Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 09, 2012

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Senate File 413

H-8008

1 Amend Senate File 413, as amended by the Senate, as
2 follows:
3 1. Page 1, line 1, after <Code> by inserting
4 <Supplement>
5 2. Page 1, line 14, after <Code> by inserting
6 <Supplement>
7 3. Page 1, by striking lines 16 through 19 and
8 inserting:
9 <2. For the purposes consistent with this chapter,
10 the local emergency management agency's approved budget
11 ~~may~~ shall be funded by one or any combination of the
12 following options, as determined by the commission:>
13 4. Page 1, after line 27 by inserting:
14 <*e.* Other funding sources allowed by law.>
15 5. Page 2, line 10, after <Code> by inserting
16 <Supplement>

COMMITTEE ON LOCAL GOVERNMENT
WAGNER of Linn, Chairperson

Senate File 2071
H-8009

Amend Senate File 2071, as passed by the Senate, as follows:

1. Page 2, by striking lines 6 and 7 and inserting:
<..... $ 9,316,466>

2. Page 2, by striking lines 11 and 12 and inserting:
<..... $ 24,482,356>

3. Page 2, by striking lines 21 and 22 and inserting:
<..... $ 15,615,374>

4. Page 2, by striking lines 26 and 27 and inserting:
<..... $ 29,062,235>

5. Page 3, by striking lines 34 and 35 and inserting:
<..... $ 10,336,948>

6. Page 4, by striking lines 7 and 8 and inserting:
<..... $ 5,391,355>

7. Page 4, by striking lines 12 and 13 and inserting:
<..... $ 18,742,129>

8. By striking page 5, line 27, through page 6, line 2.

9. Page 7, by striking lines 13 through 17.

10. Page 8, before line 4 by inserting:

<DIVISION ___
STATE OPERATIONS EXPENSES — APPROPRIATION REDUCTIONS

Sec. ___. STATE AGENCY OPERATIONS EXPENSES.

1. For the purposes of this section, unless the context otherwise requires:

a. "Department" means the same as defined in section 8.2 but includes the judicial branch. "Department" does not include a department receiving a supplemental appropriation or appropriation reduction pursuant to an enactment by the Eighty-fourth General Assembly, 2012 Session, for the fiscal year beginning July 1, 2011, the office of the public defender, or the institutions under the control of the state board of regents.

b. "Operational expenditures" means office supplies, other supplies, information technology equipment, postage, printing and binding, professional and scientific services, utilities, and communications. "Operational expenditures" does not include expenditures from funding for indigent defense, funding under the appropriation made to the department of human services for child and family services, or funding credited to the BB-61 fund.

2. a. For the time period beginning on the effective date of this section through June 30, 2012,

1 each state department shall be subject to a limitation
2 on operational expenditures made by the department
3 on or after the effective date of this section in
4 accordance with this section.
5 b. The limitation shall be equal to 50 percent of
6 the unexpended or unencumbered amount that a department
7 has budgeted or otherwise designated for purposes
8 of operational expenditures from the appropriations
9 made to the department from the general fund of the
10 state for the fiscal year beginning July 1, 2011, and
11 ending June 30, 2012, as of the effective date of this
12 section.
13 3. The appropriations to which the expenditure
14 limitations required by this section are attributed
15 shall be reduced by the amount of the expenditure
16 limitations. Within 30 days of the enactment date of
17 this section, the department of management shall apply
18 such appropriation reductions and shall submit a report
19 to the general assembly and legislative services agency
20 itemizing the expenditure and appropriation reductions
21 applied.>
22 11. By renumbering as necessary.

_____
COMMITTEE ON APPROPRIATIONS
RAECKER of Polk, Chairperson

House File 2248

H-8010

1 Amend House File 2248 as follows:
2 1. Page 2, by striking lines 28 through 35 and
3 inserting <course of therapy. A licensed optometrist
4 may perform minor surgical procedures and use
5 medications for the diagnosis and treatment of
6 diseases, disorders, and conditions of the eye and
7 adnexa. A license to practice optometry under this
8 chapter does not authorize the performance of surgical
9 procedures which require the use of injectable or
10 general anesthesia, moderate sedation, penetration
11 of the globe, or the use of ophthalmic lasers for
12 the purpose of ophthalmic surgery within or upon the
13 globe. The removal of pterygia and Salzmann's nodules,
14 incisional corneal refractive surgery, and strabismus
15 surgery are prohibited.>

KAUFMANN of Cedar

House File 2245

H-8011

Amend House File 2245 as follows:

1. Page 1, by striking lines 6 through 20 and inserting <July 1, 2012, is two percent. The state percent of growth for the budget year beginning July 1, 2013, is four percent. The state percent of growth for each subsequent budget year shall be established by statute which shall be enacted within thirty days of the submission in the year preceding the base year of the governor's budget under section 8.21. The establishment of the state percent of growth for a budget year shall be the only subject matter of the bill which enacts the state percent of growth for a budget year.>

2. By striking page 1, line 25, through page 2, line 8, and inserting <percent. The categorical state percent of growth for the budget year beginning July 1, 2013, is four percent. The categorical state percent of growth for each budget year shall be established by statute which shall be enacted within thirty days of the submission in the year preceding the base year of the governor's budget under section 8.21. The establishment of the categorical state percent of growth for a budget year shall be the only subject matter of the bill which enacts the categorical state percent of growth for a budget year. The categorical state percent of growth may include state percents of growth for the teacher salary supplement, the professional development supplement, and the early intervention supplement.>

3. Page 2, after line 10 by inserting:

<Sec. ___. CODE SECTION 257.8 —— IMPLEMENTATION. The requirements of section 257.8 regarding the enactment of the regular program state percent of growth and categorical state percent of growth within thirty days of the submission in the year preceding the base year of the governor's budget and the requirements that the subject matter of each bill establishing the state percent of growth or the categorical state percent of growth be the only subject matter of the bill do not apply to this Act.

Sec. ___. APPLICABILITY. This Act is applicable for computing state aid under the state school foundation program for the school budget year beginning July 1, 2013.>

4. Title page, by striking lines 1 through 3 and inserting <An Act establishing the state percent of growth and the categorical state percent of growth for the school foundation program and including effective date and applicability provisions.>

5. By renumbering as necessary.

STECKMAN of Cerro Gordo

House File 2259 - Introduced

HOUSE FILE 2259
BY ISENHART

A BILL FOR

1 An Act relating to a review of the feasibility of manufacturing
2 essential generic pharmaceuticals in the state.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5710YH (2) 84
pf/nh

H.F. 2259

1 Section 1. FEASIBILITY STUDY — MANUFACTURE OF ESSENTIAL
2 GENERIC PHARMACEUTICALS AT UNIVERSITY OF IOWA FACILITY. The
3 university of Iowa office of the vice president for research,
4 in consultation with the department of public health, shall
5 review and report to the governor and the general assembly no
6 later than November 1, 2012, the feasibility of manufacturing
7 essential generic pharmaceuticals at the United States food
8 and drug administration-approved manufacturing facility
9 located at the university, if one or more pharmaceuticals
10 are found to be periodically or consistently unavailable to
11 health care providers in the state for prescription or direct
12 administration, thereby endangering public health or patient
13 safety. The report shall include recommendations regarding
14 any policies, legislation, or resources necessary to permit
15 such manufacturing if the review finds such manufacturing to be
16 necessary and feasible.
17 EXPLANATION
18 This bill directs the university of Iowa office of the vice
19 president for research, in consultation with the department
20 of public health, to review and report to the governor and
21 the general assembly no later than November 1, 2012, the
22 feasibility of manufacturing essential generic pharmaceuticals
23 at the United States food and drug administration-approved
24 manufacturing facility located at the university, if one
25 or more pharmaceuticals are found to be periodically or
26 consistently unavailable to health care providers in the state
27 for prescription or direct administration, thereby endangering
28 public health or patient safety. The report is to include
29 recommendations regarding any policies, legislation, or
30 resources necessary to permit such manufacturing if the review
31 finds such manufacturing to be necessary and feasible.

House File 2260 - Introduced

HOUSE FILE 2260
BY HALL

A BILL FOR

1 An Act relating to the time period for property tax assessment
2 protests to the local board of review and including
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5750HH (2) 84
md/sc

H.F. 2260

1 Section 1. Section 441.26, subsection 1, Code Supplement
2 2011, is amended to read as follows:
3 1. The director of revenue shall each year prescribe
4 the form of assessment roll to be used by all assessors in
5 assessing property, in this state, also the form of pages of
6 the assessor's assessment book. The assessment rolls shall
7 be in a form that will permit entering, separately, the names
8 of all persons assessed, and shall also contain a notice in
9 substantially the following form:
10 If you are not satisfied that the foregoing assessment is
11 correct, you may file a protest against such assessment with
12 the board of review on or after April 16, to and including May ~~5~~
13 16, of the year of the assessment, such protest to be confined
14 to the grounds specified in section 441.37.
15 Dated: .. day of ... (month), .. (year)
16 .....
17 County/City Assessor.
18 Sec. 2. Section 441.37, subsection 1, paragraph a,
19 unnumbered paragraph 1, Code Supplement 2011, is amended to
20 read as follows:
21 Any property owner or aggrieved taxpayer who is dissatisfied
22 with the owner's or taxpayer's assessment may file a protest
23 against such assessment with the board of review on or after
24 April 16, to and including May ~~5~~ 16, of the year of the
25 assessment. In any county which has been declared to be a
26 disaster area by proper federal authorities after March 1 and
27 prior to May 20 of said year of assessment, the board of review
28 shall be authorized to remain in session until June 15 and the
29 time for filing a protest shall be extended to and include
30 the period from May 25 to June 5 of such year. Said protest
31 shall be in writing and signed by the one protesting or by the
32 protester's duly authorized agent. The taxpayer may have an
33 oral hearing thereon if request therefor in writing is made at
34 the time of filing the protest. Said protest must be confined
35 to one or more of the following grounds:

H.F. 2260

1 Sec. 3. APPLICABILITY. This Act applies to assessment years
2 beginning on or after January 1, 2013.
3 EXPLANATION
4 Current Code section 441.37 allows any property owner or
5 aggrieved taxpayer who is dissatisfied with the owner's or
6 taxpayer's assessment to file a protest against such assessment
7 with the local board of review on or after April 16, to and
8 including May 5, of the year of the assessment. The bill
9 extends that period to file a protest to May 16.
10 The bill applies to assessment years beginning on or after
11 January 1, 2013.

House File 2261 - Introduced

HOUSE FILE 2261
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 523)

A BILL FOR

1 An Act relating to the regulation of persons offering
2 occupational therapy services.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5474HV (2) 84
ad/nh

H.F. 2261

1 Section 1. Section 148B.2, subsection 2, Code 2011, is
2 amended to read as follows:
3 2. *"Occupational therapy"* means the therapeutic ~~application~~
4 ~~of specific tasks used for the purpose of evaluation and~~
5 ~~treatment of problems interfering with functional performance~~
6 ~~in persons impaired by physical illness or injury, emotional~~
7 ~~disorder, congenital or developmental disability, or the aging~~
8 ~~process in order to achieve optimum function, for maintenance~~
9 ~~of health and prevention of disability~~ use of occupations,
10 including everyday life activities with individuals, groups,
11 populations, or organizations to support participation,
12 performance, and function in roles and situations in home,
13 school, workplace, community, and other settings. Occupational
14 therapy services are provided for habilitation, rehabilitation,
15 and the promotion of health and wellness to those who have
16 or are at risk for developing an illness, injury, disease,
17 disorder, condition, impairment, disability, activity
18 limitation, or participation restriction. Occupational
19 therapy addresses the physical, cognitive, psychosocial,
20 sensory-perceptual, and other aspects of performance in a
21 variety of contexts and environments to support engagement in
22 occupations that affect physical and mental health, well-being,
23 and quality of life.
24 Sec. 2. Section 148B.3, subsection 5, Code 2011, is amended
25 by striking the subsection.
26 Sec. 3. Section 148B.3, subsection 6, Code 2011, is amended
27 to read as follows:
28 6. A nonresident performing occupational therapy services
29 in the state who is not licensed under this chapter, if the
30 services are performed for not more than ~~ninety~~ thirty days in
31 a calendar year in association with an occupational therapist
32 licensed under this chapter, and the nonresident meets either
33 of the following requirements:
34 *a.* The nonresident is licensed under the law of another
35 state which has licensure requirements at least as stringent as

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1 the requirements of this chapter~~, or~~.
2 *b.* The nonresident meets the requirements for certification
3 as an occupational therapist registered (O.T.R.), or
4 a certified occupational therapy assistant (C.O.T.A.)
5 established by the ~~American~~ national board for certification in
6 occupational therapy ~~association~~.
7 Sec. 4. Section 148B.4, Code 2011, is amended to read as
8 follows:
9 **148B.4 Limited permit.**
10 1. A limited permit to practice occupational therapy may
11 be granted to ~~persons~~ a person who ~~have~~ has completed the
12 ~~education and experience~~ academic and field work requirements
13 ~~of~~ for occupational therapists under this chapter and has
14 not yet taken or received the results of the entry-level
15 certification examination. ~~This permit shall~~ A permit granted
16 pursuant to this subsection shall be valid for a period of
17 time as determined by the board by rule and shall allow the
18 person to practice occupational therapy under the direction
19 and appropriate supervision of ~~a licensed~~ an occupational
20 therapist ~~and shall be valid until the date on which the~~
21 ~~results of the next qualifying examination have been made~~
22 ~~public~~ licensed under this chapter. ~~This~~ The permit shall
23 expire when the person is issued a license under section 148B.5
24 or if the person is notified that the person did not pass the
25 examination. The limited permit shall not be renewed ~~if the~~
26 ~~applicant has failed the examination~~.
27 2. A limited permit to assist in the practice of
28 occupational therapy may be granted to a person who has
29 completed the academic and field work requirements for
30 occupational therapy assistants under this chapter and has
31 not yet taken or received the results of the entry-level
32 certification examination. A permit granted pursuant to this
33 subsection shall be valid for a period of time as determined
34 by the board by rule and shall allow the person to assist in
35 the practice of occupational therapy under the direction and

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appropriate supervision of an occupational therapist licensed under this chapter. The permit shall expire when the person is issued a license under section 148B.5 or if the person is notified that the person did not pass the examination. The limited permit shall not be renewed.

Sec. 5. Section 148B.6, Code 2011, is amended to read as follows:

148B.6 Waiver of requirements for licensing.

~~1.~~ The board may waive the examination and grant a license:

1. ~~to~~ To a person certified prior to January 1, 1981, as an occupational therapist registered (O.T.R.) or a certified occupational therapy assistant (C.O.T.A.) by the American ~~Occupational Therapy Association~~ occupational therapy association.

~~2. The board shall waive the education and experience requirements for licensure in section 148B.5, subsections 1 and 2, for applicants for a license who present evidence to the board that they have been engaged in the practice of occupational therapy on and prior to January 1, 1981. Proof of actual practice shall be presented to the board in a manner as it prescribes by rule. To obtain the benefit of this waiver, an applicant must successfully complete the examination within one year from January 1, 1981. However, the waiver is conditional upon the applicant satisfying the education and experience requirements of section 148B.5, subsections 1 and 2, within five years of the waiver being granted and if those requirements are not satisfied at the expiration of those five years the board shall revoke the license.~~

~~3.~~ 2. ~~The board may waive the examination and grant a license to~~ To an applicant who presents proof of current licensure as an occupational therapist or occupational therapy assistant in another state, the District of Columbia, or a territory of the United States which requires standards for licensure considered by the board to be equivalent to the requirements for licensure of this chapter.

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1 Sec. 6. NEW SECTION. **148B.8 Unlawful practice.**
2 1. A person shall not practice occupational therapy or
3 assist in the practice of occupational therapy, provide
4 occupational therapy services, hold oneself out as an
5 occupational therapist or occupational therapy assistant or
6 as being able to practice occupational therapy or assist in
7 the practice of occupational therapy, or provide occupational
8 therapy services in this state unless the person is licensed
9 under this chapter.
10 2. It is unlawful for any person not licensed as an
11 occupational therapist in this state or whose license is
12 suspended or revoked to use in connection with the person's
13 name or place of business in this state the words *"occupational*
14 *therapist"*, *"licensed occupational therapist"*, or any word,
15 title, letters, or designation that implies that the person is
16 an occupational therapist.
17 3. It is unlawful for any person not licensed as an
18 occupational therapy assistant in this state or whose license
19 is suspended or revoked to use in connection with the person's
20 name or place of business in this state, the words *"occupational*
21 *therapy assistant"*, *"licensed occupational therapy assistant"*, or
22 any word, title, letters, or designation that implies that the
23 person is an occupational therapy assistant.
24 Sec. 7. NEW SECTION. **148B.9 False use of titles prohibited.**
25 A person or business entity, including the employees,
26 agents, or representatives of the business entity, shall
27 not use in connection with that person or business entity's
28 business activity, the words "occupational therapy",
29 "occupational therapist", "licensed occupational therapist",
30 "doctor of occupational therapy", "occupational therapy
31 assistant", "licensed occupational therapy assistant", or the
32 letters "O.T.", "O.T./L.", "O.T.D.", "O.T.A.", "O.T.A./L.", or
33 any words, abbreviations, or insignia indicating or implying
34 that occupational therapy is provided or supplied unless such
35 services are provided by or under the direction and supervision

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1 of an occupational therapist licensed pursuant to this chapter.
2 EXPLANATION
3 This bill amends Code chapter 148B, regulating persons
4 offering occupational therapy services. The bill amends the
5 definition of "occupational therapy" to mean the therapeutic
6 use of occupations, including everyday life activities to
7 support participation, performance, and function in roles and
8 situations in a variety of settings. The bill states that
9 occupational therapy services are provided for habilitation,
10 rehabilitation, and the promotion of health and wellness. The
11 bill states that occupational therapy addresses physical,
12 cognitive, psychosocial, sensory-perceptual, and other aspects
13 of performance to support engagement in occupations that affect
14 physical and mental health, well-being, and quality of life.
15 The bill strikes Code section 148B.3(5), regarding the
16 limited practice of a nonresident performing occupational
17 therapy services in the state. The bill amends Code section
18 148B.3(6) to decrease the number of days in which a nonresident
19 performing occupational therapy services in the state who is
20 not licensed under Code chapter 148B can perform services in
21 a calendar year from 90 to 30 days. The bill also amends Code
22 section 148B.3(6) to provide that a nonresident practicing in
23 the state without a license pursuant to the Code chapter must
24 meet the requirements for certification as an occupational
25 therapist or a certified occupational therapy assistant
26 established by the national board for certification in
27 occupational therapy.
28 The bill amends Code section 148B.4 to state that a limited
29 permit to practice occupational therapy or to assist in the
30 practice of occupational therapy may be granted to a person who
31 has completed the academic and field work requirements, but
32 has not taken or has not received results from the entry-level
33 certification examination. The limited permit is valid for a
34 period determined by the board by rule and allows a person to
35 practice occupational therapy, or to assist in the practice

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of occupational therapy, under the direction and appropriate supervision of an occupational therapist licensed under the Code chapter. The limited permit expires when the person is issued a license under Code section 148B.5 or the person is notified that the person did not pass the examination. The limited permit may not be renewed.

The bill amends Code section 148B.6 by striking a provision regarding the waiver of the education and experience requirements for licensure of applicants who present evidence of engagement in the practice of occupational therapy on or prior to January 1, 1981.

The bill provides that it is unlawful for a person to practice occupational therapy or to assist in that practice, or claim to be an occupational therapist or occupational therapy assistant, or claim to practice occupational therapy or assist in the practice of occupational therapy, or provide occupational therapy services in the state without a license. The bill specifies that a person not licensed in the state as an occupational therapist or an assistant in the practice of occupational therapy shall not use words that would imply the person is an occupational therapist or an assistant to an occupational therapist.

The bill also specifies that a person shall not use words or other abbreviations in connection with that person's business activity that would imply that occupational therapy is provided unless the services are provided under the direction and supervision of an occupational therapist licensed under Code chapter 148B.

House File 2262 - Introduced

HOUSE FILE 2262
BY HALL and KAUFMANN

A BILL FOR

1 An Act relating to approval requirements for condemnation of
2 certain property.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5752HH (4) 84
av/sc

H.F. 2262

Section 1. NEW SECTION. **6A.15 Property designated as native prairie or a protected wetland or established as a forest or fruit-tree reservation.**

1. The following types of property shall not be condemned by the state or a political subdivision of the state unless a joint resolution authorizing commencement of the condemnation proceedings is approved by a vote of at least two-thirds of the members elected to each house of the general assembly and signed by the governor:

a. Property designated as native prairie or as a protected wetland by the department of natural resources pursuant to section 456B.12 for which the owner has obtained a tax exemption as provided in section 427.1, subsection 23.

b. Property established as a forest reservation or a fruit-tree reservation pursuant to chapter 427C for which the owner has obtained a tax exemption as provided in section 427C.1.

2. Property designated as native prairie or as a protected wetland or established as a forest reservation or a fruit-tree reservation which is subject to a property tax exemption as provided in subsection 1 shall not be removed from eligibility for tax-exempt status solely for the purpose of allowing acquisition of the property by condemnation.

EXPLANATION

This bill requires that property designated as native prairie or a protected wetland or property established as a forest or a fruit-tree reservation for which the owner has obtained a property tax exemption cannot be condemned by the state or a political subdivision unless a joint resolution authorizing condemnation proceedings is approved by a two-thirds vote of each house of the general assembly and signed by the governor. Such property cannot be removed from eligibility for tax-exempt status solely for the purpose of allowing acquisition of the property by condemnation.

House File 2263 - Introduced

HOUSE FILE 2263
BY M. SMITH, MURPHY, HALL,
KEARNS, COHOON, T. TAYLOR,
and HUNTER

A BILL FOR

1 An Act concerning requirements for motorists at highway-rail
2 grade crossings, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5478YH (5) 84
dea/nh

H.F. 2263

Section 1. Section 321.341, Code 2011, is amended by striking the section and inserting in lieu thereof the following:

321.341 Highway-rail grade crossing violations.

1. *Short title.* This section shall be known and may be cited as the *"Highway-Rail Grade Crossing Safety Act"*.

2. *Purpose.* The purpose of this section is to prevent collisions and casualties to motorists and their passengers at public highway-rail grade crossings and to otherwise enhance the safety of transportation by railroad and highway.

3. *Definitions.* For purposes of this section, unless the context otherwise requires, the following terms have the following meaning:

a. "Active warning device" means a traffic control device activated by the approach of a train, such as a flashing light signal, automatic gate, or similar device or a manually operated device or crossing watchman, any of which displays to motorists a positive warning of the approach or presence of a train.

b. "Appropriately equipped flagger" means a person who is authorized to temporarily control traffic at a highway-rail grade crossing and who is equipped with a vest, shirt, or jacket of a color appropriate for daytime flagging, such as orange, yellow, strong yellow green, or fluorescent versions of these colors or other generally accepted high visibility colors. For nighttime flagging, similar outside garments shall be retroreflective. Acceptable hand signal devices for daytime flagging include "STOP/SLOW" paddles or red flags. For nighttime flagging, a flashlight, lantern, or other lighted signal shall be used. To the extent that the manual on uniform traffic control devices adopted pursuant to section 321.252 addresses standards and guides for flaggers and flagging equipment for highway traffic control, a flagger's employer should be aware of the standards and comply with them to the greatest extent possible.

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c. *"Bodily injury"* means a cut, abrasion, bruise, burn, or disfigurement; physical pain; illness; impairment of the function of a bodily member, organ, or mental faculty; or any other injury to the body, no matter how temporary.

d. *"Highway-rail grade crossing"* or *"crossing"* means an intersection of one or more railroad tracks and a public highway, road, or street, including associated sidewalks and pathways, that occurs at grade level.

e. *"Motorist"* means the operator of a motor vehicle.

f. *"Serious bodily injury"* means bodily injury that involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

g. *"Train"* means one or more locomotives, or any equivalent equipment including but not limited to a rail car without propelling motors but equipped with one or more control stands that is the controlling unit in an urban rapid transit train movement, with or without rail cars or other rolling on-track railroad equipment.

4. *Approaching and stopping at highway-rail grade crossing.*

a. Stopping on crossing prohibited. A motorist shall not stop a vehicle on a highway-rail grade crossing.

b. Crossings governed by a stop sign. When a motorist approaches a highway-rail grade crossing that has a stop sign located within fifty feet of the approach side of the crossing, as measured from the rail nearest to the sign, the motorist shall stop at the stop sign or at its corresponding stop line, stopping within fifty feet but not less than fifteen feet from the nearest rail of the crossing, as measured from the rail nearest to the motorist's vehicle, and shall not proceed onto or through the crossing in any one or more of the following circumstances, regardless of any indication from an official traffic control device to proceed:

(1) When an appropriately equipped flagger or a law enforcement officer signals the approach of a train to the

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1 crossing.
2 (2) When an approaching train is within one thousand five
3 hundred feet of the crossing and is emitting an audible signal.
4 (3) When an approaching train is plainly visible and is in
5 hazardous proximity to the crossing.
6 (4) When there is not adequate space on the other side of
7 the crossing to accommodate the motorist's vehicle without
8 obstructing the passage of another motor vehicle or train.
9 (5) When it is otherwise unsafe to proceed.
10 *c.* Crossings governed by a yield sign or crossbuck
11 sign. When a motorist is approaching a highway-rail grade
12 crossing that has a yield sign or a railroad crossbuck sign
13 located within fifty feet of the approach side of the crossing,
14 as measured from the rail nearest to the sign, the motorist
15 shall prepare to stop and yield the right-of-way to a train
16 and, in any one or more of the following circumstances, shall
17 stop at the yield sign or crossbuck sign or at a corresponding
18 yield or stop line, stopping within fifty feet but not less
19 than fifteen feet from the nearest rail of the crossing, as
20 measured from the rail nearest to the motorist's vehicle, and
21 shall not proceed onto or through the crossing, regardless
22 of any indication from an official traffic control device to
23 proceed:
24 (1) When an appropriately equipped flagger or a law
25 enforcement officer signals the approach of a train to the
26 crossing.
27 (2) When an approaching train is within one thousand five
28 hundred feet of the crossing and is emitting an audible signal.
29 (3) When an approaching train is plainly visible and is in
30 hazardous proximity to the crossing.
31 (4) When there is not adequate space on the other side of
32 the crossing to accommodate the motorist's vehicle without
33 obstructing the passage of another vehicle or train.
34 (5) When it is otherwise unsafe to proceed.
35 *d.* Crossings equipped with an active warning device. When

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a motorist is approaching a highway-rail grade crossing equipped with an active warning device, in any one or more of the following circumstances, the motorist shall stop within fifty feet but not less than fifteen feet from the nearest rail of the crossing, as measured from the rail nearest to the motorist's vehicle, and shall not proceed onto or through the crossing, regardless of any indication from an official traffic control device to proceed:

(1) When an audible or clearly visible active warning device gives warning of the immediate approach of a train to the crossing.

(2) When a crossing gate or barrier is closed or is being opened or closed, unless directed to proceed by an appropriately equipped flagger or a law enforcement officer.

(3) When an appropriately equipped flagger or a law enforcement officer signals the approach of a train to the crossing.

(4) When an approaching train is within one thousand five hundred feet of the crossing and is emitting an audible signal.

(5) When an approaching train is plainly visible and is in hazardous proximity to the crossing.

(6) When there is not adequate space on the other side of the crossing to accommodate the motorist's vehicle without obstructing the passage of another vehicle or train.

(7) When it is otherwise unsafe to proceed.

5. *Driving through, around, or under a crossing gate.* A motorist shall not drive a vehicle through, around, or under a gate or barrier at a highway-rail grade crossing while the gate or barrier is closed or is being opened or closed, unless directed to do so by an appropriately equipped flagger or a law enforcement officer.

6. *Proceeding safely onto or through a crossing.*

a. General. A motorist shall control the speed of a vehicle and be prepared to stop when approaching a highway-rail grade crossing and shall not proceed onto or through the crossing

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until the motorist can do so safely.

b. Keeping to the right. A motorist shall keep to the right side of the highway when approaching within one hundred feet of the nearest rail of a highway-rail grade crossing and while traversing a crossing, unless the right side of the highway is obstructed or impassable, or where there is a one-way traffic pattern at the crossing.

7. *Parking at a crossing.* A motorist shall not park a vehicle within fifty feet of the nearest rail of a crossing, except when it is necessary to avoid conflict with other traffic.

8. *Penalties.*

a. Basic penalties.

(1) A person who commits a violation of subsection 4 or 5 is guilty of a simple misdemeanor.

(2) A person who commits a violation of subsection 6 or 7 is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph *"h"*.

b. Enhanced penalties.

(1) Notwithstanding paragraph *"a"*, a person who commits a violation of subsection 4, 5, 6, or 7 resulting in a collision that causes bodily injury to another person is guilty of a serious misdemeanor.

(2) Notwithstanding paragraph *"a"*, a person who commits a violation of subsection 4, 5, 6, or 7 resulting in a collision that causes serious bodily injury to or death of another person is guilty of a class "D" felony.

9. *Construction with other violations, crimes, or other offenses.* Nothing in this section shall be construed to prohibit or limit the prosecution of a violation, crime, or other offense otherwise required or permitted by law.

Sec. 2. Section 321.342, subsection 1, Code 2011, is amended by striking the subsection.

Sec. 3. Section 321.344A, subsection 1, Code 2011, is amended to read as follows:

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1. The employee of a railroad who observes a violation of section 321.341, ~~321.342,~~ 321.343, or 321.344 may prepare a written report on a form provided by the department of public safety indicating that a violation has occurred. The railroad employee may deliver the report not more than seventy-two hours after the violation occurred to a peace officer of the state or a peace officer of the county or municipality in which the violation occurred. The report shall state the time and the location at which the violation occurred and shall include the registration plate number and a description of the vehicle involved in the violation.

Sec. 4. Section 321.344A, subsection 2, paragraph b, Code 2011, is amended to read as follows:

b. If, from the investigation, the peace officer has reasonable cause to believe that a violation occurred but is unable to identify the driver, the peace officer shall serve a uniform traffic citation for the violation on the owner of the motor vehicle or, in the case of a commercial motor vehicle, on the employer of the driver. Notwithstanding section 321.484, in a proceeding where the peace officer who conducted the investigation was not able to identify the driver of the motor vehicle, proof that the motor vehicle described in the uniform traffic citation was used to commit the violation of section 321.341, ~~321.342,~~ 321.343, or 321.344, together with proof that the defendant named in the citation was the owner of the motor vehicle or, in the case of a commercial motor vehicle, the employer of the driver, at the time the violation occurred, constitutes a permissible inference that the owner or employer was the person who committed the violation.

Sec. 5. Section 321.484, subsection 3, Code 2011, is amended to read as follows:

3. If a peace officer as defined in section 801.4 has reasonable cause to believe the driver of a motor vehicle has violated section 321.261, 321.262, 321.264, 321.341, ~~321.342,~~ 321.343, 321.344, or 321.372, the officer may request any

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owner of the motor vehicle to supply information identifying the driver. When requested, the owner of the vehicle shall identify the driver to the best of the owner's ability. However, the owner of the vehicle is not required to supply identification information to the officer if the owner believes the information is self-incriminating.

Sec. 6. Section 805.8A, subsection 14, paragraph h, Code Supplement 2011, is amended to read as follows:

h. Railroad crossing violations.

(1) For a violation under section 321.341, subsection 6 or 7, the scheduled fine is two hundred dollars. However, the fine shall be three hundred dollars for a second or subsequent violation under section 321.341, subsection 6 or 7, committed within a period of eighteen months.

(2) For violations under sections 321.341, ~~321.342,~~ 321.343, and 321.344, ~~and 321.344B,~~ the scheduled fine is two hundred dollars.

Sec. 7. REPEAL. Section 321.344B, Code 2011, is repealed.

EXPLANATION

This bill replaces current Code provisions relating to the requirements for motor vehicle operators approaching and stopping at railroad grade crossings with the "Highway-Rail Grade Crossing Safety Act", which is proposed in model legislation developed by the United States department of transportation, federal railroad administration, office of railroad safety, and contained in the publication, "Model State Legislation on Highway-Rail Grade Crossing Violations by Motorists, September 2011".

The bill states that the purpose of the new provisions is to prevent collisions and casualties to motorists and passengers at public highway-rail grade crossings and to enhance the safety of transportation by railroad and highway.

The bill provides definitions for key terms, including "active warning device", "appropriately equipped flagger", "bodily injury", "highway-rail grade crossing", "motorist",

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1 "serious bodily injury", and "train".
2 The bill prohibits a motorist from stopping a vehicle on
3 a highway-rail grade crossing. The bill requires a motorist
4 to stop at a highway-rail grade crossing that has a stop sign
5 and provides detailed requirements for making the stop and
6 for determining when it is safe to proceed. The bill directs
7 that, when approaching a crossing marked with a yield or
8 crossbuck sign, a motorist shall prepare to stop and yield the
9 right-of-way to a train and shall stop when an appropriately
10 equipped flagger or a law enforcement officer signals the
11 approach of a train, when an approaching train is within 1,500
12 feet of the crossing and is sounding an audible signal, when an
13 approaching train is plainly visible and in hazardous proximity
14 to the crossing, when there is not enough space on the other
15 side of the crossing to accommodate the motorist's vehicle,
16 or when it is otherwise unsafe to proceed. The bill provides
17 similar directions for motorists approaching a highway-rail
18 grade crossing with an active warning device and prohibits
19 a motorist from driving through, around, or under a gate or
20 barrier at a crossing while the gate or barrier is closed or is
21 being opened or closed except as directed by a flagger or law
22 enforcement officer.
23 The bill provides general guidelines for proceeding safely
24 through a highway-rail grade crossing by controlling the
25 speed of a vehicle, being prepared to stop when approaching a
26 crossing, and keeping to the right side of the highway when
27 approaching a crossing except in one-way traffic. The bill
28 prohibits parking at a distance of less than 50 feet from a
29 crossing except when necessary to avoid conflict with other
30 traffic.
31 The bill establishes the following penalties for
32 highway-rail grade crossing violations by motorists:
33 A violation of requirements at crossings marked with stop
34 signs, yield or crossbuck signs, or active warning devices is
35 a simple misdemeanor. A simple misdemeanor is punishable by

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1 confinement for no more than 30 days or a fine of at least $65
2 but not more than $625 or by both. A violation of requirements
3 for proceeding safely through a crossing or parking near a
4 crossing is a simple misdemeanor punishable by a scheduled
5 fine of $200 for a first violation and $300 for a second or
6 subsequent violation committed within an 18-month period.
7 Any violation by a motorist of highway-rail grade crossing
8 requirements that results in a collision causing bodily
9 injury to another person is a serious misdemeanor. A serious
10 misdemeanor is punishable by confinement for no more than one
11 year and a fine of at least $315 but not more than $1,875. A
12 violation that results in a collision causing serious bodily
13 injury to or death of another person is a class "D" felony. A
14 class "D" felony is punishable by confinement for no more than
15 five years and a fine of at least $750 but not more than $7,500.
16 The bill strikes a current provision in Code section 321.342
17 relating to stops at a posted railroad grade crossing, which is
18 now addressed in Code section 321.341 under the bill.
19 The bill repeals Code section 321.344B, which provides
20 a penalty for railroad crossing violations that create an
21 immediate threat to the safety of a person or property. The
22 section is no longer operative because the penalty provided is
23 the same as the minimum fine under current law for any railroad
24 crossing violation.

House File 2264 - Introduced

HOUSE FILE 2264
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO HSB 578)

A BILL FOR

1 An Act relating to interment rights of certain veterans
2 and their spouses in cemeteries owned and controlled by
3 governmental subdivisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5086HV (2) 84
aw/sc

H.F. 2264

1 Section 1. Section 523I.304, subsection 7, Code 2011, is
2 amended to read as follows:
3 7. A cemetery owned and controlled by a governmental
4 subdivision shall adopt and enforce a rule allowing any
5 veteran who is a landowner or who lives within the governmental
6 subdivision to purchase an interment space and to be interred
7 within the cemetery. The rule shall also allow any veteran who
8 purchases an interment space within the cemetery to purchase
9 an interment space for interment of the spouse of the veteran
10 if such a space is available and shall allow the surviving
11 spouse of a veteran interred within the cemetery to purchase an
12 interment space and be interred within the cemetery if such a
13 space is available. For the purposes of this section, *"veteran"*
14 means the same as defined in section 35.1.
15 EXPLANATION
16 This bill requires that a governmental subdivision allow a
17 veteran who purchases an interment space in a cemetery owned
18 and controlled by the governmental subdivision to purchase
19 space for the veteran's spouse and for the spouse to be
20 interred in the cemetery if such space is available. The bill
21 also allows the spouse of a veteran already interred within
22 such a cemetery to purchase interment space for the spouse and
23 for the spouse to be interred in that cemetery if such space is
24 available. Current law only allows a veteran to purchase an
25 interment space for the veteran and for only the veteran to be
26 interred within the cemetery.

House File 2265 - Introduced

HOUSE FILE 2265
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO HSB 550)

A BILL FOR

1 An Act authorizing certain expenditures of funds from the
2 veterans affairs training program account.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5542HV (1) 84
aw/rj

H.F. 2265

1 Section 1. Section 35A.16, subsection 4, Code 2011, is
2 amended to read as follows:
3 4. *a.* A county commission of veteran affairs training
4 program account shall be established within the county
5 commissions of veteran affairs fund. Any moneys remaining in
6 the fund after the allocations under subsection 3 shall be
7 credited to the account and used by the department to fund the
8 county commission of veteran affairs training program under
9 section 35A.17.
10 *b.* If moneys appropriated to the commission pursuant to
11 section 35A.13, subsection 4, are insufficient to pay the
12 expenditures authorized under section 35A.13, subsection 6, the
13 executive director, as directed by the commission, may use any
14 moneys remaining in the county commission of veterans affairs
15 training account to pay for such expenditures.
16 EXPLANATION
17 This bill authorizes certain expenditures of funds from the
18 veterans affairs training program account.
19 The bill allows the executive director of the department
20 of veterans affairs, at the direction of the commission of
21 veterans affairs, to use moneys remaining in the veterans
22 affairs training program account to pay for certain veterans
23 expenditures authorized from the veterans trust fund if there
24 are insufficient moneys in the veterans trust fund to pay for
25 those expenditures.
26 Expenses authorized pursuant to Code section 35A.13,
27 subsection 6, include certain travel expenses, job training or
28 college tuition assistance expenses, unemployment assistance,
29 expenses related to the purchase of durable medical equipment
30 or services to allow veterans to remain in their homes,
31 expenses related to hearing care, dental care, vision care, or
32 prescription drugs, individual counseling or family counseling
33 programs, family support group programs or programs for
34 children of members of the military, honor guard services,
35 expenses related to ambulance and emergency room services for

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1 certain veterans, emergency expenses related to vehicle repair,
2 housing repair, or temporary housing assistance, expenses
3 related to establishing whether a minor child is a dependent of
4 a deceased veteran, and certain matching funds.

House File 2266 - Introduced

HOUSE FILE 2266
BY COMMITTEE ON ETHICS

(SUCCESSOR TO HSB 536)

A BILL FOR

1 An Act relating to ethics regulations for gifts received at
2 certain functions and meetings.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5435HV (1) 84
tm/rj

H.F. 2266

Section 1. Section 68B.22, subsection 4, paragraphs g and s, Code 2011, are amended to read as follows:

g. Actual expenses of a donee for food, beverages, registration, travel, and lodging for a meeting, which is given in return for ~~participation in a panel or~~ a speaking engagement as a single speaker or as part of a panel discussion at the meeting when the expenses relate directly to the day or days on which the donee has ~~participation or presentation responsibilities~~ a speaking engagement. For purposes of this paragraph, a donee is only a person with speaking responsibilities.

s. Gifts of food, beverage, and entertainment received at a function where every member of the general assembly has been invited to attend, when the function takes place during a regular session of the general assembly. A sponsor of a function under this paragraph shall file a registration at least five days prior to the function taking place identifying the sponsor and the date, time, and location of the function. The registration shall be filed with the person or persons designated by the secretary of the senate and the chief clerk of the house and with the board. After a function takes place, the sponsor of the function shall file a report disclosing the total amount expended, including in-kind expenditures, on food, beverage, and entertainment for the function. The report shall be filed with the person or persons designated by the secretary of the senate and the chief clerk of the house and with the board within twenty-eight calendar days following the date of the function. For purposes of this paragraph, *"entertainment"* does not include admission to a sporting event, concert, theatrical performance, or other similar type of event or performance that is open to the public and requires paid admission.

EXPLANATION

This bill relates to ethics regulations for gifts received at certain functions and meetings.

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1 Currently, the gift law prohibits public officials, public
2 employees, and candidates, and immediate family members
3 of public officials, public employees, and candidates from
4 accepting or receiving gifts from restricted donors. The gift
5 law includes a list of exceptions that makes an otherwise
6 impermissible gift permissible.
7 Currently, one of the exceptions is for food, beverages,
8 registration, travel, and lodging for a meeting, which is given
9 in return for participation in a panel or a speaking engagement
10 at the meeting when the expenses relate directly to the day
11 or days on which the donee has participation or presentation
12 responsibilities. The bill provides that such permissible
13 gifts must be given in return for a speaking engagement
14 as a single speaker or as part of a panel discussion. The
15 bill provides that a donee is only a person with speaking
16 responsibilities.
17 Currently, one of the exceptions is for gifts of food,
18 beverage, and entertainment received at a function where every
19 member of the general assembly has been invited to attend,
20 when the function takes place during a regular session of the
21 general assembly. Currently, a sponsor of a function must
22 register a function prior to the function taking place. The
23 bill provides that the registration must be filed at least
24 five days prior to the function taking place. The bill
25 also provides that the term "entertainment" does not include
26 admission to a sporting event, concert, theatrical performance,
27 or other similar type of event or performance that is open to
28 the public and requires paid admission.

House File 2267 - Introduced

HOUSE FILE 2267
BY KAJTAZOVIC

A BILL FOR

1 An Act relating to the brownfield site redevelopment program
2 by establishing a definition of brownfield site generation
3 facility and providing for priority consideration of
4 applications for financial assistance in regard to such
5 facilities.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5612YH (2) 84
rn/sc

H.F. 2267

1 Section 1. Section 15.291, Code Supplement 2011, is amended
2 by adding the following new subsection:
3 NEW SUBSECTION. 1A. *"Brownfield site generation facility"*
4 means a facility that generates renewable electricity from
5 wind energy, solar energy, or geothermal energy, and occupies
6 a brownfield site.
7 Sec. 2. Section 15.292, Code Supplement 2011, is amended by
8 adding the following new subsection:
9 NEW SUBSECTION. 5A. An application for financial
10 assistance in connection with a brownfield site generation
11 facility shall be given priority status with regard to
12 consideration for approval by the board.
13 EXPLANATION
14 This bill relates to the brownfield redevelopment program
15 established in Code section 15.292.
16 The bill establishes a definition of a "brownfield site
17 generation facility" as meaning a facility that generates
18 renewable electricity from wind energy, solar energy, or
19 geothermal energy, and that occupies a brownfield site. A
20 "brownfield site" is currently defined to mean an abandoned,
21 idled, or underutilized industrial or commercial facility where
22 expansion or redevelopment is complicated by real or perceived
23 environmental contamination.
24 The bill provides that an application for financial
25 assistance in connection with a brownfield site generation
26 facility pursuant to the program shall be given priority status
27 with regard to consideration for approval by the economic
28 development authority board.

House File 2268 - Introduced

HOUSE FILE 2268
BY M. SMITH

A BILL FOR

1 An Act expanding the definition of the term "sex act" in the
2 criminal code and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5838HH (2) 84
jm/nh

H.F. 2268

1 Section 1. Section 702.17, Code 2011, is amended to read as
2 follows:
3 **702.17 Sex act.**
4 The term *"sex act"* or *"sexual activity"* means any sexual
5 contact between two or more persons by: penetration of the
6 penis into the vagina or anus; contact between the mouth and
7 genitalia or by contact between the genitalia of one person
8 and the genitalia or anus of another person; contact between
9 the finger or hand of one person and the genitalia or anus
10 of another person or contact between the finger or hand of
11 one person and the clothed or unclothed breast of another
12 person, except in the course of examination or treatment by a
13 person licensed pursuant to chapter 148, 148C, 151, or 152;
14 ejaculation onto the person of another; or by use of artificial
15 sexual organs or substitutes therefor in contact with the
16 genitalia or anus.
17 EXPLANATION
18 This bill expands the definition of the term "sex act" and
19 provides penalties.
20 Under the bill, the term "sex act" includes contact by a
21 finger or hand with the clothed or unclothed breast except in
22 the course of a legitimate medical examination. The bill also
23 expands the definition of "sex act" to include ejaculation onto
24 the person of another.
25 The bill, by expanding the definition of "sex act", also
26 expands the definition of numerous criminal offenses, including
27 but not limited to sexual abuse (Code chapter 709), lascivious
28 acts with a child (Code section 709.8), indecent exposure (Code
29 section 709.9), sexual exploitation by a counselor, therapist,
30 or school employee (Code section 709.15), sexual misconduct
31 with offenders or juveniles (Code section 709.16), abuse of a
32 corpse (Code section 709.18), or enticing a minor away (Code
33 section 710.10).

House File 2269 - Introduced

HOUSE FILE 2269
BY HEATON

A BILL FOR

1 An Act relating to the waiver of a juvenile to district court.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5722YH (2) 84
jm/rj

H.F. 2269

Section 1. Section 232.45A, subsections 2 and 3, Code 2011, are amended to read as follows:

2. Once a child sixteen years of age or older has been waived to and convicted of an aggravated misdemeanor or a felony in the district court, all criminal proceedings against the child for any ~~aggravated~~ misdemeanor or felony occurring subsequent to the date of the conviction of the child shall begin in district court, notwithstanding sections 232.8 and 232.45. A copy of the findings required by section 232.45, subsection 10, shall be made a part of the record in the district court proceedings.

3. If proceedings against a child for ~~an aggravated~~ a misdemeanor or a felony who has previously been waived to and convicted of ~~an aggravated~~ a misdemeanor or a felony in the district court are mistakenly begun in the juvenile court, the matter shall be transferred to district court upon the discovery of the prior waiver and conviction, notwithstanding sections 232.8 and 232.45.

EXPLANATION

This bill relates to the waiver of a juvenile to district court.

Under the bill, if a child 16 years of age or older is waived and convicted in district court for a criminal offense, all new criminal charges that occur subsequent to the date of conviction in district court shall begin in district court.

Current law specifies that if a child 16 years of age or older is waived and convicted in district court for a criminal offense, all new criminal charges for an aggravated misdemeanor or felony that occur subsequent to the date of conviction in district court shall begin in district court.

House File 2270 - Introduced

HOUSE FILE 2270
BY HUNTER

A BILL FOR

1 An Act providing for the creation of a medical marijuana
2 Act including the creation of nonprofit dispensaries, and
3 providing for civil and criminal penalties and fees.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5265YH (1) 84
rh/nh

H.F. 2270

1 Section 1. Section 124.401, subsection 5, Code Supplement
2 2011, is amended by adding the following new unnumbered
3 paragraph:
4 NEW UNNUMBERED PARAGRAPH. A person may knowingly or
5 intentionally possess marijuana if the possession is in
6 accordance with the provisions of chapter 124D.
7 Sec. 2. NEW SECTION. **124D.1 Citation.**
8 This chapter shall be known and may be cited as the *"Medical*
9 *Marijuana Act"*.
10 Sec. 3. NEW SECTION. **124D.2 Definitions.**
11 As used in this chapter, the following definitions shall
12 apply:
13 1. *"Cardholder"* means a qualifying patient, a primary
14 caregiver, or a principal officer, board member, employee,
15 or agent of a nonprofit dispensary who has been issued and
16 possesses a valid registry identification card.
17 2. *"Debilitating medical condition"* means any of the
18 following:
19 *a.* Cancer, glaucoma, positive status for human
20 immunodeficiency virus, acquired immune deficiency syndrome,
21 hepatitis C, amyotrophic lateral sclerosis, Crohn's disease,
22 agitation of Alzheimer's disease, nail patella, or the
23 treatment of any of these conditions.
24 *b.* A chronic or debilitating disease or medical condition
25 or its treatment that produces intractable pain, which is pain
26 that has not responded to ordinary medical or surgical measures
27 for more than six months.
28 *c.* A chronic or debilitating disease or medical condition or
29 its treatment that produces any of the following:
30 (1) Cachexia or wasting syndrome.
31 (2) Severe nausea.
32 (3) Seizures, including but not limited to those
33 characteristic of epilepsy.
34 (4) Severe and persistent muscle spasms, including but not
35 limited to those characteristic of multiple sclerosis.

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1 *d.* Any other medical condition or its treatment approved by
2 the department.
3 3. *"Department"* means the department of public health.
4 4. *"Enclosed, locked facility"* means a closet, room,
5 greenhouse, or other enclosed area equipped with locks or other
6 security devices that permit access only by a cardholder.
7 5. *"Felony drug offense"* means a violation of a state or
8 federal controlled substance law that was classified as a
9 felony in the jurisdiction where the person was convicted.
10 *"Felony drug offense"* does not include any of the following:
11 *a.* An offense for which the sentence, including any term of
12 probation, incarceration, or supervised release, was completed
13 ten or more years earlier.
14 *b.* An offense that involved conduct that would have been
15 permitted under this chapter.
16 6. *"Marijuana"* means the same as defined in section 124.101,
17 subsection 19.
18 7. *"Medical use"* means the acquisition, possession,
19 cultivation, manufacture, use, delivery, transfer, or
20 transportation of marijuana or paraphernalia relating to the
21 administration of marijuana to treat or alleviate a registered
22 qualifying patient's debilitating medical condition or symptoms
23 associated with the patient's debilitating medical condition.
24 8. *"Nonprofit dispensary"* means a not-for-profit entity
25 registered under section 124D.4 that acquires, possesses,
26 cultivates, manufactures, delivers, transfers, transports,
27 sells, supplies, or dispenses marijuana or related supplies and
28 educational materials to cardholders. A nonprofit dispensary
29 is a primary caregiver.
30 9. *"Physician"* means an individual licensed under the
31 provisions of chapter 148 to practice medicine and surgery or
32 osteopathic medicine and surgery.
33 10. *"Primary caregiver"* means a person twenty-one years
34 of age or older who has agreed to assist with a qualifying
35 patient's medical use of marijuana and who has never been

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1 convicted of a felony drug offense, and includes a nonprofit
2 dispensary. Unless the primary caregiver is a nonprofit
3 dispensary, the primary caregiver shall not assist more than
4 five qualifying patients with their medical use of marijuana.
5 11. *"Qualifying patient"* means a person who has been
6 diagnosed by a physician with a debilitating medical condition.
7 12. *"Registered nonprofit dispensary"* means a nonprofit
8 dispensary registered by the department pursuant to section
9 124D.4.
10 13. *"Registry identification card"* means a document issued
11 by the department that identifies a person as a registered
12 qualifying patient, registered primary caregiver, or a
13 principal officer, board member, employee, or agent of a
14 nonprofit dispensary.
15 14. *"Unusable marijuana"* means marijuana seeds, stalks,
16 seedlings, and unusable roots. *"Seedling"* means a marijuana
17 plant without flowers which is less than twelve inches in
18 height and less than twelve inches in diameter.
19 15. *"Usable marijuana"* means the dried leaves and flowers of
20 the marijuana plant, and any mixture or preparation thereof,
21 but does not include the seeds, stalks, and roots of the
22 plant and does not include the weight of other ingredients in
23 marijuana prepared for consumption as food.
24 16. *"Visiting qualifying patient"* means a patient with a
25 debilitating medical condition who is not a resident of this
26 state or who has been a resident of this state for less than
27 thirty days.
28 17. *"Written certification"* means a document signed by
29 a physician, stating that in the physician's professional
30 opinion the patient is likely to receive therapeutic or
31 palliative benefit from the medical use of marijuana to treat
32 or alleviate the patient's debilitating medical condition or
33 symptoms associated with the debilitating medical condition.
34 A written certification shall be made only in the course of a
35 bona fide physician-patient relationship after the physician

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1 has completed a full assessment of the qualifying patient's
2 medical history. The written certification shall specify the
3 qualifying patient's debilitating medical condition.
4 Sec. 4. NEW SECTION. **124D.3 Medical use of marijuana.**
5 1. A qualifying patient who has been issued and possesses a
6 registry identification card shall not be subject to arrest,
7 prosecution, or penalty in any manner, or denied any right
8 or privilege, including but not limited to a civil penalty
9 or disciplinary action by a business or occupational or
10 professional licensing board or bureau, for the medical use
11 of marijuana in accordance with this chapter, provided the
12 marijuana possessed by the qualifying patient:
13 *a.* Is not more than two and one-half ounces of usable
14 marijuana.
15 *b.* If the qualifying patient has not designated a primary
16 caregiver to cultivate marijuana for the qualifying patient,
17 does not exceed six marijuana plants, which must be kept in
18 an enclosed, locked facility unless the plants are being
19 transported because the qualifying patient is moving or the
20 plants are being transported to the qualifying patient's
21 property.
22 2. A primary caregiver other than a nonprofit dispensary who
23 has been issued and possesses a registry identification card
24 shall not be subject to arrest, prosecution, or penalty in any
25 manner, or denied any right or privilege, including but not
26 limited to a civil penalty or disciplinary action by a business
27 or occupational or professional licensing board or bureau, for
28 assisting a qualifying patient to whom the primary caregiver is
29 connected through the department's registration process with
30 the medical use of marijuana in accordance with this chapter,
31 provided that the marijuana possessed by the primary caregiver:
32 *a.* Is not more than two and one-half ounces of usable
33 marijuana for each qualifying patient to whom the primary
34 caregiver is connected through the department's registration
35 process.

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1 *b.* For each qualifying patient who has designated the
2 primary caregiver to cultivate marijuana for the qualifying
3 patient, does not exceed six marijuana plants, which must be
4 kept in an enclosed, locked facility unless the plants are
5 being transported because the primary caregiver is moving.
6 3. Any incidental amount of seeds, stalks, and unusable
7 roots shall be allowed and shall not be included in the amounts
8 specified in subsections 1 and 2.
9 4. *a.* There shall be a presumption that a qualifying
10 patient or primary caregiver is engaged in the medical use of
11 marijuana pursuant to this chapter if the qualifying patient or
12 primary caregiver does both of the following:
13 (1) Possesses a registry identification card.
14 (2) Possesses an amount of marijuana that does not exceed
15 the amount allowed under this chapter.
16 *b.* The presumption may be rebutted by evidence that
17 conduct related to marijuana use or possession was not for the
18 purpose of treating or alleviating the qualifying patient's
19 debilitating medical condition or symptoms associated with
20 the debilitating medical condition, in accordance with this
21 chapter.
22 5. A cardholder shall not be subject to arrest, prosecution,
23 or penalty in any manner, or denied any right or privilege,
24 including but not limited to civil penalty or disciplinary
25 action by a business or occupational or professional licensing
26 board or bureau, for giving an amount of marijuana the person
27 is allowed to possess under subsection 1 or 2 to a cardholder
28 for a registered qualifying patient's medical use where nothing
29 of value is transferred in return, or to offer to do the same.
30 6. A school, employer, or landlord shall not refuse to
31 enroll, employ, or lease to, or otherwise penalize, a person
32 solely on the basis of the person's status as a registered
33 qualifying patient or a registered primary caregiver, unless
34 failing to do so would put the school, employer, or landlord
35 in violation of federal law or cause the school, employer, or

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1 landlord to lose a federal contract or funding.
2 7. A person shall not be denied custody or visitation of
3 a minor for acting in accordance with this chapter, unless
4 the person's behavior is such that it creates an unreasonable
5 danger to the minor that can be clearly articulated and
6 substantiated.
7 8. A registered primary caregiver may receive compensation
8 for costs associated with assisting a registered qualifying
9 patient's medical use of marijuana, provided that the
10 registered primary caregiver is connected to the registered
11 qualifying patient through the department's registration
12 process. Any such compensation shall not constitute the sale
13 of controlled substances.
14 9. A physician shall not be subject to arrest, prosecution,
15 or penalty in any manner, or denied any right or privilege,
16 including but not limited to a civil penalty or disciplinary
17 action by the board of medicine or by any other business or
18 occupational or professional licensing board or bureau, solely
19 for providing written certifications or for otherwise stating
20 that, in the physician's professional opinion, a patient is
21 likely to receive therapeutic benefit from the medical use of
22 marijuana to treat or alleviate the patient's debilitating
23 medical condition or symptoms associated with the debilitating
24 medical condition, provided that nothing shall prevent a
25 professional licensing board from sanctioning a physician for
26 failing to properly evaluate a patient's medical condition or
27 otherwise violating the standard of care for evaluating medical
28 conditions.
29 10. A person shall not be subject to arrest, prosecution,
30 or penalty in any manner, or denied any right or privilege,
31 including but not limited to a civil penalty or disciplinary
32 action by a business or occupational or professional licensing
33 board or bureau, for providing a registered qualifying patient
34 or a registered primary caregiver with marijuana paraphernalia
35 for purposes of a qualifying patient's medical use of

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1 marijuana.
2 11. Any marijuana, marijuana paraphernalia, licit property,
3 or interest in licit property that is possessed, owned, or used
4 in connection with the medical use of marijuana, as allowed
5 under this chapter, or property incidental to such use, shall
6 not be seized or forfeited.
7 12. A person shall not be subject to arrest, prosecution,
8 or penalty in any manner, or denied any right or privilege,
9 including but not limited to a civil penalty or disciplinary
10 action by a business or occupational or professional licensing
11 board or bureau, simply for being in the presence or vicinity
12 of the medical use of marijuana as allowed under this chapter,
13 or for assisting a registered qualifying patient with using or
14 administering marijuana.
15 13. A registry identification card, or its equivalent, that
16 is issued under the laws of another state, district, territory,
17 commonwealth, or insular possession of the United States that
18 allows the medical use of marijuana by a visiting qualifying
19 patient, shall have the same force and effect as a registry
20 identification card issued by the department for purposes of
21 this chapter.
22 Sec. 5. NEW SECTION. **124D.4 Nonprofit dispensaries.**
23 1. The department shall register and issue a registration
24 certificate to a nonprofit dispensary within thirty days of
25 receiving an application for registration of a nonprofit
26 dispensary if the prospective nonprofit dispensary provided all
27 of the following, in accordance with the department's rules:
28 *a.* An application fee of five thousand dollars.
29 *b.* The legal name of the nonprofit dispensary.
30 *c.* The physical address of the nonprofit dispensary and
31 the physical address of one additional location, if any, where
32 marijuana will be cultivated.
33 *d.* The name, address, and date of birth of each principal
34 officer and board member of the nonprofit dispensary.
35 *e.* The name, address, and date of birth of any person who is

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1 an agent of or employed by the nonprofit dispensary.
2 2. The department shall track the number of registered
3 qualifying patients who designate a nonprofit dispensary as
4 a primary caregiver and issue to each nonprofit dispensary
5 a written statement of the number of qualifying patients
6 who have designated the nonprofit dispensary to cultivate
7 marijuana for them. This statement shall be updated each time
8 a registered qualifying patient newly designates the nonprofit
9 dispensary or ceases to designate the nonprofit dispensary and
10 may be transmitted electronically if the department's rules so
11 provide. The department may provide by rule that the updated
12 written statements may not be issued more frequently than once
13 each week.
14 3. Except as provided in subsection 4, the department shall
15 issue each principal officer, board member, agent, or employee
16 of a nonprofit dispensary a registry identification card within
17 ten days of receipt of the person's name, address, date of
18 birth, and a fee in an amount established by the department.
19 Each registry identification card shall specify that the
20 cardholder is a principal officer, board member, agent, or
21 employee of a nonprofit dispensary and shall contain all of the
22 following information:
23 *a.* The name, address, and date of birth of the principal
24 officer, board member, agent, or employee.
25 *b.* The legal name of the nonprofit dispensary with which
26 the principal officer, board member, agent, or employee is
27 affiliated.
28 *c.* A random identification number that is unique to the
29 cardholder.
30 *d.* The date of issuance and expiration date of the registry
31 identification card.
32 *e.* A photograph, if the department requires inclusion of a
33 photograph by rule.
34 4. The department shall not issue a registry identification
35 card to any principal officer, board member, agent, or employee

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1 of a nonprofit dispensary who has been convicted of a felony
2 drug offense. The department may conduct a background check
3 of each principal officer, board member, agent, or employee
4 in order to carry out this subsection. The department shall
5 notify the nonprofit dispensary in writing of the reason for
6 denying the registry identification card.
7 5. *a.* A nonprofit dispensary registration certificate and
8 the registry identification card for each principal officer,
9 board member, agent, or employee shall expire one year after
10 the date of issuance. The department shall issue a renewal
11 nonprofit dispensary registration certificate or renewal
12 registry identification card within ten days to any person who
13 complies with the requirements in subsection 3.
14 *b.* A registry identification card of a principal officer,
15 board member, agent, or employee shall expire ten days after
16 notification by a nonprofit dispensary that such person ceases
17 to work at the nonprofit dispensary.
18 6. A nonprofit dispensary is subject to reasonable
19 inspection by the department. The department shall give
20 reasonable notice of an inspection.
21 7. *a.* A nonprofit dispensary shall be operated on a
22 not-for-profit basis for the mutual benefit of its members
23 and patrons. The bylaws of a nonprofit dispensary and its
24 contracts with patrons shall contain such provisions relative
25 to the disposition of revenues and receipts as may be necessary
26 and appropriate to establish and maintain its not-for-profit
27 status. However, a nonprofit dispensary need not be recognized
28 as tax-exempt by the federal internal revenue service and is
29 not required to incorporate pursuant to chapter 504.
30 *b.* A nonprofit dispensary shall notify the department within
31 ten days of when a principal officer, board member, agent, or
32 employee ceases to work at the nonprofit dispensary.
33 *c.* A nonprofit dispensary shall notify the department in
34 writing of the name, address, and date of birth of any new
35 principal officer, board member, agent, or employee and shall

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1 submit a fee in an amount established by the department for
2 a new registry identification card before the new principal
3 officer, board member, agent, or employee begins working at the
4 nonprofit dispensary.
5 *d.* A nonprofit dispensary shall implement appropriate
6 security measures to deter and prevent unauthorized entrance
7 into areas containing marijuana and the theft of marijuana.
8 *e.* The operating documents of a nonprofit dispensary
9 shall include procedures for the oversight of the nonprofit
10 dispensary and procedures to ensure accurate recordkeeping.
11 *f.* A nonprofit dispensary is prohibited from acquiring,
12 possessing, cultivating, manufacturing, delivering,
13 transferring, transporting, supplying, or dispensing marijuana
14 for any purpose except to assist registered qualifying patients
15 with the medical use of marijuana directly or through the
16 qualifying patients' other primary caregivers.
17 *g.* All principal officers and board members of a nonprofit
18 dispensary shall be residents of the state of Iowa.
19 *h.* All cultivation of marijuana shall take place in an
20 enclosed, locked facility.
21 *i.* A nonprofit dispensary shall not be located within
22 five hundred feet of the property line of a public or private
23 school.
24 8. A nonprofit dispensary or a principal officer, board
25 member, agent, or employee of a nonprofit dispensary shall not
26 dispense more than two and one-half ounces of usable marijuana
27 to a qualifying patient or to a primary caregiver on behalf of
28 a qualifying patient during a fifteen-day period.
29 9. *a.* A nonprofit dispensary shall not be subject to
30 prosecution, search, seizure, or penalty, or be denied any
31 right or privilege, including but not limited to a civil
32 penalty or disciplinary action by a business, occupational, or
33 licensing board or entity, solely for acting in accordance with
34 this chapter to provide usable marijuana or to otherwise assist
35 registered qualifying patients connected with the nonprofit

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1 dispensary with the medical use of marijuana.
2 *b.* A principal officer, board member, agent, or employee
3 of a registered nonprofit dispensary shall not be subject
4 to arrest, prosecution, search, seizure, or penalty in any
5 manner or denied any right or privilege, including but not
6 limited to a civil penalty or disciplinary action by a court or
7 occupational or professional licensing board or entity, solely
8 for acting in accordance with this chapter and department rules
9 to acquire, possess, cultivate, manufacture, deliver, transfer,
10 transport, supply, or dispense marijuana or related supplies
11 and educational materials to registered qualifying patients,
12 to registered primary caregivers on behalf of registered
13 qualifying patients, or to other nonprofit dispensaries.
14 10. *a.* A nonprofit dispensary shall not possess more
15 than six live marijuana plants for each registered qualifying
16 patient who has designated the nonprofit dispensary as a
17 primary caregiver and has designated that the nonprofit
18 dispensary will be permitted to cultivate marijuana for the
19 registered qualifying patient's medical use.
20 *b.* A principal officer, board member, employee, or agent
21 of a nonprofit dispensary shall not dispense, deliver,
22 or otherwise transfer marijuana to a person other than a
23 qualifying patient who has designated the nonprofit dispensary
24 as a primary caregiver.
25 *c.* The department shall immediately revoke the registry
26 identification card of a principal officer, board member,
27 employee, or agent of a nonprofit dispensary who is found to
28 be in violation of paragraph "*b*", and such a person shall be
29 disqualified from serving as a principal officer, board member,
30 agent, or employee of a nonprofit dispensary.
31 *d.* Except as otherwise provided, a person who has been
32 convicted of an offense that was classified as a felony in
33 the jurisdiction where the person was convicted shall not be
34 eligible to be a principal officer, board member, agent, or
35 employee of a nonprofit dispensary.

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1 (1) A person who is a principal officer, board member,
2 agent, or employee of a nonprofit dispensary in violation of
3 this paragraph *"d"* is subject to a civil penalty of up to one
4 thousand dollars.
5 (2) A person who is a principal officer, board member,
6 agent, or employee of a nonprofit dispensary in violation
7 of this paragraph *"d"* and who, at the time of the violation,
8 has been previously found to have been in violation of this
9 paragraph *"d"* commits a class "D" felony.
10 *e.* A nonprofit dispensary shall not acquire usable marijuana
11 or mature marijuana plants except through the cultivation of
12 marijuana by that nonprofit dispensary.
13 Sec. 6. NEW SECTION. **124D.5 Departmental rules.**
14 1. Not later than one hundred twenty days after the
15 effective date of this Act, the department shall adopt rules to
16 carry out the purposes of this chapter.
17 2. Not later than one hundred twenty days after the
18 effective date of this Act, the department shall adopt
19 rules that govern the manner in which the department shall
20 consider petitions from the public to add medical conditions
21 or treatments to the list of debilitating medical conditions
22 set forth in section 124D.2, subsection 2. In considering
23 such petitions, the department shall include public notice
24 of, and an opportunity to comment in, a public hearing upon
25 such petitions. The department shall, after hearing, approve
26 or deny such petitions within one hundred eighty days of
27 their submission. The approval or denial of such a petition
28 constitutes final agency action, subject to judicial review.
29 3. Not later than one hundred twenty days after the
30 effective date of this Act, the department shall adopt rules
31 governing the manner in which it considers applications for and
32 renewals of registry identification cards. The department's
33 rules must establish application and renewal fees that generate
34 revenues sufficient to offset all expenses of implementing
35 and administering this chapter. The department may establish

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1 a sliding scale of application and renewal fees based upon
2 a qualifying patient's income. The department may accept
3 donations from private sources to reduce application and
4 renewal fees.
5 Sec. 7. NEW SECTION. **124D.6 Registry identification cards**
6 **— application — fee — penalty.**
7 1. The department shall issue a registry identification
8 card to a qualifying patient who submits an application
9 containing all of the following:
10 *a.* A written certification.
11 *b.* An application or renewal fee.
12 *c.* The name, address, and date of birth of the qualifying
13 patient except that if the applicant is homeless, no address
14 is required.
15 *d.* The name, address, and telephone number of the qualifying
16 patient's physician.
17 *e.* The name, address, and date of birth of each primary
18 caregiver, if any, of the qualifying patient. A qualifying
19 patient may designate only one primary caregiver unless
20 the qualifying patient is under eighteen years of age and
21 requires a parent to serve as a primary caregiver or the
22 qualifying patient designates a nonprofit dispensary to
23 cultivate marijuana for the qualifying patient's medical use
24 and the qualifying patient requests the assistance of a second
25 caregiver to assist with the qualifying patient's medical use.
26 *f.* If the qualifying patient designates one or more primary
27 caregivers, a designation as to who will be allowed under state
28 law to cultivate marijuana plants for the qualifying patient's
29 medical use. Only one person may be allowed to cultivate
30 marijuana plants for a qualifying patient.
31 2. The department shall not issue a registry identification
32 card to a qualifying patient who is under the age of eighteen
33 unless all of the following requirements are met:
34 *a.* The qualifying patient's physician has explained the
35 potential risks and benefits of the medical use of marijuana

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1 to the qualifying patient and to a parent, guardian, or legal
2 custodian of the qualifying patient.
3 *b.* The parent, guardian, or person having legal custody
4 consents in writing to all of the following:
5 (1) Allowing the qualifying patient´s medical use of
6 marijuana.
7 (2) Serving as the qualifying patient´s primary caregiver.
8 (3) Controlling the acquisition of the marijuana, the
9 dosage, and the frequency of the medical use of marijuana by
10 the qualifying patient.
11 3. The department shall verify the information contained
12 in an application or renewal application submitted pursuant
13 to this section, and shall approve or deny an application
14 or renewal application within thirty days of receiving the
15 application or renewal application. The department may deny
16 an application or a renewal application only if the applicant
17 fails to provide the information required pursuant to this
18 section, or the department determines that the information
19 provided was falsified. Rejection of an application or a
20 renewal application is considered a final agency action subject
21 to judicial review pursuant to chapter 17A.
22 4. The department shall issue a registry identification
23 card to the primary caregiver, if any, who is named in
24 a qualifying patient´s approved application or renewal
25 application, up to a maximum of one primary caregiver per
26 qualifying patient, provided the primary caregiver meets the
27 requirements of section 124D.2, subsection 10.
28 5. The department shall issue a registry identification
29 card to a qualifying patient and to the primary caregiver
30 within five days of approving an application or a renewal
31 application, which shall expire one year after the date of
32 issuance. A registry identification card shall contain all of
33 the following:
34 *a.* The name, address, and date of birth of the qualifying
35 patient.

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1 *b.* The name, address, and date of birth of the primary
2 caregiver, if any, of the qualifying patient.
3 *c.* The date of issuance and expiration date of the registry
4 identification card.
5 *d.* A random identification number.
6 *e.* A photograph, if the department requires a photograph.
7 *f.* A clear designation indicating whether the cardholder
8 shall be allowed under law to cultivate marijuana plants for
9 the qualifying patient's medical use, to be determined based
10 upon the qualifying patient's preference.
11 6. *a.* A registered qualifying patient shall notify the
12 department of any change in the registered qualifying patient's
13 name, address, or primary caregiver, preference regarding who
14 may cultivate marijuana for the registered qualifying patient,
15 or if the registered qualifying patient ceases to have a
16 debilitating medical condition, within ten days of such change.
17 *b.* A registered qualifying patient who fails to notify the
18 department of any of the changes in paragraph *"a"* is subject
19 to a civil penalty of up to one hundred fifty dollars. If
20 the registered qualifying patient's certifying physician
21 notifies the department in writing that the registered
22 qualifying patient no longer suffers from a debilitating
23 medical condition, the registered qualifying patient's registry
24 identification card shall become void upon notification by the
25 department to the qualifying patient.
26 *c.* A registered primary caregiver shall notify the
27 department of any change in the registered primary caregiver's
28 name or address within ten days of such change. A registered
29 primary caregiver who fails to notify the department of such
30 change is subject to a civil penalty of up to one hundred fifty
31 dollars.
32 *d.* When a registered qualifying patient or registered
33 primary caregiver notifies the department of any changes
34 listed in this subsection and submits a fee of ten dollars,
35 the department shall issue the cardholder a new registry

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1 identification card within ten days of receiving the updated
2 information.
3 *e.* When a registered qualifying patient changes the
4 registered qualifying patient's registered primary caregiver,
5 the department shall notify the primary caregiver within
6 ten days. The registered primary caregiver's protections
7 as provided in this chapter shall expire ten days after
8 notification by the department.
9 *f.* If a cardholder loses the cardholder's registry
10 identification card, the cardholder shall notify the department
11 and submit a fee of ten dollars within ten days of losing the
12 card. Within five days after such notification, the department
13 shall issue a new registry identification card with a new
14 random identification number to the cardholder.
15 7. Possession of, or application for, a registry
16 identification card shall not constitute probable cause or
17 reasonable suspicion and shall not be used to support the
18 search of the person or property of the person possessing or
19 applying for the registry identification card. The possession
20 of or application for a registry identification card does not
21 prevent the issuance of a warrant if probable cause exists on
22 other grounds.
23 8. The following confidentiality rules shall apply:
24 *a.* Applications and supporting information submitted by
25 a qualifying patient, including information regarding the
26 qualifying patient's primary caregiver and physician, are
27 confidential.
28 *b.* Applications and supporting information submitted by a
29 primary caregiver operating in compliance with this chapter,
30 including the physical address of a nonprofit dispensary, are
31 confidential.
32 *c.* The department shall maintain a confidential list
33 of the persons to whom the department has issued registry
34 identification cards. Individual names and other identifying
35 information on the list shall be confidential and not subject

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1 to disclosure, except to authorized employees of the department
2 as necessary to perform official duties of the department.
3 *d.* The department shall verify to law enforcement personnel
4 whether a registry identification card is valid without
5 disclosing more information than is reasonably necessary to
6 verify the authenticity of the registry identification card.
7 *e.* (1) A person, including an employee or official of the
8 department or another state agency or local government, who
9 breaches the confidentiality of information obtained pursuant
10 to this chapter commits a serious misdemeanor punishable by
11 imprisonment of up to one hundred days and a fine of up to one
12 thousand dollars.
13 (2) Notwithstanding this paragraph *"e"*, department employees
14 may notify law enforcement about falsified or fraudulent
15 information submitted to the department, if the employee who
16 suspects that falsified or fraudulent information has been
17 submitted confers with the employee's supervisor and the
18 employee and the employee's supervisor agree that circumstances
19 exist that warrant reporting.
20 9. A cardholder who sells marijuana to a person who is not
21 allowed to possess marijuana for medical purposes under this
22 chapter shall have the cardholder's registry identification
23 card revoked and is subject to any other penalties for the
24 sale of marijuana. The department shall revoke the registry
25 identification card of any cardholder who violates this chapter
26 and the cardholder is subject to any other penalties for the
27 violation.
28 10. The department shall submit an annual report to
29 the general assembly by January 15 of each year that does
30 not disclose any identifying information about cardholders
31 or physicians, but does contain, at a minimum, all of the
32 following information:
33 *a.* The number of applications and renewal applications
34 submitted for registry identification cards.
35 *b.* The number of registered qualifying patients and

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1 registered primary caregivers in each county.
2 *c.* The nature of the debilitating medical conditions of the
3 qualifying patients.
4 *d.* The number of registry identification cards revoked.
5 *e.* The number of physicians providing written certifications
6 for qualifying patients.
7 *f.* The number of registered nonprofit dispensaries.
8 *g.* The number of principal officers, board members,
9 employees, and agents of nonprofit dispensaries.
10 11. The application for a qualifying patient´s registry
11 identification card shall include a question on whether the
12 patient would like the department to notify the patient about
13 any clinical studies regarding marijuana´s risks or efficacy
14 that seek human subjects.
15 Sec. 8. NEW SECTION. **124D.7 Scope of chapter.**
16 1. This chapter does not permit any person to do any of the
17 following:
18 *a.* Undertake any task under the influence of marijuana,
19 when doing so would constitute negligence or professional
20 malpractice.
21 *b.* Possess marijuana, or otherwise engage in the medical use
22 of marijuana, in any of the following places:
23 (1) In a school bus.
24 (2) On the grounds of any preschool or primary or secondary
25 school.
26 (3) In any correctional facility.
27 *c.* Smoke marijuana in any of the following:
28 (1) Any form of public transportation.
29 (2) Any public place.
30 *d.* Operate, navigate, or be in actual physical control
31 of any motor vehicle, aircraft, or motorboat while under the
32 influence of marijuana.
33 *e.* Use marijuana if that person does not have a debilitating
34 medical condition.
35 2. Nothing in this chapter shall be construed to require any

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1 of the following:
2 *a.* A government medical assistance program or private health
3 insurer to reimburse a person for costs associated with the
4 medical use of marijuana.
5 *b.* An employer to accommodate the ingestion of marijuana in
6 any workplace or any employee working while under the influence
7 of marijuana.
8 3. Fraudulent representation to a law enforcement official
9 of any fact or circumstance relating to the medical use
10 of marijuana to avoid arrest or prosecution is a simple
11 misdemeanor, punishable by a fine of five hundred dollars,
12 in addition to any other penalties that may apply for making
13 a false statement or for the use of marijuana other than use
14 undertaken pursuant to this chapter.
15 Sec. 9. NEW SECTION. **124D.8 Affirmative defenses —**
16 **dismissal.**
17 1. Except as provided in section 124D.7, a qualifying
18 patient and a qualifying patient's primary caregiver, other
19 than a nonprofit dispensary, may assert the medical purpose for
20 using marijuana as a defense to any prosecution of an offense
21 involving marijuana intended for the patient's medical use, and
22 this defense shall be presumed valid where the evidence shows
23 all of the following:
24 *a.* A physician has stated that, in the physician's
25 professional opinion, after having completed a full assessment
26 of the patient's medical history and current medical
27 condition made in the course of a bona fide physician-patient
28 relationship, the qualifying patient is likely to receive
29 therapeutic or palliative benefit from the medical use of
30 marijuana to treat or alleviate the qualifying patient's
31 debilitating medical condition or symptoms associated with the
32 qualifying patient's debilitating medical condition.
33 *b.* The qualifying patient and the qualifying patient's
34 primary caregiver, if any, were collectively in possession of
35 a quantity of marijuana that was not more than was reasonably

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1 necessary to ensure the uninterrupted availability of marijuana
2 for the purpose of treating or alleviating the qualifying
3 patient's debilitating medical condition or symptoms associated
4 with the qualifying patient's debilitating medical condition.
5 *c.* The qualifying patient and the qualifying patient's
6 primary caregiver were engaged in the acquisition, possession,
7 cultivation, manufacture, use, delivery, transfer, or
8 transportation of marijuana or paraphernalia relating to the
9 administration of marijuana solely to treat or alleviate the
10 qualifying patient's debilitating medical condition or symptoms
11 associated with the qualifying patient's debilitating medical
12 condition.
13 2. A person may assert the medical purpose for using
14 marijuana in a motion to dismiss and the charges shall be
15 dismissed following an evidentiary hearing where the person
16 shows all of the elements listed in subsection 1.
17 3. If a qualifying patient or a patient's primary caregiver
18 demonstrates the qualifying patient's medical purpose for using
19 marijuana pursuant to this section, the qualifying patient and
20 the patient's primary caregiver shall not be subject to any of
21 the following for the qualifying patient's use of marijuana for
22 medical purposes:
23 *a.* Disciplinary action by a business or occupational or
24 professional licensing board or bureau.
25 *b.* Forfeiture of any interest in or right to nonmarijuana,
26 licit property.
27 Sec. 10. NEW SECTION. **124D.9 Enforcement.**
28 1. If the department fails to adopt rules to implement the
29 requirements of this chapter within one hundred twenty days
30 of the effective date of this Act, a qualifying patient may
31 commence an action in district court to compel the department
32 to perform the department's duties pursuant to this chapter.
33 2. If the department fails to issue a valid registry
34 identification card or a registration certificate in response
35 to a valid application or renewal application submitted

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1 pursuant to this chapter within forty-five days of its
2 submission, the registry identification card or registration
3 certificate is deemed granted, and a copy of the registry
4 identification card application or renewal application is
5 deemed a valid registry identification card.
6 3. If at any time after January 1, 2013, the department
7 is not accepting applications pursuant to this chapter,
8 including if it has not promulgated rules allowing qualifying
9 patients to submit applications, a notarized statement by a
10 qualifying patient containing the information required in
11 an application, pursuant to section 124D.6, together with
12 a written certification, shall be deemed a valid registry
13 identification card.
14 Sec. 11. Section 453B.6, Code 2011, is amended by adding the
15 following new unnumbered paragraph:
16 NEW UNNUMBERED PARAGRAPH. A person who is in possession
17 of marijuana for medical purposes in accordance with chapter
18 124D is in lawful possession of a taxable substance and is not
19 subject to the requirements of this chapter.
20 EXPLANATION
21 This bill establishes new Code chapter 124D, the medical
22 marijuana Act, relating to the possession and use of marijuana
23 for therapeutic purposes, provides for the creation of
24 nonprofit dispensaries, and provides for civil and criminal
25 penalties and fees.
26 The bill provides that a qualifying patient who has been
27 issued and possesses a registry identification card shall not
28 be subject to arrest, prosecution, or civil penalty, or denied
29 any right or privilege, for the qualifying patient's medical
30 use of marijuana pursuant to the provisions of the bill.
31 The bill defines a qualifying patient as a person who has
32 been diagnosed by a physician with a debilitating medical
33 condition defined as cancer, glaucoma, positive status for
34 human immunodeficiency virus, acquired immune deficiency
35 syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn's

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1 disease, agitation of Alzheimer's disease, nail patella,
2 a chronic or debilitating disease or medical condition or
3 its treatment that produces intractable pain, a chronic or
4 debilitating medical condition that produces one or more of
5 the following: cachexia or wasting syndrome, severe nausea,
6 certain seizures, or certain muscle spasms, or any other
7 medical condition or its treatment approved by the department
8 of public health (department). A primary caregiver is defined
9 as a person, 21 or older, who has agreed to assist with a
10 qualifying patient's medical use of marijuana who has never
11 been convicted of a felony drug offense. A primary caregiver
12 also includes a nonprofit dispensary. A physician is defined
13 as a physician or surgeon or osteopathic physician or surgeon
14 licensed under Code chapter 148.
15 The bill provides for the creation of nonprofit
16 dispensaries. The bill defines a nonprofit dispensary as
17 a not-for-profit organization registered by the department
18 that acquires, possesses, cultivates, manufactures, delivers,
19 transfers, transports, sells, supplies, or dispenses marijuana
20 or related supplies and educational materials to qualifying
21 patients and primary caregivers who possess a valid registry
22 identification card. The bill provides specific guidelines for
23 regulation of nonprofit dispensaries and principal officers,
24 board members, employees, or agents of a nonprofit dispensary
25 by the department. A person who has been convicted of a felony
26 offense shall not be eligible to be a principal officer, board
27 member, agent, or employee of a nonprofit dispensary, unless
28 otherwise permitted by the department. A first violation
29 of this provision is punishable by a civil penalty of up to
30 $1,000. A subsequent violation is a class "D" felony.
31 The bill provides that the department shall adopt rules
32 for implementing the bill including rules relating to the
33 consideration of petitions from the public to add additional
34 debilitating medical conditions to the list of debilitating
35 medical conditions specified in the bill, rules relating

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1 to applications and renewal applications for registry
2 identification cards issued to qualifying patients and primary
3 caregivers, and rules relating to registration certificates for
4 nonprofit dispensaries. The department shall establish fees
5 which shall meet certain requirements.
6 The bill provides that the department shall issue a
7 registry identification card to a qualifying patient who
8 submits certain specified information to the department. The
9 department shall not issue a registry identification card to
10 a qualifying patient who is under the age of 18 unless the
11 qualifying patient's physician has explained the potential
12 risks and benefits of the medical use of marijuana to the
13 qualifying patient and to the qualifying patient's parent,
14 guardian, or legal representative and such persons provide
15 the appropriate consent. The department shall also issue a
16 registry identification card to each primary caregiver named
17 in a qualifying patient's approved application for a registry
18 identification card, up to a maximum of one primary caregiver
19 per qualifying patient. The bill places restrictions on the
20 amount of marijuana that may be possessed by a qualifying
21 patient or a primary caregiver and on the persons authorized
22 to cultivate marijuana for a qualifying patient. The bill
23 requires the department to submit an annual report to the
24 general assembly by January 15 of each year concerning
25 information related to registry identification cards.
26 The bill provides that a registered qualifying patient or
27 a registered primary caregiver who loses their registration
28 identification card or who makes changes to certain information
29 relevant to their registration identification card shall
30 notify the department. A registered qualifying patient or a
31 registered primary caregiver who fails to notify the department
32 of any changes in information relevant to the registration
33 identification card is subject to a civil penalty of up to
34 $150.
35 The bill provides that applications and supporting

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information submitted by a qualifying patient, primary caregiver, physician, nonprofit dispensary, or board member, employee, or agent of a nonprofit dispensary, are confidential. The bill also provides that a person, including an employee or official of the department or another state or local agency, who disseminates information received in connection with an application for a registry identification card pursuant to the bill, is guilty of a serious misdemeanor and is subject to confinement in jail for up to 100 days and a fine of $1,000.

The bill prohibits the possession and use of medical marijuana in certain places and during certain activities. The bill provides that any fraudulent representation to a law enforcement official relating to the use of medical marijuana is a simple misdemeanor, punishable by a fine of up to $500.

The bill amends Code section 124.401, relating to prohibited acts involving controlled substances, to provide that it is lawful for a person to knowingly or intentionally possess marijuana if the possession is in accordance with the provisions of the bill. The bill also amends Code section 453B.6, relating to tax stamps for controlled substances, to specify that possession in accordance with the provisions of the bill is lawful possession and a tax stamp is not required.

House File 2271 - Introduced

HOUSE FILE 2271
BY KAJTAZOVIC and GASKILL

A BILL FOR

1 An Act banning corporate contributions to political campaigns
2 and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5703YH (6) 84
jr/sc

H.F. 2271

1 Section 1. Section 68A.404, subsection 2, Code 2011, is
2 amended by striking the subsection.
3 Sec. 2. Section 68A.404, subsection 5, paragraph g, Code
4 2011, is amended by striking the paragraph.
5 Sec. 3. Section 68A.503, Code 2011, is amended by striking
6 the section and inserting in lieu thereof the following:
7 **68A.503 Financial institution, insurance company, and**
8 **corporation restrictions.**
9 1. Except as provided in subsections 3 and 4, it is unlawful
10 for an insurance company, savings and loan association,
11 bank, credit union, or corporation organized pursuant to the
12 laws of this state, the United States, or any other state,
13 territory, or foreign country, whether for profit or not, or
14 an officer, agent, or representative acting for such insurance
15 company, savings and loan association, bank, credit union,
16 or corporation, to contribute any money, property, labor, or
17 thing of value, directly or indirectly, to a committee, or
18 to expressly advocate that the vote of an elector be used
19 to nominate, elect, or defeat a candidate for public office,
20 except that such resources may be so expended in connection
21 with a utility franchise election held pursuant to section
22 364.2, subsection 4, or a ballot issue. All such expenditures
23 are subject to the disclosure requirements of this chapter.
24 2. *a.* Except as provided in subsection 3, it is unlawful
25 for a member, employee, or representative of a committee,
26 other than a ballot issue committee, or for a candidate or a
27 representative of a candidate for office to solicit, request,
28 or knowingly receive from an insurance company, savings and
29 loan association, bank, credit union, or corporation organized
30 pursuant to the laws of this state, the United States, or any
31 other state, territory, or foreign country, whether for profit
32 or not, or from an officer, agent, or representative, any
33 money, property, or thing of value belonging to the insurance
34 company, savings and loan association, bank, credit union, or
35 corporation for either of the following purposes:

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1 (1) Campaign expenses.
2 (2) To expressly advocate that the vote of an elector be
3 used to nominate, elect, or defeat a candidate for public
4 office.
5 *b.* This section does not restrain or abridge the freedom of
6 the press or prohibit the consideration and discussion in the
7 press of candidacies, nominations, public officers, or public
8 questions.
9 *c.* This section does not apply to a nonprofit organization
10 communicating with its own members. The board shall adopt
11 rules pursuant to chapter 17A to administer this paragraph.
12 *d.* The board shall adopt rules prohibiting the owner,
13 publisher, or editor of a sham newspaper from using the sham
14 newspaper to promote in any way the candidacy of such a person
15 for any public office. As used in this paragraph, *"sham*
16 *newspaper"* means a newspaper that does not meet the requirements
17 set forth in section 618.3 and *"owner"* means a person having
18 an ownership interest exceeding ten percent of the equity or
19 profits of the newspaper.
20 3. It is lawful for an insurance company, savings and loan
21 association, bank, credit union, and corporation organized
22 pursuant to the laws of this state, the United States, or any
23 other state or territory, whether or not for profit, and for
24 their officers, agents, and representatives, to use the money,
25 property, labor, or any other thing of value of the entity for
26 the purposes of soliciting its stockholders, administrative
27 officers, and members for contributions to a committee
28 sponsored by that entity and of financing the administration of
29 a committee sponsored by that entity. The entity's employees
30 to whom the foregoing authority does not extend may voluntarily
31 contribute to such a committee but shall not be solicited for
32 contributions. All contributions made under this subsection
33 are subject to the disclosure requirements of this chapter. A
34 committee member, committee employee, committee representative,
35 candidate, or representative referred to in subsection 2

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1 lawfully may solicit, request, and receive money, property,
2 and other things of value from a committee sponsored by an
3 insurance company, savings and loan association, bank, credit
4 union, or corporation as permitted by this subsection.
5 4. The prohibitions in subsections 1 and 2 shall not apply
6 to an insurance company, savings and loan association, bank,
7 credit union, or corporation engaged in any of the following
8 activities:
9 *a.* Using its funds to encourage registration of voters and
10 participation in the political process or to publicize public
11 issues, provided that no part of those contributions is used
12 to expressly advocate the nomination, election, or defeat of
13 any candidate for public office.
14 *b.* Using its funds to expressly advocate the passage
15 or defeat of ballot issues so long as the transactions are
16 reported as required under section 68A.402.
17 *c.* The placement of campaign signs as permitted under
18 section 68A.406.
19 5. For purposes of this section, "committee" shall include
20 statutory political committees organized under chapter 43, and
21 nonparty political organizations organized under chapter 44.
22 6. Any person convicted of a violation of any of the
23 provisions of this section shall be guilty of a serious
24 misdemeanor.
25 EXPLANATION
26 This bill provides that an insurance company, savings
27 and loan association, bank, credit union, or a for-profit
28 or nonprofit corporation cannot contribute, directly or
29 indirectly, to a committee, or to expressly advocate for
30 the election or defeat of a candidate for public office.
31 Contributions relating to a utility franchise election are
32 allowed.
33 An insurance company, savings and loan association, bank,
34 credit union, or a for-profit or nonprofit corporation may
35 solicit stockholders, executives, or members for contributions

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to a political committee.

The bill also provides that an insurance company, savings and loan association, bank, credit union, or a for-profit or nonprofit corporation may use its funds to encourage registration of voters and participation in the political process or to publicize public issues as long as the funds are not used to expressly advocate the nomination, election, or defeat of any candidate for public office. Such an entity may also use funds to expressly advocate for or against a ballot issue and to place campaign signs on the entity's property.

The bill provides that violation of these provisions is a serious misdemeanor. A serious misdemeanor is punishable by a fine of at least $315 but not to exceed $1,875. In addition, the court may also order imprisonment not to exceed one year.

House File 2272 - Introduced

HOUSE FILE 2272
BY KELLEY

(COMPANION TO SF 2105 BY HOGG)

A BILL FOR

1 An Act requiring the state building code commissioner to adopt
2 statewide requirements and standards for radon control in
3 residential construction.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5197HH (1) 84
aw/sc

H.F. 2272

1 Section 1. NEW SECTION. **103A.8D Residential construction**
2 **requirements and standards for radon control.**
3 The state building code commissioner shall adopt as a part
4 of the state building code construction requirements and
5 standards for radon control in new residential construction.
6 The requirements and standards adopted by the commissioner
7 shall, if possible, be based upon a nationally recognized
8 standard or code for radon control in residential construction.
9 Notwithstanding any other provision of this chapter to the
10 contrary, the construction requirements and standards for radon
11 control adopted by the commissioner and approved by the council
12 shall apply to new residential construction commenced on or
13 after January 1, 2014, and shall supersede and replace any
14 minimum requirements and standards for radon control in new
15 residential construction adopted or enacted by a governmental
16 subdivision prior to that date. The state building code
17 commissioner may provide training to builders, contractors, and
18 other interested persons on the construction requirements and
19 standards for radon control in residential construction.
20 Sec. 2. Section 103A.10, Code 2011, is amended by adding the
21 following new subsection:
22 NEW SUBSECTION. 6. Notwithstanding any other provision of
23 this chapter to the contrary, the construction requirements and
24 standards for radon control in new residential construction
25 adopted by the commissioner and approved by the council shall
26 apply to all new residential construction commenced on or after
27 January 1, 2014, and shall supersede and replace any minimum
28 requirements or standards for radon control in new residential
29 construction adopted or enacted by the governmental subdivision
30 prior to that date.
31 EXPLANATION
32 This bill requires that the building code commissioner,
33 with the approval of the building code advisory council, adopt
34 requirements and standards for radon control in new residential
35 construction. The bill provides that the standards shall

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1 supersede and replace any minimum radon control requirements
2 and standards for new residential construction adopted by
3 governmental subdivisions in Iowa. The bill requires that the
4 requirements and standards be mandatory for all new residential
5 construction beginning on or after January 1, 2014.

House File 2273 - Introduced

HOUSE FILE 2273
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 521)

A BILL FOR

1 An Act relating to the licensure of ambulatory surgical
2 centers, providing fees and penalties, and including
3 effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5348HV (3) 84
ad/nh

H.F. 2273

1 Section 1. NEW SECTION. **135P.1 Definitions.**
2 1. *"Ambulatory surgical center"* means a facility which as
3 its primary function provides, through an organized medical
4 staff and on an outpatient basis to patients who are generally
5 ambulatory, surgical procedures not ordinarily performed in a
6 private physician's office, but not requiring twenty-four-hour
7 hospitalization, and which is neither a part of a hospital nor
8 the private office of a health care provider who there engages
9 in the lawful practice of surgery. "Ambulatory surgical
10 center" includes a facility certified or seeking certification
11 as an ambulatory surgical center under the federal Medicare
12 program or under the medical assistance program established
13 pursuant to chapter 249A.
14 2. *"Department"* means the department of inspections and
15 appeals.
16 3. *"Governmental unit"* means the state, or any county,
17 municipality, or other political subdivision, or any
18 department, division, board, or other agency of any of the
19 foregoing.
20 Sec. 2. NEW SECTION. **135P.2 Purpose.**
21 The purpose of this chapter is to protect the public
22 health, safety, and welfare by providing for the development,
23 establishment, and enforcement of basic standards for the
24 operation, construction, and maintenance of ambulatory surgical
25 centers.
26 Sec. 3. NEW SECTION. **135P.3 Licensure.**
27 No person or governmental unit, acting severally or jointly
28 with any other person or governmental unit, shall establish,
29 operate, or maintain an ambulatory surgical center in this
30 state without obtaining a license as provided under this
31 chapter.
32 Sec. 4. NEW SECTION. **135P.4 Application for license — fee.**
33 An ambulatory surgical center license shall be obtained from
34 the department. Applications for a license shall be upon such
35 forms and shall include such information as the department may

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1 reasonably require, which may include affirmative evidence
2 of compliance with this chapter, other statutes, and rules
3 as may be applicable. Each application for license shall be
4 accompanied by the required license fee which shall be credited
5 to the general fund of the state. The initial and annual
6 license fee shall be five hundred dollars.
7 Sec. 5. NEW SECTION. **135P.5 Issuance and renewal of**
8 **license.**
9 1. Upon receipt of an application for license and the
10 license fee, the department shall issue a license if the
11 applicant and the ambulatory surgical center comply with this
12 chapter and the rules of the department. The department shall
13 renew a license upon payment of the five hundred dollar annual
14 license fee and filing of an application form available from
15 the department.
16 2. A license shall be either general or restricted in form.
17 A license shall be issued only for the premises and persons
18 or governmental units named in the application and is not
19 transferable or assignable except with the written approval of
20 the department. A license shall be posted in a conspicuous
21 place on the licensed premises as prescribed by rule of the
22 department.
23 Sec. 6. NEW SECTION. **135P.6 Denial, suspension, or**
24 **revocation of license — hearings and review.**
25 1. The department may deny, suspend, or revoke a license
26 in any case where it finds that there has been a substantial
27 failure to comply with this chapter or the rules or minimum
28 standards adopted pursuant to this chapter.
29 2. The procedure governing notice and hearing to deny
30 an application or suspend or revoke a license shall be in
31 accordance with the rules adopted by the department. A full
32 and complete record shall be kept of the proceedings and of
33 any testimony. The record of any proceeding pursuant to this
34 section need not be transcribed unless judicial review is
35 sought. A copy or copies of the transcript may be obtained by

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1 an interested party on payment of the cost of preparing the
2 copy or copies.
3 Sec. 7. NEW SECTION. **135P.7 Rules.**
4 1. The department shall adopt rules setting out the
5 standards for ambulatory surgical centers to be licensed under
6 this chapter. The rules shall be consistent with and not
7 exceed the requirements of this chapter and the conditions
8 for coverage in the federal Medicare program for ambulatory
9 surgical centers under 42 C.F.R. pt. 416.
10 2. The department shall adopt rules to govern the notice
11 and hearing procedure when a license is denied, suspended, or
12 revoked.
13 3. The rules shall require ambulatory surgical centers
14 to report ambulatory data to the department of public health
15 or the designated intermediary for the purpose of public
16 dissemination of health data as initially authorized in 1996
17 Iowa Acts, chapter 1212, section 5, subsection 1, paragraph *"a"*,
18 subparagraph (4).
19 4. An ambulatory surgical center which is in operation at
20 the time of promulgation of any applicable rules or minimum
21 standards under this chapter shall be given a reasonable time,
22 not to exceed one year from the date of promulgation, within
23 which to comply with such rules and minimum standards.
24 5. The department shall enforce the rules.
25 Sec. 8. NEW SECTION. **135P.8 Inspections.**
26 1. The department shall make or cause to be made inspections
27 or complaint investigations of ambulatory surgical centers as
28 the department deems necessary in order to determine compliance
29 with this chapter and applicable rules.
30 2. The department shall recognize, in lieu of its own
31 licensure inspection, the comparable inspection and inspection
32 findings of a Medicare conditions for coverage survey.
33 3. A department inspector shall not participate in an
34 inspection or complaint investigation of an ambulatory surgical
35 center in which the inspector or a member of the inspector's

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1 immediate family works or has worked within the last two years
2 or in which the inspector or the inspector's immediate family
3 has a financial ownership interest. For the purposes of this
4 section, "*immediate family member*" means a spouse, natural or
5 adoptive parent or grandparent, child, grandchild, sibling,
6 stepparent, stepchild, or stepsibling.
7 Sec. 9. NEW SECTION. **135P.9 Employee background checks.**
8 1. An ambulatory surgical center shall comply with child or
9 dependent adult abuse information and criminal record checks
10 and evaluations in the same manner as provided in section
11 135B.34.
12 2. An ambulatory surgical center licensed in this state
13 may access the single contact repository established by the
14 department pursuant to section 135C.33 as necessary for the
15 ambulatory surgical center to perform record checks of persons
16 employed or being considered for employment by the ambulatory
17 surgical center.
18 Sec. 10. NEW SECTION. **135P.10 Confidentiality.**
19 The department's final inspection or investigation findings
20 or the final survey findings of an accrediting body, authorized
21 by the department in rule, with respect to compliance by an
22 ambulatory surgical center with requirements for licensing
23 or accreditation shall be made available to the public in a
24 readily available form and place. Other information relating
25 to an ambulatory surgical center obtained by the department
26 which does not constitute the department's findings from an
27 inspection or investigation of the ambulatory surgical center
28 or the final survey findings of the accrediting body shall
29 not be made available to the public, except in proceedings
30 involving the denial, suspension, or revocation of a license
31 under this chapter. The name of a person who files a complaint
32 with the department shall remain confidential and shall not
33 be subject to discovery, subpoena, or other means of legal
34 compulsion for its release to a person other than department
35 employees or agents involved in the investigation of the

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complaint.

Sec. 11. NEW SECTION. **135P.11 Judicial review.**

Judicial review of an action of the department may be sought in accordance with chapter 17A. Notwithstanding the provisions of chapter 17A, petitions for judicial review may be filed in the district court of the county in which the ambulatory surgical center is located or to be located and the status quo of the petitioner or licensee shall be preserved pending final disposition of the judicial review matter.

Sec. 12. NEW SECTION. **135P.12 Penalty.**

Any person establishing, conducting, managing, or operating any ambulatory surgical center without a license commits a serious misdemeanor, and each day of continuing violation after conviction shall be considered a separate offense.

Sec. 13. NEW SECTION. **135P.13 Injunction.**

Notwithstanding the existence or pursuit of any other remedy, the department may, in the manner provided by law, maintain an action in the name of the state for injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, management, or operation of an ambulatory surgical center without a license.

Sec. 14. WORKGROUP ESTABLISHED — RULES. The department of public health shall convene a workgroup with stakeholders and a designated intermediary to determine which fields of information will be utilized in the data reporting requirement pursuant to chapter 135P as enacted in this Act. Any rules adopted by the department of public health regarding the data reporting requirements pursuant to section 135P.7, as enacted in this Act, shall reflect the recommendations of the workgroup.

Sec. 15. EFFECTIVE DATE. This Act takes effect July 1, 2013.

EXPLANATION

This bill relates to ambulatory surgical centers. The bill defines "ambulatory surgical center" as a facility which

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1 primarily provides surgical outpatient procedures that are not
2 ordinarily performed in a private physician's office but do
3 not require 24-hour hospitalization. The bill provides that
4 an "ambulatory surgical center" includes a facility that is
5 certified or is seeking certification as an ambulatory surgical
6 center under the federal Medicare program or under the medical
7 assistance program established pursuant to Code chapter 249A.
8 The bill states the purpose of new Code chapter 135P is to
9 protect public health, safety, and welfare by providing basic
10 standards for operating, constructing, and maintaining an
11 ambulatory surgical center.
12 The bill requires that any person or governmental unit
13 acting separately or together that establishes, conducts, or
14 maintains an ambulatory surgical center must have a license as
15 provided under the Code chapter. The person or governmental
16 unit shall obtain a license from the department of inspections
17 and appeals (DIA). The application shall include information
18 that the DIA may reasonably require including affirmative
19 evidence of compliance with new Code chapter 135P, other
20 statutes, and rules. An application must be accompanied by the
21 required initial license fee of $500. An annual license fee is
22 also $500. The license fees are to be credited to the state's
23 general fund. The bill also provides that the DIA shall issue
24 a license upon receiving an application if the applicant
25 and the ambulatory surgical center comply with Code chapter
26 135P and the rules of the department. A licensee receives
27 reapproval upon payment of the $500 license fee and filing
28 an application form available from the DIA. Licenses are
29 general or restricted in form. A license will be issued only
30 for a premises and persons or governmental units named in the
31 application and the license is not transferable or assignable
32 without written approval of the DIA. The bill requires that
33 a license be posted in a conspicuous place on the licensed
34 premises as prescribed by department rules.
35 The bill states that the DIA may deny, suspend, or revoke a

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1 license when it finds the licensee or applicant substantially
2 failed to comply with Code chapter 135P or rules or minimum
3 standards adopted pursuant to the Code chapter. The bill
4 states that the DIA rules will govern the procedure for notice
5 and hearing to deny an application for a license or to revoke
6 or suspend a license. The bill states a full and complete
7 record of the proceedings shall be kept, but the record does
8 not need to be transcribed unless judicial review is sought. A
9 transcript of the proceeding may be obtained by an interested
10 party on payment of the cost of preparing the copy or copies.
11 The bill provides that the DIA shall adopt rules setting
12 the standards for an ambulatory surgical center to be licensed
13 under the Code chapter. The rules must be consistent with
14 and cannot exceed the requirements of Code chapter 135P or
15 the federal requirements for conditions of participation in
16 the federal Medicare program for ambulatory surgical centers
17 under 42 C.F.R. pt. 416. The DIA must also establish, by
18 rule, the notice and hearing procedure if a license is denied,
19 revoked, or suspended. The DIA must also enforce the rules.
20 The rules established by the DIA shall require ambulatory
21 surgical centers to report ambulatory data to the department of
22 public health or the designated intermediary for purposes of
23 public health dissemination of health data. The bill states
24 that an ambulatory surgical center in operation at the time
25 of promulgation of applicable rules or standards under Code
26 chapter 135P shall be given a reasonable time, not to exceed
27 one year, to comply with the rules and minimum standards.
28 The bill provides for inspections of ambulatory surgical
29 centers. The bill requires the DIA to make, or cause to be
30 made, inspections or complaint investigations as the DIA deems
31 necessary to determine compliance with Code chapter 135P and
32 the applicable rules. The DIA must recognize the comparable
33 inspection and findings of a Medicare conditions for coverage
34 survey in lieu of the DIA's own licensure inspection.
35 The DIA inspectors must not participate in an inspection or

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1 complaint investigation of an ambulatory surgical center if the
2 inspector or a member of the inspector's immediate family works
3 or has worked at the ambulatory surgical center within the last
4 two years. A DIA inspector also must not participate in an
5 inspection or complaint investigation of an ambulatory surgical
6 center in which the inspector or the inspector's immediate
7 family has a financial or ownership interest.
8 The bill provides that an ambulatory surgical center shall
9 comply with abuse and criminal background checks in the same
10 manner as provided in Code section 135B.34. The bill also
11 states that a licensed ambulatory surgical center is allowed to
12 access the single contact repository as is necessary to perform
13 record checks of employees or potential employees.
14 The bill provides for the confidentiality of the DIA records
15 of ambulatory surgical centers. The bill states that the DIA's
16 final inspection or investigation findings, or survey findings
17 of an accredited body authorized by the DIA rules, regarding
18 an ambulatory surgical center's compliance with requirements
19 for licensing or accreditation must be made available to the
20 public in a readily available form and place. The bill states
21 that other information acquired by the DIA relating to an
22 ambulatory surgical center shall not be made available to the
23 public except in proceedings involving denial, suspension,
24 or revocation of a license. The bill also provides that the
25 name of a person who files a complaint with the DIA shall
26 remain confidential regardless of means of legal compulsion
27 for its release, other than the release of the name to the DIA
28 employees or agents involved in investigating a complaint.
29 The bill provides that judicial review may be sought
30 pursuant to Code chapter 17A, but petitions for judicial review
31 may be filed in the district court of the county in which the
32 ambulatory surgical center is located or is to be located,
33 notwithstanding the terms of Code chapter 17A. The bill
34 provides that the status quo of the petitioner or licensee is
35 preserved pending final disposition in court.

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1 The bill establishes a penalty for any person establishing,
2 conducting, managing, or operating an ambulatory surgical
3 center without a license. The person is guilty of a serious
4 misdemeanor and each day of the continuing violation after a
5 conviction is a separate offense.
6 The bill provides that the DIA may maintain an action in
7 the name of the state for an injunction or other process
8 against a person or governmental unit to restrain or prevent
9 the establishment, conduct, management, or operation of an
10 unlicensed ambulatory surgical center.
11 The bill establishes a workgroup to recommend which
12 fields of information will be utilized for the data reporting
13 requirement provided in Code chapter 135P. The department of
14 public health shall convene the workgroup with stakeholders
15 and a designated intermediary. The bill requires that any
16 rules adopted by the department of public health regarding
17 the data reporting requirement shall reflect the workgroup's
18 recommendations.
19 The bill provides that the Act takes effect July 1, 2013.

House File 2274 - Introduced

HOUSE FILE 2274
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HSB 519)

A BILL FOR

1 An Act relating to property taxation and local government
2 budgets by increasing the regular program foundation base
3 percentage, establishing a property tax exemption for
4 certain commercial and industrial property, establishing
5 and modifying property assessment limitations, providing
6 for certain property tax replacement payments, modifying
7 the assessment and taxation of telecommunications company
8 property, establishing budget limitations for counties
9 and cities, eliminating certain reporting requirements,
10 making appropriations, and including effective date and
11 applicability provisions.
12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5399HV (7) 84
md/sc

H.F. 2274

DIVISION I
EDUCATION FINANCE

Section 1. Section 257.1, subsection 2, paragraph b, Code 2011, is amended by striking the paragraph and inserting in lieu thereof the following:

b. (1) The regular program foundation base per pupil is the following:

(a) For the budget year commencing July 1, 2012, and the budget year commencing July 1, 2013, the regular program foundation base per pupil is eighty-seven and five-tenths percent of the regular program state cost per pupil.

(b) For the budget year commencing July 1, 2014, the regular program foundation base per pupil is eighty-nine and six hundredths percent of the regular program state cost per pupil.

(c) For the budget year commencing July 1, 2015, the regular program foundation base per pupil is ninety and sixty-three hundredths percent of the regular program state cost per pupil.

(d) For the budget year commencing July 1, 2016, the regular program foundation base per pupil is ninety-two and nineteen hundredths percent of the regular program state cost per pupil.

(e) For the budget year commencing July 1, 2017, the regular program foundation base per pupil is ninety-three and seventy-five hundredths percent of the regular program state cost per pupil.

(f) For the budget year commencing July 1, 2018, the regular program foundation base per pupil is ninety-five and thirty-one hundredths percent of the regular program state cost per pupil.

(g) For the budget year commencing July 1, 2019, the regular program foundation base per pupil is ninety-six and eighty-eight hundredths percent of the regular program state cost per pupil.

(h) For the budget year commencing July 1, 2020, the regular program foundation base per pupil is ninety-eight and forty-four hundredths percent of the regular program state cost per pupil.

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(i) For the budget year commencing July 1, 2021, and succeeding budget years, the regular program foundation base per pupil is one hundred percent of the regular program state cost per pupil.

(2) For each budget year, the special education support services foundation base is seventy-nine percent of the special education support services state cost per pupil. The combined foundation base is the sum of the regular program foundation base, the special education support services foundation base, the total teacher salary supplement district cost, the total professional development supplement district cost, the total early intervention supplement district cost, the total area education agency teacher salary supplement district cost, and the total area education agency professional development supplement district cost.

Sec. 2. Section 257.4, subsection 1, paragraph b, Code 2011, is amended to read as follows:

b. For the budget year beginning July 1, 2008, and succeeding budget years beginning before July 1, 2021, the department of management shall annually determine an adjusted additional property tax levy and a statewide maximum adjusted additional property tax levy rate, not to exceed the statewide average additional property tax levy rate, calculated by dividing the total adjusted additional property tax levy dollars statewide by the statewide total net taxable valuation. For purposes of this paragraph, the adjusted additional property tax levy shall be that portion of the additional property tax levy corresponding to the state cost per pupil multiplied by a school district's weighted enrollment, and then multiplied by one hundred percent less the regular program foundation base per pupil percentage pursuant to section 257.1. ~~The~~ For budget years beginning before July 1, 2021, the district shall receive adjusted additional property tax levy aid in an amount equal to the difference between the adjusted additional property tax levy rate and the statewide maximum

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adjusted additional property tax levy rate, as applied per thousand dollars of assessed valuation on all taxable property in the district. ~~The statewide maximum adjusted additional property tax levy rate shall be annually determined by the department taking into account amounts allocated pursuant to section 257.15, subsection 4. The~~ For budget years beginning before July 1, 2021, the statewide maximum adjusted additional property tax levy rate shall be annually determined by the department taking into account amounts allocated pursuant to section 257.15, subsection 4, and the balance of the property tax equity and relief fund created in section 257.16A at the end of the calendar year.

Sec. 3. Section 257.15, subsection 4, Code 2011, is amended to read as follows:

4. *a. Allocations for maximum adjusted additional property tax levy rate calculation and adjusted additional property tax levy aid.* ~~The~~ For fiscal years beginning before July 1, 2021, the department of management shall allocate from amounts appropriated pursuant to section 257.16, subsection 1, and from funds appropriated from the property tax equity and relief fund created in section 257.16A for the purpose of calculating the statewide maximum adjusted additional property tax levy rate and providing adjusted additional property tax levy aid as provided in section 257.4, subsection 1, paragraph *"b"*, an amount equal to the sum of subparagraphs (1) and (2) as follows:

(1) From the amount appropriated from the general fund of the state pursuant to section 257.16, subsection 1, equal to the following:

(a) For the budget year beginning July 1, 2006, six million dollars.

(b) For the budget year beginning July 1, 2007, twelve million dollars.

(c) For the budget year beginning July 1, 2008, eighteen million dollars.

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(d) For the budget year beginning July 1, 2009, and succeeding budget years beginning before July 1, 2021, twenty-four million dollars.

(2) From the amount appropriated from the property tax equity and relief fund created in section 257.16A.

b. After lowering all school district additional property tax levy rates to the statewide maximum adjusted additional property tax levy rate under paragraph *"a"*, the department of management shall use any remaining funds at the end of the calendar year to further lower additional property taxes by increasing for the budget year beginning the following July 1, the state foundation base percentage. If, however, the state foundation base percentage is one hundred percent, the department of management shall deposit those remaining funds in the taxpayers trust fund created in section 8.57E. Moneys used pursuant to this paragraph shall supplant an equal amount of the appropriation made from the general fund of the state pursuant to section 257.16 that represents the increase in state foundation aid.

Sec. 4. Section 257.16A, subsections 2 and 3, Code 2011, are amended to read as follows:

2. ~~There~~ For fiscal years beginning before July 1, 2021, there is appropriated annually all moneys in the fund to the department of management for purposes of section 257.15, subsection 4.

3. ~~Notwithstanding~~ Except as provided in subsection 4, and notwithstanding section 8.33, any moneys remaining in the property tax equity and relief fund at the end of a fiscal year shall not revert to any other fund but shall remain in the property tax equity and relief fund for use as provided in this section for the following fiscal year.

Sec. 5. Section 257.16A, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Any moneys in the property tax equity and relief fund on June 30, 2021, shall be deposited by the

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department of management in the taxpayers trust fund created in section 8.57E.

Sec. 6. Section 423F.2, subsection 3, Code 2011, is amended to read as follows:

3. The moneys available in a fiscal year in the secure an advanced vision for education fund shall be distributed by the department of revenue to each school district in an amount equal to the amount the school district would have received pursuant to the formula in section 423E.4 as if the local sales and services tax for school infrastructure purposes was imposed. Moneys collected in a fiscal year beginning before July 1, 2019, that are in excess of that needed to provide each school district with its formula amount shall be distributed and credited to the property tax equity and relief fund created in section 257.16A. Moneys collected in a fiscal year beginning on or after July 1, 2019, that are in excess of that amount needed to provide each school district with its formula amount shall be deposited in the taxpayers trust fund created in section 8.57E.

DIVISION II

PROPERTY TAX EXEMPTION AND ASSESSMENT LIMITATIONS — PROPERTY TAX REPLACEMENT

Sec. 7. Section 257.3, subsection 1, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. *d.* The amount paid to each school district for the commercial and industrial property tax replacement claim under section 441.21A shall be regarded as property tax. The portion of the payment which is foundation property tax shall be determined by applying the foundation property tax rate to the amount computed under section 441.21A, subsection 4, paragraph *"a"*, and such amount shall be prorated pursuant to section 441.21A, subsection 2, if applicable.

Sec. 8. Section 331.512, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 13A. Carry out duties relating to the

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1 calculation and payment of commercial and industrial property
2 tax replacement claims under section 441.21A.
3 Sec. 9. Section 331.512, Code 2011, is amended by adding the
4 following new subsection:
5 NEW SUBSECTION. 13B. Carry out duties relating to the
6 commercial and industrial property tax exemption as provided in
7 section 427.1, subsection 38.
8 Sec. 10. Section 331.559, Code 2011, is amended by adding
9 the following new subsection:
10 NEW SUBSECTION. 25A. Carry out duties relating to the
11 calculation and payment of commercial and industrial property
12 tax replacement claims under section 441.21A.
13 Sec. 11. Section 427.1, Code Supplement 2011, is amended by
14 adding the following new subsection:
15 NEW SUBSECTION. 38. *Commercial and industrial property.*
16 *a.* Property that is not located in an urban renewal area
17 for which an ordinance providing for a division of revenue
18 was adopted before January 1, 2012, and is in effect on the
19 date of the assessment and that is classified for property tax
20 purposes as either commercial property or industrial property.
21 For assessment years beginning on or after January 1, 2013,
22 but before January 1, 2018, the exemption provided under
23 this subsection is limited to an amount of actual value of
24 the property equal to fifteen percent of either four hundred
25 thousand dollars or the actual value of the property, whichever
26 is less. For the assessment year beginning on January 1, 2018,
27 the exemption provided under this subsection is limited to an
28 amount of actual value of the property equal to ten percent
29 of either four hundred thousand dollars or the actual value
30 of the property, whichever is less. For the assessment year
31 beginning on January 1, 2019, the exemption provided under
32 this subsection is limited to an amount of actual value of the
33 property equal to five percent of either four hundred thousand
34 dollars or the actual value of the property, whichever is less.
35 *b.* If property that is eligible for the exemption under this

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1 subsection also receives a property tax exemption under another
2 provision of law for the same assessment year, the amount of
3 the exemption determined under this subsection shall be reduced
4 by the amount of the other exemption.
5 *c.* Wind energy conversion property as defined in section
6 427B.26 is not eligible for the exemption provided under this
7 subsection.
8 *d.* Upon receiving the appropriate valuation information and
9 data from the assessor, the county auditor shall calculate the
10 amount of each exemption under this subsection and shall enter
11 such exemption amounts in the county system.
12 Sec. 12. Section 441.21, subsection 4, Code Supplement
13 2011, is amended to read as follows:
14 4. For valuations established as of January 1, 1979,
15 the percentage of actual value at which agricultural and
16 residential property shall be assessed shall be the quotient
17 of the dividend and divisor as defined in this section. The
18 dividend for each class of property shall be the dividend
19 as determined for each class of property for valuations
20 established as of January 1, 1978, adjusted by the product
21 obtained by multiplying the percentage determined for that
22 year by the amount of any additions or deletions to actual
23 value, excluding those resulting from the revaluation of
24 existing properties, as reported by the assessors on the
25 abstracts of assessment for 1978, plus six percent of the
26 amount so determined. However, if the difference between the
27 dividend so determined for either class of property and the
28 dividend for that class of property for valuations established
29 as of January 1, 1978, adjusted by the product obtained by
30 multiplying the percentage determined for that year by the
31 amount of any additions or deletions to actual value, excluding
32 those resulting from the revaluation of existing properties,
33 as reported by the assessors on the abstracts of assessment
34 for 1978, is less than six percent, the 1979 dividend for the
35 other class of property shall be the dividend as determined for

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1 that class of property for valuations established as of January
2 1, 1978, adjusted by the product obtained by multiplying
3 the percentage determined for that year by the amount of
4 any additions or deletions to actual value, excluding those
5 resulting from the revaluation of existing properties, as
6 reported by the assessors on the abstracts of assessment for
7 1978, plus a percentage of the amount so determined which is
8 equal to the percentage by which the dividend as determined
9 for the other class of property for valuations established
10 as of January 1, 1978, adjusted by the product obtained by
11 multiplying the percentage determined for that year by the
12 amount of any additions or deletions to actual value, excluding
13 those resulting from the revaluation of existing properties,
14 as reported by the assessors on the abstracts of assessment
15 for 1978, is increased in arriving at the 1979 dividend for
16 the other class of property. The divisor for each class
17 of property shall be the total actual value of all such
18 property in the state in the preceding year, as reported by
19 the assessors on the abstracts of assessment submitted for
20 1978, plus the amount of value added to said total actual
21 value by the revaluation of existing properties in 1979 as
22 equalized by the director of revenue pursuant to section
23 441.49. The director shall utilize information reported on
24 abstracts of assessment submitted pursuant to section 441.45
25 in determining such percentage. For valuations established
26 as of January 1, 1980, and each assessment year thereafter
27 beginning before January 1, 2013, the percentage of actual
28 value as equalized by the director of revenue as provided
29 in section 441.49 at which agricultural and residential
30 property shall be assessed shall be calculated in accordance
31 with the methods provided herein including the limitation of
32 increases in agricultural and residential assessed values to
33 the percentage increase of the other class of property if the
34 other class increases less than the allowable limit adjusted to
35 include the applicable and current values as equalized by the

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1 director of revenue, except that any references to six percent
2 in this subsection shall be four percent. For valuations
3 established as of January 1, 2013, and each assessment year
4 thereafter, the percentage of actual value as equalized by the
5 director of revenue as provided in section 441.49 at which
6 agricultural and residential property shall be assessed shall
7 be calculated in accordance with the methods provided herein
8 including the limitation of increases in agricultural and
9 residential assessed values to the percentage increase of the
10 other class of property if the other class increases less
11 than the allowable limit adjusted to include the applicable
12 and current values as equalized by the director of revenue,
13 except that any references to six percent in this subsection
14 shall be two percent. However, for valuations established
15 as of January 1, 2013, and each assessment year thereafter,
16 the percentage of actual value as equalized by the director
17 of revenue as provided in section 441.49 at which residential
18 property shall be assessed, as calculated in accordance with
19 the methods provided herein, shall not exceed the percentage of
20 actual value at which property assessed as commercial property
21 is assessed under subsection 5, paragraph *"b"*, for the same
22 assessment year.
23 Sec. 13. Section 441.21, subsection 5, Code Supplement
24 2011, is amended to read as follows:
25 5. *a.* ~~For valuations established as of January 1, 1979,~~
26 ~~commercial property and industrial property, excluding~~
27 ~~properties referred to in section 427A.1, subsection 8, shall~~
28 ~~be assessed as a percentage of the actual value of each class~~
29 ~~of property. The percentage shall be determined for each~~
30 ~~class of property by the director of revenue for the state in~~
31 ~~accordance with the provisions of this section. For valuations~~
32 ~~established as of January 1, 1979, the percentage shall be~~
33 ~~the quotient of the dividend and divisor as defined in this~~
34 ~~section. The dividend for each class of property shall be the~~
35 ~~total actual valuation for each class of property established~~

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1 ~~for 1978, plus six percent of the amount so determined. The~~
2 ~~divisor for each class of property shall be the valuation~~
3 ~~for each class of property established for 1978, as reported~~
4 ~~by the assessors on the abstracts of assessment for 1978,~~
5 ~~plus the amount of value added to the total actual value by~~
6 ~~the revaluation of existing properties in 1979 as equalized~~
7 ~~by the director of revenue pursuant to section 441.49.~~ For
8 valuations established as of January 1, 1979, property valued
9 by the department of revenue pursuant to chapters 428, 433,
10 437, and 438 shall be considered as one class of property and
11 shall be assessed as a percentage of its actual value. The
12 percentage shall be determined by the director of revenue in
13 accordance with the provisions of this section. For valuations
14 established as of January 1, 1979, the percentage shall be
15 the quotient of the dividend and divisor as defined in this
16 section. The dividend shall be the total actual valuation
17 established for 1978 by the department of revenue, plus ten
18 percent of the amount so determined. The divisor for property
19 valued by the department of revenue pursuant to chapters 428,
20 433, 437, and 438 shall be the valuation established for 1978,
21 plus the amount of value added to the total actual value by
22 the revaluation of the property by the department of revenue
23 as of January 1, 1979. ~~For valuations established as of~~
24 ~~January 1, 1980, commercial property and industrial property,~~
25 ~~excluding properties referred to in section 427A.1, subsection~~
26 ~~8, shall be assessed at a percentage of the actual value of~~
27 ~~each class of property. The percentage shall be determined~~
28 ~~for each class of property by the director of revenue for the~~
29 ~~state in accordance with the provisions of this section. For~~
30 ~~valuations established as of January 1, 1980, the percentage~~
31 ~~shall be the quotient of the dividend and divisor as defined in~~
32 ~~this section. The dividend for each class of property shall~~
33 ~~be the dividend as determined for each class of property for~~
34 ~~valuations established as of January 1, 1979, adjusted by the~~
35 ~~product obtained by multiplying the percentage determined~~

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~~for that year by the amount of any additions or deletions to actual value, excluding those resulting from the revaluation of existing properties, as reported by the assessors on the abstracts of assessment for 1979, plus four percent of the amount so determined. The divisor for each class of property shall be the total actual value of all such property in 1979, as equalized by the director of revenue pursuant to section 441.49, plus the amount of value added to the total actual value by the revaluation of existing properties in 1980. The director shall utilize information reported on the abstracts of assessment submitted pursuant to section 441.45 in determining such percentage.~~ For valuations established as of January 1, 1980, property valued by the department of revenue pursuant to chapters 428, 433, 437, and 438 shall be assessed at a percentage of its actual value. The percentage shall be determined by the director of revenue in accordance with the provisions of this section. For valuations established as of January 1, 1980, the percentage shall be the quotient of the dividend and divisor as defined in this section. The dividend shall be the total actual valuation established for 1979 by the department of revenue, plus eight percent of the amount so determined. The divisor for property valued by the department of revenue pursuant to chapters 428, 433, 437, and 438 shall be the valuation established for 1979, plus the amount of value added to the total actual value by the revaluation of the property by the department of revenue as of January 1, 1980. ~~For valuations established as of January 1, 1981, and each year thereafter, the percentage of actual value as equalized by the director of revenue as provided in section 441.49 at which commercial property and industrial property, excluding properties referred to in section 427A.1, subsection 8, shall be assessed shall be calculated in accordance with the methods provided herein, except that any references to six percent in this subsection shall be four percent.~~ For valuations established as of January 1, 1981, and each year thereafter,

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1 the percentage of actual value at which property valued by
2 the department of revenue pursuant to chapters 428, 433, 437,
3 and 438 shall be assessed shall be calculated in accordance
4 with the methods provided herein, except that any references
5 to ten percent in this subsection shall be eight percent.
6 Beginning with valuations established as of January 1, 1979,
7 and each assessment year thereafter beginning before January
8 1, 2013, property valued by the department of revenue pursuant
9 to chapter 434 shall also be assessed at a percentage of its
10 actual value which percentage shall be equal to the percentage
11 determined by the director of revenue for commercial property,
12 industrial property, or property valued by the department of
13 revenue pursuant to chapters 428, 433, 437, and 438, whichever
14 is lowest. For valuations established on or after January 1,
15 2013, property valued by the department of revenue pursuant
16 to chapter 434 that is not located in an urban renewal area
17 for which an ordinance providing for a division of revenue was
18 adopted before January 1, 2012, and is in effect on the date
19 of the assessment shall be assessed at a percentage of its
20 actual value equal to the percentage of actual value at which
21 property assessed as commercial property is assessed for the
22 same assessment year under paragraph "*b*".
23 *b.* For valuations established on or after January 1, 2013,
24 commercial property that is not located in an urban renewal
25 area for which an ordinance providing for a division of revenue
26 was adopted before January 1, 2012, and is in effect on the
27 date of the assessment, and excluding properties referred
28 to in section 427A.1, subsection 8, shall be assessed as a
29 percentage of its actual value, as determined in this paragraph
30 "*b*". For valuations established for the assessment year
31 beginning January 1, 2013, the percentage of actual value as
32 equalized by the director of revenue as provided in section
33 441.49 at which such commercial property shall be assessed
34 shall be ninety-five percent. For valuations established for
35 the assessment year beginning January 1, 2014, the percentage

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1 of actual value as equalized by the director of revenue as
2 provided in section 441.49 at which such commercial property
3 shall be assessed shall be ninety percent. For valuations
4 established for the assessment year beginning January 1, 2015,
5 the percentage of actual value as equalized by the director of
6 revenue as provided in section 441.49 at which such commercial
7 property shall be assessed shall be eighty-five percent. For
8 valuations established for the assessment year beginning
9 January 1, 2016, the percentage of actual value as equalized by
10 the director of revenue as provided in section 441.49 at which
11 such commercial property shall be assessed shall be eighty
12 percent. For valuations established for the assessment year
13 beginning January 1, 2017, the percentage of actual value as
14 equalized by the director of revenue as provided in section
15 441.49 at which such commercial property shall be assessed
16 shall be seventy-five percent. For valuations established for
17 the assessment year beginning January 1, 2018, the percentage
18 of actual value as equalized by the director of revenue as
19 provided in section 441.49 at which such commercial property
20 shall be assessed shall be seventy percent. For valuations
21 established for the assessment year beginning January 1, 2019,
22 the percentage of actual value as equalized by the director of
23 revenue as provided in section 441.49 at which such commercial
24 property shall be assessed shall be sixty-five percent. For
25 valuations established for the assessment year beginning
26 January 1, 2020, and each assessment year thereafter, the
27 percentage of actual value as equalized by the director of
28 revenue as provided in section 441.49 at which such commercial
29 property shall be assessed shall be sixty percent.
30 *c.* For valuations established on or after January 1,
31 2013, industrial property that is not located in an urban
32 renewal area for which an ordinance providing for a division
33 of revenue was adopted before January 1, 2012, and is in
34 effect on the date of the assessment, and excluding properties
35 referred to in section 427A.1, subsection 8, shall be assessed

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as a percentage of its actual value, as determined in this paragraph "c". For valuations established for the assessment year beginning January 1, 2013, the percentage of actual value as equalized by the director of revenue as provided in section 441.49 at which such industrial property shall be assessed shall be ninety-five percent. For valuations established for the assessment year beginning January 1, 2014, the percentage of actual value as equalized by the director of revenue as provided in section 441.49 at which such industrial property shall be assessed shall be ninety percent. For valuations established for the assessment year beginning January 1, 2015, the percentage of actual value as equalized by the director of revenue as provided in section 441.49 at which such industrial property shall be assessed shall be eighty-five percent. For valuations established for the assessment year beginning January 1, 2016, the percentage of actual value as equalized by the director of revenue as provided in section 441.49 at which such industrial property shall be assessed shall be eighty percent. For valuations established for the assessment year beginning January 1, 2017, the percentage of actual value as equalized by the director of revenue as provided in section 441.49 at which such industrial property shall be assessed shall be seventy-five percent. For valuations established for the assessment year beginning January 1, 2018, the percentage of actual value as equalized by the director of revenue as provided in section 441.49 at which such industrial property shall be assessed shall be seventy percent. For valuations established for the assessment year beginning January 1, 2019, the percentage of actual value as equalized by the director of revenue as provided in section 441.49 at which such industrial property shall be assessed shall be sixty-five percent. For valuations established for the assessment year beginning January 1, 2020, and each assessment year thereafter, the percentage of actual value as equalized by the director of revenue as provided in section 441.49 at which such industrial

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1 property shall be assessed shall be sixty percent.
2 Sec. 14. NEW SECTION. **441.21A Commercial and industrial**
3 **property tax replacement fund — replacement claims.**
4 1. *a.* The commercial and industrial property tax
5 replacement fund is created in the state treasury under
6 the control of the department of revenue for the payment of
7 commercial and industrial property tax replacement claims in
8 fiscal years beginning on or after July 1, 2014.
9 *b.* For the fiscal year beginning July 1, 2014, there
10 is appropriated from the general fund of the state to the
11 department of revenue to be credited to the fund, one hundred
12 million dollars. For the fiscal year beginning July 1, 2015,
13 there is appropriated from the general fund of the state to
14 the department of revenue to be credited to the fund, one
15 hundred fifty million dollars. For the fiscal year beginning
16 July 1, 2016, there is appropriated from the general fund of
17 the state to the department of revenue to be credited to the
18 fund, one hundred eighty million dollars. For the fiscal year
19 beginning July 1, 2017, there is appropriated from the general
20 fund of the state to the department of revenue to be credited
21 to the fund, two hundred ten million dollars. For the fiscal
22 year beginning July 1, 2018, and each fiscal year thereafter,
23 there is appropriated from the general fund of the state to the
24 department of revenue to be credited to the fund, two hundred
25 forty million dollars.
26 2. Beginning with the fiscal year beginning July 1, 2014,
27 each county treasurer shall be paid from the commercial and
28 industrial property tax replacement fund an amount equal to
29 the amount of the commercial and industrial property tax
30 replacement claims in the county, as calculated in subsection
31 4. If an amount appropriated for a fiscal year is insufficient
32 to pay all replacement claims, the director of revenue
33 shall prorate the disbursements from the fund to the county
34 treasurers and shall notify the county auditors of the pro rata
35 percentage on or before September 30. Any unspent balance in

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1 the fund as of June 30 of each year shall revert to the general
2 fund of the state as provided by section 8.33.
3 3. On or before July 1 of each fiscal year beginning on
4 or after July 1, 2014, the assessor shall determine the total
5 assessed value of all commercial property, industrial property,
6 and property assessed by the department of revenue pursuant to
7 chapter 434 assessed for taxes due and payable in that fiscal
8 year and the total assessed value of such property assessed
9 as of January 1, 2012, and shall report the valuations to the
10 county auditor.
11 4. On or before September 1 of each fiscal year beginning
12 on or after July 1, 2014, the county auditor shall prepare
13 a statement, based upon the report received pursuant to
14 subsection 3, listing for each taxing district in the county:
15 *a.* The difference between the assessed valuation of all
16 commercial property, industrial property, and property assessed
17 by the department of revenue pursuant to chapter 434 assessed
18 for the current assessment year, beginning with the assessment
19 year beginning January 1, 2013, and the assessed value of all
20 commercial property, industrial property, and property assessed
21 by the department of revenue pursuant to chapter 434 assessed
22 as of January 1, 2012. If the assessed value of all commercial
23 property, industrial property, and property assessed by the
24 department of revenue pursuant to chapter 434 assessed as of
25 January 1, 2012, is less than the assessed valuation of all
26 commercial property, industrial property, and property assessed
27 by the department of revenue pursuant to chapter 434 for the
28 current assessment year, there is no tax replacement for that
29 taxing district for the fiscal year.
30 *b.* The tax levy rate for each taxing district for that
31 fiscal year.
32 *c.* The commercial and industrial property tax replacement
33 claim for each taxing district. For fiscal years beginning on
34 or after July 1, 2014, the replacement claim is equal to the
35 amount determined pursuant to paragraph *"a"*, multiplied by the

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1 tax rate specified in paragraph *"b"*.
2 5. For purposes of computing replacement amounts under
3 this section, that portion of an urban renewal area defined as
4 the sum of the assessed valuations defined in section 403.19,
5 subsections 1 and 2, shall not be considered a taxing district.
6 6. *a.* The county auditor shall certify and forward one copy
7 of the statement to the department of revenue not later than
8 September 1 of each year.
9 *b.* The replacement claims shall be paid to each county
10 treasurer in equal installments in September and March of each
11 year. The county treasurer shall apportion the replacement
12 claim payments among the eligible taxing districts in the
13 county.
14 Sec. 15. SAVINGS PROVISION. This division of this Act,
15 pursuant to section 4.13, does not affect the operation of,
16 or prohibit the application of, prior provisions of section
17 441.21, or rules adopted under chapter 17A to administer prior
18 provisions of section 441.21, for assessment years beginning
19 before January 1, 2013, and for duties, powers, protests,
20 appeals, proceedings, actions, or remedies attributable to an
21 assessment year beginning before January 1, 2013.
22 Sec. 16. IMPLEMENTATION. Section 25B.7 shall not apply to
23 this division of this Act.
24 Sec. 17. APPLICABILITY. This division of this Act applies
25 to assessment years beginning on or after January 1, 2013.
26 DIVISION III
27 TELECOMMUNICATIONS PROPERTY TAX
28 Sec. 18. Section 427A.1, subsection 1, paragraph h, Code
29 2011, is amended to read as follows:
30 *h.* Property assessed by the department of revenue pursuant
31 to sections 428.24 to 428.29, or chapters ~~433,~~ 434, 437, 437A,
32 and 438.
33 Sec. 19. Section 433.4, Code 2011, is amended to read as
34 follows:
35 **433.4 Assessment.**

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1 1. The director of revenue shall on or before October 31
2 each year, proceed to find the actual value of the property
3 of these companies in this state used by the companies in the
4 transaction of telegraph and telephone business, taking into
5 consideration the information obtained from the statements
6 required, and any further information the director can obtain,
7 using the same as a means for determining the actual ~~cash~~ value
8 of the property of these companies within this state. ~~The~~
9 ~~director shall also take into consideration the valuation of~~
10 ~~all property of these companies, including franchises and the~~
11 ~~use of the property in connection with lines outside the state,~~
12 ~~and making these deductions as may be necessary on account of~~
13 ~~extra value of property outside the state as compared with~~
14 ~~the value of property in the state, in order that the actual~~
15 ~~cash value of the property of the company within this state~~
16 ~~may be ascertained. The assessment shall include all property~~
17 ~~of every kind and character whatsoever, real, personal, or~~
18 ~~mixed, used by the companies in the transaction of telegraph~~
19 ~~and telephone business; and the~~ The property so included in
20 the assessment shall not be taxed in any other manner than as
21 provided in this chapter.
22 2. *a.* Except as provided in paragraph *"c"*, for assessment
23 years beginning on or after January 1, 2013, a company's
24 property, excluding the property identified in paragraph *"b"*
25 as exempt from taxation, shall be subject to assessment and
26 taxation under this chapter by the director of revenue in
27 the same manner as property assessed and taxed as commercial
28 property under chapters 427, 427A, 427B, 428, and 441.
29 *b.* All of the following is exempt from taxation and shall
30 not be assessed for taxation under this chapter:
31 (1) Central office equipment.
32 (2) Transmission equipment.
33 (3) Qualified telephone company property. However,
34 qualified telephone company property shall be valued and
35 included in the company's assessment for the assessment years,

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1 and to the extent specified, in paragraph "*c*".
2 *c.* For assessment years beginning on or after January 1,
3 2013, but before January 1, 2020, the director of revenue shall
4 include as part of the actual value determined under paragraph
5 "*a*" for the applicable assessment year, the following:
6 (1) For the assessment year beginning January 1, 2013, an
7 amount equal to the actual value of the company's qualified
8 telephone company property that exceeds five million dollars.
9 (2) For the assessment year beginning January 1, 2014, an
10 amount equal to the actual value of the company's qualified
11 telephone company property that exceeds twenty-five million
12 dollars.
13 (3) For the assessment year beginning January 1, 2015, an
14 amount equal to the actual value of the company's qualified
15 telephone company property that exceeds fifty million dollars.
16 (4) For the assessment year beginning January 1, 2016, an
17 amount equal to the actual value of the company's qualified
18 telephone company property that exceeds seventy-five million
19 dollars.
20 (5) For the assessment year beginning January 1, 2017, an
21 amount equal to the actual value of the company's qualified
22 telephone company property that exceeds one hundred million
23 dollars.
24 (6) For the assessment year beginning January 1, 2018, an
25 amount equal to the actual value of the company's qualified
26 telephone company property that exceeds one hundred twenty-five
27 million dollars.
28 (7) For the assessment year beginning January 1, 2019, an
29 amount equal to the actual value of the company's qualified
30 telephone company property that exceeds one hundred fifty
31 million dollars.
32 Sec. 20. Section 433.12, Code 2011, is amended by adding the
33 following new subsections:
34 NEW SUBSECTION. 1A. As used in this chapter, "*central*
35 *office equipment*" means equipment owned or leased by a company

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1 and used in initiating, amplifying, switching, or monitoring
2 telecommunications services, including such ancillary equipment
3 necessary for the support, regulation, control, repair, or
4 testing of such equipment.
5 NEW SUBSECTION. 3. As used in this chapter, *"qualified*
6 *telephone company property"* means telephone wire, telephone
7 cable, fiber optic cable, conduit systems, poles, or other
8 equipment owned or leased by a company and used by the company
9 to transmit sound or data.
10 NEW SUBSECTION. 4. As used in this chapter, *"transmission*
11 *equipment"* means equipment owned or leased by a company and
12 used in the process of sending information from one location to
13 another location, including such ancillary equipment necessary
14 for the support, regulation, control, repair, or testing of
15 such equipment.
16 Sec. 21. Section 476.1D, subsection 10, Code Supplement
17 2011, is amended by striking the subsection.
18 Sec. 22. EFFECTIVE DATE.
19 1. Except as provided in subsection 2, this division of this
20 Act takes effect July 1, 2012.
21 2. The section of this division of this Act amending section
22 476.1D takes effect July 1, 2019.
23 Sec. 23. APPLICABILITY.
24 1. Except as provided in subsection 2, this division of this
25 Act applies to assessment years beginning on or after January
26 1, 2013.
27 2. The section of this division of this Act amending section
28 476.1D applies to assessment years beginning on or after
29 January 1, 2020.
30 DIVISION IV
31 COUNTY AND CITY BUDGET LIMITATION
32 Sec. 24. Section 23A.2, subsection 10, paragraph h, Code
33 2011, is amended to read as follows:
34 *h.* The performance of an activity listed in section 331.424,
35 Code 2011, as a service ~~for~~ which a ~~supplemental levy~~ county

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may ~~be certified~~ include in its budget.

Sec. 25. 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"*.

Sec. 26. Section 123.38, subsection 2, Code 2011, is amended to read as follows:

2. Any licensee or permittee, or the licensee's or permittee's executor or administrator, or any person duly appointed by the court to take charge of and administer the property or assets of the licensee or permittee for the benefit of the licensee's or permittee's creditors, may voluntarily surrender a license or permit to the division. When a license or permit is surrendered the division shall notify the local authority, and the division or the local authority shall refund to the person surrendering the license or permit, a proportionate amount of the fee received by the division or the local authority for the license or permit as follows: if a license or permit is surrendered during the first three months of the period for which it was issued, the refund shall be three-fourths of the amount of the fee; if surrendered

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more than three months but not more than six months after issuance, the refund shall be one-half of the amount of the fee; if surrendered more than six months but not more than nine months after issuance, the refund shall be one-fourth of the amount of the fee. No refund shall be made, however, for any special liquor permit, nor for a liquor control license, wine permit, or beer permit surrendered more than nine months after issuance. For purposes of this subsection, any portion of license or permit fees used for the purposes authorized in section 331.424, subsection 1, paragraph *"a"*, subparagraphs (1) and (2), Code 2011, and in section 331.424A, shall not be deemed received either by the division or by a local authority. No refund shall be made to any licensee or permittee, upon the surrender of the license or permit, if there is at the time of surrender, a complaint filed with the division or local authority, charging the licensee or permittee with a violation of this chapter. If upon a hearing on a complaint the license or permit is not revoked or suspended, then the licensee or permittee is eligible, upon surrender of the license or permit, 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. 27. 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

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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. 28. 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, whichever is applicable, to the governing body of the community commonwealth. The maximum ~~rates~~ amount of taxes authorized to be levied under ~~sections~~ section 384.1 and the maximum amount of taxes authorized to be levied under section 384.12 by a city participating in the community commonwealth shall be reduced by an amount equal to the rates of the same or similar taxes levied in the city by the governing body of the community commonwealth.

Sec. 29. Section 331.301, subsection 12, Code Supplement 2011, is amended to read as follows:

12. The board of supervisors may credit funds to a reserve for the purposes authorized by subsection 11 of this section~~, section 331.424, subsection 1, paragraph "a", subparagraph (6),~~ and section 331.441, subsection 2, paragraph "b". Moneys credited to the reserve, and interest earned on such moneys, shall remain in the reserve until expended for purposes

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1 authorized by subsection 11 of this section~~; section 331.424,~~
2 ~~subsection 1, paragraph "a", subparagraph (6);~~ or section
3 331.441, subsection 2, paragraph "b".
4 Sec. 30. Section 331.421, subsections 1 and 10, Code 2011,
5 are amended by striking the subsections.
6 Sec. 31. Section 331.421, Code 2011, is amended by adding
7 the following new subsection:
8 NEW SUBSECTION. 7A. *"Item"* means a budgeted expenditure,
9 appropriation, or cash reserve from a fund for a service area,
10 program, program element, or purpose.
11 Sec. 32. Section 331.423, Code 2011, is amended by striking
12 the section and inserting in lieu thereof the following:
13 **331.423 Property tax dollars — maximums.**
14 1. Annually, the board shall determine separate property
15 tax levy limits to pay for general county services and rural
16 county services in accordance with this section. The property
17 tax levies separately certified for general county services and
18 rural county services under section 331.434 shall not raise
19 property tax dollars that exceed the amount determined under
20 this section.
21 2. For purposes of this section and section 331.423B, unless
22 the context otherwise requires:
23 *a. "Annual growth factor"* means an index, expressed as
24 a percentage, determined by the department of management by
25 January 1 of the calendar year in which the budget year begins.
26 In determining the annual growth factor, the department shall
27 calculate the average of the preceding twelve-month percentage
28 change, which shall be computed on a monthly basis, in the
29 midwest consumer price index, ending with the percentage change
30 for the month of November. The department shall then add that
31 average percentage change to one hundred percent. In no case,
32 however, shall the annual growth factor exceed one hundred four
33 percent.
34 *b. "Boundary adjustment"* means annexation, severance,
35 incorporation, or discontinuance as those terms are defined in

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1 section 368.1.
2 *c. "Budget year"* is the fiscal year beginning during the
3 calendar year in which a budget is certified.
4 *d. "Current fiscal year"* is the fiscal year ending during
5 the calendar year in which a budget is certified.
6 *e. "Net new valuation taxes"* means the amount of property
7 tax dollars equal to the current fiscal year's levy rate in
8 the county for general county services or for rural county
9 services, as applicable, multiplied by the increase from the
10 current fiscal year to the budget year in taxable valuation due
11 to the following:
12 (1) Net new construction, excluding all incremental
13 valuation that is released in any one year from either a
14 division of revenue under section 260E.4 or an urban renewal
15 area for which taxes were being divided under section 403.19 if
16 the property for the valuation being released remains subject
17 to the division of revenue under section 260E.4 or remains part
18 of the urban renewal area that is subject to a division of
19 revenue under section 403.19.
20 (2) Additions or improvements to existing structures.
21 (3) Remodeling of existing structures for which a building
22 permit is required.
23 (4) Net boundary adjustment.
24 (5) A municipality no longer dividing tax revenues in an
25 urban renewal area as provided in section 403.19 or a community
26 college no longer dividing revenues as provided in section
27 260E.4.
28 (6) That portion of taxable property located in an urban
29 revitalization area on which an exemption was allowed and such
30 exemption has expired.
31 3. *a.* For the fiscal year beginning July 1, 2013, and
32 subsequent fiscal years, the maximum amount of property tax
33 dollars which may be certified for levy by a county for general
34 county services and rural county services shall be the maximum
35 property tax dollars calculated under paragraphs *"b"* and *"c"*,

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respectively.

b. The maximum property tax dollars that may be levied for general county services is an amount equal to the sum of the following:

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

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

c. The maximum property tax dollars that may be levied for rural county services is an amount equal to the sum of the following:

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

(2) The amount of net new valuation taxes in the unincorporated area of the county.

4. *a.* For purposes of calculating maximum property tax dollars for general county services 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 county for general county services for the fiscal year beginning July 1, 2012.

b. For purposes of calculating maximum property tax dollars for rural county services 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 county for rural county services for the fiscal year beginning July 1, 2012.

5. Property taxes certified for mental health, mental retardation, and developmental disabilities services, the emergency services fund in section 331.424C, the debt service fund in section 331.430, any capital projects fund established by the county for deposit of bond, loan, or note proceeds, and any temporary increase approved pursuant to section 331.424, are not included in the maximum amount of property tax dollars that may be certified for a budget year under subsection 3.

6. The department of management, in consultation with the

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1 county finance committee, shall adopt rules to administer this
2 section. The department shall prescribe forms to be used by
3 counties when making calculations required by this section.
4 Sec. 33. NEW SECTION. **331.423B Ending fund balance.**
5 1. *a.* Budgeted ending fund balances for a budget year
6 in excess of twenty-five percent of budgeted expenditures in
7 either the general fund or rural services fund for that budget
8 year shall be explicitly reserved or designated for a specific
9 purpose.
10 *b.* A county is encouraged, but not required, to reduce
11 budgeted, unreserved, or undesignated ending fund balances for
12 the budget year to an amount equal to approximately twenty-five
13 percent of budgeted expenditures and transfers from the general
14 fund and rural services fund for that budget year unless a
15 decision is certified by the state appeal board ordering a
16 reduction in the ending fund balance of any of those funds.
17 *c.* In a protest to the county budget under section 331.436,
18 the county shall have the burden of proving that the budgeted
19 balances in excess of twenty-five percent are reasonably likely
20 to be appropriated for the explicitly reserved or designated
21 specific purpose. The excess budgeted balance for the specific
22 purpose shall be considered an increase in an item in the
23 budget for purposes of section 24.28.
24 2. *a.* For a county that has, as of June 30, 2012, reduced
25 its actual ending fund balance to less than twenty-five
26 percent of actual expenditures, additional property taxes may
27 be computed and levied as provided in this subsection. The
28 additional property tax levy amount is an amount not to exceed
29 twenty-five percent of actual expenditures from the general
30 fund and rural services fund for the fiscal year beginning July
31 1, 2011, minus the combined ending fund balances for those
32 funds for that year.
33 *b.* The amount of the additional property taxes shall be
34 apportioned between the general fund and the rural services
35 fund. However, the amount apportioned for general county

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1 services and for rural county services shall not exceed for
2 each fund twenty-five percent of actual expenditures for the
3 fiscal year beginning July 1, 2011.
4 *c.* All or a portion of additional property tax dollars
5 may be levied for the purpose of increasing cash reserves
6 for general county services and rural county services in the
7 budget year. The additional property tax dollars authorized
8 under this subsection but not levied may be carried forward as
9 unused ending fund balance taxing authority until and for the
10 fiscal year beginning July 1, 2018. The amount carried forward
11 shall not exceed twenty-five percent of the maximum amount of
12 property tax dollars available in the current fiscal year.
13 Additionally, property taxes that are levied as unused ending
14 fund balance taxing authority under this subsection may be the
15 subject of a protest under section 331.436, and the amount
16 will be considered an increase in an item in the budget for
17 purposes of section 24.28. The amount of additional property
18 taxes levied under this subsection shall not be included in the
19 computation of the maximum amount of property tax dollars which
20 may be certified and levied under section 331.423.
21 Sec. 34. Section 331.424, Code 2011, is amended by striking
22 the section and inserting in lieu thereof the following:
23 **331.424 Authority to levy beyond maximum property tax**
24 **dollars.**
25 1. The board may certify additions to the maximum amount
26 of property tax dollars to be levied for a period of time not
27 to exceed two years if the proposition has been submitted at a
28 special election and received a favorable majority of the votes
29 cast on the proposition.
30 2. The special election is subject to the following:
31 *a.* The board must give at least thirty-two days' notice to
32 the county commissioner of elections that the special election
33 is to be held. In no case, however, shall a notice be given to
34 the county commissioner of elections after December 31 for an
35 election on a proposition to exceed the statutory limits during

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1 the fiscal year beginning in the next calendar year.
2 *b.* The special election shall be conducted by the county
3 commissioner of elections in accordance with law.
4 *c.* The proposition to be submitted shall be substantially
5 in the following form:
6 Vote "yes" or "no" on the following: Shall the county of
7 _____ levy for an additional $_____ each year for ___ years
8 beginning July 1, _____, in excess of the statutory limits
9 otherwise applicable for the (general county services or rural
10 services) fund?
11 *d.* The canvass shall be held beginning at 1:00 p.m. on
12 the second day which is not a holiday following the special
13 election.
14 *e.* Notice of the special election shall be published at
15 least once in a newspaper as specified in section 331.305 prior
16 to the date of the special election. The notice shall appear
17 as early as practicable after the board has voted to submit
18 a proposition to the voters to levy additional property tax
19 dollars.
20 3. Registered voters in the county may vote on the
21 proposition to increase property taxes for the general fund
22 in excess of the statutory limit. Registered voters residing
23 outside the corporate limits of a city within the county may
24 vote on the proposition to increase property taxes for the
25 rural services fund in excess of the statutory limit.
26 4. The amount of additional property tax dollars certified
27 under this section shall not be included in the computation
28 of the maximum amount of property tax dollars which may be
29 certified and levied under section 331.423.
30 Sec. 35. Section 331.424A, subsection 4, Code Supplement
31 2011, is amended to read as follows:
32 4. For the fiscal year beginning July 1, 1996, and for each
33 subsequent fiscal year, the county shall certify a levy for
34 payment of services. For each fiscal year, county revenues
35 from taxes imposed by the county credited to the services fund

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1 shall not exceed an amount equal to the amount of base year
2 expenditures for services as defined in section 331.438, less
3 the amount of property tax relief to be received pursuant to
4 section 426B.2, in the fiscal year for which the budget is
5 certified. The county auditor and the board of supervisors
6 shall reduce the amount of the levy certified for the services
7 fund by the amount of property tax relief to be received. A
8 levy certified under this section is not subject to ~~the appeal~~
9 ~~provisions of section 331.426 or to~~ any other provision in law
10 authorizing a county to exceed, increase, or appeal a property
11 tax levy limit.
12 Sec. 36. Section 331.427, subsection 3, paragraph l, Code
13 2011, is amended to read as follows:
14 *l.* Services listed in section 331.424, subsection 1, Code
15 2011, and section 331.554.
16 Sec. 37. Section 331.428, subsection 2, paragraph d, Code
17 2011, is amended to read as follows:
18 *d.* Services listed under section 331.424, subsection 2, Code
19 2011.
20 Sec. 38. Section 331.434, subsection 1, Code 2011, is
21 amended to read as follows:
22 1. The budget shall show the amount required for each class
23 of proposed expenditures, a comparison of the amounts proposed
24 to be expended with the amounts expended for like purposes for
25 the two preceding years, the revenues from sources other than
26 property taxation, and the amount to be raised by property
27 taxation, in the detail and form prescribed by the director
28 of the department of management. For each county that has
29 established an urban renewal area, the budget shall include
30 estimated and actual tax increment financing revenues and all
31 estimated and actual expenditures of the revenues, proceeds
32 from debt and all estimated and actual expenditures of the
33 debt proceeds, and identification of any entity receiving a
34 direct payment of taxes funded by tax increment financing
35 revenues and shall include the total amount of loans, advances,

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indebtedness, or bonds outstanding at the close of the most recently ended fiscal year, which qualify for payment from the special fund created in section 403.19, including interest negotiated on such loans, advances, indebtedness, or bonds. For purposes of this subsection, *"indebtedness"* includes written agreements whereby the county agrees to suspend, abate, exempt, rebate, refund, or reimburse property taxes, provide a grant for property taxes paid, or make a direct payment of taxes, with moneys in the special fund. The amount of loans, advances, indebtedness, or bonds shall be listed in the aggregate for each county reporting. ~~The county finance committee, in consultation with the department of management and the legislative services agency, shall determine reporting criteria and shall prepare a form for reports filed with the department pursuant to this section. The department shall make the information available by electronic means.~~

Sec. 39. Section 373.10, Code 2011, is amended to read as follows:

373.10 Taxing authority.

The metropolitan council shall have the authority to levy city taxes to the extent the city tax levy authority is transferred by the charter to the metropolitan council. A member city shall transfer a portion of the city's tax levy authorized under section 384.1 or 384.12, whichever is applicable, to the metropolitan council. The maximum ~~rates~~ amount of taxes authorized to be levied under ~~sections~~ section 384.1 and the taxes authorized to be levied under section 384.12 by a member city shall be reduced by an amount equal to the rates of the same or similar taxes levied in the city by the metropolitan council.

Sec. 40. Section 384.1, Code 2011, is amended by striking the section and inserting in lieu thereof the following:

384.1 Property tax dollars — maximums.

1. A city shall certify taxes to be levied by the city on all taxable property within the city limits, for all city

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1 government purposes. Annually, the city council may certify
2 basic levies for city government purposes, subject to the
3 limitation on property tax dollars provided in this section.
4 2. For purposes of this section and section 384.1B, unless
5 the context otherwise requires:
6 *a. "Annual growth factor"* means an index, expressed as
7 a percentage, determined by the department of management by
8 January 1 of the calendar year in which the budget year begins.
9 In determining the annual growth factor, the department shall
10 calculate the average of the preceding twelve-month percentage
11 change, which shall be computed on a monthly basis, in the
12 midwest consumer price index, ending with the percentage change
13 for the month of November. The department shall then add that
14 average percentage change to one hundred percent. In no case,
15 however, shall the annual growth factor exceed one hundred four
16 percent.
17 *b. "Boundary adjustment"* means annexation, severance,
18 incorporation, or discontinuance as those terms are defined in
19 section 368.1.
20 *c. "Budget year"* is the fiscal year beginning during the
21 calendar year in which a budget is certified.
22 *d. "Current fiscal year"* is the fiscal year ending during
23 the calendar year in which a budget is certified.
24 *e. "Net new valuation taxes"* means the amount of property
25 tax dollars equal to the current fiscal year's levy rate in the
26 city for the general fund multiplied by the increase from the
27 current fiscal year to the budget year in taxable valuation due
28 to the following:
29 (1) Net new construction, excluding all incremental
30 valuation that is released in any one year from either a
31 division of revenue under section 260E.4 or an urban renewal
32 area for which taxes were being divided under section 403.19 if
33 the property for the valuation being released remains subject
34 to the division of revenue under section 260E.4 or remains part
35 of the urban renewal area that is subject to a division of

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1 revenue under section 403.19.
2 (2) Additions or improvements to existing structures.
3 (3) Remodeling of existing structures for which a building
4 permit is required.
5 (4) Net boundary adjustment.
6 (5) A municipality no longer dividing tax revenues in an
7 urban renewal area as provided in section 403.19 or a community
8 college no longer dividing revenues as provided in section
9 260E.4.
10 (6) That portion of taxable property located in an urban
11 revitalization area on which an exemption was allowed and such
12 exemption has expired.
13 3. *a.* For the fiscal year beginning July 1, 2013, and
14 subsequent fiscal years, the maximum amount of property
15 tax dollars which may be certified for levy by a city for
16 the general fund shall be the maximum property tax dollars
17 calculated under paragraph *"b"*.
18 *b.* The maximum property tax dollars that may be levied for
19 deposit in the general fund 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 the general fund.
23 (2) The amount of net new valuation taxes in the city.
24 4. For purposes of calculating maximum property tax dollars
25 for the city general fund for the fiscal year beginning July
26 1, 2013, only, the term *"current fiscal year's maximum property*
27 *tax dollars"* shall mean the total amount of property tax dollars
28 certified by the city for the city's general fund for the
29 fiscal year beginning July 1, 2012.
30 5. Property taxes certified for deposit in the debt service
31 fund in section 384.4, trust and agency funds in section
32 384.6, capital improvements reserve fund in section 384.7,
33 the emergency fund in section 384.8, any capital projects
34 fund established by the city for deposit of bond, loan, or
35 note proceeds, any temporary increase approved pursuant to

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1 section 384.12A, property taxes collected from a voted levy in
2 section 384.12, and property taxes levied under section 384.12,
3 subsection 18, are not counted against the maximum amount of
4 property tax dollars that may be certified for a fiscal year
5 under subsection 3.
6 6. Notwithstanding the maximum amount of taxes a city
7 may certify for levy, the tax levied by a city on tracts of
8 land and improvements on the tracts of land used and assessed
9 for agricultural or horticultural purposes shall not exceed
10 three dollars and three-eighths cents per thousand dollars
11 of assessed value in any year. Improvements located on such
12 tracts of land and not used for agricultural or horticultural
13 purposes and all residential dwellings are subject to the same
14 rate of tax levied by the city on all other taxable property
15 within the city.
16 7. The department of management, in consultation with the
17 city finance committee, shall adopt rules to administer this
18 section. The department shall prescribe forms to be used by
19 cities when making calculations required by this section.
20 Sec. 41. NEW SECTION. **384.1B Ending fund balance.**
21 1. *a.* Budgeted ending fund balances for a budget year in
22 excess of twenty-five percent of budgeted expenditures from the
23 general fund for that budget year shall be explicitly reserved
24 or designated for a specific purpose.
25 *b.* A city is encouraged, but not required, to reduce
26 budgeted, unreserved, or undesignated ending fund balances for
27 the budget year to an amount equal to approximately twenty-five
28 percent of budgeted expenditures and transfers from the general
29 fund for that budget year unless a decision is certified by
30 the state appeal board ordering a reduction in the ending fund
31 balance of the fund.
32 *c.* In a protest to the city budget under section 384.19,
33 the city shall have the burden of proving that the budgeted
34 balances in excess of twenty-five percent are reasonably likely
35 to be appropriated for the explicitly reserved or designated

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1 specific purpose. The excess budgeted balance for the specific
2 purpose shall be considered an increase in an item in the
3 budget for purposes of section 24.28.
4 2. *a.* For a city that has, as of June 30, 2012, reduced its
5 ending fund balance to less than twenty-five percent of actual
6 expenditures, additional property taxes may be computed and
7 levied as provided in this subsection. The additional property
8 tax levy amount is an amount not to exceed the difference
9 between twenty-five percent of actual expenditures for city
10 government purposes for the fiscal year beginning July 1, 2011,
11 minus the ending fund balance for that year.
12 *b.* All or a portion of additional property tax dollars
13 may be levied for the purpose of increasing cash reserves for
14 city government purposes in the budget year. The additional
15 property tax dollars authorized under this subsection but not
16 levied may be carried forward as unused ending fund balance
17 taxing authority until and for the fiscal year beginning
18 July 1, 2018. The amount carried forward shall not exceed
19 twenty-five percent of the maximum amount of property tax
20 dollars available in the current fiscal year. Additionally,
21 property taxes that are levied as unused ending fund balance
22 taxing authority under this subsection may be the subject of a
23 protest under section 384.19, and the amount will be considered
24 an increase in an item in the budget for purposes of section
25 24.28. The amount of additional property tax dollars levied
26 under this subsection shall not be included in the computation
27 of the maximum amount of property tax dollars which may be
28 certified and levied under section 384.1.
29 Sec. 42. Section 384.12, subsection 20, Code 2011, is
30 amended by striking the subsection.
31 Sec. 43. NEW SECTION. **384.12A Authority to levy beyond**
32 **maximum property tax dollars.**
33 1. The city council may certify additions to the maximum
34 amount of property tax dollars to be levied for a period of
35 time not to exceed two years if the proposition has been

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1 submitted at a special election and received a favorable
2 majority of the votes cast on the proposition.
3 2. The special election is subject to the following:
4 *a.* The city council must give at least thirty-two days'
5 notice to the county commissioner of elections that the special
6 election is to be held. In no case, however, shall a notice be
7 given to the county commissioner of elections after December 31
8 for an election on a proposition to exceed the statutory limits
9 during the fiscal year beginning in the next calendar year.
10 *b.* The special election shall be conducted by the county
11 commissioner of elections in accordance with law.
12 *c.* The proposition to be submitted shall be substantially
13 in the following form:
14 Vote "yes" or "no" on the following: Shall the city of
15 _____ levy for an additional $_____ each year for ___ years
16 beginning next July 1, ____, in excess of the statutory limits
17 otherwise applicable for the city general fund?
18 *d.* The canvass shall be held beginning at 1:00 p.m. on
19 the second day which is not a holiday following the special
20 election.
21 *e.* Notice of the special election shall be published at
22 least once in a newspaper as specified in section 362.3 prior
23 to the date of the special election. The notice shall appear
24 as early as practicable after the city council has voted to
25 submit a proposition to the voters to levy additional property
26 tax dollars.
27 3. The amount of additional property tax dollars certified
28 under this section shall not be included in the computation
29 of the maximum amount of property tax dollars which may be
30 certified and levied under section 384.1.
31 Sec. 44. Section 384.16, subsection 1, paragraph b, Code
32 2011, is amended to read as follows:
33 *b.* A budget must show comparisons between the estimated
34 expenditures in each program in the following year, the latest
35 estimated expenditures in each program in the current year,

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and the actual expenditures in each program from the annual report as provided in section 384.22, or as corrected by a subsequent audit report. Wherever practicable, as provided in rules of the committee, a budget must show comparisons between the levels of service provided by each program as estimated for the following year, and actual levels of service provided by each program during the two preceding years. For each city that has established an urban renewal area, the budget shall include estimated and actual tax increment financing revenues and all estimated and actual expenditures of the revenues, proceeds from debt and all estimated and actual expenditures of the debt proceeds, and identification of any entity receiving a direct payment of taxes funded by tax increment financing revenues and shall include the total amount of loans, advances, indebtedness, or bonds outstanding at the close of the most recently ended fiscal year, which qualify for payment from the special fund created in section 403.19, including interest negotiated on such loans, advances, indebtedness, or bonds. The amount of loans, advances, indebtedness, or bonds shall be listed in the aggregate for each city reporting. ~~The city finance committee, in consultation with the department of management and the legislative services agency, shall determine reporting criteria and shall prepare a form for reports filed with the department pursuant to this section. The department shall make the information available by electronic means.~~

Sec. 45. Section 384.19, Code 2011, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For purposes of a tax protest filed under this section, *"item"* means a budgeted expenditure, appropriation, or cash reserve from a fund for a service area, program, program element, or purpose.

Sec. 46. Section 386.8, Code 2011, is amended to read as follows:

386.8 Operation tax.

A city may establish a self-supported improvement district

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1 operation fund, and may certify taxes not to exceed the
2 rate limitation as established in the ordinance creating the
3 district, or any amendment thereto, each year to be levied
4 for the fund against all of the property in the district,
5 for the purpose of paying the administrative expenses of
6 the district, which may include but are not limited to
7 administrative personnel salaries, a separate administrative
8 office, planning costs including consultation fees, engineering
9 fees, architectural fees, and legal fees and all other expenses
10 reasonably associated with the administration of the district
11 and the fulfilling of the purposes of the district. The taxes
12 levied for this fund may also be used for the purpose of paying
13 maintenance expenses of improvements or self-liquidating
14 improvements for a specified length of time with one or more
15 options to renew if such is clearly stated in the petition
16 which requests the council to authorize construction of the
17 improvement or self-liquidating improvement, whether or not
18 such petition is combined with the petition requesting creation
19 of a district. Parcels of property which are assessed as
20 residential property for property tax purposes are exempt from
21 the tax levied under this section except residential properties
22 within a duly designated historic district. A tax levied under
23 this section is not subject to the ~~levy~~ limitation in section
24 384.1.
25 Sec. 47. Section 386.9, Code 2011, is amended to read as
26 follows:
27 **386.9 Capital improvement tax.**
28 A city may establish a capital improvement fund for a
29 district and may certify taxes, not to exceed the rate
30 established by the ordinance creating the district, or any
31 subsequent amendment thereto, each year to be levied for
32 the fund against all of the property in the district, for
33 the purpose of accumulating moneys for the financing or
34 payment of a part or all of the costs of any improvement or
35 self-liquidating improvement. However, parcels of property

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1 which are assessed as residential property for property tax
2 purposes are exempt from the tax levied under this section
3 except residential properties within a duly designated historic
4 district. A tax levied under this section is not subject to
5 the ~~levy~~ limitations in section 384.1 or 384.7.
6 Sec. 48. REPEAL. Sections 331.425 and 331.426, Code 2011,
7 are repealed.
8 Sec. 49. APPLICABILITY. This division of this Act applies
9 to fiscal years beginning on or after July 1, 2013.
10 EXPLANATION
11 This bill relates to property taxation and local government
12 budgets by increasing the regular program foundation base
13 percentage, establishing a property tax exemption for certain
14 commercial and industrial property, establishing and modifying
15 property assessment limitations, providing for certain property
16 tax replacement payments, modifying the assessment and taxation
17 of telecommunications company property, establishing budget
18 limitations for counties and cities, and eliminating certain
19 reporting requirements.
20 Division I of the bill provides for an increase in the
21 regular program foundation base under the state school
22 foundation program. The foundation base is the specified
23 percentage of the state cost per pupil calculation which is
24 paid as state aid to school districts, above and beyond the
25 uniform property tax levy imposed in Code section 257.3.
26 Beginning with the budget year commencing July 1, 2014, the
27 increase is phased in over an eight-year period in annual
28 increments, from the current foundation base level of 87.5
29 percent to the level of 100 percent in the eighth year.
30 Division I of the bill provides that the department of
31 management's determination of an adjusted additional property
32 tax levy and a statewide maximum adjusted additional property
33 tax levy rate only applies to budget years beginning before
34 July 1, 2021. The bill also provides that adjusted additional
35 property tax levy aid to school districts is only provided for

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1 budget years beginning before July 1, 2021. The elimination
2 of adjusted additional property tax levy aid is the result of
3 the regular program foundation base percentage reaching 100
4 percent.
5 Division I of the bill sunsets the annual appropriation of
6 $24 million for adjusted additional property tax levy aid under
7 Code section 257.15(4) for the fiscal year beginning July 1,
8 2021, and thereafter, and provides that if the state foundation
9 base percentage is 100 percent, the department of management
10 shall deposit those remaining funds allocated for adjusted
11 additional property tax levy aid in the taxpayers trust fund.
12 Division I of the bill specifies that any moneys in the
13 property tax equity and relief fund established under Code
14 section 257.16A on June 30, 2021, shall be deposited by the
15 department of management in the taxpayers trust fund.
16 Division I of the bill provides that moneys in the secure an
17 advanced vision for education fund (SAVE) and collected in a
18 fiscal year beginning before July 1, 2019, that are in excess
19 of that needed to provide each school district with its formula
20 amount continue, as under current law, to be distributed and
21 credited to the property tax equity and relief fund created
22 in Code section 257.16A. The bill provides that such excess
23 moneys collected in a fiscal year beginning on or after July 1,
24 2019, shall be deposited in the taxpayers trust fund.
25 Division II of the bill establishes a property tax exemption
26 for commercial and industrial property that is not located in
27 an urban renewal area for which an ordinance providing for a
28 division of revenue was adopted before January 1, 2012, and is
29 in effect on the date of the assessment. For assessment years
30 beginning on or after January 1, 2013, but before January 1,
31 2018, the exemption is limited to an amount of actual value
32 of the property equal to 15 percent of either $400,000 or the
33 actual value of the property, whichever is less. For the
34 assessment year beginning on January 1, 2018, the exemption
35 is limited to an amount of actual value of the property equal

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1 to 10 percent of either $400,000 or the actual value of the
2 property, whichever is less. For the assessment year beginning
3 on January 1, 2019, the exemption is limited to an amount of
4 actual value of the property equal to 5 percent of either
5 $400,000 or the actual value of the property, whichever is
6 less. If property that is eligible for the exemption under
7 the bill also receives a property tax exemption under another
8 provision of law for the same assessment year, the amount of
9 the exemption under the bill is reduced by the amount of the
10 other exemption. The bill provides that wind energy conversion
11 property is not eligible for the exemption.
12 Division II of the bill changes the property tax assessment
13 limitation percentage for residential property and agricultural
14 property from 4 percent to 2 percent for assessment years
15 beginning on or after January 1, 2013. The bill also provides
16 that for valuations established on or after January 1, 2013,
17 the percentage of actual value at which residential property
18 is assessed, as calculated in the bill, may not exceed the
19 percentage at which certain commercial property that is not
20 subject to a division of revenue is assessed for the same
21 assessment year.
22 Division II of the bill strikes the methodology in Code
23 section 441.21(5) currently used to determine the percentage
24 of actual value at which commercial property and industrial
25 property are assessed for property tax purposes. The bill
26 provides that for valuations established for the assessment
27 year beginning January 1, 2013, the percentage of actual value
28 at which commercial and industrial property that are not
29 subject to a division of revenue ordinance under Code chapter
30 403 that was adopted before January 1, 2012, are assessed is
31 95 percent. For the assessment year beginning January 1,
32 2014, the percentage of actual value at which such commercial
33 and industrial property are assessed is 90 percent. For the
34 assessment year beginning January 1, 2015, the percentage of
35 actual value at which such commercial and industrial property

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1 are assessed is 85 percent. For the assessment year beginning
2 January 1, 2016, the percentage of actual value at which
3 such commercial and industrial property are assessed is 80
4 percent. For the assessment year beginning January 1, 2017,
5 the percentage of actual value at which such commercial and
6 industrial property are assessed is 75 percent. For the
7 assessment year beginning January 1, 2018, the percentage of
8 actual value at which such commercial and industrial property
9 are assessed is 70 percent. For the assessment year beginning
10 January 1, 2019, the percentage of actual value at which such
11 commercial and industrial property are assessed is 65 percent.
12 For assessment years beginning on or after January 1, 2020,
13 the percentage of actual value at which such commercial and
14 industrial property are assessed is 60 percent.
15 Division II provides that for valuations established on or
16 after January 1, 2013, property valued by the department of
17 revenue pursuant to Code chapter 434 (railway property) that is
18 not in an area subject to a division of revenue ordinance under
19 Code chapter 403 adopted before January 1, 2012, is assessed
20 at a percentage of its actual value equal to the percentage
21 of actual value at which commercial property that is not in
22 an area subject to a division of revenue ordinance under Code
23 chapter 403 adopted before January 1, 2012, is assessed for the
24 same assessment year.
25 Division II creates a commercial and industrial property tax
26 replacement fund in new Code section 441.21A under the control
27 of the department of revenue. For the fiscal year beginning
28 July 1, 2014, the bill appropriates $100 million from the
29 general fund of the state to the department of revenue to be
30 credited to the fund. For the fiscal year beginning July 1,
31 2015, the bill appropriates $150 million from the general fund
32 of the state to the department of revenue to be credited to the
33 fund. For the fiscal year beginning July 1, 2016, the bill
34 appropriates $180 million from the general fund of the state to
35 the department of revenue to be credited to the fund. For the

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1 fiscal year beginning July 1, 2017, the bill appropriates $210
2 million from the general fund of the state to the department
3 of revenue to be credited to the fund. For the fiscal year
4 beginning July 1, 2018, and each fiscal year thereafter, there
5 is appropriated from the general fund of the state to the
6 department of revenue to be credited to the fund, $240 million.
7 Division II provides that beginning with the fiscal year
8 starting July 1, 2014, moneys appropriated to the commercial
9 and industrial property tax replacement fund are for the
10 payment of commercial and industrial property tax replacement
11 claims. If an amount appropriated for a fiscal year is
12 insufficient to pay all replacement claims, the director of
13 revenue prorates the disbursements from the fund. Any unspent
14 balance as of June 30 of each year shall revert to the general
15 fund of the state as provided in Code section 8.33.
16 Division II requires the assessor to determine, on or before
17 July 1 of each fiscal year beginning on or after July 1, 2014,
18 the total assessed value of all commercial property, industrial
19 property, and property assessed by the department of revenue
20 under Code chapter 434 (railway) for taxes due and payable
21 in that fiscal year and the total assessed value of all such
22 property assessed as of January 1, 2012, and to report those
23 valuations to the county auditor. On or before September
24 1, the county auditor prepares a statement, based upon the
25 report listing for each taxing district in the county the
26 assessed values of such property located in the taxing district
27 for specified assessment years, the tax levy rate for each
28 taxing district, and the property tax replacement claim for
29 each taxing district. The replacement claim is equal to the
30 difference between the assessed valuation of all such property
31 located in the taxing district and assessed for that assessment
32 year and the total assessed value of all such property located
33 in the taxing district and assessed as of January 1, 2012,
34 multiplied by the tax rate specified for the taxing district.
35 If the January 1, 2012, assessment amount is less, there is no

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1 replacement claim for the taxing district for that year.
2 Replacement claims are paid to each county treasurer in
3 equal installments in September and March of each year. The
4 county treasurer apportions the replacement claim payments
5 among the eligible taxing districts in the county.
6 Division II excludes tax increment financing districts
7 in urban renewal areas as a taxing district for purposes of
8 allocation of replacement moneys.
9 Division II, pursuant to Code section 4.13, does not affect
10 the application of prior provisions of Code section 441.21 to
11 assessment years beginning before January 1, 2013.
12 Division II of the bill applies to assessment years
13 beginning on or after January 1, 2013.
14 Division II of the bill provides that the provisions in
15 Code section 25B.7, relating to the obligation of the state
16 to reimburse local jurisdictions for property tax credits and
17 exemptions, does not apply to the exemption in division II of
18 the bill.
19 Division III of the bill relates to the manner in which the
20 property of telecommunications companies is assessed and taxed.
21 The assessment provisions of current Code section
22 433.4 provide that in ascertaining the actual value of
23 telecommunications company property the director of revenue
24 shall include all property of every kind and character
25 whatsoever, real, personal, or mixed, used by the company in
26 the transaction of telegraph and telephone business.
27 Division III of the bill strikes the provisions that
28 included all kinds and character of property in the
29 determination of actual value of a company´s property.
30 Instead, the bill provides that for assessment years beginning
31 on or after January 1, 2013, a company´s property, excluding
32 central office equipment, transmission equipment, and qualified
33 telephone company property, all as defined in the bill, shall
34 be subject to assessment and taxation under Code chapter 433 by
35 the director of revenue in the same manner as property assessed

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1 and taxed as commercial property. The bill provides, however,
2 that for assessment years beginning on or after January 1,
3 2013, but before January 1, 2020, the director of revenue
4 shall include as part of the actual value so determined for
5 that assessment year a specified amount of actual value of
6 the company's qualified telephone company property. The bill
7 defines "qualified telephone company property" as telephone
8 wire, telephone cable, fiber optic cable, conduit systems,
9 poles, or other equipment owned or leased by a company and used
10 by the company to transmit sound or data.
11 Division III of the bill strikes a provision in Code section
12 476.1D that allowed certain specified long-distance telephone
13 company property to be assessed for taxation as commercial
14 property by the local assessor.
15 Except for the section of division III of the bill amending
16 Code section 476.1D, division III of the bill takes effect
17 July 1, 2012, and applies to assessment years beginning on or
18 after January 1, 2013. The section of division III of the bill
19 amending Code section 476.1D takes effect July 1, 2016, and
20 applies to assessment years beginning on or after January 1,
21 2017.
22 Division IV of the bill removes the property tax levy rate
23 limitations on the general and rural funds for counties and on
24 the general fund for cities and substitutes a limitation on the
25 maximum amount of property tax dollars that may be certified
26 for expenditure by a county or city for fiscal years beginning
27 on or after July 1, 2013. For the fiscal year beginning July
28 1, 2013, and subsequent fiscal years, the maximum amount of
29 property tax dollars which may be certified for levy shall be
30 an amount equal to the sum of the current fiscal year's total
31 property tax dollars certified by the county multiplied by the
32 annual growth factor, as defined in the bill, and the amount of
33 net new valuation taxes, as defined in the bill.
34 Division IV also allows counties and cities to certify
35 additions to the maximum amount of property tax dollars to be

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

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1 included in the computation of the maximum amount of property
2 tax dollars which may be certified and levied in future budget
3 years.
4 Division IV also makes conforming amendments to other
5 provisions of the Code.
6 Division IV strikes language relating to the duties of the
7 county finance committee and the city finance committee to
8 determine criteria for reporting of certain indebtedness and
9 strikes language requiring the department of management to make
10 such information available by electronic means.
11 Division IV applies to fiscal years beginning on or after
12 July 1, 2013.

House Study Bill 623 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED MENTAL HEALTH AND DISABILITY SERVICES STUDY COMMITTEE BILL)

A BILL FOR

1 An Act relating to persons with mental health illnesses and
2 substance-related disorders.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5422XI (11) 84
rh/rj

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1 Section 1. Section 80B.11, subsection 1, paragraph c, Code
2 2011, is amended by adding the following new subparagraph:
3 NEW SUBPARAGRAPH. (3) In-service training under this
4 paragraph "c" shall include the requirement that all law
5 enforcement officers complete a twelve-hour course on
6 mental health first aid at least once every three years. In
7 developing the requirements for this training, the director
8 shall seek input from mental health care consumers.
9 Sec. 2. Section 125.91, subsection 1, Code Supplement 2011,
10 is amended to read as follows:
11 1. The procedure prescribed by this section shall only be
12 used for an intoxicated person who has threatened, attempted,
13 or inflicted physical self-harm or harm on another, and is
14 likely to inflict physical self-harm or harm on another unless
15 immediately detained, or who is incapacitated by a chemical
16 substance, if ~~that person cannot be taken into immediate~~
17 ~~custody under sections 125.75 and 125.81 because immediate~~
18 ~~access to the court is not possible~~ an application has not been
19 filed naming the person as the respondent pursuant to section
20 125.75 and the person cannot be ordered into immediate custody
21 and detained pursuant to section 125.81.
22 Sec. 3. Section 135C.4, Code 2011, is amended to read as
23 follows:
24 **135C.4 Residential care facilities.**
25 1. Each facility licensed as a residential care facility
26 shall provide an organized continuous twenty-four-hour program
27 of care commensurate with the needs of the residents of the
28 home and under the immediate direction of a person approved
29 and certified by the department whose combined training
30 and supervised experience is such as to ensure adequate and
31 competent care.
32 2. All admissions to residential care facilities shall be
33 based on an order written by a physician certifying that the
34 individual being admitted does not require nursing services or
35 that the individual's need for nursing services can be avoided

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1 if home and community-based services, other than nursing care,
2 as defined by this chapter and departmental rule, are provided.
3 3. For the purposes of this section, the home and
4 community-based services to be provided shall be limited to the
5 type included under the medical assistance program provided
6 pursuant to chapter 249A, shall be subject to cost limitations
7 established by the department of human services under the
8 medical assistance program, and except as otherwise provided by
9 the department of inspections and appeals with the concurrence
10 of the department of human services, shall be limited in
11 capacity to the number of licensed residential care facilities
12 and the number of licensed residential care facility beds in
13 the state as of December 1, 2003.
14 4. A residential care facility is not required to admit
15 an individual through court order, referral, or other means
16 without the express prior approval of the executive director of
17 the residential care facility.
18 Sec. 4. Section 228.1, subsection 6, Code 2011, is amended
19 by striking the subsection and inserting in lieu thereof the
20 following:
21 6. *"Mental health professional"* means an individual who has
22 either of the following qualifications:
23 *a.* The individual meets all of the following requirements:
24 (1) The individual holds at least a master's degree in a
25 mental health field, including but not limited to psychology,
26 counseling and guidance, nursing, and social work, or is an
27 advanced registered nurse practitioner or a physician and
28 surgeon or an osteopathic physician and surgeon.
29 (2) The individual holds a current Iowa license if
30 practicing in a field covered by an Iowa licensure law.
31 (3) The individual has at least two years of post-degree
32 clinical experience, supervised by another mental health
33 professional, in assessing mental health needs and problems and
34 in providing appropriate mental health services.
35 *b.* The individual holds a current Iowa license if

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1 practicing in a field covered by an Iowa licensure law and is
2 a psychiatrist, an advanced registered nurse practitioner who
3 holds a national certification in psychiatric mental health
4 care registered by the board of nursing, or an individual who
5 holds a doctorate degree in psychology and is licensed by the
6 board of psychology.
7 Sec. 5. Section 229.1, subsection 14, Code Supplement 2011,
8 is amended by striking the subsection.
9 Sec. 6. Section 229.1, subsection 16, Code Supplement 2011,
10 is amended to read as follows:
11 16. *"Serious emotional injury"* is an injury which does not
12 necessarily exhibit any physical characteristics, but which can
13 be recognized and diagnosed by a licensed physician ~~or other~~
14 ~~qualified mental health professional~~ and which can be causally
15 connected with the act or omission of a person who is, or is
16 alleged to be, mentally ill.
17 Sec. 7. NEW SECTION. **229.5A Preapplication screening**
18 **assessment — program.**
19 Prior to filing an application for involuntary
20 hospitalization pursuant to section 229.6, the clerk of
21 the district court or the clerk's designee shall inform
22 the interested person referred to in section 229.6,
23 subsection 1, about the option of requesting a preapplication
24 screening assessment through a preapplication screening
25 assessment program. The state court administrator shall
26 prescribe practices and procedures for implementation of the
27 preapplication screening assessment program.
28 Sec. 8. Section 229.6, Code 2011, is amended to read as
29 follows:
30 **229.6 Application for order of involuntary hospitalization.**
31 1. Proceedings for the involuntary hospitalization of an
32 individual may be commenced by any interested person by filing
33 a verified application with the clerk of the district court of
34 the county where the respondent is presently located, or which
35 is the respondent's place of residence. The clerk, or the

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clerk's designee, shall assist the applicant in completing the application. The application shall:

~~1.~~ *a.* State the applicant's belief that the respondent is seriously mentally impaired.

~~2.~~ *b.* State any other pertinent facts.

~~3.~~ *c.* Be accompanied by any of the following:

~~*a.*~~ (1) A written statement of a licensed physician in support of the application~~; or~~.

~~*b.*~~ (2) One or more supporting affidavits otherwise corroborating the application~~; or~~.

~~*c.*~~ (3) Corroborative information obtained and reduced to writing by the clerk or the clerk's designee, but only when circumstances make it infeasible to comply with, or when the clerk considers it appropriate to supplement the information supplied pursuant to, either ~~paragraph "*a*" or paragraph "*b*" of this subsection~~ subparagraph (1) or (2).

2. Prior to the filing of an application pursuant to this section, the clerk or the clerk's designee shall inform the interested person referred to in subsection 1 about the option of requesting a preapplication screening assessment pursuant to section 229.5A.

Sec. 9. Section 229.10, subsection 1, paragraph b, Code 2011, is amended by striking the paragraph.

Sec. 10. Section 229.12, subsection 3, paragraph b, Code 2011, is amended to read as follows:

b. The licensed physician ~~or qualified mental health professional~~ who examined the respondent shall be present at the hearing unless the court for good cause finds that the licensed physician's ~~or qualified mental health professional's~~ presence or testimony is not necessary. The applicant, respondent, and the respondent's attorney may waive the presence or the telephonic appearance of the licensed physician ~~or qualified mental health professional~~ who examined the respondent and agree to submit as evidence the written report of the licensed physician ~~or qualified mental health~~

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1 ~~professional~~. The respondent's attorney shall inform the
2 court if the respondent's attorney reasonably believes that
3 the respondent, due to diminished capacity, cannot make an
4 adequately considered waiver decision. *"Good cause"* for finding
5 that the testimony of the licensed physician ~~or qualified~~
6 ~~mental health professional~~ who examined the respondent is not
7 necessary may include but is not limited to such a waiver.
8 If the court determines that the testimony of the licensed
9 physician ~~or qualified mental health professional~~ is necessary,
10 the court may allow the licensed physician ~~or the qualified~~
11 ~~mental health professional~~ to testify by telephone.
12 Sec. 11. Section 229.19, subsection 1, paragraph d, Code
13 2011, is amended by adding the following new subparagraph:
14 NEW SUBPARAGRAPH. (7) To utilize the related best practices
15 for the duties identified in this paragraph *"d"* developed and
16 promulgated by the judicial council.
17 Sec. 12. Section 229.19, subsection 1, Code 2011, is amended
18 by adding the following new paragraph:
19 NEW PARAGRAPH. *e.* An advocate may also be appointed
20 pursuant to this section for an individual who has
21 been diagnosed with a co-occurring mental illness and
22 substance-related disorder.
23 Sec. 13. Section 229.22, subsection 1, Code Supplement
24 2011, is amended to read as follows:
25 1. The procedure prescribed by this section shall ~~not~~ be
26 used ~~unless~~ when it appears that a person should be immediately
27 detained due to serious mental impairment, but ~~that person~~
28 ~~cannot be immediately detained by the procedure prescribed~~
29 ~~in sections 229.6 and 229.11 because there is no means of~~
30 ~~immediate access to the district court~~ an application has not
31 been filed naming the person as the respondent pursuant to
32 section 229.6, and the person cannot be ordered into immediate
33 custody and detained pursuant to section 229.11.
34 Sec. 14. Section 602.1209, Code 2011, is amended by adding
35 the following new subsection:

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1 NEW SUBSECTION. 15A. Prescribe practices and procedures
2 for the implementation of the preapplication screening
3 assessment program referred to in section 229.5A.
4 Sec. 15. CONTINUATION OF WORKGROUP BY JUDICIAL BRANCH AND
5 DEPARTMENT OF HUMAN SERVICES — CONSOLIDATION OF SERVICES —
6 PATIENT ADVOCATE. The judicial branch and department of human
7 services shall continue the workgroup implemented pursuant to
8 2010 Iowa Acts, chapter 1192, section 24, subsection 2, and
9 extended pursuant to 2011 Iowa Acts, chapter 121, section 2, to
10 study and make recommendations relating to the consolidation
11 of the processes for involuntary commitment for persons with
12 substance-related disorders under chapter 125, for intellectual
13 disability under chapter 222, and for serious mental illness
14 under chapter 229. The workgroup shall also study and make
15 recommendations concerning the feasibility of establishing an
16 independent statewide patient advocate program for qualified
17 persons representing the interests of patients suffering from
18 mental illness, intellectual disability, or a substance-related
19 disorder and involuntarily committed by the court, in any
20 matter relating to the patients' hospitalization or treatment
21 under chapters 125, 222, and 229. The workgroup shall also
22 consider the implementation of consistent reimbursement
23 standards for patient advocates supported by a state-funded
24 system and shall also consider the role of the advocate for
25 a person who has been diagnosed with a co-occurring mental
26 illness and substance-related disorder. The workgroup
27 shall solicit input from current mental health advocates and
28 mental health and substance-related disorder care providers
29 and individuals receiving services whose interests would be
30 represented by an independent statewide advocate program and
31 shall submit a report on the study and make recommendations to
32 the governor and the general assembly by December 1, 2012.
33 Sec. 16. COMPREHENSIVE JAIL DIVERSION PROGRAM — MENTAL
34 HEALTH COURTS — STUDY. The division of criminal and juvenile
35 justice planning of the department of human rights shall

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1 conduct a study regarding the possible establishment of a
2 comprehensive statewide jail diversion program, including the
3 establishment of mental health courts, for nonviolent criminal
4 offenders who suffer from mental illness. The division
5 shall solicit input from the department of human services,
6 the department of corrections, and other members of the
7 criminal justice system including but not limited to judges,
8 prosecutors, and defense counsel, and mental health treatment
9 providers and consumers. The division shall establish the
10 duties, scope, and membership of the study commission and shall
11 also consider the feasibility of establishing a demonstration
12 mental health court. The division shall submit a report on the
13 study and make recommendations to the governor and the general
14 assembly by December 1, 2012.
15 EXPLANATION
16 This bill relates to persons with mental health illnesses
17 and substance-related disorders.
18 MENTAL HEALTH TRAINING —— LAW ENFORCEMENT. The bill
19 requires the director of the law enforcement academy, subject
20 to the approval of the Iowa law enforcement council, to adopt
21 rules relating to in-service mental health first-aid training
22 for law enforcement officers, with input from mental health
23 care consumers.
24 RESIDENTIAL CARE FACILITIES —— ADMITTANCE. The bill
25 provides that a residential care facility is not required to
26 admit an individual through court order, referral, or other
27 means without the express prior approval of the executive
28 director of the residential care facility.
29 EMERGENCY DETENTION AND HOSPITALIZATION —— PERSONS WITH
30 SUBSTANCE-RELATED DISORDERS AND MENTAL HEALTH ILLNESSES.
31 The bill amends Code sections 125.91 and 229.22 relating to
32 after-hours access to emergency detention and hospitalization
33 procedures for an intoxicated person who has threatened,
34 attempted, or inflicted physical self-harm or harm on another,
35 and is likely to inflict physical self-harm or harm on another

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1 unless immediately detained, or who is incapacitated by a
2 chemical substance, or for a seriously mentally impaired
3 person. Current law provides for the immediate custody of such
4 persons in an emergency situation only after an application
5 for involuntary commitment or hospitalization has been filed,
6 which is an option only during regular court hours. The bill
7 amends the current emergency detention and hospitalization
8 procedures available for such persons to apply only when there
9 is no immediate access to the district court to allow access to
10 emergency detention and treatment services, at all times, even
11 if an application for involuntary commitment or hospitalization
12 has not been filed.
13 QUALIFIED MENTAL HEALTH PROFESSIONAL. The bill eliminates
14 the definition of "qualified mental health professional" in
15 Code chapter 229 (hospitalization of persons with mental
16 illness) and all references to this definition (talk about
17 where this are eliminated). The bill amends the definition of
18 "mental health professional" in Code chapter 228 (relating to
19 the disclosure of mental health and psychological information).
20 PREAPPLICATION SCREENING ASSESSMENT. The bill provides that
21 prior to filing an application for involuntary hospitalization
22 pursuant to Code section 229.6, the clerk of the district court
23 or the clerk's designee is required to inform the interested
24 person referred to in Code section 229.6, subsection 1,
25 about the option of requesting a preapplication screening
26 assessment through a preapplication screening assessment
27 program. The bill requires the state court administrator to
28 prescribe practices and procedures for implementation of the
29 preapplication screening assessment program.
30 A conforming change is made to Code section 229.6 requiring
31 the district court clerk or the clerk's designee to inform
32 the interested person about the option of requesting a
33 preapplication screening assessment of the proposed respondent
34 prior to the filing of an application for involuntary
35 commitment. A conforming change is also made to Code

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1 section 602.1209 relating to the duties of the state court
2 administrator.
3 MENTAL HEALTH ADVOCATE. The bill provides that a mental
4 health advocate shall utilize the related best practices for
5 the mental health advocate's duties identified in Code section
6 229.19 developed and promulgated by the judicial council.
7 The bill allows a mental health advocate to be appointed by
8 the appropriate appointing authority for an individual who
9 has been diagnosed with a co-occurring mental illness and
10 substance-related disorder.
11 CONTINUATION OF WORKGROUP BY JUDICIAL BRANCH AND DEPARTMENT
12 OF HUMAN SERVICES — CONSOLIDATION OF SERVICES — PATIENT
13 ADVOCATE. The bill requires the judicial branch and department
14 of human services to continue the workgroup implemented
15 pursuant to 2010 Iowa Acts, chapter 1192, section 24,
16 subsection 2, and extended pursuant to 2011 Iowa Acts, chapter
17 121, section 2, to study and make recommendations relating to
18 the consolidation of the processes for involuntary commitment
19 for persons with substance-related disorders under Code chapter
20 125, for intellectual disability under Code chapter 222,
21 and for serious mental illness under Code chapter 229. The
22 workgroup shall also study and make recommendations concerning
23 the feasibility of establishing an independent statewide
24 patient advocate program for qualified persons representing
25 the interests of patients suffering from mental illness,
26 intellectual disability, or a substance-related disorder and
27 involuntarily committed by the court. The workgroup shall
28 also consider the implementation of consistent reimbursement
29 standards for patient advocates and the role of the advocate
30 for a person who has been diagnosed with a co-occurring mental
31 illness and substance-related disorder. The workgroup shall
32 submit a report on the study and make recommendations to the
33 governor and the general assembly by December 1, 2012.
34 COMPREHENSIVE JAIL DIVERSION PROGRAM — MENTAL HEALTH
35 COURTS — STUDY. The bill directs the division of criminal and

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1 juvenile justice planning of the department of human rights
2 to conduct a study regarding the possible establishment of a
3 comprehensive statewide jail diversion program, including the
4 establishment of mental health courts, for nonviolent criminal
5 offenders who suffer from mental illness. The division
6 shall solicit input from the department of human services,
7 the department of corrections, and other members of the
8 criminal justice system including but not limited to judges,
9 prosecutors, and defense counsel, and mental health treatment
10 providers and consumers. The division shall establish the
11 duties, scope, and membership of the study commission and shall
12 also consider the feasibility of establishing a demonstration
13 mental health court. The division shall submit a report on the
14 study and make recommendations to the governor and the general
15 assembly by December 1, 2012.

House Study Bill 624 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED MENTAL HEALTH AND DISABILITY SERVICES STUDY COMMITTEE BILL)

A BILL FOR

1 An Act relating to terminology changes in Iowa Code references
2 to mental retardation.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5146IC (7) 84
ad/rj

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1 Section 1. Section 4.1, Code 2011, is amended by adding the
2 following new subsection:
3 NEW SUBSECTION. 12A. *"Intellectual disability"* means
4 a disability of children and adults who as a result of
5 inadequately developed intelligence have a significant
6 impairment in ability to learn or to adapt to the demands
7 of society, and, if a diagnosis is required, *"intellectual*
8 *disability"* means a diagnosis of mental retardation as defined
9 in the diagnostic and statistical manual of mental disorders,
10 fourth edition, text revised, published by the American
11 psychiatric association.
12 Sec. 2. Section 4.1, subsection 21A, Code 2011, is amended
13 to read as follows:
14 21A. *Persons with mental illness.* The words *"persons*
15 *with mental illness"* include persons with psychosis, persons
16 who are severely depressed, and persons with any type of
17 mental disease or mental disorder, except that mental illness
18 does not refer to ~~mental retardation as defined in section~~
19 ~~222.2~~ intellectual disability, or to insanity, diminished
20 responsibility, or mental incompetency as defined and used in
21 the Iowa criminal code or in the rules of criminal procedure,
22 Iowa court rules. A person who is hospitalized or detained for
23 treatment of mental illness shall not be deemed or presumed to
24 be incompetent in the absence of a finding of incompetence made
25 pursuant to section 229.27.
26 Sec. 3. Section 8A.311, subsection 16, Code Supplement
27 2011, is amended to read as follows:
28 16. A state agency shall make every effort to purchase
29 those products produced for sale by sheltered workshops, work
30 activity centers, and other special programs funded in whole
31 or in part by public moneys that employ persons with ~~mental~~
32 ~~retardation~~ an intellectual disability or other developmental
33 disabilities or mental illness if the products meet the
34 required specifications.
35 Sec. 4. Section 23A.2, subsection 10, paragraph 1,

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1 subparagraph (4), Code 2011, is amended to read as follows:
2 (4) Nothing in this paragraph shall be construed to
3 prohibit a state resource center from providing a service a
4 resident needs for compliance with accreditation standards
5 for intermediate care facilities for persons with ~~mental~~
6 ~~retardation~~ intellectual disability.
7 Sec. 5. Section 48A.2, subsection 3, Code 2011, is amended
8 to read as follows:
9 3. *"Person who is incompetent to vote"* means a person
10 ~~described in section 222.2, subsection 5,~~ with an intellectual
11 disability who has been found to lack the mental capacity
12 to vote in a proceeding held pursuant to section 222.31 or
13 633.556.
14 Sec. 6. Section 126.16, subsection 2, Code 2011, is amended
15 to read as follows:
16 2. For the purpose of this chapter, advertising is false if
17 it represents a drug, device, or cosmetic to have any effect
18 in the diagnosis, prevention, or treatment of arthritis,
19 blood disorders, bone or joint diseases, kidney diseases or
20 disorders, cancer, diabetes, gall bladder disease or disorders,
21 heart and vascular disease, high blood pressure, diseases or
22 disorders of the ear, mental disease or ~~mental retardation~~
23 intellectual disability, degenerative neurological diseases,
24 paralysis, prostate gland disorders, conditions of the scalp
25 affecting hair loss, baldness, endocrine disorders, sexual
26 impotence, tumors, venereal diseases, varicose ulcers,
27 breast enlargement, purifying blood, metabolic disorders,
28 immune system disorders or conditions affecting the immune
29 system, extension of life expectancy, stress and tension,
30 brain stimulation or performance, the body's natural defense
31 mechanisms, blood flow, and depression. However, advertising
32 not in violation of subsection 1 is not false under this
33 subsection if it is disseminated only to members of the
34 medical, dental, or veterinary professions, or appears only
35 in the scientific periodicals of these professions, or is

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1 disseminated only for the purpose of public health education by
2 persons not commercially interested, directly or indirectly,
3 in the sale of such drugs or devices. However, if the board
4 determines that an advance in medical science has made any
5 type of self-medication safe as to any of the diseases named
6 in this subsection, the board shall by rule authorize the
7 advertising of drugs having curative or therapeutic effect for
8 such disease, subject to the conditions and restrictions the
9 board deems necessary in the interests of the public health.
10 However, this subsection does not indicate that self-medication
11 for diseases other than those named in this subsection is safe
12 and efficacious.
13 Sec. 7. Section 135.63, subsection 1, Code 2011, is amended
14 to read as follows:
15 1. A new institutional health service or changed
16 institutional health service shall not be offered or developed
17 in this state without prior application to the department
18 for and receipt of a certificate of need, pursuant to this
19 division. The application shall be made upon forms furnished
20 or prescribed by the department and shall contain such
21 information as the department may require under this division.
22 The application shall be accompanied by a fee equivalent
23 to three-tenths of one percent of the anticipated cost of
24 the project with a minimum fee of six hundred dollars and a
25 maximum fee of twenty-one thousand dollars. The fee shall be
26 remitted by the department to the treasurer of state, who shall
27 place it in the general fund of the state. If an application
28 is voluntarily withdrawn within thirty calendar days after
29 submission, seventy-five percent of the application fee shall
30 be refunded; if the application is voluntarily withdrawn more
31 than thirty but within sixty days after submission, fifty
32 percent of the application fee shall be refunded; if the
33 application is withdrawn voluntarily more than sixty days
34 after submission, twenty-five percent of the application fee
35 shall be refunded. Notwithstanding the required payment of

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1 an application fee under this subsection, an applicant for a
2 new institutional health service or a changed institutional
3 health service offered or developed by an intermediate care
4 facility for persons with ~~mental retardation~~ an intellectual
5 disability or an intermediate care facility for persons with
6 mental illness as defined pursuant to section 135C.1 is exempt
7 from payment of the application fee.
8 Sec. 8. Section 135.63, subsection 2, paragraphs f and p,
9 Code 2011, are amended to read as follows:
10 *f.* A residential care facility, as defined in section
11 135C.1, including a residential care facility for persons with
12 ~~mental retardation~~ an intellectual disability, notwithstanding
13 any provision in this division to the contrary.
14 *p.* The conversion of an existing number of beds by an
15 intermediate care facility for persons with ~~mental retardation~~
16 an intellectual disability to a smaller facility environment,
17 including but not limited to a community-based environment
18 which does not result in an increased number of beds,
19 notwithstanding any provision in this division to the contrary,
20 including subsection 4, if all of the following conditions
21 exist:
22 (1) The intermediate care facility for persons with ~~mental~~
23 ~~retardation~~ an intellectual disability reports the number
24 and type of beds to be converted on a form prescribed by the
25 department at least thirty days before the conversion.
26 (2) The intermediate care facility for persons with ~~mental~~
27 ~~retardation~~ an intellectual disability reports the conversion
28 of beds on its next annual report to the department.
29 Sec. 9. Section 135.63, subsection 4, unnumbered paragraph
30 1, Code 2011, is amended to read as follows:
31 A copy of the application shall be sent to the department
32 of human services at the time the application is submitted
33 to the Iowa department of public health. The department
34 shall not process applications for and the council shall not
35 consider a new or changed institutional health service for an

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1 intermediate care facility for persons with ~~mental retardation~~
2 an intellectual disability unless both of the following
3 conditions are met:
4 Sec. 10. Section 135.63, subsection 4, paragraph a, Code
5 2011, is amended to read as follows:
6 *a.* The new or changed beds shall not result in an
7 increase in the total number of medical assistance certified
8 intermediate care facility beds for persons with ~~mental~~
9 ~~retardation~~ an intellectual disability in the state, exclusive
10 of those beds at the state resource centers or other state
11 institutions, beyond one thousand six hundred thirty-six beds.
12 Sec. 11. Section 135C.1, subsections 6, 9, and 13, Code
13 2011, are amended to read as follows:
14 6. *"Health care facility"* or *"facility"* means a residential
15 care facility, a nursing facility, an intermediate care
16 facility for persons with mental illness, or an intermediate
17 care facility for persons with ~~mental retardation~~ an
18 intellectual disability.
19 9. *"Intermediate care facility for persons with ~~mental~~*
20 *~~retardation~~ an intellectual disability"* means an institution
21 or distinct part of an institution with a primary purpose
22 to provide health or rehabilitative services to three or
23 more individuals, who primarily have ~~mental retardation~~ an
24 intellectual disability or a related condition and who are
25 not related to the administrator or owner within the third
26 degree of consanguinity, and which meets the requirements
27 of this chapter and federal standards for intermediate care
28 facilities for persons with ~~mental retardation~~ an intellectual
29 disability established pursuant to the federal Social Security
30 Act, § 1905(c)(d), as codified in 42 U.S.C. § 1936d, which are
31 contained in 42 C.F.R. pt. 483, subpt. D, § 410 — 480.
32 13. *"Nursing facility"* means an institution or a distinct
33 part of an institution housing three or more individuals not
34 related to the administrator or owner within the third degree
35 of consanguinity, which is primarily engaged in providing

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1 health-related care and services, including rehabilitative
2 services, but which is not engaged primarily in providing
3 treatment or care for mental illness or ~~mental retardation~~ an
4 intellectual disability, for a period exceeding twenty-four
5 consecutive hours for individuals who, because of a mental or
6 physical condition, require nursing care and other services in
7 addition to room and board.
8 Sec. 12. Section 135C.2, subsection 3, paragraphs b, c, and
9 d, Code 2011, are amended to read as follows:
10 *b.* The department may also establish by administrative
11 rule special classifications within the residential care
12 facility, intermediate care facility for persons with mental
13 illness, intermediate care facility for persons with ~~mental~~
14 ~~retardation~~ an intellectual disability, or nursing facility
15 categories, for facilities intended to serve individuals who
16 have special health care problems or conditions in common.
17 Rules establishing a special classification shall define the
18 problem or condition to which the special classification is
19 relevant and establish requirements for an approved program of
20 care commensurate with the problem or condition. The rules
21 may grant special variances or considerations to facilities
22 licensed within the special classification.
23 *c.* The rules adopted for intermediate care facilities for
24 persons with ~~mental retardation~~ an intellectual disability
25 shall be consistent with, but no more restrictive than, the
26 federal standards for intermediate care facilities for persons
27 with ~~mental retardation~~ an intellectual disability established
28 pursuant to the federal Social Security Act, § 1905(c)(d),
29 as codified in 42 U.S.C. § 1396d, in effect on January 1,
30 1989. However, in order for an intermediate care facility for
31 persons with ~~mental retardation~~ an intellectual disability
32 to be licensed, the state fire marshal must certify to the
33 department that the facility meets the applicable provisions
34 of the rules adopted for such facilities by the state fire
35 marshal. The state fire marshal's rules shall be based

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1 upon such a facility's compliance with either the provisions
2 applicable to health care occupancies or residential board and
3 care occupancies of the life safety code of the national fire
4 protection association, 2000 edition. The department shall
5 adopt additional rules for intermediate care facilities for
6 persons with ~~mental retardation~~ an intellectual disability
7 pursuant to section 135C.14, subsection 8.
8 *d.* Notwithstanding the limitations set out in this
9 subsection regarding rules for intermediate care facilities for
10 persons with ~~mental retardation~~ an intellectual disability,
11 the department shall consider the federal interpretive
12 guidelines issued by the federal centers for Medicare and
13 Medicaid services when interpreting the department's rules
14 for intermediate care facilities for persons with ~~mental~~
15 ~~retardation~~ an intellectual disability. This use of the
16 guidelines is not subject to the rulemaking provisions of
17 sections 17A.4 and 17A.5, but the guidelines shall be published
18 in the Iowa administrative bulletin and the Iowa administrative
19 code.
20 Sec. 13. Section 135C.2, subsection 5, unnumbered paragraph
21 1, Code 2011, is amended to read as follows:
22 The department shall establish a special classification
23 within the residential care facility category in order
24 to foster the development of residential care facilities
25 which serve persons with ~~mental retardation~~ an intellectual
26 disability, chronic mental illness, a developmental disability,
27 or brain injury, as described under section 225C.26, and which
28 contain five or fewer residents. A facility within the special
29 classification established pursuant to this subsection is
30 exempt from the requirements of section 135.63. The department
31 shall adopt rules which are consistent with rules previously
32 developed for the waiver demonstration project pursuant to 1986
33 Iowa Acts, chapter 1246, section 206, and which include all of
34 the following provisions:
35 Sec. 14. Section 135C.2, subsection 5, paragraphs a and f,

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1 Code 2011, are amended to read as follows:
2 *a.* A facility provider under the special classification must
3 comply with rules adopted by the department for the special
4 classification. However, a facility provider which has been
5 accredited by the accreditation council for services to persons
6 with ~~mental retardation~~ an intellectual disability and other
7 developmental disabilities shall be deemed to be in compliance
8 with the rules adopted by the department.
9 *f.* The facilities licensed under this subsection shall be
10 eligible for funding utilized by other licensed residential
11 care facilities for persons with ~~mental retardation~~ an
12 intellectual disability, or licensed residential care
13 facilities for persons with mental illness, including but not
14 limited to funding under or from the federal social services
15 block grant, the state supplementary assistance program, state
16 mental health and developmental disabilities services funds,
17 and county funding provisions.
18 Sec. 15. Section 135C.6, subsection 8, paragraphs a and b,
19 Code 2011, are amended to read as follows:
20 *a.* Residential programs providing care to not more than
21 four individuals and receiving moneys appropriated to the
22 department of human services under provisions of a federally
23 approved home and community-based services waiver for persons
24 with intellectual disabilities or other medical assistance
25 program under chapter 249A. In approving a residential program
26 under this paragraph, the department of human services shall
27 consider the geographic location of the program so as to avoid
28 an overconcentration of such programs in an area. In order
29 to be approved under this paragraph, a residential program
30 shall not be required to involve the conversion of a licensed
31 residential care facility for persons with ~~mental retardation~~
32 an intellectual disability.
33 *b.* Not more than forty residential care facilities for
34 persons with ~~mental retardation~~ an intellectual disability
35 that are licensed to serve not more than five individuals may

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be authorized by the department of human services to convert to operation as a residential program under the provisions of a medical assistance home and community-based services waiver for persons with intellectual disabilities. A converted residential program operating under this paragraph is subject to the conditions stated in paragraph *"a"* except that the program shall not serve more than five individuals.

Sec. 16. Section 135C.6, subsection 9, Code 2011, is amended to read as follows:

9. Contingent upon the department of human services receiving federal approval, a residential program which serves not more than eight individuals and is licensed as an intermediate care facility for persons with ~~mental retardation~~ an intellectual disability may surrender the facility license and continue to operate under a federally approved medical assistance home and community-based services waiver for persons with intellectual disabilities, if the department of human services has approved a plan submitted by the residential program.

Sec. 17. Section 135C.23, subsection 2, paragraph b, Code 2011, is amended to read as follows:

b. This section does not prohibit the admission of a patient with a history of dangerous or disturbing behavior to an intermediate care facility for persons with mental illness, intermediate care facility for persons with ~~mental retardation~~ an intellectual disability, nursing facility, or county care facility when the intermediate care facility for persons with mental illness, intermediate care facility for persons with ~~mental retardation~~ an intellectual disability, nursing facility, or county care facility has a program which has received prior approval from the department to properly care for and manage the patient. An intermediate care facility for persons with mental illness, intermediate care facility for persons with ~~mental retardation~~ an intellectual disability, nursing facility, or county care facility is

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1 required to transfer or discharge a resident with dangerous or
2 disturbing behavior when the intermediate care facility for
3 persons with mental illness, intermediate care facility for
4 persons with ~~mental retardation~~ an intellectual disability,
5 nursing facility, or county care facility cannot control the
6 resident's dangerous or disturbing behavior. The department,
7 in coordination with the state mental health and disability
8 services commission created in section 225C.5, shall adopt
9 rules pursuant to chapter 17A for programs to be required
10 in intermediate care facilities for persons with mental
11 illness, intermediate care facilities for persons with ~~mental~~
12 ~~retardation~~ an intellectual disability, nursing facilities, and
13 county care facilities that admit patients or have residents
14 with histories of dangerous or disturbing behavior.
15 Sec. 18. Section 135C.25, subsection 1, Code 2011, is
16 amended to read as follows:
17 1. Each health care facility shall have a resident advocate
18 committee whose members shall be appointed by the director
19 of the department on aging or the director's designee. A
20 person shall not be appointed a member of a resident advocate
21 committee for a health care facility unless the person is a
22 resident of the service area where the facility is located.
23 The resident advocate committee for any facility caring
24 primarily for persons with mental illness, ~~mental retardation~~
25 an intellectual disability, or a developmental disability shall
26 only be appointed after consultation with the administrator
27 of the division of mental health and disability services of
28 the department of human services on the proposed appointments.
29 Recommendations to the director or the director's designee for
30 membership on resident advocate committees are encouraged from
31 any agency, organization, or individual. The administrator of
32 the facility shall not be appointed to the resident advocate
33 committee and shall not be present at committee meetings except
34 upon request of the committee.
35 Sec. 19. Section 155.1, subsection 3, Code 2011, is amended

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1 to read as follows:
2 3. *"Nursing home"* means an institution or facility, or
3 part of an institution or facility, whether proprietary or
4 nonprofit, licensed as a nursing facility, but not including an
5 intermediate care facility for persons with ~~mental retardation~~
6 an intellectual disability or an intermediate care facility
7 for persons with mental illness, defined as such for licensing
8 purposes under state law or administrative rule adopted
9 pursuant to section 135C.2, including but not limited to, a
10 nursing home owned or administered by the federal or state
11 government or an agency or political subdivision of government.
12 Sec. 20. Section 217.1, Code 2011, is amended to read as
13 follows:
14 **217.1 Programs of department.**
15 There is established a department of human services to
16 administer programs designed to improve the well-being
17 and productivity of the people of the state of Iowa. The
18 department shall concern itself with the problems of
19 human behavior, adjustment, and daily living through the
20 administration of programs of family, child, and adult
21 welfare, economic assistance including costs of medical care,
22 rehabilitation toward self-care and support, delinquency
23 prevention and control, treatment and rehabilitation of
24 juvenile offenders, care and treatment of persons with mental
25 illness or ~~mental retardation~~ an intellectual disability, and
26 other related programs as provided by law.
27 Sec. 21. Section 218.92, Code 2011, is amended to read as
28 follows:
29 **218.92 Patients with dangerous mental disturbances.**
30 When a patient in a state resource center for persons
31 with ~~mental retardation~~ an intellectual disability, a state
32 mental health institute, or another institution under the
33 administration of the department of human services has become
34 so mentally disturbed as to constitute a danger to self, to
35 other patients or staff of the institution, or to the public,

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1 and the institution cannot provide adequate security, the
2 administrator in charge of the institution, with the consent
3 of the director of the Iowa department of corrections, may
4 order the patient to be transferred to the Iowa medical and
5 classification center, if the superintendent of the institution
6 from which the patient is to be transferred, with the support
7 of a majority of the medical staff, recommends the transfer in
8 the interest of the patient, other patients, or the public. If
9 the patient transferred was hospitalized pursuant to sections
10 229.6 to 229.15, the transfer shall be promptly reported to
11 the court that ordered the hospitalization of the patient, as
12 required by section 229.15, subsection 5. The Iowa medical
13 and classification center has the same rights, duties, and
14 responsibilities with respect to the patient as the institution
15 from which the patient was transferred had while the patient
16 was hospitalized in the institution. The cost of the transfer
17 shall be paid from the funds of the institution from which the
18 transfer is made.
19 Sec. 22. Section 222.1, Code 2011, is amended to read as
20 follows:
21 **222.1 Purpose of state resource centers.**
22 1. The Glenwood state resource center and the Woodward
23 state resource center are established and shall be maintained
24 as the state's regional resource centers for the purpose of
25 providing treatment, training, instruction, care, habilitation,
26 and support of persons with ~~mental retardation~~ an intellectual
27 disability or other disabilities in this state, and providing
28 facilities, services, and other support to the communities
29 located in the region being served by a state resource center.
30 In addition, the state resource centers are encouraged to serve
31 as a training resource for community-based program staff,
32 medical students, and other participants in professional
33 education programs. A resource center may request the approval
34 of the council on human services to change the name of the
35 resource center for use in communication with the public, in

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signage, and in other forms of communication.

2. A special ~~mental retardation~~ intellectual disability unit may be maintained at one of the state mental health institutes for the purposes set forth in sections 222.88 to 222.91.

Sec. 23. Section 222.2, subsections 5 and 6, Code 2011, are amended to read as follows:

5. ~~*"Mental retardation" or "mentally retarded"*~~ *"Intellectual disability"* means ~~a term or terms to describe children and adults who as a result of inadequately developed intelligence are significantly impaired in ability to learn or to adapt to the demands of society~~ the same as defined in section 4.1.

6. *"Special unit"* means a special ~~mental retardation~~ intellectual disability unit established at a state mental health institute pursuant to sections 222.88 to 222.91.

Sec. 24. Section 222.6, Code 2011, is amended to read as follows:

222.6 State districts.

The administrator shall divide the state into two districts in such manner that one of the resource centers shall be located within each of the districts. Such districts may from time to time be changed. After such districts have been established, the administrator shall notify all boards of supervisors, county auditors, and clerks of the district courts of the action. Thereafter, unless the administrator otherwise orders, all admissions or commitments of persons with ~~mental retardation~~ an intellectual disability from a district shall be to the resource center located within such district.

Sec. 25. Section 222.9, Code 2011, is amended to read as follows:

222.9 Unauthorized departures.

If any person with ~~mental retardation~~ an intellectual disability shall depart without proper authorization from a resource center or a special unit, it shall be the duty of the superintendent and the superintendent's assistants and all

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1 peace officers of any county in which such patient may be found
2 to take and detain the patient without a warrant or order and
3 to immediately report such detention to the superintendent who
4 shall immediately provide for the return of such patient to the
5 resource center or special unit.
6 Sec. 26. Section 222.10, Code 2011, is amended to read as
7 follows:
8 **222.10 Duty of peace officer.**
9 When any person with ~~mental retardation~~ an intellectual
10 disability departs without proper authority from an institution
11 in another state and is found in this state, any peace officer
12 in any county in which such patient is found may take and
13 detain the patient without warrant or order and shall report
14 such detention to the administrator. The administrator shall
15 provide for the return of the patient to the authorities in the
16 state from which the unauthorized departure was made. Pending
17 return, such patient may be detained temporarily at one of the
18 institutions of this state governed by the administrator or by
19 the administrator of the division of child and family services
20 of the department of human services. The provisions of this
21 section relating to the administrator shall also apply to the
22 return of other nonresident persons with ~~mental retardation~~ an
23 intellectual disability having legal settlement outside the
24 state of Iowa.
25 Sec. 27. Section 222.12, subsections 1 and 3, Code 2011, are
26 amended to read as follows:
27 1. Upon the death of a patient of a resource center or
28 special unit, a preliminary investigation of the death shall be
29 conducted as required by section 218.64 by the county medical
30 examiner as provided in section 331.802. Such a preliminary
31 investigation shall also be conducted in the event of a sudden
32 or mysterious death of a patient in a private institution for
33 persons with ~~mental retardation~~ an intellectual disability.
34 The chief administrative officer of any private institution may
35 request an investigation of the death of any patient by the

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county medical examiner.

3. The parent, guardian, or other person responsible for the admission of a patient to a private institution for persons with ~~mental retardation~~ an intellectual disability may also request such a preliminary investigation by the county medical examiner in the event of the death of the patient that is not sudden or mysterious. The person or persons making the request are liable for the expense of such preliminary investigation and payment for the expense may be required in advance.

Sec. 28. Section 222.13, subsections 1 and 2, Code 2011, are amended to read as follows:

1. If an adult person is believed to be a person with ~~mental retardation~~ an intellectual disability, the adult person or the adult person's guardian may submit a request through the central point of coordination process for the county board of supervisors to apply to the superintendent of any state resource center for the voluntary admission of the adult person either as an inpatient or an outpatient of the resource center. After determining the legal settlement of the adult person as provided by this chapter, the board of supervisors shall, on forms prescribed by the administrator, apply to the superintendent of the resource center in the district for the admission of the adult person to the resource center. An application for admission to a special unit of any adult person believed to be in need of any of the services provided by the special unit under section 222.88 may be made in the same manner, upon request of the adult person or the adult person's guardian. The superintendent shall accept the application providing a preadmission diagnostic evaluation, performed through the central point of coordination process, confirms or establishes the need for admission, except that an application may not be accepted if the institution does not have adequate facilities available or if the acceptance will result in an overcrowded condition.

2. If the resource center has no appropriate program for the

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1 treatment of an adult or minor person with ~~mental retardation~~
2 an intellectual disability applying under this section or
3 section 222.13A, the board of supervisors shall arrange for
4 the placement of the person in any public or private facility
5 within or without the state, approved by the director of the
6 department of human services, which offers appropriate services
7 for the person, as determined through the central point of
8 coordination process.
9 Sec. 29. Section 222.13A, subsections 1 and 2, Code 2011,
10 are amended to read as follows:
11 1. If a minor is believed to be a person with ~~mental~~
12 ~~retardation~~ an intellectual disability, the minor's parent,
13 guardian, or custodian may request the county board of
14 supervisors to apply for admission of the minor as a voluntary
15 patient in a state resource center. If the resource center
16 does not have appropriate services for the minor's treatment,
17 the board of supervisors may arrange for the admission of the
18 minor in a public or private facility within or without the
19 state, approved by the director of human services, which offers
20 appropriate services for the minor's treatment.
21 2. Upon receipt of an application for voluntary admission
22 of a minor, the board of supervisors shall provide for a
23 preadmission diagnostic evaluation of the minor to confirm
24 or establish the need for the admission. The preadmission
25 diagnostic evaluation shall be performed by a person who
26 meets the qualifications of a qualified ~~mental retardation~~
27 intellectual disability professional who is designated through
28 the central point of coordination process.
29 Sec. 30. Section 222.16, Code 2011, is amended to read as
30 follows:
31 **222.16 Petition for adjudication of ~~mental retardation~~**
32 **intellectual disability.**
33 A petition for the adjudication ~~of the mental retardation~~
34 of a person as having an intellectual disability within the
35 meaning of this chapter may, with the permission of the court,

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be filed without fee against a person with the clerk of the district court of the county or city in which the person who is alleged to have ~~mental retardation~~ an intellectual disability resides or is found. The petition may be filed by any relative of the person, by a guardian, or by any reputable citizen of the county where the person who is alleged to have ~~mental retardation~~ an intellectual disability resides or is found.

Commitment of a person pursuant to section 222.31 does not constitute a finding or raise a presumption that the person is incompetent to vote. The court shall make a separate determination as to the person's competency to vote. The court shall find a person incompetent to vote only upon determining that the person lacks sufficient mental capacity to comprehend and exercise the right to vote.

Sec. 31. Section 222.17, subsection 1, Code 2011, is amended to read as follows:

1. Allege that such person ~~is mentally retarded~~ has an intellectual disability within the meaning of this chapter.

Sec. 32. Section 222.18, Code 2011, is amended to read as follows:

222.18 County attorney to appear.

The county attorney shall, if requested, appear on behalf of any petitioner for the commitment of a person alleged to ~~be mentally retarded~~ have an intellectual disability under this chapter, and on behalf of all public officials and superintendents in all matters pertaining to the duties imposed upon them by this chapter.

Upon the filing of the petition, the court shall enter an order directing the county attorney of the county in which the person who is alleged to have ~~mental retardation~~ an intellectual disability resides to make a full investigation regarding the financial condition of that person and of those persons legally liable for that person's support under section 222.78.

Sec. 33. Section 222.19, unnumbered paragraph 1, Code 2011,

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1 is amended to read as follows:
2 The following persons, in addition to the person alleged to
3 ~~be mentally retarded~~ have an intellectual disability, shall be
4 made party respondents if the persons reside in this state and
5 their names and residences are known:
6 Sec. 34. Section 222.21, Code 2011, is amended to read as
7 follows:
8 **222.21 Order requiring attendance.**
9 If the person alleged to have ~~mental retardation~~ an
10 intellectual disability is not before the court, the court may
11 issue an order requiring the person who has the care, custody,
12 and control of the person who is alleged to have ~~mental~~
13 ~~retardation~~ an intellectual disability to bring the person into
14 court at the time and place stated in the order.
15 Sec. 35. Section 222.22, Code 2011, is amended to read as
16 follows:
17 **222.22 Time of appearance.**
18 The time of appearance shall not be less than five days
19 after completed service unless the court orders otherwise.
20 Appearance on behalf of the person who is alleged to have
21 ~~mental retardation~~ an intellectual disability may be made by
22 any citizen of the county or by any relative. The district
23 court shall assign counsel for the person who is alleged to
24 have ~~mental retardation~~ an intellectual disability. Counsel
25 shall prior to proceedings personally consult with the person
26 who is alleged to have ~~mental retardation~~ an intellectual
27 disability unless the judge appointing counsel certifies that
28 in the judge's opinion, consultation shall serve no useful
29 purpose. The certification shall be made a part of the record.
30 An attorney assigned by the court shall be compensated by the
31 county at an hourly rate to be established by the county board
32 of supervisors in substantially the same manner as provided in
33 section 815.7.
34 Sec. 36. Section 222.25, Code 2011, is amended to read as
35 follows:

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1 **222.25 Custody pending hearing.**
2 Pending final hearing, the court may at any time after
3 the filing of the petition and on satisfactory showing that
4 it is in the best interest of the person who is alleged to
5 have ~~mental retardation~~ an intellectual disability and of the
6 community that the person be at once taken into custody, or
7 that service of notice will be ineffectual if the person is not
8 taken into custody, issue an order for the immediate production
9 of the person before the court. In such case, the court may
10 make any proper order for the custody or confinement of the
11 person as will protect the person and the community and insure
12 the presence of the person at the hearing. The person shall
13 not be confined with those accused or convicted of crime.
14 Sec. 37. Section 222.27, Code 2011, is amended to read as
15 follows:
16 **222.27 Hearing in public.**
17 Hearings shall be public, unless otherwise requested by the
18 parent, guardian, or other person having the custody of the
19 person with ~~mental retardation~~ an intellectual disability,
20 or if the judge considers, a closed hearing in the best
21 interests of the person with ~~mental retardation~~ an intellectual
22 disability.
23 Sec. 38. Section 222.28, Code 2011, is amended to read as
24 follows:
25 **222.28 Commission to examine.**
26 The court may, at or prior to the final hearing, appoint
27 a commission of one qualified physician and one qualified
28 psychologist, designated through the central point of
29 coordination process, who shall make a personal examination of
30 the person alleged to ~~be mentally retarded~~ have an intellectual
31 disability for the purpose of determining the mental condition
32 of the person.
33 Sec. 39. Section 222.31, subsection 1, unnumbered paragraph
34 1, Code 2011, is amended to read as follows:
35 If in the opinion of the court, or of a commission as

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1 authorized in section 222.28, the person ~~is mentally retarded~~
2 has an intellectual disability within the meaning of this
3 chapter and the court determines that it will be conducive
4 to the welfare of that person and of the community to commit
5 the person to a proper institution for treatment, training,
6 instruction, care, habilitation, and support, and that services
7 or support provided to the family of such a person who is a
8 child will not enable the family to continue to care for the
9 child in the child's home, the court shall by proper order:
10 Sec. 40. Section 222.34, Code 2011, is amended to read as
11 follows:
12 **222.34 Guardianship proceedings.**
13 If a guardianship is proposed for a person with ~~mental~~
14 ~~retardation~~ an intellectual disability, guardianship
15 proceedings shall be initiated and conducted as provided in
16 chapter 633.
17 Sec. 41. Section 222.38, Code 2011, is amended to read as
18 follows:
19 **222.38 Delivery of person to institution, resource center, or**
20 **special unit.**
21 The court may, for the purpose of committing a person
22 direct the clerk to authorize the employment of one or
23 more assistants. If a person with ~~mental retardation~~ an
24 intellectual disability is taken to an institution, resource
25 center, or special unit, at least one attendant shall be of the
26 same sex.
27 Sec. 42. Section 222.43, subsection 1, paragraphs a, b, and
28 c, Code 2011, are amended to read as follows:
29 *a.* That the person adjudged to ~~be mentally retarded is not~~
30 ~~mentally retarded~~ have an intellectual disability does not have
31 an intellectual disability.
32 *b.* That the person adjudged to ~~be mentally retarded~~ have an
33 intellectual disability has improved as to be capable of ~~self~~
34 ~~care~~ self-care.
35 *c.* That the relatives or friends of the person with ~~mental~~

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1 ~~retardation~~ an intellectual disability are able and willing
2 to support and care for the person with ~~mental retardation~~ an
3 intellectual disability and request the person's discharge,
4 and in the judgment of the superintendent of the institution
5 or resource center having charge of the person, no harmful
6 consequences are likely to follow such discharge.
7 Sec. 43. Section 222.45, Code 2011, is amended to read as
8 follows:
9 **222.45 Power of court.**
10 On the hearing, the court may discharge the person with
11 ~~mental retardation~~ an intellectual disability from all
12 supervision, control, and care, or may transfer the person
13 from a public institution to a private institution, or vice
14 versa, or transfer the person from a special unit to a resource
15 center, or vice versa, as the court deems appropriate under
16 all the circumstances. If the person has been determined to
17 lack the mental capacity to vote, the court shall include in
18 its order a finding that this determination remains in force
19 or is revoked.
20 Sec. 44. Section 222.47, Code 2011, is amended to read as
21 follows:
22 **222.47 Penalty for false petition of commitment.**
23 Any person who shall maliciously seek to have any person
24 adjudged ~~mentally retarded~~ as a person with an intellectual
25 disability, knowing that such person ~~is not mentally retarded~~
26 does not have an intellectual disability, shall be guilty of
27 a fraudulent practice.
28 Sec. 45. Section 222.49, Code 2011, is amended to read as
29 follows:
30 **222.49 Costs paid.**
31 The costs of proceedings shall be defrayed from the county
32 treasury unless otherwise ordered by the court. When the
33 person alleged to ~~be mentally retarded~~ have an intellectual
34 disability is found not to ~~be mentally retarded~~ have an
35 intellectual disability, the court shall render judgment for

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1 such costs against the person filing the petition except when
2 the petition is filed by order of court.
3 Sec. 46. Section 222.50, Code 2011, is amended to read as
4 follows:
5 **222.50 County of legal settlement to pay.**
6 When the proceedings are instituted in a county in which
7 the person who is alleged to have ~~mental retardation~~ an
8 intellectual disability was found but which is not the county
9 of legal settlement of the person, and the costs are not taxed
10 to the petitioner, the county which is the legal settlement of
11 the person shall, on presentation of a properly itemized bill
12 for such costs, repay the costs to the former county. When the
13 person's legal settlement is outside the state or is unknown,
14 the costs shall be paid out of money in the state treasury not
15 otherwise appropriated, itemized on vouchers executed by the
16 auditor of the county which paid the costs, and approved by the
17 administrator.
18 Sec. 47. Section 222.51, Code 2011, is amended to read as
19 follows:
20 **222.51 Costs collected.**
21 Costs incident to the hearings and commitment of a
22 person with ~~mental retardation~~ an intellectual disability
23 to an institution, a resource center, or a special unit
24 may be collected from the person with ~~mental retardation~~ an
25 intellectual disability and from all persons legally chargeable
26 with the support of the person with ~~mental retardation~~ an
27 intellectual disability.
28 Sec. 48. Section 222.52, Code 2011, is amended to read as
29 follows:
30 **222.52 Proceedings against delinquent — hearing on**
31 **~~retardation~~ intellectual disability.**
32 When in proceedings against an alleged delinquent or
33 dependent child, the court is satisfied from any evidence that
34 such child ~~is mentally retarded~~ has an intellectual disability,
35 the court may order a continuance of such proceeding, and may

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1 direct an officer of the court or some other proper person
2 to file a petition against such child permitted under the
3 provisions of this chapter. Pending hearing of the petition
4 the court may by order provide proper custody for the child.
5 Sec. 49. Section 222.53, Code 2011, is amended to read as
6 follows:
7 **222.53 Conviction — suspension.**
8 If on the conviction in the district court of any person
9 for any crime or for any violation of any municipal ordinance,
10 or if on the determination in ~~said courts~~ the court that a
11 child is dependent, neglected, or delinquent and it appears
12 from any evidence presented to the court before sentence,
13 that such person ~~is mentally retarded~~ has an intellectual
14 disability within the meaning of this chapter, the court may
15 suspend sentence or order, and may order any officer of the
16 court or some other proper person to file a petition permitted
17 under the provisions of this chapter against ~~said~~ such person.
18 Pending hearing of the petition, the court shall provide for
19 the custody of ~~said~~ such person as directed in section 222.52.
20 Sec. 50. Section 222.54, Code 2011, is amended to read as
21 follows:
22 **222.54 Procedure after hearing.**
23 Should it be found under sections 222.52 and 222.53 that
24 ~~said~~ such person ~~is not mentally retarded~~ does not have an
25 intellectual disability, the court shall proceed with the
26 original proceedings as though no petition had been filed.
27 Sec. 51. Section 222.56, Code 2011, is amended to read as
28 follows:
29 **222.56 Transfer to institution for persons with ~~mental~~**
30 **~~retardation~~ an intellectual disability.**
31 When the mental condition of a person in a private
32 institution for persons with mental illness is found to be such
33 that the patient should be transferred to an institution for
34 persons with ~~mental retardation~~ an intellectual disability, the
35 person may be proceeded against under this chapter.

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1 Sec. 52. Section 222.58, Code 2011, is amended to read as
2 follows:
3 **222.58 Administrator to keep record.**
4 The administrator shall keep a record of all persons
5 adjudged to ~~be mentally retarded~~ have an intellectual
6 disability and of the orders respecting such persons by the
7 courts throughout the state. Copies of such orders shall be
8 furnished by the clerk of the court without the administrator's
9 application therefor.
10 Sec. 53. Section 222.60, subsection 1, unnumbered paragraph
11 1, Code 2011, is amended to read as follows:
12 All necessary and legal expenses for the cost of admission or
13 commitment or for the treatment, training, instruction, care,
14 habilitation, support and transportation of persons with ~~mental~~
15 ~~retardation~~ an intellectual disability, as provided for in
16 the county management plan provisions implemented pursuant to
17 section 331.439, subsection 1, in a state resource center, or
18 in a special unit, or any public or private facility within or
19 without the state, approved by the director of the department
20 of human services, shall be paid by either:
21 Sec. 54. Section 222.60, subsection 2, paragraph a, Code
22 2011, is amended to read as follows:
23 *a.* Prior to a county of legal settlement approving the
24 payment of expenses for a person under this section, the county
25 may require that the person be diagnosed to determine if the
26 person has ~~mental retardation~~ an intellectual disability or
27 that the person be evaluated to determine the appropriate level
28 of services required to meet the person's needs relating to
29 ~~mental retardation~~ an intellectual disability. The diagnosis
30 and the evaluation may be performed concurrently and shall
31 be performed by an individual or individuals approved by the
32 county who are qualified to perform the diagnosis or the
33 evaluation. Following the initial approval for payment of
34 expenses, the county of legal settlement may require that an
35 evaluation be performed at reasonable time periods.

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1 Sec. 55. Section 222.60, subsection 3, Code 2011, is amended
2 to read as follows:
3 3. *a.* A diagnosis of ~~mental retardation~~ an intellectual
4 disability under this section shall be made only when the onset
5 of the person's condition was prior to the age of eighteen
6 years and shall be based on an assessment of the person's
7 intellectual functioning and level of adaptive skills. The
8 diagnosis shall be made by an individual who is a psychologist
9 or psychiatrist who is professionally trained to administer
10 the tests required to assess intellectual functioning and to
11 evaluate a person's adaptive skills.
12 *b.* A diagnosis of ~~mental retardation~~ an intellectual
13 disability shall be made in accordance with the criteria
14 provided in the diagnostic and statistical manual of
15 mental disorders, ~~fourth edition,~~ published by the American
16 psychiatric association, as provided in the definition of
17 intellectual disability in section 4.1.
18 Sec. 56. Section 222.66, Code 2011, is amended to read as
19 follows:
20 **222.66 Transfers — expenses.**
21 The transfer to a resource center or a special unit or to the
22 place of legal settlement of a person with ~~mental retardation~~
23 an intellectual disability who has no legal settlement in this
24 state or whose legal settlement is unknown, shall be made
25 in accordance with such directions as shall be prescribed
26 by the administrator and when practicable by employees of
27 the state resource center or the special unit. The actual
28 and necessary expenses of such transfers shall be paid on
29 itemized vouchers sworn to by the claimants and approved by
30 the administrator from any funds in the state treasury not
31 otherwise appropriated.
32 Sec. 57. Section 222.78, Code 2011, is amended to read as
33 follows:
34 **222.78 Parents and others liable for support.**
35 The father and mother of any patient admitted or committed to

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a resource center or to a special unit, as either an inpatient or an outpatient, and any person, firm, or corporation bound by contract made for support of the patient are liable for the support of the patient. The patient and those legally bound for the support of the patient shall be liable to the county for all sums advanced by the county to the state under the provisions of sections 222.60 and 222.77. The liability of any person, other than the patient, who is legally bound for the support of a patient who is under eighteen years of age in a resource center or a special unit shall not exceed the average minimum cost of the care of a normally intelligent minor without a disability of the same age and sex as the minor patient. The administrator shall establish the scale for this purpose but the scale shall not exceed the standards for personal allowances established by the state division under the family investment program. The father or mother shall incur liability only during any period when the father or mother either individually or jointly receive a net income from whatever source, commensurate with that upon which they would be liable to make an income tax payment to this state. The father or mother of a patient shall not be liable for the support of the patient upon the patient attaining eighteen years of age. Nothing in this section shall be construed to prevent a relative or other person from voluntarily paying the full actual cost as established by the administrator for caring for the patient with ~~mental retardation~~ an intellectual disability.

Sec. 58. Section 222.80, Code 2011, is amended to read as follows:

222.80 Liability to county.

A person admitted or committed to a county institution or home or admitted or committed at county expense to a private hospital, sanitarium, or other facility for treatment, training, instruction, care, habilitation, and support as a patient with ~~mental retardation~~ an intellectual disability

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shall be liable to the county for the reasonable cost of the support as provided in section 222.78.

Sec. 59. Section 222.88, Code 2011, is amended to read as follows:

222.88 Special ~~mental retardation~~ intellectual disability unit.

The director of human services may organize and establish a special ~~mental retardation~~ intellectual disability unit at an existing institution which may provide:

1. Psychiatric and related services to children with ~~mental retardation~~ an intellectual disability and adults who are also emotionally disturbed or otherwise mentally ill.

2. Specific programs to meet the needs of such other special categories of persons with ~~mental retardation~~ an intellectual disability as may be designated by the director.

3. Appropriate diagnostic evaluation services.

Sec. 60. Section 225C.1, subsection 1, Code 2011, is amended to read as follows:

1. The general assembly finds that services to persons with mental illness, ~~mental retardation~~ an intellectual disability, developmental disabilities, or brain injury are provided in many parts of the state by highly autonomous community-based service providers working cooperatively with state and county officials. However, the general assembly recognizes that heavy reliance on property tax funding for mental health and ~~mental retardation~~ an intellectual disability services has enabled many counties to exceed minimum state standards for the services resulting in an uneven level of services around the state. Consequently, greater efforts should be made to assure close coordination and continuity of care for those persons receiving publicly supported disability services in Iowa. It is the purpose of this chapter to continue and to strengthen the services to persons with disabilities now available in the state of Iowa, to make disability services conveniently available to all persons in this state upon a reasonably

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1 uniform financial basis, and to assure the continued high
2 quality of these services.
3 Sec. 61. Section 225C.2, subsections 6 and 8, Code 2011, are
4 amended to read as follows:
5 6. *"Disability services"* means services and other support
6 available to a person with mental illness, ~~mental retardation~~
7 an intellectual disability or other developmental disability,
8 or brain injury.
9 8. *"Person with a disability"* means a person with mental
10 illness, ~~mental retardation~~ an intellectual disability or other
11 developmental disability, or brain injury.
12 Sec. 62. Section 225C.3, subsections 1 and 3, Code 2011, are
13 amended to read as follows:
14 1. The division is designated the state mental health
15 authority as defined in 42 U.S.C. § 201(m) (1976) for the
16 purpose of directing the benefits of the National Mental
17 Health Act, 42 U.S.C. § 201 et seq. This designation does not
18 preclude the board of regents from authorizing or directing any
19 institution under its jurisdiction to carry out educational,
20 prevention, and research activities in the areas of mental
21 health and ~~mental retardation~~ intellectual disability. The
22 division may contract with the board of regents or any
23 institution under the board's jurisdiction to perform any of
24 these functions.
25 3. The division is administered by the administrator.
26 The administrator of the division shall be qualified in the
27 general field of mental health, ~~mental retardation~~ intellectual
28 disability, or other disability services, and preferably in
29 more than one field. The administrator shall have at least
30 five years of experience as an administrator in one or more of
31 these fields.
32 Sec. 63. Section 225C.4, subsection 1, paragraphs a, c, g,
33 and q, Code 2011, are amended to read as follows:
34 *a.* Prepare and administer the comprehensive mental
35 health and disability services plan as provided in section

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1 225C.6B, including state mental health and ~~mental retardation~~
2 intellectual disability plans for the provision of disability
3 services within the state and the state developmental
4 disabilities plan. The administrator shall consult with the
5 Iowa department of public health, the state board of regents or
6 a body designated by the board for that purpose, the department
7 of management or a body designated by the director of the
8 department for that purpose, the department of education, the
9 department of workforce development and any other appropriate
10 governmental body, in order to facilitate coordination of
11 disability services provided in this state. The state mental
12 health and ~~mental retardation~~ intellectual disability plans
13 shall be consistent with the state health plan, and shall
14 incorporate county disability services plans.
15 *c.* Emphasize the provision of outpatient services by
16 community mental health centers and local ~~mental retardation~~
17 intellectual disability providers as a preferable alternative
18 to inpatient hospital services.
19 *g.* Administer state programs regarding the care, treatment,
20 and supervision of persons with mental illness or ~~mental~~
21 ~~retardation~~ an intellectual disability, except the programs
22 administered by the state board of regents.
23 *q.* In cooperation with the department of inspections and
24 appeals, recommend minimum standards under section 227.4 for
25 the care of and services to persons with mental illness and
26 ~~mental retardation~~ an intellectual disability residing in
27 county care facilities.
28 Sec. 64. Section 225C.5, subsection 1, unnumbered paragraph
29 1, Code Supplement 2011, is amended to read as follows:
30 A mental health and disability services commission is
31 created as the state policy-making body for the provision of
32 services to persons with mental illness, ~~mental retardation~~ an
33 intellectual disability, or other developmental disabilities,
34 or brain injury. The commission's voting members shall be
35 appointed to three-year staggered terms by the governor and

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1 are subject to confirmation by the senate. Commission members
2 shall be appointed on the basis of interest and experience in
3 the fields of mental health, ~~mental retardation~~ intellectual
4 disability, or other developmental disabilities, and brain
5 injury, in a manner so as to ensure adequate representation
6 from persons with disabilities and individuals knowledgeable
7 concerning disability services. The department shall provide
8 staff support to the commission, and the commission may utilize
9 staff support and other assistance provided to the commission
10 by other persons. The commission shall meet at least four
11 times per year. The membership of the commission shall consist
12 of the following persons who, at the time of appointment to the
13 commission, are active members of the indicated groups:
14 Sec. 65. Section 225C.7, subsections 2 and 4, Code 2011, are
15 amended to read as follows:
16 2. Moneys appropriated to the fund shall be allocated
17 to counties for funding of community-based mental health,
18 ~~mental retardation~~ intellectual disability, developmental
19 disabilities, and brain injury services in the manner
20 provided in the appropriation to the fund. If the allocation
21 methodology includes a population factor, the most recent
22 population estimates issued by the United States bureau of the
23 census shall be applied.
24 4. *a.* A county is entitled to receive money from the
25 fund if that county raised by county levy and expended for
26 mental health, ~~mental retardation~~ intellectual disability,
27 and developmental disabilities services, in the preceding
28 fiscal year, an amount of money at least equal to the amount so
29 raised and expended for those purposes during the fiscal year
30 beginning July 1, 1980.
31 *b.* With reference to the fiscal year beginning July 1, 1980,
32 money *"raised by county levy and expended for mental health,*
33 *~~mental retardation~~ intellectual disability, and developmental*
34 *disabilities services"* means the county's maintenance of effort
35 determined by using the general allocation application for the

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1 state community mental health and mental retardation services
2 fund under section 225C.10, subsection 1, Code 1993. The
3 department, with the agreement of each county, shall establish
4 the actual amount expended by each county for persons with
5 mental illness, ~~mental retardation~~ an intellectual disability,
6 or a developmental disability in the fiscal year which began
7 on July 1, 1980, and this amount shall be deemed each county's
8 maintenance of effort.
9 Sec. 66. Section 225C.12, subsection 2, Code 2011, is
10 amended to read as follows:
11 2. A county may claim reimbursement by filing with the
12 administrator a claim in a form prescribed by the administrator
13 by rule. Claims may be filed on a quarterly basis, and when
14 received shall be verified as soon as reasonably possible
15 by the administrator. The administrator shall certify to
16 the director of the department of administrative services
17 the amount to which each county claiming reimbursement is
18 entitled, and the director of the department of administrative
19 services shall issue warrants to the respective counties
20 drawn upon funds appropriated by the general assembly for
21 the purpose of this section. A county shall place funds
22 received under this section in the county mental health,
23 ~~mental retardation~~ intellectual disability, and developmental
24 disabilities services fund created under section 331.424A. If
25 the appropriation for a fiscal year is insufficient to pay
26 all claims arising under this section, the director of the
27 department of administrative services shall prorate the funds
28 appropriated for that year among the claimant counties so that
29 an equal proportion of each county's claim is paid in each
30 quarter for which proration is necessary.
31 Sec. 67. Section 225C.13, subsection 2, Code 2011, is
32 amended to read as follows:
33 2. The division administrator may work with the appropriate
34 administrator of the department's institutions to establish
35 mental health and ~~mental retardation~~ intellectual disability

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1 services for all institutions under the control of the director
2 of human services and to establish an autism unit, following
3 mutual planning and consultation with the medical director of
4 the state psychiatric hospital, at an institution or a facility
5 administered by the department to provide psychiatric and
6 related services and other specific programs to meet the needs
7 of autistic persons, and to furnish appropriate diagnostic
8 evaluation services.
9 Sec. 68. Section 225C.21, subsection 1, Code 2011, is
10 amended to read as follows:
11 1. As used in this section, *"supported community living*
12 *services"* means services provided in a noninstitutional setting
13 to adult persons with mental illness, ~~mental retardation~~ an
14 intellectual disability, or developmental disabilities to meet
15 the persons' daily living needs.
16 Sec. 69. Section 225C.25, Code 2011, is amended to read as
17 follows:
18 **225C.25 Short title.**
19 Sections 225C.25 through 225C.28B shall be known as "the
20 bill of rights and service quality standards of persons with
21 ~~mental retardation~~ an intellectual disability, developmental
22 disabilities, brain injury, or chronic mental illness".
23 Sec. 70. Section 225C.26, Code 2011, is amended to read as
24 follows:
25 **225C.26 Scope.**
26 These rights and service quality standards apply to any
27 person with ~~mental retardation~~ an intellectual disability,
28 a developmental disability, brain injury, or chronic mental
29 illness who receives services which are funded in whole or in
30 part by public funds or services which are permitted under Iowa
31 law.
32 Sec. 71. Section 225C.28A, unnumbered paragraph 1, Code
33 2011, is amended to read as follows:
34 As the state participates more fully in funding services
35 and other support to persons with ~~mental retardation~~ an

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1 intellectual disability, developmental disabilities, brain
2 injury, or chronic mental illness, it is the intent of the
3 general assembly that the state shall seek to attain the
4 following quality standards in the provision of the services:
5 Sec. 72. Section 225C.28B, Code 2011, is amended to read as
6 follows:
7 **225C.28B Rights of persons with ~~mental retardation~~ an**
8 **intellectual disability, developmental disabilities, brain**
9 **injury, or chronic mental illness.**
10 All of the following rights shall apply to a person with
11 ~~mental retardation~~ an intellectual disability, a developmental
12 disability, brain injury, or chronic mental illness:
13 1. *Wage protection.* A person with ~~mental retardation~~ an
14 intellectual disability, a developmental disability, brain
15 injury, or chronic mental illness engaged in work programs
16 shall be paid wages commensurate with the going rate for
17 comparable work and productivity.
18 2. *Insurance protection.* Pursuant to section 507B.4,
19 subsection 7, a person or designated group of persons shall not
20 be denied insurance coverage by reason of ~~mental retardation~~
21 an intellectual disability, a developmental disability, brain
22 injury, or chronic mental illness.
23 3. *Due process.* A person with ~~mental retardation~~ an
24 intellectual disability, a developmental disability, brain
25 injury, or chronic mental illness retains the right to
26 citizenship in accordance with the laws of the state.
27 4. *Participation in planning activities.* If an individual
28 treatment, habilitation, and program plan is developed for a
29 person with ~~mental retardation~~ an intellectual disability,
30 a developmental disability, brain injury, or chronic mental
31 illness, the person has the right to participate in the
32 formulation of the plan.
33 Sec. 73. Section 225C.32, Code 2011, is amended to read as
34 follows:
35 **225C.32 Plan appeals process.**

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The department shall establish an appeals process by which a mental health, ~~mental retardation~~ intellectual disability, and developmental disabilities coordinating board or an affected party may appeal a decision of the department or of the coordinating board.

Sec. 74. Section 225C.52, subsection 1, Code 2011, is amended to read as follows:

1. Establishing a comprehensive community-based mental health services system for children and youth is part of fulfilling the requirements of the division and the commission to facilitate a comprehensive, continuous, and integrated state mental health and disability services plan in accordance with sections 225C.4, 225C.6, and 225C.6A, and other provisions of this chapter. The purpose of establishing the children's system is to improve access for children and youth with serious emotional disturbances and youth with other qualifying mental health disorders to mental health treatment, services, and other support in the least restrictive setting possible so the children and youth can live with their families and remain in their communities. The children's system is also intended to meet the needs of children and youth who have mental health disorders that co-occur with substance abuse, ~~mental retardation~~ intellectual disability, developmental disabilities, or other disabilities. The children's system shall emphasize community-level collaborative efforts between children and youth and the families and the state's systems of education, child welfare, juvenile justice, health care, substance abuse, and mental health.

Sec. 75. Section 226.8, Code 2011, is amended to read as follows:

226.8 Persons with ~~mental retardation~~ an intellectual disability not receivable — exception.

~~No~~ A person who ~~is mentally retarded~~ has an intellectual disability, as defined ~~by~~ in section ~~222.2~~ 4.1, shall not be admitted, or transferred pursuant to section 222.7, to a

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1 state mental health institute unless a professional diagnostic
2 evaluation indicates that such person will benefit from
3 psychiatric treatment or from some other specific program
4 available at the mental health institute to which it is
5 proposed to admit or transfer the person. Charges for the
6 care of any person with ~~mental retardation~~ an intellectual
7 disability admitted to a state mental health institute shall
8 be made by the institute in the manner provided by chapter
9 230, but the liability of any other person to any county for
10 the cost of care of such person with ~~mental retardation~~ an
11 intellectual disability shall be as prescribed by section
12 222.78.
13 Sec. 76. Section 226.9C, subsection 2, paragraph a, Code
14 Supplement 2011, is amended to read as follows:
15 *a.* A county may split the charges between the county's
16 mental health, ~~mental retardation~~ intellectual disability, and
17 developmental disabilities services fund created pursuant to
18 section 331.424A and the county's budget for substance abuse
19 expenditures.
20 Sec. 77. Section 227.2, subsections 1, 2, and 4, Code 2011,
21 are amended to read as follows:
22 1. The director of inspections and appeals shall make,
23 or cause to be made, at least one licensure inspection each
24 year of every county care facility. Either the administrator
25 of the division or the director of inspections and appeals,
26 in cooperation with each other, upon receipt of a complaint
27 or for good cause, may make, or cause to be made, a review
28 of a county care facility or of any other private or county
29 institution where persons with mental illness or ~~mental~~
30 ~~retardation~~ an intellectual disability reside. A licensure
31 inspection or a review shall be made by a competent and
32 disinterested person who is acquainted with and interested in
33 the care of persons with mental illness and persons with ~~mental~~
34 ~~retardation~~ an intellectual disability. The objective of a
35 licensure inspection or a review shall be an evaluation of the

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1 programming and treatment provided by the facility. After each
2 licensure inspection of a county care facility, the person who
3 made the inspection shall consult with the county authorities
4 on plans and practices that will improve the care given
5 patients and shall make recommendations to the administrator of
6 the division and the director of public health for coordinating
7 and improving the relationships between the administrators of
8 county care facilities, the administrator of the division, the
9 director of public health, the superintendents of state mental
10 health institutes and resource centers, community mental health
11 centers, and other cooperating agencies, to cause improved
12 and more satisfactory care of patients. A written report of
13 each licensure inspection of a county care facility under this
14 section shall be filed with the administrator of the division
15 and the director of public health and shall include:
16 *a.* The capacity of the institution for the care of
17 residents.
18 *b.* The number, sex, ages, and primary diagnoses of the
19 residents.
20 *c.* The care of residents, their food, clothing, treatment
21 plan, employment, and opportunity for recreational activities
22 and for productive work intended primarily as therapeutic
23 activity.
24 *d.* The number, job classification, sex, duties, and salaries
25 of all employees.
26 *e.* The cost to the state or county of maintaining residents
27 in a county care facility.
28 *f.* The recommendations given to and received from county
29 authorities on methods and practices that will improve the
30 conditions under which the county care facility is operated.
31 *g.* Any failure to comply with standards adopted under
32 section 227.4 for care of persons with mental illness and
33 persons with ~~mental retardation~~ an intellectual disability in
34 county care facilities, which is not covered in information
35 submitted pursuant to paragraphs *"a"* to *"f"*, and any other

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1 matters which the director of public health, in consultation
2 with the administrator of the division, may require.
3 2. A copy of the written report prescribed by subsection
4 1 shall be furnished to the county board of supervisors, to
5 the county mental health and ~~mental retardation~~ intellectual
6 disability coordinating board or to its advisory board if
7 the county board of supervisors constitutes ex officio the
8 coordinating board, to the administrator of the county care
9 facility inspected and to its resident advocate committee, and
10 to the department on aging.
11 4. In addition to the licensure inspections required or
12 authorized by this section, the administrator of the division
13 shall cause to be made an evaluation of each person cared for
14 in a county care facility at least once each year by one or
15 more qualified mental health, ~~mental retardation~~ intellectual
16 disability, or medical professionals, whichever is appropriate.
17 *a.* It is the responsibility of the state to secure the
18 annual evaluation for each person who is on convalescent leave
19 or who has not been discharged from a state mental health
20 institute. It is the responsibility of the county to secure
21 the annual evaluation for all other persons with mental illness
22 in the county care facility.
23 *b.* It is the responsibility of the state to secure the
24 annual evaluation for each person who is on leave and has
25 not been discharged from a state resource center. It is the
26 responsibility of the county to secure the annual evaluation
27 for all other persons with ~~mental retardation~~ an intellectual
28 disability in the county care facility.
29 *c.* It is the responsibility of the county to secure an
30 annual evaluation of each resident of a county care facility to
31 whom neither paragraph *"a"* nor paragraph *"b"* is applicable.
32 Sec. 78. Section 227.4, Code 2011, is amended to read as
33 follows:
34 **227.4 Standards for care of persons with mental illness or**
35 **~~mental retardation~~ an intellectual disability in county care**

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1 **facilities.**
2 The administrator, in cooperation with the department of
3 inspections and appeals, shall recommend and the mental health
4 and disability services commission created in section 225C.5
5 shall adopt standards for the care of and services to persons
6 with mental illness or ~~mental retardation~~ an intellectual
7 disability residing in county care facilities. The standards
8 shall be enforced by the department of inspections and appeals
9 as a part of the licensure inspection conducted pursuant to
10 chapter 135C. The objective of the standards is to ensure
11 that persons with mental illness or ~~mental retardation~~ an
12 intellectual disability who are residents of county care
13 facilities are not only adequately fed, clothed, and housed,
14 but are also offered reasonable opportunities for productive
15 work and recreational activities suited to their physical and
16 mental abilities and offering both a constructive outlet for
17 their energies and, if possible, therapeutic benefit. When
18 recommending standards under this section, the administrator
19 shall designate an advisory committee representing
20 administrators of county care facilities, county mental health
21 and developmental disabilities regional planning councils, and
22 county care facility resident advocate committees to assist in
23 the establishment of standards.
24 Sec. 79. Section 227.6, Code 2011, is amended to read as
25 follows:
26 **227.6 Removal of residents.**
27 If a county care facility fails to comply with rules and
28 standards adopted under this chapter, the administrator may
29 remove all persons with mental illness and all persons with
30 ~~mental retardation~~ an intellectual disability cared for in the
31 county care facility at public expense, to the proper state
32 mental health institute or resource center, or to some private
33 or county institution or hospital for the care of persons
34 with mental illness or ~~mental retardation~~ an intellectual
35 disability that has complied with the rules prescribed by the

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1 administrator. Residents being transferred to a state mental
2 health institute or resource center shall be accompanied by an
3 attendant or attendants sent from the institute or resource
4 center. If a resident is transferred under this section,
5 at least one attendant shall be of the same sex. If the
6 administrator finds that the needs of residents with mental
7 illness and residents with ~~mental retardation~~ an intellectual
8 disability of any other county or private institution are not
9 being adequately met, those residents may be removed from that
10 institution upon order of the administrator.
11 Sec. 80. Section 229.1, subsection 9, Code Supplement 2011,
12 is amended to read as follows:
13 9. *"Mental illness"* means every type of mental disease
14 or mental disorder, except that it does not refer to
15 ~~mental retardation~~ intellectual disability as defined in
16 section ~~222.2, subsection 5~~ 4.1, or to insanity, diminished
17 responsibility, or mental incompetency as the terms are defined
18 and used in the Iowa criminal code or in the rules of criminal
19 procedure, Iowa court rules.
20 Sec. 81. Section 229.26, Code 2011, is amended to read as
21 follows:
22 **229.26 Exclusive procedure for involuntary hospitalization.**
23 Sections 229.6 through 229.19 constitute the exclusive
24 procedure for involuntary hospitalization of persons by reason
25 of serious mental impairment in this state, except that this
26 chapter does not negate the provisions of section 904.503
27 relating to transfer of prisoners with mental illness to state
28 hospitals for persons with mental illness and does not apply
29 to commitments of persons under chapter 812 or the rules of
30 criminal procedure, Iowa court rules, or negate the provisions
31 of section 232.51 relating to disposition of children
32 with mental illness or ~~mental retardation~~ an intellectual
33 disability.
34 Sec. 82. Section 230.33, Code 2011, is amended to read as
35 follows:

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230.33 Reciprocal agreements.

The administrator may enter into agreements with other states, through their duly constituted authorities, to effect the reciprocal return of persons with mental illness and persons with ~~mental retardation~~ an intellectual disability to the contracting states, and to effect the reciprocal supervision of persons on convalescent leave.

Provided that in the case of a proposed transfer of a person with mental illness or ~~mental retardation~~ an intellectual disability from this state that no final action be taken without the approval either of the commission of hospitalization, or of the district court, of the county of admission or commitment.

Sec. 83. Section 231.4, subsection 1, paragraph m, Code Supplement 2011, is amended to read as follows:

m. *"Resident"* means a resident or tenant of a long-term care facility, assisted living program, or elder group home, excluding facilities licensed primarily to serve persons with ~~mental retardation~~ an intellectual disability or mental illness.

Sec. 84. Section 231.42, subsection 2, paragraph a, Code 2011, is amended to read as follows:

a. Establish and implement a statewide confidential uniform reporting system for receiving, analyzing, referring, investigating, and resolving complaints about administrative actions and the health, safety, welfare, and rights of residents or tenants of long-term care facilities, assisted living programs, and elder group homes, excluding facilities licensed primarily to serve persons with ~~mental retardation~~ an intellectual disability or mental illness.

Sec. 85. Section 232.51, subsection 2, Code Supplement 2011, is amended to read as follows:

2. If the evidence received at an adjudicatory or a dispositional hearing indicates that the child ~~is mentally retarded~~ has an intellectual disability, the court may direct

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1 the juvenile court officer or the department to initiate
2 proceedings or to assist the child's parent or guardian to
3 initiate civil commitment proceedings in the juvenile court and
4 such proceedings shall adhere to the requirements of chapter
5 222.
6 Sec. 86. Section 232.51, subsection 3, paragraph a, Code
7 Supplement 2011, is amended to read as follows:
8 *a.* If prior to the adjudicatory or dispositional hearing
9 on the pending delinquency petition, the child is committed
10 as a child with a mental illness or ~~mental retardation~~ an
11 intellectual disability and is ordered into a residential
12 facility, institution, or hospital for inpatient treatment,
13 the delinquency proceeding shall be suspended until such time
14 as the juvenile court either terminates the civil commitment
15 order or the child is released from the residential facility,
16 institution, or hospital for purposes of receiving outpatient
17 treatment.
18 Sec. 87. Section 232.175, Code 2011, is amended to read as
19 follows:
20 **232.175 Placement oversight.**
21 Placement oversight shall be provided pursuant to this
22 division when the parent, guardian, or custodian of a child
23 with ~~mental retardation~~ an intellectual disability or other
24 developmental disability requests placement of the child
25 in foster family care for a period of more than thirty
26 days. The oversight shall be provided through review of
27 the placement every six months by the department's foster
28 care review committees or by a local citizen foster care
29 review board. Court oversight shall be provided prior to the
30 initial placement and at periodic intervals which shall not
31 exceed twelve months. It is the purpose and policy of this
32 division to assure the existence of oversight safeguards as
33 required by the federal Child Welfare Act of 1980, Pub. L. No.
34 96-272, as codified in 42 U.S.C. § 671(a)(16), 627(a)(2)(B),
35 and 675(1),(5), while maintaining parental decision-making

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1 authority.
2 Sec. 88. Section 232.178, subsection 4, Code 2011, is
3 amended to read as follows:
4 4. The petition shall describe the child's emotional,
5 physical, or intellectual disability which requires care and
6 treatment; the reasonable efforts to maintain the child in
7 the child's home; the department's request to the family of
8 a child with ~~mental retardation~~ an intellectual disability,
9 other developmental disability, or organic mental illness to
10 determine if any services or support provided to the family
11 will enable the family to continue to care for the child in the
12 child's home; and the reason the child's parent, guardian, or
13 custodian has requested a foster family care placement. The
14 petition shall also describe the commitment of the parent,
15 guardian, or custodian in fulfilling the responsibilities
16 defined in the case permanency plan and how the placement will
17 serve the child's best interests.
18 Sec. 89. Section 232.182, subsection 5, paragraph a,
19 subparagraph (4), Code 2011, is amended to read as follows:
20 (4) A determination that services or support provided to
21 the family of a child with ~~mental retardation~~ an intellectual
22 disability, other developmental disability, or organic mental
23 illness will not enable the family to continue to care for the
24 child in the child's home.
25 Sec. 90. Section 233A.14, Code 2011, is amended to read as
26 follows:
27 **233A.14 Transfers to other institutions.**
28 The administrator may transfer to the schools minor wards of
29 the state from any institution under the administrator's charge
30 but no person shall be so transferred who is mentally ill or
31 ~~mentally retarded~~ has an intellectual disability. Any child
32 in the schools who is mentally ill or ~~mentally retarded~~ has an
33 intellectual disability may be transferred by the administrator
34 to the proper state institution.
35 Sec. 91. Section 233B.5, Code 2011, is amended to read as

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1 follows:
2 **233B.5 Transfers.**
3 The administrator may transfer to the home minor wards of the
4 state from any institution under the administrator's charge or
5 under the charge of any other administrator of the department
6 of human services; but no person shall be so transferred who
7 is a person with mental illness or ~~mental retardation~~ an
8 intellectual disability, or who is incorrigible, or has any
9 vicious habits, or whose presence in the home would be inimical
10 to the moral or physical welfare of the other children within
11 the home, and any such child in the home may be transferred to
12 the proper state institution.
13 Sec. 92. Section 234.6, subsection 6, paragraph f, Code
14 2011, is amended to read as follows:
15 *f.* Services or support provided to a child with ~~mental~~
16 ~~retardation~~ an intellectual disability or other developmental
17 disability or to the child's family.
18 Sec. 93. Section 235.1, subsection 3, Code 2011, is amended
19 to read as follows:
20 3. *"Child welfare services"* means social welfare services
21 for the protection and care of children who are homeless,
22 dependent or neglected, or in danger of becoming delinquent, or
23 who have a mental illness or ~~mental retardation~~ an intellectual
24 disability or other developmental disability, including, when
25 necessary, care and maintenance in a foster care facility.
26 Child welfare services are designed to serve a child in the
27 child's home whenever possible. If not possible, and the child
28 is placed outside the child's home, the placement should be in
29 the least restrictive setting available and in close proximity
30 to the child's home.
31 Sec. 94. Section 235A.15, subsection 2, paragraph c,
32 subparagraph (9), Code Supplement 2011, is amended to read as
33 follows:
34 (9) To the administrator of an agency providing mental
35 health, ~~mental retardation~~ intellectual disability, or

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1 developmental disability services under a county management
2 plan developed pursuant to section 331.439, if the data
3 concerns a person employed by or being considered by the agency
4 for employment.
5 Sec. 95. Section 235B.6, subsection 2, paragraph c,
6 subparagraph (6), Code Supplement 2011, is amended to read as
7 follows:
8 (6) To the administrator of an agency providing mental
9 health, ~~mental retardation~~ intellectual disability, or
10 developmental disability services under a county management
11 plan developed pursuant to section 331.439, if the information
12 concerns a person employed by or being considered by the agency
13 for employment.
14 Sec. 96. Section 249A.2, subsection 4, Code 2011, is amended
15 to read as follows:
16 4. *"Discretionary medical assistance"* means medical
17 assistance or additional medical assistance provided to
18 individuals whose income and resources are in excess of
19 eligibility limitations but are insufficient to meet all of the
20 costs of necessary medical care and services, provided that if
21 the assistance includes services in institutions for mental
22 diseases or intermediate care facilities for persons with
23 ~~mental retardation~~ an intellectual disability, or both, for any
24 group of such individuals, the assistance also includes for
25 all covered groups of such individuals at least the care and
26 services enumerated in Tit. XIX of the federal Social Security
27 Act, section 1905(a), paragraphs (1) through (5), and (17),
28 as codified in 42 U.S.C. § 1396d(a), pars. (1) through (5),
29 and (17), or any seven of the care and services enumerated in
30 Tit. XIX of the federal Social Security Act, section 1905(a),
31 paragraphs (1) through (7) and (9) through (18), as codified in
32 42 U.S.C. § 1396d(a), pars. (1) through (7), and (9) through
33 (18).
34 Sec. 97. Section 249A.5, subsection 2, unnumbered paragraph
35 1, Code 2011, is amended to read as follows:

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The provision of medical assistance to an individual who is fifty-five years of age or older, or who is a resident of a nursing facility, intermediate care facility for persons with ~~mental retardation~~ an intellectual disability, or mental health institute, who cannot reasonably be expected to be discharged and return to the individual's home, creates a debt due the department from the individual's estate for all medical assistance provided on the individual's behalf, upon the individual's death.

Sec. 98. Section 249A.5, subsection 2, paragraph f, subparagraph (1), Code 2011, is amended to read as follows:

(1) If a debt is due under this subsection from the estate of a recipient, the administrator of the nursing facility, intermediate care facility for persons with ~~mental retardation~~ an intellectual disability, or mental health institute in which the recipient resided at the time of the recipient's death, and the personal representative of the recipient, if applicable, shall report the death to the department within ten days of the death of the recipient.

Sec. 99. Section 249A.12, subsection 1, Code 2011, is amended to read as follows:

1. Assistance may be furnished under this chapter to an otherwise eligible recipient who is a resident of a health care facility licensed under chapter 135C and certified as an intermediate care facility for persons with ~~mental retardation~~ an intellectual disability.

Sec. 100. Section 249A.12, subsection 4, paragraphs a and c, Code 2011, are amended to read as follows:

a. Effective July 1, 1995, the state shall be responsible for all of the nonfederal share of the costs of intermediate care facility for persons with ~~mental retardation~~ an intellectual disability services provided under medical assistance to minors. Notwithstanding subsection 2 and contrary provisions of section 222.73, effective July 1, 1995, a county is not required to reimburse the department and shall

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1 not be billed for the nonfederal share of the costs of such
2 services provided to minors.
3 *c.* Effective February 1, 2002, the state shall be
4 responsible for all of the nonfederal share of the costs of
5 intermediate care facility for persons with ~~mental retardation~~
6 an intellectual disability services provided under medical
7 assistance attributable to the assessment fee for intermediate
8 care facilities for individuals with ~~mental retardation~~ an
9 intellectual disability imposed pursuant to section 249A.21.
10 Notwithstanding subsection 2, effective February 1, 2003, a
11 county is not required to reimburse the department and shall
12 not be billed for the nonfederal share of the costs of such
13 services attributable to the assessment fee.
14 Sec. 101. Section 249A.12, subsection 5, Code 2011, is
15 amended to read as follows:
16 5. *a.* The mental health and disability services commission
17 shall recommend to the department the actions necessary to
18 assist in the transition of individuals being served in an
19 intermediate care facility for persons with ~~mental retardation~~
20 an intellectual disability, who are appropriate for the
21 transition, to services funded under a medical assistance
22 home and community-based services waiver for persons with
23 intellectual disabilities in a manner which maximizes the use
24 of existing public and private facilities. The actions may
25 include but are not limited to submitting any of the following
26 or a combination of any of the following as a request for a
27 revision of the medical assistance home and community-based
28 services waiver for persons with intellectual disabilities:
29 (1) Allow for the transition of intermediate care
30 facilities for persons with ~~mental retardation~~ an intellectual
31 disability licensed under chapter 135C, to services funded
32 under the medical assistance home and community-based services
33 waiver for persons with intellectual disabilities. The request
34 shall be for inclusion of additional persons under the waiver
35 associated with the transition.

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1 (2) Allow for reimbursement under the waiver for day program
2 or other service costs.
3 (3) Allow for exception provisions in which an intermediate
4 care facility for persons with ~~mental retardation~~ an
5 intellectual disability which does not meet size and other
6 facility-related requirements under the waiver in effect on
7 June 30, 1996, may convert to a waiver service for a set period
8 of time such as five years. Following the set period of time,
9 the facility would be subject to the waiver requirements
10 applicable to services which were not operating under the
11 exception provisions.
12 *b.* In implementing the provisions of this subsection, the
13 mental health and disability services commission shall consult
14 with other states. The waiver revision request or other action
15 necessary to assist in the transition of service provision
16 from intermediate care facilities for persons with ~~mental~~
17 ~~retardation~~ an intellectual disability to alternative programs
18 shall be implemented by the department in a manner that can
19 appropriately meet the needs of individuals at an overall
20 lower cost to counties, the federal government, and the state.
21 In addition, the department shall take into consideration
22 significant federal changes to the medical assistance program
23 in formulating the department's actions under this subsection.
24 The department shall consult with the mental health and
25 disability services commission in adopting rules for oversight
26 of facilities converted pursuant to this subsection. A
27 transition approach described in paragraph "*a*" may be modified
28 as necessary to obtain federal waiver approval.
29 Sec. 102. Section 249A.12, subsection 6, paragraphs a and d,
30 Code 2011, are amended to read as follows:
31 *a.* The provisions of the home and community-based services
32 waiver for persons with an intellectual ~~disabilities~~ disability
33 shall include adult day care, prevocational, and transportation
34 services. Transportation shall be included as a separately
35 payable service.

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1 *d.* The county of legal settlement shall pay for one hundred
2 percent of the nonfederal share of the costs of care provided
3 for adults which is reimbursed under a home and community-based
4 services waiver that would otherwise be approved for provision
5 in an intermediate care facility for persons with ~~mental~~
6 ~~retardation~~ an intellectual disability provided under the
7 medical assistance program.
8 Sec. 103. Section 249A.12, subsections 7 and 8, Code 2011,
9 are amended to read as follows:
10 7. When paying the necessary and legal expenses for
11 intermediate care facility for persons with ~~mental retardation~~
12 an intellectual disability services, the cost requirements of
13 section 222.60 shall be considered fulfilled when payment is
14 made in accordance with the medical assistance payment rates
15 established by the department for intermediate care facilities
16 for persons with ~~mental retardation~~ an intellectual disability,
17 and the state or a county of legal settlement shall not be
18 obligated for any amount in excess of the rates.
19 8. If a person with ~~mental retardation~~ an intellectual
20 disability has no legal settlement or the legal settlement is
21 unknown so that the person is deemed to be a state case and
22 services associated with the ~~mental retardation~~ intellectual
23 disability can be covered under a medical assistance home and
24 community-based services waiver or other medical assistance
25 program provision, the nonfederal share of the medical
26 assistance program costs for such coverage shall be paid from
27 the appropriation made for the medical assistance program.
28 Sec. 104. Section 249A.21, subsections 1 and 6, Code 2011,
29 are amended to read as follows:
30 1. The department may assess intermediate care facilities
31 for persons with ~~mental retardation~~ an intellectual disability,
32 as defined in section 135C.1, a fee in an amount not to exceed
33 six percent of the total annual revenue of the facility for the
34 preceding fiscal year.
35 6. The department may adopt administrative rules under

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1 section 17A.4, subsection 3, and section 17A.5, subsection 2,
2 paragraph "*b*", to implement this section, and any fee assessed
3 pursuant to this section against an intermediate care facility
4 for persons with ~~mental retardation~~ an intellectual disability
5 that is operated by the state may be made retroactive to
6 October 1, 2003.
7 Sec. 105. Section 249A.26, subsection 2, paragraph a, Code
8 2011, is amended to read as follows:
9 *a.* Except as provided for disallowed costs in section
10 249A.27, the county of legal settlement shall pay for fifty
11 percent of the nonfederal share of the cost and the state
12 shall have responsibility for the remaining fifty percent of
13 the nonfederal share of the cost of case management provided
14 to adults, day treatment, and partial hospitalization provided
15 under the medical assistance program for persons with ~~mental~~
16 ~~retardation~~ an intellectual disability, a developmental
17 disability, or chronic mental illness. For purposes of
18 this section, persons with mental disorders resulting from
19 Alzheimer's disease or substance abuse shall not be considered
20 chronically mentally ill. To the maximum extent allowed under
21 federal law and regulations, the department shall consult with
22 and inform a county of legal settlement's central point of
23 coordination process, as defined in section 331.440, regarding
24 the necessity for and the provision of any service for which
25 the county is required to provide reimbursement under this
26 subsection.
27 Sec. 106. Section 249A.26, subsections 3, 7, and 9, Code
28 2011, are amended to read as follows:
29 3. To the maximum extent allowed under federal law and
30 regulations, a person with mental illness or ~~mental retardation~~
31 an intellectual disability shall not be eligible for any
32 service which is funded in whole or in part by a county share of
33 the nonfederal portion of medical assistance funds unless the
34 person is referred through the central point of coordination
35 process, as defined in section 331.440. However, to the

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extent federal law allows referral of a medical assistance recipient to a service without approval of the central point of coordination process, the county of legal settlement shall be billed for the nonfederal share of costs for any adult person for whom the county would otherwise be responsible.

7. Unless a county has paid or is paying for the nonfederal share of the costs of a person's home and community-based waiver services or placement in an intermediate care facility for persons with ~~mental retardation~~ an intellectual disability under the county's mental health, ~~mental retardation~~ intellectual disability, and developmental disabilities services fund, or unless a county of legal settlement would become liable for the costs of services for a person at the level of care provided in an intermediate care facility for persons with ~~mental retardation~~ an intellectual disability due to the person reaching the age of majority, the state shall pay for the nonfederal share of the costs of an eligible person's services under the home and community-based services waiver for persons with brain injury.

9. Notwithstanding section 8.39, the department may transfer funds appropriated for the medical assistance program to a separate account established in the department's case management unit in an amount necessary to pay for expenditures required to provide case management for mental health, ~~mental retardation~~ intellectual disability, and developmental disabilities services under the medical assistance program which are jointly funded by the state and county, pending final settlement of the expenditures. Funds received by the case management unit in settlement of the expenditures shall be used to replace the transferred funds and are available for the purposes for which the funds were originally appropriated.

Sec. 107. Section 249A.30A, Code Supplement 2011, is amended to read as follows:

249A.30A Medical assistance — personal needs allowance.

The personal needs allowance under the medical assistance

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1 program, which may be retained by a person who is a resident of
2 a nursing facility, an intermediate care facility for persons
3 with ~~mental retardation~~ an intellectual disability, or an
4 intermediate care facility for persons with mental illness, as
5 defined in section 135C.1, or a person who is a resident of
6 a psychiatric medical institution for children as defined in
7 section 135H.1, shall be fifty dollars per month. A resident
8 who has income of less than fifty dollars per month shall
9 receive a supplement from the state in the amount necessary to
10 receive a personal needs allowance of fifty dollars per month,
11 if funding is specifically appropriated for this purpose.
12 Sec. 108. Section 249A.31, subsection 1, Code 2011, is
13 amended to read as follows:
14 1. Providers of individual case management services for
15 persons with ~~mental retardation~~ an intellectual disability,
16 a developmental disability, or chronic mental illness shall
17 receive cost-based reimbursement for one hundred percent of
18 the reasonable costs for the provision of the services in
19 accordance with standards adopted by the mental health and
20 disability services commission pursuant to section 225C.6.
21 Sec. 109. Section 252.16, subsection 6, paragraph c, Code
22 2011, is amended to read as follows:
23 *c.* A blind person who is an inpatient or resident of, is
24 supported by, or is receiving treatment or support services
25 from a state resource center created under chapter 222, a
26 state mental health institute created under chapter 226, the
27 Iowa braille and sight saving school administered by the state
28 board of regents, or any community-based provider of treatment
29 or services for ~~mental retardation~~ intellectual disability,
30 developmental disabilities, mental health, or substance abuse,
31 does not acquire legal settlement in the county in which the
32 institution, facility, or provider is located, unless the blind
33 person has resided in the county in which the institution,
34 facility, or provider is located for a period of six months
35 prior to the date of commencement of receipt of assistance

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1 under the laws of this state or for a period of six months
2 subsequent to the date of termination of assistance under the
3 laws of this state.
4 Sec. 110. Section 252.16, subsection 8, Code 2011, is
5 amended to read as follows:
6 8. A person receiving treatment or support services from
7 any provider, whether organized for pecuniary profit or not or
8 whether supported by charitable or public or private funds,
9 that provides treatment or services for ~~mental retardation~~
10 intellectual disability, developmental disabilities, mental
11 health, brain injury, or substance abuse does not acquire legal
12 settlement in a county unless the person continuously resides
13 in that county for one year from the date of the last treatment
14 or support service received by the person.
15 Sec. 111. Section 262.70, Code 2011, is amended to read as
16 follows:
17 **262.70 Education, prevention, and research programs in mental**
18 **health and disability services.**
19 The division of mental health and disability services of
20 the department of human services may contract with the board
21 of regents or any institution under the board's jurisdiction
22 to establish and maintain programs of education, prevention,
23 and research in the fields of mental health, ~~mental retardation~~
24 intellectual disability, developmental disabilities, and
25 brain injury. The board may delegate responsibility for these
26 programs to the state psychiatric hospital, the university
27 hospital, or any other appropriate entity under the board's
28 jurisdiction.
29 Sec. 112. Section 263.11, subsection 2, Code 2011, is
30 amended to read as follows:
31 2. Persons who are not eligible for admission to the schools
32 already established for persons with ~~mental retardation~~ an
33 intellectual disability or epilepsy or persons who are deaf or
34 blind.
35 Sec. 113. Section 331.381, subsection 4, Code 2011, is

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1 amended to read as follows:
2 4. Comply with chapter 222, including but not limited to
3 sections 222.13, 222.14, and 222.59 to 222.82, in regard to
4 the care of persons with ~~mental retardation~~ an intellectual
5 disability.
6 Sec. 114. Section 331.424A, subsections 1, 2, and 5, Code
7 Supplement 2011, are amended to read as follows:
8 1. For the purposes of this chapter, unless the context
9 otherwise requires, *"services fund"* means the county mental
10 health, ~~mental retardation~~ intellectual disability, and
11 developmental disabilities services fund created in subsection
12 2. The county finance committee created in section 333A.2
13 shall consult with the state commission in adopting rules and
14 prescribing forms for administering the services fund.
15 2. For the fiscal year beginning July 1, 1996, and
16 succeeding fiscal years, county revenues from taxes and other
17 sources designated for mental health, ~~mental retardation~~
18 intellectual disability, and developmental disabilities
19 services shall be credited to the mental health, ~~mental~~
20 ~~retardation~~ intellectual disability, and developmental
21 disabilities services fund of the county. The board shall make
22 appropriations from the fund for payment of services provided
23 under the county management plan approved pursuant to section
24 331.439. The county may pay for the services in cooperation
25 with other counties by pooling appropriations from the fund
26 with other counties or through county regional entities
27 including but not limited to the county's mental health and
28 developmental disabilities regional planning council created
29 pursuant to section 225C.18.
30 5. Appropriations specifically authorized to be made from
31 the mental health, ~~mental retardation~~ intellectual disability,
32 and developmental disabilities services fund shall not be made
33 from any other fund of the county.
34 Sec. 115. Section 331.432, subsection 3, Code Supplement
35 2011, is amended to read as follows:

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1 3. Except as authorized in section 331.477, transfers of
2 moneys between the county mental health, ~~mental retardation~~
3 intellectual disability, and developmental disabilities
4 services fund and any other fund are prohibited.
5 Sec. 116. Section 331.438, subsection 1, paragraphs a and b,
6 Code Supplement 2011, are amended to read as follows:
7 *a. "Base year expenditures"* means the amount selected by a
8 county and reported to the county finance committee pursuant
9 to this paragraph. The amount selected shall be equal to the
10 amount of net expenditures made by the county for qualified
11 mental health, ~~mental retardation~~ intellectual disability, and
12 developmental disabilities services provided in one of the
13 following:
14 (1) The actual amount reported to the state on October 15,
15 1994, for the fiscal year beginning July 1, 1993.
16 (2) The net expenditure amount contained in the county's
17 final budget certified in accordance with chapter 24 for the
18 fiscal year beginning July 1, 1995, and reported to the county
19 finance committee.
20 *b. "Qualified mental health, ~~mental retardation~~ intellectual*
21 *disability, and developmental disabilities services"* means the
22 services specified in the rules adopted by the state commission
23 for administering the services fund, pursuant to section
24 331.424A.
25 Sec. 117. Section 331.438, subsection 4, paragraph a, Code
26 Supplement 2011, is amended to read as follows:
27 *a.* The state commission shall make recommendations and take
28 actions for joint state and county planning, implementing,
29 and funding of mental health, ~~mental retardation~~ intellectual
30 disability or other developmental disabilities, and brain
31 injury services, including but not limited to developing and
32 implementing fiscal and accountability controls, establishing
33 management plans, and ensuring that eligible persons have
34 access to appropriate and cost-effective services.
35 Sec. 118. Section 331.438, subsection 4, paragraph b,

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1 subparagraph (6), Code Supplement 2011, is amended to read as
2 follows:
3 (6) Consider recommendations for measuring and improving
4 the quality of state and county mental health, ~~mental~~
5 ~~retardation~~ intellectual disability, and developmental
6 disabilities services and other support.
7 Sec. 119. Section 331.439, subsection 1, paragraphs a, b,
8 and f, Code Supplement 2011, are amended to read as follows:
9 *a.* The county accurately reported by December 1 the county's
10 expenditures for mental health, ~~mental retardation~~ intellectual
11 disability, and developmental disabilities services and the
12 information required under section 225C.6A, subsection 3,
13 paragraph *"c"*, for the previous fiscal year in accordance with
14 rules adopted by the state commission. If the department
15 determines good cause exists, the department may extend a
16 deadline otherwise imposed under this chapter, chapter 225C, or
17 chapter 426B for a county's reporting concerning mental health,
18 ~~mental retardation~~ intellectual disability, or developmental
19 disabilities services or related revenues and expenditures.
20 *b.* The county developed and implemented a county management
21 plan for the county's mental health, ~~mental retardation~~
22 intellectual disability, and developmental disabilities
23 services system in accordance with the provisions of this
24 paragraph *"b"*. The plan shall comply with the administrative
25 rules adopted for this purpose by the state commission and is
26 subject to the approval of the director of human services in
27 consultation with the state commission. The plan shall include
28 a description of the county's service management provision for
29 mental health, ~~mental retardation~~ intellectual disability, and
30 developmental disabilities services. For ~~mental retardation~~
31 intellectual disability and developmental disabilities service
32 management, the plan shall describe the county's development
33 and implementation of a system of cost-effective individualized
34 services and shall comply with the provisions of paragraph
35 *"f"*. The goal of this part of the plan shall be to assist

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1 the individuals served to be as independent, productive,
2 and integrated into the community as possible. The service
3 management provisions for mental health shall comply with the
4 provisions of paragraph "e". A county is subject to all of the
5 following provisions in regard to the county's services system
6 management plan and planning process:
7 (1) The county shall have in effect an approved policies and
8 procedures manual for the county's services fund. The county
9 management plan shall be defined in the manual. The manual
10 submitted by the county as part of the county's management plan
11 for the fiscal year beginning July 1, 2000, as approved by the
12 director of human services, shall remain in effect, subject to
13 amendment. An amendment to the manual shall be submitted to
14 the department of human services at least forty-five days prior
15 to the date of implementation. Prior to implementation of any
16 amendment to the manual, the amendment must be approved by
17 the director of human services in consultation with the state
18 commission.
19 (2) For informational purposes, the county shall submit a
20 management plan review to the department of human services by
21 December 1 of each year. The annual review shall incorporate
22 an analysis of the data associated with the services system
23 managed during the preceding fiscal year by the county or by
24 a private entity on behalf of the county. The annual review
25 shall also identify measurable outcomes and results showing
26 the county's progress in fulfilling the purposes listed
27 in paragraph "c", and in achieving the disability services
28 outcomes and indicators identified by the commission pursuant
29 to section 225C.6.
30 (3) For informational purposes, every three years the
31 county shall submit to the department of human services
32 a three-year strategic plan. The strategic plan shall
33 describe how the county will proceed to attain the plan's
34 goals and objectives, and the measurable outcomes and results
35 necessary for moving the county's services system toward

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an individualized, community-based focus in accordance with paragraph "*c*". The three-year strategic plan shall be submitted by April 1, 2000, and by April 1 of every third year thereafter.

f. For ~~mental retardation~~ intellectual disability and developmental disabilities services management, the county must either develop and implement a system of care which addresses a full array of appropriate services and cost-effective delivery of services by contracting directly with service providers or by contracting with a state-approved private entity to manage the county services system. The county services system shall incorporate a central point of coordination and clinical assessment process developed in accordance with the provisions of section 331.440. The elements of a county services system shall be specified in rules developed by the department of human services in consultation with and adopted by the state commission.

Sec. 120. Section 331.439, subsection 3, paragraph a, Code Supplement 2011, is amended to read as follows:

a. For the fiscal year beginning July 1, 1996, and succeeding fiscal years, the county's mental health, ~~mental retardation~~ intellectual disability, and developmental disabilities service expenditures for a fiscal year are limited to a fixed budget amount. The fixed budget amount shall be the amount identified in the county's management plan and budget for the fiscal year. The county shall be authorized an allowed growth factor adjustment as established by statute for services paid from the county's services fund under section 331.424A which is in accordance with the county's management plan and budget, implemented pursuant to this section. The statute establishing the allowed growth factor adjustment shall establish the adjustment for the fiscal year which commences two years from the beginning date of the fiscal year in progress at the time the statute is enacted.

Sec. 121. Section 331.439, subsection 6, Code Supplement

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1 2011, is amended to read as follows:
2 6. The director's approval of a county's mental health,
3 ~~mental retardation~~ intellectual disability, and developmental
4 disabilities services management plan shall not be construed to
5 constitute certification of the county's budget.
6 Sec. 122. Section 331.440, subsection 1, paragraphs a and b,
7 Code Supplement 2011, are amended to read as follows:
8 *a.* For the purposes of this section, unless the context
9 otherwise requires, *"central point of coordination process"*
10 means a central point of coordination process established
11 by a county or consortium of counties for the delivery of
12 mental health, ~~mental retardation~~ intellectual disability, and
13 developmental disabilities services which are paid for in whole
14 or in part by county funds. The central point of coordination
15 process may include but is not limited to reviewing a person's
16 eligibility for services, determining the appropriateness of
17 the type, level, and duration of services, and performing
18 periodic review of the person's continuing eligibility and
19 need for services. Any recommendations developed concerning
20 a person's plan of services shall be consistent with the
21 person's unique strengths, circumstances, priorities, concerns,
22 abilities, and capabilities. For those services funded
23 under the medical assistance program, the central point of
24 coordination process shall be used to assure that the person
25 is aware of the appropriate service options available to the
26 person.
27 *b.* The central point of coordination process may include
28 a clinical assessment process to identify a person's service
29 needs and to make recommendations regarding the person's plan
30 for services. The clinical assessment process shall utilize
31 qualified mental health professionals and qualified ~~mental~~
32 ~~retardation~~ intellectual disability professionals.
33 Sec. 123. Section 331.440, subsection 2, paragraph d, Code
34 Supplement 2011, is amended to read as follows:
35 *d.* *"State case services and other support"* means the mental

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1 health, ~~mental retardation~~ intellectual disability, and
2 developmental disabilities services and other support paid for
3 under the rules and requirements in effect prior to October 1,
4 2006, from the annual appropriation made to the department of
5 human services for such services and other support provided
6 to persons who have no established county of legal settlement
7 or the legal settlement is unknown so that the person is
8 deemed to be a state case. Such services and other support do
9 not include medical assistance program services or services
10 provided in a state institution.
11 Sec. 124. Section 331.502, subsection 11, Code 2011, is
12 amended to read as follows:
13 11. Carry out duties relating to the determination of legal
14 settlement, collection of funds due the county, and support of
15 persons with ~~mental retardation~~ an intellectual disability as
16 provided in sections 222.13, 222.50, 222.61 to 222.66, 222.69,
17 and 222.74.
18 Sec. 125. Section 331.756, subsections 42 and 43, Code
19 Supplement 2011, are amended to read as follows:
20 42. Carry out duties relating to the commitment of a person
21 with ~~mental retardation~~ an intellectual disability as provided
22 in section 222.18.
23 43. Proceed to collect, as requested by the county,
24 the reasonable costs for the care, treatment, training,
25 instruction, and support of a person with ~~mental retardation~~
26 an intellectual disability from parents or other persons who
27 are legally liable for the support of the person with ~~mental~~
28 ~~retardation~~ an intellectual disability as provided in section
29 222.82.
30 Sec. 126. Section 335.25, subsection 2, paragraph b,
31 subparagraphs (1) and (2), Code 2011, are amended to read as
32 follows:
33 (1) Attributable to ~~mental retardation~~ an intellectual
34 disability, cerebral palsy, epilepsy, or autism.
35 (2) Attributable to any other condition found to be closely

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1 related to ~~mental retardation~~ an intellectual disability
2 because the condition results in impairment of general
3 intellectual functioning or adaptive behavior similar to that
4 of persons with ~~mental retardation~~ an intellectual disability
5 or requires treatment and services similar to those required
6 for the persons.
7 Sec. 127. Section 347.9A, subsection 3, Code 2011, is
8 amended to read as follows:
9 3. This section does not prohibit a licensed health
10 care practitioner from serving as a hospital trustee if the
11 practitioner's sole use of the county hospital is to provide
12 health care service to an individual with ~~mental retardation~~ an
13 intellectual disability as defined in section ~~222.2~~ 4.1.
14 Sec. 128. Section 414.22, subsection 2, paragraph b,
15 subparagraphs (1) and (2), Code 2011, are amended to read as
16 follows:
17 (1) Attributable to ~~mental retardation~~ an intellectual
18 disability, cerebral palsy, epilepsy, or autism.
19 (2) Attributable to any other condition found to be closely
20 related to ~~mental retardation~~ an intellectual disability
21 because the condition results in impairment of general
22 intellectual functioning or adaptive behavior similar to that
23 of persons with ~~mental retardation~~ an intellectual disability
24 or requires treatment and services similar to those required
25 for the persons.
26 Sec. 129. Section 422.7, subsection 12, paragraph c,
27 subparagraph (1), Code Supplement 2011, is amended to read as
28 follows:
29 (1) *"Physical or mental impairment"* means any physiological
30 disorder or condition, cosmetic disfigurement, or anatomical
31 loss affecting one or more of the body systems or any mental
32 or psychological disorder, including ~~mental retardation~~
33 intellectual disability, organic brain syndrome, emotional or
34 mental illness and specific learning disabilities.
35 Sec. 130. Section 422.35, subsection 6, paragraph c,

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1 subparagraph (1), Code Supplement 2011, is amended to read as
2 follows:
3 (1) *"Physical or mental impairment"* means any physiological
4 disorder or condition, cosmetic disfigurement, or anatomical
5 loss affecting one or more of the body systems or any mental
6 or psychological disorder, including ~~mental retardation~~
7 intellectual disability, organic brain syndrome, emotional or
8 mental illness, and specific learning disabilities.
9 Sec. 131. Section 423.3, subsection 18, paragraphs a and c,
10 Code Supplement 2011, are amended to read as follows:
11 *a.* Residential care facilities and intermediate care
12 facilities for persons with ~~mental retardation~~ an intellectual
13 disability and residential care facilities for persons with
14 mental illness licensed by the department of inspections and
15 appeals under chapter 135C.
16 *c.* Rehabilitation facilities that provide accredited
17 rehabilitation services to persons with disabilities which are
18 accredited by the commission on accreditation of rehabilitation
19 facilities or the accreditation council for services for
20 persons with ~~mental retardation~~ an intellectual disability
21 and other persons with developmental disabilities and adult
22 day care services approved for reimbursement by the state
23 department of human services.
24 Sec. 132. Section 426B.2, subsection 3, paragraph b, Code
25 2011, is amended to read as follows:
26 *b.* Any replacement generation tax in the property tax relief
27 fund as of May 1 shall be paid to the county treasurers in July
28 and January of the fiscal year beginning the following July 1.
29 The department of management shall determine the amount each
30 county will be paid pursuant to this lettered paragraph for
31 the following fiscal year. The department shall reduce by the
32 determined amount the amount of each county's certified budget
33 to be raised by property tax for that fiscal year which is to
34 be expended for mental health, ~~mental retardation~~ intellectual
35 disability, and developmental disabilities services and

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1 shall revise the rate of taxation as necessary to raise the
2 reduced amount. The department of management shall report
3 the reduction in the certified budget and the revised rate of
4 taxation to the county auditors by June 15.
5 Sec. 133. Section 426B.3, subsection 1, Code 2011, is
6 amended to read as follows:
7 1. The county auditor shall reduce the certified budget
8 amount received from the board of supervisors for the
9 succeeding fiscal year for the county mental health, ~~mental~~
10 ~~retardation~~ intellectual disability, and developmental
11 disabilities services fund created in section 331.424A by an
12 amount equal to the amount the county will receive from the
13 property tax relief fund pursuant to section 426B.2, for the
14 succeeding fiscal year and the auditor shall determine the rate
15 of taxation necessary to raise the reduced amount. On the tax
16 list, the county auditor shall compute the amount of taxes due
17 and payable on each parcel before and after the amount received
18 from the property tax relief fund is used to reduce the county
19 budget. The director of human services shall notify the county
20 auditor of each county of the amount of moneys the county will
21 receive from the property tax relief fund pursuant to section
22 426B.2, for the succeeding fiscal year.
23 Sec. 134. Section 426B.5, subsection 1, paragraph d,
24 subparagraph (1), subparagraph divisions (a) and (b), Code
25 Supplement 2011, are amended to read as follows:
26 (a) The county is levying the maximum amount allowed for
27 the county's mental health, ~~mental retardation~~ intellectual
28 disability, and developmental disabilities services fund under
29 section 331.424A for the fiscal year in which the funding is
30 distributed.
31 (b) In the latest fiscal year reported in accordance with
32 section 331.403, the county's mental health, ~~mental retardation~~
33 intellectual disability, and developmental disabilities
34 services fund ending balance under generally accepted
35 accounting principles was equal to or less than twenty-five

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1 percent of the county's actual gross expenditures for that
2 fiscal year.
3 Sec. 135. Section 426B.5, subsection 2, paragraph a, Code
4 Supplement 2011, is amended to read as follows:
5 *a.* For the purposes of this subsection, unless the context
6 otherwise requires, *"services fund"* means a county's mental
7 health, ~~mental retardation~~ intellectual disability, and
8 developmental disabilities services fund created in section
9 331.424A.
10 Sec. 136. Section 514E.7, subsection 2, paragraph a,
11 subparagraph (1), Code 2011, is amended to read as follows:
12 (1) Incapable of self-sustaining employment by reason
13 of ~~mental retardation~~ an intellectual disability or physical
14 disability.
15 Sec. 137. Section 602.8102, subsections 36 and 37, Code
16 2011, are amended to read as follows:
17 36. Carry out duties relating to the commitment of a person
18 with ~~mental retardation~~ an intellectual disability as provided
19 in sections 222.37 through 222.40.
20 37. Keep a separate docket of proceedings of cases relating
21 to persons with ~~mental retardation~~ an intellectual disability
22 as provided in section 222.57.
23 Sec. 138. Section 633.556, subsection 1, Code 2011, is
24 amended to read as follows:
25 1. If the allegations of the petition as to the status of
26 the proposed ward and the necessity for the appointment of
27 a guardian are proved by clear and convincing evidence, the
28 court may appoint a guardian. If the court appoints a guardian
29 based upon mental incapacity of the proposed ward because
30 the proposed ward is a person ~~described in section 222.2,~~
31 ~~subsection 5~~ with an intellectual disability, as defined in
32 section 4.1, the court shall make a separate determination as
33 to the ward's competency to vote. The court shall find a ward
34 incompetent to vote only upon determining that the person lacks
35 sufficient mental capacity to comprehend and exercise the right

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to vote.

Sec. 139. Section 633C.1, subsection 4, Code 2011, is amended to read as follows:

4. *"Maximum monthly medical assistance payment rate for services in an intermediate care facility for persons with ~~mental retardation~~ an intellectual disability"* means the allowable rate established by the department of human services and as published in the Iowa administrative bulletin.

Sec. 140. Section 633C.3, subsection 3, paragraph a, Code 2011, is amended to read as follows:

a. For a beneficiary who meets the medical assistance level of care requirements for services in an intermediate care facility for persons with ~~mental retardation~~ an intellectual disability and who either resides in an intermediate care facility for persons with ~~mental retardation~~ an intellectual disability or is eligible for services under the medical assistance home and community-based services waiver except that the beneficiary's income exceeds the allowable maximum, the applicable rate is the maximum monthly medical assistance payment rate for services in an intermediate care facility for persons with ~~mental retardation~~ an intellectual disability.

Sec. 141. Section 904.108, subsection 1, paragraph d, Code 2011, is amended to read as follows:

d. Establish and maintain acceptable standards of treatment, training, education, and rehabilitation in the various state penal and corrective institutions which shall include habilitative services and treatment for offenders with ~~mental retardation~~ an intellectual disability. For the purposes of this paragraph, *"habilitative services and treatment"* means medical, mental health, social, educational, counseling, and other services which will assist a person with ~~mental retardation~~ an intellectual disability to become self-reliant. However, the director may also provide rehabilitative treatment and services to other persons who require the services. The director shall identify all individuals entering the

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1 correctional system who are persons with ~~mental retardation~~
2 an intellectual disability, as defined in section ~~222.2,~~
3 ~~subsection 5~~ 4.1. Identification shall be made by a qualified
4 professional in the area of ~~mental retardation~~ intellectual
5 disability. In assigning an offender with ~~mental retardation~~
6 an intellectual disability, or an offender with an inadequately
7 developed intelligence or with impaired mental abilities, to
8 a correctional facility, the director shall consider both the
9 program needs and the security needs of the offender. The
10 director shall consult with the department of human services
11 in providing habilitative services and treatment to offenders
12 with mental illness or ~~mental retardation~~ an intellectual
13 disability. The director may enter into agreements with
14 the department of human services to utilize mental health
15 institutions and share staff and resources for purposes of
16 providing habilitative services and treatment, as well as
17 providing other special needs programming. Any agreement to
18 utilize mental health institutions and to share staff and
19 resources shall provide that the costs of the habilitative
20 services and treatment shall be paid from state funds. Not
21 later than twenty days prior to entering into any agreement
22 to utilize mental health institution staff and resources,
23 other than the use of a building or facility, for purposes of
24 providing habilitative services and treatment, as well as other
25 special needs programming, the directors of the departments
26 of corrections and human services shall each notify the
27 chairpersons and ranking members of the joint appropriations
28 subcommittees that last handled the appropriation for their
29 respective departments of the pending agreement. Use of a
30 building or facility shall require approval of the general
31 assembly if the general assembly is in session or, if the
32 general assembly is not in session, the legislative council
33 may grant temporary authority, which shall be subject to final
34 approval of the general assembly during the next succeeding
35 legislative session.

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1 Sec. 142. Section 904.205, Code 2011, is amended to read as
2 follows:
3 **904.205 Clarinda correctional facility.**
4 The state correctional facility at Clarinda shall be
5 utilized as a secure men's correctional facility primarily
6 for offenders with chemical dependence, ~~mental retardation~~ an
7 intellectual disability, or mental illness.
8 Sec. 143. Section 915.38, subsections 1 and 2, Code 2011,
9 are amended to read as follows:
10 1. Upon its own motion or upon motion of any party, a court
11 may protect a minor, as defined in section 599.1, from trauma
12 caused by testifying in the physical presence of the defendant
13 where it would impair the minor's ability to communicate, by
14 ordering that the testimony of the minor be taken in a room
15 other than the courtroom and be televised by closed-circuit
16 equipment for viewing in the courtroom. However, such an order
17 shall be entered only upon a specific finding by the court that
18 such measures are necessary to protect the minor from trauma.
19 Only the judge, prosecuting attorney, defendant's attorney,
20 persons necessary to operate the equipment, and any person
21 whose presence, in the opinion of the court, would contribute
22 to the welfare and well-being of the minor may be present in
23 the room with the minor during the minor's testimony. The
24 judge shall inform the minor that the defendant will not be
25 present in the room in which the minor will be testifying
26 but that the defendant will be viewing the minor's testimony
27 through closed-circuit television.
28 During the minor's testimony the defendant shall remain in
29 the courtroom and shall be allowed to communicate with the
30 defendant's counsel in the room where the minor is testifying
31 by an appropriate electronic method.
32 In addition, upon a finding of necessity, the court may
33 allow the testimony of a victim or witness with a mental
34 illness, ~~mental retardation~~ an intellectual disability, or
35 other developmental disability to be taken as provided in this

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1 subsection, regardless of the age of the victim or witness.
2 2. The court may, upon its own motion or upon motion of
3 a party, order that the testimony of a minor, as defined in
4 section 599.1, be taken by recorded deposition for use at
5 trial, pursuant to rule of criminal procedure 2.13(2)(b).
6 In addition to requiring that such testimony be recorded by
7 stenographic means, the court may on motion and hearing, and
8 upon a finding that the minor is unavailable as provided
9 in rule of evidence 5.804(a), order the videotaping of the
10 minor's testimony for viewing in the courtroom by the court.
11 The videotaping shall comply with the provisions of rule
12 of criminal procedure 2.13(2)(b), and shall be admissible
13 as evidence in the trial. In addition, upon a finding of
14 necessity, the court may allow the testimony of a victim
15 or witness with a mental illness, ~~mental retardation~~ an
16 intellectual disability, or other developmental disability to
17 be taken as provided in this subsection, regardless of the age
18 of the victim or witness.
19 EXPLANATION
20 This bill replaces the terms "mental retardation" and
21 "mentally retarded" with the term "intellectual disability"
22 throughout the Iowa Code.
23 The bill defines "intellectual disability" for the entire
24 Iowa Code as a disability of children and adults who as
25 a result of inadequately developed intelligence have a
26 significant impairment in ability to learn or to adapt to
27 the demands of society. This is the current definition of
28 "mental retardation" in Code chapter 222. The bill also
29 provides for the entire Iowa Code that if a diagnosis is
30 required, "intellectual disability" means a diagnosis of mental
31 retardation as defined in the diagnostic and statistical manual
32 of mental disorders, fourth edition, text revised, published by
33 the American psychiatric association. This language currently
34 exists in Code section 222.60.

House Study Bill 625 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ANDERSON)

A BILL FOR

1 An Act relating to statutory corrections which may adjust
2 language to reflect current practices, insert earlier
3 omissions, delete redundancies and inaccuracies, delete
4 temporary language, resolve inconsistencies and conflicts,
5 update ongoing provisions, or remove ambiguities, and
6 including effective date and retroactive applicability
7 provisions.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5518HC (15) 84
lh/rj

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DIVISION I
STATUTORY CORRECTIONS

Section 1. Section 8.55, subsection 2, Code Supplement 2011, is amended to read as follows:

2. ~~*a.*~~ The maximum balance of the fund is the amount equal to two and one-half percent of the adjusted revenue estimate for the fiscal year. If the amount of moneys in the Iowa economic emergency fund is equal to the maximum balance, moneys in excess of this amount shall be distributed as follows:

~~(1)~~ *a.* The first sixty million dollars of the difference between the actual net revenue for the general fund of the state for the fiscal year and the adjusted revenue estimate for the fiscal year shall be transferred to the taxpayers trust fund.

~~(2)~~ *b.* The remainder of the excess, if any, shall be transferred to the general fund of the state.

~~*b.* Notwithstanding paragraph "*a*", any moneys in excess of the maximum balance in the economic emergency fund after the distribution of the surplus in the general fund of the state at the conclusion of each fiscal year shall not be distributed as provided in paragraph "*a*" but shall be transferred to the senior living trust fund. The total amount appropriated, reverted, or transferred, in the aggregate, under this paragraph, section 8.57, subsection 2, and any other law providing for an appropriation or reversion or transfer of an appropriation to the credit of the senior living trust fund, for all fiscal years beginning on or after July 1, 2004, shall not exceed the amount specified in section 8.57, subsection 2, paragraph "*c*".~~

Sec. 2. Section 8.57, Code Supplement 2011, is amended to read as follows:

8.57 Annual appropriations — reduction of GAAP deficit — rebuild Iowa infrastructure fund.

1. *a.* The "*cash reserve goal percentage*" for fiscal years beginning on or after July 1, 2004, is seven and one-half percent of the adjusted revenue estimate. For each fiscal

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1 year in which the appropriation of the surplus existing in the
2 general fund of the state at the conclusion of the prior fiscal
3 year pursuant to paragraph *"b"* was not sufficient for the cash
4 reserve fund to reach the cash reserve goal percentage for the
5 current fiscal year, there is appropriated from the general
6 fund of the state an amount to be determined as follows:
7 (1) If the balance of the cash reserve fund in the current
8 fiscal year is not more than six and one-half percent of the
9 adjusted revenue estimate for the current fiscal year, the
10 amount of the appropriation under this lettered paragraph is
11 one percent of the adjusted revenue estimate for the current
12 fiscal year.
13 (2) If the balance of the cash reserve fund in the current
14 fiscal year is more than six and one-half percent but less than
15 seven and one-half percent of the adjusted revenue estimate for
16 that fiscal year, the amount of the appropriation under this
17 lettered paragraph is the amount necessary for the cash reserve
18 fund to reach seven and one-half percent of the adjusted
19 revenue estimate for the current fiscal year.
20 (3) The moneys appropriated under this lettered paragraph
21 shall be credited in equal and proportionate amounts in each
22 quarter of the current fiscal year.
23 *b.* The surplus existing in the general fund of the state
24 at the conclusion of the fiscal year is appropriated for
25 distribution in the succeeding fiscal year as provided in
26 subsections ~~3~~ 2 and ~~4~~ 3. Moneys credited to the cash reserve
27 fund from the appropriation made in this paragraph shall not
28 exceed the amount necessary for the cash reserve fund to reach
29 the cash reserve goal percentage for the succeeding fiscal
30 year. As used in this paragraph, *"surplus"* means the excess
31 of revenues and other financing sources over expenditures and
32 other financing uses for the general fund of the state in a
33 fiscal year.
34 *c.* The amount appropriated in this section is not subject
35 to the provisions of section 8.31, relating to requisitions

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and allotment, or to section 8.32, relating to conditional availability of appropriations.

~~2. *a.* There is appropriated from the surplus existing in the general fund of the state at the conclusion of the fiscal year beginning July 1, 2005, and ending June 30, 2006, and at the conclusion of each succeeding fiscal year for distribution to the senior living trust fund, an amount equal to one percent of the adjusted revenue estimate for the current fiscal year. However, if the amount of the surplus existing in the general fund of the state at the conclusion of a fiscal year is less than two percent of the adjusted revenue estimate for that fiscal year, the amount of the appropriation made in this paragraph shall be equal to fifty percent of the surplus amount. The appropriation made in this paragraph shall be distributed to the senior living trust fund in the succeeding fiscal year. For the purposes of this subsection, "*surplus*" means the same as defined in subsection 1, paragraph "*b*".~~

~~*b.* The appropriation made in paragraph "*a*" shall be made before the appropriations are made pursuant to subsections 1, 3, and 4, of the surplus existing in the general fund of the state at the conclusion of the fiscal year beginning July 1, 2005, and ending June 30, 2006, and each succeeding fiscal year.~~

~~*c.* The appropriation made in paragraph "*a*" shall continue until the aggregate amount of the appropriations made, reverted, or transferred to the senior living trust fund for all fiscal years beginning on or after July 1, 2004, pursuant to paragraph "*a*" of this subsection, section 8.55, subsection 2, paragraph "*b*", and any other law providing for an appropriation or reversion or transfer of an appropriation to the senior living trust fund is equal to three hundred million dollars.~~

~~*d.* This subsection and section 8.55, subsection 2, paragraph "*b*", are repealed when the aggregate amount specified in paragraph "*c*" has been distributed, appropriated, reverted, or transferred to the senior living trust fund. The director of~~

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1 ~~the department of management shall notify the Iowa Code editor~~
2 ~~when the aggregate amount has been distributed, appropriated,~~
3 ~~reverted, or transferred.~~
4 ~~3.~~ 2. Moneys appropriated under subsection 1 shall be first
5 credited to the cash reserve fund. To the extent that moneys
6 appropriated under subsection 1 would make the moneys in the
7 cash reserve fund exceed the cash reserve goal percentage of
8 the adjusted revenue estimate for the fiscal year, the moneys
9 are appropriated to the department of management to be spent
10 for the purpose of eliminating Iowa's GAAP deficit, including
11 the payment of items budgeted in a subsequent fiscal year
12 which under generally accepted accounting principles should be
13 budgeted in the current fiscal year. These moneys shall be
14 deposited into a GAAP deficit reduction account established
15 within the department of management. The department of
16 management shall annually file with both houses of the general
17 assembly at the time of the submission of the governor's
18 budget, a schedule of the items for which moneys appropriated
19 under this subsection for the purpose of eliminating Iowa's
20 GAAP deficit, including the payment of items budgeted in
21 a subsequent fiscal year which under generally accepted
22 accounting principles should be budgeted in the current
23 fiscal year, shall be spent. The schedule shall indicate the
24 fiscal year in which the spending for an item is to take place
25 and shall incorporate the items detailed in 1994 Iowa Acts,
26 chapter 1181, section 17. The schedule shall list each item
27 of expenditure and the estimated dollar amount of moneys to
28 be spent on that item for the fiscal year. The department of
29 management may submit during a regular legislative session an
30 amended schedule for legislative consideration. If moneys
31 appropriated under this subsection are not enough to pay for
32 all listed expenditures, the department of management shall
33 distribute the payments among the listed expenditure items.
34 Moneys appropriated to the department of management under
35 this subsection shall not be spent on items other than those

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1 included in the filed schedule. On September 1 following the
2 close of a fiscal year, moneys in the GAAP deficit reduction
3 account which remain unexpended for items on the filed schedule
4 for the previous fiscal year shall be credited to the Iowa
5 economic emergency fund.
6 ~~4.~~ 3. To the extent that moneys appropriated under
7 subsection 1 exceed the amounts necessary for the cash reserve
8 fund to reach its maximum balance and the amounts necessary to
9 eliminate Iowa's GAAP deficit, including elimination of the
10 making of any appropriation in an incorrect fiscal year, the
11 moneys shall be appropriated to the Iowa economic emergency
12 fund.
13 ~~5.~~ 4. As used in this section, *"GAAP"* means generally
14 accepted accounting principles as established by the
15 governmental accounting standards board.
16 ~~6.~~ 5. *a.* A rebuild Iowa infrastructure fund is created
17 under the authority of the department of management. The fund
18 shall consist of appropriations made to the fund and transfers
19 of interest, earnings, and moneys from other funds as provided
20 by law. The rebuild Iowa infrastructure fund shall be separate
21 from the general fund of the state and the balance in the
22 rebuild Iowa infrastructure fund shall not be considered part
23 of the balance of the general fund of the state. However, the
24 rebuild Iowa infrastructure fund shall be considered a special
25 account for the purposes of section 8.53, relating to generally
26 accepted accounting principles.
27 *b.* Moneys in the rebuild Iowa infrastructure fund are
28 not subject to section 8.33. Notwithstanding section
29 12C.7, subsection 2, interest or earnings on moneys in the
30 rebuild Iowa infrastructure fund shall be credited to the
31 ~~infrastructure~~ fund. Moneys in the rebuild Iowa infrastructure
32 fund may be used for cash flow purposes during a fiscal year
33 provided that any moneys so allocated are returned to the
34 ~~infrastructure~~ fund by the end of that fiscal year.
35 *c.* Moneys in the rebuild Iowa infrastructure fund in a

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1 fiscal year shall be used as directed by the general assembly
2 for public vertical infrastructure projects. For the purposes
3 of this subsection, *"vertical infrastructure"* includes only land
4 acquisition and construction; major renovation and major repair
5 of buildings; all appurtenant structures; utilities; site
6 development; recreational trails; and debt service payments
7 on academic revenue bonds issued in accordance with chapter
8 262A for capital projects at board of regents institutions.
9 *"Vertical infrastructure"* does not include routine, recurring
10 maintenance or operational expenses or leasing of a building,
11 appurtenant structure, or utility without a lease-purchase
12 agreement.
13 *d.* The general assembly may provide that all or part of the
14 moneys deposited in the GAAP deficit reduction account created
15 in this section shall be transferred to the infrastructure fund
16 in lieu of appropriation of the moneys to the Iowa economic
17 emergency fund.
18 *e.* (1) (a) (i) Notwithstanding provisions to the contrary
19 in sections 99D.17 and 99F.11, for the fiscal year beginning
20 July 1, 2000, and for each fiscal year thereafter, not more
21 than a total of sixty-six million dollars shall be deposited
22 in the general fund of the state in any fiscal year pursuant to
23 sections 99D.17 and 99F.11.
24 (ii) However, in lieu of the deposit in subparagraph
25 subdivision (i), for the fiscal year beginning July 1, 2010,
26 and for each fiscal year thereafter until the principal and
27 interest on all bonds issued by the treasurer of state pursuant
28 to section 12.87 are paid, as determined by the treasurer of
29 state, the first fifty-five million dollars of the moneys
30 directed to be deposited in the general fund of the state
31 under subparagraph subdivision (i) shall be deposited in the
32 revenue bonds debt service fund created in section 12.89, and
33 the next three million seven hundred fifty thousand dollars of
34 the moneys directed to be deposited in the general fund of the
35 state under subparagraph subdivision (i) shall be deposited

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1 in the revenue bonds federal subsidy holdback fund created in
2 section 12.89A, and the next one million two hundred fifty
3 thousand dollars of the moneys directed to be deposited in the
4 general fund of the state under subparagraph subdivision (i)
5 shall be deposited in the general fund of the state.
6 (b) The next fifteen million dollars of the moneys directed
7 to be deposited in the general fund of the state in a fiscal
8 year pursuant to sections 99D.17 and 99F.11 shall be deposited
9 in the vision Iowa fund created in section 12.72 for the fiscal
10 year beginning July 1, 2000, and for each fiscal year through
11 the fiscal year beginning July 1, 2019.
12 (c) The next five million dollars of the moneys directed to
13 be deposited in the general fund of the state in a fiscal year
14 pursuant to sections 99D.17 and 99F.11 shall be deposited in
15 the school infrastructure fund created in section 12.82 for the
16 fiscal year beginning July 1, 2000, and for each fiscal year
17 thereafter until the principal and interest on all bonds issued
18 by the treasurer of state pursuant to section 12.81 are paid,
19 as determined by the treasurer of state.
20 (d) (i) The total moneys in excess of the moneys deposited
21 in the revenue bonds debt service fund, the revenue bonds
22 federal subsidy holdback fund, the vision Iowa fund, the
23 school infrastructure fund, and the general fund of the
24 state in a fiscal year shall be deposited in the rebuild Iowa
25 infrastructure fund and shall be used as provided in this
26 section, notwithstanding section 8.60.
27 (ii) However, in lieu of the deposit in subparagraph
28 subdivision (i), for the fiscal year beginning July 1, 2010,
29 and for each fiscal year thereafter until the principal and
30 interest on all bonds issued by the treasurer of state pursuant
31 to section 12.87 are paid, as determined by the treasurer of
32 state, sixty-four million seven hundred fifty thousand dollars
33 of the excess moneys directed to be deposited in the rebuild
34 Iowa infrastructure fund under subparagraph subdivision (i)
35 shall be deposited in the general fund of the state.

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1 (2) If the total amount of moneys directed to be deposited
2 in the general fund of the state under sections 99D.17 and
3 99F.11 in a fiscal year is less than the total amount of moneys
4 directed to be deposited in the revenue bonds debt service
5 fund and the revenue bonds federal subsidy holdback fund in
6 the fiscal year pursuant to this paragraph *"e"*, the difference
7 shall be paid from moneys deposited in the beer and liquor
8 control fund created in section 123.53 in the manner provided
9 in section 123.53, subsection 3.
10 (3) After the deposit of moneys directed to be deposited in
11 the general fund of the state, the revenue bonds debt service
12 fund, and the revenue bonds federal subsidy holdback fund, as
13 provided in subparagraph (1), subparagraph division (a), if the
14 total amount of moneys directed to be deposited in the general
15 fund of the state under sections 99D.17 and 99F.11 in a fiscal
16 year is less than the total amount of moneys directed to be
17 deposited in the vision Iowa fund and the school infrastructure
18 fund in the fiscal year pursuant to this paragraph *"e"*, the
19 difference shall be paid from lottery revenues in the manner
20 provided in section 99G.39, subsection 3.
21 *f.* There is appropriated from the rebuild Iowa
22 infrastructure fund to the secure an advanced vision for
23 education fund created in section 423F.2, for each fiscal year
24 of the fiscal period beginning July 1, 2008, and ending June
25 30, 2010, the amount of the moneys in excess of the first
26 forty-seven million dollars credited to the rebuild Iowa
27 infrastructure fund during the fiscal year, not to exceed ten
28 million dollars.
29 *g.* Notwithstanding any other provision to the contrary,
30 and prior to the appropriation of moneys from the rebuild Iowa
31 infrastructure fund pursuant to paragraph *"c"*, and section
32 8.57A, subsection 4, moneys shall first be appropriated
33 from the rebuild Iowa infrastructure fund to the vertical
34 infrastructure fund as provided in section 8.57B, subsection 4.
35 *h.* Annually, on or before January 15 of each year, a state

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1 agency that received an appropriation from the rebuild Iowa
2 infrastructure fund shall report to the legislative services
3 agency and the department of management the status of all
4 projects completed or in progress. The report shall include
5 a description of the project, the progress of work completed,
6 the total estimated cost of the project, a list of all revenue
7 sources being used to fund the project, the amount of funds
8 expended, the amount of funds obligated, and the date the
9 project was completed or an estimated completion date of the
10 project, where applicable.
11 *i.* Annually, on or before December 31 of each year, a
12 recipient of moneys from the rebuild Iowa infrastructure fund
13 for any purpose shall report to the state agency to which the
14 moneys are appropriated the status of all projects completed
15 or in progress. The report shall include a description of the
16 project, the progress of work completed, the total estimated
17 cost of the project, a list of all revenue sources being used
18 to fund the project, the amount of funds expended, the amount
19 of funds obligated, and the date the project was completed or
20 an estimated completion date of the project, where applicable.
21 Sec. 3. Section 8A.317, subsection 1, Code Supplement 2011,
22 is amended to read as follows:
23 1. As used in this section, unless the context otherwise
24 requires:
25 *a. "Biobased material"* means ~~the same as defined in section~~
26 ~~469.31~~ a material in which carbon is derived in whole or in
27 part from a renewable resource.
28 *b.* "Biobased product" means a product generated by blending
29 or assembling of one or more biobased materials, either
30 exclusively or in combination with nonbiobased materials,
31 in which the biobased material is present as a quantifiable
32 portion of the total mass of the product.
33 ~~*b.*~~ *c. "Designated biobased product"* means a biobased
34 product ~~as defined in section 469.31,~~ and includes a product
35 determined by the United States department of agriculture to

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1 be a commercial or industrial product, other than food or
2 feed, that is composed, in whole or in significant part, of
3 biological products, including renewable domestic agricultural
4 materials including plant, animal, and marine materials, or
5 forestry materials as provided in 7 U.S.C. § 8102.
6 Sec. 4. Section 11.2, subsection 3, paragraph d, Code
7 Supplement 2011, is amended to read as follows:
8 *d.* The review of the most recent annual report to
9 shareholders of an open-end management investment company
10 or an unincorporated investment company or investment trust
11 registered with the federal securities and exchange commission
12 under the federal Investment Company Act of 1940, 15 U.S.C.
13 § 80a, pursuant to 17 C.F.R. § 270.30d-1 or the review, by
14 the person performing the audit, of the most recent annual
15 report to shareholders, call reports, or the findings pursuant
16 to a regular examination under state or federal law, to the
17 extent the findings are not confidential, of a bank, savings
18 and loan association, or credit union shall satisfy the review
19 requirements of this ~~paragraph~~ subsection.
20 Sec. 5. Section 11.5A, Code Supplement 2011, is amended to
21 read as follows:
22 **11.5A Audit or examination — costs.**
23 When requested by the auditor of state, the department
24 of management shall transfer from any unappropriated funds
25 in the state treasury an amount not exceeding the expenses
26 and prorated salary costs already paid to perform audits or
27 examinations of state departments and agencies, the offices
28 of the judicial branch, and federal financial assistance as
29 defined in the federal Single Audit Act, 31 U.S.C. § 7501, et
30 seq., received by all other departments, as listed in section
31 11.5B, for which payments by agencies have not been made. Upon
32 payment by the departments, the auditor of state shall credit
33 the payments to the state treasury.
34 Sec. 6. Section 15.107, subsection 1, Code Supplement 2011,
35 is amended to read as follows:

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1. The authority shall establish the Iowa innovation corporation as a nonprofit corporation organized under chapter 504 and qualifying under section 501(c)(3) of the Internal Revenue Code as an organization exempt from taxation. Unless otherwise provided in this subchapter, the corporation is subject to the provisions of chapter 504. The corporation shall be established for the purpose of receiving and disbursing funds from public or private sources ~~to be used~~ to further the overall development and economic well-being of the state.

Sec. 7. Section 15.202, Code Supplement 2011, is amended to read as follows:

15.202 Grants and gifts.

The authority may~~, with the approval of the director,~~ accept grants and allotments of funds from the federal government and enter into cooperative agreements with the secretary of agriculture of the United States for projects to effectuate any of the purposes of the agricultural marketing program; and may accept grants, gifts, or allotments of funds from any person for the purpose of carrying out the agricultural marketing program. The authority shall make an itemized accounting of such funds to the director at the end of each fiscal year.

Sec. 8. Section 15.272, Code Supplement 2011, is amended to read as follows:

15.272 Statewide welcome center program — objectives and agency responsibilities — pilot projects.

The state agencies, as indicated in this section, shall undertake certain specific functions to implement the goals of a statewide program, including the pilot projects, for welcome centers.

1. *a.* The department of economic development and the state department of transportation shall jointly establish a statewide long-range plan for developing and operating welcome centers throughout the state. The plan shall be submitted to the general assembly by January 15, 1988. The plan shall

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1 address, but not be limited to, the following:
2 (1) Integrating state, regional, and local tourism and
3 recreation marketing and promotion plans.
4 (2) Recommending a wide range of centers, including
5 state-developed and state-operated to privately managed
6 facilities.
7 (3) Establishing design, service, and maintenance quality
8 standards which all welcome centers will maintain. Included
9 in the standards shall be a provision requiring that space or
10 facilities be available for purposes of displaying and offering
11 for sale Iowa-made products, crafts, and arts. The space
12 or facilities may be operated by the department of economic
13 development or leased to and operated by other persons.
14 (4) Making projections of increased tourist spending,
15 indirect economic benefits, and direct revenue production which
16 are estimated to occur as a result of implementing a statewide
17 welcome center program.
18 (5) Projecting estimated acquisition, construction,
19 exhibit, staffing, and maintenance costs.
20 (6) Integrating electronic data telecommunications systems.
21 (7) Identifying sites for maintaining existing centers as
22 well as locations for new centers.
23 *b.* The departments may enter into contracts for the
24 preparation of the long-range plan. The departments shall
25 involve the department of natural resources and the department
26 of cultural affairs in the preparation of the plan. The
27 recommendations and comments of organizations representing
28 hospitality and tourism services, including but not limited to,
29 the regional tourism councils, convention and visitors bureaus,
30 and the Iowa travel council, and others with interests in this
31 program will be considered for incorporation in the plan.
32 Prior to submission of the plan to the general assembly, the
33 plan shall be submitted to the regional tourism councils, the
34 convention and visitors bureaus, and the Iowa travel council
35 for their comments and criticisms which shall be submitted by

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1 the department of economic development along with the plan to
2 the general assembly.
3 2. The responsibilities of the authority include the
4 following:
5 *a.* Seeing to the acquisition of property and the
6 construction of all new welcome centers including the pilot
7 projects selected by the department of economic development
8 pursuant to paragraph "*e*". In carrying out this responsibility
9 the authority may, but is not limited to, the following:
10 (1) Arrange for the state department of transportation to
11 acquire title to land and buildings for use as and undertake
12 construction of state-owned welcome centers. In acquiring
13 property and constructing the welcome centers, including any
14 pilot projects, the state department of transportation may
15 use any funds available to it, including but not limited to,
16 the RISE fund, matching funds from local units of government
17 or organizations, the primary road fund, federal grants, and
18 moneys specifically appropriated for these purposes.
19 (2) Contract with other state agencies, local units of
20 government, or private groups, organizations, or entities for
21 the use of land, buildings, or facilities as state welcome
22 centers or in connection with state welcome centers, whether or
23 not the property is actually owned by the state. If the local
24 match required for pilot projects or which may be required for
25 other welcome centers is met by providing land, buildings, or
26 facilities, the entity providing the local match shall enter
27 into an agreement with the authority to either transfer title
28 of the property to the state or to dedicate the use of the
29 property under the conditions and period of time set by the
30 authority.
31 *b.* Providing for the operations, management, and
32 maintenance of the state-owned and state-operated welcome
33 centers, including the collection and distribution of
34 tourism literature, telecommunication services, and other
35 travel-related services, and the display and offering for sale

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1 of Iowa-made products, crafts, and arts.
2 *c.* Providing, at the discretion of the authority, financial
3 assistance in the form of loans and grants to privately
4 operated information centers to the extent the centers are
5 consistent with the long-range plan.
6 *d.* Developing a common theme or graphic logo which will be
7 identified with all welcome centers which meet the standards of
8 operations established for those centers.
9 *e.* Selecting the sites for the pilot projects. In selecting
10 the pilot project sites, the following apply:
11 (1) Up to three sites may be located in proximity to
12 the interstates and up to three sites may be located in
13 proximity to the other primary roads. The department of
14 economic development shall select at least one site which is in
15 proximity to a primary road which is not an interstate.
16 (2) Proposals for the sites must be submitted prior to
17 September 1, 1987, and shall contain a commitment of at least
18 a one-dollar-per-dollar match of state financial assistance.
19 The local match may be in terms of land, buildings, or other
20 noncash items which are acceptable by the department of
21 economic development.
22 (3) Priority shall be given to proposals that have the best
23 local match, that are to be located where there is a very high
24 number of travelers passing, and for which the department of
25 economic development, after consultation with the departments
26 of transportation, natural resources, and cultural affairs,
27 considers the chances of success to be nearly perfect.
28 (4) The department of economic development shall select the
29 sites by September 15, 1987.
30 Sec. 9. Section 15.292, subsection 6, Code Supplement 2011,
31 is amended to read as follows:
32 6. The ~~board~~ authority may approve, deny, or defer each
33 application for financial assistance from the brownfield
34 redevelopment fund created in section 15.293.
35 Sec. 10. Section 15.293A, subsection 2, paragraph a,

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1 subparagraphs (1) and (2), Code Supplement 2011, are amended
2 to read as follows:
3 (1) The authority shall accept and, in conjunction with
4 the council ~~and the board~~, review applications for tax credits
5 pursuant to this section.
6 (2) Upon review of an application, the authority may
7 register the project under the program. If the authority
8 registers the project, the authority shall, in conjunction with
9 the council ~~and the board~~, make a preliminary determination as
10 to the amount of tax credit for which the investor qualifies.
11 Sec. 11. Section 15.293A, subsection 8, Code Supplement
12 2011, is amended to read as follows:
13 8. A registered project shall be completed within thirty
14 months of the project's approval unless the authority~~, with the~~
15 ~~approval of the board,~~ provides additional time to complete
16 the project. A project shall not be provided more than twelve
17 months of additional time. If the registered project is not
18 completed within the time required, the project is not eligible
19 to claim a tax credit pursuant to this section.
20 Sec. 12. Section 15.294, subsection 4, Code Supplement
21 2011, is amended to read as follows:
22 4. The council, in conjunction with the authority, shall
23 consider applications for redevelopment tax credits as
24 described in sections 15.293A and 15.293B, and may recommend
25 to the ~~board~~ authority which applications to approve and the
26 amount of such tax credits that each project is eligible to
27 receive.
28 Sec. 13. Section 15.301, subsection 2, paragraph b,
29 subparagraphs (1) and (4), Code Supplement 2011, are amended
30 to read as follows:
31 (1) The department of economic development or the authority
32 may designate an organization to administer the provisions of
33 this section on the authority's behalf.
34 (4) An organization designated pursuant to subparagraph (1)
35 may accept, evaluate, and approve applications for financial

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1 assistance from eligible small businesses pursuant to the
2 requirements of this section and may monitor the compliance of
3 eligible businesses with the terms of an agreement entered into
4 with the department or authority.
5 Sec. 14. Section 15.301, subsection 2, paragraph e, Code
6 Supplement 2011, is amended to read as follows:
7 *e.* The department of economic development, under the terms
8 of an agreement with the organization designated pursuant to
9 paragraph *"b"*, shall begin to provide financial assistance from
10 the fund not later than August 1, 2010, and shall to the extent
11 practicable obligate all available moneys in the fund prior to
12 March 31, 2011.
13 Sec. 15. Section 15.301, subsection 4, unnumbered paragraph
14 1, Code Supplement 2011, is amended to read as follows:
15 Upon approval of the application for financial assistance
16 by the department of economic development, the authority, or
17 an organization designated pursuant to subsection 2, paragraph
18 *"b"*, the eligible business shall enter into an agreement with
19 the department or authority which shall include but not be
20 limited to all of the following provisions:
21 Sec. 16. Section 15.331A, subsection 2, paragraphs a and b,
22 Code 2011, are amended to read as follows:
23 *a.* The contractor or subcontractor shall state under oath,
24 on forms provided by the department of revenue, the amount of
25 the sales of goods, wares, or merchandise or services rendered,
26 furnished, or performed including water, sewer, gas, and
27 electric utility services upon which sales or use tax has been
28 paid prior to the project completion, and shall file the forms
29 with the eligible business before final settlement is made.
30 *b.* The eligible business shall, not more than one year
31 after project completion, make application to the department
32 of revenue for any refund of the amount of the sales and use
33 taxes paid pursuant to chapter 423 upon any goods, wares, or
34 merchandise, or services rendered, furnished, or performed,
35 including water, sewer, gas, and electric utility services.

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The application shall be made in the manner and upon forms to be provided by the department of revenue, and the department of revenue shall audit the claim and, if approved, issue a warrant to the eligible business in the amount of the sales or use tax which has been paid to the state of Iowa under a contract. A claim filed by the eligible business in accordance with this section shall not be denied by reason of a limitation provision set forth in chapter 421 or 423.

Sec. 17. Section 15.411, subsection 9, Code Supplement 2011, is amended to read as follows:

9. In each fiscal year, the authority may transfer additional moneys that become available to the authority from sources such as loan repayments or recaptures of awards from federal economic stimulus funds to the innovation and commercialization development fund created in section 15.412, provided the authority spends those moneys for the implementation of the recommendations included in the separate consultant reports on bioscience, advanced manufacturing, information technology, and entrepreneurship submitted to the department of economic development in calendar years 2004, 2005, and 2006.

Sec. 18. Section 15E.64, subsection 2, paragraph a, Code Supplement 2011, is amended to read as follows:

a. The chairperson of the economic development authority board or a designee of the chairperson.

Sec. 19. Section 15E.120, subsection 6, Code Supplement 2011, is amended to read as follows:

6. On July ~~18~~ 1, 2011, the economic development authority shall assume responsibility for the administration of this section.

Sec. 20. Section 15E.193, subsection 1, paragraph b, subparagraph (2), Code Supplement 2011, is amended to read as follows:

(2) The authority~~, upon the recommendation of the authority,~~ shall adopt rules determining what constitutes a

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1 sufficient package of benefits.
2 Sec. 21. Section 15E.208, subsection 3, paragraph b,
3 subparagraph (2), subparagraph divisions (c) through (e), Code
4 Supplement 2011, are amended to read as follows:
5 (c) Notwithstanding any provision of this division to
6 the contrary, payments on the principal balance of the loan
7 granted by the corporation to an eligible person and assigned
8 to the department of economic development pursuant to this
9 subparagraph during calendar year 2003 shall be deferred until
10 October 1, 2007. The eligible person shall make principal
11 payments to the department of economic development in the
12 amount of one million dollars for each year on October 1,
13 2007, October 1, 2008, and October 1, 2009. The eligible
14 person shall pay the department of economic development four
15 hundred eighty-two thousand seven hundred sixty-one dollars
16 in interest, which shall be deemed to be the total amount of
17 interest accruing on the principal amount of the loan. The
18 eligible person shall pay the interest amount on October 1,
19 2010. Upon the payment of the principal balance of the loan
20 and the accrued interest, the debt shall be retired.
21 (d) Notwithstanding any provision of this division to
22 the contrary, the corporation shall repay the department of
23 economic development, or its successor entity, the principal
24 balance of the Iowa agricultural industry finance loan
25 beginning on October 1, 2007. The principal balance of
26 the loan equals twenty-one million five hundred seventeen
27 thousand two hundred thirty-nine dollars. The corporation
28 shall repay the department of economic development, or its
29 successor entity, five hundred seventeen thousand two hundred
30 thirty-nine dollars by October 1, 2007, and for each subsequent
31 year the corporation shall repay the department, or its
32 successor entity, at least one million dollars by October 1
33 until the total principal balance of the loan is repaid. This
34 subparagraph shall not be construed to limit the authority
35 of the department of economic development, or its successor

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1 entity, to negotiate the payment of interest accruing on
2 the principal balance which shall be paid as provided by an
3 agreement executed by the department of economic development,
4 or its successor entity, and the corporation.
5 (e) Notwithstanding any provision of this division to
6 the contrary, payments of principal and interest of the loan
7 granted by the corporation to an eligible person and assigned
8 to the department of economic development pursuant to this
9 subparagraph during calendar year 2003 which were deferred
10 pursuant to subparagraph division (c) shall be forgiven and the
11 total debt, including interest, shall be retired.
12 Sec. 22. Section 15E.351, subsection 1, Code Supplement
13 2011, is amended to read as follows:
14 1. The ~~economic development~~ authority shall establish and
15 administer a business accelerator program to provide financial
16 assistance for the establishment and operation of a business
17 accelerator for technology-based, value-added agricultural,
18 information solutions, alternative and renewable energy
19 including the alternative and renewable energy sectors listed
20 in section 476.42, subsection 1, paragraph *"a"*, subparagraph
21 (1), or advanced manufacturing start-up businesses or for a
22 satellite of an existing business accelerator. The program
23 shall be designed to foster the accelerated growth of new
24 and existing businesses through the provision of technical
25 assistance. The ~~economic development~~ authority may provide
26 financial assistance under this section from moneys allocated
27 for regional financial assistance pursuant to section 15G.111,
28 subsection 9.
29 Sec. 23. Section 15E.351, subsection 2, paragraph h, Code
30 Supplement 2011, is amended to read as follows:
31 *h.* The business accelerator must possess the willingness to
32 accept referrals from the ~~economic development~~ authority.
33 Sec. 24. Section 15G.111, subsection 2, paragraphs c and d,
34 Code Supplement 2011, are amended to read as follows:
35 *c.* Of the moneys accruing to the fund pursuant to

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subsection 1, paragraph *"c"*, the authority~~, with the approval of the authority,~~ may allocate an amount necessary to fund administrative and operations costs. An allocation pursuant to this paragraph may be made in addition to any allocations made pursuant to subsection 4, paragraph *"a"*.

d. Of the moneys transferred to the fund pursuant to 2009 Iowa Acts, chapter 123, section 9, the authority~~, with the approval of the authority,~~ may allocate an amount necessary to fund administrative and operations costs. An allocation pursuant to this paragraph may be made in addition to any allocations made pursuant to subsection 4, paragraph *"a"*.

Sec. 25. Section 15G.112, subsection 1, paragraph b, Code Supplement 2011, is amended to read as follows:

b. The program shall consist of the components described in subsections 4 through 9. Each fiscal year, the authority~~, with the approval of the authority,~~ shall allocate an amount of financial assistance from the fund that may be awarded under each component of the program to qualifying applicants.

Sec. 26. Section 15G.112, subsection 1, paragraph d, unnumbered paragraph 1, Code Supplement 2011, is amended to read as follows:

For each award of financial assistance under the program, the authority and the recipient of the financial assistance shall enter into an agreement describing the terms and obligations under which the financial assistance is being provided. The authority may negotiate~~, subject to approval by the authority,~~ the terms and obligations of the agreement. An agreement shall contain but need not be limited to all of the following terms and obligations:

Sec. 27. Section 15G.112, subsection 4, paragraph a, subparagraph (2), Code Supplement 2011, is amended to read as follows:

(2) The business shall provide a sufficient package of benefits to each employee holding a created or retained job. The authority~~, at the recommendation of the authority,~~ shall

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adopt rules determining what constitutes a sufficient package of benefits.

Sec. 28. Section 15G.112, subsection 5, paragraph b, Code Supplement 2011, is amended to read as follows:

b. The business shall provide a sufficient package of benefits to each employee holding a created or retained job. The authority~~, at the recommendation of the authority,~~ shall adopt rules determining what constitutes a sufficient package of benefits.

Sec. 29. Section 15G.113, subsection 1, Code Supplement 2011, is amended to read as follows:

1. The authority~~, with the approval of the authority,~~ may award financial assistance from the fund to a business, an individual, a development corporation, a nonprofit organization, an organization established in section 28H.1, or a political subdivision of this state if, in the opinion of the authority, a project presents a unique opportunity for economic development in this state, or if the project addresses a situation constituting a threat to the continued economic prosperity of this state.

Sec. 30. Section 15G.114, subsection 1, Code Supplement 2011, is amended to read as follows:

1. The authority~~, upon the recommendation of the authority,~~ shall adopt rules for the administration of this chapter in accordance with chapter 17A.

Sec. 31. Section 15G.115, subsection 1, Code Supplement 2011, is amended to read as follows:

1. The authority shall accept and process applications for financial assistance under the economic development financial assistance program. After processing the applications, the authority shall prepare them for review by advisory committees and for final action ~~by the authority~~ as described in this section.

Sec. 32. Section 15G.115, subsection 3, paragraphs b and d, Code Supplement 2011, are amended to read as follows:

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b. Consider the recommendation of the ~~due diligence committee and the~~ technology commercialization committee on each application for financial assistance, as described in subsection 2, and take final action on each application.

d. Take final action on any rules ~~recommended by the authority~~ for the implementation of the provisions of this chapter.

Sec. 33. Section 15H.3, subsection 1, paragraph k, Code Supplement 2011, is amended to read as follows:

k. Additional ex officio, nonvoting members selected by the commission to the extent that they are not in conflict with the provisions of the National Community Service Trust Act of 1993 or any related state or federal legislation.

Sec. 34. Section 28N.2, subsection 2, paragraph e, Code Supplement 2011, is amended to read as follows:

e. Four voting members, each appointed by the heads of the following ~~departments~~ agencies:

(1) The department of agriculture and land stewardship.

(2) The department of natural resources.

(3) The economic development authority.

(4) The department of transportation.

Sec. 35. Section 29C.20B, subsection 1, Code Supplement 2011, is amended to read as follows:

1. The homeland security and emergency management division shall work with the department of human services and nonprofit, voluntary, and faith-based organizations active in disaster recovery and response ~~in coordination with the department of human services~~ to establish a statewide system of disaster case management to be activated following the governor's proclamation of a disaster emergency or the declaration of a major disaster by the president of the United States for individual assistance purposes. Under the system, the homeland security and emergency management division shall coordinate case management services locally through local committees as established in each commission's emergency plan.

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1 Sec. 36. Section 42.4, subsection 8, paragraph b,
2 subparagraph (2), Code 2011, is amended to read as follows:
3 (2) Each holdover senatorial district to which subparagraph
4 (1) is not applicable shall elect a senator in the year ending
5 in two for a two-year term commencing in January of the year
6 ending in three. However, if more than one incumbent state
7 senator is residing in a holdover senatorial district on the
8 first Wednesday in February of the year ending in two, and,
9 on or before the ~~first~~ third Wednesday in February of the
10 year ending in two, all but one of the incumbent senators
11 resigns from office effective no later than January of the
12 year ending in three, the remaining incumbent senator shall
13 represent the district in the senate for the general assembly
14 commencing in January of the year ending in three. A copy of
15 each resignation must be filed in the office of the secretary
16 of state no later than five p.m. on the third Wednesday in
17 February of the year ending in two.
18 Sec. 37. Section 46.2A, subsection 8, Code 2011, is amended
19 by striking the subsection.
20 Sec. 38. Section 123.135, subsection 5, Code 2011, is
21 amended to read as follows:
22 5. Notwithstanding any other penalties provided by this
23 chapter, any holder of a certificate of compliance or any
24 class "A" permit holder who violates this chapter or the rules
25 adopted pursuant to this chapter is subject to a civil ~~fine~~
26 penalty not to exceed one thousand dollars or suspension of the
27 holder's certificate or permit for a period not to exceed one
28 year, or both such civil ~~fine~~ penalty and suspension. Civil
29 ~~fines~~ penalties imposed under this section shall be collected
30 and retained by the division.
31 Sec. 39. Section 123.180, subsection 6, Code 2011, is
32 amended to read as follows:
33 6. Regardless of any other penalties provided by this
34 chapter, any holder of a certificate of compliance relating to
35 wine or a class "A" permittee who violates this chapter or the

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1 rules adopted pursuant to this chapter is subject to a civil
2 ~~fine~~ penalty not to exceed one thousand dollars or subject to
3 suspension of the certificate of compliance or permit for a
4 period not to exceed one year, or to both civil ~~fine~~ penalty
5 and suspension. Civil ~~fines~~ penalties imposed under this
6 section shall be collected and retained by the division.
7 Sec. 40. Section 125.2, subsection 14, Code Supplement
8 2011, is amended to read as follows:
9 14. *"Psychiatric advanced registered nurse practitioner"*
10 means an individual currently licensed as a registered nurse
11 under chapter 152 or 152E who holds a national certification in
12 psychiatric mental health care and who is registered with the
13 board of nursing as an advanced registered nurse practitioner.
14 Sec. 41. Section 125.10, subsections 3, 5, 9, and 17, Code
15 2011, as amended by 2011 Iowa Acts, chapter 121, section 30,
16 are amended to read as follows:
17 3. Coordinate the efforts and enlist the assistance of all
18 public and private agencies, organizations and individuals
19 interested in the prevention of substance ~~abuse~~ misuse and the
20 treatment of persons with substance-related disorders.
21 5. Cooperate with the department of education, boards
22 of education, schools, police departments, courts, and other
23 public and private agencies, organizations, and individuals in
24 establishing programs for the prevention of substance ~~abuse~~
25 misuse and the treatment of persons with substance-related
26 disorders, and in preparing relevant curriculum materials for
27 use at all levels of school education.
28 9. Sponsor and implement research in cooperation with local
29 treatment programs into the causes and nature of substance
30 misuse and treatment of persons with substance-related
31 disorders, and serve as a clearing house for information
32 relating to substance ~~abuse~~ misuse.
33 17. Review all state health, welfare, education and
34 treatment proposals to be submitted for federal funding under
35 federal legislation, and advise the governor on provisions to

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1 be included relating to substance ~~abuse~~ misuse, and persons
2 with substance-related disorders.
3 Sec. 42. Section 125.43A, Code 2011, as amended by 2011 Iowa
4 Acts, chapter 121, section 39, is amended to read as follows:
5 **125.43A Prescreening — exception.**
6 Except in cases of medical emergency or court-ordered
7 admissions, a person shall be admitted to a state mental health
8 institute for ~~substance abuse~~ treatment of a substance-related
9 disorder only after a preliminary intake and assessment by a
10 department-licensed treatment facility or a hospital providing
11 care or treatment for persons with substance-related disorders
12 licensed under chapter 135B and accredited by the joint
13 commission on the accreditation of health care organizations,
14 the commission on accreditation of rehabilitation facilities,
15 the American osteopathic association, or another recognized
16 organization approved by the board, or by a designee of a
17 department-licensed treatment facility or a hospital other
18 than a state mental health institute, which confirms that
19 the admission is appropriate to the person's ~~substance~~
20 ~~abuse~~ substance-related disorder service needs. A county
21 board of supervisors may seek an admission of a patient to a
22 state mental health institute who has not been confirmed for
23 appropriate admission and the county shall be responsible for
24 one hundred percent of the cost of treatment and services of
25 the patient.
26 Sec. 43. Section 125.83, Code 2011, as amended by 2011 Iowa
27 Acts, chapter 121, section 47, is amended to read as follows:
28 **125.83 Placement for evaluation.**
29 If upon completion of the commitment hearing, the court
30 finds that the contention that the respondent is a person with
31 a substance-related disorder has been sustained by clear and
32 convincing evidence, the court shall order the respondent
33 placed at a facility or under the care of a suitable facility
34 on an outpatient basis as expeditiously as possible for a
35 complete evaluation and appropriate treatment. The court shall

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1 furnish to the facility at the time of admission or outpatient
2 placement, a written statement of facts setting forth the
3 evidence on which the finding is based. The administrator of
4 the facility shall report to the court no more than fifteen
5 days after the individual is admitted to or placed under the
6 care of the facility, which shall include the chief medical
7 officer's recommendation concerning ~~substance abuse~~ treatment
8 of a substance-related disorder. An extension of time may be
9 granted for a period not to exceed seven days upon a showing
10 of good cause. A copy of the report shall be sent to the
11 respondent's attorney who may contest the need for an extension
12 of time if one is requested. If the request is contested, the
13 court shall make an inquiry as it deems appropriate and may
14 either order the respondent released from the facility or grant
15 extension of time for further evaluation. If the administrator
16 fails to report to the court within fifteen days after the
17 individual is admitted to the facility, and no extension
18 of time has been requested, the administrator is guilty of
19 contempt and shall be punished under chapter 665. The court
20 shall order a rehearing on the application to determine whether
21 the respondent should continue to be held at the facility.
22 Sec. 44. Section 125.91, subsections 2 and 3, Code 2011, as
23 amended by 2011 Iowa Acts, chapter 121, section 50, are amended
24 to read as follows:
25 2. *a.* A peace officer who has reasonable grounds to
26 believe that the circumstances described in subsection 1 are
27 applicable may, without a warrant, take or cause that person
28 to be taken to the nearest available facility referred to in
29 section 125.81, subsection 2, paragraph *"b"* or *"c"*. Such a
30 person with a substance-related disorder due to intoxication
31 or substance-induced incapacitation who also demonstrates
32 a significant degree of distress or dysfunction may also
33 be delivered to a facility by someone other than a peace
34 officer upon a showing of reasonable grounds. Upon delivery
35 of the person to a facility under this section, the ~~examining~~

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1 attending physician may order treatment of the person, but
2 only to the extent necessary to preserve the person's life
3 or to appropriately control the person's behavior if the
4 behavior is likely to result in physical injury to the person
5 or others if allowed to continue. The peace officer or other
6 person who delivered the person to the facility shall describe
7 the circumstances of the matter to the ~~examining~~ attending
8 physician. If the person is a peace officer, the peace
9 officer may do so either in person or by written report. If
10 the ~~examining~~ attending physician has reasonable grounds to
11 believe that the circumstances in subsection 1 are applicable,
12 the ~~examining~~ attending physician shall at once communicate
13 with the nearest available magistrate as defined in section
14 801.4, subsection 10. The magistrate shall, based upon the
15 circumstances described by the ~~examining~~ attending physician,
16 give the ~~examining~~ attending physician oral instructions
17 either directing that the person be released forthwith, or
18 authorizing the person's detention in an appropriate facility.
19 The magistrate may also give oral instructions and order that
20 the detained person be transported to an appropriate facility.
21 *b.* If the magistrate orders that the person be detained, the
22 magistrate shall, by the close of business on the next working
23 day, file a written order with the clerk in the county where it
24 is anticipated that an application may be filed under section
25 125.75. The order may be filed by facsimile if necessary. The
26 order shall state the circumstances under which the person
27 was taken into custody or otherwise brought to a facility
28 and the grounds supporting the finding of probable cause to
29 believe that the person is a person with a substance-related
30 disorder likely to result in physical injury to the person or
31 others if not detained. The order shall confirm the oral order
32 authorizing the person's detention including any order given
33 to transport the person to an appropriate facility. The clerk
34 shall provide a copy of that order to the attending physician~~,~~
35 at the facility to which the person was originally taken, any

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1 subsequent facility to which the person was transported, and
2 to any law enforcement department or ambulance service that
3 transported the person pursuant to the magistrate's order.
4 3. The attending physician shall examine and may detain
5 the person pursuant to the magistrate's order for a period not
6 to exceed forty-eight hours from the time the order is dated,
7 excluding Saturdays, Sundays, and holidays, unless the order is
8 dismissed by a magistrate. The facility may provide treatment
9 which is necessary to preserve the person's life or to
10 appropriately control the person's behavior if the behavior is
11 likely to result in physical injury to the person or others if
12 allowed to continue or is otherwise deemed medically necessary
13 by the attending physician, but shall not otherwise provide
14 treatment to the person without the person's consent. The
15 person shall be discharged from the facility and released from
16 detention no later than the expiration of the forty-eight-hour
17 period, unless an application for involuntary commitment is
18 filed with the clerk pursuant to section 125.75. The detention
19 of a person by the procedure in this section, and not in excess
20 of the period of time prescribed by this section, shall not
21 render the peace officer, attending physician, or facility
22 detaining the person liable in a criminal or civil action
23 for false arrest or false imprisonment if the peace officer,
24 attending physician, or facility had reasonable grounds to
25 believe that the circumstances described in subsection 1 were
26 applicable.
27 Sec. 45. Section 135.141, subsection 2, paragraph a, Code
28 2011, is amended to read as follows:
29 *a.* Coordinate with the homeland security and emergency
30 management division of the department of public defense the
31 administration of emergency planning matters which involve
32 the public health, including development, administration, and
33 execution of the public health components of the comprehensive
34 emergency plan and emergency management program pursuant to
35 section 29C.8.

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1 Sec. 46. Section 142A.3, subsection 10, Code Supplement
2 2011, is amended to read as follows:
3 10. The commission may designate an advisory council. The
4 commission shall determine the membership and representation
5 of the advisory council and members of the council shall serve
6 at the pleasure of the commission. The advisory council may
7 include representatives of health care provider groups, parent
8 groups, antitobacco advocacy programs and organizations,
9 ~~tobacco retailers,~~ research and evaluation experts, and youth
10 organizers.
11 Sec. 47. Section 152.12, Code 2011, is amended to read as
12 follows:
13 **152.12 Examination information.**
14 Notwithstanding section 147.21, individual pass or fail
15 examination results made available from the authorized national
16 testing agency may be disclosed to the appropriate licensing
17 authority in another state, the District of Columbia, or a
18 territory or ~~county~~ country, and the board-approved education
19 program, for purposes of verifying accuracy of national data
20 and determining program approval.
21 Sec. 48. Section 173.11, subsection 3, Code Supplement
22 2011, is amended to read as follows:
23 3. Administer the foundation fund under the control of the
24 Iowa state fair foundation, ~~in its capacity as the board of~~
25 ~~the Iowa state fair foundation,~~ as directed by the board in
26 its capacity as the board of the Iowa state fair foundation.
27 The treasurer shall administer the fund in accordance with
28 procedures of the treasurer of state, and maintain a correct
29 account of receipts and disbursements of assets of the
30 foundation fund.
31 Sec. 49. Section 226.9C, subsection 2, paragraph c,
32 subparagraph (1), as enacted by 2011 Iowa Acts, chapter 121,
33 section 51, is amended to read as follows:
34 (1) Prior to an individual's admission for dual diagnosis
35 treatment, the individual shall have been prescreened. The

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1 person performing the prescreening shall be either the mental
2 health professional, as defined in section 228.1, who is
3 contracting with the county central-point-of-coordination
4 process to provide the prescreening or a mental health
5 professional with the requisite qualifications. A mental
6 health professional with the requisite qualifications shall
7 meet all of the following qualifications: is a mental health
8 professional as defined in section 228.1, is ~~a certified~~ an
9 alcohol and drug counselor certified by the nongovernmental
10 Iowa board of substance abuse certification, and is employed
11 by or providing services for a facility, as defined in section
12 125.2.
13 Sec. 50. Section 230A.106, subsection 2, paragraph c, as
14 enacted by 2011 Iowa Acts, chapter 121, section 16, is amended
15 to read as follows:
16 *c. Day treatment, partial hospitalization, or psychosocial*
17 *rehabilitation services.* ~~Such~~ Day treatment, partial
18 hospitalization, or psychosocial rehabilitation services shall
19 be provided as structured day programs in segments of less than
20 twenty-four hours using a multidisciplinary team approach to
21 develop treatment plans that vary in intensity of services
22 and the frequency and duration of services based on the needs
23 of the patient. These services may be provided directly by
24 the center or in collaboration or affiliation with other
25 appropriately accredited providers.
26 Sec. 51. Section 232.103, subsection 3, Code 2011, is
27 amended to read as follows:
28 3. A change in the level of care for a child who is subject
29 to a dispositional order for out-of-home placement requires
30 modification of the dispositional order. A hearing shall be
31 held on a motion to terminate or modify a dispositional order
32 except that a hearing on a motion to terminate or modify an
33 order may be waived upon agreement by all parties. Reasonable
34 notice of the hearing shall be given to the parties. The
35 hearing shall be conducted in accordance with the ~~provisions of~~

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1 procedure established for dispositional hearings under section
2 232.50, subsection 3.
3 Sec. 52. Section 236.18, Code 2011, is amended to read as
4 follows:
5 **236.18 Reference to certain criminal provisions.**
6 In addition to the ~~criminal penalties~~ provisions contained
7 in this chapter, certain criminal penalties and provisions
8 pertaining to domestic abuse assaults are set forth in chapter
9 664A and sections 708.2A and 708.2B.
10 Sec. 53. Section 249H.3, subsection 10, Code 2011, is
11 amended to read as follows:
12 10. *"Persons with disabilities"* means individuals eighteen
13 years of age or older with ~~disabilities as disability is~~
14 ~~defined in section 225B.2~~ mental or physical impairments that
15 result in significant functional limitation in one or more
16 areas of major life activity and in the need for specialized
17 care, treatment, or training services of extended duration.
18 Sec. 54. Section 252B.9, subsection 1, paragraph f,
19 subparagraph (5), Code 2011, is amended to read as follows:
20 (5) If the person fails to comply with the request or
21 subpoena, fails to request a conference, and fails to pay a
22 ~~fine~~ penalty imposed under subparagraph (4), the unit may
23 petition the district court to compel the person to comply
24 with this paragraph. If the person objects to imposition of
25 the ~~fine~~ penalty, the person may seek judicial review by the
26 district court.
27 Sec. 55. Section 256.32, subsection 2, paragraph d, Code
28 Supplement 2011, is amended by striking the paragraph.
29 Sec. 56. Section 256I.3, subsection 2, paragraph a, Code
30 Supplement 2011, is amended to read as follows:
31 *a.* The board shall consist of twenty-one voting members with
32 fifteen citizen members and six state agency members. The six
33 state agency members shall be the directors or their designees
34 of the following ~~departments~~ agencies: economic development
35 authority, education, human rights, human services, public

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1 health, and workforce development. The designees of state
2 agency directors shall be selected on an annual basis. The
3 citizen members shall be appointed by the governor, subject to
4 confirmation by the senate. The governor's appointments of
5 citizen members shall be made in a manner so that each of the
6 state's congressional districts is represented by at least two
7 citizen members and so that all the appointments as a whole
8 reflect the ethnic, cultural, social, and economic diversity of
9 the state. A member of the state board shall not be a provider
10 of services or other entity receiving funding through the early
11 childhood Iowa initiative or be employed by such a provider or
12 other entity.
13 Sec. 57. Section 256I.5, subsection 4, paragraph a, Code
14 Supplement 2011, is amended to read as follows:
15 *a.* Enter into memoranda of agreement with the departments
16 of education, human rights, human services, public health, and
17 workforce development and the economic development authority
18 to formalize the commitments of the respective ~~departments'~~
19 ~~commitments~~ departments and the authority to collaborating with
20 and integrating a comprehensive early care, education, health,
21 and human services system. Items addressed in the memoranda
22 shall include but are not limited to data sharing and providing
23 staffing to the technical assistance team.
24 Sec. 58. Section 260C.18A, subsection 2, paragraph e, Code
25 Supplement 2011, is amended by striking the paragraph.
26 Sec. 59. Section 261E.8, subsection 3, Code Supplement
27 2011, is amended to read as follows:
28 3. A student may make application to a community college and
29 the school district to allow the student to enroll for college
30 credit in a nonsectarian course offered by the community
31 college. A comparable course, as defined in rules adopted by
32 the board of directors of the school district, must not be
33 offered by the school district or accredited nonpublic school
34 which the student attends. The school board shall annually
35 approve courses to be made available for high school credit

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1 using locally developed criteria that establishes which courses
2 will provide the student with academic rigor and will prepare
3 the student adequately for transition to a postsecondary
4 institution. If ~~an eligible postsecondary institution~~ a
5 community college accepts a student for enrollment under
6 this section, the school district, in collaboration with the
7 community college, shall send written notice to the student,
8 the student's parent or legal guardian in the case of a minor
9 child, and the student's school district. The notice shall
10 list the course, the clock hours the student will be attending
11 the course, and the number of hours of college credit that the
12 student will receive from the community college upon successful
13 completion of the course.
14 Sec. 60. Section 267A.2, Code Supplement 2011, is amended
15 to read as follows:
16 **267A.2 Definitions.**
17 As used in this ~~section~~ chapter, unless the context
18 otherwise requires:
19 1. *"Coordinator"* means the local food and farm program
20 coordinator created in section 267A.4.
21 2. *"Council"* means the local food and farm program council
22 established in section 267A.3.
23 3. *"Department"* means the department of agriculture and land
24 stewardship.
25 4. *"Fund"* means the local food and farm program fund created
26 in section 267A.5.
27 Sec. 61. Section 282.1, subsection 1, Code 2011, is amended
28 to read as follows:
29 1. Persons between five and twenty-one years of age are of
30 school age. Nonresident children shall be charged the maximum
31 tuition rate as determined in section 282.24, subsection 1,
32 with the exception that those residing temporarily in a school
33 corporation may attend school in the corporation upon terms
34 prescribed by the board. A school district discontinuing
35 grades under section 282.7, subsection 1 or ~~subsections 1 and~~

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3, shall be charged tuition as provided in section 282.24, subsection 1.

Sec. 62. Section 282.10, subsection 1, Code 2011, is amended to read as follows:

1. Whole grade sharing is a procedure used by school districts whereby all or a substantial portion of the pupils in any grade in two or more school districts share an educational program for all or a substantial portion of a school day under a written agreement pursuant to section 256.13, 280.15, or 282.7, subsection 1 or ~~subsections 1 and~~ 3. Whole grade sharing may either be one-way or two-way sharing.

Sec. 63. Section 282.18, subsection 15, Code 2011, is amended to read as follows:

15. *a.* If a request under this section is for transfer to ~~a laboratory~~ the research and development school, as described in chapter 256G, the student who is the subject of the request shall be included in the basic enrollment of the student's district of residence and the board of directors of the district of residence shall pay to ~~a laboratory~~ the research and development school the state cost per pupil for the previous school year, plus any moneys received for the pupil as a result of the non-English speaking weighting under section 280.4, subsection 3, for the previous school year multiplied by the state cost per pupil for the previous year.

b. Notwithstanding subsection 7, a district of residence shall not be required to pay the state cost per pupil for a student attending ~~a laboratory~~ the research and development school during the school year beginning July 1, 2010, if the student was not included in the district of residence's enrollment count for funding purposes in the school year beginning July 1, 2009.

Sec. 64. Section 306D.2, subsection 1, unnumbered paragraph 1, Code Supplement 2011, is amended to read as follows:

The state department of transportation shall prepare a statewide, long-range plan for the protection, enhancement,

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1 and identification of highways and secondary roads which pass
2 through unusually scenic areas of the state as identified
3 in section 306D.1. The department of natural resources,
4 department of economic development ~~authority~~, and department of
5 cultural affairs, private organizations, county conservation
6 boards, city park and recreation departments, and the federal
7 agencies having jurisdiction over land in the state shall be
8 encouraged to assist in preparing the plan. The plan shall be
9 coordinated with the state's open space plan if a state open
10 space plan has been approved by the general assembly. The plan
11 shall include, but is not limited to, the following elements:
12 Sec. 65. Section 321.18, subsection 9, Code 2011, is amended
13 by striking the subsection.
14 Sec. 66. Section 321.180B, subsection 1, paragraph c, Code
15 Supplement 2011, is amended to read as follows:
16 *c.* Except as otherwise provided, a permittee who is less
17 than eighteen years of age and who is operating a motor vehicle
18 must be accompanied by a person issued a driver's license
19 valid for the vehicle operated who is the parent, guardian,
20 or custodian of the permittee, a member of the permittee's
21 immediate family if the family member is at least twenty-one
22 years of age, an approved driver education instructor, a
23 prospective driver education instructor who is enrolled in
24 a practitioner preparation program with a safety education
25 program approved by the state board of education, or a person
26 at least twenty-five years of age if written permission is
27 granted by the parent, guardian, or custodian, and who is
28 actually occupying a seat beside the driver. A permittee shall
29 not operate a motor vehicle if the number of passengers in the
30 motor vehicle exceeds the number of passenger safety belts
31 in the motor vehicle. If the applicant for an instruction
32 permit holds a driver's license issued in this state valid
33 for the operation of a motorized bicycle or a motorcycle, the
34 instruction permit shall be valid for such operation without
35 the requirement of an accompanying person.

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1 Sec. 67. Section 321.186, subsection 3, Code Supplement
2 2011, is amended to read as follows:
3 3. The examination shall include a screening of the
4 applicant's eyesight, a test of the applicant's ability to
5 read and understand highway signs regulating, warning, and
6 directing traffic, a test of the applicant's knowledge of the
7 traffic laws of this state, an actual demonstration of ability
8 to exercise ordinary and reasonable control in the operation
9 of a motor vehicle, and other physical and mental examinations
10 as the department finds necessary to determine the applicant's
11 fitness to operate a motor vehicle safely upon the highways.
12 However, an applicant for a new driver's license ~~other than~~
13 ~~a commercial driver's license~~ need not pass a vision test
14 administered by the department if the applicant files with the
15 department a vision report in accordance with section 321.186A
16 which shows that the applicant's visual acuity level meets or
17 exceeds those required by the department.
18 Sec. 68. Section 331.427, subsection 3, paragraph a, Code
19 2011, is amended to read as follows:
20 *a.* Expenses of a ~~joint~~ local emergency management commission
21 under chapter 29C.
22 Sec. 69. Section 331.653, subsection 5, Code 2011, is
23 amended to read as follows:
24 5. Serve as a member of the ~~joint~~ local emergency management
25 commission as provided in section 29C.9.
26 Sec. 70. Section 331.756, subsection 4, Code Supplement
27 2011, is amended to read as follows:
28 4. Prosecute misdemeanors under chapter ~~236~~ 664A. The
29 county attorney shall prosecute other misdemeanors when not
30 otherwise engaged in the performance of other official duties.
31 Sec. 71. Section 419.4, subsection 2, Code 2011, is amended
32 to read as follows:
33 2. *a.* The proceedings under which the bonds are authorized
34 to be issued under the provisions of this chapter, and any
35 mortgage given to secure the same, may contain any agreements

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1 and provisions customarily contained in instruments securing
2 bonds, including~~,~~ but not limited to:
3 ~~a.~~ (1) Provisions respecting custody of the proceeds
4 from the sale of the bonds including their investment and
5 reinvestment until used to defray the cost of the project.
6 ~~b.~~ (2) Provisions respecting the fixing and collection of
7 rents or payment with respect to any project covered by such
8 proceedings or mortgage.
9 ~~c.~~ (3) The terms to be incorporated in the lease, sale
10 contract, or loan agreement with respect to such project.
11 ~~d.~~ (4) The maintenance and insurance of such project.
12 ~~e.~~ (5) The creation, maintenance, custody, investment and
13 reinvestment and use of special funds from the revenues of such
14 project, and
15 ~~f.~~ (6) The rights and remedies available in case of a
16 default to the bond holders or to any trustee under the lease,
17 sale contract, loan agreement or mortgage.
18 *b.* A municipality shall have the power to provide that
19 proceeds from the sale of bonds and special funds from the
20 revenues of the project shall be invested and reinvested in
21 such securities and other investments as shall be provided in
22 the proceedings under which the bonds are authorized to be
23 issued including:
24 (1) obligations issued or guaranteed by the United States;
25 (2) obligations issued or guaranteed by any person
26 controlled or supervised by and acting as an instrumentality of
27 the United States pursuant to authority granted by the Congress
28 of the United States;
29 (3) obligations issued or guaranteed by any state of the
30 United States, or the District of Columbia, or any political
31 subdivision of any such state or district;
32 (4) prime commercial paper;
33 (5) prime finance company paper;
34 (6) bankers' acceptances drawn on and accepted by banks
35 organized under the laws of any state or of the United States;

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(7) repurchase agreements fully secured by obligations issued or guaranteed by the United States or by any person controlled or supervised by and acting as an instrumentality of the United States pursuant to authority granted by the Congress of the United States; and

(8) certificates of deposit issued by banks organized under the laws of any state or of the United States; whether or not such investment or reinvestment is authorized under any other law of this state. The municipality shall also have the power to provide that such proceeds or funds or investments and the amounts payable under the lease, sale contract, or loan agreement shall be received, held and disbursed by one or more banks or trust companies located in or out of the state of Iowa. A municipality shall also have the power to provide that the project and improvements shall be constructed by the municipality, lessee, the lessee's designee, the contracting party, or the contracting party's designee, or any one or more of them on real estate owned by the municipality, the lessee, the lessee's designee, the contracting party, or the contracting party's designee, as the case may be, that the bond proceeds shall be disbursed by the trustee bank or banks, trust company or trust companies, during construction upon the estimate, order or certificate of the lessee, the lessee's designee, the contracting party, or the contracting party's designee.

c. In making such agreements or provisions as provided in this subsection, a municipality shall not have the power to obligate itself, except with respect to the project and the application of the revenues therefrom, and shall not have the power to incur a pecuniary liability or a charge upon its general credit or against its taxing powers.

Sec. 72. Section 422.5, subsection 3, paragraph b, Code Supplement 2011, is amended to read as follows:

b. In lieu of the computation in subsection 1~~,~~ or 2, or ~~3~~ in paragraph *"a"* of this subsection, if the married persons',

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filing jointly or filing separately on a combined return, head of household's, or surviving spouse's net income exceeds thirteen thousand five hundred dollars, the regular tax imposed under this division shall be the lesser of the maximum state individual income tax rate times the portion of the net income in excess of thirteen thousand five hundred dollars or the regular tax liability computed without regard to this sentence. Taxpayers electing to file separately shall compute the alternate tax described in this paragraph using the total net income of the husband and wife. The alternate tax described in this paragraph does not apply if one spouse elects to carry back or carry forward the loss as provided in section 422.9, subsection 3.

Sec. 73. Section 422.7, subsection 51, Code Supplement 2011, is amended to read as follows:

51. Subtract, to the extent included, the amount of any Vietnam Conflict veterans bonus provided pursuant to section 35A.8, subsection 5~~, and section 35A.8A~~.

Sec. 74. Section 422.11S, subsection 7, paragraph a, subparagraph (2), Code Supplement 2011, is amended to read as follows:

(2) *"Total approved tax credits"* means for the tax year beginning in the 2006 calendar year, two million five hundred thousand dollars, for the tax year beginning in the 2007 calendar year, five million dollars, and for tax years beginning on or after January 1, 2008, seven million five hundred thousand dollars. However, for tax years beginning on or after January 1, 2012, ~~and only if legislation is enacted by the Eighty-fourth General Assembly, 2011 session, amending section 257.8, subsections 1 and 2, to establish both the state percent of growth and the categorical state percent of growth for the budget year beginning July 1, 2012, at two percent,~~ *"total approved tax credits"* means eight million seven hundred fifty thousand dollars.

Sec. 75. Section 422.11T, Code 2011, is amended to read as

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1 follows:
2 **422.11T Film qualified expenditure tax credit.**
3 The taxes imposed under this division, less the ~~credit~~
4 credits allowed under section 422.12, shall be reduced by a
5 qualified expenditure tax credit authorized pursuant to section
6 15.393, subsection 2, paragraph *"a"*.
7 Sec. 76. Section 422.11U, Code 2011, is amended to read as
8 follows:
9 **422.11U Film investment tax credit.**
10 The taxes imposed under this division, less the ~~credit~~
11 credits allowed under section 422.12, shall be reduced by an
12 investment tax credit authorized pursuant to section 15.393,
13 subsection 2, paragraph *"b"*.
14 Sec. 77. Section 437A.14, subsection 3, Code Supplement
15 2011, is amended to read as follows:
16 3. Unless otherwise expressly permitted by a section
17 referencing this chapter, the kilowatt-hours of electricity or
18 therms of natural gas delivered by a taxpayer in a competitive
19 service area shall not be divulged to any person or entity,
20 other than the taxpayer, the department of revenue, or the
21 internal revenue service for use in a matter unrelated to tax
22 administration. This prohibition precludes persons or entities
23 other than the taxpayer, the department of revenue, or the
24 internal revenue service from obtaining such information from
25 the department of revenue. A subpoena, order, or process which
26 requires the department of revenue to produce such information
27 to a person or entity, other than the taxpayer, the department
28 of revenue, or internal revenue service, for use in a nontax
29 proceeding is void.
30 Sec. 78. Section 445.5, subsection 6, Code Supplement 2011,
31 is amended to read as follows:
32 6. The county treasurer shall deliver to the taxpayer a
33 receipt stating the year of tax, date of payment, a description
34 of the parcel, and the amount of taxes, interest, fees, and
35 costs paid when payment is made by cash tender. A receipt

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1 for other payment tender types shall only be delivered upon
2 request. The receipt shall be in full ~~of~~ for the first half,
3 second half, or full year amounts unless a payment is made
4 under section 445.36A or 435.24, subsection 6.
5 Sec. 79. Section 452A.3, subsection 5, Code 2011, is amended
6 to read as follows:
7 5. *a.* The tax shall be paid by the following:
8 ~~*a.*~~ (1) The supplier, upon the invoiced gross gallonage of
9 all motor fuel or undyed special fuel withdrawn from a terminal
10 for delivery in this state.
11 (2) Tax shall not be paid when the sale of alcohol occurs
12 within a terminal from an alcohol manufacturer to an Iowa
13 licensed supplier. The tax shall be paid by the Iowa licensed
14 supplier when the invoiced gross gallonage of the alcohol or
15 the alcohol part of ethanol blended gasoline is withdrawn from
16 a terminal for delivery in this state.
17 ~~*b.*~~ (3) The person who owns the fuel at the time it is
18 brought into the state by a restrictive supplier or importer,
19 upon the invoiced gross gallonage of motor fuel or undyed
20 special fuel imported.
21 ~~*c.*~~ (4) The blender on total invoiced gross gallonage of
22 alcohol or other product sold to be blended with gasoline or
23 special fuel.
24 ~~*d.*~~ (5) Any other person who possesses taxable fuel upon
25 which the tax has not been paid to a licensee.
26 *b.* ~~However, the~~ The tax shall not be imposed or collected
27 under this division with respect to motor fuel or special fuel
28 sold for export or exported from this state to any other state,
29 territory, or foreign country.
30 Sec. 80. Section 455B.487, Code 2011, is amended to read as
31 follows:
32 **455B.487 Facility acquisition and operation.**
33 1. The commission shall adopt rules establishing criteria
34 for the identification of land areas or sites which are
35 suitable for the operation of facilities for the management

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1 of hazardous and low-level radioactive wastes. Upon request,
2 the department shall assist in locating suitable sites for the
3 location of a facility. The commission may purchase or condemn
4 land to be leased or used for the operation of a facility
5 subject to chapter 6A. Consideration for a contract for
6 purchase of land shall not be in excess of funds appropriated
7 by the general assembly for that purpose. The commission may
8 lease land purchased under this section to any person including
9 the state or a state agency. This section authorizes the state
10 to own or operate hazardous waste facilities and low-level
11 radioactive waste facilities, subject to the approval of the
12 general assembly.
13 2. The purchase, condemnation, use, or lease of land for the
14 management of wastes, shall be approved by the general assembly
15 prior to the purchase, condemnation, use, or lease of the land.
16 3. *a.* The terms of the lease or contract shall establish
17 responsibility for long-term monitoring and maintenance of the
18 site. The commission shall require that the lessee or operator
19 post bond or provide proof of sufficient insurance coverage,
20 as determined by the commission to be reasonably necessary to
21 protect the state against liabilities arising from the storage
22 of wastes, abandonment of the facility, facility accidents,
23 failure of the facility, or other liabilities which may arise.
24 *b.* The terms of the lease or contract shall also require
25 that the lessee or operator of the facility pay an annual
26 fee to the state, as established by the commission, to cover
27 facility monitoring costs, and shall require that the lessee
28 or operator establish a long-term monitoring and maintenance
29 fund in which the lessee or operator shall deposit annually an
30 amount specified by the commission. The fund shall be used
31 to pay closure, long-term monitoring and maintenance, and
32 contingency costs.
33 4. The lease agreement or contract shall provide for a
34 local review and monitoring committee established by the
35 county or municipal entity governing the jurisdiction in

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1 which the facility is located. Prior to the approval of a
2 lease agreement or contract the local committee shall review
3 the application of the prospective lessee or operator and
4 shall determine the suitability of the proposed site for
5 the facility. The local committee may inspect the facility
6 during operation and may make recommendations regarding the
7 operation and closure of the facility. The commission shall
8 establish a surtax paid by the lessee or operator of a facility
9 to the local governmental entity, and retained by the local
10 governmental entity in which the facility is located. The
11 lessee or operator of the facility shall provide funding for
12 the implementation of the duties of the local committee.
13 5. The lessee or operator is subject to all applicable
14 permit and licensing requirements. The leasehold interest,
15 including improvements made to the property, shall be listed,
16 assessed, and valued as any other real property as provided by
17 law.
18 6. *a.* Facilities acquired or operated pursuant to this
19 section shall comply with applicable federal and state
20 statutes, local ordinances, and regulations adopted by
21 regulatory agencies to the extent required by law.
22 ~~The purchase, condemnation, use, or lease of land for the~~
23 ~~management of wastes, shall be approved by the general assembly~~
24 ~~prior to the purchase, condemnation, use, or lease of the land.~~
25 *b.* Facilities acquired or operated pursuant to this section
26 may be used for regional, statewide or multistate management
27 of wastes.
28 *c.* Facilities acquired or operated pursuant to this section
29 shall not be used for the purpose of shallow land burial of
30 wastes as a means of disposal.
31 7. An operator of a facility acquired or operated pursuant
32 to this section shall require that a person, prior to the use
33 of the facility, submit proof that reasonable and good faith
34 measures have been taken to reduce the generation of waste.
35 8. A hazardous waste facility acquired or operated pursuant

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to this section shall be operated in accordance with the following schedule:

~~1.~~ *a.* The initial fee paid by a person depositing hazardous waste at the facility shall be increased by ten percent per ton upon receipt of twenty-five percent of the waste capacity of the facility.

~~2.~~ *b.* The initial fee paid by a person depositing hazardous waste at the facility shall be increased by twenty-five percent per ton upon receipt of fifty percent of the waste capacity of the facility.

~~3.~~ *c.* Upon receipt of fifty percent of the waste capacity of the facility, the receipt of waste shall be limited to hazardous waste generated within the state of Iowa. If an agreement has been established between the owner or operator of the hazardous waste facility and an out-of-state generator of hazardous waste, this limitation is null and void.

Sec. 81. Section 459.501, subsection 5, paragraph b, Code Supplement 2011, is amended to read as follows:

b. The department of natural resources shall credit an amount to the fund from which the expense authorized by the executive council as provided in paragraph *"a"* was appropriated which is equal to an amount ~~allocated~~ authorized for payment to support the livestock remediation fund by the executive council under paragraph *"a"*. However, the department shall only be required to credit the moneys to such fund if the moneys in the livestock remediation fund which are not obligated or encumbered, and not counting the department's estimate of the cost to the livestock remediation fund for pending or unsettled claims, the amount to be allocated to the department of agriculture and land stewardship, and any amount required to be transferred to the fund from which appropriated as described in this paragraph, are in excess of two million five hundred thousand dollars. The department is not required to credit the total amount to the fund from which appropriated as described in this paragraph during any one fiscal year.

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1 Sec. 82. Section 459.502, subsection 2, Code Supplement
2 2011, is amended to read as follows:
3 2. The department shall deposit moneys collected from
4 the fees into the livestock remediation fund according to
5 procedures adopted by the department.
6 Sec. 83. Section 461A.80, Code Supplement 2011, is amended
7 to read as follows:
8 **461A.80 Public outdoor recreation and resources advisory**
9 **council.**
10 1. An advisory council for public outdoor recreation and
11 resources appropriations made for the purposes of section
12 461A.79 is created. The council shall consist of a public
13 member appointed by the governor from each congressional
14 district, the chairperson of the commission, the director, and
15 a designee of the economic development authority.
16 2. Each county conservation board of those counties which
17 are located in a congressional district shall nominate one
18 person from the congressional district for appointment to the
19 advisory council. The commission shall compile a list of
20 the nominations of the county conservation boards for each
21 congressional district and shall provide this list to the
22 governor. The governor shall appoint one member from each
23 congressional district from the nominations as provided.
24 Appointments shall be made for three-year terms beginning July
25 1 in the year of appointment. A person shall not serve more
26 than two terms. A vacancy shall be filled for the unexpired
27 term in the same manner as the original appointment was made.
28 3. No more than three public members shall belong to the
29 same political party. The council shall elect a chairperson
30 annually from among the council's members, and the director
31 shall serve as council secretary. Persons already serving in
32 an elected or appointed governmental capacity are not eligible
33 to serve as council members.
34 ~~2.~~ 4. The advisory council shall meet annually, in July,
35 and upon the call of the chairperson of the advisory council.

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The advisory council shall make policy recommendations to the commission regarding the projects and programs to be funded from funds available for public outdoor recreation and resources from appropriations made for the purposes of section 461A.79.

~~3. Each county conservation board of those counties which are located in a congressional district shall nominate one person from the congressional district for appointment to the advisory council. The commission shall compile a list of the nominations of the county conservation boards for each congressional district and shall provide this list to the governor. The governor shall appoint one member from each congressional district from the nominations as provided. Appointments shall be made for three-year terms beginning July 1 in the year of appointment. A person shall not serve more than two terms. A vacancy shall be filled for the unexpired term in the same manner as the original appointment was made.~~

5. The public members of the advisory council shall be reimbursed for actual and necessary expenses for each day employed in the official discharge of their duties. The expenses shall be paid from the administration fund of the commission. Each member of the council may also be eligible to receive compensation as provided in section 7E.6.

Sec. 84. Section 462A.2, subsection 24, Code Supplement 2011, is amended to read as follows:

24. *"Operate"* means to navigate or otherwise use a vessel or motorboat. For the purposes of section 462A.12, subsection 2, sections 462A.14, 462A.14A, 462A.14B, 462A.14C, 462A.14D, and 462A.14E, and section 462A.23, subsection 2, paragraph *"b"*, *"operate"*, when used in reference to a motorboat, means the motorboat is powered by a motor which is running, and when used in reference to a sailboat, means the sailboat is either powered by a motor which is running, or the sailboat is under way and has sails hoisted and is not propelled by a motor~~, and is under way~~.

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1 Sec. 85. Section 465A.2, subsection 1, paragraph b,
2 unnumbered paragraph 1, Code Supplement 2011, is amended to
3 read as follows:
4 Prepare a statewide, long-range plan for the acquisition
5 and protection of significant open space lands throughout the
6 state as identified in section 465A.1. The department of
7 transportation, department of economic development ~~authority~~,
8 and department of cultural affairs, private organizations,
9 county conservation boards, city park and recreation
10 departments, and the federal agencies with lands in the state
11 shall be directly involved in preparing the plan. The plan
12 shall include, but is not limited to, the following elements:
13 Sec. 86. Section 466B.3, subsection 4, paragraph m, Code
14 Supplement 2011, is amended by striking the paragraph.
15 Sec. 87. Section 468.221, subsection 2, paragraph b, Code
16 Supplement 2011, is amended to read as follows:
17 *b.* If the written communication is to be delivered to a
18 local government, it may be delivered to the governing body of
19 the local government. The written communication may also be
20 delivered to a person designated by the governing body. As
21 used in this ~~paragraph~~ section, *"local government"* includes
22 a county, city, township, or any special purpose district or
23 authority.
24 Sec. 88. Section 473.1, subsections 1 and 6, Code Supplement
25 2011, are amended to read as follows:
26 1. *"Alternative and renewable energy"* means ~~the same~~
27 ~~as in section 469.31~~ energy sources including but not
28 limited to solar, wind turbine, waste management, resource
29 recovery, recovered energy generation, refuse-derived fuel,
30 hydroelectric, agricultural crops or residues, hydrogen
31 produced using renewable fuel sources, and woodburning, or
32 relating to renewable fuel development and distribution.
33 6. *"Renewable fuel"* means ~~the same as in section 469.31~~ a
34 fuel that is all of the following:
35 *a.* A motor vehicle fuel that is any of the following:

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(1) Produced from grain; starch; oilseed; vegetable, animal, or fish materials, including but not limited to fats, greases, and oil; sugar components, grasses, or potatoes; or other biomass.

(2) Natural gas produced from a biogas source including but not limited to a landfill, sewage waste treatment plant, animal feeding operation, or other place where decaying organic material is found.

b. Used to replace or reduce the quantity of fossil fuel present in a motor fuel mixture used to operate a motor vehicle.

Sec. 89. Section 473.7, subsection 2, Code Supplement 2011, is amended to read as follows:

2. ~~The authority shall collect~~ Collect and analyze data to use in forecasting future energy demand and supply for the state. A supplier is required to provide information pertaining to the supply, storage, distribution, and sale of energy sources in this state when requested by the authority. The information shall be of a nature which directly relates to the supply, storage, distribution, and sale of energy sources, and shall not include any records, documents, books, or other data which relate to the financial position of the supplier. The authority, prior to requiring any supplier to furnish it with such information, shall make every reasonable effort to determine if such information is available from any other governmental source. If it finds such information is available, the authority shall not require submission of the information from a supplier. Notwithstanding the provisions of chapter 22, information and reports obtained under this section shall be confidential except when used for statistical purposes without identifying a specific supplier and when release of the information will not give an advantage to competitors and serves a public purpose. The authority shall use this data to conduct energy forecasts.

Sec. 90. Section 473.10, subsection 4, Code Supplement

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2011, is amended to read as follows:

4. The ~~director~~ authority shall adopt rules to implement this section.

Sec. 91. Section 476.1C, subsection 1, Code 2011, is amended to read as follows:

1. Gas public utilities having fewer than two thousand customers ~~are~~:

a. Are not subject to the regulation authority of the utilities board under this chapter unless otherwise specifically provided. Sections 476.10, 476.20, 476.21, and 476.51 apply to such gas utilities.

b. ~~Gas public utilities having fewer than two thousand customers shall~~ Shall be subject to the assessment of fees for the support of the Iowa energy center created in section 266.39C and the center for global and regional environmental research created by the state board of regents and shall file energy efficiency plans and energy efficiency results with the board. The energy efficiency plans as a whole shall be cost-effective. The board may waive all or part of the energy efficiency filing requirements if the gas utility demonstrates superior results with existing energy efficiency efforts.

c. ~~Gas public utilities having fewer than two thousand customers shall~~ Shall keep books, accounts, papers and records accurately and faithfully in the manner and form prescribed by the board. The board may inspect the accounts of the utility at any time.

d. (1) ~~A gas public utility having fewer than two thousand customers may~~ May make effective a new or changed rate, charge, schedule, or regulation after giving written notice of the proposed new or changed rate, charge, schedule, or regulation to all affected customers served by the public utility. The notice shall inform the customers of their right to petition for a review of the proposal to the utilities board within sixty days after notice is served if the petition contains the signatures of at least one hundred of the gas

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1 utility's customers. The notice shall state the address of the
2 utilities board. The new or changed rate, charge, schedule, or
3 regulation takes effect sixty days after such valid notice is
4 served unless a petition for review of the new or changed rate,
5 charge, schedule, or regulation signed by at least one hundred
6 of the gas utility's customers is filed with the board prior to
7 the expiration of the sixty-day period.
8 (2) If such a valid petition is filed with the board
9 within the sixty-day period, any new or changed rate, charge,
10 schedule, or regulation shall take effect, under bond or
11 corporate undertaking, subject to refund of all amounts
12 collected in excess of those amounts which would have been
13 collected under the rates or charges finally approved by the
14 board. The board shall within five months of the date of
15 filing make a determination of just and reasonable rates based
16 on a review of the proposal, applying established regulatory
17 principles. The board may call upon the gas public utility
18 and its customers to furnish factual evidence in support of or
19 opposition to the new or changed rate, charge, schedule, or
20 regulation. If the gas public utility disputes the finding,
21 the utility may within twenty days file for further review, and
22 the board shall docket the case as a formal proceeding under
23 section 476.6, subsection 4, and set the case for hearing. The
24 gas public utility shall submit factual evidence and written
25 argument in support of the filing.
26 *e.* ~~A gas public utility having fewer than two thousand~~
27 ~~customers shall~~ Shall not make effective a new or changed rate,
28 charge, schedule, or regulation which relates to services for
29 which a rate change is pending within twelve months following
30 the date the petition to review the prior proposed rate,
31 charge, schedule, or regulation was filed with the board
32 or until the board has made its determination of just and
33 reasonable rates, whichever date is earlier, unless the utility
34 applies to the board for authority and receives authority to
35 make a subsequent rate change at an earlier date.

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1 *f.* ~~Gas public utilities having fewer than two thousand~~
2 ~~customers shall~~ Shall not make or grant any unreasonable
3 preferences or advantages as to rates or services to any
4 person or subject any person to any unreasonable prejudice
5 or disadvantage. Rates charged by a gas public utility
6 having less than two thousand customers for transportation of
7 customer-owned gas shall not exceed the actual cost of such
8 transportation services including a fair rate of return.
9 Sec. 92. Section 476C.4, subsection 4, paragraph b,
10 subparagraph (2), Code Supplement 2011, is amended to read as
11 follows:
12 (2) The applicant shall, in the application made under this
13 section, identify the equity holders or beneficiaries that
14 are to receive the tax credit certificates and the percentage
15 of the tax credit that is allocable to each equity holder or
16 beneficiary.
17 Sec. 93. Section 483A.24, subsection 1, Code Supplement
18 2011, is amended to read as follows:
19 1. Owners or tenants of land, and their ~~juvenile~~ minor
20 children, may hunt, fish or trap upon such lands and may shoot
21 by lawful means ground squirrels, gophers, or woodchucks upon
22 adjacent roads without securing a license so to do; except,
23 special licenses to hunt deer and wild turkey shall be required
24 of owners and tenants but they shall not be required to have a
25 special wild turkey hunting license to hunt wild turkey on a
26 hunting preserve licensed under chapter 484B.
27 Sec. 94. Section 483A.24, subsection 2, paragraph a,
28 subparagraph (3), subparagraph division (b), Code Supplement
29 2011, is amended to read as follows:
30 (b) An *"owner"* does not mean a person who owns a farm unit
31 and who employs a farm manager or third party to operate the
32 farm unit, or a person who owns a farm unit and who rents the
33 entire farm unit to a tenant who is responsible for all farm
34 operations. However, this ~~paragraph~~ subparagraph division does
35 not apply to an owner who is a parent of the tenant and who

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1 resides in this state.
2 Sec. 95. Section 496B.12, Code Supplement 2011, is amended
3 to read as follows:
4 **496B.12 Articles amended.**
5 1. The articles of incorporation of any development
6 corporation may be amended by the votes of the shareholders and
7 the members thereof voting separately by classes.
8 2. Any amendment shall require approval by the affirmative
9 vote of two-thirds of the votes to which the shareholders shall
10 be entitled and two-thirds of the votes to which the members
11 shall be entitled. No amendment, however, shall be made
12 which: ~~(1)~~
13 *a.* ~~is~~ Is inconsistent with this chapter~~;~~. ~~(2)~~
14 *b.* ~~authorizes~~ Authorizes any additional class or classes of
15 shares of capital stock~~;~~. ~~(3)~~
16 *c.* ~~eliminates~~ Eliminates or curtails the authority of the
17 authority with respect to the corporation.
18 3. Without the consent of each of the members affected, no
19 amendment shall be made which does any of the following: ~~(1)~~
20 *a.* ~~increases~~ Increases the obligation of a member to make
21 loans to the corporation~~;~~. ~~(2)~~
22 *b.* ~~makes~~ Makes any change in the principal amount, interest
23 rate, maturity date, or in the security or credit position of
24 any outstanding loan of a member to the corporation~~;~~. ~~(3)~~
25 *c.* ~~affects~~ Affects a member's right to withdraw from
26 membership, as provided herein~~, or~~. ~~(4)~~
27 *d.* ~~affects~~ Affects a member's voting rights in the
28 corporation.
29 4. Within thirty days after any meeting at which amendment
30 of any such articles has been adopted, articles of amendment
31 signed and sworn to by the president, secretary, and majority
32 of the directors, setting forth such amendment and the due
33 adoption thereof, shall be submitted to the director of the
34 authority who shall examine them, and if the director finds
35 that they conform to the requirements of this chapter, shall

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1 so certify and endorse the director's approval thereof.
2 Thereupon, the articles of amendment shall be filed in the
3 office of the secretary of state in the manner set forth and
4 as provided in the Iowa business corporation Act, chapter 490,
5 and no such amendment shall take effect until such articles of
6 amendment shall have been approved and filed as aforesaid.
7 5. Within sixty days after the effective date of any
8 legislative amendment affecting the rights and obligations
9 of the members and shareholders or otherwise affecting the
10 articles of incorporation, the approval of such legislative
11 amendments shall be voted on by the shareholders and the
12 members of the development corporation at a meeting duly
13 called for that purpose. If such legislative amendment is not
14 approved by the affirmative vote of two-thirds of the votes to
15 which such shareholders shall be entitled and two-thirds of the
16 votes to which such members shall be entitled, any such member
17 voting against the approval of such legislative amendment shall
18 have the right to withdraw from membership as provided in this
19 chapter.
20 6. Within thirty days after any meeting at which a
21 legislative amendment affecting the articles of incorporation
22 of a development corporation has been voted on, a certificate
23 filed and sworn to by the secretary or other recording officer
24 of such corporation setting forth the action taken at such
25 meeting with respect to such amendment shall be submitted to
26 the director of the authority and upon receipt of such approval
27 shall be filed in the office of the secretary of state.
28 Sec. 96. Section 501A.504, subsection 4, Code Supplement
29 2011, is amended to read as follows:
30 4. *Filing.* An amendment of the articles shall be filed with
31 the secretary as required in section 501A.201. The amendment
32 is effective as provided in subchapter II. After an amendment
33 to the articles of organization has been adopted and approved
34 in the manner required by this chapter and by the articles of
35 organization, the cooperative shall deliver to the secretary of

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1 state for filing articles of amendment which shall set forth
2 all of the following:
3 *a.* The name of the cooperative.
4 *b.* The text of each amendment adopted.
5 *c.* The date of each amendment's adoption.
6 *d.* (1) If the amendment was adopted by the directors ~~or~~
7 ~~members~~, a statement that the amendment was duly adopted in
8 the manner required by this chapter and by the articles of
9 organization and that members' adoption was not required.
10 ~~*e.*~~ (2) If an amendment required adoption by the members, a
11 statement that the amendment was duly adopted by the members
12 in the manner required by this chapter and by the articles of
13 organization.
14 Sec. 97. Section 507B.7, subsection 1, paragraph a, Code
15 Supplement 2011, is amended to read as follows:
16 *a.* Payment of a civil penalty of not more than one thousand
17 dollars for each act or violation of this subtitle, but not
18 to exceed an aggregate of ten thousand dollars, unless the
19 person knew or reasonably should have known the person was in
20 violation of this subtitle, in which case the penalty shall be
21 not more than five thousand dollars for each act or violation,
22 but not to exceed an aggregate penalty of fifty thousand
23 dollars in any one six-month period. If the commissioner finds
24 that a violation of this subtitle was directed, encouraged,
25 condoned, ignored, or ratified by the employer of the person
26 or by an insurer, the commissioner shall also assess a ~~fine~~
27 penalty to the employer or insurer.
28 Sec. 98. Section 509.3, subsection 1, paragraph d, Code
29 2011, is amended to read as follows:
30 *d.* A provision that if the insurance on a person or
31 insurance on a person and the person's dependents covered by
32 the policy ceases because of termination of employment or of
33 membership in the class, the person and the person's dependents
34 may continue their accident or health insurance under the
35 group policy ~~and may subsequently apply for a converted policy~~

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1 ~~without evidence of insurability, as provided in chapter 509B~~.
2 Sec. 99. Section 514J.108, subsection 1, paragraph c, Code
3 Supplement 2011, is amended to read as follows:
4 *c.* A final adverse determination that concerns an admission,
5 availability of care, continued stay, or health care service
6 for which the covered person received emergency services, and
7 the covered person has not been discharged from a facility.
8 Sec. 100. Section 515C.2, subsection 1, Code 2011, is
9 amended to read as follows:
10 1. An insurer, in order to qualify for writing mortgage
11 guaranty insurance, must have the same surplus to policyholders
12 as that required of a multiple line company by section ~~515.49,~~
13 ~~subsection 8~~ 515.8.
14 Sec. 101. Section 523C.13, subsection 1, Code Supplement
15 2011, is amended to read as follows:
16 1. Payment of a civil penalty of not more than one thousand
17 dollars for each and every act or violation, but not to exceed
18 an aggregate of ten thousand dollars, unless the person knew
19 or reasonably should have known the person was in violation of
20 this section, in which case the penalty shall be not more than
21 five thousand dollars for each and every act or violation, but
22 not to exceed an aggregate penalty of fifty thousand dollars
23 in any one six-month period. The commissioner shall, if it
24 finds the violations of this section were directed, encouraged,
25 condoned, ignored, or ratified by the employer of such person,
26 assess such ~~fine~~ penalty to the employer and not such person.
27 Any civil penalties collected under this subsection shall be
28 deposited as provided in section 505.7.
29 Sec. 102. Section 524.904, subsection 3, paragraph c, Code
30 Supplement 2011, is amended to read as follows:
31 *c.* Shipping documents or instruments that secure title
32 to or give a first lien on livestock. At inception, the
33 current value of the livestock securing the loans must equal
34 at least one hundred percent of the amount of the outstanding
35 loans and extensions of credit. For purposes of this section,

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1 *"livestock"* includes dairy and beef cattle, hogs, sheep, and
2 poultry, whether or not held for resale. For livestock held
3 for resale, current value means the price listed for livestock
4 in a regularly published listing or actual purchase price
5 established by invoice. For livestock not held for resale,
6 the value shall be determined by the local slaughter price.
7 The state bank must maintain in its files evidence of purchase
8 or an inspection and valuation for the livestock pledged that
9 is reasonably current, taking into account the nature and
10 frequency of turnover of the livestock to which the documents
11 relate.
12 Sec. 103. Section 524.904, subsection 5, paragraph c, Code
13 Supplement 2011, is amended to read as follows:
14 *c.* To demonstrate compliance with this subsection, a state
15 bank shall maintain in its files, at a minimum, all of the
16 following:
17 (1) Documentation demonstrating the current ownership of
18 the borrowing entity.
19 (2) Documentation identifying the persons who have voting
20 rights in the borrowing entity.
21 (3) Documentation identifying the board of directors and
22 senior management of the borrowing entity.
23 (4) The state bank's assessment of the borrowing entity's
24 means of servicing the loan or extension of credit, including
25 specific reasons in support of that assessment. The assessment
26 shall include an analysis of the borrowing entity's financial
27 history, its present and projected economic and financial
28 performance, and the significance of any financial support
29 provided to the borrowing entity by members of the borrowing
30 group and third parties.
31 Sec. 104. Section 524.904, subsection 7, paragraph m, Code
32 Supplement 2011, is amended to read as follows:
33 *m.* A renewal or restructuring of a loan as a new loan or
34 extension of credit following the exercise by a state bank of
35 reasonable efforts, consistent with safe and sound banking

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1 practices, to bring the loan into conformance with the lending
2 limit, unless new funds are advanced by the state bank to
3 the borrower or unless a new borrower replaces the original
4 borrower or unless the superintendent determines that the
5 renewal or restructuring was undertaken as a means to evade the
6 state bank's lending limit.
7 Sec. 105. Section 568.16, Code Supplement 2011, is amended
8 to read as follows:
9 **568.16 Purchase money refunded.**
10 If the grantee of the state, or the grantee's successors,
11 administrators, or assigns, shall be deprived of the land
12 conveyed by the state under this chapter by the final decree
13 of a court of record for the reason that the conveyance by
14 the state did not pass title to the land described, because
15 title to the land had previously for any reason been vested
16 in others, then the money paid ~~by~~ to the state for the land
17 shall be refunded by the state to the person or persons
18 entitled to the refund, provided the grantee, or the grantee's
19 successors, administrators, or assigns, shall file a certified
20 copy of the transcript of the final decree with the executive
21 council within one year from the date of the issuance of
22 such decree, and shall also file satisfactory proof with the
23 executive council that the action over the title to the land
24 was commenced within ten years from the date of the issuance of
25 patent or deed by the state. The amount of money to be refunded
26 under the provisions of this section shall be authorized
27 and paid by the executive council as an expense from the
28 appropriations addressed in section 7D.29.
29 Sec. 106. Section 602.9202, subsection 4, Code 2011, is
30 amended to read as follows:
31 4. *"Senior judge retirement age"* means seventy-eight years
32 of age or, if the senior judge is reappointed as a senior
33 judge for an additional ~~two-year~~ one-year term upon attaining
34 seventy-eight years of age pursuant to section 602.9203, eighty
35 years of age.

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1 Sec. 107. Section 631.17, subsection 4, Code Supplement
2 2011, is amended to read as follows:
3 4. The district court shall dismiss any case subsequently
4 brought directly or indirectly by a person subject to a bar
5 pursuant to subsection 1 in violation of that subsection and
6 shall assess all costs to that person, and the court shall
7 assess a further civil ~~fine~~ penalty of one hundred dollars
8 against that person for each such case dismissed.
9 Sec. 108. Section 633.3, subsection 8, Code Supplement
10 2011, is amended to read as follows:
11 8. *Costs of administration* — includes court costs,
12 fiduciary's fees, attorney fees, all appraisers' fees, premiums
13 on corporate surety bonds, statutory allowance for support
14 of surviving spouse and children, cost of continuation of
15 abstracts of title, recording fees, transfer fees, transfer
16 taxes, agents' fees allowed by order of court, interest
17 expense, including, but not limited to, interest payable on
18 extension of federal and state estate tax, and all other fees
19 and expenses allowed by order of court in connection with
20 the administration of the estate. Court costs shall include
21 expenses of selling property.
22 Sec. 109. Section 633A.3106, subsection 2, Code Supplement
23 2011, is amended to read as follows:
24 2. For the purposes of this section, a child born after the
25 death of the settlor who would have been entitled to a share
26 of the settlor's probate estate pursuant to section 633.267
27 shall be treated as a child of the settlor ~~for purposes of this~~
28 ~~section~~.
29 Sec. 110. Section 655A.3, subsection 1, paragraph b, Code
30 2011, is amended to read as follows:
31 *b.* The notice shall contain the following in capital letters
32 of the same type or print size as the rest of the notice:
33 WITHIN THIRTY DAYS AFTER YOUR RECEIPT OF THIS NOTICE, YOU
34 MUST EITHER CURE THE DEFAULTS DESCRIBED IN THIS NOTICE OR FILE
35 WITH THE RECORDER OF THE COUNTY WHERE THE MORTGAGED PROPERTY

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1 IS LOCATED A REJECTION OF THIS NOTICE AND SERVE A COPY OF YOUR
2 REJECTION ON THE MORTGAGEE IN THE MANNER PROVIDED ~~BY THE RULES~~
3 ~~OF CIVIL PROCEDURE FOR SERVICE OF ORIGINAL NOTICES~~ IN SECTION
4 655A.4. IF YOU WISH TO REJECT THIS NOTICE, YOU SHOULD CONSULT
5 AN ATTORNEY AS TO THE PROPER MANNER TO MAKE THE REJECTION.
6 IF YOU DO NOT TAKE EITHER OF THE ACTIONS DESCRIBED ABOVE
7 WITHIN THE THIRTY-DAY PERIOD, THE FORECLOSURE WILL BE COMPLETE
8 AND YOU WILL LOSE TITLE TO THE MORTGAGED PROPERTY. AFTER THE
9 FORECLOSURE IS COMPLETE THE DEBT SECURED BY THE MORTGAGED
10 PROPERTY WILL BE EXTINGUISHED.
11 Sec. 111. Section 692A.118, subsections 11 and 12, Code
12 Supplement 2011, are amended to read as follows:
13 11. When the department has a reasonable basis to believe
14 that a sex offender has changed residence to an unknown
15 location, has become a fugitive from justice, or has otherwise
16 taken flight, ~~the department shall~~ make a reasonable effort to
17 ascertain the whereabouts of the offender, and if such effort
18 fails to identify the location of the offender, an appropriate
19 notice shall be made on the sex offender registry internet
20 site of this state and shall be transmitted to the national
21 sex offender registry. The department shall notify other law
22 enforcement agencies as deemed appropriate.
23 12. ~~The department shall notify~~ Notify appropriate law
24 enforcement agencies including the United States marshal
25 service to investigate and verify possible violations. The
26 department shall ensure any warrants for arrest are entered
27 into the Iowa online warrant and articles system and the
28 national crime information center and pursue prosecution of
29 stated violations through state or federal court.
30 Sec. 112. Section 714.27, subsection 2, paragraph a, Code
31 Supplement 2011, is amended to read as follows:
32 *a.* ~~The identity of~~ Identifying information for the person
33 from whom the salvaged material was received or purchased,
34 including name and address; date of birth; Iowa driver's
35 license number, Iowa nonoperator's identification card

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number, or social security number in conjunction with photo identification; sex, age, height, and race.

Sec. 113. Section 717F.1, subsection 5, paragraph a, subparagraph (9), Code Supplement 2011, is amended by striking the subparagraph.

Sec. 114. Section 717F.1, subsection 5, paragraph a, subparagraph (10), subparagraph division (d), Code Supplement 2011, is amended to read as follows:

(d) A member of the family elapidae, ~~voperidae~~ viperidae, crotalidae, atractaspidae, or hydrophidae which are venomous, including but not limited to cobras, mambas, coral snakes, kraits, adders, vipers, rattlesnakes, copperheads, pit vipers, keelbacks, cottonmouths, and sea snakes.

Sec. 115. Section 717F.8, subsection 2, paragraph j, Code 2011, is amended to read as follows:

j. Fifty dollars for a member of the family elapidae, ~~voperidae~~ viperidae, crotalidae, atractaspidae, or hydrophidae which are venomous, including but not limited to cobras, mambas, coral snakes, kraits, adders, vipers, rattlesnakes, copperheads, pit vipers, keelbacks, cottonmouths, and sea snakes.

Sec. 116. Section 805.8A, subsection 13, paragraph f, Code Supplement 2011, is amended to read as follows:

f. For violations of section 327B.1, subsection 1 or ~~2~~ 3, the scheduled fine is two hundred fifty dollars.

Sec. 117. Section 811.1, subsection 1, Code Supplement 2011, is amended to read as follows:

1. A defendant awaiting judgment of conviction and sentencing following either a plea or verdict of guilty of a class "A" felony~~,~~; forcible felony as defined in section 702.11~~,~~; any class "B" felony included in section 462A.14 or 707.6A; any felony included in section 124.401, subsection 1, paragraph "*a*" or "*b*"; ~~or~~ a second or subsequent offense under section 124.401, subsection 1, paragraph "*c*"; any felony punishable under section 902.9, subsection 1; any public

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1 offense committed while detained pursuant to section 229A.5;
2 or any public offense committed while subject to an order of
3 commitment pursuant to chapter 229A.
4 Sec. 118. Section 907.5, Code Supplement 2011, is amended
5 to read as follows:
6 **907.5 Standards for release on probation — written reasons.**
7 1. Before deferring judgment, deferring sentence, or
8 suspending sentence, the court first shall determine which
9 option, if available, will provide maximum opportunity for
10 the rehabilitation of the defendant and protection of the
11 community from further offenses by the defendant and others.
12 In making this determination, the court shall consider all of
13 the following:
14 *a.* The age of the defendant~~; the~~.
15 *b.* The defendant's prior record of convictions and prior
16 record of deferments of judgment if any~~; the~~.
17 *c.* The defendant's employment circumstances~~; the~~.
18 *d.* The defendant's family circumstances~~; the~~.
19 *e.* The defendant's mental health and substance abuse history
20 and treatment options available in the community and the
21 correctional system~~; the~~.
22 *f.* The nature of the offense committed~~; and such~~.
23 *g.* Such other factors as are appropriate.
24 2. The court shall file a specific written statement of
25 its reasons for and the facts supporting its decision to defer
26 judgment, to defer sentence, or to suspend sentence, and its
27 decision on the length of probation.
28 Sec. 119. REPEAL. Section 15.103, Code Supplement 2011, is
29 repealed.
30 Sec. 120. REPEAL. Section 135.160, Code 2011, is repealed.
31 Sec. 121. 2011 Iowa Acts, chapter 113, section 45, is
32 amended by striking the section and inserting in lieu thereof
33 the following:
34 SEC. 45. Section 159.20, subsection 1, paragraph j, Code
35 2011, is amended to read as follows:

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1 *j.* Provide for the promotion and expansion of renewable
2 fuels and coproducts, by doing all of the following:
3 ~~*j.*~~ (1) Assist the office of renewable fuels and coproducts
4 in administering the provisions of chapter 159A, subchapter II.
5 (2) Assist the renewable fuel infrastructure board, provide
6 for the administration of the renewable fuel infrastructure
7 programs, and provide for the management of the renewable fuel
8 infrastructure fund, as provided in chapter 159A, subchapter
9 III.
10 Sec. 122. 2011 Iowa Acts, chapter 131, section 134, is
11 amended to read as follows:
12 SEC. 134. 2011 Iowa Acts, Senate File 510, section ~~28~~ 27, if
13 enacted, is amended to read as follows:
14 ~~SEC. 28.~~ SEC. 27. EFFECTIVE DATE. The following provision
15 of this division of this Act takes effect thirty days after
16 enactment~~, notwithstanding section 3.7~~ of this Act or thirty
17 days after the enactment of 2011 Iowa Acts, Senate File 533,
18 if enacted, whichever is later:
19 The section of this division of this Act ~~amending~~ enacting
20 section 124.204, subsection 4, paragraph "ai", subparagraphs
21 (1) through (4).
22 Sec. 123. 2011 Iowa Acts, chapter 131, section 135, is
23 amended to read as follows:
24 SEC. 135. 2011 Iowa Acts, Senate File 510, section ~~29~~ 28, if
25 enacted, is amended to read as follows:
26 ~~SEC. 29.~~ SEC. 28. EFFECTIVE UPON ENACTMENT. The following
27 provision of this division of this Act, being deemed of
28 immediate importance, ~~and notwithstanding section 3.7~~ takes
29 effect upon enactment of this Act or upon enactment of 2011
30 Iowa Acts, Senate File 533, if enacted, whichever is later:
31 The section of this Act ~~amending~~ enacting section 124.204,
32 subsection 4, paragraph "ai", subparagraph (5).
33 DIVISION II
34 INTERNAL REFERENCES
35 Sec. 124. Section 7E.5A, subsection 4, Code 2011, is amended

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to read as follows:

4. As used in this section, *"vertical infrastructure"* means the same as defined in section 8.57, subsection ~~6~~ 5, paragraph *"c"*.

Sec. 125. Section 8.22A, subsection 5, paragraph b, Code Supplement 2011, is amended to read as follows:

b. The amount of revenue for the following fiscal year from gambling revenues and from interest earned on the cash reserve fund and the economic emergency fund to be deposited in the rebuild Iowa infrastructure fund under section 8.57, subsection ~~6~~ 5, paragraph *"e"*.

Sec. 126. Section 8.57A, subsection 4, Code Supplement 2011, is amended to read as follows:

4. *a.* There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 2013, and for each fiscal year thereafter, the sum of forty-two million dollars to the environment first fund, notwithstanding section 8.57, subsection ~~6~~ 5, paragraph *"c"*.

b. There is appropriated from the rebuild Iowa infrastructure fund each fiscal year for the period beginning July 1, 2010, and ending June 30, 2012, the sum of thirty-three million dollars to the environment first fund, notwithstanding section 8.57, subsection ~~6~~ 5, paragraph *"c"*.

c. There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the sum of thirty-five million dollars to the environment first fund, notwithstanding section 8.57, subsection ~~6~~ 5, paragraph *"c"*.

Sec. 127. Section 8.57C, subsection 3, paragraphs b through d, Code Supplement 2011, are amended to read as follows:

b. There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the sum of seventeen million five hundred thousand dollars, and for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the sum of fourteen

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1 million five hundred twenty-five thousand dollars to the
2 technology reinvestment fund, notwithstanding section 8.57,
3 subsection ~~6~~ 5, paragraph *"c"*.
4 *c.* There is appropriated from the rebuild Iowa
5 infrastructure fund for the fiscal year beginning July 1, 2010,
6 and ending June 30, 2011, the sum of ten million dollars to the
7 technology reinvestment fund, notwithstanding section 8.57,
8 subsection ~~6~~ 5, paragraph *"c"*.
9 *d.* There is appropriated from the rebuild Iowa
10 infrastructure fund for the fiscal year beginning July 1,
11 2011, and ending June 30, 2012, the sum of fifteen million,
12 five hundred forty-one thousand dollars to the technology
13 reinvestment fund, notwithstanding section 8.57, subsection ~~6~~
14 5, paragraph *"c"*.
15 Sec. 128. Section 8A.123, subsection 1, Code 2011, is
16 amended to read as follows:
17 1. Activities of the department shall be accounted
18 for within the general fund of the state, except that the
19 director may establish and maintain internal service funds in
20 accordance with generally accepted accounting principles, as
21 defined in section 8.57, subsection ~~5~~ 4, for activities of
22 the department which are primarily funded from billings to
23 governmental entities for services rendered by the department.
24 The establishment of an internal service fund is subject to
25 the approval of the director of the department of management
26 and the concurrence of the auditor of state. At least ninety
27 days prior to the establishment of an internal service fund
28 pursuant to this section, the director shall notify in writing
29 the general assembly, including the legislative council,
30 legislative fiscal committee, and the legislative services
31 agency.
32 Sec. 129. Section 12.87, subsection 1, paragraph b,
33 subparagraph (1), Code Supplement 2011, is amended to read as
34 follows:
35 (1) On or after July 1, 2009, the treasurer of state may

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1 issue and sell bonds in amounts which provide aggregate net
2 proceeds of not more than one hundred eighty-five million
3 dollars for capital projects which qualify as vertical
4 infrastructure projects as defined in section 8.57, subsection
5 ~~6~~ 5, paragraph *"c"*, to the extent practicable in any fiscal year
6 and without limiting other qualifying capital expenditures.
7 Sec. 130. Section 12.89, subsection 2, paragraph b, Code
8 2011, is amended to read as follows:
9 *b.* The revenues required to be deposited into the fund
10 pursuant to section 8.57, subsection ~~6~~ 5, paragraph *"e"*,
11 subparagraphs (1) and (2).
12 Sec. 131. Section 12.89A, subsection 2, paragraph a, Code
13 Supplement 2011, is amended to read as follows:
14 *a.* The revenues required to be deposited in the fund
15 pursuant to section 8.57, subsection ~~6~~ 5, paragraph *"e"*,
16 subparagraphs (1) and (2).
17 Sec. 132. Section 12E.12, subsection 1, paragraph b,
18 subparagraphs (1) and (2), Code 2011, are amended to read as
19 follows:
20 (1) The tax-exempt bond proceeds restricted capital funds
21 account. The net proceeds of tax-exempt bonds issued to
22 provide funds for capital projects, certain debt service, and
23 attorney fees related to the master settlement agreement which
24 the state treasurer is authorized and directed to deposit on
25 behalf of the state shall be deposited in the account and shall
26 be used to fund capital projects, certain debt service, and
27 the payment of attorney fees related to the master settlement
28 agreement. With respect to capital projects, it is the
29 intent of the general assembly to fund capital projects that
30 qualify as vertical infrastructure projects as defined in
31 section 8.57, subsection ~~6~~ 5, paragraph *"c"*, to the extent
32 practicable in any fiscal year and without limiting other
33 qualifying capital expenditures considered and approved by a
34 constitutional majority of each house of the general assembly
35 and the governor.

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1 (2) The FY 2009 tax-exempt bond proceeds restricted
2 capital funds account. The net proceeds of tax-exempt bonds
3 issued after July 1, 2008, as a result of the securitization
4 of any remaining tobacco settlement payments to provide
5 funds for capital projects which the treasurer of state is
6 authorized and directed to deposit on behalf of the state
7 shall be deposited in the account and shall be used to fund
8 capital projects. With respect to capital projects, it is
9 the intent of the general assembly to fund capital projects
10 that qualify as vertical infrastructure projects as defined
11 in section 8.57, subsection ~~6~~ 5, paragraph *"c"*, to the extent
12 practicable in any fiscal year and without limiting other
13 qualifying capital expenditures considered and approved by a
14 constitutional majority of each house of the general assembly
15 and the governor.
16 Sec. 133. Section 15G.110, Code Supplement 2011, is amended
17 to read as follows:
18 **15G.110 Appropriation.**
19 For the fiscal year beginning July 1, 2011, and ending June
20 30, 2012, there is appropriated to the economic development
21 authority fifteen million dollars from the rebuild Iowa
22 infrastructure fund for deposit in the economic development
23 fund, notwithstanding section 8.57, subsection ~~6~~ 5, paragraph
24 *"c"*.
25 Sec. 134. Section 16.193, subsection 2, Code Supplement
26 2011, is amended to read as follows:
27 2. For the period beginning July 1, 2009, and ending June
28 30, 2011, two hundred thousand dollars of the moneys deposited
29 in the rebuild Iowa infrastructure fund shall be allocated
30 each fiscal year to the Iowa finance authority for purposes of
31 administering the Iowa jobs program and Iowa jobs II program,
32 notwithstanding section 8.57, subsection ~~6~~ 5, paragraph *"c"*.
33 Sec. 135. Section 99G.39, subsection 3, paragraph a, Code
34 2011, is amended to read as follows:
35 *a.* Notwithstanding subsection 1, if gaming revenues under

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1 sections 99D.17 and 99F.11 are insufficient in a fiscal year to
2 meet the total amount of such revenues directed to be deposited
3 in the vision Iowa fund and the school infrastructure fund
4 during the fiscal year pursuant to section 8.57, subsection ~~6~~
5 5, paragraph *"e"*, the difference shall be paid from lottery
6 revenues prior to deposit of the lottery revenues in the
7 general fund. If lottery revenues are insufficient during the
8 fiscal year to pay the difference, the remaining difference
9 shall be paid from lottery revenues in subsequent fiscal years
10 as such revenues become available.
11 Sec. 136. Section 123.53, subsection 3, Code Supplement
12 2011, is amended to read as follows:
13 3. Notwithstanding subsection 2, if gaming revenues under
14 sections 99D.17 and 99F.11 are insufficient in a fiscal year to
15 meet the total amount of such revenues directed to be deposited
16 in the revenue bonds debt service fund and the revenue bonds
17 federal subsidy holdback fund during the fiscal year pursuant
18 to section 8.57, subsection ~~6~~ 5, paragraph *"e"*, the difference
19 shall be paid from moneys deposited in the beer and liquor
20 control fund prior to transfer of such moneys to the general
21 fund pursuant to subsection 2 and prior to the transfer of such
22 moneys pursuant to subsections 5 and 6. If moneys deposited in
23 the beer and liquor control fund are insufficient during the
24 fiscal year to pay the difference, the remaining difference
25 shall be paid from moneys deposited in the beer and liquor
26 control fund in subsequent fiscal years as such moneys become
27 available.
28 Sec. 137. Section 260G.6, subsection 2, Code Supplement
29 2011, is amended to read as follows:
30 2. Projects funded pursuant to this section shall be for
31 vertical infrastructure as defined in section 8.57, subsection
32 ~~6~~ 5, paragraph *"c"*.
33 Sec. 138. Section 324A.6A, Code 2011, is amended to read as
34 follows:
35 **324A.6A Public transit infrastructure grant fund.**

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A public transit infrastructure grant fund is established within the department. Moneys in the fund shall be awarded to public transit systems within the state for construction and infrastructure projects that meet the definition of *"vertical infrastructure"* in section 8.57, subsection ~~6~~ 5, paragraph *"c"*. The fund shall consist of appropriations made to the fund and transfers of interest, earnings, and moneys from other funds as provided by law. In awarding grant assistance, the office of public transit within the department shall, by rule, specify certain criteria that must be included in a grant application, which shall include but not be limited to information on the feasibility of completion of an individual infrastructure project. Notwithstanding section 8.33, moneys in the public transit infrastructure grant fund shall not revert to the fund from which they are appropriated but shall remain available indefinitely for expenditure under this section.

Sec. 139. Section 461A.3A, subsection 1, Code Supplement 2011, is amended to read as follows:

1. The department shall establish a restore the outdoors program. The purpose of the program is to provide funding for projects involving existing vertical infrastructure as defined in section 8.57, subsection ~~6~~ 5, paragraph *"c"*, or the construction of new vertical infrastructure if the new construction is required due to increased demand for facilities at the park or if it is not cost-effective to repair or renovate the existing vertical infrastructure. Projects shall be limited to existing state parks and other public facilities managed by the department.

Sec. 140. Section 473.19A, subsection 3, Code Supplement 2011, is amended to read as follows:

3. The building energy management fund shall be limited to a maximum of one million dollars. Amounts in excess of this maximum limitation shall be transferred to and deposited in the rebuild Iowa infrastructure fund created in section 8.57, subsection ~~6~~ 5.

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1 DIVISION III
2 EFFECTIVE DATE AND APPLICABILITY PROVISIONS
3 Sec. 141. EFFECTIVE UPON ENACTMENT. The provisions in
4 division I of this Act, being deemed of immediate importance,
5 take effect upon enactment:
6 1. The section of this Act amending section 42.4, subsection
7 8.
8 2. The section of this Act amending section 15E.120.
9 3. The section of this Act amending 2011 Iowa Acts, chapter
10 113, section 45.
11 4. The section of this Act amending 2011 Iowa Acts, chapter
12 131, section 134.
13 5. The section of this Act amending 2011 Iowa Acts, chapter
14 131, section 135.
15 Sec. 142. EFFECTIVE DATE — CONTINGENT REPEAL. The section
16 of this Act amending section 321.18, Code 2011, by striking
17 subsection 9, takes effect on June 30, 2012, or on the date
18 that chapter 322E is repealed, whichever date is the latest.
19 Sec. 143. RETROACTIVE APPLICABILITY. The section of this
20 Act amending section 42.4, subsection 8, applies retroactively
21 to January 1, 2011.
22 Sec. 144. RETROACTIVE APPLICABILITY. The following
23 provision or provisions of this Act apply retroactively to July
24 1, 2011:
25 1. The section of this Act amending 15E.120.
26 2. The section of this Act amending 2011 Iowa Acts, chapter
27 113, section 45.
28 Sec. 145. RETROACTIVE APPLICABILITY. The provision in
29 division I of this Act amending 2011 Iowa Acts, chapter 131,
30 section 134, applies retroactively to the date which is 30 days
31 after July 29, 2011.
32 Sec. 146. RETROACTIVE APPLICABILITY. The provision in
33 division I of this Act amending 2011 Iowa Acts, chapter 131,
34 section 135, applies retroactively to July 29, 2011.
35 EXPLANATION

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1 This bill contains statutory corrections that adjust
2 language to reflect current practices, insert earlier
3 omissions, delete redundancies and inaccuracies, delete
4 temporary language, resolve inconsistencies and conflicts,
5 update ongoing provisions, or remove ambiguities. The Code
6 sections amended include the following:
7 DIVISION I. Code sections 8.55 and 8.57: Strikes language,
8 providing for appropriation of general fund surplus revenue
9 to the senior living trust fund, pursuant to the terms of
10 paragraph "d" of Code section 8.57 that provides for the
11 repeal of the language when the aggregate amount in the trust
12 fund equals $300 million. The fund reached that milestone in
13 2011. References to the rebuild Iowa infrastructure fund in
14 renumbered subsection 5 of Code section 8.57 are also changed
15 to distinguish references to that fund from references to other
16 infrastructure funds in that subsection. Internal references
17 to Code section 8.57 are also corrected in division II of this
18 bill.
19 Code section 8A.317: Strikes references to definitions
20 of "biobased material" and "biobased product" contained in
21 former Code section 469.31 and inserts language from the former
22 definitions provision into this Code section relating to state
23 purchases of biobased products. Code chapter 469 was repealed
24 by 2011 Iowa Acts, ch. 118, section 49, effective July 18,
25 2011, and applicable on July 1, 2011.
26 Code section 11.2: Corrects a textual internal reference to
27 auditor of state review requirements for investment companies,
28 banks, savings and loan associations, or credit unions employed
29 by the state board of regents.
30 Code section 11.5A: Adds the words "or examinations" to
31 this provision governing the payment of costs of audits or
32 examinations of state agencies by the auditor of state to
33 conform with similar changes made elsewhere in Code chapter 11
34 by 2011 Iowa Acts, ch. 75.
35 Code section 15.103: Repeals this Code section toward the

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1 end of the bill which establishes the Iowa economic development
2 board of the former department of economic development. This
3 provision was superseded by the enactment of Code section
4 15.105 by 2011 Iowa Acts, ch. 118, section 5, which creates the
5 economic development authority that replaces the department of
6 economic development and is governed by a board of 11 voting
7 members.
8 Code section 15.107: Strikes redundant language in a
9 provision relating to the purpose for which the Iowa innovation
10 corporation is established.
11 Code section 15.202: Strikes "with the approval of the
12 director" within this provision relating to the acceptance of
13 funds by the economic development authority to conform to the
14 hierarchy established for the administration of the economic
15 development programs and funds by the economic development
16 authority by 2011 Iowa Acts, ch. 118.
17 Code section 15.272: Clarifies in language relating to the
18 initial establishment of the statewide welcome center program
19 that the former department of economic development was the
20 entity responsible for program planning and development.
21 Code section 15.292: Replaces the word "board" with the word
22 "authority" in language relating to the entity responsible for
23 decisions relating to applications for financial assistance
24 from the brownfield redevelopment fund because, after the
25 enactment of 2011 Iowa Acts, ch. 118, what was once the "board"
26 under prior law is now the "economic development authority".
27 Code section 15.293A: Strikes the words "and the board"
28 and "with the approval of the board" from language relating
29 to review of applications for redevelopment tax credits by
30 the authority because, after the enactment of 2011 Iowa Acts,
31 ch. 118, what was once the "board" under prior law is now the
32 "economic development authority".
33 Code section 15.294: Replaces the word "board" with the
34 word "authority" in language relating to the brownfield
35 redevelopment advisory council because, after the enactment of

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1 2011 Iowa Acts, ch. 118, what was once the "board" under prior
2 law is now the "economic development authority".
3 Code section 15.301: Adds references to the former
4 department of economic development in the save our small
5 businesses fund and program language in provisions which relate
6 to activities which took place prior to the enactment of 2011
7 Iowa Acts, ch. 118, which established the economic development
8 authority.
9 Code section 15.331A: Clarifies that the department
10 of revenue is the entity which is responsible for the
11 administration of the refunding of sales or use tax imposed
12 on gas, electricity, water or sewer utility services, goods,
13 wares, or merchandise or on certain services rendered relating
14 to the construction or equipping of a facility under the high
15 quality jobs program.
16 Code section 15.411: Clarifies that it was the department
17 of economic development that received reports on bioscience,
18 advanced manufacturing, information technology, and
19 entrepreneurship in calendar years 2004, 2005, and 2006 as part
20 of the program for targeted industries development.
21 Code section 15E.64: Adds the word "board" in language
22 relating to the incorporators of the Iowa capital investment
23 corporation. 2011 Iowa Acts, ch. 118, provides, in the
24 amendments to Code section 15.105, that the economic
25 development authority is governed by a board.
26 Code section 15E.120: Substitutes, retroactive to July 1,
27 2011, for the date "July 18, 2011", "July 1" of that year to
28 reflect the retroactive applicability date for 2011 Iowa Acts,
29 ch. 118, in this provision relating to the administration of
30 loan repayments under the former Iowa community development
31 loan program.
32 Code section 15E.193: Strikes redundant language that
33 resulted from the application of directives by 2011 Iowa Acts,
34 ch. 118, in this provision regarding benefits required in
35 enterprise zones in order for a business to be eligible to

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1 receive economic development incentives.
2 Code section 15E.208: Adds references to the former
3 department of economic development in this provision regarding
4 Iowa agriculture industry finance loans in language which
5 relates to activities which took place prior to the enactment
6 of 2011 Iowa Acts, ch. 118, which established the economic
7 development authority.
8 Code section 15E.351: Strikes the redundant words "economic
9 development" from a reference to the "economic development
10 authority" in this provision establishing the business
11 accelerator program. The term "authority" is defined for
12 Code chapter 15E, in Code section 15E.1, to mean the economic
13 development authority.
14 Code sections 15G.111, 15G.112, 15G.113, and 15G.114:
15 Strikes redundant references to approval or recommendations
16 by the economic development authority that resulted from the
17 application of directives by 2011 Iowa Acts, ch. 118, in these
18 provisions regarding financial assistance awards made by the
19 authority under the economic development financial assistance
20 program.
21 Code section 15G.115: Strikes a redundant reference to the
22 economic development authority and a reference to the former
23 due diligence committee in this provision relating to financial
24 assistance under the economic development financial assistance
25 program. The due diligence committee was eliminated by 2011
26 Iowa Acts, ch. 118, section 73.
27 Code section 15H.3: Adds the word "nonvoting" after a
28 reference to the ex officio members in language regarding the
29 membership of the volunteer service commission to conform to
30 other references to those members in this Code section.
31 Code sections 28N.2 and 256I.3: Changes the word
32 "departments" to "agencies" in these provisions establishing
33 the membership of a state council and a state board to account
34 for the replacement of the department of economic development
35 by the economic development authority in 2011 Iowa Acts, ch.

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1 118.
2 Code sections 29C.20B, 135.141, 331.427, and 331.653:
3 Deletes redundant language and conforms these provisions
4 relating to disaster care management, comprehensive emergency
5 plans, and local emergency management commissions to changes
6 made by 2011 Acts, ch. 69, and 2011 Iowa Acts, ch. 129.
7 Code section 42.4: Replaces, retroactively to January
8 1, 2011, the word "first" with the word "third" in language
9 describing the date on which an incumbent senator, who resigns
10 for purposes of allowing another senator to serve a full
11 four-year term, must submit the senator's resignation to
12 reflect language appearing later in this same provision and
13 to conform to the date specified for resignation of incumbent
14 senators under these circumstances in 2011 Iowa Acts, ch. 76,
15 section 3.
16 Code section 46.2A: Strikes the obsolete subsection
17 that requires the repeal of the subsection if the number of
18 congressional districts established following the 2010 federal
19 decennial census and described in chapter 40 of the Code is not
20 equal to four.
21 Code sections 123.135, 123.180, 252B.9, 507B.7, 523C.13,
22 and 631.17: Conforms language relating to civil sanctions
23 imposed by the court or administrative agencies, by striking
24 the word "fine" or "fines" and inserting the word "penalty" or
25 "penalties", to other references to civil penalties throughout
26 the Code.
27 Code section 125.2: Adds the word "mental" within language
28 describing the type of certification that a psychiatric
29 advanced registered nurse practitioner must possess in the Code
30 chapter relating to treatment of substance abusers to conform
31 to changes made by 2011 Iowa Acts, ch. 121, section 52, to the
32 same definition within the Code chapter on civil commitment.
33 This portion of 2011 Iowa Acts, ch. 121, is effective July 1,
34 2012.
35 Code section 125.10: Changes references to "substance

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1 abuse" to "substance misuse" to conform to changes made in this
2 Code section, effective July 1, 2012, by 2011 Iowa Acts, ch.
3 121, section 30.
4 Code sections 125.43A and 125.83: Changes "substance abuse
5 treatment" to "treatment of a substance-related disorder" in
6 these two provisions relating to involuntary hospitalizations
7 of persons with substance misuse disorders to conform to
8 similar terminology changes made by 2011 Iowa Acts, ch. 121,
9 effective July 1, 2012.
10 Code section 125.91: Changes references from "examining"
11 physician to "attending" physician and restores a reference
12 to "the facility" in language relating to emergency
13 hospitalization of persons with substance misuse disorders to
14 conform to and clarify changes made in this Code section by
15 2011 Iowa Acts, ch. 121, effective July 1, 2012.
16 Code section 135.160: Repeals, toward the end of the bill,
17 this definitional section for the division of Code chapter 135
18 that pertained to prevention and chronic care management. The
19 other Code sections in the division, to which the definitions
20 pertained, were repealed by 2011 Iowa Acts, ch. 129, sections
21 81 and 82 and 2011 Iowa Acts, ch. 63, section 35.
22 Code section 142A.3: Strikes tobacco retailers from the
23 membership of an advisory council to the commission on tobacco
24 use prevention and control to conform to changes made in Code
25 chapter 142A by 2011 Iowa Acts, ch. 63.
26 Code section 152.12: Changes the word "county" to "country"
27 to correct an apparent typographical error in language relating
28 to disclosure of nursing licensure examination results to other
29 nurse licensing entities at the state or national level.
30 Code section 173.11: Redrafts language relating to
31 administration of the state fair foundation fund by the
32 treasurer of the Iowa state fair foundation to clarify that the
33 state fair board is acting as the board of the foundation.
34 Code section 226.9C: Strikes a redundant instance of the
35 word "certified" in language added, effective July 1, 2012,

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1 by 2011 Iowa Acts, ch. 121, to describe the qualifications
2 of persons conducting treatment prescreening of persons with
3 substance misuse disorders.
4 Code section 230A.106: Replaces the word "such" with a
5 listing of types of services that comprise one of the groups of
6 core services that must be provided at community mental health
7 centers, to be consistent with the style and format of the rest
8 of the Code section, effective July 1, 2012.
9 Code section 232.103: Clarifies the relationship between a
10 reference to Code section 232.50, which governs dispositional
11 hearings for juvenile delinquents or youthful offenders, to
12 this provision relating to hearings regarding changes in level
13 of care for a child who is subject to a dispositional order for
14 out-of-home placement.
15 Code sections 236.18 and 331.756: Redirects references
16 to criminal penalties under Code chapter 236 to refer to the
17 provisions within Code chapter 664A to conform to the transfer
18 of the criminal penalties from Code chapter 236 to Code chapter
19 664A by 2006 Iowa Acts, ch. 1101.
20 Code section 249H.3: Substitutes, for an internal reference
21 in this definition, the language used in Code section 225B.2 to
22 define "disability". Code chapter 225B is to be repealed on
23 July 1, 2012, pursuant to Code section 225B.8.
24 Code section 256.32: Strikes from the ex officio membership
25 of the advisory council for agricultural education language
26 referring to the young farmer educational association
27 president. The association is a national organization and
28 there are no Iowa chapters or members who could possibly serve
29 on the council.
30 Code section 256I.5: Rewrites language relating to the
31 commitment of various state entities, in a reference back to
32 entities enumerated in this provision relating to collaboration
33 and integration of a comprehensive early care, education,
34 health, and human services system, to accommodate a changeover
35 in the entity responsible for the administration of economic

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1 development programs made by 2011 Iowa Acts, ch. 118.
2 Code section 260C.18A: Strikes this paragraph which
3 references job retention projects under former Code section
4 260F.9, which was repealed effective June 30, 2010, pursuant to
5 2003 Iowa Acts, 1st extraordinary session, ch. 2, section 93.
6 Code section 261E.8: Replaces the term "eligible
7 postsecondary institution" with the term "community college"
8 in this Code chapter relating to enrollment of students from
9 a school district, accredited nonpublic schools, and students
10 receiving competent private instruction in community college
11 programs for concurrent high school and college credit under
12 the senior year plus program.
13 Code section 267A.2: Changes the word "section" to
14 "chapter" in the lead-in phrase to the definitions section for
15 the local food and farm program Code chapter.
16 Code sections 282.1 and 282.10: Clarifies an internal
17 reference to Code section 282.7 in these provisions relating
18 to student attendance and whole grade sharing between school
19 districts.
20 Code section 282.18: Changes the term "laboratory school"
21 to "research and development school" in language relating to
22 open enrollment of students from public school districts to
23 the Price laboratory school to reflect the terminology used to
24 refer to the school under Code chapter 256G, which governs the
25 development and funding of that school.
26 Code sections 306D.2 and 465A.2: Replaces references to
27 the economic development authority with references to the
28 former department of economic development in these provisions
29 regarding Iowa's open space plans in language which relates
30 to activities which took place prior to the enactment of 2011
31 Iowa Acts, ch. 118, which established the economic development
32 authority.
33 Code section 321.18: Strikes subsection 9, effective on
34 June 30, 2012, or when Code chapter 322E is repealed, whichever
35 is later, which provides an exemption to motor vehicle

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1 registration provision to motor homes purchased at a motor home
2 manufacturer's club rally by a nonresident and which is driven
3 on a highway solely for the purpose of removing the motor home
4 from the state. Code chapter 322E is currently scheduled for
5 repeal on June 30, 2012.
6 Code section 321.180B: Adds the word "a" within a series to
7 conform to other similar language in a provision enumerating
8 the list of persons who can accompany a person under the age
9 of 18 who has not yet been issued a full driver's license but
10 has been issued a permit or other intermediate license and is
11 lawfully operating a motor vehicle.
12 Code section 321.186: Strikes language relating to
13 applicants for a commercial driver's license from an exemption
14 permitting a license applicant to file a vision report in
15 lieu of passing a vision text administered by the department
16 of transportation to conform to changes made to Code section
17 321.186A by 2011 Iowa Acts, ch. 38.
18 Code section 419.4: Renumbers and adds an internal
19 reference to language relating to municipal bonding authority.
20 Code section 422.5: Corrects an internal reference to
21 computations of tax upon married persons' income in language
22 relating to computation of the alternative minimum tax.
23 Code section 422.7: Strikes, within the list of items to be
24 subtracted from adjusted gross income in the computation of net
25 income, a reference to a Vietnam Conflict veterans' bonus under
26 Code section 35A.8A, which was repealed June 30, 2011, pursuant
27 to the terms of the statute.
28 Code section 422.11S: Strikes contingency language from a
29 definition of the term "total approved tax credits" within this
30 provision relating to school tuition organization tax credits
31 because the amendment to Code section 257.8 that is referenced
32 in the contingency language was enacted in 2011 Iowa Acts, ch.
33 131, sections 122 and 123.
34 Code sections 422.11T and 422.11U: Changes "credit" to
35 "credits" in language relating to reduction of income tax by

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1 the tax credits allow under Code section 422.12 to conform to
2 similar language in surrounding provisions and because Code
3 section 422.12 provides for more than one tax credit.
4 Code section 437A.14: Adds the words "of revenue" after
5 references to "department" in language relating to refunding
6 of replacement taxes on electricity and natural gas providers.
7 While the term "director" is defined within Code chapter 437A
8 to mean the director of revenue, the term "department" is not
9 defined.
10 Code section 445.5: Changes the word "of" to "for", in
11 language relating to receipts for payments of property taxes
12 which are paid in part or in full for the given year, to clarify
13 the relationship between the receipt and the payment of the
14 amount.
15 Code section 452A.3: Renumbers to eliminate unnumbered
16 paragraphs within this provision relating to payment of tax on
17 motor and special fuels.
18 Code section 455B.487: Reorganizes and renumbers to
19 eliminate unnumbered paragraphs in this provision relating to
20 criteria established by the environmental protection commission
21 for identification of land suitable for the operation of
22 radioactive waste facilities.
23 Code section 459.501: Replaces, in subsection 5, paragraph
24 "b", the word "allocated" with the words "authorized for
25 payment" to conform to the changes made relating to the
26 authorizations for payment made by the executive council
27 pursuant to paragraph "a" of the same subsection by 2011 Iowa
28 Acts, ch. 131, section 35.
29 Code section 459.502: Clarifies that the fund in which the
30 department is to deposit indemnity fee moneys assessed on the
31 construction of confinement feeding operations is the livestock
32 remediation fund. The term "fund" is not defined for Code
33 chapter 459.
34 Code section 461A.80: Reorganizes and renumbers to
35 eliminate unnumbered paragraphs in this provision relating to

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1 the public outdoor recreation and resources appropriations
2 advisory council.
3 Code section 462A.2: Moves language relating to vessels
4 which are under way to clarify that the language applies to
5 sailboats that are not powered by a motor, but which do have
6 sails hoisted, in this definition of the term "operate".
7 Code section 466B.3: Strikes language including the
8 director of the rebuild Iowa office from the membership of the
9 water resources coordinating council. The rebuild Iowa office
10 was repealed on June 30, 2011, pursuant to 2009 Iowa Acts, ch.
11 169, section 10.
12 Code section 468.221: Changes a textual reference from
13 "paragraph" to "section" in a definition of the term "local
14 government" because the term is used elsewhere in this Code
15 section relating to drainage district communications with a
16 state agency or with local government.
17 Code section 473.1: Strikes, in two definitions in this
18 Code chapter relating to energy development and conservation,
19 references to definitions of terms from former Code section
20 469.31 which was repealed by 2011 Iowa Acts, ch. 118, section
21 49, and adds the text of the same definitions from that former
22 Code section.
23 Code section 473.7: Strikes, as redundant, the words "The
24 authority shall" from subsection 2 to conform to the style of
25 this Code section relating to duties of the authority under the
26 energy development and conservation Code chapter.
27 Code section 473.10: Replaces a reference to the director
28 with a reference to the economic development authority in
29 language relating to rulemaking authority. The economic
30 development authority is the entity made responsible for
31 rulemaking under 2011 Iowa Acts, ch. 118.
32 Code section 476.1C: Restructures, by renumbering to
33 eliminate unanchored unnumbered paragraphs and by striking
34 redundant language, in this provision relating to gas public
35 utilities with fewer than 2,000 customers.

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1 Code section 476C.4: Adds, within a subparagraph, the
2 word "equity" before references to holders of interests in
3 business entities which have applied for renewable electricity
4 production tax credits to conform to language contained in the
5 immediately preceding subparagraph of subsection 2 of this Code
6 section.
7 Code section 483A.24: Conforms terminology and corrects an
8 internal reference to clarify the applicability of an exclusion
9 from the exception in the definition of "owner" of a farm unit
10 under this Code section governing when a hunting, fishing, or
11 trapping license is not required before a person may engage in
12 those activities.
13 Code section 496B.12: Renumbers and conforms the internal
14 numbering and format of this Code section pertaining to
15 economic development corporations to the numbering and format
16 of other Code sections.
17 Code section 501A.504: Restructures language in subsection
18 4 relating to the filing of amendments to articles of
19 organization of a cooperative to highlight the alternative
20 nature of the adoption methods by members and directors and
21 conforms language relating to the adoption of an amendment by
22 directors to the requirements for amendments by directors that
23 is specified in subsection 3 of this Code section.
24 Code section 509.3: Strikes language referring to
25 applications for converted policies under Code chapter 509B
26 from a provision that describes one of the required components
27 of a group accident or health insurance policy or combination
28 group accident or health insurance policy. Code section
29 509B.4, which provided for the conversion of group policies was
30 repealed by 2006 Iowa Acts, ch. 1117, section 127.
31 Code section 514J.108: Adds the words "the covered person"
32 to language describing one of the instances in which a covered
33 person or a covered person's authorized representative may make
34 a request for an expedited external review of a health care
35 cover decision, to conform to other language within the same

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1 Code section.
2 Code section 515C.2: Corrects an internal reference to
3 the Code section establishing surplus requirements required
4 of mortgage guaranty insurers. Former subsection 8 of Code
5 section 515.49 was stricken when the Code section was rewritten
6 by 1988 Iowa Acts, ch. 1112, section 403.
7 Code section 524.904: Adds the word "state" before the word
8 "bank" in multiple locations to conform to other text within
9 this provision relating to loans and extensions of credit by a
10 state bank to a borrower.
11 Code section 568.16: Changes the word "by" to the word
12 "to" in language relating to the refunding of moneys by the
13 state back to grantees of land conveyed by the state, when
14 the grantee or the grantee's heirs or assigns did not receive
15 title to the land conveyed because title resided in some other
16 person.
17 Code section 602.9202: Conforms language relating to the
18 length of the terms that may be served by senior judges who
19 have reached the age of 78 to changes made to Code section
20 602.9203 by 2011 Iowa Acts, ch. 78.
21 Code section 633.3: Adds the words "and state" in a
22 provision defining what is included within the costs of
23 administration of an estate to clarify that interest on state
24 estate tax as well as federal estate tax are included. This
25 conforms with changes made by 2010 Iowa Acts, ch. 1138, and
26 2011 Iowa Acts, ch. 34.
27 Code section 633A.3106: Deletes a redundant phrase in
28 this provision relating to children born or adopted after the
29 execution of a revocable trust.
30 Code section 655A.3: Conforms the language that describes
31 the manner of service of a notice of rejection of a notice of
32 foreclosure to reflect the changes made to Code section 655A.4
33 by 2009 Iowa Acts, ch. 51. That Act changed the manner of
34 service of a notice of rejection under Code section 655A.4 from
35 service in the manner provided for service of original notices

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to service by ordinary or electronic mail.

Code section 692A.118: Strikes language in two subsections within this Code section establishing the duties of the department of public safety regarding the sex offender registry to conform to the style of other subsections.

Code section 714.27: Changes "the identity of" to "identifying information for" to conform to the nature of the descriptive list of the types of information that a salvage dealer must maintain under a copper theft ordinance regarding a person who brings in salvaged materials.

Code sections 717F.1 and 717F.8: Strikes subparagraph (9) of subsection 5, paragraph "a", which is a duplicate of the language found in subparagraph (10), subparagraph division (a), in Code section 717F.1, and corrects a typographical error in the spelling of the family name of certain types of snakes in language enumerating the types of animals considered to be dangerous wild animals in Code sections 717F.1 and 717F.8.

Code section 805.8A: Corrects an internal reference to the provisions within a Code section relating to registration of motor carriers that contain language prohibiting certain conduct. Subsection 2 relates to state department of transportation participation in the federal unified carrier registration plan and agreement for regulated motor carriers.

Code section 811.1: Changes two commas to semicolons and strikes a redundant "or" in language to conform the punctuation and format of the series that describes the types of felonies and public offenses for which a defendant, awaiting judgment of conviction and sentencing after a plea or verdict of guilty, shall not be admitted to bail.

Code section 907.5: Enumerates the criteria the court must consider before deferring judgment or sentence or suspending a defendant's sentence as lettered paragraphs and numbers the balance of the provision to enhance readability of the provision.

2011 Iowa Acts, chapter 113, section 45: Corrects

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1 retroactively to July 1, 2011, by striking and replacing this
2 section of 2011 Iowa Acts, ch. 113, numeric references to two
3 subchapters in Code chapter 159A, that according to the text
4 of the language, should refer to the provisions administered
5 by the office of renewable fuels and coproducts and provisions
6 establishing the renewable fuel infrastructure programs and
7 fund.
8 2011 Iowa Acts, chapter 131, sections 134 and 135: Corrects
9 incorrect references within an Act to provisions within another
10 Act. The first correction takes effect upon enactment and
11 applies retroactively to the date which is 30 days after July
12 29, 2011. The second correction takes effect upon enactment
13 and applies retroactively to July 29, 2011.

House Study Bill 626 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON STATE GOVERNMENT BILL BY CHAIRPERSON COWNIE)

A BILL FOR

1 An Act permitting internet wagering by licensees authorized
2 to conduct gambling games on an excursion boat, gambling
3 structure, or racetrack enclosure, and making penalties
4 applicable.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6012YC (5) 84
ec/nh

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1 Section 1. Section 99F.1, Code 2011, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 16A. *"Internet wagering"* means a method
4 of wagering by which a person may establish an account,
5 deposit money into the account, and use the account balance
6 for wagering by utilizing electronic communication. *"Internet*
7 *wagering"* is limited to wagering on poker games.
8 Sec. 2. Section 99F.3, Code 2011, is amended to read as
9 follows:
10 **99F.3 Gambling games authorized.**
11 The system of wagering on a gambling game as provided by
12 this chapter is legal, when conducted on an excursion gambling
13 boat, gambling structure, or racetrack enclosure at authorized
14 locations by a licensee, or, for internet wagering, when
15 conducted by a licensee pursuant to requirements established by
16 the commission, as provided in this chapter.
17 Sec. 3. Section 99F.4, subsections 14 and 22, Code 2011, are
18 amended to read as follows:
19 14. To require, except for internet wagering, all licensees
20 of gambling game operations to utilize a cashless wagering
21 system whereby all players' money is converted to tokens,
22 electronic cards, or chips which only can be used for wagering
23 on the excursion gambling boat.
24 22. To require licensees to establish a process to
25 allow a person to be voluntarily excluded for life from an
26 excursion gambling boat and all other licensed facilities under
27 this chapter and chapter 99D, or from engaging in internet
28 wagering conducted by a licensee under this chapter. The
29 process established shall require that a licensee disseminate
30 information regarding persons voluntarily excluded to all
31 licensees under this chapter and chapter 99D. The state and
32 any licensee under this chapter or chapter 99D shall not be
33 liable to any person for any claim which may arise from this
34 process. In addition to any other penalty provided by law, any
35 money or thing of value that has been obtained by, or is owed

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1 to, a voluntarily excluded person by a licensee as a result of
2 wagers made by the person after the person has been voluntarily
3 excluded shall not be paid to the person but shall be credited
4 to the general fund of the state.
5 Sec. 4. Section 99F.4, Code 2011, is amended by adding the
6 following new subsection:
7 NEW SUBSECTION. 27. To establish requirements for
8 licensees to conduct internet wagering as provided in this
9 chapter.
10 Sec. 5. Section 99F.4A, subsection 1, Code Supplement 2011,
11 is amended to read as follows:
12 1. Upon application, the commission shall license the
13 licensee of a pari-mutuel dog or horse racetrack to operate
14 gambling games at a pari-mutuel racetrack enclosure or to
15 conduct internet wagering subject to the provisions of this
16 chapter and rules adopted pursuant to this chapter relating to
17 gambling except as otherwise provided in this section.
18 Sec. 6. Section 99F.7, subsection 1, Code Supplement 2011,
19 is amended to read as follows:
20 1. If the commission is satisfied that this chapter and
21 its rules adopted under this chapter applicable to licensees
22 have been or will be complied with, the commission shall issue
23 a license for a period of not more than three years to an
24 applicant to own a gambling game operation, to an applicant to
25 operate a gambling structure, and to an applicant to operate an
26 excursion gambling boat. The commission shall decide which of
27 the gambling games authorized under this chapter the commission
28 will permit including whether the licensee can conduct internet
29 wagering. The commission shall decide the number, location,
30 and type of gambling structures and excursion gambling boats
31 licensed under this chapter. The commission shall allow the
32 operation of an excursion boat or moored barge on or within one
33 thousand feet of the high water marks of the rivers, lakes, and
34 reservoirs of this state as established by the commission in
35 consultation with the United States army corps of engineers,

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1 the department of natural resources, or other appropriate
2 regulatory agency. The license shall set forth, as applicable,
3 the name of the licensee, the type of license granted, the
4 location of the gambling structure or the place where the
5 excursion gambling boats will operate and dock, and the time
6 and number of days during the excursion season and the off
7 season when gambling may be conducted by the licensee.
8 Sec. 7. Section 99F.9, subsections 3 and 5, Code 2011, are
9 amended to read as follows:
10 3. The licensee may receive wagers only from a person
11 present on a licensed excursion gambling boat, licensed
12 gambling structure, or in a licensed racetrack enclosure, or
13 from a person engaging in internet wagering. An internet wager
14 may be placed from any location within this state or from
15 any other location where authorized by law, subject to any
16 requirements adopted by the commission.
17 5. A person under the age of twenty-one years shall not
18 engage in internet wagering or make or attempt to make a wager
19 on an excursion gambling boat, gambling structure, or in a
20 racetrack enclosure and shall not be allowed on the gaming
21 floor of an excursion gambling boat or gambling structure or
22 in the wagering area, as defined in section 99D.2, or on the
23 gaming floor of a racetrack enclosure. However, a person
24 eighteen years of age or older may be employed to work on
25 the gaming floor of an excursion gambling boat or gambling
26 structure or in the wagering area or on the gaming floor of a
27 racetrack enclosure. A person who violates this subsection
28 with respect to engaging in internet wagering or making or
29 attempting to make a wager commits a scheduled violation under
30 section 805.8C, subsection 5, paragraph *"a"*.
31 Sec. 8. Section 99F.15, subsection 3, Code 2011, is amended
32 to read as follows:
33 3. ~~A~~ Except for internet wagering conducted as authorized
34 by this chapter, a person wagering or accepting a wager at
35 any location outside an excursion gambling boat, gambling

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1 structure, or a racetrack enclosure is in violation of section
2 725.7.
3 EXPLANATION
4 This bill permits licensees authorized to conduct gambling
5 games under Code chapter 99F to conduct internet wagering. The
6 bill defines "internet wagering" as a method of wagering by
7 which a person may establish an account, deposit money into the
8 account, and use the account balance for wagering by utilizing
9 electronic communication. The bill provides that internet
10 wagering on gambling games is limited to wagering on poker
11 games.
12 Code section 99F.4, concerning powers of the state
13 racing and gaming commission, is amended to provide that the
14 commission establish requirements for internet wagering. The
15 Code section is also amended to provide that the current
16 process that allows a person to be voluntarily excluded from a
17 gambling facility shall also apply to internet wagering.
18 Code section 99F.9, concerning wagering, is amended to
19 provide that wagers through internet wagering are authorized
20 and can be made from any location within this state or as
21 authorized by law subject to any requirements adopted by the
22 commission. The Code section is also amended to provide
23 that limits on wagering for persons under the age of 21 at
24 an excursion gambling boat, gambling structure, or racetrack
25 enclosure also apply to internet wagering.

House Study Bill 627 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON STATE GOVERNMENT BILL BY CHAIRPERSON COWNIE)

A BILL FOR

1 An Act relating to direct care professionals including the
2 establishment of a board of direct care professionals,
3 providing for implementation, making penalties applicable,
4 and including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5449YC (4) 84
pf/nh

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1 Section 1. NEW SECTION. **152F.1 Definitions.**
2 As used in this chapter, unless the context otherwise
3 requires:
4 1. *"Board"* means the board of direct care professionals
5 created under chapter 147.
6 2. *"Community living professional"* means a direct care
7 associate who has completed advanced training and is certified
8 to provide home and community living, instrumental activities
9 of daily living, and personal support services.
10 3. *"Direct care associate"* means a direct care provider who
11 has completed core training and is certified to provide direct
12 care services in the state.
13 4. *"Direct care instructor"* means an individual approved
14 by the board to provide direct care instruction to direct care
15 providers and direct care professionals.
16 5. *"Direct care professional"* means a direct care associate,
17 a community living professional, a health support professional,
18 a personal support professional, or a direct care associate who
19 has received a specialty endorsement.
20 6. *"Direct care provider"* means an individual who provides
21 direct care services for compensation.
22 7. *"Direct care services"* means services provided to
23 individuals who are ill or individuals with disabilities,
24 including but not limited to home and community living
25 services, instrumental activities of daily living services,
26 personal activities of daily living services, personal support
27 services, and health monitoring and maintenance services.
28 8. *"Direct care trainer"* means a direct care instructor who
29 is approved by the board to train instructors.
30 9. *"Health monitoring and maintenance services"* means
31 medically-oriented services that assist an individual in
32 maintaining the individual's health including measuring intake
33 and output; providing catheter and ostomy care; collecting
34 specimens; checking vital signs, including temperature, pulse,
35 respiration, and blood pressure; measuring height and weight;

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1 performing range of motion exercises; providing assistance with
2 urinary care; and application of thrombo embolic deterrent hose
3 or hot and cold packs.
4 10. *"Health support professional"* means a direct care
5 associate who has completed advanced training and is certified
6 to provide personal activities of daily living and health
7 monitoring and maintenance services.
8 11. *"Home and community living services"* means services to
9 enhance or maintain independence of individuals including such
10 activities as helping individuals develop and meet personal
11 goals, providing direct physical and emotional support and
12 assistance for persons with disabilities, utilizing crisis
13 intervention and positive behavior supports, and using and
14 following individual support plans.
15 12. *"Instrumental activities of daily living services"* means
16 services provided to assist individuals with daily living tasks
17 to allow them to function independently in a home or community
18 setting, including but not limited to assistance with managing
19 money, transportation, light housekeeping, and shopping and
20 cooking.
21 13. *"Personal activities of daily living services"* means
22 services to assist individuals in meeting basic needs,
23 including but not limited to bathing, back rubs, and skin care;
24 grooming activities; assistance with dressing and undressing;
25 assistance with eating and feeding; assistance with toileting;
26 and assistance with mobility, including transfers, walking, and
27 turning in bed.
28 14. *"Personal support professional"* means a direct care
29 associate who has completed advanced training and is certified
30 to provide instrumental activities of daily living, personal
31 activities of daily living, and personal support services.
32 15. *"Personal support services"* means support services
33 provided to an individual as the individual performs personal
34 activities of daily living including but not limited to
35 coaching and prompting, and teaching skills and behaviors.

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1 16. *"Specialty endorsement"* means an advanced level of
2 certification based on requirements developed by experts in a
3 particular discipline or professional area and approved by the
4 board.
5 Sec. 2. NEW SECTION. **152F.2 Certification required —**
6 **exceptions — use of title.**
7 1. Unless otherwise exempt under section 152F.4, beginning
8 January 1, 2014, a direct care provider shall not provide
9 direct care services in this state without being certified as a
10 direct care associate.
11 2. A direct care provider who is not certified pursuant
12 to this chapter shall not use words or titles which imply
13 or represent that the person is certified as a direct care
14 professional under this chapter.
15 3. A direct care associate shall not act as or represent
16 that the person is a direct care professional with advanced
17 training certification or a specialty endorsement, unless the
18 direct care associate is first certified at the appropriate
19 level of certification under this chapter.
20 4. Notwithstanding any provision to the contrary, a person
21 who completes advanced training or meets the requirements for
22 a specialty endorsement is not required to be certified at
23 that level if the person does not act as or represent that the
24 person is certified at that level. Section 147.83 does not
25 apply to a direct care associate who is not certified as a
26 direct care professional with advanced training certification
27 or a specialty endorsement if the direct care associate does
28 not act as or represent that the person is certified at that
29 level.
30 Sec. 3. NEW SECTION. **152F.3 Requirements to obtain**
31 **certification — renewal — continuing education — reciprocity.**
32 1. An applicant for certification as a direct care associate
33 shall present evidence satisfactory to the board that the
34 applicant meets all of the following requirements:
35 *a.* The applicant has successfully completed the required

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1 education for the certification from a board-approved direct
2 care instructor or direct care trainer.
3 *b.* The applicant has paid all fees required by the board.
4 *c.* The applicant certifies that the applicant will conduct
5 all professional activities in accordance with standards for
6 professional conduct established by the board.
7 2. An applicant for certification as a direct care
8 professional with advanced training or a specialty endorsement
9 shall present evidence satisfactory to the board that the
10 applicant meets all of the following requirements:
11 *a.* The applicant has successfully completed the required
12 education for the certification from a board-approved direct
13 care instructor or direct care trainer.
14 *b.* The applicant has paid all fees required by the board.
15 *c.* The applicant has passed a state examination approved by
16 the board.
17 *d.* The applicant certifies that the applicant will conduct
18 all professional activities in accordance with standards for
19 professional conduct established by the board.
20 3. A person shall renew the person's certification
21 biennially. Prior to such renewal, the person shall present
22 evidence that the person has satisfied continuing education
23 requirements and shall pay a renewal fee as determined by the
24 board.
25 4. The board shall issue the appropriate certification to an
26 applicant who demonstrates experience in direct care services
27 in another state and meets the requirements established by the
28 board for the specific certification.
29 Sec. 4. NEW SECTION. **152F.4 Scope of chapter.**
30 The provisions of this chapter do not apply to any of the
31 following:
32 1. A person who is providing direct care services to a
33 family member with or without compensation or through the
34 medical assistance consumer choice option program.
35 2. A person otherwise licensed who is operating within the

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1 scope of that license and does not represent to the public that
2 the person is a direct care professional.
3 Sec. 5. NEW SECTION. **152F.5 Duties of the board.**
4 The board shall do all of the following:
5 1. Adopt rules consistent with this chapter, chapter 147,
6 and chapter 272C which are necessary for the performance of its
7 duties.
8 2. Adopt rules to provide a transition process that allows
9 direct care providers providing direct care services on or
10 before July 1, 2014, to continue providing direct care services
11 while completing certification under this chapter. A direct
12 care provider subject to the transition process shall complete
13 the requirements for direct care associate certification no
14 later than June 30, 2015.
15 3. Establish standards and guidelines for certification
16 reciprocity.
17 4. Establish standards and guidelines for direct care
18 associates, including minimum curriculum requirements.
19 5. Prepare and conduct, or prescribe, an examination for
20 applicants for certification.
21 6. Establish standards and guidelines for direct care
22 instructors and direct care trainers, including minimum
23 curriculum requirements and continuing education requirements.
24 7. Define educational activities which fulfill continuing
25 education requirements for renewal of certification.
26 8. Establish guidelines for inactive certification status
27 and inactive certification reentry.
28 Sec. 6. NEW SECTION. **152F.6 Certification suspension and**
29 **revocation.**
30 A certification issued by the board under this chapter may be
31 suspended or revoked, or renewal of certification may be denied
32 by the board, for violation of any provision of this chapter,
33 section 147.55 or 272C.10, or rules adopted by the board.
34 Sec. 7. Section 147.1, subsections 3 and 6, Code 2011, are
35 amended to read as follows:

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1 3. *"Licensed"* or *"certified"*, when applied to a physician
2 and surgeon, podiatric physician, osteopathic physician and
3 surgeon, physician assistant, psychologist, chiropractor,
4 nurse, dentist, dental hygienist, dental assistant,
5 optometrist, speech pathologist, audiologist, pharmacist,
6 physical therapist, physical therapist assistant, occupational
7 therapist, occupational therapy assistant, respiratory care
8 practitioner, practitioner of cosmetology arts and sciences,
9 practitioner of barbering, funeral director, dietitian, marital
10 and family therapist, mental health counselor, social worker,
11 massage therapist, athletic trainer, acupuncturist, nursing
12 home administrator, hearing aid dispenser, ~~or~~ sign language
13 interpreter or transliterator, or direct care professional
14 means a person licensed under this subtitle.
15 6. *"Profession"* means medicine and surgery, podiatry,
16 osteopathic medicine and surgery, practice as a physician
17 assistant, psychology, chiropractic, nursing, dentistry,
18 dental hygiene, dental assisting, optometry, speech pathology,
19 audiology, pharmacy, physical therapy, physical therapist
20 assisting, occupational therapy, occupational therapy
21 assisting, respiratory care, cosmetology arts and sciences,
22 barbering, mortuary science, marital and family therapy, mental
23 health counseling, social work, dietetics, massage therapy,
24 athletic training, acupuncture, nursing home administration,
25 hearing aid dispensing, ~~or~~ sign language interpreting or
26 transliterating, or practice as a direct care professional.
27 Sec. 8. Section 147.2, subsection 1, Code 2011, is amended
28 to read as follows:
29 1. A person shall not engage in the practice of medicine
30 and surgery, podiatry, osteopathic medicine and surgery,
31 psychology, chiropractic, physical therapy, physical therapist
32 assisting, nursing, dentistry, dental hygiene, dental
33 assisting, optometry, speech pathology, audiology, occupational
34 therapy, occupational therapy assisting, respiratory care,
35 pharmacy, cosmetology arts and sciences, barbering, social

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1 work, dietetics, marital and family therapy or mental health
2 counseling, massage therapy, mortuary science, athletic
3 training, acupuncture, nursing home administration, hearing aid
4 dispensing, or sign language interpreting or transliterating,
5 or shall not practice as a physician assistant or as a direct
6 care professional, unless the person has obtained a license for
7 that purpose from the board for the profession.
8 Sec. 9. Section 147.13, Code 2011, is amended by adding the
9 following new subsection:
10 NEW SUBSECTION. 24. For direct care professionals, the
11 board of direct care professionals.
12 Sec. 10. Section 147.14, subsection 1, Code 2011, is amended
13 by adding the following new paragraph:
14 NEW PARAGRAPH. *x.* For the board of direct care
15 professionals, a total of nine members, five of whom are
16 direct care professionals who represent diverse settings and
17 populations served, two members of the public, one registered
18 nurse who serves as a direct care instructor, and one human
19 services professional who serves as a direct care instructor.
20 Sec. 11. Section 147.74, Code 2011, is amended by adding the
21 following new subsection:
22 NEW SUBSECTION. 24. A direct care professional certified
23 under chapter 152F and this chapter may use the following:
24 *a.* A direct care professional certified as a direct care
25 associate may use the title "direct care associate" or D.C.A.
26 after the person's name.
27 *b.* A direct care professional certified as a community
28 living professional may use the title "community living
29 professional" or the letters C.L.P. after the person's name.
30 *c.* A direct care professional certified as a personal
31 support professional may use the title "personal support
32 professional" or the letters P.S.P. after the person's name.
33 *d.* A direct care professional certified as a health support
34 professional may use the title "health support professional" or
35 the letters H.S.P. after the person's name.

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1 *e.* A direct care professional certified with a specialty
2 endorsement may use the title or letters determined by the
3 specialty endorsement entity and approved by the board of
4 direct care professionals.
5 Sec. 12. Section 272C.1, subsection 6, Code 2011, is amended
6 by adding the following new paragraph:
7 NEW PARAGRAPH. *ag.* The board of direct care professionals,
8 created pursuant to chapter 147.
9 Sec. 13. TRANSITION PROVISIONS.
10 1. A direct care provider providing direct care services
11 on or before January 1, 2014, may continue providing direct
12 care services while completing certification as required under
13 this Act. The board of direct care professionals shall adopt
14 rules to provide a transition process that allows such direct
15 care providers to complete the requirements for direct care
16 associate certification no later than June 30, 2015.
17 2. Notwithstanding sections 147.14 and 147.16, for the
18 initial board of direct care professionals, the governor may
19 appoint, subject to confirmation by the senate, in lieu of the
20 five members required to be direct care associates and the two
21 members required to be direct care instructors, members with
22 experience and expertise that is substantially equivalent to
23 the professional requirements for a direct care associate or
24 direct care instructor, as applicable.
25 Sec. 14. IMPLEMENTATION. The provisions of this Act shall
26 be implemented as follows:
27 1. The sections of this Act relating to the board of direct
28 care professionals including sections 152F.1 and 152F.5, as
29 enacted in this Act; sections 147.13, 147.14, and 272C.1,
30 as amended in this Act, and as specified in the transition
31 provisions; and the section of this Act providing transition
32 provisions relating to the board shall be implemented so that a
33 board of direct care professionals is appointed no later than
34 December 15, 2012.
35 2. The sections of this Act relating to requirements for

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1 certification of direct care professionals including sections
2 152F.2, 152F.3, 152F.4, and 152F.6, as enacted in this Act;
3 and sections 147.1, 147.2, and 147.74, as amended in this Act,
4 shall be implemented so that the requirements are applicable
5 beginning no later than January 1, 2014.
6 Sec. 15. EFFECTIVE UPON ENACTMENT. This Act, being deemed
7 of immediate importance, takes effect upon enactment.
8 EXPLANATION
9 This bill provides for the certification of direct care
10 professionals under new Code chapter 152F. The bill provides
11 definitions relating to levels of certification and services
12 provided, and defines the "board" as the board of direct care
13 professionals.
14 The bill requires individuals who provide direct care
15 services for compensation (direct care providers) to be
16 certified as direct care associates.
17 The bill also provides for advanced training and specialty
18 endorsements as the bases for higher levels of certification.
19 The bill provides requirements for certification, renewal
20 of certification, continuing education, and reciprocity
21 of certification. The bill provides for exemptions
22 from certification and for suspension or revocation of
23 certification. The bill specifies the duties of the board of
24 direct care professionals.
25 The bill makes conforming changes in the Code under
26 Code chapter 147 (general provisions for health-related
27 professions), and Code chapter 272C (regulation of licensed
28 professions and occupations).
29 The bill provides transition provisions for the initial
30 appointment of the board and for application of requirements
31 to direct care providers providing direct care services prior
32 to implementation of direct care professional requirements on
33 January 1, 2014. The bill takes effect upon enactment, but
34 provides for phased-in implementation.
35 The provisions of Code chapters 147 and 272C, including

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1 a provision in Code section 147.86 that a violation of Code
2 chapter 147 or 152F is a serious misdemeanor, are applicable to
3 new Code chapter 152F.

House Study Bill 628 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF COMMERCE/CREDIT UNION DIVISION BILL)

A BILL FOR

1 An Act relating to credit unions, including methods of
2 voting by credit union members and the board of directors,
3 electronic communications to certain credit union members,
4 the composition of the board of directors, assessment of
5 fees for examination and supervision, limited negotiated
6 disclosures of certain confidential information, treatment
7 of ownership shares, and superintendent management
8 authority, and making penalties applicable.
9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5194DP (13) 84
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1 Section 1. Section 533.108, subsection 1, Code 2011, is
2 amended to read as follows:
3 1. *a.* Records of the credit union division are public
4 records subject to the provisions of chapter 22, except as
5 otherwise provided in this chapter.
6 *b.* Papers, documents, writings, reports, reports of
7 examinations and other information relating specifically to the
8 supervision and regulation of a specific state credit union or
9 of other persons by the superintendent pursuant to the laws of
10 this state are not public records and shall not be open for
11 examination or copying by the public or for examination or
12 publication by the news media.
13 *c.* The superintendent or an employee of the credit
14 union division shall not disclose ~~such~~ information relating
15 specifically to the supervision and regulation of a specific
16 state credit union or of other persons in any manner to any
17 person other than the person examined, except as otherwise
18 authorized by this section or section 533.113 or 533.308.
19 *d.* Notwithstanding the prohibition on disclosure pursuant to
20 paragraph *"c"*, the superintendent or an employee of the credit
21 union division may disclose information relating specifically
22 to the supervision and regulation of a specific state credit
23 union or of other persons if the credit union or other person
24 consents in writing to the disclosure and the persons to
25 whom the disclosures are made are subject to, or agree to
26 comply with, standards of confidentiality comparable to those
27 contained in this chapter.
28 Sec. 2. Section 533.112, Code 2011, is amended to read as
29 follows:
30 **533.112 Annual and individual fees — examination fees —**
31 **delinquencies.**
32 1. Each state credit union shall pay an annual fee for
33 examination and supervision as determined by the superintendent
34 based on the actual cost of operating the credit union
35 division.

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a. The cost of operating the credit union division shall include but not be limited to costs and expenses for salaries and benefits, expenses and travel for employees, office facilities, supplies, equipment, and administrative costs and expenses incurred in the discharge of the duties imposed on the superintendent under this chapter.

b. (1) The cost of operating the credit union division shall also include but not be limited to the costs incurred due to additional time and other division resources required for any of the following:

(a) Performing services for the credit union that are customarily performed by the credit union.

(b) Performing services related to a particular examination that exceed estimates for an individual credit union's examination based on factors including but not limited to the asset size of the credit union, the complexity of transactions to be examined, and the examination history of the credit union.

(2) An individual fee assessment for such costs incurred under this paragraph "*b*" may be made in addition to a credit union's annual fee.

c. ~~The~~ In establishing the structure of the fee schedule, the superintendent shall consider recommendations from the review board and from state credit unions ~~in determining the amount of the annual fee~~.

d. The annual fee may be paid in one or more installments, as provided by rule by the superintendent.

2. Each ~~state credit union,~~ corporation, credit union service organization, or other person subject to an examination pursuant to section 533.113 shall pay an examination fee as determined by the superintendent, which shall reflect but not be limited to the time required for the examination and the costs of the examination. ~~The superintendent shall establish by rule an examination fee schedule.~~

a. The costs of the examination shall include but not

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be limited to costs and expenses for salaries and benefits, expenses and travel for employees, office facilities, supplies, equipment, and administrative costs and expenses incurred in the discharge of duties imposed upon the superintendent under this chapter.

b. The examination fee shall be due within thirty days of presentation of the fee statement to the corporation, credit union service organization, or other person examined by the division.

3. In addition to the annual fee and examination fee assessed pursuant to this section, the division may also assess a credit union, credit union service organization, corporation, or other person subject to an examination pursuant to section 533.133 for the expense of accountants, investigators, and other experts reasonably necessary to assist in the conduct of the examination, pursuant to section 533.113, subsection 1.

4. *a.* Failure of a state credit union, corporation, credit union service organization, or other person to pay a fee pursuant to subsection 1, ~~or~~ 2, or 3 shall result in the fee being considered delinquent and a penalty equal to five percent of the original fee may be assessed for each day or part of a day the payment remains delinquent.

b. A fee delinquency under this subsection by a corporation, credit union service organization, or other person may result in the superintendent collecting the delinquent fee and penalty from the state credit union owning shares or investments or having business transactions or a relationship with such corporation, credit union service organization, or other person.

c. A fee delinquency under this subsection may also constitute grounds for revocation of the certificate of approval of the credit union to operate in this state.

Sec. 3. Section 533.113, subsection 6, paragraph e, Code 2011, is amended by striking the paragraph.

Sec. 4. Section 533.201, subsections 7 and 8, Code 2011, are

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amended to read as follows:

7. ~~Articles of incorporation may be amended by a favorable vote of a majority of the members present at a meeting, if that number constitutes a quorum and if the proposed amendment was contained in the notice of the meeting.~~

~~8. Bylaws~~ Articles of incorporation or bylaws may be amended by any of the following methods, upon a favorable vote of a majority of the board of directors selecting the method of voting:

a. The favorable vote of a majority of the members present at a meeting, if that number constitutes a quorum and if the proposed amendment was contained in the notice of the meeting.

b. The favorable vote of a majority of the members of the board.

c. By a majority vote of members voting by mailed or electronic ballot, ensuring ~~the confidentiality of voters~~ votes remain confidential and secret from all interested parties, and that each member is only allowed to vote once, according to procedures specified by rule of the superintendent~~, requiring at least twenty days' notice to all members~~ or as specified in the bylaws. ~~An announcement shall be made to members of the results of the vote. Ballots shall be preserved for a reasonable period of time following the vote.~~

d. A combination of procedures as specified in paragraphs *"a"* and *"c"*, ~~whereby members are allowed to vote either in person at a meeting or by mailed or electronic ballot,~~ according to procedures specified by rule of the superintendent or as specified in the bylaws.

8. If the proposed amendment receives a favorable majority of the total votes cast ~~in person and by mailed or electronic ballot~~ under the method of voting selected under subsection 7, the articles of incorporation or bylaws ~~shall be~~ are amended as proposed. Notice shall be given to members of the results of the vote. Ballots of members shall be preserved for at least sixty days after the results are tallied and notice given to

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1 members, and until any challenge is resolved.
2 Sec. 5. Section 533.203, Code 2011, is amended to read as
3 follows:
4 **533.203 Fiscal year — membership meetings — voting by**
5 **membership — notice.**
6 1. The fiscal year of all state credit unions shall end
7 December 31.
8 2. Annual meetings shall be held, and special meetings may
9 be held, in the manner indicated in the bylaws.
10 *a.* ~~At all meetings, a~~ A member shall have one vote
11 regardless of the number of or class of shares held by the
12 member.
13 *b.* There shall be no voting by proxy.
14 *c.* A member other than a natural person may cast a single
15 vote through a delegated agent.
16 3. *a.* ~~The majority of members present at any meeting may~~
17 ~~vote to modify, amend, or reverse any act of the board of~~
18 ~~directors or instruct the board to take action not inconsistent~~
19 ~~with the articles, bylaws, or this chapter.~~
20 ~~*b.* In order to be binding upon the board of directors, any~~
21 ~~action taken by the membership to modify, amend, or reverse~~
22 ~~an act of the board, or to instruct the board to take action,~~
23 ~~requires an affirmative vote of a majority of all eligible~~
24 ~~members obtained by submitting the modification, amendment, or~~
25 ~~reversal to the members by mail or electronic ballot, pursuant~~
26 ~~to rules adopted by the superintendent.~~ When a vote of the
27 membership is required under the provisions of this chapter,
28 the board of directors, by a favorable vote of the majority
29 of the board, shall select one of the following methods for
30 conducting that vote, unless a procedure for that vote is
31 otherwise specified:
32 (1) The favorable vote of a majority of the members present
33 at a meeting, if that number constitutes a quorum and if the
34 proposed vote was contained in the notice of the meeting.
35 (2) By a majority vote of members voting by mailed or

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1 electronic ballot according to procedures specified by rule of
2 the superintendent or as specified in the bylaws.
3 (3) A combination of procedures as specified in
4 subparagraphs (1) and (2), according to procedures specified by
5 rule of the superintendent or as specified in the bylaws.
6 *b.* Notice shall be given to members of the results of the
7 vote. Ballots of members shall be preserved for at least sixty
8 days after the results are tallied and notice given to members,
9 and until any challenge is resolved.
10 4. Votes of the membership conducted in accordance with
11 this chapter shall ensure that votes remain confidential and
12 secret from all interested parties, and that each member is
13 only allowed to vote once.
14 5. When notice to members is required under the provisions
15 of this chapter, the board of directors may satisfy the
16 notice requirement by sending the notice electronically to
17 those members who have exercised an option to receive notices
18 electronically.
19 6. Credit unions may send account statements and other
20 communications electronically to those members who have
21 exercised an option to receive communications electronically.
22 Sec. 6. NEW SECTION. **533.203A Vote to modify, amend, or**
23 **reverse act of board of directors — instruction to take action.**
24 1. The majority of members present at any meeting may vote
25 to modify, amend, or reverse any act of the board of directors
26 or instruct the board to take action not inconsistent with the
27 articles, bylaws, or this chapter.
28 2. In order to be binding upon the board of directors, any
29 action taken by the membership to modify, amend, or reverse
30 an act of the board, or to instruct the board to take action,
31 requires an affirmative vote of a majority of all eligible
32 members obtained by submitting the modification, amendment,
33 reversal, or instruction to the members for a vote, pursuant to
34 the provisions of section 533.203.
35 Sec. 7. Section 533.204, Code Supplement 2011, is amended

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to read as follows:

533.204 Election of board.

1. At the organizational meeting, and at each annual meeting after initial organization, a board of directors ~~of not less than nine members~~ shall be elected to hold office ~~for such~~. The board shall consist of at least seven members, but in every instance shall be composed of an odd number of directors. The directors shall serve staggered terms of three years, as the bylaws provide ~~and~~, so that an approximately equal number of terms expire at each annual meeting. A director shall serve until ~~successors are~~ a successor is elected and qualified.

2. At each annual meeting, one member shall be elected to fill each position vacated by reason of an expiring term or other cause.

3. ~~Pursuant to rules adopted by the superintendent, state credit unions may~~ The board of directors shall allow members to vote on the election of directors ~~via electronic means including but not limited to the internet or telephone~~ according to the provisions of section 533.203.

4. A record of the names and addresses of the directors, officers, and committee persons shall be filed with the superintendent within ten days following each election or any other change in the directors, officers, or committee persons.

~~5. *a.* A state credit union wishing to maintain a board of directors of less than nine members may apply to the superintendent for permission to reduce the required number of directors. An application to reduce the required number of directors under this subsection must demonstrate both of the following:~~

~~(1) The application is necessitated by a hardship or other special circumstance.~~

~~(2) A lesser number of directors is in the best interest of the state credit union and its members.~~

~~*b.* In no event shall the superintendent allow a state credit union to maintain fewer than seven directors on a state credit~~

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1 ~~union board.~~
2 Sec. 8. Section 533.205, subsection 2, paragraph b, Code
3 Supplement 2011, is amended to read as follows:
4 *b.* The board may also appoint alternate members of the
5 credit committee or the auditing committee.
6 Sec. 9. Section 533.208, subsection 3, Code 2011, is amended
7 to read as follows:
8 3. Suspend by ~~unanimous~~ majority vote any officer,
9 director, or member of the auditing committee ~~and call the~~
10 ~~members together to act on the suspension~~, if the auditing
11 committee deems the action to be necessary to the proper
12 conduct of the state credit union. The suspension shall be
13 put to a vote of the membership, according to the provisions
14 of section 533.203. The members ~~at the meeting~~ may vote to
15 sustain the suspension and remove the officer, director, or
16 member permanently or may vote to reinstate the officer,
17 director, or member.
18 Sec. 10. Section 533.210, subsections 3, 4, and 6, Code
19 2011, are amended to read as follows:
20 3. Any member may withdraw from the state credit union
21 at any time, but advance notice of withdrawal of shares or
22 deposits may be required as provided in this section.
23 4. After deducting all amounts due from the member to
24 the state credit union and the amount necessary to honor
25 outstanding share drafts drawn against accounts of the member,
26 all amounts paid on shares or as deposits of an expelled or
27 ~~withdrawing~~ withdrawn member, along with accrued dividends and
28 interest to the date of expulsion or withdrawal, shall be paid
29 to that member.
30 6. ~~Withdrawing or expelled~~ Expelled or withdrawn members
31 shall have no further rights in the state credit union.
32 However, ~~withdrawing or~~ expelled or withdrawn members shall not
33 be released from any remaining liability to the state credit
34 union because of the expulsion or withdrawal.
35 Sec. 11. Section 533.213, subsection 3, paragraph f, Code

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2011, is amended to read as follows:

f. Sell all or part of its assets to another corporate central credit union and assume the liabilities of a selling corporate central credit union if the action is pursuant to a plan agreed upon by a majority of the board of directors and, in the case of the sale of all of its assets, the affirmative vote of a majority of its members ~~either by mail or in person at a meeting called for that purpose~~ according to the provisions of section 533.203.

Sec. 12. Section 533.302, Code 2011, is amended to read as follows:

533.302 Capital.

1. The capital of a credit union shall consist of the payments that have been made to it by the several members thereof on shares. A credit union may charge an entrance fee as may be provided by the bylaws.

2. A credit union may establish an equity share having a par value not to exceed one hundred dollars which shall be a part of the capital of the credit union and shall not be withdrawn or transferred except upon ~~termination of~~ expulsion or withdrawal from membership in the credit union, as provided in section 533.210.

3. At the option of the credit union, the equity share may earn a dividend and may be insured.

Sec. 13. Section 533.307, Code 2011, is amended to read as follows:

533.307 Account insurance.

Except as provided in section 533.302, subsection ~~2~~ 3, a credit union organized under this chapter, as a condition of maintaining its privilege of organization, shall acquire and maintain insurance to protect each shareholder and each depositor against loss of funds held on account by the credit union. The insurance shall be obtained from the national credit union administrator or from some other share guarantor or insurance plan approved by the Iowa commissioner of

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1 insurance and the superintendent, provided that each credit
2 union shall acquire deposit insurance from the appropriate
3 agency of the federal government.
4 Sec. 14. Section 533.308, subsection 2, Code 2011, is
5 amended to read as follows:
6 2. The superintendent may furnish to any official of an
7 insurance plan by which the accounts of a state credit union
8 are insured or by which its employees and officials are bonded,
9 any information relating to examinations, investigations,
10 and reports of the status of that state credit union or
11 its employees and officials for the purpose of facilitating
12 the availability or continuation of the insurance or bond
13 of the state credit union or resolution of a claim. The
14 superintendent and the insurance company shall, whenever
15 possible, execute a confidentiality agreement regarding
16 the information provided by the superintendent that imposes
17 standards of confidentiality comparable to those required by
18 this chapter.
19 Sec. 15. Section 533.308, Code 2011, is amended by adding
20 the following new subsection:
21 NEW SUBSECTION. 3. A state credit union may furnish to
22 any official of an insurance plan by which the accounts of the
23 state credit union are insured or by which its employees and
24 officials are bonded, any information regarding transactions
25 of the state credit union, examinations, investigations,
26 or reports of the status of the state credit union or its
27 employees and officials for the purpose of facilitating the
28 availability or continuation of the insurance or bond of the
29 state credit union or resolution of a claim. The state credit
30 union and the insurance company shall, whenever possible,
31 execute a confidentiality agreement regarding the information
32 provided by the state credit union that imposes standards of
33 confidentiality comparable to those required by this chapter.
34 Sec. 16. Section 533.309, subsection 1, Code 2011, is
35 amended to read as follows:

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1. *Ownership share account.* The ownership share account shall consist of an account balance held by the state credit union in accordance with the state credit union's bylaws. Each member may acquire only one ownership share. In the case of a joint account, the joint account owners may acquire only one ownership share unless each joint account owner applies for and is accepted as an individual member. ~~The state credit union shall not set off fees against a member's ownership share.~~

Sec. 17. Section 533.325, subsection 1, Code 2011, is amended to read as follows:

1. The directors, officers, committee members, and employees of a state credit union shall hold in confidence all information regarding transactions of the state credit union, including information regarding transactions with its members and their personal affairs, except to the extent necessary in connection with ~~making~~ any of the following:

a. Making, extending, or collecting a loan or line of credit~~, guaranteeing~~.

b. Guaranteeing of member share drafts by third parties~~, or complying~~.

c. Communicating with an insurance company for the purpose of facilitating the availability or continuation of the insurance or bond of the state credit union or the resolution of a claim, pursuant to section 533.308, subsection 3.

d. Pursuant to a confidentiality agreement that is executed pursuant to section 533.108, subsection 1.

e. Complying with the examination of credit union records by regulatory authorities ~~or compliance~~.

f. Compliance with an order from a court having jurisdiction over the state credit union.

Sec. 18. Section 533.401, subsection 1, Code 2011, is amended to read as follows:

1. With the approval of the superintendent, a state credit union may merge with another credit union under the existing certificate of approval of the other credit union if the merger

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is pursuant to a plan agreed upon by a majority of the board of directors of each credit union joining in the merger and the merger is approved by the affirmative vote of a majority of the members of the merging credit union ~~either by mail or in person at a meeting called for the purpose of voting on the merger~~ according to the provisions of section 533.203. At least twenty days' notice shall be provided between the sending of notice and the scheduled conclusion of the vote.

Sec. 19. Section 533.401, subsection 3, paragraph c, Code 2011, is amended to read as follows:

c. ~~At the meeting called to consider the merger, a~~ A majority of the votes received, ~~by regular mail or in person, upon the question~~ according to the method of voting selected by the board of directors pursuant to section 533.203, were in favor of the merger.

Sec. 20. Section 533.403, subsection 1, Code 2011, is amended to read as follows:

1. A state credit union may convert into a federal credit union with the approval of the administrator of the national credit union administration and by the affirmative vote of a majority of the credit union's members who vote on the proposal, according to the provisions of section 533.203. ~~This vote, if taken, shall be at a meeting called for that purpose and shall be in the manner prescribed by the bylaws.~~

Sec. 21. Section 533.405, subsections 1, 2, and 6, Code 2011, are amended to read as follows:

1. ~~At a special meeting called for that purpose, a~~ A state credit union may dissolve upon the affirmative vote of a majority of its members eligible to vote ~~at the special meeting~~ according to the provisions of section 533.203. At least twenty days' notice shall be provided between the sending of notice and the scheduled conclusion of the vote.

~~*a.* Notice of the meeting's purpose shall be contained in the meeting's notice.~~

~~*b.* Any member eligible to vote and not present at the~~

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~~meeting may, within twenty days after the date on which the meeting was held, vote in favor of dissolution by signing a statement in a form approved by the superintendent. This vote shall have the same force and effect as if cast at the meeting.~~

2. *a.* The state credit union shall cease to do business except for the purposes of liquidation immediately upon ~~giving~~ sending notice of the ~~special meeting called for the~~ members' vote on dissolution.

b. The board of directors shall ~~immediately~~ notify the superintendent of the intention of the state credit union to dissolve within three business days of a vote by a majority of the board of directors in favor of dissolution, and prior to sending notice of the members' vote.

c. The state credit union shall not resume its regular business unless the dissolution fails to receive the required vote of the members or unless the members have revoked prior affirmative action to dissolve as provided for in subsection 6.

6. *a.* At any time prior to any distribution of its assets, a state credit union may revoke the voluntary dissolution proceedings by the affirmative vote of a majority of its members eligible to vote, according to the provisions of section 533.203. ~~This vote, if taken, shall be at a special meeting called for that purpose in the manner prescribed by the bylaws.~~ At least twenty days' notice shall be provided between the sending of notice and the scheduled conclusion of the vote.

b. ~~The~~ Upon the conclusion of the vote, the board of directors shall immediately notify the superintendent of any such action to revoke voluntary dissolution proceedings.

Sec. 22. Section 533.502, subsection 2, Code 2011, is amended to read as follows:

2. *a.* The superintendent shall ~~thereafter~~ manage the property and business of the state credit union until such time as the superintendent may relinquish to the state credit union the management, upon such conditions as the superintendent may prescribe, or until the affairs of the state credit

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1 union are finally dissolved as provided in this chapter. The
2 superintendent may operate and direct the affairs of the
3 state credit union in its regular course of business. The
4 superintendent may also collect amounts due the state credit
5 union and do such other acts as are necessary or expedient to
6 conduct the affairs of the state credit union and conserve or
7 protect its assets, property, and business.
8 *b.* The superintendent may appoint one or more persons, with
9 powers specified in the certificate of appointment, to assist
10 the superintendent in the duty of management, conservation, or
11 dissolution and distribution of the business and property of a
12 state credit union.
13 *c.* During the period of the superintendent's management of
14 the property and business of the state credit union, and prior
15 to the time that the superintendent may apply to the district
16 court for appointment as receiver, the superintendent may
17 assess the state credit union for costs and expenses incurred
18 by the division in the management of the state credit union.
19 Costs and expenses shall include but not be limited to costs
20 and expenses for salaries and benefits, expenses and travel
21 for employees, office facilities, supplies, equipment, and
22 administrative costs and expenses incurred in the management of
23 the state credit union.
24 EXPLANATION
25 This bill relates to matters under the purview of the credit
26 union division of the department of commerce.
27 The bill modifies provisions prohibiting disclosure of
28 confidential information pertaining to the supervision and
29 regulation of a specific state credit union or of other
30 persons. The bill provides that, notwithstanding the general
31 prohibition on disclosure, the superintendent of credit unions
32 or an employee of the credit union division may disclose
33 information relating specifically to the supervision and
34 regulation of a specific state credit union or of other persons
35 if the credit union or other person consents in writing to

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1 the disclosure and the persons to whom the disclosures are
2 made are subject to, or agree to comply with, standards of
3 confidentiality comparable to those contained in Code chapter
4 533. The bill references Code sections 533.113 and 533.308
5 as constituting exceptions to the general prohibition. In
6 connection specifically to Code section 533.308, relating to
7 the furnishing to officials of an insurance plan and specified
8 information to facilitate the availability or continuation
9 of insurance or a bond, or the resolution of a claim, the
10 bill adds that the superintendent and the insurance company
11 shall, whenever possible, execute a confidentiality agreement
12 regarding the information provided by the superintendent.
13 The bill specifies that the annual fees referenced in Code
14 section 533.112 payable by state credit unions refer to one
15 annual fee relating to examination and supervision, based on
16 the actual cost of operating the credit union division. The
17 bill provides that the cost of operating the credit union
18 division shall include but not be limited to costs and expenses
19 for salaries and benefits, expenses and travel for employees,
20 office facilities, supplies, equipment, and administrative
21 costs and expenses incurred in the discharge of the duties
22 imposed on the superintendent under Code chapter 533. The bill
23 provides that the cost of operating the credit union division
24 shall also include but not be limited to the costs incurred
25 due to additional time and other division resources required
26 for either performing services for the credit union that are
27 customarily performed by the credit union, or performing
28 services related to a particular examination that exceed
29 estimates for an individual credit union´s examination based on
30 specified factors, and that an individual fee assessment for
31 such costs may be made in addition to a credit union´s annual
32 fee. The bill states that the annual fee may be paid in one or
33 more installments, as provided by rule by the superintendent.
34 The bill also provides that a separate examination fee shall
35 be payable by a corporation, credit union service organization,

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1 or other person subject to an examination pursuant to Code
2 section 533.113 in an amount determined by the superintendent,
3 which shall reflect but not be limited to the time required
4 for the examination and the costs of the examination. The
5 bill provides that the costs of the examination shall include
6 components similar to the previously referenced fee payable
7 by state credit unions including but not be limited to costs
8 and expenses for salaries and benefits, expenses and travel
9 for employees, office facilities, supplies, equipment, and
10 administrative costs and expenses incurred in the discharge
11 of duties imposed upon the superintendent. The bill provides
12 that this examination fee shall be due within 30 days of
13 presentation of the fee statement to the corporation, credit
14 union service organization, or other person examined by the
15 division. Further, the bill specifies that the assessment of a
16 credit union, credit union service organization, corporation,
17 or other person subject to an examination for the expense
18 of accountants, investigators, and other experts reasonably
19 necessary to assist in the conduct of the examination, is
20 separate from and not included in the annual fee.
21 The bill deletes a provision in Code section 533.309
22 that prohibits credit unions from setting off fees against
23 a member's ownership share. The bill modifies provisions
24 contained in Code sections 533.210 and 533.302 relating to
25 withdrawing members providing advance notice of the withdrawal
26 of shares or deposits in the credit union, and referring to
27 expelled or withdrawn members.
28 The bill additionally coordinates voting procedures
29 throughout Code chapter 533 pursuant to modifications to
30 Code section 533.203. The bill provides that when a vote
31 is required, the board of directors of the credit union by
32 majority vote shall select one of several alternative methods
33 for conducting the vote, unless a procedure for a particular
34 vote is otherwise specified. The alternative methods include
35 by a vote of a majority of the members present at a meeting,

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1 if that number constitutes a quorum and if the proposed vote
2 was contained in the notice of the meeting; by a majority vote
3 of members voting by mailed or electronic ballot according
4 to procedures specified by rule of the superintendent or
5 as specified in the bylaws; or by a combination of these
6 procedures as established by rule of the superintendent or
7 as specified in the bylaws. The bill provides that notice
8 shall be given to members of the results of the vote, and
9 that ballots of members shall be preserved for at least
10 60 days after the results are tallied and notice given to
11 members, and until any challenge is resolved. The bill
12 further provides that voting shall remain confidential and
13 secret from all interested parties, that each member is only
14 allowed to vote once, that the board of directors may satisfy
15 notice requirements by sending the notice electronically to
16 members who have opted to receive notices electronically,
17 and that credit unions may send account statements and
18 other communications electronically to members who opt to
19 receive communications electronically. Comparable provisions
20 are included with reference to amending the articles of
21 incorporation or the bylaws of a credit union, provided a
22 majority of the board of directors votes to proceed with
23 such an amendment. Additionally, the bill relocates current
24 provisions regarding votes to modify, amend, reverse, or
25 instruct the board of directors contained in Code section
26 533.203 to a separate Code section 533.203A, and specifies
27 notice durations. The bill references the modified voting
28 procedures with regard to several forms of voting in Code
29 chapter 533, and provides applicable notice requirements.
30 The bill addresses elections of the board of directors,
31 modifying Code section 533.204 to refer to ongoing annual
32 meetings, as well as the initial election of the board.
33 Membership of the board is changed from not less than nine
34 members to consisting of at least seven members, serving
35 staggered terms of three years. The bill provides that the

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1 board may appoint an alternate member of the credit union's
2 auditing committee, in addition to currently authorized
3 appointments to a credit committee; and changes the voting
4 requirements for suspensions of any officer, director, or
5 member of the auditing committee from a unanimous to a majority
6 vote.
7 The bill provides, with reference to management of a state
8 credit union by the superintendent under the extraordinary
9 circumstances specified in Code chapter 533, that the
10 superintendent may operate and direct the affairs of the state
11 credit union in its regular course of business, to collect
12 amounts due the state credit union, and do such other acts as
13 are necessary or expedient to conduct the affairs of the state
14 credit union and conserve or protect its assets, property,
15 and business. The bill authorizes the superintendent to
16 appoint one or more persons, with powers specified in the
17 certificate of appointment, to assist the superintendent in
18 the duty of management, conservation, or dissolution and
19 distribution of the business and property of a state credit
20 union. Additionally, the bill provides that during the period
21 of the superintendent's management, and prior to the time
22 that the superintendent may apply to the district court for
23 appointment as receiver, the superintendent may assess the
24 state credit union for costs and expenses incurred by the
25 division in the management of the state credit union. These
26 costs and expenses shall include but not be limited to costs
27 and expenses for salaries and benefits, expenses and travel
28 for employees, office facilities, supplies, equipment, and
29 administrative costs and expenses incurred in the management of
30 the state credit union.
31 The bill also deletes an outdated reference to the federal
32 office of thrift supervision.

Senate File 2152 - Introduced

SENATE FILE 2152
BY HOUSER, SENG, JOHNSON, and KIBBIE

A BILL FOR

1 An Act relating to the land application of wastewater from
2 on-farm processing operations, and including effective date
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5965XS (5) 84
da/nh

S.F. 2152

1 Section 1. Section 455B.172A, subsection 1, paragraph a,
2 subparagraph (2), Code Supplement 2011, is amended by striking
3 the subparagraph.
4 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
5 immediate importance, takes effect upon enactment.
6 EXPLANATION
7 This bill amends a provision enacted in SF 321 during the
8 2011 legislative session (2011 Iowa Acts, chapter 31) which
9 authorizes the department of natural resources to adopt by
10 rule standards for the disposal of wastewater from an on-farm
11 processing operation which processes commodities into food
12 such as a dairy, creamery, winery, distillery, cannery,
13 bakery, or meat or poultry processor (Code section 455B.172A).
14 Code section 455B.172A currently provides that wastewater
15 originating from the operation may be applied on land if a
16 number of requirements are satisfied. The bill eliminates the
17 requirement that the wastewater be land-applied by a person
18 licensed by the department to dispose of sewage pursuant to
19 Code section 455B.172(5).

Senate File 2153 - Introduced

SENATE FILE 2153
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 3115)

A BILL FOR

1 An Act increasing the size of the commercial and industrial
2 highway network.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6018SV (1) 84
dea/nh

S.F. 2153

1 Section 1. Section 313.2A, subsection 2, paragraph b, Code
2 2011, is amended to read as follows:
3 *b.* The network of commercial and industrial highways shall
4 not exceed two thousand ~~five~~ six hundred miles including
5 municipal extensions of these highways.
6 EXPLANATION
7 Pursuant to current law, the transportation commission has
8 identified a network of commercial and industrial highways
9 within the primary road system, consisting of interconnected
10 routes which provide long distance route continuity. The
11 network is limited to 2,500 miles including municipal
12 extensions of the designated highways. This bill raises the
13 limit for the commercial and industrial highway network to
14 2,600 miles including municipal extensions.

Senate File 2154 - Introduced

SENATE FILE 2154
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 3022)

A BILL FOR

1 An Act relating to the licensure of the practice of
2 naturopathic medicine.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5036SV (2) 84
jr/nh

S.F. 2154

1 Section 1. Section 147.1, subsections 3 and 6, Code 2011,
2 are amended to read as follows:
3 3. *"Licensed"* or *"certified"*, when applied to a physician
4 and surgeon, podiatric physician, osteopathic physician
5 and surgeon, naturopathic physician, physician assistant,
6 psychologist, chiropractor, nurse, dentist, dental hygienist,
7 dental assistant, optometrist, speech pathologist, audiologist,
8 pharmacist, physical therapist, physical therapist assistant,
9 occupational therapist, occupational therapy assistant,
10 respiratory care practitioner, practitioner of cosmetology
11 arts and sciences, practitioner of barbering, funeral
12 director, dietitian, marital and family therapist, mental
13 health counselor, social worker, massage therapist, athletic
14 trainer, acupuncturist, nursing home administrator, hearing aid
15 dispenser, or sign language interpreter or transliterator means
16 a person licensed under this subtitle.
17 6. *"Profession"* means medicine and surgery, podiatry,
18 osteopathic medicine and surgery, naturopathic medicine,
19 practice as a physician assistant, psychology, chiropractic,
20 nursing, dentistry, dental hygiene, dental assisting,
21 optometry, speech pathology, audiology, pharmacy, physical
22 therapy, physical therapist assisting, occupational therapy,
23 occupational therapy assisting, respiratory care, cosmetology
24 arts and sciences, barbering, mortuary science, marital
25 and family therapy, mental health counseling, social work,
26 dietetics, massage therapy, athletic training, acupuncture,
27 nursing home administration, hearing aid dispensing, or sign
28 language interpreting or transliterating.
29 Sec. 2. Section 147.2, subsection 1, Code 2011, is amended
30 to read as follows:
31 1. A person shall not engage in the practice of medicine
32 and surgery, podiatry, osteopathic medicine and surgery,
33 naturopathic medicine, psychology, chiropractic, physical
34 therapy, physical therapist assisting, nursing, dentistry,
35 dental hygiene, dental assisting, optometry, speech pathology,

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1 audiology, occupational therapy, occupational therapy
2 assisting, respiratory care, pharmacy, cosmetology arts and
3 sciences, barbering, social work, dietetics, marital and
4 family therapy or mental health counseling, massage therapy,
5 mortuary science, athletic training, acupuncture, nursing
6 home administration, hearing aid dispensing, or sign language
7 interpreting or transliterating, or shall not practice as a
8 physician assistant, unless the person has obtained a license
9 for that purpose from the board for the profession.
10 Sec. 3. Section 147.13, subsection 1, Code 2011, is amended
11 to read as follows:
12 1. For medicine and surgery, osteopathic medicine and
13 surgery, ~~and~~ acupuncture, and naturopathic medicine, the board
14 of medicine.
15 Sec. 4. Section 147.74, Code 2011, is amended by adding the
16 following new subsection:
17 NEW SUBSECTION. 22A. A naturopathic physician licensed
18 under chapter 148F may use the words *"naturopathic physician"*,
19 *"naturopathic doctor"*, *"doctor of naturopathy"*, *"naturopathic*
20 *medical doctor"*, *"doctor of naturopathic medicine"*, *"naturopath"*
21 or the initials *"N.D."* or *"N.M.D."* after the person's name.
22 Sec. 5. Section 147.107, Code Supplement 2011, is amended by
23 adding the following new subsection:
24 NEW SUBSECTION. 8A. A licensed naturopathic physician
25 may prescribe all substances and devices consistent with the
26 level of training of the naturopathic physician unless added
27 to the exclusionary naturopathic formulary by the naturopathic
28 advisory council.
29 Sec. 6. Section 148E.3, subsection 1, Code 2011, is amended
30 to read as follows:
31 1. A person otherwise licensed to practice medicine and
32 surgery, osteopathic medicine and surgery, naturopathic
33 medicine, chiropractic, podiatry, or dentistry who is
34 exclusively engaged in the practice of the person's profession.
35 Sec. 7. NEW SECTION. **148F.1 Definitions.**

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1 As used in this chapter, unless the context otherwise
2 requires:
3 1. *"Approved naturopathic medical program"* means any of the
4 following:
5 *a.* A naturopathic medical education program in the
6 United States providing the degree of doctor of naturopathy
7 or doctor of naturopathic medicine. Such program shall
8 offer graduate-level, full-time didactic and supervised
9 clinical training and shall be accredited, or shall have
10 achieved candidacy status for accreditation by the council
11 on naturopathic medical education or by an equivalent
12 federally recognized accrediting body for naturopathic medical
13 programs also recognized by the board. Additionally, the
14 program shall be an institution, or part of an institution of
15 higher education that is either accredited or is a candidate
16 for accreditation by a regional or national institutional
17 accrediting agency recognized by the United States secretary
18 of education.
19 *b.* A diploma-granting, degree-equivalent college or
20 university in Canada that offers graduate-level, full-time
21 didactic and supervised clinical training and is accredited, or
22 has achieved candidacy status for accreditation by the council
23 on naturopathic medical education or an equivalent federally
24 recognized accrediting body for naturopathic medical programs
25 also recognized by the board; and the college or university
26 has provincial approval for participation in government-funded
27 student aid.
28 2. *"Board"* means the board of medicine established in
29 section 147.13.
30 3. *"Director"* means the executive director of the board of
31 medicine.
32 4. *"Exclusionary naturopathic formulary"* means the
33 exclusionary list of medicines, nonprescription and
34 prescription, which naturopathic physicians may not use in the
35 practice of their profession, as determined by the naturopathic

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1 advisory council.
2 5. *"Minor office procedures"* means methods for the repair
3 and care incidental to superficial lacerations and abrasions,
4 superficial lesions, and the removal of foreign bodies located
5 in the superficial tissues.
6 6. *"Naturopathic advisory council"* means the naturopathic
7 advisory council as established under this chapter.
8 7. *"Naturopathic medicine"* means a system of primary health
9 care for the prevention, diagnosis, and treatment of human
10 health conditions, injury, and disease, and the promotion or
11 restoration of health. *"Naturopathic medicine"* includes the use
12 of physiological, psychological, or mechanical methods, and the
13 use of natural medicines, prescription or legend drugs, foods,
14 herbs, or other natural remedies.
15 8. *"Naturopathic physician"* means a practitioner of
16 naturopathic medicine who has been properly licensed for that
17 purpose by the board of medicine under this chapter, who may
18 diagnose, treat, and help prevent diseases using a system
19 of practice that is based on the natural healing capacity
20 of individuals, and may use physiological, psychological,
21 or mechanical methods, and may use natural medicines,
22 prescription, or legend drugs, foods, herbs, or other natural
23 remedies.
24 9. *"Prescription drug"* means any drug described in section
25 503(b) of the federal Food, Drug and Cosmetic Act, 21 U.S.C. §
26 353, if its label is required to bear the symbol "RX only".
27 Sec. 8. NEW SECTION. **148F.2 Licensure — naturopathic**
28 **medicine.**
29 1. *Qualifications for licensure.* An applicant for a license
30 to practice naturopathic medicine shall be granted a license
31 by the board if the applicant satisfies all of the following
32 requirements:
33 *a.* Submits an application for licensure designed and
34 approved by the naturopathic advisory council.
35 *b.* Pays an application fee established by the board.

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1 *c.* Has graduated from an approved naturopathic medical
2 program.
3 *d.* Has passed a competency-based national naturopathic
4 licensing examination administered by the north American board
5 of naturopathic examiners or successor agency, that has been
6 nationally recognized to administer a naturopathic examination
7 representing federal standards of education and training. For
8 applicants who completed an approved naturopathic medical
9 program located in Canada, eligibility for licensure may be
10 granted with evidence of successful passage of a Canadian
11 provincial competency examination.
12 *e.* Provides evidence that the applicant is of good ethical
13 and professional reputation. An applicant shall not have had
14 a license to practice naturopathic medicine or other health
15 care license registration or certificate refused, revoked,
16 or suspended by this state or any other jurisdiction for
17 reasons that relate to the applicant's ability to skillfully
18 and safely practice naturopathic medicine unless that license,
19 registration, or certification has been restored to good
20 standing.
21 *f.* Provides evidence that the applicant is physically and
22 mentally capable of safely practicing naturopathic medicine
23 with or without reasonable accommodation.
24 2. *Term of license.* A license granted pursuant to this
25 section shall be renewed every two years.
26 Sec. 9. NEW SECTION. **148F.3 Use of title — exceptions.**
27 1. A person shall not represent that the person is a
28 naturopathic physician, a doctor of naturopathic medicine, a
29 doctor of naturopathy, a naturopath, or as being otherwise
30 authorized to practice naturopathic medicine in this state, or
31 use the titles *"N.D."* or *"N.M.D."* or any other titles, words,
32 letters, abbreviations, or insignia indicating or implying that
33 the individual is a licensed naturopathic physician unless
34 the individual has been licensed as a naturopathic physician
35 pursuant to this chapter without first obtaining from the board

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1 a license to practice naturopathic medicine pursuant to the
2 provisions of this chapter.
3 2. The practice of naturopathic medicine by a naturopathic
4 physician licensed pursuant to this chapter does not constitute
5 the practice of medicine and surgery under chapter 148, the
6 practice of osteopathic medicine and surgery under chapter 148,
7 or the practice of nursing under chapter 152.
8 3. This chapter and chapter 147 do not prevent qualified
9 members of other professions including but not limited
10 to individuals licensed under chapter 148, 150, 150A, or
11 152 from providing services consistent with the nature of
12 naturopathic medicine, but these persons shall not use a title
13 or description denoting that they are licensed naturopathic
14 physicians.
15 Sec. 10. NEW SECTION. **148F.4 Duties of board.**
16 The board shall adopt rules consistent with this chapter,
17 chapter 147, and as recommended by the naturopathic advisory
18 council which are necessary for the performance of its duties.
19 Sec. 11. NEW SECTION. **148F.5 Naturopathic advisory council.**
20 1. A naturopathic advisory council is established,
21 consisting of the following members, appointed by the governor:
22 *a.* Four members who are naturopathic physicians who are
23 residents of the state of Iowa and who are currently licensed
24 in good standing in another state.
25 *b.* One member who is a pharmacist licensed in Iowa.
26 *c.* One member who is a medical or osteopathic physician
27 licensed in Iowa, who has expertise in integrative medicine.
28 *d.* One member representing the general public.
29 2. Members shall not receive per diem or expense payments.
30 3. Members shall serve two-year terms, and shall serve until
31 their successors have been appointed.
32 4. The council shall select a chairperson from its
33 membership.
34 Sec. 12. NEW SECTION. **148F.6 Council powers and duties.**
35 The naturopathic advisory council shall do all of the

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following:
1. Advise the board regarding standards for licensed naturopathic physicians.
2. Provide for distribution of information regarding licensed naturopathic physician standards.
3. Advise the board on enforcement issues.
4. Review applications for licensure and license renewal and recommend the granting or denial thereof.
5. Advise the board on issues related to receiving and investigating complaints, conducting hearings, and imposing disciplinary action in relation to complaints against licensed naturopathic physicians.
6. Review naturopathic education and training for and make specific recommendations to the board regarding the qualifications to practice naturopathic childbirth attendance.
7. Recommend to the board any prescription drugs which should be included on the exclusionary naturopathic formulary.
8. Advise the board regarding approval of continuing education programs specific to naturopathic practice.

Sec. 13. NEW SECTION. **148F.7 Scope of practice.**

A naturopathic physician may do any of the following:

1. Order and perform physical and laboratory examinations consistent with naturopathic education and training for diagnostic purposes, including but not limited to phlebotomy, clinical laboratory tests, orificial examinations, and physiological function tests.
2. Order diagnostic imaging studies consistent with naturopathic training. All diagnostic tests not consistent with naturopathic medical education and training must be referred for performance and interpretation to an appropriately licensed health care professional.
3. Dispense, administer, order, and prescribe, provide, or perform the following, as applicable:

a. Food, extracts of food, nutraceuticals, vitamins, amino acids, minerals, enzymes, botanicals and their extracts,

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1 botanical medicines, homeopathic medicines, and all dietary
2 supplements and nonprescription drugs as defined by the federal
3 Food, Drug, and Cosmetic Act, 21 U.S.C. § 301 et seq.
4 *b.* Prescription or legend drugs and hormonal replacement.
5 *c.* Hot or cold hydrotherapy, naturopathic physical medicine,
6 and therapeutic exercise.
7 *d.* Devices, including but not limited to therapeutic
8 devices, barrier contraception, and durable medical equipment.
9 *e.* Health education and health counseling.
10 *f.* Repair and care incidental to superficial lacerations and
11 abrasions.
12 *g.* Removal of foreign bodies located in the superficial
13 tissues.
14 *h.* Musculoskeletal manipulation consistent with
15 naturopathic education and training.
16 4. Utilize routes of administration that include oral,
17 nasal, auricular, ocular, rectal, vaginal, transdermal,
18 intradermal, subcutaneous, intravenous, and intramuscular
19 consistent with the education and training of a naturopathic
20 physician.
21 5. Perform all therapies as trained and educated, and
22 approved by the naturopathic advisory council.
23 Sec. 14. NEW SECTION. **148F.8 Prohibitions.**
24 A naturopathic physician licensed under this chapter shall
25 not do any of the following:
26 1. Perform or induce abortions.
27 2. Perform surgical procedures except those minor office
28 procedures authorized by this chapter.
29 3. Practice or claim to practice as a medical or osteopathic
30 physician, dentist, pharmacist, podiatrist, optometrist,
31 psychologist, advanced practice registered nurse, physician
32 assistant, chiropractor, physical therapist, acupuncturist, or
33 any other health care provider not authorized in this chapter
34 unless licensed by the state of Iowa as such.
35 4. Use general or spinal anesthetics.

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1 5. Administer ionizing radioactive substances for
2 therapeutic purposes.
3 6. Administer or prescribe chemotherapeutic medications for
4 the purpose of cancer treatment.
5 7. Perform surgical procedures of the eye, ear, nerves,
6 veins, or arteries extending beyond superficial tissue.
7 Sec. 15. NEW SECTION. **148F.9 Exemptions.**
8 Nothing in this chapter shall be construed to prohibit or
9 restrict:
10 1. The practice of a profession by individuals who are
11 licensed, certified, or registered under other laws of this
12 state who are performing services within their authorized scope
13 of practice.
14 2. The practice of naturopathic medicine by an individual
15 employed by the government of the United States while the
16 individual is engaged in the performance of duties prescribed
17 by the laws and regulations of the United States.
18 3. The practice of naturopathic medicine by students
19 enrolled in an approved naturopathic medical program. The
20 performance of services shall be pursuant to a course of
21 instruction or assignments from an instructor and under the
22 supervision of the instructor. The instructor shall be a
23 naturopathic physician licensed pursuant to this chapter or a
24 duly licensed professional in the instructed field.
25 4. Persons from treating themselves and family members
26 based on religious or health beliefs.
27 5. Persons who sell vitamins and herbs from providing
28 information about their products.
29 6. Persons or practitioners from advising in the use of
30 a therapy, including but not limited to: herbal medicine,
31 homeopathy, nutrition, or other nondrug or nonsurgical therapy
32 that is within the scope of practice of naturopathic physicians
33 as outlined in this chapter as long as such therapy is lawful,
34 or, if a licensed health care provider, within the scope of
35 practice of the profession; and provided that such person is

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1 not using a title protected pursuant to this chapter or holding
2 themselves out to be a naturopathic physician.
3 7. The practice of naturopathic medicine by persons who
4 are licensed to practice in any other state as practicing
5 naturopathic physicians, who enter this state to consult with
6 a licensed naturopathic physician in this state; provided,
7 however, that the consultation is to be limited to examination,
8 recommendation, or testimony in litigation.
9 Sec. 16. FUNDING. The board of medicine shall apply
10 to the department of administrative services to request an
11 allocation of moneys from the IowAccess revolving fund to fund
12 the estimated seventy-five thousand dollars for creation of a
13 licensing management system to allow licensure of naturopathic
14 physicians under the system being developed for the boards
15 of dentistry, nursing, and medicine. The board shall not
16 implement a fee increase to make this adjustment to the system
17 for naturopathic physicians. Until such changes are made
18 to the electronic licensing system the board shall license
19 naturopathic physicians under the current procedures used to
20 license medical and osteopathic physicians.
21 EXPLANATION
22 This bill requires the licensing of naturopathic physicians
23 and makes the provisions of Code chapter 147, including
24 penalty and other regulatory provisions, applicable to other
25 health professions applicable to the practice of naturopathic
26 medicine. The bill provides that the practice of naturopathic
27 medicine means the provision of naturopathic services defined
28 as a system of primary health care for the prevention,
29 diagnosis, and treatment of human health conditions, injury,
30 and disease, and the promotion or restoration of health.
31 Naturopathic medicine includes the use of physiological,
32 psychological, or mechanical methods, and the use of natural
33 medicines, prescription or legend drugs, foods, herbs, or
34 other natural remedies. The bill specifies qualifications
35 for licensure and the scope of practice for a naturopathic

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1 physician, and details functions that a naturopathic physician
2 may not perform.
3 The practice of naturopathic medicine is regulated by the
4 board of medicine, with the advice of a naturopathic advisory
5 council. The council consists of seven members, four of
6 whom are naturopathic physicians, one medical or osteopathic
7 physician, a pharmacist, and one member representing the
8 general public. The council does not receive a per diem or
9 expenses.
10 The bill provides that qualified members of other
11 professions, including physicians and nurses, are not prevented
12 from providing services consistent with naturopathic medicine,
13 but these persons shall not use a title or description denoting
14 that they are naturopathic physicians. The bill sets out these
15 titles.
16 The bill provides for inclusion of licensed naturopathic
17 physicians in a license management system. This system is a
18 network disk archiver system currently used by the boards of
19 nursing, dentistry, and medicine.

Senate File 2155 - Introduced

SENATE FILE 2155
BY HOGG

A BILL FOR

1 An Act relating to the appropriate uses of returning dropout
2 and dropout prevention program funding.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5940XS (5) 84
kh/sc

S.F. 2155

1 Section 1. Section 257.41, Code 2011, is amended to read as
2 follows:
3 **257.41 Funding for programs for returning dropouts and**
4 **dropout prevention.**
5 1. *Budget.* The budget of an approved program for returning
6 dropouts and dropout prevention for a school district, after
7 subtracting funds received from other sources for that purpose,
8 shall be funded annually on a basis of one-fourth or more
9 from the district cost of the school district and up to
10 three-fourths by an increase in allowable growth as defined in
11 section 257.8. Annually, the department of management shall
12 establish a modified allowable growth for each such school
13 district equal to the difference between the approved budget
14 for the program for returning dropouts and dropout prevention
15 for that district and the sum of the amount funded from the
16 district cost of the school district plus funds received from
17 other sources.
18 2. *Appropriate uses of funding.* Appropriate uses of the
19 returning dropout and dropout prevention program funding
20 include but are not limited to the following:
21 *a.* Salary and benefits for instructional staff,
22 instructional support staff, and school-based youth services
23 staff who are working with students who are participating
24 in dropout prevention programs, alternative programs, and
25 alternative schools, in a traditional or alternative setting,
26 if the staff person's time is dedicated to working with
27 returning dropouts or students who are deemed, at any time
28 during the school year, to be at risk of dropping out, in
29 order to provide services beyond those which are provided by
30 the school district to students who are not identified as at
31 risk of dropping out. However, if the staff person works
32 part-time with students who are participating in returning
33 dropout and dropout prevention programs, alternative programs,
34 and alternative schools and has another unrelated staff
35 assignment, only the portion of the staff person's time that

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is related to the returning dropout and dropout prevention program, alternative program, or alternative school may be charged to the program. For purposes of this paragraph, if an alternative setting is necessary to provide for a program which is offered at a location off school grounds and which is intended to serve student needs by improving relationships and connections to school, decreasing truancy and tardiness, providing opportunities for course credit recovery, or helping students identified as at risk of dropping out to accelerate through multiple grade levels of achievement within a shortened time frame, the tuition costs for a student identified as at risk of dropping out shall be considered an appropriate use of the returning dropout and dropout prevention program funding.

b. Professional development for all teachers and staff working with at-risk students and programs involving dropout prevention strategies.

c. Research-based resources, materials, software, supplies, and purchased services that meet all of the following criteria:

(1) Meet the needs of kindergarten through grade twelve students identified as at risk of dropping out and of returning dropouts.

(2) Are beyond those provided by the regular school program.

(3) Are necessary to provide the services listed in the school district's dropout prevention plan.

(4) Will remain with the kindergarten through grade twelve returning dropout and dropout prevention program.

d. Up to five percent of the total budgeted amount received pursuant to subsection 1 may be used for purposes of providing district-wide or building-wide returning dropout and dropout prevention programming targeted to students who are not deemed at risk of dropping out.

EXPLANATION

This bill specifies the appropriate uses of the returning dropout and dropout prevention program funding for school districts. The bill also permits up to 5 percent of the total

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1 budgeted amount received by a school district for programs
2 for returning dropouts and dropout prevention to be used for
3 purposes of providing district-wide or building-wide returning
4 dropout and dropout prevention programming targeted to students
5 who are not deemed at risk of dropping out, and provides
6 that tuition for a program offered off school grounds is an
7 appropriate use.
8 Appropriate uses of funding as specified by the department
9 of education's current administrative rules include salary
10 and benefits for teachers and guidance counselors. The
11 bill includes these items and adds instructional staff,
12 instructional support staff, and school-based youth services
13 staff. The bill also adds that students may be deemed, at
14 any time during the school year, to be at risk of dropping
15 out, which is a qualification for determining the portion of
16 staff time, and resulting payment of salary and benefits from
17 program funds, that is dedicated to and related to the dropout
18 prevention program.
19 The bill also provides that if an alternative setting is
20 necessary to provide for a program which is offered at a
21 location off school grounds and which is intended to serve
22 student needs by improving relationships and connections
23 to school, decreasing truancy and tardiness, providing
24 opportunities for course credit recovery, or helping students
25 identified as at risk of dropping out to accelerate through
26 multiple grade levels of achievement within a shortened time
27 frame, the tuition costs for a student identified as at risk of
28 dropping out shall be considered an appropriate use of program
29 funding.
30 Both the bill and the current administrative rules
31 provide that the following are appropriate uses of funding:
32 professional development for all teachers and staff working
33 with at-risk students and programs involving dropout prevention
34 strategies; and research-based resources, materials, software,
35 supplies, and purchased services that meet specified criteria.

Senate File 2156 - Introduced

SENATE FILE 2156
BY ANDERSON, BERTRAND,
WHITVER, HAMERLINCK,
FEENSTRA, SORENSON, BACON,
KAPUCIAN, ERNST, GREINER,
and WARD

A BILL FOR

1 An Act relating to funding for projects on state and local
2 roads and bridges in critical need of repair or maintenance,
3 and making an appropriation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5785XS (7) 84
dea/nh

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Section 1. Section 8.55, subsection 2, paragraph a, Code Supplement 2011, is amended to read as follows:

a. The maximum balance of the fund is the amount equal to two and one-half percent of the adjusted revenue estimate for the fiscal year. If the amount of moneys in the Iowa economic emergency fund is equal to the maximum balance, moneys in excess of this amount shall be distributed as follows:

(1) The first sixty million dollars of the difference between the actual net revenue for the general fund of the state for the fiscal year and the adjusted revenue estimate for the fiscal year shall be transferred to the taxpayers trust fund.

(2) Moneys in excess of the amount transferred under subparagraph (1), up to a maximum amount of sixty million dollars, shall be transferred to the critical needs road fund created under section 312B.1.

~~(2)~~ (3) The remainder of the excess, if any, shall be transferred to the general fund of the state.

Sec. 2. Section 8.58, Code Supplement 2011, is amended to read as follows:

8.58 Exemption from automatic application.

1. To the extent that moneys appropriated under section 8.57 do not result in moneys being credited to the general fund under section 8.55, subsection 2, moneys appropriated under section 8.57 and moneys contained in the cash reserve fund, rebuild Iowa infrastructure fund, environment first fund, Iowa economic emergency fund, ~~and~~ taxpayers trust fund, and critical needs road fund shall not be considered in the application of any formula, index, or other statutory triggering mechanism which would affect appropriations, payments, or taxation rates, contrary provisions of the Code notwithstanding.

2. To the extent that moneys appropriated under section 8.57 do not result in moneys being credited to the general fund under section 8.55, subsection 2, moneys appropriated under section 8.57 and moneys contained in the cash reserve fund,

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1 rebuild Iowa infrastructure fund, environment first fund, Iowa
2 economic emergency fund, ~~and~~ taxpayers trust fund, and critical
3 needs road fund shall not be considered by an arbitrator or in
4 negotiations under chapter 20.
5 Sec. 3. NEW SECTION. **312B.1 Critical needs road fund.**
6 1. A critical needs road fund is created in the state
7 treasury under the control of the department of transportation.
8 The fund shall be separate from the general fund of the state
9 and the balance in the fund shall not be considered part of
10 the balance of the general fund of the state. The fund shall
11 consist of moneys appropriated by the general assembly and any
12 revenues credited by law to the critical needs road fund. The
13 moneys in the fund are not subject to section 8.33 and shall
14 not be transferred, used, obligated, appropriated, or otherwise
15 encumbered except as provided in this section. Notwithstanding
16 section 12C.7, subsection 2, interest or earnings on moneys
17 deposited in the critical needs road fund shall be credited to
18 the fund.
19 2. Moneys in the critical needs road fund are appropriated
20 to the department of transportation to be used as directed by
21 the department exclusively for the repair and maintenance of
22 roads on the primary or secondary road system, or the municipal
23 street system, including bridges. The department shall
24 establish guidelines to be used by the department, counties,
25 and cities for identifying roads and bridges in critical
26 need of repair or maintenance and for the department to use
27 in evaluating and prioritizing state and local road projects
28 to receive funding under this section. Counties and cities
29 may apply for funding from the critical needs road fund by
30 submitting to the department proposals for projects on roads
31 under their respective jurisdictions. A qualifying proposal
32 shall include information regarding the status and condition
33 of the road that is the subject of the proposal, the plan for
34 completing the project, and any other information required by
35 the department. The department shall develop an application

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1 process for counties and cities to use for the submission of
2 proposals for the use of funds under this section. Moneys
3 distributed from the critical needs road fund may be used
4 in combination with other available funding as necessary to
5 accomplish the completion of a qualifying project and to
6 accomplish the goal of reducing the number of Iowa roads and
7 bridges with critical needs.
8 EXPLANATION
9 This bill establishes a critical needs road fund in the state
10 treasury under the control of the department of transportation.
11 Moneys in the fund are appropriated to the department to be
12 used exclusively for repair and maintenance of state and local
13 roads. The department is authorized to direct the use of the
14 fund's resources according to guidelines to be established by
15 the department for identifying roads and bridges in critical
16 need of repair or maintenance and for prioritizing state
17 and local critical needs projects. Counties and cities
18 may submit proposals for the use of funds on roads under
19 their jurisdiction according to an application process to be
20 developed by the department. Moneys from the fund may be used
21 in combination with other available funding.
22 The bill provides that if the economic emergency fund
23 reaches the maximum balance, after the required transfer of a
24 portion of the excess to the taxpayers trust fund and before
25 any remaining excess is transferred to the general fund of the
26 state, any excess moneys in an amount up to $60 million shall
27 be transferred to the critical needs road fund.

Senate File 2157 - Introduced

SENATE FILE 2157
BY ZAUN

A BILL FOR

1 An Act relating to continuing education required for real
2 estate brokers and salespersons.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5892SS (3) 84
jr/sc

S.F. 2157

1 Section 1. Section 543B.9, Code 2011, is amended to read as
2 follows:
3 **543B.9 Rules.**
4 1. The real estate commission may adopt rules to carry out
5 and administer the provisions of this chapter.
6 2. The commission ~~may carry on~~ shall adopt rules
7 necessary to administer a program of education of real
8 estate practices and matters relating to real estate. The
9 program shall establish separate categories of continuing
10 education requirements for commercial real estate brokers
11 and salespersons and residential real estate brokers and
12 salespersons.
13 3. The commission shall adopt rules necessary to carry out
14 the provisions of chapter 558A relating to the disclosure of
15 information before the transfer of real estate.
16 EXPLANATION
17 This bill requires that the real estate commission adopt
18 administrative rules to administer a program of education of
19 real estate practices and matters relating to real estate.
20 The bill provides that the program shall establish separate
21 categories of continuing education requirements for commercial
22 and residential real estate brokers and salespersons.

Senate File 2158 - Introduced

SENATE FILE 2158
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SF 2082)

A BILL FOR

1 An Act relating to reimbursement of speech pathology services
2 under the medical assistance program.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5796SV (1) 84
pf/nh

S.F. 2158

1 Section 1. NEW SECTION. **249A.15B Speech pathologists**
2 **eligible for payment.**
3 The department shall adopt rules pursuant to chapter
4 17A entitling speech pathologists who are licensed pursuant
5 to chapter 154F, including those certified in independent
6 practice, to payment for speech pathology services provided
7 to recipients of medical assistance, subject to limitations
8 and exclusions the department finds necessary on the basis of
9 federal laws and regulations.
10 EXPLANATION
11 This bill directs the department of human services to
12 adopt rules entitling licensed speech pathologists, including
13 those certified in independent practice, to payment for
14 speech pathology services provided to recipients of medical
15 assistance, subject to limitations and exclusions the
16 department finds necessary on the basis of federal laws and
17 regulations.

Senate File 2159 - Introduced

SENATE FILE 2159
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 3082)

A BILL FOR

1 An Act relating to child support enforcement including
2 protection of child support information.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5288SV (1) 84
pf/nh

S.F. 2159

Section 1. Section 252B.5, subsection 9, paragraph b, unnumbered paragraph 1, Code 2011, is amended to read as follows:

~~Notwithstanding section 252B.9, the~~ The unit may forward information to the department of administrative services as necessary to implement this subsection, including but not limited to both of the following:

Sec. 2. Section 252B.9, subsection 2, unnumbered paragraph 1, Code 2011, is amended to read as follows:

Notwithstanding other statutory provisions to the contrary, including but not limited to chapters 22 and 217, as the chapters relate to confidentiality of records maintained by the department, the payment records of the collection services center maintained under section 252B.13A ~~are public records~~ may be released, except when prohibited by federal law or regulation, only as follows:

Sec. 3. Section 252B.9, subsection 2, paragraph a, Code 2011, is amended to read as follows:

a. Payment records of the collection services center ~~which are maintained pursuant to chapter 598 are public records and~~ may be released upon request for the administration of a plan or program approved for the supplemental nutrition assistance program or under Tit. IV, XIX, or XXI of the federal Social Security Act, as amended, and as otherwise permitted under Tit. IV-D of the federal Social Security Act, as amended. ~~Payment records of the clerk of the district court, to which the department has access to meet the requirements of a state disbursement unit, are also public records and may be released upon request.~~ A payment record shall not include address or location information.

Sec. 4. Section 252B.9, subsection 2, paragraph b, unnumbered paragraph 1, Code 2011, is amended to read as follows:

~~Except as otherwise provided in subsection 1, the~~ The department ~~shall not~~ may release details related to payment

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1 records or provide alternative formats for release of the
2 information~~, with the following additional exceptions:~~ for the
3 administration of a plan or program under Tit. IV-D of the
4 federal Social Security Act, as amended, including as follows:
5 Sec. 5. Section 252B.9, subsection 2, paragraph b,
6 subparagraph (1), Code 2011, is amended to read as follows:
7 (1) The unit or collection services center may provide
8 ~~additional~~ detail or present the information in an alternative
9 format to an individual or to the individual's legal
10 representative if the individual owes or is owed a support
11 obligation, to an agency assigned the obligation as the result
12 of receipt by a party of public assistance, to an agency
13 charged with enforcing child support pursuant to Tit. IV-D of
14 the federal Social Security Act, as amended, or to the court.
15 Sec. 6. Section 252B.9, subsection 3, paragraph e, Code
16 2011, is amended to read as follows:
17 *e.* Information may be released if directly connected with
18 any of the following:
19 (1) The administration of ~~the~~ a plan or program approved for
20 the supplemental nutrition assistance program or under Tit.
21 ~~I, IV-A, IV-B, IV-D, IV-E, X, XIV, XVI,~~ IV, XIX, or ~~XX~~ XXI, ~~or~~
22 ~~the supplemental security income program established under Tit.~~
23 ~~XVI,~~ of the federal Social Security Act, as amended.
24 (2) Any investigations, prosecutions, or criminal or civil
25 proceeding conducted in connection with the administration of
26 any such plan or program.
27 ~~(3) The administration of any other federal or federally~~
28 ~~assisted program which provides assistance in cash or in kind~~
29 ~~or provides services, directly to individuals on the basis of~~
30 ~~need.~~
31 ~~(4)~~ (3) Reporting to an appropriate agency or official of
32 any such plan or program, information on known or suspected
33 instances of physical or mental injury, sexual abuse or
34 exploitation, or negligent treatment or maltreatment of a child
35 who is the subject of a child support enforcement action under

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1 circumstances which indicate that the child's health or welfare
2 is threatened.
3 Sec. 7. Section 252B.9, subsection 3, paragraph g, Code
4 2011, is amended to read as follows:
5 *g.* The child support recovery unit ~~shall~~ may release
6 information ~~relating to an absent parent to another unit of the~~
7 ~~department pursuant to a written request for the information~~
8 ~~approved by the director or the director's designee~~ for
9 the administration of a plan or program approved for the
10 supplemental nutrition assistance program or under Tit. IV,
11 XIX, or XXI of the federal Social Security Act, as amended,
12 specified under subsection 2 or this subsection, to the extent
13 the release of information does not interfere with the unit
14 meeting its own obligations under Tit. IV-D of the federal
15 Social Security Act, as amended, and subject to requirements
16 prescribed by the federal office of child support enforcement
17 of the United States department of health and human services.
18 Sec. 8. Section 252B.9A, subsection 1, Code 2011, is amended
19 to read as follows:
20 1. A person, except a court or government agency, who is an
21 authorized person to receive specified confidential information
22 under 42 U.S.C. § 653, may submit a written request to the unit
23 for disclosure of specified confidential information regarding
24 a nonrequesting party. The written request shall comply with
25 federal law and regulations, including any attestation and any
26 payment to the federal office of child support enforcement
27 of the United States department of health and human services
28 required by federal law or regulation, and shall include a
29 sworn statement attesting to the reason why the requester is
30 an authorized person under 42 U.S.C. § 653, including that
31 the requester would use the confidential information only for
32 purposes permitted in that section.
33 Sec. 9. Section 252G.5, subsections 2 and 3, Code 2011, are
34 amended to read as follows:
35 2. State agencies as specified under 42 U.S.C. § 653A which

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1 utilize income information for the determination of eligibility
2 or calculation of payments for benefit or entitlement payments
3 unless prohibited under federal law.
4 3. State agencies ~~which utilize income information for~~
5 ~~the recoupment of debts to the state~~ operating employment
6 security and workers' compensation programs for the purposes
7 of administering such programs unless prohibited under federal
8 law.
9 Sec. 10. Section 598.22, subsection 3, Code 2011, is amended
10 to read as follows:
11 3. An order or judgment entered by the court for temporary
12 or permanent support or for income withholding shall be filed
13 with the clerk. The orders have the same force and effect as
14 judgments when entered in the judgment docket and lien index
15 and are records open to the public. Unless otherwise provided
16 by federal law, if it is possible to identify the support
17 order to which a payment is to be applied, and if sufficient
18 information identifying the obligee is provided, the clerk or
19 the collection services center, as appropriate, shall disburse
20 the payments received pursuant to the orders or judgments
21 within two working days of the receipt of the payments.
22 All moneys received or disbursed under this section shall
23 be entered in records kept by the clerk, or the collection
24 services center, as appropriate, ~~which~~ and the records kept
25 by the clerk shall be available to the public. The clerk
26 or the collection services center shall not enter any moneys
27 paid in the record book if not paid directly to the clerk or
28 the center, as appropriate, except as provided for trusts and
29 federal social security disability payments in this section,
30 and for tax refunds or rebates in section 602.8102, subsection
31 47.
32 Sec. 11. Section 598.26, subsection 1, Code 2011, is amended
33 to read as follows:
34 1. Until a decree of dissolution has been entered, the
35 record and evidence shall be closed to all but the court, its

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officers, and the child support recovery unit of the department of human services pursuant to section 252B.9. However, the payment records of a temporary support order~~, whether~~ maintained by the clerk of the district court ~~or the department of human services,~~ are public records and may be released upon request. Payment records shall not include address or location information. No other person shall permit a copy of any of the testimony, or pleading, or the substance ~~thereof~~ of any testimony or pleading, to be made available to any person other than a party to the action or a party's attorney. Nothing in this subsection shall be construed to prohibit publication of the original notice as provided by the rules of civil procedure.

EXPLANATION

This bill amends provisions regarding the use and disclosure of confidential information relating to child support enforcement in accordance with new federal regulations. The bill, in accordance with these federal regulations, restricts the use and disclosure of such information, including payment records, to only the administration of the child support program under Title IV-D of the federal Social Security Act, for a plan or program approved for the supplemental nutrition assistance program, and to provide information to other government agencies for programs under Title IV (temporary assistance for needy families, family investment program, and child welfare), Title XIX (Medicaid), and Title XXI (state children's health insurance program) of the federal Social Security Act. The bill also requires evidence that a person is authorized under federal law in order to access parent locator services, and limits the government agencies that may have access to the Iowa central employee registry.

Senate File 2160 - Introduced

SENATE FILE 2160
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 3054)

A BILL FOR

1 An Act relating to allowing financial supplementation to
2 a nursing facility for provision of a private room to a
3 recipient of medical assistance.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5481SV (1) 84
pf/nh

S.F. 2160

1 Section 1. Section 249A.4, Code 2011, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 9A. *a.* Recommend to the council on human
4 services the adoption of rules allowing supplementation of the
5 combination of client participation and payment made through
6 the medical assistance program, by the resident of a nursing
7 facility or the resident's family, for provision of a private
8 room not otherwise covered under the medical assistance program
9 unless:
10 (1) The private room is therapeutically required pursuant
11 to 42 C.F.R. § 483.10(c)(8)(ii).
12 (2) No room other than the private room is available.
13 *b.* The rules shall require all of the following if a nursing
14 facility provides for such supplementation:
15 (1) The nursing facility shall inform all current and
16 prospective residents and residents' legal representatives of
17 the following:
18 (a) If the resident desires a private room, the resident
19 or resident's family may provide supplementation by directly
20 paying the facility the amount of supplementation.
21 (b) The nursing facility's policy if a resident residing
22 in a private room converts from private pay to payment under
23 the medical assistance program, but the resident or resident's
24 family is not willing or able to pay supplementation for the
25 private room.
26 (c) The private rooms for which supplementation is
27 required.
28 (d) The process for an individual to take legal
29 responsibility for providing supplementation, including
30 identification of the individual and the extent of the legal
31 responsibility.
32 (2) For residents for whom the nursing facility receives
33 supplementation, the nursing facility shall indicate in the
34 resident's record all of the following:
35 (a) Identification of the private room for which the nursing

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1 facility is receiving supplementation.
2 (b) The identity of the individual making the supplemental
3 payments.
4 (c) The amount of the supplemental payment.
5 (d) The private pay charge for the private room for which
6 the nursing facility is receiving the supplemental payment.
7 (3) If the nursing facility only provides one type of
8 room or all private rooms, the nursing facility shall not be
9 eligible to request supplementation.
10 (4) A nursing facility may base the supplementation amount
11 on the difference between the amount paid for a room covered
12 under the medical assistance program and the private pay rate
13 for the private room identified for supplementation. However,
14 the total payment for the private room from all sources
15 shall be the lesser of the private room rate or not more than
16 two times the rate for the room covered under the medical
17 assistance program for which the resident would be eligible.
18 EXPLANATION
19 This bill directs the director of human services to
20 recommend to the council on human services the adoption of
21 rules allowing supplementation under the medical assistance
22 program, by the resident of a nursing facility or the
23 resident's family, for provision of a private room not
24 otherwise covered under the medical assistance program.
25 Supplementation is not available if the private room is
26 therapeutically required under federal regulations or no room
27 other than the private room is available. The bill specifies
28 what the rules are to require if a nursing facility provides
29 for supplementation and the information to be included in
30 the resident's record if supplementation is received by
31 the nursing facility. The rules are to provide that if the
32 nursing facility only provides one type of room or all private
33 rooms, the nursing facility shall not be eligible to request
34 supplementation and also provides for limitation of the amount
35 of supplementation that a nursing facility may accept.

Senate File 2161 - Introduced

SENATE FILE 2161
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SSB 3116)

A BILL FOR

1 An Act relating to the amount of the earned income tax credit
2 and including retroactive applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5477SV (1) 84
mm/sc

S.F. 2161

1 Section 1. Section 422.12B, subsection 1, Code 2011, is
2 amended to read as follows:
3 1. The taxes imposed under this division less the credits
4 allowed under section 422.12 shall be reduced by an earned
5 income credit equal to ~~seven~~ thirteen percent of the federal
6 earned income credit provided in section 32 of the Internal
7 Revenue Code. Any credit in excess of the tax liability is
8 refundable.
9 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
10 retroactively to January 1, 2012, for tax years beginning on
11 or after that date.
12 EXPLANATION
13 This bill increases the amount of the state earned income
14 tax credit. Currently, the credit is equal to 7 percent of the
15 amount of a taxpayer's federal earned income tax credit. The
16 bill increases the amount of the credit to 13 percent.
17 The bill applies retroactively to January 1, 2012, for tax
18 years beginning on or after that date.

Senate File 2162 - Introduced

SENATE FILE 2162
BY ANDERSON and BERTRAND

(COMPANION TO LSB 5533HH BY
PETTENGILL)

A BILL FOR

1 An Act relating to the state housing credit ceiling allocation
2 and including effective date and retroactive applicability
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5533XS (4) 84
mm/sc

S.F. 2162

1 Section 1. Section 16.52, Code 2011, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 2A. In the event the authority considers
4 local government contributions as a factor in adopting and
5 applying the allocation rules pursuant to subsection 2, the
6 authority shall consider the value of a tax exemption provided
7 by a city or county, or an agency, department, or similar
8 subunit thereof, to be a local government contribution.
9 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
10 immediate importance, takes effect upon enactment.
11 Sec. 3. RETROACTIVE APPLICABILITY. This Act applies
12 retroactively to January 1, 2012.
13 EXPLANATION
14 This bill applies to the low-income housing tax credit
15 program administered through the Iowa finance authority
16 pursuant to Code section 16.52.
17 The Iowa finance authority is required to adopt rules
18 and allocation procedures for the allocation of the federal
19 low-income housing tax credits based on several factors listed
20 in Code section 16.52. The Iowa finance authority incorporates
21 the factors into a qualified allocation plan, which it then
22 uses to analyze and score applications for the tax credit.
23 Under the current qualified allocation plan, the Iowa
24 finance authority considers local government contributions
25 as one of its scoring factors relating to the location of
26 the proposed housing project, but does not consider the
27 value of a tax exemption provided by a city or county,
28 or an agency, department, or similar subunit thereof, to
29 be a local government contribution. The bill amends Code
30 section 16.52 to provide that if the Iowa finance authority
31 considers local government contributions in adopting and
32 applying its allocation rules, it shall consider the value
33 of a tax exemption provided by a city or county, or an
34 agency, department, or similar subunit thereof, to be a local
35 government contribution.

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1 The bill takes effect upon enactment and applies
2 retroactively to January 1, 2012.

Senate File 2163 - Introduced

SENATE FILE 2163
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 3037)

A BILL FOR

1 An Act relating to an exception from state certification for
2 adult day services programs.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5241SV (2) 84
ad/rj

S.F. 2163

1 Section 1. NEW SECTION. **231D.3A Exception.**
2 An entity certified by the centers for Medicare and Medicaid
3 services of the United States department of health and human
4 services as a federal program of all-inclusive care for the
5 elderly shall not be required to be certified as an adult
6 day services program under this chapter. A program for
7 all-inclusive care for the elderly, as used in this section,
8 shall not identify itself or hold itself out to be an adult day
9 services program as defined in section 231D.1.
10 EXPLANATION
11 This bill grants an exception from the state certification
12 requirement applicable to an adult day services program under
13 Code chapter 231D, if the program is certified as a federal
14 program for all-inclusive care for the elderly. The bill
15 provides that a program for all-inclusive care for the elderly
16 shall not identify or hold itself out to be an adult day
17 services program as defined in Code section 231D.1.

Senate File 2164 - Introduced

SENATE FILE 2164
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 3111)

A BILL FOR

1 An Act relating to department of human services' evaluations
2 of criminal or abuse records of employees of health care
3 facilities.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5997SV (2) 84
jp/nh

S.F. 2164

Section 1. Section 135C.33, subsection 4, paragraph b, Code 2011, is amended to read as follows:

b. A person with a criminal or abuse record who is or was employed by a facility licensed under this chapter and is hired by another licensee ~~without a lapse in employment~~ shall be subject to the criminal history and abuse record checks required pursuant to subsection 1. ~~If~~ However, if an evaluation was previously performed by the department of human services concerning the person's criminal or abuse record and it was determined that the record did not warrant prohibition of the person's employment and the latest record checks do not indicate a crime was committed or founded abuse record was entered subsequent to that evaluation, the person may commence employment with the other licensee ~~while~~ in accordance with the department of human services' evaluation ~~of the latest record checks is pending~~ and an exemption from the requirements in paragraph *"a"* for reevaluation of the latest record checks is authorized. Otherwise, the requirements of paragraph *"a"* remain applicable to the person's employment. Authorization of an exemption under this paragraph *"b"* from requirements for reevaluation of the latest record checks by the department of human services is subject to all of the following provisions:

(1) The position with the subsequent employer is substantially the same or has the same job responsibilities as the position for which the previous evaluation was performed.

(2) Any restrictions placed on the person's employment in the previous evaluation by the department of human services shall remain applicable in the person's subsequent employment.

(3) The person subject to the record checks has maintained a copy of the previous evaluation and provides the evaluation to the subsequent employer or the previous employer provides the previous evaluation from the person's personnel file pursuant to the person's authorization. If a physical copy of the previous evaluation is not provided to the subsequent employer, the record checks shall be reevaluated.

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1 (4) Although an exemption under this paragraph "b" may
2 be authorized, the subsequent employer may instead request a
3 reevaluation of the record checks and may employ the person
4 while the reevaluation is being performed.
5 EXPLANATION
6 This bill relates to department of human services'
7 evaluations of criminal or abuse records of employees of health
8 care facilities.
9 Code section 135C.33, relating to child or dependent adult
10 abuse information and criminal record checks of a health care
11 facility and other service provider employees, allows a person
12 with a criminal or abuse record employed by a licensed health
13 care facility to be hired by another licensee without a lapse
14 in employment under certain circumstances. The provision
15 applies to health care facilities (nursing facilities,
16 residential care facilities, and intermediate care facilities
17 for persons with mental illness or mental retardation),
18 various in-home service providers, hospices, Medicaid waiver
19 service providers, elder group homes, and assisted living
20 programs. New criminal history and child and dependent abuse
21 record checks of the person are required. If the person was
22 previously evaluated by the department and it was determined
23 that the record did not warrant prohibition of the person's
24 employment and the latest record checks do not indicate a
25 crime was committed or a founded abuse record was entered
26 subsequent to that evaluation, the statute authorizes the
27 person to commence employment with the other licensee while the
28 department's evaluation of the latest record check is pending.
29 The bill maintains the requirement for new record checks,
30 removes the restriction for hiring without a lapse in
31 employment, and authorizes an exemption from the requirement
32 for the department to repeat the evaluation if it was
33 previously determined that the record did not warrant
34 prohibition of the person's employment and the latest record
35 checks do not indicate a crime was committed or a founded abuse

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1 record was entered subsequent to that evaluation. In order
2 for the exemption to be authorized, the bill requires that
3 the position with the subsequent employer is substantially
4 the same or has the same job responsibilities as the position
5 for which the department's evaluation was performed. Also,
6 any restrictions placed on the person's employment in the
7 evaluation remain applicable in the subsequent employment.
8 The person subject to the record checks must either provide
9 the evaluation to the subsequent employer or authorize the
10 previous employer to provide it from the person's personnel
11 file. If a physical copy of the evaluation is not provided to
12 the subsequent employer, the department must reevaluate the
13 record checks. Finally, the subsequent employer may choose to
14 request a reevaluation even though an exemption is authorized
15 but the person may be employed while the reevaluation is being
16 performed.

Senate Resolution 104 - Introduced

SENATE RESOLUTION NO. 104
BY FEENSTRA

1 A Resolution to preserve habeas corpus and civil
2 liberties.
3 WHEREAS, one of our most fundamental rights as
4 American citizens is to be free from unreasonable
5 detention without due process of law, a right afforded
6 to us by our founding fathers and guaranteed to us by
7 over two centuries of sacrifice by our men and women in
8 the armed forces whom we daily recognize and honor; and
9 WHEREAS, on behalf of the citizens of Iowa, the
10 Senate opposes any and all laws, regulations, and
11 executive orders, which amount to an overreach of the
12 federal government and which effectively take away
13 civil liberties; and
14 WHEREAS, in accordance with the Constitution of the
15 State of Iowa, Article III, section 32, all members
16 of the General Assembly are mandated to "support the
17 Constitution of the United States, and the Constitution
18 of the State of Iowa,"; and
19 WHEREAS, the members of the Senate believe that any
20 laws, regulations, or executive orders going against
21 habeas corpus or the civil liberties of Iowa citizens
22 granted under the Constitution of the United States
23 and Bill of Rights are invalid and should not be
24 recognized; NOW THEREFORE,
25 BE IT RESOLVED BY THE SENATE, That the Senate urges
26 the members of the United States Congress to resist
27 any attempt to curtail or restrict the right of due
28 process and the right to habeas corpus as guaranteed in

S.R. 104

1 the Bill of Rights and the Constitution of the United
2 States and to repeal those provisions of the federal
3 National Defense Authorization Act for Fiscal Year 2012
4 which threaten those rights; and
5 BE IT FURTHER RESOLVED, That an official copy of
6 this Resolution be transmitted to the President of
7 the United States, the Secretary of the United States
8 Department of Defense, and to members of the Iowa
9 Congressional delegation.

Senate Study Bill 3149 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON RAGAN)

A BILL FOR

1 An Act relating to the state comprehensive Alzheimer's disease
2 response strategy.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5674SC (5) 84
pf/nh

S.F. _____

1 Section 1. ALZHEIMER´S DISEASE RESPONSE STRATEGY —
2 FINDINGS AND INTENT.
3 1. The general assembly finds all of the following based on
4 data compiled by the Alzheimer´s association:
5 a. In 2011, an estimated 5.4 million Americans were
6 diagnosed and living with Alzheimer´s disease, the most common
7 form of dementia. One in eight or 13 percent of people age
8 65 and older and 43 percent of people age 85 and older have
9 Alzheimer´s disease. With longer life expectancies and
10 increases in the number of persons reaching 65 years of age,
11 the number of new cases of Alzheimer´s disease among those 65
12 years of age and older is expected to double by 2050, when
13 someone in the United States will develop Alzheimer´s disease
14 every 33 seconds.
15 b. While the prevalence of Alzheimer´s disease is greater
16 among those over 65 years of age, younger onset Alzheimer´s
17 disease affects approximately 200,000 persons under age 65
18 nationwide. The impact can be financially devastating on the
19 individuals and their families during their working years, and
20 these individuals experience barriers to services and supports
21 that are generally designed for an older population.
22 c. The impact of Alzheimer´s disease is staggering in the
23 emotional and economic toll on individuals, their families, and
24 employers, in the increased loss of life, and in the costs of
25 providing care.
26 (1) (a) Alzheimer´s disease is a fatal condition with no
27 known means to alter the underlying course of the disease.
28 The symptoms of Alzheimer´s disease worsen over time,
29 slowly robbing individuals of their memories, autonomy, and,
30 ultimately, life.
31 (b) Caregivers experience high levels of stress and
32 negative effects on their health, employment, income, and
33 financial security. In 2010, 14.9 million family and friends
34 provided 17 billion hours of unpaid care to those with
35 Alzheimer´s and other dementias, at an estimated uncompensated

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1 cost of $202.6 billion.
2 (c) In 2010, businesses lost $36.5 billion, including costs
3 of lost productivity, related to employees providing care for
4 individuals with Alzheimer's or other dementias.
5 (2) Alzheimer's disease is the sixth leading cause of death
6 across all ages in the United States, and the fifth leading
7 cause of death for those 65 years of age and older. While
8 the major causes of death — stroke, prostate cancer, breast
9 cancer, heart disease, and HIV — experienced significant
10 declines between the years 2000 and 2008, deaths attributable
11 to Alzheimer's have increased by 66 percent.
12 (3) Average Medicare payments for people with Alzheimer's
13 disease and other dementias are three times higher than for
14 those without the disease. Medicaid spending for seniors with
15 Alzheimer's disease and other dementias is nine times higher
16 than for those without the disease. Nursing home admissions
17 are expected for 75 percent of those over 80 years of age
18 with Alzheimer's disease, compared with only 4 percent of the
19 general population.
20 d. In 2011, approximately 69,000 Iowans had been diagnosed
21 with Alzheimer's disease, with an expected increase in its
22 prevalence of 18 percent by the year 2025. Alzheimer's disease
23 was the fifth leading cause of death for Iowans in 2009. In
24 2009, Iowans died from Alzheimer's at the rate of 42 deaths per
25 100,000, almost double the national average of 24.7 deaths per
26 100,000.
27 e. Iowa's challenge in confronting Alzheimer's disease is
28 exacerbated by the state's large and growing aging population,
29 fragmented service systems, lack of adequate disease data, and
30 growing workforce shortage. In the 2011 listening sessions
31 conducted by the Alzheimer's association, Iowans reported
32 that the most critical issues associated with Alzheimer's are
33 difficulty in obtaining a diagnosis, the need for training of
34 physicians and other health care providers, more funding for
35 federal research, the quality of care in facilities including

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1 staffing ratios, activities, and turnover, and the availability
2 and accessibility of services.
3 (1) By 2030, according to the United States Census Bureau,
4 the population of Iowans 65 and older will constitute 22.4
5 percent of the state's total population.
6 (2) A fragmented service system results in difficulty
7 for individuals and families in accessing information and
8 resources, eligibility for services is often complicated and
9 confusing, and while services are often developed to meet local
10 needs this local flexibility means that services and supports
11 are not consistently available across the state.
12 (3) (a) Workforce shortages and lack of training impact
13 care for persons with Alzheimer's disease in day-to-day
14 hands-on care, primary care, and specialty care.
15 (b) The inadequate capacity and insufficient training
16 of the workforce requires enhancement of the geriatric
17 competencies of the entire workforce and increased recruitment
18 and retention of geriatric specialists and caregivers.
19 (c) It is estimated that direct care workers provide 70 to
20 80 percent of hands-on long-term care and personal assistance
21 for the elderly, persons with disabilities, and persons with
22 chronic conditions. The department of workforce development
23 projects the need for an estimated 11,000 additional direct
24 care professionals between 2008 and 2018.
25 (d) Sixty-two Iowa counties are designated as primary
26 care shortage areas. Primary care practices are the initial
27 point of diagnosis and information and ongoing care for many
28 patients and their families. Lack of primary care practices
29 delays response to patient needs and many clinicians have not
30 received the specialized or state-of-the-art training specific
31 to Alzheimer's disease.
32 (e) Ninety Iowa counties are mental health professional
33 shortage areas. The specialty care areas most lacking in the
34 state are psychiatry and neurology, two areas most needed by
35 individuals with Alzheimer's disease.

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1 f. Lack of understanding and misperceptions of Alzheimer's
2 disease delay diagnosis and perpetuate the pervasive social
3 stigma and feelings of isolation and denial about the disease,
4 delay early assessment and diagnosis and access to accurate
5 information and beneficial resources and services, and impede
6 efforts to improve system supports for those with Alzheimer's.
7 As many as 50 percent of people meeting the diagnostic criteria
8 for dementia have never received a diagnosis. While there
9 is not a known cure for Alzheimer's disease, early detection
10 affords the benefits of better management of symptoms,
11 behaviors, and coexisting conditions; facilitation of a
12 course of care; provision of training, education, and support
13 services; delay in progression of the disease and potential
14 institutionalization; and opportunity for advance planning for
15 the future.
16 g. (1) Transformation must take place in the way
17 individuals with Alzheimer's and their families are perceived
18 and supported; in the way medical and long-term care is
19 provided and managed; and in the way communities prepare
20 for the challenge of a growing number of Iowans touched by
21 Alzheimer's.
22 (2) Alzheimer's disease is one of the greatest public
23 health challenges facing the current generation and requires
24 a comprehensive state response to provide persons with
25 Alzheimer's disease, their families and caregivers, health
26 and long-term care providers, and society as a whole with a
27 strategy to confront this personally devastating and publicly
28 costly crisis.
29 2. It is the intent of the general assembly that the
30 comprehensive Alzheimer's disease response strategy incorporate
31 all of the following principles:
32 a. Build the foundation to prepare for long-term
33 investments and comprehensive supports in the future. This
34 principle includes addressing the stigma of the disease,
35 collecting useful data, addressing workforce challenges, and

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1 creating a state-level infrastructure to prepare the state for
2 the future.
3 b. Recognize that Alzheimer's disease and related dementias
4 are best addressed with a social model of supports, rather than
5 a medical model of treatment. The social model incorporates
6 strategies such as delaying onset of the disease through
7 healthy behaviors, improving long-term health, and providing
8 psychosocial supports and education for individuals and their
9 families.
10 c. Expand partnerships between public and private entities
11 with interest or expertise in Alzheimer's disease, and
12 efficiently utilize services within limited resources and
13 funding. Partnerships should include but are not limited
14 to federal, state, and local governments; community-based,
15 nonprofit, faith-based, health care, long-term care, and other
16 organizations; and other interested individuals and entities.
17 d. Endeavor to provide standardized and consistent access
18 to multiple, individualized services and supports. Initial
19 efforts should focus on providing access to information and
20 referral sources, and to home and community-based services.
21 e. Invest in evidence-based interventions. There are
22 proven interventions for Alzheimer's disease, and the state
23 should use its limited resources to target proven strategies.
24 Sec. 2. NEW SECTION. **135P.1 Definitions.**
25 As used in this chapter, unless the context otherwise
26 requires:
27 1. *"Alzheimer's disease"* or *"Alzheimer's"* means a
28 progressive, degenerative, fatal disorder that results in loss
29 of memory, loss of thinking and language skills, and behavioral
30 changes. *"Alzheimer's disease"* includes related dementias
31 including vascular dementia, Parkinson's disease, dementia with
32 Lewy bodies, frontotemporal dementia, Crutzfeldt-Jakob disease,
33 normal pressure hydrocephalus, and mixed dementia.
34 2. *"Department"* means the department of public health.
35 Sec. 3. NEW SECTION. **135P.2 Comprehensive Alzheimer's**

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1 **disease response strategy — coordination hub, development, and**
2 **administration of strategy.**
3 1. The department of public health shall coordinate the
4 state's efforts to administer a comprehensive Alzheimer's
5 disease response strategy including provision of a coordination
6 hub to facilitate, integrate, deliver, and monitor interagency
7 planning and policymaking; education, training, and public
8 awareness protocols and activities; provision of public
9 information and referral services; public and private
10 partnerships; and funding resources.
11 2. The department shall build a foundation to prepare
12 for long-term investments in and support of a comprehensive
13 strategy. In building this foundation, the department shall
14 expand partnerships between public and private entities
15 with interest or expertise in Alzheimer's disease; emphasize
16 a social model of supports rather than a medical model of
17 treatment; increase public awareness and address the stigma of
18 the disease; develop a system of standardized and consistent
19 access to multiple, individualized, and least restrictive
20 quality services and supports; provide access to information
21 and referral sources; address workforce challenges; collect
22 and disseminate useful data; and invest in evidence-based
23 interventions.
24 3. The department shall formulate a multiyear comprehensive
25 Alzheimer's disease response strategy to address Alzheimer's
26 disease that includes short-term and long-term objectives.
27 Both short-term and long-term objectives should focus on
28 providing individuals with Alzheimer's disease with the highest
29 quality care in the most efficient manner at all stages of the
30 disease and in all settings across the service and supports
31 continuum. The department shall update the initial strategy as
32 necessary to address the challenges presented with increased
33 prevalence of the disease and shall submit a progress report
34 annually in January to the governor and the general assembly.
35 4. In administering the comprehensive Alzheimer's

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1 disease response strategy, the department shall do all of the
2 following:
3 *a. Infrastructure.* The department shall create the
4 coordinated state infrastructure necessary to support and fund
5 Alzheimer's disease-related activities in the state.
6 (1) The department shall establish the position of
7 Alzheimer's coordinator within the department to work
8 in partnership with public and private entities and the
9 multidisciplinary advisory council to formulate and administer
10 the comprehensive Alzheimer's disease response strategy,
11 to avoid duplication of public and private efforts, and
12 to leverage and efficiently utilize available funding and
13 resources. The coordinator shall do all of the following:
14 (a) In collaboration with the multidisciplinary advisory
15 council, initially formulate and subsequently update the
16 comprehensive Alzheimer's disease response strategy.
17 (b) Coordinate a public awareness campaign with public and
18 private partners.
19 (c) Lead and coordinate data collection efforts among
20 public and private entities, and disseminate pertinent
21 information.
22 (d) Promote Alzheimer's disease evidence-based practices,
23 including but not limited to caregiver education and training
24 and physician practice standards.
25 (e) Act as a liaison to the aging and disability resource
26 centers, area agencies on aging, state and national Alzheimer's
27 association chapters, and other entities to ensure Alzheimer's
28 disease is appropriately addressed statewide.
29 (f) Monitor relevant workforce projections and workforce
30 enhancement activities in coordination with the department of
31 workforce development, the health and long-term care advisory
32 council created pursuant to sections 135.163 and 135.164, and
33 other existing entities and efforts.
34 (g) Research, respond to, and coordinate funding
35 opportunities, including promotion of public-private

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1 partnerships.
2 (h) Create accountability among public and private entities
3 responsible for providing services and supports for individuals
4 with Alzheimer's disease and their families.
5 (i) Act as the state-level Alzheimer's disease expert
6 to build and maintain relationships at the local, state, and
7 national levels.
8 (j) Provide staff support to the multidisciplinary advisory
9 council.
10 (2) The department shall create a multidisciplinary
11 advisory council to assist and advise the department and
12 the coordinator, to develop partnerships to coordinate,
13 collaborate, and support Alzheimer's-related services and
14 programs throughout the state, and to advocate on behalf of
15 persons with Alzheimer's and their families. The department
16 and coordinator may establish workgroups of the advisory
17 council as necessary to administer the response strategy.
18 The advisory council shall include but is not limited to
19 representation from all of the following:
20 (a) Individuals with Alzheimer's disease and their
21 families.
22 (b) Caregivers and other consumers with an interest in
23 Alzheimer's disease.
24 (c) Adult day services, respite, and other home and
25 community-based services.
26 (d) Primary care providers.
27 (e) Geriatricians, neurologists, and other specialty care
28 providers with expertise in Alzheimer's disease.
29 (f) Nursing facilities, assisted living programs, and other
30 facility-based services.
31 (g) Hospitals, clinics, and other medical facilities.
32 (h) The Alzheimer's association, Iowa chapter.
33 (i) The Iowa caregivers association.
34 (j) AARP Iowa.
35 (k) The Iowa association of area agencies on aging.

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1 (l) The long-term care resident's advocate.
2 (m) Faith-based entities.
3 (n) Community-based organizations with an interest in
4 Alzheimer's disease.
5 (o) The department on aging.
6 (p) The department of human services.
7 (q) The department of inspections and appeals.
8 (r) The department of public safety.
9 (s) The department of workforce development.
10 *b. Awareness and education.*
11 (1) The department shall administer a public awareness
12 and education campaign to demystify and encourage public
13 understanding and acceptance of Alzheimer's disease, promote
14 the importance of early detection and diagnosis, educate
15 physicians and other health professionals in best practice
16 standards for care of persons with Alzheimer's, and disseminate
17 accurate information and promote available resources.
18 (2) The campaign shall educate the public about the true
19 prevalence of the disease, its social and economic impact
20 on families, government, and society, signs and symptoms
21 of cognitive problems in general and Alzheimer's disease
22 specifically, how health care professionals should screen,
23 diagnose, and treat cognitive problems, services and supports
24 available, and the need for funding for research and services.
25 (3) The campaign shall target education to physicians and
26 other health care professionals to promote best practices in
27 diagnosis and referral, to increase early intervention and
28 diagnosis, and to provide more immediate access to information
29 and support for newly diagnosed individuals and their families.
30 (a) The campaign shall explore, endorse, and disseminate
31 dementia-specific curriculum and training programs tailored to
32 primary care providers to strengthen the role of primary care
33 providers in assessing, treating, and supporting individuals
34 with Alzheimer's disease.
35 (b) The department may utilize existing professionally

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1 developed performance measures, such as the dementia
2 performance measurement set developed by the physician
3 consortium for performance improvement, in assisting physicians
4 and other health care professionals in improving the quality of
5 care for persons with Alzheimer's disease. Such performance
6 measures may include but are not limited to activities such
7 as performing cognitive assessments, determining functional
8 status, managing symptoms, conducting palliative care
9 counseling and advance care planning, and providing caregiver
10 education and support.
11 *c. Providing information and resources to persons with*
12 *Alzheimer's and their families.* The department shall create
13 statewide partnerships to utilize and expand existing
14 information and referral, education, care planning, and care
15 coordination services to promote consumer access to quality
16 information and services and to provide guidance and support
17 to individuals with Alzheimer's and their families throughout
18 the continuum of the disease. Partners may include but are not
19 limited to the Alzheimer's association, Iowa chapter, and the
20 aging and disability resource centers. The department shall
21 ensure that any information or referral sources utilized are
22 dementia-capable and provide accurate, reliable information.
23 The efforts shall include educating community networks about
24 Alzheimer's disease information and referral sources. The
25 department shall integrate the participation of appropriate
26 sectors of the community including but not limited to health
27 care, public safety, legal system, and others in addressing the
28 needs of and providing a coordinated network of support for
29 individuals with Alzheimer's and their families.
30 *d. Addressing workforce challenges.* The department
31 shall endeavor to ensure that individuals with Alzheimer's
32 disease receive appropriate, quality care and treatment by
33 professionals and caregivers who are Alzheimer's disease
34 proficient and competency-based trained. The department
35 shall work to expand and enhance the available and adequately

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1 educated and trained workforce necessary to address the needs
2 of people with Alzheimer's disease. The department shall
3 define the elements of quality Alzheimer's care, determine
4 the best indicators to measure whether quality care is being
5 delivered, and embed these measures throughout every level of
6 the medical and long-term care delivery systems to drive better
7 practice.
8 (1) The department shall invest in state-level efforts to
9 improve recruitment and retention of targeted professionals,
10 including but not limited to psychiatrists, gerontologists,
11 neurologists, and direct care professionals.
12 (2) The department shall coordinate with other state
13 efforts to align and implement curriculum recommendations and
14 dementia training requirements for direct care professionals
15 and to expand application of a curriculum to other
16 professionals and service providers who interact with persons
17 with Alzheimer's disease. The department shall specifically
18 incorporate into the goal of addressing workforce challenges,
19 the directives relating to services, training, education, and
20 public awareness for providers of services and supports as
21 provided pursuant to section 231.62, Code Supplement 2011, to
22 create dementia care protocols for facilities, agencies, and
23 individuals that provide services and supports to individuals
24 with Alzheimer's disease.
25 *e. Increasing access to quality services.* The department
26 shall assess and identify gaps in the supply and adequacy
27 of services and supports across the continuum of home and
28 community-based, residential, medical, and social services and
29 supports to address the needs of individuals with Alzheimer's
30 and their families.
31 (1) The department shall promote coordinated,
32 interdisciplinary, team-based, and person-centered care across
33 the spectrum of medical, social, home and community-based, and
34 long-term care to address the numerous facets of Alzheimer's
35 disease and to ease transitions for individuals in the

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1 progression of the disease.
2 (2) In developing the system of care, the department
3 shall use and promote the availability of concepts and
4 characteristics such as the health home and preventive care;
5 promote and expand the availability of home and community-based
6 services and supports including but not limited to respite and
7 adult day services; expand the utilization of technologies such
8 as telemedicine that increase access to services for persons
9 with Alzheimer´s, especially in rural and underserved areas
10 of the state; and promote improvements in the capacity of
11 residential levels of care to provide dementia-capable quality
12 care for individuals with Alzheimer´s disease.
13 (3) The department shall promote equitable access
14 to affordable, necessary services and supports that are
15 universally available, and delivered by dementia-capable
16 providers.
17 *f. Improving Alzheimer´s disease data collection in the*
18 *state.* The department shall increase surveillance of the
19 prevalence of Alzheimer´s disease and its social, economic, and
20 personal impact in the state to develop a source of reliable,
21 quantifiable data.
22 (1) The department shall review, and to the extent possible,
23 utilize existing assessment tools to promote common data
24 elements and uniform collection of data to accurately capture
25 relevant data on the population of persons with Alzheimer´s
26 disease in the state. Data collection shall focus on enabling
27 better identification of Iowans with Alzheimer´s disease,
28 planning for services and efficient use of funding, and
29 supporting research on the disease.
30 (2) The department shall also collect data to identify the
31 unique needs and issues of persons with Alzheimer´s disease who
32 experience younger onset, and develop a plan to address the
33 needs of this population.
34 (3) The department shall specifically incorporate the
35 analysis of service utilization and future service needs as

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1 directed in section 135.171, Code 2011.
2 (4) The department shall act as a centralized point of
3 data collection and serve as a clearinghouse of information
4 to assist individuals with Alzheimer's, their families,
5 caregivers, policymakers, and others with interest in
6 Alzheimer's disease.
7 Sec. 4. REPEAL. Sections 135.171 and 231.62, Code and Code
8 Supplement 2011, are repealed.
9 EXPLANATION
10 This bill relates to the state's response strategy for
11 Alzheimer's disease.
12 The bill provides findings and the intent of the general
13 assembly regarding Alzheimer's disease. The findings include
14 national prevalence data; data regarding the individual,
15 social, and economic impact of Alzheimer's; and data specific
16 to Alzheimer's disease in this state.
17 The bill provides that it is the intent of the general
18 assembly that the comprehensive Alzheimer's disease response
19 strategy incorporate the principles of building the foundation
20 to prepare for long-term investments and comprehensive supports
21 in the future; recognize that Alzheimer's disease and related
22 dementias are best addressed with a social model of supports,
23 rather than a medical model of treatment; expand partnerships
24 between public and private entities with interest or expertise
25 in Alzheimer's disease, and efficiently utilize services within
26 limited resources and funding; endeavor to provide standardized
27 and consistent access to multiple, individualized services and
28 supports; and invest in evidence-based interventions.
29 The bill creates a new Code chapter, Code chapter 135P,
30 to provide for a comprehensive Alzheimer's disease response
31 strategy. The bill provides a definition of Alzheimer's
32 disease which includes related dementias.
33 The bill directs the department of public health (DPH) to
34 coordinate the state's efforts to administer a comprehensive
35 Alzheimer's disease response strategy and to build a foundation

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1 to prepare for long-term investments in and support of a
2 comprehensive strategy. The department is directed to
3 formulate a multiyear comprehensive Alzheimer's disease
4 response strategy with short-term and long-term objectives,
5 to update the strategy as necessary, and to submit a progress
6 report annually in January to the governor and the general
7 assembly.
8 The elements of the comprehensive Alzheimer's disease
9 response strategy relate to infrastructure, which includes
10 the establishment within the department of the position of
11 Alzheimer's coordinator and creation of a multidisciplinary
12 advisory council; increased awareness and education of the
13 public and health care providers; provision of information
14 and resources to persons with Alzheimer's and their families;
15 addressing workforce challenges; increasing access to quality
16 services across the continuum; and improving data collection on
17 Alzheimer's in the state.
18 The bill repeals the Code section relating to a directive
19 to DPH to analyze Iowa's population to determine the existing
20 service utilization and future service needs of persons with
21 Alzheimer's disease and similar forms of irreversible dementia
22 (Code section 135.171) and the Code section relating to a
23 directive to the department on aging to review trends and
24 initiatives to address the long-term living needs of Iowans
25 with Alzheimer's disease and similar forms of irreversible
26 dementia, and to expand and improve training and education
27 of persons who regularly deal with persons with Alzheimer's
28 disease and similar forms of irreversible dementia (Code
29 section 231.62). Both of these directives are instead
30 incorporated into the duties of DPH under the new Code chapter.

Senate Study Bill 3150 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL BY
CHAIRPERSON BEALL)

A BILL FOR

1 An Act requiring a study and report on the establishment of a
2 dual diagnosis treatment program for posttraumatic stress at
3 the Iowa veterans home.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5947XC (1) 84
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1 Section 1. IOWA VETERANS HOME — POSTTRAUMATIC STRESS DUAL
2 DIAGNOSIS TREATMENT PROGRAM STUDY.
3 1. The Iowa veterans home shall initiate and coordinate
4 the establishment of a posttraumatic stress dual diagnosis
5 treatment program study committee, and provide staffing
6 assistance to the committee. The committee shall study
7 possible funding sources, program structure, program
8 requirements, and the needs for such a treatment program for
9 veterans in this state. The committee shall focus on the
10 establishment of a dual diagnosis program for individuals
11 seeking treatment for service-connected posttraumatic stress
12 and substance abuse.
13 a. The committee shall include the following voting
14 members:
15 (1) The commandant of the Iowa veterans home, or the
16 commandant´s designee.
17 (2) The executive director of the department of veterans
18 affairs, or the executive director´s designee.
19 (3) The director of public health, or the director´s
20 designee.
21 (4) A commissioner of the commission of veterans affairs
22 designated by the commission.
23 (5) A member of the public, designated by the commandant
24 of the Iowa veterans home, who has experience in providing
25 treatment to individuals with service-connected posttraumatic
26 stress.
27 b. The committee shall include the following ex officio,
28 nonvoting members:
29 (1) Two state senators, one appointed by the majority leader
30 of the senate and one appointed by the minority leader of the
31 senate.
32 (2) Two state representatives, one appointed by the speaker
33 of the house of representatives and one appointed by the
34 minority leader of the house of representatives.
35 2. The committee shall meet at least once during the 2012

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1 legislative interim, but may conduct as many as three meetings
2 during the legislative interim, as deemed necessary by the
3 commandant of the Iowa veterans home.
4 3. The committee shall prepare a report for delivery to the
5 general assembly and the governor no later than January 15,
6 2013, regarding the establishment of a posttraumatic stress
7 dual diagnosis treatment program at the Iowa veterans home. In
8 the report the committee shall advise or make recommendations
9 to the governor and the general assembly relative to the
10 creation of such a program at the Iowa veterans home.
11 EXPLANATION
12 This bill requires that the Iowa veterans home initiate
13 and coordinate the establishment of a posttraumatic stress
14 dual diagnosis treatment program study committee and provide
15 staffing assistance to the committee. The committee shall
16 study funding sources, program structure, program requirements,
17 and the needs for such a program for veterans in this state.
18 The committee shall focus upon the establishment of a dual
19 diagnosis program for individuals seeking treatment for
20 service-connected posttraumatic stress and substance abuse.
21 The committee shall consist of five voting members including
22 the commandant of the Iowa veterans home, or the commandant's
23 designee; the executive director of the department of veterans
24 affairs, or the executive director's designee; the director
25 of public health, or the director's designee; a commissioner
26 of the commission of veterans affairs designated by the
27 commission; and a member of the public, designated by the
28 commandant of the Iowa veterans home, who has experience in
29 providing treatment to individuals with service-connected
30 posttraumatic stress. The committee shall also include four
31 ex officio, nonvoting members including two state senators,
32 one appointed by the majority leader of the senate and one
33 appointed by the minority leader of the senate, and two state
34 representatives, one appointed by the speaker of the house of
35 representatives and one appointed by the minority leader of the

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1 house of representatives.
2 The bill requires that the committee meet at least once
3 during the 2012 legislative interim and provides that the
4 committee may meet as many as three times during the interim as
5 deemed necessary by the commandant of the Iowa veterans home.
6 The bill requires that the committee prepare a report for
7 delivery to the general assembly and the governor regarding the
8 establishment of such a program. The bill requires that the
9 committee deliver the report to the general assembly and the
10 governor by January 15, 2013.

Senate Study Bill 3151 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON ECONOMIC GROWTH/REBUILD IOWA BILL BY CHAIRPERSON SODDERS)

A BILL FOR

1 An Act relating to the amount allowable as an innovation fund
2 investment tax credit and including effective date and
3 retroactive applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6050XC (2) 84
mm/sc

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1 Section 1. Section 15E.52, subsection 3, Code Supplement
2 2011, is amended to read as follows:
3 3. The amount of a tax credit allowed under this section
4 shall equal ~~twenty percent of~~ the following percentage of the
5 taxpayer's equity investment in an innovation fund:
6 *a.* For equity investments made in fiscal years beginning on
7 or after July 1, 2011, and ending on or before June 30, 2014,
8 one hundred percent.
9 *b.* For equity investments made in fiscal years beginning on
10 or after July 1, 2014, twenty percent.
11 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
12 immediate importance, takes effect upon enactment.
13 Sec. 3. RETROACTIVE APPLICABILITY. This Act applies
14 retroactively to July 1, 2011, for innovation fund tax credit
15 certificates issued on or after that date.
16 EXPLANATION
17 This bill changes the amount allowable as an innovation fund
18 investment tax credit under Code section 15E.52. Under current
19 law, the credit is equal to 20 percent of a taxpayer's equity
20 investment in an innovation fund. The bill changes the credit
21 amount to 100 percent of an equity investment made in fiscal
22 years beginning July 1, 2011, July 1, 2012, and July 1, 2013,
23 and 20 percent for fiscal years beginning on or after July 1,
24 2014.
25 The bill is effective upon enactment and applies
26 retroactively to July 1, 2011, for innovation fund tax credit
27 certificates issued on or after that date.