as  
15 follows:

16 34A.2 DEFINITIONS.

17 As used in this chapter, unless the context otherwise  
18 requires:

19 1. "Access line" means ~~a local~~ an exchange access line  
20 that has the ability to access ~~local~~ dial tone and reach a  
21 ~~local~~ public safety agency answering point.

22 2. "Administrator" means the ~~E911~~ administrator appointed  
23 pursuant-to-section-34A-2A of the homeland security and  
24 emergency management division of the department of public  
25 defense.

26 3. "Competitive local exchange carrier" means a  
27 telecommunications company, certified by a state utilities  
28 commission, that provides local exchange service within a  
29 local exchange certified by the Iowa utilities board.

30 4. "Emergency 911 notification device" means a product  
31 capable of accessing a public safety answering point through  
32 the 911 system.

33 3- 5. "Enhanced 911" or "E911" means a service which that  
34 provides the user of a public-telephone-system communications  
35 service with the ability to reach a public safety answering



1 point by dialing the digits 911, and which that has the  
2 following additional features:

3 a. Routes an incoming 911 call to the appropriate public  
4 safety answering point ~~selected-from-the-public-safety~~  
5 ~~answering-points-operating-in-a-911-service-area.~~

6 b. Automatically provides voice, displays the name,  
7 address or location, and telephone number of an incoming 911  
8 call and public safety agency servicing the ~~address-on-a-video~~  
9 ~~monitor-at-the-appropriate-public-safety-answering-point~~  
10 location.

11 4- 6. "Enhanced 911 service area" means the geographic  
12 area to be serviced, or currently serviced under an enhanced  
13 911 service plan, provided that an enhanced 911 service area  
14 must at minimum encompass one entire county. The enhanced 911  
15 service area may encompass more than one county, and need not  
16 be restricted to county boundaries.

17 5- 7. "Enhanced 911 service plan" means a plan that  
18 includes the following information:

19 a. A description of the enhanced 911 service area.

20 b. A list of all public and private safety agencies within  
21 the enhanced 911 service area.

22 c. The number of public safety answering points within the  
23 enhanced 911 service area.

24 d. Identification of the agency responsible for management  
25 and supervision of the enhanced 911 emergency telephone  
26 communication system.

27 e. A statement of estimated costs to be incurred by the  
28 joint E911 service board or the department of public safety,  
29 including separate estimates of the following:

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

1 (2) Recurring costs, including, but not limited to,  
2 network access fees and other telephone charges, software,  
3 equipment, and database management, and maintenance, including  
4 the purchase or lease of subscriber names, addresses, and  
5 telephone information from the local exchange service  
6 provider. Recurring costs shall not include personnel costs  
7 for a public safety answering point.

8 Funds deposited in an E911 service fund ~~shall be~~ are  
9 appropriated and shall be used for the payment of costs which  
10 that are limited to nonrecurring and recurring costs directly  
11 attributable to the provision of 911 emergency telephone  
12 communication service and may include costs for portable and  
13 vehicle radios, communication towers and associated equipment,  
14 and other radios and associated equipment permanently located  
15 at the public safety answering point and as directed by either  
16 the joint E911 service board or the department of public  
17 safety. Costs do not include expenditures for any other  
18 purpose, and specifically exclude costs attributable to other  
19 emergency services or expenditures for buildings or personnel,  
20 except for the costs of personnel for database management and  
21 personnel directly associated with addressing.

22 f. Current equipment operated by affected local exchange  
23 service providers, and central office equipment and technology  
24 upgrades necessary for the provider to implement enhanced 911  
25 service within the enhanced 911 service area ~~on or before July~~  
26 ~~17-1992~~.

27 g. A schedule for implementation of the plan throughout  
28 the E911 service area. The schedule may provide for phased  
29 implementation. ~~However, a joint 911 service board may decide~~  
30 ~~not to implement E911 service.~~

31 h. The number of telephone access lines capable of access  
32 to 911 in the enhanced 911 service area.

33 i. The total property valuation in the enhanced 911  
34 service area.

35 ~~6. -- "Enhanced 911 service surcharge" is a charge set by the~~

1 ~~E911-service-area-operating-authority-and-assessed-on-each~~  
2 ~~access-line-which-physically-terminates-within-the-E911~~  
3 ~~service-area.~~

4 8. "Incumbent local exchange carrier" means a carrier  
5 which, with respect to an enhanced 911 service area, meets  
6 both of the following:

7 a. On February 8, 1996, provided telephone exchange  
8 service in the area.

9 b. A carrier that meets one of the following:

10 (1) On February 8, 1996, was deemed to be a member of the  
11 national exchange carrier association pursuant to 47 C.F.R. §  
12 69.601(b).

13 (2) Is a vendor that, on or after February 8, 1996, became  
14 a successor or assignee of a member described in subparagraph  
15 (1).

16 7- 9. "Local exchange service provider" means a person  
17 vendor engaged in providing telecommunications service between  
18 points within an exchange and includes but is not limited to  
19 competitive local exchange carriers, incumbent local exchange  
20 carriers, and resellers.

21 10. "Program manager" means the E911 program manager  
22 appointed pursuant to section 34A.2A.

23 8- 11. "Provider" means a person vendor who provides, or  
24 offers to provide, E911 equipment, installation, maintenance,  
25 or exchange access services within the enhanced 911 service  
26 area.

27 9- 12. "Public or private safety agency" means a unit of  
28 state or local government, a special purpose district, or a  
29 private firm which provides or has the authority to provide  
30 fire fighting, police, ambulance, or emergency medical  
31 services, or hazardous materials response.

32 10- 13. "Public safety answering point" means a twenty-  
33 four-hour-local-jurisdiction twenty-four-hour public safety  
34 communications facility which that receives enhanced 911  
35 service calls and directly dispatches emergency response

1 services or relays calls to the appropriate public or private  
2 safety agency.

3 14. "Reseller" means a telecommunications company that  
4 resells local telephone services to both residential and  
5 business customers, where the reseller has interconnection  
6 agreements with the telephone company that allows the reseller  
7 a wholesale discount on services the reseller purchases from  
8 the telephone company to resell to the reseller's end user.

9 15. "Wireless E911 phase 1" means a 911 call made from a  
10 wireless device in which the wireless service provider  
11 delivers the call-back number and address of the tower that  
12 received the call to the appropriate public safety answering  
13 point.

14 16. "Wireless E911 phase 2" means a 911 call made from a  
15 wireless device in which the wireless service provider  
16 delivers the call-back number and the latitude and longitude  
17 coordinates of the wireless device to the appropriate public  
18 safety answering point.

19 17. "Wire-line E911 service surcharge" is a charge set by  
20 the E911 service area operating authority and assessed on each  
21 wire-line access line which physically terminates within the  
22 E911 service area.

23 Sec. 3. Section 34A.2A, Code 2003, is amended to read as  
24 follows:

25 34A.2A ADMINISTRATOR PROGRAM MANAGER -- APPOINTMENT --  
26 DUTIES.

27 1. The administrator of the division of homeland security  
28 and emergency management division of the department of public  
29 defense shall appoint an E911 administrator program manager to  
30 administer this chapter.

31 2. The E911 administrator program manager shall act under  
32 the supervisory control of the administrator of the division  
33 of homeland security and emergency management division of the  
34 department of public defense, and in consultation with the  
35 E911 communications council, and perform the duties

1 specifically set forth in this chapter and as assigned by the  
2 administrator.

3 Sec. 4. Section 34A.3, Code 2003, is amended to read as  
4 follows:

5 34A.3 JOINT ~~911~~ E911 SERVICE BOARD -- 911 SERVICE PLAN --  
6 IMPLEMENTATION -- WAIVERS.

7 1. JOINT ~~911~~ E911 SERVICE BOARDS ~~TO-SUBMIT~~ -- PLANS.

8 a. The board of supervisors of each county shall establish  
9 maintain a joint ~~911~~ E911 service board ~~not-later-than-January~~  
10 ~~17-1989.~~

11 (1) Each political subdivision of the state having a  
12 public safety agency serving territory within the county is  
13 entitled to voting membership on the joint ~~911~~ E911 service  
14 board. Each private safety agency operating within the area  
15 is entitled to nonvoting membership on the board.

16 (2) A township ~~which~~ that does not operate its own public  
17 safety agency, but contracts for the provision of public  
18 safety services, is not entitled to membership on the joint  
19 ~~911~~ E911 service board, but its contractor is entitled to  
20 membership according to the contractor's status as a public or  
21 private safety agency.

22 b. The joint ~~911~~ E911 service board shall ~~develop~~ maintain  
23 an enhanced 911 service plan encompassing at minimum the  
24 entire county, unless an exemption is granted by the  
25 administrator program manager permitting a smaller E911  
26 service area.

27 (1) The administrator program manager may grant a  
28 discretionary exemption from the single county minimum service  
29 area requirement based upon ~~an-E911~~ a joint E911 service  
30 board's or other E911 service plan operating authority's  
31 presentation of evidence which supports the requested  
32 exemption if the administrator program manager finds that  
33 local conditions make adherence to the minimum standard  
34 unreasonable or technically infeasible, and that the purposes  
35 of this chapter would be furthered by granting an exemption.

1 The minimum size requirement is intended to prevent  
2 unnecessary duplication of public safety answering points and  
3 minimize other administrative, personnel, and equipment  
4 expenses. ~~An-E911-service-area-must-encompass-a  
5 geographically-contiguous-area.---No-exemption-shall-be-granted  
6 from-the-contiguous-area-requirement.~~

7 (2) The administrator program manager may order the  
8 inclusion of a specific territory in an adjoining E911 service  
9 plan area to avoid the creation by exclusion of a territory  
10 smaller than a single county not serviced by surrounding E911  
11 service plan areas upon request of the joint ~~911~~ E911 service  
12 board representing the territory.

13 c. The E911 service plan operating authority shall submit  
14 proposed changes to the plan on-or-before-January-17-1994, to  
15 all of the following:

16 a- (1) The administrator program manager.

17 b- (2) Public and private safety agencies in the enhanced  
18 911 service area.

19 c- (3) Providers Local exchange service providers affected  
20 by the enhanced 911 service plan.

21 ~~An-E911-joint-service-board-that-has-a-state-approved  
22 service-plan-in-place-prior-to-July-17-1993, is-exempt-from  
23 the-provisions-of-this-section.---The-administrator-shall  
24 establish, by-July-17-1994, E911-service-plans-for-those-E911  
25 joint-service-boards-which-do-not-have-a-state-approved  
26 service-plan-in-place-on-or-before-January-17-1994.~~

27 ~~The-administrator-shall-prepare-a-summary-of-the-plans  
28 submitted-and-present-the-summary-to-the-legislature-on-or  
29 before-August-17-1994.~~

30 2. COMPLIANCE WAIVERS AVAILABLE IN LIMITED CIRCUMSTANCES.

31 a. The administrator program manager may extend, ~~in-whole~~  
32 or-in-part, the time period for plan implementation by issuing  
33 for-implementation-of-an-enhanced-911-service-plan-beyond-the  
34 scheduled-plan-of-implementation, by-issuance-of a compliance  
35 waiver.

681

1     b. The compliance waiver shall be based upon a joint 911  
2 E911 service board's presentation of evidence which supports  
3 an extension if the ~~administrator~~ program manager finds that  
4 local conditions make implementation financially unreasonable  
5 or technically infeasible by the originally scheduled plan of  
6 implementation.

7     c. The compliance waiver shall be for a set period of  
8 time, and subject to review and renewal or denial of renewal  
9 upon its expiration.

10    d. The waiver may cover all or a portion of a 911 service  
11 plan's enhanced 911 service area to facilitate phased  
12 implementation when possible.

13    e. The granting of a compliance waiver does not create a  
14 presumption that the identical or similar waiver will be  
15 extended in the future.

16    f. Consideration of compliance waivers shall be on a case-  
17 by-case basis.

18    3. CHAPTER 28E AGREEMENT -- ALTERNATIVE TO JOINT 911 E911  
19 SERVICE BOARD. A legal entity created pursuant to chapter 28E  
20 by a county or counties, other political divisions, and public  
21 or private agencies to jointly plan, implement, and operate a  
22 countywide, or larger, enhanced 911 service system may be  
23 substituted for the joint 911 E911 service board required  
24 under subsection 1.

25    An alternative legal entity created pursuant to chapter 28E  
26 as a substitute for a joint 911 E911 service board, as  
27 permitted by this subsection, may be created by either:

28    a. Agreement of the parties entitled to voting membership  
29 on a joint 911 E911 service board.

30    b. Agreement of the members of a joint 911 E911 service  
31 board.

32    An alternative chapter 28E entity has all of the powers of  
33 a joint 911 E911 service board and any additional powers  
34 granted by the agreement. As used in this chapter, "joint 911  
35 E911 service board" includes an alternative chapter 28E entity

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

8 4. PARTICIPATION IN JOINT E911 SERVICE BOARD REQUIRED. A  
9 political subdivision or state agency having a public safety  
10 agency within its territory or jurisdiction shall participate  
11 in a joint E911 service board and cooperate in preparing  
12 maintaining the E911 service plan.

13 Sec. 5. Section 34A.4, Code 2003, is amended to read as  
14 follows:

15 34A.4 REQUIRED-CONVERSION REQUIREMENTS OF PAY TELEPHONES  
16 AND OTHER TELECOMMUNICATIONS DEVICES TO ALLOW 911 CALLS  
17 WITHOUT DEPOSITING COINS OR OTHER CHARGE.

18 ~~1.---CONVERSION-AND-NOTICE-REQUIRED.---When-an-enhanced-911~~  
19 ~~service-system-becomes-operational-or-as-soon-as-feasible~~  
20 ~~thereafter,-each-provider-or-other-owner-or-lessee-of-a-pay~~  
21 ~~station-telephone-to-be-operated-within-the-enhanced-911~~  
22 ~~service-area-shall-do-the-following:~~

23 ~~a.---Convert-each-telephone-to-permit-a-caller-to-dial-911~~  
24 ~~without-first-inserting-a-coin-or-paying-any-other-charge.~~

25 ~~b.---Prominently-display-on-each-pay-telephone-a-notice~~  
26 ~~advising-callers-to-dial-911-in-an-emergency-and-that-deposit~~  
27 ~~of-a-coin-is-not-required.~~

28 ~~2.---CERTAIN-PAY-PHONES-PROHIBITED-WITHIN-SERVICE-AREA.~~

29 ~~After-commencement-of-enhanced-911-service-in~~ In an enhanced  
30 911 service area, a person shall not install or offer for use  
31 within the enhanced 911 service area a pay station telephone  
32 or other fixed device unless the telephone or device is  
33 capable of accepting making a 911 call without prior insertion  
34 of a coin or payment of any other charge, and unless the  
35 telephone or device displays notice of free 911 service.



1 Sec. 6. Section 34A.6, subsection 1, unnumbered paragraph  
2 1, Code 2003, is amended to read as follows:

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

10 Sec. 7. Section 34A.7, unnumbered paragraph 1, Code 2003,  
11 is amended to read as follows:

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

33 Sec. 8. Section 34A.7, subsections 1, 2, 3, and 4, Code  
34 2003, are amended to read as follows:

- 35 1. LOCAL WIRE-LINE E911 SERVICE SURCHARGE IMPOSITION.

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

6 (1) One dollar.

7 (2) An amount less than one dollar, which would fully pay  
8 both recurring and nonrecurring costs of the E911 service  
9 system within five years from the date the maximum surcharge  
10 is imposed.

11 (3) The maximum monetary limitation approved by  
12 referendum.

13 b. The surcharge shall be imposed by order of the  
14 administrator program manager as follows:

15 (1) The administrator program manager shall notify a local  
16 exchange service provider scheduled to provide exchange access  
17 line service to an E911 service area, that implementation of  
18 an E911 service plan has been approved by the joint ~~911~~ E911  
19 service board and by the service area referendum, and that  
20 collection of the surcharge is to begin within one hundred  
21 days.

22 (2) ~~The notice shall be provided at least one hundred days~~  
23 ~~before the surcharge must be billed for the first time~~ program  
24 manager shall also provide notice to all affected public  
25 safety answering points.

26 ~~c. The surcharge shall terminate at the end of twenty-four~~  
27 ~~months, unless either, or both, of the following conditions is~~  
28 ~~met:~~

29 (1) ~~E911 service is initiated for all or a part of the~~  
30 ~~E911 service area.~~

31 (2) ~~An extension is granted by the administrator for good~~  
32 ~~cause.~~

33 ~~d. The surcharge shall terminate at the end of twenty-four~~  
34 ~~months if the joint E911 service plan has not been approved by~~  
35 ~~the administrator within eighteen months of the original~~

1 notice-to-the-provider-to-impose-the-surcharge, and shall not  
2 be reimposed until a service plan is approved by the  
3 administrator and the administrator gives providers notice as  
4 required by paragraph "a", subparagraphs (1) and (2).

5 2. SURCHARGE COLLECTED BY LOCAL EXCHANGE SERVICE  
6 PROVIDERS.

7 a. The surcharge shall be collected as part of the access  
8 line service provider's periodic billing to a subscriber. In  
9 compensation for the costs of billing and collection, the  
10 local exchange service provider may retain one percent of the  
11 gross surcharges collected. If the compensation is  
12 insufficient to fully recover a local exchange service  
13 provider's costs for billing and collection of the surcharge,  
14 the deficiency shall be included in the local exchange service  
15 provider's costs for ratemaking purposes to the extent it is  
16 reasonable and just under section 476.6. The surcharge shall  
17 be remitted to the E911 service operating authority for  
18 deposit into the E911 service fund quarterly by the local  
19 exchange service provider. The total amount for multiple  
20 exchanges may be combined.

21 b. A local exchange service provider is not liable for an  
22 uncollected surcharge for which the local exchange service  
23 provider has billed a subscriber but not been paid. The  
24 surcharge shall appear as a single line item on a subscriber's  
25 periodic billing entitled, "E911 emergency telephone service  
26 surcharge". The E911 service surcharge is not subject to  
27 sales or use tax.

28 c. The joint E911 service board may request, not more than  
29 once each quarter, the following information from the local  
30 exchange service provider:

- 31 (1) The identity of the exchange from which the surcharge  
32 is collected.
- 33 (2) The number of lines to which the surcharge was applied  
34 for the quarter.
- 35 (3) The number of refusals to pay per exchange if

1 applicable.

2 (4) Write-offs applied per exchange if applicable.

3 (5) The number of lines exempt per exchange.

4 (6) The amount retained by the local exchange service  
5 provider generated from the one percent administration fee.

6 d. Access line counts and surcharge remittances are  
7 confidential public records as provided by federal law.

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

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

24 Sec. 9. Section 34A.7, subsection 5, paragraph b,  
25 subparagraphs (2) and (3), Code 2003, are amended to read as  
26 follows:

27 (2) If money remains in the fund after fully paying for  
28 recurring costs incurred in the preceding year, the remainder  
29 may be spent to pay for nonrecurring costs, not to exceed  
30 actual nonrecurring costs as approved by the administrator  
31 program manager.

32 (3) If money remains in the fund after fully paying  
33 obligations under subparagraphs (1) and (2), the remainder may  
34 be accumulated in the fund as a carryover operating surplus.  
35 If the surplus is greater than twenty-five percent of the

1 approved annual operating budget for the next year, the  
 2 administrator program manager shall reduce the surcharge by an  
 3 amount calculated to result in a surplus of no more than  
 4 twenty-five percent of the planned annual operating budget.  
 5 After nonrecurring costs have been paid, if the surcharge is  
 6 less than the maximum allowed and the fund surplus is less  
 7 than twenty-five percent of the approved annual operating  
 8 budget, the administrator program manager shall, upon  
 9 application of the joint E911 service board, increase the  
 10 surcharge in an amount calculated to result in a surplus of  
 11 twenty-five percent of the approved annual operating budget.  
 12 The surcharge may only be adjusted once in a single year, upon  
 13 one hundred days' prior notice to the provider.

14 Sec. 10. Section 34A.7A, subsection 1, paragraph b, Code  
 15 2003, is amended to read as follows:

16 b. The administrator program manager shall provide no less  
 17 than one hundred days' notice of the surcharge to be imposed  
 18 to each wireless communications service provider. The  
 19 administrator program manager, subject to the fifty cent limit  
 20 in paragraph "a", may adjust the amount of the surcharge as  
 21 necessary, but no more than once in any calendar year.

22 Sec. 11. Section 34A.7A, subsection 1, paragraph c, Code  
 23 2003, is amended to read as follows:

24 c. (1) The surcharge shall be collected as part of the  
 25 wireless communications service provider's periodic billing to  
 26 a subscriber. The surcharge shall appear as a single line  
 27 item on a subscriber's periodic billing indicating that the  
 28 surcharge is for E911 emergency telephone service. In the  
 29 case of prepaid wireless telephone service, this surcharge  
 30 shall be remitted based upon the address associated with the  
 31 point of purchase, the customer billing address, or the  
 32 location associated with the mobile telephone number for each  
 33 active prepaid wireless telephone that has a sufficient  
 34 positive balance as of the last days of the information, if  
 35 that information is available. The wireless E911 service

1 surcharge is not subject to sales or use tax.

2 (2) In compensation for the costs of billing and  
3 collection, the wireless communications service provider may  
4 retain one percent of the gross surcharges collected.

5 (3) The surcharges shall be remitted quarterly by the  
6 wireless communications service provider to the administrator  
7 program manager for deposit into the fund established in  
8 subsection 2.

9 (4) A wireless communications service provider is not  
10 liable for an uncollected surcharge for which the wireless  
11 communications service provider has billed a subscriber but  
12 which has not been paid. ~~The surcharge shall appear as a~~  
13 ~~single line item on a subscriber's periodic billing indicating~~  
14 ~~that the surcharge is for E911 emergency telephone service.~~  
15 ~~The E911 service surcharge is not subject to sales or use tax.~~

16 Sec. 12. Section 34A.7A, subsection 2, Code 2003, is  
17 amended to read as follows:

18 2. Moneys collected pursuant to subsection 1 shall be  
19 deposited in a separate wireless E911 emergency communications  
20 fund within the state treasury under the control of the  
21 administrator program manager. Section 8.33 shall not apply  
22 to moneys in the fund. Moneys earned as income, including as  
23 interest, from the fund shall remain in the fund until  
24 expended as provided in this section. Moneys in the fund  
25 shall be expended and distributed annually as follows in the  
26 following priority order:

27 a. An amount as appropriated by the general assembly to  
28 the administrator shall be allocated to the administrator and  
29 program manager for implementation, support, and maintenance  
30 of the functions of the administrator and program manager.

31 b. The program manager shall reimburse wire-line carriers  
32 on a calendar quarter basis for carriers' eligible expenses  
33 for transport costs related to the delivery of wireless E911  
34 phase 1 services. If the total amount of moneys available in  
35 the fund for the reimbursement of wire-line carriers pursuant

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1 to this paragraph is insufficient to reimburse all wireless  
2 carriers for such carriers' eligible expenses, the program  
3 manager shall remit an amount to each wire-line carrier equal  
4 to the percentage of such carrier's eligible expenses as  
5 compared to the total of all eligible expenses for all wire-  
6 line carriers for the calendar quarter during which such  
7 expenses were submitted.

8 ~~b. c. (1)~~ The administrator program manager shall retain  
9 ~~funds-necessary-to-reimburse-wireless-carriers-for-their-costs~~  
10 ~~to-deliver-E911-services.--The-administrator-shall-assure-that~~  
11 ~~wireless-carriers-recover-all~~ reimburse wireless carriers and  
12 third-party providers on a calendar quarter basis for eligible  
13 wireless E911 phase 1 contract costs associated with of the  
14 wireless carriers or third-party providers for the purpose of  
15 maintaining the automatic location information and related  
16 database systems pursuant to the implementation and operation  
17 of E911 services, including but not limited to hardware,  
18 software, and transport costs. The-administrator-shall-adopt  
19 ~~rules-defining-eligible-costs-which-are-consistent-with~~  
20 ~~federal-law,regulations, and-any-order-of-a-federal-agency.~~

21 ~~(2)--The-administrator-shall-provide-for-the-reimbursement~~  
22 ~~of-wireless-carriers-on-a-quarterly-basis.--If-the-total~~  
23 ~~amount-of-moneys-available-in-the-fund-for-the-reimbursement~~  
24 ~~of-wireless-carriers-pursuant-to-subparagraph-(1)-is~~  
25 ~~insufficient-to-reimburse-all-wireless-carriers-for-such~~  
26 ~~carriers'-eligible-expenses, the-administrator-shall-remit-an~~  
27 ~~amount-to-each-wireless-carrier-equal-to-the-percentage-of~~  
28 ~~such-carrier's-eligible-expenses-as-compared-to-the-total-of~~  
29 ~~all-eligible-expenses-for-all-wireless-carriers-for-the~~  
30 ~~calendar-quarter-during-which-such-expenses-were-submitted.~~

31 d. The program manager shall apply an amount up to five  
32 hundred thousand dollars per calendar quarter to any  
33 outstanding wireless E911 phase 1 obligations incurred  
34 pursuant to this chapter prior to July 1, 2004.

35 e. (1) The program manager shall allocate an amount up to

1 one hundred twenty-seven thousand dollars per calendar quarter  
2 equally to the joint E911 service boards and the department of  
3 public safety that have submitted an annual written request to  
4 the program manager in a form approved by the program manager  
5 by May 15 of each year.

6 (2) Upon retirement of outstanding obligations referred to  
7 in paragraph "d", the amount allocated under this paragraph  
8 "e" shall be an amount up to four hundred thousand dollars per  
9 calendar quarter allocated as follows:

10 (a) Sixty-five percent of the total dollars available for  
11 allocation shall be allocated in proportion to the square  
12 miles of the service area to the total square miles in this  
13 state.

14 (b) Thirty-five percent of the total dollars available for  
15 allocation shall be allocated in proportion to the wireless  
16 E911 calls taken at the public service answering point in the  
17 service area to the total number of wireless E911 calls  
18 originating in this state.

19 (3) The funds allocated in this paragraph "e" shall be  
20 used for communication equipment located inside the public  
21 safety answering points for the implementation and maintenance  
22 of wireless E911 phase 2. The joint E911 service boards and  
23 the department of public safety shall provide an estimate of  
24 phase 2 implementation costs to the program manager by January  
25 1, 2005.

26 ~~c.--(1)--The-remainder-of-the-surcharge-collected-shall-be~~  
27 ~~remitted-to-the-administrator-for-distribution-to-the-joint~~  
28 ~~E911-service-boards-and-the-department-of-public-safety~~  
29 ~~pursuant-to-subparagraph-(2)-to-be-used-for-the-implementation~~  
30 ~~of-enhanced-wireless-communications-capabilities.~~

31 f. After the amounts in paragraph "d" and "e" have been  
32 applied and allocated, the program manager shall provide an  
33 amount up to thirty-two thousand dollars per calendar quarter  
34 to the Iowa law enforcement academy, created in section 80B.4,  
35 for reimbursement of costs related to E911 dispatcher



1 training. The academy shall provide training to the E911  
2 dispatchers at no cost or minimal cost to recover actual  
3 expenses.

4 g. If moneys remain in the fund after fully paying all  
5 obligations under paragraphs "a" through "f", the remainder  
6 may be accumulated in the fund as a carryover operating  
7 surplus. This surplus shall be used to fund future phase 2  
8 network and public safety answering point improvements and  
9 wireless carriers' transport costs related to wireless E911  
10 services, if those costs are not otherwise recovered by  
11 wireless carriers through customer billing or other sources.  
12 Notwithstanding section 8.33, any moneys remaining in the fund  
13 at the end of each fiscal year shall not revert to the general  
14 fund of the state but shall remain available for the purposes  
15 of the fund.

16 (2) h. The administrator, in consultation with the  
17 program manager and the E911 communications council, shall  
18 adopt rules pursuant to chapter 17A governing the distribution  
19 of the surcharge collected and distributed pursuant to this  
20 lettered-paragraph subsection. The rules shall include  
21 provisions that all joint E911 service boards and the  
22 department of public safety which answer or service wireless  
23 E911 calls are eligible to receive an equitable portion of the  
24 receipts.

25 ~~A-joint-E911-service-board-or-the-department-of-public~~  
26 ~~safety,-to-receive-funds-from-the-wireless-E911-emergency~~  
27 ~~communications-fund,-must-submit-a-written-request-for-such~~  
28 ~~funds-to-the-administrator-in-a-form-as-approved-by-the~~  
29 ~~administrator,--A-request-shall-be-for-funding-under-an~~  
30 ~~approved-E911-service-plan-for-equipment-which-is-directly~~  
31 ~~related-to-the-reception-and-disposition-of-incoming-wireless~~  
32 ~~E911-calls,--The-administrator-may-approve-the-distribution-of~~  
33 ~~funds-pursuant-to-such-request-if-the-administrator-finds-that~~  
34 ~~the-requested-funding-is-for-equipment-necessary-for-the~~  
35 ~~reception-and-disposition-of-such-calls-and-that-sufficient~~

1 ~~funds are available for such distribution.~~

2 ~~If insufficient funds are available to fund all requests,~~  
3 ~~the administrator shall fund requests in an order deemed~~  
4 ~~appropriate by the administrator after considering factors~~  
5 ~~including, but not limited to, all of the following:~~

6 ~~(a) Documented volume of wireless E911 calls received by~~  
7 ~~each public safety answering point.~~

8 ~~(b) The population served by each public safety answering~~  
9 ~~point.~~

10 ~~(c) The number of wireless telephones in the public safety~~  
11 ~~answering point jurisdiction.~~

12 ~~(d) The public safety of the citizens of this state.~~

13 ~~(e) Any other factor deemed appropriate by the~~  
14 ~~administrator, in consultation with the E911 communications~~  
15 ~~council, and adopted by rule.~~

16 ~~(3) 2A. a. The administrator program manager shall~~  
17 ~~submit an annual report by January 15 of each year to the~~  
18 ~~legislative government oversight committee advising the~~  
19 ~~general assembly of the status of E911 implementation and~~  
20 ~~operations, including both land-line wire-line and wireless~~  
21 ~~services, and the distribution of surcharge receipts, and an~~  
22 ~~accounting of the revenues and expenses of the E911 program.~~

23 ~~b. The program manager shall submit a calendar quarter~~  
24 ~~report of the revenues and expenses of the E911 program to the~~  
25 ~~fiscal services division of the legislative services agency.~~

26 ~~c. The legislative government oversight committee shall~~  
27 ~~review the priorities of distribution of funds under this~~  
28 ~~chapter at least every two years.~~

29 Sec. 13. Section 34A.7A, subsection 3, Code 2003, is  
30 amended to read as follows:

31 3. The amount collected from a wireless service provider  
32 and deposited in the fund, pursuant to section 22.7,  
33 subsection 6, information provided by a wireless service  
34 provider to the administrator program manager consisting of  
35 trade secrets, pursuant to section 22.7, subsection 3, and

1 other financial or commercial operations information provided  
2 by a wireless service provider to the administrator program  
3 manager, shall be kept confidential as provided under section  
4 22.7. This subsection does not prohibit the inclusion of  
5 information in any report providing aggregate amounts and  
6 information which does not identify numbers of accounts or  
7 customers, revenues, or expenses attributable to an individual  
8 wireless communications service provider.

9 Sec. 14. Section 34A.8, subsection 2, unnumbered paragraph  
10 2, Code 2003, is amended to read as follows:

11 The joint E911 service board, the designated E911 service  
12 provider, and the public safety answering point, their agents,  
13 employees, and assigns shall use local exchange service  
14 information provided by the local exchange service provider  
15 solely for the purposes of providing E911 emergency telephone  
16 service, and it shall otherwise be kept confidential. A  
17 person who violates this section is guilty of a simple  
18 misdemeanor.

19 Sec. 15. Section 34A.9, Code 2003, is amended to read as  
20 follows:

21 34A.9 TELECOMMUNICATIONS DEVICES FOR THE DEAF SPEECH AND  
22 HEARING-IMPAIRED.

23 ~~By January 17, 1996, each county~~ Each public safety  
24 answering point shall provide for the installation and use of  
25 ~~at least one~~ telecommunications device ~~devices~~ for the deaf-at  
26 ~~a public safety answering point~~ speech and hearing-impaired.

27 Sec. 16. NEW SECTION. 34A.10 E911 SELECTIVE ROUTER.

28 On and after July 1, 2004, only the program manager shall  
29 approve access to the E911 selective router.

30 Sec. 17. Section 34A.15, Code 2003, is amended by adding  
31 the following new subsection:

32 NEW SUBSECTION. 1A. The auditor of state shall serve as  
33 an ex officio nonvoting member.

34 Sec. 18. Section 34A.15, subsection 2, Code 2003, is  
35 amended to read as follows:

1 2. The council shall advise and make recommendations to  
2 the administrator and program manager regarding the  
3 implementation of this chapter. Such advice and  
4 recommendations shall be provided on issues at the request of  
5 the administrator or program manager or as deemed necessary by  
6 the council.

7 Sec. 19. Section 16.161, unnumbered paragraph 1, Code  
8 2003, is amended to read as follows:

9 The authority shall assist the administrator program  
10 manager, appointed pursuant to section 34A.2A, as provided in  
11 chapter 34A, subchapter II, and the authority shall have all  
12 of the powers delegated to it by a joint E911 service board or  
13 the department of public defense in a chapter 28E agreement  
14 with respect to the issuance and securing of bonds or notes  
15 and the carrying out of the purposes of chapter 34A.

16 EXPLANATION

17 This bill amends and adds definitions to Code chapter 34A  
18 to include expanding E911 technology and wireless  
19 communication services and to differentiate the various types  
20 of local exchange carriers. The E911 administrator is renamed  
21 the E911 program manager to avoid confusion with the  
22 administrator of the homeland security and emergency  
23 management division of the department of the public defense  
24 who also has duties under this Code chapter. Obsolete  
25 language regarding the creation of local joint E911 areas and  
26 boards is removed. Local exchange service providers are  
27 required to provide certain information to local joint E911  
28 service boards. The maximum limit on surcharges for  
29 subscribers with more than 100 access lines is eliminated.

30 The wireless communications service surcharge is  
31 distributed by priority to support the E911 program manager,  
32 administrator, and the expenses of the department of public  
33 safety, to reimburse wire-line carriers to recover wireless  
34 phase 1 transport costs, to reimburse for wireless phase 1  
35 contract costs such as hardware, software, and transport

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1 costs, to pay up to a maximum amount for past outstanding  
2 obligations incurred prior to July 1, 2004, to pay to joint  
3 E911 service boards and the department of public safety for  
4 communication equipment in public safety answering points, and  
5 to reimburse the law enforcement academy for dispatcher  
6 training. The bill provides that any surplus in the wireless  
7 surcharge fund shall support future wireless E911 phase 2  
8 improvements and wireless carriers transport costs.

9 The bill strikes the authorization to make distributions  
10 from the wireless surcharge fund to wireless carriers to  
11 reimburse the carriers for general costs to deliver E911  
12 services by specifying the costs that may be reimbursed and  
13 prioritizing payments. The program manager is required to  
14 submit an annual accounting to the legislative government  
15 oversight committee and quarterly reports to the fiscal  
16 services division of the legislative services agency. The  
17 bill makes other grammatical and technical changes regarding  
18 the E911 system.

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