

FEB 15 2001
LOCAL GOVERNMENT

HOUSE FILE 279
BY CARROLL

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

A BILL FOR

1 An Act relating to collection of the E911 surcharge.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 279

1 Section 1. Section 34A.2, subsection 4, Code 2001, is
2 amended to read as follows:

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

9 Sec. 2. Section 34A.3, subsection 1, Code 2001, is amended
10 to read as follows:

11 1. JOINT 911 SERVICE BOARDS TO SUBMIT PLANS. The board of
12 supervisors of each county shall establish a joint 911 service
13 board not later than January 1, 1989. Each political
14 subdivision of the state having a public safety agency serving
15 territory within the county is entitled to voting membership
16 on the joint 911 service board. Each private safety agency
17 operating within the area is entitled to nonvoting membership
18 on the board. A township which does not operate its own
19 public safety agency, but contracts for the provision of
20 public safety services, is not entitled to membership on the
21 joint 911 service board, but its contractor is entitled to
22 membership according to the contractor's status as a public or
23 private safety agency. The joint 911 service board shall
24 develop an enhanced 911 service plan encompassing ~~at-minimum~~
25 ~~the-entire~~ only one county, ~~--unless-an-exemption-is-granted-by~~
26 ~~the-administrator-permitting-a-smaller-E911-service-area.~~ The
27 ~~administrator-may-grant-a-discretionary-exemption-from-the~~
28 ~~single-county-minimum-service-area-requirement-based-upon-an~~
29 ~~E911-joint-service-board's-or-other-E911-service-plan~~
30 ~~operating-authority's-presentation-of-evidence-which-supports~~
31 ~~the-requested-exemption-if-the-administrator-finds-that-local~~
32 ~~conditions-make-adherence-to-the-minimum-standard-unreasonable~~
33 ~~or-technically-infeasible,-and-that-the-purposes-of-this~~
34 ~~chapter-would-be-furthered-by-granting-an-exemption.--The~~
35 ~~minimum-size-requirement-is-intended-to-prevent-unnecessary~~

1 duplication-of-public-safety-answering-points-and-minimize
2 other-administrative,-personnel,-and-equipment-expenses.--An
3 E911-service-area-must-encompass-a-geographically-contiguous
4 area.--No-exemption-shall-be-granted-from-the-contiguous-area
5 requirement.--The-administrator-may-order-the-inclusion-of-a
6 specific-territory-in-an-adjoining-E911-service-plan-area-to
7 avoid-the-creation-by-exclusion-of-a-territory-smaller-than-a
8 single-county-not-serviced-by-surrounding-E911-service-plan
9 areas-upon-request-of-the-joint-911-service-board-representing
10 the-territory.--The-E911-service-plan-operating-authority
11 shall-submit-the-plan-on-or-before-January-1,-1994,-to-all-of
12 the-following:

13 a.--The-administrator-

14 b.--Public-and-private-safety-agencies-in-the-enhanced-911
15 service-area-

16 c.--Providers-affected-by-the-enhanced-911-service-plan-

17 An E911 joint service board that has a state-approved
18 service plan in place prior to July 1, 1993, is exempt from
19 the provisions of this section. The administrator shall
20 establish, by July 1, 1994, E911 service plans for those E911
21 joint service boards which do not have a state-approved
22 service plan in place on or before January 1, 1994.

23 The administrator shall prepare a summary of the plans
24 submitted and present the summary to the legislature on or
25 before August 1, 1994.

26 Sec. 3. Section 34A.3, subsection 3, unnumbered paragraph
27 1, Code 2001, is amended to read as follows:

28 A legal entity created pursuant to chapter 28E by a county
29 or-counties, other political divisions, and public or private
30 agencies to jointly plan, implement, and operate a countywide,
31 or-larger, enhanced 911 service system may be substituted for
32 the joint 911 service board required under subsection 1.

33 Sec. 4. Section 34A.6, subsection 2, Code 2001, is amended
34 to read as follows:

35 2. The referendum required as a condition of the surcharge

1 imposition in subsection 1 shall be conducted using the
2 following electoral mechanism:

3 At the request of the joint E911 service board a county
4 commissioner of elections shall include the question on the
5 next eligible general election ballot in each electoral
6 precinct to be served, in whole or in part, by the proposed
7 E911 service area, provided the request is timely submitted to
8 permit inclusion. The question may be included in the next
9 election in which all of the voters in the proposed E911
10 service area will be eligible to vote on the same day. The
11 county commissioner of elections shall report the results to
12 the joint E911 service board. ~~The joint E911 service board~~
13 ~~shall compile the results if subscribers from more than one~~
14 ~~county are included within the proposed service area.~~ The
15 joint E911 service board shall announce whether a simple
16 majority of the compiled votes reported by the commissioner
17 approved the referendum question.

18 Sec. 5. Section 34A.7, subsection 2, Code 2001, is amended
19 to read as follows:

20 2. SURCHARGE COLLECTED BY PROVIDERS. The surcharge shall
21 be collected as part of the access line service provider's
22 periodic billing to a subscriber. In compensation for the
23 costs of billing and collection, the provider may retain one
24 percent of the gross surcharges collected. If the
25 compensation is insufficient to fully recover a provider's
26 costs for billing and collection of the surcharge, the
27 deficiency shall be included in the provider's costs for
28 ratemaking purposes to the extent it is reasonable and just
29 under section 476.6. The surcharge shall be remitted to the
30 ~~E911 service operating authority~~ county auditor or the
31 auditor's designee of the county in which the subscriber
32 resides for deposit into the E911 service fund quarterly by
33 the provider. A provider is not liable for an uncollected
34 surcharge for which the provider has billed a subscriber but
35 not been paid. The surcharge shall appear as a single line

1 item on a subscriber's periodic billing entitled, "E911
2 emergency telephone service surcharge". The E911 service
3 surcharge is not subject to sales or use tax.

4 EXPLANATION

5 This bill amends Code chapter 34A to provide that an
6 enhanced 911 service area shall encompass only one county.
7 The bill also provides that the E911 surcharge shall be
8 remitted by the service providers to the county auditor or the
9 auditor's designee instead of to the E911 service operating
10 authority for deposit into the E911 service fund.

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