

Iowa General Assembly
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Senate Amendment to
House File 440

H-1310

- 1 Amend House File 440, as passed by the House, as follows:
- 2 1. Page 1, after line 9 by inserting:
- 3 <Sec. ____ . Section 176A.9, subsection 2, Code 2017, is
- 4 amended by striking the subsection.>
- 5 2. Title page, line 1, by striking <filing and publication>
- 6 and inserting <powers and>

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House File 517

H-1311

- 1 Amend the Senate amendment, H-1297, to House File 517, as
2 amended, passed, and reprinted by the House, as follows:
- 3 1. Page 6, after line 12 by inserting:
4 <___. Page 22, after line 23 by inserting:
5 <Sec. ___. EFFECTIVE DATE. The following provision or
6 provisions of this Act take effect July 1, 2018:
7 1. The section of this Act amending section 8A.322.>>
8 2. By renumbering as necessary.

WOLFE of Clinton

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Senate Amendment to
House File 308

H-1312

- 1 Amend House File 308, as passed by the House, as follows:
2 1. Page 1, line 5, after <request.> by inserting <However,
3 the recorder shall redact any social security number included
4 in a record made available pursuant to this paragraph.>

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House File 604

H-1313

1 Amend House File 604 as follows:

2 1. Page 1, after line 21 by inserting:

3 <Sec. _____. Section 321.20B, subsection 4, paragraph c, Code
4 2017, is amended to read as follows:

5 c. (1) An owner or driver cited for a violation of
6 subsection 1, who produces to the clerk of court prior to the
7 date of the person's court appearance as indicated on the
8 citation proof ~~that financial liability coverage was in effect~~
9 ~~for the motor vehicle at the time the person was stopped and~~
10 ~~cited of either of the following~~, shall not be convicted of
11 such violation and the citation issued shall be dismissed by
12 the ~~court~~, court:

13 (a) Financial liability coverage was in effect for the motor
14 vehicle at the time the person was stopped and cited.

15 (b) Financial liability coverage was purchased on or after
16 the date the citation was issued, is in effect for the motor
17 vehicle, and covers the owner or driver. This subparagraph
18 division (b) shall only apply if the violation is the owner's
19 or driver's first violation of subsection 1 occurring on or
20 after the effective date of this Act.

21 (2) Upon dismissal, the court or clerk of court shall assess
22 the costs of the action against the defendant named on the
23 citation.

24 Sec. _____. Section 321.20B, subsection 5, paragraph b, Code
25 2017, is amended to read as follows:

26 b. Issue a citation.

27 (1) An owner or driver who produces to the clerk of court
28 prior to the date of the person's court appearance as indicated
29 on the citation proof ~~that the financial liability coverage~~
30 ~~was in effect for the motor vehicle at the time the person was~~
31 ~~stopped and cited, or if the driver is not the owner of the~~
32 ~~motor vehicle, proof that liability coverage was in effect for~~
33 ~~the driver with respect to the motor vehicle being driven at~~
34 ~~the time the driver was stopped and cited in the same manner~~
35 ~~as if the motor vehicle were owned by the driver~~ of either of

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1 the following, shall be given a receipt indicating that proof
2 was provided, and the citation issued shall be dismissed by the
3 ~~court.~~ court:

4 (a) Financial liability coverage was in effect for the motor
5 vehicle at the time the person was stopped and cited, or if
6 the driver is not the owner of the motor vehicle, proof that
7 liability coverage was in effect for the driver with respect
8 to the motor vehicle being driven at the time the driver was
9 stopped and cited in the same manner as if the motor vehicle
10 were owned by the driver.

11 (b) Financial liability coverage was purchased on or after
12 the date the citation was issued, is in effect for the motor
13 vehicle, and covers the owner or driver. This subparagraph
14 division (b) shall only apply if the violation is the owner's
15 or driver's first violation of subsection 1 occurring on or
16 after the effective date of this Act.

17 (2) Upon dismissal, the court or clerk of court shall assess
18 the costs of the action against the defendant named on the
19 citation.

20 Sec. _____. Section 321.24, subsection 1, Code 2017, is
21 amended to read as follows:

22 1. Upon receipt of the application for title and payment of
23 the required fees for a motor vehicle, trailer, or semitrailer,
24 the county treasurer or the department shall, when satisfied
25 as to the application's genuineness and regularity, and, in
26 the case of a mobile home or manufactured home, that taxes
27 are not owing under [chapter 423](#) or [435](#), issue a certificate
28 of title and, except for a mobile home or manufactured home,
29 a registration receipt, and shall file the application, the
30 manufacturer's or importer's certificate, the certificate of
31 title, or other evidence of ownership, as prescribed by the
32 department. The registration receipt shall be delivered to the
33 owner and shall contain upon its face the date issued, the name
34 and address of the owner, the registration number assigned to
35 the vehicle, the amount of the fee paid, the type of fuel used,

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1 a description of the vehicle as determined by the department,
2 and a form for notice of transfer of the vehicle. The name
3 and address of any lessee of the vehicle shall not be printed
4 on the registration receipt or certificate of title. Up to
5 three owners may be listed on the registration receipt and
6 certificate of title. The registration receipt shall contain
7 upon its face the following notice in boldface, ten point type
8 in substantially the following language:

9 FAILURE TO CARRY MOTOR VEHICLE INSURANCE MAY RESULT IN THE
10 SUSPENSION OF THIS REGISTRATION AND AFFECT YOUR ABILITY TO
11 REGISTER A MOTOR VEHICLE.>

12 2. Title page, line 1, by striking <establishing> and
13 inserting <relating to motor vehicle insurance, including the
14 establishment of>

15 3. By renumbering as necessary.

OLSON of Polk

VANDER LINDEN of Mahaska

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Senate File 475

H-1314

1 Amend Senate File 475, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. Page 13, after line 16 by inserting:

4 <DIVISION ____

5 MISCELLANEOUS EDUCATION PROVISIONS

6 Sec. ____ . Section 256.11, subsection 5, paragraph b, Code
7 2017, is amended to read as follows:

8 *b.* Five units of the social studies including instruction
9 in voting statutes and procedures, voter registration
10 requirements, the use of paper ballots and voting systems in
11 the election process, and the method of acquiring and casting
12 an absentee ballot. All students shall complete a minimum
13 of one-half unit of United States government and one unit of
14 United States history. The one-half unit of United States
15 government shall include the voting procedure as described in
16 this lettered paragraph and [section 280.9A](#). The government
17 instruction shall also include a study of the Constitution
18 of the United States and the Bill of Rights contained in the
19 Constitution and an assessment of a student's knowledge of
20 the Constitution and the Bill of Rights. This assessment
21 requirement may be satisfied using the one hundred question
22 civics portion of the naturalization examination administered
23 by the United States citizenship and immigration services.>

24 2. By renumbering as necessary.

HEARTSILL of Marion

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Senate File 234

H-1315

1 Amend Senate File 234, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. Page 2, after line 12 by inserting:

4 <Sec. _____. Section 321.299, Code 2017, is amended to read
5 as follows:

6 **321.299 Overtaking a vehicle or bicycle.**

7 The following rules shall govern the overtaking and passing
8 of vehicles and bicycles proceeding in the same direction,
9 subject to those limitations, exceptions, and special rules
10 hereinafter stated:

11 1. The driver of a vehicle overtaking another vehicle
12 proceeding in the same direction shall pass to the left of the
13 other vehicle at a safe distance and shall not again drive
14 to the right side of the roadway until safely clear of the
15 overtaken vehicle.

16 2. Except when overtaking and passing on the right is
17 permitted, the driver of an overtaken vehicle shall give way
18 to the right in favor of the overtaking vehicle and shall not
19 increase the speed of the overtaken vehicle until completely
20 passed by the overtaking vehicle.

21 3. The driver of a vehicle overtaking a person riding a
22 bicycle proceeding in the same direction on a roadway shall
23 pass to the left of the bicycle in an adjacent travel lane or
24 on the opposite side of the roadway and shall not again drive
25 to the right side of the roadway until safely clear of the
26 overtaken bicycle in accordance with section 321.281. This
27 subsection shall not apply to a vehicle overtaking a bicycle
28 which is traveling on a paved shoulder or in a lane designated
29 for the travel of bicycles.

30 Sec. _____. Section 321.304, Code 2017, is amended to read as
31 follows:

32 **321.304 Prohibited passing.**

33 ~~No~~ A vehicle shall not, in overtaking and passing another
34 vehicle, a bicycle, or at any other time, be driven to the left
35 side of the roadway under the following conditions:

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1 1. When approaching the crest of a grade or upon a curve
2 in the highway where the driver's view along the highway is
3 obstructed for a distance of approximately seven hundred feet.

4 2. When approaching within one hundred feet of any narrow
5 bridge, viaduct, or tunnel, when so signposted, or when
6 approaching within one hundred feet of or traversing any
7 intersection or railroad grade crossing.

8 3. Where official signs are in place directing that traffic
9 keep to the right or a distinctive center line or off-center
10 line is marked, which distinctive line also so directs traffic
11 as declared in the sign manual adopted by the department of
12 transportation. This subsection shall not apply to a vehicle
13 overtaking and passing a bicycle, provided the vehicle complies
14 with section 321.303.

15 Sec. ____ . Section 321.385A, Code 2017, is amended to read
16 as follows:

17 **321.385A Citation for unlighted headlamp, rear lamp, bicycle**
18 **lamp, or rear registration plate light.**

19 1. *a.* A citation issued for failure to have headlamps
20 as required under [section 321.385](#) shall first provide for a
21 ~~seventy-two hour~~ seventy-two-hour period within which the
22 person charged with the violation shall replace or repair the
23 headlamp.

24 *b.* A citation issued for failure to have rear lamps as
25 required under [section 321.387](#) or a rear registration plate
26 light as required under [section 321.388](#) shall first provide for
27 a ~~seventy-two hour~~ seventy-two-hour period within which the
28 person charged with the violation shall replace or repair the
29 lamps or light.

30 *c.* A citation issued for failure to have a front or rear
31 lamp on a bicycle or on a bicycle rider as required under
32 section 321.397 shall first provide for a seventy-two-hour
33 period within which the person charged with the violation shall
34 replace or repair the lamp.

35 2. If the person complies with the directive to replace

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1 or repair the headlamp, rear lamps, bicycle lamp, or rear
2 registration plate light within the allotted time period,
3 the citation shall be expunged. If the person fails to
4 comply within the allotted time period, the citation shall be
5 processed in the same manner as other citations.

6 3. A citation issued under this section shall include
7 a written notice of replacement or repair which shall
8 indicate the date of replacement or repair and the manner in
9 which the replacement or repair occurred and which shall be
10 returned to the issuing authority within the ~~seventy-two hour~~
11 seventy-two-hour time period.

12 Sec. _____. Section 321.397, Code 2017, is amended to read as
13 follows:

14 **321.397 Lamps on bicycles.**

15 ~~Every~~ At any time from sunset to sunrise, a bicycle shall
16 be equipped with a lamp on the front exhibiting a steady
17 or flashing white light, ~~at the times specified in section~~
18 ~~321.384,~~ visible from a distance of at least three hundred
19 feet to the front, and every bicycle or bicycle rider shall
20 be equipped with a lamp ~~on the rear~~ exhibiting a steady or
21 flashing red light visible from a distance of three hundred
22 feet to the rear; ~~except that a red reflector may be used in~~
23 ~~lieu of a rear light.~~ A peace officer riding a police bicycle
24 is not required to use either front or rear lamps if duty so
25 requires.

26 Sec. _____. Section 321.423, subsection 2, Code 2017, is
27 amended by adding the following new paragraph:

28 NEW PARAGRAPH. *k.* A flashing white or red light equipped on
29 a bicycle operating on a highway pursuant to section 321.397
30 is permitted.

31 Sec. _____. Section 321.423, subsection 7, paragraph a,
32 unnumbered paragraph 1, Code 2017, is amended to read as
33 follows:

34 Except as provided in section 321.373, subsection 7, and
35 subsection 2, paragraphs "c", and "i", and "k" of this section,

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1 a flashing white light shall only be used on a vehicle in the
2 following circumstances:>
3 2. Title page, line 1, after <to> by inserting <public
4 safety on highways, including>
5 3. Title page, line 3, after <offense> by inserting <and the
6 safe operation of bicycles>
7 4. By renumbering as necessary.

KRESSIG of Black Hawk

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House File 630 - Introduced

HOUSE FILE 630
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 559)
(SUCCESSOR TO HSB 126)

A BILL FOR

1 An Act relating to banks, credit unions, and certain consumer
2 credit transactions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 524.213, Code 2017, is amended to read
2 as follows:

3 **524.213 Duties and powers of superintendent.**

4 The superintendent shall have general control, supervision
5 and regulation of all state banks and shall be charged with
6 the administration, interpretation, and execution of the laws,
7 rules, and regulations of this state and any other state or
8 federal law or regulation relating to banks and banking and
9 with such other duties and responsibilities as are imposed
10 upon the superintendent by the laws of this state. The
11 superintendent shall have power to adopt and promulgate such
12 rules and regulations as necessary to carry out and enforce,
13 properly and effectively, the provisions of **this chapter** and
14 chapter 12C applicable to banks.

15 Sec. 2. Section 524.612, subsections 1, 2, and 5, Code 2017,
16 are amended by striking the subsections.

17 Sec. 3. Section 524.612, subsection 3, Code 2017, is amended
18 to read as follows:

19 3. A director shall not receive terms or be paid a rate
20 of interest on deposits, by a state bank of which the person
21 is a director, which are more favorable than that provided to
22 any other customer under similar circumstances. Any waiver of
23 ordinary or customary charges related to deposit accounts shall
24 not violate this subsection.

25 Sec. 4. Section 524.613, subsection 2, Code 2017, is amended
26 by striking the subsection.

27 Sec. 5. Section 524.706, subsection 1, Code 2017, is amended
28 by striking the subsection.

29 Sec. 6. Section 524.706, subsection 2, Code 2017, is amended
30 to read as follows:

31 2. Section 524.612, ~~subsection 2,~~ applies to executive
32 officers, ~~and section 524.612, subsections 3 and 4, apply to~~
33 ~~all officers and employees.~~

34 Sec. 7. Section 524.710, subsection 2, Code 2017, is amended
35 by striking the subsection.

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1 Sec. 8. Section 524.1601, subsection 1, paragraph b, Code
2 2017, is amended to read as follows:

3 b. The amount by which the director's, or executive
4 ~~officer's, or employee's~~ deposit account in the state bank
5 or bank holding company is overdrawn, ~~upon conviction of a~~
6 in violation of section 524.613, subsection 2, or of section
7 ~~524.710, subsection 2~~ 12 C.F.R. §215.4(e).

8 Sec. 9. Section 524.1601, subsection 2, Code 2017, is
9 amended to read as follows:

10 2. A director or officer who willfully makes or receives a
11 loan in violation of ~~section 524.612, subsection 1, or section~~
12 ~~524.706, subsection 1~~ 12 C.F.R. §215.4 or 215.5, shall be
13 guilty of a serious misdemeanor and shall be subject to an
14 additional fine equal to that amount of the loan in excess
15 of the limitation imposed by such ~~subsections~~ regulations,
16 and shall be forever disqualified from acting as a director
17 or officer of any state bank or bank holding company. ~~For~~
18 ~~the purpose of this subsection,~~ amounts which are treated as
19 ~~obligations of an officer or director pursuant to section~~
20 ~~524.612, subsection 5,~~ shall be considered in determining
21 ~~whether the loan or extension of credit is in violation of~~
22 section 524.612, subsection 1, and section 524.706, subsection
23 ~~1.~~

24 Sec. 10. Section 524.1806, Code 2017, is amended to read as
25 follows:

26 **524.1806 Banks owned or controlled — officers and directors.**

27 An individual who is a director or an officer of a bank
28 holding company, as specified by section 524.1801, is deemed
29 to be a director or an officer, or both, as the case may be, of
30 each bank so owned or controlled by that bank holding company,
31 for the purposes of sections 524.612, 524.613 and 524.706, and
32 for the purposes of 12 C.F.R. pt. 215.

33 Sec. 11. Section 533.205, subsection 7, Code 2017, is
34 amended to read as follows:

35 7. A state credit union ~~shall not~~ may pay an overdraft of a

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1 director, officer, or employee of the state credit union on an
2 account at the state credit union, ~~unless~~ subject to the rules
3 of the superintendent, when the payment of funds is made in
4 accordance with either any of the following:

5 a. A written, preauthorized, interest-bearing extension of
6 credit plan that specifies a method of repayment.

7 b. A written, preauthorized transfer of collected funds
8 from another account of the account holder at the state credit
9 union.

10 c. The overdraft is paid pursuant to an overdraft protection
11 plan or courtesy pay program.

12 Sec. 12. Section 537.2301, Code 2017, is amended by adding
13 the following new subsection:

14 NEW SUBSECTION. 2A. A supervised loan made by a person in
15 violation of subsection 2 shall be void and the consumer is
16 not obligated to pay either the amount financed or the finance
17 charge. If the consumer has paid any part of the amount
18 financed or the finance charge, the consumer has a right to
19 recover the payment from the person in violation of subsection
20 2 or from an assignee of that person's rights who undertakes
21 direct collection of payments or enforcement of rights arising
22 from the debt. With respect to violations arising from
23 loans made pursuant to open-end credit, no action pursuant
24 to this subsection may be brought more than two years after
25 the violation occurred. With respect to violations arising
26 from other loans, no action pursuant to this subsection may
27 be brought more than one year after the due date of the last
28 scheduled payment of the agreement pursuant to which the charge
29 was paid.

30 Sec. 13. Section 537.2501, subsection 1, paragraph f,
31 subparagraph (1), Code 2017, is amended to read as follows:

32 (1) With respect to open-end credit pursuant to a credit
33 card issued by the creditor which entitles the cardholder
34 to purchase or lease goods or services from at least one
35 hundred persons not related to the card issuer, the parties

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1 may contract for an over-limit charge ~~up to fifteen dollars in~~
2 accordance with 12 C.F.R. §1026.52(b) if the balance of the
3 account exceeds the credit limit established pursuant to the
4 agreement. The over-limit charge under this paragraph shall
5 not be assessed again in a subsequent billing cycle unless in a
6 subsequent billing cycle the account balance has been reduced
7 below the credit limit.

8 Sec. 14. Section 537.2501, subsection 1, paragraph g, Code
9 2017, is amended to read as follows:

10 ~~g. A surcharge of not more than five percent of the amount~~
11 ~~of the face value of the payment instrument or twenty dollars,~~
12 ~~whichever is greater, for each dishonored payment instrument~~
13 ~~provided that the fee is clearly and conspicuously disclosed~~
14 ~~in the cardholder agreement. However, the amount of the~~
15 ~~surcharge shall not exceed twenty dollars unless the check,~~
16 ~~draft, or order was presented twice or the maker does not have~~
17 ~~an account with the drawee. If the check, draft, or order was~~
18 ~~presented twice or the maker does not have an account with the~~
19 ~~drawee, the amount of the surcharge shall not exceed fifty~~
20 ~~dollars as provided for in section 554.3512 for a dishonored~~
21 ~~check, draft, or order that was accepted as payment for a~~
22 consumer credit transaction payment. The surcharge shall not
23 be assessed against the maker if the reason for the dishonor of
24 the instrument is that the maker has stopped payment pursuant
25 to [section 554.4403](#).

26 Sec. 15. Section 537.2501, subsection 1, Code 2017, is
27 amended by adding the following new paragraph:

28 NEW PARAGRAPH. *k.* Credit reporting charges.

29 Sec. 16. Section 537.2502, subsection 1, paragraph a,
30 subparagraph (1), Code 2017, is amended to read as follows:

31 (1) Five percent of the unpaid amount of the installment, or
32 a maximum of twenty thirty dollars.

33 Sec. 17. Section 537.2502, subsection 1, paragraph b, Code
34 2017, is amended to read as follows:

35 *b.* For an interest-bearing transaction, an amount not

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1 exceeding five percent of the unpaid amount of the installment,
2 or a maximum of ~~fifteen~~ thirty dollars.

3 Sec. 18. Section 537.2502, subsection 4, Code 2017, is
4 amended to read as follows:

5 4. With respect to open-end credit, the parties may contract
6 for a delinquency charge on any payment not paid in full when
7 due, as originally scheduled or as deferred, in an amount up to
8 ~~fifteen~~ thirty dollars.

9 Sec. 19. Section 537.2510, Code 2017, is amended by adding
10 the following new subsection:

11 NEW SUBSECTION. 8. This section does not apply to a
12 financial institution as defined in section 537.1301.

13 Sec. 20. Section 537.5201, subsection 3, Code 2017, is
14 amended to read as follows:

15 3. If a creditor has contracted for or received a charge
16 in excess of that allowed by [this chapter](#), or if a consumer
17 is entitled to a refund and a person liable to the consumer
18 refuses to make a refund within a reasonable time after demand,
19 the consumer may recover from the creditor or the person
20 liable, in an action other than a class action, the excess
21 charge or refund and a penalty in an amount determined by the
22 court not less than ~~one~~ two hundred dollars or more than ~~one~~
23 two thousand dollars. With respect to excess charges arising
24 from sales or loans made pursuant to open-end credit, no action
25 pursuant to [this subsection](#) may be brought more than two years
26 after the time the excess charge was made. With respect to
27 excess charges arising from other consumer credit transactions
28 no action pursuant to [this subsection](#) may be brought more than
29 one year after the due date of the last scheduled payment of
30 the agreement pursuant to which the charge was made. For
31 purposes of [this subsection](#), a reasonable time is presumed to
32 be thirty days.

33 Sec. 21. Section 537.5203, subsection 1, paragraph a, Code
34 2017, is amended to read as follows:

35 a. Twice the amount of the finance charge in connection with

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1 the transaction, but the liability pursuant to this paragraph
2 shall be not less than ~~one~~ two hundred dollars or more than ~~one~~
3 two thousand dollars.

4 Sec. 22. Section 537.6113, subsection 2, Code 2017, is
5 amended to read as follows:

6 2. The administrator may bring a civil action against a
7 person to recover a civil penalty of no more than ~~five~~ ten
8 thousand dollars for repeatedly and intentionally violating
9 this chapter. No civil penalty pursuant to this subsection
10 may be imposed for violations of this chapter occurring more
11 than two years before the action is brought or for making
12 unconscionable agreements or engaging in a course of fraudulent
13 or unconscionable conduct.

14 Sec. 23. Section 537.6203, subsections 1 and 4, Code 2017,
15 are amended to read as follows:

16 1. A person required to file notification shall pay to the
17 administrator an annual fee of ~~ten~~ fifty dollars. The fee
18 shall be paid with the filing of the first notification and on
19 or before January 31 of each succeeding year.

20 4. In addition to the penalties provided by section
21 537.6113, subsection 3, the administrator may collect a charge,
22 established by rule, not exceeding ~~twenty-five~~ seventy-five
23 dollars from each person required to pay fees under this
24 section who fails to pay the fees in full within thirty days
25 after they are due.

26 EXPLANATION

27 The inclusion of this explanation does not constitute agreement with
28 the explanation's substance by the members of the general assembly.

29 This bill relates to banks, credit unions, and certain
30 consumer credit transactions.

31 The bill modifies several provisions relating to state
32 banks in Code chapter 524. The bill specifies that the
33 superintendent of banking is charged with the administration,
34 interpretation, and execution of the laws, rules, and
35 regulations of any state or federal law or regulation relating

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1 to banking. The bill eliminates various provisions applicable
2 to the directors and officers of state banks, including
3 limitations on the receipt of loans and extensions of credit
4 by such persons. However, the bill adds several references to
5 federal law regulating loans to directors and officers in Code
6 chapter 524.

7 Current Code section 533.205(7) provides that a state credit
8 union shall not pay an overdraft of a director, officer, or
9 employee, unless the payment is made in accordance with an
10 extension of credit plan or transfer of funds from another
11 account at the state credit union. The bill modifies this
12 Code section by providing that a state credit union may pay
13 an overdraft of a director, officer, or employee, subject to
14 the rules of the superintendent, when the payment is made in
15 accordance with an extension of credit plan, transfer of funds
16 from another account at the state credit union, or pursuant to
17 an overdraft protection plan or courtesy pay program.

18 Current Code section 537.2301 authorizes certain persons to
19 make supervised loans. The bill provides that a supervised
20 loan made by a person in violation of Code section 537.2301(2)
21 is void and the consumer is not obligated to pay the amount
22 financed or the finance charge. A consumer who has already
23 paid any part of such amount or charge may recover the payment.
24 With respect to violations arising from loans made pursuant
25 to open-end credit, no action may be brought pursuant to the
26 bill more than two years after the violation occurred. With
27 respect to violations arising from other loans, no action may
28 be brought pursuant to the bill more than one year after the
29 due date of the last scheduled payment of the agreement for
30 which the charge was paid.

31 Current Code section 537.2501 sets forth the charges that
32 a creditor may receive in addition to a finance charge. The
33 bill modifies the over-limit charge the parties to an open-end
34 credit pursuant to a credit card transaction may contract for
35 from up to \$15 to a charge in accordance with federal law. The

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1 bill modifies the surcharge in Code section 537.2501(1)(g) to
2 authorize a surcharge for a dishonored check, draft, or order
3 not to exceed \$30 as provided for in Code section 554.3512.
4 The bill also provides that a creditor may receive credit
5 reporting charges.

6 Current Code section 537.2502 allows the parties in certain
7 consumer credit transactions to contract for delinquency
8 charges. For a precomputed consumer credit transaction, the
9 maximum delinquency charge is increased from the greater of 5
10 percent of the unpaid installment or \$20, to the greater of
11 5 percent of the unpaid installment or \$30, or the deferral
12 charge amount. For an interest-bearing consumer credit
13 transaction, the maximum delinquency charge is increased from 5
14 percent of the unpaid installment or \$15, to 5 percent of the
15 unpaid installment or \$30. For an open-credit arrangement, the
16 maximum delinquency charge is increased from \$15 to \$30.

17 Current Code section 537.2510 requires creditors to rebate
18 certain amounts to consumers upon the prepayment of precomputed
19 consumer credit transactions. The bill provides that Code
20 section 537.2510 does not apply to financial institutions as
21 defined in Code section 537.1301. This would include banks,
22 savings and loan associations, or state banks incorporated
23 under state or federal law, and credit unions organized under
24 state or federal law.

25 Current Code section 537.5201 sets forth the remedies
26 available to consumers for violations of Code chapter 537. The
27 bill increases the penalty a creditor must pay for contracting
28 for or receiving a charge in excess of that allowed by Code
29 chapter 537 from not less than \$100 or more than \$1,000, to not
30 less than \$200 or more than \$2,000.

31 Current Code section 537.5203 sets forth the civil liability
32 of a creditor who fails to disclose information to a person
33 entitled to the information under Code chapter 537. The bill
34 increases the amount a creditor is liable to such person from
35 not less than \$100 or more than \$1,000 to not less than \$200 or

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1 more than \$2,000.

2 Current Code section 537.6113 allows the attorney general to
3 bring civil actions to recover moneys under Code chapter 537.
4 The bill increases the civil penalty the attorney general may
5 recover from a person for repeated and intentional violations
6 of Code chapter 537 from no more than \$5,000 to no more than
7 \$10,000.

8 Current Code section 537.6203 sets forth various fees and
9 charges for persons required to file notification pursuant to
10 Code chapter 537. The bill increases the annual fee for a
11 person required to file notification from \$10 to \$50. The bill
12 also increases the late charge for failure to pay a fee within
13 30 days that it is due from no more than \$25 per person to no
14 more than \$75 per person.

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House Amendment to
Senate File 471

S-3289

1 Amend Senate File 471, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. By striking everything after the enacting clause and
4 inserting:

<DIVISION I

PREREQUISITES FOR ABORTION

7 Section 1. Section 146A.1, Code 2017, is amended by striking
8 the section and inserting in lieu thereof the following:

9 **146A.1 Prerequisites for abortion — ultrasound — licensee**
10 **discipline — interpretation.**

11 1. A physician performing an abortion shall obtain written
12 certification from the pregnant woman of all of the following
13 at least seventy-two hours prior to performing an abortion:

14 a. That the woman has undergone an ultrasound imaging of the
15 unborn child that displays the approximate age of the unborn
16 child.

17 b. That the woman was given the opportunity to see the
18 unborn child by viewing the ultrasound image of the unborn
19 child.

20 c. That the woman was given the option of hearing a
21 description of the unborn child based on the ultrasound image
22 and hearing the heartbeat of the unborn child.

23 d. (1) That the woman has been provided information
24 regarding all of the following, based upon the materials
25 developed by the department of public health pursuant to
26 subparagraph (2):

27 (a) The options relative to a pregnancy, including
28 continuing the pregnancy to term and retaining parental rights
29 following the child's birth, continuing the pregnancy to
30 term and placing the child for adoption, and terminating the
31 pregnancy.

32 (b) The indicators, contra-indicators, and risk factors
33 including any physical, psychological, or situational factors
34 related to the abortion in light of the woman's medical history
35 and medical condition.

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1 (2) The department of public health shall make available to
2 physicians, upon request, all of the following information:

3 (a) Geographically indexed materials designed to inform the
4 woman about public and private agencies and services available
5 to assist a woman through pregnancy, at the time of childbirth,
6 and while the child is dependent. The materials shall include
7 a comprehensive list of the agencies available, categorized by
8 the type of services offered, and a description of the manner
9 by which the agency may be contacted.

10 (b) Materials that encourage consideration of placement for
11 adoption. The materials shall inform the woman of the benefits
12 of adoption, including the requirements of confidentiality in
13 the adoption process, the importance of adoption to individuals
14 and society, and the state's interest in promoting adoption by
15 preferring adoption over abortion.

16 (c) Materials that contain objective information describing
17 the methods of abortion procedures commonly used, the medical
18 risks commonly associated with each such procedure, and the
19 possible detrimental physical and psychological effects of
20 abortion.

21 2. Compliance with the prerequisites of this section shall
22 not apply to any of the following:

23 a. An abortion performed to save the life of a pregnant
24 woman.

25 b. An abortion performed in a medical emergency.

26 c. The performance of a medical procedure by a physician
27 that in the physician's reasonable medical judgment is designed
28 to or intended to prevent the death or to preserve the life of
29 the pregnant woman.

30 3. A physician who violates this section is subject to
31 licensee discipline pursuant to section 148.6.

32 4. This section shall not be construed to impose civil
33 or criminal liability on a woman upon whom an abortion is
34 performed, or to prohibit the sale, use, prescription, or
35 administration of a measure, drug, or chemical designed for the

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1 purposes of contraception.

2 5. The board of medicine shall adopt rules pursuant to
3 chapter 17A to administer this section.

4 6. As used in this section, "*unborn child*" means an
5 individual organism of the species homo sapiens from
6 fertilization to live birth.

7 DIVISION II

8 PROHIBITIONS ON ABORTION — TWENTY WEEKS POSTFERTILIZATION

9 Sec. 2. NEW SECTION. 146B.1 Definitions.

10 As used in this chapter, unless the context otherwise
11 requires:

12 1. "*Abortion*" means the termination of a human pregnancy
13 with the intent other than to produce a live birth or to remove
14 a dead fetus.

15 2. "*Attempt to perform an abortion*" means an act, or
16 an omission of a statutorily required act, that, under the
17 circumstances as the actor believes them to be, constitutes a
18 substantial step in a course of conduct planned to culminate in
19 the performing of an abortion.

20 3. "*Department*" means the department of public health.

21 4. "*Fertilization*" means the fusion of a human spermatozoon
22 with a human ovum.

23 5. "*Major bodily function*" includes but is not limited
24 to functions of the immune system, normal cell growth, and
25 digestive, bowel, bladder, neurological, brain, respiratory,
26 circulatory, endocrine, and reproductive functions.

27 6. "*Medical emergency*" means a situation in which an
28 abortion is performed to preserve the life of the pregnant
29 woman whose life is endangered by a physical disorder, physical
30 illness, or physical injury, including a life-endangering
31 physical condition caused by or arising from the pregnancy, or
32 when continuation of the pregnancy will create a serious risk
33 of substantial and irreversible impairment of a major bodily
34 function of the pregnant woman.

35 7. "*Medical facility*" means any public or private hospital,

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1 clinic, center, medical school, medical training institution,
2 health care facility, physician's office, infirmary,
3 dispensary, ambulatory surgical center, or other institution or
4 location where medical care is provided to any person.

5 8. *"Perform", "performed", or "performing"*, relative to an
6 abortion, means the use of any means, including medical or
7 surgical, to terminate the pregnancy of a woman known to be
8 pregnant with the intent other than to produce a live birth or
9 to remove a dead fetus.

10 9. *"Physician"* means a person licensed under chapter 148.

11 10. *"Postfertilization age"* means the age of the unborn
12 child as calculated from fertilization.

13 11. *"Probable postfertilization age"* means what, in
14 reasonable medical judgment, will with reasonable probability
15 be the postfertilization age of the unborn child at the time
16 the abortion is to be performed.

17 12. *"Reasonable medical judgment"* means a medical judgment
18 made by a reasonably prudent physician who is knowledgeable
19 about the case and the treatment possibilities with respect to
20 the medical conditions involved.

21 13. *"Unborn child"* means an individual organism of the
22 species homo sapiens from fertilization until live birth.

23 **Sec. 3. NEW SECTION. 146B.2 Determination of**
24 **postfertilization age — abortion prohibited at twenty or**
25 **more weeks postfertilization age — exceptions — reporting**
26 **requirements — penalties.**

27 1. Except in the case of a medical emergency, in addition
28 to compliance with the prerequisites of chapter 146A, an
29 abortion shall not be performed or be attempted to be performed
30 unless the physician performing the abortion has first made
31 a determination of the probable postfertilization age of the
32 unborn child or relied upon such a determination made by
33 another physician. In making such a determination, a physician
34 shall make such inquiries of the pregnant woman and perform or
35 cause to be performed such medical examinations and tests the

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1 physician considers necessary in making a reasonable medical
2 judgment to accurately determine the postfertilization age of
3 the unborn child.

4 2. *a.* A physician shall not perform or attempt to perform
5 an abortion upon a pregnant woman when it has been determined,
6 by the physician performing the abortion or by another
7 physician upon whose determination that physician relies,
8 that the probable postfertilization age of the unborn child
9 is twenty or more weeks unless, in the physician's reasonable
10 medical judgment, any of the following applies:

11 (1) The pregnant woman has a condition which the physician
12 deems a medical emergency.

13 (2) The abortion is necessary to preserve the life of an
14 unborn child.

15 *b.* If an abortion is performed under this subsection, the
16 physician shall terminate the human pregnancy in the manner
17 which, in the physician's reasonable medical judgment, provides
18 the best opportunity for an unborn child to survive, unless, in
19 the physician's reasonable medical judgment, termination of the
20 human pregnancy in that manner would pose a greater risk than
21 any other available method of the death of the pregnant woman
22 or of the substantial and irreversible physical impairment of a
23 major bodily function. A greater risk shall not be deemed to
24 exist if it is based on a claim or diagnosis that the pregnant
25 woman will engage in conduct which would result in the pregnant
26 woman's death or in substantial and irreversible physical
27 impairment of a major bodily function.

28 3. A physician who performs or attempts to perform an
29 abortion shall report to the department, on a schedule and in
30 accordance with forms and rules adopted by the department, all
31 of the following:

32 *a.* If a determination of probable postfertilization age of
33 the unborn child was made, the probable postfertilization age
34 determined and the method and basis of the determination.

35 *b.* If a determination of probable postfertilization age of

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1 the unborn child was not made, the basis of the determination
2 that a medical emergency existed.

3 *c.* If the probable postfertilization age of the unborn
4 child was determined to be twenty or more weeks, the basis of
5 the determination of a medical emergency, or the basis of the
6 determination that the abortion was necessary to preserve the
7 life of an unborn child.

8 *d.* The method used for the abortion and, in the case of
9 an abortion performed when the probable postfertilization age
10 was determined to be twenty or more weeks, whether the method
11 of abortion used was one that, in the physician's reasonable
12 medical judgment, provided the best opportunity for an unborn
13 child to survive or, if such a method was not used, the basis
14 of the determination that termination of the human pregnancy
15 in that manner would pose a greater risk than would any other
16 available method of the death of the pregnant woman or of the
17 substantial and irreversible physical impairment of a major
18 bodily function.

19 4. *a.* By June 30, annually, the department shall issue a
20 public report providing statistics for the previous calendar
21 year, compiled from the reports for that year submitted in
22 accordance with subsection 3. The department shall ensure that
23 none of the information included in the public reports could
24 reasonably lead to the identification of any woman upon whom an
25 abortion was performed.

26 *b.* (1) A physician who fails to submit a report by the end
27 of thirty days following the due date shall be subject to a
28 late fee of five hundred dollars for each additional thirty-day
29 period or portion of a thirty-day period the report is overdue.

30 (2) A physician required to report in accordance with
31 subsection 3 who has not submitted a report or who has
32 submitted only an incomplete report more than one year
33 following the due date, may, in an action brought in the
34 manner in which actions are brought to enforce chapter 148,
35 be directed by a court of competent jurisdiction to submit a

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1 complete report within a time period stated by court order or
2 be subject to contempt of court.

3 (3) A physician who intentionally or recklessly falsifies
4 a report required under this section is subject to a civil
5 penalty of one hundred dollars.

6 5. Any medical facility in which a physician is authorized
7 to perform an abortion shall implement written medical
8 policies and procedures consistent with the requirements and
9 prohibitions of this chapter.

10 6. The department shall adopt rules to implement this
11 section.

12 Sec. 4. NEW SECTION. **146B.3 Civil actions and penalties.**

13 1. Failure of a physician to comply with any provision of
14 section 146B.2, with the exception of the late filing of a
15 report or failure to submit a complete report in compliance
16 with a court order, is grounds for licensee discipline under
17 chapter 148.

18 2. A woman upon whom an abortion has been performed in
19 violation of this chapter may maintain an action against the
20 physician who performed the abortion in intentional or reckless
21 violation of this chapter for actual damages.

22 3. A woman upon whom an abortion has been attempted in
23 violation of this chapter may maintain an action against the
24 physician who attempted the abortion in intentional or reckless
25 violation of this chapter for actual damages.

26 4. A cause of action for injunctive relief to prevent a
27 physician from performing abortions may be maintained against a
28 physician who has intentionally violated this chapter by the
29 woman upon whom the abortion was performed or attempted, by
30 a parent or guardian of the woman if the woman is less than
31 eighteen years of age at the time the abortion was performed
32 or attempted, by a current or former licensed health care
33 provider of the woman, by a county attorney with appropriate
34 jurisdiction, or by the attorney general.

35 5. If the plaintiff prevails in an action brought under

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1 this section, the plaintiff shall be entitled to an award for
2 reasonable attorney fees.

3 6. If the defendant prevails in an action brought under
4 this section and the court finds that the plaintiff's suit was
5 frivolous and brought in bad faith, the defendant shall be
6 entitled to an award for reasonable attorney fees.

7 7. Damages and attorney fees shall not be assessed against
8 the woman upon whom an abortion was performed or attempted
9 except as provided in subsection 6.

10 8. In a civil proceeding or action brought under this
11 chapter, the court shall rule whether the anonymity of any
12 woman upon whom an abortion has been performed or attempted
13 shall be preserved from public disclosure if the woman does not
14 provide consent to such disclosure. The court, upon motion
15 or on its own motion, shall make such a ruling and, upon
16 determining that the woman's anonymity should be preserved,
17 shall issue orders to the parties, witnesses, and counsel
18 and shall direct the sealing of the record and exclusion of
19 individuals from courtrooms or hearing rooms to the extent
20 necessary to safeguard the woman's identity from public
21 disclosure. Each such order shall be accompanied by specific
22 written findings explaining why the anonymity of the woman
23 should be preserved from public disclosure, why the order is
24 essential to that end, how the order is narrowly tailored to
25 serve that interest, and why no reasonable less restrictive
26 alternative exists. In the absence of written consent of the
27 woman upon whom an abortion has been performed or attempted,
28 anyone, other than a public official, who brings an action
29 under this section shall do so under a pseudonym. This
30 subsection shall not be construed to conceal the identity
31 of the plaintiff or of witnesses from the defendant or from
32 attorneys for the defendant.

33 9. This chapter shall not be construed to impose civil
34 or criminal liability on a woman upon whom an abortion is
35 performed or attempted.

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House File 393

S-3290

1 Amend House File 393, as amended, passed, and reprinted by
2 the House, as follows:

3 1. Page 52, after line 25 by inserting:

4 <DIVISION ____

5 ACCESS TO RECORDS — STATE REGISTRAR

6 Sec. ____ . Section 144.11, Code 2017, is amended to read as
7 follows:

8 **144.11 Public access to records.**

9 The county registrar shall allow public access to public
10 records under the custody of the county registrar as authorized
11 by the state registrar during normal business hours for county
12 offices in the county.

13 Sec. ____ . Section 144.43, subsection 3, unnumbered
14 paragraph 1, Code 2017, is amended to read as follows:

15 However, the following vital statistics records may be
16 inspected and copied as ~~of right under~~ chapter 22 authorized by
17 the state registrar when ~~they~~ the records are in the custody of
18 a county registrar or when ~~they~~ the records are in the custody
19 of the state archivist and are at least seventy-five years
20 old:>

21 2. By renumbering as necessary.

MARK COSTELLO

Iowa General Assembly
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House File 308

S-3291

- 1 Amend House File 308, as passed by the House, as follows:
2 1. Page 1, line 5, after <request.> by inserting <However,
3 the recorder shall redact any social security number included
4 in a record made available pursuant to this paragraph.>

TIM KRAAYENBRINK

Iowa General Assembly
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House File 566

S-3292

1 Amend House File 566, as amended, passed, and reprinted by
2 the House, as follows:

3 1. Page 22, after line 35 by inserting:

4 <4. This section shall not take effect if this Act takes
5 effect after July 1, 2019.

6 DIVISION ____

7 EFFECTIVE DATE

8 Sec. ____ . EFFECTIVE DATE. Notwithstanding any section of
9 this Act to the contrary, a division of this Act takes effect
10 when the state commissioner of elections provides notice to the
11 legislative council and the Iowa code editor that each county
12 has updated geographic information systems mapping technology
13 and updated shapefiles for election precincts or on the date
14 specified in a division of this Act, whichever is later.>

15 2. By renumbering as necessary.

KEVIN KINNEY

Iowa General Assembly
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Senate File 499 - Introduced

SENATE FILE 499
BY COMMITTEE ON GOVERNMENT
OVERSIGHT

(SUCCESSOR TO SSB 1184)

A BILL FOR

1 An Act prohibiting the use of certain monitoring devices
2 in certain locations open to the public, and including
3 effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 499

1 Section 1. NEW SECTION. **27.1 Definitions.**

2 1. For purposes of this section:

3 *a. "Monitoring device"* means a digital video or audio
4 streaming or recording device that is part of a system of
5 monitoring activity in an area or building using a system in
6 which signals are transmitted from a video camera or microphone
7 to the receivers by cables or wirelessly, forming a closed
8 circuit.

9 *b. "Public hospital"* means a hospital licensed pursuant to
10 chapter 135B and governed pursuant to chapter 145A, 347, 347A,
11 or 392.

12 *c. "Public library"* means a library district as described
13 in chapter 336.

14 *d. "Public school"* means a school district as described in
15 chapter 274.

16 *e. "Reasonable expectation of privacy"* means a person's
17 reasonable belief, under the circumstances, that the person can
18 disrobe or partially disrobe in privacy without being concerned
19 that the person is being viewed, photographed, or filmed when
20 doing so.

21 Sec. 2. NEW SECTION. **27.2 Monitoring devices prohibited.**

22 The state or a political subdivision of the state, including
23 but not limited to a public library, public school, or
24 other government office open to the public, shall not use a
25 monitoring device in a toilet, bath, or shower facility; locker
26 room; common area within such a facility or room, including an
27 area where a sink or changing table is located; or other space
28 open to the public where a person has a reasonable expectation
29 of privacy.

30 Sec. 3. NEW SECTION. **27.3 Removal of monitoring devices.**

31 On or before July 1, 2017, the state or a political
32 subdivision of the state, including but not limited to a public
33 library, public school, or other government office open to the
34 public, using a monitoring device in a toilet, bath, or shower
35 facility; locker room; common area within such a facility or

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1 The bill requires the state or a political subdivision of the
2 state using a monitoring device to cease doing so and to remove
3 the monitoring device by July 1, 2017. The bill nullifies
4 any local ordinance, resolution, rule, or other measure that
5 permits the use of a monitoring device in a toilet, bath, or
6 shower facility, locker room, or other space where a person has
7 a reasonable expectation of privacy.

8 The bill does not apply to a public hospital where use of a
9 monitoring device is necessary to protect the health or safety
10 of a patient during a patient's course of treatment.

11 The bill takes effect upon enactment.

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Senate File 500 - Introduced

SENATE FILE 500
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SF 454)
(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:

TLSB 1189SZ (1) 87
gh/rj

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S.F. 500

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

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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.

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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

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S.F. 500

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~~

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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

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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.

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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

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1 amended to read as follows:

2 1. The director of the department of homeland security
3 and emergency management shall appoint ~~an E911~~ a 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

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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

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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

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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

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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

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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

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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

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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

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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 ~~E911~~
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 ~~E911~~ 911 emergency
21 communications fund.

22 b. (1) The program manager shall allocate to each joint
23 ~~E911~~ 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 ~~E911~~ 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.

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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

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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

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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

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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.

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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 ~~E911~~ 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 ~~E911~~ 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 ~~E911~~ 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

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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

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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

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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

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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.**

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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.

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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.

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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

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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

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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.