

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6791

BILL NUMBER: HB 1428

DATE PREPARED: Apr 8, 1999

BILL AMENDED: Apr 8, 1999

SUBJECT: Computerized telephone emergency warnings.

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FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: (Amended) This bill allows a county or municipality to use 911 funds for a computerized telephone warning system that warns residents of an emergency situation by placing a telephone call to service users.

The bill provides that customer data provided to a county or municipality for the purpose of implementing or updating an enhanced emergency telephone system may only be used to identify the telephone location or service user and may not be used or disclosed for any other purpose. A person who uses or discloses customer data in violation of the law commits a Class A misdemeanor.

In providing 911 database information to a county or municipality, a service supplier is required to provide for each service user in the county or municipality: (1) the telephone number service address; (2) the class of the service; and (3) a designation of listed, nonlisted, or unpublished. A service supplier is required to provide 911 database information to a county or municipality on a quarterly basis. The service supplier is allowed to charge a reasonable fee to the political subdivision for the administrative costs of providing the 911 database information.

Effective Date: July 1, 1999.

Explanation of State Expenditures:

Explanation of State Revenues: (Revised) Under the provisions of this bill, a person who uses or discloses customer data in violation of the law commits a Class A misdemeanor. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund could increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, county or municipal court (courts of record), 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state

General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: (Revised) This bill **allows** a county or municipality to use 911 funds for a computerized telephone warning system that warns residents of an emergency situation by placing a telephone call to service users. The estimated average cost of the software for the computerized telephone warning system is \$35,000. If a county or municipality implements the provisions of this bill, there would be increased cost to the county or municipality. The fiscal impact is dependent on local action.

The service supplier is allowed to charge a reasonable fee to the political subdivision for the administrative costs of providing the 911 database information. The fee is to be paid by the county or municipality from enhanced emergency telephone system fee that is currently collected by each county or municipality.

A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: (Revised) Currently, a county (or in some instances a municipality) may impose an enhanced emergency telephone system fee. The fee must be sufficient to pay the cost of the installation and operation of the enhanced emergency telephone system. In a county that has a consolidated city or at least one second class city the fee cannot exceed 3% of the average monthly telephone access line charge in the unit. In a county that does not have a consolidated city or a second class city, the fee cannot exceed 10% of the average monthly telephone access line charge in the unit. This bill provides that the emergency telephone fund of the telephone system's political subdivision must contain sufficient funds to pay all the expenses of the 911 telephone system. At this time 87 counties have either a basic or enhanced 911 system. There are 4 counties which have plans to implement a basic 911 system by the end of 1998. One county does not have plans to implement a basic 911 system. There could be an increase in the enhanced emergency telephone system fee in a county or municipality if the fees currently collected do not cover the cost of implementing the provisions of this bill and do not exceed the 10% maximum.

If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed, and if collected would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed, and if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected:

Local Agencies Affected: Counties and municipalities with an enhanced emergency telephone system; Trial courts; Local law enforcement agencies.

Information Sources: Ken Loudon, NENA, (219) 665-5521.