

**Senate File 454 - Introduced**

SENATE FILE 454  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO SSB 1082)

**A BILL FOR**

1 An Act relating to 911 emergency telephone and internet  
2 communication systems and making appropriations.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 29C.2, subsection 6, Code 2017, is  
2 amended to read as follows:

3 6. "*Local emergency management agency*" means a countywide  
4 joint county-municipal public safety agency organized to  
5 administer this chapter under the authority of a commission.

6 Sec. 2. Section 34A.1, Code 2017, is amended to read as  
7 follows:

8 **34A.1 Purpose.**

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

18 Sec. 3. Section 34A.2, Code 2017, is amended to read as  
19 follows:

20 **34A.2 Definitions.**

21 As used in this chapter, unless the context otherwise  
22 requires:

23 1. "911 service area" means the geographic area encompassing  
24 at least one entire county, and which may encompass a  
25 geographical area outside the one entire county not restricted  
26 to county boundaries, serviced or to be serviced under a 911  
27 service plan.

28 2. "911 service plan" means a plan that includes the  
29 following information:

30 a. A description of the 911 service area.

31 b. A list of all public and private safety agencies within  
32 the 911 service area.

33 c. The number of public safety answering points within the  
34 911 service area.

35 d. Identification of the agency responsible for management

1 and supervision of the 911 emergency communication system.

2 e. (1) A statement of estimated costs to be incurred by  
3 the joint 911 service board or the department of public safety,  
4 including separate estimates of the following:

5 (a) Nonrecurring costs, including but not limited to public  
6 safety answering points, network equipment, software, database,  
7 addressing, training, and other capital expenditures, including  
8 the purchase or lease of subscriber names, addresses, and  
9 telephone information from the local exchange service provider.

10 (b) Recurring costs, including but not limited to  
11 network access fees and other telephone charges, software,  
12 equipment, and database management, and maintenance, including  
13 the purchase or lease of subscriber names, addresses, and  
14 telephone information from the local exchange service provider.  
15 Recurring costs shall not include personnel costs for a public  
16 safety answering point.

17 (2) Funds deposited in a 911 service fund are appropriated  
18 and shall be used for the payment of costs that are limited to  
19 nonrecurring and recurring costs directly attributable to the  
20 receipt and disposition of the 911 call. Costs do not include  
21 expenditures for any other purpose, and specifically exclude  
22 costs attributable to other emergency services or expenditures  
23 for buildings or personnel, except for the costs of personnel  
24 for database management and personnel directly associated with  
25 addressing.

26 f. Current equipment operated by affected local exchange  
27 service providers, and central office equipment and technology  
28 upgrades necessary for the provider to implement 911 service  
29 within the 911 service area.

30 g. A schedule for implementation of the plan throughout  
31 the 911 service area. The schedule may provide for phased  
32 implementation.

33 h. The number of telephone access lines and voice over  
34 internet protocol service connections capable of access to 911  
35 in the 911 service area.

1 i. The total property valuation in the 911 service area.

2 j. A plan to migrate to a next generation 911 network.

3 ~~1.~~ 3. "Access line" means an exchange access line that  
4 has the ability to access dial tone and reach a public safety  
5 answering point.

6 ~~2.~~ 4. "Communications service" means a service capable  
7 of accessing, connecting with, or interfacing with a 911  
8 system by dialing, initializing, or otherwise activating the  
9 system exclusively through the digits 911 by means of a local  
10 telephone device, or wireless communications device, or any  
11 other device capable of interfacing with the 911 system.

12 ~~3.~~ "Communications service provider" means a service  
13 provider, public or private, that transports information  
14 electronically via landline, wireless, internet, cable, or  
15 satellite.

16 ~~4.~~ 5. "Competitive local exchange service provider" means  
17 the same as defined in section 476.96.

18 ~~5.~~ 6. "Director" means the director of the department of  
19 homeland security and emergency management.

20 ~~6.~~ 7. "Emergency communications service surcharge" means a  
21 charge established by the program manager in accordance with  
22 section 34A.7A.

23 8. "Emergency services internet protocol network" or "ESInet"  
24 means a system using broadband packet-switched technology that  
25 is capable of supporting the transmission of varying types of  
26 data to be shared by all public or private safety agencies that  
27 are involved in an emergency.

28 ~~7.~~ 9. "Enhanced 911" or "E911" means a service that  
29 provides the user of a communications service with the ability  
30 to reach a public safety answering point by using the digits  
31 911, and that has the following additional features:

32 a. Routes an incoming 911 call to the appropriate public  
33 safety answering point.

34 b. Automatically provides voice, displays the name, address  
35 or location, and telephone number of an incoming 911 call and

1 public safety agency servicing the location.

2 ~~8. "Enhanced 911 service area" means the geographic area~~  
3 ~~to be serviced, or currently serviced under an enhanced 911~~  
4 ~~service plan, provided that an enhanced 911 service area must~~  
5 ~~at minimum encompass one entire county. The enhanced 911~~  
6 ~~service area may encompass more than one county, and need not~~  
7 ~~be restricted to county boundaries.~~

8 ~~9. "Enhanced 911 service plan" means a plan that includes~~  
9 ~~the following information:~~

10 ~~a. A description of the enhanced 911 service area.~~

11 ~~b. A list of all public and private safety agencies within~~  
12 ~~the enhanced 911 service area.~~

13 ~~c. The number of public safety answering points within the~~  
14 ~~enhanced 911 service area.~~

15 ~~d. Identification of the agency responsible for management~~  
16 ~~and supervision of the enhanced 911 emergency communication~~  
17 ~~system.~~

18 ~~e. (1) A statement of estimated costs to be incurred by the~~  
19 ~~joint E911 service board or the department of public safety,~~  
20 ~~including separate estimates of the following:~~

21 ~~(a) Nonrecurring costs, including but not limited to public~~  
22 ~~safety answering points, network equipment, software, database,~~  
23 ~~addressing, training, and other capital expenditures, including~~  
24 ~~the purchase or lease of subscriber names, addresses, and~~  
25 ~~telephone information from the local exchange service provider.~~

26 ~~(b) Recurring costs, including but not limited to~~  
27 ~~network access fees and other telephone charges, software,~~  
28 ~~equipment, and database management, and maintenance, including~~  
29 ~~the purchase or lease of subscriber names, addresses, and~~  
30 ~~telephone information from the local exchange service provider.~~  
31 ~~Recurring costs shall not include personnel costs for a public~~  
32 ~~safety answering point.~~

33 ~~(2) Funds deposited in an E911 service fund are appropriated~~  
34 ~~and shall be used for the payment of costs that are limited to~~  
35 ~~nonrecurring and recurring costs directly attributable to the~~

1 ~~receipt and disposition of the 911 call. Costs do not include~~  
2 ~~expenditures for any other purpose, and specifically exclude~~  
3 ~~costs attributable to other emergency services or expenditures~~  
4 ~~for buildings or personnel, except for the costs of personnel~~  
5 ~~for database management and personnel directly associated with~~  
6 ~~addressing.~~

7 ~~f. Current equipment operated by affected local exchange~~  
8 ~~service providers, and central office equipment and technology~~  
9 ~~upgrades necessary for the provider to implement enhanced 911~~  
10 ~~service within the enhanced 911 service area.~~

11 ~~g. A schedule for implementation of the plan throughout~~  
12 ~~the E911 service area. The schedule may provide for phased~~  
13 ~~implementation.~~

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

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

18 ~~j. A plan to migrate to an internet protocol-enabled next~~  
19 ~~generation network.~~

20 10. "Geographic information system" or "GIS" means a system  
21 designed to capture, store, manipulate, analyze, manage, and  
22 present spatial or geographical data.

23 ~~10.~~ 11. "Local exchange carrier" means the same as defined  
24 in [section 476.96](#).

25 ~~11.~~ 12. "Local exchange service provider" means a vendor  
26 engaged in providing telecommunications service between  
27 points within an exchange and includes but is not limited to  
28 a competitive local exchange service provider and a local  
29 exchange carrier.

30 13. "Next generation 911 network" means an internet  
31 protocol-enabled system that enables the public to transmit  
32 digital information to public safety answering points  
33 and replaces enhanced 911, and that includes ESInet, GIS,  
34 cybersecurity, and other system components.

35 14. "Originating service provider" means a communications

1 provider that allows its users or subscribers to originate  
2 911 voice or non-voice messages from the public to public  
3 safety answering points, including but not limited to wireline,  
4 wireless, and voice over internet protocol services.

5 ~~12.~~ 15. "*Prepaid wireless telecommunications service*"  
6 means a wireless communications service that provides the  
7 right to utilize mobile wireless service as well as other  
8 nontelecommunications services, including the download  
9 of digital products delivered electronically, content and  
10 ancillary services, which must be paid for in advance and that  
11 is sold in predetermined units or dollars of which the amount  
12 declines with use in a known amount.

13 ~~13.~~ 16. "*Program manager*" means the ~~E911~~ 911 program  
14 manager appointed pursuant to [section 34A.2A](#).

15 ~~14.~~ 17. "*Provider*" means a vendor who provides, or offers  
16 to provide, ~~E911~~ 911 equipment, installation, maintenance, or  
17 exchange access services within the ~~enhanced~~ 911 service area.

18 ~~15.~~ 18. "*Public or private safety agency*" means a unit  
19 of state or local government, a local emergency management  
20 agency as defined in section 29C.2, a special purpose district,  
21 or a private firm which provides or has the authority to  
22 provide fire fighting, police, ambulance, or emergency medical  
23 services, or hazardous materials response.

24 ~~16.~~ 19. "*Public safety answering point*" means a  
25 twenty-four-hour public safety communications facility that  
26 receives ~~enhanced~~ 911 service calls and directly dispatches  
27 emergency response services or relays calls to the appropriate  
28 public or private safety agency.

29 20. "*Voice over internet protocol service*" means a service to  
30 which all of the following apply:

31 a. The service provides real-time two-way voice  
32 communications transmitted using internet protocol, and a  
33 successor protocol.

34 b. The service is offered to the public, or such classes of  
35 users as to be effectively available to the public.

1 c. The service has the capability to originate traffic  
2 to, and terminate traffic from, the public switched telephone  
3 network or a successor network.

4 ~~17.~~ 21. *"Wireless communications service"* means commercial  
5 mobile radio service. *"Wireless communications service"*  
6 includes any wireless two-way communications used in cellular  
7 telephone service, personal communications service, or the  
8 functional or competitive equivalent of a radio-telephone  
9 communications line used in cellular telephone service, a  
10 personal communications service, or a network access line.  
11 *"Wireless communications service"* does not include a service  
12 whose customers do not have access to 911 or 911-like service,  
13 a communications channel utilized only for data transmission,  
14 or a private telecommunications system.

15 ~~18.~~ 22. *"Wireless communications service provider"* means a  
16 company that offers wireless communications service to users  
17 of wireless devices including but not limited to cellular,  
18 personal communications services, mobile satellite services,  
19 and enhanced specialized mobile radio.

20 ~~19.~~ 23. *"Wireless E911 phase 1"* means a 911 call made from  
21 a wireless device in which the wireless communications service  
22 provider delivers the call-back number and address of the  
23 tower that received the call to the appropriate public safety  
24 answering point.

25 ~~20.~~ 24. *"Wireless E911 phase 2"* means a 911 call made from  
26 a wireless device in which the wireless communications service  
27 provider delivers the call-back number and the latitude and  
28 longitude coordinates of the wireless device to the appropriate  
29 public safety answering point.

30 ~~21.~~ 25. *"Wire-line ~~E911~~ 911 service surcharge"* means a  
31 charge set by the ~~E911~~ 911 service area operating authority  
32 and assessed on each wire-line access line which physically  
33 terminates within the ~~E911~~ 911 service area in accordance with  
34 section 34A.7.

35 Sec. 4. Section 34A.2A, subsections 1 and 2, Code 2017, are

1 amended to read as follows:

2 1. The director of the department of homeland security  
3 and emergency management shall appoint an ~~E911~~ 911 program  
4 manager to administer **this chapter**.

5 2. The ~~E911~~ 911 program manager shall act under the  
6 supervisory control of the director of the department of  
7 homeland security and emergency management, and in consultation  
8 with the ~~E911~~ 911 communications council, and shall perform the  
9 duties specifically set forth in **this chapter** and as assigned  
10 by the director.

11 Sec. 5. Section 34A.3, Code 2017, is amended to read as  
12 follows:

13 **34A.3 Joint ~~E911~~ 911 service board — 911 service plan —**  
14 **implementation — waivers.**

15 1. *Joint ~~E911~~ 911 service boards — plans.*

16 a. The board of supervisors of each county shall maintain a  
17 joint ~~E911~~ 911 service board.

18 (1) Each political subdivision of the state having a public  
19 safety agency serving territory within the county and each  
20 local emergency management agency as defined in section 29C.2  
21 operating within the area is entitled to voting membership on  
22 the joint ~~E911~~ 911 service board. For the purposes of this  
23 section, a township that operates a volunteer fire department  
24 providing fire protection services to the township, or a city  
25 which provides fire protection services through the operation  
26 of a volunteer fire department not financed through city  
27 government, shall be considered a political subdivision of the  
28 state having a public safety agency serving territory within  
29 the county. Each private safety agency operating within the  
30 area is entitled to nonvoting membership on the board.

31 (2) A township that does not operate its own public safety  
32 agency, but contracts for the provision of public safety  
33 services, is not entitled to membership on the joint ~~E911~~ 911  
34 service board, but its contractor is entitled to membership  
35 according to the contractor's status as a public or private

1 safety agency.

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

6 (1) The program manager may grant a discretionary exemption  
7 from the single county minimum service area requirement based  
8 upon a joint ~~E911~~ 911 service board's or other ~~E911~~ 911 service  
9 plan operating authority's presentation of evidence which  
10 supports the requested exemption if the program manager finds  
11 that local conditions make adherence to the minimum standard  
12 unreasonable or technically infeasible and that the purposes  
13 of *this chapter* would be furthered by granting an exemption.  
14 The minimum size requirement is intended to prevent unnecessary  
15 duplication of public safety answering points and minimize  
16 other administrative, personnel, and equipment expenses.

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

23 *c.* The ~~E911~~ 911 service plan operating authority shall  
24 submit proposed changes to the plan to all of the following:

25 (1) The program manager.

26 (2) Public and private safety agencies in the ~~enhanced~~ 911  
27 service area.

28 (3) Local exchange service providers affected by the  
29 ~~enhanced~~ 911 service plan.

30 2. *Compliance waivers available in limited circumstances.*

31 *a.* The program manager may extend the time period for plan  
32 implementation by issuing a compliance waiver.

33 *b.* The compliance waiver shall be based upon a joint ~~E911~~  
34 911 service board's presentation of evidence which supports an  
35 extension if the program manager finds that local conditions

1 make implementation financially unreasonable or technically  
2 infeasible by the originally scheduled plan of implementation.

3 *c.* The compliance waiver shall be for a set period of time,  
4 and subject to review and renewal or denial of renewal upon its  
5 expiration.

6 *d.* The waiver may cover all or a portion of a 911 service  
7 plan's ~~enhanced~~ 911 service area to facilitate phased  
8 implementation when possible.

9 *e.* The granting of a compliance waiver does not create  
10 a presumption that the identical or similar waiver will be  
11 extended in the future.

12 *f.* Consideration of compliance waivers shall be on a  
13 case-by-case basis.

14 3. *Chapter 28E agreement — alternative to joint ~~E911~~ 911*  
15 *service board.*

16 *a.* A legal entity created pursuant to [chapter 28E](#) by a  
17 county or counties, other political divisions, and public  
18 or private agencies to jointly plan, implement, and operate  
19 a countywide, or larger, ~~enhanced~~ 911 service system may be  
20 substituted for the joint ~~E911~~ 911 service board required under  
21 subsection 1. An alternative legal entity created pursuant to  
22 chapter 28E as a substitute for a joint ~~E911~~ 911 service board,  
23 as permitted by [this subsection](#), may be created by either:

24 (1) Agreement of the parties entitled to voting membership  
25 on a joint ~~E911~~ 911 service board.

26 (2) Agreement of the members of a joint ~~E911~~ 911 service  
27 board.

28 *b.* An alternative [chapter 28E](#) entity has all of the powers  
29 of a joint ~~E911~~ 911 service board and any additional powers  
30 granted by the agreement. As used in [this chapter](#), "*joint ~~E911~~*  
31 *911 service board*" includes an alternative [chapter 28E](#) entity  
32 created for that purpose, except as specifically limited by  
33 the [chapter 28E](#) agreement or unless clearly provided otherwise  
34 in [this chapter](#). A [chapter 28E](#) agreement related to ~~E911~~ 911  
35 service shall permit the participation of a private safety

1 agency or other persons allowed to participate in a joint ~~E911~~  
2 911 service board, but the terms, scope, and conditions of  
3 participation are subject to the **chapter 28E** agreement.

4 **4. Participation in joint ~~E911~~ 911 service board required.** A  
5 political subdivision having a public or private safety agency  
6 within its territory or jurisdiction shall participate in a  
7 joint ~~E911~~ 911 service board and cooperate in maintaining the  
8 ~~E911~~ 911 service plan.

9 Sec. 6. Section 34A.4, Code 2017, is amended to read as  
10 follows:

11 **34A.4 Requirements of pay telephones and other**  
12 **telecommunications devices to allow 911 calls without depositing**  
13 **coins or other charge.**

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

20 Sec. 7. Section 34A.5, Code 2017, is amended to read as  
21 follows:

22 **34A.5 Private listing subscribers and 911 service.**

23 Private listing subscribers in an ~~enhanced~~ a 911 service  
24 area waive the privacy afforded by nonlisted or nonpublished  
25 numbers to the extent that the name and address associated  
26 with the telephone number may be furnished to the ~~enhanced~~ 911  
27 service system, for all routing, for automatic retrieval of  
28 location information, and for associated emergency services.

29 Sec. 8. Section 34A.7, Code 2017, is amended to read as  
30 follows:

31 **34A.7 Funding — wire-line ~~E911~~ 911 service surcharge.**

32 When an ~~E911~~ a 911 service plan is implemented, the costs of  
33 providing ~~E911~~ 911 service within an ~~E911~~ a 911 service area  
34 are the responsibility of the joint ~~E911~~ 911 service board and  
35 the member political subdivisions. Costs in excess of the

1 amount raised by imposition of the ~~E911~~ 911 service surcharge  
2 provided for under [subsection 1](#) shall be paid by the joint  
3 ~~E911~~ 911 service board from such revenue sources allocated  
4 among the member political subdivisions as determined by the  
5 joint ~~E911~~ 911 service board. Funding is not limited to the  
6 surcharge, and surcharge revenues may be supplemented by other  
7 permissible local and state revenue sources. A joint ~~E911~~  
8 911 service board shall not commit a political subdivision to  
9 appropriate property tax revenues to fund an ~~E911~~ a 911 service  
10 plan without the consent of the political subdivision. A  
11 joint ~~E911~~ 911 service board may approve an ~~E911~~ a 911 service  
12 plan, including a funding formula requiring appropriations by  
13 participating political subdivisions, subject to the approval  
14 of the funding formula by each political subdivision. However,  
15 a political subdivision may agree in advance to appropriate  
16 property tax revenues or other moneys according to a formula or  
17 plan developed by an alternative [chapter 28E](#) entity.

18 1. *Local wire-line ~~E911~~ 911 service surcharge imposition.*

19 a. To encourage local implementation of ~~E911~~ 911 service,  
20 one source of funding for ~~E911~~ 911 emergency communication  
21 systems shall come from a surcharge per month, per access line  
22 on each access line subscriber, of one dollar.

23 b. The surcharge shall be imposed by order of the program  
24 manager as follows:

25 (1) The program manager shall notify a local exchange  
26 service provider scheduled to provide exchange access line  
27 service to an ~~E911~~ a 911 service area that implementation of an  
28 ~~E911~~ a 911 service plan has been approved by the joint ~~E911~~ 911  
29 service board and that collection of the surcharge is to begin  
30 within sixty days.

31 (2) The program manager shall also provide notice to all  
32 affected public safety answering points.

33 2. *Surcharge collected by local exchange service providers.*

34 a. The surcharge shall be collected as part of the access  
35 line service provider's periodic billing to a subscriber. In

1 compensation for the costs of billing and collection, the local  
2 exchange service provider may retain one percent of the gross  
3 surcharges collected. If the compensation is insufficient to  
4 fully recover a local exchange service provider's costs for  
5 billing and collection of the surcharge, the deficiency shall  
6 be included in the local exchange service provider's costs  
7 for ratemaking purposes to the extent it is reasonable and  
8 just under [section 476.6](#). The surcharge shall be remitted to  
9 the ~~E911~~ 911 service operating authority for deposit into the  
10 ~~E911~~ 911 service fund quarterly by the local exchange service  
11 provider. The total amount for multiple exchanges may be  
12 combined.

13 *b.* A local exchange service provider is not liable for an  
14 uncollected surcharge for which the local exchange service  
15 provider has billed a subscriber but not been paid. The  
16 surcharge shall appear as a single line item on a subscriber's  
17 periodic billing entitled, "~~E911~~ 911 emergency communications  
18 service surcharge".

19 *c.* The joint ~~E911~~ 911 service board may request, not more  
20 than once each quarter, the following information from the  
21 local exchange service provider:

22 (1) The identity of the exchange from which the surcharge  
23 is collected.

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

26 (3) The number of refusals to pay per exchange if  
27 applicable.

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

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

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

32 *d.* Access line counts and surcharge remittances are  
33 confidential public records as provided in [section 34A.8](#).

34 3. *Maximum limit per subscriber billing for surcharge.* An  
35 individual subscriber shall not be required to pay on a single

1 periodic billing the surcharge on more than one hundred access  
2 lines, or their equivalent, in an ~~E911~~ a 911 service area. A  
3 subscriber shall pay the surcharge in each ~~E911~~ 911 service  
4 area in which the subscriber receives access line service.

5 4. ~~E911~~ 911 service fund. Each joint ~~E911~~ 911 service board  
6 shall establish and maintain as a separate account an ~~E911~~ a  
7 911 service fund. Any funds remaining in the account at the  
8 end of each fiscal year shall not revert to the general funds  
9 of the member political subdivisions, except as provided in  
10 subsection 5, but shall remain in the ~~E911~~ 911 service fund.  
11 Moneys in an ~~E911~~ a 911 service fund may only be used for  
12 nonrecurring and recurring costs of the ~~E911~~ 911 service plan  
13 as approved by the program manager, as those terms are defined  
14 by [section 34A.2](#).

15 5. *Use of moneys in fund — priority and limitations on*  
16 *expenditure.*

17 a. Moneys deposited in the ~~E911~~ a 911 service fund shall be  
18 used for the repayment of any bonds issued for the benefit of  
19 or loan made to the joint ~~E911~~ 911 service board pursuant to  
20 sections 34A.20 through 34A.22, and as long as any such bond  
21 or loan remains unpaid the surcharge shall not be reduced or  
22 eliminated. Moneys deposited in the fund shall be subject to  
23 such terms and conditions as may be contained in the relevant  
24 bond documents, trust indenture, resolution, loan agreement, or  
25 other instrument pursuant to which bonds are issued or a loan  
26 is made, without regard to any limitation otherwise provided  
27 by law.

28 b. Moneys deposited in the ~~E911~~ a 911 service fund shall be  
29 used for the following, in order of priority if paragraph "a"  
30 does not apply:

31 (1) Money shall first be spent for actual recurring costs of  
32 operating the ~~E911~~ 911 service plan.

33 (2) If money remains in the fund after fully paying for  
34 recurring costs incurred in the preceding year, the remainder  
35 may be spent to pay for nonrecurring costs, not to exceed

1 actual nonrecurring costs as approved by the program manager.

2 (3) If money remains in the fund after fully paying  
3 obligations under subparagraphs (1) and (2), the remainder may  
4 be accumulated in the fund as a carryover operating surplus.

5 6. *Limitation of actions — provider not liable on cause of*  
6 *action related to provision of 911 services.* A claim or cause  
7 of action does not exist based upon or arising out of an act or  
8 omission in connection with a land-line or wireless provider's  
9 participation in an ~~E911~~ a 911 service plan or provision of 911  
10 or local exchange access service, unless the act or omission is  
11 determined to be willful and wanton negligence.

12 Sec. 9. Section 34A.7A, Code 2017, is amended to read as  
13 follows:

14 **34A.7A Emergency communications service surcharge — fund**  
15 **established — distribution and permissible expenditures.**

16 1. *a.* The director shall adopt by rule a monthly surcharge  
17 of one dollar to be imposed on each ~~communications~~ originating  
18 service number provided in this state. The surcharge shall  
19 be imposed uniformly on a statewide basis and simultaneously  
20 on all ~~communications~~ originating service numbers as provided  
21 by rule of the director. The surcharge shall not be imposed  
22 on wire-line-based communications or prepaid wireless  
23 telecommunications service.

24 *b.* The program manager shall provide no less than  
25 sixty days' notice of the surcharge to be imposed to each  
26 ~~communications~~ originating service provider.

27 *c.* (1) The surcharge shall be collected as part of the  
28 ~~communications~~ originating service provider's periodic billing  
29 to a subscriber. The surcharge shall appear as a single line  
30 item on a subscriber's periodic billing indicating that the  
31 surcharge is for ~~E911~~ 911 emergency communications service.

32 (2) In compensation for the costs of billing and collection,  
33 the ~~communications~~ originating service provider may retain one  
34 percent of the gross surcharges collected.

35 (3) The surcharges shall be remitted quarterly by the

1 ~~communications~~ originating service provider to the program  
2 manager for deposit into the fund established in [subsection 2](#).

3 (4) ~~A communications~~ An originating service provider  
4 is not liable for an uncollected surcharge for which the  
5 ~~communications originating service provider~~ has billed a  
6 subscriber but which has not been paid.

7 2. Moneys collected pursuant to [subsection 1](#) and section  
8 34A.7B, subsection 2, shall be deposited in a separate ~~£911~~  
9 911 emergency communications fund within the state treasury  
10 under the control of the program manager. [Section 8.33](#) shall  
11 not apply to moneys in the fund. Moneys earned as income,  
12 including as interest, from the fund shall remain in the fund  
13 until expended as provided in [this section](#). Moneys in the fund  
14 shall be expended and distributed in the following priority  
15 order:

16 a. An amount as appropriated by the general assembly to the  
17 director shall be allocated to the director and program manager  
18 for implementation, support, and maintenance of the functions  
19 of the director and program manager and to employ the auditor  
20 of state to perform an annual audit of the ~~£911~~ 911 emergency  
21 communications fund.

22 b. (1) The program manager shall allocate to each joint  
23 ~~£911~~ 911 service board and to the department of public safety a  
24 minimum of one thousand dollars per calendar quarter for each  
25 public safety answering point within the service area of the  
26 department of public safety or joint ~~£911~~ 911 service board  
27 that has submitted an annual written request to the program  
28 manager in a form approved by the program manager by May 15 of  
29 each year.

30 (2) The amount allocated under this paragraph "b" shall be  
31 sixty percent of the total amount of surcharge generated per  
32 calendar quarter allocated as follows:

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

1 (b) Thirty-five percent of the total dollars available for  
2 allocation shall be allocated in proportion to the wireless  
3 ~~E911~~ 911 calls taken at the public safety answering point in  
4 the service area to the total number of wireless ~~E911~~ 911 calls  
5 originating in this state.

6 (c) Notwithstanding subparagraph divisions (a) and (b), the  
7 minimum amount allocated to each joint ~~E911~~ 911 service board  
8 and to the department of public safety shall be no less than  
9 one thousand dollars for each public safety answering point  
10 within the service area of the department of public safety or  
11 joint ~~E911~~ 911 service board.

12 (3) The funds allocated in this paragraph "b" shall be  
13 used by the public safety answering points for the receipt and  
14 disposition of 911 calls.

15 c. From July 1, 2013, until June 30, 2026, the program  
16 manager shall allocate ten percent of the total amount of  
17 surcharge generated to wireless carriers to recover their costs  
18 to deliver E911 phase 1 services. If the allocation in this  
19 paragraph is insufficient to reimburse all wireless carriers  
20 for such carrier's eligible expenses, the program manager  
21 shall allocate a prorated amount to each wireless carrier  
22 equal to the percentage of such carrier's eligible expenses as  
23 compared to the total of all eligible expenses for all wireless  
24 carriers for the calendar quarter during which such expenses  
25 were submitted. When prorated expenses are paid, the remaining  
26 unpaid expenses shall no longer be eligible for payment under  
27 this paragraph.

28 d. (1) The program manager shall reimburse ~~communications~~  
29 originating service providers on a calendar quarter basis for  
30 carriers' eligible expenses for transport costs between the  
31 selective router and the public safety answering points related  
32 to the delivery of wireless E911 phase 1 services and the  
33 integration of ~~an internet protocol-enabled~~ the next generation  
34 911 network.

35 (2) The program manager may also provide grants to joint

1 911 service boards and the department of public safety for the  
2 purpose of developing and maintaining GIS data to be used in  
3 support of the next generation 911 network.

4 e. The program manager shall reimburse wire-line carriers  
5 and third-party ~~E911~~ 911 automatic location information  
6 identification database providers on a calendar quarterly  
7 basis for the costs of maintaining and upgrading the ~~E911~~ 911  
8 components and functionalities beyond the input to the ~~E911~~ 911  
9 selective router, including the ~~E911~~ 911 selective router and  
10 the automatic location information identification database.

11 f. The department of homeland security and emergency  
12 management may, in a reserve account established within the  
13 ~~E911~~ 911 emergency communications fund, credit each fiscal  
14 year an amount of up to twelve and one-half percent of the  
15 annual 911 emergency communications service surcharge collected  
16 pursuant to [subsection 1](#) and the prepaid wireless ~~E911~~ 911  
17 surcharge collected pursuant to [section 34A.7B, subsection 2](#).  
18 However, the moneys contained in such reserve account shall  
19 not exceed twelve and one-half percent of the total surcharges  
20 collected for each fiscal year. Moneys credited to the reserve  
21 account shall only be used by the department for the purpose of  
22 repairing or replacing equipment in the event of a catastrophic  
23 equipment failure, as determined by the director.

24 ~~g. The program manager shall allocate four million three~~  
25 ~~hundred eighty-three thousand dollars to the department of~~  
26 ~~public safety in the fiscal year beginning July 1, 2016, and~~  
27 ~~ending June 30, 2017, for payments and other costs due under~~  
28 ~~a financing agreement entered into by the treasurer of state~~  
29 ~~for building the statewide interoperable communications system~~  
30 ~~pursuant to [section 29C.23, subsection 2](#).~~

31 ~~h. g.~~ (1) If moneys remain in the fund after fully paying  
32 all obligations under paragraphs "a", "b", "c", "d", "e", and  
33 "f", and ~~"g"~~, an amount of up to four seven million four hundred  
34 thousand dollars shall, for the fiscal year beginning July  
35 1, ~~2016~~ 2017, and ending June 30, ~~2017~~ 2018, be expended and

1 distributed in the following priority order:

2 (a) (i) The director, in consultation with the program  
3 manager and the ~~E911~~ 911 communications council, may provide  
4 grants to any public safety answering point agreeing to  
5 consolidate. For purposes of this subparagraph division,  
6 "*consolidate*" means the consolidation of all public safety  
7 answering point systems, functions, ~~enhanced~~ 911 service areas,  
8 and physical facilities of two or more public safety answering  
9 points, resulting in the consolidated public safety answering  
10 point being responsible for all call answering and dispatch  
11 functions for the combined ~~enhanced~~ 911 service area, ~~or the~~  
12 ~~consolidation of two or more public safety answering points~~  
13 ~~utilizing shared services technology to combine public safety~~  
14 ~~answering point systems, including but not limited to 911~~  
15 ~~call processing equipment, computer-aided dispatch, mapping,~~  
16 ~~radio, and logging recorders.~~ Such a grant to a public safety  
17 answering point shall not exceed one-half of the projected cost  
18 of consolidation, or two hundred thousand dollars, whichever  
19 is less.

20 (ii) Grants provided under this subparagraph may, subject  
21 to available funding, be provided until June 30, 2022.

22 (iii) The director, in consultation with the program  
23 manager and the ~~E911~~ 911 communications council, shall  
24 adopt rules governing the eligibility for and the ~~E911~~ 911  
25 communications council's distribution of grants to public  
26 safety answering points pursuant to this subparagraph division.

27 (b) The program manager, in consultation with the ~~E911~~ 911  
28 communications council, shall allocate an amount, not to exceed  
29 one hundred thousand dollars per fiscal year, for development  
30 of public awareness and educational programs related to the  
31 use of 911 by the public, educational programs for personnel  
32 responsible for the maintenance, operation, and upgrading of  
33 local ~~E911~~ 911 systems, and the expenses of members of the ~~E911~~  
34 911 communications council for travel, monthly meetings, and  
35 training, provided, however, that the members have not received

1 reimbursement funds for such expenses from another source.

2 (c) The program manager shall allocate an equal amount of  
3 moneys to each public safety answering point for ~~the following~~  
4 costs+ related to the receipt and disposition of 911 calls,  
5 including hardware and software for the next generation 911  
6 network and local costs related to accessing the state's  
7 interoperable communications system.

8 ~~(i) Costs related to the receipt and disposition of~~  
9 ~~911 calls, including hardware and software for an internet~~  
10 ~~protocol-enabled next generation 911 network.~~

11 ~~(ii) Local costs related to access the state's~~  
12 ~~interoperable communications system.~~

13 (2) Notwithstanding [section 8.33](#), any moneys remaining in  
14 the fund at the end of each fiscal year shall not revert to the  
15 general fund of the state but shall remain available for the  
16 purposes of the fund.

17 *i.* The director, in consultation with the program manager  
18 and the ~~E911~~ 911 communications council, shall adopt rules  
19 pursuant to [chapter 17A](#) governing the distribution of  
20 the surcharge collected and distributed pursuant to this  
21 subsection. The rules shall include provisions that all joint  
22 ~~E911~~ 911 service boards and the department of public safety  
23 which answer or service wireless ~~E911~~ 911 calls are eligible to  
24 receive an equitable portion of the receipts.

25 3. *a.* The program manager shall submit an annual  
26 report by January 15 of each year to the general assembly's  
27 standing committees on government oversight advising the  
28 general assembly of the status of ~~E911~~ 911 implementation and  
29 operations, including both wire-line and wireless services, the  
30 distribution of surcharge receipts, and an accounting of the  
31 revenues and expenses of the ~~E911~~ 911 program.

32 *b.* The program manager shall submit a calendar quarter  
33 report of the revenues and expenses of the ~~E911~~ 911 program  
34 to the fiscal services division of the legislative services  
35 agency.

1 c. The general assembly's standing committees on government  
2 oversight shall review the priorities of distribution of funds  
3 under this chapter at least every two years.

4 4. The amount collected from ~~a communications~~ an  
5 originating service provider and deposited in the fund,  
6 pursuant to section 22.7, subsection 6, information provided by  
7 ~~a communications~~ an originating service provider to the program  
8 manager consisting of trade secrets, pursuant to section 22.7,  
9 subsection 3, and other financial or commercial operations  
10 information provided by ~~a communications~~ an originating service  
11 provider to the program manager, shall be kept confidential as  
12 provided under section 22.7. This subsection does not prohibit  
13 the inclusion of information in any report providing aggregate  
14 amounts and information which does not identify numbers of  
15 accounts or customers, revenues, or expenses attributable to an  
16 individual ~~communications~~ originating service provider.

17 5. a. The program manager, in consultation with the  
18 ~~911~~ 911 communications council and the auditor of state,  
19 shall establish a methodology for determining and collecting  
20 comprehensive public safety answering point cost and expense  
21 data through the county joint ~~911~~ 911 service boards. The  
22 methodology shall include the collection of data for all costs  
23 and expenses related to the operation of a public safety  
24 answering point and account for the extent to which identified  
25 costs and expenses are compensated for or addressed through  
26 ~~911~~ 911 surcharges versus other sources of funding.

27 b. Data collection pursuant to paragraph "a" shall commence  
28 no later than January 1, 2014, and shall be subject to an audit  
29 by the auditor of state beginning July 1, 2014. The program  
30 manager shall prepare a report detailing the methodology  
31 developed and the data collected after such data has been  
32 collected for a two-year period. The report and the results of  
33 the initial audit shall be submitted to the general assembly by  
34 March 1, 2016. A new report regarding data collection and the  
35 results of an ongoing audit for each successive two-year period

1 shall be submitted by March 1 every two years thereafter.  
2 Expenses associated with the audit shall be paid to the auditor  
3 of state by the program manager from the ~~E911~~ 911 emergency  
4 communications fund established in [subsection 2](#).

5 *c.* A county joint ~~E911~~ 911 service board which fails  
6 to submit expenses and costs pursuant to the methodology  
7 developed pursuant to paragraph "a" by March 31 of each year  
8 shall be allocated sixty-five cents out of the one dollar  
9 911 emergency communications service surcharge until March  
10 31 of the following year. Remaining funds shall be held in  
11 the carryover operating surplus fund until the expenses and  
12 cost report is submitted by the county joint ~~E911~~ 911 service  
13 board. If the county joint ~~E911~~ 911 service board submits the  
14 expense and cost report before March 30 of the following year,  
15 the set aside funds shall be provided to the county joint ~~E911~~  
16 911 service board. If the county joint ~~E911~~ 911 service board  
17 fails to submit the expense and cost report within one year,  
18 funds shall revert to the carryover operating surplus fund and  
19 be used in accordance with subsection 2, paragraph "h" "g".

20 Sec. 10. Section 34A.7B, Code 2017, is amended to read as  
21 follows:

22 **34A.7B Prepaid wireless ~~E911~~ 911 surcharge.**

23 1. As used in [this section](#), unless the context otherwise  
24 requires:

25 *a.* "Consumer" means a person who purchases prepaid wireless  
26 telecommunications service in a retail transaction.

27 *b.* "Department" means the department of revenue.

28 *c.* "Prepaid wireless ~~E911~~ 911 surcharge" means the surcharge  
29 that is required to be collected by a seller from a consumer in  
30 the amount established under [this section](#).

31 *d.* "Provider" means a person who provides prepaid wireless  
32 telecommunications service pursuant to a license issued by the  
33 federal communications commission.

34 *e.* "Retail transaction" means the purchase of prepaid  
35 wireless telecommunications service from a seller for any

1 purpose other than resale.

2 *f.* "Seller" means a person who sells prepaid wireless  
3 telecommunications service to another person.

4 2. There is imposed a prepaid wireless ~~E911~~ 911 surcharge of  
5 thirty-three cents on each retail transaction or, on or after  
6 the determination of an adjusted rate as determined pursuant to  
7 subsection 7, the adjusted rate.

8 3. The prepaid wireless ~~E911~~ 911 surcharge shall be  
9 collected by the seller from the consumer with respect to each  
10 retail transaction occurring in this state. The amount of the  
11 prepaid wireless ~~E911~~ 911 surcharge shall be either separately  
12 stated on an invoice, receipt, or other similar document  
13 that is provided to the consumer by the seller, or otherwise  
14 disclosed to the consumer.

15 4. For purposes of [subsection 3](#), a retail transaction that  
16 is effected in person by a consumer at a business location  
17 of the seller shall be treated as occurring in this state if  
18 that business location is in this state, and any other retail  
19 transaction shall be treated as occurring in this state if the  
20 retail transaction is treated as occurring in this state for  
21 purposes of [section 423.20](#) as that section applies to sourcing  
22 of a prepaid wireless calling service.

23 5. The prepaid wireless ~~E911~~ 911 surcharge is the liability  
24 of the consumer and not of the seller or of any provider,  
25 except that the seller shall be liable to remit all prepaid  
26 wireless ~~E911~~ 911 surcharges that the seller collects from  
27 consumers as provided in [subsection 3](#), including all such  
28 surcharges that the seller is deemed to collect where the  
29 amount of the surcharge has not been separately stated on an  
30 invoice, receipt, or other similar document provided to the  
31 consumer by the seller.

32 6. The amount of the prepaid wireless ~~E911~~ 911 surcharge  
33 that is collected by a seller from a consumer, if such amount  
34 is separately stated on an invoice, receipt, or other similar  
35 document provided to the consumer by the seller, shall not

1 be included in the base for measuring any tax, fee, other  
2 surcharge, or other charge that is imposed by this state, any  
3 political subdivision of this state, or any intergovernmental  
4 agency.

5 7. The prepaid wireless ~~E911~~ 911 surcharge shall be  
6 increased or reduced, as applicable, in an amount proportionate  
7 to any change to the surcharge imposed under section 34A.7A,  
8 subsection 1. The proportional increase or reduction shall  
9 be effective on the first day of the calendar month after the  
10 effective date of the change to the surcharge imposed under  
11 section 34A.7A, subsection 1. The department shall provide  
12 not less than thirty days' advance notice of such increase or  
13 reduction on the department's internet site.

14 8. If a minimal amount of prepaid wireless  
15 telecommunications service is sold with a prepaid wireless  
16 device for a single, nonitemized price, the seller may elect  
17 not to apply the prepaid wireless ~~E911~~ 911 surcharge to the  
18 retail transaction. For purposes of [this subsection](#), an amount  
19 of service denominated as ten minutes or less, or five dollars  
20 or less, shall be regarded as a minimal amount of service.

21 9. Prepaid wireless ~~E911~~ 911 surcharges collected by  
22 sellers shall be remitted to the department at the times and in  
23 the manner provided by [chapter 423](#) with respect to the sales  
24 and use tax. The department shall establish registration  
25 and payment procedures that substantially coincide with the  
26 registration and payment procedures that apply to sellers under  
27 chapter 423.

28 10. A seller may deduct and retain three percent of prepaid  
29 wireless ~~E911~~ 911 surcharges that are collected by the seller  
30 from consumers.

31 11. The audit, appeal, collection, and enforcement  
32 procedures and other pertinent provisions applicable to the  
33 sales and use tax imposed under [chapter 423](#) shall apply to  
34 prepaid wireless ~~E911~~ 911 surcharges.

35 12. The department shall establish procedures by which

1 a seller of prepaid wireless telecommunications service  
2 may document that a sale is not a retail transaction, which  
3 procedures shall substantially coincide with the procedures for  
4 documenting sale for resale transactions under [chapter 423](#).

5 13. The department shall transfer all remitted prepaid  
6 wireless ~~E911~~ 911 surcharges to the treasurer of state for  
7 deposit in the ~~E911~~ 911 emergency communications fund created  
8 under [section 34A.7A, subsection 2](#), within thirty days of  
9 receipt after deducting an amount, not to exceed two percent of  
10 collected surcharges, that shall be retained by the department  
11 to reimburse its direct costs of administering the collection  
12 and remittance of prepaid wireless ~~E911~~ 911 surcharges.

13 14. The limitation of actions provisions under section  
14 34A.7, subsection 6, shall apply to providers and sellers of  
15 prepaid wireless telecommunications service. In addition,  
16 a provider or seller of prepaid wireless telecommunications  
17 service shall not be liable for damages to any person resulting  
18 from or incurred in connection with the provision of any lawful  
19 assistance to any investigative or law enforcement officer of  
20 the United States, this or any other state, or any political  
21 subdivision of this or any other state, in connection with any  
22 lawful investigation or other law enforcement activity by such  
23 investigative or law enforcement officer.

24 15. The prepaid wireless ~~E911~~ 911 surcharge imposed  
25 pursuant to [this section](#) shall be the only ~~E911~~ 911 funding  
26 obligation imposed with respect to prepaid wireless  
27 telecommunications service in this state, and no tax, fee,  
28 surcharge, or other charge shall be imposed by this state, any  
29 political subdivision of this state, or any intergovernmental  
30 agency, for ~~E911~~ 911 funding purposes, upon any provider,  
31 seller, or consumer with respect to the sale, purchase, use, or  
32 provision of prepaid wireless telecommunications service.

33 Sec. 11. Section 34A.8, Code 2017, is amended to read as  
34 follows:

35 **34A.8 Local exchange service information — penalty.**

1 1. A local exchange service provider shall furnish to the  
2 ~~E911~~ 911 service provider, designated by the joint ~~E911~~ 911  
3 service board, all names, addresses, and telephone number  
4 information concerning its subscribers which will be served  
5 by the ~~E911~~ 911 system and shall periodically update the  
6 local exchange service information. The ~~E911~~ 911 service  
7 provider shall furnish the addresses and telephone number  
8 information received from the local exchange service provider  
9 to the director for use in the mass notification and emergency  
10 messaging system as defined in [section 29C.2](#). The local  
11 exchange service provider shall receive as compensation for  
12 the provision of local exchange service information charges  
13 according to its tariffs on file with and approved by the Iowa  
14 utilities board. The tariff charges shall be the same whether  
15 or not the local exchange service provider is designated as the  
16 ~~E911~~ 911 service provider by the joint ~~E911~~ 911 service board.

17 2. *a.* Subscriber information remains the property of the  
18 local exchange service provider.

19 *b.* The director, program manager, joint ~~E911~~ 911 service  
20 board, local emergency management commission established  
21 pursuant to [section 29C.9](#), the designated ~~E911~~ 911 service  
22 provider, and the public safety answering point, their agents,  
23 employees, and assigns shall use local exchange service  
24 information provided by the local exchange service provider  
25 solely for the purposes of providing ~~E911~~ 911 emergency  
26 telephone service or providing related mass notification and  
27 emergency messaging services as described in [section 29C.17A](#)  
28 utilizing only the subscriber's information, and it shall  
29 otherwise be kept confidential. A person who violates this  
30 section is guilty of a simple misdemeanor.

31 *c.* [This chapter](#) does not require a local exchange service  
32 provider to sell or provide its subscriber names, addresses, or  
33 telephone number information to any person other than the ~~E911~~  
34 911 service provider designated by the joint ~~E911~~ 911 service  
35 board.

1     Sec. 12. Section 34A.10, Code 2017, is amended to read as  
2 follows:

3     **34A.10 ~~E911 selective router~~ Next generation 911 network**  
4 **access.**

5     On and after July 1, ~~2004~~ 2017, only the program manager  
6 shall approve access to the ~~E911 selective router~~ next  
7 generation 911 network.

8     Sec. 13. Section 34A.11, Code 2017, is amended to read as  
9 follows:

10    **34A.11 Communications — single point-of-contact.**

11    1. The joint ~~E911~~ 911 service board in each enhanced 911  
12 service area shall designate a person to serve as a single  
13 point-of-contact to facilitate the communication of needs,  
14 issues, or concerns regarding emergency communications,  
15 interoperability, and other matters applicable to emergency  
16 ~~E911~~ 911 communications and migration to an ~~internet~~  
17 ~~protocol-enabled~~ the next generation 911 network. The person  
18 designated as the single point-of-contact shall be responsible  
19 for facilitating the communication of such needs, issues, or  
20 concerns between public or private safety agencies within  
21 the service area, the ~~E911~~ 911 program manager, the ~~E911~~  
22 911 communications council, the statewide interoperable  
23 communications system board established in [section 80.28](#),  
24 and any other person, entity, or agency the person deems  
25 necessary or appropriate. The person designated shall also  
26 be responsible for responding to surveys or requests for  
27 information applicable to the service area received from a  
28 federal, state, or local agency, entity, or board.

29    2. In the event a joint ~~E911~~ 911 service board fails to  
30 designate a single point-of-contact by November 1, 2013, the  
31 chairperson of the joint ~~E911~~ 911 service board shall serve in  
32 that capacity. The ~~E911~~ 911 service board shall submit the  
33 name and contact information for the person designated as the  
34 single point-of-contact to the ~~E911~~ 911 program manager by  
35 January 1 annually.

1 3. The provisions of **this section** shall be equally  
2 applicable to an alternative legal entity created pursuant to  
3 chapter 28E if such an entity is established as an alternative  
4 to a joint ~~E911~~ 911 service board as provided in section  
5 34A.3. If such an entity is established, the governing body  
6 of that entity shall designate the single point-of-contact for  
7 the entity, and the chairperson or representative official  
8 of the governing body shall serve in the event a single  
9 point-of-contact is not designated.

10 Sec. 14. Section 34A.15, subsection 1, unnumbered paragraph  
11 1, Code 2017, is amended to read as follows:

12 ~~An E911~~ A 911 communications council is established. The  
13 council consists of the following ~~thirteen~~ fourteen members:

14 Sec. 15. Section 34A.15, subsection 1, Code 2017, is amended  
15 by adding the following new paragraph:

16 NEW PARAGRAPH. 1. One person appointed by the Iowa  
17 geographic information council established by executive order  
18 of the governor.

19 Sec. 16. Section 34A.20, Code 2017, is amended to read as  
20 follows:

21 **34A.20 ~~E911~~ 911 financing program — definitions — funding**  
22 **— bonds and notes.**

23 1. As used in **this subchapter**, unless the context otherwise  
24 requires, "*authority*" means the Iowa finance authority.

25 2. The authority shall cooperate with the director in the  
26 creation, administration, and funding of the ~~E911~~ 911 program  
27 established in **subchapter I**.

28 3. The authority may issue its bonds and notes for the  
29 purpose of funding ~~E911~~ 911 nonrecurring and recurring costs of  
30 one or more ~~E911~~ 911 service areas.

31 4. The authority may issue its bonds and notes for the  
32 purposes of **this chapter** and may enter into one or more lending  
33 agreements or purchase agreements with one or more bondholders  
34 or noteholders containing the terms and conditions of the  
35 repayment of and the security for the bonds or notes. The

1 authority and the bondholders or noteholders or a trustee  
2 agent designated by the authority may enter into agreements to  
3 provide for any of the following:

4     *a.* That the proceeds of the bonds and notes and the  
5 investments of the proceeds may be received, held, and  
6 disbursed by the authority or by a trustee or agent designated  
7 by the authority.

8     *b.* That the bondholders or noteholders or a trustee or  
9 agent designated by the authority may collect, invest, and  
10 apply the amount payable under the loan agreements or any  
11 other instruments securing the debt obligations under the loan  
12 agreements.

13     *c.* That the bondholders or noteholders may enforce the  
14 remedies provided in the loan agreements or other instruments  
15 on their own behalf without the appointment or designation of a  
16 trustee. If there is a default in the principal of or interest  
17 on the bonds or notes or in the performance of any agreement  
18 contained in the loan agreements or other instruments, the  
19 payment or performance may be enforced in accordance with the  
20 loan agreement or other instrument.

21     *d.* Other terms and conditions as deemed necessary or  
22 appropriate by the authority.

23     5. The powers granted the authority under [this section](#) are  
24 in addition to other powers contained in [chapter 16](#). All other  
25 provisions of [chapter 16](#), except section 16.28, subsection  
26 4, apply to bonds or notes issued and powers granted to the  
27 authority under [this section](#), except to the extent they are  
28 inconsistent with [this section](#).

29     6. All bonds or notes issued by the authority in connection  
30 with the program are exempt from taxation by this state and the  
31 interest on the bonds or notes is exempt from state income tax,  
32 both personal and corporate.

33     Sec. 17. Section 34A.21, subsection 1, paragraph c, Code  
34 2017, is amended to read as follows:

35     *c.* The amounts on deposit in the ~~E911~~ 911 service fund of



1 the word "E911" with "911" throughout Code chapter 34A, except  
2 in certain circumstances. The bill defines "emergency services  
3 internet protocol network" or "ESInet" to mean a system using  
4 broadband technology capable of transmitting varying types of  
5 data that can be shared by all public safety agencies involved  
6 in an emergency. The bill defines "geographic information  
7 system" or "GIS" to mean a system designed to capture, store,  
8 manipulate, analyze, and present spatial or geographical  
9 data. The bill defines "next generation 911 network" to mean  
10 an internet protocol-enabled system that allows the public  
11 to transmit digital information to public safety answering  
12 points (PSAPs) and that replaces enhanced 911. The bill  
13 replaces all references to an "internet protocol enabled next  
14 generation network" contained in Code chapter 34A with "next  
15 generation 911 network". The bill defines "originating service  
16 provider" to mean a communications provider that allows its  
17 users to originate 911 messages from the public to public  
18 safety answering points. The bill removes the definition of  
19 "communications service provider" and replaces "communications  
20 service provider" with "originating service provider" in all  
21 corresponding uses of this term in Code chapter 34A. The bill  
22 adds local emergency management agencies to the definition of  
23 "public or private safety agency". The bill defines "voice  
24 over internet protocol service" to mean a service that provides  
25 real-time two-way voice communications transmitted using  
26 internet protocol and a successor protocol, is offered to the  
27 public, and has the capability to originate and terminate  
28 traffic to and from the public switched telephone network or a  
29 successor network.

30 The bill provides local emergency management agencies with  
31 voting membership on joint 911 service boards, in addition to  
32 political subdivisions served by public safety agencies, as  
33 currently provided in Code section 34A.3.

34 The bill modifies several provisions in Code section 34A.7A,  
35 which relates to the distribution and permissible expenditures

1 of the 911 emergency communications service surcharge. The  
2 bill allows the 911 program manager to provide grants to 911  
3 service boards and the department of public safety (DPS) to  
4 develop and maintain GIS data to support a next generation  
5 911 network. The bill removes the allocation of \$4,383,000  
6 to DPS for costs due under a financing agreement to build  
7 the statewide interoperable communications system. The bill  
8 allocates \$7 million for distribution to the obligations listed  
9 in Code section 34A.7A(2)(h) for the fiscal year beginning July  
10 1, 2017. The bill limits the definition of consolidate with  
11 respect to grants provided to PSAPs agreeing to consolidate.

12 The bill adds a fourteenth member to the 911 communications  
13 council who is to be appointed by the Iowa geographic  
14 information council.

15 The bill requires the department of homeland security  
16 and emergency management to develop a plan to combine the  
17 wireline 911 network with the next generation 911 network. The  
18 plan must describe anticipated costs, use of surcharges, and  
19 utilization of shared services technology. The plan must also  
20 include suggested amendments to Code chapter 34A to allow the  
21 implementation of the plan. The department must submit the  
22 plan to the general assembly no later than January 15, 2018.