

MAR 19 2003
Place On Calendar

HOUSE FILE 649
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 246)

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

A BILL FOR

1 An Act relating to the statutory responsibilities of the
2 department of public defense, emergency management division,
3 by modifying the responsibilities of the emergency management
4 division regarding urban search and rescue, incident command
5 system training, and enhanced 911 service administration,
6 modifying enhanced 911 surcharges, and providing an effective
7 date.

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

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

HF 649

1 Section 1. Section 29C.8, subsection 3, Code 2003, is
2 amended by adding the following new paragraphs:

3 NEW PARAGRAPH. f. (1) Approve and support the
4 development and ongoing operations of an urban search and
5 rescue team to be deployed as a resource to supplement and
6 enhance emergency and disaster operations.

7 (2) A member of an urban search and rescue team acting
8 under the authority of the administrator or pursuant to a
9 governor's disaster proclamation as provided in section 29C.6
10 shall be considered an employee of the state under chapter 669
11 and shall be afforded protection as an employee of the state
12 under section 669.21. Disability, workers' compensation, and
13 death benefits for team members working under the authority of
14 the administrator or pursuant to the provisions of section
15 29C.6 shall be paid by the state in a manner consistent with
16 the provisions of chapter 85, 410, or 411 as appropriate,
17 depending on the status of the member.

18 NEW PARAGRAPH. g. Develop, implement, and support a
19 uniform incident command system to be used by state agencies
20 to facilitate efficient and effective assistance to those
21 affected by emergencies and disasters. This system shall be
22 consistent with the requirements of the United States
23 occupational safety and health administration and a national
24 incident management system.

25 Sec. 2. Section 29C.20, subsection 1, Code 2003, is
26 amended to read as follows:

27 1. a. A contingent fund is created in the state treasury
28 for the use of the executive council which may be expended for
29 the ~~purpose-of-paying~~ following purposes:

30 (1) Paying the expenses of suppressing an insurrection or
31 riot, actual or threatened, when state aid has been rendered
32 by order of the governor~~-and-for-repairing~~.

33 (2) Repairing, rebuilding, or restoring state property
34 injured, destroyed, or lost by fire, storm, theft, or
35 unavoidable cause~~-and-for-repairing~~.

1 (3) Repairing, rebuilding, or restoring state property
2 which that is fiberoptic cable and which that is injured or
3 destroyed by a wild animal, ~~and for aid to.~~

4 (4) Paying the expenses incurred by and claims of an urban
5 search and rescue team when acting under the authority of the
6 administrator and the provisions of section 29C.6.

7 (5) (a) Aiding any governmental subdivision in an area
8 declared by the governor to be a disaster area due to natural
9 disasters or to expenditures necessitated by the governmental
10 subdivision toward averting or lessening the impact of the
11 potential disaster, where the effect of the disaster or action
12 on the governmental subdivision is the immediate financial
13 inability to meet the continuing requirements of local
14 government.

15 (b) Upon application by a governmental subdivision in such
16 an area, accompanied by a showing of obligations and
17 expenditures necessitated by an actual or potential disaster
18 in a form and with further information the executive council
19 requires, the aid may be made in the discretion of the
20 executive council and, if made, shall be in the nature of a
21 loan up to a limit of seventy-five percent of the showing of
22 obligations and expenditures. The loan, without interest,
23 shall be repaid by the maximum annual emergency levy
24 authorized by section 24.6, or by the appropriate levy
25 authorized for a governmental subdivision not covered by
26 section 24.6. The aggregate total of loans shall not exceed
27 one million dollars during a fiscal year. A loan shall not be
28 for an obligation or expenditure occurring more than two years
29 previous to the application.

30 b. When a state department or agency requests that moneys
31 from the contingent fund be expended to repair, rebuild, or
32 restore state property injured, destroyed, or lost by fire,
33 storm, theft, or unavoidable cause, or to repair, rebuild, or
34 restore state property which that is fiberoptic cable and
35 which that is injured or destroyed by a wild animal, or for

1 payment of the expenses incurred by and claims of an urban
2 search and rescue team when acting under the authority of the
3 administrator and the provisions of section 29.6, the
4 executive council shall consider the original source of the
5 funds for acquisition of the property before authorizing the
6 expenditure. If the original source was other than the
7 general fund of the state, the department or agency shall be
8 directed to utilize moneys from the original source if
9 possible. The executive council shall not authorize the
10 repairing, rebuilding, or restoring of the property from the
11 disaster aid contingent fund if it determines that moneys from
12 the original source are available to finance the project.

13 Sec. 3. Section 34A.7A, subsection 1, paragraphs a and b,
14 Code 2003, are amended to read as follows:

15 a. Notwithstanding section 34A.6, the administrator shall
16 adopt by rule a monthly surcharge of up to fifty seventy-five
17 cents to be imposed on each wireless communications service
18 number provided in this state. The surcharge shall be imposed
19 uniformly on a statewide basis and simultaneously on all
20 wireless communications service numbers as provided by rule of
21 the administrator.

22 b. The administrator shall provide no less than one
23 hundred days' notice of the surcharge to be imposed to each
24 wireless communications service provider. The administrator,
25 subject to the fifty-cent seventy-five-cent limit in paragraph
26 "a", may adjust the amount of the surcharge as necessary, but
27 no more than once in any calendar year.

28 Sec. 4. Section 34A.7A, subsection 2, paragraph b,
29 subparagraph (1), Code 2003, is amended to read as follows:

30 (1) The administrator shall retain funds necessary to
31 reimburse wireless carriers for their costs to deliver E911
32 services. The administrator shall assure that wireless
33 carriers recover all eligible costs associated with the
34 implementation and operation of E911 services, including but
35 not limited to hardware, software, and transport costs, before

1 proceeding with implementation of wireless E911 phase 2
2 services. The administrator shall adopt rules defining
3 eligible costs which are consistent with federal law,
4 regulations, and any order of a federal agency.

5 Sec. 5. Section 34A.7A, subsection 2, paragraph c,
6 subparagraph (3), Code 2003, is amended to read as follows:

7 (3) The administrator shall submit an annual report by
8 January 15 of each year advising the general assembly of the
9 status of E911 implementation and operations, including both
10 land-line and wireless services, and the distribution of
11 surcharge receipts. The annual report shall specifically
12 contain a section with a detailed description regarding how
13 the proceeds from the increased surcharge is being spent.

14 Sec. 6. EFFECTIVE DATE. Section 29C.8, subsection 3,
15 paragraph "f", as enacted in this Act, and the amendment to
16 section 29C.20, subsection 1, take effect July 1, 2004.

17 EXPLANATION

18 This bill amends Code chapter 34A, relating to enhanced 911
19 emergency telephone systems, and related changes in Code
20 chapter 29C, pertaining to the powers and duties of the
21 administrator of the emergency management division of the
22 department of public safety.

23 The bill amends Code section 29C.8 by requiring the
24 administrator of the emergency management division of the
25 department of public defense to approve and support the
26 development and ongoing operations of an urban search and
27 rescue team within the state. Members of the team when acting
28 under the direction of the administrator or pursuant to a
29 governor's disaster proclamation are considered employees of
30 the state and shall be compensated for disability, workers'
31 compensation, and death benefits as appropriate. The
32 administrator of the emergency management division of the
33 department of public defense must also develop, implement, and
34 support a uniform incident command system to be used by state
35 agencies responding to emergencies and disasters. A related

1 change is made to Code section 29C.20, pertaining to a
2 contingent fund governed by the executive council for use in
3 responding to disasters and other emergencies, to authorize
4 payment of expenses and claims from the fund for authorized
5 urban search and rescue team activities.

6 In Code section 34A.7A, the bill changes the statewide
7 monthly wireless surcharge from 50 to 75 cents. Wireless
8 carriers must be paid for eligible costs before phase 2
9 implementation may begin. In addition, the annual report
10 shall include a section detailing the use of the increased
11 surcharge.

12 The bill takes effect July 1, 2003, if enacted in 2003,
13 except for the amendments to Code section 29C.8, subsection 3,
14 paragraph "f", and Code section 29C.20, subsection 1,
15 regarding urban search and rescue teams. These provisions
16 take effect July 1, 2004.

17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

HF 649 - Public Defense Legislation (LSB 1468 HV)

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

Fiscal Note Version — New

Requested by Representative Baudler

Description

House File 649 modifies the responsibilities of the Emergency Management Division regarding urban search and rescue, incident command system training, and enhanced 911 (E-911) service administration, modifying E-911 surcharges, and provides an effective date.

Assumptions

Urban Search and Rescue

1. The Emergency Management Division is working in partnership with the Des Moines, Sioux City, and Cedar Rapids fire departments to build the Urban Search and Rescue capability. The total team development is expected to cost between \$3.0 million and \$5.0 million. Funding will come from federal grants. The maintenance of the team is expected to cost approximately \$1.0 million per year. Once the team is certified, it is anticipated that the federal government will continue to pay for maintenance costs.
2. The Emergency Management Division anticipates receiving approximately \$500,000 in federal funding for this project in FY 2004.
3. If the Governor activates the Urban Search and Rescue team, the State would incur the cost. The nature and scope of the emergency or disaster determines the cost. The State may be able to recover disaster costs from the federal government if the President declares a national disaster.

Uniform Incident Command System for State Agencies

1. The Emergency Management Division will develop, implement, and support a Uniform Incident Command System for use by State agencies when responding to emergencies and disasters.
2. The Uniform Incident Command System would be developed in accordance with existing systems required by Occupational Safety and Health Administration (OSHA) and the federal government.
3. Federal grant money is available to conduct training necessary to implement the Incident Command Program.

Wireless Enhanced 9-1-1 Service

1. House File 649 would increase the surcharge for E-911 service from \$0.50 to \$0.75 per month, per wireless telephone number.
 2. The Emergency Management Division is responsible for the administration of the E-911 Program. However, these dollars are not State General Fund dollars. The surcharge money received must be fully expended each quarter.
 3. At the current surcharge rate of \$0.50, receipts are inadequate to pay wireless and wireline (transport) expenses. Current law requires the State to pro-rate payments to the companies. The actual amount needed is \$0.58 per phone. The payments are approximately \$250,000 short each quarter. The annual payment to telephone companies for providing current service is \$7,656,000. As of July 1, 2003, telephone companies will be owed \$2,750,000. The proposed law requires that the companies be repaid this amount before funds can be used for further enhancement of the wireless E-911 system.
 4. There are approximately 1,100,000 wireless telephone numbers in Iowa.
-

5. One month of revenue at the new rate of \$0.75 is \$825,000. Total estimated revenue generated in FY 2004 is \$9,900,000. Of this amount, \$7,656,000 is the annual payment to telephone companies for providing current service; \$200,000 is the annual amount that the Emergency Management Division keeps for Program administration. The remaining \$2,044,000 will be used to pay the amount owed the telephone companies. The remaining \$706,000 owed to the telephone companies will be paid off in FY 2005. The remaining \$632,000 will begin to be applied to the enhancement program for Phase 2.
6. Phase 2 wireless E-911 service will require upgrades to the telephone network, as well as upgrades to the 127 Public Safety Answering Points (PSAP) within the State. The cost of telephone upgrade is an annual recurring cost of \$323,000. The cost of PSAP upgrades is estimated to be \$4,500,000. Once all other obligations are complete, there would be \$632,000 available to begin the enhancement program.
7. The earliest that the Wireless Enhanced E-911 service could be implemented is FY 2008.

Fiscal Impact

Wireless Enhanced 9-1-1 Service

The \$0.75 per month, per telephone number surcharge will be applied to approximately 1,100,000 cell phones. The following is the distribution of the revenue generated from the surcharge.

	<u>FY 2004</u>	<u>FY 2005</u>
Revenues		
Surcharge Fees	\$ 9.9M	\$ 9.9M
Distribution		
Program Administration	\$ 0.2M	\$ 0.2M
Telephone Company Payments	7.7M	7.7M
Debt Repayment	2.0M	0.7M
Phase 2	0.0M	1.3M
Total	<u>\$ 9.9M</u>	<u>\$ 9.9M</u>
Net Impact	<u>\$ 0.0M</u>	<u>\$ 0.0M</u>

The \$2,750,000 owed to the telephone companies will be repaid in FY 2005 and Phase 2 wireless E-911 upgrades can begin. Phase 2 wireless E-911 service will require upgrades to the telephone network, as well as upgrades to the 127 Public Safety Answering Points (PSAP) within the State. The cost of the telephone upgrades is \$323,000 annually. The cost of PSAP upgrades is estimated to be \$4,500,000, which is a one-time cost that will be spread over multiple years. In FY 2005, \$1,338,000 in surcharge fees will be applied to the ongoing telephone upgrades and the one-time PSAP upgrades.

In FY 2008, there would be \$632,000 available to begin the enhancement program. The equipment for the E-911 Program will be five years old and the next round of telephone network upgrades and Public Safety Answering Points (PSAP) upgrades is scheduled to begin.

Source

Emergency Management Division

/s/ Dennis C Prouty

March 24, 2003

Bueller, chair
McCarthy
Chambers

Sub SF 0649 ded E

HSB 246

PUBLIC SAFETY

SENATE/HOUSE FILE _____

BY (PROPOSED DEPARTMENT OF
PUBLIC DEFENSE BILL)

Passed Senate, Date _____ Passed House, Date _____

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

Approved _____

A BILL FOR

1 An Act relating to the statutory responsibilities of the
2 department of public defense, emergency management division,
3 by modifying the responsibilities of the emergency management
4 division regarding urban search and rescue, incident command
5 system training, and enhanced 911 service administration, and
6 modifying enhanced 911 surcharges.

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

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

1 Section 1. Section 29C.8, subsection 3, Code 2003, is
2 amended by adding the following new paragraphs:

3 NEW PARAGRAPH. f. (1) Approve and support the
4 development and ongoing operations of an urban search and
5 rescue team to be deployed as a resource to supplement and
6 enhance emergency and disaster operations.

7 (2) A member of an urban search and rescue team acting
8 under the authority of the administrator or pursuant to a
9 governor's disaster proclamation as provided in section 29C.6
10 shall be considered an employee of the state under chapter 669
11 and shall be afforded protection as an employee of the state
12 under section 669.21. Disability, workers' compensation, and
13 death benefits for team members working under the authority of
14 the administrator or pursuant to the provisions of section
15 29C.6 shall be paid by the state in a manner consistent with
16 the provisions of chapter 85, 410, or 411 as appropriate,
17 depending on the status of the member.

18 NEW PARAGRAPH. g. Develop, implement, and support a
19 uniform incident command system to be used by state agencies
20 to facilitate efficient and effective assistance to those
21 affected by emergencies and disasters. This system shall be
22 consistent with the requirements of the United States
23 occupational safety and health administration and a national
24 incident management system.

25 Sec. 2. Section 29C.20, subsection 1, Code 2003, is
26 amended to read as follows:

27 1. a. A contingent fund is created in the state treasury
28 for the use of the executive council which may be expended for
29 the purpose-of-paying following purposes:

30 (1) Paying the expenses of suppressing an insurrection or
31 riot, actual or threatened, when state aid has been rendered
32 by order of the governor~~7-and-for-repairing7.~~

33 (2) Repairing, rebuilding, or restoring state property
34 injured, destroyed, or lost by fire, storm, theft, or
35 unavoidable cause~~7-and-for-repairing7.~~

1 (3) Repairing, rebuilding, or restoring state property
2 which that is fiberoptic cable and which that is injured or
3 destroyed by a wild animal, and for aid to.

4 (4) Paying the expenses incurred by and claims of an urban
5 search and rescue team when acting under the authority of the
6 administrator and the provisions of section 29C.6.

7 (5) (a) Aiding any governmental subdivision in an area
8 declared by the governor to be a disaster area due to natural
9 disasters or to expenditures necessitated by the governmental
10 subdivision toward averting or lessening the impact of the
11 potential disaster, where the effect of the disaster or action
12 on the governmental subdivision is the immediate financial
13 inability to meet the continuing requirements of local
14 government.

15 (b) Upon application by a governmental subdivision in such
16 an area, accompanied by a showing of obligations and
17 expenditures necessitated by an actual or potential disaster
18 in a form and with further information the executive council
19 requires, the aid may be made in the discretion of the
20 executive council and, if made, shall be in the nature of a
21 loan up to a limit of seventy-five percent of the showing of
22 obligations and expenditures. The loan, without interest,
23 shall be repaid by the maximum annual emergency levy
24 authorized by section 24.6, or by the appropriate levy
25 authorized for a governmental subdivision not covered by
26 section 24.6. The aggregate total of loans shall not exceed
27 one million dollars during a fiscal year. A loan shall not be
28 for an obligation or expenditure occurring more than two years
29 previous to the application.

30 b. When a state department or agency requests that moneys
31 from the contingent fund be expended to repair, rebuild, or
32 restore state property injured, destroyed, or lost by fire,
33 storm, theft, or unavoidable cause, or to repair, rebuild, or
34 restore state property which that is fiberoptic cable and
35 which that is injured or destroyed by a wild animal, or for

1 payment of the expenses incurred by and claims of an urban
2 search and rescue team when acting under the authority of the
3 administrator and the provisions of section 29.6, the
4 executive council shall consider the original source of the
5 funds for acquisition of the property before authorizing the
6 expenditure. If the original source was other than the
7 general fund of the state, the department or agency shall be
8 directed to utilize moneys from the original source if
9 possible. The executive council shall not authorize the
10 repairing, rebuilding, or restoring of the property from the
11 disaster aid contingent fund if it determines that moneys from
12 the original source are available to finance the project.

13 Sec. 3. Section 34A.1, Code 2003, is amended to read as
14 follows:

15 34A.1 PURPOSE.

16 The legislature finds that enhanced 911 emergency telephone
17 communication systems, and other emergency 911 notification
18 devices, further the public interest and protect the health,
19 safety, and welfare of the people of Iowa. The purpose of
20 this chapter is to enable the orderly development,
21 installation, and operation of enhanced 911 emergency
22 telephone communication systems, and other emergency 911
23 notification devices statewide. These systems are to be
24 operated under governmental management and control for the
25 public benefit.

26 Sec. 4. Section 34A.2, Code 2003, is amended to read as
27 follows:

28 34A.2 DEFINITIONS.

29 As used in this chapter, unless the context otherwise
30 requires:

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

34 2. "Administrator" means the ~~E911~~ administrator appointed
35 pursuant-to-section-34A.2A of the emergency management

1 division of the department of public defense.

2 3. "Automatic announcing and dialing device" is a device
3 or system of devices used, either alone or in conjunction with
4 other equipment, for the purpose of automatically selecting or
5 dialing telephone numbers, for disseminating prerecorded
6 messages to the numbers selected or dialed without the use of
7 a live operator.

8 4. "Competitive local exchange carrier" or "CLEC" means a
9 telecommunications company, certified by a state utilities
10 commission, that provides local exchange service within a
11 local exchange certified by the Iowa utilities board.

12 5. "Emergency 911 notification device" means a product
13 capable of accessing a public safety answering point through
14 the 911 system.

15 3- 6. "Enhanced 911" or "E911" means a service which that
16 provides the user of a public-telephone-system communications
17 service with the ability to reach a public safety answering
18 point by dialing the digits 911, and which that has the
19 following additional features:

20 a. Routes an incoming 911 call to the appropriate public
21 safety answering point selected-from-the-public-safety
22 answering-points-operating-in-a-911-service-area.

23 b. Automatically provides voice, displays the name,
24 location or address, and telephone number of an incoming 911
25 call and public safety agency servicing the address-on-a-video
26 monitor-at-the-appropriate-public-safety-answering-point
27 location.

28 4- 7. "Enhanced 911 service area" means the geographic
29 area to be serviced, or currently serviced under an enhanced
30 911 service plan, provided that an enhanced 911 service area
31 must at minimum encompass one entire county. The enhanced 911
32 service area may encompass more than one county, and need not
33 be restricted to county boundaries.

34 5- 8. "Enhanced 911 service plan" means a plan that
35 includes the following information:

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

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

4 c. The number of public safety answering points within the
5 enhanced 911 service area.

6 d. Identification of the agency responsible for management
7 and supervision of the enhanced 911 emergency telephone
8 communication system.

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

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

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

25 Funds deposited in an E911 service fund ~~shall be~~ are
26 appropriated and shall be used for the payment of costs which
27 that are limited to nonrecurring and recurring costs directly
28 attributable to the provision of 911 emergency telephone
29 communication service and may include costs for portable and
30 vehicle radios, communication towers and associated equipment,
31 and other radios and associated equipment permanently located
32 at the public safety answering point and as directed by either
33 the local enhanced 911 service board or the department of
34 public safety as appropriate. Costs do not include
35 expenditures for any other purpose, and specifically exclude

1 costs attributable to other emergency services or expenditures
2 for buildings or personnel, except for the costs of personnel
3 for database management and personnel directly associated with
4 addressing.

5 f. Current equipment operated by affected local exchange
6 service providers, and central office equipment and technology
7 upgrades necessary for the provider to implement enhanced 911
8 service within the enhanced 911 service area ~~on-or-before-July~~
9 ~~17-1992~~.

10 g. A schedule for implementation of the plan throughout
11 the E911 service area. The schedule may provide for phased
12 implementation. ~~However, a joint 911 service board may decide~~
13 ~~not-to-implement-E911-service.~~

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

16 i. The total property valuation in the enhanced 911
17 service area.

18 ~~6-~~ 9. "Enhanced 911 service surcharge" is a charge set by
19 the E911 service area operating authority and assessed on each
20 telephone access line which physically terminates within the
21 E911 service area.

22 10. "Incumbent local exchange carrier" means a carrier
23 that is, with respect to an area, the local exchange carrier
24 that meets both of the following criteria:

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

27 b. A carrier that meets one of the following criteria:

28 (1) On February 8, 1996, was deemed to be a member of the
29 national exchange carrier association pursuant to 47 C.F.R.
30 69.601(b).

31 (2) Is a person that, on or after February 8, 1996, became
32 a successor or assign of a member described in subparagraph
33 (1).

34 ~~7-~~ 11. "Local exchange service provider" means a person
35 vendor engaged in providing telecommunications service between

1 points within an exchange.

2 12. "Local number portability" means the ability of users
3 of telecommunications services to retain existing
4 telecommunications numbers without impairment of quality,
5 reliability, or convenience when moving from one provider to
6 another.

7 13. "Program manager" means the E911 program manager
8 appointed pursuant to section 34A.2A.

9 ~~8~~ 14. "Provider" means a person vendor who provides, or
10 offers to provide, E911 equipment, installation, maintenance,
11 or exchange access services within the enhanced 911 service
12 area.

13 ~~9~~ 15. "Public or private safety agency" means a unit of
14 state or local government, a special purpose district, or a
15 private firm which provides or has the authority to provide
16 fire fighting, police, ambulance, or emergency medical
17 services, or hazardous materials response.

18 ~~10~~ 16. "Public safety answering point" or "PSAP" means a
19 twenty-four hour local-jurisdiction public safety
20 communications facility which that receives enhanced 911
21 service calls and directly dispatches emergency response
22 services or relays calls to the appropriate public or private
23 safety agency.

24 17. "Reseller" means a telecommunications company that
25 resells local telephone services to both residential and
26 business customers, where most of these customers have
27 interconnection agreements with the telephone company that
28 allow them a wholesale discount on services they purchase from
29 the telephone company to resell to their end user.

30 18. "Wireless E911 phase 1" means a 911 call made from a
31 wireless device in which the wireless service provider
32 delivers the call back number and address or the tower that
33 received the call to the appropriate public safety answering
34 point.

35 19. "Wireless E911 phase 2" means a 911 call made from a

1 wireless device in which the wireless service provider
2 delivers the call back number and the latitude and longitude
3 coordinates of the phone to the appropriate public safety
4 answering point.

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

7 34A.2A ADMINISTRATOR -- APPOINTMENT -- DUTIES.

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

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

19 Sec. 6. Section 34A.3, subsections 1, 2, and 4, Code 2003,
20 are amended to read as follows:

21 1. JOINT 911 SERVICE BOARDS TO SUBMIT PLANS.

22 a. The board of supervisors of each county shall establish
23 maintain a joint 911 service board ~~not-later-than-January-17~~
24 ~~1989~~.

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

30 (2) A township which that does not operate its own public
31 safety agency, but contracts for the provision of public
32 safety services, is not entitled to membership on the joint
33 911 service board, but its contractor is entitled to
34 membership according to the contractor's status as a public or
35 private safety agency.

1 b. The joint 911 service board shall ~~develop~~ maintain an
2 enhanced 911 service plan encompassing at minimum the entire
3 county, unless an exemption is granted by the administrator
4 permitting a smaller E911 service area.

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

19 (2) The administrator may order the inclusion of a
20 specific territory in an adjoining E911 service plan area to
21 avoid the creation by exclusion of a territory smaller than a
22 single county not serviced by surrounding E911 service plan
23 areas upon request of the joint 911 service board representing
24 the territory.

25 c. The E911 service plan operating authority shall submit
26 the proposed changes to the plan on-or-before-January-17-1994
27 to all of the following:

28 a. (1) The administrator.

29 b. (2) Public and private safety agencies in the enhanced
30 911 service area.

31 c. (3) Providers Local exchange service providers affected
32 by the enhanced 911 service plan.

33 ~~An-E911-joint-service-board-that-has-a-state-approved~~
34 ~~service-plan-in-place-prior-to-July-17-1993-is-exempt-from~~
35 ~~the-provisions-of-this-section.--The-administrator-shall~~

1 ~~establish by July 17, 1994, E911 service plans for those E911~~
2 ~~joint service boards which do not have a state approved~~
3 ~~service plan in place on or before January 17, 1994.~~

4 The administrator shall prepare a summary of the plans
5 submitted and present the summary to the legislature on or
6 before August 17, 1994.

7 2. COMPLIANCE WAIVERS AVAILABLE IN LIMITED CIRCUMSTANCES.

8 a. The administrator may extend, in whole or in part, the
9 time for implementation of an enhanced 911 service plan beyond
10 the scheduled plan of implementation, by issuance of the
11 period for plan implementation by issuing a compliance waiver.

12 b. The compliance waiver shall be based upon a joint 911
13 service board's presentation of evidence which supports an
14 extension if the administrator finds that local conditions
15 make implementation financially unreasonable or technically
16 infeasible by the originally scheduled plan of implementation.

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

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

23 e. The granting of a compliance waiver does not create a
24 presumption that the identical or similar waiver will be
25 extended in the future.

26 f. Consideration of compliance waivers shall be on a case-
27 by-case basis.

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

33 Sec. 7. Section 34A.4, Code 2003, is amended to read as
34 follows:

35 34A.4 REQUIRED-CONVERSION REQUIREMENTS OF PAY TELEPHONES

1 AND OTHER TELECOMMUNICATIONS DEVICES TO ALLOW 911 CALLS
2 WITHOUT DEPOSITING COINS OR OTHER CHARGE.

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

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

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

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

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

21 Sec. 8. Section 34A.6, subsection 1, unnumbered paragraph
22 3, Code 2003, is amended to read as follows:

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

29 Sec. 9. Section 34A.7, subsections 1, 2, and 3, Code 2003,
30 are amended to read as follows:

31 1. LOCAL E911 SERVICE SURCHARGE IMPOSITION.

32 a. To encourage local implementation of E911 service, one
33 source of funding for E911 emergency telephone communication
34 systems shall come from a surcharge per month, per access line
35 on each access line subscriber, except as provided in

1 subsection 5 4, equal to the lowest amount of the following:

2 (1) -- One dollar.

3 (2) -- An amount less than one dollar, which would fully pay
4 both recurring and nonrecurring costs of the E911 service
5 system within five years from the date the maximum surcharge
6 is imposed.

7 (3) -- The the maximum monetary limitation approved by
8 referendum.

9 b. The surcharge shall be imposed by order of the
10 administrator as follows:

11 (1) The administrator shall notify a local exchange
12 service provider scheduled to provide exchange access line
13 service to an E911 service area, that implementation of an
14 E911 service plan has been approved by the joint 911 service
15 board and by the service area referendum, and that collection
16 of the surcharge is to begin within one hundred days.

17 (2) ~~The notice shall be provided at least one hundred days~~
18 ~~before the surcharge must be billed for the first time~~
19 administrator shall also provide notice to all affected public
20 safety answering points.

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

24 (1) -- ~~E911 service is initiated for all or a part of the~~
25 ~~E911 service area.~~

26 (2) -- ~~An extension is granted by the administrator for good~~
27 ~~cause.~~

28 ~~d. -- The surcharge shall terminate at the end of twenty-four~~
29 ~~months if the joint E911 service plan has not been approved by~~
30 ~~the administrator within eighteen months of the original~~
31 ~~notice to the provider to impose the surcharge, and shall not~~
32 ~~be reimposed until a service plan is approved by the~~
33 ~~administrator and the administrator gives providers notice as~~
34 ~~required by paragraph "a", subparagraphs (1) and (2):~~

35 2. SURCHARGE COLLECTED BY LOCAL EXCHANGE SERVICE

1 PROVIDERS.

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

- 18 (1) The exchange from which the surcharge is collected.
19 (2) The number of lines to which the surcharge was applied
20 for the quarter.
21 (3) The number of refusals to pay per exchange if
22 applicable.
23 (4) Write-offs applied per exchange if applicable.
24 (5) The number of lines exempt per exchange.
25 (6) The amount retained by the local exchange service
26 provider generated from the one percent administration fee.

27 A local exchange service provider is not liable for an
28 uncollected surcharge for which the local exchange service
29 provider has billed a subscriber but not been paid. The
30 surcharge shall appear as a single line item on a subscriber's
31 periodic billing entitled, "E911 emergency telephone service
32 surcharge". The E911 service surcharge is not subject to
33 sales or use tax.

34 b. Access line counts and surcharge remittances are
35 confidential public records in accordance with section 22.7,

1 subsection 6. Only aggregated totals will be used in any data
2 reports.

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

9 Sec. 10. Section 34A.7, subsections 6 and 7, Code 2003,
10 are amended by striking the subsections.

11 Sec. 11. Section 34A.7A, subsections 1 and 2, Code 2003,
12 are amended to read as follows:

13 1. a. (1) Notwithstanding section 34A.6, the
14 administrator shall adopt by rule a monthly surcharge of up to
15 fifty-cents one dollar to be imposed on each wireless
16 communications service number provided in this state.

17 (2) The surcharge shall be imposed uniformly on a
18 statewide basis and simultaneously on all wireless
19 communications service numbers as provided by rule of the
20 administrator.

21 b. (1) The administrator shall provide no less than one
22 hundred days' notice of the surcharge to be imposed to each
23 wireless communications service provider.

24 (2) The administrator, subject to the fifty-cent one
25 dollar limit in paragraph "a", may adjust the amount of the
26 surcharge as necessary, but no more than once in any calendar
27 year.

28 c. (1) The surcharge shall be collected as part of the
29 wireless communications service provider's periodic billing to
30 a subscriber. The surcharge shall appear as a single line
31 item on a subscriber's periodic billing indicating that the
32 surcharge is for E911 emergency telephone service. The E911
33 service surcharge is not subject to sales or use tax.

34 (2) In compensation for the costs of billing and
35 collection, the wireless communications service provider may

1 retain one percent of the gross surcharges collected.

2 (3) The surcharges shall be remitted quarterly by the
3 wireless communications service provider to the administrator
4 for deposit into the fund established in subsection 2.

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

12 2. a. Moneys collected pursuant to subsection 1 shall be
13 deposited in a separate wireless E911 emergency communications
14 fund within the state treasury under the control of the
15 administrator. Section 8.33 shall not apply to moneys in the
16 fund. Moneys earned as income, including as interest, from
17 the fund shall remain in the fund until expended as provided
18 in this section.

19 b. Moneys in the fund shall be expended and distributed
20 annually as follows:

21 a. (1) An amount as appropriated by the general assembly
22 to the administrator for implementation, support, and
23 maintenance of the functions of the administrator.

24 (2) The administrator shall determine the total amount of
25 surcharge collected for the quarter. Twenty cents of each
26 surcharge dollar collected shall be remitted to the joint E911
27 service boards and the Iowa department of public safety, which
28 have requested to be reimbursed, by adding the amounts
29 together as calculated in subparagraph subdivisions (a) and
30 (b) as follows:

31 (a) Sixty-five percent of total dollars available for
32 remittance times the proportion of square miles of service
33 area to the total square miles in Iowa.

34 (b) Thirty-five percent of total dollars available for
35 remittance times the proportion of wireless E911 calls taken

1 at the public service answering point in the service area to
2 the statewide total number of wireless E911 calls.

3 (3) The department of public safety or a joint E911
4 service board, in order to receive these funds, shall submit
5 an annual written request to the administrator in a form as
6 approved by the administrator. The request is due on May 15
7 each year.

8 (4) The administrator shall reimburse the joint E911
9 service boards and the department of public safety for
10 equipment purchases that are directly related to the
11 implementation and operation of wireless E911 service and are
12 preapproved by the administrator.

13 b. c. (1) The administrator shall retain funds necessary
14 to reimburse wireless carriers for their costs to deliver
15 wireless E911 phase 1 services. The administrator shall
16 assure that wireless carriers recover all eligible costs
17 associated with the implementation and operation of wireless
18 E911 phase 1 services, including but not limited to hardware,
19 software, and transport costs. The administrator shall adopt
20 rules defining eligible costs which are consistent with
21 federal law, regulations, and any order of a federal agency.

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

33 ~~c. -- (1) -- The remainder of the surcharge collected shall be~~
34 ~~remitted to the administrator for distribution to the joint~~
35 ~~E911 service boards and the department of public safety~~

1 ~~pursuant to subparagraph (2) to be used for the implementation~~
2 ~~of enhanced wireless communications capabilities.~~

3 (3) If money remains in the fund after fully paying
4 obligations under paragraphs "a" and "b", and this paragraph
5 "c", the remainder may be accumulated in the fund as a
6 carryover operating surplus. This surplus shall be used to
7 fund future network and public safety answering point
8 improvements and wireless carriers' costs related to wireless
9 E911 phase 2 service as determined by the administrator and as
10 specified in administrative rule. Notwithstanding section
11 8.33, any moneys remaining in the account at the end of each
12 fiscal year shall not revert to the general fund of the state
13 but shall remain available for the purposes of the account.

14 ~~(2)~~ (4) The administrator, in consultation with the E911
15 communications council, shall adopt rules pursuant to chapter
16 17A governing the distribution of the surcharge collected and
17 distributed pursuant to this lettered paragraph "c". The
18 rules shall include provisions that all joint E911 service
19 boards and the department of public safety which answer or
20 service wireless E911 calls are eligible to receive an
21 equitable portion of the receipts.

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

34 ~~If insufficient funds are available to fund all requests,~~
35 ~~the administrator shall fund requests in an order deemed~~

1 appropriate-by-the-administrator-after-considering-factors
2 including,-but-not-limited-to,-all-of-the-following:

3 (a)--Documented-volume-of-wireless-E911-calls-received-by
4 each-public-safety-answering-point.

5 (b)--The-population-served-by-each-public-safety-answering
6 point.

7 (c)--The-number-of-wireless-telephones-in-the-public-safety
8 answering-point-jurisdiction.

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

10 (e)--Any-other-factor-deemed-appropriate-by-the
11 administrator,-in-consultation-with-the-E911-communications
12 council,-and-adopted-by-rule.

13 (3) (5) The administrator shall submit an annual report by
14 January 15 of each year advising the general assembly of the
15 status of E911 implementation and operations, including both
16 land-line and wireless services, and the distribution of
17 surcharge receipts.

18 Sec. 12. Section 34A.8, subsection 2, Code 2003, is
19 amended to read as follows:

20 2. Subscriber information remains the property of the
21 local exchange service provider.

22 The joint E911 service board, the designated E911 service
23 provider, and the public safety answering point, their agents,
24 employees, and assigns shall use local exchange service
25 information provided by the local exchange service provider
26 solely for the purposes of providing E911 emergency telephone
27 service, and it shall otherwise be kept confidential. A
28 person who violates this section is guilty of a simple
29 misdemeanor.

30 This chapter does not require a local exchange service
31 provider to sell or provide its subscriber names, addresses,
32 or telephone number information to any person other than the
33 E911 service provider designated by the joint E911 service
34 board.

35 Sec. 13. Section 34A.9, Code 2003, is amended to read as

1 follows:

2 34A.9 TELECOMMUNICATIONS DEVICES FOR THE DEAF SPEECH AND
3 HEARING-IMPAIRED.

4 ~~By January 17, 1990, each county~~ Each public safety
5 answering point shall provide for the installation and use of
6 ~~at least one telecommunication device~~ devices for the deaf-at
7 ~~a public safety answering point~~ speech and hearing-impaired.

8 Sec. 14. Section 34A.6A, Code 2003, is repealed.

9 Sec. 15. EFFECTIVE DATE. Section 29C.8, subsection 3,
10 paragraph "f", as enacted in this Act, and the amendment to
11 section 29C.20, subsection 1, take effect July 1, 2004.

12 EXPLANATION

13 This bill amends Code chapter 34A, relating to enhanced 911
14 emergency telephone systems, and related changes in Code
15 chapter 29C, pertaining to the powers and duties of the
16 administrator of the emergency management division of the
17 department of public safety.

18 The bill amends Code section 29C.8 by requiring the
19 administrator of the emergency management division of the
20 department of public defense to approve and support the
21 development and ongoing operations of an urban search and
22 rescue team within the state. Members of the team when acting
23 under the direction of the administrator or pursuant to a
24 governor's disaster proclamation are considered employees of
25 the state and shall be compensated for disability, workers'
26 compensation, and death benefits as appropriate. The
27 administrator of the emergency management division of the
28 department of public defense must also develop, implement, and
29 support a uniform incident command system to be used by state
30 agencies responding to emergencies and disasters. A related
31 change is made to Code section 29C.20, pertaining to a
32 contingent fund governed by the executive council for use in
33 responding to disasters and other emergencies, to authorize
34 payment of expenses and claims from the fund for authorized
35 urban search and rescue team activities.

1 The bill adds definitions for "automatic announcing and
2 dialing device", "competitive local exchange carrier",
3 "emergency 911 notification device", "incumbent local exchange
4 carrier", "local number portability", "program manager",
5 "reseller", "wireless E911 phase 1", and "wireless E911 phase
6 2".

7 Code section 34A.3 requires the maintenance of a joint 911
8 service board for certain territories, and methods for
9 proposing changing to E911 service plans. Current Code
10 language requires the development of such service boards by
11 1989, and development of initial plans by 1993 or 1994,
12 depending upon the status of the board.

13 Code section 34A.4, relating to the installation of pay
14 telephones, is amended to provide that the device must be
15 capable of making a 911 call without payment.

16 The bill eliminates the \$1 limitation on the enhanced 911
17 surcharge in Code section 34A.6 for each wire line exchange
18 access line provided in this state. In Code section 34A.7A,
19 the bill changes the statewide monthly wireless surcharge from
20 50 cents to \$1, and provides a formula for division of funds
21 deposited in the E911 emergency communication fund to joint
22 E911 service boards and the Iowa department of public safety.
23 The bill also eliminates the alternative surcharge available
24 in Code section 34A.6A by repealing the Code section.
25 However, the bill provides in Code section 34A.7 that voters
26 within an enhanced 911 service area may approve a wireline
27 surcharge rate above \$1 per month, per access line to be
28 collected for an indefinite period of time.

29 The bill takes effect July 1, 2003, if enacted in 2003,
30 except for the amendments to Code section 29C.8, subsection 3,
31 paragraph "f", and Code section 29C.20, subsection 1,
32 regarding urban search and rescue teams. These provisions
33 take effect July 1, 2004.

34
35