# Iowa General Assembly
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## January 9, 2012


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## House Concurrent Resolution 101 - Introduced

HOUSE CONCURRENT RESOLUTION NO. 101
BY PAULSEN and McCARTHY

A Concurrent Resolution to provide for a joint convention.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint convention of the two houses of the 2012 session of the Eighty-fourth General Assembly be held on Tuesday, January 10, 2012, at 10:00 a.m.; and

BE IT FURTHER RESOLVED, That Governor Terry E. Branstad be invited to deliver his condition of the state address at this joint convention of the two houses of the General Assembly, and that the Speaker of the House of Representatives and the President of the Senate be designated to extend the invitation to him.

## House Concurrent Resolution 102 - Introduced

HOUSE CONCURRENT RESOLUTION NO. 102
BY PAULSEN and McCARTHY

A Concurrent Resolution to provide for a joint convention.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint convention of the two houses of the 2012 session of the Eighty-fourth General Assembly be held on Wednesday, January 11, 2012, at 10:00 a.m.; and

BE IT FURTHER RESOLVED, that Chief Justice Mark Cady be invited to present his message of the condition of the judicial branch at this convention, and recommend such matters as the Chief Justice deems expedient, pursuant to section 602.1207 of the Code of Iowa.

## House Concurrent Resolution 103 - Introduced

HOUSE CONCURRENT RESOLUTION NO. 103
BY PAULSEN and McCARTHY

A Concurrent Resolution to provide for a joint convention.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint convention of the two houses of the 2012 session of the Eighty-fourth General Assembly be held on Wednesday, January 18, 2012, at 10:00 a.m.; and

BE IT FURTHER RESOLVED, That Adjutant General Timothy Orr be invited to present his message of the Condition of the Iowa National Guard at this convention.

## House File 2001 - Introduced

HOUSE FILE 2001
BY WILLEMS

### A BILL FOR

1 An Act transferring certain duties of the board of educational
2 examiners to the department of education, making an
3 appropriation, providing for properly related matters, and
4 including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5128YH (7) 84
je/nh

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1 Section 1. NEW SECTION. **256.100 Definitions.**
2 As used in this subchapter, unless the context otherwise
3 requires:
4 1. *"Administrator"* means a person who is licensed to
5 coordinate, supervise, or direct an educational program or the
6 activities of other practitioners.
7 2. *"Board"* means the board of educational examiners.
8 3. *"Certificate"* means limited recognition to perform
9 instruction and instruction-related duties in school, other
10 than those duties for which practitioners are licensed. A
11 certificate is nonexclusive recognition and does not confer the
12 exclusive authority of a license.
13 4. *"Department"* means the department of education.
14 5. *"License"* means the authority that is given to allow
15 a person to legally serve as a practitioner, a school, an
16 institution, or a course of study to legally offer professional
17 development programs, other than those programs offered by
18 practitioner preparation schools, institutions, courses of
19 study, or area education agencies. A license is the exclusive
20 authority to perform the specified functions.
21 6. *"Para-educator"* means a person who is certified to assist
22 a teacher in the performance of instructional tasks to support
23 and assist classroom instruction and related school activities.
24 7. *"Practitioner"* means an administrator, teacher, or other
25 licensed professional, including an individual who holds a
26 statement of professional recognition, who provides educational
27 assistance to students.
28 8. *"Practitioner preparation program"* means a program
29 approved by the state board of education which prepares a
30 person to obtain a license as a practitioner.
31 9. *"Principal"* means a licensed member of a school's
32 instructional staff who serves as an instructional leader,
33 coordinates the process and substance of educational and
34 instructional programs, coordinates the budget of the school,
35 provides formative evaluation for all practitioners and other

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1 persons in the school, recommends or has effective authority
2 to appoint, assign, promote, or transfer personnel in a school
3 building, implements the local school board's policy in a
4 manner consistent with professional practice and ethics, and
5 assists in the development and supervision of a school's
6 student activities program.
7 10. *"Professional development program"* means a course or
8 program which is offered by a person or agency for the purpose
9 of providing continuing education for the renewal or upgrading
10 of a practitioner's license.
11 11. *"School"* means a school under section 280.2, an area
12 education agency, and a school operated by a state agency for
13 special purposes.
14 12. *"School service personnel"* means those persons holding
15 a practitioner's license who provide support services for a
16 student enrolled in school or to practitioners employed in a
17 school.
18 13. *"Student"* means a person who is enrolled in a course of
19 study at a school or practitioner preparation program, or who
20 is receiving direct or indirect assistance from a practitioner.
21 14. *"Superintendent"* means an administrator who promotes,
22 demotes, transfers, assigns, or evaluates practitioners or
23 other personnel, and carries out the policies of a governing
24 board in a manner consistent with professional practice and
25 ethics.
26 15. *"Teacher"* means a licensed member of a school's
27 instructional staff who diagnoses, prescribes, evaluates,
28 and directs student learning in a manner which is consistent
29 with professional practice and school objectives, shares
30 responsibility for the development of an instructional program
31 and any coordinating activities, evaluates or assesses student
32 progress before and after instruction, and who uses the student
33 evaluation or assessment information to promote additional
34 student learning.
35 Sec. 2. NEW SECTION. **256.101 Licensing and related duties.**

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1 The department shall exercise the exclusive authority to:
2 1. License practitioners, which includes the authority
3 to establish criteria for the licenses; establish
4 issuance and renewal requirements; create application and
5 renewal forms; create licenses that authorize different
6 instructional functions or specialties; and develop any other
7 classifications, distinctions, and procedures which may be
8 necessary to exercise licensing duties.
9 2. Establish, collect, and refund fees for a license.
10 3. Enter into reciprocity agreements with other equivalent
11 state entities or a national certification board to provide for
12 licensing of applicants from other states or nations.
13 4. Apply for and receive federal or other funds on behalf
14 of the state for purposes related to its duties under this
15 subchapter.
16 5. Evaluate and conduct studies of department standards
17 under this subchapter.
18 6. Hire a licensing director, licensing administrator
19 for the board, and other personnel and control the personnel
20 administration of persons employed by the department pursuant
21 to this subchapter and by the board pursuant to chapter 272.
22 7. Hear appeals regarding application for or renewal of a
23 license. Department action is final agency action for purposes
24 of chapter 17A.
25 8. Establish standards for the determination of whether an
26 applicant is qualified to perform the duties required for a
27 given license.
28 9. Issue statements of professional recognition to
29 school service personnel who have attained a minimum of
30 a baccalaureate degree and who are licensed by another
31 professional licensing board, including but not limited to
32 athletic trainers licensed under chapter 152D.
33 10. Make recommendations to the state board of education
34 concerning standards for the approval of professional
35 development programs.

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1 11. Establish, under chapter 17A, rules necessary to carry
2 out department duties under this subchapter.
3 12. Adopt rules to provide for nontraditional preparation
4 options for licensing persons who hold a bachelor's degree from
5 an accredited college or university, who do not meet other
6 requirements for licensure.
7 13. Adopt rules, in cooperation with the board, to determine
8 whether an applicant is qualified to perform the duties for
9 which a license is sought. The rules shall include all of the
10 following:
11 *a.* The department may deny a license to a person upon the
12 department's finding by a preponderance of evidence that either
13 the person has been convicted of a crime or that there has been
14 a founded report of child abuse against the person. Rules
15 adopted in accordance with this paragraph shall provide that
16 in determining whether a person should be denied a license,
17 the department shall consider the nature and seriousness of
18 the founded abuse or crime in relation to the position sought,
19 the time elapsed since the crime was committed, the degree of
20 rehabilitation which has taken place since the incidence of
21 founded abuse or the commission of the crime, the likelihood
22 that the person will commit the same abuse or crime again,
23 and the number of founded abuses committed by or criminal
24 convictions of the person involved.
25 *b.* Notwithstanding paragraph "*a*", the rules shall require
26 the department to disqualify an applicant for a license for any
27 of the following reasons:
28 (1) The person entered a plea of guilty to, or has been
29 found guilty of, any of the following offenses, whether or not
30 a sentence is imposed:
31 (a) Any of the following forcible felonies included in
32 section 702.11: child endangerment, assault, murder, sexual
33 abuse, or kidnapping.
34 (b) Any of the following sexual abuse offenses, as provided
35 in chapter 709, involving a child:

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1 (i) First, second, or third degree sexual abuse committed on
2 or with a person who is under the age of eighteen years.
3 (ii) Lascivious acts with a child.
4 (iii) Assault with intent to commit sexual abuse.
5 (iv) Indecent contact with a child.
6 (v) Sexual exploitation by a counselor.
7 (vi) Lascivious conduct with a minor.
8 (vii) Sexual exploitation by a school employee.
9 (c) Enticing a minor under section 710.10.
10 (d) Human trafficking under section 710A.2.
11 (e) Incest involving a child under section 726.2.
12 (f) Dissemination and exhibition of obscene material to
13 minors under section 728.2.
14 (g) Telephone dissemination of obscene material to minors
15 under section 728.15.
16 (h) Any offense specified in the laws of another
17 jurisdiction, or any offense that may be prosecuted in federal,
18 military, or foreign court, that is comparable to an offense
19 listed in this subparagraph (1).
20 (i) Any offense under prior laws of this state or another
21 jurisdiction, or any offense under prior law that was
22 prosecuted in a federal, military, or foreign court, that is
23 comparable to an offense listed in this subparagraph (1).
24 (2) The applicant is less than twenty-one years of age
25 except as provided in section 256.114, subsection 1, paragraph
26 *"e"*. However, a student enrolled in a practitioner preparation
27 program who meets department requirements for a temporary,
28 limited-purpose license who is seeking to teach as part of a
29 practicum or internship may be less than twenty-one years of
30 age.
31 (3) The applicant's application is fraudulent.
32 (4) The applicant's license or certification from another
33 state is suspended or revoked.
34 (5) The applicant fails to meet department standards for
35 application for an initial or renewed license.

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1 *c.* Qualifications or criteria for the granting of a license
2 or the determination of an individual's professional standing
3 shall not include membership or nonmembership in any teachers'
4 organization.
5 *d.* An applicant for a license or certificate under this
6 subchapter shall demonstrate that the requirements of the
7 license or certificate have been met and the burden of proof
8 shall be on the applicant.
9 14. Adopt criteria for administrative endorsements that
10 allow a person to achieve the endorsement authorizing the
11 person to serve as an elementary or secondary principal without
12 regard to the grade level at which the person accrued teaching
13 experience.
14 15. Adopt rules to require that a background investigation
15 be conducted by the division of criminal investigation of the
16 department of public safety on all initial applicants for
17 licensure. The department shall also require all initial
18 applicants to submit a completed fingerprint packet and shall
19 use the packet to facilitate a national criminal history
20 background check. The department shall have access to, and
21 shall review the sex offender registry information under
22 section 692A.121 available to the general public, the central
23 registry for child abuse information established under chapter
24 235A, and the dependent adult abuse records maintained under
25 chapter 235B for information regarding applicants for license
26 renewal.
27 16. May adopt rules for practitioners who are not eligible
28 for a statement of professional recognition under subsection 9,
29 but have received a baccalaureate degree and provide a service
30 to students at any or all levels from prekindergarten through
31 grade twelve for a school district, accredited nonpublic
32 school, area education agency, or preschool program established
33 pursuant to chapter 256C.
34 17. Coordinate with the board to facilitate the ability
35 of the department and the board to carry out their respective

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1 duties.
2 Sec. 3. NEW SECTION. **256.102 Validity of license.**
3 1. A license issued under department authority is valid
4 for the period of time for which it is issued, unless the
5 license is suspended or revoked. A license issued by the
6 department is valid until the last day of the practitioner's
7 birth month in the year in which the license expires. No
8 permanent licenses shall be issued. A person employed as a
9 practitioner shall hold a valid license with an endorsement
10 for the type of service for which the person is employed.
11 This section does not limit the duties or powers of a school
12 board to select or discharge practitioners or to terminate
13 practitioners' contracts. A professional development program,
14 except for a program offered by a practitioner preparation
15 institution or area education agency and approved by the state
16 board of education, must possess a valid license for the types
17 of programs offered.
18 2. The licensing director of the department may grant
19 or deny license applications and applications for renewal of
20 a license. A denial of an application for a license or the
21 denial of an application for renewal may be appealed by the
22 practitioner to the department.
23 3. The department may issue emergency renewal or temporary,
24 limited-purpose licenses upon petition by a current or
25 former practitioner. An emergency renewal or a temporary,
26 limited-purpose license may be issued for a period not
27 to exceed two years if a petitioner demonstrates, to the
28 satisfaction of the department, good cause for failure to
29 comply with department requirements for a regular license
30 and provides evidence that the petitioner will comply with
31 department requirements within the period of the emergency
32 or temporary license. Under exceptional circumstances, an
33 emergency license may be renewed by the department for one
34 additional year. A previously unlicensed person is not
35 eligible for an emergency or temporary license, except that a

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1 student who is enrolled in a licensed practitioner preparation
2 program may be issued a temporary, limited-purpose license,
3 without payment of a fee, as part of a practicum or internship
4 program.
5 Sec. 4. NEW SECTION. **256.103 License to applicants from**
6 **other states or countries.**
7 1. The department may issue a license to an applicant from
8 another state or country if the applicant files evidence of
9 the possession of the required or equivalent requirements with
10 the department. If the applicant is the spouse of a military
11 person who is on duty or in active state duty as defined in
12 section 29A.1, subsections 9 and 11, the department shall
13 assign a consultant to be the single point of contact for the
14 applicant regarding nontraditional licensure.
15 2. The licensing director of the department may, subject
16 to department approval, enter into reciprocity agreements with
17 another state or country for the licensing of practitioners on
18 an equitable basis of mutual exchange, when the action is in
19 conformity with law.
20 3. Practitioner preparation and professional development
21 programs offered in this state by out-of-state institutions
22 must be approved by the department in order to recommend
23 candidates for licensure or renewal of a license by an
24 applicant.
25 Sec. 5. NEW SECTION. **256.104 Continuity of certificates**
26 **and licenses.**
27 1. A certificate which was issued by the board of
28 educational examiners to a practitioner before July 1,
29 1989, continues to be in force as long as the certificate
30 complies with the rules and statutes in effect on July
31 1, 1989. Requirements for the renewal of licenses, under
32 this subchapter, do not apply retroactively to renewal of
33 certificates. However, this section does not limit the
34 duties or powers of a school board to select or discharge
35 practitioners or to terminate practitioners' contracts.

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1 2. A practitioner who holds a certificate issued before
2 July 1, 1989, shall, upon application and payment of a fee,
3 be granted a license which will permit the practitioner to
4 perform the same duties and functions as the practitioner was
5 entitled to perform with the certificate held at the time of
6 application. A practitioner shall be permitted to convert a
7 permanent certificate to a term certificate, after July 1,
8 1989, without payment of a fee.
9 Sec. 6. NEW SECTION. **256.105 Administrator licenses.**
10 1. Requirements for administrator licensure beyond an
11 initial license shall include completion of a beginning
12 administrator mentoring and induction program and demonstration
13 of competence on the administrator standards adopted pursuant
14 to section 284A.3.
15 2. The department shall adopt rules for administrator
16 licensure renewal that include credit for individual
17 administrator professional development plans developed in
18 accordance with section 284A.6.
19 3. An administrator formerly employed by an accredited
20 nonpublic school or formerly employed as an administrator in
21 another state or country is exempt from the mentoring and
22 induction requirement under subsection 1 if the administrator
23 can document two years of successful administrator experience
24 and meet or exceed the requirements contained in rules adopted
25 pursuant to this subchapter for endorsement and licensure.
26 However, if an administrator cannot document two years of
27 successful administrator experience when hired by a school
28 district, the administrator shall meet the requirements of
29 subsection 1.
30 Sec. 7. NEW SECTION. **256.106 Fees.**
31 1. It is the intent of the general assembly that licensing
32 fees established by the department be sufficient to finance
33 the activities of the department under this subchapter and the
34 board under chapter 272.
35 2. Licensing fees are payable to the treasurer of state

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1 and shall be deposited with the licensing director. The
2 licensing director shall deposit twenty-five percent of the
3 fees collected annually with the treasurer of state and the
4 fees shall be credited to the general fund of the state. The
5 remaining licensing fees collected during the fiscal year shall
6 be retained by and are appropriated to the department for the
7 purposes of carrying out the duties of the department under
8 this subchapter and the duties of the board under chapter 272.
9 The department shall establish procedures for transmission
10 to the department of an annual budget request by the board
11 for the subsequent fiscal year. Notwithstanding section
12 8.33, licensing fees retained by and appropriated to the
13 department pursuant to this section that remain unencumbered
14 or unobligated at the close of the fiscal year shall not
15 revert but shall remain available for expenditure for the
16 activities of the department as provided in this subchapter and
17 of the board as provided in chapter 272 until the close of the
18 succeeding fiscal year.
19 3. The licensing director shall keep an accurate and
20 detailed account of fees received, including fees paid to the
21 treasurer of state and fees retained by the department.
22 4. The department shall submit a detailed annual financial
23 report regarding the fees collected pursuant to this subchapter
24 by January 1 to the chairpersons and ranking members of
25 the joint appropriations subcommittee on education and the
26 legislative services agency.
27 Sec. 8. NEW SECTION. **256.107 Expenditures and refunds.**
28 Expenditures and refunds made by the department under this
29 subchapter shall be certified by the licensing director of the
30 department to the director of the department of administrative
31 services, and if found correct, the director of the department
32 of administrative services shall approve the expenditures and
33 refunds and draw warrants upon the treasurer of state from the
34 funds appropriated for that purpose.
35 Sec. 9. NEW SECTION. **256.108 Para-educator certificates.**

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1 The department shall adopt rules pursuant to chapter
2 17A relating to a voluntary certification system for
3 para-educators. The rules shall specify rights,
4 responsibilities, levels, and qualifications for the
5 certificate. Applicants shall be disqualified for any
6 reason specified in section 256.101, subsection 13, or
7 in administrative rule. Notwithstanding section 256.101,
8 subsection 13, paragraph *"b"*, subparagraph (2), the department
9 may issue a para-educator certificate to a person who is at
10 least eighteen years of age. A person holding a para-educator
11 certificate shall not perform the duties of a licensed
12 practitioner. A certificate issued pursuant to this subchapter
13 shall not be considered a teacher or administrator license for
14 any purpose specified by law, including the purposes specified
15 under this subchapter or chapter 279.
16 Sec. 10. NEW SECTION. **256.109 National certification.**
17 The department shall review the standards for teacher's
18 certificates adopted by the national board for professional
19 teaching standards, a nonprofit corporation created as a
20 result of recommendations of the task force on teaching as a
21 profession of the Carnegie forum on education and the economy.
22 In those cases in which the standards required by the national
23 board for an Iowa endorsement or license meet or exceed the
24 requirements contained in rules adopted under this subchapter
25 for that endorsement or license, the department shall issue
26 endorsements or licenses to holders of certificates issued by
27 the national board who request the endorsement or license.
28 Sec. 11. NEW SECTION. **256.110 Rules for practitioner**
29 **preparation programs.**
30 The state board of education shall adopt rules pursuant
31 to chapter 17A to implement the following for approved
32 practitioner preparation programs:
33 1. A requirement that each student admitted to an approved
34 practitioner preparation program must participate in field
35 experiences that include both observation and participation in

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1 teaching activities in a variety of school settings. These
2 field experiences shall comprise a total of at least eighty
3 hours in duration, at least ten hours of which shall occur
4 prior to a student's acceptance in an approved practitioner
5 preparation program. The student teaching experience shall be
6 a minimum of fourteen weeks in duration during the student's
7 final year of the practitioner preparation program.
8 2. A requirement that faculty members in professional
9 education maintain an ongoing involvement in activities in
10 elementary, middle, or secondary schools. The activities shall
11 include at least sixty hours of instructional work during a
12 period not exceeding seven years in duration at the elementary,
13 middle, or secondary level.
14 3. A requirement that the program include instruction
15 in skills and strategies to be used in classroom management
16 of individuals, and of small and large groups, under varying
17 conditions; skills for communicating and working constructively
18 with pupils, teachers, administrators, and parents; and
19 skills for understanding the role of the board of education
20 and the functions of other education agencies in the state.
21 The requirement shall be based upon recommendations of the
22 department after consultation with teacher education faculty
23 members in colleges and universities.
24 4. A requirement that prescribes minimum experiences and
25 responsibilities to be accomplished during the student teaching
26 experience by the student teacher and by the cooperating
27 teacher based upon recommendations of the department after
28 consultation with teacher education faculty members in
29 colleges and universities. The student teaching experience
30 shall include opportunities for the student teacher to become
31 knowledgeable about the Iowa teaching standards, including a
32 mock evaluation. The mock evaluation shall not be used as
33 an assessment tool by the practitioner preparation program.
34 The student teaching experience shall consist of interactive
35 experiences involving the college or university personnel, the

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1 student teacher, the cooperating teacher, and administrative
2 personnel from the cooperating teacher's school district.
3 5. A requirement that each approved practitioner
4 preparation or professional development institution annually
5 offer a workshop for cooperating teachers. The workshop shall
6 define the objectives of the student teaching experience,
7 review the responsibilities of the cooperating teacher,
8 and provide the cooperating teacher other information and
9 assistance the institution deems necessary.
10 6. A requirement that practitioner preparation students
11 receive instruction in the use of electronic technology for
12 classroom and instructional purposes.
13 7. A requirement that approved practitioner preparation
14 institutions annually solicit the views of the education
15 community regarding the institution's practitioner preparation
16 programs.
17 8. A requirement that an approved practitioner preparation
18 institution submit evidence that the college or department of
19 education is communicating with other colleges or departments
20 in the institution so that practitioner preparation students
21 may integrate teaching methodology with subject matter areas
22 of specialization.
23 9. A requirement that an approved practitioner preparation
24 program submit evidence that the evaluation of the performance
25 of a student teacher is a cooperative process that involves
26 both the faculty member supervising the student teacher and
27 the cooperating teacher. The rules shall require that each
28 institution develop a written evaluation procedure for use
29 by the cooperating teacher and a form for evaluating student
30 teachers, and require that a copy of the completed form be
31 included in the student teacher's permanent record.
32 Sec. 12. NEW SECTION. **256.111 Student teaching and other**
33 **educational experiences.**
34 If the rules adopted by the department for issuance of any
35 type or class of license require an applicant to complete

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work in student teaching, prestudent teaching experiences, field experiences, practicums, clinicals, or internships, an institution with a practitioner preparation program approved by the state board of education under section 256.7, subsection 3, shall enter into a written contract with any school district, accredited nonpublic school, preschool registered or licensed by the department of human services, or area education agency in Iowa under terms and conditions as agreed upon by the contracting parties. The terms and conditions of a written contract entered into with a preschool pursuant to this section shall provide that a student teacher be under the direct supervision of an appropriately licensed cooperating teacher who is employed to teach at the preschool. Students actually teaching or engaged in preservice licensure activities in a school district under the terms of such a contract are entitled to the same protection, under section 670.8, as is afforded by that section to officers and employees of the school district, during the time they are so assigned.

Sec. 13. NEW SECTION. **256.112 Mentoring and induction requirement.**

1. Requirements for teacher licensure beyond an initial license shall include successful completion of a beginning teacher mentoring and induction program approved by the state board of education.

2. A teacher from an accredited nonpublic school or another state or country is exempt from the requirement of subsection 1 if the teacher can document three years of successful teaching experience and meet or exceed the requirements contained in rules adopted under this subchapter for endorsement and licensure.

Sec. 14. NEW SECTION. **256.113 Annual administrative rules review.**

The licensing director shall annually review the administrative rules adopted pursuant to this subchapter and related state laws. The licensing director shall submit the

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1 licensing director's findings and recommendations in a report
2 every three years to the department and the chairpersons and
3 ranking members of the senate and house standing committees
4 on education and the joint appropriations subcommittee on
5 education by January 15.
6 Sec. 15. NEW SECTION. **256.114 Authorizations — coaching**
7 **— school business officials.**
8 1. The minimum requirements for the department to award a
9 coaching authorization to an applicant are:
10 *a.* Successful completion of one semester credit hour
11 or ten contact hours in a course relating to knowledge and
12 understanding of the structure and function of the human body
13 in relation to physical activity.
14 *b.* Successful completion of one semester credit hour
15 or ten contact hours in a course relating to knowledge and
16 understanding of human growth and development of children and
17 youth in relation to physical activity.
18 *c.* Successful completion of two semester credit hours or
19 twenty contact hours in a course relating to knowledge and
20 understanding of the prevention and care of athletic injuries
21 and medical and safety problems relating to physical activity.
22 *d.* Successful completion of one semester credit hour or ten
23 contact hours relating to knowledge and understanding of the
24 techniques and theory of coaching interscholastic athletics.
25 *e.* Attainment of at least eighteen years of age.
26 2. *a.* The department shall issue a school business official
27 authorization to an individual who successfully completes a
28 training program that meets the standards set by the state
29 board of education pursuant to section 256.7, subsection 30,
30 and who complies with rules adopted by the department pursuant
31 to subsection 3.
32 *b.* A person hired on or after July 1, 2012, as a school
33 business official responsible for the financial operations of
34 a school district who is without prior experience as a school
35 business official in Iowa shall either hold the school business

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1 official authorization issued pursuant to paragraph *"a"* of this
2 subsection or obtain the authorization within two years of the
3 start date of employment as a school business official.
4 *c.* An individual employed as a school business official
5 prior to July 1, 2012, who meets the requirements of the
6 department, other than the training program requirements of
7 paragraph *"a"*, shall be issued, with no fee for issuance, an
8 initial authorization by the department, but shall meet renewal
9 requirements for an authorization within the time period
10 specified by the department.
11 3. The department shall adopt rules under chapter 17A
12 for authorizations, including but not limited to approval of
13 courses, validity and expiration, fees, and suspension and
14 revocation of authorizations.
15 4. The state board of education shall work with institutions
16 of higher education, private colleges and universities,
17 community colleges, area education agencies, and professional
18 organizations to ensure that the courses and programs required
19 for authorization under this section are offered throughout the
20 state at convenient times and at a reasonable cost.
21 Sec. 16. Section 261E.3, subsection 2, paragraph a,
22 subparagraph (6), Code Supplement 2011, is amended to read as
23 follows:
24 (6) If the instruction for any program authorized by this
25 chapter is provided at a school district facility or a neutral
26 site, the teacher or instructor shall have successfully passed
27 a background investigation conducted in accordance with section
28 ~~272.2, subsection 17~~ 256.101, subsection 14, prior to providing
29 such instruction. For purposes of this section, *"neutral*
30 *site"* means a facility that is not owned or operated by an
31 institution.
32 Sec. 17. Section 272.2, Code Supplement 2011, is amended to
33 read as follows:
34 **272.2 Board of examiners created.**
35 The board of educational examiners is created to exercise

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the exclusive authority to:

1. *a.* ~~License practitioners, which includes the authority to establish criteria for the licenses; establish issuance and renewal requirements; create application and renewal forms; create licenses that authorize different instructional functions or specialties; develop~~ Develop a code of professional rights and responsibilities, practices, and ethics, which shall, among other things, address the failure of a practitioner to fulfill contractual obligations under section 279.13~~; and develop any other classifications, distinctions, and procedures which may be necessary to exercise licensing duties~~. In addressing the failure of a practitioner to fulfill contractual obligations, the board shall consider factors beyond the practitioner's control.

*b.* Provide annually to any person who holds a license, certificate, authorization, or statement of recognition issued by the ~~board~~ department, training relating to the knowledge and understanding of the board's code of professional conduct and ethics. The board shall develop a curriculum that addresses the code of professional conduct and ethics and shall annually provide regional training opportunities throughout the state.

~~2. Establish, collect, and refund fees for a license.~~

~~3. Enter into reciprocity agreements with other equivalent state boards or a national certification board to provide for licensing of applicants from other states or nations.~~

~~4.~~ 2. Enforce rules adopted by the board or the department through revocation or suspension of a license, or by other disciplinary action against a practitioner or professional development program licensed by the ~~board of educational examiners~~ department. The board shall designate who may or shall initiate a licensee disciplinary investigation and a licensee disciplinary proceeding, and who shall prosecute a disciplinary proceeding and under what conditions, and shall state the procedures for review by the board of findings of fact if a majority of the board does not hear the disciplinary

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proceeding. However, in a case alleging failure of a practitioner to fulfill contractual obligations, the person who files a complaint with the board, or the complainant's designee, shall represent the complainant in a disciplinary hearing conducted in accordance with this chapter.

~~5. Apply for and receive federal or other funds on behalf of the state for purposes related to its duties.~~

~~6. Evaluate and conduct studies of board standards.~~

~~7. Hire an executive director, legal counsel, and other personnel and control the personnel administration of persons employed by the board.~~

~~8.~~ 3. Hear appeals regarding ~~application, renewal,~~ suspension~~,~~ or revocation of a license. Board action is final agency action for purposes of chapter 17A.

~~9. Establish standards for the determination of whether an applicant is qualified to perform the duties required for a given license.~~

~~10. Issue statements of professional recognition to school service personnel who have attained a minimum of a baccalaureate degree and who are licensed by another professional licensing board, including but not limited to athletic trainers licensed under chapter 152D.~~

~~11. Make recommendations to the state board of education concerning standards for the approval of professional development programs.~~

~~12.~~ 4. Establish, under chapter 17A, rules necessary to carry out board duties, and establish a budget request.

~~13. Adopt rules to provide for nontraditional preparation options for licensing persons who hold a bachelor's degree from an accredited college or university, who do not meet other requirements for licensure.~~

~~14.~~ 5. Adopt rules, in cooperation with the department, to determine whether ~~an applicant~~ a person is qualified to perform the duties for which the person holds a license ~~is sought~~. The rules shall include all of the following:

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1 *a.* The board may ~~deny a license to or~~ revoke the license
2 of a person upon the board's finding by a preponderance of
3 evidence that either the person has been convicted of a crime
4 or that there has been a founded report of child abuse against
5 the person. Rules adopted in accordance with this paragraph
6 shall provide that in determining whether ~~a person should be~~
7 ~~denied a license or that~~ a practitioner's license should be
8 revoked, the board shall consider the nature and seriousness of
9 the founded abuse or crime in relation to the position sought,
10 the time elapsed since the crime was committed, the degree of
11 rehabilitation which has taken place since the incidence of
12 founded abuse or the commission of the crime, the likelihood
13 that the person will commit the same abuse or crime again,
14 and the number of founded abuses committed by or criminal
15 convictions of the person involved.
16 *b.* Notwithstanding paragraph *"a"*, the rules shall require
17 the board ~~to disqualify an applicant for a license or~~ to revoke
18 the license of a person for any of the following reasons:
19 (1) The person entered a plea of guilty to, or has been
20 found guilty of, any of the following offenses, whether or not
21 a sentence is imposed:
22 (a) Any of the following forcible felonies included in
23 section 702.11: child endangerment, assault, murder, sexual
24 abuse, or kidnapping.
25 (b) Any of the following sexual abuse offenses, as provided
26 in chapter 709, involving a child:
27 (i) First, second, or third degree sexual abuse committed on
28 or with a person who is under the age of eighteen years.
29 (ii) Lascivious acts with a child.
30 (iii) Assault with intent to commit sexual abuse.
31 (iv) Indecent contact with a child.
32 (v) Sexual exploitation by a counselor.
33 (vi) Lascivious conduct with a minor.
34 (vii) Sexual exploitation by a school employee.
35 (c) Enticing a minor under section 710.10.

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(d) Human trafficking under section 710A.2.

(e) Incest involving a child under section 726.2.

(f) Dissemination and exhibition of obscene material to minors under section 728.2.

(g) Telephone dissemination of obscene material to minors under section 728.15.

(h) Any offense specified in the laws of another jurisdiction, or any offense that may be prosecuted in federal, military, or foreign court, that is comparable to an offense listed in this subparagraph (1).

(i) Any offense under prior laws of this state or another jurisdiction, or any offense under prior law that was prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in this subparagraph (1).

~~(2) The applicant is less than twenty-one years of age except as provided in section 272.31, subsection 1, paragraph *"e"*. However, a student enrolled in a practitioner preparation program who meets board requirements for a temporary, limited-purpose license who is seeking to teach as part of a practicum or internship may be less than twenty-one years of age.~~

~~(3)~~ (2) The ~~applicant's~~ person's application to the department is found to be fraudulent.

~~(4)~~ (3) The ~~applicant's~~ person's license or certification from another state is suspended or revoked.

~~(5) The applicant fails to meet board standards for application for an initial or renewed license.~~

*c.* Qualifications or criteria for the ~~granting or~~ revocation of a license ~~or the determination of an individual's professional standing~~ shall not include membership or nonmembership in any teachers' organization.

~~*d.* An applicant for a license or certificate under this chapter shall demonstrate that the requirements of the license or certificate have been met and the burden of proof shall be on the applicant.~~

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1 ~~15.~~ 6. Adopt rules that require specificity in written
2 complaints that are filed by individuals who have personal
3 knowledge of an alleged violation and which are accepted by
4 the board, provide that the jurisdictional requirements as set
5 by the board in administrative rule are met on the face of the
6 complaint before initiating an investigation of allegations,
7 provide that any investigation be limited to the allegations
8 contained on the face of the complaint, provide for an adequate
9 interval between the receipt of a complaint and public notice
10 of the complaint, permit parties to a complaint to mutually
11 agree to a resolution of the complaint filed with the board,
12 allow the respondent the right to review any investigative
13 report upon a finding of probable cause for further action by
14 the board, require that the conduct providing the basis for
15 the complaint occurred within three years of discovery of the
16 event by the complainant unless good cause can be shown for
17 an extension of this limitation, and require complaints to be
18 resolved within one hundred eighty days unless good cause can
19 be shown for an extension of this limitation.
20 ~~16. Adopt criteria for administrative endorsements that~~
21 ~~allow a person to achieve the endorsement authorizing the~~
22 ~~person to serve as an elementary or secondary principal without~~
23 ~~regard to the grade level at which the person accrued teaching~~
24 ~~experience.~~
25 ~~17. Adopt rules to require that a background investigation~~
26 ~~be conducted by the division of criminal investigation of the~~
27 ~~department of public safety on all initial applicants for~~
28 ~~licensure. The board shall also require all initial applicants~~
29 ~~to submit a completed fingerprint packet and shall use the~~
30 ~~packet to facilitate a national criminal history background~~
31 ~~check. The board shall have access to, and shall review~~
32 ~~the sex offender registry information under section 692A.121~~
33 ~~available to the general public, the central registry for child~~
34 ~~abuse information established under chapter 235A, and the~~
35 ~~dependent adult abuse records maintained under chapter 235B for~~

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~~information regarding applicants for license renewal.~~

~~18. May adopt rules for practitioners who are not eligible for a statement of professional recognition under subsection 10, but have received a baccalaureate degree and provide a service to students at any or all levels from prekindergarten through grade twelve for a school district, accredited nonpublic school, area education agency, or preschool program established pursuant to chapter 256C.~~

7. Coordinate with the department to facilitate the ability of the board and the department to carry out their respective duties.

Sec. 18. Section 272.3, Code 2011, is amended to read as follows:

**272.3 Membership.**

1. The board of educational examiners consists of ~~twelve~~ fourteen members. Two must be members of the general public, one must be the director of the department of education or the director's designee, and the remaining ~~nine~~ eleven members must be licensed practitioners. One of the public members shall have served on a school board. The public members shall never have held a practitioner's license, but shall have a demonstrated interest in education. One practitioner shall be selected from a teacher preparation program. One practitioner shall be selected from an administrator preparation program. The other nine practitioners shall be selected from the following areas and specialties of the teaching profession:

*a.* Elementary teachers.

*b.* Secondary teachers.

*c.* Special education or other similar teachers.

*d.* Counselors or other special purpose practitioners.

*e.* Administrators.

*f.* School service personnel.

2. A majority of the licensed practitioner members shall be nonadministrative practitioners. Four of the members shall be administrators. Membership of the board shall comply with

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the requirements of sections 69.16 and 69.16A. A quorum of the board shall consist of ~~six~~ seven members. Members shall elect a chairperson of the board. Members, except for the director of the department of education or the director's designee, shall be appointed by the governor subject to confirmation by the senate.

Sec. 19. Section 272.5, Code 2011, is amended to read as follows:

**272.5 Compensation of board~~, executive director~~.**

Members shall be reimbursed for actual and necessary expenses incurred while engaged in their official duties and may be entitled to per diem compensation as authorized under section 7E.6. For duties performed during an ordinary school day by a member who is employed by a school corporation or state university, the member shall also receive regular compensation from the school or university. However, the member shall reimburse the school or university in the amount of the per diem compensation received.

~~The board of educational examiners shall set the salary of the executive director within the range established for the position by the general assembly.~~

Sec. 20. Section 272.7, Code 2011, is amended to read as follows:

**272.7 ~~Validity~~ Suspension or revocation of license.**

~~A license issued under board authority is valid for the period of time for which it is issued, unless the license is suspended or revoked. A license issued by the board is valid until the last day of the practitioner's birth month in the year in which the license expires. No permanent licenses shall be issued. A person employed as a practitioner shall hold a valid license with an endorsement for the type of service for which the person is employed. This section does not limit the duties or powers of a school board to select or discharge practitioners or to terminate practitioners' contracts. A professional development program, except for a program offered~~

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~~by a practitioner preparation institution or area education agency and approved by the state board of education, must possess a valid license for the types of programs offered.~~

The ~~executive director~~ licensing administrator of the board may ~~grant or deny license applications, applications for renewal of a license, and suspension~~ suspend or ~~revocation of~~ revoke a license. A ~~denial of an application for a license, the denial of an application for renewal, or a~~ suspension or revocation of a license may be appealed by the practitioner to the board.

~~The board may issue emergency renewal or temporary, limited-purpose licenses upon petition by a current or former practitioner. An emergency renewal or a temporary, limited-purpose license may be issued for a period not to exceed two years, if a petitioner demonstrates, to the satisfaction of the board, good cause for failure to comply with board requirements for a regular license and provides evidence that the petitioner will comply with board requirements within the period of the emergency or temporary license. Under exceptional circumstances, an emergency license may be renewed by the board for one additional year. A previously unlicensed person is not eligible for an emergency or temporary license, except that a student who is enrolled in a licensed practitioner preparation program may be issued a temporary, limited-purpose license, without payment of a fee, as part of a practicum or internship program.~~

Sec. 21. Section 272.10, Code 2011, is amended to read as follows:

**272.10 Fees — budget.**

1. It is the intent of the general assembly that licensing fees established by the ~~board of educational examiners~~ department under chapter 256, subchapter V, be sufficient to finance the activities of the board under this chapter.

2. ~~Licensing fees are payable to the treasurer of state and shall be deposited with the executive director of the board.~~

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~~The executive director shall deposit twenty-five percent of the fees collected annually with the treasurer of state and the fees shall be credited to the general fund of the state. The remaining licensing fees collected during the fiscal year shall be retained by and are appropriated to the board for the purposes related to the board's duties. Notwithstanding section 8.33, licensing fees retained by and appropriated to the board pursuant to this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the activities of the board as provided in this chapter until the close of the succeeding fiscal year.~~

~~3.~~ The ~~executive director~~ licensing administrator shall, in accordance with procedures established by the department, annually develop a budget and transmit to the department estimates of expenditure requirements for all functions of the board. The total amount of such budget request shall not exceed thirty-five percent of the licensing fees collected by the department under chapter 256, subchapter V, in the previous fiscal year. The licensing administrator shall keep an accurate and detailed account of ~~fees~~ funds received~~, including fees paid to the treasurer of state and fees retained by the board~~ from the department.

~~4.~~ 3. The board shall submit a detailed annual financial report by January 1 to the chairpersons and ranking members of the joint appropriations subcommittee on education and the legislative services agency.

Sec. 22. Section 272.11, Code 2011, is amended to read as follows:

**272.11 Expenditures and refunds.**

Expenditures and refunds made by the board under this chapter shall be certified by the ~~executive director~~ licensing administrator of the board to the director of the department of administrative services, and if found correct, the director of the department of administrative services shall approve the

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expenditures and refunds and draw warrants upon the treasurer of state from the funds appropriated for that purpose.

Sec. 23. Section 272.15, subsections 1 and 3, Code Supplement 2011, are amended to read as follows:

1. *a.* The board of directors of a school district or area education agency, the superintendent of a school district or the chief administrator of an area education agency, and the authorities in charge of a nonpublic school shall report to the board the nonrenewal or termination, for reasons of alleged or actual misconduct, of a person's contract executed under sections ~~279.12,~~ 279.13, 279.15 through 279.21, 279.23, and 279.24, and the resignation of a person who holds a current Iowa license, certificate, or authorization ~~issued by the board~~ as a result of or following an incident or allegation of misconduct that, if proven, would constitute a violation of the rules adopted by the department to implement section 256.101, subsection 13, paragraph "*b*", subparagraph (1), or by the board to implement section 272.2, subsection ~~14~~ 5, paragraph "*b*", subparagraph (1), when the board or reporting official has a good faith belief that the incident occurred or the allegation is true. The board may ~~deny a license or~~ revoke the license of an administrator if the board finds by a preponderance of the evidence that the administrator failed to report the termination or resignation of a school employee holding a license, certificate, statement of professional recognition, or coaching authorization, for reasons of alleged or actual misconduct, as defined by this section.

*b.* Information reported to the board in accordance with this section is privileged and confidential, and except as provided in section 272.13, is not subject to discovery, subpoena, or other means of legal compulsion for its release to a person other than the respondent and the board and its employees and agents involved in licensee discipline, and is not admissible in evidence in a judicial or administrative proceeding other than the proceeding involving licensee discipline. The board

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shall review the information reported to determine whether a complaint should be initiated. In making that determination, the board shall consider the factors enumerated in section 272.2, subsection ~~14~~ 5, paragraph *"a"*.

*c.* For purposes of this section, unless the context otherwise requires, *"misconduct"* means an action disqualifying an applicant for a license or causing the license of a person to be revoked or suspended in accordance with the rules adopted by the department to implement section 256.101, subsection 13, paragraph *"b"*, subparagraph (1), or by the board to implement section 272.2, subsection ~~14~~ 5, paragraph *"b"*, subparagraph (1).

3. If the ~~executive director~~ licensing administrator of the board verifies through a review of official records that a teacher who holds a practitioner's license under ~~this~~ chapter 256 is assigned instructional duties for which the teacher does not hold the appropriate license or endorsement, either by grade level or subject area, by a school district or accredited nonpublic school, the ~~executive director~~ licensing administrator may initiate a complaint against the teacher and the administrator responsible for the inappropriate assignment of instructional duties.

Sec. 24. Section 272.29, Code 2011, is amended to read as follows:

**272.29 Annual administrative rules review.**

The ~~executive director~~ licensing administrator shall annually review the administrative rules adopted pursuant to this chapter and related state laws. The ~~executive director~~ licensing administrator shall submit the ~~executive director's~~ licensing administrator's findings and recommendations in a report every three years to the board and the chairpersons and ranking members of the senate and house standing committees on education and the joint appropriations subcommittee on education by January 15.

Sec. 25. Section 279.43, Code 2011, is amended to read as

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1 follows:
2 **279.43 Reporting inappropriate teaching assignments.**
3 An employee licensed by the board of educational examiners
4 and holding a contract as described in section 279.13 shall
5 disclose any occurrence of a teaching assignment for which
6 that employee is not properly licensed to the school official
7 responsible for determining teaching assignments. Failure
8 of the employee to disclose this occurrence or failure of
9 the school official responsible for determining teaching
10 assignments to make appropriate adjustments to the employee's
11 teaching assignment once the employee discloses the occurrence
12 shall constitute an incident of misconduct as provided in
13 section 272.2, subsection ~~14~~ 5, and is actionable by the board.
14 If the school official fails to make appropriate adjustments
15 to the teaching assignment once disclosure by the employee
16 is made, the employee shall report this occurrence to the
17 department or to the board for further action.
18 Sec. 26. REPEAL. Sections 272.9, 272.9A, 272.12, 272.20,
19 272.25, 272.27, 272.28, and 272.31, Code 2011, are repealed.
20 Sec. 27. REPEAL. Section 272.8, Code Supplement 2011, is
21 repealed.
22 Sec. 28. REPORT ON CHANGES IN LAW. By December 10, 2012,
23 the department of education and the board of educational
24 examiners shall jointly submit a report to the general assembly
25 recommending any transition provisions and any changes to the
26 Code, administrative rules, or other law that may be necessary
27 to fully implement this Act.
28 Sec. 29. EFFECTIVE DATE. Except for the section of this
29 Act requiring the department of education and the board
30 of educational examiners to submit a report to the general
31 assembly, this Act takes effect July 1, 2013.
32 EXPLANATION
33 This bill transfers the duties of the board of educational
34 examiners relating to licensure of teachers and administrators
35 to the department of education. Duties relating to the

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1 discipline of teachers, including license suspension and
2 revocation and establishment of a professional code of conduct,
3 remain with the board. Transferred duties include the ability
4 to grant or deny teaching and administrator licenses; to
5 establish and collect applicable fees; to regulate standards
6 for para-educator certificates, practitioner preparation
7 programs, student teaching, mentoring, coaching, and school
8 business officials; and to promulgate and review administrative
9 rules relating to such duties. The bill provides that
10 the department is responsible for hiring and personnel
11 administration for the board. The bill directs the department
12 and the board to coordinate with one another to carry out their
13 respective duties.
14 The bill provides that 25 percent of the fees collected by
15 the department pursuant to the transferred duties is to be
16 deposited in the state treasury and credited to the general
17 fund of the state. The remaining 75 percent is appropriated
18 to the department for the purposes of carrying out the duties
19 transferred to the department and the duties retained by the
20 board. The department is directed to establish procedures for
21 the board to submit an annual budget request to the department
22 for the subsequent fiscal year. The board's budget request is
23 limited to 35 percent of the licensing fees collected by the
24 department pursuant to the bill in the previous fiscal year.
25 Under current law, the board deposits 25 percent of collected
26 fees in the state treasury, to be credited to the general fund
27 of the state, and retains the remaining 75 percent to finance
28 its duties.
29 The bill modifies training requirements for practitioner
30 preparation programs by increasing the required number of
31 hours of student field experience from 50 to 80, increasing
32 the required number of weeks of teaching experience during
33 a student's final year from 12 to 14, and requiring faculty
34 members in professional education to complete 60 hours of
35 instructional work within a seven-year period, in place of

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the current requirement of 40 hours of team teaching within a five-year period.

The bill increases the membership of the board of educational examiners from 12 to 14. The two additional members must be licensed practitioners. One must be selected from a teacher preparation program. The other must be selected from an administrator preparation program.

The bill directs the department and the board to jointly submit a report to the general assembly by December 10, 2012, recommending any transition provisions or changes to the Code or other law that may be necessary to fully implement the bill.

Except for the provision requiring a report to the general assembly, the bill takes effect July 1, 2013.

## House File 2002 - Introduced

HOUSE FILE 2002
BY WILLEMS

### A BILL FOR

1 An Act relating to the residency requirements of a full-time
2 associate juvenile judge.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5013YH (2) 84
jm/rj

H.F. 2002

1 Section 1. Section 602.7103C, subsections 2 and 3, Code
2 2011, are amended to read as follows:
3 2. A person does not qualify for appointment to the office
4 of full-time associate juvenile judge unless the person is
5 at the time of appointment a resident of the ~~county~~ judicial
6 election district in which the vacancy exists, licensed
7 to practice law in Iowa, and will be able, measured by the
8 person's age at the time of appointment, to complete the
9 initial term of office prior to reaching age seventy-two. An
10 applicant for full-time associate juvenile judge shall file
11 a certified application form, to be provided by the supreme
12 court, with the chairperson of the county magistrate appointing
13 commission.
14 3. A full-time associate juvenile judge must be a resident
15 of ~~a county~~ the judicial election district in which the
16 office is held during the entire term of office. A full-time
17 associate juvenile judge shall serve within the judicial
18 district in which appointed, as directed by the chief judge,
19 and is subject to reassignment under section 602.6108.
20 EXPLANATION
21 This bill relates to the appointment of a full-time
22 associate juvenile judge.
23 The bill modifies the residency requirements of a full-time
24 associate juvenile judge. Under the bill, a full-time
25 associate juvenile judge is required at the time of appointment
26 to reside in the judicial election district where the vacancy
27 exists. The bill also requires a full-time associate juvenile
28 judge to reside in the judicial election district in which the
29 office is held during the entire term of office.
30 Current law requires a full-time magistrate at the time of
31 appointment to reside in the county in which the vacancy exists
32 and to reside in the county in which the office is held during
33 the entire term of office.

## House File 2003 - Introduced

HOUSE FILE 2003
BY WILLEMS

### A BILL FOR

1 An Act relating to the commission of trespass while taking the
2 shed antlers of a deer and providing for civil and criminal
3 penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5228HH (2) 84
av/sc

H.F. 2003

Section 1. Section 481A.130, subsection 1, paragraph g, unnumbered paragraph 1, Code 2011, is amended to read as follows:

For each antlered deer or the shed antlers of a deer, reimbursement shall be based on the score of the antlered deer or the shed antlers of the deer as measured by the Boone and Crockett club's scoring system for whitetail deer as follows:

Sec. 2. Section 481A.131, Code 2011, is amended to read as follows:

**481A.131 Judgment — execution.**

1. In each case of conviction of unlawfully taking, catching, killing, injuring, destroying, or having in possession any fish, game, or fur-bearing animal, or the shed antlers of a deer, the court shall enter a judgment in favor of the state of Iowa for liquidated damages in an amount as provided in section 481A.130, and it shall be the duty of the commission and the prosecuting attorney or attorney general, to collect the liquidated damages by execution or otherwise.

2. If two or more persons who have acted together are convicted of the unlawful taking, catching, killing, injuring, destroying, or having possession of any fish, game, or fur-bearing animal, or the shed antlers of a deer, the judgment shall be entered against them jointly.

3. Any liquidated damages received under this section and section 481A.130 shall be remitted to the treasurer of state who shall credit such damages to the state fish and game protection fund.

4. The return of any uninjured fish, game, or fur-bearing ~~animal~~ animals, or the shed antlers of a deer, which ~~has~~ have been unlawfully taken, caught, or possessed, to the place where taken or caught or to any other place approved by the commission, shall constitute the discharge of any liquidated damages provided under section 481A.130.

5. Civil suits for the collection of judgments may be prosecuted by the attorney general or by county attorneys.

H.F. 2003

1 Sec. 3. Section 716.7, subsection 2, paragraph a, Code
2 Supplement 2011, is amended to read as follows:
3 *a.* Entering upon or in property without the express
4 permission of the owner, lessee, or person in lawful possession
5 with the intent to commit a public offense, to use, remove
6 therefrom, alter, damage, harass, or place thereon or therein
7 anything animate or inanimate, or to hunt, fish, or trap on
8 or in the property, including the act of taking or attempting
9 to take the shed antlers of a deer, or a deer, other than a
10 farm deer as defined in section 170.1 or preserve whitetail as
11 defined in section 484C.1, which is on or in the property by a
12 person who is outside the property. This paragraph does not
13 prohibit the unarmed pursuit of game or fur-bearing animals by
14 a person who lawfully injured or killed the game or fur-bearing
15 animal which comes to rest on or escapes to the property of
16 another.
17 Sec. 4. Section 716.8, subsection 5, Code Supplement 2011,
18 is amended to read as follows:
19 5. A person who commits a trespass while hunting deer or
20 taking the shed antlers of a deer, other than a farm deer as
21 defined in section 170.1 or preserve whitetail as defined in
22 section 484C.1, commits a simple misdemeanor. The person shall
23 also be subject to civil penalties as provided in sections
24 481A.130 and 481A.131. A deer or the shed antlers of a deer
25 taken by a person while committing such a trespass shall be
26 subject to seizure as provided in section 481A.12.
27 EXPLANATION
28 This bill relates to the commission of trespass while taking
29 the shed antlers of a deer.
30 The bill provides that a person commits trespass when
31 entering on the property of another without the permission of
32 the person in lawful possession of that property, with the
33 intent to take or attempt to take the shed antlers of a deer.
34 Commission of trespass for this purpose is punishable as a
35 simple misdemeanor. A simple misdemeanor is punishable by

H.F. 2003

1 confinement for no more than 30 days or a fine of at least $65
2 but not more than $625 or by both.
3 A person who commits trespass for the purpose of taking the
4 shed antlers of a deer is also subject to a civil judgment for
5 liquidated damages based on the size and value of the shed
6 antlers taken as measured by the Boone and Crockett club's
7 scoring system for whitetail deer. The judgment may also
8 include a community service requirement. The return of shed
9 antlers that were wrongfully taken to the place where taken or
10 to any other place approved by the commission constitutes a
11 discharge of any liquidated damages. Any liquidated damages
12 received under this provision must be credited by the treasurer
13 of state to the state fish and game protection fund.

## House File 2004 - Introduced

HOUSE FILE 2004
BY BALTIMORE

### A BILL FOR

1 An Act providing for an exception to municipal tort liability
2 for claims arising from sledding on municipality-controlled
3 property.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5229HH (4) 84
rh/rj

H.F. 2004

Section 1. Section 670.4, subsections 14 and 15, Code 2011, are amended to read as follows:

14. Any claim based upon or arising out of a claim of negligent design or specification, negligent adoption of design or specification, or negligent construction or reconstruction of a public facility designed for purposes of skateboarding, in-line skating, bicycling, unicycling, scootering, river rafting, canoeing, ~~or~~ kayaking, or sledding that was constructed or reconstructed, reasonably and in good faith, in accordance with generally recognized engineering or safety standards or design theories in existence at the time of the construction or reconstruction.

15. Any claim based upon or arising out of an act or omission of an officer or employee of the municipality or the municipality's governing body by a person skateboarding, in-line skating, bicycling, unicycling, scootering, river rafting, canoeing, ~~or~~ kayaking, or sledding on public property when the person knew or reasonably should have known that the skateboarding, in-line skating, bicycling, unicycling, scootering, river rafting, canoeing, ~~or~~ kayaking, or sledding created a substantial risk of injury to the person and was voluntarily in the place of risk. The exemption from liability contained in this subsection shall only apply to claims for injuries or damage resulting from the risks inherent in the activities of skateboarding, in-line skating, bicycling, unicycling, scootering, river rafting, canoeing, ~~or~~ kayaking, or sledding.

EXPLANATION

This bill provides an exemption from liability regarding a municipality's negligent design or specification, or negligent construction or reconstruction of a public facility designed for sledding purposes that was constructed or reconstructed in accordance with generally recognized engineering or safety standards or design theories.

The bill also provides an exemption from liability for

H.F. 2004

1 municipalities relating to claims based upon acts or omissions
2 of an officer or employee of the municipality by a person
3 engaged in sledding when the person knew or reasonably should
4 have known that the sledding created a substantial risk of
5 injury and the person was acting voluntarily.
6 A municipality in Code chapter 670 is defined as a city,
7 county, township, school district, or other unit of local
8 government.

**House File 2005 - Introduced**

HOUSE FILE 2005
BY BALTIMORE

## A BILL FOR

1 An Act relating to the retention of funds due to contractors on
2 public improvements.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5391YH (1) 84
je/sc

H.F. 2005

1 Section 1. Section 573.1, Code 2011, is amended by adding
2 the following new subsections:
3 NEW SUBSECTION. 2A. *"Principal contractor"* means those
4 persons, firms, or corporations having contracts directly with
5 the public corporation.
6 NEW SUBSECTION. 6. *"Subcontractor"* shall include every
7 person, firm, or corporation performing labor for or furnishing
8 materials to a public improvement, except those persons, firms,
9 or corporations having contracts directly with the public
10 corporation.
11 Sec. 2. Section 573.15, Code 2011, is amended by striking
12 the section and inserting in lieu thereof the following:
13 **573.15 Exception.**
14 1. A person, firm, or corporation performing labor for or
15 furnishing materials to a subcontractor shall not be entitled
16 to a claim against the retainage or bond under this chapter
17 unless the person, firm, or corporation performing the labor or
18 furnishing the materials does all of the following:
19 *a.* Notifies the principal contractor in writing with a
20 one-time notice containing the name, mailing address, and
21 telephone number of the person, firm, or corporation performing
22 the labor or furnishing the materials and the name of the
23 subcontractor for whom the labor was performed or to whom the
24 materials were furnished, within forty-five calendar days after
25 first performing the labor or furnishing the materials for the
26 public improvement. Additional labor performed, or materials
27 furnished by the same person, firm, or corporation to the same
28 subcontractor for the public improvement shall be covered by
29 this notice.
30 *b.* Supports the claim with a certified statement that the
31 principal contractor was notified in writing with a notice
32 containing the name, mailing address, and telephone number
33 of the person, firm, or corporation performing the labor or
34 furnishing the materials and the name of the subcontractor for
35 whom the labor was performed or to whom the materials were

H.F. 2005

1 furnished, within forty-five calendar days after the labor
2 was performed or the materials were furnished, pursuant to
3 paragraph *"a"*.
4 2. Notwithstanding any other provision of this chapter, a
5 principal contractor shall not be prohibited from requesting
6 information from a subcontractor or from a person, firm, or
7 corporation performing labor for or furnishing materials to a
8 subcontractor regarding payments made or payments to be made
9 to a person, firm, or corporation performing labor for or
10 furnishing materials to a subcontractor.
11 3. This section does not apply to claims for labor
12 filed by employees of principal contractors or employees of
13 subcontractors.
14 4. A public corporation shall not retain any part of the
15 unpaid fund due to the contractor as provided in this chapter
16 because of the commencement of any action by the contractor
17 against the state department of transportation under authority
18 granted in section 613.11.
19 EXPLANATION
20 Current law provides an exception to the requirement that a
21 public corporation retain a portion of funds due a contractor
22 on a public improvement project in a fund for the payment
23 of claims for materials furnished and labor performed. The
24 exception provides that a public corporation need only retain
25 funds due a supplier of material to a general contractor if
26 the supplier provides the general contractor with one of two
27 permitted types of notice after the materials are supplied.
28 This bill provides that the exception shall apply to both
29 claims for labor and claims for material. The bill also amends
30 the notice requirement to provide that a supplier of labor
31 or material to a general contractor must give only one type
32 of notice, along with a certified statement that such notice
33 was given. The bill provides that a principal contractor, as
34 defined in the bill, shall not be prohibited from requesting
35 information from a subcontractor or from an entity performing

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1 labor for or furnishing materials to a subcontractor regarding
2 payments made to the entity from the subcontractor for labor or
3 materials. The bill provides that the bill does not apply to
4 claims for labor filed by employees of principal contractors
5 or employees of subcontractors.

## House File 2006 - Introduced

HOUSE FILE 2006
BY BALTIMORE

### A BILL FOR

1 An Act relating to the membership of county and city conference
2 boards.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5242YH (8) 84
md/sc

H.F. 2006

Section 1. Section 39.21, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Public members of a conference board as provided in section 441.2.

Sec. 2. Section 49.41, subsection 4, Code 2011, is amended to read as follows:

4. For purposes of township office and city and county conference board public membership, *"nomination papers"* as used in this section means the affidavit of candidacy required in section 45.3.

Sec. 3. Section 441.2, Code 2011, is amended to read as follows:

**441.2 Conference board.**

1. In each county and each city having an assessor there shall be established a conference board.

*a.* In counties the conference board shall consist of the mayors of all incorporated cities in the county whose property is assessed by the county assessor, one representative from the board of directors of each high school district of the county, who is a resident of the county, said board of directors appointing said representative for a one-year term and notifying the clerk of the conference board as to their representative, ~~and~~ members of the board of supervisors, and four public members. The four public members shall be elected by the voters of the county within the assessing jurisdiction, at the general election in the manner provided in paragraph *"c"*. Each public member seat on the conference board shall only be held by an individual who owns or holds an interest in taxable property located in the assessing jurisdiction of the county that is classified as residential, agricultural, commercial, or industrial property. Each of the four property classifications shall be assigned to one of the four public member seats and designated as such on the ballot unless one or more of the property classifications is not present within the assessing jurisdiction. If a property classification is

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1 not present within the assessing jurisdiction, that public
2 member seat shall not be assigned a classification, shall not
3 be designated on the ballot as being limited to a property
4 classification, and may be occupied by an individual owning
5 or having an interest in any property classification that is
6 present within the assessing jurisdiction.
7 *b.* In cities having an assessor the conference board shall
8 consist of the members of the city council, school board, and
9 county board of supervisors, and four public members. The four
10 public members shall be elected by the voters of the city at
11 the regular city election in the manner provided in paragraph
12 *"c"*. Each public member seat on the conference board shall
13 only be held by an individual who owns or holds an interest
14 in taxable property located in the city that is classified as
15 residential, agricultural, commercial, or industrial property.
16 Each of the four property classifications shall be assigned to
17 one of the four public member seats and designated as such on
18 the ballot unless one or more of the property classifications
19 is not present within the city. If a property classification
20 is not present within the city, that public member seat shall
21 not be assigned a classification, shall not be designated on
22 the ballot as being limited to a property classification, and
23 may be occupied by an individual owning or having an interest
24 in any property classification that is present within the city.
25 *c.* The election of the four public members of a conference
26 board shall take place at the election specified in paragraphs
27 *"a"* and *"b"* on ballots which shall not reflect a nominee's
28 political affiliation. A person seeking election as a public
29 member of a conference board shall file an affidavit of
30 candidacy with the county commissioner of elections pursuant to
31 section 45.3. A plurality is sufficient to elect the public
32 members of a conference board. The four public members shall
33 each be elected for a four-year term and may be reelected for
34 additional four-year terms. A vacancy among the public member
35 seats prior to the expiration of a term shall be filled by

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appointment by the remaining public members of the conference board. The appointment shall be for the period until the next pending election as defined in section 69.12, and shall be made within forty days after the vacancy occurs.

2. In the counties the chairperson of the board of supervisors shall act as chairperson of the conference board, and in cities having an assessor the mayor of the city council shall act as chairperson of the conference board.

3. In any action taken by the conference board, the mayors of all incorporated cities in the county whose property is assessed by the county assessor shall constitute one voting unit, the members of the city board of education or one representative from the board of directors of each high school district of the county shall constitute one voting unit, the members of the city council shall constitute one voting unit, ~~and~~ the county board of supervisors shall constitute one voting unit, and the four public members shall each constitute a separate voting unit, each unit having a single vote and no action shall be valid except by the vote of not less than ~~two~~ four out of the ~~three~~ seven units. The majority vote of the members present of each unit shall determine the vote of the unit.

4. The assessor shall be clerk of the conference board.

Sec. 4. Section 441.3, Code 2011, is amended to read as follows:

**441.3 Examining board.**

At a regular meeting of the conference board each voting unit of the conference board shall appoint one person who is a resident of the assessor jurisdiction to serve as a member of an examining board to hold an examination for the positions of assessor or deputy assessor. This examining board shall organize as soon as possible after its appointment with a chairperson and secretary. All its necessary expenditures shall be paid as provided. Members of the board shall serve without compensation. The terms of each member shall be for

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1 six years, except for the public member appointees whose terms
2 shall be for four years.
3 EXPLANATION
4 This bill increases the membership of county and city
5 conference boards by requiring the addition of four elected
6 public members. The four public members are elected on a
7 nonpartisan basis by the applicable voters of the county
8 or city at the general election or regular city election,
9 as applicable. The bill provides that a person seeking
10 election as a public member of a conference board must only
11 file an affidavit of candidacy. Each public member seat on
12 the conference board may only be held by an individual who
13 owns or holds an interest in taxable property located in the
14 appropriate jurisdiction that is classified as residential,
15 agricultural, commercial, or industrial property. Each of
16 the four property classifications is assigned to one of the
17 four public member seats and designated as such on the ballot.
18 The bill provides that a public member seat is not limited by
19 property classification if that property classification is not
20 present within the jurisdiction. The four public members each
21 serve a four-year term and may be reelected for additional
22 four-year terms. The four public members each constitute a
23 separate voting unit. A vacancy among the public member seats
24 prior to the expiration of a term is filled by appointment by
25 the remaining public members of the conference board. Such an
26 appointment is for the period until the next pending election.
27 By operation of current Code section 441.3, the addition
28 of the four public members to the conference board results in
29 an additional four appointments to the examining board of the
30 applicable assessing jurisdiction. Current Code section 441.3
31 specifies that examining board members serve for six years.
32 However, the bill provides that each person appointed to the
33 examining board by a public member serves a four-year term,
34 which is the same as the length of a public member's term on the
35 conference board.

## House File 2007 - Introduced

HOUSE FILE 2007
BY WILLEMS

### A BILL FOR

1 An Act allowing the use of a leashed dog to retrieve a wounded
2 deer and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5011HH (3) 84
av/nh

H.F. 2007

Section 1. NEW SECTION. **481A.56A Retrieval of wounded deer by leashed dogs.**

A person having a valid hunting license and a valid deer hunting license who has wounded a deer while hunting may use a dog to locate and retrieve the wounded animal. The hunter or any person in the company of the hunter shall not possess a firearm or bow while using a dog in this manner and shall have the dog leashed and under control at all times during the search. A person shall obtain permission from the owner or tenant of private property before using a dog to locate a wounded deer on the private property. The commission shall adopt rules pursuant to chapter 17A to implement this section.

Sec. 2. Section 805.8B, subsection 3, paragraph c, Code 2011, is amended to read as follows:

*c.* For violations of sections 481A.6, 481A.21, 481A.22, 481A.26, 481A.50, 481A.56, 481A.56A, 481A.60 through 481A.62, 481A.83, 481A.84, 481A.92, 481A.123, 481A.145, subsection 3, sections 483A.7, 483A.8, 483A.23, 483A.24, and 483A.28, the scheduled fine is twenty-five dollars.

EXPLANATION

This bill creates new Code section 481A.56A to allow a hunter with a valid hunting license and deer hunting license who wounds a deer while hunting to use a dog to locate and retrieve the wounded animal. The hunter or any person in the company of the hunter shall not possess a firearm or bow while using a dog in this manner and shall have the dog leashed and under control at all times during the search. A person must obtain permission from the owner or tenant before using a dog to locate a wounded deer on private property. The natural resource commission shall adopt rules pursuant to Code chapter 17A to implement this provision.

A violation of the new provision is punishable by a scheduled fine of $25.

## House File 2008 - Introduced

HOUSE FILE 2008
BY ISENHART

### A BILL FOR

1 An Act relating to locker plants for purposes of property
2 taxation and including applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5074HH (2) 84
md/sc

H.F. 2008

Section 1. Section 428.22, unnumbered paragraph 1, Code 2011, is amended to read as follows:

For purposes of valuing and assessing property for tax purposes, a person who operates a locker plant as defined in this section is a manufacturer and locker plants shall be valued and assessed as ~~commercial~~ industrial property. For purposes of this section, *"locker plants"* means any property used primarily for any or all of the following purposes:

Sec. 2. APPLICABILITY. This Act applies to assessment years beginning on or after January 1, 2013.

EXPLANATION

This bill specifies that for the purposes of listing real property for assessment and taxation a person who operates a locker plant is a manufacturer. A "locker plant" is defined in Code section 428.22 to be property used primarily for locker rental facilities for the storage of frozen meats, fish, or fowl owned by the person renting the locker, custom slaughter livestock and processing under contract for a natural person, or processing an animal carcass to offer processed meat products at retail to a natural person after the facility has purchased the livestock or carcass.

Current Code section 428.22 provides that locker plants are classified as commercial property for property tax purposes. The bill specifies locker plants to be industrial property for property tax purposes.

The bill applies to assessment years beginning on or after January 1, 2013.

**House Study Bill 500 - Introduced**

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SANDS)

## A BILL FOR

1 An Act relating to state and local government finances by
2 increasing the regular program foundation base percentage,
3 establishing a property tax exemption for commercial and
4 industrial property, establishing property tax levy limits
5 for cities and counties, eliminating certain reporting
6 requirements, and including applicability provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5325YC (18) 84
md/sc

H.F. _____

1 DIVISION I
2 EDUCATION FINANCE
3 Section 1. Section 257.1, subsection 2, paragraph b, Code
4 2011, is amended by striking the paragraph and inserting in
5 lieu thereof the following:
6 *b.* (1) The regular program foundation base per pupil is the
7 following:
8 (a) For the budget year commencing July 1, 2012, the
9 regular program foundation base per pupil is eighty-seven and
10 five-tenths percent of the regular program state cost per
11 pupil.
12 (b) For the budget year commencing July 1, 2013, the
13 regular program foundation base per pupil is eighty-nine and
14 twenty-eight hundredths percent of the regular program state
15 cost per pupil.
16 (c) For the budget year commencing July 1, 2014, the
17 regular program foundation base per pupil is ninety-one and six
18 hundredths percent of the regular program state cost per pupil.
19 (d) For the budget year commencing July 1, 2015, the regular
20 program foundation base per pupil is ninety-two and eighty-four
21 hundredths percent of the regular program state cost per pupil.
22 (e) For the budget year commencing July 1, 2016, the regular
23 program foundation base per pupil is ninety-four and sixty-two
24 hundredths percent of the regular program state cost per pupil.
25 (f) For the budget year commencing July 1, 2017, the regular
26 program foundation base per pupil is ninety-six and forty
27 hundredths percent of the regular program state cost per pupil.
28 (g) For the budget year commencing July 1, 2018, the regular
29 program foundation base per pupil is ninety-eight and eighteen
30 hundredths percent of the regular program state cost per pupil.
31 (h) For the budget year commencing July 1, 2019, and
32 succeeding budget years, the regular program foundation base
33 per pupil is one hundred percent of the regular program state
34 cost per pupil.
35 (2) For each budget year, the special education support

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1 services foundation base is seventy-nine percent of the special
2 education support services state cost per pupil. The combined
3 foundation base is the sum of the regular program foundation
4 base, the special education support services foundation base,
5 the total teacher salary supplement district cost, the total
6 professional development supplement district cost, the total
7 early intervention supplement district cost, the total area
8 education agency teacher salary supplement district cost,
9 and the total area education agency professional development
10 supplement district cost.
11 Sec. 2. Section 257.4, subsection 1, paragraph b, Code 2011,
12 is amended to read as follows:
13 *b.* For the budget year beginning July 1, 2008, and
14 succeeding budget years beginning before July 1, 2019, the
15 department of management shall annually determine an adjusted
16 additional property tax levy and a statewide maximum adjusted
17 additional property tax levy rate, not to exceed the statewide
18 average additional property tax levy rate, calculated by
19 dividing the total adjusted additional property tax levy
20 dollars statewide by the statewide total net taxable valuation.
21 For purposes of this paragraph, the adjusted additional
22 property tax levy shall be that portion of the additional
23 property tax levy corresponding to the state cost per pupil
24 multiplied by a school district's weighted enrollment, and then
25 multiplied by one hundred percent less the regular program
26 foundation base per pupil percentage pursuant to section
27 257.1. ~~The~~ For budget years beginning before July 1, 2019, the
28 district shall receive adjusted additional property tax levy
29 aid in an amount equal to the difference between the adjusted
30 additional property tax levy rate and the statewide maximum
31 adjusted additional property tax levy rate, as applied per
32 thousand dollars of assessed valuation on all taxable property
33 in the district. ~~The statewide maximum adjusted additional~~
34 ~~property tax levy rate shall be annually determined by the~~
35 ~~department taking into account amounts allocated pursuant to~~

H.F. _____

1 ~~section 257.15, subsection 4. The~~ For budget years beginning
2 before July 1, 2019, the statewide maximum adjusted additional
3 property tax levy rate shall be annually determined by the
4 department taking into account amounts allocated pursuant to
5 section 257.15, subsection 4, and the balance of the property
6 tax equity and relief fund created in section 257.16A at the
7 end of the calendar year.
8 Sec. 3. Section 257.15, subsection 4, Code 2011, is amended
9 to read as follows:
10 4. *a. Allocations for maximum adjusted additional property*
11 *tax levy rate calculation and adjusted additional property*
12 *tax levy aid.* ~~The~~ For fiscal years beginning before July 1,
13 2019, the department of management shall allocate from amounts
14 appropriated pursuant to section 257.16, subsection 1, and from
15 funds appropriated from the property tax equity and relief
16 fund created in section 257.16A for the purpose of calculating
17 the statewide maximum adjusted additional property tax levy
18 rate and providing adjusted additional property tax levy aid
19 as provided in section 257.4, subsection 1, paragraph *"b"*,
20 an amount equal to the sum of subparagraphs (1) and (2) as
21 follows:
22 (1) From the amount appropriated from the general fund of
23 the state pursuant to section 257.16, subsection 1, equal to
24 the following:
25 (a) For the budget year beginning July 1, 2006, six million
26 dollars.
27 (b) For the budget year beginning July 1, 2007, twelve
28 million dollars.
29 (c) For the budget year beginning July 1, 2008, eighteen
30 million dollars.
31 (d) For the budget year beginning July 1, 2009, and
32 succeeding budget years beginning before July 1, 2019,
33 twenty-four million dollars.
34 (2) From the amount appropriated from the property tax
35 equity and relief fund created in section 257.16A.

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1 *b.* After lowering all school district additional property
2 tax levy rates to the statewide maximum adjusted additional
3 property tax levy rate under paragraph *"a"*, the department of
4 management shall use any remaining funds at the end of the
5 calendar year to further lower additional property taxes by
6 increasing for the budget year beginning the following July
7 1, the state foundation base percentage. If, however, the
8 state foundation base percentage is one hundred percent, the
9 department of management shall deposit those remaining funds
10 in the taxpayers trust fund created in section 8.57E. Moneys
11 used pursuant to this paragraph shall supplant an equal amount
12 of the appropriation made from the general fund of the state
13 pursuant to section 257.16 that represents the increase in
14 state foundation aid.
15 Sec. 4. Section 257.16A, subsections 2 and 3, Code 2011, are
16 amended to read as follows:
17 2. ~~There~~ For fiscal years beginning before July 1, 2019,
18 there is appropriated annually all moneys in the fund to the
19 department of management for purposes of section 257.15,
20 subsection 4.
21 3. ~~Notwithstanding~~ Except as provided in subsection 4,
22 and notwithstanding section 8.33, any moneys remaining in the
23 property tax equity and relief fund at the end of a fiscal year
24 shall not revert to any other fund but shall remain in the
25 property tax equity and relief fund for use as provided in this
26 section for the following fiscal year.
27 Sec. 5. Section 257.16A, Code 2011, is amended by adding the
28 following new subsection:
29 NEW SUBSECTION. 4. Any moneys in the property tax equity
30 and relief fund on June 30, 2019, shall be deposited by the
31 department of management in the taxpayers trust fund created
32 in section 8.57E.
33 Sec. 6. Section 423F.2, subsection 3, Code 2011, is amended
34 to read as follows:
35 3. The moneys available in a fiscal year in the secure an

H.F. _____

1 advanced vision for education fund shall be distributed by the
2 department of revenue to each school district in an amount
3 equal to the amount the school district would have received
4 pursuant to the formula in section 423E.4 as if the local
5 sales and services tax for school infrastructure purposes was
6 imposed. Moneys collected in a fiscal year beginning before
7 July 1, 2017, that are in excess of that needed to provide each
8 school district with its formula amount shall be distributed
9 and credited to the property tax equity and relief fund
10 created in section 257.16A. Moneys collected in a fiscal year
11 beginning on or after July 1, 2017, that are in excess of that
12 amount needed to provide each school district with its formula
13 amount shall be deposited in the taxpayers trust fund created
14 in section 8.57E.
15 DIVISION II
16 COMMERCIAL AND INDUSTRIAL
17 PROPERTY TAX EXEMPTION
18 Sec. 7. Section 331.512, Code 2011, is amended by adding the
19 following new subsection:
20 NEW SUBSECTION. 13A. Carry out duties relating to the
21 commercial and industrial property tax exemption as provided in
22 section 427.1, subsection 38.
23 Sec. 8. Section 427.1, Code Supplement 2011, is amended by
24 adding the following new subsection:
25 NEW SUBSECTION. 38. *Commercial and industrial property.*
26 *a.* Property that is improved with permanent construction
27 and classified for property tax purposes as commercial property
28 or industrial property. For assessment years beginning on
29 or after January 1, 2013, but before January 1, 2020, the
30 exemption provided under this subsection is limited to an
31 amount of actual value of the permanent improvements to
32 the property equal to twenty percent of the exemption base
33 applicable under paragraph *"b"*. For assessment years beginning
34 on or after January 1, 2020, the exemption provided under this
35 subsection is limited to an amount of actual value of the

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1 permanent improvements to the property equal to forty percent
2 of the exemption base applicable under paragraph "*b*".
3 *b.* (1) For the assessment year beginning January 1, 2013,
4 the exemption base is one hundred thousand dollars or the
5 actual value of the permanent improvements to the property,
6 whichever is less.
7 (2) For the assessment year beginning January 1, 2014, the
8 exemption base is one hundred fifty thousand dollars or the
9 actual value of the permanent improvements to the property,
10 whichever is less.
11 (3) For the assessment year beginning January 1, 2015, the
12 exemption base is two hundred thousand dollars or the actual
13 value of the permanent improvements to the property, whichever
14 is less.
15 (4) For the assessment year beginning January 1, 2016, the
16 exemption base is three hundred thousand dollars or the actual
17 value of the permanent improvements to the property, whichever
18 is less.
19 (5) For the assessment year beginning January 1, 2017, the
20 exemption base is four hundred thousand dollars or the actual
21 value of the permanent improvements to the property, whichever
22 is less.
23 (6) For the assessment year beginning January 1, 2018, the
24 exemption base is seven hundred thousand dollars or the actual
25 value of the permanent improvements to the property, whichever
26 is less.
27 (7) For the assessment year beginning January 1, 2019, the
28 exemption base is one million dollars or the actual value of
29 the permanent improvements to the property, whichever is less.
30 (8) For the assessment year beginning January 1, 2020, the
31 exemption base is five hundred thousand dollars or the actual
32 value of the permanent improvements to the property, whichever
33 is less.
34 (9) For the assessment year beginning January 1, 2021, the
35 exemption base is eight hundred thousand dollars or the actual

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1 value of the permanent improvements to the property, whichever
2 is less.
3 (10) For the assessment year beginning January 1, 2022, the
4 exemption base is one million dollars or the actual value of
5 the permanent improvements to the property, whichever is less.
6 (11) For the assessment year beginning January 1, 2023, the
7 exemption base is two million dollars or the actual value of
8 the permanent improvements to the property, whichever is less.
9 (12) For the assessment year beginning January 1, 2024, the
10 exemption base is four million dollars or the actual value of
11 the permanent improvements to the property, whichever is less.
12 (13) For the assessment year beginning January 1, 2025,
13 the exemption base is seven million five hundred thousand
14 dollars or the actual value of the permanent improvements to
15 the property, whichever is less.
16 (14) For assessment years beginning on or after January 1,
17 2026, the exemption base is the actual value of the permanent
18 improvements to the property.
19 *c.* If property that is eligible for the exemption under this
20 subsection also receives a property tax exemption under another
21 provision of law for the same assessment year, the amount of
22 the exemption determined under this subsection shall be reduced
23 by all or a portion of the amount of the other exemption.
24 The amount of the reduction shall be determined by prorating
25 the other exemption amount in the proportion that the actual
26 value of the permanent improvements to the property bears to
27 the total actual value of the property, and such prorated
28 amount attributable to the permanent improvements shall be the
29 amount of the reduction. If, however, such exemption under
30 another provision of law applies only to the actual value of
31 the permanent improvements to the property, the amount of
32 the exemption determined under this subsection shall instead
33 be reduced by the amount of the exemption under the other
34 provision of law for the same assessment year.
35 *d.* Wind energy conversion property as defined in section

H.F. _____

427B.26 is not eligible for the exemption provided under this subsection.

*e.* Upon receiving the appropriate valuation information and data from the assessor, the county auditor shall calculate the amount of each exemption under this subsection and shall enter such exemption amounts in the county system.

Sec. 9. IMPLEMENTATION. Section 25B.7 shall not apply to this division of this Act.

Sec. 10. APPLICABILITY. This division of this Act applies to assessment years beginning on or after January 1, 2013.

DIVISION III

COUNTY AND CITY BUDGET LIMITATION

Sec. 11. Section 23A.2, subsection 10, paragraph h, Code 2011, is amended to read as follows:

*h.* The performance of an activity listed in section 331.424, Code 2011, as a service ~~for~~ which a ~~supplemental levy~~ county may ~~be certified~~ include in its budget.

Sec. 12. Section 28M.5, subsection 2, Code 2011, is amended to read as follows:

2. If a regional transit district budget allocates revenue responsibilities to the board of supervisors of a participating county, the amount of the regional transit district levy that is the responsibility of the participating county shall be deducted from the maximum ~~rates~~ amount of taxes authorized to be levied by the county pursuant to section 331.423, ~~subsections 1 and 2~~ subsection 3, paragraphs *"b"* and *"c"*, as applicable, unless the county meets its revenue responsibilities as allocated in the budget from other available revenue sources. However, for a regional transit district that includes a county with a population of less than three hundred thousand, the amount of the regional transit district levy that is the responsibility of such participating county shall be deducted from the maximum ~~rate~~ amount of taxes authorized to be levied by the county pursuant to section 331.423, subsection ~~1~~ 3, paragraph *"b"*.

H.F. _____

1 Sec. 13. Section 123.38, subsection 2, Code 2011, is amended
2 to read as follows:
3 2. Any licensee or permittee, or the licensee's or
4 permittee's executor or administrator, or any person duly
5 appointed by the court to take charge of and administer the
6 property or assets of the licensee or permittee for the benefit
7 of the licensee's or permittee's creditors, may voluntarily
8 surrender a license or permit to the division. When a license
9 or permit is surrendered the division shall notify the local
10 authority, and the division or the local authority shall
11 refund to the person surrendering the license or permit, a
12 proportionate amount of the fee received by the division or
13 the local authority for the license or permit as follows: if
14 a license or permit is surrendered during the first three
15 months of the period for which it was issued, the refund shall
16 be three-fourths of the amount of the fee; if surrendered
17 more than three months but not more than six months after
18 issuance, the refund shall be one-half of the amount of the
19 fee; if surrendered more than six months but not more than
20 nine months after issuance, the refund shall be one-fourth of
21 the amount of the fee. No refund shall be made, however, for
22 any special liquor permit, nor for a liquor control license,
23 wine permit, or beer permit surrendered more than nine months
24 after issuance. For purposes of this subsection, any portion
25 of license or permit fees used for the purposes authorized in
26 section 331.424, subsection 1, paragraph "a", subparagraphs
27 (1) and (2), Code 2011, and in section 331.424A, shall not be
28 deemed received either by the division or by a local authority.
29 No refund shall be made to any licensee or permittee, upon the
30 surrender of the license or permit, if there is at the time
31 of surrender, a complaint filed with the division or local
32 authority, charging the licensee or permittee with a violation
33 of this chapter. If upon a hearing on a complaint the license
34 or permit is not revoked or suspended, then the licensee or
35 permittee is eligible, upon surrender of the license or permit,

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to receive a refund as provided in this section; but if the license or permit is revoked or suspended upon hearing the licensee or permittee is not eligible for the refund of any portion of the license or permit fee.

Sec. 14. Section 218.99, Code 2011, is amended to read as follows:

**218.99 Counties to be notified of patients' personal accounts.**

The administrator in control of a state institution shall direct the business manager of each institution under the administrator's jurisdiction ~~which is mentioned in section 331.424, subsection 1, paragraph "a", subparagraphs (1) and (2), and~~ for which services are paid under section 331.424A, to quarterly inform the county of legal settlement's entity designated to perform the county's central point of coordination process of any patient or resident who has an amount in excess of two hundred dollars on account in the patients' personal deposit fund and the amount on deposit. The administrators shall direct the business manager to further notify the entity designated to perform the county's central point of coordination process at least fifteen days before the release of funds in excess of two hundred dollars or upon the death of the patient or resident. If the patient or resident has no county of legal settlement, notice shall be made to the director of human services and the administrator in control of the institution involved.

Sec. 15. Section 331.263, subsection 2, Code 2011, is amended to read as follows:

2. The governing body of the community commonwealth shall have the authority to levy county taxes and shall have the authority to levy city taxes to the extent the city tax levy authority is transferred by the charter to the community commonwealth. A city participating in the community commonwealth shall transfer a portion of the city's tax levy authorized under section 384.1 or 384.12,

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1 whichever is applicable, to the governing body of the community
2 commonwealth. The maximum ~~rates~~ amount of taxes authorized to
3 be levied under ~~sections~~ section 384.1 and the maximum amount
4 of taxes authorized to be levied under section 384.12 by a city
5 participating in the community commonwealth shall be reduced
6 by an amount equal to the rates of the same or similar taxes
7 levied in the city by the governing body of the community
8 commonwealth.
9 Sec. 16. Section 331.301, subsection 12, Code Supplement
10 2011, is amended to read as follows:
11 12. The board of supervisors may credit funds to a reserve
12 for the purposes authorized by subsection 11 of this section~~;~~
13 ~~section 331.424, subsection 1, paragraph "a", subparagraph~~
14 ~~(6);~~ and section 331.441, subsection 2, paragraph "b". Moneys
15 credited to the reserve, and interest earned on such moneys,
16 shall remain in the reserve until expended for purposes
17 authorized by subsection 11 of this section~~; section 331.424,~~
18 ~~subsection 1, paragraph "a", subparagraph (6);~~ or section
19 331.441, subsection 2, paragraph "b".
20 Sec. 17. Section 331.421, subsections 1 and 10, Code 2011,
21 are amended by striking the subsections.
22 Sec. 18. Section 331.421, Code 2011, is amended by adding
23 the following new subsection:
24 NEW SUBSECTION. 7A. "*Item*" means a budgeted expenditure,
25 appropriation, or cash reserve from a fund for a service area,
26 program, program element, or purpose.
27 Sec. 19. Section 331.423, Code 2011, is amended by striking
28 the section and inserting in lieu thereof the following:
29 **331.423 Property tax dollars — maximums.**
30 1. Annually, the board shall determine separate property
31 tax levy limits to pay for general county services and rural
32 county services in accordance with this section. The property
33 tax levies separately certified for general county services and
34 rural county services under section 331.434 shall not raise
35 property tax dollars that exceed the amount determined under

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1 this section.
2 2. For purposes of this section and section 331.423B, unless
3 the context otherwise requires:
4 *a. "Annual growth factor"* means an index, expressed as
5 a percentage, determined by the department of management by
6 January 1 of the calendar year in which the budget year begins.
7 In determining the annual growth factor, the department shall
8 calculate the average of the preceding twelve-month percentage
9 change, which shall be computed on a monthly basis, in the
10 midwest consumer price index, ending with the percentage change
11 for the month of November. The department shall then add that
12 average percentage change to one hundred percent. In no case,
13 however, shall the annual growth factor exceed one hundred four
14 percent.
15 *b. "Boundary adjustment"* means annexation, severance,
16 incorporation, or discontinuance as those terms are defined in
17 section 368.1.
18 *c. "Budget year"* is the fiscal year beginning during the
19 calendar year in which a budget is certified.
20 *d. "Current fiscal year"* is the fiscal year ending during
21 the calendar year in which a budget is certified.
22 *e. "Net new valuation taxes"* means the amount of property
23 tax dollars equal to the current fiscal year's levy rate in
24 the county for general county services or for rural county
25 services, as applicable, multiplied by the increase from the
26 current fiscal year to the budget year in taxable valuation due
27 to the following:
28 (1) Net new construction, excluding all incremental
29 valuation that is released in any one year from either a
30 division of revenue under section 260E.4 or an urban renewal
31 area for which taxes were being divided under section 403.19 if
32 the property for the valuation being released remains subject
33 to the division of revenue under section 260E.4 or remains part
34 of the urban renewal area that is subject to a division of
35 revenue under section 403.19.

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1 (2) Additions or improvements to existing structures.
2 (3) Remodeling of existing structures for which a building
3 permit is required.
4 (4) Net boundary adjustment.
5 (5) A municipality no longer dividing tax revenues in an
6 urban renewal area as provided in section 403.19 or a community
7 college no longer dividing revenues as provided in section
8 260E.4.
9 (6) That portion of taxable property located in an urban
10 revitalization area on which an exemption was allowed and such
11 exemption has expired.
12 3. *a.* For the fiscal year beginning July 1, 2013, and
13 subsequent fiscal years, the maximum amount of property tax
14 dollars which may be certified for levy by a county for general
15 county services and rural county services shall be the maximum
16 property tax dollars calculated under paragraphs *"b"* and *"c"*,
17 respectively.
18 *b.* The maximum property tax dollars that may be levied for
19 general county services is an amount equal to the sum of the
20 following:
21 (1) The annual growth factor times the current fiscal year's
22 maximum property tax dollars for general county services.
23 (2) The amount of net new valuation taxes in the county.
24 *c.* The maximum property tax dollars that may be levied for
25 rural county services is an amount equal to the sum of the
26 following:
27 (1) The annual growth factor times the current fiscal year's
28 maximum property tax dollars for rural county services.
29 (2) The amount of net new valuation taxes in the
30 unincorporated area of the county.
31 4. *a.* For purposes of calculating maximum property tax
32 dollars for general county services for the fiscal year
33 beginning July 1, 2013, only, the term *"current fiscal year's*
34 *maximum property tax dollars"* shall mean the total amount of
35 property tax dollars certified by the county for general county

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1 services for the fiscal year beginning July 1, 2012.
2 *b.* For purposes of calculating maximum property tax dollars
3 for rural county services for the fiscal year beginning July
4 1, 2013, only, the term *"current fiscal year's maximum property*
5 *tax dollars"* shall mean the total amount of property tax dollars
6 certified by the county for rural county services for the
7 fiscal year beginning July 1, 2012.
8 5. Property taxes certified for mental health, mental
9 retardation, and developmental disabilities services, the
10 emergency services fund in section 331.424C, the debt service
11 fund in section 331.430, any capital projects fund established
12 by the county for deposit of bond, loan, or note proceeds, and
13 any temporary increase approved pursuant to section 331.424,
14 are not included in the maximum amount of property tax dollars
15 that may be certified for a budget year under subsection 3.
16 6. The department of management, in consultation with the
17 county finance committee, shall adopt rules to administer this
18 section. The department shall prescribe forms to be used by
19 counties when making calculations required by this section.
20 Sec. 20. NEW SECTION. **331.423B Ending fund balance.**
21 1. *a.* Budgeted ending fund balances for a budget year
22 in excess of twenty-five percent of budgeted expenditures in
23 either the general fund or rural services fund for that budget
24 year shall be explicitly reserved or designated for a specific
25 purpose.
26 *b.* A county is encouraged, but not required, to reduce
27 budgeted, unreserved, or undesignated ending fund balances for
28 the budget year to an amount equal to approximately twenty-five
29 percent of budgeted expenditures and transfers from the general
30 fund and rural services fund for that budget year unless a
31 decision is certified by the state appeal board ordering a
32 reduction in the ending fund balance of any of those funds.
33 *c.* In a protest to the county budget under section 331.436,
34 the county shall have the burden of proving that the budgeted
35 balances in excess of twenty-five percent are reasonably likely

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1 to be appropriated for the explicitly reserved or designated
2 specific purpose. The excess budgeted balance for the specific
3 purpose shall be considered an increase in an item in the
4 budget for purposes of section 24.28.
5 2. *a.* For a county that has, as of June 30, 2012, reduced
6 its actual ending fund balance to less than twenty-five
7 percent of actual expenditures, additional property taxes may
8 be computed and levied as provided in this subsection. The
9 additional property tax levy amount is an amount not to exceed
10 twenty-five percent of actual expenditures from the general
11 fund and rural services fund for the fiscal year beginning July
12 1, 2011, minus the combined ending fund balances for those
13 funds for that year.
14 *b.* The amount of the additional property taxes shall be
15 apportioned between the general fund and the rural services
16 fund. However, the amount apportioned for general county
17 services and for rural county services shall not exceed for
18 each fund twenty-five percent of actual expenditures for the
19 fiscal year beginning July 1, 2011.
20 *c.* All or a portion of additional property tax dollars
21 may be levied for the purpose of increasing cash reserves
22 for general county services and rural county services in the
23 budget year. The additional property tax dollars authorized
24 under this subsection but not levied may be carried forward as
25 unused ending fund balance taxing authority until and for the
26 fiscal year beginning July 1, 2018. The amount carried forward
27 shall not exceed twenty-five percent of the maximum amount of
28 property tax dollars available in the current fiscal year.
29 Additionally, property taxes that are levied as unused ending
30 fund balance taxing authority under this subsection may be the
31 subject of a protest under section 331.436, and the amount
32 will be considered an increase in an item in the budget for
33 purposes of section 24.28. The amount of additional property
34 taxes levied under this subsection shall not be included in the
35 computation of the maximum amount of property tax dollars which

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1 may be certified and levied under section 331.423.
2 Sec. 21. Section 331.424, Code 2011, is amended by striking
3 the section and inserting in lieu thereof the following:
4 **331.424 Authority to levy beyond maximum property tax**
5 **dollars.**
6 1. The board may certify additions to the maximum amount
7 of property tax dollars to be levied for a period of time not
8 to exceed two years if the proposition has been submitted at a
9 special election and received a favorable majority of the votes
10 cast on the proposition.
11 2. The special election is subject to the following:
12 *a.* The board must give at least thirty-two days' notice to
13 the county commissioner of elections that the special election
14 is to be held. In no case, however, shall a notice be given to
15 the county commissioner of elections after December 31 for an
16 election on a proposition to exceed the statutory limits during
17 the fiscal year beginning in the next calendar year.
18 *b.* The special election shall be conducted by the county
19 commissioner of elections in accordance with law.
20 *c.* The proposition to be submitted shall be substantially
21 in the following form:
22 Vote "yes" or "no" on the following: Shall the county of
23 _____ levy for an additional $_____ each year for ___ years
24 beginning July 1, _____, in excess of the statutory limits
25 otherwise applicable for the (general county services or rural
26 services) fund?
27 *d.* The canvass shall be held beginning at 1:00 p.m. on
28 the second day which is not a holiday following the special
29 election.
30 *e.* Notice of the special election shall be published at
31 least once in a newspaper as specified in section 331.305 prior
32 to the date of the special election. The notice shall appear
33 as early as practicable after the board has voted to submit
34 a proposition to the voters to levy additional property tax
35 dollars.

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1 3. Registered voters in the county may vote on the
2 proposition to increase property taxes for the general fund
3 in excess of the statutory limit. Registered voters residing
4 outside the corporate limits of a city within the county may
5 vote on the proposition to increase property taxes for the
6 rural services fund in excess of the statutory limit.
7 4. The amount of additional property tax dollars certified
8 under this section shall not be included in the computation
9 of the maximum amount of property tax dollars which may be
10 certified and levied under section 331.423.
11 Sec. 22. Section 331.424A, subsection 4, Code Supplement
12 2011, is amended to read as follows:
13 4. For the fiscal year beginning July 1, 1996, and for each
14 subsequent fiscal year, the county shall certify a levy for
15 payment of services. For each fiscal year, county revenues
16 from taxes imposed by the county credited to the services fund
17 shall not exceed an amount equal to the amount of base year
18 expenditures for services as defined in section 331.438, less
19 the amount of property tax relief to be received pursuant to
20 section 426B.2, in the fiscal year for which the budget is
21 certified. The county auditor and the board of supervisors
22 shall reduce the amount of the levy certified for the services
23 fund by the amount of property tax relief to be received. A
24 levy certified under this section is not subject to ~~the appeal~~
25 ~~provisions of section 331.426 or to~~ any other provision in law
26 authorizing a county to exceed, increase, or appeal a property
27 tax levy limit.
28 Sec. 23. Section 331.427, subsection 3, paragraph 1, Code
29 2011, is amended to read as follows:
30 *1.* Services listed in section 331.424, subsection 1, Code
31 2011, and section 331.554.
32 Sec. 24. Section 331.428, subsection 2, paragraph d, Code
33 2011, is amended to read as follows:
34 *d.* Services listed under section 331.424, subsection 2, Code
35 2011.

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1 Sec. 25. Section 331.434, subsection 1, Code 2011, is
2 amended to read as follows:
3 1. The budget shall show the amount required for each class
4 of proposed expenditures, a comparison of the amounts proposed
5 to be expended with the amounts expended for like purposes for
6 the two preceding years, the revenues from sources other than
7 property taxation, and the amount to be raised by property
8 taxation, in the detail and form prescribed by the director
9 of the department of management. For each county that has
10 established an urban renewal area, the budget shall include
11 estimated and actual tax increment financing revenues and all
12 estimated and actual expenditures of the revenues, proceeds
13 from debt and all estimated and actual expenditures of the
14 debt proceeds, and identification of any entity receiving a
15 direct payment of taxes funded by tax increment financing
16 revenues and shall include the total amount of loans, advances,
17 indebtedness, or bonds outstanding at the close of the most
18 recently ended fiscal year, which qualify for payment from the
19 special fund created in section 403.19, including interest
20 negotiated on such loans, advances, indebtedness, or bonds.
21 For purposes of this subsection, *"indebtedness"* includes
22 written agreements whereby the county agrees to suspend, abate,
23 exempt, rebate, refund, or reimburse property taxes, provide
24 a grant for property taxes paid, or make a direct payment
25 of taxes, with moneys in the special fund. The amount of
26 loans, advances, indebtedness, or bonds shall be listed in
27 the aggregate for each county reporting. ~~The county finance~~
28 ~~committee, in consultation with the department of management~~
29 ~~and the legislative services agency, shall determine reporting~~
30 ~~criteria and shall prepare a form for reports filed with the~~
31 ~~department pursuant to this section. The department shall make~~
32 ~~the information available by electronic means.~~
33 Sec. 26. Section 373.10, Code 2011, is amended to read as
34 follows:
35 **373.10 Taxing authority.**

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1 The metropolitan council shall have the authority to
2 levy city taxes to the extent the city tax levy authority
3 is transferred by the charter to the metropolitan council.
4 A member city shall transfer a portion of the city's tax
5 levy authorized under section 384.1 or 384.12, whichever is
6 applicable, to the metropolitan council. The maximum ~~rates~~
7 amount of taxes authorized to be levied under ~~sections~~ section
8 384.1 and the taxes authorized to be levied under section
9 384.12 by a member city shall be reduced by an amount equal to
10 the rates of the same or similar taxes levied in the city by the
11 metropolitan council.
12 Sec. 27. Section 384.1, Code 2011, is amended by striking
13 the section and inserting in lieu thereof the following:
14 **384.1 Property tax dollars — maximums.**
15 1. A city shall certify taxes to be levied by the city
16 on all taxable property within the city limits, for all city
17 government purposes. Annually, the city council may certify
18 basic levies for city government purposes, subject to the
19 limitation on property tax dollars provided in this section.
20 2. For purposes of this section and section 384.1B, unless
21 the context otherwise requires:
22 *a. "Annual growth factor"* means an index, expressed as
23 a percentage, determined by the department of management by
24 January 1 of the calendar year in which the budget year begins.
25 In determining the annual growth factor, the department shall
26 calculate the average of the preceding twelve-month percentage
27 change, which shall be computed on a monthly basis, in the
28 midwest consumer price index, ending with the percentage change
29 for the month of November. The department shall then add that
30 average percentage change to one hundred percent. In no case,
31 however, shall the annual growth factor exceed one hundred four
32 percent.
33 *b. "Boundary adjustment"* means annexation, severance,
34 incorporation, or discontinuance as those terms are defined in
35 section 368.1.

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1 *c.* *"Budget year"* is the fiscal year beginning during the
2 calendar year in which a budget is certified.
3 *d.* *"Current fiscal year"* is the fiscal year ending during
4 the calendar year in which a budget is certified.
5 *e.* *"Net new valuation taxes"* means the amount of property
6 tax dollars equal to the current fiscal year's levy rate in the
7 city for the general fund multiplied by the increase from the
8 current fiscal year to the budget year in taxable valuation due
9 to the following:
10 (1) Net new construction, excluding all incremental
11 valuation that is released in any one year from either a
12 division of revenue under section 260E.4 or an urban renewal
13 area for which taxes were being divided under section 403.19 if
14 the property for the valuation being released remains subject
15 to the division of revenue under section 260E.4 or remains part
16 of the urban renewal area that is subject to a division of
17 revenue under section 403.19.
18 (2) Additions or improvements to existing structures.
19 (3) Remodeling of existing structures for which a building
20 permit is required.
21 (4) Net boundary adjustment.
22 (5) A municipality no longer dividing tax revenues in an
23 urban renewal area as provided in section 403.19 or a community
24 college no longer dividing revenues as provided in section
25 260E.4.
26 (6) That portion of taxable property located in an urban
27 revitalization area on which an exemption was allowed and such
28 exemption has expired.
29 3. *a.* For the fiscal year beginning July 1, 2013, and
30 subsequent fiscal years, the maximum amount of property
31 tax dollars which may be certified for levy by a city for
32 the general fund shall be the maximum property tax dollars
33 calculated under paragraph *"b"*.
34 *b.* The maximum property tax dollars that may be levied for
35 deposit in the general fund is an amount equal to the sum of the

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following:

(1) The annual growth factor times the current fiscal year's maximum property tax dollars for the general fund.

(2) The amount of net new valuation taxes in the city.

4. For purposes of calculating maximum property tax dollars for the city general fund for the fiscal year beginning July 1, 2013, only, the term *"current fiscal year's maximum property tax dollars"* shall mean the total amount of property tax dollars certified by the city for the city's general fund for the fiscal year beginning July 1, 2012.

5. Property taxes certified for deposit in the debt service fund in section 384.4, trust and agency funds in section 384.6, capital improvements reserve fund in section 384.7, the emergency fund in section 384.8, any capital projects fund established by the city for deposit of bond, loan, or note proceeds, any temporary increase approved pursuant to section 384.12A, property taxes collected from a voted levy in section 384.12, and property taxes levied under section 384.12, subsection 18, are not counted against the maximum amount of property tax dollars that may be certified for a fiscal year under subsection 3.

6. Notwithstanding the maximum amount of taxes a city may certify for levy, the tax levied by a city on tracts of land and improvements on the tracts of land used and assessed for agricultural or horticultural purposes shall not exceed three dollars and three-eighths cents per thousand dollars of assessed value in any year. Improvements located on such tracts of land and not used for agricultural or horticultural purposes and all residential dwellings are subject to the same rate of tax levied by the city on all other taxable property within the city.

7. The department of management, in consultation with the city finance committee, shall adopt rules to administer this section. The department shall prescribe forms to be used by cities when making calculations required by this section.

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1 Sec. 28. NEW SECTION. **384.1B Ending fund balance.**
2 1. *a.* Budgeted ending fund balances for a budget year in
3 excess of twenty-five percent of budgeted expenditures from the
4 general fund for that budget year shall be explicitly reserved
5 or designated for a specific purpose.
6 *b.* A city is encouraged, but not required, to reduce
7 budgeted, unreserved, or undesignated ending fund balances for
8 the budget year to an amount equal to approximately twenty-five
9 percent of budgeted expenditures and transfers from the general
10 fund for that budget year unless a decision is certified by
11 the state appeal board ordering a reduction in the ending fund
12 balance of the fund.
13 *c.* In a protest to the city budget under section 384.19,
14 the city shall have the burden of proving that the budgeted
15 balances in excess of twenty-five percent are reasonably likely
16 to be appropriated for the explicitly reserved or designated
17 specific purpose. The excess budgeted balance for the specific
18 purpose shall be considered an increase in an item in the
19 budget for purposes of section 24.28.
20 2. *a.* For a city that has, as of June 30, 2012, reduced its
21 ending fund balance to less than twenty-five percent of actual
22 expenditures, additional property taxes may be computed and
23 levied as provided in this subsection. The additional property
24 tax levy amount is an amount not to exceed the difference
25 between twenty-five percent of actual expenditures for city
26 government purposes for the fiscal year beginning July 1, 2011,
27 minus the ending fund balance for that year.
28 *b.* All or a portion of additional property tax dollars
29 may be levied for the purpose of increasing cash reserves for
30 city government purposes in the budget year. The additional
31 property tax dollars authorized under this subsection but not
32 levied may be carried forward as unused ending fund balance
33 taxing authority until and for the fiscal year beginning
34 July 1, 2018. The amount carried forward shall not exceed
35 twenty-five percent of the maximum amount of property tax

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1 dollars available in the current fiscal year. Additionally,
2 property taxes that are levied as unused ending fund balance
3 taxing authority under this subsection may be the subject of a
4 protest under section 384.19, and the amount will be considered
5 an increase in an item in the budget for purposes of section
6 24.28. The amount of additional property tax dollars levied
7 under this subsection shall not be included in the computation
8 of the maximum amount of property tax dollars which may be
9 certified and levied under section 384.1.
10 Sec. 29. Section 384.12, subsection 20, Code 2011, is
11 amended by striking the subsection.
12 Sec. 30. NEW SECTION. **384.12A Authority to levy beyond**
13 **maximum property tax dollars.**
14 1. The city council may certify additions to the maximum
15 amount of property tax dollars to be levied for a period of
16 time not to exceed two years if the proposition has been
17 submitted at a special election and received a favorable
18 majority of the votes cast on the proposition.
19 2. The special election is subject to the following:
20 *a.* The city council must give at least thirty-two days'
21 notice to the county commissioner of elections that the special
22 election is to be held. In no case, however, shall a notice be
23 given to the county commissioner of elections after December 31
24 for an election on a proposition to exceed the statutory limits
25 during the fiscal year beginning in the next calendar year.
26 *b.* The special election shall be conducted by the county
27 commissioner of elections in accordance with law.
28 *c.* The proposition to be submitted shall be substantially
29 in the following form:
30 Vote "yes" or "no" on the following: Shall the city of
31 _____ levy for an additional $_____ each year for ___ years
32 beginning next July 1, ____, in excess of the statutory limits
33 otherwise applicable for the city general fund?
34 *d.* The canvass shall be held beginning at 1:00 p.m. on
35 the second day which is not a holiday following the special

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1 election.
2 *e.* Notice of the special election shall be published at
3 least once in a newspaper as specified in section 362.3 prior
4 to the date of the special election. The notice shall appear
5 as early as practicable after the city council has voted to
6 submit a proposition to the voters to levy additional property
7 tax dollars.
8 3. The amount of additional property tax dollars certified
9 under this section shall not be included in the computation
10 of the maximum amount of property tax dollars which may be
11 certified and levied under section 384.1.
12 Sec. 31. Section 384.16, subsection 1, paragraph b, Code
13 2011, is amended to read as follows:
14 *b.* A budget must show comparisons between the estimated
15 expenditures in each program in the following year, the latest
16 estimated expenditures in each program in the current year,
17 and the actual expenditures in each program from the annual
18 report as provided in section 384.22, or as corrected by a
19 subsequent audit report. Wherever practicable, as provided in
20 rules of the committee, a budget must show comparisons between
21 the levels of service provided by each program as estimated for
22 the following year, and actual levels of service provided by
23 each program during the two preceding years. For each city
24 that has established an urban renewal area, the budget shall
25 include estimated and actual tax increment financing revenues
26 and all estimated and actual expenditures of the revenues,
27 proceeds from debt and all estimated and actual expenditures of
28 the debt proceeds, and identification of any entity receiving
29 a direct payment of taxes funded by tax increment financing
30 revenues and shall include the total amount of loans, advances,
31 indebtedness, or bonds outstanding at the close of the most
32 recently ended fiscal year, which qualify for payment from the
33 special fund created in section 403.19, including interest
34 negotiated on such loans, advances, indebtedness, or bonds.
35 The amount of loans, advances, indebtedness, or bonds shall

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1 be listed in the aggregate for each city reporting. ~~The city~~
2 ~~finance committee, in consultation with the department of~~
3 ~~management and the legislative services agency, shall determine~~
4 ~~reporting criteria and shall prepare a form for reports filed~~
5 ~~with the department pursuant to this section. The department~~
6 ~~shall make the information available by electronic means.~~
7 Sec. 32. Section 384.19, Code 2011, is amended by adding the
8 following new unnumbered paragraph:
9 NEW UNNUMBERED PARAGRAPH. For purposes of a tax protest
10 filed under this section, *"item"* means a budgeted expenditure,
11 appropriation, or cash reserve from a fund for a service area,
12 program, program element, or purpose.
13 Sec. 33. Section 386.8, Code 2011, is amended to read as
14 follows:
15 **386.8 Operation tax.**
16 A city may establish a self-supported improvement district
17 operation fund, and may certify taxes not to exceed the
18 rate limitation as established in the ordinance creating the
19 district, or any amendment thereto, each year to be levied
20 for the fund against all of the property in the district,
21 for the purpose of paying the administrative expenses of
22 the district, which may include but are not limited to
23 administrative personnel salaries, a separate administrative
24 office, planning costs including consultation fees, engineering
25 fees, architectural fees, and legal fees and all other expenses
26 reasonably associated with the administration of the district
27 and the fulfilling of the purposes of the district. The taxes
28 levied for this fund may also be used for the purpose of paying
29 maintenance expenses of improvements or self-liquidating
30 improvements for a specified length of time with one or more
31 options to renew if such is clearly stated in the petition
32 which requests the council to authorize construction of the
33 improvement or self-liquidating improvement, whether or not
34 such petition is combined with the petition requesting creation
35 of a district. Parcels of property which are assessed as

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1 residential property for property tax purposes are exempt from
2 the tax levied under this section except residential properties
3 within a duly designated historic district. A tax levied under
4 this section is not subject to the ~~levy~~ limitation in section
5 384.1.
6 Sec. 34. Section 386.9, Code 2011, is amended to read as
7 follows:
8 **386.9 Capital improvement tax.**
9 A city may establish a capital improvement fund for a
10 district and may certify taxes, not to exceed the rate
11 established by the ordinance creating the district, or any
12 subsequent amendment thereto, each year to be levied for
13 the fund against all of the property in the district, for
14 the purpose of accumulating moneys for the financing or
15 payment of a part or all of the costs of any improvement or
16 self-liquidating improvement. However, parcels of property
17 which are assessed as residential property for property tax
18 purposes are exempt from the tax levied under this section
19 except residential properties within a duly designated historic
20 district. A tax levied under this section is not subject to
21 the ~~levy~~ limitations in section 384.1 or 384.7.
22 Sec. 35. REPEAL. Sections 331.425 and 331.426, Code 2011,
23 are repealed.
24 Sec. 36. APPLICABILITY. This division of this Act applies
25 to fiscal years beginning on or after July 1, 2013.
26 EXPLANATION
27 This bill relates to state and local government finances
28 by increasing the regular program foundation base percentage,
29 establishing a property tax exemption for commercial and
30 industrial property, and establishing property tax levy limits
31 for cities and counties.
32 Division I of the bill provides for an increase in the
33 regular program foundation base under the state school
34 foundation program. The foundation base is the specified
35 percentage of the state cost per pupil calculation which is

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1 paid as state aid to school districts, above and beyond the
2 uniform property tax levy imposed in Code section 257.3.
3 Beginning with the budget year commencing July 1, 2013, the
4 increase is phased in over a seven-year period in annual
5 increments, from the current foundation base level of 87.5
6 percent to the level of 100 percent in the seventh year.
7 Division I of the bill provides that the department of
8 management's determination of an adjusted additional property
9 tax levy and a statewide maximum adjusted additional property
10 tax levy rate only applies to budget years beginning before
11 July 1, 2019. The bill also provides that adjusted additional
12 property tax levy aid to school districts is only provided for
13 budget years beginning before July 1, 2019. The elimination
14 of adjusted additional property tax levy aid is the result of
15 the regular program foundation base percentage reaching 100
16 percent.
17 Division I of the bill sunsets the annual appropriation of
18 $24 million for adjusted additional property tax levy aid under
19 Code section 257.15(4) for the fiscal year beginning July 1,
20 2019, and thereafter, and provides that if the state foundation
21 base percentage is 100 percent, the department of management
22 shall deposit those remaining funds allocated for adjusted
23 additional property tax levy aid in the taxpayers trust fund.
24 Division I of the bill specifies that any moneys in the
25 property tax equity and relief fund established under Code
26 section 257.16A on June 30, 2019, shall be deposited by the
27 department of management in the taxpayers trust fund.
28 Division I of the bill provides that moneys collected in a
29 fiscal year beginning before July 1, 2017, in the secure an
30 advanced vision for education fund (SAVE) that are in excess of
31 that needed to provide each school district with its formula
32 amount continue, as under current law, to be distributed and
33 credited to the property tax equity and relief fund created
34 in Code section 257.16A. The bill provides that such excess
35 moneys collected in a fiscal year beginning on or after July 1,

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1 2017, shall be deposited in the taxpayers trust fund.
2 Division II of the bill establishes a property tax exemption
3 for property that is improved with permanent construction and
4 classified for property tax purposes as commercial property
5 or industrial property. For assessment years beginning on
6 or after January 1, 2013, but before January 1, 2020, the
7 exemption is limited to an amount of actual value of the
8 permanent improvements to the property equal to 20 percent of
9 the exemption base as defined in the bill. For assessment
10 years beginning on or after January 1, 2020, the exemption
11 is limited to an amount of actual value of the permanent
12 improvements to the property equal to 40 percent of the
13 exemption base as defined in the bill. The exemption base
14 used to determine the amount of the exemption is an amount
15 specified in the bill for the applicable assessment year or the
16 actual value of the permanent improvements to the property,
17 whichever is less. The amount specified for determining the
18 exemption base for the assessment year beginning January 1,
19 2013, is $100,000, and the amount specified for determining the
20 exemption base is increased each assessment year thereafter
21 by varying amounts until the amount specified for determining
22 the exemption base is equal to $1 million for the assessment
23 year beginning January 1, 2019. The amount specified for
24 determining the exemption base for the assessment year
25 beginning January 1, 2020, is $500,000, and the amount
26 specified for determining the exemption base is increased
27 each assessment year thereafter by varying amounts until the
28 amount specified for determining the exemption base is equal to
29 $7,500,000 for the assessment year beginning January 1, 2025.
30 For assessment years beginning on or after January 1, 2026, the
31 exemption base is equal to the actual value of the permanent
32 improvements to the property.
33 Division II provides for certain reductions in the amount of
34 the exemption if the eligible property also receives a property
35 tax exemption under another provision of law for the same

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1 assessment year. The exemption provided under division II of
2 the bill does not apply to wind energy conversion property as
3 defined in Code section 427B.26.
4 Division II of the bill directs the county auditor to
5 calculate the amount of the exemption for each eligible
6 property.
7 Division II of the bill provides that the provisions in
8 Code section 25B.7, relating to the obligation of the state
9 to reimburse local jurisdictions for property tax credits and
10 exemptions, does not apply to the exemption in division II of
11 the bill.
12 Division II of the bill applies to assessment years
13 beginning on or after January 1, 2013.
14 Division III of the bill removes the property tax levy rate
15 limitations on the general and rural funds for counties and on
16 the general fund for cities and substitutes a limitation on the
17 maximum amount of property tax dollars that may be certified
18 for expenditure by a county or city for fiscal years beginning
19 on or after July 1, 2013. For the fiscal year beginning July
20 1, 2013, and subsequent fiscal years, the maximum amount of
21 property tax dollars which may be certified for levy shall be
22 an amount equal to the sum of the current fiscal year's total
23 property tax dollars certified by the county multiplied by the
24 annual growth factor, as defined in the bill, and the amount of
25 net new valuation taxes, as defined in the bill.
26 Division III also allows counties and cities to certify
27 additions to the maximum amount of property tax dollars to be
28 levied for a period of time not to exceed two years if the
29 proposition has been approved at a special election. The bill
30 specifies the notice and election requirements for such a
31 proposition. The bill specifies that such amounts approved at
32 special election are not to be included in the computation of
33 the maximum amount of property tax dollars for future budget
34 years.
35 Division III of the bill specifies certain requirements

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1 for ending fund balances for counties and cities. The bill
2 provides that budgeted ending fund balances in certain
3 specified funds for a budget year in excess of 25 percent
4 of budgeted expenditures shall be explicitly reserved or
5 designated for a specific purpose.
6 Under the bill, counties and cities are encouraged, but
7 not required, to reduce budgeted, unreserved, or undesignated
8 ending fund balances for the budget year to an amount equal to
9 approximately 25 percent of budgeted expenditures and certain
10 transfers for that budget year unless a decision is certified
11 by the state appeal board ordering a reduction in the ending
12 fund balance of any of those funds. The county or city,
13 as applicable, has the burden of proving that the budgeted
14 balances in excess of 25 percent are reasonably likely to be
15 appropriated for the explicitly reserved or designated specific
16 purpose.
17 Division III of the bill also allows for additional property
18 taxes to be levied in certain fiscal years for those counties
19 or cities that have, as of June 30, 2012, reduced their
20 actual ending fund balance to less than 25 percent of actual
21 expenditures. Such additional property tax dollars authorized
22 but not levied may be carried forward as unused ending
23 fund balance taxing authority until and for the fiscal year
24 beginning July 1, 2018. However, the amount carried forward
25 shall not exceed 25 percent of the maximum amount of property
26 tax dollars available in the current fiscal year. The amount
27 of such additional property taxes levied shall not, however, be
28 included in the computation of the maximum amount of property
29 tax dollars which may be certified and levied in future budget
30 years.
31 Division III also makes conforming amendments to other
32 provisions of the Code.
33 Division III strikes language relating to the duties of the
34 county finance committee and the city finance committee to
35 determine criteria for reporting of certain indebtedness and

H.F. _____

1 strikes language requiring the department of management to make
2 such information available by electronic means.
3 Division III applies to fiscal years beginning on or after
4 July 1, 2013.

## House Study Bill 501 - Introduced

HOUSE CONCURRENT RESOLUTION NO. _____
BY (PROPOSED COMMITTEE ON ADMINISTRATION AND RULES
RESOLUTION BY CHAIRPERSON SCHULTE)

A Concurrent Resolution amending the joint rules of the Senate and House of Representatives relating to session timetable changes.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That Rule 20, subsections 2 and 3, of the Joint Rules of the Senate and House of Representatives, as adopted by the Senate and House of Representatives during the 2011 Session in House Concurrent Resolution 12, are amended to read as follows:

2. To be placed on the calendar in the house of origin, a bill must be first reported out of a standing committee by Friday of the 8th week of the first session and the ~~8th~~ 7th week of the second session. To be placed on the calendar in the other house, a bill must be first reported out of a standing committee by Friday of the 12th week of the first session and the ~~11th~~ 10th week of the second session.

3. During the 10th week of the first session and the ~~9th~~ 8th week of the second session, each house shall consider only bills originating in that house and unfinished business. During the 13th week of the first session and the ~~12th~~ 11th week of the second session, each house shall consider only bills originating in the other house and unfinished business. Beginning with the 14th week of the first session and the ~~13th~~ 12th week of the second session, each house shall consider

H.C.R. _____

1 only bills passed by both houses, bills exempt from
2 subsection 2, and unfinished business.

## House Study Bill 502 - Introduced

HOUSE RESOLUTION NO. _____

BY (PROPOSED COMMITTEE ON ADMINISTRATION AND RULES RESOLUTION BY CHAIRPERSON SCHULTE)

A Resolution amending the permanent rules of the House of Representatives relating to requirements for consideration of amendments.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That Rule 31, subsection 8, of the Rules of the House, as adopted by the House of Representatives during the 2011 Session in House Resolution 11, is amended to read as follows:

8. No amendment to the rules of the house, to any resolution or bill, except technical amendments and amendments to bills substituted for by senate files containing substantially identical title, language, subject matter, purpose and intrasectional arrangement, shall be considered by the membership of the house without a copy of the amendment having been filed with the chief clerk by 4:00 p.m. or within one-half hour of adjournment, whichever is later, on the day preceding floor debate on the amendment. If the house adjourns prior to 2:00 p.m. on Friday, the final deadline is two hours after adjournment. However, committee amendments filed pursuant to the submission of the committee report may be accepted after this deadline. This provision shall not apply to any proposal debated on the floor of the house after the thirteenth week of the first session and the ~~twelfth~~ eleventh week of the second session. No amendment or amendment to an amendment to a bill,

H.R. _____

1 rule of the house, or resolution shall be considered
2 by the membership of the house without a copy of the
3 amendment being on the desks of the entire membership
4 of the house prior to consideration. However, the
5 membership of the house may consider an amendment or an
6 amendment to an amendment to a bill, rule of the house,
7 or resolution without a copy of the amendment being
8 on the desks of the entire membership of the house
9 prior to consideration if a copy of the amendment is
10 made available to the entire membership of the house
11 electronically.

## Senate File 2001 - Introduced

SENATE FILE 2001
BY KIBBIE

(COMPANION TO HF 445 BY
WITTNEBEN)

### A BILL FOR

1 An Act relating to the return of refund values to consumers for
2 empty beverage containers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5161XS (2) 84
tm/nh

S.F. 2001

1 Section 1. Section 455C.2, subsection 1, Code 2011, is
2 amended to read as follows:
3 1. A refund value of not less than five cents shall be paid
4 by the consumer on each beverage container sold in this state
5 by a dealer for consumption off the premises. Upon return
6 of the empty beverage container upon which a refund value
7 has been paid to the dealer or person operating a redemption
8 center and acceptance of the empty beverage container by the
9 dealer or person operating a redemption center, the dealer ~~or~~
10 ~~person operating a redemption center~~ shall return the amount
11 of the refund value to the consumer and the person operating a
12 redemption center shall pay a refund value to the consumer of
13 not less than four cents as determined by the person operating
14 a redemption center.
15 Sec. 2. Section 455C.5, subsection 1, Code 2011, is amended
16 to read as follows:
17 1. Each beverage container sold or offered for sale in
18 this state by a dealer shall clearly indicate by embossing or
19 by a stamp, label, or other method securely affixed to the
20 container, the refund value of the container that must be paid
21 by the consumer. The department shall specify, by rule, the
22 minimum size of the refund value indication on the beverage
23 containers.
24 Sec. 3. Section 455C.6, subsection 1, Code 2011, is amended
25 to read as follows:
26 1. To facilitate the return of empty beverage containers
27 and to serve dealers of beverages, any person may establish a
28 redemption center, subject to the approval of the department,
29 at which consumers may return empty beverage containers and
30 receive payment of the refund value of such beverage containers
31 in an amount determined pursuant to section 455C.2, subsection
32 1, by the person operating the redemption center.
33 Sec. 4. Section 455C.7, Code 2011, is amended to read as
34 follows:
35 **455C.7 Unapproved redemption centers.**

S.F. 2001

1 Any person may establish a redemption center which has
2 not been approved by the department, at which a consumer may
3 return empty beverage containers and receive payment of the
4 refund value of the beverage containers in an amount determined
5 pursuant to section 455C.2, subsection 1, by the person
6 operating the redemption center. The establishment of an
7 unapproved redemption center shall not relieve any dealer from
8 the responsibility of redeeming any empty beverage containers
9 of the kind and brand sold by the dealer.
10 EXPLANATION
11 This bill relates to the return of refund values to consumers
12 for empty beverage containers.
13 The bill allows a person operating a redemption center to
14 determine the amount of refund value of not less than 4 cents
15 that may be paid to a consumer upon the return of an empty
16 beverage container. The bill provides that beverage containers
17 sold or offered for sale in this state must clearly indicate
18 the refund value of the container that must be paid by the
19 consumer.

**Senate File 2002 - Introduced**

SENATE FILE 2002
BY HANCOCK

## A BILL FOR

1 An Act relating to an appropriation to the department of
2 natural resources for dam restoration and reconstruction.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5008XS (4) 84
rh/tm

S.F. 2002

1 Section 1. APPROPRIATION — DEPARTMENT OF NATURAL
2 RESOURCES. There is appropriated from the rebuild Iowa
3 infrastructure fund to the department of natural resources for
4 the following fiscal years, the following amounts, or so much
5 thereof as is necessary, to be used for dam restoration and
6 reconstruction in a county with a population between 17,700 and
7 17,800, as determined by the 2010 federal decennial census, for
8 a lake with public access that has the support of a benefited
9 lake district:
10 FY 2012-2013..... $ $2,500,000
11 FY 2013-2014..... $ $2,500,000
12 Moneys appropriated in this section are contingent upon
13 receipt of matching funds from other sources.
14 Sec. 2. REVERSION. For purposes of section 8.33, unless
15 specifically provided otherwise, unencumbered or unobligated
16 moneys made from an appropriation in this Act shall not revert
17 but shall remain available for expenditure for the purposes
18 designated until the close of the fiscal year that ends
19 three years after the end of the fiscal year for which the
20 appropriation is made. However, if the project or projects for
21 which such appropriation was made are completed in an earlier
22 fiscal year, unencumbered or unobligated moneys shall revert at
23 the close of that same fiscal year.
24 EXPLANATION
25 This bill appropriates $2.5 million from the rebuild Iowa
26 infrastructure fund to the department of natural resources
27 for FY 2012-2013 and FY 2013-2014 for dam restoration and
28 reconstruction in a county with a population between 17,700 and
29 17,800, as determined by the 2010 federal decennial census, for
30 a lake with public access that has the support of a benefited
31 lake district, contingent upon the receipt of matching funds
32 from other sources.
33 For purposes of Code section 8.33, unless specifically
34 provided otherwise, unencumbered or unobligated moneys made
35 from an appropriation in this bill shall not revert but shall

S.F. 2002

1 remain available for expenditure for the purposes designated
2 until the close of the fiscal year that ends three years
3 after the end of the fiscal year for which the appropriation
4 is made. However, if the project or projects for which such
5 appropriation was made are completed in an earlier fiscal year,
6 unencumbered or unobligated moneys shall revert at the close of
7 that same fiscal year.

## Senate File 2003 - Introduced

SENATE FILE 2003
BY SCHOENJAHN

### A BILL FOR

1 An Act providing for the use of flashing white lights on motor
2 vehicles owned by certain on-call health care professionals,
3 and making a penalty applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5102SS (1) 84
dea/nh

S.F. 2003

1 Section 1. Section 321.423, subsection 1, Code 2011, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. *0c. "Health care professional"* means as
4 defined in section 135.157.
5 Sec. 2. Section 321.423, subsection 7, paragraph a, Code
6 2011, is amended by adding the following new subparagraph:
7 NEW SUBPARAGRAPH. (4) On a vehicle authorized by the
8 director of public health when all of the following apply:
9 (a) The vehicle is owned by a health care professional who
10 is employed by a hospital licensed under chapter 135B.
11 (b) The request is made by the health care professional on
12 forms provided by the department of public health.
13 (c) The necessity for authorization is demonstrated in the
14 request.
15 (d) The hospital certifies that the health care
16 professional is an employee in good standing; certifies that
17 in the regular course of employment with the hospital, the
18 health care professional is required to be on-call for medical
19 emergencies; and recommends that the authorization be granted.
20 Sec. 3. Section 321.423, subsection 7, paragraph b, Code
21 2011, is amended to read as follows:
22 *b.* The ~~Iowa~~ department of public health shall adopt
23 rules to establish issuance standards, including allowing
24 hospitals and local emergency medical service providers to
25 issue certificates of authorization, and shall adopt rules to
26 establish certificate of authorization revocation procedures.
27 EXPLANATION
28 This bill allows certain on-call health care professionals
29 employed by a licensed hospital to use flashing white lights on
30 a personal motor vehicle when responding to an emergency. The
31 bill defines "health care professional" to mean a person who is
32 licensed, certified, or otherwise authorized or permitted by
33 the law of this state to administer health care in the ordinary
34 course of business or in the practice of a profession.
35 Under the bill, the director of public health may authorize

S.F. 2003

1 the use of flashing white lights on a vehicle owned by a health
2 care professional in a manner similar to the process currently
3 in place for members of an ambulance, rescue, or first response
4 service. The health care professional's application to the
5 department of public health must demonstrate a necessity
6 for authorization. The hospital that employs the health
7 care professional must recommend that the authorization be
8 granted and must certify that the health care professional is
9 an employee in good standing and, in the regular course of
10 employment, is required to be on-call for medical emergencies.
11 The bill authorizes the department to adopt rules
12 establishing standards for the issuance of certificates of
13 authorization by hospitals and establishing procedures for
14 revocation of certificates of authorization.
15 The authorized use of flashing white lights on a motor
16 vehicle identifies the vehicle as being operated in the course
17 of an emergency, but does not authorize the driver to operate
18 the vehicle in violation of traffic laws. Pursuant to current
19 law, the unauthorized use of flashing white lights on a motor
20 vehicle is a simple misdemeanor punishable by a scheduled fine
21 of $30.

## Senate File 2004 - Introduced

SENATE FILE 2004
BY McCOY

### A BILL FOR

1 An Act relating to parentage information included on a birth
2 certificate.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5211XS (3) 84
pf/nh

S.F. 2004

1 Section 1. Section 144.13, Code 2011, is amended to read as
2 follows:
3 **144.13 Birth certificates.**
4 1. Certificates of births shall be filed as follows:
5 *a.* A certificate of birth for each live birth which occurs
6 in this state shall be filed as directed by the state registrar
7 within seven days after the birth and shall be registered by
8 the county registrar if it has been completed and filed in
9 accordance with this chapter.
10 *b.* When a birth occurs in an institution or en route to an
11 institution, the person in charge of the institution or the
12 person's designated representative, shall obtain the personal
13 data, prepare the certificate, and file the certificate as
14 directed by the state registrar. The physician in attendance
15 or the person in charge of the institution or the person's
16 designee shall certify to the facts of birth either by
17 signature or as otherwise authorized by rule and provide the
18 medical information required by the certificate within seven
19 days after the birth.
20 *c.* When a birth occurs outside an institution and not en
21 route to an institution, the certificate shall be prepared
22 and filed by one of the following in the indicated order of
23 priority:
24 (1) The physician in attendance at or immediately after the
25 birth.
26 (2) Any other person in attendance at or immediately after
27 the birth.
28 (3) ~~The father or the mother~~ A parent.
29 (4) The person in charge of the premises where the birth
30 occurred. The state registrar shall establish by rule the
31 evidence required to establish the facts of birth.
32 *d.* The state registrar may share information from birth
33 certificates for the sole purpose of identifying those children
34 in need of immunizations.
35 *e.* If an affidavit of paternity is obtained directly from

S.F. 2004

the county registrar and is filed pursuant to section 252A.3A the county registrar shall forward the original affidavit to the state registrar.

2. If the birth mother was married at the time of conception, birth, or at any time during the period between conception and birth, the name of the ~~husband~~ birth mother's spouse shall be entered on the certificate as the ~~father~~ other parent of the child ~~unless~~. However, if paternity has been determined otherwise by a court of competent jurisdiction, ~~in which case~~ the name of the father as determined by the court shall be entered by the department as the other parent.

3. If the birth mother was not married at the time of conception, birth, and at any time during the period between conception and birth, the name of the ~~father~~ other parent shall not be entered on the certificate of birth~~, unless~~. However, if a determination of paternity has been made pursuant to section 252A.3, ~~in which case~~ the name of the father as established shall be entered by the department as the other parent. If the ~~father~~ other parent is not named on the certificate of birth, no other information about the ~~father~~ other parent shall be entered on the certificate.

3A. The division shall provide birth certificate application forms that include a designation for each parent as mother, father, or parent.

4. The division shall make all of the following available to the child support recovery unit, upon request:

*a.* A copy of a child's birth certificate.

*b.* The social security ~~numbers~~ number of ~~the mother and the father~~ each parent.

*c.* A copy of the affidavit of paternity if filed pursuant to section 252A.3A and any subsequent recision form which rescinds the affidavit.

*d.* Information, other than information for medical and health use only, identified on a child's birth certificate or on an affidavit of paternity filed pursuant to section 252A.3A.

S.F. 2004

1 The information may be provided as mutually agreed upon by the
2 division and the child support recovery unit, including by
3 automated exchange.
4 Sec. 2. TASK FORCE — ISSUES RELATIVE TO SPOUSES
5 AND PARENTS. The legislative council is requested to
6 establish an interim task force to review the legal rights
7 and responsibilities of spouses and parents including but
8 not limited to the determination of parentage, support of
9 dependents, property rights, access to the courts, inheritance,
10 health decisions, contract rights, workplace benefits,
11 insurance coverage, retirement benefits, and taxation, to
12 determine any necessary changes in law, rule, or practice
13 necessitated by recognition of changing familial patterns and
14 advances in reproductive technology. The task force shall
15 include representatives of the legal profession, the courts,
16 insurance, business and industry, labor, consumers, and others
17 with interest or expertise in this area. The task force shall
18 submit a report of recommendations concerning these issues and
19 recommendations for any necessary legislation to the general
20 assembly by December 31, 2012.
21 EXPLANATION
22 This bill requires that if a birth mother was married at the
23 time of conception, birth, or at any time during the period
24 between conception and birth, the name of the birth mother's
25 spouse shall be entered on the birth certificate as the other
26 parent of the child. The bill provides, however, that if
27 paternity has been determined otherwise by a court of competent
28 jurisdiction, the name of the father as determined by the court
29 shall be entered by the department as the other parent.
30 Additionally, if the birth mother was not married at the time
31 of conception, birth, and at any time during the period between
32 conception and birth, the name of the other parent shall not
33 be entered on the certificate of birth. The bill provides,
34 however, that if a determination of paternity has been made,
35 the name of the father as established shall be entered by the

S.F. 2004

department as the other parent. If the other parent is not named on the certificate of birth, no other information about the other parent is to be entered on the certificate.

The bill also directs the division for records and statistics within the department of public health to provide birth certificate application forms that include a designation for each parent as mother, father, or parent.

The bill also requests the legislative council to establish an interim task force to review the legal rights and responsibilities of spouses and parents to determine any necessary changes in law, rule, or practice necessitated by recognition of changing familial patterns and advances in reproductive technology. The bill specifies the minimum representation for the task force and directs the task force to submit a report of recommendations concerning these issues and recommendations for any necessary legislation to the general assembly by December 31, 2012.

**Senate File 2005 - Introduced**

SENATE FILE 2005
BY BARTZ

## A BILL FOR

1 An Act relating to the duties, authority, and operations of
2 governmental entities and certain governmental enforcement
3 actions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5541XS (2) 84
md/sc

S.F. 2005

1 Section 1. SHORT TITLE AND INTENT.
2 1. This Act shall be known as the "Restructure or Eliminate
3 Frivolous, Obsolete, and Redundant Mandates in Governments
4 Act".
5 2. It is the intent of the general assembly to examine all
6 frivolous, obsolete, and redundant mandates in all levels of
7 government and take all necessary actions to restructure or
8 eliminate such mandates to create more efficient governments.
9 Sec. 2. Section 26.3, subsection 2, Code 2011, is amended
10 to read as follows:
11 2. A governmental entity shall have an engineer licensed
12 under chapter 542B, a landscape architect licensed under
13 chapter 544B, or an architect registered under chapter 544A
14 prepare plans and specifications, and calculate the estimated
15 total cost of a proposed public improvement. A governmental
16 entity shall ensure that a sufficient number of paper copies
17 of the project's contract documents, including all drawings,
18 plans, specifications, and estimated total costs of the
19 proposed public improvement are made available for distribution
20 ~~at no charge~~ to prospective bidders, subcontractor bidders,
21 suppliers, and contractor plan room services. If a deposit is
22 required as part of a paper contract documents distribution
23 policy by the public owner, the deposit shall not exceed two
24 hundred fifty dollars per set which shall be refunded upon
25 return of the contract documents within fourteen days after
26 award of the project. If the contract documents are not
27 returned in a timely manner and in a reusable condition, the
28 deposit shall be forfeited. The governmental entity shall
29 reimburse the landscape architect, architect, or professional
30 engineer for the actual costs of preparation and distribution
31 of plans and specifications.
32 Sec. 3. Section 29B.59, Code 2011, is amended to read as
33 follows:
34 **29B.59 Execution of confinement.**
35 1. A sentence of confinement adjudged by a military court,

S.F. 2005

whether or not the sentence includes discharge or dismissal, and whether or not the discharge or dismissal has been executed, may be carried into execution by confinement in any place of confinement under the control of any of the forces of the state military forces or in any jail, penitentiary, or prison designated for that purpose. Persons so confined in a jail, penitentiary, or prison are subject to the same discipline and treatment as persons confined or committed to the jail, penitentiary, or prison by the courts of the state or of any political subdivision ~~thereof~~ of the state.

2. The omission of the words "hard labor" from any sentence or punishment of a court-martial adjudging confinement does not deprive the authority executing that sentence or punishment of the power to require hard labor as a part of the punishment.

3. The keepers, officer, and wardens of city or county jails and of other jails, penitentiaries, or prisons shall receive persons ordered into confinement before trial and persons committed to such confinement by a military court and shall confine them according to law. ~~No such~~ A keeper, officer, or warden may require payment of ~~any~~ a reasonable fee or charge for so receiving or confining a person.

Sec. 4. Section 142.3, Code 2011, is amended to read as follows:

**142.3 Notification of department.**

Every county medical examiner, funeral director or embalmer, and the managing officer of every public asylum, hospital, county care facility, penitentiary, or reformatory, as soon as any dead body shall come into the person's custody which may be used for scientific purposes as provided in sections 142.1 and 142.2, shall at once notify the nearest relative or friend of the deceased, if known, and the Iowa department of public health by ~~telegram~~ a secure notification format approved by the department, and hold such body unburied for forty-eight hours. Upon receipt of such ~~telegram~~ notification, the department shall ~~telegraph~~ transmit instructions relative

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to the disposition to be made of ~~said~~ the body. Complete jurisdiction over said bodies is vested exclusively in the Iowa department of public health. No autopsy or post mortem, except as are legally ordered by county medical examiners, shall be performed on any of said bodies prior to their delivery to the medical schools.

Sec. 5. Section 144.32, unnumbered paragraph 1, Code 2011, is amended to read as follows:

If a person other than a funeral director, medical examiner, or emergency medical service assumes custody of a dead body or fetus, the person shall secure a burial transit permit. To be valid, the burial transit permit must be issued by the county medical examiner~~,~~ or a funeral director~~, or the county registrar of the county where the certificate of death or fetal death was filed~~. The permit shall be obtained prior to the removal of the body or fetus from the place of death and the permit shall accompany the body or fetus to the place of final disposition.

Sec. 6. Section 191.7, Code 2011, is amended to read as follows:

**191.7 Enforcement of oleomargarine law.**

It shall be the duty of the secretary of agriculture and the secretary's agents to enforce this chapter ~~and of the county attorneys~~ and of the attorney general of the state to cooperate with the secretary in the enforcement of this chapter.

Sec. 7. Section 217.32, Code 2011, is amended to read as follows:

**217.32 Office space in county.**

Where the department of human services assigns personnel to an office located in a county for the purpose of performing in that county designated duties and responsibilities assigned by law to the department, it shall be the responsibility of the county to provide and maintain the necessary office space and office supplies and equipment for the personnel so assigned in the same manner as if they were employees of the county.

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The department shall at least annually, or more frequently if the department so elects, reimburse the county for ~~a portion, designated by law, of~~ the cost of maintaining office space and providing supplies and equipment as required by this section, and also for ~~a similar portion of~~ the cost of providing the necessary office space if in order to do so it is necessary for the county to lease office space outside the courthouse or any other building owned by the county. ~~The portion of the foregoing costs reimbursed to the county under this section shall be equivalent to the proportion of those costs which the federal government authorizes to be paid from available federal funds, unless the general assembly directs otherwise when appropriating funds for support of the department.~~

Sec. 8. Section 297.26, Code 2011, is amended to read as follows:

**297.26 Sale by department.**

Any school building or any school site, the title of which is vested in the state of Iowa by reason of it having been provided by state mining camp funds for schools in mining camps, ~~shall~~ may be sold at public or private sale by the department when the director of the department of education determines it is no longer needed for school purposes.

Sec. 9. Section 331.302, subsection 10, paragraph a, subparagraph (2), Code 2011, is amended to read as follows:

(2) If a proposed code of ordinances contains a proposed new ordinance or amendment, the board shall hold a public hearing on the proposed code before adoption. The auditor shall publish notice of the hearing as provided in section 331.305. Copies of the proposed code of ordinances shall be available at the auditor's office or on the auditor's internet site, and the notice shall so state. Within thirty days after the hearing, the board may adopt the proposed code of ordinances which becomes law upon publication of the ordinance adopting it. If the board substantially amends the proposed code of ordinances after a hearing, notice and hearing shall be repeated.

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Sec. 10. Section 331.302, subsection 10, paragraph b, Code 2011, is amended to read as follows:

*b.* Ordinances and amendments which become effective after adoption of a code of ordinances may be compiled as a supplement to the code, and upon adoption of the supplement by resolution, become part of the code of ordinances. In lieu of other publication, the supplement under this paragraph may be made available on the auditor's internet site.

Sec. 11. Section 331.302, subsection 10, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. *d.* The compilation of the code of ordinances required under this subsection may be accomplished by the use of electronic means and electronic publication.

Sec. 12. Section 331.602, subsection 27, Code 2011, is amended by striking the subsection.

Sec. 13. Section 331.653, subsection 27, Code 2011, is amended to read as follows:

27. Give notice of the time and place of making an appraisement of unneeded school land as provided in ~~sections~~ section 297.17 ~~and 297.28~~.

Sec. 14. Section 331.756, subsection 36, Code Supplement 2011, is amended by striking the subsection.

Sec. 15. Section 331.802, subsection 3, paragraph e, Code 2011, is amended to read as follows:

*e.* Death that has occurred ~~unexpectedly or~~ from an unexplained cause.

Sec. 16. Section 356.49, Code 2011, is amended to read as follows:

**356.49 Jail report.**

A county sheriff shall file, on a monthly basis, a ~~written~~ report with the director of the department of corrections. The report shall include, but not be restricted to, the total number of men, women, and juveniles held in the jail for the reporting month. The director shall adopt and provide a uniform reporting form to be utilized by county sheriffs.

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1 The director may require electronic filing of such reports by
2 county sheriffs.
3 Sec. 17. Section 380.8, subsection 1, paragraph b, Code
4 2011, is amended to read as follows:
5 *b.* A city may maintain a code of ordinances either by
6 compiling at least annually a supplement to the code of
7 ordinances consisting of all new ordinances and amendments to
8 ordinances which became effective during the previous year and
9 adopting the supplement by resolution or by adding at least
10 annually new ordinances and amendments to ordinances to the
11 code of ordinances itself. In lieu of other publication, the
12 supplement under this paragraph may be made available on the
13 city's internet site.
14 Sec. 18. Section 380.8, subsection 2, paragraph b, Code
15 2011, is amended to read as follows:
16 *b.* If a proposed code of ordinances contains a new ordinance
17 or an amendment to existing ordinances, the council shall
18 hold a public hearing on the proposed code before adoption.
19 The clerk shall publish notice of the hearing as provided in
20 section 362.3. Copies of the proposed code of ordinances
21 must be available at the city clerk's office or on the city's
22 internet site, and the notice must so state. Within thirty
23 days after the hearing, the council may adopt the proposed
24 code of ordinances. A new ordinance or an amendment to an
25 existing ordinance becomes effective upon publication of the
26 ordinance adopting the code of ordinances unless a subsequent
27 effective date is provided within an ordinance. If the council
28 substantially amends the proposed code of ordinances after the
29 hearing, notice and hearing must be repeated before the code
30 may be adopted.
31 Sec. 19. Section 380.8, Code 2011, is amended by adding the
32 following new subsection:
33 NEW SUBSECTION. 4. The compilation of the code of
34 ordinances required under this section may be accomplished by
35 the use of electronic means and electronic publication.

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1 Sec. 20. Section 380.10, subsections 1 and 3, Code 2011, are
2 amended to read as follows:
3 1. A city may adopt the provisions of any statewide or
4 nationally recognized standard code or portions of any such
5 code by an ordinance which identifies the code by subject
6 matter, source and date, and which incorporates the provisions
7 of the code or portions of the code by reference without
8 setting them forth in full. Copies of the proposed code or
9 portions of such code shall be available at the office of the
10 city clerk or on the city's internet site.
11 3. Copies of any portions of the Code of Iowa to be adopted
12 by reference shall be available at the city clerk's office or
13 on the city's internet site. The council shall hold a public
14 hearing on any proposed standard code or on the portions of any
15 standard code to be adopted by reference. The council shall
16 hold a public hearing on any portion of the Code of Iowa to
17 be adopted by reference. The clerk shall publish notice of
18 the hearing as provided in section 362.3. The notice must
19 state that copies of the proposed standard code or portions
20 thereof, or of the portion of the Iowa Code, are available at
21 the city clerk's office or on the city's internet site. If
22 the council substantially amends the proposed code after the
23 hearing, notice and hearing must be repeated before the code
24 may be adopted. Within thirty days after the hearing, the
25 council by ordinance may adopt the proposed code which becomes
26 effective upon publication of the ordinance adopting it, unless
27 a subsequent effective date is provided within the adopting
28 ordinance.
29 Sec. 21. Section 455B.103A, subsection 1, paragraph b, Code
30 2011, is amended to read as follows:
31 *b.* Following the effective date of a general permit, a
32 person proposing to conduct activities covered by the general
33 permit shall provide a notice of intent to conduct a covered
34 activity on a form provided by the department. ~~A person shall~~
35 ~~also provide public notice of intent to conduct activities~~

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1 ~~covered under the general permit by publishing notice in two~~
2 ~~newspapers with the largest circulation in the area in which~~
3 ~~the facility is located. Notice of the discontinuation of a~~
4 ~~permitted activity shall be provided in the same manner.~~
5 Sec. 22. Section 459.312, subsection 4, Code Supplement
6 2011, is amended by adding the following new paragraph:
7 NEW PARAGRAPH. *c.* A manure management plan required to be
8 delivered to a board of supervisors by the department or by the
9 person submitting the manure management plan may be delivered
10 electronically.
11 Sec. 23. Section 468.14, Code 2011, is amended to read as
12 follows:
13 **468.14 Notice of hearing.**
14 When any plan and report of the engineer has been approved
15 by the board, such approval shall be entered of record in its
16 proceedings as a tentative plan only for the establishment
17 of said improvement. Thereupon it shall enter an order
18 fixing a date for the hearing upon the petition not less
19 than forty days from the date of the order of approval, and
20 directing the auditor immediately to cause notice to be given
21 to the owner of each tract of land or lot within the proposed
22 levee or drainage district as shown by the transfer books
23 of the auditor's office, including railway companies having
24 right-of-way in the proposed district and to all lienholders
25 or encumbrancers of any land within the proposed district
26 without naming them, and also to all other persons whom it may
27 concern, and without naming individuals all actual occupants of
28 the land in the proposed district, of the pendency and prayer
29 of the said petition, including a statement describing the
30 favorable report thereon by the engineer, and that such report
31 may be amended before final action, the approval thereof by
32 the board as a tentative plan, and the day and the hour set
33 for hearing on said petition and report, and that all claims
34 for damages except claims for land required for right-of-way,
35 and all objections to the establishment of said district for

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any reason must be made in writing and filed in the office of the auditor at or before the time set for such hearing. The notice required under this section shall also include a statement describing the location and times that the engineer's report may be reviewed at either a county office or on a county internet site.

Sec. 24. Section 600B.23, Code 2011, is amended to read as follows:

**600B.23 Costs payable by county.**

If the finding of the court be in favor of the defendant the costs of the action shall be paid by the complainant, unless the complainant is deemed indigent by the court, then the costs of the action shall be paid by the county.

Sec. 25. Section 714.16, subsection 2, paragraph g, Code 2011, is amended to read as follows:

*g.* (1) It is an unlawful practice for a person to acquire directly or indirectly an interest in a business which has either gone out of business or is going out of business and conduct or continue a going-out-of-business sale where additional merchandise has been added to the merchandise of the liquidating business for the purposes of the sale, unless the person provides a clear and conspicuous notice in all advertisements that merchandise has been added. The advertisement shall also state the customary retail price of the merchandise that has been added or brought in for the sale. The person acquiring the interest shall obtain a permit to hold the sale before commencing the sale. If the sale is to be held in a city which has an ordinance regulating going-out-of-business sales, then the permit shall be obtained from the city. ~~If the sale is to be located outside of a city or in a city which does not have an ordinance regulating going-out-of-business sales, then the permit shall be obtained from the county in which the proposed sale is to be held. The county board of supervisors shall prescribe the procedures necessary to obtain the permit.~~ The permit shall state the

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1 percentage of merchandise for sale that was obtained from
2 the liquidating business and the percentage of merchandise
3 for sale that was added from other sources. The permit or
4 an accurate reproduction of the permit shall be clearly and
5 conspicuously posted at all entrances to the site of the sale
6 and at all locations where sales are consummated. A person who
7 violates this paragraph, including any misrepresentation of
8 the presence and the percentage of additional merchandise that
9 had been added to that of the liquidating company, is liable
10 for a civil penalty of not to exceed one thousand dollars for
11 each day of each violation. The civil penalties collected
12 shall be deposited in the general fund of the ~~political entity~~
13 city which prosecutes the violation. The civil penalty is
14 in addition to and not in lieu of any criminal penalty. A
15 ~~political entity~~ city enforcing this paragraph may obtain a
16 preliminary injunction without posting a bond to enjoin a
17 violation of paragraph "c" and this paragraph pending a hearing.
18 (2) This paragraph does not prohibit a city ~~or county~~
19 from adopting an ordinance prohibiting the conducting of a
20 going-out-of-business sale in which additional merchandise is
21 added to the merchandise of the liquidating business for the
22 purposes of the sale.
23 Sec. 26. REPEAL. Sections 207.11, 208.21, and sections
24 297.27 through 297.32, Code 2011, are repealed.
25 EXPLANATION
26 This bill relates to certain duties and operations of
27 governmental entities and related enforcement actions. The
28 bill is designated as the "Restructure or Eliminate Frivolous,
29 Obsolete, and Redundant Mandates in Governments Act". The
30 bill states that it is the intent of the general assembly to
31 examine all frivolous, obsolete, and redundant mandates in
32 all levels of government and take all necessary actions to
33 restructure or eliminate such mandates.
34 Under Code section 26.3 relating to competitive bidding
35 for public improvements, a governmental entity is required

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1 to provide a sufficient number of paper copies of the
2 project's contract documents, including all drawings, plans,
3 specifications, and estimated total costs. The bill strikes
4 the prohibition on governmental entities charging for providing
5 such items to prospective bidders, subcontractor bidders,
6 suppliers, and contractor plan room services.
7 Current Code section 29B.59 provides that city or county
8 jails and other jails, penitentiaries, or prisons must receive
9 persons ordered into confinement by a military court and
10 prohibits such jails, penitentiaries, or prisons from requiring
11 payment of a fee or charge for receiving or confining the
12 person. The bill allows such jails, penitentiaries, or prisons
13 to require a reasonable fee or charge in such situations.
14 Current Code section 142.3 requires a county medical
15 examiner, funeral director or embalmer, and the managing
16 officer of every public asylum, hospital, county care facility,
17 penitentiary, or reformatory, as soon as any dead body shall
18 come into the person's custody which may be used for scientific
19 purposes to notify the nearest relative or friend of the
20 deceased, if known, and the Iowa department of public health
21 by telegram. The bill allows such notification to occur by a
22 secure notification format approved by the department of public
23 health.
24 The bill removes the county registrar (county recorder) from
25 the list of persons who may issue a burial transit permit.
26 The bill removes the county attorney from those persons
27 required to enforce Code chapter 191 (oleomargarine law).
28 The bill repeals Code sections 207.11 and 208.21 relating to
29 agencies, political subdivisions, and publicly owned utilities
30 or corporations that engage in certain mining activities. Code
31 sections 207.11 and 208.21 subject such entities that engage in
32 mining to similar mining regulations as other mining entities.
33 Code section 217.32 requires the counties to provide
34 and maintain necessary office space and office supplies and
35 equipment for certain department of human services personnel

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that are assigned to duties in the county. Code section 217.32 further provides that the department of human services shall reimburse the county for a portion of such costs that is equivalent to the proportion of those costs which the federal government authorizes to be paid unless the general assembly directs otherwise. The bill requires reimbursement to the county of the total cost of maintaining the office space and providing supplies and equipment.

The bill repeals several Code sections relating to the disposition of certain state-owned buildings and school sites (provided by state mining camp funds for schools in mining camps). The bill provides that such property may be sold at public or private sale by the department of education when the director of the department of education determines that it is no longer needed for school purposes.

The bill amends provisions relating to the compilation of a code of ordinances by each county under Code section 331.302 and each city under Code section 380.8. The bill allows such compilation and related supplements to be accomplished by the use of electronic means and electronic publication. The bill also permits cities and counties to make certain standards and codes adopted by reference available on the entity's internet site.

The bill strikes a requirement that the county recorder carry out duties relating to the recordation of articles of incorporation and other instruments for savings and loan associations as provided in Code chapter 534.

The bill strikes a provision classifying an unexpected death as a death which affects the public interest. If a death is classified as a death that affects the public interest, the state or county medical examiner must be notified and a preliminary investigation of the death must be conducted.

Code section 356.49 requires the county sheriff to file a monthly written report with the director of the department of corrections relating to the total number of persons held in

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1 the jail. The bill allows the director of the department of
2 corrections to require electronic filing of such reports.
3 As a condition of the general permit under Code section
4 455B.103A, a person proposing to conduct activities covered
5 by a general permit is required to provide notice of intent
6 to conduct a covered activity to the department of natural
7 resources. The bill strikes the additional notice requirement
8 of publication in two newspapers with the largest circulation
9 in the area and the requirement that such notices be provided
10 and published when such activities are discontinued.
11 The bill allows certain manure management plans that are
12 required to be delivered to a county board of supervisors under
13 Code section 459.312(4) to be delivered electronically.
14 The bill specifies that notices provided by the county
15 auditor under Code section 468.14, relating to the approval
16 of a proposed levee and drainage district plan and engineer's
17 report, must include a statement describing the favorable
18 report of the engineer. Such notice must also include a
19 statement describing the location and times that the engineer's
20 report may be reviewed at either a county office or on a county
21 internet site.
22 The bill provides that in proceedings under Code chapter
23 600B (paternity and obligations for support) if the finding of
24 the court is in favor of the defendant the costs of the action
25 shall be paid by the complainant, unless the complainant is
26 deemed indigent, then the costs of the action are paid by the
27 county.
28 The bill strikes the requirement for counties to issue
29 going-out-of-business sale permits for such sales occurring in
30 a city that does not regulate going-out-of-business sales or in
31 the unincorporated areas of the county. The bill also strikes
32 other references to counties relating to the regulation of
33 going-out-of-business sales.

**Senate File 2006 - Introduced**

SENATE FILE 2006
BY JOHNSON

## A BILL FOR

1 An Act relating to driver's license requirements for persons
2 operating farm tractors.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5045XS (2) 84
dea/nh

S.F. 2006

1 Section 1. NEW SECTION. **321.176C Tractor operators exempt**
2 **from commercial driver's license requirements.**
3 Notwithstanding any other provision of law, a person is not
4 required to have a commercial driver's license in order to
5 operate a farm tractor. The department shall not adopt by rule
6 any federal regulation in contravention of this section.
7 EXPLANATION
8 Under current law, a person is not required to have a
9 driver's license in order to operate a farm tractor or
10 implement of husbandry to or from the home farm buildings to
11 any adjacent or nearby farmland for the exclusive purpose of
12 conducting farm operations. This bill prohibits requiring
13 a commercial driver's license for any operation of a farm
14 tractor. The bill further provides that if federal regulations
15 ever require a person to have a commercial driver's license
16 in order to operate a farm tractor, the department of
17 transportation shall not adopt such a federal regulation by
18 rule.

## Senate File 2007 - Introduced

SENATE FILE 2007
BY SCHOENJAHN

### A BILL FOR

1 An Act making an appropriation to the college student aid
2 commission for purposes of the national guard educational
3 assistance program and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5438XS (3) 84
kh/nh

S.F. 2007

1 Section 1. 2011 Iowa Acts, chapter 132, section 2,
2 subsection 4, is amended to read as follows:
3 4. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM
4 For purposes of providing national guard educational
5 assistance under the program established in section 261.86:
6 ..... $ ~~3,186,233~~
7 4,486,233
8 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
9 immediate importance, takes effect upon enactment.
10 EXPLANATION
11 This bill increases the FY 2011-2012 appropriation made
12 to the college student aid commission under 2011 Iowa Acts,
13 chapter 132 (House File 645), by $1.3 million. The program
14 provides educational assistance for members of the Iowa
15 national guard who are enrolled as undergraduate students in
16 a community college, a regents university, or an accredited
17 private institution.
18 The bill takes effect upon enactment.

**Senate File 2008 - Introduced**

SENATE FILE 2008
BY HORN

## A BILL FOR

1 An Act relating to inapplicability of the electrician licensure
2 requirements to certain manufactured and mobile homeowners.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5088XS (3) 84
rn/sc

S.F. 2008

1 Section 1. Section 103.22, subsection 7, Code 2011, is
2 amended to read as follows:
3 7. Prohibit an owner of property from performing work on the
4 owner's principal residence, if such residence is an existing
5 dwelling rather than new construction and is not an apartment
6 that is attached to any other apartment or building, as those
7 terms are defined in section 499B.2, and is not larger than a
8 single-family dwelling, or farm property, excluding commercial
9 or industrial installations or installations in public use
10 buildings or facilities, or require such owner to be licensed
11 under this chapter. In order to qualify for inapplicability
12 pursuant to this subsection, a residence shall qualify for the
13 homestead tax exemption, unless the residence is a manufactured
14 or mobile home as defined in section 435.1 to which the
15 exemption is inapplicable.
16 EXPLANATION
17 This bill relates to provisions contained in Code chapter
18 103 rendering otherwise applicable electrician licensure
19 provisions and requirements inapplicable under specified
20 circumstances.
21 Among other exemptions, the licensure requirements of
22 Code chapter 103 are not applicable to an owner of property
23 performing work on the owner's principal residence, as
24 principal residence is described in Code section 103.22,
25 subsection 7, provided that the principal residence qualifies
26 for the homestead tax exemption. The bill provides that work
27 done by the owner of a manufactured or mobile home which
28 constitutes the owner's principal residence, but for whom the
29 homestead tax exemption does not apply, will still qualify for
30 Code chapter 103 inapplicability.

## Senate Joint Resolution 2001 - Introduced

SENATE JOINT RESOLUTION 2001
BY JOINT ADMINISTRATIVE RULES
REVIEW COMMITTEE

### SENATE JOINT RESOLUTION

1 A Joint Resolution nullifying an administrative rule of the
2 natural resource commission prohibiting the use of lead shot
3 for hunting mourning doves and providing an effective date.
4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5021RS (4) 84
je/rj

S.J.R. 2001

1 Section 1. 571 Iowa administrative code, rule 97.6,
2 is nullified to read as follows:
3 **571—97.6 (481A) Dove season.** Open season for hunting
4 mourning doves and Eurasian collared-doves shall
5 begin on September 1 and continue for 70 consecutive
6 days. Shooting hours shall be from one-half hour
7 before sunrise to sunset each day. Daily bag limit
8 is 15; possession limit is 30. The entire state is
9 open. ~~No person shall take a mourning dove or Eurasian~~
10 ~~collared-dove on any land or water of the state of~~
11 ~~Iowa while having in one's possession any shot other~~
12 ~~than nontoxic approved by the United States Fish and~~
13 ~~Wildlife Service.~~
14 Sec. 2. EFFECTIVE DATE. This joint resolution,
15 being deemed of immediate importance, takes effect upon
16 enactment.
17 EXPLANATION
18 This joint resolution nullifies 571 IAC, rule
19 97.6, fifth sentence, in which the natural resource
20 commission prohibits the use of lead shot for hunting
21 mourning doves. Iowa Code sections 481A.38 and 481A.39
22 authorize the natural resource commission to regulate
23 methods of take in the hunting of authorized species.
24 The effective date of this portion of the rule was
25 delayed until the end of the 2012 session of the
26 general assembly by the administrative rules review
27 committee at its meeting on August 16, 2011.
28 The joint resolution takes effect upon enactment.