



Iowa General Assembly
Daily Bills, Amendments and Study Bills
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Senate File 451

H-8387

1 Amend the amendment, H-8339, to Senate File 451,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 2, by striking lines 31 through 45 and
 5 inserting:

6 <3. *Limitation.* For the fiscal year beginning July
 7 1, 2013, and each succeeding fiscal year, the ratio of
 8 the amount of modified allowable growth established by
 9 the department of management compared to the school
 10 district's total regular program district cost shall
 11 not exceed two and one-half percent. However, if the
 12 school district's highest such ratio so determined for
 13 any fiscal year beginning on or after July 1, 2009, but
 14 before July 1, 2013, exceeded two and one-half percent,
 15 the ratio may exceed two and one-half percent but shall
 16 not exceed the highest such ratio established during
 17 that period.>

18 2. Page 2, by striking line 46 and inserting:

19 <Sec. ____ . APPLICABILITY.

20 1. Notwithstanding section 257.38, subsection 1,
 21 section 257.40, subsection 1, or any other provision of
 22 law to the contrary, the section of this Act enacting
 23 section 257.41, subsection 2, is applicable to budget
 24 years beginning on or after July 1, 2012, for purposes
 25 of the appropriate uses of funding for returning
 26 dropout and dropout prevention program plans approved
 27 for budget years beginning on or after July 1, 2012.

28 2. The section of this Act enacting section 257.41,
 29 subsection 3, is applicable to>

30 3. By renumbering as necessary.

KOESTER of Polk



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Senate Amendment to
House File 609

H-8388

1 Amend House File 609, as passed by the House, as
2 follows:

3 1. Page 1, line 1, after <Code> by inserting
4 <Supplement>

5 2. Page 2, after line 22 by inserting:

6 <Sec. _____. Section 633.350, Code 2011, is amended
7 to read as follows:

8 **633.350 Title to decedent's estate — when property**
9 **passes — possession and control thereof — liability**
10 **for administration expenses, debts, and family**
11 **allowance.**

12 Except as otherwise provided in this probate code,
13 when a person dies, the title to the person's property,
14 real and personal, passes to the person to whom it is
15 devised by the person's last will, or, in the absence
16 of such disposition, to the persons who succeed to the
17 estate as provided in this probate code, but all of
18 the property shall be subject to the possession of the
19 personal representative as provided in section 633.351
20 and to the control of the court for the purposes of
21 administration, sale, or other disposition under the
22 provisions of law, and such property, except homestead
23 and other exempt property, shall be chargeable with the
24 payment of debts and charges against of the estate.

25 There shall be no priority as between real and personal
26 property, except as provided in this probate code or by
27 the will of the decedent. If real property is titled
28 at any time in a decedent's estate, such property
29 shall be treated as titled in the name of the personal
30 representative of the estate.

31 Sec. _____. Section 633.351, Code 2011, is amended to
32 read as follows:

33 **633.351 Possession of real and personal property.**

34 ~~If there is no distributee of the real estate~~
35 ~~present and competent to take possession, or if there~~
36 ~~is a lease of such real estate outstanding, or if the~~
37 ~~distributees present and competent consent thereto~~
38 During the period of administration, the personal
39 representative shall take possession of such the
40 decedent's real estate, except the homestead and
41 other property exempt to the surviving spouse. Every
42 personal representative shall take possession of
43 all the personal property of the decedent, except
44 the property exempt to the surviving spouse. The
45 personal representative may maintain an action for
46 the possession of such real and personal property
47 or to determine the title to any property of the
48 decedent. Until property is distributed, the
49 personal representative shall take reasonable steps
50 to safeguard such property, pay any expenses related



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1 to such property, and collect any income generated
 2 by such property. Unless otherwise provided by the
 3 decedent's will, all such expenses shall be paid from
 4 the residuary estate and all such income shall be
 5 considered a part of the residuary estate.
 6 Sec. ____ . Section 633.352, Code 2011, is amended to
 7 read as follows:
 8 **633.352 Collection of rents and payment of taxes and**
 9 **charges.**
 10 Unless otherwise provided by the will, the ~~personal~~
 11 ~~representative shall allocate and distribute provisions~~
 12 ~~of chapter 637 that conflict with this part 3 shall~~
 13 ~~not apply to the allocation and distribution of estate~~
 14 ~~income of an estate in accordance with chapter 637.~~
 15 Sec. ____ . Section 633.355, Code 2011, is amended to
 16 read as follows:
 17 **633.355 Delivery of specific devise after nine**
 18 **twelve months.**
 19 Unless the court, for cause shown, determines
 20 that the possession of the personal representative
 21 shall continue for a longer period, the personal
 22 representative shall deliver all specifically devised
 23 property to the devisees entitled thereto after the
 24 expiration of ~~nine~~ twelve months from the date of
 25 appointment of the personal representative. This
 26 section shall not preclude the court from directing
 27 that such delivery be made before such period has
 28 expired, nor shall the personal representative
 29 be prevented from ~~sooner settling the estate and~~
 30 ~~delivering such property at an earlier time.>~~
 31 3. Page 7, after line 1 by inserting:
 32 <Sec. ____ . Section 633A.3102, subsection 5, Code
 33 2011, is amended to read as follows:
 34 5. The settlor's powers with respect to revocation
 35 or modification may be exercised by an agent under a
 36 power of attorney only ~~and to the extent the power~~
 37 ~~of attorney expressly so authorizes. if all of the~~
 38 following apply:
 39 a. The trust instrument expressly authorizes an
 40 agent under a power of attorney to exercise such
 41 powers.
 42 b. The power of attorney expressly authorizes an
 43 agent acting under the power of attorney to exercise
 44 such powers.>
 45 4. Page 12, line 24, after <Code> by inserting
 46 <Supplement>
 47 5. Page 18, after line 18 by inserting:
 48 <Sec. ____ . Section 635.7, Code 2011, is amended to
 49 read as follows:
 50 **635.7 Report and inventory — value and conversion.**



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1 1. The personal representative is required to file
2 the report and inventory for which provision is made in
3 section 633.361, including all probate and nonprobate
4 assets. This chapter does not exempt the personal
5 representative from complying with the requirements of
6 section 422.27, 450.22, 450.58, 633.480, or 633.481,
7 and the administration of an estate whether converted
8 to or from a small estate shall be considered one
9 proceeding pursuant to section 633.330.

10 ~~2. If the~~ The report and inventory and report shows
11 shall show the gross value of probate assets subject to
12 the jurisdiction of this state which exceed.

13 3. If the gross value of probate assets subject
14 to the jurisdiction of this state exceeds the amount
15 permitted for a small estate under section 635.1, the
16 estate shall be administered as provided in chapter
17 633.

18 ~~3.~~ 4. If the inventory report and inventory in
19 an estate probated pursuant to chapter 633 indicates
20 shows the gross value of the probate assets subject
21 to the jurisdiction of this state does not exceed the
22 amount permitted under section 635.1, the estate shall
23 be administered as a small estate upon the filing of
24 a statement by the personal representative that the
25 estate is a small estate.

26 ~~4.~~ 5. Other interested parties may convert
27 proceedings from a small estate to a regular estate or
28 from a regular estate to a small estate only upon good
29 cause shown with approval from the court.

30 Sec. ___. Section 635.8, Code 2011, is amended to
31 read as follows:

32 **635.8 Closing by sworn statement.**

33 1. The personal representative shall file with the
34 court a closing statement and proof of service thereof
35 within a reasonable time from the date of issuance
36 of the letters of appointment, ~~and the.~~ The closing
37 statement shall be verified or affirmed under penalty
38 of perjury, stating all of the following:

39 a. To the best knowledge of the personal
40 representative, the gross value of the probate assets
41 subject to the jurisdiction of this state does not
42 exceed the amount permitted under section 635.1.

43 b. The estate has been fully administered and will
44 be disbursed and distributed to persons entitled to the
45 estate thereto if no objection is filed to the closing
46 statement after the requisite time period has expired
47 as provided in subsection 2 and the accounting and
48 proposed distribution within thirty days after service
49 thereof.

50 ~~c. A description of the disbursement and An~~



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1 accounting and proposed distribution of the estate
2 including an accurate description of all the real
3 estate of which the decedent died seized, stating the
4 nature and extent of the interest in the real estate
5 and its disposition.
6 d. A copy of the closing statement and a notice
7 of an opportunity to object to and request a hearing
8 has been sent by proper notice, as provided in section
9 633.40, to all interested parties.
10 e. The personal representative has complied
11 with A statement as to whether or not all statutory
12 requirements pertaining to taxes have been complied
13 with, including whether federal estate tax was paid
14 or a return was filed, whether Iowa inheritance tax
15 was paid or a return was filed, whether the decedent's
16 final personal income taxes were filed, whether
17 fiduciary income tax returns for the estate were filed,
18 and due has been paid, whether a lien continues to
19 exist for any federal or state estate tax, and whether
20 inheritance tax was paid or a tax return was filed in
21 this state.
22 f. The amount of fees to be paid to the personal
23 representative and the personal representative's
24 attorney with the appropriate documentation showing
25 compliance with subsection 4.
26 2. If no actions or proceedings involving the
27 estate are pending in the court thirty days after
28 notice service of the closing statement is filed,
29 the the estate shall be distributed according to the
30 closing statement.
31 3. The estate shall close and the personal
32 representative shall be discharged after distribution
33 upon the earlier of either of the following:
34 a. The filing of a statement of disbursement of
35 assets with the clerk by the personal representative an
36 affidavit of mailing or other proof of service of the
37 closing statement and a statement of asset distribution
38 by the personal representative.
39 b. An additional thirty days have passed after
40 notice of the Sixty days after the filing of the
41 closing statement is filed and an affidavit of mailing
42 or other proof of service thereof.
43 3. 4. The closing statement shall include a
44 statement as to the amount of fees to be paid for
45 services rendered by the personal representative
46 and the personal representative's attorney in
47 administration of the estate. The fees for the
48 personal representative shall not exceed three percent
49 of the gross value of the probate assets of the
50 estate, unless the personal representative itemizes

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1 the personal representative's services to the estate.
2 The personal representative's attorney shall be paid
3 reasonable fees as approved by the court or as agreed
4 to in writing by the personal representative ~~at or~~
5 ~~before~~ and such writing shall be executed by the
6 time of filing the probate inventory ~~or as approved~~
7 ~~by the court~~. All interested parties shall have the
8 opportunity to object and request a hearing as to all
9 fees reported in the closing statement.
10 ~~4.~~ 5. If a closing statement is not filed within
11 twelve months of the date of issuance of a letter of
12 appointment, an interlocutory report shall be filed
13 within such time period. Such report shall be provided
14 to all interested parties at least once every six
15 months until the closing statement has been filed
16 unless excused by the court for good cause shown.
17 The provisions of section 633.473 requiring final
18 settlement within three years shall apply to an estate
19 probated pursuant to this chapter. A closing statement
20 filed under this section has the same effect as final
21 settlement of the estate under chapter 633.>
22 6. Page 18, line 23, by striking <2011> and
23 inserting <2012>
24 7. Page 18, line 25, by striking <2011> and
25 inserting <2012>
26 8. Page 18, line 31, by striking <2011> and
27 inserting <2012>
28 9. Page 18, line 34, by striking <2011> and
29 inserting <2012>
30 10. Page 18, after line 34 by inserting:
31 <5. The section of this Act amending section
32 633A.3102 applies to revocable trusts and powers of
33 attorney in existence on or after July 1, 2012.>
34 11. Title page, by striking lines 1 and 2 and
35 inserting <An Act relating to trusts and estates
36 including the administration of small estates, and
37 certain state inheritance tax provisions, and including
38 applicability provisions.>
39 12. By renumbering as necessary.



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Senate Amendment to
House File 2427

H-8389

- 1 Amend House File 2427, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking line 29 and inserting <be
4 subject to a civil penalty in the amount of two hundred
5 fifty dollars. A person who>
6 2. Page 2, line 5, by striking <twenty-five> and
7 inserting <fifty>
8 3. Page 2, by striking line 8 and inserting <shall
9 be subject to a civil penalty in the amount of two
10 hundred fifty dollars.>
11 4. Page 2, line 10, by striking <twenty-five> and
12 inserting <fifty>
13 5. Page 2, line 13, by striking <twenty-five> and
14 inserting <fifty>

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Senate Amendment to
House File 2323

H-8390

- 1 Amend House File 2323, as passed by the House, as
2 follows:
- 3 1. Page 1, before line 1 by inserting:
4 <Section 1. Section 384.84, subsection 3, paragraph
5 c, Code Supplement 2011, is amended to read as follows:
6 c. A city utility or enterprise service to a
7 property or premises shall not be discontinued unless
8 prior written notice is sent, by ordinary mail, to the
9 account holder in whose name the delinquent rates or
10 charges were incurred, informing the account holder
11 of the nature of the delinquency and affording the
12 account holder the opportunity for a hearing prior to
13 discontinuance of service. If the account holder is a
14 tenant, and if the owner or landlord of the property
15 or premises has made a written request for notice, the
16 notice shall also be given to the owner or landlord.
17 If the account holder is a tenant and requests a change
18 of name for service under the account, such request
19 shall be sent to the owner or landlord of the property
20 if the owner or landlord has made a written request
21 for notice of any change of name for service under the
22 account to the rental property.>
- 23 2. Page 1, by striking lines 14 through 19 and
24 inserting <notice shall contain the name of the tenant
25 responsible for charges, address of the residential
26 rental property that the tenant is to occupy, and the
27 date that the occupancy begins. A change in tenant
28 shall require a new written notice to be given to the
29 city utility or enterprise within thirty business days
30 of the change in tenant. When the tenant moves from
31 the>
- 32 3. Page 1, line 24, by striking <ten> and inserting
33 <~~ten~~ thirty>
- 34 4. Page 2, line 9, after <contain> by inserting
35 <the name of the tenant responsible for the charges,>
- 36 5. Page 2, line 10, by striking <occupy> and
37 inserting <occupy,>
- 38 6. Page 2, line 11, after <begins.> by inserting
39 <A change in tenant shall require a new written notice
40 to be given to the city utility or enterprise within
41 thirty business days of the change in tenant.>
- 42 7. Page 2, line 18, by striking <ten> and inserting
43 <thirty>
- 44 8. By renumbering as necessary.



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Senate File 2123

H-8391

1 Amend the amendment, H-8284, to Senate File 2123, as
2 passed by the Senate, as follows:
3 1. Page 2, by striking lines 30 and 31 and
4 inserting:
5 <(i) CP 47,497 and homologues
6 5-(1,1-dimethylheptyl)-
7 2-[(1R,3S)-3-hydroxycyclohexyl]phenol.>
8 2. Page 2, by striking lines 43 and 44 and
9 inserting:
10 <(viii) JWH-250 1-pentyl-3-
11 (2-methoxyphenylacetyl)indole.>
12 3. Page 2, by striking lines 47 and 48 and
13 inserting:
14 <(x) RCS-8 and SR 18 1-cyclohexylethyl-3-
15 (2-methoxyphenylacetyl)indole.>
16 4. Page 3, by striking lines 20 and 21 and
17 inserting:
18 <(2) 3,4-methylenedioxyprovalerone
19 (MDPV)[(1-(1,3- Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-
20 1-pentanone).>
21 5. Page 3, by striking lines 39 and 40 and
22 inserting:
23 <(15) 6,7-dihydro-5H-indeno-
24 (5,6-d)-1,3-dioxol-6-amine) (MDAI).>
25 6. Page 3, by striking line 42 and inserting:
26 <(17) 4'-Methyl-alpha-pyrrolidinobutiophenone
27 (MPBP).>

FRY of Clarke



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House File 2450

H-8392

1 Amend House File 2450 as follows:

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

4 <Section 1. Section 321.1, Code Supplement 2011, is
5 amended by adding the following new subsection:

6 **NEW SUBSECTION. 95. "Automated traffic law**
7 **enforcement system"** means a device with one or more
8 sensors working in conjunction with at least one of the
9 following:

10 a. An official traffic-control signal, to
11 produce recorded images of motor vehicles entering
12 an intersection against a flashing red light, steady
13 circular red light, or a steady red arrow.

14 b. An official traffic-control signal at a railroad
15 grade crossing, as described in section 321.342,
16 to produce recorded images of vehicles violating a
17 flashing red or steady circular red light.

18 c. A speed measuring device, to produce recorded
19 images of motor vehicles travelling at a prohibited
20 rate of speed.

21 **Sec. 2. NEW SECTION. 321.5A Automated traffic law**
22 **enforcement systems.**

23 A local authority shall not use an automated traffic
24 law enforcement system except as provided in this
25 section.

26 1. A local authority may by ordinance authorize the
27 use of automated traffic law enforcement systems to
28 detect violations of posted speed limits or official
29 traffic-control signals which constitute municipal or
30 county infractions.

31 2. A local authority shall provide signage,
32 in conformance with the uniform system on traffic
33 control devices adopted pursuant to section 321.252,
34 giving notice of the use of an automated traffic
35 law enforcement system on both sides of the approach
36 to each location where an automated traffic law
37 enforcement system is in use as follows:

38 a. A warning sign at least forty-eight inches
39 by thirty-six inches in size with a distance plaque
40 having a black legend and black border on a yellow
41 or fluorescent yellow-green color shall be posted on
42 both sides of each road on the approach to the next
43 traffic-control signal where an automated traffic law
44 enforcement system is in use.

45 b. A warning sign at least forty-eight inches
46 by thirty-six inches in size with a distance plaque
47 having a black legend and black border on a yellow or
48 fluorescent yellow-green color shall be posted on both
49 sides of the approach to the next speed limit zone on a
50 road where an automated traffic law enforcement system

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1 is being used for speed limit enforcement.
2 *c.* The notice of the use of an automated traffic
3 law enforcement system shall be positioned so as
4 to provide adequate perception-response time for
5 motorists.
6 *d.* A temporary sign shall be positioned or posted
7 on the approach to each location where a mobile
8 automated traffic law enforcement system is being used
9 for speed limit enforcement.
10 *e.* The color and size of signage and the distance
11 of the placement of signage may vary from the
12 requirements of this section, provided that the
13 variation is based upon an engineering study and a copy
14 of the engineering study is maintained on file by the
15 local authority.
16 *f.* The vendor or vendors that provide automated
17 traffic law enforcement system equipment and services
18 to the local authority shall be responsible for the
19 costs associated with the provision of signage required
20 under this subsection.
21 3. Recorded images produced by an automated traffic
22 law enforcement system evidencing a violation of a
23 posted speed limit or an official traffic-control
24 signal shall be reviewed by a peace officer of the
25 local law enforcement agency to affirm that a violation
26 occurred and the identity of the motor vehicle involved
27 in the violation. If following the officer's review,
28 a notice of a fine or citation is issued to the owner
29 of the motor vehicle involved in the violation, the
30 following requirements apply:
31 *a.* An affidavit bearing the written or electronic
32 signature of the peace officer shall be included on the
33 notice or citation.
34 *b.* The notice or citation shall contain a
35 statement, in bold type, regarding the process for
36 appealing the fine.
37 *c.* The notice or citation shall be sent by ordinary
38 mail to the owner of the motor vehicle involved not
39 more than thirty days following the incident giving
40 rise to the notice of a fine or citation, as evidenced
41 by the postmark.
42 4. *a.* A local authority shall not charge the owner
43 of a motor vehicle administrative fees in addition to
44 any civil penalty imposed for a violation detected by
45 an automated traffic law enforcement system. A civil
46 penalty for such a violation shall not exceed the
47 amount of the fine established in section 805.8A for an
48 equivalent violation charged as a scheduled violation,
49 subject to the limitation established in section
50 331.302 for violation of a county ordinance or the

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1 limitation established in section 364.3 for violation
2 of a city ordinance.

3 **b.** A local authority shall not impose a civil
4 penalty for violation of a speed limit for speed which
5 is ten miles per hour or less over the speed limit.

6 5. The notice or citation sent to the owner of a
7 motor vehicle pursuant to subsection 3 shall specify
8 the date by which payment of the civil penalty is
9 due. The penalty shall be deemed delinquent if it is
10 not paid within thirty days after the date specified
11 on the notice or citation. Thirty days after the
12 date specified on the notice or citation, the local
13 authority may contract with a private collection agency
14 for collection of the delinquent penalty.

15 6. The owner of a motor vehicle shall not be liable
16 for a violation detected by an automated traffic
17 law enforcement system if a uniform traffic citation
18 was issued to the operator of the motor vehicle in
19 connection with the same violation.

20 7. A local authority that uses an automated traffic
21 law enforcement system shall file annually with the
22 department of public safety a report comparing the type
23 and rate of accidents that occurred at each location
24 where an automated traffic law enforcement system was
25 employed during the previous year to the type and rate
26 of accidents at the same location during the previous
27 consecutive year. The report shall be kept on file and
28 used by the governing body of the local authority in
29 evaluating the effectiveness of the automated traffic
30 law enforcement program in improving public safety.

31 **Sec. 3. EXISTING AUTOMATED TRAFFIC LAW**
32 **ENFORCEMENT SYSTEMS — VALIDITY OF PRIOR NOTICES AND**
33 **CITATIONS.** Notices mailed or citations issued of
34 violations committed prior to the effective date of
35 this Act, pursuant to a local ordinance authorizing the
36 use of an automated traffic law enforcement system,
37 shall not be invalidated by the enactment of this Act
38 and shall be processed according to the provisions of
39 the law under which they were authorized.>

40 2. Title page, line 1, by striking <prohibiting>
41 and inserting <relating to>

42 3. Title page, by striking line 2 and inserting
43 <systems.>

44 4. By renumbering as necessary.

WENTHE of Fayette



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HALL of Woodbury



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House File 2457

H-8393

1 Amend House File 2457 as follows:

2 1. Page 2, by striking lines 8 through 16 and
3 inserting:

4 <3. WORKFORCE DEVELOPMENT OPERATIONS

5 a. For the operation of field offices, the
6 workforce development board, and for not more than the
7 following full-time equivalent positions:

8	\$ 8,671,352
9	FTEs 130.00

10 The moneys appropriated in this paragraph are
11 contingent upon the condition that the workforce
12 development centers and satellite offices, other than
13 those centers maintained by electronic means, which
14 were open and fully operational on November 1, 2011,
15 shall remain open and operational through June 30,
16 2012.

17 b. Of the moneys appropriated in paragraph "a"
18 of this subsection, the department shall allocate
19 \$1,130,602 for the operation of satellite field offices
20 in Decorah, Fort Madison, Iowa City, and Webster City.>

21 2. Title page, line 2, after <development> by
22 inserting <for certain purposes>

23 3. By renumbering as necessary.

HAGER of Allamakee



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House File 2450

H-8394

- 1 Amend the amendment, H-8343, to House File 2450 as
2 follows:
3 1. Page 1, by striking lines 14 through 19 and
4 inserting:
5 <(2) Moneys in excess of the amount necessary for
6 the purpose specified in subparagraph (1) shall be
7 retained by the county. Fifty percent of the moneys
8 retained by the county shall be deposited in the
9 secondary road fund of the county.>
10 2. Page 1, by striking lines 46 through 50 and
11 inserting:
12 <(2) Moneys in excess of the amount necessary for
13 the purpose specified in subparagraph (1) shall be
14 retained by the city. Fifty percent of the moneys
15 retained by the city shall be deposited in the city's
16 street construction fund.>
17 3. Page 2, by striking lines 9 through 17 and
18 inserting <a part of the city's penalty.>
19 4. By renumbering as necessary.

GASKILL of Wapello

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Senate File 2318

H-8395

- 1 Amend Senate File 2318, as passed by the Senate, as
2 follows:
3 1. Page 13, by striking lines 6 through 15.
4 2. By renumbering as necessary.

L. MILLER of Scott



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House File 2450

H-8396

- 1 Amend the amendment, H-8392, to House File 2450 as
2 follows:
3 1. Page 2, after line 41, by inserting:
4 <3A. A local authority's ordinance authorizing the
5 use of automated traffic law enforcement systems shall
6 provide that a person charged with a violation shall
7 have the opportunity to view a video or other recorded
8 images evidencing the violation prior to the deadline
9 for filing an appeal.>
10 2. By renumbering as necessary.

ISENHART of Dubuque



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House File 2229

H-8397

1 Amend House File 2229 as follows:
2 1. Page 1, before line 1 by inserting:
3 <Section 1. Section 321.30, subsection 2, Code
4 2011, is amended to read as follows:
5 2. a. Unless otherwise provided for in this
6 chapter, the department or the county treasurer shall
7 refuse registration and issuance of a certificate of
8 title unless the vehicle bears a manufacturer's label
9 pursuant to 49 C.F.R. pt. 567 certifying that the
10 vehicle meets federal motor vehicle safety standards.
11 b. A military vehicle, other than a vehicle that
12 runs on continuous tracks or wheels and tracks, that
13 was originally manufactured for and sold directly to
14 the armed forces of the United States in conformity
15 with contractual specifications, as provided in
16 49 C.F.R. § 571.7, may be registered and issued a
17 certificate of title if the owner provides satisfactory
18 evidence to the department that the vehicle is
19 substantially in compliance with federal motor vehicle
20 safety standards. The department may adopt rules as
21 necessary concerning the registration and titling of
22 military vehicles in accordance with this chapter.>
23 2. Title page, line 1, after <Act> by inserting
24 <relating to transportation, including by providing for
25 the registration and titling of military vehicles and>
26 3. By renumbering as necessary.

WINDSCHITL of Harrison

CHAMBERS of O'Brien

LYKAM of Scott

TJEPKES of Webster

RASMUSSEN of Buchanan



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House File 2435

H-8398

- 1 Amend House File 2435 as follows:
2 1. Page 40, line 11, by striking <~~\$520,150~~> and
3 inserting <~~\$1,020,150~~>
4 2. Page 40, line 13, by striking <To> and inserting
5 <a. To>
6 3. Page 40, line 16, by striking <a.> and inserting
7 <~~a.~~ (1)>
8 4. Page 40, line 19, by striking <b.> and inserting
9 <~~b.~~ (2)>
10 5. Page 40, line 22, by striking <c.> and inserting
11 <~~c.~~ (3)>
12 6. Page 40, line 25, by striking <d.> and inserting
13 <~~d.~~ (4)>
14 7. Page 40, line 28, by striking <e.> and inserting
15 <~~e.~~ (5)>
16 8. Page 40, after line 30 by inserting:
17 <b. To the judicial branch to support substance
18 abuse services provided to juveniles participating in
19 the juvenile drug court programs listed in paragraph
20 "a" and the juveniles' families:
21 \$ 500,000
22 The state court administrator shall allocate the
23 funding designated in this paragraph "b" among the
24 programs.
25 9. By renumbering as necessary.

HALL of Woodbury



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House Resolution 136 - Introduced

HOUSE RESOLUTION NO. 136

BY UPMEYER and KAUFMANN

1 A Resolution honoring the courage, determination, and
2 dedication of Cheyanne Boddicker in swimming the
3 English Channel.

4 WHEREAS, the English Channel is a cold, unforgiving
5 body of water and is one of the busiest shipping lanes
6 in the world; and

7 WHEREAS, undaunted by this challenge Iowa native
8 Cheyanne Boddicker swam the channel, not for fame
9 or glory, but to raise donations for the Holden
10 Comprehensive Cancer Center at the University of
11 Iowa; and

12 WHEREAS, her dedication was in part motivated by
13 the passing of her grandfather, who was one of almost
14 600,000 people in the United States to die from cancer
15 in 2010; and

16 WHEREAS, Miss Boddicker trained intensively for over
17 a year, guided by her brother, Staff Sergeant Michael
18 Boddicker, and assisted by family and friends; and

19 WHEREAS, that intensive training included a grueling
20 regimen of weight training, aerobic conditioning, and
21 endless swimming, including trips to Lake Michigan to
22 become acclimated to cold water; and

23 WHEREAS, Miss Boddicker, recognized by the Channel
24 Swimming Association as the 877th person to officially
25 swim the channel, made the 21-nautical-mile crossing
26 in a straight swim with an official time of 15 hours
27 and 39 minutes, not taking a break or wearing a wetsuit
28 in the 61-degree water; and

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1/2



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1 WHEREAS, Miss Boddicker is believed to be the first
2 female Iowan to swim the channel; and
3 WHEREAS, her ultimate goal, well over halfway met,
4 is to raise \$25,000 for the center; NOW THEREFORE,
5 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
6 the House of Representatives congratulates Cheyanne
7 Boddicker for her courage in swimming the English
8 Channel, and honors her humanitarian efforts in the
9 fight against cancer.



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House Study Bill 674 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON RAECKER)

A BILL FOR

1 An Act relating to state and local finances by making
2 and adjusting appropriations, providing for legal
3 responsibilities, and providing for properly related
4 matters, and including effective date and retroactive and
5 other applicability provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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tm/jp



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1 5. For programs for at-risk children under section 279.51:
2 \$ ~~5,364,446~~
3 9,645,273

4 The amount of any reduction in this subsection shall be
5 prorated among the programs specified in section 279.51,
6 subsection 1, paragraphs "a", "b", and "c".

7 6. For payment for nonpublic school transportation under
8 section 285.2:
9 \$ 7,060,931

10 If total approved claims for reimbursement for nonpublic
11 school pupil transportation exceed the amount appropriated in
12 accordance with this subsection, the department of education
13 shall prorate the amount of each approved claim.

14 7. For the enforcement of chapter 453D relating to tobacco
15 product manufacturers under section 453D.8:
16 \$ ~~9,208~~
17 16,556

18 8. For the Iowa resources enhancement and protection fund
19 under section 455A.18:
20 \$ 12,000,000

DIVISION II

MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

23 Sec. 3. TRANSFER OF MONEYS TO THE TAXPAYERS TRUST FUND —
24 FY 2011-2012.

25 Notwithstanding section 8.55, subsection 2, paragraph "a", or
26 any other provision to the contrary, all moneys in excess of
27 the maximum balance in the economic emergency fund after the
28 distribution of the surplus in the general fund of the state
29 at the conclusion of the fiscal year beginning July 1, 2011,
30 and ending June 30, 2012, shall be transferred to the taxpayers
31 trust fund created in section 8.57E.

32 Sec. 4. Section 2.43, unnumbered paragraph 1, Code 2011, is
33 amended to read as follows:

34 The legislative council in cooperation with the officers of
35 the senate and house shall have the duty and responsibility for



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1 preparing for each session of the general assembly. Pursuant
 2 to such duty and responsibility, the legislative council
 3 shall assign the use of areas in the state capitol except for
 4 the areas used by the governor as of January 1, 1986, ~~and by~~
 5 ~~the courts as of July 1, 2003,~~ and, in consultation with the
 6 director of the department of administrative services and
 7 the capitol planning commission, may assign areas in other
 8 state office buildings for use of the general assembly or
 9 legislative agencies. The legislative council may authorize
 10 the renovation, remodeling and preparation of the physical
 11 facilities used or to be used by the general assembly or
 12 legislative agencies subject to the jurisdiction of the
 13 legislative council and award contracts pursuant to such
 14 authority to carry out such preparation. The legislative
 15 council may purchase supplies and equipment deemed necessary
 16 for the proper functioning of the legislative branch of
 17 government.

18 Sec. 5. Section 8A.322, subsection 2, Code 2011, is amended
 19 to read as follows:

20 2. Except for buildings and grounds described in section
 21 216B.3, subsection 6; section 2.43, unnumbered paragraph 1; and
 22 any buildings under the custody and control of the Iowa public
 23 employees' retirement system, the director shall assign office
 24 space at the capitol, other state buildings, and elsewhere in
 25 the city of Des Moines, and the state laboratories facility
 26 in Ankeny, for all executive ~~and judicial~~ state agencies.
 27 Assignments may be changed at any time. The various officers
 28 to whom rooms have been so assigned may control the same while
 29 the assignment to them is in force. Official apartments shall
 30 be used only for the purpose of conducting the business of the
 31 state. The term "*capitol*" or "*capitol building*" as used in the
 32 Code shall be descriptive of all buildings upon the capitol
 33 grounds. The capitol building itself is reserved for the
 34 operations of the general assembly, and the governor, ~~and the~~
 35 ~~courts~~ and the assignment and use of physical facilities for



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1 the general assembly shall be pursuant to section 2.43.

2 Sec. 6. Section 97B.52A, subsection 1, paragraph c,
 3 subparagraph (2), subparagraph division (b), Code 2011, is
 4 amended to read as follows:

5 (b) For a member whose first month of entitlement is July
 6 2004 or later, but before July ~~2012~~ 2014, covered employment
 7 does not include employment as a licensed health care
 8 professional by a public hospital as defined in section 249J.3,
 9 with the exception of public hospitals governed pursuant to
 10 chapter 226.

11 Sec. 7. Section 256C.4, subsection 1, Code 2011, is amended
 12 by adding the following new paragraph:

13 NEW PARAGRAPH. g. For the fiscal year beginning July
 14 1, 2012, and each succeeding fiscal year, of the amount of
 15 preschool foundation aid received by a school district for a
 16 fiscal year in accordance with section 257.16, not less than
 17 ninety-five percent shall be passed through to the preschool
 18 programming to the eligible students enrolled in the district's
 19 approved local program.

20 Sec. 8. Section 257.35, subsection 7, Code Supplement 2011,
 21 is amended to read as follows:

22 7. Notwithstanding subsection 1, and in addition to the
 23 reduction applicable pursuant to subsection 2, the state aid
 24 for area education agencies and the portion of the combined
 25 district cost calculated for these agencies for the fiscal year
 26 beginning July 1, 2012, and ending June 30, 2013, shall be
 27 reduced by the department of management by ~~ten~~ twenty million
 28 dollars. The reduction for each area education agency shall be
 29 prorated based on the reduction that the agency received in the
 30 fiscal year beginning July 1, 2003.

31 Sec. 9. Section 284.6, subsection 8, Code Supplement 2011,
 32 is amended to read as follows:

33 8. a. For each year in which a school district and an
 34 area education agency receives funds calculated and paid to
 35 school districts and area education agencies for professional



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1 calculated and paid to the area education agency under section
 2 257.37A, subsection 2. The area education agency providing
 3 the professional development to an accredited nonpublic
 4 school teacher pursuant to this paragraph shall reimburse
 5 the accredited nonpublic school for the compensation of the
 6 substitute teacher from the professional development funds
 7 available to the agency pursuant to this paragraph. If three
 8 percent of such funds identified in this paragraph are expended
 9 by school districts and area education agencies, this paragraph
 10 requires no further reimbursements.

11 Sec. 10. REPEAL. 2012 Iowa Acts, House File 2168, section
 12 5, is repealed.

13 Sec. 11. EFFECTIVE UPON ENACTMENT. The following
 14 provision or provisions of this Act, being deemed of immediate
 15 importance, take effect upon enactment:

16 1. The section of this Act providing for transfer of moneys
 17 to the taxpayers trust fund.

DIVISION III

IOWA EARLY INTERVENTION BLOCK GRANT PROGRAM EXPENDITURES

19 Sec. 12. Section 256D.2A, Code 2011, is amended to read as
 20 follows:
 21

256D.2A Program funding.

23 1. For the budget year beginning July 1, 2009, and each
 24 succeeding budget year, a school district shall expend funds
 25 received pursuant to section 257.10, subsection 11, at the
 26 kindergarten through grade three levels to reduce class sizes
 27 to the state goal of seventeen students for every one teacher
 28 and to achieve a higher level of student success in the basic
 29 skills, especially reading. In order to support these efforts,
 30 school districts may expend funds received pursuant to section
 31 257.10, subsection 11, at the kindergarten through grade three
 32 level on programs, instructional support, and materials that
 33 include but are not limited to the following: additional
 34 licensed instructional staff; additional support for students,
 35 such as before and after school programs, tutoring, and



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1 intensive summer programs; the acquisition and administration
 2 of diagnostic reading assessments; the implementation of
 3 research-based instructional intervention programs for students
 4 needing additional support; the implementation of all-day,
 5 everyday kindergarten programs; and the provision of classroom
 6 teachers with intensive training programs to improve reading
 7 instruction and professional development in best practices
 8 including but not limited to training programs related to
 9 instruction to increase students' phonemic awareness, reading
 10 abilities, and comprehension skills.

11 2. Notwithstanding subsection 1, for the budget year
 12 beginning July 1, 2012, and each succeeding budget year, a
 13 school district may expend two-thirds of the moneys received
 14 pursuant to section 257.10, subsection 11, to pay for the costs
 15 of complying with education reform legislation enacted by the
 16 Eighty-fourth General Assembly, 2012 session.

17 Sec. 13. Section 256D.9, Code 2011, is amended to read as
 18 follows:

19 **256D.9 Future repeal.**

20 This chapter is repealed effective July 1, ~~2012~~ 2017.

21 Sec. 14. EFFECTIVE UPON ENACTMENT. This division of this
 22 Act, being deemed of immediate importance, takes effect upon
 23 enactment.

24 DIVISION IV

25 STATE EMPLOYEE AND ELECTED OFFICIAL PAYMENT OF HEALTH INSURANCE
 26 PREMIUMS

27 Sec. 15. Section 2.40, subsection 1, paragraph a,
 28 subparagraph (2), Code 2011, is amended to read as follows:

29 (2) The member shall pay the premium for the plan selected
 30 on the same basis as a full-time state employee excluded from
 31 collective bargaining as provided in chapter 20. However, the
 32 member shall pay a portion of the total premium for the plan
 33 selected in an amount as determined by the legislative council.
 34 The payment amount as determined by the legislative council
 35 shall be at least twenty-five percent of the total premium



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1 insurance premiums for state employees.

2

DIVISION V

3

CORRECTIVE PROVISIONS

4 Sec. 21. Section 9B.2, subsection 10, paragraph a, if
 5 enacted by 2012 Iowa Acts, Senate File 2265, section 2, is
 6 amended to read as follows:

7 a. *“Personal appearance”* means an act of a party to
 8 physically appear within the presence of a ~~notary public~~
 9 notarial officer at the time the ~~notarization occurs~~ notarial
 10 act is performed.

11 Sec. 22. Section 105.2, subsection 8, Code Supplement 2011,
 12 as amended by 2012 Iowa Acts, House File 2285, section 1, if
 13 enacted, is amended to read as follows:

14 8. *“Hydronic”* means a heating or cooling system that
 15 transfers heating or cooling by circulating fluid through
 16 a closed system, including boilers, pressure vessels,
 17 refrigerated equipment in connection with chilled water
 18 systems, all steam piping, hot or chilled water piping together
 19 with all control devices and accessories, installed as part
 20 of, or in connection with, any heating or cooling system or
 21 appliance whose primary purpose is to provide comfort using
 22 a liquid, water, or steam as the heating or cooling media.
 23 *“Hydronic”* includes all low-pressure and high-pressure systems
 24 and all natural, propane, liquid propane, or other gas lines
 25 associated with any component of a hydronic system. For
 26 purposes of this definition, *“primary purpose is to provide*
 27 *comfort”* means a system or appliance in which at least fifty-one
 28 percent of the capacity generated by its operation, on an
 29 annual average, is dedicated to comfort heating or cooling.

30 Sec. 23. Section 135C.6, subsection 8, paragraphs a and
 31 b, Code 2011, as amended by 2012 Iowa Acts, Senate File 2247,
 32 section 15, are amended to read as follows:

33 a. Residential programs providing care to not more than
 34 four individuals and receiving moneys appropriated to the
 35 department of human services under provisions of a federally



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1 Sec. 25. Section 152B.2, subsection 1, paragraph a,
2 subparagraph (2), Code 2011, as amended by 2012 Iowa Acts,
3 Senate File 2248, section 2, if enacted, is amended to read as
4 follows:

5 (2) Direct and indirect respiratory care services including
6 but not limited to the administration of pharmacological and
7 diagnostic and therapeutic agents related to respiratory
8 care procedures necessary to implement a treatment, disease
9 prevention, pulmonary rehabilitative, or diagnostic regimen
10 prescribed by a licensed physician ~~or~~ or surgeon ~~or~~ a qualified
11 health care professional prescriber.

12 Sec. 26. Section 152B.3, subsection 1, unnumbered paragraph
13 1, Code 2011, as amended by 2012 Iowa Acts, Senate File 2248,
14 section 5, if enacted, is amended to read as follows:

15 The performance of respiratory care shall be in accordance
16 with the prescription of a licensed physician ~~or~~ or surgeon ~~or~~
17 a qualified health care professional prescriber and includes
18 but is not limited to the diagnostic and therapeutic use of the
19 following:

20 Sec. 27. Section 152B.3, subsection 2, Code 2011, as amended
21 by 2012 Iowa Acts, Senate File 2248, section 6, if enacted, is
22 amended to read as follows:

23 2. A respiratory care practitioner may transcribe and
24 implement a written or verbal order from a licensed physician ~~or~~
25 or surgeon ~~or~~ a qualified health care professional prescriber
26 pertaining to the practice of respiratory care.

27 Sec. 28. Section 152B.4, Code 2011, as amended by 2012 Iowa
28 Acts, Senate File 2248, section 7, if enacted, is amended to
29 read as follows:

30 **152B.4 Location of respiratory care.**

31 The practice of respiratory care may be performed in a
32 hospital as defined in section 135B.1, subsection 3, and other
33 settings where respiratory care is to be provided in accordance
34 with a prescription of a licensed physician ~~or~~ or surgeon ~~or~~ a
35 qualified health care professional prescriber. Respiratory



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1 care may be provided during transportation of a patient and
 2 under circumstances where an emergency necessitates respiratory
 3 care.

4 Sec. 29. Section 249A.12, subsection 5, paragraph a,
 5 unnumbered paragraph 1, Code 2011, as amended by 2012 Iowa
 6 Acts, Senate File 2247, section 101, is amended to read as
 7 follows:

8 The mental health and disability services commission shall
 9 recommend to the department the actions necessary to assist in
 10 the transition of individuals being served in an intermediate
 11 care facility for persons with an intellectual disability,
 12 who are appropriate for the transition, to services funded
 13 under a medical assistance home and community-based services
 14 waiver for persons with an intellectual disability in a
 15 manner which maximizes the use of existing public and private
 16 facilities. The actions may include but are not limited to
 17 submitting any of the following or a combination of any of the
 18 following as a request for a revision of the medical assistance
 19 home and community-based services waiver for persons with an
 20 intellectual ~~disabilities~~ disability:

21 Sec. 30. Section 273.2, subsection 3, Code Supplement 2011,
 22 as amended by 2012 Iowa Acts, Senate File 2203, section 38, if
 23 enacted, is amended to read as follows:

24 3. The area education agency board shall furnish
 25 educational services and programs as provided in ~~sections~~
 26 section 273.1, this section, sections 273.3 to 273.9, and
 27 chapter 256B to the pupils enrolled in public or nonpublic
 28 schools located within its boundaries which are on the list of
 29 accredited schools pursuant to section 256.11. The programs
 30 and services provided shall be at least commensurate with
 31 programs and services existing on July 1, 1974. The programs
 32 and services provided to pupils enrolled in nonpublic schools
 33 shall be comparable to programs and services provided to pupils
 34 enrolled in public schools within constitutional guidelines.

35 Sec. 31. Section 321.188, subsection 6, paragraph c, if



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1 enacted by 2012 Iowa Acts, House File 2403, section 1, is
 2 amended to read as follows:

3 *c.* An applicant who obtains a skills test waiver under this
 4 subsection shall take and successfully pass the knowledge test
 5 required pursuant to subsection ~~2~~ 1.

6 Sec. 32. Section 321.457, subsection 2, paragraph n,
 7 subparagraph (4), if enacted by 2012 Iowa Acts, House File
 8 2428, section 1, is amended to read as follows:

9 (4) For purposes of this paragraph "n", "full trailer" means
 10 as defined in 49 C.F.R. § ~~390~~ 390.5.

11 Sec. 33. Section 322.5, subsection 6, paragraph b,
 12 subparagraph (2), if enacted by 2012 Iowa Acts, Senate File
 13 2249, section 4, is amended to read as follows:

14 (2) The state in which the person is licensed as a motor
 15 vehicle dealer allows a motor vehicle dealer licensed in Iowa
 16 to be issued a permit substantially similar to the temporary
 17 permit authorized under this ~~section~~ subsection.

18 Sec. 34. Section 508.37, subsection 5, paragraph c, Code
 19 2011, as amended by 2012 Iowa Acts, Senate File 2203, section
 20 105, if enacted, is amended to read as follows:

21 *c.* The adjusted premiums for a policy providing term
 22 insurance benefits by rider or supplemental policy provision
 23 shall be equal to (1) the adjusted premiums for an otherwise
 24 similar policy issued at the same age without such term
 25 insurance benefits, increased during the period for which
 26 premiums for such term insurance benefits are payable,
 27 by (2) the adjusted premiums for such term insurance, the
 28 foregoing items (1) and (2) being calculated separately and
 29 as specified in paragraphs "a" and "b" of this subsection
 30 except that, for the purposes of ~~of~~ paragraph "a", subparagraph
 31 (1), subparagraph divisions (b), (c), and (d), the amount of
 32 insurance or equivalent uniform amount of insurance used in
 33 the calculation of the adjusted premiums referred to in item
 34 (2) in this paragraph shall be equal to the excess of the
 35 corresponding amount determined for the entire policy over the



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1 amount used in the calculation of the adjusted premiums in item
2 (1) in this paragraph.

3 Sec. 35. Section 515I.1, subsection 2, if enacted by 2012
4 Iowa Acts, House File 2145, section 1, is amended to read as
5 follows:

6 2. This ~~division~~ chapter shall be liberally construed to
7 promote these purposes.

8 Sec. 36. Section 536A.10, Code 2011, as amended by 2012 Iowa
9 Acts, Senate File 2203, section 139, if enacted, is amended to
10 read as follows:

11 **536A.10 Issuance of license.**

12 1. ~~If~~ The superintendent shall approve the application and
13 issue to the applicant a license to engage in the industrial
14 loan business in accordance with the provisions of this
15 chapter, if the superintendent shall find:

16 a. That the financial responsibility, experience, character
17 and general fitness of the applicant and of the officers
18 thereof are such as to command the confidence of the community,
19 and to warrant the belief that the business will be operated
20 honestly, fairly and efficiently within the purpose of this
21 chapter;

22 b. That a reasonable necessity exists for a new industrial
23 loan company in the community to be served;

24 c. That the applicant has available for the operation of the
25 business at the specified location paid-in capital and surplus
26 as required by section 536A.8; and

27 d. That the applicant is a corporation organized for
28 pecuniary profit under the laws of the state of Iowa.

29 2. ~~The superintendent shall approve the application and~~
30 ~~issue to the applicant a license to engage in the industrial~~
31 ~~loan business in accordance with the provisions of this~~
32 ~~chapter.~~ The superintendent shall approve or deny an
33 application for a license within one hundred twenty days from
34 the date of the filing of such application.

35 Sec. 37. Section 602.9202, subsection 4, Code 2011, as



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1 amended by 2012 Iowa Acts, Senate File 2285, section 106, is
 2 amended to read as follows:

3 4. *“Senior judge retirement age”* means seventy-eight years
 4 of age or, if the senior judge is reappointed as a senior judge
 5 for an additional one-year term upon attaining seventy-eight
 6 years of age, and then to a succeeding one-year term, pursuant
 7 to section 602.9203, eighty years of age.

8 Sec. 38. EFFECTIVE DATE. The section of this division of
 9 this Act amending section 9B.2, subsection 10, paragraph a,
 10 takes effect January 1, 2013.

11 Sec. 39. EFFECTIVE UPON ENACTMENT. The section of this
 12 division of this Act amending section 105.2, subsection
 13 8, being deemed of immediate importance, takes effect upon
 14 enactment.

15 Sec. 40. RETROACTIVE APPLICABILITY. The section of this
 16 division of this Act amending section 105.2, subsection 8,
 17 applies retroactively to the effective date of 2012 Iowa Acts,
 18 House File 2285.

19 Sec. 41. EFFECTIVE UPON ENACTMENT. The section of this
 20 division of this Act amending section 322.5, subsection 6,
 21 paragraph “b”, subparagraph (2), being deemed of immediate
 22 importance, takes effect upon enactment.

23 Sec. 42. RETROACTIVE APPLICABILITY. The section of this
 24 division of this Act amending section 322.5, subsection 6,
 25 paragraph “b”, subparagraph (2), applies retroactively to the
 26 effective date of 2012 Iowa Acts, Senate File 2249.

27 Sec. 43. EFFECTIVE UPON ENACTMENT. The section of this
 28 division of this Act amending section 515I.1, subsection
 29 2, being deemed of immediate importance, takes effect upon
 30 enactment.

31 Sec. 44. RETROACTIVE APPLICABILITY. The section of this
 32 division of this Act amending section 515I.1, subsection 2,
 33 applies retroactively to the effective date of 2012 Iowa Acts,
 34 House File 2145.

35

EXPLANATION

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1 This bill relates to state and local finances by making and
 2 adjusting appropriations, providing for legal responsibilities,
 3 and providing for properly related matters. The bill is
 4 organized by divisions.

5 STANDING APPROPRIATIONS AND RELATED MATTERS. The bill
 6 limits the standing unlimited appropriation to the general
 7 assembly and legislative agencies for FY 2012-2013.

8 In 2011 Iowa Acts, chapter 131, a list of standing
 9 appropriations was limited for the fiscal year 2012-2013.
 10 The bill increases the amount appropriated from the state
 11 general fund for the following purposes: casino wagering tax
 12 proceeds allocated for the department of cultural affairs for
 13 operational support grants and community cultural grants and
 14 for regional tourism marketing; the center of congenital and
 15 inherited disorders central registry; primary and secondary
 16 child abuse prevention programs; programs for at-risk children;
 17 and the enforcement of Code chapter 453D relating to tobacco
 18 product manufacturers. The bill adds a limitation to the
 19 standing appropriation for the Iowa resources enhancement and
 20 protection fund.

21 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS. All of
 22 the moneys in excess of the maximum balance in the economic
 23 emergency fund after the distribution of the surplus in the
 24 general fund of the state at the conclusion of fiscal year
 25 2011-2012 are required to be transferred to the taxpayers trust
 26 fund created in section 8.57E. The provision in Code section
 27 8.55 limiting the amount of that transfer to not more than \$60
 28 million is made inapplicable. The provision takes effect upon
 29 enactment.

30 Current Code provisions prohibit the legislative council
 31 from assigning for use areas of the state capitol building used
 32 by the judicial branch as of July 1, 2003. The bill eliminates
 33 the prohibition. The bill also eliminates a requirement that
 34 a portion of the state capitol building be reserved for the
 35 operations of the judicial branch.



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1 File 2203, section 38, is amended to correct a singular noun in
2 this Code editor's bill provision relating to area education
3 agencies.

4 Code section 321.188(6)(c), if enacted by 2012 Iowa Acts,
5 House File 2403, section 1, is amended to correct a Code
6 reference relating to the knowledge skills test required for
7 issuance of a commercial driver's license.

8 Code section 321.457(2)(n)(4), if enacted by 2012 Iowa Acts,
9 House File 2428, section 1, is amended to correct a reference
10 to the section in the Code of Federal Regulations containing
11 the definition of "full trailer".

12 Code section 322.5(6)(b)(2), if enacted by 2012 Iowa
13 Acts, Senate File 2249, section 4, is amended to correct a
14 reference to the subsection in which a new temporary permit for
15 motor vehicle dealers is authorized. This amendment is made
16 effective upon enactment and retroactively applicable to the
17 effective date of 2012 Iowa Acts, Senate File 2249.

18 Code section 508.37(5)(c), as amended by 2012 Iowa Acts,
19 Senate File 2203, section 105, is amended to delete a redundant
20 duplication of the word "of" in this Code editor's bill
21 provision relating to term life insurance policies.

22 Code section 515I.1(2), if enacted by 2012 Iowa Acts,
23 House File 2145, section 1, is amended to correct an internal
24 reference to this "chapter" rather than to the "division" in
25 the new Code chapter relating to surplus lines insurance. This
26 amendment is made effective upon enactment and retroactively
27 applicable to the effective date of 2012 Iowa Acts, House File
28 2145.

29 Code section 536A.10, as amended by 2012 Iowa Acts, Senate
30 File 2203, section 139, is amended to move language prior
31 to rather than after the conditions that apply in this Code
32 editor's bill provision relating to the issuance of a license
33 to operate an industrial loan company.

34 Code section 602.9202(4), as amended by 2012 Iowa Acts,
35 Senate File 2285, section 106, is amended to correctly refer to



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H.F. _____

1 two succeeding one-year terms of a senior judge in this Code
2 editor's bill provision relating to the retirement age of 80
3 for senior judges.



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House Amendment To
Senate File 2237

S-5153

- 1 Amend Senate File 2237, as passed by the Senate, as
2 follows:
3 1. Page 2, after line 21 by inserting:
4 <Sec. _____. Section 99B.8, subsection 6, paragraph
5 b, Code 2011, is amended by adding the following new
6 subparagraph:
7 NEW SUBPARAGRAPH. (4) A qualified organization
8 that has been licensed under this chapter prior to
9 January 1, 2012, and that is a religious organization.>
10 2. Title page, line 1, after <An Act> by inserting
11 <relating to social and charitable gambling concerning
12 allowable prizes at annual game nights conducted by
13 religious organizations and>
14 3. By renumbering as necessary.



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House Amendment to
Senate Amendment to
House File 2292

S-5154

- 1 Amend the Senate amendment, H-8370, to House File
- 2 2292, as passed by the House, as follows:
- 3 1. Page 1, line 9, by striking <412> and inserting
- 4 <451>
- 5 2. By renumbering as necessary.



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Senate File 2325 - Introduced

SENATE FILE 2325
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SSB 3196)

A BILL FOR

1 An Act relating to the income tax checkoffs for the child
2 abuse prevention program fund and the veterans trust fund
3 and volunteer fire fighter preparedness fund, and including
4 retroactive applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6107SV (2) 84
mm/sc



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S.F. 2325

1 2. The director of revenue shall draft the income tax form
2 to allow the designation of contributions to the child abuse
3 prevention program fund on the tax return. The department of
4 revenue, on or before January 31, shall transfer the total
5 amount designated on the tax return forms due in the preceding
6 calendar year to the child abuse prevention program fund.
7 However, before a checkoff pursuant to this section shall be
8 permitted, all liabilities on the books of the department of
9 administrative services and accounts identified as owing under
10 section 8A.504 and the political contribution allowed under
11 section 68A.601 shall be satisfied.

12 3. The department of human services may authorize payment
13 of moneys from the child abuse prevention program fund in
14 accordance with section 235A.2.

15 4. The department of revenue shall adopt rules to administer
16 this section.

17 5. This section is subject to repeal under section 422.12E.

18 Sec. 5. NEW SECTION. **422.12L Joint income tax checkoff for**
19 **veterans trust fund and volunteer fire fighter preparedness fund.**

20 1. A person who files an individual or a joint income tax
21 return with the department of revenue under section 422.13 may
22 designate one dollar or more to be paid jointly to the veterans
23 trust fund created in section 35A.13 and to the volunteer fire
24 fighter preparedness fund created in section 100B.13. If the
25 refund due on the return or the payment remitted with the
26 return is insufficient to pay the additional amount designated
27 by the taxpayer, the amount designated shall be reduced to the
28 remaining amount of refund or the remaining amount remitted
29 with the return. The designation of a contribution under this
30 section is irrevocable.

31 2. The director of revenue shall draft the income tax form
32 to allow the designation of contributions to the veterans trust
33 fund and to the volunteer fire fighter preparedness fund as
34 one checkoff on the tax return. The department of revenue,
35 on or before January 31, shall transfer one-half of the total

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-2-

mm/sc

2/3



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1 amount designated on the tax return forms due in the preceding
 2 calendar year to the veterans trust fund and the remaining
 3 one-half to the volunteer fire fighter preparedness fund.
 4 However, before a checkoff pursuant to this section shall be
 5 permitted, all liabilities on the books of the department of
 6 administrative services and accounts identified as owing under
 7 section 8A.504 and the political contribution allowed under
 8 section 68A.601 shall be satisfied.

9 3. The department of revenue shall adopt rules to administer
 10 this section.

11 4. This section is subject to repeal under section 422.12E.

12 Sec. 6. RETROACTIVE APPLICABILITY. This Act applies
 13 retroactively to January 1, 2012, for tax years beginning on
 14 or after that date.

15 EXPLANATION

16 This bill relates to the income tax checkoffs for the child
 17 abuse prevention program fund and the veterans trust fund and
 18 volunteer fire fighter preparedness fund.

19 Code section 422.12E limits to four the number of income tax
 20 checkoffs that can appear on the income tax return. When the
 21 same four income tax return checkoffs have been provided on the
 22 income tax return for two consecutive years, the two checkoffs
 23 for which the least amount has been contributed through March
 24 15 of the second tax year are automatically repealed.

25 The bill reenacts as new the checkoffs for both the child
 26 abuse prevention program fund and the veterans trust fund and
 27 volunteer fire fighter preparedness fund.

28 The bill also makes conforming amendments to Code sections
 29 35A.13, 100B.13, and 235A.2, relating to the funds that receive
 30 the moneys from the checkoffs, to update references to the
 31 income tax checkoffs.

32 The bill applies retroactively to January 1, 2012, for tax
 33 years beginning on or after that date.



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Senate File 2326 - Introduced

SENATE FILE 2326
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 2050)

A BILL FOR

1 An Act increasing the amount of generating capacity eligible
2 for the renewable energy tax credit.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5686SV (2) 84
rn/sc



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S.F. 2326

1 Section 1. Section 476C.1, subsection 6, paragraph d, Code
 2 Supplement 2011, is amended to read as follows:

3 *d.* Was initially placed into service on or after July 1,
 4 2005, and before January 1, ~~2015~~ 2020.

5 Sec. 2. Section 476C.3, subsection 4, Code Supplement 2011,
 6 is amended to read as follows:

7 4. *a.* The maximum amount of nameplate generating capacity
 8 of all wind energy conversion facilities the board may find
 9 eligible under this chapter shall not exceed three hundred
 10 sixty-three megawatts of nameplate generating capacity.

11 Beginning January 1, 2015, through December 31, 2019, this
 12 maximum shall be increased each year by fifteen megawatts over
 13 the maximum in the previous year. Beginning January 1, 2020,
 14 the maximum amount of nameplate generating capacity of all
 15 wind energy conversion facilities the board may find eligible
 16 under this chapter shall not exceed four hundred thirty-eight
 17 megawatts of nameplate generating capacity.

18 *b.* The maximum amount of energy production capacity
 19 equivalent of all other facilities the board may find eligible
 20 under this chapter shall not exceed a combined output of
 21 fifty-three megawatts of nameplate generating capacity and
 22 one hundred sixty-seven billion British thermal units of
 23 heat for a commercial purpose. Beginning January 1, 2015,

24 through December 31, 2019, this maximum shall be increased
 25 each year by the energy production capacity equivalent of a
 26 combined output of five megawatts, and the British thermal unit
 27 equivalent, over the maximum in the previous year. Beginning
 28 January 1, 2020, the maximum amount of energy production
 29 capacity equivalent of all other facilities the board may find
 30 eligible under this chapter shall not exceed seventy-eight
 31 megawatts of nameplate generating capacity, and the British
 32 thermal unit equivalent. Of the maximum amount of energy
 33 production capacity equivalent of all other facilities found
 34 eligible under this chapter, no more than ten megawatts of
 35 nameplate generating capacity or energy production capacity

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1 equivalent shall be allocated to any one facility. Of the
 2 maximum amount of energy production capacity equivalent of all
 3 other facilities found eligible under this chapter, fifty-five
 4 billion British thermal units of heat for a commercial purpose
 5 shall be reserved for an eligible facility that is a refuse
 6 conversion facility for processed, engineered fuel from a
 7 multicounty solid waste management planning area. The maximum
 8 amount of energy production capacity the board may find
 9 eligible for a single refuse conversion facility is fifty-five
 10 billion British thermal units of heat for a commercial purpose.
 11 Of the maximum amount of energy production capacity equivalent
 12 of all other facilities found eligible under this chapter, an
 13 amount equivalent to ten megawatts of nameplate generating
 14 capacity shall be reserved for eligible renewable energy
 15 facilities incorporated within or associated with an ethanol
 16 cogeneration plant engaged in the sale of ethanol to states to
 17 meet a low carbon fuel standard.

18 Sec. 3. Section 476C.5, Code Supplement 2011, is amended to
 19 read as follows:

20 **476C.5 Certificate issuance period.**

21 A producer or purchaser of renewable energy may receive
 22 renewable energy tax credit certificates for a ten-year period
 23 for each eligible renewable energy facility under this chapter.
 24 The ten-year period for issuance of the tax credit certificates
 25 begins with the date the purchaser of renewable energy first
 26 purchases electricity, hydrogen fuel, methane gas or other
 27 biogas used to generate electricity, or heat for commercial
 28 purposes from the eligible renewable energy facility for
 29 which a tax credit is issued under this chapter, or the date
 30 the producer of the renewable energy first uses the energy
 31 produced by the eligible renewable energy facility for on-site
 32 consumption. Renewable energy tax credit certificates shall
 33 not be issued for renewable energy purchased or produced for
 34 on-site consumption after December 31, ~~2024~~ 2029.

35

EXPLANATION

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1 This bill relates to the maximum amount of generating
2 capacity of renewable energy facilities eligible for the
3 renewable energy tax credit provided in Code chapter 476C.
4 Currently, the maximum amount of nameplate generating
5 capacity of all wind energy conversion facilities the Iowa
6 utilities board may find eligible for the tax credit shall not
7 exceed 363 megawatts of nameplate generating capacity. The
8 bill provides that beginning January 1, 2015, this maximum
9 shall be increased by 15 megawatts annually, with the last
10 increase occurring January 1, 2019. Also, currently, the
11 maximum amount of energy production capacity equivalent of
12 nonwind renewable energy facilities the board may find eligible
13 for the tax credit shall not exceed a combined output of 53
14 megawatts of nameplate generating capacity and 167 billion
15 British thermal units of heat for a commercial purpose. The
16 bill similarly provides that beginning January 1, 2015, this
17 maximum shall be increased by the energy production capacity
18 equivalent of a combined output of five megawatts and the
19 British thermal unit equivalent annually, with the last
20 increase occurring January 1, 2019. The bill specifies the
21 resulting maximum amounts of capacity applicable each year
22 beginning January 1, 2020.
23 Consistent with these annual increases, the bill extends the
24 time period during which a facility must be placed into service
25 to be considered an eligible renewable energy facility from the
26 current limitation of prior to January 1, 2015, to prior to
27 January 1, 2020. A conforming change is also made extending
28 the date after which a renewable energy tax credit certificate
29 shall not be issued from December 31, 2024, to December 31,
30 2029.