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House File 10 - Introduced

HOUSE FILE 10
BY HESS

A BILL FOR

1 An Act relating to the use of child labor in laundry
2 occupations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1156YH (2) 85
je/nh

H.F. 10

Section 1. Section 92.8, subsection 18, Code 2013, is amended to read as follows:

18. Occupations involving the operation of ~~laundry,~~ dry cleaning, ~~or~~ dyeing, or commercial or industrial laundry machinery.

EXPLANATION

Persons under 18 years of age are prohibited from employment in occupations involving the operation of laundry machinery. This bill provides that such persons will only be prohibited from employment in occupations involving the operation of commercial or industrial laundry machinery.

House File 11 - Introduced

HOUSE FILE 11
BY PETTENGILL and WATTS

A BILL FOR

1 An Act eliminating the Iowa smart planning principles and other
2 local comprehensive planning and development guidelines.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1346YH (2) 85
md/sc

H.F. 11

Section 1. Section 16.194A, subsection 2, Code 2013, is amended to read as follows:

2. A city or county in this state ~~that applies the smart planning principles and guidelines pursuant to sections 18B.1 and 18B.2~~ may submit an application to the Iowa jobs board for financial assistance for a local infrastructure competitive grant for an eligible project under the program, notwithstanding any limitation on the state's percentage in funding as contained in section 29C.6, subsection 17.

Sec. 2. Section 28I.4, subsection 1, Code 2013, is amended to read as follows:

1. The commission shall have the power and duty to make comprehensive studies and plans for the development of the area it serves which will guide the unified development of the area and which will eliminate planning duplication and promote economy and efficiency in the coordinated development of the area and the general welfare, convenience, safety, and prosperity of its people. The plan or plans collectively shall be known as the regional or metropolitan development plan. The plans for the development of the area may include but shall not be limited to recommendations with respect to existing and proposed highways, bridges, airports, streets, parks and recreational areas, schools and public institutions and public utilities, public open spaces, and sites for public buildings and structures; districts for residence, business, industry, recreation, agriculture, and forestry; water supply, sanitation, drainage, protection against floods and other disasters; areas for housing developments, slum clearance and urban renewal and redevelopment; location of private and public utilities, including but not limited to sewerage and water supply systems; and such other recommendations concerning current and impending problems as may affect the area served by the commission. Time and priority schedules and cost estimates for the accomplishment of the recommendations may also be included in the plans. ~~The plans shall be made~~

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1 ~~with consideration of the smart planning principles under~~
2 ~~section 18B.1.~~ The plans shall be based upon and include
3 appropriate studies of the location and extent of present
4 and anticipated populations; social, physical, and economic
5 resources, problems and trends; and governmental conditions and
6 trends. The commission is also authorized to make surveys,
7 land-use studies, and urban renewal plans, provide technical
8 services and other planning work for the area it serves and
9 for cities, counties, and other political subdivisions in the
10 area. A plan or plans of the commission may be adopted, added
11 to, and changed from time to time by a majority vote of the
12 planning commission. The plan or plans may in whole or in part
13 be adopted by the governing bodies of the cooperating cities
14 and counties as the general plans of such cities and counties.
15 The commission may also assist the governing bodies and other
16 public authorities or agencies within the area it serves
17 in carrying out any regional plan or plans, and assist any
18 planning commission, board or agency of the cities and counties
19 and political subdivisions in the preparation or effectuation
20 of local plans and planning consistent with the program of the
21 commission. The commission may cooperate and confer, as far as
22 possible, with planning agencies of other states or of regional
23 groups of states adjoining its area.
24 Sec. 3. Section 329.3, Code 2013, is amended to read as
25 follows:
26 **329.3 Zoning regulations —— powers granted.**
27 Every municipality having an airport hazard area within
28 its territorial limits may adopt, administer, and enforce
29 in the manner and upon the conditions prescribed by this
30 chapter, zoning regulations for such airport hazard area,
31 which regulations may divide such area into zones and, within
32 such zones, specify the land uses permitted, and regulate
33 and restrict, for the purpose of preventing airport hazards,
34 the height to which structures and trees may be erected or
35 permitted to grow. ~~Regulations adopted under this chapter~~

H.F. 11

1 ~~shall be made with consideration of the smart planning~~
2 ~~principles under section 18B.1.~~
3 Sec. 4. Section 335.5, subsection 3, Code 2013, is amended
4 by striking the subsection.
5 Sec. 5. Section 414.3, subsection 3, Code 2013, is amended
6 by striking the subsection.
7 Sec. 6. REPEAL. Chapter 18B, Code 2013, is repealed.
8 EXPLANATION
9 Current Code section 18B.1 enumerates the Iowa smart
10 planning principles. The Iowa smart planning principles are 10
11 principles that state agencies, local governments, and other
12 public entities are required to consider and may apply during
13 deliberation of all appropriate planning, zoning, development,
14 and resource management decisions. Code section 18B.2 requires
15 a city or county, when developing or amending a comprehensive
16 plan under Code chapter 335 or 414 or when developing or
17 amending other local land development regulations, to consider
18 the smart planning principles under Code section 18B.1 and
19 authorizes such city or county to include specified additional
20 types of objective or program information concerning the action
21 being taken by the city or county. This bill repeals Code
22 sections 18B.1 and 18B.2 and makes corresponding changes to
23 other provisions of the Code.

House File 12 - Introduced

HOUSE FILE 12
BY PETTENGILL

A BILL FOR

1 An Act concerning issuance of a license or users permit for
2 specified activities regarding explosives.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1336YH (3) 85
rn/sc

H.F. 12

Section 1. Section 101A.2, Code 2013, is amended to read as follows:

101A.2 Commercial license — how issued — violation.

1. The state fire marshal shall issue commercial licenses for the manufacture, importation, distribution, sale, and commercial use of explosives to persons who, in the state fire marshal's discretion are of good character and sound judgment, and have sufficient knowledge of the use, handling, and storage of explosive materials to protect the public safety. Licenses shall be issued for a period of ~~one year~~ three years, but may be issued for shorter periods, and may be revoked or suspended by the state fire marshal for any of the following reasons:

a. Falsification of information submitted in the application for a license.

b. Proof that the licensee has violated any provisions of this chapter or any rules prescribed by the state fire marshal pursuant to the provisions of this chapter.

c. The results of a national criminal history check conducted pursuant to subsection 3.

2. Licenses shall be issued by the state fire marshal upon payment of a fee of sixty dollars, valid for a period of ~~one~~ three calendar ~~year~~ years, commencing on January 1 of the first year and terminating on December 31~~; however~~ of the third year. However, an initial license may be issued during ~~any~~ a calendar year for the number of months remaining in such calendar year and the following two years, computed to the first day of the month when the application for the license is approved. The license fee shall be charged on a pro rata basis for the number of months remaining in the ~~year~~ period of issue. Applications for renewal of licenses shall be submitted within thirty days prior to the license expiration date and shall be accompanied by payment of the prescribed ~~annual~~ fee.

3. Prior to the issuance of a license pursuant to this chapter, an applicant shall be subject to a national criminal history check through the federal bureau of investigation.

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The applicant shall provide fingerprints to the department of public safety for submission through the state criminal history repository to the federal bureau of investigation. Upon application for renewal of a license, the national criminal history check shall be repeated to determine the occurrence of criminal violations occurring during the previous period of licensure. Fees for the national criminal history check shall be paid by the applicant or the applicant's employer. The results of a criminal history check conducted pursuant to this subsection shall be considered a confidential record under chapter 22.

~~3.~~ 4. Except as permitted in section 101A.3 and sections 101A.9 to 101A.11, it shall be unlawful for any person to willfully manufacture, import, store, detonate, sell, or otherwise transfer any explosive materials unless such person is the holder of a valid license issued pursuant to this section.

~~4.~~ 5. Commercial dealers having a federal firearms license shall be exempt from the requirement or the commercial license requirement of this chapter for importation, distribution, sale, transportation, storage and possession of smokeless powder propellants or black sporting powder propellants provided that such dealer must conform and comply to rules, or ordinances of federal, state, or city authorities having jurisdiction of such powder.

Sec. 2. Section 101A.3, subsection 1, Code 2013, is amended to read as follows:

1. User's permits to purchase, possess, transport, store, and detonate explosive materials shall be issued by the sheriff of the county or the chief of police of a city of ten thousand population or more where the possession and detonation will occur. If the possession and detonation are to occur in more than one county or city, then such permits must be issued by the sheriff or chief of police of each of such counties or cities, except in counties and cities in which the explosives

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are possessed for the sole purpose of transporting them through such counties and cities. A permit shall not be issued unless the sheriff or chief of police having jurisdiction is satisfied that possession and detonation of explosive materials is necessary to the applicant's business or to improve the applicant's property. Permits shall be issued only to persons who, in the discretion of the sheriff or chief of police, are of good character and sound judgment, and have sufficient knowledge of the use and handling of explosive materials to protect the public safety. Applicants shall be subject to the criminal history check provisions of section 103A.2, subsection 3. The state fire marshal shall prescribe, have printed, and distribute permit application forms to all local permit issuing authorities.

Sec. 3. Section 101A.14, subsection 1, Code 2013, is amended to read as follows:

1. Any person who violates the provisions of section 101A.2, subsection ~~3~~ 4, or section 101A.3, subsection 4, commits a public offense and, upon conviction, shall be guilty of a class "C" felony.

EXPLANATION

This bill concerns licensing and permitting requirements applicable to explosives.

The bill changes the current period of licensure from one to three years. The bill additionally provides that prior to the issuance or renewal of a license, or issuance of a user's permit, an applicant shall be subject to a national criminal history check through the federal bureau of investigation. The bill specifies that fees for the national criminal history check shall be paid by the applicant or the applicant's employer, and that the results shall be considered a confidential record under Code chapter 22. The bill further provides that the results of the national criminal history check may be reason for the state fire marshal to revoke or suspend a license and, by operation of law, an explosive

H.F. 12

1 materials user's permit by the issuer of the permit.

House File 13 - Introduced

HOUSE FILE 13
BY COWNIE

A BILL FOR

1 An Act relating to the option of voting straight party at
2 certain elections.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1150YH (1) 85
aw/sc

H.F. 13

Section 1. Section 49.37, subsection 1, Code 2013, is amended to read as follows:

1. For general elections, and for other elections in which more than one partisan office will be filled, the ~~first section of the~~ ballot shall be ~~for straight party voting~~ arranged as provided in this section.

~~*a.* Each political party or organization which has nominated candidates for more than one office shall be listed. Instructions to the voter for straight party or organization voting shall be in substantially the following form:~~

~~To vote for all candidates from a single party or organization, mark the voting target next to the party or organization name. Not all parties or organizations have nominated candidates for all offices. Marking a straight party or organization vote does not include votes for nonpartisan offices, judges, or questions.~~

~~*b.* Political parties and nonparty political organizations which have nominated candidates for only one office shall be listed below the other political organizations under the following heading:~~

~~Other Political Organizations. The following organizations have nominated candidates for only one office:~~

~~*c.*~~ 1A. Offices shall be arranged in groups. Partisan offices, nonpartisan offices, judges, and public measures shall be separated by a distinct line appearing on the ballot.

Sec. 2. Section 49.57, subsection 2, Code 2013, is amended to read as follows:

2. ~~In the area of the general election ballot for straight party voting, the party or organization names shall be printed in upper case and lower case letters using a uniform font size for each political party or nonparty political organization. The font size shall be not less than twelve point type.~~ After the name of each candidate for a partisan office the name of the candidate´s political party shall be printed in at least six point type. ~~The names of political parties and nonparty~~

H.F. 13

~~political organizations may be abbreviated on the remainder of the ballot if both the full name and the abbreviation appear in the "Straight Party" and "Other Political Party" areas of the ballot.~~

Sec. 3. Section 49.98, Code 2013, is amended to read as follows:

49.98 Counting ballots.

The ballots shall be counted according to the voters' marks on them as provided in sections 49.92 ~~to 49.97~~ and 49.93, and not otherwise. If, for any reason, it is impossible to determine from a ballot, as marked, the choice of the voter for any office, the vote for that office shall not be counted. ~~When there is a conflict between a straight party or organization vote for one political party or nonparty political organization and the vote cast by marking the voting target next to the name of a candidate for another political party or nonparty political organization on the ballot, the mark next to the name of the candidate shall be held to control, and the straight party or organization vote in that case shall not apply as to that office.~~ A ballot shall be rejected if the voter used a mark to identify the voter's ballot. ~~For each voting system, the~~ The state commissioner shall, by rule adopted pursuant to chapter 17A, develop uniform definitions of what constitutes a vote.

Sec. 4. REPEAL. Sections 49.94, 49.95, 49.96, and 49.97, Code 2013, are repealed.

EXPLANATION

This bill eliminates the option of voting straight party for all candidates of a political party or nonparty political organization. The bill applies to the general election and elections at which more than one partisan office is to be filled.

House File 14 - Introduced

HOUSE FILE 14
BY WORTHAN

A BILL FOR

1 An Act relating to the enforcement of weight limitations for
2 vehicles with retractable axles.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1428YH (1) 85
dea/nh

H.F. 14

Section 1. Section 321.463, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 12A. *a.* A vehicle or combination of vehicles equipped with a retractable axle may raise the axle when necessary to negotiate a turn, provided that the retractable axle is lowered within one thousand feet following completion of the turn. This paragraph does not apply to a vehicle or combination of vehicles operated on an interstate highway, including a ramp to or from an interstate highway, or on a bridge.

b. A vehicle or combination of vehicles operated with a retractable axle raised as permitted under paragraph *"a"* is exempt from the weight limitations of this section as long as the vehicle or combination of vehicles is in compliance with the weight limitations of this section when the retractable axle is lowered.

c. This subsection does not prohibit the operation of a vehicle or combination of vehicles equipped with a retractable axle from operating with the retractable axle raised when the vehicle or combination of vehicles is in compliance with the weight limitations of this section with the retractable axle raised.

EXPLANATION

This bill allows a vehicle or combination of vehicles to raise a retractable axle when necessary to negotiate a turn, provided the retractable axle is lowered within one thousand feet of completing the turn. The vehicle or combination of vehicles is exempt from axle weight limitations while making the turn with a raised retractable axle, so long as the vehicle is in compliance when the retractable axle is lowered. The exemption does not apply on an interstate highway, including a ramp leading to or from the interstate, or on a bridge.

House File 15 - Introduced

HOUSE FILE 15
BY MURPHY

A BILL FOR

1 An Act relating to small business development by making
2 an appropriation to match a federal grant and including
3 effective and retroactive applicability date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1108YH (2) 85
ad/nh

H.F. 15

1 Section 1. ECONOMIC DEVELOPMENT AUTHORITY — SMALL BUSINESS
2 DEVELOPMENT APPROPRIATION.
3 1. There is appropriated from the general fund of the state
4 to the economic development authority for the fiscal year
5 beginning July 1, 2012, and ending June 30, 2013, the following
6 amount, or so much thereof as is necessary, to be used for the
7 purposes designated:
8 For matching the federal grant for the state small business
9 credit initiative:
10 ..... $ 13,168,350
11 Of the moneys appropriated in this subsection, $8,000,000,
12 or so much thereof as is necessary, shall be used for the Iowa
13 small business loan support program.
14 2. Notwithstanding section 8.33, moneys appropriated in
15 this section that remain unencumbered or unobligated at the
16 close of the fiscal year beginning July 1, 2012, and ending
17 June 30, 2013, shall not revert but shall remain available for
18 expenditure for the purposes designated until the close of the
19 succeeding fiscal year beginning July 1, 2013, and ending June
20 30, 2014.
21 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
22 immediate importance, takes effect upon enactment.
23 Sec. 3. RETROACTIVE APPLICABILITY. This Act applies
24 retroactively to July 1, 2012.
25 EXPLANATION
26 This bill appropriates funds to the economic development
27 authority to match a federal grant for the state small business
28 credit initiative (SSBCI). The bill appropriates approximately
29 $13.2 million to match the federal grant for the SSBCI. Of
30 the state money appropriated for the SSBCI, the bill provides
31 that $8 million shall be used for the Iowa small business
32 loan support program. The bill provides that the moneys
33 appropriated are not subject to reversion and remain available
34 for expenditure for the purposes designated for the succeeding
35 fiscal year. The bill is effective upon enactment and applies

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1 retroactively to July 1, 2012.

House File 16 - Introduced

HOUSE FILE 16
BY MURPHY

A BILL FOR

1 An Act modifying Iowa's human services and education systems
2 to provide that children start school ready to learn and
3 to increase Iowa's student achievement rates, making
4 appropriations to the department of education and to the
5 economic development authority, and including effective date
6 and applicability provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1075HH (22) 85
kh/rj

H.F. 16

DIVISION I
MANDATORY CHILD CARE REGISTRATION

Section 1. Section 135.173A, subsection 4, paragraph e, Code 2013, is amended by striking the paragraph.

Sec. 2. Section 142D.2, subsection 13, Code 2013, is amended to read as follows:

13. *"Place of employment"* means an area under the control of an employer and includes all areas that an employee frequents during the course of employment or volunteering, including but not limited to work areas, private offices, conference and meeting rooms, classrooms, auditoriums, employee lounges and cafeterias, hallways, medical facilities, restrooms, elevators, stairways and stairwells, and vehicles owned, leased, or provided by the employer unless otherwise provided under this chapter. *"Place of employment"* does not include a private residence, unless the private residence is used as a child care facility~~, a child care home,~~ or as a health care provider location.

Sec. 3. Section 142D.2, subsection 16, paragraphs t and u, Code 2013, are amended to read as follows:

t. Private residences only when used as a child care facility~~, a child care home,~~ or health care provider location.

u. Child care facilities ~~and child care homes~~.

Sec. 4. Section 142D.4, subsection 1, Code 2013, is amended to read as follows:

1. Private residences, unless used as a child care facility~~,~~ ~~child care home,~~ or a health care provider location.

Sec. 5. Section 237.1, subsection 4, paragraph d, Code 2013, is amended to read as follows:

d. Child care furnished by a child care center~~,~~ or a child development home~~, or a child care home~~ as defined in section 237A.1.

Sec. 6. Section 237A.1, subsection 6, Code 2013, is amended by striking the subsection.

Sec. 7. Section 237A.1, subsections 7 and 11, Code 2013, are

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amended to read as follows:

7. *"Child development home"* means a person or program registered under section 237A.3A that may provide child care to ~~six~~ one or more children at any one time.

11. *"Involvement with child care"* means licensed or registered under this chapter, employed in a child care facility, residing in a child care facility, receiving public funding for providing child care, or ~~providing child care as a child care home provider, or~~ residing ~~in a~~ with a person receiving public funding for providing child care ~~home~~.

Sec. 8. Section 237A.1, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 14A. *"Relative"* means an adult person who is, or was at any time, one of the following relatives of a child, by means of blood relationship, marriage, or adoption, or is a spouse of one of the following relatives:

a. Grandparent.

b. Great-grandparent.

c. Great-great-grandparent.

d. Stepparent, but not the parent of the stepparent.

e. Sibling.

f. Stepsibling.

g. Sibling by at least the half blood.

h. Uncle or aunt by at least the half blood.

i. Great-uncle or great-aunt.

j. Great-great-uncle or great-great-aunt.

k. First cousin.

l. Nephew or niece.

m. Second cousin.

Sec. 9. Section 237A.3A, subsection 1, paragraph a, Code 2013, is amended to read as follows:

a. A person shall not establish or operate a child development home unless the person obtains a certificate of registration. However, a relative who provides child care to only related children or a person providing child care to

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only children from a single unrelated family is not required to obtain a certificate of registration under this section. The department shall issue a certificate of registration upon receipt of a statement from the person or upon completion of an inspection conducted by the department or a designee of the department verifying that the person complies with applicable rules adopted by the department pursuant to this section and section 237A.12.

Sec. 10. Section 237A.3B, Code 2013, is amended to read as follows:

237A.3B Smoking prohibited.

Smoking, as defined in section 142D.2, shall not be permitted in a child care facility ~~or child care home~~.

Sec. 11. Section 237A.5, subsection 2, paragraph a, subparagraph (1), subparagraph division (e), Code 2013, is amended to read as follows:

(e) The person will reside or resides ~~in a child care home that~~ with a person who is not registered under this chapter but that receives public funding for providing child care.

Sec. 12. Section 237A.5, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. If an individual person subject to a record check is being considered for employment by a child care facility ~~or child care home provider~~, in lieu of requesting a record check in this state to be conducted by the department under paragraph *"c"*, the child care facility ~~or child care home~~ may access the single contact repository established pursuant to section 135C.33 as necessary to conduct a criminal and child abuse record check of the individual in this state. A copy of the results of the record check conducted through the single contact repository shall also be provided to the department. If the record check indicates the individual is a person subject to an evaluation, the child care facility ~~or child care home~~ may request that the department perform an evaluation as provided in this subsection. Otherwise, the individual shall

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not be employed by the child care facility ~~or child care home~~.

Sec. 13. Section 237A.5, subsection 2, paragraph d, subparagraph (2), Code 2013, is amended to read as follows:

(2) Except as otherwise provided by law, the cost of a national criminal history check conducted in accordance with subparagraph (1) and the state record checks conducted in accordance with paragraph "c" that are conducted in connection with a person's involvement with a child care center are not the responsibility of the department. The department is responsible for the cost of such checks conducted in connection with a person's involvement with a child development home ~~or child care home~~.

Sec. 14. Section 237A.5, subsection 2, paragraph d, subparagraph (4), subparagraph division (b), Code 2013, is amended to read as follows:

(b) Except for child development home providers who voluntarily license and are addressed by subparagraph division (a), and child development home providers participating in the child care quality rating system at a level under which national records checks are required in accordance with departmental rule, the national record check requirement in subparagraph (1) is not applicable in connection with a child development home ~~or child care home~~ throughout the period.

Sec. 15. Section 237A.5, subsection 2, paragraph e, subparagraph (2), Code 2013, is amended to read as follows:

(2) Prior to performing an evaluation, the department shall notify the affected person, licensee, registrant, or ~~child care home~~ person applying for or receiving public funding for providing child care, that an evaluation will be conducted to determine whether prohibition of the person's involvement with child care is warranted.

Sec. 16. Section 237A.5, subsection 2, paragraph g, unnumbered paragraph 1, Code 2013, is amended to read as follows:

A person subject to a record check who is or was employed

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by a child care facility ~~or child care home provider~~ and is hired by another child care facility ~~or child care home provider~~ shall be subject to a record check in accordance with this subsection. However, if the person was subject to an evaluation because of a transgression in the person's record and the evaluation determined that the transgression did not warrant prohibition of the person's involvement with child care and the latest record checks do not indicate there is a transgression that was committed subsequent to that evaluation, the person may commence employment with the other child care facility ~~or provider~~ in accordance with the department's evaluation and an exemption from any requirements for reevaluation of the latest record checks is authorized. Authorization of an exemption under this paragraph *"g"* from requirements for reevaluation of the latest record checks by the department is subject to all of the following provisions:

Sec. 17. Section 237A.5, subsection 2, paragraph i, subparagraph (2), Code 2013, is amended to read as follows:

(2) If, within five years prior to the date of application for registration or licensure under this chapter, for employment or residence in a child care facility ~~or child care home~~, or for receipt of public funding for providing child care, a person subject to an evaluation has been convicted of a controlled substance offense under chapter 124 or has been found to have committed physical abuse, the person shall be prohibited from involvement with child care for a period of five years from the date of conviction or founded abuse. After the five-year prohibition period, the person may submit an application for registration or licensure under this chapter, or to receive public funding for providing child care or may request an evaluation, and the department shall perform an evaluation and, based upon the criteria in paragraph *"h"*, shall determine whether prohibition of the person's involvement with child care continues to be warranted.

Sec. 18. Section 237A.5, subsection 2, paragraph k, Code

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2013, is amended to read as follows:

k. If it has been determined that a child receiving child care from a child care facility or ~~a child care home~~ from a person who receives public funding for providing child care or an individual residing with that person, is the victim of founded child abuse committed by an employee, license or registration holder, ~~child care home provider,~~ or resident of the child care facility ~~or child care home~~ for which a report is placed in the central registry pursuant to section 232.71D, the administrator shall provide notification at the time of the determination to the parents, guardians, and custodians of children receiving care from the child care facility ~~or child care home~~ person who receives public funding for providing child care. A notification made under this paragraph shall identify the type of abuse but shall not identify the victim or perpetrator or circumstances of the founded abuse.

Sec. 19. Section 237A.12, subsection 1, paragraph c, Code 2013, is amended to read as follows:

c. The adequacy of activity programs and food services available to the children. The department shall not restrict the use of or apply nutritional standards to a lunch or other meal which is brought to the ~~center, child development home, or~~ child care ~~home~~ facility by a school-age child for the child's consumption.

Sec. 20. Section 237A.13, subsection 2, Code 2013, is amended to read as follows:

2. Services under the program may be provided ~~in~~ by a licensed child care center, a child development home, the home of a relative, or the child's own home by a relative or by a provider who is licensed under this chapter, ~~a child care home,~~ or in a facility exempt from licensing ~~or registration~~ under the definition of child care in section 237A.1.

Sec. 21. Section 237A.19, subsection 2, Code 2013, is amended to read as follows:

2. ~~If registration is required under section 237A.3A, a~~ A

H.F. 16

1 person who establishes, conducts, manages, or operates a child
2 development home without registering or a person who operates a
3 child development home contrary to section 237A.5, or a person
4 who has been prohibited by the department from involvement
5 with child care but continues that involvement, commits a
6 simple misdemeanor. Each day of continuing violation after
7 conviction, or notice from the department by certified mail of
8 the violation, is a separate offense. A single charge alleging
9 continuing violation may be made in lieu of filing charges for
10 each day of violation.
11 Sec. 22. Section 237A.19, subsection 3, Code 2013, is
12 amended to read as follows:
13 3. A person who ~~establishes, conducts, manages, or operates~~
14 ~~a child care home in violation of section 237A.3, subsection~~
15 ~~2, or a person or program that~~ has been prohibited by the
16 department from involvement with child care but continues
17 that involvement commits a simple misdemeanor. Each day of
18 continuing violation after conviction, or notice from the
19 department by certified mail of the violation, is a separate
20 offense. A single charge alleging continuing violation may be
21 made in lieu of filing charges for each day of violation.
22 Sec. 23. Section 237A.26, subsection 3, paragraph a, Code
23 2013, is amended to read as follows:
24 *a.* Organize assistance to ~~child care homes and~~ child care
25 facilities utilizing training levels based upon the child care
26 providers' degrees of experience and interest.
27 Sec. 24. Section 237A.26, subsection 6, paragraph a, Code
28 2013, is amended to read as follows:
29 *a.* Assist families in selecting quality child care. The
30 agency must provide referrals to registered and licensed child
31 care facilities, and to persons providing care, supervision,
32 and guidance of a child which is not defined as child care
33 under section 237A.1~~and may provide referrals to unregistered~~
34 ~~providers~~.
35 Sec. 25. Section 237A.26, subsection 8, Code 2013, is

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amended to read as follows:

8. For purposes of improving the quality and consistency of data collection, consultation, and other support to ~~child care home and~~ child development home providers, a resource and referral services agency grantee shall coordinate and assist with publicly and privately funded efforts administered at the community level to provide the support. The support and efforts addressed by a grantee may include but are not limited to community-funded ~~child care home and~~ child development home consultants. Community members involved with the assistance may include but are not limited to the efforts of an early childhood Iowa area board under chapter 256I, and of community representatives of education, health, human services, business, faith, and public interests.

Sec. 26. REPEAL. Section 237A.3, Code 2013, is repealed.

DIVISION II

PRESCHOOL AND SCHOOL AID PROVISIONS

Sec. 27. Section 256C.5, subsection 1, paragraph c, Code 2013, is amended to read as follows:

c. "Preschool budget enrollment" means the figure that is equal to ~~fifty~~ sixty percent of the actual enrollment of eligible students in the preschool programming provided by a school district approved to participate in the preschool program on October 1 of the base year, or the first Monday in October if October 1 falls on a Saturday or Sunday.

Sec. 28. Section 257.2, subsection 1, Code 2013, is amended to read as follows:

1. *"Allowable growth"* means the amount by which state cost per pupil and district cost per pupil will increase from one budget year to the next as a result of the state percent of growth or the categorical state percent of growth.

Sec. 29. Section 257.2, subsection 5, Code 2013, is amended to read as follows:

5. *"Combined district cost per pupil"* is an amount ~~determined by adding together the regular program district~~

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1 ~~cost per pupil for a year and the special education support~~
2 ~~services district cost per pupil for that year~~ as calculated
3 under section 257.10.
4 Sec. 30. Section 257.9, subsections 7 and 10, Code 2013, are
5 amended to read as follows:
6 7. *Professional development supplement state cost per pupil.*
7 *a.* For the budget year beginning July 1, 2009, for the
8 professional development supplement state cost per pupil, the
9 department of management shall add together the professional
10 development allocation made to each district for the fiscal
11 year beginning July 1, 2008, pursuant to section 284.13,
12 subsection 1, paragraph *"d"*, Code 2009, and divide that sum
13 by the statewide total budget enrollment for the fiscal year
14 beginning July 1, 2009.
15 *b.* The professional development supplement state cost
16 per pupil for the budget year beginning July 1, 2010, and
17 succeeding budget years beginning before July 1, 2013, shall
18 be the amount calculated by the department of management under
19 this subsection for the base year plus an allowable growth
20 amount that is equal to the professional development supplement
21 categorical state percent of growth, pursuant to section
22 257.8, subsection 2, for the budget year, multiplied by the
23 amount calculated by the department of management under this
24 subsection for the base year.
25 *c.* The professional development supplement state cost per
26 pupil for the budget year beginning July 1, 2013, shall be
27 the amount calculated by the department of management under
28 this subsection for the base year, plus sixty dollars, plus
29 an allowable growth amount that is equal to the professional
30 development supplement categorical state percent of growth,
31 pursuant to section 257.8, subsection 2, for the budget year,
32 multiplied by the amount calculated by the department of
33 management under this subsection for the base year.
34 *d.* The professional development supplement state cost
35 per pupil for the budget year beginning July 1, 2014, and

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1 succeeding budget years, shall be the amount calculated by
2 the department of management under this subsection for the
3 base year plus an allowable growth amount that is equal to
4 the professional development supplement categorical state
5 percent of growth, pursuant to section 257.8, subsection 2, for
6 the budget year, multiplied by the amount calculated by the
7 department of management under this subsection for the base
8 year.
9 10. *Area education agency professional development supplement*
10 *state cost per pupil.*
11 *a.* For the budget year beginning July 1, 2009, for the area
12 education agency professional development supplement state cost
13 per pupil, the department of management shall add together the
14 professional development allocation made to each area education
15 agency for the fiscal year beginning July 1, 2008, pursuant to
16 section 284.13, subsection 1, paragraph *"d"*, Code 2009, and
17 divide that sum by the statewide special education support
18 services weighted enrollment for the fiscal year beginning July
19 1, 2009.
20 *b.* The area education agency professional development
21 supplement state cost per pupil for the budget year beginning
22 July 1, 2010, and succeeding budget years beginning before
23 July 1, 2013, shall be the amount calculated by the department
24 of management under this subsection for the base year plus
25 an allowable growth amount that is equal to the professional
26 development supplement categorical state percent of growth,
27 pursuant to section 257.8, subsection 2, for the budget year,
28 multiplied by the amount calculated by the department of
29 management under this subsection for the base year.
30 *c.* The area education agency professional development
31 supplement state cost per pupil for the budget year beginning
32 July 1, 2013, shall be the amount calculated by the department
33 of management under this subsection for the base year, plus
34 three dollars, plus an allowable growth amount that is equal
35 to the professional development supplement categorical state

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1 percent of growth, pursuant to section 257.8, subsection 2, for
2 the budget year, multiplied by the amount calculated by the
3 department of management under this subsection for the base
4 year.
5 *d.* The area education agency professional development
6 supplement state cost per pupil for the budget year beginning
7 July 1, 2014, and succeeding budget years, shall be the
8 amount calculated by the department of management under this
9 subsection for the base year plus an allowable growth amount
10 that is equal to the professional development supplement
11 categorical state percent of growth, pursuant to section
12 257.8, subsection 2, for the budget year, multiplied by the
13 amount calculated by the department of management under this
14 subsection for the base year.
15 Sec. 31. Section 257.10, subsection 10, paragraph a, Code
16 2013, is amended to read as follows:
17 *a.* (1) For the budget year beginning July 1, 2009,
18 the department of management shall divide the professional
19 development allocation made to each district for the fiscal
20 year beginning July 1, 2008, pursuant to section 284.13,
21 subsection 1, paragraph *"d"*, Code 2009, by the district's
22 budget enrollment in the fiscal year beginning July 1, 2009,
23 to determine the professional development supplement cost per
24 pupil.
25 (2) For the budget year beginning July 1, 2010, and
26 succeeding budget years beginning before July 1, 2013, the
27 professional development supplement district cost per pupil
28 for each school district for a budget year is the professional
29 development supplement district cost per pupil for the base
30 year plus the professional development supplement state
31 allowable growth amount for the budget year.
32 (3) For the budget year beginning July 1, 2013, the
33 professional development supplement district cost per pupil
34 for each school district for a budget year is the professional
35 development supplement district cost per pupil for the base

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year plus the professional development supplement state allowable growth amount for the budget year, plus sixty dollars.

(4) For the budget year beginning July 1, 2014, and succeeding budget years, the professional development supplement district cost per pupil for each school district for a budget year is the professional development supplement district cost per pupil for the base year plus the professional development supplement state allowable growth amount for the budget year.

Sec. 32. Section 257.11, subsection 3, paragraph b, subparagraph (2), Code 2013, is amended to read as follows:

(2) Included in the fall, spring, or summer community college catalog or an amendment or addendum to ~~the~~ a fall, spring, or summer catalog.

Sec. 33. Section 257.37A, subsection 2, paragraph a, Code 2013, is amended to read as follows:

a. (1) For the budget year beginning July 1, 2009, the department of management shall divide the area education agency professional development supplement made to each area education agency for the fiscal year beginning July 1, 2008, pursuant to section 284.13, subsection 1, paragraph *"d"*, Code 2009, by the special education support services weighted enrollment in the fiscal year beginning July 1, 2009, to determine the professional development supplement cost per pupil.

(2) For the budget year beginning July 1, 2010, and succeeding budget years beginning before July 1, 2013, the area education agency professional development supplement district cost per pupil for each area education agency for a budget year is the area education agency professional development supplement district cost per pupil for the base year plus the area education agency professional development supplement state allowable growth amount for the budget year.

(3) For the budget year beginning July 1, 2013, the area education agency professional development supplement district

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cost per pupil for each area education agency for a budget year is the area education agency professional development supplement district cost per pupil for the base year plus the area education agency professional development supplement state allowable growth amount for the budget year, plus three dollars.

(4) For the budget year beginning July 1, 2014, and succeeding budget years, the area education agency professional development supplement district cost per pupil for each area education agency for a budget year is the area education agency professional development supplement district cost per pupil for the base year plus the area education agency professional development supplement state allowable growth amount for the budget year.

Sec. 34. Section 284.6, subsections 3 and 8, Code 2013, are amended to read as follows:

3. A school district shall incorporate a district professional development plan into the district's comprehensive school improvement plan submitted to the department in accordance with section 256.7, subsection 21. The district professional development plan shall include a description of the means by which the school district will provide access to all teachers in the district to professional development programs or offerings that meet the requirements of subsection 1. The plan shall align all professional development with the school district's long-range student learning goals and the Iowa teaching standards. The plan shall indicate the school district's approved professional development provider or providers. The plan shall provide, for the fiscal year beginning July 1, 2013, and each fiscal year thereafter, an amount of time for professional development equivalent to the amount of time the school district provided for professional development for teachers for the 2012-2013 school year plus the equivalent of at least three additional contract days.

8. *a.* For each year in which a school district ~~receives~~

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and area education agency receive funds calculated and paid to school districts and area education agencies for professional development pursuant to section 257.10, subsection 10, or section 257.37A, subsection 2, the school district and area education agency shall create quality professional development opportunities. Not less than thirty-six hours in the school calendar, held outside of the minimum school day, shall be set aside during nonpreparation time or designated professional development time to allow practitioners to collaborate with each other to deliver educational programs and assess student learning, or to engage in peer review pursuant to section 284.8, subsection 1. The goal for the use of the funds is to provide one additional contract day or the equivalent thereof for professional development, and use of the funds is limited to providing professional development to teachers, including additional salaries for time beyond the normal negotiated agreement; pay for substitute teachers, professional development materials, speakers, and professional development content; and costs associated with implementing the individual professional development plans. The use of the funds shall be balanced between school district, attendance center, and individual professional development plans, making every reasonable effort to provide equal access to all teachers.

b. For the fiscal year beginning July 1, 2013, and each succeeding fiscal year in which a school district and area education agency receive funds calculated and paid to school districts and area education agencies for professional development pursuant to section 257.10, subsection 10, or section 257.37A, subsection 2, the school district and area education agency shall provide an amount of time for professional development equivalent to the amount of time the school district and area education agency provided for professional development for teachers for the 2012-2013 school year plus the equivalent of at least three additional contract days.

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Sec. 35. EFFECTIVE UPON ENACTMENT. The section of this division of this Act amending section 256C.5, subsection 1, takes effect upon enactment.

Sec. 36. APPLICABILITY. The section of this division of this Act amending section 256C.5, subsection 1, applies to budget years beginning on or after July 1, 2013.

DIVISION III

GENERAL EDUCATION PROVISIONS

Sec. 37. Section 235A.15, subsection 2, paragraph e, subparagraph (16), Code 2013, is amended to read as follows:

(16) To the superintendent, or the superintendent's designee, of a school district or to the authorities in charge of an accredited nonpublic school for purposes of a volunteer or employment record check, or for a record check pursuant to section 299A.3.

Sec. 38. Section 235B.6, subsection 2, paragraph e, subparagraph (8), Code 2013, is amended to read as follows:

(8) To the superintendent, or the superintendent's designee, of a school district or to the authorities in charge of an accredited nonpublic school for purposes of a volunteer or employment record check, or for a record check pursuant to section 299A.3.

Sec. 39. Section 257.17, Code 2013, is amended to read as follows:

257.17 Aid reduction for early school starts.

State aid payments made pursuant to section 257.16 for a fiscal year shall be reduced by one ~~one-hundred-eightieth~~ one hundred eighty-fifth for each day of that fiscal year for which the school district begins school before the earliest starting date specified in section 279.10, subsection 1. However, this section does not apply to a school district that has received approval from the director of the department of education under section 279.10, subsection 4, to commence classes for regularly established elementary and secondary schools in advance of the starting date established in section 279.10, subsection 1.

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Sec. 40. Section 272.9A, subsections 1 and 3, Code 2013, are amended to read as follows:

1. ~~Beginning July 1, 2007, requirements~~ Requirements for administrator licensure beyond an initial license shall include ~~completion~~ the following:

a. Completion of a beginning administrator mentoring and induction program and demonstration of competence on the administrator standards adopted pursuant to section 284A.3.

b. At least five years of successful classroom experience as a licensed teacher.

3. *a.* An administrator formerly employed by an accredited nonpublic school or formerly employed as an administrator in another state or country is exempt from the mentoring and induction requirement under subsection 1 if the administrator can document two years of successful administrator experience, at least five years of successful classroom experience as a licensed teacher, and meet or exceed the requirements contained in rules adopted pursuant to this chapter for endorsement and licensure. ~~However, if~~

b. If an administrator cannot ~~document two years of successful administrator experience~~ meet the requirements of paragraph *"a"* when hired by a school district, the administrator shall meet the requirements of subsection 1.

Sec. 41. Section 279.8, Code 2013, is amended to read as follows:

279.8 General rules — bonds of employees.

1. The board shall make rules for its own government and that of the directors, officers, employees, teachers and pupils, and for the care of the schoolhouse, grounds, and property of the school corporation, and shall aid in the enforcement of the rules, and require the performance of duties imposed by law and the rules.

2. The board shall include in its rules provisions regulating the loading and unloading of pupils from a school bus stopped on the highway during a period of reduced highway

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1 visibility caused by fog, snow or other weather conditions.
2 3. The board shall have the authority to include in its
3 rules provisions allowing school corporation employees to
4 use school credit cards to pay for the actual and necessary
5 expenses incurred in the performance of work-related duties.
6 4. Employees of a school corporation maintaining a
7 high school who have the custody of funds belonging to the
8 corporation or funds derived from extracurricular activities
9 and other sources in the conduct of their duties, shall be
10 required to furnish suitable bond indemnifying the corporation
11 or any activity group connected with the school against loss,
12 and employees who have the custody of property belonging to the
13 corporation or any activity group connected with the school may
14 be required to furnish such bond. Said bond or bonds may be in
15 such form and penalty as the board may approve and the premiums
16 on same shall be paid from the general fund of the corporation.
17 5. Prior to hiring an applicant for employment other
18 than as a licensed employee, including a contract position,
19 a school district shall review the information in the Iowa
20 court information system available to the general public,
21 the sex offender registry information under section 692A.121
22 available to the general public, the central registry for
23 child abuse information established under section 235A.14, and
24 the central registry for dependent adult abuse information
25 established under section 235B.5 for information regarding the
26 applicant. The school district shall follow the same procedure
27 every five years for nonlicensed and contract employees. The
28 school district shall pay for the cost of the registry checks
29 conducted pursuant to this subsection and shall maintain
30 documentation demonstrating compliance with this subsection.
31 Sec. 42. Section 279.10, subsection 1, Code 2013, is amended
32 to read as follows:
33 1. The school year shall begin on the first day of July
34 and each regularly established elementary and secondary school
35 shall begin no sooner than a day during the calendar week

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in which the first day of September falls but no later than the first Monday in December. However, if the first day of September falls on a Sunday, school may begin on a day during the calendar week which immediately precedes the first day of September. School shall continue for at least one hundred ~~eighty~~ eighty-five days, except as provided in subsection 3, and may be maintained during the entire calendar year. However, if the board of directors of a district extends the school calendar because inclement weather caused the district to temporarily close school during the regular school calendar, the district may excuse a graduating senior who has met district or school requirements for graduation from attendance during the extended school calendar. A school corporation may begin employment of personnel for in-service training and development purposes before the date to begin elementary and secondary school.

Sec. 43. Section 299.1A, subsection 1, Code 2013, is amended to read as follows:

1. Except as provided in subsection 2, a child who has reached the age of six and is under ~~sixteen~~ eighteen years of age by September 15 is of compulsory attendance age. However, if a child enrolled in a school district or accredited nonpublic school reaches the age of ~~sixteen~~ eighteen on or after September 15, the child remains of compulsory age until the end of the regular school calendar.

Sec. 44. Section 299.1B, Code 2013, is amended to read as follows:

299.1B Failure to attend — driver's license.

A person who is of compulsory attendance age, is not exempt under section 299.2, and does not attend a public school, an accredited nonpublic school, competent private instruction in accordance with the provisions of chapter 299A, an alternative school, or adult education classes shall not receive an intermediate or full driver's license until age eighteen.

Sec. 45. NEW SECTION. **299.14 School district dropout**

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prevention measures.

1. The board of directors of each school district shall take every opportunity to prevent students from dropping out of school. Actions which a school district may take to prevent students from dropping out of school include but are not limited to general education interventions, alternative program placement, alternative school placement, provision of support and supplemental services, individual and family intervention or therapy, truancy mediation, and coordination with other student support services.

2. In addition to meeting the budget requirements of section 257.41, the board of directors of each school district shall make every effort to align and maximize all of the funding streams that may be used to support students who are at risk of dropping out of school.

Sec. 46. Section 299A.3, subsection 1, Code 2013, is amended to read as follows:

1. Complete and send, in a timely manner, the report required under section 299.4 to the school district of residence of the child. Upon receiving the report, the school district shall review the information in the Iowa court information system available to the general public, the sex offender registry information under section 692A.121 available to the general public, the central registry for child abuse information established under section 235A.14, and the central registry for dependent adult abuse information established under section 235B.5 for information regarding the parent, guardian, or legal custodian. A parent, guardian, or legal custodian who is listed in a registry reviewed in accordance with this subsection is ineligible to provide competent private instruction as a nonlicensed person under this section.

Sec. 47. Section 321.213B, Code 2013, is amended to read as follows:

321.213B Suspension for failure to attend.

1. The department shall establish procedures by rule for

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suspending the license of a juvenile who has been issued a driver's license and is not in compliance with the requirements of section 299.1B or issuing the juvenile a restricted license under section 321.178.

2. Upon receipt of proof of high school graduation from a person whose intermediate or full driver's license was suspended or revoked pursuant to section 299.1B, the department may reinstate the person's license. Notwithstanding section 321.191, subsection 8, the fee for reinstatement of a license pursuant to this subsection shall be twenty-five dollars.

Sec. 48. Section 422.11S, subsection 7, paragraph a, subparagraph (2), Code 2013, 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 each of the tax years in the fiscal period beginning on or after January 1, 2008, and ending December 31, 2011, seven million five hundred thousand dollars~~. However,~~; for each of the tax years in the fiscal period beginning on or after January 1, 2012, ~~*"total approved tax credits"* means~~ and ending December 1, 2014, eight million seven hundred fifty thousand dollars; and for tax years beginning on or after January 1, 2015, ten million dollars.

DIVISION IV

APPROPRIATIONS — RELATED PROVISIONS

Sec. 49. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. EARLY CHILDHOOD IOWA FUND — FAMILY SUPPORT AND PARENT EDUCATION

For deposit in the school ready children grants account of the early childhood Iowa fund created in section 256I.11:

..... $ 22,364,434

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1 The amount appropriated in this subsection shall be used for
2 family support services and parent education programs targeted
3 to families expecting a child or with newborn and infant
4 children through age five and shall be distributed using the
5 distribution formula approved by the early childhood Iowa state
6 board and shall be used by an early childhood Iowa area board
7 only for family support services and parent education programs
8 targeted to families expecting a child or with newborn and
9 infant children through age five.
10 2. AFTER SCHOOL PILOT PROGRAM
11 For implementation of after school pilot programs at the
12 10 school district attendance centers whose average composite
13 scores on the Iowa test of educational development accounted
14 for the lowest average composite scores for attendance centers
15 statewide in subject areas and at grade levels as determined
16 by the department:
17 ..... $ 1,000,000
18 a. The department shall work with each school district
19 that has such a low-performing attendance center to implement
20 an after school pilot program at the attendance center. The
21 amount of a grant awarded to a school district to implement
22 the pilot program at the school district's attendance center
23 in accordance with this subsection shall be not less than
24 $100,000. Moneys appropriated pursuant to this subsection may
25 be expended for purposes that include but are not limited to
26 tutoring and supplementing instruction in basic skills, such
27 as reading, math, and science; drug and violence prevention
28 curricula and counseling; youth leadership activities;
29 volunteer and service learning opportunities, including but not
30 limited to providing health care services for pilot program
31 volunteers who until retirement were employed full-time by the
32 state or a political subdivision as police or fire fighters or
33 to provide human services programs and services to the public;
34 career and vocational awareness preparation; courses and
35 enrichment in arts and culture; computer instruction; character

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development and civic participation; language instruction, including English as a second language; mentoring; positive interaction with law enforcement; supervised recreation programs; and health and nutrition programs. The department and each participating school district shall make every effort to leverage additional funding from other public and private sources to support the pilot program.

b. Upon completion of the pilot program, each participating school district shall submit a report to the department regarding the impact of the program on student academic achievement. The department shall prepare a report summarizing these results, and compare them to student academic achievement gains in similar attendance centers in school districts that did not participate in the program. The department shall submit its report, including its findings and recommendations, to the general assembly by July 1, 2016.

3. EDUCATION PROGRAM EFFECTIVENESS STUDY

For issuance of a contract to study the effectiveness of the state's prekindergarten through grade 12 educational program provided pursuant to section 256.11:

..... $ 250,000

The department shall conduct a study of the effectiveness of the educational program offered by school districts as required pursuant to section 256.11. The department shall issue a request for proposals to select a qualified provider who shall track from age 18 to age 21 a random sampling of students who were enrolled only in Iowa school districts until high school graduation. The department shall submit a copy of the provider's report, along with the department's findings and recommendations, to the general assembly not later than October 1, 2018.

4. HIGH SCHOOL EQUIVALENCY DIPLOMAS — ADULT BASIC EDUCATION AND LITERACY

For purposes of administering, providing test materials, scoring of examinations, and issuance of high school

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1 equivalency diplomas under chapter 259A; adult basic education
2 programs offered by community colleges; and the continued
3 implementation of the adult literacy for the workforce in Iowa
4 program administered by the department:
5 ..... $ 5,000,000
6 5. STATEWIDE WORK-BASED LEARNING INTERMEDIARY NETWORK FUND
7 For deposit in the statewide work-based learning
8 intermediary network fund created in section 256.40:
9 ..... $ 3,000,000
10 6. COMMUNITY COLLEGES STATE AID
11 For general state financial aid to merged areas as defined in
12 section 260C.2 in accordance with chapters 258 and 260C:
13 ..... $186,000,000
14 The moneys appropriated pursuant to this subsection shall be
15 allocated to the community colleges based upon the distribution
16 formula established in section 260C.18C.
17 7. COMMUNITY COLLEGES FACILITY NEEDS
18 For major renovation and major repair needs, including
19 health, life, and fire safety needs and for compliance with
20 the federal Americans with Disabilities Act, and for routine
21 maintenance and building operations, for buildings and
22 facilities under the purview of the community colleges:
23 ..... $ 5,000,000
24 8. WORKFORCE TRAINING AND ECONOMIC DEVELOPMENT FUNDS
25 For deposit in the workforce training and economic
26 development funds created pursuant to section 260C.18A:
27 ..... $ 16,000,000
28 Sec. 50. There is appropriated from the rebuild Iowa
29 infrastructure fund created in section 8.57 to the department
30 of education for the fiscal year beginning July 1, 2013, and
31 ending June 30, 2014, the following amount, or so much thereof
32 as is necessary, to be used for the purposes designated:
33 For accelerated career education program capital projects at
34 community colleges that are authorized under chapter 260G and
35 that meet the definition of the term "vertical infrastructure"

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in section 8.57, subsection 5, paragraph "c":
..... $ 6,000,000
Sec. 51. WORKFORCE DEVELOPMENT FUND. There is appropriated from the workforce development fund account created in section 15.342A to the workforce development fund created in section 15.343 for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, for purposes of the workforce development fund:
..... $ 6,000,000
Sec. 52. Section 15.342A, Code 2013, is amended to read as follows:
15.342A Workforce development fund account.
A workforce development fund account is established in the office of the treasurer of state under the control of the authority. The account shall receive funds pursuant to section 422.16A up to a maximum of ~~four~~ six million dollars per year. The account shall also receive funds pursuant to section 15.251 with no dollar limitation.
Sec. 53. Section 15.343, subsection 2, paragraphs a and d, Code 2013, are amended by striking the paragraphs.
Sec. 54. Section 15.343, subsection 3, paragraph a, Code 2013, is amended to read as follows:
a. ~~Three~~ Five million dollars shall be used for purposes provided in section 260F.6.
Sec. 55. Section 260C.18A, subsection 2, paragraph e, Code 2013, is amended by striking the paragraph.
Sec. 56. Section 260F.6, subsection 2, Code 2013, is amended to read as follows:
2. To provide funds for the present payment of the costs of a training program by the business, the community college may provide to the business an advance of the moneys to be used to pay for the program costs as provided in the agreement. To receive the funds for this advance from the job training fund established in subsection 1, the community college shall submit an application to the economic development authority.

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1 The amount of the advance shall not exceed ~~twenty-five~~ fifty
2 thousand dollars for any business site, or ~~fifty~~ one hundred
3 thousand dollars within a three-fiscal-year period for any
4 business site. If the project involves a consortium of
5 businesses, the maximum award per project shall not exceed
6 ~~fifty~~ one hundred thousand dollars. Participation in a
7 consortium does not affect a business site's eligibility for
8 individual project assistance. Prior to approval a business
9 shall agree to match program amounts in accordance with
10 criteria established by the authority.
11 Sec. 57. Section 279.51, subsection 1, unnumbered paragraph
12 1, Code 2013, is amended to read as follows:
13 There is appropriated from the general fund of the state
14 to the department of education for the fiscal year beginning
15 July 1, ~~2007~~ 2013, and each succeeding fiscal year, the sum
16 of ~~twelve~~ thirteen million six hundred ~~six~~ four thousand one
17 hundred ninety-six dollars. The moneys shall be allocated as
18 follows:
19 Sec. 58. Section 279.51, subsection 1, Code 2013, is amended
20 by adding the following new paragraph:
21 NEW PARAGRAPH. *e.* For the fiscal year beginning July
22 1, 2013, and for each succeeding fiscal year, eight hundred
23 thousand dollars for distribution to school districts that
24 partner with a statewide private corporation which is exempt
25 from taxation under section 501(c)(3) of the Internal Revenue
26 Code for purposes of providing direct services to the most
27 at-risk senior high school students enrolled in school
28 districts through direct intervention by a school-to-work
29 specialist.
30 Sec. 59. Section 422.16A, Code 2013, is amended to read as
31 follows:
32 **422.16A Job training withholding — certification and**
33 **transfer.**
34 Upon the completion by a business of its repayment
35 obligation for a training project funded under chapter

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1 260E, including a job training project funded under section
2 15A.8 or repaid in whole or in part by the supplemental new
3 jobs credit from withholding under section 15A.7 or section
4 15E.197, the sponsoring community college shall report to
5 the economic development authority the amount of withholding
6 paid by the business to the community college during the
7 final twelve months of withholding payments. The economic
8 development authority shall notify the department of revenue
9 of that amount. The department shall credit to the workforce
10 development fund account established in section 15.342A
11 twenty-five percent of that amount each quarter for a period
12 of ten years. If the amount of withholding from the business
13 or employer is insufficient, the department shall prorate the
14 quarterly amount credited to the workforce development fund
15 account. The maximum amount from all employers which shall be
16 transferred to the workforce development fund account in any
17 year is ~~four~~ six million dollars.
18 DIVISION V
19 STATE MANDATE
20 Sec. 60. STATE MANDATE FUNDING SPECIFIED. In accordance
21 with section 25B.2, subsection 3, the state cost of requiring
22 compliance with any state mandate included in this Act shall
23 be paid by a school district from state school foundation aid
24 received by the school district under section 257.16. This
25 specification of the payment of the state cost shall be deemed
26 to meet all of the state funding-related requirements of
27 section 25B.2, subsection 3, and no additional state funding
28 shall be necessary for the full implementation of this Act
29 by and enforcement of this Act against all affected school
30 districts.
31 EXPLANATION
32 This bill modifies Iowa's human services and education
33 systems to provide that children start school ready to learn
34 and to increase Iowa's student achievement rates.
35 DIVISION I. The bill requires registration of home child

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1 care providers. Code section 237A.1, providing definitions,
2 is amended to define the term "relative" to mean an adult
3 person who is, or was at any time, one of a child's relatives
4 that is listed in the bill, by means of blood relationship,
5 marriage, or adoption, or is a spouse of one of the relatives
6 listed in the bill. The list of relatives includes siblings,
7 grandparents, cousins, aunts, and uncles.
8 Under current law in Code section 237A.3, a person or program
9 providing child care to five of fewer children at any one time
10 is a child care home provider and is not required to register
11 under Code section 237A.3A as a child development home. The
12 bill repeals Code section 237A.3 and revises the definition of
13 child development home to mean care provided to one or more
14 children. The bill provides an exemption to the registration
15 requirement for a relative who provides child care to only
16 related children or a person providing child care to only
17 children from a single unrelated family.
18 References to the term "child care home" are eliminated in
19 various Code provisions.
20 DIVISION II. The bill amends the term "preschool budget
21 enrollment", effective upon enactment, to mean 60 percent of
22 the actual enrollment of eligible students in the preschool
23 programming provided by a school district for budget years
24 beginning July 1, 2013. The general assembly reduced the
25 percentage amount from 60 percent to 50 percent in the 2011
26 legislative session. The term "preschool budget enrollment"
27 is used in determining the amount of preschool foundation aid
28 a school district may receive.
29 The bill provides for an increase in the amount generated by
30 the professional development supplement categorical under the
31 school aid formula, calculated to provide school districts with
32 funding for three additional days of professional development,
33 which the bill directs school districts to include in their
34 district professional development plan. The bill includes
35 technical and conforming changes.

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1 The bill also expands the assignment of additional weighting
2 for a student to allow the weighting to be for classes included
3 in fall, spring, or summer community college catalogs.
4 Currently, rules adopted by the state board of education
5 provide that students enrolled in summer school courses are
6 ineligible for supplementary weighting.
7 DIVISION III. The bill increases administrator licensing
8 requirements by providing that applicants for a standard
9 license must have at least five years of successful classroom
10 experience as a licensed teacher.
11 The bill requires school districts to review the sex
12 offender, child abuse, and dependent adult abuse registries
13 prior to hiring an applicant for a nonlicensed or contract
14 employee. Each school district must pay for the review,
15 conduct such a review of nonlicensed and contract employees
16 every five years of employment, and maintain documentation
17 demonstrating compliance with the requirement.
18 The bill increases the number of instructional days in
19 the school calendar from 180 days to 185 days, and makes a
20 conforming change in division II in a Code provision that
21 provides for a reduction in state aid for early school starts.
22 The bill raises the compulsory school attendance age from 16
23 to 18. The bill requires each school district to make every
24 effort to prevent students from dropping out of school, and to
25 align and maximize all of the funding streams that may be used
26 to support students who are at risk of dropping out of school.
27 A parent, guardian, or legal custodian of a child of
28 compulsory attendance age who intends to provide competent
29 private instruction to the child must submit a report relating
30 to the instruction to the school district of residence.
31 The bill requires the school district to review the sex
32 offender, child abuse, and dependent adult abuse registries
33 for information regarding the parent, guardian, or legal
34 custodian, who, if listed on a registry, is ineligible to
35 provide competent private instruction as a nonlicensed person.

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1 The department of transportation is directed to reinstate,
2 upon receipt of proof of high school graduation from a person
3 whose intermediate or full driver's license was suspended or
4 revoked because the person was truant, the person's license for
5 a fee of $25, notwithstanding a current Code provision that
6 permits the department to charge a fee of $20 for reinstatement
7 of a license. The bill makes a technical change to specify
8 that the current Code provision which prohibits licensure for
9 failure to attend school or classes applies only to persons who
10 are not exempt from the provision establishing the compulsory
11 attendance age.
12 The total approved amount of school tuition organization tax
13 credits for tax years beginning on or after January 1, 2012,
14 is currently $8.75 million. The bill sets the amount for tax
15 years beginning on or after January 1, 2015, at $10 million.
16 DIVISION IV. The bill appropriates from the general fund
17 of the state for FY 2013-2014, $22,364,434 to the department
18 of education for deposit in the school ready children grants
19 account of the early childhood Iowa fund. As in years past,
20 the amount appropriated must be used for family support
21 services and parent education programs targeted to families
22 expecting a child or with newborn and infant children through
23 age five and shall be distributed using the distribution
24 formula approved by the early childhood Iowa state board and
25 shall be used by an early childhood Iowa area board only for
26 family support services and parent education programs targeted
27 to families expecting a child or with newborn and infant
28 children through age five.
29 The bill also appropriates $1 million from the general fund
30 to the department for FY 2013-2014 for implementation of after
31 school pilot programs at the 10 school district attendance
32 centers whose average composite scores on the Iowa test of
33 educational development accounted for the lowest average
34 composite scores for attendance centers statewide in subject
35 areas and at grade levels as determined by the department.

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1 Moneys appropriated may be expended for the same purposes
2 as provided under a before and after school grant program
3 established in Code section 256.26, but may also be used to
4 provide health care services for pilot program volunteers who
5 until retirement were employed full-time by the state or a
6 political subdivision as police or fire fighters or to provide
7 human services programs and services to the public. The
8 department shall prepare a report summarizing the pilot program
9 results and comparing them to student academic achievement
10 gains in similar attendance centers in school districts that
11 did not participate in the program, and shall submit the report
12 to the general assembly by July 1, 2016.
13 In addition, the bill also appropriates $250,000 from the
14 general fund for FY 2013-2014 to the department for issuance
15 of a contract to study the effectiveness of the state's
16 prekindergarten through grade 12 educational program. The
17 department shall issue a request for proposals to select a
18 qualified provider who shall track from age 18 to age 21 a
19 random sampling of students who were enrolled only in Iowa
20 school districts until high school graduation. The department
21 shall submit a copy of the provider's report, along with the
22 department's findings and recommendations, to the general
23 assembly not later than October 1, 2018.
24 The bill also appropriates from the general fund to
25 the department for FY 2013-2014 $5 million for purposes
26 of administering, providing test materials, scoring of
27 examinations, and issuance of high school equivalency diplomas
28 under Code chapter 259A, adult basic education programs offered
29 by community colleges, and the continued implementation of the
30 adult literacy for the workforce in Iowa program administered
31 by the department; $3 million for deposit in the statewide
32 work-based learning intermediary network fund; $186 million for
33 general state financial aid to community colleges; $5 million
34 for major renovation and repairs at community colleges; and
35 $16 million to the workforce training and economic development

H.F. 16

1 funds. The bill also appropriates $6 million for FY 2013-2014
2 from the workforce development fund account created in Code
3 section 15.342A to the workforce development fund created in
4 Code section 15.343; and appropriates $6 million from the
5 rebuild Iowa infrastructure fund for FY 2013-2014 accelerated
6 career education capital projects at community colleges.
7 In Code section 422.16A, the bill increases the standing
8 appropriation for the workforce development fund account
9 from $4 million to $6 million. The amount of job training
10 withholding from a business or employer which the economic
11 development authority may transfer to the workforce development
12 fund account is increased in Code section 15.342A from $4
13 million to $6 million. The bill also strikes from Code
14 section 15.343 two purposes for which assets in the workforce
15 development fund may be used: training and retraining programs
16 for targeted industries, and innovative skill development
17 activities, and makes a conforming change. The bill raises the
18 amount of fund moneys which may be used annually for purposes
19 of job training from $3 million to $5 million.
20 The bill also increases the amount the community colleges
21 may pay under Code section 260F.6 to a participating business
22 from the job training fund for the costs of a training program
23 from $25,000 to $50,000; and over a three-year period, from
24 $50,000 to $100,000; and for a consortium of businesses, from
25 $50,000 to $100,000.
26 The bill amends the Code to increase the standing
27 appropriation for programs for at-risk children by $800,000,
28 and allocates the money to school districts that partner
29 with a statewide private nonprofit corporation for purposes
30 of providing direct services to the most at-risk senior
31 high school students through direct intervention with a
32 school-to-work specialist.
33 DIVISION V. The bill may include a state mandate as defined
34 in Code section 25B.3. The bill requires that the state cost
35 of any state mandate included in the bill be paid by a school

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1 district from state school foundation aid received by the
2 school district under Code section 257.16. The specification
3 is deemed to constitute state compliance with any state mandate
4 funding-related requirements of Code section 25B.2. The
5 inclusion of this specification is intended to reinstate the
6 requirement of political subdivisions to comply with any state
7 mandates included in the bill.

House File 17 - Introduced

HOUSE FILE 17
BY GASKILL

A BILL FOR

1 An Act making certain students who open enroll to a school
2 district in a county contiguous to the school district of
3 residence eligible for transportation assistance.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1387YH (2) 85
kh/nh

H.F. 17

Section 1. Section 282.18, subsection 10, paragraph c, Code 2013, is amended to read as follows:

c. If the pupil meets the economic eligibility requirements established by the department and state board of education, the sending district is responsible for providing transportation or paying the pro rata cost of the transportation to a parent or guardian for transporting the pupil to and from a point on a regular school bus route of a ~~contiguous~~ receiving district that is contiguous to the sending district, or is located in a county that is contiguous to the sending district, unless the cost of providing transportation or the pro rata cost of the transportation to a parent or guardian exceeds the average transportation cost per pupil transported for the previous school year in the district. If the cost exceeds the average transportation cost per pupil transported for the previous school year, the sending district shall only be responsible for that average per pupil amount. A sending district which provides transportation for a pupil to a ~~contiguous~~ receiving district under this subsection may withhold, from the district cost per pupil amount that is to be paid to the receiving district, an amount which represents the average or pro rata cost per pupil for transportation, whichever is less.

EXPLANATION

This bill expands the responsibilities of a sending school district for transporting or paying for the costs of transporting pupils participating in open enrollment who meet the economic eligibility requirements established by the state board of education and the department of education. Currently, the sending district's responsibilities are only to transport or pay for such students who open enroll to a contiguous school district. The bill makes the sending district responsible for such students who open enroll to a district that is contiguous to the sending district or is located in a county that is contiguous to the sending district.

House File 18 - Introduced

HOUSE FILE 18
BY HUNTER

A BILL FOR

1 An Act requiring employers to provide employees with meal and
2 rest breaks and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1232YH (1) 85
je/rj

H.F. 18

1 Section 1. Section 84A.5, subsection 4, Code 2013, is
2 amended to read as follows:
3 4. The division of labor services is responsible for the
4 administration of the laws of this state under chapters 88,
5 88A, 88B, 89, 89A, 89B, 90A, 91, 91A, 91C, 91D, 91E, 91F, 92,
6 and 94A, and section 85.68. The executive head of the division
7 is the labor commissioner, appointed pursuant to section 91.2.
8 Sec. 2. NEW SECTION. **91F.1 Meal and rest breaks —**
9 **requirements.**
10 1. As used in this chapter, unless the context otherwise
11 requires:
12 *a.* *"Employee"* means a natural person who is employed in this
13 state for wages by an employer.
14 *b.* *"Employer"* means a person, as defined in section 4.1,
15 who in this state employs for wages a natural person. An
16 employer does not include a client, patient, customer, or other
17 person who obtains professional services from a licensed person
18 who provides the services on a fee service basis or as an
19 independent contractor.
20 2. An employer shall provide an employee with appropriate
21 meal breaks and appropriate rest breaks.
22 *a.* An appropriate meal break shall be not less than thirty
23 minutes during an employee's work period that lasts at least
24 seven hours. The meal break shall be taken between the second
25 and fifth hours. If an employee works more than seven hours,
26 the meal break shall be taken between the third and sixth
27 hours.
28 *b.* An appropriate rest break shall be not less than ten
29 minutes during each consecutive four-hour period of work,
30 shall be taken by an employee approximately in the middle of
31 the four-hour period, and shall be paid. The rest break is in
32 addition to a meal break, if applicable, and shall not be added
33 to a meal break or deducted from the work period to reduce the
34 overall length of the total work period.
35 3. An employer is not required to pay for a meal break if an

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1 employee is free from work duties during the employee's entire
2 meal break. An employee shall be paid for the meal break if any
3 of the following occur:
4 *a.* The employee is required or allowed to remain on duty.
5 *b.* The employee is required to be on-call at the work
6 premises or designated worksite to be available to return to
7 duty even if the employee is not called back to duty.
8 *c.* The employee is called back to duty during the employee's
9 meal break even though the employee is not usually on-call
10 during the meal break.
11 Sec. 3. NEW SECTION. **91F.2 Meal and rest breaks —**
12 **exemptions.**
13 1. Meal and rest break requirements may be modified by the
14 terms of a collective bargaining agreement if the collective
15 bargaining agreement entered into by the employees prescribes
16 specific terms concerning meal breaks and rest breaks.
17 2. Meal and rest break requirements apply to hourly paid
18 and salary-paid employees. Management or employees involved in
19 agricultural jobs are not required to have meal breaks or rest
20 breaks. For the purposes of this section, agricultural jobs do
21 not include work in the production of seed, limited to removal
22 of off-type plants and corn tassels and hand-pollinating during
23 the months of June, July, and August by persons ages fourteen
24 and older.
25 3. Meal break requirements may be waived when an employer
26 can show that the ordinary nature and circumstance of the work
27 prevented the employer from establishing and maintaining a
28 regularly scheduled meal break. The circumstances in which the
29 requirements may be waived are limited to the following:
30 *a.* The safety and health needs of employees, patients,
31 clients, and the public.
32 *b.* The lack of other employees available to provide relief
33 to an employee.
34 *c.* The cost involved in shutdown and startup of machinery in
35 continuous operation of the industrial process.

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1 *d.* The intermittent and unpredictable workflow not
2 controlled by the employer or employee.
3 *e.* Unforeseeable equipment failures, emergencies, or acts
4 of nature that require immediate and uninterrupted attention
5 by an employee.
6 Sec. 4. NEW SECTION. **91F.3 Civil penalties.**
7 1. Any employer who violates the provisions of this chapter
8 or the rules adopted pursuant to this chapter is subject to a
9 civil penalty of not more than one hundred dollars for each
10 violation. The commissioner may recover the civil penalty
11 according to subsections 2 through 5. Any civil penalty
12 recovered shall be deposited in the general fund of the state.
13 2. The commissioner may propose that an employer be assessed
14 a civil penalty by serving the employer with notice of such
15 proposal in the same manner as an original notice is served
16 under the rules of civil procedure. Upon service of such
17 notice, the proposed assessment shall be treated as a contested
18 case under chapter 17A. However, an employer must request a
19 hearing within thirty days of being served.
20 3. If an employer does not request a hearing pursuant
21 to subsection 2 or if the commissioner determines, after an
22 appropriate hearing, that an employer is in violation of this
23 chapter or the rules adopted pursuant to this chapter, the
24 commissioner shall assess a civil penalty which is consistent
25 with the provisions of subsection 1 and which is rendered with
26 due consideration for the penalty amount in terms of the size
27 of the employer's business, the gravity of the violation,
28 the good faith of the employer, and the history of previous
29 violations.
30 4. An employer may seek judicial review of any assessment
31 rendered under subsection 3 by instituting proceedings for
32 judicial review pursuant to chapter 17A. However, such
33 proceedings must be instituted in the district court of the
34 county in which the violation or one of the violations occurred
35 and within thirty days of the day on which the employer was

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notified that an assessment has been rendered. Also, an employer may be required, at the discretion of the district court and upon instituting such proceedings, to deposit the amount assessed with the clerk of the district court. Any moneys so deposited shall either be returned to the employer or be forwarded to the commissioner for deposit in the general fund of the state, depending on the outcome of the judicial review, including any appeal to the supreme court.

5. After the time for seeking judicial review has expired or after all judicial review has been exhausted and the commissioner's assessment has been upheld, the commissioner shall request the attorney general to recover the assessed penalties in a civil action.

Sec. 5. NEW SECTION. **91F.4 Duties and authority of commissioner.**

1. The labor commissioner shall adopt rules to administer and enforce this chapter and shall provide further exemptions from the provisions in this chapter when reasonable.

2. In order to carry out the purposes of this chapter, the labor commissioner or the commissioner's designee, upon presenting appropriate credentials to the employer or agent of the employer, may do any of the following:

a. Inspect employment records relating to meal and rest breaks for employees.

b. Interview an employer or employee or an agent of the employer or employee, during working hours or at other reasonable times.

EXPLANATION

This bill creates a new Code chapter 91F that requires an employer to provide an employee with appropriate meal and rest breaks.

The bill states that an appropriate meal break shall be not less than 30 minutes during an employee's work period of at least seven hours. The meal break is to be taken between the second and fifth hours of the work or, if the employee works

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more than seven hours, between the third and sixth hours.

The bill states that an appropriate rest break shall be not less than 10 minutes during each four-hour work period. The rest break is taken in the middle of the work period. The rest break is in addition to the meal break and cannot be added to the meal break or deducted from the work period to reduce the overall length of the total work period.

The bill defines an "employee" as a natural person who is employed in this state for wages by an employer. An "employer" is defined as a person, as defined in Code section 4.1, who employs a natural person for wages.

The bill provides that an employer is not required to pay for a meal break if an employee is free from work duties during the employee's entire meal break.

The bill allows three exemptions to the meal and rest break requirements. The first exemption is if the meal and rest break requirements are modified by the terms of a collective bargaining agreement. However, the exemption is valid only if the collective bargaining agreement entered into by the employees prescribes specific terms concerning meal and rest breaks.

The second exemption states that meal and rest break requirements apply to hourly paid and salary-paid employees. However, management or employees involved in certain agricultural jobs are not required to have meal or rest breaks.

The third exemption is when an employer can show that the ordinary nature and circumstance of the work prevented the employer from establishing and maintaining a regular scheduled meal break.

The bill provides civil penalties for violating the new Code chapter. An employer who violates the provisions shall be subject to a penalty of up to $100 for each violation. The labor commissioner may recover the penalties under Code chapter 17A contested case procedures. Any penalties recovered shall be deposited in the general fund of the state.

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The commissioner may propose that an employer be assessed a penalty by serving the employer with notice of a penalty in the same manner as an original notice is served under the rules of civil procedure.

The bill provides the labor commissioner with the authority to adopt rules to administer and enforce the Code chapter and to provide further exemptions from the provisions when reasonable. Also, the labor commissioner or the commissioner's designee may inspect employment records relating to meal and rest breaks for employees and interview an employer or employee or an agent of the employer or employee, during working hours or at other reasonable times.

House File 19 - Introduced

HOUSE FILE 19
BY HUNTER

A BILL FOR

1 An Act relating to employee leave by providing for time
2 off and vacation leave, and including effective date and
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1226YH (3) 85
je/rj

H.F. 19

1 Section 1. Section 91A.2, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 6A. *"Paid time off"* means a benefit
4 provided by an employer that allows an employee to take time
5 off from work with pay without regard to the reason the
6 employee chooses to take the time off.
7 Sec. 2. Section 91A.2, subsection 7, paragraph b, Code 2013,
8 is amended to read as follows:
9 *b.* Vacation, holiday, paid time off, sick leave, and
10 severance payments which are due an employee under an agreement
11 with the employer or under a policy or practice of the
12 employer.
13 Sec. 3. Section 91A.4, Code 2013, is amended by striking the
14 section and inserting in lieu thereof the following:
15 **91A.4 Employment suspension or termination — calculation and**
16 **payment of wages.**
17 1. An employee's employer shall pay all wages earned by the
18 employee up to the time of the suspension or termination, less
19 any lawful deductions specified in section 91A.5, no later than
20 the next regular payday after suspension or termination, except
21 as follows:
22 *a.* Earned wages that are the difference between a credit
23 paid against wages determined on a commission basis and the
24 wages actually earned on a commission basis shall be paid
25 by the employer not more than thirty days after the date of
26 suspension or termination.
27 *b.* If while employed, an employee earned paid time off
28 but did not earn vacation, an employer may reduce pay for
29 accumulated paid time off by up to one-third.
30 *c.* If while employed, an employee earned both vacation pay
31 and paid time off, no payment for accrued paid time off is
32 required.
33 2. An employer shall not adopt a policy or practice of
34 denying payment for vacation or for paid time off upon the
35 suspension or termination of an employee's employment unless

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1 the employee's employment was terminated by the employer for
2 misconduct pursuant to section 96.5, subsection 2, and the
3 rules of the department of workforce development defining
4 misconduct.
5 3. Except as provided in subsection 1, upon suspension or
6 termination of an employee's employment, the amount of pay owed
7 for accrued paid time off or accrued vacation shall be the
8 amount of pay the employee would have received if the employee
9 had not been suspended or terminated and had begun taking the
10 total amount of accrued paid time off or accrued vacation on
11 the date the suspension or termination occurred.
12 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
13 immediate importance, takes effect upon enactment.
14 Sec. 5. APPLICABILITY. This Act applies only to the
15 suspension or termination of an employee's employment that
16 takes place on or after the effective date of this Act.
17 EXPLANATION
18 This bill provides employee leave by providing for time off
19 and vacation leave.
20 The bill relates to payments for accrued vacation time and
21 for accrued paid time off for all employees who are terminated
22 or suspended.
23 Current law requires an employer to pay accrued vacation pay
24 to a terminated or suspended employee only if the employer has
25 a policy, procedure, or contract that requires the employer to
26 do so.
27 The bill defines "paid time off" as a benefit allowing an
28 employee to take time off from work with pay without regard to
29 the reason the employee chooses to take the time off. "Paid
30 time off" is also added to the definition of "wages".
31 The bill provides that if an employee is suspended or
32 terminated, upon request the employer must pay all earned
33 wages, now including paid time off, by the next regular payday.
34 The bill provides for an employee who earned paid time off
35 while employed but did not earn vacation, that the employer may

H.F. 19

1 reduce the pay for the accrued paid time off by one-third. For
2 an employee who earned both vacation and paid time off while
3 employed, the employer is not required to make payment for the
4 paid time off.
5 An employer shall not adopt a policy or practice to deny
6 payment for accrued vacation or accrued paid time off upon the
7 suspension or termination of an employee unless the employee's
8 employment ended due to misconduct. Misconduct is not defined
9 in statute but is defined in the department of workforce
10 development's administrative rules.
11 The bill provides for the calculation and payment of an
12 employee's accrued paid time off or vacation if the employee
13 is suspended or terminated. The amount of such pay owed to an
14 employee is the amount of pay equal to the accrued vacation or
15 paid time off as if the employee began taking the vacation or
16 paid time off the day the suspension or termination took place.
17 The bill takes effect upon enactment. The bill is made
18 applicable only to the suspension or termination of an
19 employee's employment that occurs on or after that date.

House File 20 - Introduced

HOUSE FILE 20
BY HUNTER

A BILL FOR

1 An Act relating to a study of the economic, fiscal, and social
2 impact of the living wage in Iowa.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1234HH (1) 85
je/nh

H.F. 20

1 Section 1. LIVING WAGE IMPACT STUDY.
2 1. If funding is approved or appropriated to the state
3 board of regents for such purposes, Iowa state university shall
4 conduct a study regarding the economic, fiscal, and social
5 impacts of establishing the living wage, also known as the
6 self-sufficiency wage, in Iowa. The living wage in the study
7 shall be based on a 40-hour work week, and the study shall
8 provide all of the following:
9 a. A two-tiered living wage, one tier with benefits and one
10 without benefits, for family sizes ranging from two people to
11 six people for all 99 counties.
12 b. The impact that a living wage would have on full-time
13 workers, the multiplier effect of a living wage on the economy,
14 and whether more jobs would be created by this multiplier
15 effect.
16 c. How a living wage would impact public assistance
17 programs, particularly whether it would reduce costs.
18 d. How a living wage would impact state and local economic
19 development programs.
20 e. How a living wage would assist or hinder the housing
21 market.
22 f. Taking into account paragraphs "b", "c", "d", and "e",
23 examine whether there would be an overall positive impact on
24 the economy considering possible business concerns of inflation
25 and job loss.
26 g. Evaluate other states or metropolitan areas that have a
27 living wage to provide examples of how a living wage could be
28 implemented on a phased-in basis for all workers in this state,
29 including the private and public sectors.
30 h. Any other recommendations that the individuals assigned
31 to the study believe are relevant to establishing a living wage
32 in this state.
33 2. An Iowa state university sociology professor, an
34 Iowa state university human development and family studies
35 professor, and an Iowa state university economics professor,

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all who specialize in this area, shall conduct and coordinate the study.

3. The department of workforce development, the economic development authority, the department of human services, the university of Iowa, the university of northern Iowa, the child and family policy center, the Iowa policy project, and representatives of labor organizations and associations representing business and industry shall cooperate in conducting the study.

4. Iowa state university shall submit a report regarding the findings of the study to the general assembly by December 13, 2013.

EXPLANATION

This bill directs Iowa state university, contingent upon funding, to conduct a study regarding the economic, fiscal, and social effects that a living wage, or self-sufficiency wage, would have in Iowa. The bill details the criteria that the study must include. Three Iowa state university professors with specialized knowledge in this area shall conduct and coordinate the study.

The bill requires that the department of workforce development, the economic development authority, the department of human resources, the university of Iowa, the university of northern Iowa, the child and family policy center, the Iowa policy project, and representatives of labor organizations and business and industry associations also participate in the study.

A report on the study's findings is due to the legislature by December 13, 2013.

House File 21 - Introduced

HOUSE FILE 21
BY HUNTER

A BILL FOR

1 An Act requiring the consideration of project labor agreements
2 for state construction projects.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1224YH (1) 85
je/rj

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1 Section 1. NEW SECTION. **72.6 Project labor agreements.**
2 1. For the purposes of this section:
3 *a. "Labor organization"* means an area or state building
4 and construction trades or crafts council, organization, or
5 association or a comparable body.
6 *b. "Large-scale construction project"* means the
7 construction, rehabilitation, alteration, conversion,
8 extension, repair, or improvement of a vertical public works
9 project, including a building and other real property-related
10 project, where the total project cost is twenty-five million
11 dollars or more.
12 *c. "Project labor agreement"* means a comprehensive pre-hire
13 collective bargaining agreement that is negotiated between
14 a project's owner and an appropriate labor organization and
15 which sets out the basic terms and working conditions for that
16 particular project.
17 2. A state agency shall consider using a project labor
18 agreement in connection with a large-scale construction project
19 which meets the criteria established in this section.
20 3. In awarding a contract involving labor in connection
21 with a large-scale construction project, or in obligating
22 funds pursuant to such a contract, a state agency, on a
23 project-by-project basis, may require the use of a project
24 labor agreement where the use will advance the state's
25 interest. In making the decision whether to use a project
26 labor agreement, the state agency shall consider the following
27 factors:
28 *a.* The potential for a labor disruption, such as a strike,
29 lockout, or slowdown, which could affect the timely completion
30 of the project.
31 *b.* The number of trades and crafts anticipated to be used
32 on the project.
33 *c.* The need and urgency of the project and the harm to the
34 public if the completion of the project is delayed.
35 *d.* The size and complexity of the project and the time

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needed for its completion.

e. The benefits to the public from the use of a project labor agreement relative to a project's cost, efficiency, quality, safety, and timeliness of completion.

f. The ability to ensure compliance with all applicable state laws and rules governing safety and health, equal employment opportunity, labor, and employment standards.

4. If a state agency determines that the use of a project labor agreement will advance the state's interest, the state agency may require that every contractor or subcontractor on the project agree, for that project, to negotiate or become a party to a project labor agreement with one or more appropriate labor organizations. The decision to use a project labor agreement shall be supported by written findings by the affected state agency which demonstrate how the use of a project labor agreement will benefit the state's interest, particularly with respect to the factors enumerated in section 3.

5. A project labor agreement reached pursuant to this section shall do all of the following:

a. Bind all contractors and subcontractors on the large-scale construction project through the inclusion of appropriate specifications in all relevant solicitation provisions and contract documents.

b. Allow all contractors and subcontractors to compete for contracts and subcontracts without regard to whether they are otherwise parties to collective bargaining agreements.

c. Contain guarantees against strikes, lockouts, and similar job disruptions.

d. Set forth effective, prompt, and mutually binding procedures for resolving labor disputes arising during the term of the project labor agreement.

e. Provide other mechanisms for labor-management cooperation on matters of mutual interest and concern, including but not limited to productivity, quality of work, safety, and health.

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1 *f.* Fully conform to all applicable state statutes and rules.
2 6. This section shall not be construed to preclude the
3 use of a project labor agreement on any construction project
4 not otherwise subject to this section. This section shall
5 not be construed to require a contractor or subcontractor to
6 enter into a project labor agreement with any particular labor
7 organization.
8 EXPLANATION
9 This bill relates to project labor agreements for state
10 construction projects.
11 The bill includes definitions relating to project labor
12 agreements. The bill requires a state agency to consider
13 using a project labor agreement for a large-scale construction
14 project. The bill defines a "large-scale construction project"
15 as the construction, rehabilitation, alteration, conversion,
16 extension, repair, or improvement of a vertical public works
17 project, including a building and other real property-related
18 project, where the total project cost is $25 million or more.
19 The bill provides that a state agency may require the use of a
20 project labor agreement where the use will advance the state's
21 interest. The bill sets out certain factors for making such
22 a decision. The bill delineates the effects of a project
23 labor agreement. The bill specifies that the bill should not
24 be construed to preclude a state agency from using a project
25 labor agreement for any construction project not otherwise
26 covered by the bill. The bill specifies that the bill should
27 not be construed to require a contractor or subcontractor to
28 enter into a project labor agreement with any particular labor
29 organization.

House File 22 - Introduced

HOUSE FILE 22
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 1231YH (3) 85
rh/nh

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1 Section 1. Section 124.401, subsection 5, Code 2013, is
2 amended by adding the following new unnumbered paragraph:
3 NEW UNNUMBERED PARAGRAPH. A person may knowingly or
4 intentionally possess marijuana if the possession is in
5 accordance with the provisions of chapter 124D.
6 Sec. 2. NEW SECTION. **124D.1 Citation.**
7 This chapter shall be known and may be cited as the *"Medical*
8 *Marijuana Act"*.
9 Sec. 3. NEW SECTION. **124D.2 Definitions.**
10 As used in this chapter, the following definitions shall
11 apply:
12 1. *"Cardholder"* means a qualifying patient, a primary
13 caregiver, or a principal officer, board member, employee,
14 or agent of a nonprofit dispensary who has been issued and
15 possesses a valid registry identification card.
16 2. *"Debilitating medical condition"* means any of the
17 following:
18 *a.* Cancer, glaucoma, positive status for human
19 immunodeficiency virus, acquired immune deficiency syndrome,
20 hepatitis C, amyotrophic lateral sclerosis, Crohn's disease,
21 agitation of Alzheimer's disease, nail patella, or the
22 treatment of any of these conditions.
23 *b.* A chronic or debilitating disease or medical condition
24 or its treatment that produces intractable pain, which is pain
25 that has not responded to ordinary medical or surgical measures
26 for more than six months.
27 *c.* A chronic or debilitating disease or medical condition or
28 its treatment that produces any of the following:
29 (1) Cachexia or wasting syndrome.
30 (2) Severe nausea.
31 (3) Seizures, including but not limited to those
32 characteristic of epilepsy.
33 (4) Severe and persistent muscle spasms, including but not
34 limited to those characteristic of multiple sclerosis.
35 *d.* Any other medical condition or its treatment approved by

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the department.

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

4. *"Enclosed, locked facility"* means a closet, room, greenhouse, or other enclosed area equipped with locks or other security devices that permit access only by a cardholder.

5. *"Felony drug offense"* means a violation of a state or federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted. *"Felony drug offense"* does not include any of the following:

a. An offense for which the sentence, including any term of probation, incarceration, or supervised release, was completed ten or more years earlier.

b. An offense that involved conduct that would have been permitted under this chapter.

6. *"Marijuana"* means the same as defined in section 124.101, subsection 19.

7. *"Medical use"* means the acquisition, possession, cultivation, manufacture, use, delivery, transfer, or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.

8. *"Nonprofit dispensary"* means a not-for-profit entity registered under section 124D.4 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, or dispenses marijuana or related supplies and educational materials to cardholders. A nonprofit dispensary is a primary caregiver.

9. *"Physician"* means an individual licensed under the provisions of chapter 148 to practice medicine and surgery or osteopathic medicine and surgery.

10. *"Primary caregiver"* means a person twenty-one years of age or older who has agreed to assist with a qualifying patient's medical use of marijuana and who has never been convicted of a felony drug offense, and includes a nonprofit

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

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

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

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

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11. Any marijuana, marijuana paraphernalia, licit property, or interest in licit property that is possessed, owned, or used in connection with the medical use of marijuana, as allowed under this chapter, or property incidental to such use, shall not be seized or forfeited.

12. A person shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including but not limited to a civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, simply for being in the presence or vicinity of the medical use of marijuana as allowed under this chapter, or for assisting a registered qualifying patient with using or administering marijuana.

13. A registry identification card, or its equivalent, that is issued under the laws of another state, district, territory, commonwealth, or insular possession of the United States that allows the medical use of marijuana by a visiting qualifying patient, shall have the same force and effect as a registry identification card issued by the department for purposes of this chapter.

Sec. 5. NEW SECTION. **124D.4 Nonprofit dispensaries.**

1. The department shall register and issue a registration certificate to a nonprofit dispensary within thirty days of receiving an application for registration of a nonprofit dispensary if the prospective nonprofit dispensary provided all of the following, in accordance with the department's rules:

a. An application fee of five thousand dollars.

b. The legal name of the nonprofit dispensary.

c. The physical address of the nonprofit dispensary and the physical address of one additional location, if any, where marijuana will be cultivated.

d. The name, address, and date of birth of each principal officer and board member of the nonprofit dispensary.

e. The name, address, and date of birth of any person who is an agent of or employed by the nonprofit dispensary.

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

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

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

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

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

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

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

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

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

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as necessary to perform official duties of the department.

d. The department shall verify to law enforcement personnel whether a registry identification card is valid without disclosing more information than is reasonably necessary to verify the authenticity of the registry identification card.

e. (1) A person, including an employee or official of the department or another state agency or local government, who breaches the confidentiality of information obtained pursuant to this chapter commits a serious misdemeanor punishable by imprisonment of up to one hundred days and a fine of up to one thousand dollars.

(2) Notwithstanding this lettered paragraph *"e"*, department employees may notify law enforcement about falsified or fraudulent information submitted to the department, if the employee who suspects that falsified or fraudulent information has been submitted confers with the employee's supervisor and the employee and the employee's supervisor agree that circumstances exist that warrant reporting.

9. A cardholder who sells marijuana to a person who is not allowed to possess marijuana for medical purposes under this chapter shall have the cardholder's registry identification card revoked and is subject to any other penalties for the sale of marijuana. The department shall revoke the registry identification card of any cardholder who violates this chapter and the cardholder is subject to any other penalties for the violation.

10. The department shall submit an annual report to the general assembly by January 15 of each year that does not disclose any identifying information about cardholders or physicians, but does contain, at a minimum, all of the following information:

a. The number of applications and renewal applications submitted for registry identification cards.

b. The number of registered qualifying patients and registered primary caregivers in each county.

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

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

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

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1 submission, the registry identification card or registration
2 certificate is deemed granted, and a copy of the registry
3 identification card application or renewal application is
4 deemed a valid registry identification card.
5 3. If at any time after January 1, 2014, the department
6 is not accepting applications pursuant to this chapter,
7 including if it has not promulgated rules allowing qualifying
8 patients to submit applications, a notarized statement by a
9 qualifying patient containing the information required in
10 an application, pursuant to section 124D.6, together with
11 a written certification, shall be deemed a valid registry
12 identification card.
13 Sec. 11. Section 453B.6, Code 2013, is amended by adding the
14 following new unnumbered paragraph:
15 NEW UNNUMBERED PARAGRAPH. A person who is in possession
16 of marijuana for medical purposes in accordance with chapter
17 124D is in lawful possession of a taxable substance and is not
18 subject to the requirements of this chapter.
19 EXPLANATION
20 This bill establishes new Code chapter 124D, the medical
21 marijuana Act, relating to the possession and use of marijuana
22 for therapeutic purposes, provides for the creation of
23 nonprofit dispensaries, and provides for civil and criminal
24 penalties and fees.
25 The bill provides that a qualifying patient who has been
26 issued and possesses a registry identification card shall not
27 be subject to arrest, prosecution, or civil penalty, or denied
28 any right or privilege, for the qualifying patient's medical
29 use of marijuana pursuant to the provisions of the bill.
30 The bill defines a qualifying patient as a person who has
31 been diagnosed by a physician with a debilitating medical
32 condition defined as cancer, glaucoma, positive status for
33 human immunodeficiency virus, acquired immune deficiency
34 syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn's
35 disease, agitation of Alzheimer's disease, nail patella,

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

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

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1 caregiver, physician, nonprofit dispensary, or board member,
2 employee, or agent of a nonprofit dispensary, are confidential.
3 The bill also provides that a person, including an employee or
4 official of the department or another state or local agency,
5 who disseminates information received in connection with an
6 application for a registry identification card pursuant to the
7 bill, is guilty of a serious misdemeanor and is subject to
8 confinement in jail for up to 100 days and a fine of $1,000.
9 The bill prohibits the possession and use of medical
10 marijuana in certain places and during certain activities.
11 The bill provides that any fraudulent representation to a law
12 enforcement official relating to the use of medical marijuana
13 is a simple misdemeanor, punishable by a fine of up to $500.
14 The bill amends Code section 124.401, relating to prohibited
15 acts involving controlled substances, to provide that it is
16 lawful for a person to knowingly or intentionally possess
17 marijuana if the possession is in accordance with the
18 provisions of the bill. The bill also amends Code section
19 453B.6, relating to tax stamps for controlled substances, to
20 specify that possession in accordance with the provisions of
21 the bill is lawful possession and a tax stamp is not required.

House File 23 - Introduced

HOUSE FILE 23
BY HUNTER

A BILL FOR

1 An Act relating to restraint requirements for motor vehicle
2 occupants and making a penalty applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1218YH (1) 85
dea/nh

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Section 1. Section 321.445, subsection 2, paragraphs a and b, Code 2013, are amended to read as follows:

a. The driver and ~~front seat~~ occupants of a type of motor vehicle that is subject to registration in Iowa, except a motorcycle or a motorized bicycle, shall each wear a properly adjusted and fastened safety belt or safety harness any time the vehicle is in forward motion on a street or highway in this state except that a child under eighteen years of age shall be secured as required under section 321.446.

b. This subsection does not apply to:

(1) The driver or ~~front seat~~ occupants of a motor vehicle which is not required to be equipped with safety belts or safety harnesses.

(2) The driver ~~and front seat~~ or occupants of a motor vehicle who are actively engaged in work which requires them to alight from and reenter the vehicle at frequent intervals, providing the vehicle does not exceed twenty-five miles per hour between stops.

(3) The driver of a motor vehicle while performing duties as a rural letter carrier for the United States postal service. This exemption applies only between the first delivery point after leaving the post office and the last delivery point before returning to the post office.

(4) Passengers on a bus.

(5) A person possessing a written certification from a health care provider licensed under chapter 148 or 151 on a form provided by the department that the person is unable to wear a safety belt or safety harness due to physical or medical reasons. The certification shall specify the time period for which the exemption applies. The time period shall not exceed twelve months, at which time a new certification may be issued unless the certifying health care provider is from a United States military facility, in which case the certificate may specify a longer period of time or a permanent exemption.

(6) ~~Front seat occupants~~ Occupants of an authorized

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emergency vehicle while they are being transported in an emergency. However, this exemption does not apply to the driver of the authorized emergency vehicle.

Sec. 2. Section 321.445, subsections 3 and 5, Code 2013, are amended to read as follows:

3. The driver and ~~front seat~~ passengers may be each charged separately for improperly used or nonused equipment under subsection 2. However, the driver shall not be charged for a violation committed by a passenger who is fourteen years of age or older unless the passenger is unable to properly fasten a seat belt due to a temporary or permanent disability. The owner of the motor vehicle may be charged for equipment violations under subsection 1.

5. The department shall adopt rules pursuant to chapter 17A providing exceptions from application of subsections 1 and 2 for ~~front~~ seats and ~~front seat~~ passengers of motor vehicles owned, leased, rented, or primarily used by persons with disabilities who use collapsible wheelchairs.

EXPLANATION

This bill requires the driver and all occupants of a motor vehicle to wear a seat belt or safety harness while the vehicle is in forward motion on a street or highway. Currently, only the driver and front seat passengers are required to wear seat belts or safety harnesses. Restraint requirements do not apply to the driver and occupants of a motor vehicle that is not required to be equipped with seat belts or safety harnesses, persons who are engaged in work that requires frequent stops to exit and reenter the vehicle, letter carriers, bus passengers, persons with a certified physical or medical exemption, and occupants being transported in an emergency vehicle. The department of transportation is required to adopt rules providing exceptions from seat belt requirements for motor vehicles owned, leased, rented, or primarily used by persons who use collapsible wheelchairs.

Pursuant to current law, children under 18 years of age

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are required to be secured by a child restraint system or a seat belt or safety harness, except that a passenger in the back seat may be exempted if there are not enough safety belts to accommodate every passenger. A violation of seat belt or restraint requirements involving a person under 18 years of age is a simple misdemeanor punishable by a scheduled fine of $100. Those provisions are not affected by the bill.

Currently, a violation of seat belt requirements involving a person 18 years of age or older is a scheduled violation subject to a fine of $50. Seat belt and restraint violations are not a factor in establishing grounds for license suspension or identifying a person as a habitual violator.

House File 24 - Introduced

HOUSE FILE 24
BY LYKAM

A BILL FOR

1 An Act relating to the operation of golf carts on the streets
2 of an established community within an unincorporated area
3 and making a penalty applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1053YH (4) 85
dea/nh

H.F. 24

Section 1. Section 321.247, Code 2013, is amended to read as follows:

321.247 Golf cart operation ~~on city streets~~.

1. *a.* ~~Incorporated areas may, upon approval of their~~ The governing body~~,~~ of an incorporated area may allow the operation of golf carts on city streets by persons possessing a valid driver's license. However, a person shall not operate a golf cart ~~shall not be operated~~ upon a city street which is a primary road extension through the city ~~but shall be allowed to~~ except to cross a city street which is a primary road extension through the city.

b. (1) A county board of supervisors may allow the operation of golf carts on the streets of an established community within the unincorporated area of the county by persons possessing a valid driver's license. However, a person shall not operate a golf cart upon a primary road within an unincorporated area except to cross a section of a primary road which lies within an established community in which golf cart operation is permitted.

(2) For purposes of this lettered paragraph *"b"*, *"established community"* means an area designated by the county board of supervisors which is the same or substantially the same as an area identified by the United States census bureau as a census designated place as of the most recent decennial census.

c. The operation of golf carts pursuant to paragraph *"a"* or *"b"* is only allowed between sunrise and sunset.

~~*b.*~~ *d.* ~~The golf carts~~ A golf cart operated on streets pursuant to paragraph *"a"* or *"b"* shall be equipped with a slow moving vehicle sign, ~~and~~ a bicycle safety flag, and ~~operate on the streets only from sunrise to sunset.~~

~~*c.* Golf carts operated on city streets shall be equipped with~~ adequate brakes and shall meet any other safety requirements imposed by the governing body or the board.

2. Golf carts are not subject to the registration provisions

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of this chapter.

3. A person who violates subsection 1 commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 3.

EXPLANATION

Under current law, golf carts may be operated on certain city streets if approved by the governing body of the incorporated area. Golf carts may not be operated on a primary road extension within the city except to cross the primary road extension, and golf cart operation is only allowed from sunrise to sunset. The person operating the golf cart must have a valid driver's license and the golf cart must be equipped with a slow moving vehicle sign, a bicycle safety flag, and adequate brakes. The governing body may impose additional safety requirements.

This bill allows a county board of supervisors to allow the operation of golf carts on the streets of an established community within an unincorporated area. The bill defines "established community" to mean an area designated by the board of supervisors which is the same or substantially the same as an area identified by the United States census bureau as a census designated place as of the most recent decennial census. Census designated places are statistical counterparts of incorporated places and contain settled concentrations of population which are identifiable by name. Under the bill, golf cart operation in an established community within an unincorporated area is subject to the same licensing and safety equipment requirements currently applicable to the operation of golf carts in cities. Golf carts are not permitted on primary roads within an unincorporated area, except to cross a segment of a primary road located within the established community where golf cart operation is allowed. The bill specifies that in cities and unincorporated areas where golf cart operation is allowed, it may only take place between sunrise and sunset.

A person who violates provisions relating to the operation

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1 of a golf cart on a street commits a simple misdemeanor
2 punishable by a scheduled fine of $100.

House File 25 - Introduced

HOUSE FILE 25
BY MURPHY

A BILL FOR

1 An Act establishing a veteran employment tax credit pilot
2 project for individual and corporate income taxpayers and
3 franchise taxpayers who hire and employ qualified veterans
4 and including effective date and retroactive and other
5 applicability provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1113YH (2) 85
mm/sc

H.F. 25

1 Section 1. NEW SECTION. **422.11E Veteran employment tax**
2 **credit.**
3 1. As used in this section, unless the context otherwise
4 requires:
5 *a. "Full-time basis"* means an average of forty hours of work
6 per week, including all paid holidays, vacations, sick leave,
7 and other paid leave.
8 *b. "Qualified veteran"* means an individual who meets all the
9 following requirements:
10 (1) The individual is a veteran, as defined in section 35.1,
11 subsection 2.
12 (2) The individual is totally unemployed, as defined in
13 section 96.19, subsection 38, paragraph *"a"*, prior to being
14 hired for employment which qualifies for the tax credit under
15 this section.
16 2. *a.* The taxes imposed under this division, less the
17 credits allowed under section 422.12, shall be reduced by a
18 veteran employment tax credit for a taxpayer who hires and
19 employs a qualified veteran on a full-time basis in this state
20 on or after the effective date of this Act. The credit shall be
21 available in two parts, equal to the following amounts:
22 (1) Five hundred eighty dollars if the qualified veteran
23 is employed by the taxpayer for one hundred eighty consecutive
24 days.
25 (2) Five hundred eighty dollars if the qualified veteran is
26 employed by the taxpayer for eighteen consecutive months.
27 *b.* The aggregate total amount of tax credit certificates
28 that may be issued by the department under paragraph *"a"*,
29 subparagraph (1), shall not exceed five hundred eighty thousand
30 dollars. The aggregate total amount of tax credit certificates
31 that may be issued by the department under paragraph *"a"*,
32 subparagraph (2), shall not exceed five hundred eighty thousand
33 dollars.
34 3. The credit shall not be allowed for a qualified veteran
35 who was hired to replace an individual whose employment

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1 was terminated within the twelve-month period preceding
2 the date the veteran is hired. However, if the individual
3 being replaced left employment voluntarily without good
4 cause attributable to the employer or if the individual was
5 discharged for misconduct in connection with the individual's
6 employment as determined by the department of workforce
7 development, the credit shall be allowed.
8 4. To receive the veteran employment tax credit, a taxpayer
9 must submit an application to the department, made in the
10 manner and form prescribed by the department. If the taxpayer
11 meets the criteria for eligibility, the department shall issue
12 to the taxpayer a tax certificate for the veteran employment
13 tax credit. The certificate shall contain the taxpayer's
14 name, address, tax identification number, the amount of the
15 credit, the tax year for which the certificate applies, and
16 an expiration date for the certificate. The taxpayer must
17 file the tax credit certificate with the taxpayer's income tax
18 return in order to claim the tax credit.
19 5. Tax credit certificates shall be issued on an earliest
20 filed basis. A taxpayer who fails to apply for and receive
21 a tax credit certificate under subsection 2, paragraph *"a"*,
22 subparagraph (1), for a qualified veteran shall be ineligible
23 to receive a tax credit for that qualified veteran under
24 subsection 2, paragraph *"a"*, subparagraph (2).
25 6. Any credit in excess of the tax liability shall be
26 refunded. In lieu of claiming a refund, a taxpayer may
27 elect to have the overpayment shown on the taxpayer's final,
28 completed return credited to the tax liability for the
29 following tax year.
30 7. An individual may claim the tax credit allowed a
31 partnership, limited liability company, S corporation, estate,
32 or trust electing to have the income taxed directly to the
33 individual. The amount claimed by the individual shall be
34 based upon the pro rata share of the individual's earnings of
35 the partnership, limited liability company, S corporation,

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1 estate, or trust.
2 8. This section is repealed June 30, 2017, or thirty days
3 following the date on which one million one hundred sixty
4 thousand dollars in total credits have been allowed, whichever
5 is earlier.
6 Sec. 2. Section 422.33, Code 2013, is amended by adding the
7 following new subsection:
8 NEW SUBSECTION. 15. *a.* The taxes imposed under this
9 division shall be reduced by a veteran employment tax credit
10 allowed under section 422.11E.
11 *b.* This subsection is subject to repeal pursuant to section
12 422.11E, subsection 8.
13 Sec. 3. Section 422.60, Code 2013, is amended by adding the
14 following new subsection:
15 NEW SUBSECTION. 12. *a.* The taxes imposed under this
16 division shall be reduced by a veteran employment tax credit
17 allowed under section 422.11E.
18 *b.* This subsection is subject to repeal pursuant to section
19 422.11E, subsection 8.
20 Sec. 4. PILOT PROJECT — EVALUATION. The tax credit
21 provided in this Act for taxpayers who hire and employ
22 qualified veterans is viewed as a pilot project to gauge
23 the feasibility of using such an approach to increase the
24 employment of veterans in this state.
25 The department of workforce development and the department
26 of revenue shall review and evaluate the pilot project
27 established in this Act and determine the benefits to the
28 state. A report from each department shall be filed with
29 the general assembly no later than January 15, 2015, and
30 shall contain its evaluation and recommendations, especially
31 with regard to the creation of a permanent qualified veteran
32 employment tax credit as part of the state's effort to increase
33 the employment of veterans in this state. However, the
34 departments may file a joint report if this would prove more
35 beneficial to the general assembly and the evaluation of the

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1 pilot project.
2 Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
3 immediate importance, takes effect upon enactment.
4 Sec. 6. RETROACTIVE APPLICABILITY. This Act applies
5 retroactively to January 1, 2013, for tax years beginning on
6 or after that date.
7 Sec. 7. APPLICABILITY. This Act applies to qualified
8 veterans hired on or after the effective date of this Act.
9 EXPLANATION
10 This bill provides a refundable individual and corporate
11 income tax credit and franchise tax credit for the hiring and
12 employment of qualified veterans in this state. "Qualified
13 veteran" is defined as an individual who is a veteran and is
14 totally unemployed.
15 The credit is available to a taxpayer who hires and employs
16 a qualified veteran for employment on a full-time basis in this
17 state on or after the effective date of the bill. "Full-time"
18 basis is defined as an average of 40 hours of work per week.
19 The credit is available in two parts. The first part of the
20 credit is equal to $580 if the qualified veteran is employed
21 by the taxpayer for 180 consecutive days. The second part
22 is equal to $580 if the qualified veteran is employed by the
23 taxpayer for 18 consecutive months. The second part of the
24 credit is unavailable to a taxpayer for the employment of a
25 qualified veteran if the taxpayer did not receive the first
26 part of the credit for that particular qualified veteran.
27 The credit is not allowed if the qualified veteran was
28 hired to replace an individual whose employment was terminated
29 within the 12-month period preceding the date the qualified
30 veteran was hired, unless the individual left employment
31 voluntarily without good cause attributable to the employer or
32 was discharged for misconduct as determined by the department
33 of workforce development.
34 To receive the tax credit, a taxpayer must submit an
35 application to the department of revenue and receive a tax

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1 credit certificate, then attach the certificate to the
2 taxpayer's tax return.
3 The total amount of tax credits that may be issued by the
4 department of revenue shall not exceed $580,000 for each
5 part of the credit, for a total of $1,160,000. Tax credit
6 certificates shall be issued on an earliest filed basis.
7 An individual may claim the tax credit allowed a
8 partnership, limited liability company, S corporation, estate,
9 or trust electing to have the income taxed directly to the
10 individual. The amount claimed by the individual shall be
11 based upon the pro rata share of the individual's earnings of
12 the partnership, limited liability company, S corporation,
13 estate, or trust.
14 The credit is repealed on June 30, 2017, or 30 days following
15 the date on which $1,160,000 in total credits have been
16 provided, whichever is earlier.
17 The bill provides that the veteran employment tax credit
18 is a pilot project to gauge the feasibility of using such an
19 approach to increase the employment of veterans in this state.
20 The department of workforce development and the department of
21 revenue are required to evaluate the pilot project and submit
22 a joint or separate report to the general assembly no later
23 than January 15, 2015. The report shall contain evaluations
24 and recommendations with regard to the creation of a permanent
25 qualified veteran employment tax credit as part of the state's
26 effort to increase employment of veterans in this state.
27 The bill takes effect upon enactment and applies
28 to qualified veterans hired on or after that date, and
29 retroactively to tax years beginning on or after January 1,
30 2013.

House File 26 - Introduced

HOUSE FILE 26
BY HUNTER

A BILL FOR

1 An Act relating to the provision of certain information for
2 insureds regarding external review of health care services
3 coverage decisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1241YH (3) 85
av/rj

H.F. 26

1 Section 1. Section 514J.104, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 6. *a.* An insurance card issued by a health
4 carrier for a health benefit plan providing for third-party
5 payment or prepayment of health care services subject to this
6 chapter shall contain the telephone number for a covered person
7 to obtain more information regarding initiation of the external
8 review process for adverse determinations or final adverse
9 determinations under this chapter.
10 *b.* The telephone number for a covered person to obtain more
11 information regarding initiation of the external review process
12 under this chapter shall also be posted in a prominent place in
13 the offices of health care professionals and in facilities.
14 EXPLANATION
15 This bill amends Code section 514J.104, relating to notice
16 provisions concerning the external review process available to
17 individuals participating in a health benefit plan who receive
18 a determination from their health insurance carrier that
19 payment for a health care service that is a covered benefit has
20 been denied, reduced, or terminated.
21 The bill adds a requirement that a telephone number allowing
22 individuals to obtain more information about the external
23 review process be printed on the individual's insurance
24 card, and be posted in a prominent place in health care
25 professionals' offices and in certain health care facilities.

House File 27 - Introduced

HOUSE FILE 27
BY HUNTER

A BILL FOR

1 An Act establishing a worker shortage loan forgiveness program
2 to be administered by the college student aid commission.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1217YH (3) 85
kh/nh

H.F. 27

1 Section 1. NEW SECTION. **261.110 Worker shortage loan**
2 **forgiveness program.**
3 1. A worker shortage loan forgiveness program is
4 established to be administered by the commission. An
5 individual is eligible for the program if the individual
6 graduated from a school district or accredited nonpublic school
7 in this state on or after January 1, 2012, is a resident of
8 the state who successfully completed a vocational-technical or
9 career option program or graduated with an associate degree
10 from a community college established pursuant to chapter 260C
11 or graduated with a baccalaureate degree or postbaccalaureate
12 degree from an institution of higher education governed by
13 the state board of regents or from an accredited private
14 institution, and meets either of the following conditions:
15 *a.* Is employed and residing in this state and has been
16 employed and residing in this state for not less than two
17 consecutive years within three years of successfully completing
18 a vocational-technical or career option program or achieving an
19 associate degree from a community college.
20 *b.* Is employed and residing in this state and has been
21 employed and residing in this state for not less than four
22 consecutive years within five years of graduating with a
23 baccalaureate degree or postbaccalaureate degree from an
24 institution of higher education governed by the state board of
25 regents or from an accredited private institution.
26 2. Each applicant for loan forgiveness shall, in accordance
27 with the rules of the commission, do the following:
28 *a.* Complete and file an application for worker shortage
29 loan forgiveness. The individual shall be responsible for
30 the prompt submission of any information required by the
31 commission.
32 *b.* File a new application and submit information as
33 required by the commission annually on the basis of which the
34 applicant's eligibility for the renewed loan forgiveness will
35 be evaluated and determined.

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c. Complete and return on a form approved by the commission an affidavit of eligibility verifying that the applicant meets the requirements of subsection 1.

3. The annual amount of worker shortage loan forgiveness shall not exceed the following:

a. For an individual who meets the conditions of subsection 1, paragraph *"a"*, the combined resident tuition rate established for the two years following the individual's successful program completion or graduation from the community college, or one hundred percent of the individual's total federally guaranteed Stafford loan amount under the federal family education loan program or the federal direct loan program and any private student loan issued by a lender that meets standards prescribed by the commission including principal and interest, whichever amount is less.

b. For an individual who meets the conditions of subsection 1, paragraph *"b"*, the combined resident tuition rate established for institutions of higher learning governed by the state board of regents for the four years following the individual's graduation from the regents university or accredited private institution, or one hundred percent of the individual's total federally guaranteed Stafford loan amount under the federal family education loan program or the federal direct loan program and any private student loan issued by a lender that meets standards prescribed by the commission including principal and interest, whichever amount is less.

4. The commission shall submit in a report to the general assembly by January 1, annually, the number of individuals who received loan forgiveness pursuant to this section, the postsecondary institutions from which the individuals graduated or successfully completed a vocational-technical or career options program, where in the state program participants are employed, program participants' employment classifications or types of employment, the amount paid to each program participant, and other information identified by the commission

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as indicators of outcomes from the program.

5. The commission shall adopt rules pursuant to chapter 17A to administer this section.

EXPLANATION

This bill creates a worker shortage loan forgiveness program to be administered by the college student aid commission. The program is open to individuals who graduated from an Iowa high school in 2012 or later, are employed and reside in the state, and successfully completed a vocational-technical or career option program or received a degree from an accredited postsecondary institution in the state.

The individual must also have been employed in and a resident of this state for a period of two consecutive years within three years of successfully completing a vocational-technical or career option program or achieving an associate degree from a community college, or must have been employed in and a resident of this state for a period of four consecutive years within five years of graduating with a baccalaureate degree or postbaccalaureate degree from a regents university or accredited private institution.

In the case of an individual who attended a community college, the total amount of worker shortage loan forgiveness shall not exceed the combined resident tuition rate established for the two years following the individual's successful program completion or graduation from the community college, or 100 percent of the individual's total federal loan program and private student loan amount including principal and interest, whichever amount is less.

In the case of an individual who attended a regents university or accredited private institution, the annual amount of worker shortage loan forgiveness shall not exceed the combined resident tuition rate established for regents universities for the four years following the individual's graduation, or 100 percent of the individual's total federal loan program and private student loan amount including

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1 principal and interest, whichever amount is less. The
2 individual is eligible for the loan forgiveness program for not
3 more than four consecutive years.
4 The bill requires the commission to submit a report to the
5 general assembly by January 1, annually, with information
6 identified as indicators of outcomes from the program.

House File 28 - Introduced

HOUSE FILE 28
BY HUNTER

A BILL FOR

1 An Act relating to the compulsory school attendance age and
2 including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1243YH (2) 85
kh/nh

H.F. 28

Section 1. Section 299.1A, subsection 1, Code 2013, is amended to read as follows:

1. *a.* Except as otherwise provided in ~~subsection 2~~ this section and section 299.2, a child who has reached the age of six ~~and is under sixteen~~ through seventeen years of age by September 15 is of compulsory attendance age. ~~However, if a child enrolled in a school district or accredited nonpublic school reaches the age of sixteen on or after September 15, the child remains of compulsory age until the end of the regular school calendar.~~

b. A child who will receive competent private instruction in accordance with chapter 299A and who reaches the age of six by September 15 is of compulsory attendance age. A child receiving such private instruction is of compulsory attendance age until the age of sixteen if the child reaches age sixteen before September 15. A child receiving such private instruction who reaches age sixteen on or after September 15 remains of compulsory attendance age until the end of the school year.

Sec. 2. Section 299.1A, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 3. *a.* An individual who reaches the age of eighteen on or after September 15 during the school year and intends to terminate school enrollment prior to graduation is encouraged to file with the board of directors of the school district or the accredited nonpublic school of enrollment a formal declaration of intent to terminate school enrollment and, to the degree possible, participate in an exit interview pursuant to paragraph *"b"* and complete a survey in accordance with paragraph *"c"*. The school district or accredited nonpublic school shall make every effort to notify the individual's parent or guardian of receipt of the individual's declaration of intent to terminate school enrollment.

b. To the degree possible, a guidance counselor or other school personnel designated by the school district or

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accredited nonpublic school shall conduct an exit interview with the individual to do all of the following:

(1) Determine the reasons for the individual's decision to terminate school enrollment.

(2) Discuss actions that could be taken to assist the individual to stay in school.

(3) Inform the individual of opportunities to continue the individual's education in a different environment, including but not limited to adult education and test preparation designed to qualify the individual for a high school equivalency diploma.

c. To the degree possible, the individual and the individual's parent or guardian are encouraged to complete a survey provided by the school district in a format prescribed by the department of education to provide data on the individual's reasons for terminating enrollment and actions taken by the school to keep the individual enrolled. The survey shall include an open-ended question asking why the individual is dropping out of school. The school district or accredited nonpublic school shall submit the data from the completed surveys to the department of education annually.

Sec. 3. Section 299.2, unnumbered paragraph 1, Code 2013, is amended to read as follows:

~~Section~~ Sections 299.1 and 299.1A shall not apply to any child:

Sec. 4. SCHOOL DISTRICT COMPULSORY ATTENDANCE SUPPORT REVIEW. The board of directors of each school district shall, during the school year beginning July 1, 2013, convene a working group comprised of educational and community stakeholders to review financial and programmatic supports for students affected by an increase in the compulsory attendance age from sixteen through seventeen. The working group shall consider, at a minimum, the necessity of expansion of support programs and services for such students, Internet-based at-risk academy courses, summer school offerings, credit recovery

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1 efforts, mentoring and tutoring services, before and after
2 school supports, career academies, and at-risk allowable growth
3 provisions, and the use of the instructional support levy.
4 The working group shall include in the comprehensive school
5 improvement plan submitted to the department of education
6 in accordance with section 256.7, subsection 21, a plan for
7 addressing the needs of students at risk of dropping out,
8 including any proposed changes to the local program or funding
9 priorities.
10 Sec. 5. COMPULSORY ATTENDANCE WORKING GROUP. The
11 department of education shall convene a working group
12 comprised of the director of the department of education, or
13 the director's designee, and other education stakeholders
14 appointed by the department to review supports for students
15 affected by an increase in the compulsory attendance age from
16 sixteen to eighteen years of age. The working group shall
17 consider, at a minimum, the necessity of expansion of support
18 programs and services for such students, online at-risk academy
19 courses, career academies, and current at-risk allowable
20 growth provisions, and full funding of the instructional
21 support levy. The working group shall submit its findings
22 and recommendations, including any proposed changes in policy
23 or statute, to the state board of education and the general
24 assembly by December 15, 2013.
25 Sec. 6. STATE MANDATE FUNDING SPECIFIED. In accordance
26 with section 25B.2, subsection 3, the state cost of requiring
27 compliance with any state mandate included in this Act shall
28 be paid by a school district from state school foundation aid
29 received by the school district under section 257.16. This
30 specification of the payment of the state cost shall be deemed
31 to meet all the state funding-related requirements of section
32 25B.2, subsection 3, and no additional state funding shall
33 be necessary for the full implementation of this Act by and
34 enforcement of this Act against all affected school districts.
35 Sec. 7. EFFECTIVE DATE.

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1 1. Except as provided in subsection 2, this Act takes effect
2 July 1, 2014.
3 2. The section of this Act providing for a compulsory
4 attendance working group takes effect July 1, 2013.
5 EXPLANATION
6 This bill raises the compulsory school attendance age from
7 16 to 17 for students other than those receiving competent
8 private instruction. The bill encourages students, other than
9 those who received competent private instruction, who reach
10 age 18 on or after September 15 and intend to leave school, to
11 file with the school district or accredited nonpublic school
12 a formal declaration of intent to terminate school enrollment
13 and, to the degree possible, participate in an exit interview
14 and complete a survey that will provide data annually to the
15 department of education regarding the reasons students are
16 terminating enrollment.
17 The school district or nonpublic school must make every
18 effort to notify the individual's parent or guardian of a
19 student's intent to terminate enrollment. To the degree
20 possible, in conducting the exit interview, school personnel
21 must determine the reasons for the individual's decision to
22 terminate school enrollment, discuss actions that could be
23 taken to assist the individual to stay in school, and inform
24 the individual of opportunities to continue the individual's
25 education in a different environment, including but not limited
26 to adult education and test preparation designed to qualify the
27 individual for a high school equivalency diploma. The survey
28 must include an open-ended question asking why the student is
29 dropping out.
30 The bill directs each school district to convene a working
31 group during the 2013-2014 school year to review financial and
32 programmatic supports for students affected by the increase
33 in the compulsory age of attendance. The working group
34 must include in the school district's comprehensive school
35 improvement plan a plan for addressing the needs of students

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1 at risk of dropping out.
2 The bill also directs the department of education to convene
3 a compulsory attendance working group. The working group
4 is to review supports for affected students and to consider
5 the necessity of expanding support programs and services,
6 online at-risk academy courses, career academies, current
7 at-risk allowable growth provisions, and full funding of the
8 instructional support levy. The working group must submit a
9 report to the general assembly and the department of education
10 by December 15, 2013.
11 The bill includes a technical amendment to exempt children
12 who meet conditions existing in Code section 299.2.
13 The provision relating to the compulsory attendance working
14 group takes effect July 1, 2013, while the remainder of the
15 bill takes effect July 1, 2014.
16 The bill may include a state mandate as defined in Code
17 section 25B.3. The bill requires that the state cost of
18 any state mandate included in the bill be paid by a school
19 district from state school foundation aid received by the
20 school district under Code section 257.16. The specification
21 is deemed to constitute state compliance with any state mandate
22 funding-related requirements of Code section 25B.2. The
23 inclusion of this specification is intended to reinstate the
24 requirement of political subdivisions to comply with any state
25 mandates included in the bill.

House File 29 - Introduced

HOUSE FILE 29
BY T. OLSON

A BILL FOR

1 An Act concerning the administration of epinephrine in public
2 and nonpublic schools, and including effective date and
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1463HH (3) 85
je/nh

H.F. 29

Section 1. Section 280.16, Code 2013, is amended to read as follows:

280.16 Self-administration of asthma or other airway constricting disease medication, or epinephrine auto-injectors.

1. *Definitions.* For purposes of this section:

a. "Epinephrine auto-injector" means a medical device for immediate self-administration of a measured dose of epinephrine by a person at risk of anaphylaxis.

~~*a.*~~ *b. "Medication"* means a drug that meets the definition provided in section 126.2, subsection 8, has an individual prescription label, is prescribed by a physician for a student, and pertains to the student's asthma or other airway constricting disease.

~~*b.*~~ *c. "Physician"* means a person licensed under chapter 148, or a physician's assistant, advanced registered nurse practitioner, or other person licensed or registered to distribute or dispense a prescription drug or device in the course of professional practice in this state in accordance with section 147.107, or a person licensed by another state in a health field in which, under Iowa law, licensees in this state may legally prescribe drugs.

~~*c.*~~ *d. "Self-administration"* means a student's discretionary use of medication prescribed by a physician for the student.

2. The board of directors of a school district and the authorities in charge of an accredited nonpublic school shall permit the self-administration of medication by a student with asthma or other airway constricting disease or the use of an epinephrine auto-injector by a student if the following conditions are met:

a. The student's parent or guardian provides to the school written authorization for the self-administration of medication or for the use of an epinephrine auto-injector.

b. The student's parent or guardian provides to the school a written statement from the student's physician containing the following information:

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(1) The name and purpose of the medication or epinephrine auto-injector.

(2) The prescribed dosage.

(3) The times at which or the special circumstances under which the medication or epinephrine auto-injector is to be administered.

c. The parent or guardian and the school meet the requirements of subsection ~~3~~ 5.

3. The board of directors of a school district and the authorities in charge of a nonpublic school may authorize the provision of an epinephrine auto-injector that meets a student's prescription on file to the student or to any personnel legally authorized to administer an epinephrine auto-injector to the student.

4. The board of directors of a school district and the authorities in charge of a nonpublic school may authorize a school nurse to do any of the following:

a. Provide an epinephrine auto-injector that meets a student's prescription on file to the student or any personnel legally authorized to administer an epinephrine auto-injector to the student.

b. Administer an epinephrine auto-injector that meets the student's prescription on file to any student for whom the use of epinephrine auto-injector is legally authorized.

c. Administer an epinephrine auto-injector to any student whom the school nurse reasonably and in good faith professionally believes is having an anaphylactic reaction.

~~3.~~ 5. *a.* The school district or accredited nonpublic school shall notify the parent or guardian of the student, in writing, that the school district or accredited nonpublic school and its employees are to incur no liability, except for gross negligence, as a result of any injury arising from self-administration of medication ~~by the student~~ or use of an epinephrine auto-injector pursuant to the provisions of this section. The parent or guardian of the student shall sign a

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1 statement acknowledging that the school district or nonpublic
2 school is to incur no liability, except for gross negligence,
3 as a result of self-administration of medication ~~by the student~~
4 or use of an epinephrine auto-injector. A school district or
5 accredited nonpublic school and its employees acting reasonably
6 and in good faith shall incur no liability for any improper
7 use of medication or an epinephrine auto-injector as defined
8 in this section or for supervising, monitoring, or interfering
9 with a student's self-administration of medication or use of an
10 epinephrine auto-injector as defined in this section.
11 *b.* If a school nurse administers an epinephrine
12 auto-injector to a student whom the school nurse reasonably and
13 in good faith professionally believes is having an anaphylactic
14 reaction, notwithstanding the lack of notice to the parent
15 or guardian of the student or the absence of the parent's or
16 guardian's signed statement acknowledging no liability, the
17 school district or nonpublic school and its employees shall
18 not be liable, except for negligence, as a result of any
19 injury arising from the use of an epinephrine auto-injector,
20 regardless of whether authorization was given by the student's
21 parent or guardian for such administration.
22 ~~4.~~ 6. The permission for self-administration of medication
23 or use of an epinephrine auto-injector is effective for the
24 school year for which it is granted and shall be renewed each
25 subsequent school year upon fulfillment of the requirements
26 of this section. However, the parent or guardian shall
27 immediately notify the school of any changes in the conditions
28 listed under subsection 2.
29 ~~5.~~ 7. Provided that the requirements of this section are
30 fulfilled, a student with asthma or other airway constricting
31 disease may possess and use the student's medication and a
32 student with a prescription on file may use an epinephrine
33 auto-injector while in school, at school-sponsored activities,
34 under the supervision of school personnel, and before or after
35 normal school activities, such as while in before-school or

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after-school care on school-operated property. If the student misuses this privilege, the privilege may be withdrawn.

8. Notwithstanding any other provision of law to the contrary, a physician may prescribe pursuant to a standing protocol epinephrine auto-injectors in the name of the school district or nonpublic school to be maintained for use when necessary. A school district or nonpublic school with such a prescription may maintain at a school in a locked, secure location a supply of epinephrine auto-injectors. The school district or nonpublic school supply of epinephrine auto-injectors may be provided to and utilized by any student authorized to self-administer an epinephrine auto-injector by any personnel legally authorized to administer an epinephrine auto-injector to the student, if the epinephrine auto-injector meets the student's prescription on file. When a student does not have an epinephrine auto-injector or a prescription for an epinephrine auto-injector on file, the school nurse may utilize the school district or nonpublic school supply of epinephrine auto-injectors to respond to anaphylactic reaction under a standing protocol from a physician and the requirements of this section.

~~6.~~ 9. Information provided to the school under subsection 2 shall be kept on file in the office of the school nurse or, in the absence of a school nurse, the school's administrator.

~~7.~~ 10. The Iowa braille and sight saving school, the state school for the deaf, and the institutions under the control of the department of human services as provided in section 218.1 are exempt from the provisions of this section.

Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 3. APPLICABILITY. This Act shall apply to school years beginning on or after July 1, 2013.

EXPLANATION

This bill adds epinephrine auto-injectors to Code section 280.16, which permits self-administration of medication

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in school by students with asthma. The bill defines "epinephrine auto-injector" as a medical device for immediate self-administration of a measured dose of epinephrine by a person at risk of anaphylaxis.

The bill requires school districts and nonpublic schools to allow the use of an epinephrine auto-injector by a student with a prescription on file if the school receives written authorization and certain medical information from the student's parent or guardian.

The bill provides that a school district or nonpublic school may authorize the provision of an epinephrine auto-injector that meets a student's prescription on file to the student or to any personnel legally authorized to administer an epinephrine auto-injector to the student. The bill provides that a school district or nonpublic school may authorize a school nurse to provide an epinephrine auto-injector to a student or any personnel legally authorized to administer an epinephrine auto-injector to the student; administer an epinephrine auto-injector to any student for whom the use of epinephrine auto-injector is legally authorized; or administer an epinephrine auto-injector to any student whom the school nurse reasonably and in good faith professionally believes is having an anaphylactic reaction.

The bill adds epinephrine auto-injectors to the provisions of Code section 280.16 granting immunity from legal liability to school employees, except for gross negligence, for injuries resulting from the self-administration of medication. Code section 280.16 requires a student's parent or guardian to receive notice of such immunity. The bill also grants immunity from legal liability, except for negligence, to a school nurse who administers an epinephrine auto-injector to a student whom the school nurse reasonably and in good faith professionally believes is having an anaphylactic reaction, even if prior notice to the student's parent or guardian has not been given.

The bill permits a student with a prescription on file to

H.F. 29

1 possess and use an epinephrine auto-injector while in school,
2 at school-sponsored activities, under the supervision of school
3 personnel, and before or after normal school activities,
4 such as while in before-school or after-school care on
5 school-operated property.
6 The bill provides that a school district or nonpublic
7 school may maintain at a school in a locked, secure location
8 a supply of epinephrine auto-injectors. The bill provides
9 that a physician may prescribe epinephrine auto-injectors in
10 the name of the school district or nonpublic school to be
11 maintained for use when necessary. The bill provides that the
12 school's supply of epinephrine auto-injectors may be provided
13 to and utilized by any student authorized to self-administer an
14 epinephrine auto-injector by any personnel legally authorized
15 to administer an epinephrine auto-injector to the student, if
16 the epinephrine auto-injector meets the student's prescription
17 on file. The bill provides that when a student does not
18 have an epinephrine auto-injector or a prescription for an
19 epinephrine auto-injector on file, the school nurse may utilize
20 the school district or nonpublic school supply of epinephrine
21 auto-injectors to respond to anaphylactic reaction under a
22 standing protocol from a physician and the requirements of the
23 bill.
24 The bill takes effect upon enactment and applies to school
25 years beginning on or after July 1, 2013.

House File 30 - Introduced

HOUSE FILE 30
BY HUNTER

A BILL FOR

1 An Act authorizing registered nurses and physician assistants
2 to order respiratory therapy.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1227YH (1) 85
jr/nh

H.F. 30

Section 1. Section 148C.4, subsection 1, Code 2013, is amended to read as follows:

1. A physician assistant may perform medical services when the services are rendered under the supervision of a physician. A physician assistant student may perform medical services when the services are rendered within the scope of an approved program. For the purposes of this section, *"medical services when the services are rendered under the supervision of a physician"* includes ~~making~~:

a. Making a pronouncement of death for a patient whose death is anticipated if the death occurs in a licensed hospital, a licensed health care facility, a Medicare-certified home health agency, or a Medicare-certified hospice program or facility, with notice of the death to a physician and in accordance with the directions of a physician.

b. Ordering respiratory therapy.

Sec. 2. Section 152.1, subsection 6, Code 2013, is amended to read as follows:

6. The *"practice of the profession of a registered nurse"* means the practice of a natural person who is licensed by the board to do all of the following:

a. Formulate nursing diagnosis and conduct nursing treatment of human responses to actual or potential health problems through services, such as case finding, referral, health teaching, health counseling, and care provision which is supportive to or restorative of life and well-being.

b. Execute regimen prescribed by a physician, an advanced registered nurse practitioner, or a physician assistant.

c. Supervise and teach other personnel in the performance of activities relating to nursing care.

d. Perform additional acts or nursing specialties which require education and training under emergency or other conditions which are recognized by the medical and nursing professions and are approved by the board as being proper to be performed by a registered nurse.

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1 *e.* Make the pronouncement of death for a patient whose death
2 is anticipated if the death occurs in a licensed hospital, a
3 licensed health care facility, a Medicare-certified home health
4 agency, a Medicare-certified hospice program or facility, an
5 assisted living facility, or a residential care facility, with
6 notice of the death to a physician and in accordance with any
7 directions of a physician.
8 *f.* Order respiratory therapy.
9 ~~*f.*~~ *g.* Apply to the abilities enumerated in paragraphs
10 *"a"* through ~~*"e"*~~ *"f"* of this subsection scientific principles,
11 including the principles of nursing skills and of biological,
12 physical, and psychosocial sciences.
13 EXPLANATION
14 This bill authorizes registered nurses and physician
15 assistants to order respiratory therapy.

House File 31 - Introduced

HOUSE FILE 31
BY HUNTER

A BILL FOR

1 An Act relating to patient safety by establishing a nurse
2 staffing plan, a collaborative nurse staffing committee,
3 a patient safety committee, and reporting for nurses, and
4 including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1228YH (2) 85
ad/nh

H.F. 31

1 DIVISION I
2 NURSE STAFFING AND COLLABORATIVE NURSE STAFFING COMMITTEES
3 Section 1. NEW SECTION. **135P.1 Definitions.**
4 1. *"Acuity"* means the measure of a patient's severity of
5 illness or medical condition including but not limited to the
6 stability of physiological and psychological parameters and the
7 dependency needs of the patient and the patient's family.
8 2. *"Department"* means the department of inspections and
9 appeals.
10 3. *"Hospital"* means the same as defined in section 135B.1.
11 5. *"Mental health institute"* means a mental health institute
12 as described in chapter 226.
13 4. *"Mental illness"* means a substantial disorder of thought
14 or mood which significantly impairs judgment, behavior, or the
15 capacity to recognize reality or the ability to cope with the
16 ordinary demands of life.
17 6. *"Nursing care"* means those services which can be provided
18 only under the direction of a registered nurse or a licensed
19 practical nurse.
20 7. *"Nursing facility"* means the same as defined in section
21 135C.1.
22 8. *"Rehabilitative services"* means services to encourage and
23 assist restoration of optimum mental and physical capabilities
24 of the individual resident of a health care facility.
25 9. *"Resident"* means an individual admitted to a health care
26 facility in the manner prescribed by section 135C.23.
27 10. *"School nurse"* means a person who holds an endorsement
28 or a statement of professional recognition for school nurses
29 issued by the board of educational examiners.
30 11. *"Supervision"* means oversight and inspection of the act
31 of accomplishing a function or activity.
32 Sec. 2. NEW SECTION. **135P.2 Hospital nurse staffing plan**
33 **and standards.**
34 1. A hospital shall approve, implement, and comply with a
35 direct care registered nurse staffing plan developed by the

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1 hospital's collaborative nurse staffing committee established
2 pursuant to section 135P.4. The plan shall provide for the
3 adequate, appropriate, and quality delivery of health care
4 services and protect patient safety.
5 2. Except as otherwise provided in this section, a
6 hospital's staffing plan shall provide that, at all times
7 during each shift within a unit of the hospital, a direct care
8 registered nurse may be assigned to not more than the following
9 number of patients in the specified unit:
10 *a.* One patient in a trauma emergency unit.
11 *b.* One patient in an operating room unit, provided that at
12 least one additional person serves as a scrub assistant in such
13 unit.
14 *c.* Two patients in a critical care unit, including neonatal
15 intensive care units, emergency critical care and intensive
16 care units, labor and delivery units, coronary care units,
17 acute respiratory care units, postanesthesia units, and burn
18 units.
19 *d.* Three patients in an emergency room unit, pediatrics
20 unit, stepdown unit, or combined labor, deliver, and postpartum
21 unit.
22 *e.* Four patients in a medical-surgical unit, intermediate
23 care nursery unit, acute care psychiatric unit, or other
24 specialty care unit.
25 *f.* Five patients in a rehabilitation unit or skilled nursing
26 unit.
27 *g.* Six patients in a postpartum unit or well-baby nursery
28 unit.
29 3. The department may apply minimum direct care registered
30 nurse-to-patient ratios established in subsection 2 for a
31 hospital unit referred to in that subsection to a type of
32 hospital unit not referred to in that subsection if the
33 hospital unit provides a level of care to patients whose needs
34 are similar to the needs of patients cared for in the hospital
35 unit referred to in that subsection.

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1 4. In developing the staffing plan, the collaborative nurse
2 staffing committee shall provide for direct care registered
3 nurse-to-patient ratios above the minimum ratios provided in
4 subsection 2, if appropriate, based upon consideration of the
5 following factors:
6 *a.* The number of patients and acuity level of patients
7 as determined by the application of an acuity system, on a
8 shift-by-shift basis.
9 *b.* The anticipated admissions, discharges, and transfers of
10 patients during each shift that impact direct patient care.
11 *c.* Specialized experience required of direct care registered
12 nurses on a particular unit.
13 *d.* Staffing levels and services provided by licensed
14 vocational or practical nurses, licensed psychiatric
15 technicians, certified nurse assistants, or other ancillary
16 staff in meeting direct patient care needs not required by a
17 direct care registered nurse.
18 *e.* The level of technology available that affects the
19 delivery of direct patient care.
20 *f.* The level of familiarity with hospital practices,
21 policies, and procedures by temporary agency direct care
22 registered nurses used during a shift.
23 *g.* Obstacles to efficiency in the delivery of patient care
24 presented by physical layout.
25 *h.* Other information relevant to patient care.
26 5. This section shall not be construed as a prohibition
27 on a hospital's ability to set standards that are at least
28 equivalent to the requirements under this section.
29 6. *a.* A hospital shall not average the number of patients
30 and the total number of direct care registered nurses assigned
31 to patients in a hospital unit during any one shift or over any
32 period of time for purposes of meeting the requirements under
33 this section.
34 *b.* A hospital shall not impose mandatory overtime
35 requirements to meet the hospital unit direct care registered

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1 nurse-to-patient ratios required under this section.
2 *c.* A hospital shall ensure that only a direct care
3 registered nurse may relieve another direct care registered
4 nurse during breaks, meals, and other routine, expected
5 absences from a hospital unit.
6 *d.* A hospital shall not encroach on the scope of practice of
7 a direct care registered nurse. A hospital shall not require a
8 direct care registered nurse to train a replacement if doing so
9 would compromise patient safety.
10 *e.* A hospital shall establish a system to document actual
11 staffing in each unit for each shift.
12 *f.* To the extent appropriate based on the staffing plan in
13 each unit in relation to actual patient care requirements and
14 the accuracy of the acuity system, a hospital shall annually
15 approve updates to the nurse staffing plan developed by the
16 collaborative nurse staffing committee.
17 *g.* Once developed, a hospital shall conspicuously post
18 the required staffing levels for each unit in the unit and in
19 waiting areas. The postings must be visible to hospital staff,
20 patients, and the public.
21 7. A hospital shall not discipline a direct care registered
22 nurse for refusing to accept an assignment if, in good faith
23 and in the nurse's professional judgment, the nurse determines
24 that the assignment is unsafe for patients due to patient
25 acuity and nursing intensity.
26 8. The requirements established in this section shall not
27 apply during a state of emergency if a hospital is requested or
28 expected to provide an exceptional level of emergency or other
29 medical services.
30 9. The requirements established in subsections 2, 3,
31 and 6 do not apply to entities designated as critical access
32 hospitals pursuant to 42 U.S.C. § 1395i-4. The nurse staffing
33 plan at a critical access hospital shall follow the standards
34 set in subsections 2, 3, and 6 as is reasonable based on the
35 hospital's needs and capabilities.

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1 10. The department may sanction a hospital for failure to
2 comply with this section, including failure to staff patient
3 care units at levels required in its staffing plan.
4 11. The department may adopt rules to enforce this section.
5 Sec. 3. NEW SECTION. **135P.3 Nursing facility and mental**
6 **health institute nurse staffing plan and standards.**
7 1. A nursing facility or mental health institute shall
8 approve, implement, and comply with a direct care registered
9 nurse staffing plan developed by the facility's or institute's
10 collaborative nurse staffing committee established pursuant
11 to section 135P.4. The plan shall provide for the adequate,
12 appropriate, and quality delivery of health care services and
13 protect patient safety.
14 2. In developing the staffing plan, the collaborative nurse
15 staffing committee shall provide for direct care registered
16 nurse-to-patient ratios based upon consideration of the
17 following factors:
18 *a.* The number of patients and acuity level of patients
19 as determined by the application of an acuity system, on a
20 shift-by-shift basis.
21 *b.* The anticipated admissions, discharges, and transfers of
22 patients during each shift that impact direct patient care.
23 *c.* Specialized experience required of direct care registered
24 nurses on a particular unit.
25 *d.* Staffing levels and services provided by licensed
26 vocational or practical nurses, licensed psychiatric
27 technicians, certified nurse assistants, or other ancillary
28 staff in meeting direct patient care needs not required by a
29 direct care registered nurse.
30 *e.* The level of technology available that affects the
31 delivery of direct patient care.
32 *f.* The level of familiarity with the nursing facility's or
33 mental health institute's practices, policies, and procedures
34 by temporary agency direct care registered nurses used during a
35 shift.

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1 *g.* Obstacles to efficiency in the delivery of patient care
2 presented by physical layout.
3 *h.* Other information relevant to patient care.
4 3. *a.* A nursing facility or mental health institute
5 shall not average the number of patients and the total number
6 of direct care registered nurses assigned to patients in a
7 nursing facility or mental health institute unit during any one
8 shift or over any period of time for purposes of meeting the
9 requirements of a direct care registered nurse staffing plan
10 developed pursuant to this section.
11 *b.* A nursing facility or mental health institute shall not
12 impose mandatory overtime requirements to meet the nursing
13 facility or mental health institute unit direct care registered
14 nurse-to-patient ratios required by a direct care registered
15 nurse staffing plan developed pursuant to this section.
16 *c.* A nursing facility or mental health institute shall
17 ensure that only a direct care registered nurse may relieve
18 another direct care registered nurse during breaks, meals, and
19 other routine, expected absences from a nursing facility or
20 mental health institute unit.
21 *d.* A nursing facility or mental health institute shall not
22 encroach on the scope of practice of a direct care registered
23 nurse. A nursing facility or mental health institute shall not
24 require a direct care registered nurse to train a replacement
25 if doing so would compromise patient safety.
26 *e.* A nursing facility or mental health institute shall
27 establish a system to document actual staffing in each unit for
28 each shift.
29 *f.* To the extent appropriate based on the staffing plan in
30 each unit in relation to actual patient care requirements and
31 the accuracy of the acuity system, a nursing facility or mental
32 health institute shall annually approve updates to the nurse
33 staffing plan developed by the collaborative nurse staffing
34 committee.
35 *g.* Once developed, a nursing facility or mental health

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1 institute shall conspicuously post the required staffing levels
2 for each unit in the unit and in waiting areas. The postings
3 must be visible to nursing facility or mental health institute
4 staff, patients, and the public.
5 4. A nursing facility or mental health institute shall
6 not discipline a direct care registered nurse for refusing
7 to accept an assignment if, in good faith and in the nurse's
8 professional judgment, the nurse determines that the assignment
9 is unsafe for patients due to patient acuity and nursing
10 intensity.
11 5. The requirements established in this section shall not
12 apply during a state of emergency if a nursing facility or
13 mental health institute is requested or expected to provide an
14 exceptional level of emergency or other medical services.
15 6. The department may sanction a nursing facility for
16 failure to comply with the provisions of this section,
17 including failure to staff patient care units at levels
18 required in its staffing plan.
19 7. The department may adopt rules to enforce this section.
20 Sec. 4. NEW SECTION. **135P.4 Collaborative nurse staffing**
21 **committee.**
22 1. A hospital, nursing facility, or mental health institute
23 shall establish a collaborative nurse staffing committee
24 comprised of nonsupervisory staff nurses. The membership of
25 the committee shall be apportioned among registered nurses,
26 licensed practical nurses, and advanced practice registered
27 nurses based upon the proportion of each type of nonsupervisory
28 nurse licensee to the total of all nonsupervisory nurses
29 employed by the hospital, nursing facility, or mental health
30 institute. Each member of the committee shall be appointed
31 respectively by other nonsupervisory nurses who hold the same
32 license. The committee shall include at least six members, and
33 shall meet at least annually. The hospital, nursing facility,
34 or mental health institute shall compensate the nurses who
35 are employed by the hospital, nursing facility, or mental

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1 health institute and serve on the collaborative nurse staffing
2 committee for time spent on committee business.
3 2. By majority vote, the committee may establish its own
4 rules and procedures, and shall set the term of membership.
5 3. *a.* The committee shall recommend a nurse staffing plan
6 to the hospital, nursing facility, or mental health institute
7 as provided under sections 135P.2 and 135P.3. If the hospital,
8 nursing facility, or mental health institute does not approve
9 the plan, the hospital, nursing facility, or mental health
10 institute shall provide a written response to the committee,
11 indicating the reasons for not approving the recommended nurse
12 staffing plan.
13 *b.* The committee shall annually evaluate its staffing
14 plan for each type of unit in relation to actual patient care
15 requirements and the accuracy of its acuity system. The
16 committee shall recommend updates to the nurse staffing plan
17 annually based on the evaluation. If the hospital, nursing
18 facility, or mental health institute does not approve the
19 updates, the hospital, nursing facility, or mental health
20 institute shall provide a written response to the committee,
21 indicating the reasons for not approving the recommended
22 updates to the nurse staffing plan.
23 *c.* The committee shall recommend a reporting system
24 for a nurse staffing violation that allows a person with
25 knowledge of the violation, including but not limited to
26 health care practitioners, hospital, nursing facility, or
27 mental health institute employees, patients, and visitors,
28 to make a report of the violation to the department. If the
29 committee makes a recommendation to the hospital, nursing
30 facility, or mental health institute and the hospital, nursing
31 facility, or mental health institute does not approve the
32 committee's recommendation, the hospital, nursing facility,
33 or mental health institute shall provide a written response
34 to the committee indicating the reasons for not approving the
35 recommendation.

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1 4. The committee may make other recommendations related
2 to providing direct care to patients. If the committee
3 makes a recommendation to the hospital, nursing facility, or
4 mental health institute and the hospital, nursing facility,
5 or mental health institute does not approve the committee's
6 recommendation, the hospital, nursing facility, or mental
7 health institute shall provide a written response to the
8 committee, indicating the reasons for not approving the
9 recommendation of the committee.
10 Sec. 5. NEW SECTION. **135P.5 School nurse staffing.**
11 1. A school district shall approve, implement, and comply
12 with a school nurse staffing plan developed by the school
13 nurses in the district. The plan shall provide for the
14 adequate, appropriate, and quality delivery of health care
15 services.
16 2. In developing the school nurse staffing plan, the school
17 nurses shall consider the following factors:
18 *a.* The number of enrolled students in the school district.
19 *b.* The anticipated need for direct health care services at
20 each school in the district.
21 *c.* Staffing levels and services provided by licensed
22 vocational or practical nurses, licensed psychiatric
23 technicians, certified nurse assistants, or other ancillary
24 staff in meeting direct student health care needs not required
25 by a direct care registered nurse.
26 *d.* The level of technology available that affects the
27 delivery of direct student health care.
28 *e.* Obstacles to efficiency in the delivery of student health
29 care including the location of schools in the district.
30 *f.* Other information relevant to student health care.
31 3. The school nurse staffing plan shall include but is not
32 limited to:
33 *a.* The delivery of services that must be administered by a
34 school nurse.
35 *b.* The delivery of services that require direct supervision

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1 of a school nurse.
2 *c.* The delivery of services that require indirect
3 supervision of a school nurse.
4 4. If the school district does not approve the school
5 nurse staffing plan, it shall provide a written response to
6 the school nurses, indicating the reason for not following the
7 recommended school nurse staffing plan.
8 5. The school nurses shall annually evaluate the nurse
9 staffing plan and meet with the school board of the school
10 district for which the nurses are employed to recommend updates
11 to the school nurse staffing plan. If the school district does
12 not approve the updates it shall provide a written response to
13 the school nurses, indicating the reason for not following the
14 recommended updates to the nurse staffing plan.
15 6. The requirements established in this section shall
16 not apply during a state of emergency if a school district
17 is requested or expected to provide an exceptional level of
18 emergency or other medical services.
19 7. The school district must compensate school nurses
20 for time spent on developing and evaluating the school nurse
21 staffing plan.
22 8. The school nurses may make other recommendations related
23 to providing direct care to students in the school district.
24 If the school nurses make a recommendation to the school
25 district and the school district does not follow the school
26 nurses' recommendation, it shall provide a written response to
27 the school nurses, indicating the reason for not following the
28 recommendation.
29 Sec. 6. NEW SECTION. **152.13 Scope of practice.**
30 The scope of practice of a direct care registered nurse shall
31 not be encroached by any person.
32 Sec. 7. Section 256.11, subsection 9B, Code 2013, is amended
33 to read as follows:
34 9B. Beginning July 1, 2007, each school district shall have
35 a school nurse to provide health services to its students.

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1 ~~Each~~ Beginning July 1, 2016, each school district shall ~~work~~
2 ~~toward the goal of having~~ have at least one full-time school
3 nurse for every ~~seven~~ six hundred ~~fifty~~ students when more than
4 two hundred students are enrolled in the school district. Each
5 school district shall approve, implement, and comply with a
6 nurse staffing plan pursuant to section 135P.5. For purposes
7 of this subsection, *"school nurse"* means a person who holds
8 an endorsement or a statement of professional recognition for
9 school nurses issued by the board of educational examiners
10 under chapter 272.
11 Sec. 8. EFFECTIVE DATE.
12 1. Except as otherwise provided by this Act, this division
13 of this Act takes effect July 1, 2014.
14 2. The minimum direct care registered nurse-to-patient
15 ratios established in sections 135P.2 and 135P.3, as enacted in
16 this division of this Act, and the school nurse staffing plan
17 established in section 135P.5, as enacted in this division of
18 this Act, shall take effect not later than July 1, 2015, or in
19 the case of a critical access hospital as defined in 42 U.S.C.
20 § 1395i-4, not later than July 1, 2017.
21 DIVISION II
22 PATIENT SAFETY PLAN
23 Sec. 9. NEW SECTION. **135P.6 Patient safety plan.**
24 1. A hospital, nursing facility, or mental health institute
25 shall develop, implement, and comply with a patient safety
26 plan for the purpose of improving the health and safety of
27 patients and reducing preventable patient safety events. The
28 patient safety plan shall be developed by the hospital, nursing
29 facility, or mental health institute in coordination with the
30 entity's health care professionals.
31 2. The patient safety plan shall, at a minimum, provide for
32 the establishment of all of the following:
33 *a.* A patient safety committee or a committee equivalent in
34 composition and function. The committee shall be comprised of
35 various health care professionals employed by the hospital,

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1 nursing facility, or mental health institute, at least half
2 of whom shall be direct care nurses. A hospital, nursing
3 facility, or mental health institute shall compensate the
4 health care professionals who are employed by the hospital,
5 nursing facility, or mental health institute and serve on the
6 patient safety committee or equivalent committee for time spent
7 on committee business.
8 *b.* The committee shall do all of the following:
9 (1) Review and approve the patient safety plan.
10 (2) Receive and review reports of patient safety events as
11 defined in subsection 3.
12 (3) Monitor implementation of corrective actions for
13 patient safety events.
14 (4) Make recommendations to eliminate future patient safety
15 events.
16 (5) Review and revise the patient safety plan at least
17 annually to evaluate and update the plan and to incorporate
18 advancements in patient safety practices.
19 *c.* A reporting system for patient safety events that allows
20 a person with knowledge of a patient safety event, including
21 but not limited to health care practitioners and hospital,
22 nursing facility, or mental health institute employees,
23 patients, and visitors, to make a report of a patient safety
24 event to the hospital, nursing facility, or mental health
25 institute. A reporting system shall support and encourage a
26 culture of safety and the reporting of patient safety events.
27 *d.* A process for a team of hospital, nursing facility, or
28 mental health institute staff to conduct analyses, including
29 but not limited to root cause analyses of patient safety
30 events. The team shall be composed of the entity's various
31 categories of health care professionals with the appropriate
32 competencies to conduct the required analyses.
33 *e.* A process for providing ongoing patient safety training
34 for hospital, nursing facility, or mental health institute
35 personnel and health care practitioners.

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1 3. For the purposes of this section, patient safety events
2 shall be defined by the patient safety plan and shall include
3 but are not limited to health-care-associated infections,
4 as defined in the federal centers for disease control and
5 prevention's national healthcare safety network, or its
6 successor, unless the department accepts the recommendation of
7 the healthcare-associated infection advisory committee, or its
8 successor, that are determined to be preventable.
9 Sec. 10. EFFECTIVE DATE.
10 1. Except as otherwise provided by this Act, this division
11 of this Act takes effect July 1, 2014.
12 2. The implementation of a hospital, nursing facility,
13 or mental health institute patient safety plan pursuant to
14 section 135P.6, as enacted in this division of this Act, shall
15 take effect not later than July 1, 2015, or, in the case of a
16 critical access hospital as defined in 42 U.S.C. § 1395i-4, not
17 later than July 1, 2017.
18 DIVISION III
19 PATIENT PROTECTION
20 Sec. 11. NEW SECTION. **135P.7 Retaliation prohibited —**
21 **remedies.**
22 1. *a.* A hospital, nursing facility, mental heath institute,
23 or school district shall not take retaliatory action against a
24 nurse as a reprisal when the nurse reports an action or event
25 to the hospital, nursing facility, mental heath institute,
26 or school district or to the department or other applicable
27 entity, and the nurse reasonably believes, based on the nurse's
28 professional standards of care, professional code of ethics, or
29 other established guidelines for direct care workers including
30 but not limited to a patient safety plan or a nurse staffing
31 plan, that the action or event the nurse has observed occurring
32 at the hospital, nursing facility, mental heath institute, or
33 school district is a material violation of health and safety
34 laws or a breach of public safety that has caused serious harm
35 to or creates a significant probability of serious harm to

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1 patients or health care recipients.
2 *b.* For purposes of this section, *"retaliatory action"*
3 includes but is not limited to an action by a hospital, nursing
4 facility, mental health institute, or school district to
5 discharge a nurse or to take or fail to take action regarding
6 a nurse's appointment or proposed appointment to, take or
7 fail to take action regarding a nurse's promotion or proposed
8 promotion to, or fail to provide an advantage in a position in
9 employment.
10 *c.* Paragraph *"a"* does not apply if the disclosure of the
11 information is prohibited by statute.
12 2. Subsection 1 may be enforced through a civil action.
13 *a.* A person who violates subsection 1 is liable to an
14 aggrieved nurse for affirmative relief including reinstatement,
15 with or without back pay, or any other equitable relief the
16 court deems appropriate, including attorney fees and costs.
17 *b.* When a person commits, is committing, or proposes to
18 commit an act in violation of subsection 1, an injunction may
19 be granted through an action in district court to prohibit the
20 person from continuing such acts. The action for injunctive
21 relief may be brought by the aggrieved nurse.
22 EXPLANATION
23 This bill relates to patient safety through nurse staffing.
24 The bill creates new Code chapter 135P to establish nurse
25 staffing plans, collaborative nurse staffing committees, and
26 patient safety plans. The bill also prohibits retaliatory
27 action against nurses.
28 Division I of the bill relates to nurse staffing plans.
29 The bill requires a hospital to approve, implement, and
30 comply with a nurse staffing plan developed by the hospital's
31 collaborative nurse staffing committee required by the bill.
32 The nurse staffing plan must provide for adequate, appropriate,
33 and quality delivery of services to patients. The bill sets
34 required registered nurse staffing levels that the staffing
35 plan must include. The bill provides that the department of

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1 inspections and appeals (DIA) may apply the minimum direct care
2 registered nurse-to-patient ratios to other hospital units if
3 the unit provides a level of care to patients whose needs are
4 similar to that listed. The bill also provides factors for the
5 collaborative nurse staffing committee to consider when setting
6 nurse-to-patient ratios above what is listed in the bill. The
7 bill provides that the nurse staffing plan provisions should
8 not be construed as a prohibition on the hospital's ability to
9 set standards that are equivalent to or higher than set under
10 the bill.
11 The bill specifies a hospital's obligations regarding a
12 staffing plan. The bill prohibits a hospital from averaging
13 the number of patients and total number of direct care
14 registered nurses assigned to a unit during any one shift or
15 over a period of a time in order to meet the requirements of
16 the nurse staffing plan. A hospital cannot impose mandatory
17 overtime requirements to meet the ratios required. Only direct
18 care registered nurses can relieve other direct care registered
19 nurses. A hospital cannot encroach on a direct care registered
20 nurse's scope of practice or require a direct care registered
21 nurse to train a replacement if doing so would jeopardize
22 patient safety. A hospital must establish a system to document
23 staffing in each unit for each shift. A hospital shall
24 approve updates to the nurse staffing plan as is appropriate
25 in relation to patient care requirements and the accuracy of
26 the acuity system. A hospital must conspicuously post staffing
27 levels for each unit in the unit and in waiting areas. A
28 hospital may not discipline a direct care registered nurse for
29 refusing to accept an assignment, if the nurse believes in good
30 faith and within the nurse's judgment that the assignment is
31 unsafe for patients. The bill provides that the requirements
32 established do not apply during a state of emergency. The bill
33 provides an exception from the staffing requirements and the
34 hospital obligations for critical access hospitals. The bill
35 also provides for the DIA to sanction a hospital for failing

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1 to comply with the bill and allows the DIA to enact rules to
2 enforce the bill.
3 The bill imposes similar requirements on nursing facilities
4 and mental health institutes, providing factors the facility's
5 or mental health institute's collaborative nurse staffing
6 committee must consider when developing a staffing plan, but
7 the bill does not require specific staffing ratios for nursing
8 facilities or mental health institutes.
9 The bill provides that hospitals, nursing facilities,
10 and mental health institutes shall establish collaborative
11 nurse staffing committees comprised of nonsupervisory staff
12 nurses. The membership of a committee shall be apportioned
13 among registered nurses, licensed practical nurses, and
14 advanced practice registered nurses based upon the proportion
15 of each type of nonsupervisory nurse licensees to the total
16 of nonsupervisory nurses employed by the hospital, facility,
17 or institute. The members of the committee will be appointed
18 by other nonsupervisory nurses with the same license. The
19 committee must have six members and must meet at least
20 annually. The hospital, nursing facility, or mental health
21 institute must compensate the employed nurses for time spent
22 on committee business. The committee may establish its own
23 rules and procedures by majority vote. The committee shall
24 recommend a nurse staffing plan to the hospital, facility, or
25 institute. The hospital, facility, or institute must provide
26 a written response indicating the reasons for not approving
27 the plan if it does not approve the plan. The committee must
28 annually evaluate the staffing plan and recommend updates to
29 the hospital, nursing facility, or mental health institute
30 respectively. If the hospital, nursing facility, or mental
31 health institute does not approve the updates, it shall provide
32 a written response indicating the reasons. The committee
33 must also recommend a reporting system for a nurse staffing
34 violation that allows a person with knowledge of the violation
35 to make a report to the DIA. The committee may make other

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1 recommendations related to providing direct care to patients
2 to the hospital, nursing facility, or mental health institute,
3 respectively. If the hospital, nursing facility, or mental
4 health institute does not approve the recommendation, it shall
5 provide written notice indicating the reason.
6 The bill also requires a school district to approve,
7 implement, and comply with a school nurse staffing plan
8 developed by the district's school nurses. The bill requires
9 the district's school nurses to consider, the number of
10 enrolled students, the need for direct health care services at
11 each school, the staffing levels and services provided by other
12 ancillary staff, the technology available that affects delivery
13 of care, obstacles to efficiency including the location of
14 schools in the district, and other relevant information. The
15 school nursing staffing plan must include at least the delivery
16 of services required to be administered by a school nurse, the
17 delivery of services that require the direct supervision of the
18 school nurse, and the delivery of services that require the
19 indirect supervision of a school nurse. The bill states that
20 a school district that does not approve a nurse staffing plan
21 must provide a written response indicating the reason for not
22 following the plan.
23 The bill also requires school nurses to annually evaluate
24 the nurse staffing plan and meet with the school board to
25 recommend updates to the plan. The school nurses also may make
26 other recommendations to the school district. If the school
27 district does not approve the updates or other recommendations,
28 it must provide a written response indicating the reason for
29 not adopting the recommended updates.
30 The bill requires a school district to compensate a school
31 nurse for time spent developing and evaluating the school nurse
32 staffing plan.
33 The bill also amends Code section 256.11 regarding the
34 school nurse requirements for a school district. The bill
35 requires a school district which has more than 200 students

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1 enrolled to have at least one full-time school nurse for every
2 600 students beginning in 2016.
3 The division takes effect July 1, 2014. The direct care
4 registered nurse-to-patient ratios and school nurse staffing
5 plans take effect not later than July 1, 2015, or July 1, 2017,
6 for a critical access hospital.
7 Division II of the bill relates to patient safety plans.
8 The bill provides that a hospital, nursing facility, or
9 mental health institute must develop, implement, and comply
10 with a patient safety plan. The patient safety plan must
11 include and establish a patient safety committee or equivalent
12 committee. The committee shall be comprised of the entity's
13 various health care professionals, but at least half of the
14 committee shall be comprised of direct care nurses. The
15 health care professionals employed by the entity who serve
16 on the committee must be compensated for the time spent on
17 committee business. The patient safety committee must review
18 and approve the patient safety plan, receive and review reports
19 of patient safety events, monitor implementation of corrective
20 actions, make recommendations to eliminate future patient
21 safety events, review and revise the patient safety plan at
22 least annually, and update the plan. The bill provides that a
23 patient safety plan must include a reporting system for patient
24 safety events, a process for a team of the entity's staff to
25 conduct analyses of patient safety events, and a process for
26 providing ongoing patient safety training. The bill states
27 that a "patient safety event", as used in the bill, shall be
28 defined by the patient safety plan. This division of the bill
29 related to patient safety plans takes effect July 1, 2014.
30 The implementation of a patient safety plan shall take effect
31 by July 1, 2015, except that a critical access hospital must
32 implement a patient safety plan by July 1, 2017.
33 Division III of the bill relates to nurses reporting
34 violations that affect patient safety. The bill provides
35 that a hospital, nursing facility, mental health institute,

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1 or school district shall not discharge or otherwise retaliate
2 against a nurse employed by the entity as a reprisal when the
3 nurse reports an action or event to the entity, DIA, or other
4 applicable state agency and the nurse reasonably believes the
5 action or event is a material violation of health and safety
6 laws or is a breach of public safety that has caused serious
7 harm to or creates a significant probability of serious harm
8 to patients or health care recipients. The division does not
9 apply if the disclosure is prohibited by statute. A person
10 who violates the division is liable to an aggrieved nurse for
11 affirmative relief including reinstatement with or without back
12 pay or any other equitable relief the court deems appropriate.
13 The bill also provides for an injunction when a person is
14 committing or proposes to commit an act in violation of the
15 division.

House File 32 - Introduced

HOUSE FILE 32
BY HUNTER

A BILL FOR

1 An Act relating to indemnification of hospitals participating
2 in the volunteer health care provider program.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1239YH (1) 85
pf/nh

H.F. 32

1 Section 1. Section 135.24, subsection 2, paragraphs b and c,
2 Code 2013, are amended to read as follows:
3 *b.* Procedures for registration of hospitals, free clinics,
4 field dental clinics, and specialty health care provider
5 offices.
6 *c.* Criteria for and identification of hospitals, clinics,
7 free clinics, field dental clinics, specialty health care
8 provider offices, or other health care facilities, health
9 care referral programs, or charitable organizations,
10 eligible to participate in the provision of free medical,
11 dental, chiropractic, pharmaceutical, nursing, optometric,
12 psychological, social work, behavioral science, podiatric,
13 physical therapy, occupational therapy, respiratory therapy,
14 or emergency medical care services through the volunteer
15 health care provider program. A hospital, a clinic, a
16 free clinic, a field dental clinic, a specialty health care
17 provider office, a health care facility, a health care referral
18 program, a charitable organization, or a health care provider
19 participating in the program shall not bill or charge a
20 patient for any health care provider service provided under the
21 volunteer health care provider program.
22 Sec. 2. Section 135.24, Code 2013, is amended by adding the
23 following new subsection:
24 NEW SUBSECTION. 6A. A hospital providing free care under
25 this section shall be considered a state agency solely for
26 the purposes of this section and chapter 669 and shall be
27 afforded protection under chapter 669 as a state agency for
28 all claims arising from the provision of free care by a health
29 care provider registered under subsection 3 who is providing
30 services at the hospital in accordance with this section or
31 from the provision of free care by a health care provider
32 who is covered by adequate medical malpractice insurance, as
33 determined by the department, if the hospital has registered
34 with the department pursuant to subsection 1.
35 Sec. 3. Section 135.24, subsection 7, Code 2013, is amended

H.F. 32

1 by adding the following new paragraph:
2 NEW PARAGRAPH. *0e. "Hospital"* means hospital as defined in
3 section 135B.1.
4 EXPLANATION
5 This bill relates to hospitals under the volunteer health
6 care provider program. The bill provides that a hospital
7 providing free care under the program is considered a state
8 agency solely for the purposes of the program and Code chapter
9 669 (state tort claims Act) and is to be afforded protection
10 under Code chapter 669 as a state agency for all claims arising
11 from the provision of free care by a health care provider
12 registered under the program who is providing services at
13 the hospital in accordance with the program, and also is
14 afforded protection for the provision of free care by a health
15 care provider who is covered by adequate medical malpractice
16 insurance if the hospital has registered with the department of
17 public health as required under the program.

House File 33 - Introduced

HOUSE FILE 33
BY HUNTER

A BILL FOR

1 An Act relating to the choice of doctor to treat an injured
2 employee under workers' compensation laws and including
3 applicability date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1211YH (2) 85
av/nh

H.F. 33

Section 1. Section 85.27, subsection 4, Code 2013, is amended to read as follows:

4. *a.* (1) For purposes of this section, the employer is obliged to furnish reasonable services and supplies to treat an injured employee, and has the right to choose the care unless the employee has predesignated a physician as provided in paragraph *"b"*. If the employer chooses the care, the employer shall hold the employee harmless for the cost of care until the employer notifies the employee that the employer is no longer authorizing all or any part of the care and the reason for the change in authorization. An employer is not liable for the cost of care that the employer arranges in response to a sudden emergency if the employee's condition, for which care was arranged, is not related to the employment. The treatment must be offered promptly and be reasonably suited to treat the injury without undue inconvenience to the employee.

(2) If the employee has reason to be dissatisfied with the care offered, the employee should communicate the basis of such dissatisfaction to the employer, in writing if requested, following which the employer and the employee may agree to alternate care reasonably suited to treat the injury. If the employer and employee cannot agree on such alternate care, the commissioner may, upon application and reasonable ~~proofs~~ proof of the necessity therefor, allow and order other care. In an emergency, the employee may choose the employee's care at the employer's expense, provided the employer or the employer's agent cannot be reached immediately.

(3) An application made under this ~~subsection~~ lettered paragraph *"a"* shall be considered an original proceeding for purposes of commencement and contested case proceedings under section 85.26. The hearing shall be conducted pursuant to chapter 17A. Before a hearing is scheduled, the parties may choose a telephone hearing, an audio-video conference hearing, or an in-person hearing. A request for an in-person hearing shall be approved unless the in-person hearing would be

H.F. 33

1 impractical because of the distance between the parties to the
2 hearing. The workers' compensation commissioner shall issue a
3 decision within ten working days of receipt of an application
4 for alternate care made pursuant to a telephone hearing or
5 audio-video conference hearing or within fourteen working days
6 of receipt of an application for alternate care made pursuant
7 to an in-person hearing. The employer shall notify an injured
8 employee of the employee's ability to contest the employer's
9 choice of care pursuant to this ~~subsection~~ lettered paragraph
10 *"a"*.
11 *b.* (1) An injured employee has the right to choose the
12 care if the employee has predesignated a physician who is a
13 primary care provider, from whom the employee has previously
14 received treatment for a nonoccupational injury, illness,
15 or examination, to provide treatment for the injury. Upon
16 hire and periodically during employment, an employer shall
17 provide written notice to all employees of their rights under
18 this lettered paragraph *"b"* to predesignate such a physician
19 for treatment of an injury, in a manner prescribed by the
20 workers' compensation commissioner by rule. The employer
21 or the employer's insurer shall not make suggestions or
22 otherwise attempt to influence an injured employee's choice
23 of a physician to provide care. An employee shall, as soon
24 as practicable, notify the employer of an injury, and upon
25 receiving such notice of an injury from an employee, the
26 employer shall again provide written notice to that employee
27 of the employee's rights under this lettered paragraph *"b"* in a
28 manner prescribed by the workers' compensation commissioner by
29 rule. If an employer fails to notify employees of their right
30 to choose a physician as provided in this lettered paragraph
31 *"b"*, the employee has the right to choose any physician to
32 provide treatment for the injury and the treatment shall be
33 considered care authorized under this section.
34 (2) For the purposes of this lettered paragraph *"b"*,
35 *"physician"* includes an individual physician, a group of

H.F. 33

1 physicians, or a clinic. For the purposes of this lettered
2 paragraph *"b"*, *"primary care provider"* means a physician
3 who provides primary care who is a family or general
4 practitioner, a pediatrician, an internist, an obstetrician,
5 or a gynecologist. A physician chosen by an injured employee
6 to provide treatment is authorized to arrange for any
7 consultation, surgical consultation, referral, emergency care,
8 or other specialized medical services as the physician deems
9 necessary to treat the injury. The employer shall pay for
10 all such care, unless the workers' compensation commissioner
11 determines otherwise.
12 (3) If the employer has reason to be dissatisfied with the
13 care chosen by the employee, the employer should communicate
14 the basis of such dissatisfaction to the employee, in writing
15 if requested, following which the employee and the employer may
16 agree to alternate care reasonably suited to treat the injury.
17 If the employee and employer cannot agree on such alternate
18 care, the commissioner may, upon application and reasonable
19 proof of the necessity therefor, allow and order other care.
20 (4) An application made under this lettered paragraph
21 *"b"* shall be considered an original proceeding for purposes
22 of commencement and contested case proceedings under section
23 85.26. The hearing shall be conducted pursuant to chapter
24 17A. Before a hearing is scheduled, the parties may choose
25 a telephone hearing, an audio-video conference hearing, or
26 an in-person hearing. A request for an in-person hearing
27 shall be approved unless the in-person hearing would be
28 impractical because of the distance between the parties to the
29 hearing. The workers' compensation commissioner shall issue a
30 decision within ten working days of receipt of an application
31 for alternate care made pursuant to a telephone hearing or
32 audio-video conference hearing or within fourteen working days
33 of receipt of an application for alternate care made pursuant
34 to an in-person hearing.
35 Sec. 2. Section 85.39, Code 2013, is amended to read as

H.F. 33

1 follows:
2 **85.39 Examination of injured employees.**
3 1. *a.* After an injury, the employee, if requested by the
4 employer, shall submit for examination at some reasonable
5 time and place and as often as reasonably requested, to a
6 physician or physicians authorized to practice under the laws
7 of this state or another state, without cost to the employee;
8 but if the employee requests, the employee, at the employee's
9 own cost, is entitled to have a physician or physicians
10 of the employee's own selection present to participate in
11 the examination. If an employee is required to leave work
12 for which the employee is being paid wages to attend the
13 requested examination, the employee shall be compensated at
14 the employee's regular rate for the time the employee is
15 required to leave work, and the employee shall be furnished
16 transportation to and from the place of examination, or the
17 employer may elect to pay the employee the reasonable cost of
18 the transportation. The refusal of the employee to submit
19 to the examination shall suspend the employee's right to any
20 compensation for the period of the refusal. Compensation shall
21 not be payable for the period of suspension.
22 *b.* If an evaluation of permanent disability has been made by
23 a physician retained by the employer and the employee believes
24 this evaluation to be too low, the employee shall, upon
25 application to the commissioner and upon delivery of a copy of
26 the application to the employer and its insurance carrier, be
27 reimbursed by the employer the reasonable fee for a subsequent
28 examination by a physician of the employee's own choice, and
29 reasonably necessary transportation expenses incurred for the
30 examination. The physician chosen by the employee has the
31 right to confer with and obtain from the employer-retained
32 physician sufficient history of the injury to make a proper
33 examination.
34 2. If the employee has chosen a physician to provide care
35 as provided in section 85.27, subsection 4, paragraph "*b*", when

H.F. 33

1 it is medically indicated that no significant improvement from
2 an injury is anticipated, the employee may obtain a medical
3 opinion from the employee's physician, at the employer's
4 expense, regarding the extent of the employee's permanent
5 disability. If the employee obtains such an evaluation and the
6 employer believes this evaluation of permanent disability to be
7 too high, the employer may arrange for a medical examination of
8 the injured employee by a physician of the employer's choice
9 for the purpose of obtaining a medical opinion regarding the
10 extent of the employee's permanent disability. If an employee
11 is required to leave work for which the employee is being paid
12 wages to attend an examination under this subsection, the
13 employee shall be compensated at the employee's regular rate
14 for the time the employee is required to leave work, and the
15 employee shall be furnished transportation to and from the
16 place of examination, or the employer may elect to pay the
17 employee the reasonable cost of transportation. The physician
18 chosen by the employer to conduct the examination has the right
19 to confer with and obtain from any physician who has treated
20 the injured employee sufficient history of the injury to make
21 a proper examination. The refusal by the employee to submit
22 to the examination shall suspend the employee's right to any
23 compensation for the period of the refusal. Compensation shall
24 not be payable for the period of suspension.
25 Sec. 3. APPLICABILITY DATE. This Act applies to injuries
26 occurring on or after January 1, 2014.
27 EXPLANATION
28 This bill relates to the choice of a physician to treat an
29 injured employee under the state's workers' compensation laws.
30 The bill allows the employer to choose care unless the employee
31 has predesignated a physician as provided in the bill.
32 The bill gives an employee the right to predesignate
33 a physician who is a primary care provider, from whom
34 the employee has previously received treatment for a
35 nonoccupational injury, illness, or examination, to provide

H.F. 33

1 treatment for a work-related injury. The employer is required
2 to provide written notice to employees of this right upon hire,
3 periodically during employment, and upon receiving notice of an
4 injury from an employee, in a manner prescribed by the workers'
5 compensation commissioner.
6 If the employer fails to provide such notification, an
7 injured employee has the right to choose any physician to
8 provide treatment for the work-related injury and that
9 treatment shall be considered authorized care.
10 If the employer or employee is dissatisfied with the care
11 chosen by the other party, the dissatisfied party is required
12 to communicate the basis of dissatisfaction to the other
13 party in writing and the parties may agree to alternate care
14 reasonably suited to treat the injury. If the parties cannot
15 agree to such alternate care, the dissatisfied party may make
16 an application for alternate care to the commissioner.
17 An application for alternate care is an original proceeding
18 and is treated as a contested case. A party may request that
19 the hearing be held in person, by telephone, or by audio-video
20 conference. The commissioner is required to issue a decision
21 within 10 working days of receipt of an application made
22 pursuant to a telephone hearing or audio-video conference
23 hearing and within 14 days of an in-person hearing.
24 Code section 85.39 is amended to provide that if the
25 employee has chosen care, when it is medically indicated that
26 no significant improvement from an injury is anticipated, the
27 employee may obtain a medical opinion regarding the extent of
28 the employee's permanent disability. If the employer believes
29 that the evaluation of permanent disability obtained by the
30 employee is too high, the employer has the right to obtain
31 another medical opinion from a physician of the employer's
32 choosing.
33 The bill applies to injuries occurring on or after January
34 1, 2014.

House File 34 - Introduced

HOUSE FILE 34
BY HUNTER

A BILL FOR

1 An Act requiring additional workers' compensation payments for
2 scheduled injuries that result in a reduction in the injured
3 employee's earning capacity.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1214HH (1) 85
av/rj

H.F. 34

1 Section 1. Section 85.34, subsection 2, Code 2013, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. *w.* If an employee sustains an injury
4 described in paragraphs *"a"* through *"t"* and is unable to return
5 to employment providing substantially similar earnings to the
6 earnings provided in the employment in which the employee was
7 engaged at the time of the injury, compensation shall be paid
8 during the number of weeks in relation to five hundred weeks
9 as the reduction in the employee's earning capacity bears in
10 relation to the earning capacity that the employee possessed
11 when the injury occurred. If the employee is permanently and
12 totally disabled as a result of such an injury the employee may
13 be entitled to benefits under subsection 3.
14 Sec. 2. Section 85.64, Code 2013, is amended to read as
15 follows:
16 **85.64 Limitation of benefits.**
17 1. If an employee who has previously lost, or lost the
18 use of, one hand, one arm, one foot, one leg, or one eye,
19 becomes permanently disabled by a compensable injury which
20 has resulted in the loss of or loss of use of another such
21 member or organ and which does not cause the employee to be
22 eligible for benefits under section 85.34, subsection 2,
23 paragraph *"w"*, the employer shall be liable only for the degree
24 of disability which would have resulted from the latter injury
25 if there had been no preexisting disability. In addition to
26 such compensation, and after the expiration of the full period
27 provided by law for the payments thereof by the employer, the
28 employee shall be paid out of the "Second Injury Fund" created
29 by this division the remainder of such compensation as would be
30 payable for the degree of permanent disability involved after
31 first deducting from such remainder the compensable value of
32 the previously lost member or organ.
33 2. Any benefits received by any such employee, or to which
34 the employee may be entitled, by reason of such increased
35 disability from any state or federal fund or agency, to which

H.F. 34

said employee has not directly contributed, shall be regarded as a credit to any award made against said second injury fund as aforesaid.

EXPLANATION

This bill amends Code section 85.34 to provide that for purposes of workers' compensation, an employee who sustains a scheduled injury and is unable to return to employment providing substantially similar earnings to that of the preinjury employment earning capacity, shall be paid compensation during the number of weeks in relation to 500 weeks as the reduction in the employee's earning capacity caused by the disability bears in relation to the earning capacity that the employee possessed when the injury occurred.

The bill also amends Code section 85.64 to provide that an employee who has previously sustained a loss of a body part and then becomes permanently disabled when that injury is combined with a second compensable injury is entitled to compensation out of the state second injury fund as long as that second compensable injury alone does not cause the employee to be unable to return to substantially similar employment and thus be eligible for benefits under the new paragraph "w" in Code section 85.34(2).

House File 35 - Introduced

HOUSE FILE 35
BY HUNTER

A BILL FOR

1 An Act providing for fair share agreements relating to
2 collective bargaining and including effective date
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1212YH (2) 85
je/rj

H.F. 35

1 Section 1. Section 20.3, Code 2013, is amended by adding the
2 following new subsection:
3 NEW SUBSECTION. 4A. *"Fair share fee"* means the amount
4 charged to an employee in a bargaining unit who is not a member
5 of the employee organization certified by the board as the
6 exclusive bargaining representative for the public employees
7 in that bargaining unit, to cover the costs incurred by the
8 employee organization on behalf of the employee for collective
9 bargaining, contract administration, the adjustment of
10 grievances, and the pursuit of other matters affecting wages,
11 hours, and other conditions of employment.
12 Sec. 2. Section 20.8, subsection 4, Code 2013, is amended
13 to read as follows:
14 4. Refuse to join or participate in the activities of
15 employee organizations, including the payment of any dues, fees
16 or assessments or service fees of any type, except as provided
17 in section 20.9A.
18 Sec. 3. Section 20.9, unnumbered paragraph 1, Code 2013, is
19 amended to read as follows:
20 The public employer and the employee organization shall meet
21 at reasonable times, including meetings reasonably in advance
22 of the public employer's budget-making process, to negotiate in
23 good faith with respect to wages, hours, vacations, insurance,
24 holidays, leaves of absence, shift differentials, overtime
25 compensation, supplemental pay, seniority, transfer procedures,
26 job classifications, health and safety matters, evaluation
27 procedures, procedures for staff reduction, in-service training
28 and other matters mutually agreed upon. Negotiations shall
29 also include whether a fair share fee shall be charged to
30 nonmembers of the employee organization, terms authorizing
31 dues checkoff for members of the employee organization, and
32 grievance procedures for resolving any questions arising under
33 the agreement, which shall be embodied in a written agreement
34 and signed by the parties. If an agreement provides for dues
35 checkoff, a member's dues may be checked off only upon the

H.F. 35

1 member's written request and the member may terminate the dues
2 checkoff at any time by giving thirty days' written notice.
3 Such obligation to negotiate in good faith does not compel
4 either party to agree to a proposal or make a concession.
5 Sec. 4. NEW SECTION. **20.9A Fair share fee procedures.**
6 1. When a collective bargaining agreement between a public
7 employer and a certified employee organization, which provides
8 that a fair share fee shall be charged to nonmembers of the
9 employee organization, is reached by ratification of the
10 agreement or by issuance of an arbitration award under section
11 20.22, the public employer shall, within ten days of the date
12 the agreement is reached, provide the employee organization
13 with a list of the names and addresses of all employees in the
14 bargaining unit represented by the employee organization. If a
15 collective bargaining agreement providing for fair share fees
16 has a term of more than one year, the list shall be provided by
17 the public employer annually, not later than thirty days prior
18 to the commencement of the next full year of the agreement's
19 term.
20 2. *a.* Following receipt by the employee organization of
21 a list of employees pursuant to subsection 1, the employee
22 organization shall provide the public employer with the name
23 of each nonmember of the employee organization and the amount
24 of the fair share fee. In addition, the employee organization
25 shall provide the labor commissioner with the amount of the
26 fair share fee and any supporting documentation utilized in
27 determining the amount of the fair share fee. Commencing on
28 the effective date of the collective bargaining agreement which
29 provides for a fair share fee or the public employer's receipt
30 of the names and amounts from the employee organization,
31 whichever occurs later, the public employer shall deduct once
32 each month from the wages or salaries of each nonmember the
33 amount of the fair share fee specified for that nonmember by
34 the employee organization and transmit the amounts deducted
35 to the employee organization within fourteen days of the

H.F. 35

1 deduction. If a collective bargaining agreement includes a
2 retroactive effective date, the public employer shall make
3 deductions for fair share fees prospectively only.
4 *b.* For purposes of determining the fair share fee, the
5 amount of the fair share fee shall not exceed the regular
6 membership dues paid by members of the employee organization
7 and shall not include any share of the costs incurred by the
8 employee organization for fraternal, ideological, political, or
9 other activities not germane to collective bargaining, contract
10 administration, the adjustment of grievances, or the pursuit
11 of other matters affecting wages, hours, and other conditions
12 of employment. Costs that shall be excluded from the fair
13 share fee include but are not limited to costs for social
14 events; lobbying on issues or for purposes other than the
15 negotiation, ratification, or implementation of a collective
16 bargaining agreement; voter registration training; efforts to
17 increase voting; political campaign techniques; supporting or
18 contributing to charitable organizations; and supporting or
19 contributing to religious or other ideological causes.
20 3. As a precondition to the collection of a fair share fee,
21 the employee organization shall establish and maintain a full
22 and fair procedure that conforms with the requirements of the
23 Constitution of the United States and the Constitution of the
24 State of Iowa and does all of the following:
25 *a.* Provides nonmembers of the employee organization with
26 an annual notice which informs them of the amount of the
27 fair share fee to be charged, provides them with sufficient
28 information to gauge the propriety of that amount, and informs
29 them of the procedure by which a nonmember may challenge that
30 amount.
31 *b.* Permits challenges by nonmembers to the amount of the
32 fair share fee.
33 *c.* Provides for the consolidation of all timely challenges
34 and for an impartial hearing, before an arbitrator appointed by
35 the American arbitration association pursuant to its rules for

H.F. 35

1 impartial determination of union fees, conducted in accordance
2 with those rules and paid for by the employee organization.
3 *d.* Provides that the burden of proof relating to the
4 propriety of the amount of the fair share fee is on the
5 employee organization.
6 *e.* Provides that all fair share fees reasonably in dispute
7 while a challenge is pending shall be held by the employee
8 organization in an interest-bearing escrow account until a
9 final decision is issued by the arbitrator, at which time such
10 funds shall be disbursed in accordance with the arbitrator's
11 decision.
12 4. The employee organization shall notify the public
13 employer of any arbitrator's award issued pursuant to the
14 challenge procedure specified in subsection 3 which reduced the
15 amount of a fair share fee and the public employer shall adjust
16 its deduction from the wages or salaries of the challenging
17 nonmembers accordingly.
18 5. This section shall be enforced through an action in a
19 court of competent jurisdiction.
20 Sec. 5. Section 731.3, Code 2013, is amended to read as
21 follows:
22 **731.3 Contracts to exclude unlawful.**
23 ~~It~~ Except as provided in sections 20.8, 20.9A, and 731.4A,
24 it shall be unlawful for any person, firm, association,
25 corporation or labor organization to enter into any
26 understanding, contract, or agreement, whether written or
27 oral, to exclude from employment members of a labor union,
28 organization, or association, or persons who do not belong
29 to, or who refuse to join, a labor union, organization, or
30 association, or because of resignation or withdrawal therefrom.
31 Sec. 6. Section 731.4, Code 2013, is amended to read as
32 follows:
33 **731.4 Union dues as prerequisite to employment — prohibited.**
34 ~~It~~ Except as provided in sections 20.8, 20.9A, and 731.4A,
35 it shall be unlawful for any person, firm, association, labor

H.F. 35

1 organization or corporation, or political subdivision, either
2 directly or indirectly, or in any manner or by any means as a
3 prerequisite to or a condition of employment to require any
4 person to pay dues, charges, fees, contributions, fines or
5 assessments to any labor union, labor association, or labor
6 organization.
7 Sec. 7. NEW SECTION. **731.4A Fair share fee agreements.**
8 A labor union, labor association, labor organization, or
9 employee organization, which is the certified or recognized
10 exclusive representative for collective bargaining under
11 applicable federal law, may enter into an agreement with the
12 employer of the employees it is certified or recognized to
13 represent in collective bargaining that, as a condition of
14 continued employment, requires employees, after thirty days
15 of employment, either to become a member of the certified or
16 recognized labor union, labor association, labor organization,
17 or employee organization, or to pay a fair share fee to the
18 extent permitted by the Constitution of the United States, the
19 Constitution of the State of Iowa, and federal law. Nothing in
20 this section shall be deemed to require an employee to become a
21 member of a labor union, labor association, labor organization,
22 or employee organization. In addition, the requirements of
23 a fair share agreement shall not apply to an employee whose
24 initial date of employment with the employer occurs on a date
25 when a fair share fee agreement as authorized by this section
26 is not in effect.
27 Sec. 8. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
28 immediate importance, takes effect upon enactment.
29 EXPLANATION
30 This bill authorizes the negotiating of fair share fees in
31 collective bargaining agreements.
32 Code chapter 20, concerning collective bargaining for public
33 employees, is amended to authorize fair share fees.
34 Code section 20.9 is amended to provide that the scope of
35 negotiations for purposes of a collective bargaining agreement

H.F. 35

1 includes negotiating whether a fair share fee shall be charged
2 to nonmembers of an employee organization.
3 New Code section 20.9A establishes the procedures to follow
4 if a fair share fee is included in a collective bargaining
5 agreement. The new Code section provides that once an
6 agreement is ratified or an arbitration award is issued that
7 includes a fair share fee, the public employer shall, within
8 10 days, provide the employee organization with a list of
9 employees covered by the agreement. If the agreement has a
10 term of more than one year, the employer shall provide the list
11 on an annual basis. Once the employee organization receives
12 the list, the employee organization shall provide the employer
13 with a list of each nonmember of the employee organization and
14 the amount of the fair share fee. The employee organization
15 shall also inform the labor commissioner of the amount of the
16 fair share fee and how it was determined. The bill provides
17 that the fee shall not exceed the regular membership dues
18 paid by members and shall not include costs of the employee
19 organization that are not germane to collective bargaining,
20 contract administration, the adjustment of grievances, and
21 the pursuit of other matters affecting wages, hours, and
22 other conditions of employment. The bill provides that the
23 public employer shall begin deducting the fair share fee
24 from nonmembers upon the later of the effective date of the
25 collective bargaining agreement or the date the public employer
26 receives the list of nonmembers and the amount of the fair
27 share fee. The bill provides that no retroactive deductions
28 for fair share fees are allowed.
29 The bill also establishes several additional conditions for
30 the collection of a fair share fee from public employees. The
31 bill provides that nonmembers be given an annual notice of the
32 amount of the fair share fee and their rights as to challenging
33 the amount. The bill also provides that nonmembers shall be
34 permitted to challenge the amount of the fair share fee at
35 an impartial hearing before an arbitrator appointed by the

H.F. 35

1 American arbitration association. The bill provides that the
2 employee organization has the burden of proof relating to the
3 amount of the fee to be charged. The bill provides that the
4 employee organization shall notify the public employer of any
5 arbitrator's award and the public employer shall adjust the
6 deduction from wages of the nonmembers who challenged the fair
7 share fee amount. The bill provides that the requirements of
8 this new Code section shall be enforced in a court of competent
9 jurisdiction.
10 Code chapter 731, concerning labor union membership, is
11 also amended to authorize fair share agreements. New Code
12 section 731.4A provides that a labor union, certified as the
13 bargaining representative of a private sector employer under
14 federal law, may enter into an agreement with an employer that,
15 as a condition of continued employment, requires employees whom
16 the union is certified to represent to become a member of the
17 labor union or to pay a fair share fee to the extent permitted
18 by the United States Constitution, the Iowa Constitution, and
19 applicable federal law. The new Code section provides that
20 nothing in this Code section shall be deemed to require an
21 employee to become a member of a labor union and also provides
22 that the requirement to pay a fair share fee shall not apply to
23 an employee whose initial date of employment occurred on a date
24 when a fair share agreement was not in effect.
25 The bill takes effect upon enactment.

House File 36 - Introduced

HOUSE FILE 36
BY HUNTER

A BILL FOR

1 An Act requiring the payment of local prevailing wage rates to
2 persons working on public improvements for public bodies,
3 and providing remedies and penalties and including effective
4 date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1208YH (3) 85
je/rj

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1 Section 1. Section 84A.5, subsection 4, Code 2013, is
2 amended to read as follows:
3 4. The division of labor services is responsible for the
4 administration of the laws of this state under chapters 88,
5 88A, 88B, 89, 89A, 89B, 90A, 91, 91A, 91C, 91D, 91E, 91F, 92,
6 and 94A, and section 85.68. The executive head of the division
7 is the labor commissioner, appointed pursuant to section 91.2.
8 Sec. 2. NEW SECTION. **91F.1 Short title.**
9 This chapter shall be known and may be cited as the *"Public*
10 *Improvement Quality Protection Act"*.
11 Sec. 3. NEW SECTION. **91F.2 Public policy.**
12 It is in the public interest that public improvements
13 are completed by the best means and highest quality of labor
14 reasonably available, and that workers working on public
15 improvements be compensated according to the real value of the
16 services they perform. It is the policy of this state that the
17 wages of workers working on public improvements should be at
18 least equal to the prevailing wage rates paid for similar work
19 by responsible contractors in the community as a whole in order
20 to accomplish all of the following:
21 1. Protect workers and their contractors and subcontractors
22 from the effects of serious and unfair competition resulting
23 from wage levels detrimental to efficiency and well-being.
24 2. Ensure that contractors compete with one another
25 on the basis of the ability to perform work competently
26 and efficiently while maintaining community-established
27 compensation standards.
28 3. Recognize that local participation in public
29 improvements and family wage income and benefits are essential
30 to the protection of community standards.
31 4. Encourage training and education of workers to industry
32 skills standards.
33 5. Encourage contractors and subcontractors to use funds
34 allocated for employee fringe benefits for the actual purchase
35 of those benefits.

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1 Sec. 4. NEW SECTION. **91F.3 Definitions.**
2 As used in this chapter, unless the context otherwise
3 requires:
4 1. *"Commissioner"* means the labor commissioner appointed
5 pursuant to section 91.2.
6 2. *"Contractor"* or *"subcontractor"* means a person who
7 undertakes, offers to undertake, purports to have the capacity
8 to undertake, or submits a bid, individually or through others,
9 to engage in a public improvement.
10 3. *"Custom fabrication"* means the fabrication of plumbing,
11 heating, cooling, ventilation, architectural systems,
12 structural systems, exhaust duct systems, or mechanical
13 insulation.
14 4. *"Division"* means the division of labor of the department
15 of workforce development.
16 5. *a. "Fringe benefits"* means the following for the
17 provision or purchase of any of the benefits enumerated in
18 paragraph *"b"*:
19 (1) The contribution irrevocably made by a contractor or
20 subcontractor to a trustee or to a third person pursuant to a
21 plan, fund, or program.
22 (2) The costs to the contractor or subcontractor which
23 may be reasonably anticipated in providing benefits to
24 workers pursuant to an enforceable commitment to carry out a
25 financially responsible plan or program, given in writing to
26 the workers affected.
27 *b.* (1) Medical or hospital care.
28 (2) Pensions or annuities on retirement or death.
29 (3) Supplemental unemployment benefits.
30 (4) Life insurance.
31 (5) Disability and sickness insurance.
32 (6) Accident insurance for nonwork-related accidents.
33 (7) Vacation or holiday pay.
34 (8) Defraying costs of apprenticeship programs approved by
35 and registered with the United States department of labor's

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office of apprenticeship.

6. *"Interested party"* means any of the following:

a. A contractor who submits a bid for the purpose of securing the award of a contract for a public improvement.

b. A subcontractor of a contractor mentioned in a bid referred to in paragraph *"a"*.

c. A worker employed by a contractor or subcontractor described in either paragraph *"a"* or *"b"*.

d. A labor organization that represents workers engaged in the same craft or classification as workers employed by a contractor or subcontractor described in either paragraph *"a"* or *"b"* and that exists, in whole or in part, for the purpose of negotiating with employers concerning the wages, hours, or terms and conditions of employment of employees.

e. A joint labor-management committee established pursuant to the federal Labor Management Cooperation Act of 1978, 29 U.S.C. § 175a.

7. *"Locality"* means a county of this state.

8. *"Maintenance work"* means the repair of existing public improvements when the size, type, or extent of the public improvement is not changed or increased.

9. *"Prevailing wage rate"* means the hourly wage plus fringe benefits, which the commissioner determines prevails in accordance with this chapter, including all of the following:

a. Apprentice ratios and the prevailing apprentice pay levels for each craft, classification, or type of worker which the commissioner determines prevails in accordance with section 91F.5.

b. A prevailing rate for overtime pay for work in excess of the normal prevailing workday and for weekend overtime pay for each craft, classification, or type of worker, including apprentices.

c. Holiday pay for holidays that prevail in the locality in which the work is being performed.

10. *"Public body"* means the state and any of its political

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1 subdivisions, including but not limited to a county, city,
2 township, school district, state board of regents, and public
3 utility. For the purposes of this chapter, *"public utility"*
4 includes municipally owned utilities and municipally owned
5 waterworks.
6 11. *a.* *"Public improvement"* means any of the following that
7 meets the criteria set out in paragraphs *"b"* and *"c"*:
8 (1) Construction, alteration, reconstruction, repair,
9 rehabilitation, refinishing, refurbishing, remodeling,
10 renovation, custom fabricating, maintenance, landscaping,
11 improving, moving, wrecking, painting, decorating, or
12 demolishing of, or adding to or subtracting from any building,
13 structure, highway, road, street, bridge, alley, sewer, ditch,
14 sewage disposal plant, waterworks, parking facility, railroad,
15 excavation or other structure, project, development, or
16 improvement, or any part thereof undertaken by a public body,
17 including any of the following related activities:
18 (a) The erection of scaffolding or other structures or
19 works.
20 (b) The maintenance, repair, assembly, or disassembly of
21 equipment.
22 (c) The testing of materials.
23 (d) The hauling of refuse from a site to an outside disposal
24 location.
25 (e) The cleaning of grounds or structures.
26 (f) The addition to or fabrication into any structure,
27 project, development, or improvement of any material or article
28 of merchandise undertaken by a public body.
29 (2) The preparation and removal of roadway construction
30 zones, lane closures, flagging, or traffic diversions
31 undertaken by a public body.
32 (3) The installation, repair, maintenance, or calibration
33 of monitoring equipment for underground storage tanks
34 undertaken by a public body.
35 (4) Work that is performed on any property or premises

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1 dedicated exclusively or nearly so to the completion of a
2 public improvement, and transportation of supplies, material,
3 and equipment to or from the property or premises undertaken
4 by a public body.
5 *b.* Work on the public improvement is performed under public
6 supervision or direction, and the work is financed wholly or
7 in part from public funds, or if at the time of commencement
8 of the public improvement all of the following conditions with
9 respect to the public improvement are met:
10 (1) Not less than fifty-five percent of the structure is
11 leased by a public body, or is subject to an agreement to be
12 subsequently leased by a public body.
13 (2) The portion of the structure that is leased or subject
14 to an agreement to be subsequently leased by a public body
15 measures more than twenty thousand square feet.
16 *c.* The public improvement has an estimated total cost that
17 exceeds twenty-five thousand dollars.
18 12. *"Worker"* means an individual who performs any
19 labor or service for a contractor or subcontractor on a
20 public improvement but does not include an individual when
21 transporting a seller, supplier, manufacturer, or processor of
22 materials or equipment. The individual is deemed an employee
23 of a contractor or subcontractor unless all of the following
24 apply:
25 *a.* The individual provides labor or services free from the
26 direction or control over the means and manner of providing the
27 labor or services, subject only to the right of the person for
28 whom the labor or services are provided to specify the desired
29 results.
30 *b.* The individual providing the labor or services is
31 responsible for obtaining business registrations or licenses
32 required by state law or local ordinance to provide the labor
33 or services.
34 *c.* The individual providing the labor or services furnishes
35 the tools and equipment necessary to provide the labor or

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1 services.
2 *d.* The individual providing the labor or services has the
3 authority to hire and fire employees to perform the labor or
4 services.
5 *e.* Payment for the labor or services is made upon
6 completion of the performance of specific portions of a public
7 improvement, or is made on the basis of a periodic retainer.
8 *f.* The individual providing the labor or services represents
9 to the public that the labor or services are to be provided
10 by an independently established business. An individual is
11 engaged in an independently established business when four or
12 more of the following circumstances exist:
13 (1) Labor or services are primarily performed at a location
14 separate from the individual's residence or in a specified
15 portion of the residence that is set aside for performing labor
16 or services.
17 (2) Commercial advertising or business cards are purchased
18 by the individual, or the individual is a member of a trade or
19 professional association.
20 (3) Telephone or electronic mail listings used by the
21 individual for the labor or services are different from the
22 individual's personal listings.
23 (4) Labor or services are performed only pursuant to a
24 written contract.
25 (5) Labor or services are performed for two or more persons
26 or entities within a period of one year.
27 (6) The individual assumes financial responsibility
28 for errors and omissions in the performance of the labor or
29 services as evidenced by insurance, performance bonds, and
30 warranties relating to the labor or services provided.
31 Sec. 5. NEW SECTION. **91F.4 Administration.**
32 The commissioner and the division shall administer this
33 chapter and the commissioner shall adopt rules for the
34 administration and enforcement of this chapter as provided in
35 section 91.6.

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1 Sec. 6. NEW SECTION. **91F.5 Determination of prevailing**
2 **wages.**
3 1. The commissioner shall determine annually and publish,
4 on the first business day of July, the prevailing wage rates
5 by locality for each craft, classification, or type of worker
6 needed to perform work on public improvements. The rates shall
7 be conclusive for one year from the date of publication unless
8 superseded within the one year by a later publication of the
9 commissioner, or for a longer period as provided in subsection
10 5.
11 2. The commissioner shall announce all prevailing wage rate
12 determinations by locality and give notice by posting them
13 on the portion of the department of workforce development's
14 internet site related to the division. A printed version of
15 the prevailing wage rates for the state shall be available to
16 the public upon request to the division.
17 3. The public body awarding any contract for a public
18 improvement, or otherwise undertaking any public improvement,
19 shall obtain from the internet site the prevailing wage rate
20 in the locality in which work on the public improvement is
21 to be performed for each craft, classification, or type of
22 worker needed to perform work on the public improvement.
23 After a public improvement contract is awarded, or a public
24 improvement is otherwise undertaken, the prevailing wage
25 rate published by the commissioner and stated in the public
26 body's public improvement procurement documents shall remain
27 in effect throughout the duration of the public improvement
28 unless superseded by a later determination and publication by
29 the commissioner, or unless multiyear prevailing wage rates
30 have been published by the commissioner at the time the public
31 improvement procurement documents were released.
32 4. *a.* In determining the annual prevailing wage rate
33 for any craft, classification, or type of worker, the
34 commissioner shall ascertain and consider the applicable
35 wage rates and fringe benefits established by collective

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1 bargaining agreements, the prevailing wage rate determinations
2 that may exist for federal public improvements within the
3 locality and other data obtained by the department during any
4 prevailing wage rate survey of contractors who participate in
5 an apprenticeship program approved by and registered with the
6 United States department of labor's office of apprenticeship,
7 who provide health insurance and retirement benefits for their
8 workers, and who are registered with the division. Based
9 upon these considerations, the commissioner shall calculate
10 the prevailing wage rates based on the wage rate plus fringe
11 benefits most often occurring for each craft, classification,
12 or other type of worker within each locality.
13 *b.* The minimum annual prevailing wage rate determination
14 established by the department shall not be lower than the
15 prevailing wage rate determination that may exist for federal
16 public improvements within the locality and in the nearest
17 labor market area.
18 *c.* None of the fringe benefits enumerated in this chapter
19 may be considered in the determination of prevailing wage
20 rates if the contractor or subcontractor is required by other
21 federal, state, or local law to provide such fringe benefits.
22 5. If the commissioner determines that the prevailing
23 wage rate for any craft, classification, or type of worker
24 is the rate established by a collective bargaining agreement
25 applicable in the locality, the commissioner may adopt that
26 rate by reference and that determination shall be effective
27 for the life of the agreement or until the commissioner adopts
28 another rate.
29 6. *a.* At any time within fifteen days after the division
30 has published on the department of workforce development's
31 internet site the annual prevailing wage rates for each
32 classification, craft, or other type of worker in the locality,
33 any interested person affected may object to the determination
34 or the part of the determination as the interested person
35 may deem objectionable by filing a written notice with the

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1 commissioner by restricted certified mail as defined in
2 section 618.15. When objecting to a prevailing wage rate
3 determination, the interested person shall submit, as a
4 part of the written notice, the prevailing wage rate the
5 interested person believes to be the correct prevailing wage
6 rate determination, stating the specific grounds to support
7 that position. Upon receipt of the notice of objection, the
8 commissioner shall reconsider the determination and shall
9 affirm or modify the determination and reply in writing by
10 restricted certified mail to the interested person within
11 fifteen days from the date of the receipt of the notice of
12 objection. Any modification to the prevailing wage rate
13 determination shall be effective on the date the modification
14 is published by the commissioner.
15 *b.* If the commissioner declines to modify the determination,
16 within ten days upon receiving receipt of the commissioner's
17 decision, the interested person affected may submit in writing
18 the objection to the division by restricted certified mail,
19 stating the specified grounds of the objection. The department
20 of inspections and appeals shall be notified of the objection
21 and set a date for a hearing before an administrative law judge
22 on the objection, after giving notice by restricted certified
23 mail to the interested person and the division at least ten
24 days before the date of the hearing of the time and place of
25 the hearing. The hearing shall be held within forty-five days
26 after the objection is filed, and shall not be postponed or
27 reset for a later date except upon the consent, in writing, of
28 the interested person and the division.
29 7. The party requesting a hearing shall have the burden of
30 establishing that the annual prevailing wage rate determination
31 for that locality was not determined in accordance with this
32 chapter. If the party requesting a hearing under this section
33 objects to the commissioner's failure to include a craft,
34 classification, or type of worker within the annual prevailing
35 wage rate determination in the locality, the objector shall

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1 have the burden of establishing that there is no existing
2 prevailing wage rate classification for the particular craft,
3 classification, or type of worker in any of the localities
4 under consideration.
5 8. The administrative law judge may in the administrative
6 law judge's discretion hear each written objection filed
7 separately or consolidate for hearing any one or more written
8 objections filed with the division. At the hearing, the
9 division shall introduce into evidence the investigation it
10 instituted which formed the basis of its determination, and the
11 division or any interested objectors may introduce evidence
12 that is material to the determination. The administrative
13 law judge shall rule upon each written objection and make a
14 final determination, as the administrative law judge believes
15 the evidence warrants, and promptly serve a copy of the final
16 determination by personal service or restricted certified mail
17 on all parties to the proceedings. The administrative law
18 judge shall render a final determination within thirty days
19 after the conclusion of the hearing.
20 9. If proceedings to review judicially the final
21 determination of the administrative law judge are not
22 instituted as provided in this section, the determination
23 shall be final and binding. The provisions of section 17A.19
24 shall apply to and govern all proceedings. Appeals from all
25 final orders and judgments entered by the court in review of
26 the final determination of the administrative law judge may be
27 taken by any party to the action. In all reviews or appeals
28 under this chapter, the attorney general shall represent the
29 division and defend its determination.
30 10. This section does not give reason or provide cause for
31 an injunction to halt or delay any public improvement.
32 Sec. 7. NEW SECTION. **91F.6 Payment of prevailing wages**
33 **required.**
34 1. Contractors and subcontractors engaged in a public
35 improvement shall pay not less than the current specified

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1 prevailing wage rates to all of their workers engaged in the
2 public improvement. However, this chapter does not prohibit
3 the payment of more than the prevailing wage rate to any
4 workers engaged in a public improvement.
5 2. All contractors and subcontractors required to pay the
6 prevailing wage rate under this chapter shall pay the wages
7 in legal tender, without any deduction for food, sleeping
8 accommodations, transportation, use of tools or safety
9 equipment, vehicle or equipment rental, or any other thing of
10 any kind or description.
11 Sec. 8. NEW SECTION. **91F.7 Requirements for public**
12 **improvements.**
13 1. The public body awarding a contract for a public
14 improvement or otherwise undertaking a public improvement shall
15 specify in the call for bids for the contract that this chapter
16 applies to the public improvement.
17 2. If a public improvement requires the payment of
18 prevailing wage rates, the public body shall require the
19 contractor to execute a written instrument that not less
20 than the prevailing wage rate shall be paid to all workers
21 performing work on the public improvement. The written
22 instrument shall also contain a provision that if it is
23 found that any of the contractor's workers engaged in the
24 public improvement has been paid at a wage rate less than the
25 prevailing wage rate required by this chapter, the public body
26 may terminate the contractor's right to proceed with the work
27 and the contractor and its sureties shall be liable to the
28 public body for any excess costs occasioned by the failure to
29 pay the prevailing wage rate. The written instrument shall
30 have attached a list of the specified prevailing wage rates
31 for all crafts, classifications, or types of workers in the
32 locality for each worker needed to be included in the contract
33 for the public improvement.
34 3. If a contract is let for a public improvement requiring
35 the payment of prevailing wage rates, the public body

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1 awarding the contract shall cause to be inserted in the public
2 improvement specifications and contract a stipulation that not
3 less than the prevailing wage rate shall be paid to all workers
4 performing work under the contract. The contract shall also
5 contain a provision to the effect that if it is found that any
6 of the contractor's workers engaged in the public improvement
7 has been paid at a wage rate less than the prevailing wage rate
8 required by this chapter, the public body may terminate the
9 contractor's right to proceed with the work and the contractor
10 and its sureties shall be liable to the public body for any
11 excess costs occasioned by the failure to pay the prevailing
12 wage rate. All bid specifications shall list the specified
13 prevailing wage rates for all crafts, classifications, or
14 types of workers in the locality for each worker needed to be
15 included in the contract.
16 4. If a public improvement requires the payment of
17 prevailing wage rates, the contractor shall require any
18 subcontractors engaged by the contractor on the public
19 improvement to execute a written instrument that not less
20 than the prevailing wage rates shall be paid to all workers
21 performing work on the public improvement. The written
22 instrument shall also contain a provision that if it is
23 found that any of the subcontractor's workers engaged in the
24 public improvement has been paid at a wage rate less than the
25 prevailing wage rate required by this chapter, the public body
26 may terminate the subcontractor's right to proceed with the
27 work and the subcontractor and its sureties shall be liable to
28 the public body for any excess costs occasioned by the failure
29 to pay the prevailing wage rate. The written instrument shall
30 have attached a list of the specified prevailing wage rates
31 for all crafts, classifications, or types of workers in the
32 locality for each worker needed to be included in the contract.
33 5. If a subcontract is let for a public improvement
34 requiring the payment of the prevailing wage rate, the
35 contractor to whom the contract is awarded shall insert

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1 into the subcontract and into the public improvement project
2 specifications for each subcontract a written stipulation that
3 not less than the prevailing wage rate shall be paid to all
4 workers performing work under the subcontract. A subcontractor
5 shall insert into each lower-tiered subcontract a stipulation
6 that not less than the prevailing wage rate shall be paid
7 to all workers performing work under the subcontract. The
8 subcontract shall also contain a provision that if it is
9 found that any subcontractor's workers engaged in the public
10 improvement have been paid at a wage rate less than the
11 prevailing wage rate required by this chapter, the public body
12 may terminate the subcontractor's right to proceed with the
13 work and the subcontractor and its sureties shall be liable to
14 the public body for any excess costs occasioned by the failure
15 to pay the prevailing wage rate. All bid specifications shall
16 list the specified prevailing wage rates for all crafts,
17 classifications, or types of workers in the locality for each
18 worker needed to be included in the subcontract.
19 6. A contractor or subcontractor engaging in a public
20 improvement shall submit a performance bond in an amount
21 determined by the public body which bond shall include a
22 provision that will guarantee the payment of the prevailing
23 wage rates as required by the contract.
24 7. Before final payment is made by or on behalf of a public
25 body of any sum or sums due on a public improvement, the
26 treasurer of the public body or other officer or person charged
27 with the custody and disbursement of the funds of the public
28 body shall require the contractor and subcontractor to file a
29 written statement with the public body, in a form satisfactory
30 to the division, certifying to the amounts then due and owing
31 from the contractor and subcontractor to any and all workers
32 for wages due on account of the public improvement, setting
33 forth the names of the persons whose wages are unpaid and
34 the amount due to each respectively. The statement shall be
35 verified by the oath of the contractor or subcontractor, as the

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1 case may be, that the contractor or subcontractor has read the
2 statement certified by the contractor or subcontractor, knows
3 the contents, and that the statement is true in accordance with
4 the contractor's or subcontractor's own knowledge. However,
5 this chapter shall not impair the right of a contractor to
6 receive final payment from a public body because of the failure
7 of a subcontractor to comply with provisions of this chapter.
8 The treasurer of the public body or other officer or person
9 charged with the custody and disbursement of the funds of the
10 public body shall withhold the amount, if any, listed on the
11 verified statement filed pursuant to this section for the
12 benefit of the worker whose wages are unpaid as shown by the
13 verified statement filed by the contractor or subcontractor,
14 and the public body shall pay directly to any worker the amount
15 shown by the statement to be due to the worker for the wages.
16 Payment shall discharge the obligation of the contractor or
17 subcontractor to the person receiving the payment to the extent
18 of the amount of the payment.
19 8. The public body awarding a contract for a public
20 improvement or otherwise undertaking a public improvement shall
21 notify the commissioner in writing, on a form prescribed by
22 the commissioner, if a contract subject to the provisions of
23 this chapter has been awarded. The public body shall file
24 the notification with the commissioner within thirty days
25 after the contract is awarded or before commencement of the
26 public improvement, and shall include a list of all first-tier
27 subcontractors.
28 Sec. 9. NEW SECTION. **91F.8 Federal public improvements —**
29 **not applicable.**
30 The provisions of this chapter shall not be applicable
31 to public improvements financed entirely by federal funds
32 which require a prevailing wage rate determination by the
33 United States department of labor. However, unless a federal
34 provision applies, if a public improvement is financed in part
35 by a public body and in part by federal funds, the higher of the

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1 prevailing wage rates shall prevail for the public improvement.
2 Sec. 10. NEW SECTION. **91F.9 Records required.**
3 1. While participating in a public improvement, the
4 contractor and each subcontractor shall do all of the
5 following:
6 *a.* Make and keep, for a period of not less than three years,
7 accurate records of all workers employed by the contractor or
8 subcontractor on the public improvement. The records shall
9 include each worker's name, address, telephone number when
10 available, social security number, trade classification, the
11 hourly wages paid in each pay period, the number of hours
12 worked each day, and the starting and ending times of work each
13 day.
14 *b.* Submit weekly a certified payroll to the public body
15 in charge of the public improvement. The certified payroll
16 shall consist of a complete copy of the records identified in
17 paragraph *"a"*. The certified payroll shall be accompanied by a
18 statement signed by the contractor or subcontractor which avers
19 that the records are true and accurate and the hourly wages
20 paid to each worker are not less than the prevailing wage rate
21 required by this chapter.
22 2. The public body in charge of the public improvement
23 shall keep the records submitted in accordance with subsection
24 1, paragraph *"b"*, for a period of not less than three years.
25 The records shall be considered public records and be made
26 available in accordance with chapter 22. Personal information
27 submitted in accordance with subsection 1, paragraph *"a"*,
28 including names, addresses, social security numbers, telephone
29 numbers, and other identifying information shall remain
30 confidential and shall not be made public.
31 3. The contractor and each subcontractor shall make
32 available for inspection the records identified in subsection
33 1, paragraph *"a"*, to the public body in charge of the public
34 improvement, its officers and agents, and to the division.
35 4. For the purpose of verifying the accuracy of the records

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1 submitted pursuant to this section, the contractor and each
2 subcontractor shall make its workers available at the site of
3 the public improvement for interview by the public body in
4 charge of the public improvement, its officers and agents, and
5 the division.
6 5. Contractors and subcontractors performing work on public
7 improvements subject to this chapter shall post the prevailing
8 wage rates for each craft, classification, or type of workers
9 involved in the public improvement in a prominent and easily
10 accessible place at the site of the public improvement or at
11 the place or places used by the contractor or subcontractor to
12 pay workers their wages.
13 Sec. 11. NEW SECTION. **91F.10 Powers of commissioner.**
14 The commissioner shall do all of the following:
15 1. Inquire diligently about any complaint of a violation of
16 this chapter, institute actions for penalties prescribed, and
17 enforce generally the provisions of this chapter.
18 2. Sue for injunctive relief against the awarding of a
19 contract, the undertaking of a public improvement, or the
20 continuation of a public improvement when the prevailing wage
21 rate requirements of this chapter have not been met.
22 3. Investigate and ascertain the wages of workers engaged in
23 any public improvement in this state.
24 4. *a.* Enter and inspect the place of business or employment
25 of a contractor, subcontractor, or workers employed on a public
26 improvement in this state, for the purpose of examining and
27 inspecting books, registers, payrolls, and other records of a
28 contractor or subcontractor that in any way relate to or have a
29 bearing upon the question of wages, hours, and other conditions
30 of employment of workers covered under this chapter.
31 *b.* Copy the books, registers, payrolls, and other
32 records as the commissioner or the commissioner's authorized
33 representative deems necessary or appropriate.
34 *c.* Question the workers for the purpose of ascertaining
35 whether the provisions of this chapter have been and are being

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1 complied with.
2 *d.* Administer oaths, take or cause to be taken depositions
3 of witnesses, and require by subpoena the attendance and
4 testimony of witnesses and the production of all books,
5 registers, payrolls, and other evidence relative to the matter
6 under investigation or hearing.
7 5. Require from a contractor or subcontractor full and
8 correct statements in writing, including sworn statements,
9 with respect to wages, hours, names, addresses, and other
10 information pertaining to its workers and their employment,
11 as the commissioner or the commissioner´s authorized
12 representative may deem necessary or appropriate.
13 6. Require a contractor or subcontractor to file, within
14 ten days of receipt of a request, any records enumerated in
15 subsection 4, sworn as to their validity and accuracy as
16 required by subsection 5. If the contractor or subcontractor
17 fails to provide the requested records within ten days, the
18 commissioner may direct, within fifteen days after the end
19 of the ten-day period, that the fiscal or financial officer
20 charged with the custody and disbursements of the funds of the
21 public body, which contracted for construction of the public
22 improvement or undertook the public improvement, to immediately
23 withhold from payment to the contractor or subcontractor
24 up to twenty-five percent of the amount to be paid to the
25 contractor or subcontractor under the terms of the contract
26 or written instrument under which the public improvement is
27 being performed. The amount withheld shall be immediately
28 released upon receipt by the public body of a notice from
29 the commissioner indicating that the request for records as
30 required by this section has been satisfied.
31 7. If a contractor or subcontractor fails to provide
32 requested records in accordance with subsection 6 within ten
33 days, direct, within fifteen days after the end of the ten-day
34 period, the fiscal or financial officer charged with the
35 custody and disbursements of the funds of the public body,

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which contracted for construction of the public improvement or undertook the public improvement, to pay directly to workers employed by the contractor or subcontractor from the amount withheld from the contractor or subcontractor pursuant to subsection 6 any prevailing wage rates found to be due and payable to the workers.

8. Contract with a person registered as a public accountant under chapter 542 to conduct an audit of a contractor, subcontractor, or public body.

Sec. 12. NEW SECTION. **91F.11 Notice of violations.**

1. For purposes of this section:

a. "Accurate records" means the payroll records required to be submitted to the public body in charge of the public improvement by section 91F.9. *"Accurate records"* also means the hourly rate of contribution and costs paid for fringe benefits and whether the contributions and costs of the fringe benefits were paid into a fund or paid directly to the worker.

b. "Decision" means a determination by the division that a single violation of this chapter has occurred, warranting the commissioner to issue a notice of violation to a contractor or subcontractor.

c. "Notice of second violation" is a formal written notice issued by the division advising a contractor or subcontractor that a second or subsequent violation has occurred within three years from the date of the notice of a first violation.

d. "Notice of violation" means a formal written notice issued by the division to a contractor or subcontractor that the division has made a decision that the contractor or subcontractor has violated this chapter.

e. "Violation" means that a contractor or subcontractor has done one of the following:

(1) Failed or refused to pay the prevailing wage rate to one or more workers as required by this chapter.

(2) Failed to keep accurate records as required by this chapter.

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1 (3) Failed to produce for the division accurate records or
2 produced records not in compliance with this chapter.
3 (4) Refused to submit records or testimony to the division
4 in response to a subpoena issued in accordance with this
5 chapter.
6 (5) Refused to comply with the certified payroll provision
7 of section 91F.9.
8 (6) Refused the division access, at any reasonable hour at
9 a location within the state, to inspect the contractor's or
10 subcontractor's records as required by this chapter.
11 (7) Failed to insert into each subcontract or lower-tiered
12 subcontract and into the public improvement specifications
13 for each subcontract or lower-tiered subcontract or provide a
14 written instrument if no contract exists, a written stipulation
15 that not less than the prevailing wage rate be paid as required
16 by this chapter, and a statement that if it is found that a
17 subcontractor's workers engaged in the public improvement have
18 been paid at a rate of wages less than the prevailing wage rate
19 required to be paid by the contract, the public body shall
20 terminate the subcontractor's right to proceed with the work.
21 (8) Failed to obtain a bond in the proper amount that
22 guarantees the payment of the prevailing wage rates required in
23 the contract.
24 (9) Failed to post the prevailing wage rates as required by
25 this chapter.
26 2. After receipt of a complaint or on the division's
27 initiative, the commissioner shall review the investigative
28 file to determine whether a violation has occurred for
29 which the contractor or subcontractor must be given notice.
30 All information and observations made during an audit or
31 investigation shall be considered and shall constitute the
32 basis for the division's decision that this chapter has
33 been violated and that a notice of violation is required
34 to be issued. The notice of violation shall identify the
35 specific violation and the amount of moneys estimated due the

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1 division and in controversy based on reasons contained in the
2 investigative file.
3 3. In making a decision that a contractor or subcontractor
4 has failed to allow the commissioner access to accurate
5 records, the commissioner shall rely on the information
6 contained in the investigative file, the certified payroll
7 records submitted to the public body in charge of the public
8 improvement or any other information, and shall assess a
9 separate violation for each day worked by each worker on the
10 public improvement. Each decision of a separate violation
11 shall be listed in the notice of violation.
12 4. In determining that this chapter has been violated and
13 that the issuance of a notice of violation is required, the
14 commissioner shall base the decision on one or any combination
15 of the following reasons:
16 *a.* The severity of the violation, which includes the
17 following:
18 (1) The amount of wages that are determined to be underpaid
19 pursuant to this chapter.
20 (2) The activity or conduct complained of that violates the
21 requirements of this chapter and was not merely a technical,
22 nonsubstantive error. Examples of a technical error include
23 but are not limited to a mathematical error, bookkeeping error,
24 transposition of numbers, or computer or programming error.
25 *b.* The nature and duration of the present violation and the
26 prior history of the contractor or subcontractor related to
27 this history. The prior history considered shall not exceed
28 seven years before the date of the notice of violation.
29 *c.* Whether the contractor or subcontractor submitted
30 certified payroll records with the public body in charge of the
31 public improvement; whether the contractor or subcontractor
32 has kept payroll records and accurate records for three years;
33 and whether the contractor or subcontractor produced certified
34 payroll records in accordance with section 91F.9.
35 *d.* Whether the contractor or subcontractor has violated any

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other provision of this chapter.

5. The notices of the first, second, and subsequent violations shall be sent by restricted certified mail, addressed to the last known address of the contractor or subcontractor involved. The notices shall contain a reference to the specific provisions of this chapter alleged to have been violated, identify the particular public improvement involved, identify the conduct complained of, and identify whether the notice is a notice of a first, second, or subsequent violation, and include a contractor's or subcontractor's statement of liabilities.

Sec. 13. NEW SECTION. **91F.12 Violations — remedies and penalties.**

1. If the commissioner determines that a public body has divided a public improvement into more than one contract for the purpose of avoiding compliance with this chapter, the commissioner shall issue an order compelling compliance. In making a determination whether a public body has divided a public improvement into more than one contract for the purpose of avoiding compliance with this chapter, the commissioner shall consider all of the following:

a. The physical separation of the public improvement structures or work.

b. The timing of the work on the public improvement phases or structures.

c. The continuity of public improvement contractors and subcontractors working on public improvement parts or phases.

d. The manner in which the public body and the contractor and subcontractors administer and implement work on the public improvement.

2. A worker employed by the contractor or subcontractor who is paid less than the specified prevailing wage rate under this chapter shall have a private right of action for the difference between the amount so paid and the specified prevailing wage rate, together with costs and reasonable attorney fees as shall

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1 be allowed by the court.
2 3. The contractor or subcontractor shall additionally be
3 liable to the department for fifty percent of the amount of
4 underpayments and shall be additionally liable to the worker
5 for punitive damages in an amount equal to five percent of the
6 liability to the division for underpayments for each month
7 following the date of payment during which underpayments remain
8 unpaid, together with costs and reasonable attorney fees as
9 shall be allowed by the court.
10 4. If a second or subsequent action to recover underpayments
11 is brought against a contractor or subcontractor within a
12 three-year period and the contractor or subcontractor is
13 found liable for underpayments to a worker, the contractor or
14 subcontractor shall be liable to the division for seventy-five
15 percent of the amount of underpayments payable as a result of
16 the second or subsequent action, additionally liable for ten
17 percent of the amount of the liability to the division for
18 underpayments for each month following the date of payment
19 during which the underpayments remain unpaid, and liable for
20 triple the difference between the amount so paid to the worker
21 and the specified prevailing wage rate required, together with
22 costs and reasonable attorney fees as shall be allowed by the
23 court. The three-year period begins to run from the date the
24 contractor or subcontractor is determined liable for the first
25 violation.
26 5. The commissioner and any interested party shall also
27 have a right of action on behalf of a worker who has a right of
28 action under this chapter. An action brought to recover the
29 same shall be deemed to be a suit for wages, and all judgments
30 entered in the action shall have the same force and effect as
31 other judgments for wages. At the request of a worker employed
32 by a contractor or subcontractor who is paid less than the
33 prevailing wage rate required by this chapter, the commissioner
34 may take an assignment of the wage claim in trust for the
35 assigning worker and may bring any legal action necessary to

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1 collect the claim, and the contractor or subcontractor shall
2 be required to pay the expenses of the division incurred in
3 collecting the claim.
4 6. In circumstances where a worker may not be available to
5 receive a payment or judgment, the payment due the worker shall
6 revert to the division after one year elapses from the time
7 payment was attempted to be made or judgment was rendered.
8 7. It is a violation of this chapter to do any of the
9 following:
10 *a.* To request or demand, either before or after the worker
11 is engaged, that a worker pay back, return, donate, contribute,
12 or give any part or all of the worker's wages, salary, or thing
13 of value, to any person, upon the statement, representation, or
14 understanding that failure to comply with the request or demand
15 will prevent the worker from procuring or retaining employment.
16 *b.* To directly or indirectly pay, request, or authorize any
17 other person to violate this chapter.
18 This subsection does not apply to an agent or representative
19 of a duly constituted labor organization acting in the
20 collection of dues or assessments of the organization.
21 8. In addition to other penalties provided under this
22 chapter, whoever induces a worker working on a public
23 improvement subject to this chapter to give up or forego
24 any part of the prevailing wage rates to which the worker
25 is entitled under this chapter by threat not to employ
26 or by threat of dismissal from employment is guilty of a
27 serious misdemeanor. An agreement between the worker and the
28 contractor or subcontractor to work for less than the specified
29 prevailing wage rate shall not be a defense to criminal
30 prosecution.
31 9. *a.* A contract shall not be awarded to a contractor
32 or subcontractor who, on two separate occasions within a
33 three-year period, has been determined to have violated
34 this chapter, or to any firm, corporation, partnership, or
35 association in which the contractor or subcontractor has any

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1 interest until five years have elapsed from the date on which
2 a final determination is rendered finding the contractor or
3 subcontractor in violation of this chapter.
4 *b.* For the purposes of this subsection, *"any interest"* means
5 an interest in the entity bidding or performing work on the
6 public improvement, whether as an owner, partner, officer,
7 manager, employee, agent, consultant, or representative. *"Any*
8 *interest"* includes but is not limited to all instances where the
9 barred contractor or subcontractor receives payments, whether
10 cash or any other form of compensation, from any entity bidding
11 or performing work on the public improvement, or enters into
12 a contract with the entity bidding or performing work on the
13 public improvement for services performed or to be performed
14 under contract that have been or will be assigned or sublet,
15 or for vehicles, tools, equipment, or supplies that have been
16 or will be sold, rented, or leased during the period from the
17 initiation of the barring proceedings until the end of the term
18 of the barring period. *"Any interest"* does not include shares
19 held in a publicly traded corporation if the shares were not
20 received as compensation after the barring of an entity bidding
21 or performing work on a public improvement.
22 10. If the division determines that a contractor or
23 subcontractor has violated this chapter on two separate
24 occasions within a three-year period, the division shall list
25 on the department of workforce development's internet site and
26 keep on record the name of the contractor or subcontractor and
27 give notice by restricted certified mail of the list to any
28 public body requesting the list.
29 11. Upon a determination that a contractor or subcontractor
30 has violated this chapter on two separate occasions within a
31 three-year period, the division shall notify the violating
32 contractor or subcontractor by restricted certified mail. The
33 contractor or subcontractor has ten working days to request
34 of the division a hearing before an administrative law judge
35 on the alleged violation. Failure to respond within ten

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1 working days shall result in automatic and immediate barring
2 of the violator from work and placement and publication of the
3 violator's name on the department of workforce development's
4 internet site. If the contractor or subcontractor requests a
5 hearing within ten working days by restricted certified mail,
6 the department of inspections and appeals shall set a hearing
7 before an administrative law judge on the alleged violation.
8 The hearing shall take place no later than forty-five calendar
9 days after the receipt by the division of the request for a
10 hearing. An action by an administrative law judge constitutes
11 final agency action and is subject to judicial review under
12 section 17A.19.
13 12. The attorney general shall prosecute the cases
14 identified in this section upon complaint by the commissioner
15 or by any interested person. In any proceeding brought
16 pursuant to this section, the commissioner shall be represented
17 by the attorney general.
18 13. This section does not give reason or provide cause for
19 an injunction to halt or delay any public improvement.
20 Sec. 14. NEW SECTION. **91F.13 Apprentices.**
21 This chapter shall not prevent the employment of apprentices
22 upon public improvements. However, an apprentice employed
23 on a public improvement must be registered with the United
24 States department of labor's office of apprenticeship under
25 an apprenticeship program registered with that office, paid
26 the proper wages specified in the standards of apprenticeship,
27 and engaged only in the trade to which the apprentice is
28 registered. If the apprentice is employed on a public
29 improvement in a trade to which the apprentice is not
30 registered with the United States department of labor's office
31 of apprenticeship, the apprentice shall be treated as any other
32 worker under this chapter.
33 Sec. 15. IMPLEMENTATION OF ACT. Section 25B.2, subsection
34 3, shall not apply to this Act.
35 Sec. 16. EFFECTIVE DATE. This Act takes effect January 1,

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2014.

EXPLANATION

This bill requires a contractor to pay workers the same hourly wage plus fringe benefits for a public improvement costing more than $25,000 as the contractor would pay workers for a private construction or improvement project. The bill allows the per-hour wage rate to be based on what is normally paid in the area by contractors for similar projects, and to be adjusted on a yearly basis by the department of workforce development.

The wage rates that the workers must be paid shall also include benefits such as medical care, life insurance, overtime pay, and vacation and holiday pay. The bill applies to any public improvement that receives money from a public body and includes most types of public improvements from construction to road maintenance to painting to hauling.

The labor commissioner determines the wage rates for specific geographical areas and for specific crafts, classifications, and types of workers. This information must be posted on the department of workforce development's internet site. In determining what the wage rate for a worker is, the commissioner may consult collective bargaining agreements, wage rate determinations for federal projects in the same area, and other information the department may receive from contractors who participate in an apprenticeship program approved by the federal office of apprenticeship.

Any person affected by the wage rates has 15 days after the department of workforce development has posted the wage rates on its internet site to object in writing, stating the specific reason for the objection, to the labor commissioner. The commissioner must reconsider the determination being objected to, and either affirm or modify it within 15 days of receiving the objection.

If the commissioner declines to modify the determination, within 10 days, the person affected may submit an objection

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1 in writing to the division, stating the specific reasons for
2 the objection. A hearing must be set by the department of
3 inspections and appeals before an administrative law judge
4 within 45 days after the objection is filed. The person who
5 filed the objection must show the administrative law judge
6 that the wage rate was somehow made in error. The division
7 is required to show how it determined the wage rate. The
8 administrative law judge must make a decision about the wage
9 rate within 30 days and it is considered a final determination.
10 The bill requires that contractors and subcontractors not
11 pay the workers less than the established wage rate but does
12 not prohibit them from paying the workers more than the wage
13 rate. The wage rate must be paid without any deductions for
14 food, sleeping quarters, use of tools, or safety equipment.
15 The bill also requires the public body to monitor the
16 contractors and subcontractors to ensure that the wage rate
17 is paid. A call for bids must state that the wage rate must
18 be included in the bids for the public improvement. All
19 bids shall list the specific wage rates for each craft,
20 classification, and type of worker needed for the public
21 improvement. All contractors and subcontractors are required
22 to sign a contract that states they will pay workers the wage
23 rate determined by the division. If the contractors and
24 subcontractors are found to not be paying the wage rate, the
25 contract states that the contractor´s or subcontractor´s right
26 to work on the public improvement and get paid for work already
27 done may be terminated.
28 Before the contractor or subcontractor receives the final
29 payment for the public improvement, the public body overseeing
30 the public improvement must certify the bills include proper
31 amounts due the workers, and the contractor or subcontractor
32 must swear under oath that the records are accurate.
33 The bill does not apply to public improvement projects
34 funded by the federal government. However, unless a federal
35 provision applies, if a public improvement project is financed

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1 by both a state public body and the federal government, then
2 the higher of the applicable wage rates shall be paid to the
3 workers.
4 The bill also requires that contractors and subcontractors
5 keep detailed records for at least three years about the
6 workers, the rates paid, and the hours worked for each
7 public improvement. The records are public records and must
8 be available for inspection. However, workers' personal
9 information is not available to the public for inspection.
10 During the public improvement, a contractor or subcontractor
11 must present a certified weekly payroll to demonstrate that
12 the correct and full wage rate is being paid to workers. The
13 contractors and subcontractors must make all workers available
14 on-site to officials for interviews so that the records'
15 accuracy can be checked. Contractors and subcontractors must
16 also post the wage rates for each craft, classification, and
17 type of worker in a public place where workers can see the
18 posting or at the place where they receive their wages.
19 The commissioner is given specific powers for investigation,
20 enforcement, and penalization. The commissioner may sue to
21 prevent a contractor or subcontractor from being awarded
22 a contract for a public improvement when the wage rate
23 requirements have not been met. The commissioner is given the
24 power to withhold payments if a contractor or subcontractor
25 does not produce records upon request and to pay the workers
26 directly if the contractor or subcontractor continues to refuse
27 to provide records.
28 After receiving a complaint, the commissioner shall
29 investigate whether there has been a violation. If the
30 commissioner determines there has been a violation, the
31 contractor or subcontractor must be given notice of that
32 violation. The notice is a formal written statement from the
33 department of workforce development that states the specific
34 violation and the amount of money due as a penalty.
35 If a public body has divided up a public improvement to

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1 avoid having to pay the wage rate, the commissioner shall order
2 compliance. A worker who is paid less than the wage rate set by
3 this law can sue for the difference in payment and collect the
4 difference along with costs and attorney fees in court.
5 The contractor or subcontractor shall also have to pay the
6 department of workforce development 50 percent of the amount of
7 underpayment and is liable to the worker for punitive damages
8 of up to 5 percent of the underpayments for each month the
9 underpayment remains unpaid plus costs and attorney fees.
10 If a second or subsequent action for underpaying a worker
11 is brought against a contractor or subcontractor within
12 a three-year period and the contractor or subcontractor
13 is liable, the contractor or subcontractor shall pay the
14 department of workforce development 75 percent of the amount of
15 underpayment, pay the department 10 percent of the penalty for
16 underpayments for each month following it that the underpayment
17 remains unpaid, and is liable for triple the difference between
18 the amount paid to the worker and the amount due under the wage
19 rate set by the department plus costs and attorney fees.
20 The commissioner or any interested party has a right of
21 action on behalf of any individual who has a right of action
22 under the bill. The commissioner may file a lawsuit in trust
23 for a worker who assigns the claim and then bring legal action
24 to collect the claim. The contractor shall be required to pay
25 the expenses for collection of the claim.
26 A person may not ask, demand, receive, donate, give, or agree
27 to give back any part of a worker's wages or thing of value to
28 any person who asserts that failing to do so will prevent the
29 worker from keeping or getting work. However, this provision
30 does not apply to authorized labor organization representatives
31 collecting dues or assessments.
32 In addition to other penalties under this law, anyone who
33 attempts to get a worker to give up any part of compensation
34 on a public improvement by threat not to hire or by threat of
35 firing is guilty of a serious misdemeanor. Any agreement to

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work for less than the determined wage rate is not a defense to criminal prosecution. A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least $315 but not more than $1,875.

If a contractor or subcontractor has violated this law twice within a three-year period, the contractor or subcontractor or any company or group associated with the contractor or subcontractor shall not be given any public improvement work for five years. The department of workforce development shall keep a list on its internet site of contractors and subcontractors who have violated this law twice within a three-year period and notify public bodies by restricted certified mail.

A contractor or subcontractor who has been notified of the second violation has 10 days to request a hearing before an administrative law judge. If no hearing is requested, the contractor is barred from receiving public improvement work and its name and information is posted on the department's internet site. A hearing must be held within 45 days of the request.

Apprentices employed on a public improvement project must be registered with the federal office of apprenticeship. Apprentices must receive the wages set out in the standards of apprenticeship and do only the work specified in the trade to which they are apprenticed. An apprentice not registered with the federal program shall be paid the wage rate the same as any other worker.

The bill may include a state mandate as defined in Code section 25B.3. The bill makes inapplicable Code section 25B.2, subsection 3, which would relieve a political subdivision from complying with a state mandate if funding for the cost of the state mandate is not provided or specified. Therefore, political subdivisions are required to comply with any state mandate included in the bill.

The bill takes effect January 1, 2014.

House File 37 - Introduced

HOUSE FILE 37
BY HUNTER

A BILL FOR

1 An Act prohibiting employment discrimination based on
2 unemployment status and providing remedies.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1242YH (3) 85
je/rj

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1 Section 1. FINDINGS — PURPOSE.
2 1. The general assembly finds that denial of employment
3 opportunities to individuals because of their status as
4 unemployed is discriminatory and burdens commerce by doing one
5 or more of the following:
6 a. Reducing personal consumption and undermining economic
7 stability and growth.
8 b. Squandering human capital essential to the state's
9 economic vibrancy and growth.
10 c. Increasing demands for unemployment insurance benefits,
11 reducing unemployment trust fund assets, and leading to higher
12 payroll taxes for employers, or cuts in unemployment insurance
13 benefits for jobless workers, or both.
14 d. Imposing additional burdens on publicly funded health
15 and welfare programs.
16 e. Decreasing income, property, and other tax revenues that
17 the states and local governments rely on to support operations
18 and institutions essential to commerce.
19 2. The purposes of this Act are all of the following:
20 a. To prohibit employers and employment agencies from
21 disqualifying an individual from employment opportunities
22 because of that individual's status as unemployed.
23 b. To prohibit employers and employment agencies from
24 publishing or posting any advertisement or announcement for
25 an employment opportunity that indicates that an individual's
26 status as unemployed disqualifies that individual for the
27 opportunity.
28 c. To eliminate the burdens imposed on commerce due to the
29 exclusion of such individuals from employment.
30 Sec. 2. Section 216.2, Code 2013, is amended by adding the
31 following new subsection:
32 NEW SUBSECTION. 14A. *"Status as unemployed"* means that an
33 individual, at the time of application for employment or at the
34 time of action alleged to violate this chapter, does not have a
35 job, is available for work, and is searching for work.

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1 Sec. 3. Section 216.2, subsection 15, Code 2013, is amended
2 to read as follows:
3 15. *"Unfair practice"* or *"discriminatory practice"* means
4 those practices specified as unfair or discriminatory in
5 sections 216.6, 216.6A, 216.6B, 216.7, 216.8, 216.8A, 216.9,
6 216.10, 216.11, and 216.11A.
7 Sec. 4. NEW SECTION. **216.6B Additional unfair or**
8 **discriminatory practice — unemployment status discrimination in**
9 **employment.**
10 1. It shall be an unfair or discriminatory practice for an
11 employer to do any of the following:
12 *a.* Publish in print, on the internet, or in any other
13 medium, an advertisement or announcement for an employee for
14 any job that includes any of the following:
15 (1) Any provision stating or indicating that an
16 individual's status as unemployed disqualifies the individual
17 for any employment opportunity.
18 (2) Any provision stating or indicating that the employer
19 will not consider or hire an individual for any employment
20 opportunity based on that individual's status as unemployed.
21 *b.* Fail or refuse to consider for employment, or fail or
22 refuse to hire, an individual as an employee because of the
23 individual's status as unemployed.
24 *c.* Direct or request that an employment agency take an
25 individual's status as unemployed into account to disqualify
26 an applicant for consideration, screening, or referral for
27 employment.
28 2. It shall be an unfair or discriminatory practice for an
29 employment agency to do any of the following:
30 *a.* Publish in print, on the internet, or in any other
31 medium, an advertisement or announcement for any vacancy in
32 a job, to be filled by an employee, that includes any of the
33 following:
34 (1) Any provision stating or indicating that an
35 individual's status as unemployed disqualifies the individual

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1 for any employment opportunity.
2 (2) Any provision stating or indicating that the employment
3 agency or an employer will not consider or hire an individual
4 for any employment opportunity based on that individual's
5 status as unemployed.
6 *b.* Screen, fail or refuse to consider, or fail or refuse to
7 refer an individual for employment because of the individual's
8 status as unemployed.
9 *c.* Limit, segregate, or classify any individual in any
10 manner that would limit or tend to limit the individual's
11 access to information about jobs, or consideration, screening,
12 or referral for jobs, solely because of an individual's status
13 as unemployed.
14 3. This section shall not be construed to preclude an
15 employer or employment agency from considering an individual's
16 employment history, or from examining the reasons underlying
17 an individual's status as unemployed, in assessing an
18 individual's ability to perform a job or in otherwise
19 making employment decisions about that individual. Such
20 consideration or examination may include an assessment of
21 whether an individual's employment history in a similar or
22 related job for a period of time reasonably proximate to the
23 time of consideration of the individual for new employment is
24 job-related or consistent with business necessity in relation
25 to that new employment.
26 Sec. 5. Section 216.15, subsection 9, paragraph a, Code
27 2013, is amended by adding the following new subparagraph:
28 NEW SUBPARAGRAPH. (10) For an unfair or discriminatory
29 practice relating to unemployment status discrimination
30 pursuant to section 216.6B, payment to the complainant of
31 damages for an injury caused by the unfair or discriminatory
32 practice which damages shall include but are not limited to
33 actual damages, court costs, reasonable attorney fees, and any
34 of the following, if applicable:
35 (a) For an unfair or discriminatory practice relating to

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1 unemployment status discrimination pursuant to section 216.6B,
2 subsection 1, paragraph "a", or subsection 2, paragraph "a",
3 damages in an amount not to exceed one thousand dollars for
4 each day the unfair or discriminatory practice occurs.
5 (b) For an unfair or discriminatory practice relating to
6 unemployment status discrimination pursuant to section 216.6B,
7 subsection 1, paragraph "b" or "c", or subsection 2, paragraph
8 "b" or "c", if wages, salary, employment benefits, or other
9 compensation have not been denied or lost to the individual,
10 damages in an amount not to exceed five thousand dollars.
11 EXPLANATION
12 This bill prohibits employment discrimination based on
13 an individual's status as unemployed. The bill defines
14 "status as unemployed" as an individual who, at the time
15 of application for employment or at the time of an alleged
16 violation, does not have a job, is available for work, and
17 is searching for work. The Iowa civil rights commission is
18 charged with administration of the bill via existing procedures
19 for employment discrimination complaints.
20 The bill prohibits an employer from engaging in certain
21 unfair or discriminatory employment practices. An employer is
22 prohibited from publishing an advertisement or announcement
23 for employment that includes any provision stating that an
24 individual's status as unemployed disqualifies the individual
25 for any employment opportunity or any provision stating that
26 the employer will not consider or hire an individual for any
27 employment opportunity based on that individual's status as
28 unemployed. An employer is prohibited from failing or refusing
29 to consider for employment or failing or refusing to hire an
30 individual because of the individual's status as unemployed.
31 An employer is prohibited from directing or requesting that an
32 employment agency take an individual's status as unemployed
33 into account to disqualify an applicant for consideration,
34 screening, or referral for employment.
35 The bill also prohibits an employment agency from engaging

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1 in certain unfair or discriminatory employment practices.
2 An employment agency is prohibited from publishing an
3 advertisement or announcement for any vacancy in a job that
4 includes any provision stating that an individual's status
5 as unemployed disqualifies the individual for any employment
6 opportunity or any provision stating that the employment agency
7 or an employer will not consider or hire an individual for any
8 employment opportunity based on that individual's status as
9 unemployed. An employment agency is prohibited from screening,
10 or failing or refusing to consider, or failing or refusing to
11 refer an individual for employment because of the individual's
12 status as unemployed. An employment agency is prohibited from
13 limiting, segregating, or classifying an individual in any
14 manner that would limit the individual's access to information
15 about jobs, or consideration, screening, or referral for jobs
16 solely because of the individual's status as unemployed.
17 The bill provides that a prevailing complainant is entitled
18 to damages including but not limited to actual damages; court
19 costs; reasonable attorney fees; for a violation relating to
20 publication of an advertisement or announcement for employment,
21 up to $1,000 for each day the violation occurs; and for
22 any other violation, if wages, salary, employment benefits,
23 or other compensation have not been denied or lost to the
24 complainant, up to $5,000.
25 The bill is not to be construed to preclude an employer
26 or employment agency from considering an individual's
27 employment history, or from examining the reasons underlying
28 an individual's status as unemployed, in assessing an
29 individual's ability to perform a job or in otherwise making
30 employment decisions about that individual. Such consideration
31 or examination may include an assessment of whether an
32 individual's employment history in a similar or related job
33 for a period of time reasonably proximate to the time of
34 consideration for new employment is job-related or consistent
35 with business necessity in relation to that new employment.

House File 38 - Introduced

HOUSE FILE 38
BY HUNTER

A BILL FOR

1 An Act relating to wage payment collection issues arising
2 between employers and individuals who provide services to
3 employers, providing penalties and remedies, and including
4 effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1215YH (3) 85
je/rj

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Section 1. Section 91A.5, subsection 1, unnumbered paragraph 1, Code 2013, is amended to read as follows:

An employer shall have the burden to establish that a deduction from employee wages is lawful. An employer shall not withhold or divert any portion of an employee's wages unless:

Sec. 2. Section 91A.5, subsection 1, paragraph b, Code 2013, is amended to read as follows:

b. The employer ~~has~~ obtains advance written authorization from the employee to so deduct for any lawful purpose accruing to the benefit of the employee.

Sec. 3. Section 91A.6, subsection 1, Code 2013, is amended to read as follows:

1. An employer shall ~~after being notified by the commissioner pursuant to subsection 2~~ do the following:

a. Notify its employees in writing at the time of hiring what wages and regular paydays are designated by the employer.

b. Notify its employees in writing whose wages are determined based on a task, piece, mile, or load basis about the method used to calculated wages and when the wages are earned by the employees.

~~*b.*~~ *c.* Notify, at least one pay period prior to the initiation of any changes, its employees of any changes in the arrangements specified in this subsection ~~1~~ that reduce wages or alter the regular paydays. The notice shall either be in writing or posted at a place where employee notices are routinely posted.

~~*c.*~~ *d.* Make available to its employees upon written request, a written statement enumerating employment agreements and policies with regard to vacation pay, sick leave, reimbursement for expenses, retirement benefits, severance pay, or other comparable matters with respect to wages. Notice of such availability shall be given to each employee in writing or by a notice posted at a place where employee notices are routinely posted.

~~*d.*~~ *e.* Establish, maintain, and preserve for three

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1 calendar years the payroll records showing the hours worked,
2 wages earned, and deductions made for each employee and
3 any employment agreements entered into between an employer
4 and employee. Failure to do so shall raise a rebuttable
5 presumption that the employer did not pay the required minimum
6 wage under section 91D.1.
7 Sec. 4. Section 91A.6, subsection 2, Code 2013, is amended
8 by striking the subsection.
9 Sec. 5. Section 91A.6, subsection 4, Code 2013, is amended
10 by striking the subsection and inserting in lieu thereof the
11 following:
12 4. *a.* On each regular payday, the employer shall send to
13 each employee by mail or shall provide at the employee's normal
14 place of employment during normal employment hours a statement
15 showing the wages earned by the employee, the deductions made
16 for the employee, and the following information, as applicable:
17 (1) For each employee paid in whole or in part on an hourly
18 basis, the statement shall show the hours the employee worked.
19 (2) For each employee paid based on a percentage of sales or
20 based on a percentage of revenue generated for the employer,
21 the statement shall include a list of the amount of each sale
22 or the amount of revenue during the pay period.
23 (3) For each employee whose pay is based on the number
24 of miles or loads performed, the statement shall include the
25 applicable number performed during the pay period.
26 *b.* An employer who provides each employee access to view an
27 electronic statement of the employee's earnings and provides
28 the employee free and unrestricted access to a printer to print
29 the employee's statement of earnings, if the employee chooses,
30 is in compliance with this subsection.
31 Sec. 6. Section 91A.8, Code 2013, is amended to read as
32 follows:
33 **91A.8 Damages recoverable by an employee.**
34 When it has been shown that an employer has ~~intentionally~~
35 failed to pay an employee wages or reimburse expenses pursuant

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to section 91A.3, whether as the result of a wage dispute or otherwise, the employer shall be liable to the employee for ~~any~~ the unpaid wages or unreimbursed expenses ~~that are so intentionally failed to be paid or reimbursed~~, plus liquidated damages, court costs, and any ~~attorney's~~ attorney fees incurred in recovering the unpaid wages or unreimbursed expenses and determined to have been usual and necessary. ~~In other instances the employer shall be liable only for unpaid wages or expenses, court costs and usual and necessary attorney's fees incurred in recovering the unpaid wages or expenses.~~

Sec. 7. Section 91A.10, subsection 5, Code 2013, is amended to read as follows:

~~5. An employer shall not discharge or in any other manner discriminate against any employee because the employee has filed a complaint, assigned a claim, or brought an action under this section or has cooperated in bringing any action against an employer.~~

5. *a.* An employer or other person shall not discharge or in any other manner discriminate or retaliate against any of the following:

(1) An employee or other person for exercising any right provided under this chapter or any rules adopted pursuant to this chapter.

(2) Another employee or person for providing assistance to an employee or providing information regarding the employee or person.

(3) Another employee or person for testifying or planning to testify in any investigation or proceeding regarding the employee or person.

b. Taking adverse action against an employee or other person within ninety days of an employee's or other person's engaging in any of the activities in paragraph "*a*" raises a presumption that such action was retaliation, which may be rebutted by evidence that such action was taken for other permissible reasons.

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1 *c.* Any employee may file a complaint with the commissioner
2 alleging discharge, ~~or~~ discrimination, or retaliation within
3 thirty days after such violation occurs. Upon receipt of the
4 complaint, the commissioner shall cause an investigation to be
5 made to the extent deemed appropriate. If the commissioner
6 determines from the investigation that the provisions of this
7 subsection have been violated, the commissioner shall bring
8 an action in the appropriate district court against such
9 person. The district court shall have jurisdiction, for cause
10 shown, to restrain violations of this subsection and order all
11 appropriate relief including rehiring or reinstatement of the
12 employee to the former position with back pay.
13 Sec. 8. Section 91A.10, Code 2013, is amended by adding the
14 following new subsection:
15 NEW SUBSECTION. 6. A civil action to enforce subsection 5
16 may also be maintained in any court of competent jurisdiction
17 by the commissioner or by any party injured by a violation
18 of subsection 5. An employer or other person who retaliates
19 against an employee or other person in violation of subsection
20 5 shall be required to pay the employee or other person
21 an amount set by the commissioner or a court sufficient to
22 compensate the employee or other person and to deter future
23 violations, but not less than one hundred fifty dollars for
24 each day that the violation occurred.
25 Sec. 9. NEW SECTION. **91A.15 Commissions earned date.**
26 An employer shall not require that a person be a current
27 employee to be paid a commission that the person otherwise
28 earned.
29 Sec. 10. EFFECTIVE DATE. This Act takes effect January 1,
30 2014.
31 EXPLANATION
32 This bill relates to employers and individuals who perform
33 labor and wage payment collection.
34 Code section 91A.5 is amended to provide that the employer
35 has the burden to establish that a deduction from employees'

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1 wages is lawful and that the employer must obtain written
2 authorization for the deduction from the employee in advance.
3 Code section 91A.6(1) is amended to remove the requirement
4 that an employer be notified by the division of labor services
5 of the department of workforce development before the employer
6 is required to fulfill the requirements in subsection 1
7 relating to employee wage and benefit information. In new
8 Code section 91A.6(1)(b), the employer is required to notify
9 employees in writing whose wages are determined based on
10 a task, piece, mile, or load basis about the method used
11 to calculate wages, when wages are earned. Code section
12 91A.6(1)(e) is amended to establish a rebuttable presumption
13 that an employer did not pay the minimum wage if the employer
14 does not maintain proper payroll records.
15 Current Code section 91A.6(2), setting out certain employer
16 compliance procedures, is stricken.
17 Code section 91A.6(4) is amended so that the employer
18 must send to each employee by mail, or at the place of
19 business during the employee's working hours a statement of
20 the employee's earnings, deductions made, and as applicable
21 the following: for an employee paid hourly, the number of
22 hours worked during the pay period; for an employee paid on a
23 percentage of sales or revenue generated, a list of sales or
24 amount of revenue during the pay period; and for an employee
25 paid based on the number of miles or loads performed, the
26 applicable number performed during the pay period. An employer
27 who provides an electronic statement and gives employees free
28 and unrestricted access to print out the statement is in
29 compliance with the Code section.
30 In Code section 91A.8, when any specified violation of Code
31 chapter 91A occurs, even if unintentional, an employer shall be
32 liable for unpaid wages or expenses plus liquidated damages,
33 court costs, and attorney fees incurred in recovering wages.
34 Code section 91A.10(5), which covers retaliatory actions
35 by employers or others, is expanded to cover persons other

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1 than employees who act under Code chapter 91A with respect
2 to an employee. A 90-day period is established during which
3 any action against an employee or other person is rebuttably
4 presumed to be retaliatory. New subsection 6 is created in
5 Code section 91A.10 to allow the commissioner or any injured
6 party to maintain a civil action in any court of proper
7 jurisdiction. An employer who retaliates against an employee
8 or other person shall compensate the injured party an amount
9 set by the commissioner or the court, but not less than $150
10 for each day of the violation.
11 In new Code section 91A.15, an employer shall not require
12 that an individual be a current employee to be paid an earned
13 commission.
14 The bill takes effect January 1, 2014.

House File 39 - Introduced

HOUSE FILE 39
BY HUNTER

A BILL FOR

1 An Act to increase the state minimum hourly wage and to provide
2 subsequent increases by the same percentage as the increase
3 in federal social security benefits.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1230YH (7) 85
je/rj

H.F. 39

Section 1. Section 91D.1, subsection 1, paragraphs a and d, Code 2013, are amended to read as follows:

a. (1) The state hourly wage shall be at least ~~$6.20 as of April 1, 2007, and~~ $7.25 as of January 1, 2008, $7.75 as of January 1, 2014, $8.25 as of July 1, 2014, and $9.00 as of January 1, 2015.

(2) The state hourly wage, including the state hourly wage for the first ninety calendar days of employment provided in paragraph *"d"*, shall be increased annually on July 1, beginning July 1, 2015, by the same percentage as the cost-of-living increase in federal social security benefits authorized during the previous state fiscal year by the federal social security administration pursuant to section 215 of the federal Social Security Act, 42 U.S.C. § 415.

d. An employer is not required to pay an employee the applicable state hourly wage provided in paragraph *"a"* until the employee has completed ninety calendar days of employment with the employer. An employee who has completed ninety calendar days of employment with the employer ~~prior to April 1, 2007, or January 1, 2008,~~ shall earn the applicable state hourly minimum wage as of ~~that~~ the date of completion. An employer shall pay an employee who has not completed ninety calendar days of employment with the employer an hourly wage of at least ~~$5.30 as of April 1, 2007,~~ and $6.35 as of January 1, 2008, $6.85 as of January 1, 2014, $7.35 as of July 1, 2014, and $8.10 as of January 1, 2015.

EXPLANATION

This bill increases the state minimum hourly wage to $7.75 as of January 1, 2014, $8.25 as of July 1, 2014, and $9.00 as of January 1, 2015. The bill increases the state minimum hourly wage for employees employed for less than 90 days to $6.85 as of January 1, 2014, $7.35 as of July 1, 2014, and $8.10 as of January 1, 2015.

The bill also increases the state minimum hourly wage, including the minimum hourly wage established for employees

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1 employed for less than 90 days, annually on July 1, beginning
2 July 1, 2015, by the same percentage as the cost-of-living
3 increase in social security benefits effective as of the
4 previous December, as authorized by the federal social security
5 administration.

House File 40 - Introduced

HOUSE FILE 40
BY HUNTER

A BILL FOR

1 An Act requiring certain weekly workers' compensation benefits
2 to be calculated by including an employee's overtime
3 and premium pay, and to include an annual cost-of-living
4 adjustment.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1213YH (2) 85
av/nh

H.F. 40

Section 1. Section 85.36, Code 2013, is amended to read as follows:

85.36 Basis of computation.

1. The basis of compensation shall be the weekly earnings of the injured employee at the time of the injury. Weekly earnings means gross salary, wages, or earnings of an employee to which such employee would have been entitled had the employee worked the customary hours for the full pay period in which the employee was injured, as regularly required by the employee's employer for the work or employment for which the employee was employed, computed or determined as follows and then rounded to the nearest dollar:

~~1.~~ *a.* In the case of an employee who is paid on a weekly pay period basis, the weekly gross earnings.

~~2.~~ *b.* In the case of an employee who is paid on a biweekly pay period basis, one-half of the biweekly gross earnings.

~~3.~~ *c.* In the case of an employee who is paid on a semimonthly pay period basis, the semimonthly gross earnings multiplied by twenty-four and subsequently divided by fifty-two.

~~4.~~ *d.* In the case of an employee who is paid on a monthly pay period basis, the monthly gross earnings multiplied by twelve and subsequently divided by fifty-two.

~~5.~~ *e.* In the case of an employee who is paid on a yearly pay period basis, the weekly earnings shall be the yearly earnings divided by fifty-two.

~~6.~~ *f.* In the case of an employee who is paid on a daily or hourly basis, or by the output of the employee, the weekly earnings shall be computed by dividing by thirteen the earnings, including but not limited to overtime, shift differential ~~pay but not including overtime or~~, and premium pay, of the employee earned in the employ of the employer in the last completed period of thirteen consecutive calendar weeks immediately preceding the injury. If the employee was absent from employment for reasons personal to the employee

H.F. 40

during part of the thirteen calendar weeks preceding the injury, the employee's weekly earnings shall be the amount the employee would have earned had the employee worked when work was available to other employees of the employer in a similar occupation. A week which does not fairly reflect the employee's customary earnings shall be replaced by the closest previous week with earnings that fairly represent the employee's customary earnings.

~~7.~~ *g.* In the case of an employee who has been in the employ of the employer less than thirteen calendar weeks immediately preceding the injury, the employee's weekly earnings shall be computed under ~~subsection 6~~ paragraph *"f"*, taking the earnings, including but not limited to overtime, shift differential ~~pay but not including overtime or~~, and premium pay, for such purpose to be the amount the employee would have earned had the employee been so employed by the employer the full thirteen calendar weeks immediately preceding the injury and had worked, when work was available to other employees in a similar occupation. If the earnings of other employees cannot be determined, the employee's weekly earnings shall be the average computed for the number of weeks the employee has been in the employ of the employer.

h. In the case of an employee injured in the course of performing as a professional athlete, the basis of compensation for weekly earnings shall be one-fiftieth of the total earnings which the employee has earned from all employment for the previous twelve months prior to the injury.

~~8.~~ 2. If at the time of the injury the hourly earnings have not been fixed or cannot be ascertained, the earnings for the purpose of calculating compensation shall be taken to be the usual earnings for similar services where such services are rendered by paid employees.

~~9.~~ 3. If an employee earns either no wages or less than the usual weekly earnings of the regular full-time adult laborer in the line of industry in which the employee is injured in

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that locality, the weekly earnings shall be one-fiftieth of the total earnings which the employee has earned from all employment during the twelve calendar months immediately preceding the injury.

a. In computing the compensation to be allowed a volunteer fire fighter, emergency medical care provider, reserve peace officer, or volunteer ambulance driver, the earnings as a fire fighter, emergency medical care provider, reserve peace officer, or volunteer ambulance driver shall be disregarded and the volunteer fire fighter, emergency medical care provider, reserve peace officer, or volunteer ambulance driver, shall be paid an amount equal to the compensation the volunteer fire fighter, emergency medical care provider, reserve peace officer, or volunteer ambulance driver would be paid if injured in the normal course of the volunteer fire fighter's, emergency medical care provider's, reserve peace officer's, or volunteer ambulance driver's regular employment or an amount equal to one hundred and forty percent of the statewide average weekly wage, whichever is greater.

b. If the employee was an apprentice or trainee when injured, and it is established under normal conditions the employee's earnings should be expected to increase during the period of disability, that fact may be considered in computing the employee's weekly earnings.

c. If the employee was an inmate as defined in section 85.59, the inmate's actual earnings shall be disregarded, and the weekly compensation rate shall be as set forth in section 85.59.

~~10.~~ 4. If a wage, or method of calculating a wage, is used for the basis of the payment of a workers' compensation insurance premium for a proprietor, partner, limited liability company member, limited liability partner, or officer of a corporation, the wage or the method of calculating the wage is determinative for purposes of computing the proprietor's, partner's, limited liability company member's, limited

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liability partner's, or officer's weekly workers' compensation benefit rate.

~~11.~~ 5. In computing the compensation to be allowed an elected or appointed official, the official may choose either of the following payment options:

a. The official shall be paid an amount of compensation based on the official's weekly earnings as an elected or appointed official.

b. The earnings of the official as an elected or appointed official shall be disregarded and the official shall be paid an amount equal to one hundred forty percent of the statewide average weekly wage.

~~12. In the case of an employee injured in the course of performing as a professional athlete, the basis of compensation for weekly earnings shall be one-fiftieth of total earnings which the employee has earned from all employment for the previous twelve months prior to the injury.~~

6. The basis of compensation for permanent total disability benefits or death benefits shall increase on January 1 of each year for compensation which becomes due that year by a percentage equal to the cost-of-living adjustment made to disability benefits payable by the United States social security administration in December of the immediately preceding year.

Sec. 2. Section 85.61, subsection 3, Code 2013, is amended to read as follows:

3. *"Gross earnings"* means recurring payments by employer to the employee for employment, before any authorized or lawfully required deduction or withholding of funds by the employer, excluding irregular bonuses, retroactive pay, ~~overtime,~~ penalty pay, reimbursement of expenses, expense allowances, and the employer's contribution for welfare benefits.

EXPLANATION

This bill requires certain weekly workers' compensation benefits to be calculated by including an employee's overtime

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and premium pay, and to include an annual cost-of-living adjustment.

The bill amends Code section 85.36 to require the calculation of the amount of weekly workers' compensation benefits to include, not exclude, an employee's earnings for overtime and premium pay. A coordinating amendment is made to Code section 85.61.

The bill also amends Code section 85.36 to require the basis of compensation for weekly workers' compensation benefits payable for permanent total disability benefits or death benefits to increase on January 1 each year for compensation which becomes due that year, by a percentage equal to the cost-of-living adjustment made to disability benefits payable by the United States social security administration in December of the immediately preceding year.

Technical corrections are also made to Code section 85.36 to remove an unnumbered paragraph and for purposes of clarity.

House File 41 - Introduced

HOUSE FILE 41
BY HUNTER

A BILL FOR

1 An Act increasing certain penalties for employers willfully
2 misclassifying employees for unemployment compensation
3 contribution purposes.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1229YH (1) 85
je/rj

H.F. 41

1 Section 1. Section 96.14, subsection 2, paragraph e, Code
2 2013, is amended to read as follows:
3 *e.* (1) If the department finds that any employer has
4 willfully failed to pay any contribution or part thereof when
5 required by this chapter and the rules of the department,
6 with intent to defraud the department, then such employer
7 shall in addition to such contribution or part thereof, pay
8 a contribution equal to fifty percent of the amount of such
9 contribution or part thereof, as the case may be.
10 (2) If the department finds that such a failure to pay by an
11 employer involves the misclassification of an employee's wages
12 on a federal 1099 record, for any subsequent finding by the
13 department of such a failure to pay by that employer involving
14 the misclassification of an employee's wages on a federal 1099
15 record, the additional contribution required by subparagraph
16 (1) shall instead equal one hundred percent of the amount the
17 employer failed to pay due to misclassification.
18 EXPLANATION
19 This bill provides that if the department of workforce
20 development finds that an employer willfully failed to pay any
21 contribution for state unemployment compensation with intent
22 to defraud the department, and that the failure to pay by the
23 employer involved the misclassification of an employee's wages
24 on a federal 1099 record, for any subsequent finding by the
25 department of such a failure to pay by that employer involving
26 the misclassification of an employee's wages on a federal 1099
27 record, the additional contribution penalty required by Code
28 section 96.14(2)(e) shall equal 100 percent of the amount the
29 employer failed to pay due to misclassification. Current law
30 provides that such an additional contribution penalty equals 50
31 percent of the amount the employer failed to pay.

House File 42 - Introduced

HOUSE FILE 42
BY HUNTER

A BILL FOR

1 An Act relating to reduced fees for camping and other special
2 privileges for certain older Iowans.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1221YH (1) 85
av/nh

H.F. 42

1 Section 1. Section 461A.47, Code 2013, is amended to read
2 as follows:
3 **461A.47 Camping.**
4 The commission is hereby authorized to fix fees for camping
5 and other special privileges which shall be in such amounts as
6 may be determined by the commission upon a basis of the cost
7 of providing and reasonable value of such privileges. If the
8 commission fixes fees for camping and other special privileges,
9 the commission shall reduce such fees for residents who are
10 sixty years of age or older to at least one-half the amount of
11 each fee fixed pursuant to this section.
12 EXPLANATION
13 This bill amends Code section 461A.47 to provide that if the
14 natural resource commission fixes fees for camping and other
15 special privileges, such fees shall be reduced for residents
16 who are 60 years of age or older to at least half that amount.

House File 43 - Introduced

HOUSE FILE 43
BY HUNTER

A BILL FOR

1 An Act relating to campaign finance by establishing a
2 voter-owned Iowa clean elections Act and fund, providing
3 for funding from specified sources, including an income
4 tax checkoff, providing an income tax exemption for
5 contributions made to the fund, providing penalties, and
6 including effective date provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1216YH (3) 85
jr/sc

H.F. 43

1 Section 1. Section 68A.603, Code 2013, is amended to read
2 as follows:
3 **68A.603 Rules promulgated.**
4 The ethics and campaign disclosure board shall administer
5 the provisions of sections 68A.601 ~~through 68A.609~~, 68A.602,
6 and 68A.604 through 68A.610 and shall promulgate all necessary
7 rules in accordance with chapter 17A.
8 Sec. 2. NEW SECTION. **68A.610 Checkoff — income tax —**
9 **voter-owned Iowa clean elections.**
10 A person whose state income tax liability for any taxable
11 year is five dollars or more may direct that five dollars
12 of that liability be paid over to the voter-owned Iowa
13 clean elections fund, as established in section 68A.823,
14 when submitting the person's state income tax return to the
15 department of revenue. In the case of a joint return of
16 husband and wife having a state income tax liability of ten
17 dollars or more, each spouse may direct that five dollars
18 be paid to the fund. The director of revenue shall provide
19 space for the voter-owned Iowa clean elections fund income
20 tax checkoff on the income tax form. An explanation shall
21 be included which clearly states that this checkoff does not
22 constitute an additional tax liability. The action taken by a
23 person for the checkoff is irrevocable.
24 Sec. 3. NEW SECTION. **68A.801 Definitions.**
25 For the purposes of this subchapter, unless the context
26 otherwise requires:
27 1. *"Allowable contribution"* means a qualifying contribution
28 or a seed money contribution.
29 2. *"Board"* means the Iowa ethics and campaign disclosure
30 board established under section 68B.32.
31 3. *"Clean election campaign qualifying period"* means the
32 period during which candidates are permitted to collect
33 qualifying contributions in order to qualify for clean election
34 campaign funding. The period begins ninety days before the
35 beginning of the primary election campaign period and ends

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1 thirty days before the beginning of the primary election
2 campaign period.
3 4. *"Coordination"* means a payment made for a communication
4 or anything of value that is for the purpose of influencing the
5 outcome of an election and that is made by a person according
6 to at least one of the following:
7 *a.* In cooperation, consultation, or concert with, at
8 the request or suggestion of, or pursuant to, a particular
9 understanding with a candidate, a candidate's committee, or an
10 agent acting on behalf of a candidate or candidate's committee.
11 *b.* For the dissemination, distribution, or republication,
12 in whole or in part, of any broadcast or any written, graphic,
13 or other form of campaign material prepared by a candidate,
14 a candidate's committee, or an agent of a candidate or
15 candidate's committee.
16 *c.* Based on specific information about the candidate's
17 plans, projects, or needs provided to the person making the
18 payment by the candidate or the candidate's agent who provides
19 the information with a view toward having the payment made.
20 *d.* If in the same election cycle in which the payment is
21 made, the person making the payment is serving or has served as
22 a member, employee, fund-raiser, or agent of the candidate or
23 candidate's committee in an executive or policymaking position.
24 *e.* If the person making the payment has served in any formal
25 policy or advisory position with the candidate's campaign or
26 has participated in strategic or policymaking discussions with
27 the candidate's campaign relating to the candidate's pursuit of
28 nomination for election, or election, to office, in the same
29 election cycle as the election cycle in which the payment is
30 made.
31 *f.* If the person making the payment retains the professional
32 services of an individual or person who, in a nonministerial
33 capacity, has provided or is providing campaign-related
34 services in the same election cycle to a candidate who
35 is pursuing the same nomination or election as any of the

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1 candidates to whom the communication refers. For purposes
2 of this section, *"professional services"* includes services in
3 support of a candidate's pursuit of nomination for election or
4 election to office such as polling, media advice, direct mail,
5 fund-raising, or campaign research services.
6 5. *"Electioneering communication"* means any communication
7 that refers to a clearly identified candidate for elected
8 public office, if the communication has the effect of
9 encouraging or discouraging a vote for the candidate,
10 regardless of whether the communication expressly advocates a
11 vote for or against the candidate.
12 6. *"Excess expenditure amount"* means the amount of
13 money spent or obligated to be spent by a nonparticipating
14 candidate in excess of the clean money amount available to a
15 participating candidate running for the same office.
16 7. *"Express advocacy"* means the same as defined in section
17 68A.102.
18 8. *"General election campaign period"* means the period
19 beginning the day after the primary election and ending on the
20 day of the general election.
21 9. *"Independent candidate"* means a candidate who does not
22 represent a political party as defined by section 43.2.
23 10. *"Independent expenditure"* means an expenditure made
24 by a person or group of persons other than a candidate or
25 candidate's committee that meets both of the following
26 conditions:
27 *a.* The expenditure is made for a communication that contains
28 express advocacy.
29 *b.* The expenditure is made without the participation or
30 cooperation of and without coordination with a candidate or a
31 candidate's committee.
32 11. *"Nonparticipating candidate"* means a candidate who is
33 on the ballot but has chosen not to apply for clean election
34 campaign funding or a candidate who is on the ballot and
35 has applied for but has not satisfied the requirements for

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1 receiving clean election campaign funding.
2 12. *"Participating candidate"* means a candidate who
3 qualifies for clean election campaign funding. Such candidates
4 are eligible to receive clean election campaign funding during
5 primary or general election campaign periods.
6 13. *"Party candidate"* means a candidate who represents a
7 political party as defined by section 43.2.
8 14. *"Primary election campaign period"* means the period
9 beginning ninety days before the primary election and ending on
10 the day of the primary election.
11 15. *"Qualifying contribution"* means a contribution of five
12 dollars or more that is received during the designated clean
13 election campaign qualifying period by a candidate seeking to
14 become eligible for clean election campaign funding and that is
15 acknowledged by a written receipt identifying the contributor.
16 However, if the annual median household income of a legislative
17 district is at or below one hundred percent of the most recent
18 federal poverty guideline based on United States census bureau
19 data, the qualifying contribution is one dollar.
20 16. *"Seed money contribution"* means a contribution of no
21 more than one hundred dollars made by an individual adult
22 during the seed money period, but specifically excludes all of
23 the following:
24 *a.* Payments by a membership organization for the costs of
25 communications to its members.
26 *b.* Payments by a membership organization for the purpose of
27 facilitating the making of qualifying contributions.
28 *c.* The cash value of volunteer activity, including the
29 payment of incidental expenses of volunteers.
30 17. *"Seed money period"* means the period beginning the
31 day following the previous general election for that office
32 and ending on the last day of the clean election campaign
33 qualifying period. The *"seed money period"* is the exploratory
34 period during which candidates who wish to become eligible
35 for clean election campaign funding for the next elections

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1 are permitted to raise and spend a limited amount of private
2 seed money, from contributions of up to one hundred dollars
3 per individual, for the purpose of determining whether to
4 become a candidate and fulfilling the clean election campaign
5 eligibility requirements.
6 Sec. 4. NEW SECTION. **68A.802 Eligibility for party**
7 **candidates.**
8 1. A party candidate qualifies as a participating candidate
9 for the primary election campaign period if the candidate does
10 both of the following:
11 *a.* The candidate files a declaration with the board that
12 the candidate has complied and will comply with all of the
13 requirements of this subchapter, including the requirement
14 that during the seed money period and the clean election
15 campaign qualifying period the candidate not accept or
16 spend private contributions from any source other than seed
17 money contributions and clean election campaign qualifying
18 contributions, unless the provisions of section 68A.804 apply.
19 *b.* The candidate meets both of the following qualifying
20 contribution requirements before the close of the clean
21 election campaign qualifying period:
22 (1) A party candidate must collect both qualifying
23 contributions and signatures as follows:
24 (a) For the office of governor, from five hundred eligible
25 electors in each congressional district.
26 (b) For statewide office other than governor, from two
27 hundred fifty eligible electors in each congressional district.
28 (c) For the Iowa senate, from two hundred eligible electors
29 in the senate candidate´s electoral district.
30 (d) For the Iowa house of representatives, from one hundred
31 eligible electors in the house candidate´s electoral district.
32 (2) Each qualifying contribution must meet all requirements
33 of this section.
34 2. Contributors shall be eligible electors who reside
35 within the candidate´s electoral district and who are therefore

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1 eligible to vote for that candidate.
2 3. Qualifying contributions shall be:
3 *a.* Made in cash, check, money order, or credit or debit
4 card.
5 *b.* Gathered by the candidate personally or by volunteers who
6 do not receive compensation.
7 *c.* Acknowledged by a receipt to the contributor, with
8 a copy to be kept by the candidate and a third copy to be
9 submitted to the board. The receipt shall include a signed
10 statement that the contributor understands that the purpose of
11 the contribution is to help the candidate qualify for clean
12 election campaign funding and that the contribution is made
13 without coercion or reimbursement. The receipt shall include
14 the contributor's signature, printed name, home address, and
15 telephone number, and the name of the candidate on whose behalf
16 the contribution is made.
17 *d.* Paid over to the board for deposit in the voter-owned
18 Iowa clean elections fund established under section 68A.823,
19 with the signed and completed receipt, according to a schedule
20 and procedure to be determined by the board. A contribution
21 submitted as a qualifying contribution that does not include
22 the signed and completed receipt shall not be counted as a
23 qualifying contribution.
24 4. A party candidate qualifies as a participating candidate
25 for the general election campaign period when the candidate
26 does both of the following:
27 *a.* The candidate has met all of the applicable requirements
28 of this subchapter and filed a declaration with the board
29 that the candidate has fulfilled and will fulfill all of the
30 requirements of a participating candidate as stated in this
31 subchapter.
32 *b.* As a participating candidate during the primary election
33 campaign period, the candidate had the highest number of votes
34 of the candidates contesting the primary election from the
35 candidate's respective party and won the party's nomination.

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1 Sec. 5. NEW SECTION. **68A.803 Eligibility for independent**
2 **candidates.**
3 1. An independent candidate qualifies as a participating
4 candidate for the primary election campaign period if the
5 candidate does both of the following:
6 *a.* The candidate files a declaration with the board that
7 the candidate has complied and will comply with all of the
8 requirements of this subchapter, including the requirement
9 that during the seed money period and the clean election
10 campaign qualifying period the candidate not accept or
11 spend private contributions from any source other than seed
12 money contributions and clean election campaign qualifying
13 contributions, unless the provisions of section 68A.804 apply.
14 *b.* The candidate meets the following qualifying contribution
15 requirements before the close of the clean election campaign
16 qualifying period:
17 (1) An independent candidate shall collect the same number
18 of qualifying contributions as required of a party candidate
19 for the same office under section 68A.802.
20 (2) Each qualifying contribution must meet all requirements
21 of this section.
22 2. Contributors shall be registered voters who reside
23 within the candidate's electoral district and who are therefore
24 eligible to vote for that candidate.
25 3. Qualifying contributions shall be:
26 *a.* Made in cash, check, money order, or credit or debit
27 card.
28 *b.* Gathered by the candidate personally or by volunteers who
29 do not receive compensation.
30 *c.* Acknowledged by a receipt to the contributor, with
31 a copy to be kept by the candidate and a third copy to be
32 submitted to the board. The receipt shall include a signed
33 statement that the contributor understands that the purpose of
34 the contribution is to help the candidate qualify for clean
35 election campaign funding and that the contribution is made

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without coercion or reimbursement. The receipt shall include the contributor's signature, printed name, home address, and telephone number, and the name of the candidate on whose behalf the contribution is made.

d. Paid over to the board for deposit in the voter-owned Iowa clean elections fund established under section 68A.823, with the signed and completed receipt, according to a schedule and procedure to be determined by the board. A contribution submitted as a qualifying contribution that does not include the signed and completed receipt shall not be counted as a qualifying contribution.

4. An independent candidate qualifies as a participating candidate for the general election campaign period when the candidate does both of the following:

a. If, prior to the primary election, the candidate has met all of the applicable requirements of this subchapter and filed a declaration with the board that the candidate has fulfilled and will fulfill all of the requirements of a participating candidate as stated in this subchapter.

b. If, during the primary election campaign period, the candidate has fulfilled all the requirements of a participating candidate as stated in this subchapter.

Sec. 6. NEW SECTION. **68A.804 Transition rule for current election cycle.**

During the election cycle in effect on the date of enactment of this Act, a candidate may be certified as a participating candidate, notwithstanding the acceptance of contributions or making of expenditures from private funds before the date of enactment of this Act that would, absent this section, disqualify the candidate as a participating candidate, provided that any private funds accepted but not expended before the date of enactment of this Act shall either be returned to the contributor or submitted to the board for deposit in the voter-owned Iowa clean elections fund established under section 68A.823.

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1 Sec. 7. NEW SECTION. **68A.805 Continuing obligation to**
2 **comply.**
3 A participating candidate who accepts any benefits under
4 section 68A.813 during the primary election campaign period
5 shall comply with all the requirements of this subchapter
6 through any remaining time during the primary election campaign
7 period as well as through the general election campaign period
8 whether or not the candidate continues to accept benefits.
9 Sec. 8. NEW SECTION. **68A.806 Contributions and**
10 **expenditures.**
11 1. During the primary and general election campaign
12 periods, a participating candidate who has voluntarily agreed
13 to participate in clean election campaign financing shall not
14 accept private contributions from any source other than the
15 candidate's political party, as specified in section 68A.808.
16 2. A person shall not make a contribution in violation
17 of section 68A.502. A participating candidate who receives
18 a qualifying contribution or a seed money contribution that
19 is not from the person listed on the receipt as required by
20 this subchapter shall pay to the board for deposit in the
21 voter-owned Iowa clean elections fund established under section
22 68A.823 the entire amount of such contribution.
23 3. The board shall issue each participating candidate a
24 card known as the "clean election campaign debit card", and a
25 line of debit entitling the candidate to draw clean election
26 campaign funds to pay for all campaign costs and expenses up to
27 the amount of funding the candidate has received. During the
28 primary and general election campaign periods, a participating
29 candidate shall pay by means of the board's clean election
30 campaign debit card. A participating candidate shall not pay
31 campaign costs by cash, check, money order, loan, or by any
32 other financial means other than the clean election campaign
33 debit card.
34 4. Eligible candidates shall furnish complete campaign
35 records, including all records of seed money contributions and

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1 qualifying contributions, to the board at regular filing times,
2 or on request by the board. Candidates shall cooperate with
3 any audit or examination conducted or ordered by the board.
4 Sec. 9. NEW SECTION. **68A.807 Nonparticipating candidates**
5 **— contribution limits.**
6 Nonparticipating candidates shall be subject to the
7 following contribution limits:
8 1. Candidates for statewide office:
9 *a.* One thousand dollars in the aggregate per individual
10 contribution.
11 *b.* Five thousand dollars in the aggregate per political
12 committee contribution.
13 2. Candidates for the Iowa senate and house of
14 representatives:
15 *a.* Five hundred dollars in the aggregate per individual
16 contribution.
17 *b.* One thousand dollars in the aggregate per political
18 committee contribution.
19 Sec. 10. NEW SECTION. **68A.808 Political party contributions**
20 **and expenditures.**
21 1. Participating candidates may accept monetary or in-kind
22 contributions from political parties provided that the
23 aggregate amount of such contributions from all political party
24 committees combined does not exceed the equivalent of five
25 percent of the clean election campaign financing amount for
26 that office.
27 2. In-kind contributions made during a general election
28 campaign period on behalf of a group of the party's candidates
29 shall not be considered a prohibited party contribution or
30 count against the five percent limit established in subsection
31 1 if such group includes at least fifty-one percent of the
32 candidates whose names will appear on the general election
33 ballot in the political subdivision represented by the party
34 committee making such in-kind contributions.
35 3. Contributions made to, and expenditures made by,

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political parties during primary and general campaign periods shall be reported to the board on the same basis as contributions and expenditures made to or by candidates.

4. This section and this subchapter shall not prevent political party funds from being used for any of the following:

a. General operating expenses of the party.

b. Conventions.

c. Nominating and endorsing candidates.

d. Identifying, researching, and developing the party's positions on issues.

e. Party platform activities.

f. Noncandidate-specific voter registration drives.

g. Noncandidate-specific get-out-the-vote drives.

h. Travel expenses for noncandidate party leaders and staff.

i. Other noncandidate-specific party-building activities, as defined by rule of the board.

j. Employing a staff person to provide election services to two or more candidates.

Sec. 11. NEW SECTION. **68A.809 Use of personal funds.**

1. Personal funds contributed as seed money by a candidate seeking to become eligible as a participating candidate or by the candidate's spouse shall not exceed one hundred dollars per contributor.

2. Personal funds shall not be used to meet the qualifying contribution requirement except for one five-dollar contribution from the candidate and one five-dollar contribution from the candidate's spouse.

Sec. 12. NEW SECTION. **68A.810 Seed money.**

1. The only private contributions a candidate seeking to become eligible for clean election campaign funding shall accept, other than qualifying contributions, are seed money contributions contributed by individual adults prior to the end of the clean election campaign qualifying period.

2. A seed money contribution shall not exceed one hundred dollars, and the aggregate amount of seed money contributions

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accepted by a candidate seeking to become eligible for clean election campaign funding shall not exceed the relevant limit, as follows:

a. Twenty-five thousand dollars for a candidate team running for governor and lieutenant governor.

b. Fifteen thousand dollars for a candidate running for statewide office other than governor or lieutenant governor.

c. Two thousand dollars for a candidate running for the Iowa senate.

d. One thousand dollars for a candidate running for the Iowa house of representatives.

3. Receipts for seed money contributions shall include the contributor's signature, printed name, street address and zip code, telephone number, occupation, and name of employer. Contributions shall not be accepted if the required disclosure information is not received.

4. Seed money shall be spent only during the clean election campaign qualifying period. Seed money shall not be spent during the primary or general election campaign periods.

5. Within forty-eight hours after the close of the clean election campaign qualifying period, candidates seeking to become eligible for clean election campaign funding shall do both of the following:

a. Fully disclose all seed money contributions and expenditures to the board.

b. Pay over to the board for deposit in the voter-owned Iowa clean elections fund any seed money the candidate has raised during the designated seed money period that exceeds the aggregate seed money limit.

Sec. 13. NEW SECTION. **68A.811 Participation in debates.**

1. Participating candidates in contested races shall participate in all of the following:

a. For the offices of governor and lieutenant governor:

(1) One one-hour debate during a contested primary election.

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1 (2) Two one-hour debates during a contested general
2 election.
3 *b.* For all other offices:
4 (1) One one-hour debate during a contested primary
5 election.
6 (2) One one-hour debate during a contested general
7 election.
8 2. Nonparticipating candidates for the same office whose
9 names will appear on the ballot shall be invited to join the
10 debates.
11 Sec. 14. NEW SECTION. **68A.812 Certification.**
12 1. No more than five days after a candidate applies for
13 clean election campaign funding benefits, the board shall
14 certify that the candidate is or is not eligible to receive
15 clean election campaign funds.
16 2. Eligibility can be revoked if the candidate violates
17 the requirements of this subchapter, in which case all clean
18 election campaign funds shall be repaid by the candidate.
19 3. The candidate's request for certification shall be
20 signed by the candidate and the treasurer of the candidate's
21 committee, both under penalty of perjury.
22 4. The board's determination is final except that it is
23 subject to examination and audit by an outside agency and to
24 prompt judicial review, in compliance with rules promulgated by
25 the board in accordance with chapter 17A.
26 Sec. 15. NEW SECTION. **68A.813 Benefits provided to**
27 **candidates eligible to receive clean election campaign funding.**
28 1. Candidates who qualify for clean election campaign
29 funding for primary and general elections shall receive all of
30 the following:
31 *a.* Clean election campaign funding from the board for each
32 election, the amount of which is specified in section 68A.815.
33 This funding may be used to finance any and all campaign
34 expenses during the particular campaign period for which it is
35 received.

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1 *b.* Additional clean election campaign funding to match
2 any excess expenditure amount spent by a nonparticipating
3 candidate, as specified in section 68A.817.
4 *c.* Additional clean election campaign funding to match any
5 independent expenditure made in opposition to their candidacies
6 or on behalf of their opponents' candidacies, as specified in
7 section 68A.819.
8 *d.* Additional clean election campaign funding to match
9 any electioneering communication expenditure, as specified in
10 section 68A.820.
11 2. The maximum aggregate amount of additional funding above
12 the initial allocation determined under section 68A.815 that
13 a participating candidate shall receive to match independent
14 expenditures, the excess expenditures of nonparticipating
15 candidates, and electioneering communication expenditures shall
16 be two hundred percent of the full amount of clean election
17 campaign funding allocated to a participating candidate for a
18 particular primary or general election campaign period.
19 Sec. 16. NEW SECTION. **68A.814 Schedule of clean election**
20 **campaign funding payments.**
21 1. An eligible candidate shall receive clean election
22 campaign funding for the primary election campaign period
23 on the date on which the board certifies the candidate as a
24 participating candidate. This certification shall take place
25 no later than five days after the candidate has submitted the
26 required number of qualifying contributions and a declaration
27 stating that the candidate has complied with all other
28 requirements for eligibility as a participating candidate, but
29 no earlier than the beginning of the primary election campaign
30 period.
31 2. An eligible candidate shall receive clean election
32 campaign funding for the general election campaign period
33 within forty-eight hours after certification of the primary
34 election results.
35 Sec. 17. NEW SECTION. **68A.815 Determination of clean**

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election campaign funding amounts.

1. *a.* For party candidates, the amount of clean election campaign funding for a contested primary election is as follows:

(1) Seven hundred fifty thousand dollars for a candidate team running for governor and lieutenant governor.

(2) Seventy-five thousand dollars for a candidate for statewide office other than governor and lieutenant governor.

(3) Twenty-two thousand five hundred dollars for a candidate running for the Iowa senate.

(4) Fifteen thousand dollars for a candidate running for the Iowa house of representatives.

b. The clean election campaign funding amount for an eligible party candidate in an uncontested primary election is twenty-five percent of the amount provided in a contested primary election.

c. In a contested general election, if an eligible party candidate or all of the candidates of the candidate's party combined received at least twenty percent of the total number of votes cast for all candidates seeking that office in the most recent primary election or in the previous general election, the candidate shall receive the full amount of clean election campaign funding for the general election, as follows:

(1) Three million dollars for a candidate team running for governor and lieutenant governor.

(2) Two hundred thousand dollars for a candidate for statewide office other than governor and lieutenant governor.

(3) Forty thousand dollars for a candidate running for the Iowa senate.

(4) Thirty thousand dollars for a candidate running for the Iowa house of representatives.

d. The clean election campaign funding amount for an eligible party candidate in an uncontested general election is ten percent of the amount provided in a contested general election for the same office.

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1 2. *a.* For eligible independent candidates, the clean
2 election campaign funding amount for the primary election
3 campaign period is twenty-five percent of the amount of clean
4 election campaign funding received by a party candidate in a
5 contested primary election for the same office.
6 *b.* The clean election campaign funding amount for an
7 eligible independent candidate in the general election is the
8 same as the full amount received by a party candidate in the
9 general election for the same office.
10 *c.* After the first cycle of clean election campaign
11 financing elections, the board shall modify all clean election
12 campaign funding amounts based on the percentage increase in
13 the consumer price index, for all urban consumers, United
14 States city average, as published in the federal register
15 by the United States department of labor, bureau of labor
16 statistics, that reflects the percentage increase in the
17 consumer price index for the twelve-month period ending
18 December 31 of the previous year.
19 Sec. 18. NEW SECTION. **68A.816 Expenditures made with clean**
20 **election campaign funds.**
21 1. The clean election campaign funding received by a
22 participating candidate shall be used only for the purpose of
23 defraying that candidate's campaign-related expenses during
24 the particular election campaign period for which the clean
25 election campaign funding was received.
26 2. Payments shall not be used for the following:
27 *a.* Payments that are in violation of the law.
28 *b.* Payments that repay any personal, family, or business
29 loans, expenditures, or debts.
30 Sec. 19. NEW SECTION. **68A.817 Disclosure of excess spending**
31 **by nonparticipating candidates.**
32 1. If a nonparticipating candidate's total expenditures
33 exceed the amount of clean election campaign funding allocated
34 to the candidate's clean election campaign opponent, the
35 candidate shall declare to the board within forty-eight hours

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every excess expenditure amount that, in the aggregate, is more than one thousand dollars.

2. During the last twenty days before the end of the relevant campaign period, a nonparticipating candidate shall declare to the board each excess expenditure amount over five hundred dollars within twenty-four hours of when the expenditure is made or obligated to be made.

3. The board may make its own determination as to whether excess expenditures have been made by nonparticipating candidates.

4. Upon receiving an excess expenditure declaration, the board shall immediately release additional clean election campaign funding to the opposing participating candidate or candidates equal to the excess expenditure amount the nonparticipating candidate has spent or intends to spend, subject to the limit set forth in section 68A.813.

Sec. 20. NEW SECTION. **68A.818 Campaign advertisements.**

All broadcast and print advertisements placed by candidates or candidate's committees shall, in addition to the requirements of section 68A.405, include a clear written or spoken statement indicating that the candidate has approved of the contents of the advertisement.

Sec. 21. NEW SECTION. **68A.819 Disclosure of independent expenditures — additional clean election campaign funding.**

1. Any person or group of persons who makes or obligates to make an independent expenditure during a primary or general election campaign period which, in the aggregate, exceeds one thousand dollars, shall report each expenditure within forty-eight hours to the board.

2. The report to the board shall include a statement, under penalty of perjury, by the person or persons making the independent expenditure identifying the candidate whom the independent expenditure is intended to help elect or defeat and affirming that the expenditure is totally independent and involves no coordination with a candidate or a political party.

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1 *a.* An individual or organization may file a complaint with
2 the board if the candidate or the organization believes that
3 the statement according to this subsection is false.
4 *b.* A hearing on a complaint under this subsection shall be
5 held within three business days of filing and a decision issued
6 within seven days of filing.
7 3. Any person or group of persons who makes or obligates
8 to make an independent expenditure during the last twenty days
9 before the end of the relevant campaign period which, in the
10 aggregate, exceeds five hundred dollars, shall report each
11 expenditure within twenty-four hours to the board.
12 4. Upon receiving a report that an independent expenditure
13 has been made or obligated to be made, the board shall
14 immediately release additional clean election campaign funding,
15 equal in amount to the cost of the independent expenditure, to
16 all participating candidates whom the independent expenditure
17 is intended to oppose or defeat, subject to the limit set forth
18 in section 68A.813.
19 Sec. 22. NEW SECTION. **68A.820 Electioneering communications**
20 **— disclosure — additional clean election campaign funding.**
21 1. A person who makes or obligates to make a disbursement to
22 purchase an electioneering communication shall file a report
23 with the board not later than forty-eight hours after making or
24 obligating to make the disbursement, containing the following
25 information:
26 *a.* The amount of the disbursement.
27 *b.* The name and address of the person making the
28 disbursement.
29 *c.* The purpose of the electioneering communication.
30 2. Upon receiving a report that an electioneering
31 communication has been made or obligated to be made, and
32 upon determination that the electioneering communication can
33 reasonably be interpreted as having the effect of promoting
34 the defeat of a participating candidate or the election
35 of that candidate's opponent, the board shall immediately

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1 release to that candidate additional clean election campaign
2 funding, equal in amount to the cost of the electioneering
3 communication, subject to the limit set forth in section
4 68A.813.
5 Sec. 23. NEW SECTION. **68A.821 Voter information program.**
6 1. The board shall establish and administer a nonpartisan
7 voter information program, including an advisory council
8 consisting of representatives of nonprofit organizations,
9 political parties, the media, and interested citizens.
10 2. The voter information program advisory council may
11 establish a voter information program for the purpose of
12 providing voters with election-related information and
13 fostering political dialogue and debate.
14 3. The voter information program advisory council
15 shall organize the publication and distribution of a voter
16 information guide that includes important information about the
17 following issues:
18 *a.* Candidates appearing on the ballot, including
19 biographical material submitted by the candidates.
20 *b.* Whether candidates are funding their campaigns with
21 public money or private money.
22 *c.* Policy statements by the candidates or their political
23 parties on issues designated by the council and other issues.
24 *d.* Candidates' voting records.
25 Sec. 24. NEW SECTION. **68A.822 Debates.**
26 1. A nonpartisan organization that is involved in
27 providing information to the public concerning elections, or a
28 nonpartisan organization that has been involved in education
29 and the advocacy of open, clean election and campaign laws for
30 at least five years, may host and sponsor voter-owned Iowa
31 clean election candidate debates in contested primary and
32 general elections.
33 2. All participating candidates shall participate in the
34 debates and all nonparticipating candidates for the same office
35 whose names will appear on the ballot shall be invited to join

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1 the debates.
2 Sec. 25. NEW SECTION. **68A.823 Voter-owned Iowa clean**
3 **elections fund (VOICE) — nature and purposes.**
4 1. A voter-owned Iowa clean elections fund is established as
5 a separate fund within the office of the state treasurer, under
6 the control of the board, for the following purposes:
7 *a.* Providing public financing for the election campaigns of
8 certified participating candidates during primary election and
9 general election campaign periods.
10 *b.* Paying for the administrative and enforcement costs of
11 the board in relation to this subchapter.
12 2. The fund shall consist of moneys received pursuant to
13 section 68A.824. Notwithstanding section 8.33, unencumbered
14 or unobligated moneys and any interest earned on moneys in the
15 fund on June 30 of any fiscal year shall not revert to the
16 general fund of the state but shall remain in the fund and be
17 available for expenditure in subsequent years.
18 Sec. 26. NEW SECTION. **68A.824 Funding.**
19 In addition to any moneys appropriated by the general
20 assembly to the voter-owned Iowa clean elections fund
21 established in section 68A.823, the following moneys shall be
22 deposited in the fund:
23 1. The qualifying contributions required of candidates
24 seeking to become certified as participating candidates
25 according to section 68A.802 or 68A.803 and candidates' excess
26 qualifying contributions.
27 2. Moneys credited to the fund pursuant to sections 68A.610
28 and 556.18.
29 3. The excess seed money contributions of candidates
30 seeking to become certified as participating candidates.
31 4. Moneys distributed to any participating candidate
32 who does not remain a candidate until the primary or general
33 election for which they were distributed.
34 5. Civil penalties levied by the board against candidates
35 for violations of this subchapter.

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1 6. Voluntary donations made directly to the fund.
2 7. Any other sources of revenue designated by the general
3 assembly.
4 Sec. 27. NEW SECTION. **68A.825 Powers and procedures.**
5 The board shall have the following powers and duties, in
6 addition to those granted in this chapter and chapter 68B, when
7 administering this subchapter:
8 1. After every primary and general election, the board
9 may conduct random audits and investigations to ensure
10 compliance with this subchapter. The subjects of such audits
11 and investigations shall be selected on the basis of impartial
12 criteria established by a vote of at least four members of the
13 board.
14 2. *a.* The board may investigate anonymous complaints.
15 *b.* The identity of a complainant may be kept confidential
16 if the complainant states in the complaint that revealing
17 the identity of the complainant could reasonably result in
18 disciplinary action or loss of employment.
19 3. The board may seek injunctions when all of the following
20 conditions are met:
21 *a.* There is a substantial likelihood that a violation of
22 this subchapter is occurring or is about to occur.
23 *b.* The failure to act expeditiously will result in
24 irreparable harm to a party affected by the violation or
25 potential violation.
26 *c.* Expeditious action will not cause undue harm or prejudice
27 to the interests of others.
28 *d.* The public interest would be best served by the issuance
29 of an injunction.
30 4. The board may levy civil penalties for violations of
31 this subchapter. Civil penalties shall be deposited in the
32 voter-owned Iowa clean elections fund.
33 5. The board shall refer criminal violations to the county
34 attorney or attorney general for prosecution.
35 6. The board may participate fully in any actions filed

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1 under this section.
2 7. The board shall adopt rules pursuant to chapter 17A as
3 necessary to administer this subchapter.
4 Sec. 28. NEW SECTION. **68A.826 Civil actions.**
5 1. A citizen who believes a candidate has violated this
6 subchapter may pursue a civil action in a court of relevant
7 jurisdiction, provided that both of the following are true:
8 *a.* The citizen has previously filed a complaint with the
9 board regarding the same alleged violation.
10 *b.* The board has failed to make a determination within
11 thirty days of the filing of the complaint.
12 2. A complainant who prevails in a civil action charging
13 a violation of this subchapter shall be entitled to receive
14 reasonable attorney fees and court costs from the defendant.
15 3. If a court in which a civil action has been filed under
16 subsection 1 finds that the complaint in that action was
17 made frivolously or without cause, the court may require the
18 complainant to pay the costs of the board, the court, and the
19 defendant parties.
20 Sec. 29. NEW SECTION. **68A.827 Board reports.**
21 1. The board shall report to the general assembly after each
22 election cycle.
23 2. The report shall include a detailed summary of all
24 seed money contributions, qualifying contributions, and clean
25 election campaign funding benefits received, and expenditures
26 made, by all participating candidates. The report shall also
27 include a summary and evaluation of the board's activities and
28 recommendations relating to the implementation, administration,
29 and enforcement of this subchapter.
30 Sec. 30. NEW SECTION. **68A.828 Repayments of excess**
31 **expenditures.**
32 1. If a participating candidate spends or obligates to spend
33 more than the clean election campaign funding the candidate
34 receives, and if such is determined not to be an amount that
35 had or could have been expected to have a significant impact

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on the outcome of the election, the candidate shall personally repay to the voter-owned Iowa clean elections fund an amount equal to the excess.

2. If a participating candidate spends or obligates to spend more than the clean election campaign funding the candidate receives, and if such is determined to be an amount that had or could have been expected to have a significant impact on the outcome of the election, the candidate shall personally repay to the voter-owned Iowa clean elections fund an amount equal to five times the value of the excess.

Sec. 31. NEW SECTION. **68A.829 Penalties.**

1. A candidate shall not knowingly accept more benefits than those to which the candidate is entitled, spend more than the amount of clean election campaign funding received, or misuse such clean election campaign funding benefits or clean election campaign funding.

2. If a violation of subsection 1 was intentional and involved an amount that had or could have been expected to have a significant impact on the outcome of the election, the candidate commits an aggravated misdemeanor.

3. If it is determined that the violation of subsection 1 was intentional and involved an amount that had or could have been expected to have a significant impact on the outcome of the election, and if, in the judgment of the board, the violation is believed to have contributed to the violator winning the election, the board may recommend to the appropriate authority that proceedings be commenced to remove the violator from office or to impeach the violator if applicable.

4. A person shall not provide false information to the board or conceal or withhold information from the board. A violation of this subsection is an aggravated misdemeanor.

Sec. 32. NEW SECTION. **68A.830 Local provision.**

Each city council, school board, and county board of supervisors shall have the authority to adopt and fund a

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1 voter-owned Iowa clean elections fund, consistent with this
2 subchapter, for local government elections.
3 Sec. 33. Section 422.7, Code 2013, is amended by adding the
4 following new subsection:
5 NEW SUBSECTION. 57. Subtract, to the extent not otherwise
6 excluded, up to two hundred dollars of the amount contributed
7 to the voter-owned Iowa clean elections fund pursuant to
8 section 68A.824, subsection 6.
9 Sec. 34. Section 422.12E, subsection 1, Code 2013, is
10 amended to read as follows:
11 1. For tax years beginning on or after January 1, 2004,
12 there shall be allowed no more than four income tax return
13 checkoffs on each income tax return. When the same four income
14 tax return checkoffs have been provided on the income tax
15 return for two consecutive years, the two checkoffs for which
16 the least amount has been contributed, in the aggregate for the
17 first tax year and through March 15 of the second tax year, are
18 repealed. This section does not apply to the income tax return
19 ~~checkoff~~ checkoffs provided in ~~section~~ sections 68A.601 and
20 68A.610.
21 Sec. 35. NEW SECTION. **422.12I Income tax checkoff for**
22 **voter-owned Iowa clean elections fund.**
23 A person who files an individual or a joint income tax
24 return with the department of revenue under section 422.13
25 may designate a contribution to the voter-owned Iowa clean
26 elections fund authorized pursuant to section 68A.610.
27 Sec. 36. Section 556.18, subsection 2, Code 2013, is amended
28 by adding the following new paragraph:
29 NEW PARAGRAPH. *e.* Ten million dollars to be deposited
30 in the voter-owned Iowa clean elections fund established in
31 section 68A.823.
32 Sec. 37. Section 556.18, subsection 3, Code 2013, is amended
33 to read as follows:
34 3. The treasurer of state shall annually credit all moneys
35 received under section 556.4 to the general fund of the state.

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1 Moneys credited to the general fund of the state pursuant to
2 this subsection are subject to the requirements of subsections
3 1 and 2 and section 8.60. However, if the amount collected
4 under subsection 2, paragraph "e", does not equal ten million
5 dollars, the treasurer of state shall annually pay over an
6 amount received under section 556.4 as necessary to bring the
7 amount deposited with the voter-owned Iowa clean elections fund
8 to ten million dollars.
9 Sec. 38. SEVERABILITY. The provisions of this Act are
10 severable as provided in section 4.12.
11 Sec. 39. IMPLEMENTATION OF ACT. Section 25B.2, subsection
12 3, shall not apply to this Act.
13 Sec. 40. EFFECTIVE DATES.
14 1. Except as provided in subsection 2, this Act takes effect
15 November 14, 2016.
16 2. The following provision or provisions of this Act take
17 effect January 1, 2014:
18 *a.* The section of this Act enacting section 68A.610.
19 *b.* The section of this Act enacting section 422.12I.
20 *c.* The section of this Act amending section 422.7.
21 *d.* The section of this Act amending section 556.18.
22 EXPLANATION
23 This bill amends Code chapter 68A, relating to campaign
24 finance law, in two distinct ways: the bill creates a
25 voluntary mechanism for publicly financed elections and
26 establishes contribution limits for candidates who do not
27 participate in the public financing process.
28 The bill enacts a process for public financing for statewide
29 and legislative elections, and enacts new Code section 68A.801,
30 providing definitions for key terms related to this process.
31 New Code section 68A.823 establishes a separate,
32 nonreverting fund in the state treasury to be known as the
33 voter-owned Iowa clean elections fund (VOICE), and new Code
34 section 68A.824 provides sources of revenue for the fund.
35 New Code sections 68A.802 and 68A.803 specify the

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1 eligibility procedures for both party and independent
2 candidates to become participating candidates, and specify
3 the number of and details for collection of qualifying
4 contributions.
5 New Code section 68A.805 provides that any candidate who
6 accepts benefits during the primary election campaign period
7 must continue to comply with the requirements of the public
8 financing program, even if the candidate stops accepting
9 benefits of the program at any point during the primary or
10 general election campaign periods.
11 New Code section 68A.806 prohibits a participating candidate
12 from accepting private funding during the primary and general
13 election campaign periods other than certain permitted party
14 funding. Contributions in the name of another person are
15 prohibited and subject to payment to the board as are any
16 applicable penalties. The use of personal funds for seed money
17 or as qualifying contributions is limited by new Code section
18 68A.809.
19 New Code section 68A.807 establishes contribution limits for
20 those candidates who choose not to participate in the public
21 financing process.
22 New Code section 68A.808 limits political party
23 contributions and expenditures on behalf of participating
24 candidates.
25 New Code section 68A.810 details the collection of private
26 contributions for use as seed money, limited by new Code
27 section 68A.809 to $100 per individual contributor, and also
28 limited in the aggregate in differing amounts for candidates
29 for governor and lieutenant governor, for other statewide
30 candidates, for Iowa senate candidates, and for Iowa house
31 of representatives candidates. Seed money expenditures are
32 limited to the clean election campaign qualifying period
33 and seed money contributions and expenditures must be fully
34 disclosed at the end of the public financing qualifying period.
35 New Code section 68A.812 provides for a certification

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1 process after a candidate applies for public financing campaign
2 funding benefits and requires repayment of funds if eligibility
3 is revoked. The bill provides for audit and judicial review of
4 the certification decision made by the board.
5 New Code section 68A.813 provides certain benefits and
6 obligations for participating candidates, including specified
7 amounts of public funding pursuant to new Code section
8 68A.815, mandatory participation in debates pursuant to new
9 Code sections 68A.811 and 68A.822, and, pursuant to new Code
10 section 68A.817, additional limited public funding to respond
11 to certain excess expenditures by nonparticipating candidates,
12 independent expenditures, and electioneering communications
13 expenditures.
14 New Code section 68A.814 provides for a schedule of
15 payments to participating candidates, and new Code section
16 68A.815 specifies differing total amounts for primary and
17 general elections for candidates for governor and lieutenant
18 governor, for other statewide candidates, for Iowa senate
19 candidates, and for Iowa house of representatives candidates.
20 Alternate amounts are provided for uncontested races. Clean
21 election campaign funding payments must be used only for
22 campaign-related expenses, and cannot be used for payments
23 in violation of law or to repay personal or business loans,
24 expenditures, or debts, pursuant to new Code section 68A.816.
25 New Code section 68A.817 provides that nonparticipating
26 candidates must disclose within 48 hours every expenditure
27 in excess of the public financing funding allocated to the
28 candidate's participating opponent, that in the aggregate is
29 more than $1,000. Certain other reporting requirements apply
30 during the last 20 days of a campaign.
31 All candidates must include a statement with all
32 advertisements indicating that the candidate has approved of
33 the contents of the advertisement pursuant to new Code section
34 68A.818.
35 Persons making certain independent expenditures must

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1 report such expenditures to the board, along with an affidavit
2 affirming that the expenditure has not been coordinated with
3 the candidate or party, pursuant to new Code section 68A.819.
4 Alleged violations of the coordination affirmation are subject
5 to an expedited hearing procedure.
6 Persons making certain electioneering communications must
7 also report to the board pursuant to new Code section 68A.820.
8 New Code section 68A.821 provides that the board shall
9 administer a voter information program, including establishment
10 of an advisory council, to provide voters with election-related
11 information, including a voter guide with candidate
12 biographical material, policy statements, voting records, and
13 whether the candidate funds the campaign with public or private
14 money.
15 New Code section 68A.825 provides the board with certain
16 specific enforcement powers and duties in relation to the
17 new subchapter, and new Code section 68A.827 provides for an
18 election cycle report by the board to the general assembly on
19 the public funding program.
20 New Code section 68A.826 creates a civil right of action for
21 citizens alleging that a candidate has violated the law.
22 Violations of the public funding program are subject
23 to aggravated misdemeanor penalties, pursuant to new Code
24 section 68A.829. An aggravated misdemeanor is punishable
25 by confinement for nor more than two years and a fine of at
26 least $625 but not more than $6,250. New Code section 68A.828
27 provides for repayment of certain excess expenditures by the
28 candidate.
29 New Code sections 68A.610 and 422.12I create an income tax
30 checkoff for the voter-owned Iowa clean elections fund. This
31 checkoff allows a person to direct that $5 of that person's
32 state income tax liability be paid over to the Iowa voter-owned
33 clean elections fund.
34 Code section 422.7, new subsection 57, is enacted to
35 provide up to a $200 exemption from income for purposes of the

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individual income tax for contributions to the Iowa voter-owned clean elections fund.

Code section 556.18 is amended to provide that $10 million shall be annually transferred from the proceeds from the sale by the state of lost or unclaimed property to the voter-owned Iowa clean elections fund.

The sections of the bill enacting the income tax checkoff, the exemption from the individual income tax, and the transfer in Code section 556.18 take effect January 1, 2014. The remainder of the bill takes effect November 14, 2016, which is the day after the 2014 general election day, to allow the new system to commence with a new campaign cycle. New Code section 68A.804 provides guidelines for disposition of money collected by candidates prior to the effective date of the public financing program.

The bill may include a state mandate as defined in Code section 25B.3. The bill makes inapplicable Code section 25B.2, subsection 3, which would relieve a political subdivision from complying with a state mandate if funding for the cost of the state mandate is not provided or specified. Therefore, political subdivisions are required to comply with any state mandate included in the bill.

House File 44 - Introduced

HOUSE FILE 44
BY HUNTER

A BILL FOR

1 An Act abolishing the declaration that the English language is
2 the official language of the state of Iowa.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1244YH (1) 85
av/rj

H.F. 44

1 Section 1. REPEAL. Section 1.18, Code 2013, is repealed.
2 Sec. 2. REPEAL. Section 4.14, Code 2013, is repealed.
3 EXPLANATION
4 This bill repeals the Iowa English language reaffirmation
5 Act, which provides that English is the official language of
6 the state of Iowa. The Code section providing for general
7 rules of construction for English language laws is also
8 repealed.

House File 45 - Introduced

HOUSE FILE 45
BY HUNTER

A BILL FOR

1 An Act providing for the restoration of the right to register
2 to vote and to vote and hold elective office for certain
3 persons and including effective date and retroactive
4 applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1219YH (2) 85
aw/sc

H.F. 45

1 Section 1. Section 39A.1, subsection 2, Code 2013, is
2 amended to read as follows:
3 2. The purpose of this chapter is to identify actions which
4 threaten the integrity of the election process and to impose
5 significant sanctions upon persons who intentionally commit
6 those acts. It is the intent of the general assembly that
7 offenses with the greatest potential to affect the election
8 process be vigorously prosecuted and strong punishment meted
9 out through the imposition of felony sanctions which, as a
10 consequence, remove the voting rights of the offenders until
11 such rights are restored by the governor, by the president of
12 the United States, or by operation of law. Other offenses are
13 still considered serious, but based on the factual context in
14 which they arise, they may not rise to the level of offenses
15 to which felony penalties attach. The general assembly
16 also recognizes that instances may arise in which technical
17 infractions of chapters 39 through 53 may occur which do not
18 merit any level of criminal sanction. In such instances,
19 administrative notice from the state or county commissioner
20 of elections is sufficient. Mandates or proscriptions in
21 chapters 39 through 53 which are not specifically included in
22 this chapter shall be considered to be directive only, without
23 criminal sanction.
24 Sec. 2. Section 43.18, subsection 9, Code 2013, is amended
25 to read as follows:
26 9. A statement that the candidate is aware that the
27 candidate is disqualified from holding office if the candidate
28 has been convicted of a felony or other infamous crime and the
29 candidate's rights have not been restored by the governor, ~~or~~
30 by the president of the United States, or by operation of law.
31 Sec. 3. Section 43.67, subsection 2, paragraph i, Code 2013,
32 is amended to read as follows:
33 *i.* A statement that the candidate is aware that the
34 candidate is disqualified from holding office if the candidate
35 has been convicted of a felony or other infamous crime and the

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1 candidate's rights have not been restored by the governor, ~~or~~
2 by the president of the United States, or by operation of law.
3 Sec. 4. Section 44.3, subsection 2, paragraph i, Code 2013,
4 is amended to read as follows:
5 *i.* A statement that the candidate is aware that the
6 candidate is disqualified from holding office if the candidate
7 has been convicted of a felony or other infamous crime and the
8 candidate's rights have not been restored by the governor, ~~or~~
9 by the president of the United States, or by operation of law.
10 Sec. 5. Section 45.3, subsection 9, Code 2013, is amended
11 to read as follows:
12 9. A statement that the candidate is aware that the
13 candidate is disqualified from holding office if the candidate
14 has been convicted of a felony or other infamous crime and the
15 candidate's rights have not been restored by the governor, ~~or~~
16 by the president of the United States, or by operation of law.
17 Sec. 6. Section 48A.6, subsection 1, Code 2013, is amended
18 to read as follows:
19 1. A person who has been convicted of a felony as defined
20 in section 701.7, or convicted of an offense classified as a
21 felony under federal law. If the person's rights are later
22 restored ~~by the governor, or by the president of the United~~
23 ~~States,~~ pursuant to section 914.8, or by a pardon issued by the
24 governor or the president of the United States, the person may
25 register to vote.
26 Sec. 7. Section 57.1, subsection 2, paragraph c, Code 2013,
27 is amended to read as follows:
28 *c.* That prior to the election the incumbent had been duly
29 convicted of a felony, as defined in section 701.7, and that
30 the judgment had not been reversed, annulled, or set aside, nor
31 the incumbent pardoned by the governor or the president of the
32 United States or restored to the rights of citizenship ~~by the~~
33 ~~governor under chapter 914~~ pursuant to section 914.8, at the
34 time of the election.
35 Sec. 8. Section 99B.1, subsection 13, paragraph a,

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1 subparagraph (3), Code 2013, is amended to read as follows:
2 (3) The applicant has not been convicted of a felony.
3 However, if the applicant's conviction occurred more than five
4 years before the date of the application for a license, and
5 if the applicant's rights of citizenship have been restored
6 by the governor pursuant to sections 914.1 through 914.6, the
7 director of the department may determine that the applicant is
8 an eligible applicant.
9 Sec. 9. Section 123.3, subsection 34, paragraph d, Code
10 2013, is amended to read as follows:
11 *d.* The person has not been convicted of a felony. However,
12 if the person's conviction of a felony occurred more than five
13 years before the date of the application for a license or
14 permit, and if the person's rights of citizenship have been
15 restored by the governor pursuant to sections 914.1 through
16 914.6, the administrator may determine that the person is of
17 good moral character notwithstanding such conviction.
18 Sec. 10. Section 161A.5, subsection 3, paragraph b, Code
19 2013, is amended to read as follows:
20 *b.* Every candidate shall file with the nomination papers
21 an affidavit stating the candidate's name, the candidate's
22 residence, that the person is a candidate and is eligible for
23 the office of commissioner, and that if elected the candidate
24 will qualify for the office. The affidavit shall also state
25 that the candidate is aware that the candidate is disqualified
26 from holding office if the candidate has been convicted of a
27 felony or other infamous crime and the candidate's rights have
28 not been restored by the governor, ~~or~~ by the president of the
29 United States, or by operation of law.
30 Sec. 11. Section 277.4, subsection 2, paragraph b, Code
31 2013, is amended to read as follows:
32 *b.* Signers of nomination petitions shall include their
33 addresses and the date of signing, and must reside in the same
34 director district as the candidate if directors are elected
35 by the voters of a director district, rather than at-large.

H.F. 45

A person may sign nomination petitions for more than one candidate for the same office, and the signature is not invalid solely because the person signed nomination petitions for one or more other candidates for the office. The petition shall be filed with the affidavit of the candidate being nominated, stating the candidate's name, place of residence, that such person is a candidate and is eligible for the office the candidate seeks, and that if elected the candidate will qualify for the office. The affidavit shall also state that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted of a felony or other infamous crime and the candidate's rights have not been restored by the governor, ~~or~~ by the president of the United States, or by operation of law.

Sec. 12. Section 376.4, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. The petition must include the affidavit of the individual for whom it is filed, stating the individual's name, the individual's residence, that the individual is a candidate and eligible for the office, and that if elected the individual will qualify for the office. The affidavit shall also state that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted of a felony or other infamous crime and the candidate's rights have not been restored by the governor, ~~or~~ by the president of the United States, or by operation of law.

Sec. 13. Section 914.2, Code 2013, is amended to read as follows:

914.2 Right of application.

Except as otherwise provided in section 902.2 or 914.8, a person convicted of a criminal offense has the right to make application to the board of parole for recommendation or to the governor for a reprieve, pardon, commutation of sentence, remission of fines or forfeitures, or restoration of rights of citizenship at any time following the conviction.

H.F. 45

1 Sec. 14. NEW SECTION. **914.8 Restoration of right to**
2 **register and to vote.**
3 1. A person convicted of a felony criminal offense who has
4 been discharged from probation, parole, or work release or who
5 is released from confinement under section 902.6 because the
6 person has completed the person's term of confinement shall
7 have the right to register to vote and to vote restored in the
8 manner provided in this section.
9 2. Upon discharge from criminal sentence, including
10 any accompanying term of probation, parole, or supervised
11 release, the department of corrections or judicial district
12 department of correctional services, whichever is applicable,
13 shall provide written notice to the inmate, parolee, or
14 probationer of the person's discharge which shall include a
15 voter registration form and a statement that the person's right
16 to register to vote and to vote has been restored.
17 3. The department of corrections shall monthly provide a
18 list of all persons discharged from confinement or supervision
19 to the state registrar of voters who shall provide the
20 information to the county registrars of voters as deemed
21 necessary.
22 4. Offenders may still make application for a restoration
23 of citizenship rights pursuant to this chapter. All such
24 applications, unless withdrawn, shall be processed as required
25 by this chapter.
26 5. This section shall not relieve an offender of any
27 unpaid restitution, fine, or other obligation resulting from
28 conviction.
29 Sec. 15. RETROACTIVE APPLICABILITY. This Act applies
30 retroactively to January 14, 2011.
31 Sec. 16. EFFECTIVE UPON ENACTMENT. This Act, being deemed
32 of immediate importance, takes effect upon enactment.
33 EXPLANATION
34 This bill enacts new Code section 914.8 which requires that,
35 upon discharge from certain criminal sentences, citizenship

H.F. 45

1 rights related to voting and qualification for public office
2 must be restored.
3 The bill requires that the right to register to vote and to
4 vote be restored for any individual who has been discharged
5 from criminal sentence, including any accompanying term of
6 probation, parole, or supervised release. The restoration
7 of citizenship rights provided for under the bill shall only
8 extend to the right to register to vote and to vote, and would
9 not include any other citizenship rights. The bill does not
10 relieve the individual of unpaid restitution, fines, or other
11 obligations resulting from conviction within the terms or
12 conditions of a criminal sentence. The bill does not limit an
13 individual's ability to apply to the governor for a restoration
14 of citizenship rights, as currently provided for in Code
15 chapter 914.
16 The bill requires that the department of corrections
17 notify the state registrar of voters upon the discharge of
18 criminal sentence for an individual. The bill requires that,
19 where applicable, the judicial district department make the
20 notification.
21 The bill takes effect upon enactment and applies
22 retroactively to January 14, 2011.

House File 46 - Introduced

HOUSE FILE 46
BY HUNTER

A BILL FOR

1 An Act relating to requirements for instruction permits and
2 driver's licenses issued to persons under eighteen years of
3 age.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1222YH (1) 85
dea/nh

H.F. 46

Section 1. Section 321.178, subsection 1, paragraph d, Code 2013, is amended to read as follows:

d. *"Student"*, for purposes of this section, means a person between the ages of ~~fourteen~~ sixteen years and twenty-one years who satisfies the preliminary licensing requirements of the department.

Sec. 2. Section 321.180B, subsection 1, paragraph a, Code 2013, is amended to read as follows:

a. The department may issue an instruction permit to an applicant between the ages of ~~fourteen~~ sixteen and eighteen years if the applicant meets the requirements of sections 321.184 and 321.186, other than a driving demonstration, and pays the required fee. An instruction permit issued under this section shall be valid for a period not to exceed four years from the licensee's birthday anniversary in the year of issuance. A motorcycle instruction permit issued under this section is not renewable.

Sec. 3. Section 321.180B, subsection 2, paragraph a, Code 2013, is amended to read as follows:

a. The department may issue an intermediate driver's license to a person sixteen or seventeen years of age who possesses an instruction permit issued under subsection 1 or a comparable instruction permit issued by another state for a minimum of six months immediately preceding application, and who presents an affidavit signed by a parent, guardian, or custodian on a form to be provided by the department that the permittee has accumulated a total of twenty hours of street or highway driving of which two hours were conducted after sunset and before sunrise and the street or highway driving was with the permittee's parent, guardian, custodian, instructor, a person certified by the department, or a person at least twenty-five years of age who had written permission from a parent, guardian, or custodian to accompany the permittee, and whose driving privileges have not been suspended, revoked, or barred under this chapter or chapter 321J during, and who

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has been accident and violation free continuously for, the six-month period immediately preceding the application for an intermediate license. An applicant for an intermediate license must meet the requirements of section 321.186, including satisfactory completion of driver education as required in section 321.178, and payment of the required license fee before an intermediate license will be issued. A person issued an intermediate license ~~must~~ shall limit the number of passengers in the motor vehicle when the intermediate licensee is operating the motor vehicle to the number of passenger safety belts. A person issued an intermediate license shall not transport more than one passenger under twenty-one years of age, other than a person who is a member of the licensee's immediate family, in a motor vehicle unless accompanied by a person over twenty-one years of age who has a driver's license valid for the vehicle operated.

Sec. 4. Section 321.180B, subsection 3, Code 2013, is amended to read as follows:

3. *Remedial driver improvement action — suspension of permit~~,~~ or intermediate license~~, or full license~~.*

a. A person who has been issued an instruction permit~~,~~ or an intermediate license~~, or a full driver's license~~ under this section, upon conviction of a moving traffic violation or involvement in a motor vehicle accident which occurred during the term of the instruction permit or intermediate license, shall be subject to remedial driver improvement action or suspension of the permit or current license. A person possessing an instruction permit who has been convicted of a moving traffic violation or has been involved in an accident shall not be issued an intermediate license until the person has completed the remedial driver improvement action and has been accident and violation free continuously for the six-month period immediately preceding the application for the intermediate license. ~~A person possessing an intermediate license who has been convicted of a moving traffic violation~~

H.F. 46

~~or has been involved in an accident shall not be issued a full driver's license until the person has completed the remedial driver improvement action and has been accident and violation free continuously for the twelve-month period immediately preceding the application for a full driver's license.~~

b. The department may suspend an instruction permit~~,~~ or intermediate license~~, or full license~~ issued under this section upon receiving satisfactory evidence that the person issued the instruction permit~~,~~ or intermediate license~~, or full license~~ violated the restrictions imposed under subsection 1, 2, or 6 during the term of the instruction permit or intermediate license.

Sec. 5. Section 321.180B, subsection 4, Code 2013, is amended by striking the subsection.

Sec. 6. Section 321.194, subsection 1, unnumbered paragraph 1, Code 2013, is amended to read as follows:

Upon certification of a special need by the school board, superintendent of the applicant's school, or principal, if authorized by the superintendent, the department may issue a class C or M driver's license to a person between the ages of ~~fourteen~~ sixteen and eighteen years whose driving privileges have not been suspended, revoked, or barred under this chapter or chapter 321J during, and who has not been convicted of a moving traffic violation or involved in a motor vehicle accident for, the six-month period immediately preceding the application for the special minor's license and who has successfully completed an approved driver education course. However, the completion of a course is not required if the applicant demonstrates to the satisfaction of the department that completion of the course would impose a hardship upon the applicant. The department shall adopt rules defining the term *"hardship"* and establish procedures for the demonstration and determination of when completion of the course would impose a hardship upon an applicant.

EXPLANATION

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This bill raises the minimum age required for issuance of an instruction permit to operate a motor vehicle from 14 to 16 years of age. Because an instruction permit is required for a student to participate in driver education, the bill amends the definition of "student", for purposes of driver education provisions, to include persons between 16 and 21 years of age, and the bill raises the minimum age for issuance of a special minor's license to drive to and from school to 16 years of age.

Under current law, a person who has an intermediate driver's license under the graduated driver licensing program must limit the number of passengers in a motor vehicle operated by the intermediate licensee to the number of passenger safety belts. The bill imposes a further passenger restriction by prohibiting an intermediate licensee from transporting more than one person under 21 years of age, other than an immediate family member, unless the intermediate licensee is accompanied by a licensed driver over 21 years of age.

The bill eliminates the full driver's license currently issued to a person 17 years of age who possesses an intermediate license, has satisfied hours-of-driving requirements, and has been accident and violation free for 12 months. Under the bill, a person would drive under an intermediate license until attaining 18 years of age.

House File 47 - Introduced

HOUSE FILE 47
BY HUNTER

A BILL FOR

1 An Act providing for an Iowa individual income tax checkoff for
2 qualified Iowa zoos, making an appropriation, and providing
3 for the Act´s implementation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1238YH (1) 85
mm/sc

H.F. 47

1 Section 1. NEW SECTION. **303.91 Iowa zoo fund.**
2 1. An Iowa zoo fund is created in the state treasury under
3 the control of the department of cultural affairs. The fund is
4 composed of moneys appropriated or available to and obtained
5 or accepted by the treasurer of state for deposit in the fund.
6 The fund shall include moneys transferred to the fund as
7 provided in section 422.12I. All interest earned on moneys in
8 the fund shall be credited to and remain in the fund. Section
9 8.33 does not apply to moneys in the fund.
10 2. Moneys in the fund that are authorized by the department
11 of cultural affairs for expenditure are appropriated, and
12 shall be used, to provide grants to qualified zoos located
13 in the state. To be qualified to receive a grant from the
14 Iowa zoo fund, a zoo must not be used primarily as a research
15 institution and must be accredited by the American zoo and
16 aquarium association.
17 3. The department may authorize payment of moneys from
18 the fund upon approval of an application from a private or
19 public organization that maintains and operates a zoo in the
20 state. The applicant shall show proof of accreditation by the
21 American zoo and aquarium association. The applicant shall
22 also indicate the annual attendance at the zoo in the calendar
23 year preceding the calendar year in which the application is
24 filed with the department.
25 4. Moneys distributed from the fund to qualified applicants
26 shall be prorated among the qualified applicants in the
27 proportion that annual attendance at each zoo that is the
28 subject of an application bears to the total annual attendance
29 at all zoos for which an application was received and approved
30 for funding.
31 5. The department shall establish rules relating to the
32 application process.
33 Sec. 2. NEW SECTION. **422.12I Income tax checkoff for Iowa**
34 **zoo fund.**
35 1. A person who files an individual or a joint income tax

H.F. 47

return with the department of revenue under section 422.13 may designate one dollar or more to be paid to the Iowa zoo fund created in section 303.91. If the refund due on the return or the payment remitted with the return is insufficient to pay the additional amount designated by the taxpayer to the Iowa zoo fund, the amount designated shall be reduced to the remaining amount of refund or the remaining amount remitted with the return. The designation of a contribution to the Iowa zoo fund under this section is irrevocable.

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

3. The department of cultural affairs may authorize payment of moneys from the Iowa zoo fund, in accordance with section 303.91.

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

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

Sec. 3. IMPLEMENTATION. The checkoff created in this Act shall be eligible for placement on the individual income tax return form pursuant to the provisions of section 422.12E.

EXPLANATION

This bill provides that taxpayers filing individual income tax returns will be allowed to designate $1 or more on the return to be paid to the Iowa zoo fund. The bill creates the Iowa zoo fund in the state treasury under the control of the department of cultural affairs. The bill requires the department of revenue to annually remit moneys collected from

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the checkoff to the fund. Moneys in the fund shall be used to provide grants to qualified zoos that submit an application for funding. To be qualified, a zoo must be located in the state, not used primarily for research activities, and accredited by the American zoo and aquarium association.

The bill provides for the implementation of the checkoff according to Code section 422.12E, which allows no more than four checkoffs on the individual tax return form and provides for the automatic repeal of the two checkoffs receiving the least in contributions over a two-year period.

House File 48 - Introduced

HOUSE FILE 48
BY T. OLSON

A BILL FOR

1 An Act relating to property tax valuation and exemption of
2 value added by installation of certain geothermal, solar,
3 and wind energy property.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1049YH (4) 85
md/sc

H.F. 48

Section 1. Section 427.1, subsection 38, paragraphs a and b, Code 2013, are amended to read as follows:

a. The value added by any new or refitted construction or installation of a geothermal heating or cooling system on or after July 1, 2012, on property classified as residential. ~~The exemption shall be allowed for ten consecutive years.~~ The exemption shall apply to any value added by the addition of mechanical, electrical, plumbing, ductwork, or other equipment, labor, and expenses included in or required for the construction or installation of the geothermal system, as well as the proportionate value of any well field associated with the system and attributable to the owner.

b. A person claiming an exemption under this subsection shall obtain the appropriate forms from the assessor. The forms shall be prescribed by the director of revenue. The claim shall be filed no later than February 1 of the first assessment year the exemption is requested and shall contain information pertaining to all costs and other information associated with construction and installation of the system. Once the exemption is allowed, the exemption shall continue to be allowed ~~for ten consecutive years~~ without further filing as long as the property continues to be classified as residential property.

Sec. 2. Section 441.21, subsection 8, paragraphs b and c, Code 2013, are amended to read as follows:

b. Notwithstanding paragraph *"a"*, any construction or installation of a solar energy system on property classified as agricultural, residential, commercial, or industrial property shall not increase the actual, assessed, and taxable values of the property ~~for five full assessment years~~.

c. As used in this subsection, *"solar energy system"* means either of the following:

(1) A system of equipment capable of collecting and converting incident solar radiation or wind energy into thermal, mechanical or electrical energy and transforming these

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forms of energy by a separate apparatus to storage or to a point of use which is constructed or installed after January 1, ~~1978~~ 2008.

(2) A system that uses the basic design of the building to maximize solar heat gain during the cold season and to minimize solar heat gain in the hot season and that uses natural means to collect, store, and distribute solar energy which is constructed or installed after January 1, ~~1981~~ 2008.

Sec. 3. IMPLEMENTATION OF ACT. Section 25B.7 shall not apply to this Act.

EXPLANATION

In 2012, a property tax exemption was enacted for the value added by any new or refitted construction or installation of a geothermal heating or cooling system on or after July 1, 2012, on property classified as residential. The exemption is allowed for 10 consecutive years following application and approval. This bill removes the 10-year limitation on the exemption.

Current Code section 441.21(8) provides that any construction or installation of a solar energy system on property classified as agricultural, residential, commercial, or industrial property shall not increase the actual, assessed, and taxable values of the property for five full assessment years. The bill removes the five-year limitation and specifies that such added value of solar energy systems constructed or installed after January 1, 2008, is exempt from taxation.

Code section 441.21(8) defines "solar energy system" to mean either: (1) a system of equipment capable of collecting and converting incident solar radiation or wind energy into thermal, mechanical, or electrical energy and transforming these forms of energy by a separate apparatus to storage or to a point of use or (2) a system that uses the basic design of the building to maximize solar heat gain during the cold season and to minimize solar heat gain in the hot season and that uses natural means to collect, store, and distribute solar energy.

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1 The bill provides that the provisions in Code section 25B.7,
2 relating to the obligation of the state to reimburse local
3 jurisdictions for property tax credits and exemptions, do not
4 apply to the exemptions in the bill.

House File 49 - Introduced

HOUSE FILE 49
BY SANDS

A BILL FOR

1 An Act providing for drainage or levee districts managed by a
2 board of trustees, and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1035YH (5) 85
da/sc

H.F. 49

Section 1. Section 468.500, Code 2013, is amended to read as follows:

468.500 Trustees authorized.

1. *a.* In the manner provided in this subchapter, any drainage or levee district in which the original construction has been completed and paid for by bond issue or otherwise, may be placed under the control and management of a board of ~~three~~ trustees to be elected by the persons owning land in the district that has been assessed for benefits.

b. A drainage or levee district under the control of a city council as provided in subchapter II, part 3, may be placed under the control and management of a board of trustees by the city council following the procedures provided in ~~this subchapter~~ part 2 for the county board of supervisors.

2. An overlying drainage or levee district that controls and manages improvements and rights-of-way surrendered by a board of supervisors or board of trustees of a contained district, in accordance with sections 468.256 through 468.259, shall continue to be controlled and managed by a board of trustees as provided in part 3.

Sec. 2. NEW SECTION. **468.538 Scope.**

This part applies when the board of trustees of an overlying district accepts all improvements and rights-of-way surrendered by a board of supervisors or board of trustees of a contained district, in accordance with sections 468.256 through 468.259. In addition, after such acceptance, the overlying district must include at least thirty-five thousand acres with a pumping station, regardless of whether the drainage or levee district is located in more than one county. Such a district shall continue to be controlled and managed by a board of trustees elected as provided in this part.

Sec. 3. NEW SECTION. **468.539 Qualified application.**

Part 1 of this subchapter shall also apply to this part, except as follows:

1. The trustees of the overlying district serving on the

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1 board at the time of acceptance as described in section 468.538
2 shall be considered initially elected as the trustees of the
3 drainage or levee district as provided in sections 468.502,
4 468.503, and 468.521.
5 2. *a.* The board of trustees described in subsection 1 shall
6 do all of the following:
7 (1) Establish the overlying district as a new drainage
8 or levee district, which must include all improvements and
9 rights-of-way surrendered by a board of supervisors or board of
10 trustees of the contained district.
11 (2) Divide the new drainage or levee district into three
12 election districts in the same manner as a board of supervisors
13 acting pursuant to sections 468.504 and 468.505.
14 *b.* The petition described in section 468.501 is not required
15 to be filed or considered under this subsection.
16 3. Each of the three persons elected as trustee to serve
17 on a new drainage or levee district established pursuant to an
18 election held by the board of trustees described in subsection
19 1 shall hold office for a staggered term as provided in section
20 468.518. A person elected as a trustee of the new drainage
21 or levee district shall be elected from a specified election
22 district, unless the person is elected at large as provided in
23 subsection 4.
24 4. The board of trustees described in subsection 1 or a
25 subsequent board of trustees of the new drainage or levee
26 district may provide for the election of two additional persons
27 to serve as trustees. One person's initial term shall be for
28 one year and the second person's initial term shall be for two
29 years in the same manner as provided in section 468.518.
30 5. Votes shall be determined as provided pursuant to either
31 section 468.510 or 468.511 in the same manner as was determined
32 for the overlying district.
33 Sec. 4. DIVISION OF CHAPTER 468, SUBCHAPTER III. The Code
34 editor shall codify section 468.500, as amended by this Act, as
35 part 1 of chapter 468, subchapter III; sections 468.501 through

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1 468.537 as part 2 of chapter 468, subchapter III; and sections
2 468.538 and 468.539 as part 3 of chapter 468, subchapter III.
3 Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
4 immediate importance, takes effect upon enactment.
5 EXPLANATION
6 BACKGROUND —— TRANSFER OF JURISDICTION TO A GOVERNING BODY
7 OF A DRAINAGE OR LEVEE DISTRICT. When a drainage or levee
8 district is first established, it is managed by a board of
9 supervisors in the county where the district is located or
10 by a joint board of supervisors if the district extends into
11 more than one county (Code chapter 468, subchapter I, part
12 1). After the district has been established, the board of
13 supervisors, or joint board of supervisors, may transfer a
14 portion of its jurisdiction to another governing body. For
15 example, in some cases, a city may assume management of the
16 entire district (Code chapter 468, subchapter II, part 3). In
17 another case, the landowners of the district may petition the
18 county or counties where the district is located to conduct
19 a special election in order to transfer jurisdiction of the
20 district to a three-member board of elected trustees (Code
21 chapter 468, subchapter III). In that case, the county board
22 of supervisors, or joint board of supervisors, conducts an
23 initial election (Code section 468.517) and the board of
24 trustees conducts subsequent elections (Code section 468.521).
25 Where a district contains 20,000 acres or more, the board of
26 supervisors, or joint board of supervisors, may divide the
27 district into three election districts. A trustee residing in
28 each election district is elected by landowners for the entire
29 district (Code section 468.504). Ordinarily, trustees serve
30 for staggered three-year terms (Code section 468.518) except
31 for trustees in districts having a pumping station who may
32 serve concurrently (Code section 468.519).
33 BACKGROUND —— TRANSFER OF MUTUAL TERRITORY FROM ONE DRAINAGE
34 OR LEVEE DISTRICT TO ANOTHER. Two or more drainage or levee
35 districts may share mutual territory. The district which

H.F. 49

has jurisdiction of all such territory is referred to as an overlying district and each district which has jurisdiction of a portion of that territory is referred to as a contained district. The governing body of a contained district or overlying district may be a board of supervisors, joint board of supervisors, or board of trustees. After receiving a dissolution petition, the governing body of a contained district must conduct an election to dissolve the district and the governing body of the overlying district may conduct a hearing and accept improvements and rights-of-way surrendered by the board of the contained district, or in the alternative, conduct an election of land users (Code chapter 468, subchapter I, part 6).

BILL — SCOPE. The bill establishes a new process for the election of trustees of a new district formed when an overlying district accepts all improvements and rights-of-way surrendered by a board of supervisors or board of trustees of a contained district (Code sections 468.256 through 468.259), if the new district includes at least 35,000 acres with a pumping station, regardless of whether the new district is located in more than one county.

BILL — PETITION AND ELECTION TO ESTABLISH A BOARD OF TRUSTEE FORM OF GOVERNANCE NOT REQUIRED. The bill provides that the current Code procedures under Code chapter 468, subchapter I, part 6, requiring petition and election by landowners to establish a trustee form of governance under Code sections 468.500 through 468.502 do not apply. Instead, the board of trustees currently serving for the overlying district is responsible for conducting the election of trustees to the new district in the same manner as if the board of trustees initially elected under the supervision of a board of supervisors, or joint board of supervisors, would be responsible for conducting the election of trustees to an existing district.

BILL — NEW ELECTION REQUIREMENTS. The bill provides that

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1 trustees of the overlying district must divide the new drainage
2 or levee district into three election districts in the same
3 manner as a board of supervisors acting pursuant to Code
4 sections 468.504 and 468.505. The individuals elected to the
5 board as trustees must serve staggered terms notwithstanding
6 any special requirements in Code section 568.519. In addition,
7 either the board of trustees of the overlying district or a
8 subsequent board of trustees of the new district may provide
9 for the election of two additional persons to serve at large.
10 BILL — CHAPTER ORGANIZATION. The bill requires the Code
11 editor to organize Code chapter 468, subchapter III, into new
12 parts in order to enhance the Code's readability.
13 BILL — EFFECTIVE DATE. The bill takes effect upon
14 enactment.

House File 50 - Introduced

HOUSE FILE 50
BY DRAKE

A BILL FOR

1 An Act relating to the exemption from the state inheritance tax
2 of estates of a certain size and including applicability
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1138YH (3) 85
mm/sc

H.F. 50

Section 1. Section 450.4, subsection 1, Code 2013, is amended to read as follows:

1. When the entire estate of the decedent does not exceed the sum of ~~twenty-five~~ one hundred thousand dollars after deducting the liabilities, as defined in this chapter.

Sec. 2. Section 450.44, Code 2013, is amended to read as follows:

450.44 Remainders — valuation.

When a person whose estate over and above the amount of that person's liabilities, as defined in this chapter, exceeds the sum of ~~twenty-five~~ one hundred thousand dollars, bequeaths, devises, or otherwise transfers real property to or for the use of persons exempt from the tax imposed by this chapter, during life or for a term of years and the remainder to persons not thus exempt, this property, upon the determination of the estate for life or years, shall be valued at its then actual market value from which shall be deducted the value of any improvements on it made by the person who owns the remainder interest during the time of the prior estate, to be determined as provided in section 450.37, subsection 1, paragraph *"a"*, and the tax on the remainder shall be paid by the person who owns the remainder interest as provided in section 450.46.

Sec. 3. APPLICABILITY. This Act applies to estates of decedents dying on or after July 1, 2013.

EXPLANATION

This bill increases from $25,000 to $100,000 the value at which estates are exempt from the Iowa inheritance tax. The bill applies to estates of decedents dying on or after July 1, 2013.

House File 8 - Introduced

HOUSE FILE 8
BY PETTENGILL

A BILL FOR

1 An Act appropriating moneys in the cigarette fire safety
2 standard fund.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1408YH (3) 85
tm/sc

H.F. 8

Section 1. Section 101B.9, Code 2013, is amended to read as follows:

101B.9 Cigarette fire safety standard fund.

A cigarette fire safety standard fund is created as a special fund in the state treasury under the control of the department of public safety. The fund shall consist of all moneys recovered from the assessment of civil penalties or certification fees under this chapter. ~~The moneys in the fund shall, in~~ In addition to any moneys made available for such purpose, ~~be available, subject to appropriation,~~ moneys in the fund are appropriated to the department of public safety for the purpose of fire safety and prevention programs, including for entry level fire fighter training, equipment, and operations.

EXPLANATION

This bill relates to moneys in the cigarette fire safety standard fund which is a special fund in the state treasury under the control of the department of public safety. Currently, moneys in the fund are subject to appropriation. The bill eliminates the contingent appropriation language and appropriates all moneys in the fund to the department of public safety.

House File 9 - Introduced

HOUSE FILE 9
BY WESSEL-KROESCHELL

A BILL FOR

1 An Act requiring pulse oximetry screening for newborns in a
2 birthing hospital.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1177HH (1) 85
ad/nh

H.F. 9

1 Section 1. Section 136A.5, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 2A. Beginning October 1, 2013, the
4 department shall require each birthing hospital, as defined
5 in section 135.131, to perform a pulse oximetry screening on
6 every newborn in its care prior to discharge from the birthing
7 hospital. The department shall adopt rules to implement this
8 subsection.
9 EXPLANATION
10 This bill instructs the department of public health to
11 require birthing hospitals to perform a pulse oximetry
12 screening on every newborn in the facility's care prior to the
13 newborn's discharge from the hospital. A birthing hospital is
14 a private or public hospital that is licensed as a hospital by
15 the department of public health and has a licensed obstetric
16 unit or is licensed to provide obstetric services. A pulse
17 oximetry screening estimates the percentage of hemoglobin
18 in the blood that is saturated with oxygen and helps detect
19 congenital heart defects. The bill directs the department of
20 public health to adopt rules to implement the bill. The bill
21 requires birthing hospitals to comply with the pulse oximetry
22 screening requirement by October 1, 2013.

House Joint Resolution 3 - Introduced

HOUSE JOINT RESOLUTION 3
BY HUNTER

HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa relating to the boundary lines of
3 counties.
4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1220YH (3) 85
md/sc

H.J.R. 3

1 Section 1. The following amendment to the Constitution of
2 the State of Iowa is proposed:
3 1. Section 30 of Article III of the Constitution of the
4 State of Iowa is repealed and the following adopted in lieu
5 thereof:
6 **Local or special laws — general and uniform.** SEC. 30. The
7 general assembly shall not pass local or special laws in the
8 following cases:
9 For the assessment and collection of taxes for state,
10 county, or road purposes;
11 For laying out, opening, and working roads or highways;
12 For changing the names of persons;
13 For the incorporation of cities and towns;
14 For vacating roads, town plats, streets, alleys, or public
15 squares;
16 For locating or changing county seats.
17 In all the cases above enumerated, and in all other cases
18 where a general law can be made applicable, all laws shall be
19 general, and of uniform operation throughout the state.
20 2. Section 2 of Article XI of the Constitution of the State
21 of Iowa is repealed and the following adopted in lieu thereof:
22 **Counties.** SEC. 2. On or before July 1, 2017, the general
23 assembly shall by law reduce the aggregate number of the
24 several counties to not more than fifty unless the aggregate
25 number of counties has otherwise been reduced to not more
26 than fifty prior to July 1, 2017. Such reduction shall be
27 accomplished by the merger, in whole or in part, of presently
28 existing counties. Newly created counties shall be composed of
29 contiguous territory and shall be reasonably compact.
30 The general assembly shall by law name the counties created
31 hereunder and shall by law select the place for the seat of the
32 county government for each newly created county. The general
33 assembly may by law provide such newly created counties with
34 authority to create such offices of county government within a
35 county as a county deems reasonable and necessary.

H.J.R. 3

1 In the event the general assembly fails to reduce the number
2 of counties, select a county seat of government for each newly
3 created county, and name each newly created county as required
4 herein by July 1, 2017, the chief justice of the supreme court
5 shall do so or cause to have the same done.
6 After the reduction in the number of counties has been
7 effectuated as herein required, the number or boundaries of
8 such newly created counties shall not thereafter be changed.
9 The general assembly shall enact all laws necessary to
10 effectuate this section.
11 3. Section 8 of Article XI of the Constitution of the State
12 of Iowa is repealed and the following adopted in lieu thereof:
13 **Seat of government established — state university.** SEC.
14 8. The seat of government is hereby permanently established,
15 as now fixed by law, at the city of Des Moines; and the state
16 university, at Iowa City.
17 Sec. 2. REFERRAL AND PUBLICATION. The foregoing amendment
18 to the Constitution of the State of Iowa is referred to the
19 general assembly to be chosen at the next general election
20 for members of the general assembly, and the secretary of
21 state is directed to cause the same to be published for three
22 consecutive months previous to the date of that election as
23 provided by law.
24 EXPLANATION
25 This joint resolution proposes an amendment to the
26 Constitution of the State of Iowa relating to the boundary
27 lines of counties. The joint resolution proposes new section
28 2 of Article XI, requiring the general assembly to reduce the
29 aggregate number of counties to not more than 50 by statute on
30 or before July 1, 2017, unless the aggregate number of counties
31 has otherwise been reduced to not more than 50 prior to July
32 1, 2017. The joint resolution allows such reduction to be
33 accomplished by the merger in whole or in part of presently
34 existing counties. Newly created counties, however, must be
35 composed of contiguous territory and be reasonably compact.

H.J.R. 3

1 The joint resolution requires the general assembly to name
2 each new county created and to select the place for the seat of
3 the county government for each new county created. The joint
4 resolution allows the general assembly to authorize the newly
5 created counties to create offices of county government as a
6 county deems reasonable and necessary. The joint resolution
7 requires the general assembly to enact all laws necessary to
8 effectuate new section 2 of Article XI of the Constitution of
9 the State of Iowa.
10 The joint resolution provides that in the event the general
11 assembly fails to reduce the number of counties, select a
12 county seat of government for each newly created county,
13 and name each newly created county as required, the chief
14 justice of the supreme court is required to do so. The joint
15 resolution also provides that after the reduction in the number
16 of counties has been effectuated, the number and boundaries of
17 such newly created counties may not be changed.
18 The joint resolution repeals provisions requiring any law
19 that changes boundary lines of a county to first be approved
20 at a general election by the people of the counties affected
21 by the change.
22 The joint resolution proposes a corresponding amendment to
23 section 8 of Article XI of the Constitution of the State of
24 Iowa, which establishes the city of Des Moines in Polk county
25 as the seat of government and establishes the state university
26 at Iowa City in Johnson county, by removing the references to
27 Polk county and Johnson county.
28 The resolution, if adopted, would be referred to the next
29 general assembly (Eighty-sixth) for adoption before being
30 submitted to the electorate for ratification.

House Study Bill 10 - Introduced

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

A BILL FOR

1 An Act relating to the discharge of a firearm near buildings or
2 feedlots by certified law enforcement officers for training
3 purposes and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1519YC (3) 85
av/nh

H.F. _____

1 Section 1. Section 481A.123, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 6. This section does not apply to the
4 discharge of a firearm for the purpose of developing and
5 retaining the shooting proficiency of certified law enforcement
6 officers on premises owned by the state, a county, or a
7 municipality, and operated by a law enforcement agency, which
8 are not open to the general public and which were in operation
9 for that purpose prior to January 1, 1980.
10 EXPLANATION
11 This bill provides that the statutory prohibition against
12 discharging a firearm within 200 yards of a building inhabited
13 by people or domestic livestock or within 200 yards of a
14 feedlot without the owner's consent, does not apply to the
15 discharge of a firearm for the purpose of developing and
16 retaining the shooting proficiency of certified law enforcement
17 officers on certain premises. The premises must be owned by
18 the state, a county, or a municipality, operated by a law
19 enforcement agency, and not open to the general public, and
20 must have been in operation for that purpose prior to January
21 1, 1980.
22 A violation of the bill's provisions is punishable with a
23 scheduled fine of $25.

House Study Bill 11 - Introduced

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

A BILL FOR

1 An Act relating to the waiting period before the granting of a
2 decree dissolving a marriage.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1492YC (2) 85
pf/nh

H.F. _____

Section 1. Section 598.19, Code 2013, is amended to read as follows:

598.19 Waiting period before decree.

1. ~~No~~ A decree dissolving a marriage shall not be granted in any proceeding before ninety days shall have elapsed from the day the original notice is served, or from the last day of publication of notice, or from the date that waiver or acceptance of original notice is filed or until after conciliation is completed, whichever period shall be longer. ~~However,~~

2. Notwithstanding subsection 1, the court may in its discretion, ~~on~~ grant a decree dissolving the marriage prior to the expiration of the applicable period, provided that the notice requirements have been met and any of the following conditions is met:

a. On the agreement of the parties.

b. On written motion supported by affidavit setting forth grounds of emergency or necessity and facts which satisfy the court that immediate action is warranted or required to protect the substantive rights or interests of any party or person who might be affected by the decree~~, hold a hearing and grant a decree dissolving the marriage prior to the expiration of the applicable period, provided that requirements of notice have been complied with~~. In such case the grounds of emergency or necessity and the facts with respect ~~thereto~~ to the grounds shall be recited in the decree unless otherwise ordered by the court.

3. The court may enter an order finding the respondent in default and waiving conciliation when the respondent has failed to file an appearance within the time set forth in the original notice.

EXPLANATION

This bill provides an additional basis for waiver of the requirement of the elapsing of a 90-day waiting period prior to the granting of a dissolution decree. In addition to the

H.F. _____

1 existing basis of emergency or necessity, under the bill the
2 court may, in its discretion, grant a dissolution decree prior
3 to the elapsing of the 90-day waiting period on agreement of
4 the parties.

House Study Bill 12 - Introduced

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

A BILL FOR

1 An Act relating to the possession of alcohol by certain minors
2 and juvenile court jurisdiction, and making penalties
3 applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1321YC (2) 85
rh/nh

H.F. _____

Section 1. Section 123.47, subsection 3, paragraph c, Code 2013, is amended to read as follows:

c. If the person who commits a violation of this section is under the age of eighteen, the matter shall be disposed of in the manner provided in chapter 232. <u>However, if the juvenile court waives its jurisdiction over the person pursuant to section 232.45 so that the person may be prosecuted as an adult, or if the person appears in adult court for a violation of this section that occurred prior to having reached the age of eighteen and no transfer of jurisdiction to the juvenile court is ordered pursuant to section 803.5, then the penalty for a violation of this section shall be as set forth in paragraphs *"a"* and *"b"*.</u>

EXPLANATION

This bill relates to the possession of alcohol by certain minors and juvenile court jurisdiction and makes penalties applicable.

Current law provides that a person who is 18, 19, or 20 years of age, other than a licensee or permittee under the alcoholic beverages laws, who purchases, attempts to purchase, or possesses alcohol commits a simple misdemeanor punishable by a scheduled fine of $200 for a first offense, a simple misdemeanor punishable by a $500 fine and a substance abuse evaluation or the suspension of the person's motor vehicle operating privileges for a period not to exceed one year for a second offense, or a simple misdemeanor punishable by a $500 fine and the suspension of the person's motor vehicle operating privileges for a period not to exceed one year for a third or subsequent offense. A person who is under the age of 18 who commits a violation of this law is referred to juvenile court.

The bill provides that if the juvenile court waives its jurisdiction over a person who is under the age of 18 pursuant to Code section 232.45 so that the person may be prosecuted as an adult, or if the person appears in adult court for a violation of this law that occurred before the person turned

H.F. _____

1 18 and no transfer of jurisdiction to the juvenile court is
2 ordered pursuant to Code section 803.5, then the penalty for
3 such a violation is the same as for a person who is 18, 19, or
4 20 years of age who violates this law.

House Study Bill 13 - Introduced

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

A BILL FOR

1 An Act relating to the statute of limitation period in
2 executing a judgment in an action on a claim for rent.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1371YC (2) 85
rh/sc

H.F. _____

1 Section 1. Section 615.1, subsection 1, paragraph b, Code
2 2013, is amended by striking the paragraph.
3 EXPLANATION
4 This bill eliminates the two-year statute of limitation
5 period for execution of a judgment entered in an action on a
6 claim for rent.

House Study Bill 14 - Introduced

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

A BILL FOR

1 An Act relating to county attorney duties when representing the
2 department of human services in juvenile court.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1327YC (1) 85
jm/sc

H.F. _____

1 Section 1. Section 232.37, subsection 1, Code 2013, is
2 amended to read as follows:
3 1. After a petition has been filed the court shall set
4 a time for an adjudicatory hearing and unless the ~~parties~~
5 persons named in subsection 2 voluntarily appear, shall issue
6 a summons requiring the child to appear before the court at a
7 time and place stated and requiring the person who has custody
8 or control of the child to appear before the court and to bring
9 the child with the person at that time. The summons shall
10 attach a copy of the petition and shall give notification of
11 the right to counsel provided for in section 232.11.
12 Sec. 2. Section 232.71C, subsection 1, Code 2013, is amended
13 to read as follows:
14 1. If, upon completion of an assessment performed under
15 section 232.71B, the department determines that the best
16 interests of the child require juvenile court action, the
17 department shall act appropriately to initiate the action.
18 If at any time during the assessment process the department
19 believes court action is necessary to safeguard a child, the
20 department shall act appropriately to initiate the action. The
21 county attorney shall assist the department ~~as provided under~~
22 ~~section 232.90, subsection 2~~.
23 Sec. 3. Section 232.87, subsection 2, Code 2013, is amended
24 to read as follows:
25 2. A petition may be filed by the department of human
26 services, juvenile court officer, or county attorney. In
27 determining whether a petition is to be filed, the department
28 or a juvenile court officer may consult with the county
29 attorney. If the county attorney declines to file a petition
30 requested by the department or juvenile court officer, the
31 department or juvenile court officer may file the petition
32 pursuant to this section, and may request that the attorney
33 general represent the state in place of the county attorney.
34 Sec. 4. Section 232.88, Code 2013, is amended to read as
35 follows:

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232.88 Summons, notice, subpoenas, and service.

After a petition has been filed, the court shall issue and serve summons, subpoenas, and other process in the same manner as for adjudicatory hearings in cases of juvenile delinquency as provided in section 232.37. Reasonable notice shall be provided to the persons required to be provided notice under section 232.37, except that notice shall be waived regarding a person who was notified of the adjudicatory hearing and who failed to appear. In addition, reasonable notice for any hearing under this division shall be provided to the department of human services, and the agency, facility, institution, or person, including a foster parent, relative, or other individual providing preadoptive care, with whom a child has been placed.

Sec. 5. Section 232.90, Code 2013, is amended to read as follows:

232.90 Duties of county attorney.

1. As used in this section, *"state"* means the general interest held by the people in the health, safety, welfare, and protection of all children living in this state.

~~1.~~ 2. The county attorney shall represent the state in proceedings arising from a petition filed under this division ~~and shall present evidence in support of the petition~~. The county attorney shall be present at proceedings initiated by petition under this division filed by an intake officer or the county attorney, or if a party to the proceedings contests the proceedings, or if the court determines there is a conflict of interest between the child and the child's parent, guardian, or custodian or if there are contested issues before the court.

~~2. The county attorney shall represent the department in proceedings arising under this division. However, if there is disagreement between the department and the county attorney regarding the appropriate action to be taken, the department may request to be represented by the attorney general in place of the county attorney.~~

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1 3. At the dispositional hearing or any subsequent
2 modification hearing held pursuant to this division, the county
3 attorney shall present to the court evidence regarding the
4 availability, fiscal impact, or fiscal limitations of any
5 placement for the child that is under consideration by the
6 court, if such evidence is provided by the department to the
7 county attorney.
8 4. In any proceeding under this division, the county
9 attorney shall consult with the department to ensure
10 compliance with all applicable state and federal laws regarding
11 permanency.
12 Sec. 6. Section 232.102, subsection 1, paragraph a,
13 unnumbered paragraph 1, Code 2013, is amended to read as
14 follows:
15 After a dispositional hearing and consideration of
16 all information provided by the department regarding the
17 availability, fiscal impact, or fiscal limitations to placement
18 for the child, the court may enter an order transferring the
19 legal custody of the child to one of the following for purposes
20 of placement:
21 Sec. 7. Section 232.104, subsection 1, Code 2011, is amended
22 by adding the following new paragraph:
23 NEW PARAGRAPH. *d.* If an initial permanency hearing is
24 not timely scheduled by the court, the department may seek
25 assistance of the county attorney in requesting that the court
26 set a timely permanency hearing.
27 Sec. 8. Section 232.111, subsection 1, Code 2013, is amended
28 to read as follows:
29 1. A child's guardian, guardian ad litem, or custodian,
30 the department of human services, a juvenile court officer, or
31 the county attorney may file a petition for termination of the
32 parent-child relationship and parental rights with respect to a
33 child. In determining whether a petition is to be filed, the
34 department or a juvenile court officer may consult with the
35 county attorney. If the county attorney declines to file a

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1 petition requested by the department or juvenile court officer,
2 the department or juvenile court officer may file the petition
3 pursuant to this section, and may request that the attorney
4 general represent the state in place of the county attorney.
5 Sec. 9. Section 232.111, subsection 4, paragraph b,
6 subparagraph (3), Code 2013, is amended to read as follows:
7 (3) ~~Custodian~~ Legal custodian of the child.
8 Sec. 10. Section 232.112, subsection 1, Code 2013, is
9 amended to read as follows:
10 1. Persons listed in section 232.111, subsection 4, other
11 than the department of human services, shall be necessary
12 parties to a termination of parent-child relationship
13 proceeding and are entitled to receive notice and an
14 opportunity to be heard, except that notice may be dispensed
15 with in the case of any such person whose name or whereabouts
16 the court determines is unknown and cannot be ascertained by
17 reasonably diligent search. In addition to the persons who are
18 necessary parties who may be parties under section 232.111,
19 notice for any hearing under this division shall be provided to
20 the department of human services, the child's foster parent,
21 an individual providing preadoptive care for the child, or a
22 relative providing care for the child.
23 Sec. 11. Section 232.114, Code 2013, is amended to read as
24 follows:
25 **232.114 Duties of county attorney.**
26 1. As used in this section, *"state"* means the general
27 interest held by the people in the health, safety, welfare, and
28 protection of all children living in this state.
29 ~~1.~~ 2. Upon the filing of a petition the county attorney
30 shall represent the state in all adversary proceedings arising
31 under this division ~~and shall present evidence in support of~~
32 ~~the petition~~.
33 ~~2. The county attorney shall represent the department in~~
34 ~~proceedings arising under this division. However, if there is~~
35 ~~disagreement between the department and the county attorney~~

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1 ~~regarding the appropriate action to be taken, the department~~
2 ~~may request to be represented by the attorney general in place~~
3 ~~of the county attorney.~~
4 Sec. 12. Section 232.180, Code 2013, is amended to read as
5 follows:
6 **232.180 Duties of county attorney.**
7 1. As used in this section, *"state"* means the general
8 interest held by the people in the health, safety, welfare, and
9 protection of all children living in this state.
10 2. Upon the filing of a petition and the request of the
11 department, the county attorney shall represent the state in
12 all adversary proceedings arising under this division and shall
13 present evidence in support of the petition ~~as provided under~~
14 ~~section 232.90~~.
15 EXPLANATION
16 This bill relates to county attorney duties when
17 representing the department of human services in juvenile
18 court.
19 Code section 232.37 is amended to provide that unless the
20 known parents, guardians or legal custodians of a child, the
21 child, and the child's guardian ad litem voluntarily appear for
22 an adjudicatory hearing to determine if the child has committed
23 a delinquent act, the court shall issue a summons requiring the
24 child to appear before the court at a time and place stated and
25 requiring the person who has custody or control of the child to
26 appear before the court and to bring the child with the person
27 at the time of the hearing. Code section 232.37(5) provides
28 that if a person personally served with a summons fails without
29 reasonable cause to appear or to bring the child, the person
30 may be held in contempt of court or the court may issue an order
31 for the arrest of the person or take the child into custody.
32 The amendment to Code section 232.37 affects a notice for
33 waiver hearings in Code section 232.45(3), a notice and summons
34 issued for hearings to change dispositional orders in Code
35 section 232.54(2), and a notice and summons issued for child in

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1 need of assistance proceedings in Code section 232.88.
2 Code section 232.71C is amended to provide that the county
3 attorney shall assist the department of human services in a
4 child in need of assistance proceeding, but strikes a reference
5 requiring the county attorney to represent the department in
6 such proceedings.
7 Code section 232.87 is amended by adding a provision
8 providing that the department of human services or a juvenile
9 court officer may consult with the county attorney to determine
10 whether a child in need of assistance petition should be filed.
11 Under the bill, if the county attorney declines to file such a
12 petition, the department of human services or juvenile court
13 officer may file the petition, and request the attorney general
14 represent the state in place of the county attorney.
15 Code section 232.88 is amended to add the department of human
16 services to the list of parties required to be provided notice
17 of a child in need of assistance proceeding.
18 Code section 232.90 is amended to require the county
19 attorney to represent the state in a child in need of
20 assistance proceeding and strikes a provision requiring the
21 county attorney to represent the department of human services
22 in such a proceeding. The amendment to Code section 232.90
23 defines "state" to mean the general interest held by the people
24 in the health, safety, welfare, and protection of all children
25 living in the state. Code section 232.90 is amended to strike
26 a provision allowing the attorney general to represent the
27 department of human services if a dispute arises between the
28 county attorney and the department of human services in a child
29 in need of assistance proceeding.
30 Code section 232.90 is also amended to provide that at
31 a dispositional hearing of a child in need of assistance
32 proceeding or any subsequent modification, the county attorney
33 shall present evidence to the court regarding the availability,
34 fiscal impact, or fiscal limitations of any placement being
35 considered for the child, if such evidence is provided by the

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1 department of human services to the county attorney. Code
2 section 232.90 is also amended to require the county attorney
3 to consult with the department to ensure compliance with all
4 applicable state and federal laws regarding permanency for a
5 child adjudicated a child in need of assistance.
6 Code section 232.104 is amended to permit the department of
7 human services to seek assistance of the county attorney in
8 setting a timely permanency hearing for a child adjudicated a
9 child in need of assistance.
10 Code section 232.111 is amended to require a petition
11 for termination of parental rights to contain the name and
12 residence of the "legal custodian" of the child. Current law
13 requires the petition for termination of parental rights to
14 contain the name and residence of the "custodian" of the child.
15 Code section 232.111 is also amended by adding a provision
16 providing that the department of human services or a juvenile
17 court officer may consult with the county attorney to determine
18 whether a termination of parental rights petition should be
19 filed. Under the bill, if the county attorney declines to file
20 such a petition, the department of human services or juvenile
21 court officer may file the petition and request the attorney
22 general represent the state in place of the county attorney.
23 Code section 232.112 is amended to strike a provision
24 requiring the participation of the department of human services
25 in a termination of parental rights proceeding.
26 Code section 232.114 is amended to require a county attorney
27 to represent the state in a termination of parental rights
28 proceeding and strikes a provision requiring a county attorney
29 to represent the department of human services in such a
30 proceeding. The amendment to Code section 232.114 defines
31 "state" to mean the general interest held by the people in the
32 health, safety, welfare, and protection of all children living
33 in the state. The amendment to Code section 232.114 also
34 strikes a provision allowing the attorney general to represent
35 the department of human services if a dispute arises between

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1 the county attorney and the department of human services in a
2 termination of parental rights proceeding.
3 Code section 232.180 is amended to require the county
4 attorney to represent the state in a voluntary foster care
5 placement proceeding and strikes a provision requiring the
6 county attorney to represent the department of human services.
7 The amendment to Code section 232.180 defines "state" to mean
8 the general interest held by the people in the health, safety,
9 welfare, and protection of all children living in the state.

House Study Bill 5 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED JUDICIAL BRANCH BILL)

A BILL FOR

1 An Act providing access to child abuse records in juvenile
2 court and the prosecution of certain youthful offenders.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1160XD (2) 85
jm/rj

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1 Section 1. Section 232.8, subsection 1, paragraph c, Code
2 2013, is amended to read as follows:
3 *c.* Violations by a child, aged sixteen or older, which
4 subject the child to the provisions of section 124.401,
5 subsection 1, paragraph *"e"* or *"f"*, or violations of section
6 723A.2 which involve a violation of chapter 724, or violation
7 of chapter 724 which constitutes a felony, or violations which
8 constitute a forcible felony are excluded from the jurisdiction
9 of the juvenile court and shall be prosecuted as otherwise
10 provided by law unless the court transfers jurisdiction of the
11 child to the juvenile court upon motion and for good cause as
12 provided in section 803.6. A child over whom jurisdiction
13 has not been transferred to the juvenile court, and who is
14 convicted of a violation excluded from the jurisdiction of
15 the juvenile court under this paragraph, shall be sentenced
16 pursuant to section 124.401B, 902.9, or 903.1. Notwithstanding
17 any other provision of the Code to the contrary, the court may
18 accept from a child a plea of guilty, or may instruct the jury
19 on a lesser included offense to the offense excluded from the
20 jurisdiction of the juvenile court under this section, in the
21 same manner as regarding an adult. However, the juvenile court
22 shall have exclusive original jurisdiction in a proceeding
23 concerning an offense of animal torture as provided in section
24 717B.3A alleged to have been committed by a child under the age
25 of seventeen.
26 Sec. 2. Section 232.28, subsection 3, paragraph b, Code
27 2013, is amended to read as follows:
28 *b.* Check existing records of the court, law enforcement
29 agencies, ~~and~~ public records of other agencies, and child abuse
30 records as provided in section 235A.15, subsection 2, paragraph
31 *"e"*.
32 Sec. 3. Section 232.45, subsection 7, paragraph a,
33 subparagraph (1), Code 2013, is amended to read as follows:
34 (1) The child is ~~fifteen~~ seventeen years of age or younger.
35 Sec. 4. Section 235A.2, paragraph e, Code 2013, is amended

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1 by adding the following new subparagraph:
2 NEW SUBPARAGRAPH. (24) To an intake officer making a
3 preliminary inquiry pursuant to section 232.28, subsection 3.
4 Sec. 5. Section 803.6, Code 2013, is amended to read as
5 follows:
6 **803.6 Transfer of jurisdiction — juvenile.**
7 1. The court, on its own motion, or upon motion of
8 any party, in the case of a juvenile who is alleged to
9 have committed a criminal offense listed in section 232.8,
10 subsection 1, paragraph *"c"*, may direct a juvenile court officer
11 to provide a report regarding whether the child should be
12 transferred to juvenile court for adjudication and disposition
13 as a juvenile or prosecuted as a youthful offender pursuant to
14 section 907.3A.
15 2. ~~If the court believes that transfer may be appropriate~~
16 ~~the~~ The court shall hold a hearing on whether the child
17 should be transferred to juvenile court for adjudication and
18 disposition or prosecuted as a youthful offender pursuant to
19 section 907.3A. A notice of the time and place of the ~~transfer~~
20 hearing shall be given to all parties to the case. Prior to
21 the hearing, the court shall provide the defendant's counsel
22 and the county attorney with access to the report provided by
23 the juvenile court officer and to all written material to be
24 considered by the court.
25 3. After the hearing, the court may transfer jurisdiction
26 to the juvenile court if the court determines that waiver to
27 the criminal court would be inappropriate under the criteria
28 set forth in section 232.45, subsection 6, paragraph *"c"*,
29 and section 232.45, subsection 8. In the alternative,
30 after considering the criteria set forth in section 232.45,
31 subsections 7 and 9, the court may order prosecution as a
32 youthful offender pursuant to section 907.3A.
33 4. If after the hearing the court transfers jurisdiction
34 over the defendant to the juvenile court for the alleged
35 commission of the public offense, the court shall forward the

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1 transfer order together with all papers, documents, and a
2 transcript of all testimony filed or admitted into evidence in
3 connection with the case to the clerk of the juvenile court in
4 the same manner as provided in section 232.8, subsection 2. If
5 after hearing the court orders the defendant to be prosecuted
6 as a youthful offender, the defendant shall be prosecuted under
7 the procedures provided in section 907.3A.
8 5. A defendant transferred to the jurisdiction of the
9 juvenile court shall be placed in detention under section
10 232.22, or continued under bond conditions if bond has
11 previously been posted. A defendant prosecuted as a youthful
12 offender shall be detained pursuant to section 232.23. A
13 determination pursuant to section 232.23, subsection 2, may be
14 made by the district court based upon evidence submitted at the
15 hearing.
16 Sec. 6. Section 907.3A, subsection 1, Code 2013, is amended
17 to read as follows:
18 1. *a.* Notwithstanding section 907.3 but subject to any
19 conditions of the waiver order, the trial court shall, upon
20 a plea of guilty or a verdict of guilty, defer sentence of
21 a youthful offender over whom the juvenile court has waived
22 jurisdiction pursuant to section 232.45, subsection 7, and
23 place the juvenile on youthful offender status.
24 *b.* Notwithstanding section 907.3 and upon hearing under
25 section 803.6, the court may place a juvenile excluded from the
26 jurisdiction of the juvenile court pursuant to section 232.8,
27 subsection 1, paragraph *"c"*, on youthful offender status.
28 *c.* The court shall transfer supervision of the youthful
29 offender to the juvenile court for disposition in accordance
30 with section 232.52. The court shall require supervision
31 of the youthful offender in accordance with section 232.54,
32 subsection 1, paragraph *"h"*, or subsection 2 of this section.
33 Notwithstanding section 901.2, a presentence investigation
34 shall not be ordered by the court subsequent to an entry of a
35 plea of guilty or verdict of guilty or prior to deferral of

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1 sentence of a youthful offender under this section.
2 EXPLANATION
3 This bill relates to access to child abuse records in
4 juvenile court and the prosecution of youthful offenders.
5 Under the bill, when a complaint is filed pursuant to Code
6 section 232.28 that a juvenile has committed a delinquent act,
7 the juvenile court intake officer making a preliminary inquiry
8 into the complaint shall be granted access to report data and
9 disposition data for cases of founded child abuse relating to
10 the juvenile who is the subject of the complaint. "Report
11 data" and "disposition data" are defined in Code section
12 235A.13.
13 The bill provides that a juvenile who is 17 years of age or
14 younger may be placed on youthful offender status pursuant to
15 the procedures of Code section 907.3A. Current law provides
16 that a juvenile 15 years of age or younger may be placed on
17 youthful offender status.
18 The bill also requires the district court to hold a hearing
19 for a juvenile excluded from the jurisdiction of juvenile court
20 pursuant to Code section 232.8(1)(c) because of the commission
21 of a serious offense to determine if the child should be
22 transferred to juvenile court for adjudication and disposition
23 as a juvenile or prosecuted as a youthful offender. Current
24 law requires such a hearing if the court believes a transfer
25 to juvenile court may be appropriate. Current law also does
26 not permit the court to place a juvenile on youthful offender
27 status if the juvenile has been excluded from the jurisdiction
28 of juvenile court for a serious offense.
29 The bill permits a juvenile excluded from the jurisdiction
30 of the juvenile court for a serious offense to remain on
31 bond if bond has been posted for the juvenile prior to being
32 transferred to juvenile court. Current law requires a juvenile
33 excluded from the jurisdiction of the juvenile court for a
34 serious offense to be placed in detention upon the transfer to
35 the jurisdiction of juvenile court.

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1 A youthful offender is a juvenile who receives a conviction
2 and deferred sentence in district court but is supervised
3 in juvenile court. Prior to a youthful offender reaching
4 the age of 18, a hearing is conducted by the district court
5 to determine whether supervision of the juvenile should
6 continue in district court or the sentence be discharged. If
7 supervision of the youthful offender is continued in district
8 court, any mandatory minimums that apply to the offense do
9 not apply to the youthful offender unless the court enters a
10 sentence of confinement.

House Study Bill 6 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED JUDICIAL BRANCH BILL)

A BILL FOR

1 An Act relating to interpreters and translators for limited
2 English proficient participants in legal proceedings and in
3 court-ordered programs.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1159XD (4) 85
rh/rj

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1 Section 1. Section 232.141, subsections 1 and 2, Code 2013,
2 are amended to read as follows:
3 1. Except as otherwise provided by law, the court shall
4 inquire into the ability of the child or the child's parent
5 to pay expenses incurred pursuant to subsections 2, 4, and 8.
6 After giving the parent a reasonable opportunity to be heard,
7 the court may order the parent to pay all or part of the costs
8 of the child's care, examination, treatment, legal expenses,
9 or other expenses, excluding the costs and fees of interpreter
10 and translator services. An order entered under this section
11 does not obligate a parent paying child support under a custody
12 decree, except that part of the monthly support payment may be
13 used to satisfy the obligations imposed by the order entered
14 pursuant to this section. If a parent fails to pay as ordered,
15 without good reason, the court may proceed against the parent
16 for contempt and may inform the county attorney who shall
17 proceed against the parent to collect the unpaid amount. Any
18 payment ordered by the court shall be a judgment against each
19 of the child's parents and a lien as provided in section
20 624.23. If all or part of the amount that the parents are
21 ordered to pay is subsequently paid by the county or state,
22 the judgment and lien shall thereafter be against each of the
23 parents in favor of the county to the extent of the county's
24 payments and in favor of the state to the extent of the state's
25 payments.
26 2. All of the following juvenile court expenses are a charge
27 upon the county in which the proceedings are held, to the
28 extent provided in subsection 3:
29 *a.* Juvenile court expenses incurred by an attorney appointed
30 by the court to serve as counsel to any party or to serve as a
31 guardian ad litem for any child, including fees and expenses
32 for ~~foreign language interpreters, costs of~~ depositions and
33 transcripts, fees and mileage of witnesses, and the expenses of
34 officers serving notices and subpoenas.
35 *b.* Reasonable compensation for an attorney appointed by the

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1 court to serve as counsel to any party or as guardian ad litem
2 for any child in juvenile court.
3 ~~*c.* Fees and expenses incurred by the juvenile court for~~
4 ~~foreign language interpreters for court proceedings.~~
5 Sec. 2. Section 602.1302, subsection 3, Code 2013, is
6 amended to read as follows:
7 3. A revolving fund is created in the state treasury for
8 the payment of jury and witness fees, mileage, costs related to
9 summoning jurors by the judicial branch, costs and fees related
10 to the management and payment of interpreters and translators
11 in judicial branch legal proceedings and court-ordered
12 programs, and attorney fees paid by the state public defender
13 for counsel appointed pursuant to section 600A.6A. The
14 judicial branch shall deposit any reimbursements to the state
15 for the payment of jury and witness fees and mileage in the
16 revolving fund. In each calendar quarter the judicial branch
17 shall reimburse the state public defender for attorney fees
18 paid pursuant to section 600A.6B. Notwithstanding section
19 8.33, unencumbered and unobligated receipts in the revolving
20 fund at the end of a fiscal year do not revert to the general
21 fund of the state. The judicial branch shall on or before
22 February 1 file a financial accounting of the moneys in the
23 revolving fund with the legislative services agency. The
24 accounting shall include an estimate of disbursements from the
25 revolving fund for the remainder of the fiscal year and for the
26 next fiscal year.
27 Sec. 3. Section 622A.1, Code 2013, is amended by striking
28 the section and inserting in lieu thereof the following:
29 **622A.1 Definitions.**
30 As used in this chapter, unless the context otherwise
31 requires:
32 1. *"Administrative agency"* means any department, board,
33 commission, or agency of the state or any political subdivision
34 of the state.
35 2. *"Court-ordered program"* means any activity in which a

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1 court orders a party to participate and which is not supervised
2 by the department of corrections or the department of human
3 services.
4 3. *"Interpreter"* means a person who can accurately transfer
5 the meaning of words, phrases, or signs in one language into
6 the equivalent words, phrases, or signs in another language
7 and includes an oral language interpreter and a sign language
8 interpreter.
9 4. *"Legal proceeding"* means any action before any court,
10 or any legal action preparatory to appearing before any
11 court, whether civil, criminal, or juvenile in nature
12 or any proceeding before any administrative agency which
13 is quasi-judicial in nature and which has direct legal
14 implications to any person.
15 5. *"Limited English proficient"* means the inability to
16 adequately understand or effectively communicate in the English
17 language because a person's primary language is a language
18 other than English.
19 6. *"Oral language interpreter"* means an interpreter who is
20 able to interpret from one oral language into a second oral
21 language and from the second oral language into the first oral
22 language.
23 7. *"Participant"* means a party, witness, attorney, or
24 child, including a child who is or may be the subject of a
25 delinquency petition, a parent or guardian whose child is or
26 may be the subject of a delinquency petition, or a person who
27 is a guardian, conservator, or trustee in a probate case.
28 8. *"Sign language interpreter"* means an interpreter who is
29 able to interpret from sign language into an oral language and
30 from that oral language into sign language.
31 9. *"Translator"* means a person who can accurately transfer
32 the meaning of written words and phrases in one language into
33 the equivalent written words and phrases in another language.
34 Sec. 4. Section 622A.2, Code 2013, is amended to read as
35 follows:

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622A.2 Who entitled to interpreter or translator.

Every limited English proficient person who ~~cannot speak or understand the English language and who is a party to any~~ is a participant in a legal proceeding or a ~~witness therein,~~ court-ordered program shall be entitled to an interpreter or translator to assist such person throughout the proceeding or program.

Sec. 5. Section 622A.3, Code 2013, is amended to read as follows:

622A.3 Costs ~~— when taxed~~.

1. An interpreter ~~shall be~~ or translator appointed ~~without expense to the person requiring assistance in the following cases:~~ for a limited English proficient participant who is entitled to an interpreter or translator pursuant to section 622A.2 shall be paid in accordance with this section and the fees for interpreter or translator services shall not be charged to the limited English proficient participant or the parties in the case.

~~*a.* If the person requiring assistance is a witness in the civil legal proceeding.~~

~~*b.* If the person requiring assistance is indigent and financially unable to secure an interpreter.~~

2. ~~In civil cases, every court shall tax the cost of an interpreter the same as other court costs. In criminal cases, where the defendant is indigent, the interpreter shall be considered as a defendant's witness under rule of criminal procedure 2.15 for the purpose of receiving fees, except that subpoenas shall not be required. If the proceeding is before an administrative agency, that agency shall provide such interpreter but may require that a party to the proceeding pay the expense thereof~~ An oral language interpreter or a translator required for a limited English proficient participant in a judicial branch legal proceeding or a court-ordered program shall be paid by the state court administrator from the revolving fund created in section

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602.1302, subsection 3.

3. ~~Moneys recovered as court costs for interpreters paid through the revolving fund established in section 602.1302, subsection 3, shall be deposited in that fund~~ An oral language interpreter or a translator required for a limited English proficient participant in a legal proceeding before an administrative agency shall be paid by the appropriate administrative agency.

4. A sign language interpreter and a real-time court reporter who assist a deaf or hard-of-hearing participant in a legal proceeding before a court or an administrative agency or in a court-ordered program shall be paid by the county pursuant to section 622B.7.

Sec. 6. Section 622A.4, Code 2013, is amended to read as follows:

622A.4 Fee for interpreter and translator services set by court or administrative agency — payment.

~~Every~~ An interpreter or translator appointed by a court or administrative agency shall receive a fee to be set by the court or administrative agency. ~~If the interpreter is appointed by the court in a civil case for a person who is indigent and unable to secure an interpreter, the fee for the interpreter shall be paid from the revolving fund established in section 602.1302, subsection 3.~~

Sec. 7. Section 622A.5, Code 2013, is amended to read as follows:

622A.5 Oath.

~~Every~~ An interpreter or translator in any legal proceeding shall take ~~the same~~ an oath ~~as any other witness~~ approved by the supreme court.

Sec. 8. Section 622A.6, Code 2013, is amended to read as follows:

622A.6 Qualifications and integrity.

Any court or administrative agency may inquire into the qualifications, neutrality, and integrity of any interpreter

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1 or translator, and may disqualify any person from serving as
2 an interpreter or translator.
3 Sec. 9. Section 622A.7, Code 2013, is amended to read as
4 follows:
5 **622A.7 Rules — qualifications and compensation of**
6 **interpreters and translators.**
7 The supreme court, after consultation with the commission
8 of Latino affairs of the department of human rights and other
9 appropriate departments, shall adopt rules governing the
10 qualifications and compensation of interpreters and translators
11 appearing in proceedings before a court or grand jury under
12 this chapter. However, an administrative agency which is
13 subject to chapter 17A may adopt rules differing from those of
14 the supreme court governing the qualifications and compensation
15 of interpreters and translators appearing in proceedings before
16 that agency.
17 Sec. 10. Section 622A.8, Code 2013, is amended to read as
18 follows:
19 **622A.8 ~~Tape~~ Electronic recording of testimony.**
20 ~~A tape~~ An electronic recording of the portion of proceedings
21 where non-English testimony is given shall be made and
22 maintained.
23 Sec. 11. Section 622B.1, subsection 1, paragraphs d through
24 f, Code 2013, are amended to read as follows:
25 *d. "Interpreter"* means ~~an oral interpreter or sign language~~
26 ~~interpreter~~ a person who can accurately transfer the meaning of
27 words, phrases, or signs in one language into the equivalent
28 words, phrases, or signs in another language, and includes an
29 oral language interpreter and a sign language interpreter.
30 *e. "Oral language interpreter"* means an interpreter who is
31 ~~fluent in transliterating, paraphrasing, and voicing~~ able to
32 interpret from one oral language into a second oral language
33 and from the second oral language into the first oral language.
34 *f. "Sign language interpreter"* means an interpreter who is
35 able to interpret from sign language ~~to English and English to~~

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1 ~~sign language~~ into an oral language and from that oral language
2 into sign language.
3 Sec. 12. Section 815.9, subsections 3 through 6, Code 2013,
4 are amended to read as follows:
5 3. If a person is granted an appointed attorney, the person
6 shall be required to reimburse the state for the total cost of
7 legal assistance provided to the person, excluding the costs
8 and fees of interpreter and translator services, pursuant
9 to this section. *"Legal assistance"* as used in this section
10 shall include not only the expense of the public defender or
11 an appointed attorney, but also transcripts, witness fees,
12 expenses, and any other goods or services required by law to
13 be provided to an indigent person entitled to an appointed
14 attorney.
15 4. *a.* If the appointed attorney is a public defender,
16 the attorney shall submit a report to the court specifying
17 the total hours of service plus expenses incurred, excluding
18 the costs and fees of interpreter and translator services, in
19 providing legal assistance to the person. In a criminal case,
20 the report shall be submitted within ten days of the date of
21 sentencing, acquittal, or dismissal. In a case other than a
22 criminal case, the report shall be submitted within ten days of
23 any court ruling or the conclusion of a trial held in the case,
24 or if the case is dismissed within ten days of the dismissal.
25 *b.* If the appointed attorney is a private attorney or is
26 employed by a nonprofit organization, the state public defender
27 shall report to the clerk of the district court the amounts
28 of any approved claims for compensation and expenses paid on
29 behalf of a person receiving legal assistance, excluding the
30 costs and fees of interpreter and translator services, after
31 such claims have been reviewed and paid by the state public
32 defender.
33 5. If the person receiving legal assistance is convicted in
34 a criminal case, the total costs and fees incurred for legal
35 assistance, excluding the costs and fees of interpreter and

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1 translator services, shall be ordered paid when the reports
2 submitted pursuant to subsection 4 are received by the court,
3 and the court shall order the payment of such amounts as
4 restitution, to the extent to which the person is reasonably
5 able to pay, or order the performance of community service in
6 lieu of such payments, in accordance with chapter 910.
7 6. If the person receiving legal assistance is acquitted in
8 a criminal case or is a party in a case other than a criminal
9 case, the court shall order the payment of all or a portion
10 of the total costs and fees incurred for legal assistance,
11 excluding the costs and fees of interpreter and translator
12 services, to the extent the person is reasonably able to
13 pay, after an inquiry which includes notice and reasonable
14 opportunity to be heard.
15 EXPLANATION
16 This bill relates to interpreters and translators for
17 limited English proficient participants in legal proceedings
18 and in court-ordered programs.
19 The bill provides that a "limited English proficient" (LEP)
20 person who is a participant in any legal proceeding involving a
21 court or an administrative agency or in a court-ordered program
22 shall be entitled to an interpreter or a translator to assist
23 the person in the proceeding or program. LEP is defined as the
24 inability of a person to adequately understand or effectively
25 communicate in the English language because a person's primary
26 language is a language other than English. The bill defines
27 an "interpreter" as a person who can accurately transfer the
28 meaning of words, phrases, or signs in one language into the
29 equivalent words, phrases, or signs in another language and
30 includes an oral language interpreter and a sign language
31 interpreter; a "translator" as a person who can accurately
32 transfer the meaning of written words and phrases in one
33 language into the equivalent written words and phrases in
34 another language; and a "participant" as a party, witness,
35 attorney, or child, including a child who is or may be the

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1 subject of a delinquency petition, a parent or guardian whose
2 child is or may be the subject of a delinquency petition, or a
3 person who is a guardian, conservator, or trustee in a probate
4 case.
5 The bill provides that fees for interpreter or translator
6 services shall not be charged to an LEP participant in a legal
7 proceeding or court-ordered program. The bill specifies
8 that an oral language interpreter or a translator required
9 for an LEP participant in a judicial branch legal proceeding
10 or in a court-ordered program is to be paid by the state
11 court administrator from the revolving fund established in
12 Code section 602.1302, subsection 3 (known as the jury and
13 witness fund); an oral language interpreter or a translator
14 required for an LEP participant in a legal proceeding before
15 an administrative agency is to be paid by the appropriate
16 administrative agency; and a sign language interpreter and a
17 real-time court reporter who assist a deaf or hard-of-hearing
18 participant in a legal proceeding before a court or an
19 administrative agency or in a court-ordered program are to be
20 paid by the county pursuant to Code section 622B.7. The bill
21 makes conforming changes excluding the costs of interpreter
22 and translator services from being charged to a parent in a
23 juvenile proceeding (Code section 232.141) and to a person
24 receiving indigent legal assistance services (Code section
25 815.9).
26 The bill provides additional provisions specifying that fees
27 and qualifications for interpreter and translator services
28 are to be determined by the court or administrative agency,
29 as appropriate; an interpreter or translator in any legal
30 proceeding is required to take an oath approved by the supreme
31 court; and a court or an administrative agency may inquire into
32 the qualifications, neutrality, and integrity of an interpreter
33 or translator and may disqualify any person from serving as an
34 interpreter or translator. The bill requires electronic rather
35 than audio recordings of the portion of proceedings where

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1 non-English testimony is given to be made and maintained.
2 The bill makes conforming changes to the definitions of
3 "interpreter", "oral language interpreter", and "sign language
4 interpreter" in Code chapter 622B (deaf and hard-of-hearing
5 interpreters) to be consistent with the definitions in the
6 bill.

House Study Bill 7 - Introduced

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

A BILL FOR

1 An Act relating to an application for the immediate return of
2 seized property.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1368YC (2) 85
rh/sc

H.F. _____

1 Section 1. Section 809.3, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 3A. The application shall be signed by the
4 claimant under penalty of perjury.
5 EXPLANATION
6 This bill relates to an application for the immediate return
7 of seized property under Code chapter 809.
8 Current law provides that any person claiming a right to
9 immediate possession of seized property may make an application
10 for the return of the seized property in the office of the
11 clerk of court for the county in which the property was seized.
12 The application must state the specific item or items sought,
13 the nature of the claimant's interest in the property, and the
14 grounds upon which the claimant seeks to have the property
15 immediately returned. "Seized property" means property taken
16 or held by any law enforcement agency without the consent of
17 the person, if any, who had possession or a right to possession
18 of the property at the time it was taken into custody.
19 The bill requires that the claimant sign the application
20 under penalty of perjury.

House Study Bill 8 - Introduced

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

A BILL FOR

1 An Act relating to conducting condemnation proceedings.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1322YC (4) 85
md/sc

H.F. _____

1 Section 1. Section 6B.2, subsection 1, paragraph b, Code
2 2013, is amended to read as follows:
3 *b.* By the county attorney, when the damages are payable from
4 funds disbursed by the county~~,~~ or by any township~~, or school~~
5 ~~corporation~~.
6 EXPLANATION
7 Code chapter 6B specifies the procedure for the condemnation
8 of private property. Code section 6B.2 specifies that such
9 condemnation proceedings shall be conducted by the county
10 attorney when the damages are payable from funds disbursed by
11 a county, or by any township, or school corporation. This
12 bill strikes school corporations from the provision under
13 which the county attorney is required to conduct condemnation
14 proceedings.

House Study Bill 9 - Introduced

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

A BILL FOR

1 An Act relating to the authority of cities to regulate and
2 restrict the occupancy of residential rental property.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1369YC (1) 85
aw/sc

H.F. _____

1 Section 1. Section 414.1, subsection 1, Code 2013, is
2 amended to read as follows:
3 1. *a.* For the purpose of promoting the health, safety,
4 morals, or the general welfare of the community or for the
5 purpose of preserving historically significant areas of
6 the community, any city is hereby empowered to regulate and
7 restrict the height, number of stories, and size of buildings
8 and other structures, the percentage of lot that may be
9 occupied, the size of yards, courts, and other open spaces,
10 the density of population, the occupancy of residential rental
11 property on the basis of square footage, and the location and
12 use of buildings, structures, and land for trade, industry,
13 residence, or other purposes.
14 *b.* A city shall not adopt or enforce any regulation or
15 restriction related to the occupancy of residential rental
16 property that is based upon the existence of familial or
17 nonfamilial relationships between the occupants of such rental
18 property.
19 EXPLANATION
20 This bill relates to the authority of cities to regulate and
21 restrict the occupancy of residential rental property.
22 The bill provides that a city may regulate and restrict the
23 occupancy of residential rental property on the basis of square
24 footage. The bill also provides that a city shall not adopt or
25 enforce any regulation or restriction related to the occupancy
26 of residential rental property based upon the familial or
27 nonfamilial relationships of occupants.

Senate File 12 - Introduced

SENATE FILE 12
BY DANIELSON

A BILL FOR

1 An Act relating to area health education centers, creating
2 an area health education centers fund, and providing an
3 appropriation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1446SS (7) 85
pf/nh

S.F. 12

1 Section 1. NEW SECTION. **135.179 Area health education**
2 **centers fund.**
3 An area health education centers fund is created in the
4 state treasury as a separate fund under the control of the
5 department. The department may receive appropriations,
6 contributions, grants, and in-kind contributions to support
7 the purposes of the fund. The fund shall be separate from the
8 general fund of the state and shall not be considered part of
9 the general fund of the state. The moneys in the fund shall
10 not be considered revenue of the state, but rather shall be
11 moneys of the fund. The moneys in the fund are appropriated
12 to the department to be distributed to a publicly owned acute
13 care teaching hospital located in a county with a population
14 over three hundred fifty thousand that shall subcontract
15 with health care entities that host regional area health
16 education centers to recruit and retain a skilled health care
17 workforce in rural and underserved areas of the state. The
18 funds distributed shall be used to provide the nonfederal
19 funding match requirement for receipt of federal grants for
20 area health education centers from the federal health resources
21 and services administration of the United States department of
22 health and human services and to assist with continuation of
23 existing educational health care programs and activities. The
24 moneys in the fund are not subject to section 8.33 and shall
25 not be transferred, used, obligated, appropriated, or otherwise
26 encumbered, except to provide for the purposes of this section.
27 Notwithstanding section 12C.7, subsection 2, interest or
28 earnings on moneys deposited in the fund shall be credited to
29 the fund.
30 Sec. 2. AREA HEALTH EDUCATION CENTERS —
31 APPROPRIATION. There is appropriated from the general
32 fund of the state for deposit in the area health education
33 centers fund created in section 135.179 pursuant to this Act,
34 for the fiscal year beginning July 1, 2013, and ending June 30,
35 2014, the following amount, or so much thereof as is necessary,

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1 for the purposes specified for the fund:
2 ..... $ 500,000
3 Sec. 3. CODE EDITOR DIRECTIVE. The Code editor shall create
4 a new division in chapter 135 codifying section 135.179, as
5 enacted in this Act, as the area health education centers fund.
6 EXPLANATION
7 This bill relates to area health education centers (AHECs).
8 The bill creates an area health education centers fund in
9 the state treasury as a separate fund under the control of
10 the department of public health. The moneys in the fund
11 are appropriated to the department to be distributed to a
12 publicly owned acute care teaching hospital located in a county
13 with a population over 350,000 that shall subcontract with
14 health care entities that host AHECs to recruit and retain
15 health care providers in rural and underserved areas of the
16 state. The funds distributed are to be used to provide the
17 nonfederal funding match requirement for receipt of federal
18 grants for AHECs from the federal health resources and services
19 administration of the United States department of health and
20 human services and to provide for continuation of existing
21 educational health care programs and activities.
22 The bill also makes an appropriation of $500,000 from the
23 general fund of the state for deposit in the area health
24 education centers fund to be used for the purposes of the fund.

Senate File 13 - Introduced

SENATE FILE 13
BY ANDERSON

A BILL FOR

1 An Act prohibiting gender-selection abortions, and providing
2 penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1032XS (2) 85
pf/nh

S.F. 13

1 Section 1. NEW SECTION. **146A.1 Gender-selection abortions**
2 **— prohibited — criminal penalties — certification — civil and**
3 **injunctive relief.**
4 1. A person who knowingly does any of the following commits
5 a class "C" felony:
6 *a.* Performs an abortion which is sought based upon the
7 gender of the fetus.
8 *b.* Uses force or the threat of force for the purpose of
9 coercing a woman into an abortion based on gender of the fetus.
10 *c.* Solicits or accepts money to perform an abortion based
11 upon the gender of the fetus.
12 2. A criminal penalty shall not be imposed under this
13 section on a woman upon whom an abortion is performed.
14 3. A physician shall not perform an abortion on a woman
15 unless the physician first certifies in writing that the
16 physician is not performing the abortion based on the gender
17 of the fetus and has no knowledge that the woman seeking the
18 abortion is seeking the abortion based upon the gender of the
19 fetus. A copy of the written certification shall be maintained
20 in the woman's medical record.
21 4. A woman upon whom a gender-selection abortion is
22 performed in violation of this section, or the spouse of
23 the woman at the time that the gender-selection abortion is
24 performed on the woman in violation of this section, may
25 maintain a civil action against the physician who performed
26 the abortion in violation of this section for actual damages.
27 If the plaintiff prevails in an action brought under this
28 subsection, the plaintiff shall be entitled to an award for
29 reasonable attorney fees. If the defendant prevails in an
30 action brought under this section and the court finds that the
31 plaintiff's suit was frivolous and brought in bad faith, the
32 defendant shall be entitled to an award for reasonable attorney
33 fees.
34 5. A cause of action for injunctive relief to prevent
35 a physician from performing abortions may be maintained by

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1 the county attorney with appropriate jurisdiction or by the
2 attorney general against a physician who has violated this
3 section.
4 EXPLANATION
5 This bill relates to abortions performed based on gender
6 selection.
7 The bill provides that a physician commits a class "C"
8 felony if the physician performs an abortion which is sought
9 based upon the gender of the fetus, uses force or the threat
10 of force for the purpose of coercing a woman into an abortion
11 based on the gender of the fetus, or solicits or accepts money
12 to perform an abortion based upon the gender of the fetus. The
13 bill provides, however, that a criminal penalty shall not be
14 imposed on a woman upon whom an abortion is performed.
15 The bill also requires that prior to performing an abortion,
16 a physician shall first certify in writing that the physician
17 is not performing the abortion based on the gender of the fetus
18 and has no knowledge that the woman seeking the abortion is
19 seeking the abortion based upon the gender of the fetus. A
20 copy of the written certification is required to be maintained
21 in the woman's medical record.
22 The bill provides that a woman upon whom a gender-selection
23 abortion is performed in violation of the bill, or the spouse
24 of the woman, may maintain a civil action against the physician
25 who performed the abortion in violation of the bill for actual
26 damages, and provides for awarding of reasonable attorney fees.
27 The bill also provides that the county attorney with
28 jurisdiction, or the attorney general, may maintain a cause
29 of action for injunctive relief to prevent a physician from
30 performing abortions if the physician has violated a provision
31 of the bill.

Senate File 14 - Introduced

SENATE FILE 14
BY ANDERSON

A BILL FOR

1 An Act relating to abortion-inducing drug safety and providing
2 penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1071XS (3) 85
pf/nh

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1 Section 1. NEW SECTION. **146A.1 Definitions.**
2 As used in this chapter, unless the context otherwise
3 requires:
4 1. *"Abortion"* means abortion as defined in section 146.1,
5 and includes a medical abortion.
6 2. *"Abortion-inducing drug"* means a medicine, drug, or any
7 other substance prescribed or dispensed with the intent of
8 terminating the clinically diagnosable pregnancy of a woman,
9 with knowledge that the drug will with reasonable likelihood
10 cause the termination of the pregnancy. *"Abortion-inducing*
11 *drug"* includes the off-label use of drugs known to have
12 abortion-inducing properties, which are prescribed specifically
13 with the intent of causing an abortion, but does not include
14 drugs that may be known to cause an abortion, but which are
15 prescribed for other medical indications.
16 3. *"Adverse event"* means adverse event as defined by the
17 United States food and drug administration for the voluntary
18 Medwatch reporting system form FDA 3500.
19 4. *"Department"* means the department of public health.
20 5. *"Drug label"* means the document published by the United
21 States food and drug administration which accompanies an
22 abortion-inducing drug and specifies the protocol tested and
23 authorized by the United States food and drug administration
24 and agreed upon by the drug company applying for authorization
25 of that drug.
26 6. *"Gestational age"* means the time that has elapsed since
27 the first day of the woman's last menstrual period.
28 7. *"Medical abortion"* means the use of an abortion-inducing
29 drug to induce an abortion.
30 8. *"Physician"* means any person licensed to practice
31 medicine and surgery or osteopathic medicine and surgery
32 pursuant to chapter 148.
33 9. *"Pregnant"* means the female reproductive condition of
34 having a developing human offspring in the woman's uterus from
35 conception until birth.

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1 Sec. 2. NEW SECTION. **146A.2 Abortion-inducing drugs —**
2 **requirements.**
3 1. An individual shall not knowingly give, sell,
4 dispense, administer, or otherwise provide or prescribe an
5 abortion-inducing drug to a pregnant woman for the purpose
6 of inducing an abortion in that pregnant woman, or for the
7 purpose of enabling another person to induce an abortion in
8 the pregnant woman, unless the individual who gives, sells,
9 dispenses, administers, or otherwise provides or prescribes
10 the abortion-inducing drug is a physician, and the provision
11 or prescription of the abortion-inducing drug satisfies the
12 protocol tested and authorized by the United States food and
13 drug administration and as specified in the drug label for the
14 abortion-inducing drug.
15 2. The physician giving, selling, dispensing,
16 administering, or otherwise providing or prescribing the
17 abortion-inducing drug shall first examine the pregnant woman
18 and document, in the woman's medical chart, the gestational age
19 and intrauterine location of the pregnancy prior to giving,
20 selling, dispensing, administering, or otherwise providing or
21 prescribing the abortion-inducing drug.
22 3. Each pregnant woman to whom a physician gives, sells,
23 dispenses, administers, or otherwise provides or prescribes any
24 abortion-inducing drug shall be provided with a copy of the
25 drug's label.
26 4. The physician giving, selling, dispensing,
27 administering, or otherwise providing or prescribing the
28 abortion-inducing drug shall have a signed contract with a
29 physician who agrees to handle complications and shall be
30 able to produce that signed contract upon request of the
31 pregnant woman or the department. The physician giving,
32 selling, dispensing, administering, or otherwise providing
33 or prescribing an abortion-inducing drug shall provide the
34 pregnant woman with the name and telephone number of the
35 physician who will be handling emergencies, and the hospital

1 at which any emergencies will be handled. The physician who
2 contracts to handle emergencies must have active admitting
3 privileges and gynecological and surgical privileges at the
4 hospital designated to handle any emergencies associated with
5 the use or ingestion of the abortion-inducing drug.
6 5. The physician giving, selling, dispensing,
7 administering, or otherwise providing or prescribing an
8 abortion-inducing drug, or an agent of the physician, shall
9 schedule a follow-up visit for the woman within fourteen days
10 after administration of the abortion-inducing drug to confirm
11 that the pregnancy is completely terminated and to assess the
12 degree of bleeding. The physician, or agent of the physician,
13 shall make all reasonable efforts to ensure that the woman
14 returns for the scheduled appointment. A brief description of
15 the efforts made to comply with this subsection, including the
16 date, time, and identification by name of the person making
17 such efforts, shall be included in the woman's medical record.
18 Sec. 3. NEW SECTION. **146A.3 Reporting — adverse event.**
19 1. If a physician administers an abortion-inducing drug to
20 a pregnant woman for the purpose of inducing an abortion and if
21 the physician knows that the pregnant woman experiences, during
22 or after the administration of the drug, an adverse event, the
23 physician shall provide a written report of the adverse event
24 within three days of the event to the United States food and
25 drug administration under the Medwatch voluntary reporting
26 system using form FDA 3500, and to the department.
27 2. The department shall compile and retain all reports
28 received under this section. All reports received are public
29 records. However, the department shall not release to any
30 person the name or any other personal identifying information
31 regarding a person who was administered an abortion-inducing
32 drug for the purpose of inducing an abortion and who is the
33 subject of a report received under this section.
34 Sec. 4. NEW SECTION. **146A.4 Criminal penalties.**
35 1. A person who intentionally, knowingly, or recklessly

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1 violates any provision of this chapter is guilty of a class "D"
2 felony.
3 2. A criminal penalty shall not be assessed against a
4 pregnant woman upon whom a medical abortion is performed.
5 Sec. 5. NEW SECTION. **146A.5 Civil penalties.**
6 1. In addition to any other remedies available under the
7 common or statutory law of the state, failure to comply with
8 the requirements of this chapter provides a basis for all of
9 the following:
10 *a.* A civil malpractice action for actual and punitive
11 damages.
12 *b.* A professional disciplinary action under chapter 148.
13 *c.* Recovery by the woman's survivors for the wrongful death
14 of a woman upon whom a medical abortion was performed.
15 2. Civil liability shall not be assessed against a pregnant
16 woman upon whom a medical abortion was performed.
17 3. When requested, the court shall allow a woman to proceed
18 in any action using solely her initials or a pseudonym and may
19 close any proceedings in the case and enter other protective
20 orders to preserve the privacy of the woman upon whom a medical
21 abortion was performed.
22 4. If judgment is rendered in favor of the plaintiff, the
23 court shall also render judgment for reasonable attorney fees
24 in favor of the plaintiff against the defendant.
25 Sec. 6. NEW SECTION. **146A.6 Construction.**
26 1. This chapter shall not be construed as creating or
27 recognizing a right to abortion.
28 2. This chapter shall not be construed to legalize an
29 abortion that is not authorized by state or federal law.
30 Sec. 7. NEW SECTION. **146A.7 Right to intervene.**
31 A member of the general assembly may intervene in any case in
32 which the constitutionality of this chapter is challenged as
33 a matter of right.
34 Sec. 8. NEW SECTION. **146A.8 Severability.**
35 If any provision of this chapter or its application to any

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1 person or circumstance is held invalid, the invalidity does
2 not affect other provisions or application of this chapter
3 which can be given effect without the invalid provision or
4 application, and to this end the provisions of this chapter are
5 severable.
6 EXPLANATION
7 This bill relates to the protocol relating to medical
8 abortions.
9 The bill provides that an individual shall not knowingly
10 give, sell, dispense, administer, or otherwise provide or
11 prescribe any abortion-inducing drug to a pregnant woman
12 for the purpose of inducing an abortion in that pregnant
13 woman, or enabling another person to induce an abortion in
14 a pregnant woman, unless the individual is a physician, and
15 the provision or prescription of the abortion-inducing drug
16 satisfies the protocol tested and authorized by the United
17 States food and drug administration (FDA) and as specified
18 in the drug label for the abortion-inducing drug. The bill
19 requires that the physician, prior to providing or prescribing
20 the abortion-inducing drug, first examine the pregnant woman,
21 and document in the woman's medical chart, the gestational age
22 and intrauterine location of the pregnancy prior to providing
23 or prescribing the abortion-inducing drug. The physician is
24 required to provide the pregnant woman with the drug's label;
25 to have a signed contract with a physician who agrees to handle
26 complications and to have this contract available upon request
27 by the pregnant woman or department of public health (DPH); and
28 to provide the pregnant woman with the name and the telephone
29 number of the physician who will be handling emergencies, and
30 the hospital at which any emergencies will be handled. The
31 physician who contracts to handle emergencies must have active
32 admitting privileges and gynecological and surgical privileges
33 at the hospital designated to handle any emergencies associated
34 with the use or ingestion of the abortion-inducing drug.
35 The bill requires the physician providing or prescribing

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1 an abortion-inducing drug, or an agent of the physician, to
2 schedule a follow-up visit for the woman within 14 days after
3 administration of the abortion-inducing drug to confirm that
4 the pregnancy is completely terminated and to assess the degree
5 of bleeding, and to make all reasonable efforts to ensure that
6 the woman returns for the scheduled appointment. The physician
7 is directed to include a brief description of the follow-up
8 efforts made, including the date, time, and identification by
9 name of the person making such efforts, in the woman's medical
10 record.
11 The bill requires a physician to report adverse events
12 that the physician knows the woman experienced during or
13 after the use of the drug within three days of the event to
14 the FDA and to DPH. DPH is directed to compile and retain
15 all reports received. The reports are public records, but
16 DPH is not to release to any person the name or any other
17 personal identifying information regarding a person who used an
18 abortion-inducing drug for the purpose of inducing an abortion
19 and who is the subject of a report received.
20 A person who intentionally, knowingly, or recklessly
21 violates any provision of the bill is guilty of a class "D"
22 felony. A class "D" felony is punishable by confinement for no
23 more than five years and a fine of at least $750 but not more
24 than $7,500. However, a criminal penalty is not to be assessed
25 against the pregnant woman upon whom the drug-induced abortion
26 is performed. The bill also provides that in addition to any
27 other remedies available under the common or statutory law of
28 the state, failure to comply with the requirements of the bill
29 provides the basis for a civil malpractice action for actual
30 and punitive damages, a professional disciplinary action, or
31 recovery by the woman's survivors for the wrongful death of the
32 woman. However, civil liability is not to be assessed against
33 the pregnant woman upon whom the drug-induced abortion is
34 performed. The bill provides that in any action the court may
35 allow a woman to use solely her initials or a pseudonym and may

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close any proceedings in the case and enter other protective orders to preserve the privacy of the woman upon whom the drug-induced abortion was performed. If judgment is rendered in favor of the plaintiff, the bill provides for the awarding of reasonable attorney fees.

The bill is not to be construed as creating or recognizing a right to abortion or to legalize an abortion that is not authorized under state or federal law.

The bill provides that a member of the general assembly may intervene in any case in which the constitutionality of the bill is challenged as a matter of right. The bill also provides for severability of any provision of the bill or its application if held invalid so that the invalidity does not affect other provisions or application of the bill which can be given effect without the invalid provision or application.

Senate File 15 - Introduced

SENATE FILE 15
BY MATHIS

A BILL FOR

1 An Act relating to bidding for purchases through a competitive
2 bidding process by the state or political subdivisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1078XS (2) 85
je/nh

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1 Section 1. Section 8A.311, Code 2013, is amended by adding
2 the following new subsections:
3 NEW SUBSECTION. 12A. *a.* If the lowest responsive bid
4 received by the state or a political subdivision for products
5 or other purchases is from an out-of-state business and totals
6 less than five hundred thousand dollars, and an Iowa-based
7 business submitted a bid which is within five percent or ten
8 thousand dollars of the price of the lowest bid, whichever
9 is less, the Iowa-based business which submitted the lowest
10 responsive bid shall be notified and shall be allowed to match
11 the lowest bid before a contract is awarded.
12 *b.* This subsection does not apply to a request for bids or
13 proposals for products or other purchases associated with the
14 following:
15 (1) Road or bridge construction or repair.
16 (2) Architectural or engineering services.
17 *c.* This subsection does not apply to procurement of or for
18 public improvement projects.
19 NEW SUBSECTION. 12B. *a.* A response to a request for
20 bids or proposals for products or other purchases by the
21 state or a political subdivision which totals less than five
22 hundred thousand dollars in value shall contain the following
23 information:
24 (1) The percentage of the ownership of the submitting
25 business which is held by Iowa residents.
26 (2) The percentage of the employees who will be carrying out
27 work in connection with the contract who are Iowa residents.
28 For the purposes of this paragraph, *"employee"* includes
29 part-time, temporary, contract, and substitute employees, and
30 includes employees of any contractors or subcontractors.
31 (3) An estimate of the percentage of purchases to be made by
32 the submitting business in connection with the contract that
33 will be made from Iowa-based businesses.
34 (4) The amount of property tax paid by the submitting
35 business during the most recently completed fiscal year for

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1 which such a figure is available.
2 *b.* This subsection does not apply to a request for bids or
3 proposals for products or other purchases associated with the
4 following:
5 (1) Road or bridge construction or repair.
6 (2) Architectural or engineering services.
7 *c.* This subsection does not apply to procurement of or for
8 public improvement projects.
9 EXPLANATION
10 This bill provides that for purchases initiated by the
11 state or a political subdivision through a competitive bidding
12 process, if the lowest responsive bid received is from an
13 out-of-state business and totals less than $500,000, and an
14 in-state business submitted a bid which is within 5 percent or
15 $10,000 of the price of the lowest responsive bid, whichever
16 is less, the state or political subdivision shall notify the
17 in-state business which submitted the lowest responsive bid
18 and allow it to match the lowest responsive bid from the
19 out-of-state business before a contract is awarded.
20 The bill also provides that a response to a request for
21 bid or proposal for a purchase by the state or a political
22 subdivision which is less than $500,000 in value must contain
23 certain information. The required information is the
24 percentage of the ownership of the submitting business which is
25 held by Iowa residents; the percentage of employees who will be
26 carrying out work in connection with the contract who are Iowa
27 residents; an estimate of the percentage of purchases to be
28 made by the submitting business in connection with the contract
29 that will be made from Iowa-based businesses; and the amount
30 of property tax paid by the submitting business during the
31 most recently completed fiscal year for which such a figure is
32 available. For the purposes of determining how many employees
33 carrying out work in connection with the contract will be
34 Iowa residents, "employee" includes part-time, temporary,
35 contract, and substitute employees, and includes employees of

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1 any contractors or subcontractors.
2 The bill does not apply to a request for bids or proposals
3 for products or other purchases associated with road or bridge
4 construction or repair, to a request for bids or proposals
5 for products or other purchases associated with architectural
6 or engineering services, or to procurement of or for public
7 improvement projects.

Senate Study Bill 1019 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON BOWMAN)

A BILL FOR

1 An Act relating to intermediate driver´s licenses and special
2 minor´s licenses, making a penalty applicable, and including
3 effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1403XC (5) 85
dea/nh

S.F. _____

1 Section 1. Section 321.180B, subsection 2, Code 2013, is
2 amended to read as follows:
3 2. *Intermediate license.*
4 *a.* The department may issue an intermediate driver's license
5 to a person sixteen or seventeen years of age who possesses an
6 instruction permit issued under subsection 1 or a comparable
7 instruction permit issued by another state for a minimum of
8 ~~six~~ twelve months immediately preceding application, and
9 who presents an affidavit signed by a parent, guardian, or
10 custodian on a form to be provided by the department that the
11 permittee has accumulated a total of twenty hours of street
12 or highway driving of which two hours were conducted after
13 sunset and before sunrise and the street or highway driving was
14 with the permittee's parent, guardian, custodian, instructor,
15 a person certified by the department, or a person at least
16 twenty-five years of age who had written permission from a
17 parent, guardian, or custodian to accompany the permittee, and
18 whose driving privileges have not been suspended, revoked,
19 or barred under this chapter or chapter 321J during, and who
20 has been accident and violation free continuously for, the
21 six-month period immediately preceding the application for an
22 intermediate license. An applicant for an intermediate license
23 must meet the requirements of section 321.186, including
24 satisfactory completion of driver education as required in
25 section 321.178, and payment of the required license fee before
26 an intermediate license will be issued. A person issued an
27 intermediate license must limit the number of passengers in
28 the motor vehicle when the intermediate licensee is operating
29 the motor vehicle to the number of passenger safety belts. In
30 addition, for the first six months following issuance of the
31 license, a person issued an intermediate license must limit the
32 number of unrelated minor passengers in the motor vehicle when
33 the intermediate licensee is operating the motor vehicle to
34 one, except when the intermediate licensee is accompanied in
35 accordance with subsection 1. For purposes of this subsection,

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1 *"unrelated minor passenger"* means a passenger who is under
2 eighteen years of age and who is not a sibling of the driver, a
3 stepsibling of the driver, or a child who resides in the same
4 household as the driver.
5 *b.* Except as otherwise provided, a person issued an
6 intermediate license under this subsection who is operating a
7 motor vehicle between the hours of 12:30 a.m. and 5:00 a.m.
8 must be accompanied by a person issued a driver's license
9 valid for the vehicle operated who is the parent, guardian, or
10 custodian of the ~~permittee~~ intermediate licensee, a member of
11 the ~~permittee's~~ intermediate licensee's immediate family if the
12 family member is at least twenty-one years of age, an approved
13 driver education instructor, a prospective driver education
14 instructor who is enrolled in a practitioner preparation
15 program with a safety education program approved by the state
16 board of education, or a person at least twenty-five years of
17 age if written permission is granted by the parent, guardian,
18 or custodian, and who is actually occupying a seat beside the
19 driver. However, a licensee may operate a vehicle to and from
20 school-related extracurricular activities and work without an
21 accompanying driver between the hours of 12:30 a.m. and 5:00
22 a.m. if ~~such~~ the licensee possesses a waiver on a form to be
23 provided by the department. An accompanying driver is not
24 required between the hours of 5:00 a.m. and 12:30 a.m.
25 Sec. 2. Section 321.194, subsection 1, Code 2013, is amended
26 by adding the following new paragraph:
27 NEW PARAGRAPH. *0b.* Unless accompanied in accordance with
28 section 321.180B, subsection 1, a person issued a driver's
29 license pursuant to this section must limit the number of
30 unrelated minor passengers in the motor vehicle when the
31 licensee is operating the motor vehicle to one. For purposes
32 of this section, *"unrelated minor passenger"* means a passenger
33 who is under eighteen years of age and who is not a sibling of
34 the driver, a stepsibling of the driver, or a child who resides
35 in the same household as the driver.

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1 Sec. 3. EFFECTIVE DATE. This Act takes effect January 1,
2 2014.
3 EXPLANATION
4 This bill amends provisions relating to intermediate
5 driver's licenses under the graduated driver licensing program
6 and to special minor's licenses issued for travel to and from
7 school.
8 Under the graduated driver licensing program, a person who
9 is 16 or 17 years of age must possess an instruction permit for
10 a minimum of six months to qualify for an intermediate license.
11 During that period, the permittee must accumulate a total of
12 20 hours of street or highway driving while accompanied by
13 the permittee's parent, guardian, custodian, or instructor,
14 a person certified by the department of transportation, or a
15 person at least 25 years of age with written permission from a
16 parent, guardian, or custodian to accompany the permittee. The
17 hours of accompanied driving must include two hours conducted
18 after sunset and before sunrise. The bill increases the
19 required period of possession of an instruction permit to 12
20 months, with no change in the required hours of accompanied
21 driving.
22 Under current law, an intermediate licensee may transport
23 only as many passengers as there are seatbelts in the vehicle,
24 but there is no passenger restriction specified for a driver
25 with a special minor's license. The bill imposes a new
26 passenger restriction for licensees in both categories.
27 Unless accompanied by a person licensed to drive the vehicle
28 operated who is the parent, guardian, or custodian of the
29 intermediate licensee, a family member who is at least 21 years
30 of age, an approved driver education instructor, a prospective
31 driver education instructor who is enrolled in a qualifying
32 practitioner preparation program, or a person at least 25 years
33 of age with the written permission of the parent, guardian, or
34 custodian of the intermediate licensee and who is occupying a
35 seat beside the driver, a person with an intermediate license

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or a special minor's license may not operate a motor vehicle with more than one unrelated minor passenger in the vehicle. The restriction on unrelated minor passengers is lifted for an intermediate licensee after six months. The bill defines "unrelated minor passenger" as a passenger under 18 years of age who is not a sibling or stepsibling of the driver or a child who resides in the same household as the driver.

A violation of intermediate driver's license restrictions or special minor's license restrictions is a simple misdemeanor punishable by a scheduled fine of $50.

The bill takes effect January 1, 2014.

Senate Study Bill 1020 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
TRANSPORTATION BILL)

A BILL FOR

1 An Act relating to the renewal of driver´s licenses
2 electronically and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1288DP (2) 85
dea/nh

S.F. _____ H.F. _____

1 Section 1. Section 321.196, subsection 4, Code 2013, is
2 amended to read as follows:
3 4. The department in its discretion may authorize the
4 renewal of a valid driver's license other than a commercial
5 driver's license upon application without an examination
6 provided that the applicant meets one of the following
7 conditions:
8 *a.* The applicant satisfactorily passes a vision test as
9 prescribed by the department ~~or~~.
10 *b.* The applicant files a vision report in accordance with
11 section 321.186A which shows that the applicant's visual acuity
12 level meets or exceeds those required by the department.
13 *c.* The applicant is eligible for license renewal
14 electronically, pursuant to rules adopted by the department.
15 4A. An application for renewal of a driver's license shall
16 include a statement for the applicant to sign that acknowledges
17 the applicant's knowledge of the requirement to notify the
18 department of a mailing address change under section 321.182,
19 subsection 1.
20 Sec. 2. EMERGENCY RULES. The department of transportation
21 may adopt emergency rules under section 17A.4, subsection 3,
22 and section 17A.5, subsection 2, paragraph "b", to implement
23 section 321.196, subsection 4, paragraph "c", as enacted in
24 this Act, and the rules shall be effective immediately upon
25 filing unless a later date is specified in the rules. Any
26 rules adopted in accordance with this section shall also be
27 published as a notice of intended action as provided in section
28 17A.4.
29 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
30 immediate importance, takes effect upon enactment.
31 EXPLANATION
32 Under current law, an applicant for renewal of a driver's
33 license must either pass a vision test or file a vision report
34 that meets requirements of the department of transportation.
35 This bill provides that when the department renews a driver's

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1 license electronically, it may do so without requiring the
2 licensee to pass a vision test or file a vision report,
3 pursuant to rules of the department. The bill authorizes the
4 adoption of emergency rules to implement this provision. The
5 bill is effective upon enactment.

Senate Study Bill 1021 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED TREASURER OF STATE BILL)

A BILL FOR

1 An Act relating to the filing of a certificate of deposit
2 by the owner of a motor vehicle as proof of financial
3 responsibility.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1105DP (2) 85
dea/nh

S.F. _____ H.F. _____

Section 1. Section 321.1, subsection 24B, paragraph c, Code 2013, is amended to read as follows:

c. A ~~valid statement issued by the treasurer of state pursuant to~~ certificate of deposit filed with the department as provided in section 321A.25 ~~attesting to the filing of a certificate of deposit with the treasurer of state~~.

Sec. 2. Section 321A.18, subsection 3, Code 2013, is amended to read as follows:

3. A ~~statement issued by the treasurer of state attesting to the filing of a~~ certificate of deposit ~~with the treasurer of state~~ as provided in section 321A.25.

Sec. 3. Section 321A.25, Code 2013, is amended to read as follows:

321A.25 Certificate of deposit as proof.

1. Proof of financial responsibility may be evidenced by ~~the statement of the treasurer of state that the person named in the statement has filed~~ filing with the ~~treasurer of state~~ department fifty-five thousand dollars in the form of ~~an endorsed~~ a certificate of deposit made payable ~~jointly~~ to the ~~person and the treasurer of state~~ department. The certificate of deposit shall be obtained from an Iowa financial institution in the amount of fifty-five thousand dollars plus any early withdrawal penalty fee. ~~The treasurer of state shall promptly notify the director of transportation of the name and address of the person to whom the statement has been issued.~~ Upon receipt of the ~~notification~~ certificate of deposit, the ~~director of transportation~~ department shall issue to the person a security insurance card for each motor vehicle registered in this state by the person. The security insurance card shall state the name and address of the person and the registration number of the motor vehicle for which the card is issued. The ~~treasurer of state shall not accept a certificate of deposit and issue a statement for it and the~~ department shall not accept ~~the statement~~ a certificate of deposit unless accompanied by evidence that there are no unsatisfied judgments

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of any character against the person in the county where the person resides.

2. Such certificate of deposit shall be held by the ~~treasurer of state~~ department to satisfy, in accordance with this chapter, any execution on a judgment issued against the person filing the certificate of deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use of property, resulting from the ownership, maintenance, use, or operation of a motor vehicle after the certificate of deposit was filed. A certificate of deposit so filed shall not be subject to attachment or execution unless the attachment or execution arises out of a suit for damages as previously provided in this subsection.

Sec. 4. Section 321A.27, Code 2013, is amended to read as follows:

321A.27 Substitution of proof.

The department shall consent to the cancellation of a bond or certificate of insurance or the department shall ~~direct and the treasurer of state shall~~ return a certificate of deposit to the person entitled to the certificate of deposit upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this chapter.

Sec. 5. Section 321A.29, subsection 1, unnumbered paragraph 1, Code 2013, is amended to read as follows:

The department shall upon request consent to the immediate cancellation of a bond or certificate of insurance, or the department shall ~~direct and the treasurer of state shall~~ return to the person entitled thereto a certificate of deposit filed pursuant to this chapter as proof of financial responsibility, or the department shall waive the requirement of filing proof, in any of the following events:

Sec. 6. Section 321A.29, subsection 2, Code 2013, is amended to read as follows:

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1 2. The department shall not consent to the cancellation
2 of a bond or ~~the~~ return ~~of~~ a certificate of deposit in the
3 event an action for damages upon a liability covered by such
4 proof is then pending or a judgment upon any such liability is
5 unsatisfied, or in the event the person who has filed such bond
6 or such certificate of deposit has within one year immediately
7 preceding such request been involved as an operator or owner in
8 any motor vehicle accident resulting in injury or damage to the
9 person or property of others. An affidavit of the applicant as
10 to the nonexistence of such facts, or that the applicant has
11 been released from all of the applicant's liability, or has
12 been finally adjudicated not to be liable, for such injury or
13 damage, shall be sufficient evidence thereof in the absence of
14 evidence to the contrary in the records of the department.
15 EXPLANATION
16 Under current law, a person who is required to file proof of
17 financial responsibility in order to operate a motor vehicle
18 may do so by filing $55,000 with the treasurer of state in
19 the form of a certificate of deposit made payable jointly to
20 the person and the treasurer of state. This bill amends Code
21 section 321A.25 to provide that the certificate of deposit
22 is to be made payable to the department of transportation
23 and filed directly with the department, rather than with the
24 treasurer of state. The bill makes conforming amendments
25 to the definition of "financial liability coverage" in Code
26 section 321.1, the list of alternate methods of filing proof of
27 financial responsibility contained in Code section 321A.18, and
28 related provisions in Code sections 321A.27 and 321A.29.

Senate Study Bill 1022 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED ECONOMIC
DEVELOPMENT AUTHORITY BILL)

A BILL FOR

1 An Act relating to the transfer of moneys to a fund established
2 by the economic development authority and including
3 effective date and retroactive applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1262XD (5) 85
ad/sc

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1 Section 1. 2009 Iowa Acts, chapter 179, section 7, is
2 amended by adding the following new subsection:
3 NEW SUBSECTION. 4. Notwithstanding subsection 3, loan
4 payments or repayments and recaptures of principal, interest,
5 or other moneys accruing to the economic development authority
6 pursuant to an economic development agreement under a program
7 funded using moneys appropriated in 2009 Acts, chapter 176,
8 from the federal economic stimulus and jobs holding account
9 shall be transferred to a fund established by the authority in
10 the state treasury under the control of the authority pursuant
11 to section 15.106A, subsection 1, paragraph "o".
12 Sec. 2. 2011 Iowa Acts, chapter 133, is amended by adding
13 the following new section:
14 SEC. 13A. TRANSITION UPON REPEAL.
15 1. Upon repeal of chapter 15G, subchapter I, the authority
16 shall transfer all unencumbered and unobligated moneys accruing
17 to the authority pursuant to an agreement under chapter 15G,
18 subchapter I, to a fund established by the authority in the
19 state treasury under the control of the authority pursuant to
20 section 15.106A, subsection 1, paragraph "o".
21 2. Loan payments or repayments and recaptures of principal,
22 interest, or other moneys accruing to the authority on or after
23 June 30, 2012, pursuant to an agreement under chapter 15G,
24 subchapter I, shall be transferred to a fund established by
25 the authority in the state treasury under the control of the
26 authority pursuant to section 15.106A, subsection 1, paragraph
27 "o".
28 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
29 immediate importance, takes effect upon enactment.
30 Sec. 4. RETROACTIVE APPLICABILITY. The section of this Act
31 amending 2009 Acts, chapter 179, applies retroactively to May
32 26, 2009.
33 Sec. 5. RETROACTIVE APPLICABILITY. The section of this Act
34 amending 2011 Acts, chapter 133, applies retroactively to July
35 1, 2011.

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EXPLANATION

This bill relates to the transfer of moneys to a fund established in the state treasury by the economic development authority under the control of the authority.

The bill allows the economic development authority to transfer loan payments or repayments and recaptures of principal, interest, or other moneys accruing pursuant to an economic development agreement under a program funded using moneys from the federal economic stimulus and jobs holding account into a fund established by the economic development authority.

The bill also allows the economic development authority to transfer all unencumbered and unobligated moneys as well as loan payments or repayments and recaptures of principal, interest, or other moneys accruing from an agreement entered into under the grow Iowa values fund to a fund established by the economic development authority. The grow Iowa values program and fund were repealed effective June 30, 2012.

The bill takes effect upon enactment. The provision of the bill allowing the transfer of moneys from the federal economic stimulus and jobs holding account applies retroactively to May 26, 2009. The provision of the bill allowing the transfer of grow Iowa values fund moneys applies retroactively to July 1, 2011.

Senate Study Bill 1023 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED ECONOMIC
DEVELOPMENT AUTHORITY BILL)

A BILL FOR

1 An Act relating to the termination of the targeted small
2 business financial assistance program and making
3 appropriations for assistance to targeted small businesses.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1272XD (5) 85
ad/sc

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DIVISION I

TARGETED SMALL BUSINESS FINANCIAL ASSISTANCE PROGRAM

Section 1. Section 8.6, subsection 12, Code 2013, is amended to read as follows:

12. *Targeted small businesses.* To assist the director of the economic development authority as requested in the establishment and implementation of the Iowa targeted small business procurement Act ~~and the targeted small business loan guarantee program~~.

Sec. 2. Section 15.107B, subsection 2, paragraph c, Code 2013, is amended by striking the paragraph.

Sec. 3. Section 15.108, subsection 7, paragraph c, unnumbered paragraph 1, Code 2013, is amended to read as follows:

Aid for the development and implementation of the Iowa targeted small business procurement Act established in sections 73.15 through 73.21 ~~and the targeted small business financial assistance program established in section 15.247~~.

Sec. 4. Section 15.108, subsection 7, paragraph c, subparagraph (1), subparagraph division (c), Code 2013, is amended by striking the subparagraph division.

Sec. 5. Section 15.108, subsection 7, paragraph c, subparagraphs (3) and (5), Code 2013, are amended by striking the subparagraphs.

Sec. 6. Section 15.240, subsection 2, paragraph f, Code 2013, is amended by striking the paragraph.

Sec. 7. Section 15.313, subsection 2, paragraph c, Code 2013, is amended by striking the paragraph.

Sec. 8. Section 73.20, Code 2013, is amended to read as follows:

73.20 Determination of ability to perform.

Before announcing a contract award pursuant to the targeted small business procurement goal program, the purchasing authority shall evaluate whether the targeted small business scheduled to receive the award is able to perform the contract.

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This determination shall include consideration of production and financial capacity and technical competence. If the purchasing authority determines that the targeted small business may be unable to perform, the director of the economic development authority shall be notified ~~and shall assist the targeted small business pursuant to section 15.108, subsection 7, paragraph "c", subparagraph (3)~~.

Sec. 9. REPEAL. Section 15.247, Code 2013, is repealed.

Sec. 10. TRANSITION UPON REPEAL.

1. Upon repeal of the targeted small business financial assistance program established in section 15.247, the authority shall transfer all unencumbered and unobligated moneys accruing to the authority pursuant to existing agreements to a fund established by the authority in the state treasury under the control of the authority pursuant to section 15.106A, subsection 1, paragraph "o", to be used for the purposes of administering economic development programs in chapter 15, chapter 15E, or another targeted small business assistance program as may be authorized by law.

2. Loan payments or repayments and recaptures of principal, interest, or other moneys accruing to the authority on or after June 30, 2013, pursuant to an agreement under section 15.247, shall be transferred to a fund established by the authority in the state treasury under the control of the authority pursuant to section 15.106A, subsection 1, paragraph "o".

DIVISION II

TARGETED SMALL BUSINESS APPROPRIATION

Sec. 11. TARGETED SMALL BUSINESSES. There is appropriated from the general fund of the state to the economic development authority for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following amount, or so much thereof as is necessary, to be used for the purposes designated in this section:

For the services of a qualified microloan service provider to provide financial and technical assistance to targeted small

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1 businesses in Iowa:
2 ..... $ 250,000
3 1. The authority shall enter into an agreement with a
4 microloan service provider for the provision of services to
5 targeted small businesses. In engaging the services of a
6 qualified microloan service provider, the authority shall
7 require the service provider to offer financial and technical
8 assistance to targeted small businesses at a discounted
9 rate. The authority shall ensure that the moneys appropriated
10 pursuant to this section are used to subsidize the provision
11 of financial and technical assistance by the microloan
12 service provider to targeted small businesses in order for
13 the microloan service provider to offer its services at a
14 discounted rate.
15 2. The authority shall, upon completion of the terms of the
16 agreement with the microloan service provider, submit a report
17 to the general assembly and the governor's office regarding
18 the results achieved by the service provider and shall make
19 recommendations as to whether the state should continue to
20 appropriate funds for future fiscal years for the purpose
21 of providing financial and technical assistance to targeted
22 small businesses through the services of a microloan service
23 provider.
24 3. For purposes of this section, "targeted small business"
25 means the same as defined in section 15.102.
26 4. Notwithstanding section 8.33, moneys appropriated in
27 this section that remain unencumbered or unobligated at the
28 close of the fiscal year shall not revert but shall remain
29 available for expenditure for the purposes designated until the
30 close of the succeeding fiscal year.
31 5. Notwithstanding section 12C.7, subsection 2, earnings
32 or interest on moneys deposited in a fund shall be credited to
33 the fund.
34 EXPLANATION
35 This bill terminates the targeted small business financial

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1 assistance program and appropriates moneys to the economic
2 development authority for the services of a microloan service
3 provider to assist targeted small businesses.
4 Division I of the bill repeals the targeted small business
5 financial assistance program. The Code defines a targeted
6 small business as a small business that is 51 percent or more
7 owned, operated, and actively managed by a minority person,
8 a person with a disability, or a woman. A targeted small
9 business must also be located in the state, operated for
10 profit, and have an average annual gross income of less than $4
11 million over the three preceding fiscal years. The targeted
12 small business financial assistance program is a program that
13 provides loan-based financing and grants to eligible targeted
14 small businesses through the strategic investment fund created
15 in Code section 15.313. The bill terminates the targeted small
16 business financial assistance program, as well as the program's
17 board, and the targeted small business advocate service
18 provider which provided mentoring, outreach, and professional
19 development services to certified targeted small businesses.
20 The bill allows the economic development authority, upon
21 repeal of the program, to transfer all unencumbered and
22 unobligated moneys as well as loan payments or repayments
23 and recaptures of principal, interest, or other moneys
24 accruing from an existing agreement entered into under the
25 targeted small business financial assistance program to a fund
26 established by the economic development authority.
27 Division II of the bill appropriates $250,000 from the
28 general fund to the economic development authority for
29 the services of a qualified microloan service provider to
30 provide financial and technical assistance to targeted small
31 businesses.
32 The bill provides that the economic development authority
33 shall enter into an agreement with a microloan service provider
34 for the provision of financial and technical services to
35 targeted small businesses. The economic development authority

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1 shall require that the microloan service provider offer
2 such assistance to targeted small businesses at a discounted
3 rate, and the moneys appropriated to the economic development
4 authority shall be used to enable the microloan service
5 provider to offer that discounted rate.
6 The bill requires the economic development authority to
7 submit a report to the governor and the general assembly
8 with the results achieved by the service provider and
9 recommendations as to whether the state should continue to
10 appropriate funds for future fiscal years for the purpose of
11 providing assistance to targeted small businesses through a
12 microloan service provider.

Senate Study Bill 1024 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
ECONOMIC GROWTH BILL BY
CHAIRPERSON SODDERS)

A BILL FOR

1 An Act providing for a small employer health insurance tax
2 credit for individual and corporate income taxpayers and
3 including retroactive applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1223XC (1) 85
mm/sc

S.F. _____

1 Section 1. NEW SECTION. **422.11E Small employer health**
2 **insurance tax credit.**
3 1. The taxes imposed under this division, less the credits
4 allowed under section 422.12, shall be reduced by a small
5 employer health insurance tax credit equal to twenty-five
6 percent of the federal small employer health insurance tax
7 credit provided in section 45R of the Internal Revenue Code.
8 The tax credit provided in this section is available to
9 eligible small employers.
10 2. An individual may claim the tax credit allowed to a
11 partnership, limited liability company, S corporation, estate,
12 or trust that elects to have the income taxed directly to the
13 individual. The amount claimed by the individual shall be
14 based upon the pro rata share of the individual's earnings of
15 the partnership, limited liability company, S corporation,
16 estate, or trust.
17 3. Any credit in excess of the tax liability is refundable.
18 In lieu of claiming a refund, the taxpayer may elect to have
19 the excess shown on the taxpayer's final, completed return
20 credited to the tax liability for the following tax year.
21 4. For purposes of this section, *"eligible small employer"*
22 means a taxpayer who has ten or fewer full-time equivalent
23 employees, as defined in section 45R of the Internal Revenue
24 Code, whose commercial domicile, as defined in section 422.32,
25 is in this state, and who otherwise meets the requirements of
26 the small employer health insurance tax credit allowed under
27 section 45R of the Internal Revenue Code.
28 Sec. 2. Section 422.33, Code 2013, is amended by adding the
29 following new subsection:
30 NEW SUBSECTION. 15. The taxes imposed under this division
31 shall be reduced by a small employer health insurance tax
32 credit authorized pursuant to section 422.11E.
33 Sec. 3. RETROACTIVE APPLICABILITY. This Act applies
34 retroactively to January 1, 2013, for tax years beginning on
35 or after that date.

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EXPLANATION

The federal Patient Protection and Affordable Care Act (Pub. L. No. 111-148) provided for a small employer health insurance income tax credit (section 45R of the Internal Revenue Code) equal to a certain percentage of the cost of health insurance premiums made by an eligible small employer on behalf of its employees. This bill provides for an Iowa individual income and corporate income tax credit in an amount equal to 25 percent of the federal credit for an "eligible small employer", which is defined in the bill as a taxpayer who has 10 or fewer full-time equivalent employees, whose commercial domicile is in this state, and who otherwise meets the requirements of the small employer health insurance income tax credit allowed under section 45R of the Internal Revenue Code.

An individual may claim the tax credit allowed a partnership, limited liability company, S corporation, estate, or trust electing to have the income taxed directly to the individual, based upon the pro rata share of the individual's earnings. The tax credit is refundable or may be carried forward to the next tax year.

The bill applies retroactively to January 1, 2013, for tax years beginning on or after that date.

Senate Study Bill 1025 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED ECONOMIC
DEVELOPMENT AUTHORITY BILL)

A BILL FOR

1 An Act relating to the administration of duties and programs by
2 the economic development authority.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1206XD (4) 85
ad/sc

S.F. _____ H.F. _____

DIVISION I
CONTRACT ADMINISTRATION

Section 1. Section 15.106B, subsection 4, paragraph c, Code 2013, is amended by striking the paragraph.

Sec. 2. Section 15.329, subsection 2, Code 2013, is amended to read as follows:

2. *a.* If the authority finds that a business has a record of violations of the law, including but not limited to antitrust, environmental, and worker safety statutes, rules, and regulations, that over a period of time ~~that~~ tends to show a consistent pattern or that establishes intentional, criminal, or reckless conduct in violation of such laws, the business shall not qualify for economic development assistance under this part, ~~unless~~ except as provided in paragraph *"b"*.

b. If the authority finds that the violations described in paragraph *"a"* did not seriously affect public health ~~or~~, public safety, or the environment, or if ~~it did,~~ the authority finds that there were mitigating circumstances involved, the business may qualify for economic development assistance under this part, notwithstanding paragraph *"a"*.

c. In making the findings and determinations regarding violations, mitigating circumstances, and whether the business is disqualified for economic development assistance under this part, the authority shall be exempt from chapter 17A.

Sec. 3. Section 15.330, unnumbered paragraph 1, Code 2013, is amended to read as follows:

A business shall enter into an agreement with the authority specifying the requirements that must be met to confirm eligibility pursuant to this part and the requirements that must be maintained throughout the period of the agreement in order to retain the incentives or financial assistance received. The authority shall consult with the community during negotiations relating to the agreement. The agreement shall contain, at a minimum, the following provisions:

Sec. 4. Section 15.330, subsection 2, Code 2013, is amended

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to read as follows:

2. The repayment of incentives or financial assistance by the business if the business does not meet any of the requirements of this part or the resulting agreement. The repayment of incentives pursuant to this subsection shall be considered a tax payment due and payable to the department of revenue by any taxpayer who has claimed such incentives, and the failure to make such a repayment may be treated by the department of revenue in the same manner as a failure to pay the tax shown due or required to be shown due with the filing of a return or deposit form. In addition, the county shall have the authority to take action to recover the value of property taxes not collected as a result of the exemption provided to the business under this part.

Sec. 5. Section 15.333, subsection 1, Code 2013, is amended to read as follows:

1. An eligible business may claim a tax credit equal to a percentage of the new investment directly related to new jobs created or retained by the location or expansion of an eligible business under the program. The tax credit shall be amortized ~~equally over five calendar years~~ over the period of time determined by the authority and specified in the agreement entered into pursuant to section 15.330. The tax credit may be amortized in amounts negotiated with the authority. The tax credit shall be allowed against taxes imposed under chapter 422, division II, III, or V, and against the moneys and credits tax imposed in section 533.329. If the business is a partnership, S corporation, limited liability company, cooperative organized under chapter 501 and filing as a partnership for federal tax purposes, or estate or trust electing to have the income taxed directly to the individual, an individual may claim the tax credit allowed. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings of the partnership, S corporation, limited liability company, cooperative organized

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1 under chapter 501 and filing as a partnership for federal
2 tax purposes, or estate or trust. The percentage shall be
3 determined as provided in section 15.335A. Any tax credit in
4 excess of the tax liability for the tax year may be credited
5 to the tax liability for the following seven years or until
6 depleted, whichever occurs first.
7 DIVISION II
8 MICROENTERPRISES
9 Sec. 6. Section 15.102, subsections 5 and 9, Code 2013, are
10 amended by striking the subsections.
11 Sec. 7. REPEAL. Section 15.240, Code 2013, is repealed.
12 DIVISION III
13 BROADBAND ACCESS GOVERNING BOARD
14 Sec. 8. 2009 Iowa Acts, chapter 173, section 13, subsection
15 5, paragraphs b, c, and d, are amended by striking the
16 paragraphs.
17 DIVISION IV
18 INDUSTRIAL PROPERTY TAX EXEMPTION APPROVALS
19 Sec. 9. Section 427B.1, subsection 1, Code 2013, is amended
20 to read as follows:
21 1. A city council, or a county board of supervisors as
22 authorized by section 427B.2, may provide by ordinance for
23 a partial exemption from property taxation of the actual
24 value added to industrial real estate by the new construction
25 of industrial real estate, research-service facilities,
26 warehouses, distribution centers and the acquisition of or
27 improvement to machinery and equipment assessed as real estate
28 pursuant to section 427A.1, subsection 1, paragraph *"e"*. *"New*
29 *construction"* means new buildings and structures and includes
30 new buildings and structures which are constructed as additions
31 to existing buildings and structures. *"New construction"* does
32 not include reconstruction of an existing building or structure
33 which does not constitute complete replacement of an existing
34 building or structure or refitting of an existing building or
35 structure, unless the reconstruction of an existing building

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or structure is required due to economic obsolescence and the reconstruction is necessary to implement recognized industry standards for the manufacturing and processing of specific products and the reconstruction is required for the owner of the building or structure to continue to competitively manufacture or process those products which determination shall receive prior approval from the city council of the city or the board of supervisors of the county ~~upon the recommendation of the economic development authority~~. The exemption shall also apply to new machinery and equipment assessed as real estate pursuant to section 427A.1, subsection 1, paragraph *"e"*, unless the machinery or equipment is part of the normal replacement or operating process to maintain or expand the existing operational status. *"Research-service facilities"* means a building or group of buildings devoted primarily to research and development activities, including~~,~~ but not limited to~~,~~ the design and production or manufacture of prototype products for experimental use, and corporate-research services which do not have a primary purpose of providing on-site services to the public. *"Warehouse"* means a building or structure used as a public warehouse for the storage of goods pursuant to chapter 554, article 7, except that it does not mean a building or structure used primarily to store raw agricultural products or from which goods are sold at retail. *"Distribution center"* means a building or structure used primarily for the storage of goods which are intended for subsequent shipment to retail outlets. *"Distribution center"* does not mean a building or structure used primarily to store raw agricultural products, used primarily by a manufacturer to store goods to be used in the manufacturing process, used primarily for the storage of petroleum products, or used for the retail sale of goods.

EXPLANATION

This bill relates to the administration of duties and programs of the economic development authority.

Division I of the bill eliminates the two-year limitation

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1 on the length of a contract for services entered into by the
2 authority.
3 Currently, a business is generally ineligible to receive
4 economic development assistance under the high quality jobs
5 program if the business has a record that tends to show
6 a consistent pattern of violations of the law, including
7 environmental and worker safety laws as well as violations
8 of related rules and regulations. The division adds that
9 a business is also ineligible for economic development
10 assistance if the business engages in a pattern of antitrust
11 violations or if a business's conduct in violating any laws,
12 including environmental, worker safety, and antitrust laws is
13 intentional, criminal, or reckless.
14 Current law requires that an agreement under the high
15 quality jobs program for assistance or incentives entered into
16 between the authority and a business include requirements for a
17 business's eligibility for the incentives or assistance. The
18 bill adds that the agreement must also include the requirements
19 that a business receiving incentives or assistance must
20 maintain throughout the period of the agreement. The authority
21 must ensure that a business only receives the incentives or
22 assistance if the business meets the initial eligibility
23 requirements and maintains the program requirements throughout
24 the agreement period.
25 Current law also provides that an agreement under the high
26 quality jobs program must include the repayment of incentives
27 or assistance by a business if a business does not meet
28 the requirements in statute or the agreement. The division
29 provides that the repayment of incentives, in this context, is
30 a tax payment due and payable to the department of revenue by
31 a taxpayer, and the taxpayer's failure to make the repayment
32 may be treated by the department of revenue in the same manner
33 as a failure to pay the tax shown or required to be shown
34 due when filing a return or deposit form. The division also
35 authorizes the county to recover property taxes exempted under

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1 the agreement.
2 Under current law, an eligible business under the high
3 quality jobs program may claim a tax credit equal to a
4 percentage of the new investment directly related to new jobs
5 created or retained by a location expansion of the eligible
6 business. The tax credit is amortized equally over five
7 calendar years. The division amends this provision to allow
8 the authority and the eligible business to negotiate the amount
9 of amortization, and the length of the amortization period
10 would be described in the agreement entered into between the
11 authority and the eligible business.
12 Division II of the bill eliminates the community
13 microenterprise development organization grant program.
14 Division III of the bill eliminates the broadband access
15 governing board created in 2009 Iowa Acts. The governing
16 board was tasked with establishing a comprehensive plan for
17 the deployment and sustainability of high-speed broadband
18 access in areas capable of timely implementation of the
19 access, establishing a competitive process for the disbursement
20 of funds for such deployment and sustainability, making
21 recommendations to the general assembly, and establishing and
22 maintaining separate accounts for the use of certain proceeds.
23 Division IV of the bill relates to the economic development
24 authority´s approval of industrial property tax exemptions.
25 The division eliminates the requirement that the economic
26 development authority recommend prior approval of industrial
27 property tax exemptions by local governments.

Senate Study Bill 1026 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC SAFETY BILL)

A BILL FOR

1 An Act relating to the confidentiality of information filed
2 with the court for the purpose of securing an arrest
3 warrant.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1259DP (3) 85
rh/nh

S.F. _____ H.F. _____

1 Section 1. Section 804.29, subsection 2, paragraph a, Code
2 2013, is amended to read as follows:
3 *a.* A peace officer, or any other employee of a law
4 enforcement agency if authorized in writing by the head of the
5 agency.
6 EXPLANATION
7 This bill relates to the confidentiality of information
8 filed with the court for the purpose of securing an arrest
9 warrant.
10 Current law provides that, unless otherwise ordered by the
11 court, all information filed with the court for the purpose of
12 securing a warrant for an arrest, including but not limited to
13 a citation and affidavits, is a confidential record until a
14 peace officer has made the arrest and has returned the warrant,
15 or the defendant has made an initial appearance in court.
16 During the period of time such information is confidential, the
17 record is sealed by the court and the information contained
18 in the record cannot be disseminated to any person unless
19 otherwise ordered by the court. However, during the period of
20 confidentiality, a peace officer, an employee of the county
21 attorney's office, a judicial officer or other court employee,
22 or an employee of the department of corrections or judicial
23 district department of correctional services, if authorized
24 by the director of the department of corrections, may receive
25 such confidential information without a court order during the
26 course of such person's official duties. The bill additionally
27 authorizes an employee of a law enforcement agency, if
28 authorized in writing by the head of the agency, to receive
29 such confidential information without a court order during the
30 course of the employee's official duties.

Senate Study Bill 1027 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC SAFETY BILL)

A BILL FOR

1 An Act requiring a person receiving a deferred judgment for
2 or convicted of an aggravated misdemeanor to submit a DNA
3 sample and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1304DP (2) 85
jm/rj

S.F. _____ H.F. _____

1 Section 1. Section 81.2, subsection 1, Code 2013, is amended
2 to read as follows:
3 1. A person who receives a deferred judgment for a felony or
4 aggravated misdemeanor or against whom a judgment or conviction
5 for a felony or aggravated misdemeanor has been entered shall
6 be required to submit a DNA sample for DNA profiling pursuant
7 to section 81.4.
8 Sec. 2. Section 81.10, subsection 1, Code 2013, is amended
9 to read as follows:
10 1. A defendant who has been convicted of a felony or
11 aggravated misdemeanor and who has not been required to submit
12 a DNA sample for DNA profiling may make a motion to the court
13 for an order to require that DNA analysis be performed on
14 evidence collected in the case for which the person stands
15 convicted.
16 Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection
17 3, shall not apply to this Act.
18 Sec. 4. EFFECTIVE DATE. This Act takes effect July 1, 2014.
19 EXPLANATION
20 This bill requires an aggravated misdemeanant to submit a
21 DNA sample.
22 The bill requires a person convicted of or who receives
23 a deferred judgment for an offense that is classified as
24 an aggravated misdemeanor to submit a DNA sample for DNA
25 profiling.
26 The bill allows a defendant convicted of an aggravated
27 misdemeanor and who has not been required to submit a DNA
28 sample to move the court to order DNA profiling of evidence
29 collected in the defendant's case.
30 Current law provides that a person who is convicted of or
31 who receives a deferred judgment for an offense classified as a
32 felony shall submit a DNA sample for DNA profiling.
33 The bill may include a state mandate as defined in Code
34 section 25B.3. The bill makes inapplicable Code section 25B.2,
35 subsection 3, which would relieve a political subdivision from

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1 complying with a state mandate if funding for the cost of
2 the state mandate is not provided or specified. Therefore,
3 political subdivisions are required to comply with any state
4 mandate included in the bill.
5 The bill takes effect July 1, 2014.

Senate Study Bill 1028 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED ATTORNEY GENERAL BILL)

A BILL FOR

1 An Act requiring a person convicted of or receiving a deferred
2 judgment for an aggravated misdemeanor to submit a DNA
3 sample and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1176DP (2) 85
jm/rj

S.F. _____ H.F. _____

1 Section 1. Section 81.2, subsection 1, Code 2013, is amended
2 to read as follows:
3 1. A person who receives a deferred judgment for a felony or
4 aggravated misdemeanor or against whom a judgment or conviction
5 for a felony or aggravated misdemeanor has been entered shall
6 be required to submit a DNA sample for DNA profiling pursuant
7 to section 81.4.
8 Sec. 2. Section 81.10, subsection 1, Code 2013, is amended
9 to read as follows:
10 1. A defendant who has been convicted of a felony or
11 aggravated misdemeanor and who has not been required to submit
12 a DNA sample for DNA profiling may make a motion to the court
13 for an order to require that DNA analysis be performed on
14 evidence collected in the case for which the person stands
15 convicted.
16 Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection
17 3, shall not apply to this Act.
18 Sec. 4. EFFECTIVE DATE. This Act takes effect July 1, 2014.
19 EXPLANATION
20 Current law provides that a person who is convicted of or
21 who receives a deferred judgment for an offense classified as a
22 felony shall submit a DNA sample for DNA profiling.
23 This bill requires a person convicted of or who receives
24 a deferred judgment for an offense that is classified as
25 an aggravated misdemeanor to submit a DNA sample for DNA
26 profiling.
27 The bill allows a defendant convicted of an aggravated
28 misdemeanor and who has not been required to submit a DNA
29 sample to move the court to order DNA profiling of evidence
30 collected in the defendant's case.
31 The bill may include a state mandate as defined in Code
32 section 25B.3. The bill makes inapplicable Code section 25B.2,
33 subsection 3, which would relieve a political subdivision from
34 complying with a state mandate if funding for the cost of
35 the state mandate is not provided or specified. Therefore,

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1 political subdivisions are required to comply with any state
2 mandate included in the bill.
3 The bill takes effect July 1, 2014.

Senate Study Bill 1029 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR'S OFFICE OF DRUG CONTROL POLICY BILL)

A BILL FOR

1 An Act relating to the excise tax on unlawful dealing in
2 certain substances by adding new taxable substances and tax
3 rates, modifying the taxation and rates of currently taxable
4 substances, and making penalties applicable.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1209DP (2) 85
mm/sc

S.F. _____ H.F. _____

1 Section 1. Section 453B.1, subsection 3, paragraph a, Code
2 2013, is amended by adding the following new subparagraphs:
3 NEW SUBPARAGRAPH. (5) One or more grams of an imitation
4 controlled substance or a controlled substance listed in
5 section 124.204, subsection 4, paragraph *"ai"*, or subsection 6,
6 paragraph *"i"*.
7 NEW SUBPARAGRAPH. (6) One or more dosage units of an
8 imitation controlled substance or a controlled substance listed
9 in section 124.204, subsection 4, paragraph *"ai"*, or subsection
10 6, paragraph *"i"*, which is not sold by weight.
11 Sec. 2. Section 453B.1, Code 2013, is amended by adding the
12 following new subsection:
13 NEW SUBSECTION. 6A. *"Imitation controlled substance"* means
14 the same as defined in section 124A.2.
15 Sec. 3. Section 453B.1, subsection 10, Code 2013, is amended
16 to read as follows:
17 10. *"Taxable substance"* means a controlled substance, a
18 counterfeit substance, a simulated controlled substance, an
19 imitation controlled substance, or marijuana, or a mixture of
20 materials that contains a controlled substance, counterfeit
21 substance, simulated controlled substance, imitation controlled
22 substance, or marijuana.
23 Sec. 4. Section 453B.4, Code 2013, is amended to read as
24 follows:
25 **453B.4 Measurements.**
26 For purposes of measurements under this chapter, the
27 weight of a taxable substance shall be measured by its weight
28 in metric grams in the dealer's possession. If a taxable
29 substance consists of a mixture containing both marijuana and
30 another substance or combination of substances listed in the
31 definition of taxable substance in section 453B.1, the taxable
32 substance shall be taxed under section 453B.7, subsection 2,
33 unless the mixture contains a taxable substance listed in
34 section 453B.1, subsection 3, paragraph *"a"*, subparagraph
35 (5), in which case the taxable substance shall be taxed under

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section 453B.7, subsection 5.

Sec. 5. Section 453B.7, Code 2013, is amended to read as follows:

453B.7 Tax imposed — rate of tax.

An excise tax is imposed on dealers at the following rates:

1. On each gram of processed marijuana, or each portion of a gram, ~~five~~ eight dollars.

2. On each gram or portion of a gram of any taxable substance sold by weight other than marijuana, ~~two hundred fifty~~ an imitation controlled substance, or a controlled substance listed in section 124.204, subsection 4, paragraph *"ai"*, or subsection 6, paragraph *"i"*, four hundred dollars.

3. On each unprocessed marijuana plant, ~~seven hundred fifty~~ one thousand two hundred dollars.

4. On each ten dosage units of any taxable substance, other than unprocessed marijuana plants, an imitation controlled substance, or a controlled substance listed in section 124.204, subsection 4, paragraph *"ai"*, or subsection 6, paragraph *"i"*, that is not sold by weight, or portion thereof, ~~four~~ six hundred forty dollars.

5. On each gram or portion of a gram of an imitation controlled substance, or a controlled substance listed in section 124.204, subsection 4, paragraph *"ai"*, or subsection 6, paragraph *"i"*, that is sold by weight, one thousand two hundred dollars.

6. On each dosage unit of an imitation controlled substance, or a controlled substance listed in section 124.204, subsection 4, paragraph *"ai"*, or section 6, paragraph *"i"*, that is not sold by weight, or portion thereof, one thousand two hundred dollars.

EXPLANATION

This bill relates to the excise tax on unlawful dealing in certain substances.

The bill adds imitation controlled substances, as defined in Code section 124A.2, to the list of taxable substances

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1 and rates in Code section 453B.7, and amends the definition
2 of "dealer" to include a person who ships, transports, or
3 imports into this state or acquires, purchases, possesses,
4 manufactures, or produces in this state one or more grams or
5 dosage units of an imitation controlled substance.
6 The definition of "dealer" is also amended to lower from
7 seven grams or 10 dosage units to one gram or one dosage
8 unit, the threshold at which a person is labeled a "dealer"
9 if that person ships, transports, or imports into this state
10 or acquires, purchases, possesses, manufactures, or produces
11 in this state a controlled substance listed in Code section
12 124.204, subsection 4, paragraph "ai", (certain hallucinogenic
13 substances), or subsection 6, paragraph "i", (certain
14 stimulants).
15 The bill amends the rates of tax on dealers to tax imitation
16 controlled substances and the controlled substances listed in
17 Code section 124.204, subsection 4, paragraph "ai", (certain
18 hallucinogenic substances), and subsection 6, paragraph "i",
19 (certain stimulants), at $1,200 per gram or dosage unit, and
20 increases the other rates of tax as follows: On each gram
21 of processed marijuana, from $5 to $8; on each unprocessed
22 marijuana plant, from $750 to $1,200; on each gram of all other
23 taxable substances, from $250 to $400; and on each 10 dosage
24 units of all other taxable substances, from $400 to $640.
25 The bill also amends Code section 453B.4 to require that
26 any mixture of taxable substances containing an imitation
27 controlled substance or a controlled substance listed in
28 Code section 124.204, subsection 4, paragraph "ai", (certain
29 hallucinogenic substances), and subsection 6, paragraph "i",
30 (certain stimulants), shall be taxed at $1,200 per gram instead
31 of $400 per gram.
32 Under current law, dealers who violate Code chapter 453B are
33 subject to the tax imposed in the Code chapter and a penalty
34 equal to the tax. In addition, dealers who possess taxable
35 substances without a tax stamp or who create counterfeit tax

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1 stamps or possess a previously used or expired tax stamp are
2 guilty of a class "D" felony. A class "D" felony is punishable
3 by confinement for no more than five years and a fine of at
4 least $750 but no more than $7,500.

Senate Study Bill 1030 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED ATTORNEY GENERAL BILL)

A BILL FOR

1 An Act providing that certain activities relating to business
2 opportunity promotions are unlawful practices punishable as
3 consumer fraud and making a penalty applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1173DP (4) 85
av/nh

S.F. _____ H.F. _____

Section 1. Section 551A.10, subsection 2, Code 2013, is amended to read as follows:

2. A ~~business opportunity contract is subject~~ violation of this chapter is an unlawful practice pursuant to section 714.16.

EXPLANATION

This bill provides that a violation of Code chapter 551A, which regulates certain business opportunity promotions, constitutes an unlawful practice as provided in Code section 714.16, which relates to consumer frauds. Pursuant to Code section 714.16, the attorney general may investigate, issue subpoenas, and commence civil proceedings seeking restraining orders or injunctions prohibiting persons from engaging in unlawful practices or seeking termination of the business affairs of a person engaging in unlawful practices. In addition, a civil penalty of up to $40,000 per violation may be imposed by a court against a person found to have committed an unlawful practice.

Senate Study Bill 1031 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED JUDICIAL BRANCH BILL)

A BILL FOR

1 An Act relating to authorization procedures for certain county
2 projects involving real property.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1162XD (2) 85
jm/sc

S.F. _____ H.F. _____

1 Section 1. Section 331.301, subsection 10, paragraph e,
2 subparagraph (1), subparagraph divisions (a) and (b), Code
3 2013, are amended to read as follows:
4 (a) The board must follow substantially the authorization
5 procedures of section 331.443 to authorize a lease or
6 lease-purchase contract for personal property which is payable
7 from the general fund. The board must follow substantially
8 the authorization procedures of section 331.443 to authorize
9 a lease or lease-purchase contract for real property which is
10 payable from the general fund if the principal amount of the
11 lease-purchase contract does not exceed the following limits:
12 (i) ~~Four~~ Six hundred thousand dollars in a county having a
13 population of twenty-five thousand or less.
14 (ii) ~~Five~~ seven hundred fifty thousand dollars in a county
15 having a population of more than twenty-five thousand but not
16 more than fifty thousand.
17 (iii) ~~Six~~ nine hundred thousand dollars in a county having
18 a population of more than fifty thousand but not more than one
19 hundred thousand.
20 (iv) ~~Eight~~ One million two hundred thousand dollars in a
21 county having a population of more than one hundred thousand
22 but not more than two hundred thousand.
23 (v) One million five hundred thousand dollars in a county
24 having a population of more than two hundred thousand.
25 (b) (i) However, if the principal amount of a lease or
26 lease-purchase contract pursuant to this subparagraph (1) is
27 less than twenty-five thousand dollars, the board may authorize
28 the lease or lease-purchase contract without following the
29 authorization procedures of section 331.443.
30 (ii) If the board determines that at least fifty percent of
31 the real property to be leased or lease-purchased is to be used
32 or occupied by the judicial branch as referenced in section
33 602.1102, the board may follow the authorization procedures of
34 section 331.443 even if the principal amount of the lease or
35 lease-purchase contract exceeds the limitations in subparagraph

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division (a).

Sec. 2. Section 331.402, subsection 3, paragraph d, subparagraph (1), Code 2013, is amended to read as follows:

(1) (a) The board shall follow substantially the authorization procedures of section 331.443 to authorize a loan agreement for personal property which is payable from the general fund. The board must follow substantially the authorization procedures of section 331.443 to authorize a loan agreement for real property which is payable from the general fund if the principal amount of the loan agreement does not exceed the following limits:

~~(a)~~ (i) ~~Four~~ Six hundred thousand dollars in a county having a population of twenty-five thousand or less.

~~(b)~~ (ii) ~~Five~~ Seven hundred fifty thousand dollars in a county having a population of more than twenty-five thousand but not more than fifty thousand.

~~(c)~~ (iii) ~~Six~~ Nine hundred thousand dollars in a county having a population of more than fifty thousand but not more than one hundred thousand.

~~(d)~~ (iv) ~~Eight~~ One million two hundred thousand dollars in a county having a population of more than one hundred thousand but not more than two hundred thousand.

~~(e)~~ (v) One million five hundred thousand dollars in a county having a population of more than two hundred thousand.

(b) If the board determines that at least fifty percent of the real property that is the subject of the loan agreement is to be used or occupied by the judicial branch as referenced in section 602.1102, the board may follow the authorization procedures of section 331.443 even if the principal amount of the loan agreement exceeds the limitations in subparagraph division (a).

Sec. 3. Section 331.441, subsection 2, paragraph b, subparagraph (5), Code 2013, is amended to read as follows:

(5) (a) Public buildings, including the site or grounds of, and the erection, equipment, remodeling, or reconstruction of,

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1 and additions or extensions to the buildings, and including the
2 provision and maintenance of juvenile detention or shelter care
3 facilities, when the ~~cost~~ principal amount of bonds does not
4 exceed the following limits:
5 ~~(a)~~ (i) Six hundred thousand dollars in a county having a
6 population of twenty-five thousand or less.
7 ~~(b)~~ (ii) Seven hundred fifty thousand dollars in a county
8 having a population of more than twenty-five thousand but not
9 more than fifty thousand.
10 ~~(c)~~ (iii) Nine hundred thousand dollars in a county having
11 a population of more than fifty thousand but not more than one
12 hundred thousand.
13 ~~(d)~~ (iv) One million two hundred thousand dollars in a
14 county having a population of more than one hundred thousand
15 but not more than two hundred thousand.
16 ~~(e)~~ (v) One million five hundred thousand dollars in a
17 county having a population of more than two hundred thousand.
18 (b) If the board determines that at least fifty percent of
19 the public building will be used or occupied by the judicial
20 branch as referenced in section 602.1102, the board may
21 follow the authorization procedures of section 331.443 even
22 if the principal amount of bonds exceeds the limitations in
23 subparagraph division (a).
24 EXPLANATION
25 This bill relates to the authorization procedures for county
26 projects involving real property by raising certain limitation
27 amounts and by making an exception for projects involving
28 property to be used by the judicial branch.
29 The bill provides that if a county project involves a real
30 property lease contract, lease-purchase contract, or loan
31 agreement, and at least 50 percent of the real property is
32 to be used or occupied by the judicial branch, the county,
33 when entering into the contract or agreement, is authorized to
34 follow the procedures for issuance of essential county purpose
35 bonds.

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1 The bill also amends the definition of "essential county
2 purpose", relating to issuance of bonds for public buildings,
3 to provide that the dollar limitations on the principal amount
4 of the bonds does not apply if at least 50 percent of the public
5 building will be used or occupied by the judicial branch.
6 Generally, an essential county purpose does not require
7 approval of the voters.
8 The bill increases the threshold amounts that determine
9 whether a project can be undertaken using the procedures for
10 essential county purpose bonds when the project involves a
11 lease contract, lease-purchase contract, or loan agreement.
12 The bill increases the threshold amounts in the following
13 manner: For counties with a population of 25,000 or less, the
14 threshold amount is increased from $400,000 to $600,000; for
15 counties with a population of more than 25,000 but not more
16 than 50,000, the threshold amount is increased from $500,000 to
17 $750,000; for counties with a population of more than 50,000
18 but not more than 100,000, the threshold amount is increased
19 from $600,000 to $900,000; for counties with a population of
20 more than 100,000 but not more than 200,000, the threshold
21 amount is increased from $800,000 to $1.2 million; and for
22 counties with a population of more than 200,000, the threshold
23 amount is increased from $1 million to $1.5 million.

Senate Study Bill 1032 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED ATTORNEY GENERAL BILL)

A BILL FOR

1 An Act relating to the requirement that creditors provide
2 notice of the availability of counseling and mediation
3 services to homeowners facing foreclosure.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1264DP (2) 85
rh/sc

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1 Section 1. Section 654.4B, subsection 2, paragraph b, Code
2 2013, is amended to read as follows:
3 *b.* This subsection is repealed July 1, ~~2013~~ 2014.
4 EXPLANATION
5 This bill relates to the requirement that creditors provide
6 notice of the availability of counseling and mediation services
7 to homeowners facing foreclosure. The bill extends the repeal
8 of the notice requirement from July 1, 2013, to July 1, 2014.

Senate Study Bill 1033 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC DEFENSE BILL)

A BILL FOR

1 An Act establishing the department of homeland security and
2 emergency management.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1148DP (4) 85
ec/sc

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1 Section 1. Section 7E.5, subsection 1, paragraph p, Code
2 2013, is amended to read as follows:
3 *p.* The department of public defense, created in section
4 29.1, which has primary responsibility for state military
5 forces ~~and emergency management~~.
6 Sec. 2. Section 7E.5, subsection 1, Code 2013, is amended by
7 adding the following new paragraph:
8 NEW PARAGRAPH. *w.* The department of homeland security
9 and emergency management, created in section 29C.5, which has
10 primary responsibility for the administration of emergency
11 planning matters, including emergency resource planning in
12 this state, homeland security activities, and coordination of
13 available services and resources in the event of a disaster to
14 include those services and resources of the federal government
15 and private entities.
16 Sec. 3. Section 8A.202, subsection 5, paragraph e, Code
17 2013, is amended to read as follows:
18 *e.* (1) The department of public defense~~, including both~~
19 ~~the military division and the homeland security and emergency~~
20 ~~management division,~~ shall not be required to obtain any
21 information technology services pursuant to this subchapter
22 for the department of public defense ~~or its divisions~~ that is
23 provided by the department pursuant to this chapter without the
24 consent of the adjutant general.
25 (2) The department of homeland security and emergency
26 management shall not be required to obtain any information
27 technology services pursuant to this subchapter for the
28 department of homeland security and emergency management that
29 is provided by the department pursuant to this chapter without
30 the consent of the director of the department of homeland
31 security and emergency management.
32 Sec. 4. Section 8D.2, subsection 5, paragraph b, Code 2013,
33 is amended to read as follows:
34 *b.* For the purposes of this chapter, *"public agency"* also
35 includes any homeland security or defense facility or disaster

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1 response agency established by the ~~administrator~~ director of
2 the department of homeland security and emergency management
3 ~~division of the department of public defense~~ or the governor
4 or any facility connected with a security or defense system or
5 disaster response as required by the ~~administrator~~ director of
6 the department of homeland security and emergency management
7 ~~division of the department of public defense~~ or the governor.
8 Sec. 5. Section 8D.9, subsection 3, Code 2013, is amended
9 to read as follows:
10 3. A facility that is considered a public agency pursuant
11 to section 8D.2, subsection 5, paragraph *"b"*, shall be
12 authorized to access the Iowa communications network strictly
13 for homeland security communication purposes and disaster
14 communication purposes. Any utilization of the network that
15 is not related to communications concerning homeland security
16 or a disaster, as defined in section 29C.2, is expressly
17 prohibited. Access under this subsection shall be available
18 only if a state of disaster emergency is proclaimed by the
19 governor pursuant to section 29C.6 or a homeland security
20 or disaster event occurs requiring connection of disparate
21 communications systems between public agencies to provide
22 for a multiagency or multijurisdictional response. Access
23 shall continue only for the period of time the homeland
24 security or disaster event exists. For purposes of this
25 subsection, disaster communication purposes includes training
26 and exercising for a disaster if public notice of the training
27 and exercising session is posted on the ~~website~~ internet site
28 of the department of homeland security and emergency management
29 ~~division of the department of public defense~~. A scheduled and
30 noticed training and exercising session shall not exceed five
31 days. Interpretation and application of the provisions of this
32 subsection shall be strictly construed.
33 Sec. 6. Section 16.191, subsection 2, paragraph e, Code
34 2013, is amended to read as follows:
35 *e.* The ~~administrator~~ director of the department of homeland

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1 security and emergency management ~~division of the department of~~
2 ~~public defense~~ or the ~~administrator's~~ director's designee.
3 Sec. 7. Section 22.7, subsection 45, Code 2013, is amended
4 to read as follows:
5 45. The critical asset protection plan or any part of the
6 plan prepared pursuant to section 29C.8 and any information
7 held by the department of homeland security and emergency
8 management ~~division~~ that was supplied to the ~~division~~
9 department by a public or private agency or organization and
10 used in the development of the critical asset protection plan
11 to include, but not be limited to, surveys, lists, maps, or
12 photographs. However, the ~~administrator~~ director shall make
13 the list of assets available for examination by any person.
14 A person wishing to examine the list of assets shall make
15 a written request to the ~~administrator~~ director on a form
16 approved by the ~~administrator~~ director. The list of assets may
17 be viewed at the ~~division's~~ department's offices during normal
18 working hours. The list of assets shall not be copied in any
19 manner. Communications and asset information not required by
20 law, rule, or procedure that are provided to the ~~administrator~~
21 director by persons outside of government and for which the
22 ~~administrator~~ director has signed a nondisclosure agreement are
23 exempt from public disclosures. The department of homeland
24 security and emergency management ~~division~~ may provide all or
25 part of the critical asset plan to federal, state, or local
26 governmental agencies which have emergency planning or response
27 functions if the ~~administrator~~ director is satisfied that
28 the need to know and intended use are reasonable. An agency
29 receiving critical asset protection plan information from the
30 ~~division~~ department shall not redisseminate the information
31 without prior approval of the ~~administrator~~ director.
32 Sec. 8. Section 23A.2, subsection 10, paragraph m, Code
33 2013, is amended to read as follows:
34 *m.* The repair, calibration, or maintenance of radiological
35 detection equipment by the department of homeland security

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and emergency management ~~division of the department of public defense~~.

Sec. 9. Section 29.1, Code 2013, is amended to read as follows:

29.1 Department of public defense.

The department of public defense is composed of the ~~military division and the homeland security and emergency management division~~ office of the adjutant general and the military forces of the state of Iowa. The adjutant general is the director of the department of public defense and ~~the budget and personnel of all of the divisions are subject to the approval of the adjutant general~~ shall perform all functions, responsibilities, powers, and duties over the military forces of the state of Iowa as provided in the laws of the state. ~~The Iowa emergency response commission established by section 30.2 is attached to the department of public defense for organizational purposes.~~

Sec. 10. Section 29.2A, Code 2013, is amended to read as follows:

29.2A Airport fire fighters — maximum age.

The maximum age for a person to be employed as an airport fire fighter by the ~~military division of the~~ department of public defense is sixty-five years of age.

Sec. 11. Section 29A.3A, subsection 4, paragraph a, Code 2013, is amended to read as follows:

a. Operations and administration of the civil air patrol relating to missions not qualifying for federal mission status shall be funded by the state from moneys appropriated to the department of homeland security and emergency management ~~division of the department of public defense~~ for that purpose.

Sec. 12. Section 29A.12, subsection 1, Code 2013, is amended to read as follows:

1. The adjutant general shall have command and control of the ~~military division~~ department of public defense, and perform such duties as pertain to the office of the adjutant general under law and regulations, pursuant to the authority vested in

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the adjutant general by the governor. The adjutant general shall superintend the preparation of all letters and reports required by the United States from the state, and perform all the duties prescribed by law. The adjutant general shall have charge of the state military reservations, and all other property of the state kept or used for military purposes. The adjutant general may accept and expend nonappropriated funds in accordance with law and regulations. The adjutant general shall cause an inventory to be taken at least once each year of all military stores, property, and funds under the adjutant general's jurisdiction. In each year preceding a regular session of the general assembly, the adjutant general shall prepare a detailed report of the transactions of that office, its expenses, and other matters required by the governor for the period since the last preceding report, and the governor may at any time require a similar report.

Sec. 13. Section 29A.56, Code 2013, is amended to read as follows:

29A.56 Special police.

The adjutant general may by order entered of record commission one or more of the employees of the ~~military division~~ department of public defense as special police. Such special police shall on the premises of any state military reservation or other state military property have and exercise the powers of regular peace officers.

Sec. 14. Section 29C.1, subsection 1, Code 2013, is amended to read as follows:

1. To establish a department of homeland security and emergency management ~~division of the department of public defense~~ and to authorize the establishment of local organizations for emergency management in the political subdivisions of the state.

Sec. 15. Section 29C.2, Code 2013, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. *"Department"* means the department of

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1 homeland security and emergency management.
2 NEW SUBSECTION. 1B. *"Director"* means the director of the
3 department of homeland security and emergency management.
4 Sec. 16. Section 29C.5, Code 2013, is amended to read as
5 follows:
6 **29C.5 ~~Homeland~~ Department of homeland security and emergency**
7 **management ~~division~~.**
8 ~~A~~ The department of homeland security and emergency
9 management ~~division~~ is created ~~within the department of public~~
10 ~~defense~~. The department of homeland security and emergency
11 management ~~division~~ shall be responsible for the administration
12 of emergency planning matters, including emergency resource
13 planning in this state, cooperation with, support of, funding
14 for, and tasking of the civil air patrol for missions not
15 qualifying for federal mission status as described in section
16 29A.3A in accordance with operational and funding criteria
17 developed with the adjutant general and coordinated with
18 the civil air patrol, homeland security activities, and
19 coordination of available services and resources in the event
20 of a disaster to include those services and resources of the
21 federal government and private entities. The Iowa emergency
22 response commission established by section 30.2 is attached to
23 the department of homeland security and emergency management
24 for organizational purposes.
25 Sec. 17. Section 29C.8, Code 2013, is amended to read as
26 follows:
27 **29C.8 Powers and duties of ~~administrator~~ director.**
28 1. The department of homeland security and emergency
29 management ~~division~~ shall be under the management of ~~an~~
30 ~~administrator~~ a director appointed by the governor.
31 2. The ~~administrator~~ director shall be vested with the
32 authority to administer emergency management and homeland
33 security affairs in this state and shall be responsible for
34 preparing and executing the emergency management and homeland
35 security programs of this state subject to the direction of the

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1 ~~adjutant general~~ governor. In the event of a disaster beyond
2 local control, the director may assume direct operational
3 control over all or any part of the emergency management
4 functions within this state.
5 3. The ~~administrator~~ director, upon the direction of
6 the governor ~~and supervisory control of the director of the~~
7 ~~department of public defense~~, shall:
8 *a.* Prepare a comprehensive emergency plan and emergency
9 management program for homeland security, disaster
10 preparedness, response, recovery, mitigation, emergency
11 operation, and emergency resource management of this state.
12 The plan and program shall be integrated into and coordinated
13 with the homeland security and emergency plans of the federal
14 government and of other states to the fullest possible extent
15 ~~and~~. The director shall also coordinate the preparation of
16 plans and programs for emergency management of the political
17 subdivisions and various state departments of this state.
18 The plans shall be integrated into and coordinated with a
19 comprehensive state homeland security and emergency program for
20 this state as coordinated by the ~~administrator of the homeland~~
21 ~~security and emergency management division~~ director to the
22 fullest possible extent.
23 *b.* Make such studies and surveys of the industries,
24 resources, and facilities in this state as may be necessary to
25 ascertain the vulnerabilities of critical state infrastructure
26 and assets to attack and the capabilities of the state for
27 disaster recovery, disaster planning and operations, and
28 emergency resource management, and to plan for the most
29 efficient emergency use thereof.
30 *c.* Provide technical assistance to any commission requiring
31 the assistance in the development of an emergency management
32 or homeland security program.
33 *d.* Implement planning and training for emergency response
34 teams as mandated by the federal government under the
35 Comprehensive Environmental Response, Compensation, and

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1 Liability Act of 1980 as amended by the Superfund Amendments
2 and Reauthorization Act of 1986, 42 U.S.C. § 9601 et seq.
3 *e.* Prepare a critical asset protection plan that contains
4 an inventory of infrastructure, facilities, systems, other
5 critical assets, and symbolic landmarks; an assessment of the
6 criticality, vulnerability, and level of threat to the assets;
7 and information pertaining to the mobilization, deployment, and
8 tactical operations involved in responding to or protecting the
9 assets.
10 *f.* Approve and support the development and ongoing
11 operations of homeland security and emergency response teams to
12 be deployed as a resource to supplement and enhance disrupted
13 or overburdened local emergency and disaster operations and
14 deployed as available to provide assistance to other states
15 pursuant to the interstate emergency management assistance
16 compact described in section 29C.21. The following shall apply
17 to homeland security and emergency response teams:
18 (1) A member of a homeland security and emergency response
19 team acting under this section upon the directive of the
20 ~~administrator~~ director or pursuant to a governor's disaster
21 proclamation as provided in section 29C.6 shall be considered
22 an employee of the state for purposes of section 29C.21 and
23 chapter 669 and shall be afforded protection as an employee
24 of the state under section 669.21. Disability, workers'
25 compensation, and death benefits for team members working
26 under the authority of the ~~administrator~~ director or pursuant
27 to the provisions of section 29C.6 shall be paid by the
28 state in a manner consistent with the provisions of chapter
29 85, 410, or 411 as appropriate, depending on the status of
30 the member, provided that the member is registered with the
31 ~~homeland security and emergency management division~~ department
32 as a member of an approved team and is participating as a
33 team member in a response or recovery operation initiated
34 by the ~~administrator~~ director or governor pursuant to this
35 section or in a training or exercise activity approved by the

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1 ~~administrator~~ director.
2 (2) Each approved homeland security and emergency
3 management response team shall establish standards for
4 team membership, shall provide the ~~division~~ department with
5 a listing of all team members, and shall update the list
6 each time a member is removed from or added to the team.
7 Individuals so identified as team members shall be considered
8 to be registered as team members for purposes of subparagraph
9 (1).
10 (3) Upon notification of a compensable loss to a member of
11 a homeland security and emergency management response team, the
12 department of administrative services shall process the claim
13 and seek authorization from the executive council to pay as an
14 expense paid from the appropriations addressed in section 7D.29
15 those costs associated with covered benefits.
16 *g.* Implement and support the national incident management
17 system as established by the United States department of
18 homeland security to be used by state agencies and local and
19 tribal governments to facilitate efficient and effective
20 assistance to those affected by emergencies and disasters.
21 *h.* Carry out duties related to the flood mitigation program
22 and the flood mitigation board under chapter 418.
23 4. The ~~administrator~~ director, with the approval of the
24 governor ~~and upon recommendation of the adjutant general~~, may
25 employ a deputy ~~administrator~~ director and such technical,
26 clerical, stenographic, and other personnel and make such
27 expenditures within the appropriation or from other funds made
28 available to the department ~~of public defense for purposes of~~
29 ~~emergency management~~, as may be necessary to administer this
30 chapter.
31 5. The ~~homeland security and emergency management division~~
32 department may charge fees for the repair, calibration, or
33 maintenance of radiological detection equipment and may expend
34 funds in addition to funds budgeted for the servicing of the
35 radiological detection equipment. The ~~division~~ department

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shall adopt rules pursuant to chapter 17A providing for the establishment and collection of fees for radiological detection equipment repair, calibration, or maintenance services and for entering into agreements with other public and private entities to provide the services. Fees collected for repair, calibration, or maintenance services shall be treated as repayment receipts as defined in section 8.2 and shall be used for the operation of the ~~division's~~ department's radiological maintenance facility or radiation incident response training.

Sec. 18. Section 29C.8A, subsection 2, Code 2013, is amended to read as follows:

2. The emergency response fund shall be administered by the ~~homeland security and emergency management division~~ department to carry out planning and training for the emergency response teams.

Sec. 19. Section 29C.9, subsections 1, 5, 7, 8, and 10, Code 2013, are amended to read as follows:

1. The county boards of supervisors, city councils, and the sheriff in each county shall cooperate with the ~~homeland security and emergency management division of the department of public defense~~ department to establish a commission to carry out the provisions of this chapter.

5. The commission shall model its bylaws and conduct its business according to the guidelines provided in the ~~state division's~~ department's administrative rules.

7. The commission shall delegate to the emergency management coordinator the authority to fulfill the commission duties as described in the ~~division's~~ department's administrative rules. Each commission shall appoint a local emergency management coordinator who shall meet the qualifications specified in the administrative rules by the ~~administrator of the homeland security and emergency management division~~ director. Additional emergency management personnel may be appointed at the discretion of the commission.

8. The commission shall develop, adopt, and submit

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for approval by local governments within the commission's jurisdiction, a comprehensive emergency plan which meets standards adopted by the ~~division~~ department in accordance with chapter 17A. If an approved comprehensive emergency plan has not been prepared according to established standards and the ~~administrator of the homeland security and emergency management division~~ director finds that satisfactory progress is not being made toward the completion of the plan, or if the ~~administrator~~ director finds that a commission has failed to appoint a qualified emergency management coordinator as provided in this chapter, the ~~administrator~~ director shall notify the governing bodies of the counties and cities affected by the failure and the governing bodies shall not appropriate any moneys to the local emergency management fund until the comprehensive emergency plan is prepared and approved or a qualified emergency management coordinator is appointed. If the ~~administrator~~ director finds that a commission has appointed an unqualified emergency management coordinator, the ~~administrator~~ director shall notify the commission citing the qualifications which are not met and the commission shall not approve the payment of the salary or expenses of the unqualified emergency management coordinator.

10. Two or more commissions may, upon review by the ~~state administrator~~ director and with the approval of their respective boards of supervisors and cities, enter into agreements pursuant to chapter 28E for the joint coordination and administration of emergency management services throughout the multicounty area.

Sec. 20. Section 29C.11, subsection 1, Code 2013, is amended to read as follows:

1. The local emergency management commission shall, in collaboration with other public and private agencies within this state, develop mutual aid arrangements for reciprocal disaster services and recovery aid and assistance in case of disaster too great to be dealt with unassisted. The

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arrangements shall be consistent with the ~~homeland security and emergency management division~~ department plan and program, and in time of emergency each local emergency management agency shall render assistance in accordance with the provisions of the mutual aid arrangements.

Sec. 21. Section 29C.12, Code 2013, is amended to read as follows:

29C.12 Use of existing facilities.

In carrying out the provisions of this chapter, the governor, ~~and~~ the director ~~of the department of public defense~~, and the executive officers or governing boards of political subdivisions of the state shall utilize, to the maximum extent practicable, the services, equipment, supplies, and facilities of existing departments, officers, and agencies of the state and of political subdivisions at their respective levels of responsibility.

Sec. 22. Section 29C.12A, Code 2013, is amended to read as follows:

29C.12A Participation in funding disaster recovery facility.

All state government departments and agencies may participate in sharing the cost of the design, construction, and operation of a disaster recovery facility located in the ~~STARC~~ joint forces headquarters armory at Camp Dodge. State departments and agencies may use funds from any source, including but not limited to user fees and appropriations for operational or capital purposes, to participate in the facility.

Sec. 23. Section 29C.14, Code 2013, is amended to read as follows:

29C.14 Director of the department of administrative services to issue warrants.

The director of the department of administrative services shall draw warrants on the treasurer of state for the purposes specified in this chapter, upon duly itemized and verified vouchers that have been approved by the ~~administrator~~ director

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of the department of homeland security and emergency management ~~division~~.

Sec. 24. Section 29C.18, subsection 1, Code 2013, is amended to read as follows:

1. Every organization for homeland security and emergency management established pursuant to this chapter and its officers shall execute and enforce the orders or rules made by the governor, or under the governor's authority and the orders or rules made by subordinate organizations and not contrary or inconsistent with the orders or rules of the governor.

Sec. 25. Section 29C.20B, Code 2013, is amended to read as follows:

29C.20B Disaster case management.

1. The department of 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 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 department of homeland security and emergency management ~~division~~ shall coordinate case management services locally through local committees as established in each commission's emergency plan.

2. The department of homeland security and emergency management ~~division~~, in conjunction with the department of human services and an Iowa representative to the national voluntary organizations active in disaster, shall adopt rules pursuant to chapter 17A to create coordination mechanisms and standards for the establishment and implementation of a statewide system of disaster case management which shall include at least all of the following:

a. Disaster case management standards.

b. Disaster case management policies.

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1 *c.* Reporting requirements.
2 *d.* Eligibility criteria.
3 *e.* Coordination mechanisms necessary to carry out the
4 services provided.
5 *f.* Development of formal working relationships with
6 agencies and creation of interagency agreements for those
7 considered to provide disaster case management services.
8 *g.* Coordination of all available services for individuals
9 from multiple agencies.
10 Sec. 26. Section 29C.22, subsection 3, paragraph c, Code
11 2013, is amended to read as follows:
12 *c.* The authorized representative of a participating
13 government may initiate a request by contacting the department
14 of homeland security and emergency management ~~division of the~~
15 ~~state department of public defense~~. When a request is received
16 by the ~~division~~ department, the ~~division~~ department shall
17 directly contact other participating governments to coordinate
18 the provision of mutual aid.
19 Sec. 27. Section 29C.22, subsection 11, paragraphs b and c,
20 Code 2013, are amended to read as follows:
21 *b.* Any participating government may withdraw from this
22 compact by adopting an ordinance or resolution repealing the
23 same, but a withdrawal shall not take effect until thirty days
24 after the governing body of the withdrawing participating
25 government has given notice in writing of the withdrawal to the
26 ~~administrator~~ director of the department of homeland security
27 and emergency management ~~division~~ who shall notify all other
28 participating governments. The action shall not relieve the
29 withdrawing political subdivision from obligations assumed
30 under this compact prior to the effective date of withdrawal.
31 *c.* Duly authenticated copies of this compact and any
32 supplementary agreements as may be entered into shall
33 be deposited, at the time of their approval, with the
34 ~~administrator~~ director of the department of homeland security
35 and emergency management ~~division~~ who shall notify all

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1 participating governments and other appropriate agencies of
2 state government.
3 Sec. 28. Section 30.2, subsections 1 and 2, Code 2013, are
4 amended to read as follows:
5 1. The Iowa emergency response commission is established.
6 The commission is responsible directly to the governor. The
7 commission is attached to the department of ~~public defense~~
8 homeland security and emergency management for routine
9 administrative and support services only.
10 2. *a.* The commission is composed of ~~fifteen~~ sixteen members
11 appointed by the governor. One member shall be appointed to
12 represent the department of homeland security and emergency
13 management, one to represent the department of agriculture and
14 land stewardship, one to represent the department of workforce
15 development, one to represent the department of justice, one to
16 represent the department of natural resources, one to represent
17 the department of public defense, one to represent the Iowa
18 department of public health, one to represent the department
19 of public safety, one to represent the state department of
20 transportation, one to represent the state fire service and
21 emergency response council, one to represent a local emergency
22 planning committee, one to represent the Iowa hazardous
23 materials task force, and one to represent the office of the
24 governor. Three representatives from private industry shall
25 also be appointed by the governor, subject to confirmation by
26 the senate.
27 *b.* The commission members representing the departments
28 of homeland security and emergency management, workforce
29 development, natural resources, public defense, public safety,
30 and transportation, a local emergency planning committee,
31 and one private industry representative designated by the
32 commission shall be voting members of the commission. The
33 remaining members of the commission shall serve as nonvoting,
34 advisory members.
35 Sec. 29. Section 30.5, subsection 2, Code 2013, is amended

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to read as follows:

2. The commission may enter into agreements pursuant to chapter 28E to accomplish any duty imposed upon the commission by the Emergency Planning and Community Right-to-know Act, but the commission shall not compensate any governmental unit for the performance of duties pursuant to such an agreement. Funding for administering the duties of the commission under sections 30.7, 30.8, and 30.9 shall be included in the budgets of the department of natural resources and the department of ~~public defense~~ homeland security and emergency management.

Sec. 30. Section 30.9, Code 2013, is amended to read as follows:

30.9 Duties to be allocated to department of ~~public defense~~ homeland security and emergency management.

Agreements negotiated by the commission and the department of ~~public defense~~ homeland security and emergency management shall provide for the allocation of duties to the department of ~~public defense~~ homeland security and emergency management as follows:

1. Comprehensive emergency plans required to be developed under section 303 of the Emergency Planning and Community ~~Right-to-Know~~ Right-to-know Act, 42 U.S.C. § 11003, shall be submitted to the department of ~~public defense~~ homeland security and emergency management. Committee submission to that department constitutes compliance with the requirement for reporting to the commission. After initial submission, a plan need not be resubmitted unless revisions are requested by the commission. The department of ~~public defense~~ homeland security and emergency management shall review the plan on behalf of the commission and shall incorporate the provisions of the plan into its responsibilities under chapter 29C.

2. The department of ~~public defense~~ homeland security and emergency management shall advise the commission of the failure of any committee to submit an initial comprehensive ~~emergency~~ response and recovery plan or a revised plan requested by the

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commission.

3. The department of ~~public defense~~ homeland security and emergency management shall make available to the public upon request during normal working hours the information in its possession pursuant to section 324 of the Emergency Planning and Community ~~Right-to-Know~~ Right-to-know Act, 42 U.S.C. § 11044.

Sec. 31. Section 34A.2, subsection 2, Code 2013, is amended by striking the subsection.

Sec. 32. Section 34A.2, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. *"Director"* means the director of the department of homeland security and emergency management.

Sec. 33. Section 34A.2A, Code 2013, is amended to read as follows:

34A.2A Program manager — appointment — duties.

1. The ~~administrator~~ director of the department of homeland security and emergency management ~~division of the department of public defense~~ shall appoint an E911 program manager to administer this chapter.

2. The E911 program manager shall act under the supervisory control of the ~~administrator~~ director of the department of homeland security and emergency management ~~division of the department of public defense~~, and in consultation with the E911 communications council, and shall perform the duties specifically set forth in this chapter and as assigned by the ~~administrator~~ director.

Sec. 34. Section 34A.6, subsection 3, Code 2013, is amended to read as follows:

3. The secretary of state, in consultation with the ~~administrator~~ director, shall adopt rules for the conduct of joint E911 service referendums as required by and consistent with subsections 1 and 2.

Sec. 35. Section 34A.7A, subsection 1, paragraph a, Code 2013, is amended to read as follows:

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1 *a.* Notwithstanding section 34A.6, the ~~administrator~~
2 director shall adopt by rule a monthly surcharge of up
3 to sixty-five cents to be imposed on each communications
4 service number provided in this state. The surcharge shall
5 be imposed uniformly on a statewide basis and simultaneously
6 on all communications service numbers as provided by rule
7 of the ~~administrator~~ director. The surcharge shall not be
8 imposed on wire-line-based communications or prepaid wireless
9 telecommunications service.
10 Sec. 36. Section 34A.7A, subsection 2, paragraphs a and f,
11 Code 2013, are amended to read as follows:
12 *a.* An amount as appropriated by the general assembly to the
13 ~~administrator~~ director shall be allocated to the ~~administrator~~
14 director and program manager for implementation, support, and
15 maintenance of the functions of the ~~administrator~~ director and
16 program manager and to employ the auditor of state to perform
17 an annual audit of the E911 emergency communications fund.
18 *f.* The ~~administrator~~ director, in consultation with the
19 program manager and the E911 communications council, shall
20 adopt rules pursuant to chapter 17A governing the distribution
21 of the surcharge collected and distributed pursuant to this
22 subsection. The rules shall include provisions that all joint
23 E911 service boards and the department of public safety which
24 answer or service wireless E911 calls are eligible to receive
25 an equitable portion of the receipts.
26 Sec. 37. Section 34A.15, subsection 3, Code 2013, is amended
27 to read as follows:
28 3. The council shall advise and make recommendations to
29 the ~~administrator~~ director and program manager regarding
30 the implementation of this chapter. Such advice and
31 recommendations shall be provided on issues at the request of
32 the ~~administrator~~ director or program manager or as deemed
33 necessary by the council.
34 Sec. 38. Section 35A.5, subsection 16, Code 2013, is amended
35 to read as follows:

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1 16. In coordination with the ~~military division of the~~
2 department of public defense, advise service members prior to,
3 and after returning from, deployment on active duty service
4 outside the United States of issues related to the filing
5 of tax returns and the payment of taxes due and encourage a
6 service member who has not filed a return or who owes taxes to
7 contact the department of revenue prior to deployment.
8 Sec. 39. Section 80.28, subsection 2, paragraph a,
9 subparagraph (3), Code 2013, is amended to read as follows:
10 (3) One member representing the department of homeland
11 security and emergency management ~~division~~.
12 Sec. 40. Section 80B.11C, Code 2013, is amended to read as
13 follows:
14 **80B.11C Telecommunicator training standards.**
15 The director of the academy, subject to the approval of
16 the council, in consultation with the Iowa state sheriffs'
17 and deputies' association, the Iowa police executive forum,
18 the Iowa peace officers association, the Iowa state police
19 association, the Iowa professional fire fighters, the Iowa
20 emergency medical services association, the joint council of
21 Iowa fire service organizations, the Iowa department of public
22 safety, the Iowa chapter of the association of public-safety
23 communications officials—international, inc., the Iowa chapter
24 of the national emergency number association, the department of
25 homeland security and emergency management ~~division of the Iowa~~
26 ~~department of public defense~~, and the Iowa department of public
27 health, shall adopt rules pursuant to chapter 17A establishing
28 minimum standards for training of telecommunicators. For
29 purposes of this section, "*telecommunicator*" means a person who
30 receives requests for, or dispatches requests to, emergency
31 response agencies which include, but are not limited to, law
32 enforcement, fire, rescue, and emergency medical services
33 agencies.
34 Sec. 41. Section 97B.49B, subsection 1, paragraph e,
35 subparagraph (8), Code 2013, is amended to read as follows:

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(8) An airport fire fighter employed by the ~~military division of the~~ department of public defense.

Sec. 42. Section 100B.22, subsection 1, paragraph a, Code 2013, is amended to read as follows:

a. Regional emergency response training centers shall be established to provide training to fire fighters and other emergency responders. The lead public agency for the training centers shall be the following community colleges for the following merged areas:

(1) Northeast Iowa community college for merged area I in partnership with the Dubuque county firemen's association and to provide advanced training in agricultural emergency response as such advanced training is funded by the department of homeland security and emergency management ~~division of the department of public defense~~.

(2) North Iowa area community college for merged area II in partnership with the Mason City fire department.

(3) Iowa lakes community college for merged area III and northwest Iowa community college for merged area IV.

(4) Iowa central community college for merged area V and to provide advanced training in homeland security as such advanced training is funded by the department of homeland security and emergency management ~~division of the department of public defense~~.

(5) Hawkeye community college for merged area VII in partnership with the Waterloo regional hazardous materials training center and to provide advanced training in hazardous materials emergency response as such advanced training is funded by the department of homeland security and emergency management ~~division of the department of public defense~~.

(6) Eastern Iowa community college for merged area IX in partnership with the city of Davenport fire department.

(7) Kirkwood community college for merged area X in partnership with the city of Coralville fire department and the Iowa City fire department and to provide advanced training in

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1 agricultural terrorism response and mass casualty and fatality
2 response as such advanced training is funded by the department
3 of homeland security and emergency management ~~division of the~~
4 ~~department of public defense~~.
5 (8) Des Moines area community college for merged area XI and
6 Iowa valley community college for merged area VI and to provide
7 advanced training in operations integration in compliance
8 with the national incident management system as such advanced
9 training is funded by the department of homeland security and
10 emergency management ~~division of the department of public~~
11 ~~defense~~.
12 (9) Western Iowa technical community college for merged
13 area XII in partnership with the Sioux City fire department
14 and to provide advanced training in emergency responder
15 communications as such advanced training is funded by the
16 department of homeland security and emergency management
17 ~~division of the department of public defense~~.
18 (10) Iowa western community college for merged areas XIII
19 and XIV in partnership with southwestern community college and
20 the Council Bluffs fire department.
21 (11) Southeastern Iowa community college for merged areas
22 XV and XVI in partnership with Indian hills community college
23 and the city of Fort Madison fire department.
24 Sec. 43. Section 135.141, subsection 2, paragraphs a and j,
25 Code 2013, are amended to read as follows:
26 *a.* Coordinate with the department of homeland security
27 and emergency management ~~division of the department of public~~
28 ~~defense~~ the administration of emergency planning matters
29 which involve the public health, including development,
30 administration, and execution of the public health components
31 of the comprehensive emergency plan and emergency management
32 program pursuant to section 29C.8.
33 *j.* Adopt rules pursuant to chapter 17A for the
34 administration of this division of this chapter including rules
35 adopted in cooperation with the Iowa pharmacy association

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1 and the Iowa hospital association for the development of a
2 surveillance system to monitor supplies of drugs, antidotes,
3 and vaccines to assist in detecting a potential public health
4 disaster. Prior to adoption, the rules shall be approved by
5 the state board of health and the ~~administrator~~ director of
6 the department of homeland security and emergency management
7 ~~division of the department of public defense~~.
8 Sec. 44. Section 135.145, subsections 1 and 2, Code 2013,
9 are amended to read as follows:
10 1. When the department of public safety or other federal,
11 state, or local law enforcement agency learns of a case of a
12 disease or health condition, unusual cluster, or a suspicious
13 event that may be the cause of a public health disaster, the
14 department or agency shall immediately notify the department,
15 the ~~administrator~~ director of the department of homeland
16 security and emergency management ~~division of the department~~
17 ~~of public defense~~, the department of agriculture and land
18 stewardship, and the department of natural resources as
19 appropriate.
20 2. When the department learns of a case of a disease
21 or health condition, an unusual cluster, or a suspicious
22 event that may be the cause of a public health disaster, the
23 department shall immediately notify the department of public
24 safety, the department of homeland security and emergency
25 management ~~division of the department of public defense~~, and
26 other appropriate federal, state, and local agencies and
27 officials.
28 Sec. 45. Section 163.3A, subsection 2, Code 2013, is amended
29 to read as follows:
30 2. The services shall be performed under the direction of
31 the department and may be part of measures authorized by the
32 governor under a declaration or proclamation issued pursuant to
33 chapter 29C. In such case, the department shall cooperate with
34 the Iowa department of public health under chapter 135, and the
35 department of ~~public defense,~~ homeland security and emergency

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1 management ~~division~~, and local emergency management agencies as
2 provided in chapter 29C.
3 Sec. 46. Section 163.51, subsection 2, paragraph b, Code
4 2013, is amended to read as follows:
5 *b.* If the department confirms an outbreak of foot and
6 mouth disease in this state, the department shall cooperate
7 with the governor; federal agencies, including the United
8 States department of agriculture; and state agencies, including
9 the department of homeland security and emergency management
10 ~~division of the department of public defense~~, in order to
11 provide the public with timely and accurate information
12 regarding the outbreak. The department shall cooperate with
13 organizations representing agricultural producers in order to
14 provide all necessary information to agricultural producers
15 required to control the outbreak.
16 Sec. 47. Section 305.8, subsection 1, paragraph b, Code
17 2013, is amended to read as follows:
18 *b.* In consultation with the department of homeland security
19 and emergency management ~~division of the department of public~~
20 ~~defense~~, establish policies, standards, and guidelines for
21 the identification, protection, and preservation of records
22 essential for the continuity or reestablishment of governmental
23 functions in the event of an emergency arising from a natural
24 or other disaster.
25 Sec. 48. Section 418.1, subsection 3, Code 2013, is amended
26 to read as follows:
27 3. ~~*"Division"*~~ *"Department"* means the department of homeland
28 security and emergency management ~~division of the department~~
29 ~~of public defense~~.
30 Sec. 49. Section 418.5, subsection 1, Code 2013, is amended
31 to read as follows:
32 1. The flood mitigation board is established consisting of
33 nine voting members and four ex officio, nonvoting members, and
34 is located for administrative purposes within the division.
35 The ~~administrator~~ director of the ~~division~~ department shall

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provide office space, staff assistance, and necessary supplies and equipment for the board. The ~~administrator~~ director shall budget funds to pay the necessary expenses of the board. In performing its functions, the board is performing a public function on behalf of the state and is a public instrumentality of the state.

Sec. 50. Section 418.5, subsection 2, paragraph e, Code 2013, is amended to read as follows:

e. The ~~administrator~~ director of the ~~division~~ department or the ~~administrator's~~ director's designee.

Sec. 51. Section 418.7, Code 2013, is amended to read as follows:

418.7 ~~Division~~ Department duties.

The ~~division~~ department, subject to approval by the board, shall adopt administrative rules pursuant to chapter 17A necessary to administer the flood mitigation program. The ~~division~~ department shall provide the board with assistance in implementing administrative functions and providing technical assistance and application assistance to applicants under the program.

Sec. 52. Section 418.8, subsection 1, Code 2013, is amended to read as follows:

1. The board shall establish and the ~~division~~ department, subject to direction and approval by the board, shall administer a flood mitigation program to assist governmental entities in undertaking projects approved under this chapter. The flood mitigation program shall include projects approved by the board to utilize either financial assistance from the flood mitigation fund created under section 418.10 or sales tax revenues remitted to the governmental entity under section 418.12. A governmental entity shall not be approved by the board to utilize both financial assistance from the flood mitigation fund and sales tax revenues remitted to the governmental entity.

Sec. 53. Section 418.9, subsections 4 and 7, Code 2013, are

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1 amended to read as follows:
2 4. Upon review of the applications, the board, following
3 consultation with the economic development authority, shall
4 approve, defer, or deny the applications. If a project plan
5 is denied, the board shall state the reasons for the denial
6 and the governmental entity may resubmit the application so
7 long as the application is filed on or before January 1, 2016.
8 If a project plan application is approved, the board shall
9 specify whether the governmental entity is approved for the
10 use of sales tax revenues under section 418.12 or whether the
11 governmental entity is approved to receive financial assistance
12 from the flood mitigation fund under section 418.10. If
13 the board approves a project plan application that includes
14 financial assistance from the flood mitigation fund, the
15 board shall negotiate and execute on behalf of the ~~division~~
16 department all necessary agreements to provide such financial
17 assistance. If the board approves a project plan application
18 that includes the use of sales tax increment revenues, the
19 board shall establish the annual maximum amount of such
20 revenues that may be remitted to the governmental entity
21 not to exceed the limitations in section 418.12, subsection
22 4. The board may, however, establish remittance limitations
23 for the project lower than the individual project remittance
24 limitations specified for projects under section 418.12,
25 subsection 4.
26 7. Upon approval of an application for financial assistance
27 under the program, the board shall notify the treasurer of
28 state regarding the amount of moneys needed to satisfy the
29 award of financial assistance and the terms of the award.
30 The treasurer of state shall notify the ~~division~~ department
31 any time moneys are disbursed to a recipient of financial
32 assistance under the program.
33 Sec. 54. Section 455B.266, subsection 1, paragraph d, Code
34 2013, is amended to read as follows:
35 *d.* Determination by the department in conjunction with

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the department of homeland security and emergency management ~~division of the department of public defense~~ of a local crisis which affects availability of water.

Sec. 55. Section 455B.385, Code 2013, is amended to read as follows:

455B.385 State hazardous condition contingency plan.

All public agencies, as defined in chapter 28E, shall cooperate in the development and implementation of a state hazardous condition contingency plan. The plan shall detail the manner in which public agencies shall participate in the response to a hazardous condition. The director may enter into agreements, with approval of the commission, with any state agency or unit of local government or with the federal government, as necessary to develop and implement the plan. The plan shall be coordinated with the department of homeland security and emergency management ~~division of the department of public defense~~ and any joint emergency management agencies established pursuant to chapter 29C.

Sec. 56. Section 466B.3, subsection 4, paragraph d, Code 2013, is amended to read as follows:

d. The ~~administrator~~ director of the department of homeland security and emergency management ~~division of the department of public defense~~ or the ~~administrator's~~ director's designee.

Sec. 57. REPEAL. Sections 29.2, 29.3, and 29C.7, Code 2013, are repealed.

Sec. 58. TRANSITION PROVISIONS.

1. Any rule, regulation, form, order, or directive promulgated by the division of homeland security and emergency management of the department of public defense shall continue in full force and effect until amended, repealed, or supplemented by affirmative action of the department of homeland security and emergency management as established in this Act.

2. All employees of the division of homeland security and emergency management of the department of public defense shall

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1 be considered employees of the department of homeland security
2 and emergency management upon the elimination of the former and
3 creation of the latter as provided in this Act.
4 EXPLANATION
5 Currently, the department of public defense is composed
6 of the military division and the homeland security and
7 emergency management division. This bill transfers the
8 homeland security and emergency management division of the
9 department of public defense into a new department of homeland
10 security and emergency management. The bill retains within the
11 department of public defense responsibility over the office of
12 the adjutant general and the military forces of the state of
13 Iowa. The bill provides that the governor appoint the director
14 of the new department. Current duties and responsibilities
15 of the homeland security and emergency management division
16 are transferred to the new department of homeland security
17 and emergency management. In addition, the bill transfers
18 the attachment of the Iowa emergency response commission
19 for routine administrative support from the department of
20 public defense to the new department of homeland security and
21 emergency management.
22 The bill also includes transition provisions relative to
23 the establishment of the department of homeland security
24 and emergency management. The bill provides that any rule,
25 regulation, form, order, or directive promulgated by the
26 division of homeland security and emergency management of the
27 department of public defense shall continue unless modified or
28 otherwise changed by the new department. The bill provides
29 that employees of the division of homeland security and
30 emergency management of the department shall be considered
31 employees of the department of homeland security and emergency
32 management.

Senate Study Bill 1034 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED JUDICIAL BRANCH BILL)

A BILL FOR

1 An Act relating to interpreters and translators for limited
2 English proficient participants in legal proceedings and in
3 court-ordered programs.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1159XD (4) 85
rh/rj

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1 Section 1. Section 232.141, subsections 1 and 2, Code 2013,
2 are amended to read as follows:
3 1. Except as otherwise provided by law, the court shall
4 inquire into the ability of the child or the child's parent
5 to pay expenses incurred pursuant to subsections 2, 4, and 8.
6 After giving the parent a reasonable opportunity to be heard,
7 the court may order the parent to pay all or part of the costs
8 of the child's care, examination, treatment, legal expenses,
9 or other expenses, excluding the costs and fees of interpreter
10 and translator services. An order entered under this section
11 does not obligate a parent paying child support under a custody
12 decree, except that part of the monthly support payment may be
13 used to satisfy the obligations imposed by the order entered
14 pursuant to this section. If a parent fails to pay as ordered,
15 without good reason, the court may proceed against the parent
16 for contempt and may inform the county attorney who shall
17 proceed against the parent to collect the unpaid amount. Any
18 payment ordered by the court shall be a judgment against each
19 of the child's parents and a lien as provided in section
20 624.23. If all or part of the amount that the parents are
21 ordered to pay is subsequently paid by the county or state,
22 the judgment and lien shall thereafter be against each of the
23 parents in favor of the county to the extent of the county's
24 payments and in favor of the state to the extent of the state's
25 payments.
26 2. All of the following juvenile court expenses are a charge
27 upon the county in which the proceedings are held, to the
28 extent provided in subsection 3:
29 *a.* Juvenile court expenses incurred by an attorney appointed
30 by the court to serve as counsel to any party or to serve as a
31 guardian ad litem for any child, including fees and expenses
32 for ~~foreign language interpreters, costs of~~ depositions and
33 transcripts, fees and mileage of witnesses, and the expenses of
34 officers serving notices and subpoenas.
35 *b.* Reasonable compensation for an attorney appointed by the

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1 court to serve as counsel to any party or as guardian ad litem
2 for any child in juvenile court.
3 ~~*c.* Fees and expenses incurred by the juvenile court for~~
4 ~~foreign language interpreters for court proceedings.~~
5 Sec. 2. Section 602.1302, subsection 3, Code 2013, is
6 amended to read as follows:
7 3. A revolving fund is created in the state treasury for
8 the payment of jury and witness fees, mileage, costs related to
9 summoning jurors by the judicial branch, costs and fees related
10 to the management and payment of interpreters and translators
11 in judicial branch legal proceedings and court-ordered
12 programs, and attorney fees paid by the state public defender
13 for counsel appointed pursuant to section 600A.6A. The
14 judicial branch shall deposit any reimbursements to the state
15 for the payment of jury and witness fees and mileage in the
16 revolving fund. In each calendar quarter the judicial branch
17 shall reimburse the state public defender for attorney fees
18 paid pursuant to section 600A.6B. Notwithstanding section
19 8.33, unencumbered and unobligated receipts in the revolving
20 fund at the end of a fiscal year do not revert to the general
21 fund of the state. The judicial branch shall on or before
22 February 1 file a financial accounting of the moneys in the
23 revolving fund with the legislative services agency. The
24 accounting shall include an estimate of disbursements from the
25 revolving fund for the remainder of the fiscal year and for the
26 next fiscal year.
27 Sec. 3. Section 622A.1, Code 2013, is amended by striking
28 the section and inserting in lieu thereof the following:
29 **622A.1 Definitions.**
30 As used in this chapter, unless the context otherwise
31 requires:
32 1. *"Administrative agency"* means any department, board,
33 commission, or agency of the state or any political subdivision
34 of the state.
35 2. *"Court-ordered program"* means any activity in which a

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1 court orders a party to participate and which is not supervised
2 by the department of corrections or the department of human
3 services.
4 3. *"Interpreter"* means a person who can accurately transfer
5 the meaning of words, phrases, or signs in one language into
6 the equivalent words, phrases, or signs in another language
7 and includes an oral language interpreter and a sign language
8 interpreter.
9 4. *"Legal proceeding"* means any action before any court,
10 or any legal action preparatory to appearing before any
11 court, whether civil, criminal, or juvenile in nature
12 or any proceeding before any administrative agency which
13 is quasi-judicial in nature and which has direct legal
14 implications to any person.
15 5. *"Limited English proficient"* means the inability to
16 adequately understand or effectively communicate in the English
17 language because a person's primary language is a language
18 other than English.
19 6. *"Oral language interpreter"* means an interpreter who is
20 able to interpret from one oral language into a second oral
21 language and from the second oral language into the first oral
22 language.
23 7. *"Participant"* means a party, witness, attorney, or
24 child, including a child who is or may be the subject of a
25 delinquency petition, a parent or guardian whose child is or
26 may be the subject of a delinquency petition, or a person who
27 is a guardian, conservator, or trustee in a probate case.
28 8. *"Sign language interpreter"* means an interpreter who is
29 able to interpret from sign language into an oral language and
30 from that oral language into sign language.
31 9. *"Translator"* means a person who can accurately transfer
32 the meaning of written words and phrases in one language into
33 the equivalent written words and phrases in another language.
34 Sec. 4. Section 622A.2, Code 2013, is amended to read as
35 follows:

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622A.2 Who entitled to interpreter or translator.

Every limited English proficient person who ~~cannot speak or understand the English language and who is a party to any~~ is a participant in a legal proceeding or a ~~witness therein,~~ court-ordered program shall be entitled to an interpreter or translator to assist such person throughout the proceeding or program.

Sec. 5. Section 622A.3, Code 2013, is amended to read as follows:

622A.3 Costs ~~— when taxed~~.

1. An interpreter ~~shall be~~ or translator appointed ~~without expense to the person requiring assistance in the following cases:~~ for a limited English proficient participant who is entitled to an interpreter or translator pursuant to section 622A.2 shall be paid in accordance with this section and the fees for interpreter or translator services shall not be charged to the limited English proficient participant or the parties in the case.

~~*a.* If the person requiring assistance is a witness in the civil legal proceeding.~~

~~*b.* If the person requiring assistance is indigent and financially unable to secure an interpreter.~~

2. ~~In civil cases, every court shall tax the cost of an interpreter the same as other court costs. In criminal cases, where the defendant is indigent, the interpreter shall be considered as a defendant's witness under rule of criminal procedure 2.15 for the purpose of receiving fees, except that subpoenas shall not be required. If the proceeding is before an administrative agency, that agency shall provide such interpreter but may require that a party to the proceeding pay the expense thereof~~ An oral language interpreter or a translator required for a limited English proficient participant in a judicial branch legal proceeding or a court-ordered program shall be paid by the state court administrator from the revolving fund created in section

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602.1302, subsection 3.

3. ~~Moneys recovered as court costs for interpreters paid through the revolving fund established in section 602.1302, subsection 3, shall be deposited in that fund~~ An oral language interpreter or a translator required for a limited English proficient participant in a legal proceeding before an administrative agency shall be paid by the appropriate administrative agency.

4. A sign language interpreter and a real-time court reporter who assist a deaf or hard-of-hearing participant in a legal proceeding before a court or an administrative agency or in a court-ordered program shall be paid by the county pursuant to section 622B.7.

Sec. 6. Section 622A.4, Code 2013, is amended to read as follows:

622A.4 Fee for interpreter and translator services set by court or administrative agency — payment.

~~Every~~ An interpreter or translator appointed by a court or administrative agency shall receive a fee to be set by the court or administrative agency. ~~If the interpreter is appointed by the court in a civil case for a person who is indigent and unable to secure an interpreter, the fee for the interpreter shall be paid from the revolving fund established in section 602.1302, subsection 3.~~

Sec. 7. Section 622A.5, Code 2013, is amended to read as follows:

622A.5 Oath.

~~Every~~ An interpreter or translator in any legal proceeding shall take ~~the same~~ an oath ~~as any other witness~~ approved by the supreme court.

Sec. 8. Section 622A.6, Code 2013, is amended to read as follows:

622A.6 Qualifications and integrity.

Any court or administrative agency may inquire into the qualifications, neutrality, and integrity of any interpreter

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1 or translator, and may disqualify any person from serving as
2 an interpreter or translator.
3 Sec. 9. Section 622A.7, Code 2013, is amended to read as
4 follows:
5 **622A.7 Rules — qualifications and compensation of**
6 **interpreters and translators.**
7 The supreme court, after consultation with the commission
8 of Latino affairs of the department of human rights and other
9 appropriate departments, shall adopt rules governing the
10 qualifications and compensation of interpreters and translators
11 appearing in proceedings before a court or grand jury under
12 this chapter. However, an administrative agency which is
13 subject to chapter 17A may adopt rules differing from those of
14 the supreme court governing the qualifications and compensation
15 of interpreters and translators appearing in proceedings before
16 that agency.
17 Sec. 10. Section 622A.8, Code 2013, is amended to read as
18 follows:
19 **622A.8 ~~Tape~~ Electronic recording of testimony.**
20 ~~A tape~~ An electronic recording of the portion of proceedings
21 where non-English testimony is given shall be made and
22 maintained.
23 Sec. 11. Section 622B.1, subsection 1, paragraphs d through
24 f, Code 2013, are amended to read as follows:
25 *d. "Interpreter"* means ~~an oral interpreter or sign language~~
26 ~~interpreter~~ a person who can accurately transfer the meaning of
27 words, phrases, or signs in one language into the equivalent
28 words, phrases, or signs in another language, and includes an
29 oral language interpreter and a sign language interpreter.
30 *e. "Oral language interpreter"* means an interpreter who is
31 ~~fluent in transliterating, paraphrasing, and voicing~~ able to
32 interpret from one oral language into a second oral language
33 and from the second oral language into the first oral language.
34 *f. "Sign language interpreter"* means an interpreter who is
35 able to interpret from sign language ~~to English and English to~~

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1 ~~sign language~~ into an oral language and from that oral language
2 into sign language.
3 Sec. 12. Section 815.9, subsections 3 through 6, Code 2013,
4 are amended to read as follows:
5 3. If a person is granted an appointed attorney, the person
6 shall be required to reimburse the state for the total cost of
7 legal assistance provided to the person, excluding the costs
8 and fees of interpreter and translator services, pursuant
9 to this section. *"Legal assistance"* as used in this section
10 shall include not only the expense of the public defender or
11 an appointed attorney, but also transcripts, witness fees,
12 expenses, and any other goods or services required by law to
13 be provided to an indigent person entitled to an appointed
14 attorney.
15 4. *a.* If the appointed attorney is a public defender,
16 the attorney shall submit a report to the court specifying
17 the total hours of service plus expenses incurred, excluding
18 the costs and fees of interpreter and translator services, in
19 providing legal assistance to the person. In a criminal case,
20 the report shall be submitted within ten days of the date of
21 sentencing, acquittal, or dismissal. In a case other than a
22 criminal case, the report shall be submitted within ten days of
23 any court ruling or the conclusion of a trial held in the case,
24 or if the case is dismissed within ten days of the dismissal.
25 *b.* If the appointed attorney is a private attorney or is
26 employed by a nonprofit organization, the state public defender
27 shall report to the clerk of the district court the amounts
28 of any approved claims for compensation and expenses paid on
29 behalf of a person receiving legal assistance, excluding the
30 costs and fees of interpreter and translator services, after
31 such claims have been reviewed and paid by the state public
32 defender.
33 5. If the person receiving legal assistance is convicted in
34 a criminal case, the total costs and fees incurred for legal
35 assistance, excluding the costs and fees of interpreter and

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1 translator services, shall be ordered paid when the reports
2 submitted pursuant to subsection 4 are received by the court,
3 and the court shall order the payment of such amounts as
4 restitution, to the extent to which the person is reasonably
5 able to pay, or order the performance of community service in
6 lieu of such payments, in accordance with chapter 910.
7 6. If the person receiving legal assistance is acquitted in
8 a criminal case or is a party in a case other than a criminal
9 case, the court shall order the payment of all or a portion
10 of the total costs and fees incurred for legal assistance,
11 excluding the costs and fees of interpreter and translator
12 services, to the extent the person is reasonably able to
13 pay, after an inquiry which includes notice and reasonable
14 opportunity to be heard.
15 EXPLANATION
16 This bill relates to interpreters and translators for
17 limited English proficient participants in legal proceedings
18 and in court-ordered programs.
19 The bill provides that a "limited English proficient" (LEP)
20 person who is a participant in any legal proceeding involving a
21 court or an administrative agency or in a court-ordered program
22 shall be entitled to an interpreter or a translator to assist
23 the person in the proceeding or program. LEP is defined as the
24 inability of a person to adequately understand or effectively
25 communicate in the English language because a person's primary
26 language is a language other than English. The bill defines
27 an "interpreter" as a person who can accurately transfer the
28 meaning of words, phrases, or signs in one language into the
29 equivalent words, phrases, or signs in another language and
30 includes an oral language interpreter and a sign language
31 interpreter; a "translator" as a person who can accurately
32 transfer the meaning of written words and phrases in one
33 language into the equivalent written words and phrases in
34 another language; and a "participant" as a party, witness,
35 attorney, or child, including a child who is or may be the

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1 subject of a delinquency petition, a parent or guardian whose
2 child is or may be the subject of a delinquency petition, or a
3 person who is a guardian, conservator, or trustee in a probate
4 case.
5 The bill provides that fees for interpreter or translator
6 services shall not be charged to an LEP participant in a legal
7 proceeding or court-ordered program. The bill specifies
8 that an oral language interpreter or a translator required
9 for an LEP participant in a judicial branch legal proceeding
10 or in a court-ordered program is to be paid by the state
11 court administrator from the revolving fund established in
12 Code section 602.1302, subsection 3 (known as the jury and
13 witness fund); an oral language interpreter or a translator
14 required for an LEP participant in a legal proceeding before
15 an administrative agency is to be paid by the appropriate
16 administrative agency; and a sign language interpreter and a
17 real-time court reporter who assist a deaf or hard-of-hearing
18 participant in a legal proceeding before a court or an
19 administrative agency or in a court-ordered program are to be
20 paid by the county pursuant to Code section 622B.7. The bill
21 makes conforming changes excluding the costs of interpreter
22 and translator services from being charged to a parent in a
23 juvenile proceeding (Code section 232.141) and to a person
24 receiving indigent legal assistance services (Code section
25 815.9).
26 The bill provides additional provisions specifying that fees
27 and qualifications for interpreter and translator services
28 are to be determined by the court or administrative agency,
29 as appropriate; an interpreter or translator in any legal
30 proceeding is required to take an oath approved by the supreme
31 court; and a court or an administrative agency may inquire into
32 the qualifications, neutrality, and integrity of an interpreter
33 or translator and may disqualify any person from serving as an
34 interpreter or translator. The bill requires electronic rather
35 than audio recordings of the portion of proceedings where

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1 non-English testimony is given to be made and maintained.
2 The bill makes conforming changes to the definitions of
3 "interpreter", "oral language interpreter", and "sign language
4 interpreter" in Code chapter 622B (deaf and hard-of-hearing
5 interpreters) to be consistent with the definitions in the
6 bill.

Senate Study Bill 1035 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED JUDICIAL BRANCH BILL)

A BILL FOR

1 An Act relating to the nomination and appointment of district
2 judges.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1164XD (1) 85
jm/nh

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Section 1. Section 46.14, Code 2013, is amended to read as follows:

46.14 Nomination — residence.

1. Each judicial nominating commission shall carefully consider the individuals available for judge, and within sixty days after receiving notice of a vacancy shall certify to the governor and the chief justice the proper number of nominees, in alphabetical order. Such nominees shall be chosen by the affirmative vote of a majority of the full statutory number of commissioners upon the basis of their qualifications and without regard to political affiliation. Nominees shall be members of the bar of Iowa, shall be residents of the state ~~or district of the court to which they are nominated~~, and shall be of such age that they will be able to serve an initial and one regular term of office to which they are nominated before reaching the age of seventy-two years. ~~Nominees for district judge shall file a certified application form, to be provided by the supreme court, with the chairperson of the district judicial nominating commission.~~ Absence of a commissioner or vacancy upon the commission shall not invalidate a nomination. The chairperson of the commission shall promptly certify the names of the nominees, in alphabetical order, to the governor and the chief justice.

2. An applicant for district judge shall file a certified application form, to be provided by the supreme court, with the chairperson of the district judicial nominating commission. A district judge appointee shall be a resident of the judicial district before assuming office or, if the judicial district is divided into judicial election districts, the appointee shall be a resident of the judicial election district where the nomination occurred before assuming office.

~~2.~~ 3. A commissioner shall not be eligible for nomination by the commission during the term for which the commissioner was elected or appointed to that commission. A commissioner shall not be eligible to vote for the nomination of a family

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1 member, current law partner, or current business partner. For
2 purposes of this subsection, *"family member"* means a spouse,
3 son, daughter, brother, sister, uncle, aunt, first cousin,
4 nephew, niece, father-in-law, mother-in-law, son-in-law,
5 daughter-in-law, brother-in-law, sister-in-law, father, mother,
6 stepfather, stepmother, stepson, stepdaughter, stepbrother,
7 stepsister, half brother, or half sister.
8 EXPLANATION
9 This bill relates to the nomination and qualifications of
10 district judges. The bill specifies that a district judge
11 appointee shall be a resident of the judicial district where
12 the nomination occurred before assuming office. If the
13 judicial district is divided into judicial election districts,
14 the bill specifies the appointee shall be a resident of the
15 judicial election district where the nomination occurred before
16 assuming office.

Senate Study Bill 1036 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR'S OFFICE
OF DRUG CONTROL POLICY
BILL)

A BILL FOR

1 An Act relating to the governor´s office of drug control policy
2 and certain advisory councils.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1303DP (2) 85
rh/nh

S.F. _____ H.F. _____

1 Section 1. Section 80E.2, subsection 1, paragraph n, Code
2 2013, is amended to read as follows:
3 *n.* A member representing the Iowa ~~state~~ police chiefs
4 association.
5 Sec. 2. Section 80E.2, subsections 2 and 5, Code 2013, are
6 amended to read as follows:
7 2. The prosecuting attorney, licensed substance abuse
8 treatment specialist, certified substance abuse prevention
9 specialist, substance abuse treatment program director, member
10 representing the Iowa peace officers association, member
11 representing the Iowa ~~state~~ police chiefs association, and the
12 member representing the Iowa state sheriffs' and deputies'
13 association shall be appointed by the governor, subject to
14 senate confirmation, for four-year terms beginning and ending
15 as provided in section 69.19. A vacancy on the council shall
16 be filled for the unexpired term in the same manner as the
17 original appointment was made.
18 5. The council shall meet at least ~~quarterly~~ semiannually
19 throughout the year.
20 Sec. 3. REPEAL. Section 124.212C, Code 2013, is repealed.
21 EXPLANATION
22 This bill relates to the governor's office of drug control
23 policy and certain advisory councils.
24 The bill updates membership and meeting requirements
25 of the Iowa drug policy advisory council. The bill amends
26 the membership of the Iowa drug policy advisory council to
27 eliminate representation from the Iowa state police association
28 but to include representation from the Iowa police chiefs
29 association. The bill reduces the minimum meeting requirement
30 of the council from meeting at least quarterly to at least
31 semiannually.
32 The bill repeals the pseudoephedrine advisory council
33 established in 2009 within the governor's office of drug
34 control policy. The pseudoephedrine advisory council provides
35 input and advises the governor's office of drug control

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1 policy regarding the implementation and maintenance of the
2 statewide real-time central repository to monitor sales of
3 pseudoephedrine. Members of the council receive actual and
4 necessary expenses incurred in the performance of their duties.

Senate Study Bill 1037 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED JUDICIAL BRANCH BILL)

A BILL FOR

1 An Act relating to donations and charitable contributions in a
2 criminal proceeding.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1161XD (1) 85
jm/rj

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1 Section 1. NEW SECTION. **901.11 Donations — prohibited.**
2 A monetary or property donation to any agency, organization,
3 or political subdivision of the state is prohibited as a part
4 of any deferred prosecution, dismissal, sentence, or other
5 penalty.
6 Sec. 2. Section 907.13, subsection 2, Code 2013, is amended
7 to read as follows:
8 2. The defendant's plan of community service, the comments
9 of the defendant's probation officer, and the comments of
10 the representative of the judicial district department of
11 correctional services responsible for the unpaid community
12 service program, shall be submitted promptly to the court.
13 The court shall promptly enter an order approving the plan or
14 modifying it. Compliance with the plan of community service
15 as approved or modified by the court shall be a condition of
16 the defendant's probation. The court thereafter may modify the
17 plan at any time upon the defendant's request, upon the request
18 of the judicial district department of correctional services,
19 or upon the court's own motion. ~~As an option for modification~~
20 ~~of a plan, the court may allow a defendant to complete some~~
21 ~~part or all of the defendant's community service obligation~~
22 ~~through the donation of property to a charitable organization~~
23 ~~other than a governmental subdivision. A donation of property~~
24 ~~to a charitable organization offered in satisfaction of some~~
25 ~~part or all of a community service obligation under this~~
26 ~~subsection is not a deductible contribution for the purposes of~~
27 ~~federal or state income taxes.~~
28 Sec. 3. Section 910.1, subsection 2, Code 2013, is amended
29 by striking the subsection.
30 Sec. 4. Section 910.1, subsection 4, Code 2013, is amended
31 to read as follows:
32 4. *"Restitution"* means payment of pecuniary damages to
33 a victim in an amount and in the manner provided by the
34 offender's plan of restitution. *"Restitution"* also includes
35 fines, penalties, and surcharges, ~~the contribution of funds to~~

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1 ~~a local anticrime organization which provided assistance to law~~
2 ~~enforcement in an offender's case,~~ the payment of crime victim
3 compensation program reimbursements, payment of restitution
4 to public agencies pursuant to section 321J.2, subsection
5 13, paragraph "*b*", court costs including correctional fees
6 approved pursuant to section 356.7, court-appointed attorney
7 fees ordered pursuant to section 815.9, including the expense
8 of a public defender, and the performance of a public service
9 by an offender in an amount set by the court when the offender
10 cannot reasonably pay all or part of the court costs including
11 correctional fees approved pursuant to section 356.7, or
12 court-appointed attorney fees ordered pursuant to section
13 815.9, including the expense of a public defender, and payment
14 to the medical assistance program pursuant to chapter 249A for
15 expenditures paid on behalf of the victim resulting from the
16 offender's criminal activities including investigative costs
17 incurred by the Medicaid fraud control unit pursuant to section
18 249A.7.
19 Sec. 5. Section 910.2, Code 2013, is amended to read as
20 follows:
21 **910.2 Restitution or community service to be ordered by**
22 **sentencing court.**
23 1. In all criminal cases in which there is a plea of
24 guilty, verdict of guilty, or special verdict upon which a
25 judgment of conviction is rendered, the sentencing court
26 shall order that restitution be made by each offender to the
27 victims of the offender's criminal activities, to the clerk
28 of court for fines, penalties, surcharges, and, to the extent
29 that the offender is reasonably able to pay, for crime victim
30 assistance reimbursement, restitution to public agencies
31 pursuant to section 321J.2, subsection 13, paragraph "*b*",
32 court costs including correctional fees approved pursuant
33 to section 356.7, court-appointed attorney fees ordered
34 pursuant to section 815.9, including the expense of a public
35 defender, when applicable, ~~contribution to a local anticrime~~

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1 ~~organization,~~ or restitution to the medical assistance program
2 pursuant to chapter 249A. However, victims shall be paid in
3 full before fines, penalties, and surcharges, crime victim
4 compensation program reimbursement, public agencies, court
5 costs including correctional fees approved pursuant to section
6 356.7, court-appointed attorney fees ordered pursuant to
7 section 815.9, including the expenses of a public defender,
8 ~~contributions to a local anticrime organization,~~ or the
9 medical assistance program are paid. In structuring a plan
10 of restitution, the court shall provide for payments in the
11 following order of priority: victim, fines, penalties, and
12 surcharges, crime victim compensation program reimbursement,
13 public agencies, court costs including correctional fees
14 approved pursuant to section 356.7, court-appointed attorney
15 fees ordered pursuant to section 815.9, including the expense
16 of a public defender, ~~contribution to a local anticrime~~
17 ~~organization,~~ and the medical assistance program.
18 2. When the offender is not reasonably able to pay all or a
19 part of the crime victim compensation program reimbursement,
20 public agency restitution, court costs including correctional
21 fees approved pursuant to section 356.7, court-appointed
22 attorney fees ordered pursuant to section 815.9, including the
23 expense of a public defender, ~~contribution to a local anticrime~~
24 ~~organization,~~ or medical assistance program restitution, the
25 court may require the offender in lieu of that portion of
26 the crime victim compensation program reimbursement, public
27 agency restitution, court costs including correctional fees
28 approved pursuant to section 356.7, court-appointed attorney
29 fees ordered pursuant to section 815.9, including the expense
30 of a public defender, ~~contribution to a local anticrime~~
31 ~~organization,~~ or medical assistance program restitution for
32 which the offender is not reasonably able to pay, to perform
33 a needed public service for a governmental agency or for a
34 private nonprofit agency which provides a service to the youth,
35 elderly, or poor of the community. When community service is

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ordered, the court shall set a specific number of hours of service to be performed by the offender which, for payment of court-appointed attorney fees ordered pursuant to section 815.9, including the expenses of a public defender, shall be approximately equivalent in value to those costs. The judicial district department of correctional services shall provide for the assignment of the offender to a public agency or private nonprofit agency to perform the required service.

Sec. 6. Section 915.100, subsection 2, paragraph e, Code 2013, is amended to read as follows:

e. Victims shall be paid in full pursuant to an order of restitution, before fines, penalties, surcharges, crime victim compensation program reimbursement, public agency reimbursement, court costs, correctional fees, court-appointed attorney fees, or expenses of a public defender~~, or contributions to local anticrime organizations are paid~~.

EXPLANATION

This bill relates to donations made in a criminal proceeding. The bill prohibits any donation to an agency, organization, or political subdivision of the state as part of any deferred prosecution, dismissal, sentence, or other penalty. The bill eliminates a provision allowing a criminal defendant to make a donation to a charitable organization in lieu of performing community service. The bill also eliminates provisions allowing a contribution by a criminal defendant to a local anticrime organization as part of the offender´s restitution plan.

Senate Study Bill 1038 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOGG)

A BILL FOR

1 An Act relating to the waiting period before the granting of a
2 decree dissolving a marriage.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1492XC (3) 85
pf/nh

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Section 1. Section 598.19, Code 2013, is amended to read as follows:

598.19 Waiting period before decree.

1. ~~No~~ A decree dissolving a marriage shall not be granted in any proceeding before ninety days shall have elapsed from the day the original notice is served, or from the last day of publication of notice, or from the date that waiver or acceptance of original notice is filed or until after conciliation is completed, whichever period shall be longer. ~~However,~~

2. Notwithstanding subsection 1, the court may in its discretion, ~~on~~ grant a decree dissolving the marriage prior to the expiration of the applicable period, provided that the notice requirements have been met and any of the following conditions is met:

a. On the agreement of the parties.

b. On written motion supported by affidavit setting forth grounds of emergency or necessity and facts which satisfy the court that immediate action is warranted or required to protect the substantive rights or interests of any party or person who might be affected by the decree~~, hold a hearing and grant a decree dissolving the marriage prior to the expiration of the applicable period, provided that requirements of notice have been complied with~~. In such case the grounds of emergency or necessity and the facts with respect ~~thereto~~ to the grounds shall be recited in the decree unless otherwise ordered by the court.

3. The court may enter an order finding the respondent in default and waiving conciliation when the respondent has failed to file an appearance within the time set forth in the original notice.

EXPLANATION

This bill provides an additional basis for waiver of the requirement of the elapsing of a 90-day waiting period prior to the granting of a dissolution decree. In addition to the

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1 existing basis of emergency or necessity, under the bill the
2 court may, in its discretion, grant a dissolution decree prior
3 to the elapsing of the 90-day waiting period on agreement of
4 the parties.

Senate Study Bill 1039 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED JUDICIAL BRANCH BILL)

A BILL FOR

1 An Act relating to the administration of the judicial branch
2 including provisions pertaining to shorthand reporters and
3 the practice of law, making appropriations, and providing
4 for a fee.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1163XD (2) 85
jm/rj

S.F. _____ H.F. _____

Section 1. Section 8A.504, subsection 2, paragraph j, Code 2013, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) The collection entity shall remit to the state court administrator, on at least a monthly basis, ten percent of the amounts set off to be used by the judicial branch to defray the costs of collecting unpaid court debt pursuant to section 602.8107.

Sec. 2. Section 602.3106, subsection 2, Code 2013, is amended by striking the subsection and inserting in lieu thereof the following:

2. The fees collected are appropriated to the judicial branch and shall be used to offset the expenses of the board, including the costs of administering the examination.

Sec. 3. Section 602.8106, subsection 1, paragraph c, Code 2013, is amended to read as follows:

c. For filing and docketing a complaint or information or uniform citation and complaint for parking violations under sections 321.236, 321.239, 321.358, 321.360, and 321.361, ~~eight dollars, effective January 1, 2004~~ thirty-five dollars. ~~The court costs in cases of parking meter and overtime parking violations which are contested, and charged and collected pursuant to section 321.236, subsection 1, or pursuant to a uniform citation and complaint, are eight dollars per information or complaint or per uniform citation and complaint effective January 1, 1991.~~

Sec. 4. Section 602.10108, subsection 2, Code 2013, is amended to read as follows:

2. Fees shall be collected by the board and ~~transmitted to the treasurer of state who shall deposit the fees in the general fund of the state~~ are appropriated to the judicial branch and shall be used to offset the costs of administering this article.

EXPLANATION

This bill relates to the administration of the judicial branch.

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1 The bill requires the department of administrative
2 services and any other state agency that maintains a separate
3 accounting system and elects to establish a debt collection
4 setoff procedure, to remit to the state court administrator,
5 10 percent of the amounts set off from the collection of
6 delinquent court debt for use by the judicial branch to defray
7 the costs of collecting unpaid court debt.
8 The bill specifies that the fees assessed for shorthand
9 certification examinations are appropriated to the judicial
10 branch and shall be used to offset the expenses of the board
11 of examiners of shorthand reporters, including the costs of
12 administering examinations.
13 The bill increases the fee for filing and docketing a
14 complaint or information for state and local parking violations
15 from $8 to $35. The bill eliminates the court costs assessed
16 for contested local parking meter and overtime parking
17 violations.
18 The bill specifies that the fees collected for examination
19 and admission to practice law are appropriated to the judicial
20 branch and shall be used to offset the costs of administering
21 the examination and admission process to practice law.

Senate Study Bill 1040 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED ATTORNEY GENERAL BILL)

A BILL FOR

1 An Act relating to the consumer credit code by providing
2 for increases in monetary limits applicable to motor
3 vehicle-related credit transactions and amending the
4 incorporation date for references to the federal Truth in
5 Lending Act.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1270DP (5) 85
rn/nh

S.F. _____ H.F. _____

1 Section 1. Section 537.1301, subsection 13, paragraph a,
2 Code 2013, is amended to read as follows:
3 *a.* Except as provided in paragraph *"b"*, a consumer credit
4 sale is a sale of goods, services, or an interest in land in
5 which all of the following are applicable:
6 (1) Credit is granted either pursuant to a seller credit
7 card or by a seller who regularly engages as a seller in credit
8 transactions of the same kind.
9 (2) The buyer is a person other than an organization.
10 (3) The goods, services, or interest in land are purchased
11 primarily for a personal, family, or household purpose.
12 (4) Either the debt is payable in installments or a finance
13 charge is made.
14 (5) With respect to a sale of goods or services, the amount
15 financed does not exceed twenty-five thousand dollars.
16 (6) With respect to a sale of a motor vehicle, the amount
17 financed does not exceed fifty-three thousand dollars.
18 Sec. 2. Section 537.1301, subsection 14, paragraph a,
19 subparagraph (4), Code 2013, is amended to read as follows:
20 (4) The amount payable under the lease does not exceed
21 twenty-five thousand dollars or, if the lease is a motor
22 vehicle lease, the amount payable under the lease does not
23 exceed fifty-three thousand dollars.
24 Sec. 3. Section 537.1301, subsection 15, paragraph a,
25 subparagraph (5), Code 2013, is amended to read as follows:
26 (5) The amount financed does not exceed twenty-five
27 thousand dollars or, if the loan is obtained to finance the
28 purchase of a motor vehicle, the amount financed does not
29 exceed fifty-three thousand dollars.
30 Sec. 4. Section 537.1302, Code 2013, is amended to read as
31 follows:
32 **537.1302 Definition — Truth in Lending Act.**
33 As used in this chapter, *"Truth in Lending Act"* means Tit. 1
34 of the Consumer Credit Protection Act, in subch. 1 of 15 U.S.C.
35 ch. 41, as amended to and including July 1, ~~2010~~ 2013, and

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1 includes regulations issued pursuant to that Act prior to July
2 1, ~~2010~~ 2013.
3 EXPLANATION
4 This bill increases the jurisdictional monetary limit
5 applicable to motor vehicle-related credit transactions
6 contained in the Iowa consumer credit code. Currently, in
7 the definitions of consumer credit sale, consumer lease,
8 and consumer loan, the applicable maximum monetary limit is
9 $25,000. The bill increases this limit to $53,000 with respect
10 to consumer credit sales, leases, and loans involving a motor
11 vehicle.
12 The bill also changes the date by which amendments to the
13 federal Truth in Lending Act, and regulations issued pursuant
14 to the Act, are considered incorporated within the Act for
15 purposes of Code chapter 537 from July 1, 2010, to July 1,
16 2013.

Senate Study Bill 1041 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED JUDICIAL BRANCH BILL)

A BILL FOR

1 An Act providing access to child abuse records in juvenile
2 court and the prosecution of certain youthful offenders.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1160XD (2) 85
jm/rj

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Section 1. Section 232.8, subsection 1, paragraph c, Code 2013, is amended to read as follows:

c. Violations by a child, aged sixteen or older, which subject the child to the provisions of section 124.401, subsection 1, paragraph *"e"* or *"f"*, or violations of section 723A.2 which involve a violation of chapter 724, or violation of chapter 724 which constitutes a felony, or violations which constitute a forcible felony are excluded from the jurisdiction of the juvenile court and shall be prosecuted as otherwise provided by law unless the court transfers jurisdiction of the child to the juvenile court upon motion and for good cause as provided in section 803.6. A child over whom jurisdiction has not been transferred to the juvenile court, and who is convicted of a violation excluded from the jurisdiction of the juvenile court under this paragraph, shall be sentenced pursuant to section 124.401B, 902.9, or 903.1. Notwithstanding any other provision of the Code to the contrary, the court may accept from a child a plea of guilty, or may instruct the jury on a lesser included offense to the offense excluded from the jurisdiction of the juvenile court under this section, in the same manner as regarding an adult. However, the juvenile court shall have exclusive original jurisdiction in a proceeding concerning an offense of animal torture as provided in section 717B.3A alleged to have been committed by a child under the age of seventeen.

Sec. 2. Section 232.28, subsection 3, paragraph b, Code 2013, is amended to read as follows:

b. Check existing records of the court, law enforcement agencies, ~~and~~ public records of other agencies, and child abuse records as provided in section 235A.15, subsection 2, paragraph *"e"*.

Sec. 3. Section 232.45, subsection 7, paragraph a, subparagraph (1), Code 2013, is amended to read as follows:

(1) The child is ~~fifteen~~ seventeen years of age or younger.

Sec. 4. Section 235A.2, paragraph e, Code 2013, is amended

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1 by adding the following new subparagraph:
2 NEW SUBPARAGRAPH. (24) To an intake officer making a
3 preliminary inquiry pursuant to section 232.28, subsection 3.
4 Sec. 5. Section 803.6, Code 2013, is amended to read as
5 follows:
6 **803.6 Transfer of jurisdiction — juvenile.**
7 1. The court, on its own motion, or upon motion of
8 any party, in the case of a juvenile who is alleged to
9 have committed a criminal offense listed in section 232.8,
10 subsection 1, paragraph *"c"*, may direct a juvenile court officer
11 to provide a report regarding whether the child should be
12 transferred to juvenile court for adjudication and disposition
13 as a juvenile or prosecuted as a youthful offender pursuant to
14 section 907.3A.
15 2. ~~If the court believes that transfer may be appropriate~~
16 ~~the~~ The court shall hold a hearing on whether the child
17 should be transferred to juvenile court for adjudication and
18 disposition or prosecuted as a youthful offender pursuant to
19 section 907.3A. A notice of the time and place of the ~~transfer~~
20 hearing shall be given to all parties to the case. Prior to
21 the hearing, the court shall provide the defendant's counsel
22 and the county attorney with access to the report provided by
23 the juvenile court officer and to all written material to be
24 considered by the court.
25 3. After the hearing, the court may transfer jurisdiction
26 to the juvenile court if the court determines that waiver to
27 the criminal court would be inappropriate under the criteria
28 set forth in section 232.45, subsection 6, paragraph *"c"*,
29 and section 232.45, subsection 8. In the alternative,
30 after considering the criteria set forth in section 232.45,
31 subsections 7 and 9, the court may order prosecution as a
32 youthful offender pursuant to section 907.3A.
33 4. If after the hearing the court transfers jurisdiction
34 over the defendant to the juvenile court for the alleged
35 commission of the public offense, the court shall forward the

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1 transfer order together with all papers, documents, and a
2 transcript of all testimony filed or admitted into evidence in
3 connection with the case to the clerk of the juvenile court in
4 the same manner as provided in section 232.8, subsection 2. If
5 after hearing the court orders the defendant to be prosecuted
6 as a youthful offender, the defendant shall be prosecuted under
7 the procedures provided in section 907.3A.
8 5. A defendant transferred to the jurisdiction of the
9 juvenile court shall be placed in detention under section
10 232.22, or continued under bond conditions if bond has
11 previously been posted. A defendant prosecuted as a youthful
12 offender shall be detained pursuant to section 232.23. A
13 determination pursuant to section 232.23, subsection 2, may be
14 made by the district court based upon evidence submitted at the
15 hearing.
16 Sec. 6. Section 907.3A, subsection 1, Code 2013, is amended
17 to read as follows:
18 1. *a.* Notwithstanding section 907.3 but subject to any
19 conditions of the waiver order, the trial court shall, upon
20 a plea of guilty or a verdict of guilty, defer sentence of
21 a youthful offender over whom the juvenile court has waived
22 jurisdiction pursuant to section 232.45, subsection 7, and
23 place the juvenile on youthful offender status.
24 *b.* Notwithstanding section 907.3 and upon hearing under
25 section 803.6, the court may place a juvenile excluded from the
26 jurisdiction of the juvenile court pursuant to section 232.8,
27 subsection 1, paragraph *"c"*, on youthful offender status.
28 *c.* The court shall transfer supervision of the youthful
29 offender to the juvenile court for disposition in accordance
30 with section 232.52. The court shall require supervision
31 of the youthful offender in accordance with section 232.54,
32 subsection 1, paragraph *"h"*, or subsection 2 of this section.
33 Notwithstanding section 901.2, a presentence investigation
34 shall not be ordered by the court subsequent to an entry of a
35 plea of guilty or verdict of guilty or prior to deferral of

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1 sentence of a youthful offender under this section.
2 EXPLANATION
3 This bill relates to access to child abuse records in
4 juvenile court and the prosecution of youthful offenders.
5 Under the bill, when a complaint is filed pursuant to Code
6 section 232.28 that a juvenile has committed a delinquent act,
7 the juvenile court intake officer making a preliminary inquiry
8 into the complaint shall be granted access to report data and
9 disposition data for cases of founded child abuse relating to
10 the juvenile who is the subject of the complaint. "Report
11 data" and "disposition data" are defined in Code section
12 235A.13.
13 The bill provides that a juvenile who is 17 years of age or
14 younger may be placed on youthful offender status pursuant to
15 the procedures of Code section 907.3A. Current law provides
16 that a juvenile 15 years of age or younger may be placed on
17 youthful offender status.
18 The bill also requires the district court to hold a hearing
19 for a juvenile excluded from the jurisdiction of juvenile court
20 pursuant to Code section 232.8(1)(c) because of the commission
21 of a serious offense to determine if the child should be
22 transferred to juvenile court for adjudication and disposition
23 as a juvenile or prosecuted as a youthful offender. Current
24 law requires such a hearing if the court believes a transfer
25 to juvenile court may be appropriate. Current law also does
26 not permit the court to place a juvenile on youthful offender
27 status if the juvenile has been excluded from the jurisdiction
28 of juvenile court for a serious offense.
29 The bill permits a juvenile excluded from the jurisdiction
30 of the juvenile court for a serious offense to remain on
31 bond if bond has been posted for the juvenile prior to being
32 transferred to juvenile court. Current law requires a juvenile
33 excluded from the jurisdiction of the juvenile court for a
34 serious offense to be placed in detention upon the transfer to
35 the jurisdiction of juvenile court.

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1 A youthful offender is a juvenile who receives a conviction
2 and deferred sentence in district court but is supervised
3 in juvenile court. Prior to a youthful offender reaching
4 the age of 18, a hearing is conducted by the district court
5 to determine whether supervision of the juvenile should
6 continue in district court or the sentence be discharged. If
7 supervision of the youthful offender is continued in district
8 court, any mandatory minimums that apply to the offense do
9 not apply to the youthful offender unless the court enters a
10 sentence of confinement.

Senate Study Bill 1042 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF INSPECTIONS AND APPEALS BILL)

A BILL FOR

1 An Act relating to the practices and procedures of the state
2 public defender.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1171XD (3) 85
jm/rj

S.F. _____ H.F. _____

1 Section 1. Section 815.9, subsection 4, paragraph b, Code
2 2013, is amended to read as follows:
3 *b.* If the appointed attorney is a private attorney or is
4 employed by a nonprofit organization, the state public defender
5 shall report to the clerk of the district court the amounts
6 of any approved claims for compensation and expenses paid on
7 behalf of a person receiving legal assistance after such claims
8 have been reviewed and paid by the state public defender unless
9 the appointed attorney is paid other than on an hourly rate
10 basis and the state public defender has notified the appointed
11 attorney that the attorney is responsible for reporting the
12 attorney's total hours of service plus expenses to the court.
13 Sec. 2. Section 815.9, subsection 4, Code 2013, is amended
14 by adding the following new paragraph:
15 NEW PARAGRAPH. *c.* If the appointed attorney has been
16 notified by the state public defender that the attorney is
17 responsible for reporting to the court the total hours of
18 service plus expenses incurred in providing legal assistance
19 to a person, the attorney shall submit a report to the court
20 in the same manner as a public defender submits a report
21 pursuant to paragraph "*a*". The amount of the attorney fees to
22 be included in the total cost of legal assistance required to
23 be reimbursed shall be calculated using the hours of service
24 stated in the report at the hourly rate of compensation
25 specified under section 815.7.
26 Sec. 3. Section 815.9, subsection 6, Code 2013, is amended
27 to read as follows:
28 6. If the person receiving legal assistance is acquitted
29 or has all charges dismissed in a criminal case or is a party
30 in a case other than a criminal case, the court shall order
31 the payment of all or a portion of the total costs and fees
32 incurred for legal assistance, to the extent the person is
33 reasonably able to pay, after an inquiry which includes notice
34 and reasonable opportunity to be heard.
35 Sec. 4. Section 815.10, subsection 4, Code 2013, is amended

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to read as follows:

4. The appointment of an attorney shall be on a rotational or equalization basis, considering the experience of the attorney and the difficulty of the case. The court may also consider the geographic proximity of the attorney's office to the courthouse and client.

Sec. 5. Section 815.10, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 7. The state public defender may adopt rules setting forth additional uniform standard procedures for the appointment of counsel and uniform forms for appointment.

Sec. 6. Section 815.10A, subsection 2, Code 2013, is amended to read as follows:

2. Claims for compensation and reimbursement submitted by an attorney ~~appointed after June 30, 2004,~~ and claims for any other expenses paid from the indigent defense fund are not considered timely unless the claim is submitted to the state public defender within forty-five days of ~~a withdrawal order, sentencing, acquittal, or dismissal, whichever is earliest, in a criminal case or the withdrawal order, final ruling, or dismissal, whichever is earliest, in any other type of case~~ the date of service, as defined by the state public defender in rules.

Sec. 7. Section 908.2A, subsection 2, Code 2013, is amended to read as follows:

2. If the appointing authority determines counsel should be appointed and all of the criteria apply in subsection 1, the appointing authority shall appoint the state public defender's designee pursuant to section 13B.4. If the state public defender has not made a designation for the type of case or the state public defender's designee is unable to handle the case, a contract attorney with the state public defender may be appointed to represent the alleged parole violator. If a contract attorney is unavailable, an attorney who has agreed to provide these services may be appointed. The appointed

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1 attorney shall apply to the state public defender for payment
2 in the manner prescribed by the state public defender.
3 EXPLANATION
4 This bill relates to the practices and procedures of the
5 state public defender.
6 If an appointed attorney is paid other than on an hourly
7 basis and the state public defender has notified the appointed
8 attorney to provide the reporting of the total hours of service
9 and expenses for each case to the court, the bill requires the
10 appointed attorney to provide such reporting to the court.
11 If an appointed attorney has been notified by the state
12 public defender that the attorney is responsible for reporting
13 to the court the total hours of service plus expenses incurred
14 in providing legal assistance to a person, the bill requires
15 the attorney to submit the report to the court in the same
16 manner as a public defender under Code section 815.9(4).
17 If an indigent person has all charges dismissed in a criminal
18 case, the bill requires the court to order payment of all or
19 a portion of the total costs and fees incurred for any legal
20 assistance to the extent the indigent person is reasonably able
21 to pay. Current law requires an indigent person to pay the
22 total costs and fees incurred to the extent the indigent person
23 is reasonably able to pay if the indigent person was acquitted
24 of the charges.
25 The bill permits the court to consider the geographic
26 proximity of the attorney's office to the courthouse and the
27 client when appointing an attorney to represent an indigent
28 person.
29 The bill allows the state public defender to adopt rules
30 setting forth additional uniform standard procedures for the
31 appointment of counsel and uniform forms for appointment.
32 The bill requires that any claims for expenses paid from
33 the indigent defense fund be submitted within 45 days of the
34 "date of service". The definition for the "date of service"
35 is found in 493 IAC 7.1. Current law only requires that claims

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1 for compensation and reimbursement be submitted within 45 days
2 of the date of service.
3 In a parole revocation case, if the appointing authority
4 determines an alleged parole violator is entitled to the
5 appointment of counsel, the bill requires that the appointing
6 authority first appoint the state public defender´s designee,
7 and if the state public defender´s designee is unavailable,
8 the appointing authority is required to appoint a contract
9 attorney with the state public defender. If a contract
10 attorney is unavailable, an attorney who has agreed to provide
11 representation to the alleged parole violator may be appointed.

Senate Study Bill 1043 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC SAFETY BILL)

A BILL FOR

1 An Act relating to the possession of certain products with
2 the intent to use the products to manufacture a controlled
3 substance, and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1305DP (2) 85
jm/nh

S.F. _____ H.F. _____

1 Section 1. Section 124.401, subsection 4, Code 2013, is
2 amended by adding the following new paragraphs:
3 NEW PARAGRAPH. *o.* Sodium hydroxide.
4 NEW PARAGRAPH. *p.* Ammonia nitrate.
5 NEW PARAGRAPH. *q.* Ammonia sulfate.
6 NEW PARAGRAPH. *r.* White gas.
7 EXPLANATION
8 This bill relates to the possession of certain products with
9 the intent to use the products to manufacture a controlled
10 substance, and makes penalties applicable.
11 The bill makes sodium hydroxide, ammonia nitrate, ammonia
12 sulfate, and white gas illegal to possess if the person
13 possesses such products with the intent to manufacture a
14 controlled substance.
15 If a person possesses sodium hydroxide, ammonia nitrate,
16 ammonia sulfate, or white gas with the intent to manufacture a
17 controlled substance, the person commits a class "D" felony.
18 A class "D" felony is punishable by confinement for no more
19 than five years and a fine of at least $750 but not more than
20 $7,500.

Senate Study Bill 1044 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED JUDICIAL BRANCH BILL)

A BILL FOR

1 An Act relating to the appointment and removal of clerks of the
2 district court.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1165XD (4) 85
rh/rj

S.F. _____ H.F. _____

Section 1. Section 602.1215, subsection 1, Code 2013, is amended to read as follows:

1. Subject to the provisions of section 602.1209, subsection 3, the ~~district judges of each~~ chief judge of the judicial ~~election~~ district, after consultation with the district judges of the judicial district, shall ~~by majority vote~~ appoint persons to serve as clerks of the district court within the judicial ~~election~~ district. The ~~district judges of a judicial election district~~ chief judge may appoint a person to serve as clerk of the district court for more than one but not more than four contiguous counties in the same judicial district. A person does not qualify for appointment to the office of clerk of the district court unless the person is at the time of application a resident of the state. A clerk of the district court may be removed from office for cause by ~~a majority vote of the district judges of~~ the chief judge of the judicial ~~election~~ district. ~~Before~~ Prior to removal, the clerk of the district court shall be notified of the cause for removal.

EXPLANATION

This bill relates to the appointment of the clerks of the district court.

Under current law, a clerk of the district court is appointed and may be removed by a majority vote of all district judges in the judicial election district. The state court administrator must approve the appointment.

The bill changes the method by which the clerk of the district court is appointed. The amendment permits the chief judge of each judicial district to appoint the clerks of the district court in the judicial district after consultation with the district judges of the judicial district. The amendment also permits the chief judge to remove clerks of the district court for cause.

Senate Study Bill 1045 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR'S OFFICE
OF DRUG CONTROL POLICY
BILL)

A BILL FOR

1 An Act relating to the controlled substance of marijuana,
2 providing a penalty, and including an effective date
3 provision.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1308DP (3) 85
jm/nh

S.F. _____ H.F. _____

Section 1. Section 124.204, subsection 4, paragraph m, Code 2013, is amended to read as follows:

m. Marijuana~~, except as otherwise provided by rules of the board for medicinal purposes~~.

Sec. 2. Section 124.204, subsection 4, paragraph u, unnumbered paragraph 1, Code 2013, is amended to read as follows:

Tetrahydrocannabinols, ~~except as otherwise provided by rules of the board for medicinal purposes,~~ meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (Cannabis plant) as well as synthetic equivalents of the substances contained in the Cannabis plant, or in the resinous extractives of such plant, and synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant, such as the following:

Sec. 3. Section 124.204, subsection 7, Code 2013, is amended by striking the subsection.

Sec. 4. Section 124.206, subsection 7, Code 2013, is amended to read as follows:

7. *Hallucinogenic substances.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of ~~the following substances:~~

~~*a.* Marijuana when used for medicinal purposes pursuant to rules of the board.~~

~~*b.* Nabilone~~ nabilone [another name for nabilone: (+-) - trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one].

Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

EXPLANATION

This bill relates to the control of marijuana.

Under the bill, all types of marijuana and tetrahydrocannabinols are classified as schedule I controlled

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1 substances. The bill eliminates a provision classifying
2 marijuana used for medicinal purposes, pursuant to rules of the
3 board of pharmacy, as a schedule II controlled substance.
4 The bill strikes references to the authority of the board
5 to establish rules relating to the medicinal use of marijuana
6 including tetrahydrocannabinols naturally contained in a
7 cannabis plant.
8 A schedule I controlled substance is a highly addictive
9 substance that has no accepted medical use in the United States
10 and a schedule II controlled substance is a highly addictive
11 substance that has an accepted medical use in the United
12 States.
13 The penalties for possessing, manufacturing, delivering,
14 or possessing with intent to deliver marijuana including
15 tetrahydrocannabinols range from a serious misdemeanor to a
16 50-year class "B" felony depending on the amount of marijuana
17 or tetrahydrocannabinols involved in the offense.
18 A serious misdemeanor is punishable by confinement for no
19 more than one year and a fine of at least $315 but not more than
20 $1,875. An aggravated misdemeanor is punishable by confinement
21 for no more than two years and a fine of at least $625 but
22 not more than $6,250. A class "D" felony is punishable by
23 confinement for no more than five years and a fine of at
24 least $750 but not more than $7,500. A class "C" felony is
25 punishable by confinement for no more than 10 years and a fine
26 of at least $1,000 but not more than $10,000. A class "B"
27 felony is normally punishable by confinement for no more than
28 25 years. A 50-year class "B" felony or sometimes referred to
29 as a "super B" felony is punishable by confinement for no more
30 than 50 years.
31 The bill takes effect upon enactment.

Senate Study Bill 1046 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
REVENUE BILL)

A BILL FOR

1 An Act relating to the administration of the streamlined sales
2 and use tax agreement by the department of revenue.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1260XD (2) 85
mm/sc

S.F. _____ H.F. _____

1 Section 1. Section 423.3, subsection 57, paragraph d, Code
2 2013, is amended to read as follows:
3 *d. "Food and food ingredients"* means substances, whether
4 in liquid, concentrated, solid, frozen, dried, or dehydrated
5 form, that are sold for ingestion or chewing by humans and are
6 consumed for their taste or nutritional value. *"Food and food*
7 *ingredients"* includes beverage-grade carbon dioxide gas.
8 EXPLANATION
9 This bill relates to the administration of the sales and use
10 taxes under the streamlined sales and use tax agreement.
11 Iowa is a member of the streamlined sales and use tax
12 agreement, which is an effort to administer state sales and
13 use taxes in all participating states according to the same
14 simplified system. Under the agreement, Iowa must periodically
15 make changes in the administration of the sales and use
16 taxes in order to remain in compliance. The governing board
17 of the streamlined sales and use tax agreement considers
18 beverage-grade carbon dioxide gas to be a "food and food
19 ingredient".
20 This bill amends the definition of "food and food
21 ingredients" to include beverage-grade carbon dioxide gas.

Senate Study Bill 1047 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON McCOY)

A BILL FOR

1 An Act establishing data security compliance requirements
2 in relation to payment card transactions, and providing
3 penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1395XC (1) 85
rn/nh

S.F. _____

1 Section 1. Section 715C.2, subsection 8, Code 2013, is
2 amended by striking the subsection.
3 Sec. 2. NEW SECTION. **715C.3 Personal information —**
4 **business duty to safeguard — remedies.**
5 1. Any person who accepts a payment card in connection
6 with transactions occurring in the ordinary course of business
7 has a duty to comply with or adhere to payment card industry
8 data security standards. A financial institution may bring an
9 action against a person who is subject to a breach of security
10 if the person is found at the time of the breach to have engaged
11 in or violated such data security standards.
12 2. In an action commenced by a financial institution
13 to recover damages pursuant to subsection 1, the financial
14 institution shall submit in writing a request that the person
15 alleged to have violated this section certify compliance with
16 the standards pursuant to a payment card industry-approved
17 independent auditor or another person authorized to issue such
18 a certification. A presumption of compliance shall exist if
19 a person contracts for or utilizes the services of a third
20 party to collect, maintain, or store personal information used
21 in connection with a payment card, and contractually requires
22 that the third party ensure compliance with the standards on
23 an ongoing basis.
24 3. *a.* A financial institution prevailing in an action for
25 failure to safeguard personal information against a breach
26 of security may recover actual damages arising from the
27 failure. Actual damages shall include any costs incurred by
28 the financial institution in relation to the following:
29 (1) Cancellation or reissuance of a payment card affected
30 by the security breach.
31 (2) Closing of a deposit, transaction, share draft, or other
32 account affected by the security breach and any action to stop
33 payment or block a transaction with respect to the account.
34 (3) Opening or reopening of a deposit, transaction, share
35 draft, or other account affected by the security breach.

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1 (4) Refunding or crediting made to an account holder to
2 cover the cost of any unauthorized transaction relating to the
3 breach of security.
4 (5) Notification to account holders affected by the breach
5 of security pursuant to section 715C.2.
6 *b.* Reasonable attorney fees and costs shall be awarded to
7 the prevailing party, with the exception that an award shall
8 not be made to a person who failed to submit certification as
9 required in subsection 2.
10 *c.* An action pursuant to this section shall not be commenced
11 against any person other than a person who has been found to
12 have violated this section.
13 Sec. 3. NEW SECTION. **715C.4 Penalties.**
14 1. A violation of this chapter is an unlawful practice
15 pursuant to section 714.16 and, in addition to the remedies
16 provided to the attorney general pursuant to section 714.16,
17 subsection 7, the attorney general may seek and obtain an
18 order that a party held to violate this chapter pay damages
19 to the attorney general on behalf of a person injured by the
20 violation.
21 2. The rights and remedies available under this chapter are
22 cumulative to each other and to any other rights and remedies
23 available under the law.
24 EXPLANATION
25 This bill establishes data security compliance requirements
26 in relation to payment card transactions.
27 Current provisions in Code chapter 715C prescribe consumer
28 notification requirements applicable to security breaches
29 involving consumer personal information used in the course
30 of a person's business, vocation, occupation, or volunteer
31 activities. This bill establishes requirements and remedies
32 available to a financial institution in the event a security
33 breach occurs and a person who accepts a payment card in
34 connection with transactions occurring in the ordinary course
35 of business has failed to comply with or adhere to payment card

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1 industry data security standards.
2 The bill provides that a financial institution may bring
3 an action against a person who is subject to a breach of
4 security if the person is found at the time of the breach
5 to have engaged in or violated data security standards. The
6 financial institution shall be required to submit in writing a
7 request that the person alleged to have violated the standards
8 certify compliance with the standards pursuant to a payment
9 card industry-approved independent auditor or another person
10 authorized to issue such a certification. The bill states that
11 a presumption of compliance shall exist if a person contracts
12 for or utilizes the services of a third party to collect,
13 maintain, or store personal information used in connection with
14 a payment card, and contractually requires that the third party
15 ensure compliance with the standards on an ongoing basis.
16 The bill provides that a financial institution prevailing in
17 an action for failure to safeguard personal information against
18 a breach of security may recover actual damages, as specified
19 in the bill, arising from the failure.
20 The bill makes existing unlawful practice penalty provisions
21 for violations of Code section 715C.2 also applicable to data
22 security compliance violations.

Senate Study Bill 1048 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON McCOY)

A BILL FOR

1 An Act exempting internet protocol-enabled service from the
2 regulatory authority of the utilities board of the utilities
3 division of the department of commerce.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1574SC (2) 85
rn/nh

S.F. _____

1 Section 1. Section 476.1, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 5A. *a.* Notwithstanding any other provision
4 to the contrary, the board shall not by rule, order, or other
5 means directly or indirectly regulate the entry, rates, terms,
6 or conditions for internet protocol-enabled service. For the
7 purposes of this subsection, *"internet protocol-enabled service"*
8 means any service, capability, functionality, or application
9 that uses internet protocol or any successor protocol and
10 enables an end user to send or receive voice, data, or video
11 communication in internet protocol format or a successor
12 format.
13 *b.* This subsection shall not be construed to limit or impact
14 the enforcement or implementation of such requirements as are
15 otherwise provided for by federal law or the E911 service
16 provisions of chapter 34A and the collection or imposition of
17 E911 surcharges or fees. This subsection shall also not be
18 construed to modify or affect the application or enforcement
19 of a law or rule that may apply generally to the conduct of
20 business in this state, including but not limited to consumer
21 protection and unfair or deceptive trade practice laws and
22 rules.
23 EXPLANATION
24 This bill exempts internet protocol-enabled service from
25 the regulatory authority of the Iowa utilities board. The
26 bill defines "internet protocol-enabled service" to mean any
27 service, capability, functionality, or application that uses
28 internet protocol or any successor protocol and enables an end
29 user to send or receive voice, data, or video communication in
30 internet protocol format or a successor format.
31 The bill states that, notwithstanding any other provision to
32 the contrary, the Iowa utilities board may not by rule, order,
33 or other means directly or indirectly regulate the entry,
34 rates, terms, or conditions for internet protocol-enabled
35 service. The bill specifies that this provision shall

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1 not be interpreted to limit or impact the enforcement or
2 implementation of federal requirements or the E911 service
3 provisions of Code chapter 34A and the collection or imposition
4 of E911 surcharges or fees. The bill additionally specifies
5 that its provisions shall not be interpreted to modify or
6 affect the application or enforcement of a law or rule that may
7 apply generally to the conduct of business in Iowa, including
8 but not limited to consumer protection and unfair or deceptive
9 trade practice laws and rules.

Senate Study Bill 1049 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT
OF COMMERCE/ALCOHOLIC
BEVERAGES DIVISION BILL)

A BILL FOR

1 An Act concerning applications for liquor control licenses and
2 micro-distilled spirits, beer, and wine permits.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1169XD (2) 85
ec/nh

S.F. _____ H.F. _____

1 Section 1. Section 123.32, Code 2013, is amended by adding
2 the following new subsections:
3 NEW SUBSECTION. 1A. *Misrepresentation of material fact on*
4 *application.* A person who makes a false statement of material
5 fact on an application for a liquor license, micro-distilled
6 spirits permit, wine permit, or beer permit, or who has been a
7 party to the preparation or submission of any false application
8 for such a license or permit, may be denied the license or
9 permit on the grounds of the false statement or submission.
10 NEW SUBSECTION. 1B. *Criminal history record checks.*
11 *a.* The division may request and obtain criminal history
12 data from the department of public safety for an applicant for
13 a liquor license, micro-distilled spirits permit, wine permit,
14 or beer permit under this chapter and any other person required
15 to be listed on the application pursuant to section 123.31,
16 subsection 3 for the purpose of evaluating an applicant's
17 fitness to hold such license or permit.
18 *b.* The division may also require that a full set of
19 fingerprints be provided by an applicant for a liquor license,
20 micro-distilled spirits permit, wine permit, or beer permit
21 issued pursuant to this chapter and by any other person
22 required to be listed on the application pursuant to section
23 123.31, subsection 3 for purposes of conducting a national
24 criminal history check. The division shall provide the
25 fingerprints to the department of public safety for submission
26 through the state criminal history repository to the federal
27 bureau of investigation for the national criminal history
28 check.
29 *c.* Persons subject to a criminal history check conducted
30 pursuant to this subsection shall authorize release of
31 the results of the criminal history check to the division.
32 Failure of the applicant or any other person subject to the
33 requirements of this subsection to fully cooperate in the
34 conduct of a criminal history check shall be grounds to deny
35 the license or permit application.

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1 *d.* Criminal history data obtained by the division pursuant
2 to this subsection is confidential and shall not be considered
3 a public record under chapter 22. The division may, however,
4 use such information in a license or permit denial proceeding
5 or other regulatory proceeding brought under this chapter.
6 *e.* The division shall pay the actual cost of all
7 fingerprinting and criminal history checks conducted pursuant
8 to this subsection, if any.
9 Sec. 2. Section 123.32, subsections 2, 7, and 9, Code 2013,
10 are amended to read as follows:
11 2. *Action by local authorities.* The local authority shall
12 either approve or disapprove the issuance of a liquor control
13 license, micro-distilled spirits permit, retail wine permit, or
14 retail beer permit, shall endorse its approval or disapproval
15 on the application and shall forward the application with
16 the necessary fee and bond, if required, to the division.
17 There is no limit upon the number of liquor control licenses,
18 micro-distilled spirits permits, retail wine permits, or retail
19 beer permits which may be approved for issuance by local
20 authorities.
21 7. *Appeal to administrator.* An applicant for a liquor
22 control license, micro-distilled spirits permit, wine
23 permit, or beer permit may appeal from the local authority's
24 disapproval of an application for a license or permit to the
25 administrator. In the appeal the applicant shall be allowed
26 the opportunity to demonstrate in an evidentiary hearing
27 conducted pursuant to chapter 17A that the applicant complies
28 with all of the requirements for holding the license or permit.
29 The administrator may appoint a member of the division or may
30 request an administrative law judge from the department of
31 inspections and appeals to conduct the evidentiary hearing
32 and to render a proposed decision to approve or disapprove
33 the issuance of the license or permit. The administrator may
34 affirm, reverse, or modify the proposed decision. If the
35 administrator determines that the applicant complies with

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all of the requirements for holding a license or permit, the administrator shall order the issuance of the license or permit. If the administrator determines that the applicant does not comply with the requirements for holding a license or permit, the administrator shall disapprove the issuance of the license or permit.

9. *Suspension by local authority.* A liquor control licensee or a micro-distilled spirits, wine, or beer permittee whose license or permit has been suspended or revoked or a civil penalty imposed by a local authority for a violation of this chapter or suspended by a local authority for violation of a local ordinance may appeal the suspension, revocation, or civil penalty to the administrator. The administrator may appoint a member of the division or may request an administrative law judge from the department of inspections and appeals to hear the appeal which shall be conducted in accordance with chapter 17A and to issue a proposed decision. The administrator may review the proposed decision upon the motion of a party to the appeal or upon the administrator's own motion in accordance with chapter 17A. Upon review of the proposed decision, the administrator may affirm, reverse, or modify the proposed decision. A liquor control licensee, a micro-distilled spirits, wine, or beer permittee, or a local authority aggrieved by a decision of the administrator may seek judicial review of the decision pursuant to chapter 17A.

EXPLANATION

This bill concerns applications for liquor control licenses, and micro-distilled spirits, wine, and beer permits under Code section 123.32.

New Code section 123.32(1A) provides that a person who makes a false statement of material fact on an application for a license or permit may be denied the license or permit on the grounds of the false statement.

New Code section 123.32(1B) provides authority for the alcoholic beverages division to conduct criminal history

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1 background checks of applicants for licenses and permits and
2 any other person required to be listed on the application for
3 that license or permit. The bill authorizes the division
4 to obtain criminal history data from the department of
5 public safety and to require applicants to provide a set of
6 fingerprints for purposes of conducting a national criminal
7 history check. The bill provides that criminal history data
8 obtained pursuant to this new provision is confidential but
9 may be used in a license or permit denial or other regulatory
10 proceeding brought by the division. The bill also provides
11 that the division pay the cost of all fingerprinting and
12 criminal history checks conducted pursuant to this new
13 provision.
14 Code section 123.32 is also amended to provide that the
15 requirements and procedures for applications for liquor
16 control licenses and wine and beer permits also apply to
17 micro-distilled spirits permits.

Senate Study Bill 1050 - Introduced

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

A BILL FOR

1 An Act relating to various matters under the purview of the
2 insurance division of the department of commerce, providing
3 penalties, and including applicability and effective date
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1265DP (5) 85
av/nh

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1 Section 1. Section 135.22A, subsection 2, paragraph g, Code
2 2013, is amended by striking the paragraph.
3 Sec. 2. Section 249A.3, Code 2013, is amended by adding the
4 following new subsection:
5 NEW SUBSECTION. 15. An insurance policy or annuity
6 purchased to fund an irrevocable purchase agreement to furnish
7 cemetery merchandise, funeral merchandise, funeral services,
8 or a combination thereof as provided in chapter 523A, which is
9 owned by or assigned to a seller or a provider as defined in
10 section 523A.102, and in which the department is designated as
11 the primary beneficiary as provided in section 523A.304, shall
12 be excluded as a resource for eligibility under this chapter.
13 Sec. 3. Section 502.412, subsection 3, Code 2013, is amended
14 to read as follows:
15 3. *Disciplinary penalties — registrants.* If the
16 administrator finds that the order is in the public interest
17 and subsection 4, paragraphs *"a"* through *"f"*, *"h"*, *"i"*, *"j"*,
18 *"l"*, or *"m"*, authorizes the action, an order under this chapter
19 may censure, impose a bar, or impose a civil penalty in an
20 amount not to exceed a maximum of ~~five~~ ten thousand dollars
21 for a single violation or ~~five hundred thousand~~ one million
22 dollars for more than one violation, or in an amount as agreed
23 to by the parties, on a registrant, and, if the registrant is
24 a broker-dealer or investment adviser, a partner, officer,
25 director, or person having a similar status or performing
26 similar functions, or a person directly or indirectly in
27 control, of the broker-dealer or investment adviser.
28 Sec. 4. Section 502.604, subsection 4, Code 2013, is amended
29 to read as follows:
30 4. *Civil penalty — restitution — corrective action.* In a
31 final order under subsection 3, the administrator may impose a
32 civil penalty up to an amount not to exceed a maximum of ~~five~~
33 ten thousand dollars for a single violation or ~~five hundred~~
34 ~~thousand~~ one million dollars for more than one violation, or
35 in an amount as agreed to by the parties, order restitution,

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1 or take other corrective action as the administrator deems
2 necessary and appropriate to accomplish compliance with
3 the laws of the state relating to all securities business
4 transacted in the state.
5 Sec. 5. Section 502.604, Code 2013, is amended by adding the
6 following new subsection:
7 NEW SUBSECTION. 5A. *Failure to obey cease and desist*
8 *order.* A person who fails to obey a valid cease and desist
9 order issued by the administrator under this section may, after
10 notice and opportunity for a hearing, be subject to a civil
11 penalty in an amount of not less than one thousand dollars and
12 not to exceed ten thousand dollars for violating the order.
13 Each day the failure to obey the cease and desist order occurs
14 or continues constitutes a separate violation of the order.
15 The penalties provided in this subsection are in addition to,
16 and not exclusive of, other remedies that may be available.
17 Sec. 6. Section 505.8, subsection 10, Code 2013, is amended
18 to read as follows:
19 10. The commissioner may, after a hearing conducted
20 pursuant to chapter 17A, assess fines or penalties~~,~~; assess
21 costs of an examination, investigation, or proceeding~~,~~;
22 order restitution~~,~~; or take other corrective action as the
23 commissioner deems necessary and appropriate to accomplish
24 compliance with the laws of the state relating to all insurance
25 business transacted in the state.
26 Sec. 7. NEW SECTION. **506.14 Voluntary dissolution of**
27 **domestic mutual insurance companies.**
28 1. Any plan for voluntary dissolution of a domestic
29 mutual insurance company licensed to transact the business
30 of insurance under chapter 508, 515, 518, or 518A shall be
31 presented for approval by the commissioner not less than ninety
32 days in advance of notice of the plan to policyholders.
33 2. The commissioner shall approve the plan if the
34 commissioner finds that the plan complies with all applicable
35 provisions of law and is fair and equitable to the domestic

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1 mutual insurance company and its policyholders.
2 Sec. 8. Section 507.10, subsection 4, paragraph a, Code
3 2013, is amended to read as follows:
4 *a.* All orders entered pursuant to subsection 3, paragraph
5 *"a"*, shall be accompanied by findings and conclusions resulting
6 from the commissioner's consideration and review of the
7 examination report, relevant examiner work papers, and any
8 written submissions or rebuttals. Any such order is a final
9 administrative decision and may be appealed pursuant to chapter
10 17A, and shall be served upon the company by certified mail,
11 together with a copy of the adopted examination report. ~~Within~~
12 ~~thirty days of the issuance of the adopted report, the company~~
13 ~~shall file affidavits executed by each of its directors stating~~
14 ~~under oath that they have received a copy of the adopted report~~
15 ~~and related orders.~~ The board of directors of the company
16 shall timely review the adopted report. The minutes of the
17 meeting of the board at which the adopted report is considered
18 shall reflect that each member of the board has reviewed the
19 adopted report.
20 Sec. 9. Section 507B.4, subsection 3, Code 2013, is amended
21 by adding the following new paragraph:
22 NEW PARAGRAPH. *t. Refund of premium for duplication of*
23 *insurance.* Failing to refund premiums paid for a Medicare
24 supplement policy after the effective date of a subsequently
25 purchased Medicare advantage plan, where there have been no
26 claims made on the Medicare supplement policy, and it can be
27 established that the carrier of the Medicare supplement policy
28 has no exposure to pay benefits if a claim is submitted to it
29 during the time that both the Medicare supplement policy and
30 the Medicare advantage plan are in effect. For the purposes
31 of this paragraph, *"Medicare supplement policy"* and *"Medicare*
32 *advantage plan"* mean the same as defined by the commissioner of
33 insurance pursuant to rules adopted under chapter 17A.
34 Sec. 10. NEW SECTION. **507C.17A Rehabilitation or**
35 **liquidation of certain covered domestic insurers.**

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1 1. The provisions of this section apply in accordance
2 with Tit. II of the federal Dodd-Frank Wall Street Reform and
3 Consumer Protection Act, Pub. L. No. 111-203, 12 U.S.C. § 5301
4 et seq., with respect to a domestic insurer that is a covered
5 financial company, as that term is defined under 12 U.S.C. §
6 5381.
7 2. The commissioner may petition the district court for an
8 order of rehabilitation or liquidation of a domestic insurer
9 pursuant to this section on any of the following grounds:
10 *a.* Upon a determination and notification given by the
11 secretary of the treasury of the United States, in consultation
12 with the president of the United States, that the insurer is
13 a covered financial company satisfying the requirements of
14 12 U.S.C. § 5383(b), and the board of directors, or a body
15 performing similar functions of a board of directors, of the
16 insurer acquiesces or consents to the appointment of a receiver
17 pursuant to 12 U.S.C. § 5382(a)(1)(A)(i) with such consent
18 to be considered as consent to an order of rehabilitation or
19 liquidation.
20 *b.* Upon an order of the United States district court for
21 the District of Columbia under 12 U.S.C. § 5382(a)(1)(A)(iv)(I)
22 granting the petition of the secretary of the treasury of
23 the United States concerning the insurer under 12 U.S.C. §
24 5382(a)(1)(A)(i).
25 *c.* A petition by the secretary of the treasury of the United
26 States concerning the insurer is granted by operation of law
27 under 12 U.S.C. § 5382(a)(1)(A)(v).
28 3. Notwithstanding any other provision of law to the
29 contrary, after notice to the insurer, a district court
30 may grant an order of rehabilitation or liquidation within
31 twenty-four hours after the filing of such a petition pursuant
32 to this section.
33 4. If the district court does not make a determination on a
34 petition for an order of rehabilitation or liquidation filed by
35 the commissioner pursuant to this section within twenty-four

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1 hours after the filing of the petition, the order shall be
2 deemed granted by operation of law upon the expiration of the
3 twenty-four-hour period.
4 *a.* At the time that an order is deemed granted under this
5 subsection, the provisions of this chapter shall be deemed
6 to be in effect, and the commissioner shall be deemed to be
7 affirmed as receiver and to have all of the applicable powers
8 provided by this chapter, regardless of whether an order has
9 been entered by the district court.
10 *b.* If an order is deemed granted by operation of law under
11 this subsection, the district court shall expeditiously enter
12 an order of rehabilitation or liquidation that does all of the
13 following:
14 (1) Is effective as of the date that the order is deemed
15 granted by operation of law.
16 (2) Conforms to the provisions for rehabilitation or
17 liquidation of an insurer contained in this chapter, as
18 applicable.
19 5. An order of rehabilitation or liquidation made pursuant
20 to this section shall not be subject to a stay or injunction
21 pending appeal.
22 6. Nothing in this section shall be construed to supersede
23 or impair any other power or authority of the commissioner or
24 the district court under this chapter.
25 Sec. 11. Section 507E.5, subsection 2, Code 2013, is amended
26 to read as follows:
27 2. The commissioner may share documents, materials, or
28 other information, including confidential and privileged
29 documents, materials, or other information, with other
30 state, federal, and international regulatory agencies, with
31 the national association of insurance commissioners and its
32 affiliates or subsidiaries, and with local, state, federal, and
33 international law enforcement authorities, provided that the
34 recipient agrees to maintain the confidential and privileged
35 status of the document, material, or other information,

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pursuant to Iowa law.

Sec. 12. Section 511.8, subsection 14, Code 2013, is amended to read as follows:

14. *Urban real estate and personal property.*

a. Personal or real property or both located within the United States or the Dominion of Canada, other than real property used or to be used primarily for agricultural, horticultural, ranching or mining purposes, which produces income or which by suitable improvement will produce income. However, personal property acquired under this subsection shall be acquired for the purpose of entering into a contract for the sale or for a use under which the contractual payments may reasonably be expected to result in the recovery of the investment and an investment return within the anticipated useful life of the property. Legal title to the real property may be acquired subject to a contract of sale.

b. *"Real property"* as used in this subsection includes ~~a~~ all of the following:

(1) A leasehold of real estate~~, an~~.

(2) An undivided interest in a leasehold of real estate~~, and an~~.

(3) An undivided interest in the fee title of real estate.

(4) A controlling membership, partnership, shareholder, or trust interest in any entity created solely for the purpose of owning and operating any of the interests described in subparagraph (1), (2), or (3), if the entity is expressly limited to that purpose within its organizational documents.

c. Investments under this subsection are not eligible in excess of ten percent of the legal reserve.

Sec. 13. Section 511.8, subsection 23, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *g.* For securities loaned pursuant to this subsection that are included in the legal reserve of the life insurance company or association, the collateral received for the loaned securities shall not be eligible for inclusion in

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1 the legal reserve.
2 Sec. 14. Section 511.40, Code 2013, is amended by adding the
3 following new subsection:
4 NEW SUBSECTION. 5. *a.* The gross amount of premiums
5 received by a life insurance company or association for an
6 employer-owned life insurance contract which has not been
7 allocated to another state shall be allocated to this state
8 for purposes of section 432.1, subsection 1, if either of the
9 following is applicable:
10 (1) The contract is issued or delivered in this state.
11 (2) The company or association is domiciled in this state.
12 *b.* To the extent that premiums are allocated to this state
13 pursuant to paragraph *"a"*, the provisions of section 505.14 are
14 not applicable to those premiums.
15 *c.* As used in this subsection, *"employer-owned life*
16 *insurance contract"* means a policy which provides coverage on
17 a life for which the employer has an insurable interest under
18 this section or a similar provision of the laws of another
19 state and the policy is owned by either the employer or a trust
20 established by the employer for the benefit of the employer or
21 the employer's active or retired employees.
22 Sec. 15. Section 514.4, Code 2013, is amended to read as
23 follows:
24 **514.4 Directors.**
25 1. At least two-thirds of the directors of a hospital
26 service corporation, medical service corporation, dental
27 service corporation, or pharmaceutical or optometric service
28 corporation subject to this chapter shall be at all times
29 subscribers and not more than one-third of the directors
30 shall be providers as provided in this section. The board of
31 directors of each corporation shall consist of at least nine
32 members.
33 2. A subscriber director is a director of the board of
34 a corporation who is a subscriber and who is not a provider
35 of health care pursuant to section 514B.1, subsection 7, a

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1 person who has material financial or fiduciary interest in the
2 delivery of health care services or a related industry, an
3 employee of an institution which provides health care services,
4 or a spouse or a member of the immediate family of such a
5 person. However, a subscriber director of a dental service
6 corporation may be an employee, officer, director, or trustee
7 of a hospital or other entity that does not have a provider
8 contract with the dental service corporation. A subscriber
9 director of a hospital or medical service corporation shall be
10 a subscriber of the services of that corporation.
11 3. A provider director of a corporation subject to this
12 chapter shall be at all times a person who has a material
13 financial interest in or is a fiduciary to or an employee
14 of or is a spouse or member of the immediate family of a
15 provider having a contract with such corporation to render to
16 its subscribers the services of such corporation or who is a
17 hospital trustee.
18 4. A director may serve on a board of only one corporation
19 at a time subject to this chapter.
20 5. The commissioner of insurance shall adopt rules pursuant
21 to chapter 17A to implement the process of the election of
22 subscriber directors of the board of directors of a corporation
23 to ensure the representation of a broad spectrum of subscriber
24 interest on each board and establish criteria for the selection
25 of nominees. The rules shall provide for an independent
26 subscriber nominating committee to serve until the composition
27 of the board of directors meets the percentage requirements
28 of this section. Once the composition requirements of this
29 section are met, the nominations for subscriber directors
30 shall be made by the subscriber directors of the board under
31 procedures the board establishes which shall also permit
32 nomination by a petition of at least fifty subscribers. The
33 board shall also establish procedures to permit nomination of
34 provider directors by petition of at least fifty participating
35 providers. A member of the board of directors of a corporation

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1 subject to this chapter shall not serve on the independent
2 subscriber nominating committee. The nominating committee
3 shall consist of subscribers as defined in this section. The
4 rules of the commissioner of insurance shall also permit
5 nomination of subscriber directors by a petition of at least
6 fifty subscribers, and nomination of provider directors
7 by a petition of at least fifty participating providers.
8 These petitions shall be considered only by the independent
9 nominating committee during the duration of the committee.
10 Following the discontinuance of the committee, the petition
11 process shall be continued and the board of directors of the
12 corporation shall consider the petitions. The independent
13 subscriber nominating committee is not subject to chapter 17A.
14 The nominating committee shall not receive per diem or expenses
15 for the performance of their duties.
16 6. Population factors, representation of different
17 geographic regions, and the demography of the service area of
18 the corporation subject to this chapter shall be considered
19 when making nominations for the board of directors of a
20 corporation subject to this chapter.
21 7. A corporation serving states in addition to Iowa shall be
22 required to implement this section only for directors who are
23 residents of Iowa and elected as board members from Iowa.
24 Sec. 16. Section 515.69, subsection 1, Code 2013, is amended
25 to read as follows:
26 1. A stock insurance company organized under or by the
27 laws of any other state or foreign government for the purpose
28 specified in this chapter, shall not, directly or indirectly,
29 take risks or transact business of insurance in this state
30 unless the company ~~has two and one-half million dollars of~~
31 ~~actual paid-up capital, and a surplus in cash or invested in~~
32 ~~securities authorized by law of not less than two and one-half~~
33 ~~million dollars,~~ possesses the actual amount of capital and
34 surplus required of any company organized pursuant to this
35 chapter, or if the company is a mutual insurance company, the

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1 actual amount of surplus required of any mutual insurance
2 company organized pursuant to this chapter, exclusive of assets
3 deposited in a state, territory, district, or country for the
4 special benefit or security of those insured in that state,
5 territory, district, or country.
6 Sec. 17. Section 515.136, Code 2013, is amended to read as
7 follows:
8 **515.136 Value of building — liability.**
9 ~~The insurance company or association issuing such policy may~~
10 ~~show the actual value of said property at date of policy, and~~
11 ~~any depreciation in the value thereof before the loss occurred;~~
12 ~~but the said~~ An insurance company or association shall be
13 liable for the actual value of the property insured at the date
14 of the loss, unless such value exceeds the amount stated in the
15 policy.
16 Sec. 18. Section 515A.7, subsection 1, paragraph b,
17 subparagraph (5), Code 2013, is amended to read as follows:
18 (5) An insurer may adopt a ~~scheduled or~~ schedule rating plan
19 providing for credits or debits in an amount not exceeding the
20 maximum modification allowed as set forth by the commissioner
21 by rule. This amount shall be in addition to the permitted
22 deviations set forth in subparagraphs (1) through (4).
23 Sec. 19. Section 518.14, subsection 4, paragraph f,
24 unnumbered paragraph 1, Code 2013, is amended to read as
25 follows:
26 Common stocks, common stock equivalents, mutual fund shares,
27 securities convertible into common stocks or common stock
28 equivalents, or preferred stocks issued or guaranteed by a
29 corporation incorporated under the laws of the United States
30 or a state, or the laws of Canada or a province of Canada,
31 or by limited partnerships publicly traded on a nationally
32 established stock exchange in the United States. Aggregate
33 investments in nondividend paying stocks shall not exceed five
34 percent of surplus.
35 Sec. 20. Section 518A.12, subsection 4, paragraph f,

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1 unnumbered paragraph 1, Code 2013, is amended to read as
2 follows:
3 Common stocks, common stock equivalents, mutual fund shares,
4 securities convertible into common stocks or common stock
5 equivalents, or preferred stocks issued or guaranteed by a
6 corporation incorporated under the laws of the United States
7 or a state, or the laws of Canada or a province of Canada,
8 or by limited partnerships publicly traded on a nationally
9 established stock exchange in the United States. Aggregate
10 investments in nondividend paying stocks shall not exceed five
11 percent of surplus.
12 Sec. 21. Section 521E.1, subsection 4, unnumbered paragraph
13 1, Code 2013, is amended to read as follows:
14 *"Domestic insurer"* means an insurance company domiciled in
15 this state and licensed to transact the business of insurance
16 under chapter 508, 512B, 515, or 520, except that it shall not
17 include any of the following:
18 Sec. 22. Section 521E.1, subsection 4, paragraph b, Code
19 2013, is amended by striking the paragraph.
20 Sec. 23. Section 521E.1, subsections 6 and 7, Code 2013, are
21 amended to read as follows:
22 6. *"Foreign insurer"* means an insurance company not
23 domiciled in this state which is licensed to transact the
24 business of insurance in this state under chapter 508, 512B,
25 515, or 520.
26 7. *"Life and health insurer"* means an insurance company
27 licensed under chapter 508, a fraternal benefit society
28 organized under chapter 512B, or a licensed property and
29 casualty insurer writing only accident and health insurance
30 under chapter 515.
31 Sec. 24. Section 521E.3, subsection 1, paragraph a,
32 subparagraph (2), Code 2013, is amended to read as follows:
33 (2) For a life and health insurer, the insurer's
34 total adjusted capital is greater than or equal to its
35 company-action-level risk-based capital but less than the

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1 product of its authorized-control-level risk-based capital and
2 ~~two and one-half~~ three, and has a negative trend.
3 Sec. 25. Section 522C.6, Code 2013, is amended by adding the
4 following new subsection:
5 NEW SUBSECTION. 3. *a.* A licensed public adjuster who,
6 after hearing, is found to have violated this chapter or any
7 rule adopted or order issued pursuant to this chapter, may
8 be ordered to cease and desist from engaging in the conduct
9 resulting in the violation and may be assessed a civil penalty
10 as provided in section 505.7A.
11 *b.* A person who, after hearing, is found to have violated
12 this chapter by acting as a public adjuster without proper
13 licensure may be ordered to cease and desist from engaging in
14 the conduct resulting in the violation and may be assessed a
15 civil penalty according to the provisions of chapter 507A.
16 *c.* If a person has engaged, is engaging, or is about to
17 engage in any act or practice constituting a violation of
18 this chapter or any rule adopted or order issued pursuant to
19 this chapter, the commissioner may issue a summary order that
20 includes a brief statement of findings of fact, conclusions of
21 law, and policy reasons for the order, and that directs the
22 person to cease and desist from engaging in the act or practice
23 constituting the violation and that may assess a civil penalty
24 or take other affirmative action as in the judgment of the
25 commissioner is necessary to assure that the person complies
26 with the requirements of this chapter as provided in chapter
27 507A.
28 *d.* If a person does not comply with an order issued pursuant
29 to this subsection, the commissioner may petition a court of
30 competent jurisdiction to enforce the order. The court shall
31 not require the commissioner to post a bond in an action or
32 proceeding under this subsection. If the court finds, after
33 notice and opportunity for hearing, that the person is not in
34 compliance with an order, the court may adjudge the person to
35 be in civil contempt of the order. The court may impose a civil

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1 penalty against the person for contempt in an amount not less
2 than three thousand dollars but not greater than ten thousand
3 dollars for each violation and may grant any other relief that
4 the court determines is just and proper in the circumstances.
5 Sec. 26. Section 523A.301, Code 2013, is amended to read as
6 follows:
7 **523A.301 Definition.**
8 As used in sections 523A.302 ~~and~~, 523A.303, and 523A.304,
9 *"director"* means the director of human services.
10 Sec. 27. Section 523A.303, subsection 1, unnumbered
11 paragraph 1, Code 2013, is amended to read as follows:
12 If funds remain in a nonguaranteed irrevocable burial trust
13 fund ~~or from the proceeds of an insurance policy or annuity~~
14 ~~made payable or assigned to the seller or a provider~~ after the
15 payment of funeral and burial expenses in accordance with the
16 conditions and terms of the purchase agreement for cemetery
17 merchandise, funeral merchandise, or funeral services, the
18 seller shall comply with all of the following:
19 Sec. 28. NEW SECTION. **523A.304 Disbursement of insurance or**
20 **annuity proceeds — medical assistance debts.**
21 1. If an insurance policy or annuity is purchased or
22 assigned to fund a purchase agreement and the insured or
23 annuitant is or may become a recipient of medical assistance
24 benefits under chapter 249A, unless the primary beneficiary of
25 the policy or annuity is the spouse or disabled child of the
26 insured or annuitant, the insurance policy or annuity shall
27 designate, or shall be amended to designate, the department
28 as the primary beneficiary of any funds that remain from the
29 proceeds of the insurance policy or annuity after payment of
30 funeral and burial expenses in accordance with the terms and
31 conditions of the purchase agreement.
32 2. If the funds remaining from the proceeds of the insurance
33 policy or annuity are disbursed as provided in subsection 1
34 and as otherwise provided in the insurance policy or annuity,
35 if applicable, the seller, provider, or insurer shall not be

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1 liable to the director, the estate of the deceased insured or
2 annuitant, a personal representative, or any other interested
3 person for the remaining funds, and any lien imposed by the
4 director shall be unenforceable against the seller, provider,
5 or insurer.
6 3. This section applies to an insurance policy or annuity
7 issued prior to January 1, 2014, that funds a purchase
8 agreement for an insured or annuitant who receives or may
9 receive medical assistance benefits under chapter 249A, and who
10 dies on or after January 1, 2015.
11 4. This section applies to an insurance policy or annuity
12 issued on or after January 1, 2014, to fund a purchase
13 agreement for an insured or annuitant who receives or may
14 receive medical assistance benefits under chapter 249A, and who
15 dies on or after January 1, 2014, and on or after the date of
16 issuance of the insurance policy or annuity.
17 Sec. 29. Section 598.20A, Code 2013, is amended to read as
18 follows:
19 **598.20A Beneficiary revocation — life insurance.**
20 1. Except as preempted by federal law, if a decree of
21 dissolution, annulment, or separate maintenance is issued after
22 ~~an insured~~ the policy owner of an insurance contract insuring
23 the policy owner's own life has designated the ~~insured's~~ policy
24 owner's spouse or one or more relatives of the ~~insured's~~ policy
25 owner's spouse as a beneficiary under a life insurance policy
26 in effect on the date of the decree, a provision in the life
27 insurance policy making such a designation is voided by the
28 issuance of the decree unless any of the following apply:
29 *a.* The decree designates the ~~insured's~~ policy owner's former
30 spouse or one or more relatives of the ~~insured's~~ policy owner's
31 spouse as beneficiary.
32 *b.* After issuance of the decree, the ~~insured~~ policy owner
33 executes a designation of beneficiary form provided by the
34 insurance company naming the ~~insured's~~ policy owner's former
35 spouse or one or more relatives of the ~~insured's~~ policy owner's

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former spouse as beneficiary.

c. The ~~insured~~ policy owner and the ~~insured's~~ policy owner's former spouse remarry.

2. If a beneficiary designation is not effective pursuant to subsection 1, the benefits or proceeds of the life insurance policy are payable to an alternate beneficiary, or if there is no alternate beneficiary, to the estate of the ~~insured~~ policy owner.

3. An insurer who pays benefits or proceeds of a life insurance policy to a beneficiary under a designation that is void pursuant to subsection 1 is not liable for payment to an alternative beneficiary as provided under subsection 2 unless both of the following apply:

a. At least ten days prior to payment of the benefits or proceeds of the life insurance policy to the designated beneficiary, the insurer receives written notice at the home office of the insurer that the designation of the beneficiary is not effective pursuant to subsection 1.

b. The insurer has failed to interplead the benefits or proceeds of the life insurance policy in a court of competent jurisdiction in accordance with the rules of civil procedure.

4. This section does not limit the right of a beneficiary to seek recovery from any person or entity that erroneously receives or collects the benefits or proceeds from a life insurance policy.

5. This section does not affect the right of ~~an insured's~~ a policy owner's former spouse to assert an ownership interest in a life insurance policy insuring the life of the policy owner that is not disclosed to the ~~insured's~~ policy owner's spouse prior to the decree of dissolution, annulment, or separate maintenance and that is not addressed by the decree.

6. For purposes of this section, *"relative of the ~~insured's~~ policy owner's spouse"* means a person who is related to the ~~insured's~~ policy owner's former spouse by blood, adoption, or affinity, and who, subsequent to a decree of dissolution,

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1 annulment, or separate maintenance, ceases to be related to the
2 ~~insured~~ policy owner by blood, adoption, or affinity.
3 Sec. 30. EFFECTIVE UPON ENACTMENT. The following
4 provision or provisions of this Act, being deemed of immediate
5 importance, take effect upon enactment:
6 1. The section of this Act enacting section 507C.17A.
7 EXPLANATION
8 This bill relates to various matters under the purview of the
9 insurance division of the department of commerce.
10 DEPARTMENT OF PUBLIC HEALTH. Code section 135.22A(2)(g)
11 is stricken to remove the commissioner of insurance from the
12 membership of the advisory council on brain injuries.
13 MEDICAL ASSISTANCE. New Code section 249A.3(15) provides
14 that an insurance policy or annuity purchased to fund an
15 irrevocable purchase agreement to furnish cemetery and funeral
16 merchandise, funeral services, or a combination thereof as
17 provided in Code chapter 523A, which is owned or assigned
18 to a seller or provider and in which the department of
19 human services is designated as the primary beneficiary, is
20 excluded as a resource for determining eligibility for medical
21 assistance under Code chapter 249A. For purposes of this
22 provision, a "seller" is a person doing business in this state,
23 including one who sells insurance, who sells or offers to
24 furnish cemetery and funeral merchandise, funeral services, or
25 a combination of those products on a preneed basis.
26 UNIFORM SECURITIES ACT (BLUE SKY LAW). Code section
27 502.412(3) is amended to increase the amount of the
28 disciplinary penalty for registrants that the administrator
29 (commissioner of insurance or the commissioner's deputy) can
30 impose for a violation of the Code chapter from a maximum of
31 $5,000 to $10,000 for a single violation, and from $500,000 to
32 $1 million for more than one violation, or in such amount as
33 agreed to by the parties.
34 Code section 502.604(4) is amended to increase the amount
35 of a civil penalty the administrator can impose against a

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1 person for engaging in an act, practice, or course of business
2 in violation of the Code chapter from a maximum of $5,000 to
3 $10,000 for a single violation, and from $500,000 to $1 million
4 for more than one violation, or in an amount agreed to by the
5 parties.
6 New Code section 502.604(5A) provides that a person
7 who fails to obey a valid cease and desist order issued by
8 the administrator may be subject to a civil penalty in an
9 amount of not less than $1,000 and not more than $10,000 for
10 violating the order. Each day the failure to obey continues
11 constitutes a separate violation. The penalties provided in
12 this subsection are in addition to, and not exclusive of other
13 remedies that may be available.
14 INSURANCE DIVISION. Code section 505.8(10) is amended to
15 allow the commissioner to assess the costs of the examination
16 of a regulated entity necessary to accomplish compliance with
17 the insurance laws of this state.
18 DOMESTIC INSURANCE COMPANIES. New Code section 506.14
19 provides that any plan for the voluntary dissolution of a
20 domestic mutual insurance company licensed in this state shall
21 be presented for approval by the commissioner not less than 90
22 days prior to notice of the plan to the policyholders. The
23 commissioner must approve the plan if it complies with all
24 applicable laws and is fair and equitable to the company and to
25 its policyholders.
26 EXAMINATION OF INSURANCE COMPANIES. Code section
27 507.10(4)(a) is amended to allow the board of directors of
28 an insurance company to signal that each member has reviewed
29 an examination report with a notation in the board's meeting
30 minutes instead of by filing affidavits indicating that each
31 member has received a copy of the report.
32 INSURANCE TRADE PRACTICES. New Code section 507B.4(3)(t)
33 makes it an unfair or deceptive act or practice in the business
34 of insurance to fail to refund premiums paid for a Medicare
35 supplement policy after the effective date of a subsequently

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1 purchased Medicare advantage plan if the insurer has no
2 exposure to pay benefits under the Medicare supplement policy
3 during the time that both the supplement policy and the
4 advantage plan are in effect.
5 INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION.
6 New Code section 507C.17A contains provisions that apply in
7 accordance with the federal Dodd-Frank Wall Street Reform and
8 Consumer Protection Act to a domestic insurer that is a covered
9 financial company, as that term is defined in federal law.
10 The bill provides that the commissioner of insurance may
11 file a petition in the state district court for an order of
12 rehabilitation or liquidation of such a domestic insurer upon
13 receiving notice from the secretary of the treasury of the
14 United States that the insurer acquiesces or consents to the
15 appointment of a receiver; upon an order of the United States
16 district court for the District of Columbia as to that insurer;
17 or when a petition of the secretary of the treasury of the
18 United States concerning the insurer is granted by operation
19 of law.
20 Notwithstanding any other provision of law to the contrary,
21 the state district court, after notice to the insurer, may
22 grant an order on such a petition within 24 hours after the
23 filing of the petition. If the district court does not make a
24 determination on the petition within 24 hours of its filing,
25 the order is deemed granted by operation of law upon expiration
26 of the 24-hour period.
27 At the time an order is deemed granted, the provisions of
28 Code chapter 507C are deemed to be in effect, the commissioner
29 is deemed to be affirmed as the receiver and to have all of
30 the applicable powers provided by Code chapter 507C, and the
31 state district court must expeditiously enter an order of
32 rehabilitation or liquidation. An order of rehabilitation or
33 liquidation made pursuant to the provisions of the bill is not
34 subject to a stay or injunction pending appeal.
35 This provision is effective upon enactment.

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1 INSURANCE FRAUD. Code section 507E.5(2) is amended to allow
2 the commissioner to share documents with local as well as
3 state, federal, and international law enforcement authorities
4 if the recipient agrees to maintain the confidentiality of
5 confidential and privileged documents that are shared.
6 LIFE INSURANCE COMPANIES AND ASSOCIATIONS. Code section
7 511.8(14) is amended to provide that a life insurance company
8 can include in its legal reserve as real property a controlling
9 membership, partnership, shareholder, or trust interest in any
10 entity created solely for the purpose of owning and operating a
11 leasehold of real estate, an undivided interest in a leasehold
12 of real estate, or an undivided interest in the fee title of
13 real estate. The entity must be expressly limited to that
14 purpose by its organizational documents.
15 Code section 511.8(23) is amended to provide that if
16 securities held in a life insurance company's legal reserve are
17 loaned, the collateral received for the loaned securities is
18 not eligible for inclusion in the legal reserve.
19 New Code section 511.40(5) provides that the gross amount of
20 premiums received by a life insurance company or association
21 for an employer-owned life insurance contract shall be
22 allocated to this state for purposes of calculating the state
23 premium tax if the contract is issued or delivered in this
24 state or the company or association is domiciled in this state.
25 For purposes of the subsection, "employer-owned life insurance
26 contract" means a policy which provides coverage on a life for
27 which the employer has an insurable interest under this Code
28 section or the laws of another state and the policy is owned by
29 either the employer or a trust established by the employer for
30 the benefit of the employer or the employer's active or retired
31 employees.
32 NONPROFIT HEALTH SERVICE CORPORATIONS. Code section 514.4
33 is amended to provide that a person who is affiliated with a
34 hospital or other entity that does not have a provider contract
35 with a dental service corporation can serve as a subscriber

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1 director of that corporation.
2 INSURANCE OTHER THAN LIFE. Code section 515.69(1) is
3 amended to require that a foreign stock insurance company must
4 possess the actual amount of capital and surplus required of
5 any company organized pursuant to Code chapter 515, or if the
6 insurer is a mutual company, the actual amount of surplus
7 required of any mutual company organized pursuant to Code
8 chapter 515. Currently, a foreign stock insurance company is
9 required to have $2.5 million of actual paid-up capital, and a
10 surplus in cash or invested in securities authorized by law of
11 not less than $2.5 million.
12 Code section 515.136 is amended to provide that an insurance
13 company or association is liable for the actual value of the
14 property insured at a date of a loss, unless that value exceeds
15 the amount stated in the policy. Currently, the insurer
16 issuing such a policy may show the actual value of the property
17 at the date of issuance of the policy and any depreciation in
18 the value of the property after a loss occurred but is still
19 liable for the actual value of the property insured on the date
20 of loss or the policy amount, whichever is less.
21 WORKERS' COMPENSATION LIABILITY INSURANCE. Code section
22 515A.7(1)(b)(5) is amended to remove a reference to a
23 "scheduled rating plan", a term that is not defined in the Code
24 chapter.
25 COUNTY MUTUAL INSURANCE ASSOCIATIONS. Code section
26 518.14(4)(f) is amended to allow county mutual insurance
27 associations to invest in stocks that are issued or guaranteed
28 by limited partnerships publicly traded on a nationally
29 established stock exchange in the United States.
30 STATE MUTUAL INSURANCE ASSOCIATIONS. Code section
31 518A.12(4)(f) is amended to allow state mutual insurance
32 associations to invest in stocks that are issued or guaranteed
33 by limited partnerships publicly traded on a nationally
34 established stock exchange in the United States.
35 RISK-BASED CAPITAL REQUIREMENTS FOR INSURERS. Code section

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521E.1(4) is amended to provide that for purposes of the Code chapter, a fraternal benefit society organized under Code chapter 512B is a domestic insurer. Code section 521E.1(4)(b), which excepted a fraternal benefit society from inclusion as a domestic insurer, is stricken. Corresponding changes to include such a society are made in Code section 521E.1(6) and (7).

Code section 521E.3(1)(a)(2) is amended to provide that for a life and health insurer, a company-action-level event means the insurer's total adjusted capital is greater than or equal to its company-action-level risk-based capital but less than the product of its authorized-control-level risk-based capital and three, instead of two and one-half, and has a negative trend.

LICENSING OF PUBLIC ADJUSTERS. Code section 522C.6 is amended to add provisions allowing the commissioner of insurance to hold hearings, issue cease and desist orders, assess civil penalties, and petition for enforcement of those orders by the district court against persons who violate the provisions of Code chapter 522C. The district court is authorized to adjudge a violator in civil contempt of an order and to impose a civil penalty for contempt of not less than $3,000 but not more than $10,000 for each violation and grant any other relief the court determines is just and proper under the circumstances.

CEMETERY AND FUNERAL MERCHANDISE AND FUNERAL SERVICES. Code section 523A.301 is amended to provide that for purposes of new Code section 523A.304, "director" means the director of human services.

Code section 523A.303(1) is amended so that the section only applies to funds remaining in a nonguaranteed irrevocable burial trust fund and does not apply to the proceeds of an insurance policy or annuity assigned to a preneed seller or provider of cemetery and funeral merchandise, and funeral services.

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1 New Code section 523A.304 provides that if an insurance
2 policy or annuity is purchased or assigned to fund a preneed
3 purchase agreement and the insured or annuitant is or may
4 become a recipient of medical assistance benefits under Code
5 chapter 249A, unless the primary beneficiary of the policy
6 or annuity is the spouse or disabled child of the insured or
7 annuitant, the insurance policy or annuity shall designate,
8 or be amended to designate, the department of human services
9 as the primary beneficiary of any funds that remain from the
10 proceeds of the insurance policy or annuity after payment of
11 funeral and burial expenses in accordance with the conditions
12 and terms of the preneed purchase agreement.
13 If the remaining funds are disbursed as required, the
14 preneed seller, the provider of the merchandise and services,
15 and the insurer shall not be liable to the director of human
16 services, the estate of the deceased insured or annuitant, a
17 personal representative, or any other interested person for the
18 remaining funds and any lien imposed by the director against a
19 seller, provider, or insurer is unenforceable.
20 This provision applies to an insurance policy or annuity
21 purchased prior to January 1, 2014, that funds a preneed
22 purchase agreement for an insured or annuitant who receives
23 or may receive medical assistance benefits under Code chapter
24 249A and who dies on or after January 1, 2015. The provision
25 also applies to an insurance policy or annuity issued on or
26 after January 1, 2014, to fund a preneed purchase agreement for
27 an insured or annuitant who receives or may receive medical
28 assistance benefits, and who dies on or after January 1, 2014,
29 and on or after the date of issuance of the insurance policy or
30 annuity.
31 DISSOLUTION OF MARRIAGE AND DOMESTIC RELATIONS. Code
32 section 598.20A is amended to provide that it is the policy
33 owner of an insurance contract insuring the policy owner's own
34 life, not the insured, who designates the beneficiary of the
35 policy and is authorized to make changes in that designation

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1 after a decree of dissolution of marriage, annulment, or
2 separate maintenance.

Senate Study Bill 1051 - Introduced

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

A BILL FOR

1 An Act increasing civil penalties applicable to specified
2 pipeline safety violations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1099XD (3) 85
rn/sc

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1 Section 1. Section 479.31, unnumbered paragraph 1, Code
2 2013, is amended to read as follows:
3 A person who violates this chapter or any rule or order
4 issued pursuant to this chapter shall be subject to a civil
5 penalty levied by the board not to exceed ~~ten~~ one hundred
6 thousand dollars for each violation. Each day that the
7 violation continues shall constitute a separate offense.
8 However, the maximum civil penalty shall not exceed ~~five~~
9 ~~hundred thousand~~ one million dollars for any related series of
10 violations. Civil penalties collected pursuant to this section
11 shall be credited to and are appropriated for the Iowa energy
12 center created in section 266.39C.
13 EXPLANATION
14 This bill increases civil penalties applicable to violations
15 of Code chapter 479, relating to pipelines and underground
16 gas storage. Currently, violations of the Code chapter, or
17 an administrative rule or order relating to the Code chapter,
18 are subject to a civil penalty levied by the Iowa utilities
19 board not to exceed $10,000 per violation, subject to a
20 $500,000 maximum. The bill increases these limits to $100,000
21 and $1 million, respectively. Civil penalties collected for
22 violations of the Code chapter are credited to and appropriated
23 for the Iowa energy center created in Code section 266.39C.

Senate Study Bill 1052 - Introduced

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

A BILL FOR

1 An Act relating to credit for reinsurance, including
2 transition, applicability, and effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1268DP (3) 85
av/nh

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1 DIVISION I
2 CREDIT FOR REINSURANCE
3 Section 1. NEW SECTION. **521B.101 Purpose — legislative**
4 **intent.**
5 1. The purpose of this chapter is to protect the interests
6 of insureds, claimants, ceding insurers, assuming insurers, and
7 the public generally.
8 2. The general assembly declares its intent to ensure
9 adequate regulation of insurers and reinsurers and adequate
10 protection for those to whom insurers and reinsurers owe
11 obligations.
12 3. The general assembly declares that the matters contained
13 in this chapter are fundamental to the business of insurance in
14 accordance with 15 U.S.C. § 1011 – 1012.
15 Sec. 2. NEW SECTION. **521B.102 Credit allowed certain**
16 **domestic ceding insurers.**
17 Credit for reinsurance shall be allowed a domestic ceding
18 insurer as either an asset or a reduction from liability on
19 account of reinsurance ceded only when the reinsurer meets the
20 requirements of subsection 1, 2, 3, 4, 5, or 6. Credit shall be
21 allowed under subsection 1, 2, or 3 only respecting cessions of
22 those kinds or classes of business which the assuming insurer
23 is licensed or otherwise permitted to write or assume in the
24 insurer's state of domicile or, in the case of a United States
25 branch of an alien assuming insurer, in the state through which
26 the insurer is entered and licensed to transact insurance or
27 reinsurance. Credit shall be allowed under subsection 3 or 4
28 only if the applicable requirements of subsection 7 have been
29 satisfied.
30 1. Credit shall be allowed when the reinsurance is ceded to
31 an assuming insurer that is licensed to transact insurance or
32 reinsurance in this state.
33 2. Credit shall be allowed when the reinsurance is ceded
34 to an assuming insurer that is accredited by the commissioner
35 as a reinsurer in this state. In order to be eligible

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1 for accreditation, an assuming insurer must do all of the
2 following:
3 *a.* File with the commissioner evidence of the assuming
4 insurer's submission to this state's jurisdiction.
5 *b.* Submit to this state's authority to examine the assuming
6 insurer's books and records.
7 *c.* Be licensed to transact insurance or reinsurance in at
8 least one state, or in the case of a United States branch of
9 an alien assuming insurer, be entered through and licensed to
10 transact insurance or reinsurance in at least one state.
11 *d.* File annually with the commissioner a copy of the
12 assuming insurer's annual statement filed with the insurance
13 department of the assuming insurer's state of domicile and a
14 copy of the assuming insurer's most recent audited financial
15 statement.
16 *e.* Demonstrate to the satisfaction of the commissioner that
17 the assuming insurer has adequate financial capacity to meet
18 the assuming insurer's reinsurance obligations and is otherwise
19 qualified to assume reinsurance from domestic insurers. An
20 assuming insurer is deemed to meet this requirement as of the
21 time of the assuming insurer's application if the assuming
22 insurer maintains a surplus as regards policyholders in an
23 amount of not less than twenty million dollars and the assuming
24 insurer's accreditation has not been denied by the commissioner
25 within ninety days after submission of the assuming insurer's
26 application.
27 3. *a.* Credit shall be allowed when the reinsurance is ceded
28 to an assuming insurer that is domiciled in, or in the case of
29 a United States branch of an alien assuming insurer, is entered
30 through, a state that employs standards regarding credit for
31 reinsurance that are substantially similar to those applicable
32 under this chapter and the assuming insurer or United States
33 branch of an alien assuming insurer does all of the following:
34 (1) Maintains a surplus as regards policyholders in an
35 amount of not less than twenty million dollars.

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1 (2) Submits to the authority of this state to examine the
2 assuming insurer's books and records.
3 *b.* The requirement of paragraph *"a"*, subparagraph (1) does
4 not apply to reinsurance ceded and assumed pursuant to pooling
5 arrangements among insurers in the same holding company system.
6 4. *a.* Credit shall be allowed when the reinsurance is
7 ceded to an assuming insurer that maintains a trust fund
8 in a qualified United States financial institution, as
9 defined in section 521B.104, subsection 2, for payment of
10 the valid claims of the assuming insurer's United States
11 ceding insurers, their assigns, and successors in interest.
12 To enable the commissioner to determine the sufficiency of
13 the trust fund, the assuming insurer shall report annually
14 to the commissioner information substantially the same as
15 that required to be reported on the national association of
16 insurance commissioners' annual statement form by licensed
17 insurers. The assuming insurer shall submit to examination of
18 the assuming insurer's books and records by the commissioner
19 and bear the expense of examination.
20 *b.* Credit for reinsurance shall not be granted under
21 this subsection unless all of the following conditions are
22 satisfied:
23 (1) The form of the trust and any amendments to the trust
24 have been approved by either of the following:
25 (a) The commissioner of the state where the trust is
26 domiciled.
27 (b) The commissioner of another state who, pursuant to
28 the terms of the trust instrument, has accepted principal
29 regulatory oversight of the trust.
30 (2) The form of the trust and any trust amendments are
31 filed with the commissioner of every state in which the ceding
32 insurer's beneficiaries of the trust are domiciled. The trust
33 instrument shall provide that contested claims are valid and
34 enforceable upon the final order of any court of competent
35 jurisdiction in the United States. The trust shall vest legal

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1 title to the trust's assets in its trustees for the benefit
2 of the assuming insurer's United States ceding insurers,
3 their assigns, and successors in interest. The trust and the
4 assuming insurer shall be subject to examination as determined
5 by the commissioner.
6 (3) The trust remains in effect for as long as the assuming
7 insurer has outstanding obligations due under the reinsurance
8 agreements subject to the trust. No later than February 28
9 of each year, the trustee of the trust shall report to the
10 commissioner in writing the balance of the trust and list
11 the trust's investments at the preceding year-end, and shall
12 certify the date of termination of the trust, if so planned, or
13 certify that the trust will not expire prior to the following
14 December 31.
15 *c.* The following requirements apply to the following
16 categories of assuming insurer:
17 (1) The trust fund for a single assuming insurer shall
18 consist of funds in trust in an amount not less than the
19 assuming insurer's liabilities attributable to reinsurance
20 ceded by United States ceding insurers, and in addition, the
21 assuming insurer shall maintain a trusteed surplus of not less
22 than twenty million dollars, except as provided in subparagraph
23 (2).
24 (2) At any time after an assuming insurer has permanently
25 discontinued underwriting new business secured by the trust
26 for at least three full years, the commissioner with principal
27 regulatory oversight of the trust may authorize a reduction
28 in the required trusteed surplus, but only after a finding,
29 based on an assessment of the risk, that the new required
30 trusteed surplus level is adequate for the protection of
31 United States ceding insurers, policyholders, and claimants
32 in light of reasonably foreseeable adverse loss development.
33 The risk assessment may involve an actuarial review, including
34 an independent analysis of reserves and cash flows, and shall
35 consider all material risk factors, including, when applicable,

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1 the lines of business involved, the stability of the incurred
2 loss estimates, and the effect of the surplus requirements on
3 the assuming insurer's liquidity or solvency. The minimum
4 required trusteed surplus shall not be reduced to an amount
5 less than thirty percent of the assuming insurer's liabilities
6 attributable to reinsurance ceded by United States ceding
7 insurers covered by the trust.
8 (3) In the case of a group including incorporated and
9 individual unincorporated underwriters, all of the following
10 requirements are met:
11 (a) For reinsurance ceded under reinsurance agreements with
12 an inception, amendment, or renewal date on or after January
13 1, 1993, the trust shall consist of a trusteed account in
14 an amount not less than the respective underwriters' several
15 liabilities attributable to business ceded by United States
16 domiciled ceding insurers to any underwriter of the group.
17 (b) For reinsurance ceded under reinsurance agreements
18 with an inception date on or before December 31, 1992, and
19 not amended or renewed after that date, notwithstanding the
20 other provisions of this chapter, the trust shall consist of
21 a trusteed account in an amount not less than the respective
22 underwriters' several insurance and reinsurance liabilities
23 attributable to business written in the United States.
24 (c) In addition to the trusts described in subparagraph
25 divisions (a) and (b), the group shall maintain in trust a
26 trusteed surplus of which one hundred million dollars shall be
27 held jointly for the benefit of the United States domiciled
28 ceding insurers of any member of the group for all years of
29 account.
30 (d) The incorporated members of the group shall not be
31 engaged in any business other than underwriting as a member of
32 the group and shall be subject to the same level of regulation
33 and solvency control by the group's domiciliary regulator as
34 are the unincorporated members of the group.
35 (e) Within ninety days after its financial statements are

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1 due to be filed with the group's domiciliary regulator, the
2 group shall provide to the commissioner an annual certification
3 by the group's domiciliary regulator of the solvency of each
4 underwriter member, or if a certification is unavailable,
5 financial statements, prepared by independent public
6 accountants, of each underwriter member of the group.
7 (4) In the case of a group of incorporated underwriters
8 under common administration, the group shall meet all of the
9 following requirements:
10 (a) Have continuously transacted an insurance business
11 outside the United States for at least three years immediately
12 prior to making application for accreditation.
13 (b) Maintain aggregate policyholders' surplus of at least
14 ten billion dollars.
15 (c) Maintain a trust fund in an amount not less than the
16 group's several liabilities attributable to business ceded by
17 United States domiciled ceding insurers to any member of the
18 group pursuant to reinsurance contracts issued in the name of
19 the group.
20 (d) In addition, maintain a joint trusteed surplus of
21 which one hundred million dollars shall be held jointly for
22 the benefit of United States domiciled ceding insurers of
23 any member of the group as additional security for these
24 liabilities.
25 (e) Within ninety days after the group's financial
26 statements are due to be filed with the group's domiciliary
27 regulator, make available to the commissioner an annual
28 certification of each underwriter member's solvency by the
29 member's domiciliary regulator and financial statements of
30 each underwriter member of the group prepared by the group's
31 independent public accountant.
32 5. Credit shall be allowed when the reinsurance is ceded to
33 an assuming insurer that has been certified by the commissioner
34 as a reinsurer in this state and the assuming reinsurer secures
35 its obligations in accordance with the following requirements:

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1 *a.* In order to be eligible for certification, the assuming
2 insurer shall meet all of the following requirements:
3 (1) The assuming insurer shall be domiciled and licensed to
4 transact insurance or reinsurance in a qualified jurisdiction,
5 as determined by the commissioner pursuant to paragraph *"c"*.
6 (2) The assuming insurer shall maintain minimum capital and
7 surplus, or its equivalent, in an amount to be determined by
8 the commissioner pursuant to rule.
9 (3) The assuming insurer shall maintain financial strength
10 ratings from two or more rating agencies deemed acceptable by
11 the commissioner pursuant to rule.
12 (4) The assuming insurer shall agree to submit to the
13 jurisdiction of this state, appoint the commissioner as the
14 assuming insurer's agent for service of process in this state,
15 and agree to provide security for one hundred percent of the
16 assuming insurer's liabilities attributable to reinsurance
17 ceded by United States ceding insurers, if the assuming insurer
18 resists enforcement of a final United States judgment.
19 (5) The assuming insurer shall agree to meet applicable
20 information filing requirements as determined by the
21 commissioner, both with respect to an initial application for
22 certification and on an ongoing basis.
23 (6) The assuming insurer shall satisfy any other
24 requirements for certification deemed relevant by the
25 commissioner.
26 *b.* An association including incorporated and individual
27 unincorporated underwriters may be a certified reinsurer. In
28 order to be eligible for certification, the association shall
29 satisfy the requirements of paragraph *"a"* and in addition
30 satisfy all of the following requirements:
31 (1) The association shall satisfy the association's minimum
32 capital and surplus requirements through the capital and
33 surplus equivalents (net of liabilities) of the association and
34 its members, which shall include a joint central fund that may
35 be applied to any unsatisfied obligation of the association or

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1 any of its members, in an amount determined by the commissioner
2 to provide adequate protection.
3 (2) The incorporated members of the association shall
4 not be engaged in any business other than underwriting as a
5 member of the association and shall be subject to the same
6 level of regulation and solvency control by the association's
7 domiciliary regulator as are the unincorporated members of the
8 association.
9 (3) Within ninety days after the association's financial
10 statements are due to be filed with the association's
11 domiciliary regulator, the association shall provide to the
12 commissioner an annual certification by the association's
13 domiciliary regulator, of the solvency of each underwriter
14 member, or if a certification is unavailable, financial
15 statements, prepared by an independent public accountant, of
16 each underwriter member of the association.
17 *c.* The commissioner shall create and publish a list of
18 qualified jurisdictions under which an assuming insurer
19 licensed and domiciled in such jurisdiction is eligible to be
20 considered for certification by the commissioner as a certified
21 reinsurer.
22 (1) In order to determine whether the domiciliary
23 jurisdiction of a non-United States insurer is eligible to
24 be recognized as a qualified jurisdiction, the commissioner
25 shall evaluate the appropriateness and effectiveness of the
26 reinsurance supervisory system of the jurisdiction, both
27 initially and on an ongoing basis, and consider the rights,
28 benefits, and the extent of reciprocal recognition afforded
29 by the non-United States jurisdiction to reinsurers licensed
30 and domiciled in the United States. In order to be recognized
31 as a qualified jurisdiction, a jurisdiction must agree to
32 share information and to cooperate with the commissioner with
33 respect to all certified reinsurers domiciled within that
34 jurisdiction. A jurisdiction shall not be recognized as a
35 qualified jurisdiction if the commissioner has determined

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1 that the jurisdiction does not adequately and promptly
2 enforce final United States judgments and arbitration awards.
3 Additional factors may be considered in the discretion of the
4 commissioner.
5 (2) A list of qualified jurisdictions shall be published
6 through the national association of insurance commissioners'
7 committee process. The commissioner shall consider this list
8 in determining qualified jurisdictions. If the commissioner
9 recognizes a jurisdiction as qualified that does not appear on
10 the list of qualified jurisdictions, the commissioner shall
11 provide thoroughly documented justification for the recognition
12 in accordance with criteria to be developed by rule.
13 (3) United States jurisdictions that meet the requirements
14 for accreditation under the national association of insurance
15 commissioners' financial standards and accreditation program
16 shall be recognized as qualified jurisdictions.
17 (4) If a certified reinsurer's domiciliary jurisdiction
18 ceases to be a qualified jurisdiction, the commissioner may,
19 in the commissioner's discretion, suspend the reinsurer's
20 certification indefinitely, in lieu of revocation.
21 *d.* The commissioner shall assign a rating to each
22 certified reinsurer, giving due consideration to the financial
23 strength ratings that have been assigned by rating agencies
24 deemed acceptable to the commissioner pursuant to rule. The
25 commissioner shall publish a list of all certified reinsurers
26 and their ratings.
27 *e.* A certified reinsurer shall secure obligations assumed
28 from United States ceding insurers under this subsection at
29 a level consistent with the certified reinsurer's rating, as
30 specified in rules adopted by the commissioner.
31 (1) In order for a domestic ceding insurer to qualify
32 for full financial statement credit for reinsurance ceded
33 to a certified reinsurer, the certified reinsurer shall
34 maintain security in a form acceptable to the commissioner and
35 consistent with the provisions of section 521B.103, or in a

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1 multibeneficiary trust in accordance with subsection 4, except
2 as otherwise provided in this subsection.
3 (2) If a certified reinsurer maintains a trust to fully
4 secure its obligations subject to subsection 4, and chooses to
5 secure its obligations incurred as a certified reinsurer in the
6 form of a multibeneficiary trust, the certified reinsurer shall
7 maintain separate trust accounts for its obligations incurred
8 under reinsurance agreements issued or renewed as a certified
9 reinsurer with reduced security as permitted by this subsection
10 or comparable laws of other United States jurisdictions and
11 for its obligations subject to subsection 4. It shall be a
12 condition to the grant of certification under this subsection
13 that the certified reinsurer shall bind itself, by the language
14 of the trust and by agreement with the commissioner which has
15 principal regulatory oversight of each such trust account,
16 to fund, upon termination of any such trust account, any
17 deficiency of any other trust account out of the remaining
18 surplus of the terminated trust account.
19 (3) The minimum trusteed surplus requirements provided
20 in subsection 4 are not applicable with respect to a
21 multibeneficiary trust maintained by a certified reinsurer for
22 the purpose of securing obligations under this subsection,
23 except that such a multibeneficiary trust shall maintain a
24 minimum trusteed surplus of ten million dollars.
25 (4) With respect to obligations incurred by a certified
26 reinsurer under this subsection, if the security is
27 insufficient, the commissioner shall reduce the allowable
28 credit by an amount proportionate to the deficiency, and the
29 commissioner has the discretion to impose further reductions
30 in allowable credit upon finding that there is a material risk
31 that the certified reinsurer´s obligations will not be paid in
32 full when due.
33 (5) For purposes of this subsection, a certified reinsurer
34 whose certification has been terminated for any reason shall be
35 treated as a certified reinsurer required to secure all of its

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1 obligations.
2 (a) As used in this subsection, the term "terminated"
3 includes revocation, suspension, voluntary surrender, and
4 inactive status.
5 (b) If the commissioner continues to assign a higher rating
6 to a certified reinsurer as permitted by other provisions
7 of this subsection, this requirement does not apply to a
8 certified reinsurer in inactive status or to a reinsurer whose
9 certification has been suspended.
10 *f.* If an assuming insurer applying for certification as a
11 reinsurer in this state has been certified as a reinsurer in
12 another jurisdiction accredited by the national association of
13 insurance commissioners, the commissioner has the discretion
14 to defer to that jurisdiction's certification, and has
15 the discretion to defer to the rating assigned by that
16 jurisdiction, and the assuming insurer shall be considered to
17 be a certified reinsurer in this state.
18 *g.* A certified reinsurer that ceases to assume new
19 business in this state may request to maintain the reinsurer's
20 certification in inactive status in order to qualify for
21 a reduction in the amount of security required for the
22 reinsurer's in-force business. An inactive certified reinsurer
23 shall continue to comply with all applicable requirements
24 of this subsection, and the commissioner shall assign the
25 reinsurer a rating that takes into account, if relevant, the
26 reasons why the reinsurer is not assuming new business.
27 6. Credit shall be allowed when reinsurance is ceded to
28 an assuming insurer that does not meet the requirements of
29 subsection 1, 2, 3, 4, or 5, but only as to the insurance
30 of risks located in jurisdictions where the reinsurance is
31 required by applicable law or regulation of that jurisdiction.
32 7. *a.* If the assuming insurer is not licensed, accredited,
33 or certified to transact insurance or reinsurance in this
34 state, the credit permitted by subsections 3 and 4 shall not be
35 allowed unless the assuming insurer agrees in the reinsurance

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1 agreements to do all of the following:
2 (1) In the event of the failure of the assuming insurer
3 to perform its obligations under the terms of the reinsurance
4 agreement, the assuming insurer, at the request of the ceding
5 insurer, will submit to the jurisdiction of any court of
6 competent jurisdiction in any state of the United States,
7 will comply with all requirements necessary to give the court
8 jurisdiction, and will abide by the final decision of the
9 court or of any appellate court in the event of any appeal,
10 concerning such failure.
11 (2) The assuming insurer will designate the commissioner
12 or a designated attorney as its true and lawful attorney to
13 receive lawful process in any action, suit, or proceeding
14 instituted by or on behalf of the ceding insurer.
15 *b.* This subsection is not intended to conflict with or
16 override the obligation of the parties to a reinsurance
17 agreement to arbitrate their disputes if the obligation to
18 arbitrate is created in the agreement.
19 8. If the assuming insurer does not meet the requirements of
20 subsection 1, 2, or 3, the credit permitted by subsection 4 or
21 5 shall not be allowed unless the assuming insurer agrees in a
22 trust agreement to satisfy the following conditions:
23 *a.* Notwithstanding any other provisions contained in the
24 trust instrument, if the trust fund is inadequate because the
25 trust fund contains an amount less than the amount required by
26 subsection 4, paragraph *"c"*, or if the grantor of the trust has
27 been declared insolvent or has been placed into receivership,
28 rehabilitation, liquidation, or similar proceedings under
29 the laws of the trust's state or country of domicile, the
30 trustee shall comply with an order of the commissioner with
31 regulatory oversight over the trust or with an order of a court
32 of competent jurisdiction directing the trustee to transfer
33 all of the assets of the trust fund to the commissioner with
34 regulatory oversight over the trust.
35 *b.* The assets of the trust shall be distributed, and claims

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1 shall be filed and valued, by the commissioner with regulatory
2 oversight over the trust in accordance with the laws of the
3 state in which the trust is domiciled that are applicable to
4 the liquidation of domestic insurance companies.
5 *c.* If the commissioner with regulatory oversight over the
6 trust determines that the assets of the trust fund or any part
7 of the trust fund are not necessary to satisfy the claims of
8 the United States ceding insurers of the grantor of the trust,
9 the assets of the trust or any part of those assets shall be
10 returned by the commissioner with regulatory oversight over the
11 trust to the trustee for distribution in accordance with the
12 trust agreement.
13 *d.* The grantor shall waive any right otherwise available to
14 the grantor under United States law that is inconsistent with
15 the provisions of this subsection.
16 9. If an accredited or certified reinsurer ceases to
17 meet the requirements of this section for accreditation or
18 certification, the commissioner may suspend or revoke the
19 reinsurer's accreditation or certification.
20 *a.* The commissioner shall give the reinsurer notice and
21 opportunity for hearing prior to such suspension or revocation.
22 The suspension or revocation shall not take effect until after
23 the commissioner's order on hearing unless one of the following
24 applies:
25 (1) The reinsurer waives its right to hearing.
26 (2) The commissioner's order is based on regulatory action
27 by the reinsurer's domiciliary jurisdiction or by the voluntary
28 surrender or termination of the reinsurer's eligibility to
29 transact insurance or reinsurance business in the reinsurer's
30 domiciliary jurisdiction or in the primary certifying state of
31 the reinsurer under subsection 5, paragraph *"f"*.
32 (3) The commissioner finds that an emergency requires
33 immediate action and a court of competent jurisdiction has not
34 stayed the commissioner's action.
35 *b.* While a reinsurer's accreditation or certification is

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1 suspended, a reinsurance contract issued or renewed after the
2 effective date of the suspension does not qualify for credit
3 except to the extent that the reinsurer's obligations under the
4 reinsurance contract are secured in accordance with section
5 521B.103. If a reinsurer's accreditation or certification is
6 revoked, credit for reinsurance shall not be granted after the
7 effective date of the revocation except to the extent that
8 the reinsurer's obligations under the contract are secured
9 in accordance with subsection 5, paragraph *"e"*, or section
10 521B.103.
11 10. *a.* A domestic ceding insurer shall take steps to
12 manage its reinsurance recoverables proportionate to its own
13 book of business. A domestic ceding insurer shall notify the
14 commissioner within thirty days after reinsurance recoverables
15 from any single assuming insurer, or group of affiliated
16 assuming insurers, exceeds fifty percent of the domestic ceding
17 insurer's last reported surplus to policyholders, or after it
18 is determined that reinsurance recoverables from any single
19 assuming insurer, or group of affiliated assuming insurers,
20 is likely to exceed this limit. The notification shall
21 demonstrate that the exposure is safely managed by the domestic
22 ceding insurer.
23 *b.* A domestic ceding insurer shall take steps to diversify
24 its reinsurance program. A domestic ceding insurer shall
25 notify the commissioner within thirty days after ceding to
26 any single assuming insurer, or group of affiliated assuming
27 insurers, more than twenty percent of the domestic ceding
28 insurer's gross written premium in the prior calendar year,
29 or after the domestic ceding insurer has determined that the
30 reinsurance ceded to any single assuming insurer, or group of
31 affiliated assuming insurers, is likely to exceed this limit.
32 The notification shall demonstrate that the exposure is safely
33 managed by the domestic ceding insurer.
34 Sec. 3. NEW SECTION. **521B.103 Limited credit allowed other**
35 **domestic ceding insurers.**

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1 1. An asset or a reduction from liability for reinsurance
2 ceded by a domestic insurer to an assuming insurer not meeting
3 the requirements of section 521B.102, shall be allowed in an
4 amount not exceeding the liabilities carried by the ceding
5 insurer. The reduction shall be in the amount of funds held
6 by or on behalf of the ceding insurer, including funds held in
7 trust for the ceding insurer, under a reinsurance contract with
8 the assuming insurer as security for the payment of obligations
9 under the contract, if the security is held in the United
10 States subject to withdrawal solely by, and under the exclusive
11 control of, the ceding insurer, or in the case of a trust, held
12 in a qualified United States financial institution as defined
13 in section 521B.104, subsection 2.
14 2. The security may be in the form of any of the following:
15 *a.* Cash.
16 *b.* A security listed by the securities valuation office of
17 the national association of insurance commissioners, including
18 those securities deemed exempt from filing as defined by the
19 purposes and procedures manual of the securities valuation
20 office and those securities qualifying as admitted assets.
21 *c.* (1) Clean, irrevocable, unconditional letters of credit,
22 issued or confirmed by a qualified United States financial
23 institution, as defined in section 521B.104, subsection 1,
24 effective no later than December 31 of the year for which the
25 filing is being made, and in the possession of, or in trust
26 for, the ceding insurer on or before the filing date of the
27 ceding insurer's annual statement.
28 (2) A letter of credit meeting applicable standards of
29 issuer acceptability as of the date of the letter of credit's
30 issuance or confirmation shall, notwithstanding the issuing or
31 confirming institution's subsequent failure to meet applicable
32 standards of issuer acceptability, continue to be acceptable
33 as security until the expiration, extension, renewal,
34 modification, or amendment of the letter of credit, whichever
35 occurs first.

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1 *d.* Any other form of security acceptable to the
2 commissioner.
3 Sec. 4. NEW SECTION. **521B.104 Qualified United States**
4 **financial institutions.**
5 1. For purposes of section 521B.103, subsection 2,
6 paragraph *"c"*, a *"qualified United States financial institution"*
7 means an institution that meets all of the following
8 requirements:
9 *a.* Is organized, or in the case of a United States office of
10 a foreign banking organization is licensed, under the laws of
11 the United States or of any state of the United States.
12 *b.* Is regulated, supervised, and examined by United States
13 federal or state authorities having regulatory authority over
14 banks and trust companies.
15 *c.* Has been determined by either the commissioner or the
16 securities valuation office of the national association of
17 insurance commissioners to meet the standards of financial
18 condition and standing as are considered necessary and
19 appropriate to regulate the quality of financial institutions
20 whose letters of credit will be acceptable to the commissioner.
21 2. For purposes of those provisions of this chapter
22 specifying the institutions that are eligible to act as a
23 fiduciary of a trust, a *"qualified United States financial*
24 *institution"* means an institution that meets all of the
25 following requirements:
26 *a.* Is organized, or in the case of a United States branch or
27 agency office of a foreign banking organization is licensed,
28 under the laws of the United States or of any state of the
29 United States, and has been granted authority to operate with
30 fiduciary powers.
31 *b.* Is regulated, supervised, and examined by federal or
32 state authorities having regulatory authority over banks and
33 trust companies.
34 Sec. 5. NEW SECTION. **521B.105 Rules.**
35 The commissioner may adopt rules, pursuant to chapter 17A,

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as necessary or convenient to administer this chapter.

Sec. 6. NEW SECTION. **521B.106 Applicability.**

This chapter applies to all cessions under reinsurance agreements that occur on or after January 1, 2014.

Sec. 7. REPEAL. Sections 521B.1 through 521B.5, Code 2013, are repealed.

Sec. 8. TRANSITION PROVISION — APPLICABILITY TO PRIOR CESSIONS. Sections 521B.1 through 521B.5, Code 2013, shall apply to all cessions under reinsurance agreements that occur prior to January 1, 2014.

DIVISION II

COORDINATING PROVISIONS

Sec. 9. Section 508.33A, subsection 5, Code 2013, is amended to read as follows:

5. A limited purpose subsidiary life insurance company organized pursuant to this section shall be deemed to be licensed to transact the business of reinsurance for the purposes of section ~~521B.2~~ 521B.102, subsection 1, but may only reinsure risks of its organizing life insurance company and of affiliated companies. A limited purpose subsidiary life insurance company organized pursuant to this section may, upon approval of the commissioner, purchase reinsurance to cede the reinsurance risks assumed by the limited purpose subsidiary life insurance company.

Sec. 10. Section 515E.3A, subsection 5, Code 2013, is amended to read as follows:

5. Letters of credit used by a risk retention group to meet surplus requirements shall be clean, irrevocable, and unconditionally issued or confirmed by a qualified United States financial institution as defined in section ~~521B.4~~ 521B.104, subsection 2. The beneficiary of each letter of credit being used shall be the commissioner.

DIVISION III

EFFECTIVE DATE

Sec. 11. EFFECTIVE DATE. This Act takes effect January 1,

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1 2014.
2 EXPLANATION
3 This bill contains new provisions that allow a domestic
4 insurer to cede reinsurance to an assuming insurer and receive
5 credit for such cession as either an asset or a reduction from
6 liability on account of the reinsurance ceded, provided that
7 certain requirements are met. The bill applies to all cessions
8 that occur on or after January 1, 2014, and repeals current
9 provisions relating to credit for reinsurance as of that date.
10 The bill allows a ceding insurer credit when reinsurance is
11 ceded to an assuming insurer that (1) is licensed to transact
12 insurance or reinsurance in this state; (2) is accredited by
13 the commissioner as a reinsurer in this state; (3) is domiciled
14 in, or in the case of a United States branch of an alien
15 assuming insurer, is entered through, a state that employs
16 substantially similar standards for allowing credit as the
17 standards applicable in this state; (4) maintains a sufficient
18 trust fund in a qualified United States financial institution
19 for the payment of valid claims of the ceding insurer; (5) is
20 certified as a reinsurer in this state by the commissioner of
21 insurance; (6) does not meet the foregoing requirements but
22 credit is allowed only as to the insurance of risks located in
23 jurisdictions where the reinsurance is required by the laws of
24 that jurisdiction; (7) even if the insurer is not licensed,
25 accredited or certified to transact insurance or reinsurance
26 in this state, the assuming insurer agrees in reinsurance
27 agreements to submit to the jurisdiction of a United States'
28 court and to receive lawful process through a designated
29 agent; or (8) even if the insurer is not licensed, accredited,
30 or domiciled in a state that employs similar standards, the
31 assuming insurer agrees to satisfy specified conditions in
32 a trust agreement. If an accredited or certified reinsurer
33 ceases to meet the requirements of the bill, the commissioner
34 may suspend or revoke the reinsurer's accreditation or
35 certification upon notice and hearing.

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1 A domestic ceding insurer is required to manage its
2 reinsurance recoverables proportionate to its own book
3 of business. A domestic ceding insurer must notify the
4 commissioner if reinsurance recoverables from any single
5 assuming insurer exceed or are likely to exceed 50 percent
6 of the domestic ceding insurer's last reported surplus to
7 policyholders.
8 A domestic ceding insurer is also required to take steps to
9 diversify its reinsurance program. A domestic ceding insurer
10 must notify the commissioner after ceding, or if it is likely
11 to cede to any single insurer or group of affiliated insurers,
12 more than 20 percent of the domestic ceding insurer's gross
13 written premium in the prior calendar year.
14 The bill allows an asset or reduction from liability for
15 reinsurance ceded by a domestic insurer to an assuming insurer
16 not meeting the foregoing requirements of the bill, in an
17 amount not exceeding the liabilities carried by the ceding
18 insurer. The asset or reduction shall be in the amount of
19 funds held by or on behalf of the ceding insurer, including
20 funds held in trust for the ceding insurer, under a reinsurance
21 contract with the assuming insurer as security for the payment
22 of obligations under the contract, if the security is held in
23 the United States or, in the case of a trust, in a qualified
24 United States financial institution, as defined in the bill.
25 The security may be in the form of cash; a security
26 listed by the securities valuation office of the national
27 association of insurance commissioners, including securities
28 deemed exempt from filing and qualifying as admitted assets;
29 clean, irrevocable, unconditional letters of credit, issued or
30 confirmed by a qualified United States financial institution;
31 or a letter of credit meeting applicable standards of issuer
32 acceptability as specified.
33 The commissioner may adopt rules to administer the new
34 provisions.
35 The bill applies to all cessions under reinsurance

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1 agreements that occur on or after January 1, 2014. Current
2 provisions that allow credits to domestic ceding insurers are
3 applicable to cessions that occur prior to January 1, 2014,
4 and are repealed January 1, 2014. Coordinating amendments are
5 made to internal references in Code sections 508.33A(5) and
6 515E.3A(5). The bill takes effect January 1, 2014.