



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 05, 2013

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House File 133

H-1002

1 Amend House File 133 as follows:
2 1. Page 1, line 8, after <public> by inserting <and
3 which were in operation prior to the effective date of
4 this Act>

WINDSCHITL of Harrison



Iowa General Assembly
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House File 119

H-1003

- 1 Amend House File 119 as follows:
2 1. Page 5, after line 14 by inserting:
3 <Sec. _____. FUTURE REPEAL. This Act is repealed
4 effective July 1, 2015. On that date the Code editor
5 shall return the language in this Act to the language
6 appearing in the 2013 Code.>
7 2. Title page, line 2, after <court> by inserting
8 <, and providing for a future repeal>

HEATON of Henry



Iowa General Assembly
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House File 134 - Introduced

HOUSE FILE 134
BY WOLFE

A BILL FOR

- 1 An Act relating to the court's authority to grant a protective
- 2 order following an adjudication of domestic abuse.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1310YH (4) 85
rh/nh



Iowa General Assembly
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H.F. 134

1 Section 1. Section 236.5, subsection 1, unnumbered
2 paragraph 1, Code 2013, is amended to read as follows:
3 Upon a finding that the defendant has engaged in domestic
4 abuse and that the defendant represents a credible threat to
5 the physical safety of the plaintiff:

6 EXPLANATION

7 This bill relates to the court's authority to grant a
8 protective order following an adjudication of domestic abuse.

9 Current law allows the court to enter a civil protective
10 order, upon hearing, upon a finding by a preponderance of the
11 evidence that the defendant has engaged in domestic abuse.
12 Iowa Court Rule, Chapter 4 (form 2) provides that when the
13 court finds, by a preponderance of the evidence, that the
14 defendant was properly served, committed domestic abuse against
15 the protected party, and represents a credible threat to the
16 protected party, the court issues a protective order.

17 The bill requires the court to find, by a preponderance of
18 the evidence, that the defendant represents a credible threat
19 to the physical safety of the plaintiff in order to grant a
20 protective order.



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House File 135 - Introduced

HOUSE FILE 135
BY WOLFE

A BILL FOR

- 1 An Act relating to deferred judgments and the possession of
- 2 firearms and offensive weapons.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1309YH (4) 85
rh/rj



Iowa General Assembly
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H.F. 135

1 Section 1. Section 907.1, subsection 1, Code 2013, is
 2 amended to read as follows:
 3 1. a. *“Deferred judgment”* means a sentencing option
 4 whereby both the adjudication of guilt and the imposition of
 5 a sentence are deferred by the court and whereby the court
 6 assesses a civil penalty as provided in section 907.14 upon
 7 the entry of the deferred judgment. The court retains the
 8 power to pronounce judgment and impose sentence subject to the
 9 defendant’s compliance with conditions set by the court as a
 10 requirement of the deferred judgment.
 11 b. A deferred judgment entered pursuant to section 907.3
 12 with respect to a prior felony or a consent decree entered
 13 pursuant to section 232.46 with respect to a prior delinquent
 14 act that would constitute a felony if committed by an adult,
 15 shall not be considered to be a conviction for purposes of
 16 section 724.26, subsection 1.

EXPLANATION

17
 18 This bill relates to deferred judgments and the possession
 19 of firearms and offensive weapons.
 20 The bill amends Code section 907.1 relating to the
 21 definition of a deferred judgment, to provide that a deferred
 22 judgment entered pursuant to Code section 907.3 with respect
 23 to a prior felony or a consent decree entered pursuant to Code
 24 section 232.46 with respect to a prior delinquent act that
 25 would constitute a felony if committed by an adult, shall not
 26 be considered to be a conviction for purposes of Code section
 27 724.26 (Iowa’s felon in possession of firearms statute).
 28 Code section 724.26 provides that a person who has been
 29 convicted of a felony in a state or federal court, or who has
 30 been adjudicated delinquent on the basis of conduct that would
 31 constitute a felony if committed by an adult, and who knowingly
 32 has under the person’s dominion and control or possession,
 33 receives, or transports or causes to be transported a firearm
 34 or offensive weapon is guilty of a class “D” felony. A class
 35 “D” felony is punishable by confinement for no more than five

LSB 1309YH (4) 85

rh/rj

1/2



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1 years and a fine of at least \$750 but not more than \$7,500.



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House File 136 - Introduced

HOUSE FILE 136
BY WOLFE

A BILL FOR

- 1 An Act relating to the assessment of the law enforcement
- 2 initiative surcharge.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1582HH (3) 85
jm/nh



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H.F. 136

1 Section 1. Section 602.8108, subsection 5, Code 2013, is
2 amended to read as follows:

3 5. a. The clerk of the district court shall remit all
4 moneys collected from the assessment of the law enforcement
5 initiative surcharge ~~provided in~~ under section 911.3,
6 subsection 1, paragraphs "a" and "b", to the state court
7 administrator no later than the fifteenth day of each month for
8 deposit in the general fund of the state.

9 b. The clerk of the district court shall remit all moneys
10 collected from the assessment of the law enforcement initiative
11 surcharge under section 911.3, subsection 1, paragraphs
12 "c" and "d", to the state court administrator no later than
13 the fifteenth day of each month for deposit in the victim
14 compensation fund established in section 915.94.

15 Sec. 2. Section 911.3, subsection 1, paragraph b, Code 2013,
16 is amended to read as follows:

17 b. Section 719.7, 719.8, or 725.1, ~~725.2, or 725.3.~~

18 Sec. 3. Section 911.3, subsection 1, Code 2013, is amended
19 by adding the following new paragraphs:

20 NEW PARAGRAPH. c. Section 725.2 or 725.3.

21 NEW PARAGRAPH. d. The Iowa criminal code that is classified
22 as a sex offense under section 692A.102, except for the
23 offenses listed in paragraph "c" of this subsection.

24 Sec. 4. Section 915.94, Code 2013, is amended to read as
25 follows:

26 **915.94 Victim compensation fund.**

27 1. A victim compensation fund is established as a separate
28 fund in the state treasury. Moneys deposited in the fund shall
29 be administered by the department and dedicated to and used for
30 the purposes of section 915.41 and this subchapter.

31 2. In addition, the department may use moneys from the fund
32 for the purpose of the department's prosecutor-based victim
33 service coordination, including the duties defined in sections
34 910.3 and 910.6 and this chapter, and for the award of funds
35 to programs that provide services and support to victims of



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1 domestic abuse or sexual assault as provided in chapter 236,
2 to victims under section 710A.2, and for the support of an
3 automated victim notification system established in section
4 915.10A.

5 3. Moneys deposited in the fund pursuant to section
6 602.8108, subsection 5, paragraph "b", shall be segregated
7 in the fund and used for victims of domestic abuse or sexual
8 assault.

9 4. The department may also use up to one hundred thousand
10 dollars from the fund to provide training for victim service
11 providers.

12 5. Notwithstanding section 8.33, any balance in the fund on
13 June 30 of any fiscal year shall not revert to the general fund
14 of the state.

EXPLANATION

16 This bill relates to the assessment of the law enforcement
17 initiative surcharge.

18 The bill expands the number of criminal offenses that can
19 be assessed the \$125 law enforcement initiative surcharge.
20 Under the bill, the law enforcement initiative surcharge shall
21 be assessed in any case where an adjudication of guilt or a
22 deferred judgment has been entered for a sex offense listed in
23 Code section 692A.102.

24 The bill also bifurcates the use of the moneys collected from
25 the assessment of the law enforcement initiative surcharge.
26 Currently, all moneys collected from the law enforcement
27 initiative surcharge are required to be deposited into the
28 general fund of the state. The moneys collected from the
29 assessment of the surcharge for sex offenses under the bill are
30 required to be deposited into the victim compensation fund and
31 be used for victims of domestic abuse or sexual assault.

32 The bill also specifies that the law enforcement initiative
33 surcharge currently collected for a violation of Code section
34 725.2 (pimping) or 725.3 (pandering) is to be deposited
35 into the victim compensation fund and be used for victims of

LSB 1582HH (3) 85

jm/nh

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1 domestic abuse or sexual assault. Current law specifies the
2 law enforcement initiative surcharge collected for a violation
3 of Code sections 725.2 (pimping) and 725.3 (pandering) is to be
4 deposited into the general fund of the state.



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House File 137 - Introduced

HOUSE FILE 137

BY MASCHER, T. TAYLOR, STAED,
HANSON, FORBES, KEARNS,
BEARINGER, STECKMAN, BERRY,
and RIDING

A BILL FOR

1 An Act relating to elderly persons with aggressive or
2 psychiatric behaviors in long-term care facilities.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1589HH (2) 85
ad/nh



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H.F. 137

1 Section 1. FACILITY FOR ELDERLY PERSONS WITH AGGRESSIVE OR
2 PSYCHIATRIC BEHAVIORS — COMMITTEE — REPORT.

3 1. The department of inspections and appeals, in
4 conjunction with the department of human services, shall
5 establish and facilitate a committee of stakeholders to examine
6 options for designating a facility to provide care for elderly
7 persons in this state who are sexually aggressive, combative,
8 or have unmet geropsychiatric needs.

9 2. The membership of the committee shall include but is not
10 limited to the following:

11 a. Representatives of the departments of inspections and
12 appeals, human services, public health, and aging, the state
13 public defender, the office of the citizens' aide, the office
14 of the state long-term care resident's advocate, and the
15 judicial branch.

16 b. Consumers of services provided by long-term care
17 facilities and family members of consumers.

18 c. Long-term care facility administrators or owners.

19 d. Direct care workers employed by long-term care
20 facilities.

21 e. Representatives from Iowa legal aid.

22 f. Representatives from AARP Iowa.

23 g. Representatives from the Iowa civil liberties union.

24 h. Other stakeholders as the department of inspections and
25 appeals and the department of human services deem appropriate.

26 3. The committee shall discuss whether a long-term care
27 facility, as defined in section 142D.2, should have the
28 ability to refuse admission to, or discharge, residents who are
29 sexually aggressive, combative, or have unmet geropsychiatric
30 needs. The committee shall consider options for establishment
31 of a facility to provide care for persons who are sexually
32 aggressive, combative, or have unmet geropsychiatric needs.
33 The committee shall identify the characteristics of residents
34 for such a facility, options for creating a new facility to
35 house such residents, options for the expansion of an existing

LSB 1589HH (2) 85
ad/nh



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House Study Bill 102 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL BY
CHAIRPERSON ALONS)

A BILL FOR

1 An Act relating to county commissions of veteran affairs.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1669YC (10) 85
aw/sc



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H.F. _____

1 Section 1. Section 35B.4, Code 2013, is amended to read as
2 follows:

3 **35B.4 Appointment — vacancies.**

4 1. Members of the commission of veteran affairs shall
5 be appointed by the board of supervisors, as recommended by
6 the current commission members and the executive director
7 or administrator, to staggered three-year terms at the
8 regular meeting in June. However, a member shall serve until
9 a successor has been appointed and qualifies. The board
10 may remove an appointee at any time for neglect of duty or
11 maladministration. A vacancy on the commission shall be filled
12 for the unexpired portion of the regular term in the same
13 manner as regular appointments are made.

14 2. If the board of supervisors increases the commission
15 of veteran affairs membership to five members, the initial
16 terms of the two new members shall be two and three years
17 respectively. However, the new members shall serve until their
18 successors are appointed and qualify.

19 Sec. 2. Section 35B.6, subsection 1, paragraphs a and c,
20 Code 2013, are amended to read as follows:

21 a. The members of the commission shall qualify by taking the
22 usual oath of office, ~~and give bond in the sum of five hundred~~
23 ~~dollars each, conditioned for the faithful discharge of their~~
24 ~~duties with sureties to be approved by the county auditor.~~ The
25 commission shall organize by the selection of one of their
26 members as chairperson and one as secretary. The commission,
27 subject to the approval of the board of supervisors, shall
28 employ an executive director or administrator and shall have
29 the power to employ other necessary employees when needed,
30 including administrative or clerical assistants, but no member
31 of the commission shall be so employed. ~~The compensation of~~
32 ~~such employees shall be fixed by the board of supervisors.~~
33 The state department of veterans affairs shall recognize the
34 executive director or administrator as a county veterans
35 service officer of a local veterans' service organization



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1 Sec. 4. Section 35B.6, subsection 2, Code 2013, is amended
2 to read as follows:

3 2. a. Two or more boards of supervisors may agree,
4 pursuant to chapter 28E, to share the services of an executive
5 director or administrator. The agreement shall provide for the
6 establishment of a commission of veteran affairs office in each
7 of the counties participating in the agreement.

8 b. It shall be unlawful for any county board of supervisors
9 or any county commission of veteran affairs to place the
10 administration of the duties of the county commission of
11 veteran affairs under any other agency of any county, or to
12 publish the names of the veterans or their families who receive
13 benefits under the provisions of this chapter.

14 Sec. 5. Section 35B.6, subsection 3, Code 2013, is amended
15 by striking the subsection.

16 Sec. 6. Section 35B.6, subsection 4, paragraph a, Code 2013,
17 is amended to read as follows:

18 a. Each county commission of veteran affairs shall maintain
19 an office in a public building owned, operated, or leased by
20 the county.

21 Sec. 7. Section 35B.7, Code 2013, is amended to read as
22 follows:

23 **35B.7 Meetings — report — budget.**

24 The commission shall meet monthly and at other times as
25 necessary. At the monthly meeting it shall determine who are
26 entitled to county benefits and the probable amount required to
27 be expended. The commission shall meet annually to prepare an
28 estimated budget for all expenditures to be made in the next
29 fiscal year and certify the budget to the board of supervisors.
30 The board may approve or reduce the budget for valid reasons
31 shown and entered of record and the board's decision is final.

32 Sec. 8. Section 35B.10, Code 2013, is amended to read as
33 follows:

34 **35B.10 Disbursements — inspection of records.**

35 1. All claims certified by the commission shall be reviewed



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1 ~~by the board of supervisors and the county auditor shall~~
 2 ~~issue warrants in payment of the claims.~~ All applications,
 3 investigation reports, and case records are privileged
 4 communications and ~~shall be held~~ confidential, subject to use
 5 and inspection only by persons authorized by law in connection
 6 with their official duties relating to financial audits and the
 7 administration of this chapter or as authorized by order of a
 8 district court. A person may sign a release to authorize the
 9 examination of that person's applications, reports, or records.

10 2. ~~However, the~~ The county commission of veteran affairs
 11 shall prepare and file in the office of the county auditor on
 12 or before the thirtieth day of each January, April, July, and
 13 October a report showing the case numbers of all recipients
 14 receiving assistance under this chapter, together with the
 15 amount paid to each during the preceding quarter. Each report
 16 so filed shall be securely fixed in a record book to be used
 17 only for such reports made under this chapter.

18 ~~The record book shall be and the same is hereby declared~~
 19 ~~to be a public record, open to public inspection at all times~~
 20 ~~during the regular office hours of the county auditor.~~ Each
 21 ~~person who desires to examine said records, other than in~~
 22 ~~pursuance of official duties as hereinbefore provided, shall~~
 23 ~~sign a written request to examine the same, which shall contain~~
 24 ~~an agreement on the part of the signer that the signer will~~
 25 ~~not utilize any information gained therefrom for commercial or~~
 26 ~~political purposes.~~

27 3. It shall be unlawful for any person, body, association,
 28 firm, corporation or any other agency to solicit, disclose,
 29 receive, make use of or to authorize, knowingly permit,
 30 participate in or acquiesce in the use of any lists, names or
 31 other information obtained from the reports above provided for,
 32 for commercial or political purposes, and a violation of this
 33 provision shall constitute a serious misdemeanor.

34 Sec. 9. Section 35B.14, Code 2013, is amended by adding the
 35 following new subsections:

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aw/sc



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1 NEW SUBSECTION. 3. The commission is responsible for
2 the interment in a suitable cemetery of the body of any
3 veteran, as defined in section 35.1, or the spouse, surviving
4 spouse, or child of the person, if the person has died without
5 leaving sufficient means to defray the funeral expenses. The
6 commission may pay the expenses in a sum not exceeding an
7 amount established by the board of supervisors.

8 NEW SUBSECTION. 4. Burial expenses shall be paid by the
9 county in which the person died. If the person is a resident
10 of a different county at the time of death, the county of
11 residence shall reimburse the county where the person died for
12 the cost of burial. In either case, the board of supervisors
13 of the respective counties shall audit and pay the account from
14 the funds provided for in this chapter in the manner as other
15 claims are audited and paid.

16 Sec. 10. Section 35B.16, Code 2013, is amended to read as
17 follows:

18 **35B.16 Markers for graves.**

19 The county commission of veteran affairs may furnish a
20 suitable and appropriate ~~metal~~ marker for the grave of each
21 veteran, as defined in section 35.1, who is buried within
22 the limits of the county. The marker shall be placed at the
23 individual's grave to permanently mark and designate the grave
24 for memorial purposes. The expenses shall be paid from any
25 funds raised as provided in this chapter.

26 Sec. 11. Section 35B.17, Code 2013, is amended to read as
27 follows:

28 **35B.17 Maintenance of graves.**

29 1. The county boards of supervisors shall each year
30 appropriate and pay to the owners of, or to the public board or
31 officers having control of cemeteries within the state in which
32 any such deceased service person is buried, a sum sufficient
33 to pay for the care and maintenance of the lots on which they
34 are buried in all cases in which provision for such care is
35 not otherwise made, or may conclude their responsibility by



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1 paying a mutually agreed to fee for perpetual care when the
2 cemetery authority has established a perpetual care fund for
3 the cemetery, to be paid either as a lump sum, or in not to
4 exceed five installments in a manner agreed to by the parties.

5 2. Payment under subsection 1 shall be made at the rate
6 charged for like care and maintenance of other lots of
7 similar size in the same cemetery, upon the affidavit of the
8 superintendent or other person in charge of such cemetery, that
9 the same has not been otherwise paid or provided for.

10 Sec. 12. Section 35B.19, Code 2013, is amended to read as
11 follows:

12 **35B.19 Burial records.**

13 ~~The county commission of veteran affairs~~ executive director
14 or administrator shall be charged with securing the information
15 requested by the department of veterans affairs of every person
16 having a military service record and buried in ~~that~~ the county.
17 Such information shall be secured from the undertaker in charge
18 of the burial or cremation and shall be transmitted by the
19 undertaker to the ~~commission of county~~ county veteran affairs office
20 of the county where burial or disposition of cremated remains
21 is made. This information shall be recorded alphabetically and
22 by description of location in the cemetery where the veteran is
23 buried or the place of disposition of the cremated remains of
24 the veteran. This recording shall conform to the directives of
25 the department of veterans affairs and shall be kept in a book
26 by the ~~county commission~~ executive director or administrator.

27 Sec. 13. Section 64.11, Code 2013, is amended to read as
28 follows:

29 **64.11 Expense of bonds paid by county.**

30 If a county treasurer, county attorney, recorder, auditor,
31 sheriff, medical examiner, ~~member of the veterans affairs~~
32 ~~commission~~, member of the board of supervisors, engineer,
33 steward, or matron elects to furnish a bond with an association
34 or incorporation as surety as provided in this chapter, the
35 reasonable cost of the bond shall be paid by the county where



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1 the bond is filed.

2 Sec. 14. Section 331.381, subsection 6, Code 2013, is
3 amended to read as follows:

4 6. Audit and pay the burial expense for indigent veterans,
5 as provided in section ~~35B.15~~ 35B.14, subsection 4.

6 Sec. 15. Section 331.502, subsection 13, Code 2013, is
7 amended by striking the subsection.

8 Sec. 16. Section 331.502, subsection 14, Code 2013, is
9 amended to read as follows:

10 14. ~~Issue warrants and maintain~~ Maintain a book containing
11 a record of persons receiving veteran assistance as provided
12 in section 35B.10.

13 Sec. 17. REPEAL. Sections 35B.8, 35B.9, 35B.12, 35B.13,
14 35B.15, and 35B.18, Code 2013, are repealed.

15 EXPLANATION

16 This bill relates to the duties and responsibilities of the
17 county commissions of veteran affairs.

18 The bill requires that the members of a county commission of
19 veteran affairs be appointed by the board of supervisors upon
20 the recommendation of the current members of the commission
21 and the executive director or administrator. The bill removes
22 a requirement that members of the commission give a bond of
23 \$500 and makes conforming changes to Code sections 64.11 and
24 331.502.

25 The bill requires that the state department of veterans
26 affairs shall recognize the executive director or administrator
27 as a county veterans service officer of a local veterans'
28 service organization recognized by the federal secretary of
29 veterans affairs for purposes of assisting veterans and their
30 dependents in obtaining federal benefits. The bill requires
31 that the annual compensation of an executive director or
32 administrator be recommended by the county commission to the
33 county board of supervisors which shall determine and approve
34 the compensation. Current law requires that the county board
35 of supervisors fix the compensation for the executive director



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1 and payment of burial expenses, but the substance of the Code
2 section is transferred to Code section 35B.14, subsection 4.
3 The bill repeals Code section 35B.18, relating to care
4 and maintenance of gravesites, but the substance of the Code
5 section is transferred to Code section 35B.17, subsection 2.



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House Study Bill 103 - Introduced

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

A BILL FOR

1 An Act relating to mental health and disability services by
2 making transfers and appropriations for the fiscal year
3 beginning July 1, 2012, and including related changes and
4 effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2079YC (3) 85
jp/tm



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1 Section 1. CHILDREN'S HEALTH INSURANCE PROGRAM — CHILD
2 ENROLLMENT CONTINGENCY FUND — MENTAL HEALTH AND DISABILITY
3 SERVICES REDESIGN TRANSITION FUND — FY 2012-2013.

4 1. Of the moneys received from the federal government
5 through the child enrollment contingency fund established
6 pursuant to section 103 of the federal Children's Health
7 Insurance Program Reauthorization Act of 2009, Pub. L. No.
8 111-3, the following amount is transferred from such moneys to
9 the department of human services for the fiscal year beginning
10 July 1, 2012, and ending June 30, 2013, to be credited as
11 follows:

12 To be credited to the mental health and disability services
13 redesign transition fund created in 2012 Iowa Acts, chapter
14 1120, section 23:

15 \$ 11,628,317

16 2. The moneys credited to the mental health and disability
17 services redesign transition fund pursuant to subsection 1 are
18 appropriated to the department of human services for allocation
19 to counties as follows:

20 a. To those counties identified by the department in
21 scenario 1 of the department's report on the transition fund
22 submitted to the general assembly on December 1, 2012, pursuant
23 to 2012 Iowa Acts, chapter 1120, section 23, to be used to
24 continue or restore services as provided in the application and
25 the department's determination of the award amount:

26 \$ 11,628,317

27 b. The allocations under this subsection shall be remitted
28 to counties not later than two calendar weeks following the
29 effective date of this Act.

30 c. A county receiving an allocation under this subsection
31 shall remit to the department any unpaid portion of the
32 county's obligation for the nonfederal share of undisputed
33 medical assistance program billings incurred in a fiscal year
34 prior to FY 2012-2013. The unpaid portion shall be remitted
35 prior to June 30, 2013, from moneys available to the county



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1 that meet federal match requirements for the program.

2 d. A county receiving an allocation under this subsection
3 shall comply with any audit requirements for the county's
4 expenditures relating to the allocation. The department shall
5 develop the audit requirements with assistance from the office
6 of the auditor of state. The audit requirements may be applied
7 on a selective or random basis so that the audit requirements
8 do not apply to all counties receiving an allocation. Any
9 costs relating to the audit requirements are the responsibility
10 of the department.

11 3. A county that applied for moneys from the transition
12 fund pursuant to 2012 Iowa Acts, chapter 1120, section 23, but
13 was not identified in the department's recommendation for an
14 award in the report on the transition fund shall enter into
15 an agreement with the department for remittance of any unpaid
16 portion of the county's obligation for the nonfederal share
17 of undisputed medical assistance program billings incurred in
18 a fiscal year prior to FY 2012-2013. A county that did not
19 apply for moneys from the transition fund shall either remit
20 any unpaid portion of the county's obligation for such program
21 billings by the end of the fiscal year beginning July 1, 2012,
22 or shall enter into an agreement to do so. An agreement under
23 this subsection shall provide for remittance of any unpaid
24 portion by the end of the fiscal year beginning July 1, 2013.

25 4. For purposes of an application for county formation of
26 a mental health and disability services region submitted on
27 or before April 1, 2013, in accordance with section 331.389,
28 subsection 4, the director of human services may approve an
29 application for a region that includes a county that is not
30 contiguous with any of the other counties in the region,
31 as otherwise required under section 331.389, subsection 3,
32 paragraph "a", if the county that is not contiguous has had a
33 formal relationship for two years or longer with one or more of
34 the other counties in the region for provision of mental health
35 and disability services.

LSB 2079YC (3) 85

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jp/tm

2/4



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1 the nonfederal share of undisputed medical assistance program
2 billings incurred in a prior fiscal year. A county that did
3 not apply for moneys from the transition fund is required to
4 remit any unpaid portion of the county's obligation for such
5 program billings by the end of FY 2012-2013 or enter into
6 an agreement to do so. Any such agreement must provide for
7 remittance of any unpaid portion by the end of FY 2013-2014.

8 The criteria for approval of county applications to
9 voluntarily form MH/DS regions which must be submitted by
10 April 1, 2013, are addressed. The DHS director may authorize
11 an exemption from the requirement that the counties must be
12 contiguous. The county that is not contiguous must have had a
13 formal relationship for two years or longer with one or more of
14 the other counties in the region.

15 The bill takes effect upon enactment.



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Senate File 110

S-3006

- 1 Amend Senate File 110 as follows:
2 1. Page 2, line 21, by striking <charges> and
3 inserting <charges,>
4 2. Page 2, line 26, by striking <overpayment
5 applies> and inserting <overpayment, applies>

WILLIAM A. DOTZLER

SF110.59 (2) 85
je/rj
(amending this SF
110 to CONFORM to
HF 121)

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Senate Concurrent Resolution 2 - Introduced

SENATE CONCURRENT RESOLUTION NO. 2

BY ZAUN, SORENSON, BERTRAND, ANDERSON, JOHNSON,
FEENSTRA, BOETTGER, KAPUCIAN, GUTH, CHAPMAN,
SEGBART, and WHITVER

1 A Concurrent Resolution claiming state sovereignty
2 under the Tenth Amendment to the Constitution of the
3 United States over certain mandates imposed on the
4 states by the federal government.

5 WHEREAS, the Tenth Amendment to the Constitution of
6 the United States reads as follows: "The powers not
7 delegated to the United States by the Constitution, nor
8 prohibited by it to the States, are reserved to the
9 States respectively, or to the people."; and

10 WHEREAS, the Tenth Amendment defines the total scope
11 of federal power as being that specifically granted by
12 the Constitution of the United States and no more; and

13 WHEREAS, the United States Supreme Court has ruled
14 that Congress may not simply commandeer the legislative
15 and regulatory processes of the states; and

16 WHEREAS, the scope of power defined by the Tenth
17 Amendment means that the federal government was created
18 by the states specifically to be an agent of the
19 states; and

20 WHEREAS, today, the states are demonstrably treated
21 as agents of the federal government; and

22 WHEREAS, many federal mandates are directly in
23 violation of the Tenth Amendment to the Constitution of
24 the United States; NOW THEREFORE,

25 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
26 REPRESENTATIVES CONCURRING, That the State of Iowa



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S.C.R. 2

1 hereby claims sovereignty under the Tenth Amendment
2 to the Constitution of the United States over all
3 powers not otherwise enumerated and granted to the
4 federal government by the Constitution of the United
5 States; and

6 BE IT FURTHER RESOLVED, That the Iowa General
7 Assembly demands that the federal government, as
8 its agent, cease and desist, effective immediately,
9 enacting federal mandates that are beyond the scope of
10 these constitutionally delegated powers; and

11 BE IT FURTHER RESOLVED, That a copy of this
12 resolution be distributed to the President of the
13 United States, the President of the United States
14 Senate, the Speaker of the United States House
15 of Representatives, and each member of Iowa's
16 congressional delegation.



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Senate File 128 - Introduced

SENATE FILE 128
BY ZAUN

A BILL FOR

- 1 An Act increasing the amount of the tuition tax credit and
- 2 including retroactive applicability provisions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1893XS (1) 85
mm/sc



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1 Section 1. Section 422.12, subsection 2, paragraph b, Code
2 2013, is amended to read as follows:

3 b. A tuition credit equal to ~~twenty-five~~ fifty percent
4 of the first one thousand dollars ~~which~~ that the taxpayer
5 has paid to others for each dependent in grades kindergarten
6 through twelve, for tuition and textbooks of each dependent
7 in attending an elementary or secondary school situated in
8 Iowa, which school is accredited or approved under section
9 256.11, which is not operated for profit, and which adheres
10 to the provisions of the federal Civil Rights Act of 1964 and
11 chapter 216. Notwithstanding any other provision, all other
12 credits allowed under this subsection shall be deducted before
13 the tuition credit under this paragraph. The department, when
14 conducting an audit of a taxpayer's return, shall also audit
15 the tuition tax credit portion of the tax return.

16 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
17 retroactively to January 1, 2013, for tax years beginning on
18 or after that date.

19 EXPLANATION

20 This bill increases the amount of tuition tax credit allowed
21 under Code section 422.12 from 25 percent of the first \$1,000
22 paid for tuition and textbooks to 50 percent of the first
23 \$1,000 paid.

24 The bill applies retroactively to January 1, 2013, for tax
25 years beginning on or after that date.



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Senate File 129 - Introduced

SENATE FILE 129
BY ZAUN

A BILL FOR

- 1 An Act exempting from the sales tax the sales price of a
- 2 physical exercise club contract.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1805XS (1) 85
mm/sc



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S.F. 129

1 Section 1. Section 423.3, Code 2013, is amended by adding
 2 the following new subsection:
 3 NEW SUBSECTION. 99. The sales price of a physical exercise
 4 club contract. For purposes of this subsection, *“physical*
 5 *exercise club contract”* means the same as defined in section
 6 552.1, and *“sales price”* includes *“contract price”* as defined
 7 in section 552.1.

8 EXPLANATION

9 This bill creates a sales tax exemption for physical
 10 exercise club contracts. The term “physical exercise club
 11 contract” is defined in Code section 552.1 and means an
 12 agreement by which a buyer is entitled to membership in a
 13 physical exercise club or use of the services or facilities
 14 of a physical exercise club. The exemption applies to the
 15 “sales price” of such contracts, which is defined in Code
 16 section 423.1. However, because Code section 552.1 uses the
 17 term “contract price” in relation to physical exercise club
 18 contracts, the term “sales price” is defined for purposes of
 19 the exemption to include “contract price”.
 20 By operation of Code section 423.6, an item exempt from the
 21 imposition of the sales tax is also exempt from the use tax
 22 imposed in Code section 423.5.



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Senate File 130 - Introduced

SENATE FILE 130
BY ZAUN

A BILL FOR

1 An Act relating to the disposition of fines collected under
2 city and county automated traffic law enforcement programs
3 and providing for the deposit of certain revenues into the
4 road use tax fund.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1748XS (1) 85
dea/rj



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S.F. 130

1 Section 1. Section 331.307, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 14. *a.* Civil fines collected by a county
4 from the use of an automated traffic law enforcement system
5 shall be allocated as follows:

6 (1) The amount necessary to satisfy contractual obligations
7 of the county relating to the use of automated traffic law
8 enforcement systems shall be retained by the county for that
9 purpose.

10 (2) Moneys in excess of the amount necessary for the purpose
11 specified in subparagraph (1) shall be forwarded monthly to the
12 treasurer of state for deposit in the road use tax fund.

13 *b.* For purposes of this subsection, *"automated traffic law*
14 *enforcement system"* means a device with one or more sensors
15 working in conjunction with a traffic control signal or device
16 or a speed-measuring device to produce recorded images of
17 vehicles being operated in violation of traffic or speed laws.

18 Sec. 2. Section 364.3, subsection 2, Code 2013, is amended
19 to read as follows:

20 2. For a violation of an ordinance, a city shall not
21 provide a penalty in excess of the maximum fine and term of
22 imprisonment for a simple misdemeanor under section 903.1,
23 subsection 1, paragraph "a". Am Except as otherwise provided
24 in this section, an amount equal to ten percent of all
25 finances collected by cities shall be deposited in the account
26 established in section 602.8108. ~~However, one~~

27 a. One hundred percent of all fines collected by a city
28 pursuant to section 321.236, subsection 1, shall be retained
29 by the city.

30 b. Civil fines collected by a city from the use of an
31 automated traffic law enforcement system shall be allocated as
32 follows:

33 (1) The amount necessary to satisfy contractual obligations
34 of the city relating to the use of automated traffic law
35 enforcement systems shall be retained by the city for that

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1 purpose.

2 (2) Moneys in excess of the amount necessary for the purpose
 3 specified in subparagraph (1) shall be forwarded monthly to the
 4 treasurer of state for deposit in the road use tax fund.

5 (3) For purposes of this subsection, "automated traffic law
 6 enforcement system" means a device with one or more sensors
 7 working in conjunction with a traffic control signal or device
 8 or a speed-measuring device to produce recorded images of
 9 vehicles being operated in violation of traffic or speed laws.

10 c. The criminal penalty surcharge required by section 911.1
 11 shall be added to a city fine and is not a part of the city's
 12 penalty.

EXPLANATION

14 This bill directs that, from the civil fines collected
 15 by a city or county from the use of automated traffic law
 16 enforcement systems, the amount necessary to satisfy the
 17 contractual obligations relating to the use of the systems
 18 shall be retained by the city or county. Moneys in excess of
 19 that amount are to be forwarded monthly to the treasurer of
 20 state for deposit in the road use tax fund.

21 The bill defines "automated traffic law enforcement system"
 22 as a device working in conjunction with a traffic control
 23 signal or device or a speed-measuring device to produce
 24 recorded images of vehicles being operated in violation of
 25 traffic or speed laws.



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Senate File 131 - Introduced

SENATE FILE 131
BY ERNST

A BILL FOR

- 1 An Act establishing the sales tax rebate for county development
- 2 program and making penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1648XS (3) 85
mm/sc



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1 is not limited to assistance in the form of grants, loans,
2 forgivable loans, and royalty payments.

3 7. *"Full-time equivalent position"* means the same as defined
4 in section 15.327.

5 8. *"Maintenance period"* means the same as defined in section
6 15.327.

7 9. *"Maintenance period completion date"* means the date on
8 which the maintenance period ends.

9 10. *"Physical infrastructure project"* means a project
10 that creates necessary infrastructure for economic success
11 throughout Iowa, provides the foundation for the creation of
12 jobs, and involves the investment of a substantial amount of
13 capital. *"Physical infrastructure project"* includes but is
14 not limited to projects involving any mode of transportation;
15 public works and utilities such as sewer, water, power, or
16 telecommunications; physical improvements that mitigate,
17 prevent, or eliminate environmental contamination; and other
18 similar projects deemed to be physical infrastructure by the
19 authority.

20 11. *"Program"* means the sales tax rebate for county
21 development program.

22 12. *"Program application"* means an application by a county
23 to participate in the sales tax rebate for county development
24 program.

25 13. *"Program year"* means the fiscal year beginning July
26 1, 2013, and every fiscal year thereafter during which
27 the authority administers the sales tax rebate for county
28 development program.

29 14. *"Project completion date"* means the date by which a
30 recipient of a financial assistance award has agreed to meet
31 all the terms and obligations contained in an agreement with
32 the authority as that date is specified in the agreement
33 pursuant to section 15E.373, subsection 6, paragraph "a".

34 15. *"Retained job"* means the same as defined in section
35 15.327.



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1 Sec. 3. NEW SECTION. 15E.372 Sales tax rebate for county
2 development program — establishment and application.

3 1. The authority shall establish and administer a sales
4 tax rebate for county development program to provide counties
5 participating in the program with a one-time, limited rebate
6 of sales tax imposed and collected by retailers upon sales of
7 tangible personal property or services furnished to purchasers
8 within the county. The rebate shall be used to provide
9 financial assistance awards to local economic development
10 projects pursuant to this division.

11 2. a. A county board of supervisors may make application
12 to the authority for participation in the program. Program
13 applications shall be received by November 30, 2013, to be
14 eligible for consideration in the first year of the program,
15 and by November 30 for every year thereafter.

16 b. Program applications shall be made in the manner and form
17 prescribed by the authority and shall contain, at a minimum,
18 the following information:

19 (1) The identity of the economic development entity located
20 in the county that is designated as eligible to apply for
21 financial assistance awards under the program.

22 (a) A city council shall designate one economic development
23 entity to represent it under the program.

24 (b) A county board of supervisors shall designate one
25 economic development entity to represent the unincorporated
26 area of the county under the program.

27 (c) An economic development entity may represent more
28 than one city or county under the program, but no city or
29 unincorporated area of a county shall be represented by more
30 than one economic development entity.

31 (2) Sufficient information to enable the authority to make
32 selections based on the criteria provided in subsection 3,
33 paragraphs "a" through "d".

34 3. After receiving the timely filed program applications
35 for a program year, the authority may, within sixty days,

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1 select no more than ten counties to participate in the program.
2 In making selection decisions, the authority shall consider all
3 information contained in a program application, as well as any
4 other relevant information and economic data, giving priority
5 to the following:

6 *a.* A recent business closure or permanent layoff in a county
7 that has, or may have, a significant negative economic impact
8 in the county. For purposes of this paragraph, "*recent business*
9 *closure or permanent layoff*" means the loss of full-time
10 employees, not including retail employees, at one or more
11 places or businesses within the county. To qualify as a loss
12 of a full-time employee, the loss must occur because of the
13 removal of the job to an out-of-state location, the cessation
14 of one or more production lines, the removal of manufacturing
15 machinery and equipment, or similar actions determined to be
16 equivalent in nature by the authority. Loss of full-time
17 employees does not include a layoff of seasonal employees or a
18 layoff that is seasonal in nature.

19 *b.* A potential economic development project that exists or
20 may exist within a county.

21 *c.* An unemployment rate for a county that is greater than
22 the state average rate of unemployment.

23 *d.* A loss of population in a county as shown by the 2010
24 certified federal census when compared with the 2000 certified
25 federal census.

26 4. A county chosen by the authority for participation
27 in the program that receives a sales tax rebate pursuant to
28 section 423.4, subsection 11, paragraph "*b*", subparagraph (3),
29 is ineligible to submit another program application to the
30 authority for participation in the program.

31 5. *a.* If a member of the governing body of a city or county
32 or an employee of the state, city, or county or member of the
33 governing body or employee of any other governmental entity
34 of the state, city, or county involved in the program has
35 an interest, either direct or indirect, in a private person,

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1 contract, or entity for which financial assistance may be
2 provided under the program, the interest shall be disclosed to
3 that governing body or governmental entity and the authority,
4 in writing. The member or employee having the interest shall
5 not participate in the decision-making process with regard
6 to the providing of such financial assistance to the private
7 person or entity.

8 *b.* Employment by the state, city, county, or other
9 governmental entity, its agencies or institutions, or by any
10 other person having such an interest in the program shall not
11 be deemed an indicia of an interest by the employee or of
12 any ownership or control of the employer's interests by the
13 employee.

14 *c.* The word "*participate*" or "*participation*" does not
15 include discussion or debate preliminary to a vote of a
16 governmental entity, local governing body, or local agency upon
17 proposed ordinances or resolutions relating to an economic
18 development project or any abstention from such a vote.

19 *d.* The designation of a bank or trust company as depository,
20 paying agent, or agent for investment of funds shall not be
21 deemed a matter of interest or personal interest.

22 *e.* Stock ownership in a corporation, or other equity
23 interest in a business, having such an interest shall not be
24 deemed an indicia of an interest or of ownership or control by
25 the person owning the stock or equity interest when less than
26 five percent of the outstanding stock or equity interest of
27 the corporation or business is owned or controlled directly or
28 indirectly by that person.

29 *f.* A violation of a provision of this subsection is
30 misconduct in office under section 721.2. However, a decision
31 of the governing body or governmental entity is not invalid
32 because of the participation of the member or employee in
33 the decision-making process or because of a vote cast by a
34 member or employee in violation of this subsection unless the
35 participation or vote was decisive in the awarding of the



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1 financial assistance.

2 *g.* For purposes of this subsection, any private
3 not-for-profit economic development entity representing a city
4 or county under the program shall be considered a governmental
5 entity subject to the conflict of interest provisions in this
6 subsection.

7 6. The authority shall promptly notify the department
8 of revenue of each county that submits an application for
9 participation in the program and each county chosen for
10 participation in the program. The department of revenue shall
11 credit the sales tax receipts as calculated in section 423.4,
12 subsection 11, paragraph "b", subparagraph (3), to the county's
13 account in the special fund created under section 15E.373.

14 **Sec. 4. NEW SECTION. 15E.373 Special fund — appropriation**
15 **and allocation of rebate moneys — agreement.**

16 1. The authority shall establish a special fund in the
17 state treasury under the control of the authority, and within
18 that fund create a separate account for each county chosen for
19 participation in the program. The fund shall consist only
20 of amounts credited by the department of revenue pursuant to
21 section 423.4, subsection 11, paragraph "b", subparagraph
22 (3). The special fund shall be administered, allocated, and
23 distributed only as provided in this section.

24 2. Interest or earnings on moneys in a special fund shall
25 revert to the general fund.

26 3. All moneys remaining in a special fund after five years
27 from the date the credit is made shall revert to the general
28 fund.

29 4. An economic development entity designated in the
30 program application of a participating county may apply to the
31 authority for a financial assistance award from the county's
32 account in the special fund, to be used for the purpose of an
33 economic development project.

34 *a.* Applications shall be made in the manner and form
35 prescribed by the authority and shall contain, at a minimum,

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1 the following information:

2 (1) The amount requested and a detailed description of
3 how the moneys will be used including but not limited to a
4 description and purpose of the proposed economic development
5 project.

6 (2) The goal of the proposed economic development project,
7 including the projected jobs and income created or retained.

8 (3) The projected source, type, and amount of any private
9 capital or other investment involved with the proposed economic
10 development project. The authority shall not require any
11 economic development entity, county, or city to provide, or
12 demonstrate an ability to provide, local matching moneys
13 in order to receive a financial assistance award under the
14 program.

15 (4) A list of all public and private parties involved with
16 the proposed economic development project.

17 *b.* If upon review of an application for a financial
18 assistance award, the authority finds that the proposed
19 economic development project meets the definition of an
20 economic development project in section 15E.371, the authority
21 and the recipient of the financial assistance award shall enter
22 into an agreement pursuant to subsection 6.

23 5. *a.* For each city and the unincorporated area within a
24 county, the aggregate financial assistance awards paid from the
25 county's account in the special fund for economic development
26 projects shall not exceed an amount which is equal to the
27 lesser of the following:

28 (1) The state sales tax imposed and collected within that
29 city or unincorporated area for the base year, as calculated in
30 section 423.4, subsection 11, paragraph "b", subparagraph (2).

31 (2) An amount equal to the same proportion of the credit
32 made pursuant to section 423.4, subsection 11, paragraph "b",
33 subparagraph (3), as the amount of state sales tax imposed and
34 collected in the city or unincorporated area for the base year,
35 as calculated in section 423.4, subsection 11, paragraph "b",



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1 subparagraph (2), bears to the total amount of state sales
2 tax imposed and collected in the county for the base year, as
3 calculated in section 423.4, subsection 11, paragraph "b",
4 subparagraph (1).

5 *b.* Notwithstanding paragraph "a", the board of supervisors
6 may elect to allocate all or a portion of the county's share of
7 moneys in the special fund to one or more cities in the county,
8 and a city council may elect to allocate all or a portion of
9 the city's share of moneys in the special fund to a different
10 city or to the unincorporated area within the same county if
11 the board or council, as applicable, determines all of the
12 following:

13 (1) That a viable proposal for an economic development
14 project does not currently exist within the allocating city or
15 the unincorporated area of the allocating county, and it is
16 unlikely that one will be developed before the expiration of
17 the five-year period set forth in subsection 3.

18 (2) That the proposed economic development project to which
19 it wishes to allocate all or a portion of its share of moneys
20 in the special fund will directly and materially benefit the
21 allocating city or county. For purposes of this subparagraph,
22 "*directly and materially benefit*" means an increase in jobs,
23 population, or tax revenue within the allocating city or the
24 unincorporated area of the allocating county.

25 6. The authority and the recipient of the financial
26 assistance shall enter into an agreement describing the terms
27 and obligations under which the financial assistance will be
28 provided. The authority, in consultation with the applicable
29 economic development entity, may negotiate the terms and
30 obligations of the agreement. An agreement shall contain
31 but need not be limited to all of the following terms and
32 obligations:

- 33 *a.* A project completion date.
- 34 *b.* A maintenance period completion date.
- 35 *c.* The number of jobs to be created or retained.

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1 *d.* The amount of private capital or other investment to be
2 involved.

3 *e.* The amount of the financial assistance award to be
4 provided under the program.

5 7. The authority may enforce the terms and obligations of
6 agreements described in subsection 6.

7 8. A recipient of a financial assistance award shall meet
8 all terms and obligations in an agreement by the project
9 completion date, but the authority may for good cause extend
10 the project completion date.

11 9. During the maintenance period, a recipient of a financial
12 assistance award shall continue to comply with the terms and
13 obligations of an agreement entered into pursuant to subsection
14 6.

15 10. During the entire life of an agreement entered into
16 pursuant to subsection 6, if the recipient of a financial
17 assistance award fails to meet all terms and obligations in
18 its agreement or experiences a layoff within this state or
19 closes any of its facilities within this state, the authority
20 may reduce or eliminate some or all of the amount of financial
21 assistance award to be received. If the recipient of a
22 financial assistance award under this section fails to meet all
23 terms and obligations in its agreement or experiences a layoff
24 within this state or closes any of its facilities within this
25 state, the recipient may be subject to repayment of all or a
26 portion of the financial assistance award it has received. Any
27 amount of reduction or elimination of financial assistance and
28 any amount repaid to the authority under this subsection shall
29 revert to the general fund.

30 11. In addition to the terms and obligations agreed
31 to pursuant to subsection 6, the recipient of a financial
32 assistance award shall be subject to all of the following
33 requirements:

34 *a.* The potential recipient of a financial assistance
35 award shall submit to the authority a report describing all



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1 violations of environmental law or worker safety law within
2 the last five years by the private parties involved in the
3 proposed economic development project. If, upon review of the
4 report, the authority finds that a private party has a record
5 of violations of the law, statutes, rules, or regulations that
6 tends to show a consistent pattern, the authority shall not
7 make an award of financial assistance to the project unless the
8 authority finds either that the violations did not seriously
9 affect public health, public safety, or the environment, or,
10 if such violations did seriously affect public health, public
11 safety, or the environment, that mitigating circumstances were
12 present.

13 *b.* The recipient of a financial assistance award shall not
14 have closed, or substantially reduced, operations in one area
15 of this state and relocated substantially the same operations
16 in a community in another area of this state. However, this
17 section shall not be construed to prohibit the recipient of a
18 financial assistance award from expanding its operation in a
19 community if existing operations of a similar nature in this
20 state are not closed or substantially reduced.

21 *c.* The recipient of a financial assistance award shall only
22 employ individuals legally authorized to work in this state.
23 In addition to any and all other applicable penalties provided
24 by current law, all or a portion of the financial assistance
25 award is subject to reduction, elimination, or repayment to
26 the authority by the recipient if the recipient is found to
27 knowingly employ individuals not legally authorized to work
28 in this state. Any amount of reduction or elimination of
29 financial assistance and any amount repaid to the authority
30 under this paragraph shall revert to the general fund.

31 12. Funds and financial assistance awards issued by
32 the authority under this program to any party shall not be
33 deposited in the general fund of any economic development
34 entity, county, or city, nor used for any of the following
35 purposes:



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1 negative impact in the county, potential economic development
2 projects that exist or may exist within the county, the current
3 unemployment rate of the county, and the county's population
4 for the two most recently completed federal censuses.

5 The EDA has 60 days after November 30 to choose up to
6 10 counties to participate in the program. In making its
7 selection decisions, the EDA is required to consider all
8 information contained in a program application and any other
9 relevant information, giving priority to counties that have
10 had a recent business closure or permanent layoff with a
11 significant negative impact in the county, that have potential
12 economic development projects in the county, that have
13 unemployment rates greater than the state average, and that
14 have experienced a recent loss of population.

15 Each county is eligible to participate in the program
16 one time. A county chosen for participation shall receive
17 a sales tax rebate from the department of revenue equal to
18 the state sales tax imposed and collected by retailers upon
19 sales of tangible personal property or services furnished to
20 purchasers in that county for the base year of the county's
21 application, or \$5 million, whichever is less. A county's
22 "base year" is defined as the fiscal year immediately preceding
23 the program year for which the program application is made.
24 The rebate applies only to the state sales tax imposed in Code
25 section 423.2, and not to any local option sales and services
26 tax imposed pursuant to Code chapter 423B, or to any state
27 sales tax revenues required to be transferred to the natural
28 resources and outdoor recreation trust fund created in Code
29 section 461.31 or the secure an advanced vision for education
30 fund created in Code section 423F.2. The rebate shall be
31 issued by the department of revenue in the form of a credit
32 made by March 15 of the program year into the county's account
33 in a special fund to be administered and distributed by the
34 EDA. Any moneys remaining in a special fund after five years
35 from the date the credit is made shall revert to the general



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1 fund of the state. Any interest or earnings on moneys in a
2 special fund shall immediately revert to the general fund of
3 the state.

4 An economic development entity designated in a participating
5 county's program application may apply to the EDA for a
6 financial assistance award from the county's account in the
7 special fund, provided it is used exclusively for an economic
8 development project. Applications for funds are to be made in
9 the manner and form developed by the EDA and shall contain,
10 at a minimum, the amount requested and a detailed description
11 of how the moneys will be used; the description and purpose
12 of the proposed project; the goal of the proposed project and
13 estimated jobs and income created or retained; the projected
14 source, type, and amount of any private capital or other
15 investment involved with the proposed project; and a list of
16 all public and private parties involved with the proposed
17 project.

18 The EDA is not allowed to require any economic development
19 entity, county, or city to provide, or demonstrate an ability
20 to provide, local matching moneys in order to receive a
21 financial assistance award under the program.

22 The maximum aggregate financial assistance awards paid
23 from the special fund of a participant county for economic
24 development projects within a city or unincorporated area shall
25 not exceed an amount which is the lesser of the total amount
26 of state sales tax imposed and collected in that city or the
27 unincorporated area for the base year of the county's program
28 application, or an amount equal to the same proportion of the
29 county's rebate received from the department of revenue, as the
30 amount of state sales tax imposed and collected in that city
31 or the unincorporated area for the base year of the county's
32 program application bears to the total amount of state sales
33 tax imposed and collected in that county for the base year
34 of the program application. However, the county board of
35 supervisors may elect to allocate all or a portion of its share



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1 of a county's special fund to one or more cities in the county,
2 and a city may elect to allocate its portion to a different
3 city or to the unincorporated area within that same county if
4 the city council or board of supervisors, as applicable, makes
5 a determination based on factors specified in the bill.

6 If the EDA determines that a proposed economic development
7 project meets the definition of "economic development project"
8 described above, it shall enter into an agreement with the
9 recipient of the financial assistance award that describes the
10 terms and obligations under which the financial assistance
11 will be provided. An agreement shall contain, at a minimum,
12 the project completion date, maintenance period completion
13 date, the number of jobs to be created or retained, the amount
14 of private capital or other investment to be involved, and
15 the amount of financial assistance to be provided. "Project
16 completion date" means the date by which a financial assistance
17 award recipient has agreed to meet all the terms and conditions
18 contained in its agreement with the EDA. The maintenance period
19 refers to the period of time between the project completion
20 date and the maintenance period completion date. "Maintenance
21 period completion date" is defined as the date on which the
22 maintenance period ends.

23 The division also lists several requirements that the
24 potential recipient of a financial award must fulfill. First,
25 potential financial award recipients must submit to the EDA
26 a report describing all violations of environmental law and
27 worker safety in the last five years. The EDA must deny a
28 financial assistance award if it finds a consistent pattern
29 of violations unless mitigating circumstances were present.
30 Second, potential financial award recipients must not have
31 closed or substantially reduced operations in one area of
32 this state and relocated substantially the same operations
33 in another community in another area of this state. Third,
34 potential financial award recipients must only employ
35 individuals legally authorized to work in this state.



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1 During the life of the agreement, the EDA may reduce,
2 eliminate, or seek repayment of some or all of the financial
3 assistance awarded if a recipient fails to meet all the terms
4 and obligations of its agreement, experiences a layoff or
5 closes any facilities within the state, or employs individuals
6 not legally authorized to work in this state. Any amount
7 reduced or eliminated by the EDA, or repaid to the EDA, shall
8 revert to the general fund.

9 The division provides that funds and financial assistance
10 awards issued under the program to any party shall not be
11 deposited in the general fund of any economic development
12 entity, county, or city, nor used for operating expenses of any
13 economic development entity, county, or city, or for salaries
14 or bonuses of any person employed by an economic development
15 entity, county, or city. It further provides that funds and
16 financial assistance awards shall not be used for consulting
17 fees or marketing fees.

18 The division provides conflict of interest provisions that
19 apply to any member of a governing body of a city or county or
20 an employee of a state, city, or county, or other governmental
21 entity of this state that has an interest, either direct
22 or indirect, in a private person, contract, or entity for
23 which financial assistance may be provided under the program.
24 For purposes of the conflict of interest provisions, any
25 not-for-profit economic development entity representing a city
26 or county shall be considered a governmental entity subject
27 to the conflict of interest provisions. The bill provides
28 that violations of the conflict of interest provisions are
29 considered misconduct in office under Code section 721.2 and
30 classified as a serious misdemeanor. A serious misdemeanor is
31 punishable by confinement for no more than one year and a fine
32 of at least \$315 but not more than \$1,875.

33 The division provides that the EDA shall adopt rules for the
34 administration of the sales tax rebate for county development
35 program and provide for the inclusion of uniform terms and



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1 obligations in agreements between the EDA and recipients of
2 financial assistance awards under the program.

3 Division II of the bill relates to the calculation and
4 issuance of sales tax rebates by the department of revenue.

5 The division provides that the department of revenue will
6 assist the EDA in administering the sales tax rebate for
7 county development program by calculating the total state
8 sales tax imposed and collected by retailers upon sales of
9 tangible personal property or services furnished to purchasers
10 pursuant to Code section 423.2 in each applicant county for
11 the base year of each program application. The department is
12 responsible for calculating the same amounts for each city
13 and unincorporated area within any county that is chosen
14 for participation in the program, and then crediting the
15 appropriate amount by March 15 of the program year to a
16 county's account in a special fund established in the state
17 treasury under the control of the EDA.

18 Division III of the bill relates to an annual report prepared
19 by the EDA.

20 The division provides that the EDA shall include a report
21 on the sales tax rebate for county development program in
22 its annual report to the general assembly. The report shall
23 include the identity of each economic development entity
24 designated to represent cities and the unincorporated areas
25 under the program; a report of all deposits, withdrawals, and
26 expenditures made from special funds of the counties; and a
27 description of each disapproved economic development project
28 and the reason for disapproval. For each approved project,
29 the report shall include a description and the location of the
30 project, the amount of financial assistance awarded and paid,
31 investments, terms and conditions contracted for and actually
32 completed under the agreements, and, if applicable, the number
33 of jobs created or retained.



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Senate File 132 - Introduced

SENATE FILE 132
BY PETERSEN, SENG, DVORSKY,
BEALL, RAGAN, HATCH,
BOLKCOM, QUIRMBACH, and
MATHIS

A BILL FOR

1 An Act modifying provisions relating to the regulation of
2 delayed deposit services businesses, making penalties
3 applicable, and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1615XS (3) 85
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1 Section 1. Section 533D.9, subsection 2, paragraph b, Code
 2 2013, is amended to read as follows:

3 b. The annual percentage rate as computed pursuant to the
 4 federal Truth in Lending Act. The annual percentage rate
 5 shall not exceed thirty-six percent, as computed pursuant to
 6 the federal Truth in Lending Act, unless a licensee makes
 7 an election and submits to the indebtedness limitations and
 8 electronic database reporting requirements specified in section
 9 533D.10A.

10 Sec. 2. Section 533D.9, subsection 2, Code 2013, is amended
 11 by adding the following new paragraph:

12 NEW PARAGRAPH. e. That the licensee cannot initiate debt
 13 collection procedures, civil court proceedings, or arbitration
 14 to collect an unpaid check unless the licensee has provided
 15 the maker of the check the opportunity to repay the obligation
 16 without any additional charges, other than the penalty provided
 17 in paragraph "d" of this subsection, in biweekly payments of
 18 not more than ten percent of the face of the check until the
 19 debt is paid in full. Additionally, that during this repayment
 20 period the licensee may not transfer or sell the debt owing on
 21 the unpaid check, and the loan shall not be considered to be
 22 in default. Further, that the maker of the check's failure
 23 to make a biweekly payment under this paragraph shall place
 24 the loan in default and the licensee may, after proper notice,
 25 exercise rights against the maker under the law.

26 Sec. 3. Section 533D.10, subsection 1, Code 2013, is amended
 27 to read as follows:

28 1. A licensee shall not do any of the following:

29 a. Hold from any one maker more than two checks at any one
 30 time.

31 b. Hold from any one maker a check or checks in an aggregate
 32 face amount of more than five hundred dollars at any one time.

33 c. Hold or agree to hold a check for ~~more~~ less than
 34 ~~thirty-one~~ fourteen days.

35 d. Require the maker to receive payment by a method which



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1 causes the maker to pay additional ~~or further~~ fees and charges
2 to the licensee or another person.

3 e. Repay, refinance, or otherwise consolidate a postdated
4 check transaction with the proceeds of another postdated check
5 transaction made by the same licensee. A licensee may not
6 enter into another transaction with the maker of a check if the
7 licensee presently has a transaction outstanding with the maker
8 or if the maker had a previous transaction with the licensee
9 within two days of the new transaction, unless the licensee has
10 provided the following notice both verbally and in writing,
11 and the maker has acknowledged receipt of the notice with a
12 signature and date:

13 Notice to Borrower

14 (1) The licensee may not repay, refinance, or otherwise
15 consolidate a postdated check transaction with the proceeds of
16 another postdated check transaction made by the same licensee.

17 (2) While a licensee may charge a penalty if a check is
18 not negotiable on the date agreed upon, the penalty shall not
19 exceed fifteen dollars. This penalty shall only be collected
20 by the licensee once on a check no matter how long that check
21 remains unpaid. This penalty is the only additional charge
22 a lender may charge you (the borrower) when a check is not
23 negotiable on the date agreed upon.

24 (3) If your check is not negotiable on the date agreed upon,
25 the licensee must provide you (the borrower) the opportunity
26 to repay the obligation without any additional charges, other
27 than the penalty described above, in biweekly payments of not
28 more than ten percent of the face of the check until the debt is
29 paid in full.

30 By signing and dating this notice, you acknowledge the
31 statements above, but yet still desire to obtain another loan
32 with the licensee.

33 Borrower(s) signature: _____ Date: _____

34 Borrower(s) signature: _____ Date: _____

35 f. Receive any other charges or fees in addition to the fees



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1 involving the maker of the check are accounted for, and when
 2 the term of the transaction is aggregated with the other
 3 transactions, to be indebted for a period exceeding ninety
 4 days during the preceding twelve-month period. For purposes
 5 of this subsection, if the maker of the check has entered
 6 into more than one delayed deposit services transaction with
 7 the same or another licensee, and the periods during which
 8 the transactions are outstanding overlap, each day of each
 9 respective transaction shall be counted in satisfying the
 10 ninety-day restriction. For purposes of this subsection, if a
 11 maker of a check is making biweekly payments during a repayment
 12 period as provided in section 533D.9, subsection 2, paragraph
 13 "e", the repayment period shall not be counted in satisfying the
 14 ninety-day restriction.

15 3. a. Each licensee making an election pursuant to this
 16 section shall, by October 1, 2013, subscribe to, report to, and
 17 utilize an electronic database tracking service to be developed
 18 or selected pursuant to rules adopted by the banking division
 19 of the department of commerce, that permits the licensee to
 20 determine whether a maker of a check has an outstanding unpaid
 21 check or debit authorization that is, or reasonably appears to
 22 be, connected to a delayed deposit services transaction. Each
 23 licensee shall require a maker of a check to sign a written
 24 declaration confirming that, pursuant to section 533D.10A,
 25 subsection 2, the maker of the check is eligible to enter into
 26 a delayed deposit services transaction.

27 b. Records of a licensee and the electronic database
 28 tracking service shall be subject to review and examination by
 29 the division to determine whether the licensee is in compliance
 30 with this section and other applicable provisions of this
 31 chapter.

32 c. Information, records, and documents obtained in the
 33 performance of the review and examination, including the amount
 34 of any outstanding unpaid check or debit authorization and
 35 the identity of the maker of the check, are confidential and

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1 shall not be disclosed by the division and are not subject
2 to subpoena. Such information, records, and documents
3 do not constitute a public record under chapter 22. The
4 superintendent may disclose such information to representatives
5 of other state or federal regulatory authorities and
6 may release summary complaint information so long as the
7 information does not specifically identify the complainant.
8 The superintendent may also provide this information to the
9 attorney general for purposes of enforcing this chapter.

10 Sec. 5. EFFECTIVE DATE. The following provision or
11 provisions of this Act take effect October 1, 2013:

12 1. The section of this Act enacting section 533D.10A,
13 subsection 2.

EXPLANATION

14 This bill relates to specified aspects of the regulation of
15 delayed deposit services businesses.

16 The bill provides that the annual percentage rate applicable
17 to delayed deposit services transactions shall not exceed 36
18 percent, as computed pursuant to the federal Truth in Lending
19 Act, unless a licensee elects to impose an alternative higher
20 rate. This is the same percentage rate limitation imposed as
21 a restriction or safeguard for military personnel pursuant to
22 10 U.S.C. 49 § 987. Such an election shall make requirements
23 regarding indebtedness limitations and electronic database
24 reporting requirements specified in a subsequent section of the
25 bill applicable.

26 The bill provides that a licensee must disclose to the maker
27 of a check that the licensee cannot initiate debt collection
28 procedures, civil court proceedings, or arbitration to collect
29 an unpaid check unless the licensee has provided the maker
30 of a check the opportunity to repay the obligation without
31 any charges, other than the current \$15 penalty, in biweekly
32 payments of not more than 10 percent of the face of the check
33 until the debt is paid in full. The bill adds that during this
34 repayment period the licensee cannot sell or transfer the debt
35



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1 owing on the unpaid check and the loan shall not be considered
2 to be in default. However, if the maker of the check fails
3 to honor the repayment obligation, the bill provides that the
4 loan shall be placed in default. The bill makes the failure to
5 conform with these provisions a prohibited act on the part of
6 the licensee, which could subject the licensee to disciplinary
7 action as specified in Code section 533D.12.

8 Additionally, the bill changes a current provision that
9 prohibits a licensee from holding or agreeing to hold a
10 check for more than 31 days to a modified provision that the
11 licensee cannot hold or agree to hold a check for less than 14
12 days. The bill also prohibits a licensee from entering into
13 another transaction with the maker of a check who already has
14 a transaction outstanding with the licensee or from entering
15 into a new transaction within two days of the conclusion
16 of the previous transaction, unless the maker acknowledges
17 in writing specified restrictions relating to successive
18 transactions, applicable penalties, and the opportunity to
19 repay the obligation in installments in the event the check is
20 not negotiable.

21 As previously indicated, the bill authorizes a licensee to
22 impose an annual percentage rate which exceeds 36 percent by
23 filing with the superintendent of banking a written notice
24 of intent. If this election is made, it shall apply to all
25 transactions entered into by the licensee. The bill provides
26 that a licensee may discontinue imposition of an alternative
27 interest rate and consent to imposition of the 36 percent rate
28 otherwise applicable, and a licensee previously imposing the
29 36 percent rate may elect to impose the alternative rate, by
30 submitting a request to the superintendent no more often than
31 annually.

32 The bill provides that a licensee electing to impose
33 an alternative annual percentage rate shall be prohibited
34 from entering into a delayed deposit services transaction
35 that results in the maker of the check being indebted to

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1 the licensee, or when aggregated with other delayed deposit
2 services business licensees, for longer than a 90-day period
3 during the preceding 12 months. This provision of the bill
4 takes effect October 1, 2013. Further, the bill requires a
5 licensee making the election, by October 1, 2013, to subscribe
6 to, report to, and utilize an electronic database tracking
7 service developed or selected by the banking division of the
8 department of commerce to monitor the number of transactions
9 entered into by a maker of a check for purposes of complying
10 with this provision. The bill states that licensee records and
11 the database shall be subject to review and examination by the
12 division, and provides that information, records, and documents
13 obtained by the division in the performance of such a review or
14 examination shall be considered confidential.

15 A violation of the bill's provisions will subject a licensee
16 to existing penalty provisions in Code chapter 533D, including
17 possible license suspension or revocation, a civil penalty in
18 an amount not to exceed \$5,000, an administrative fine in an
19 amount not to exceed \$5,000, and the criminal penalty of a
20 serious misdemeanor punishable by confinement for no more than
21 one year and a fine of at least \$315 but not more than \$1,875.



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Senate File 133 - Introduced

SENATE FILE 133
BY SODDERS

A BILL FOR

1 An Act concerning public safety by establishing a public safety
2 training and equipment trust fund, transferring insurance
3 premium tax receipts to the fund, providing for a public
4 safety training and facilities task force, and making
5 appropriations.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 80B.11F Public safety training and
2 equipment trust fund.

3 1. A public safety training and equipment trust fund is
4 created in the state treasury under the control of the council.

5 2. The trust fund shall consist of moneys deposited in
6 the fund pursuant to section 432.1, subsection 7, and any
7 other devise, gift, bequest, donation, federal or other grant,
8 reimbursement, repayment, judgment, transfer, payment, or
9 appropriation from any source intended to be used for the
10 purposes of the trust fund. Of the moneys deposited in the
11 trust fund, an amount equal to ten percent of the moneys
12 deposited, or such lesser amount as determined by the council,
13 shall be allocated to a capital projects account for the
14 purposes of public safety training facility needs.

15 3. Moneys credited to the trust fund are not subject to
16 section 8.33 and shall not be transferred, used, obligated,
17 appropriated, or otherwise encumbered except as provided
18 in this section and for succeeding fiscal years shall
19 remain available for expenditure for purposes of the fund.
20 Notwithstanding section 12C.7, subsection 2, interest or
21 earnings on moneys deposited in the trust fund shall be
22 credited to the trust fund. Moneys shall not be appropriated
23 or expended from the trust fund until the first fiscal year
24 following the fiscal year in which the minimum balance of the
25 trust fund reaches eight million dollars.

26 4. a. Moneys in the trust fund shall be used for public
27 safety training costs incurred by the state or a political
28 subdivision of the state and for public safety personnel
29 equipment costs, excluding vehicles, incurred by the state or a
30 political subdivision of the state, subject to appropriation
31 by the general assembly. For purposes of this paragraph "a",
32 "public safety training costs" includes costs incurred by the
33 state in acquiring vehicles utilized for training. It is the
34 intent of the general assembly that all training costs incurred
35 by the state or a political subdivision be reimbursed from

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1 moneys in the trust fund and that such remaining moneys in the
2 trust fund, less such amount needed for cash flow purposes of
3 the trust fund, be used to reimburse public safety personnel
4 equipment costs, excluding vehicles.

5 *b.* Moneys in the capital projects account of the trust
6 fund shall be used for public safety training facility needs,
7 subject to appropriation by the general assembly.

8 Sec. 2. Section 432.1, Code 2013, is amended by adding the
9 following new subsection:

10 NEW SUBSECTION. 7. *a.* Of the amount of premium tax
11 receipts collected pursuant to subsection 3 for the 2015 and
12 subsequent calendar years and deposited in the general fund
13 of the state, the department of revenue shall transfer the
14 applicable percent of such amount that exceeds the amount of
15 premium tax receipts collected pursuant to subsection 3 for
16 calendar year 2013 to the public safety training and equipment
17 trust fund created in section 80B.11F.

18 *b.* For purposes of this subsection, "*applicable percent*"
19 means as follows:

20 (1) For the 2015 through 2017 calendar years, one hundred
21 percent.

22 (2) For the 2018 calendar year, seventy-five percent.

23 (3) For the 2019 and subsequent calendar years, fifty
24 percent.

25 Sec. 3. PUBLIC SAFETY TRAINING AND FACILITIES TASK FORCE.

26 1. A public safety training and facilities task force is
27 established. The department of public safety shall provide
28 administrative support for the task force.

29 2. The task force shall consist of the following members:

30 *a.* One member appointed by the Iowa state sheriffs' and
31 deputies' association.

32 *b.* One member appointed by the Iowa police chiefs
33 association.

34 *c.* One member who is a fire chief appointed by the Iowa fire
35 chiefs association.



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- 1 d. One member who is the administrator of the Iowa fire
2 service training bureau or the administrator's designee.
- 3 e. One member who is a representative of the fire service
4 who is not a fire chief appointed by the Iowa firefighters
5 association.
- 6 f. The director of the Iowa law enforcement academy or the
7 director's designee.
- 8 g. The commissioner of public safety or the training
9 coordinator of the department of public safety, as designated
10 by the commissioner.
- 11 h. The state fire marshal or the state fire marshal's
12 designee.
- 13 i. One member appointed by the Iowa state police
14 association.
- 15 3. The members of the task force shall select one
16 chairperson and one vice chairperson. The vice chairperson
17 shall preside in the absence of the chairperson. Section
18 69.16A shall apply to the appointed members of the task force.
- 19 4. The task force shall consider and develop strategies
20 relating to public safety training facility governance with
21 the goal of all public safety disciplines being represented.
22 Each public safety discipline shall advise the task force by
23 developing individual training policies as determined by the
24 discipline's governing bodies. The task force shall also
25 develop a proposal for a joint public safety training facility,
26 a budget for construction and future operation of the facility,
27 and potential locations for the facility that are centrally
28 located in this state.
- 29 5. a. The task force shall provide interim reports to the
30 general assembly by December 31 of each year concerning the
31 activities of the task force and shall submit its final report,
32 including its findings and recommendations, to the general
33 assembly by December 31, 2016.
- 34 b. The final report shall include but not be limited to
35 recommendations concerning the following:

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- 1 (1) Consolidation of public safety governance within a
- 2 single board and the membership of the board.
- 3 (2) Development of a consolidated fire and police public
- 4 safety training facility, including possible locations,
- 5 building recommendations, and financing options.
- 6 (3) The distribution of moneys from the public safety
- 7 training and equipment trust fund created in section 80B.11F.
- 8 (4) Any other recommendations relating to public safety
- 9 training and facilities requirements.

10 Sec. 4. PUBLIC SAFETY TRAINING AND FACILITIES TASK FORCE —
11 ADMINISTRATIVE SUPPORT. There is appropriated from the general
12 fund of the state to the department of public safety for the
13 fiscal year beginning July 1, 2013, and ending June 30, 2014,
14 the following amount, or so much thereof as is necessary, to be
15 used for the purposes designated:

16 For providing administrative support for the public safety
17 training and facilities task force as enacted in this Act:
18 \$ 50,000

19 Notwithstanding section 8.33, moneys appropriated in this
20 section that remain unencumbered or unobligated at the close of
21 the fiscal year shall not revert but shall remain available for
22 expenditure for the purposes designated until the close of the
23 fiscal year that begins July 1, 2016.

24 EXPLANATION

25 This bill concerns public safety training and facilities.
26 The bill establishes a public safety training and equipment
27 trust fund under the control of the Iowa law enforcement
28 academy council. The trust fund shall consist of moneys
29 deposited in the fund from insurance premiums tax receipts as
30 provided by the bill. Of the moneys deposited in the fund, 10
31 percent, or such lesser amount as determined by the council,
32 shall be allocated to a capital projects account of the trust
33 fund and shall be used for public safety facility needs. The
34 remaining moneys deposited in the fund shall be used for public
35 safety training costs, including costs incurred by the state

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1 in acquiring vehicles for training, and for public safety
2 personnel equipment costs, excluding vehicles, all incurred by
3 the state or a political subdivision of the state, subject to
4 appropriation by the general assembly. The bill provides that
5 moneys shall not be appropriated from the trust fund until the
6 fiscal year following the year the balance of the trust fund
7 reaches \$8 million. The bill provides that it is the intent of
8 the general assembly that training costs incurred by the state
9 or a political subdivision be fully reimbursed from moneys in
10 the fund and that the remaining moneys in the fund, less an
11 amount needed for cash flow purposes, be used to reimburse
12 public safety personnel equipment costs, except vehicles.
13 Moneys in the fund shall not revert to the general fund of the
14 state, and interest and earnings on moneys in the fund shall
15 remain in the fund.

16 Code section 432.1, concerning tax on gross insurance
17 premiums, is amended to provide that the applicable percent of
18 the moneys collected from premium tax receipts on insurance
19 policies, other than life insurance policies, in excess of the
20 amount collected for calendar year 2013, shall be transferred
21 to the public safety training and equipment trust fund created
22 by the bill beginning with premium tax receipts received during
23 calendar year 2015. The bill provides that the applicable
24 percent for calendar years 2015 through 2017 shall be 100
25 percent, for calendar year 2018, 75 percent, and for subsequent
26 calendar years, 50 percent.

27 The bill also establishes a public safety training and
28 facilities task force. The department of public safety shall
29 provide administrative support for the task force, and the
30 bill appropriates moneys to the department for providing
31 this support. The bill specifies the membership of the task
32 force and provides that the task force shall consider and
33 develop strategies relating to public safety training facility
34 governance with the goal of all public safety disciplines
35 being represented. Each public safety discipline shall advise

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1 the task force by developing individual training policies as
2 determined by the discipline's governing bodies. The bill
3 requires the task force to provide interim reports to the
4 general assembly by December 31 of each year and to submit a
5 final report, including its findings and recommendations, to
6 the general assembly by December 31, 2016. The bill provides
7 that the final report shall include recommendations concerning
8 consolidation of public safety governance within a single
9 board and the membership of the board, the development of a
10 consolidated fire and police public safety training facility,
11 including possible locations, building recommendations,
12 and financing options, the distribution of moneys from the
13 public safety training and equipment trust fund, and any
14 other recommendations relating to public safety training and
15 facilities requirements.



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Senate File 134 - Introduced

SENATE FILE 134
BY JOCHUM

A BILL FOR

1 An Act relating to the use of restraints against a pregnant
2 inmate or detainee and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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jm/nh



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1 Section 1. LEGISLATIVE FINDINGS. The general assembly
 2 finds all of the following:
 3 1. Restraining a pregnant woman can pose undue health risks
 4 to the woman and her pregnancy.
 5 2. The vast majority of female inmates or detainees in this
 6 state are nonviolent offenders.
 7 3. Restraining pregnant prison inmates increases the
 8 potential for physical harm from an accidental trip or fall.
 9 4. Freedom from physical restraints is especially critical
 10 during labor, delivery, and postpartum recovery after delivery,
 11 because a woman often needs to move around during labor and
 12 recovery.
 13 5. Restraints on a pregnant woman can interfere with the
 14 ability of medical staff to appropriately assist in childbirth
 15 or to conduct sudden emergency procedures.
 16 Sec. 2. NEW SECTION. 904.1001 Definitions.
 17 As used in this division, unless the context otherwise
 18 requires:
 19 1. "*Correctional institution*" means any state correctional
 20 institution under this chapter, county jail or municipal
 21 holding facility under chapter 356, county detention facility
 22 under chapter 356A, or other detention facility that is used to
 23 detain or restrain a person, including a juvenile, under the
 24 laws of this state or the United States.
 25 2. "*Corrections officer*" means the official who is
 26 responsible for oversight of a correctional institution or the
 27 official's designee.
 28 3. "*Detainee*" means any adult or juvenile person detained or
 29 restrained under the immigration laws of the United States at
 30 any correctional institution.
 31 4. "*Inmate*" means any adult or juvenile person incarcerated
 32 or detained in a correctional institution who is accused
 33 of, convicted or adjudicated guilty of, or sentenced for, a
 34 criminal or immigration law violation including persons on
 35 probation, parole, or pretrial release, or in any diversionary

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1 program.

2 5. *“Labor”* means the period of time before a birth during
3 which contractions are of sufficient frequency, intensity, and
4 duration to bring about effacement and progressive dilation of
5 the cervix.

6 6. *“Postpartum recovery”* means, as determined by the
7 attending physician, the period immediately following delivery,
8 including the entire period a woman is in the hospital or
9 infirmary after birth.

10 7. *“Restraint”* means any physical restraint or mechanical
11 device used to control the body or limb movement of an inmate
12 or detainee, including but not limited to flex cuffs, soft
13 restraints, hard metal handcuffs, a black box, chubb cuffs, leg
14 irons, belly chains, a security chain, or a convex shield.

15 **Sec. 3. NEW SECTION. 904.1002 Restraint of pregnant inmates**
16 **or detainees.**

17 1. A correctional institution shall not use restraints on
18 an inmate or detainee known to be pregnant, including during
19 labor, delivery, or postpartum recovery, unless the corrections
20 officer makes an individualized determination that the use of
21 a restraint on the inmate or detainee is necessary due to an
22 extraordinary circumstance under subsection 2.

23 2. A corrections officer may make an individualized
24 determination that use of a restraint is necessary for a
25 pregnant inmate or detainee through the first twenty weeks of
26 a pregnancy because the inmate or detainee is a substantial
27 flight risk or some other extraordinary medical or security
28 circumstance dictates the use of restraints to ensure the
29 safety and security of the inmate or detainee, the staff of
30 the correctional institution or medical facility, the general
31 public, or other inmates or detainees.

32 3. a. Notwithstanding subsection 2, a restraint shall
33 not be used on a pregnant inmate or detainee under any of the
34 following circumstances:

35 (1) A physician, nurse, or other health professional



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1 treating the inmate or detainee requests the restraints be
2 removed.

3 (2) After the twenty-fourth week of pregnancy.

4 (3) During labor or childbirth.

5 *b.* Notwithstanding paragraph "a", a restraint may be used
6 after the twenty-fourth week of the pregnancy if the physician,
7 nurse, or other health professional treating the inmate or
8 detainee directs the use of the restraint.

9 4. *a.* Upon admission of an inmate or detainee to a medical
10 facility or birthing center for childbirth, no corrections
11 officer shall remain present in the birthing room during the
12 labor or childbirth, unless specifically requested by the
13 physician, nurse, or other medical personnel treating the
14 inmate or detainee.

15 *b.* If a corrections officer is requested to be present
16 in the birthing room during the labor or childbirth, the
17 corrections officer shall be female if practicable.

18 5. *a.* If a restraint is used pursuant to subsection 2, the
19 restraint used shall be used in the least restrictive manner.

20 *b.* The corrections officer making the determination to use a
21 restraint pursuant to subsection 2 shall make written findings
22 within ten days of the decision to use such a restraint. The
23 findings shall be kept for at least five years and are public
24 records, except no individually identifying information of an
25 inmate or detainee shall be made public without the written
26 consent of the inmate or detainee.

27 **Sec. 4. NEW SECTION. 904.1003 Transportation of a pregnant**
28 **inmate or detainee.**

29 A correctional institution shall use a wheelchair to
30 transport a pregnant inmate or detainee to or from a transport
31 vehicle or to or from any appointment unless directed otherwise
32 by the physician, nurse, or other health professional treating
33 the inmate or detainee.

34 **Sec. 5. NEW SECTION. 904.1004 Damages.**

35 In addition to any other remedy authorized by law, a



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1 The bill prohibits a correctional institution from using
2 a restraint on an inmate or detainee known to be pregnant,
3 including during labor, delivery, or postpartum recovery,
4 unless the corrections officer makes an individualized
5 determination that the use of a restraint on a pregnant inmate
6 or detainee is necessary due to an extraordinary circumstance.

7 The bill permits a corrections officer to make an
8 individualized determination that a restraint is necessary for
9 a pregnant inmate or detainee through the first 20 weeks of
10 a pregnancy because the inmate or detainee is a substantial
11 flight risk or some other extraordinary medical or security
12 circumstance dictates the use of a restraint to ensure the
13 safety and security of the inmate or other persons.

14 The bill prohibits the use of a restraint if a health
15 professional treating the inmate or detainee requests the
16 restraints be removed, the pregnancy is at more than 24 weeks,
17 or during labor or childbirth. However, a restraint may be
18 used after the twenty-fourth week of the pregnancy if the
19 health professional treating the inmate directs the use of the
20 restraint.

21 Upon admission of an inmate or detainee to a medical facility
22 or birthing center for childbirth, the bill prohibits a
23 corrections officer from remaining in the birthing room during
24 labor or childbirth, unless specifically requested by the
25 medical personnel treating the inmate or detainee.

26 The corrections officer making the determination to
27 use a restraint pursuant to the bill is required to make
28 written findings within 10 days of the decision to use such a
29 restraint.

30 The bill requires a correctional institution to use a
31 wheelchair to transport a pregnant inmate or detainee to or
32 from a transport vehicle or to or from any appointment, unless
33 otherwise directed by medical personnel.

34 The bill requires the department of corrections, in
35 conjunction with the other entities supervising inmates and

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1 detainees in the state, to file a report with the general
2 assembly by August 1 of each fiscal year, detailing every
3 instance in which restraints were used on a pregnant inmate or
4 detainee pursuant to the bill. The report shall not contain
5 personal identifying information of any inmate or detainee.

6 The bill requires the department of corrections and other
7 entities supervising inmates and detainees to commence
8 rulemaking within 60 days of the effective date of the bill.

9 The bill takes effect upon enactment.



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Senate File 135 - Introduced

SENATE FILE 135
BY PETERSEN

A BILL FOR

1 An Act providing access to delayed deposit services customer
2 information by designated entities for specified purposes,
3 providing a penalty, and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 252B.9, subsection 1, paragraph d,
 2 subparagraph (2), Code 2013, is amended to read as follows:
 3 (2) Certain records held by public utilities, cable or
 4 other television companies, cellular telephone companies,
 5 and internet service providers, or delayed deposit services
 6 businesses with respect to individuals who owe or are
 7 owed support, or against or with respect to whom a support
 8 obligation is sought, consisting of the names and addresses of
 9 such individuals and the names and addresses of the employers
 10 of such individuals, as appearing in customer records, and
 11 including the cellular telephone numbers of such individuals
 12 appearing in the customer records of cellular telephone
 13 companies. If the records are maintained in automated
 14 databases, the unit shall be provided with automated access.
 15 Sec. 2. Section 421.17, subsection 32, Code 2013, is amended
 16 to read as follows:
 17 32. a. To the extent permissible by federal law, to
 18 subpoena certain records held by a public or private utility
 19 company or a delayed deposit services business with respect
 20 to an individual who has a debt or obligation placed with the
 21 centralized collection unit of the department. The subpoena
 22 authority granted in this subsection may be used only after
 23 reasonable efforts have been made by the centralized collection
 24 unit to identify and locate the individual.
 25 b. The department may subpoena customer records in order to
 26 obtain a telephone number and last known address, but shall not
 27 request or require the disclosure of transaction information,
 28 account activity, or proprietary information.
 29 c. A public or private utility company or a delayed
 30 deposit services business shall respond to the subpoenas. The
 31 subpoenas shall not be served more frequently than quarterly.
 32 d. The burden of showing reasonable cause to believe that
 33 the documents or records sought by the subpoena are necessary
 34 to assist the department under this subsection shall be upon
 35 the director. In administering this subsection, the director

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1 Sec. 4. NEW SECTION. **804.32 Customer information —**
2 **subpoena authority.**

3 The department of public safety or a local law enforcement
4 agency may subpoena certain records held by a delayed deposit
5 services business with respect to individuals who have an
6 outstanding warrant issued for arrest, requesting the names,
7 addresses, and telephone numbers of such individuals as
8 appearing in customer records. If the records are maintained
9 in automated databases, the department or agency shall be
10 provided with automated access. Refusal to obey a subpoena
11 issued pursuant to this section may be punished by a court of
12 competent jurisdiction as a civil contempt.

13 EXPLANATION

14 This bill requires that designated state departments and
15 law enforcement agencies be provided access to delayed deposit
16 services customer information when requested by the department
17 or agency by subpoena.

18 The bill provides that a delayed deposit services business
19 licensee shall comply with specified provisions referenced in
20 the bill compelling disclosure of customer information to the
21 child support recovery unit, the department of revenue, and
22 the department of public safety and law enforcement agencies,
23 upon receipt of a subpoena requesting the information. The
24 bill provides that a licensee shall not be required to submit
25 such information more frequently than quarterly, and that the
26 information and customer records obtained shall be regarded as
27 confidential records not subject to requests for examination
28 pursuant to Code chapter 22. The bill states that refusal
29 to obey a subpoena issued to receive the information may be
30 punished by a court of competent jurisdiction as a civil
31 contempt, as well as pursuant to any additional penalty
32 provisions authorized by the respective department or law
33 enforcement agency.

34 With regard to the child support recovery unit, the
35 referenced provisions regarding subpoena authority are

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1 contained in Code section 252B.9, subsection 1. The bill adds
2 delayed deposit services businesses to a list of entities
3 including public utilities, cable or other television
4 companies, cellular telephone companies, and internet service
5 providers which must supply customer names and addresses,
6 employer names and addresses, and cellular telephone numbers
7 in the case of a cellular telephone company. This information
8 would then be checked to determine if the customer is an
9 individual who owes or is owed support, or is someone from whom
10 a support obligation is sought. Provisions regarding showing
11 good cause for noncompliance, and imposing a penalty of \$100
12 per refusal to comply after a finding of lack of good cause,
13 would apply.

14 With regard to the department of revenue, the referenced
15 provisions regarding subpoena authority are contained in Code
16 section 421.17, subsection 32. The bill requires delayed
17 deposit services businesses, along with a public or private
18 utility company as currently specified, to submit a telephone
19 number and last known address to the department upon issuance
20 of a subpoena to obtain the information, which would then
21 be checked to determine whether the customer has a debt or
22 obligation placed with the centralized collection unit of the
23 department.

24 With regard to the department of public safety and law
25 enforcement agencies, the bill provides that names, addresses,
26 and telephone numbers shall be supplied by delayed deposit
27 services businesses to the department or agency to determine
28 whether the customer has an outstanding warrant issued for
29 arrest.



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Senate File 136 - Introduced

SENATE FILE 136
BY HATCH

A BILL FOR

1 An Act relating to the creation of an office of the chancellor
2 to administer the Iowa higher education system under the
3 direction of the state board of regents.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1536XS (3) 85
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1 Section 1. NEW SECTION. 262.100 System established —
 2 definitions.

3 1. The Iowa higher education system is established under
 4 the direction of the state board of regents. The system shall
 5 be comprised of the universities governed by the state board
 6 of regents.

7 2. As used in this division, unless the context otherwise
 8 requires:

9 a. "Iowa higher education system" or "system" means the
 10 universities governed by the state board of regents.

11 b. "President" means the president of a university in the
 12 system governed by the state board.

13 c. "State board" means the state board of regents.

14 Sec. 2. NEW SECTION. 262.101 Chancellor — appointment —
 15 qualifications and compensation.

16 1. The chief executive officer of the Iowa higher education
 17 system shall be the chancellor, who shall serve as the
 18 primary link between the state board and the presidents of
 19 the universities on matters of board policy and institutional
 20 operations. The chancellor shall ensure that all policies
 21 related to the system are uniformly carried out in a fair and
 22 equitable manner.

23 2. The chancellor shall be appointed by the governor to
 24 serve at the pleasure of the governor, subject to confirmation
 25 by the senate. The chancellor shall serve for a four-year
 26 term beginning and ending as provided in section 69.19.

27 The appointment shall be made without regard for political
 28 affiliation and without regional or institutional bias. The
 29 chancellor shall not be a member of any local, state, or
 30 national committee of a political party, an officer or member
 31 of a committee in any partisan political club or organization,
 32 or hold or be a candidate for a paid elective public office.

33 The governor shall fill a vacancy in this office in the same
 34 manner as the original appointment.

35 3. The chancellor shall possess a background in



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1 (3) Develop inter-institutional cooperative academic and
2 operational programs and services designed to reduce costs
3 while improving efficiencies and accountability.

4 (4) Plan, build, and sustain appropriate academic and
5 co-curricular programs and initiatives to minimize duplication
6 and link system resources to state, regional, and national
7 needs.

8 *d.* Annually monitor and evaluate the performance of each
9 president.

10 *e.* Monitor and evaluate each system university's mission and
11 progress in accomplishing its established goals.

12 *f.* Serve as the system advocate and as liaison between the
13 system and the governor, the general assembly, the state board,
14 Iowa's citizens, and other stakeholders in matters relating to
15 the capacity of the system to meet the priorities of the state
16 and in matters not reserved to the state board.

17 *g.* Communicate the needs of the state and state board
18 policies to the system community, including but not limited to
19 the presidents and all subordinate administrative officers and
20 personnel employed by the universities.

21 *h.* Provide oversight and performance evaluations relating
22 to academic policy, planning, and quality assessment; capital
23 planning and construction; budgeting; human resource policy and
24 compliance; institutional research; intellectual property and
25 patents; risk management; auditing; legal services; information
26 technology systems; and legislative and community relations.

27 *i.* Administer the academic, financial, and other functions
28 of the system in a manner that assures support for the approved
29 mission of each university in the system.

30 *j.* Direct the activities of each president in such a way
31 as to support the general welfare of the system while ensuring
32 support for the approved mission of each university.

33 *k.* Balance, to the extent reasonably possible, the competing
34 interests of the universities.

35 *l.* Provide a forum which encourages system presidents to

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1 offer advice to the chancellor regarding matters affecting the
2 system.

3 *m.* Ensure cooperation between system universities to
4 encourage efforts to improve academic offerings, expand access
5 to education, promote faculty development, improve support
6 services, and increase efficiency throughout the system.

7 *n.* Exercise such other authority and perform such other
8 responsibilities as may be assigned by the state board.

9 2. The chancellor, with or without specific direction from
10 the state board, shall do the following:

11 *a.* Execute and administer the policies, decisions, and rules
12 promulgated by the state board.

13 *b.* Prepare recommendations, in collaboration with the
14 presidents, for the state board's consideration relating
15 to matters including but not limited to policy, personnel,
16 compensation, tenure, and terms of employment for all system
17 personnel.

18 *c.* Exercise administrative control, consonant with state
19 board policy, over inter-institutional matters including but
20 not limited to university budgets, curriculum, research, public
21 service, and extension activities.

22 *d.* Appoint, determine the composition of, and delegate
23 duties to such committees or councils as the chancellor deems
24 advisable.

25 *e.* Act on behalf of the state board during the interim
26 between state board meetings. However, the chancellor shall
27 promptly inform the president of the state board of any action
28 taken by the chancellor and shall submit the action for state
29 board approval at the next following state board meeting.

30 *f.* Act on behalf of the state board to request opinions from
31 the attorney general's office and coordinate all legal services
32 of the universities.

33 3. The chancellor may consult with university constituency
34 groups on matters the chancellor deems appropriate.

35

EXPLANATION

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1 This bill creates an office of the chancellor to administer
2 the Iowa higher education system, which is comprised of
3 the three state universities governed by the state board of
4 regents.

5 The chancellor serves as the chief executive officer of the
6 system and as the primary link between the state board and
7 the presidents of the universities on matters of board policy
8 and institutional operations. The chancellor is charged with
9 ensuring that all policies related to the system are uniformly
10 carried out in a fair and equitable manner. The chancellor,
11 following consultation with the state board, may employ
12 necessary personnel and fix their compensation.

13 The chancellor shall be appointed by the governor to serve
14 a four-year term at the pleasure of the governor, subject to
15 confirmation by the senate. The appointment must be made
16 without regard for political affiliation and without regional
17 or institutional bias. The chancellor shall not be a member of
18 any local, state, or national committee of a political party
19 or a partisan political club or organization, or hold or be
20 a candidate for a paid elective public office. The governor
21 shall fill a vacancy in this office in the same manner as
22 the original appointment. The chancellor shall possess a
23 background in postsecondary education and at least five years'
24 experience in the field of management.

25 If a person appointed chancellor is a tenured faculty member
26 employed by a system university, the person may retain tenure
27 status while serving as chancellor. If, immediately prior
28 to appointment as chancellor, the chancellor was a tenured
29 professor at an accredited private institution in Iowa or
30 at an accredited university in another state, the governor
31 may direct that a system university assign the chancellor an
32 academic rank of professor, commensurate with the chancellor's
33 academic qualifications, and confer tenure upon the chancellor.
34 The state board shall fix the salary of the chancellor. The
35 chancellor shall not receive, in addition to the salary

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1 or compensation fixed by the state board, any additional
2 compensation or benefits for employment in a tenured assignment
3 at a university.

4 Under the direction of the state board, the chancellor shall
5 provide vision, accountability, and overall leadership for the
6 system; annually monitor and evaluate each president and each
7 system university's mission and progress in accomplishing its
8 established goals; serve as the system advocate and as liaison
9 between the system and stakeholders; communicate the needs of
10 the state and board policies to the system community; provide
11 oversight and performance evaluations relating to academic
12 policy, planning, quality assessment, capital planning and
13 construction, budgeting, human resource policy and compliance,
14 institutional research, intellectual property and patents,
15 risk management, auditing, legal services, information
16 technology systems, and legislative and community relations;
17 administer the academic, financial, and other functions of
18 the system in a manner that assures support for the approved
19 mission of each system university; direct the activities of
20 each president to support the general welfare of the system
21 while ensuring support for the approved mission of each
22 university; balance, to the extent reasonably possible, the
23 competing interests of the universities; provide a forum which
24 encourages system presidents to offer advice to the chancellor
25 regarding matters affecting the system; ensure cooperation
26 between system universities to encourage efforts to improve
27 academic offerings, expand access to education, promote faculty
28 development, improve support services, and increase efficiency
29 throughout the system; and exercise such other authority and
30 perform such other responsibilities as may be assigned by the
31 state board.

32 The chancellor is also directed to work with each president
33 to plan, build, and sustain appropriate academic and
34 co-curricular programs and initiatives to minimize duplication
35 and link system resources to society's needs, develop and

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1 submit to the state board proposals for short-term and
2 long-term planning goals, policies, and actions which serve
3 the best interests of the system, promulgate guidelines and
4 procedures for the consistent interpretation and application
5 of state board policies and rules directed at the system's
6 universities, develop inter-institutional cooperative academic
7 and operational programs and services designed to reduce costs
8 while improving efficiencies and accountability.

9 The chancellor, with or without specific direction from
10 the state board, shall execute and administer the policies,
11 decisions, and rules promulgated by the state board; prepare
12 recommendations, in collaboration with the presidents, for
13 the state board's consideration relating to matters including
14 but not limited to policy, personnel, compensation, tenure,
15 and terms of employment for all system personnel; exercise
16 administrative control, consonant with state board policy,
17 over inter-institutional matters including but not limited
18 to university budgets, curriculum, research, public service,
19 and extension activities; appoint, determine the composition
20 of, and delegate duties to such committees or councils as the
21 chancellor deems advisable; act on behalf of the state board
22 during the interim between state board meetings and to request
23 opinions from the attorney general's offices and to coordinate
24 all legal services of the universities. The chancellor may
25 consult with university constituency groups on matters the
26 chancellor deems appropriate.



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Senate File 137 - Introduced

SENATE FILE 137
BY BREITBACH, KAPUCIAN,
SEGEBART, GREINER,
ROZENBOOM, SINCLAIR, GUTH,
BOETTGER, ZUMBACH, and
WHITVER

A BILL FOR

1 An Act concerning payment of health insurance premium costs by
2 members of the general assembly.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1779XS (3) 85
ec/sc



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S.F. 137

1 Section 1. Section 2.40, subsection 1, paragraph a,
2 subparagraph (2), Code 2013, is amended to read as follows:
3 (2) The member shall pay the premium for the plan selected
4 on the same basis as a full-time state employee excluded from
5 collective bargaining as provided in chapter 20. However, the
6 member shall pay at least twenty percent of the total premium
7 for the plan selected.

8 EXPLANATION
9 This bill provides that members of the general assembly who
10 become a member of the state group insurance plan for employees
11 of the state established under Code chapter 509A shall pay
12 at least 20 percent of the total premium cost for the plan
13 selected.



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Senate File 138 - Introduced

SENATE FILE 138

BY ZAUN, ANDERSON, SORENSON,
BERTRAND, FEENSTRA,
KAPUCIAN, BOETTGER, HOUSER,
CHAPMAN, and WHITVER

A BILL FOR

1 An Act relating to the review of administrative rules and the
2 rulemaking process.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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jr/rj



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1 Section 1. Section 7.17, Code 2013, is amended to read as
2 follows:

3 **7.17 Office of administrative rules coordinator.**

4 1. The governor shall establish the office of the
5 administrative rules coordinator, and appoint its staff, which
6 shall be a part of the governor's office.

7 2. The administrative rules coordinator shall receive all
8 notices and rules adopted pursuant to chapter 17A and provide
9 the governor with an opportunity to review and object to any
10 rule as provided in chapter 17A.

11 3. a. The administrative rules coordinator shall create a
12 citizens' committee, consisting of regulators, stakeholders,
13 members of the public, and legislators, to advise the
14 administrative rules coordinator on rulemaking issues.

15 b. The members of the committee shall not be paid a per diem
16 but shall be reimbursed for travel expenses.

17 Sec. 2. Section 17A.4, subsection 1, paragraph b, Code 2013,
18 is amended to read as follows:

19 b. (1) Afford all interested persons not less than twenty
20 days to submit data, views, or arguments in writing, including
21 in an electronic format. If timely requested in writing by
22 twenty-five interested persons, by a governmental subdivision,
23 by the administrative rules review committee, by an agency, or
24 by an association having not less than twenty-five members, the
25 agency must give interested persons an opportunity to make oral
26 presentation.

27 (2) To the extent practicable, the agency shall provide an
28 opportunity to make these oral presentations using the Iowa
29 communications network or other electronic means and provide
30 public access at multiple sites throughout the state. If
31 a request is received from twenty-five interested persons
32 residing in the same city or county, the agency shall provide
33 an opportunity for oral presentation in that city or county.

34 (3) The opportunity for oral presentation must be held
35 at least twenty days after publication of the notice of its



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1 time and place in the Iowa administrative bulletin. The
2 agency shall consider fully all written and oral submissions
3 respecting the proposed rule. Within one hundred eighty
4 days following either the notice published according to the
5 provisions of paragraph "a" or within one hundred eighty
6 days after the last date of the oral presentations on the
7 proposed rule, whichever is later, the agency shall adopt a
8 rule pursuant to the rulemaking proceeding or shall terminate
9 the proceeding by publishing notice of termination in the Iowa
10 administrative bulletin.

11 Sec. 3. Section 17A.4, subsection 2, Code 2013, is amended
12 to read as follows:

13 2. An agency shall include in a preamble to each rule
14 ~~it adopts a brief explanation of the principal reasons for~~
15 ~~its action pursuant to section 17A.5 a concise statement~~
16 of the principal reasons for and against the rule adopted,
17 incorporating in the statement the reasons for overruling
18 considerations urged against the rule and, if applicable, a
19 brief explanation of the principal reasons for its failure
20 to provide in that the rule for the waiver of the rule in
21 specified situations if no such waiver provision is included
22 in the rule. ~~This explanatory requirement does not apply when~~
23 ~~the agency adopts a rule that only defines the meaning of a~~
24 ~~provision of law if the agency does not possess delegated~~
25 ~~authority to bind the courts to any extent with its definition.~~
26 ~~In addition, if requested to do so by an interested person,~~
27 ~~either prior to adoption or within thirty days thereafter, the~~
28 ~~agency shall issue a concise statement of the principal reasons~~
29 ~~for and against the rule adopted, incorporating therein the~~
30 ~~reasons for overruling considerations urged against the rule.~~
31 ~~This concise statement shall be issued either at the time of~~
32 ~~the adoption of the rule or within thirty-five days after the~~
33 ~~agency receives the request.~~

34 Sec. 4. NEW SECTION. 17A.4B Job impact statement.

35 1. a. "Benefit" means the reasonably identifiable and



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1 quantifiable positive effect or outcome that is expected to
2 result from implementation of a rule.

3 *b. "Cost"* means reasonably identifiable, significant, direct
4 or indirect, economic impact that is expected to result from
5 implementation of and compliance with a rule.

6 *c. "Cost-benefit analysis"* means regulatory analysis
7 to provide the public with transparency regarding the
8 cost-effectiveness of a rule, including the economic costs and
9 the effectiveness weighed by the agency in adopting the rule.
10 *"Cost-benefit analysis"* includes a comparison of the probable
11 costs and benefits of a rule to the probable costs and benefits
12 of less intrusive or less expensive methods that exist for
13 achieving the purpose of the rule.

14 *d. "Jobs"* means private sector employment including
15 self-employment and areas for potential for employment growth.

16 *e. "Jobs impact statement"* means a statement that does all
17 of the following:

18 (1) Identifies the purpose of a rule and the applicable
19 section of the statute that provides specific legal authority
20 for the agency to adopt the rule.

21 (2) Identifies and describes the cost that the agency
22 anticipates state agencies, local governments, the public, and
23 the regulated entities, including regulated businesses and
24 self-employed individuals, will incur due to the implementation
25 of and complying with a rule.

26 (3) Determines whether a rule would have a positive
27 or negative impact on private sector jobs and employment
28 opportunities in Iowa.

29 (4) Describes and quantifies the nature of the impact a rule
30 will have on private sector jobs and employment opportunities
31 including the categories of jobs and employment opportunities
32 that are affected by the rule, and the number of jobs or
33 potential job opportunities and the regions of the state
34 affected by the rule.

35 (5) Identifies, where possible, the additional costs to

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1 employers per employee due to implementation of and complying
2 with a rule.

3 (6) Includes other relevant analysis requested by the
4 administrative rules coordinator.

5 2. Prior to implementation of a rule, an agency shall
6 take steps to minimize the adverse impact on jobs and
7 the development of new employment opportunities due to
8 implementation of the rule.

9 3. An agency shall provide a jobs impact statement to the
10 administrative rules coordinator prior to publication of a
11 notice of intended action or the publication of a rule without
12 notice.

13 4. The jobs impact statement shall be published as part
14 of the preamble to the notice of rulemaking in the Iowa
15 administrative bulletin, unless the administrative rules
16 coordinator determines that publication of the entire jobs
17 impact statement would be unnecessary or impractical.

18 5. An agency shall accept comments and information
19 from stakeholders prior to final preparation of the jobs
20 impact statement. Any concerned private sector employer or
21 self-employed individual, potential employer, potential small
22 business, or member of the public may submit information
23 relating to a jobs impact statement upon a request for
24 information or prior to publication of a notice of intended
25 action or publication of a rule without notice by an agency.

26 6. If a jobs impact statement is revised after a notice
27 of intended action or a rule without notice is published, the
28 revised jobs impact statement shall be published as part of
29 the preamble to the adopted version of the rule, unless the
30 administrative rules coordinator determines that publication
31 of the entire jobs impact statement would be unnecessary or
32 impractical.

33 7. The analysis in the jobs impact statement shall give
34 particular weight to jobs in production sectors of the economy
35 which includes the manufacturing and agricultural sectors of

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1 the economy and shall include analysis, where applicable, of
2 the impact of the rule on expansion of existing businesses or
3 facilities.

4 8. The administrative rules coordinator may waive the jobs
5 impact statement requirement for rules proposed on an emergency
6 basis or if unnecessary or impractical.

7 9. By July 1, 2014, and every five years thereafter, an
8 agency shall prepare a comprehensive jobs impact statement
9 for all of the agency's rules. An agency shall transmit
10 each five-year comprehensive jobs impact statement to the
11 administrative rules coordinator, the administrative rules
12 review committee, and the administrative code editor. The
13 administrative code editor shall publish the statement, or a
14 summary, in the Iowa administrative bulletin.

15 **Sec. 5. NEW SECTION. 17A.4C Negotiated rulemaking.**

16 1. An agency shall create a negotiated rulemaking group if
17 required by statute. An agency may, on its own motion or upon
18 request, create a negotiated rulemaking group if the agency
19 determines that a negotiated rulemaking group can adequately
20 represent the interests that will be significantly affected by
21 a draft rule proposal and that it is feasible and appropriate
22 in the particular rulemaking. Notice of the creation of a
23 negotiated rulemaking group shall be published in the Iowa
24 administrative bulletin. Upon establishing a negotiated
25 rulemaking group, the agency shall also specify a time frame
26 for group deliberations.

27 2. Unless otherwise provided by statute, the agency shall
28 appoint a sufficient number of members to the group so that
29 a fair cross section of interests and opinions regarding the
30 draft rule proposal is represented. One person shall be
31 appointed to represent the agency. The group shall select its
32 own chairperson and adopt its rules of procedure. All meetings
33 of the group shall be open to the public. A majority of the
34 membership constitutes a quorum. Members shall not receive
35 any per diem payment but shall be reimbursed for all necessary

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1 expenses. Any vacancy shall be filled in the same manner as
2 the initial appointment.

3 3. Prior to the publication of a notice of intended action,
4 the group shall consider the terms or substance of the rule
5 proposed by the agency and shall attempt to reach a consensus
6 on the advisability of adopting the draft rule proposal.

7 4. If a group reaches a consensus on a draft rule proposal,
8 the group shall transmit to the agency a report containing the
9 consensus on the draft rule proposal. If the group does not
10 reach a consensus on a draft rule proposal within the specified
11 time frame, the group shall transmit to the agency a report
12 stating that inability to reach a consensus and specifying any
13 areas in which the group reached a consensus. The group may
14 include in a report any other information, recommendations,
15 or materials that the group considers appropriate. Any group
16 member may include as an addendum to the report additional
17 information, recommendations, or materials. A report issued
18 under this subsection shall not be considered final agency
19 action for purposes of judicial review.

20 5. Unless otherwise provided by statute, following
21 consideration of a draft rule proposal by a negotiated
22 rulemaking group, the agency may commence rulemaking as
23 provided in section 17A.4. The group is automatically
24 abolished upon the agency's adoption of the rule pursuant to
25 the provisions of section 17A.5.

26 Sec. 6. Section 17A.7, subsection 2, Code 2013, is amended
27 by striking the subsection and inserting in lieu thereof the
28 following:

29 2. Over a five-year period of time, an agency shall conduct
30 an ongoing and comprehensive review of all of the agency's
31 rules. The goal of the review is the identification and
32 elimination of all rules of the agency that are outdated,
33 redundant, overbroad, ineffective, unnecessary, or otherwise
34 undesirable. An agency shall commence its review by developing
35 a plan of review in consultation with major stakeholders and

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1 constituent groups. As part of its review, an agency shall
2 review existing policy and interpretive statements or similar
3 documents to determine whether it would be necessary or
4 appropriate to adopt these statements or documents as rules.

5 *a.* An agency shall establish its five-year plan for review
6 of its rules and publish the plan in the Iowa administrative
7 bulletin.

8 *b.* An agency's plan for review shall do all of the
9 following:

10 (1) Contain a schedule that lists when the review of each
11 rule or rule group will occur.

12 (2) State the method by which the agency will analyze
13 the rule under review regarding the considerations listed in
14 paragraph "c".

15 (3) Provide a means for public participation in the review
16 process and specify how interested persons may participate in
17 the review.

18 (4) Identify instances where the agency may require an
19 exception to the review requirements.

20 (5) Provide a process for ongoing review of rules after the
21 initial five-year review period has expired.

22 *c.* An agency shall analyze its rules under review by
23 considering all of the following:

24 (1) The need for the rule.

25 (2) The clarity of the rule.

26 (3) The intent and legal authority for the rule.

27 (4) The qualitative and quantitative benefits and costs of
28 the rule.

29 (5) The fairness of the rule.

30 *d.* When an agency completes its five-year review of its
31 rules, the agency shall provide a summary of the results to the
32 administrative rules coordinator and the administrative rules
33 review committee.

34 Sec. 7. Section 17A.23, Code 2013, is amended to read as
35 follows:



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1 **17A.23 Construction — delegation of authority.**
2 1. Except as expressly provided otherwise by this chapter
3 or by another statute referring to this chapter by name, the
4 rights created and the requirements imposed by this chapter
5 shall be in addition to those created or imposed by every other
6 statute in existence on July 1, 1975, or enacted after that
7 date. If any other statute in existence on July 1, 1975, or
8 enacted after that date diminishes a right conferred upon a
9 person by this chapter or diminishes a requirement imposed upon
10 an agency by this chapter, this chapter shall take precedence
11 unless the other statute expressly provides that it shall take
12 precedence over all or some specified portion of this ~~named~~
13 cited chapter.
14 2. This chapter shall be construed broadly to effectuate
15 its purposes. This chapter shall also be construed to apply
16 to all agencies not expressly exempted by this chapter or by
17 another statute specifically referring to this chapter by ~~name~~
18 citation; and except as to proceedings in process on July 1,
19 1975, this chapter shall be construed to apply to all covered
20 agency proceedings and all agency action not expressly exempted
21 by this chapter or by another statute specifically referring to
22 this chapter by ~~name~~ citation.
23 3. An agency shall have only that authority or discretion
24 delegated to or conferred upon the agency by law and shall not
25 expand or enlarge its authority or discretion beyond the powers
26 delegated to or conferred upon the agency. Unless otherwise
27 specifically provided in statute, a grant of rulemaking
28 authority shall be construed narrowly.
29 Sec. 8. NEW SECTION. **17A.24 Rule implementation of federal**
30 **statute, regulation, or policy.**
31 1. Except as otherwise explicitly authorized by state law,
32 an agency charged with the implementation of a federal statute,
33 regulation, or policy shall not implement the federal statute,
34 regulation, or policy in a manner that exceeds the specific
35 requirements of the federal statute, regulation, or policy.

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1 that every adopted rule must be accompanied by a concise
2 statement of the principal reasons for and against the rule
3 adopted. Under current law such a statement is only provided
4 on request.

5 JOBS IMPACT STATEMENTS. The bill requires that every
6 proposed rule under a notice of intended action or publication
7 without notice contain a jobs impact statement which outlines
8 the objective and statutory authority of the rule and analyzes
9 and sets out in detail the impact of the proposed rule on state
10 agencies, local governments, the public, and the regulated
11 entities, including regulated businesses and self-employed
12 individuals affected by the rule. The statement must also
13 determine whether a proposed rule would have a positive
14 or negative impact on private sector jobs and employment
15 opportunities.

16 Commencing July 1, 2014, and every five years thereafter,
17 each agency shall prepare a jobs impact statement for all of
18 the agency's rules. The statement will be published in the
19 Iowa administrative bulletin.

20 As part of this requirement, an agency is required to
21 take steps to minimize the adverse impact on jobs and the
22 development of new employment opportunities before proposing
23 a rule.

24 The administrative rules coordinator may waive the jobs
25 impact statement requirement for emergency-filed rules or if
26 unnecessary or impractical.

27 NEGOTIATED RULEMAKING GROUPS. If required by statute,
28 this bill requires an agency to create an ad hoc negotiated
29 rulemaking group to review draft rule proposals prior to
30 commencing a rulemaking proceeding. Where a statute does
31 not require this review, the bill allows an agency to create
32 such a review group. Members are appointed by the agency
33 and the composition must adequately represent a fair balance
34 of the interests affected by the rule. Once such a group is
35 created, the agency may only commence rulemaking after the

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1 group has considered the draft rule proposal in question. This
2 provision is based on similar provisions found in the federal
3 Administrative Procedures Act.

4 USER-FRIENDLY INTERNET SITES. The bill requires each
5 agency to make available to the public a uniform, searchable,
6 and user-friendly rules database, published on an internet
7 site, subject to the direction of the administrative rules
8 coordinator. Each agency's internet site must contain
9 specified information relating to the agency's rules and
10 available procedures for public participation.

11 FIVE-YEAR CYCLE OF AGENCY REVIEW OF RULES. Current
12 law requires that each state agency review all of its
13 administrative rules on a five-year cycle. The plan for this
14 review must be developed in consultation with stakeholders
15 and constituent groups. The goal of the review is the
16 identification and elimination of all rules of the agency that
17 are outdated, redundant, overbroad, ineffective, unnecessary,
18 or otherwise undesirable.

19 The bill requires that each agency develop a plan for
20 conducting the five-year review, which includes detailing the
21 methodology for conducting the review and a means for public
22 participation.

23 NARROW CONSTRUCTION OF RULES. The bill also establishes
24 a new rule of statutory construction: Unless otherwise
25 specifically provided in statute, any grant of rulemaking
26 authority shall be construed narrowly.

27 FEDERAL LAW IMPLEMENTATION. The bill also provides that
28 state implementation of a federal statute, regulation,
29 or policy by a state agency shall not exceed the specific
30 requirements of the federal statute, regulation, or
31 policy, except as specifically allowed by state law. Any
32 portion of a state rule or policy that implements a federal
33 statute, regulation, or policy and that exceeds the specific
34 requirements of the federal statute, regulation, or policy is
35 automatically superseded by the specific requirements of that

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1 federal statute, regulation, or policy.
2 ENVIRONMENTAL RULES STUDY. The bill provides that the
3 legislative council, in consultation with the department of
4 natural resources, shall establish a study to analyze the
5 projected financial effects of current and proposed United
6 States environmental protection agency regulations and Iowa
7 department of natural resources rules on Iowa cities over a
8 10-year period. The report of the study must be completed by
9 June 30, 2014.



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Senate File 139 - Introduced

SENATE FILE 139
BY KAPUCIAN

A BILL FOR

1 An Act relating to the use of automated traffic law enforcement
2 systems by cities and counties, and providing for the
3 disposition of revenues derived from the use of automated
4 traffic law enforcement systems.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 321.1, Code 2013, is amended by adding
 2 the following new subsection:

3 NEW SUBSECTION. 95. *“Automated traffic law enforcement*
 4 *system”* means a device with one or more sensors working in
 5 conjunction with an official traffic control signal or device
 6 or a speed-measuring device to produce recorded images of
 7 vehicles being operated in violation of a state or local law or
 8 ordinance regulating vehicular traffic or the speed of motor
 9 vehicles.

10 Sec. 2. NEW SECTION. 321.237A **Use of automated traffic law**
 11 **enforcement systems.**

12 Before using an automated traffic law enforcement system,
 13 a local authority shall compile a report showing the number
 14 of motor vehicle violations occurring during the most recent
 15 twelve-month period for which data is available at the location
 16 where the local authority intends to use an automated traffic
 17 law enforcement system compared to the number of motor vehicle
 18 violations occurring at all similar locations within the local
 19 authority’s jurisdiction during the same period. The local
 20 authority shall not use an automated traffic law enforcement
 21 system at the intended location unless the report demonstrates
 22 that the number of violations at the intended location exceeds
 23 the number of violations at all similar locations by twenty
 24 percent or more. Prior to implementing the use of an automated
 25 traffic law enforcement system, the local authority shall file
 26 a copy of the report required under this section with the
 27 department.

28 Sec. 3. Section 331.307, Code 2013, is amended by adding the
 29 following new subsection:

30 NEW SUBSECTION. 14. *a.* Notwithstanding any other provision
 31 of law, civil fines collected by a county from the use of an
 32 automated traffic law enforcement system shall be allocated as
 33 follows:

34 (1) The amount necessary to satisfy contractual obligations
 35 of the county relating to the use of automated traffic law



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1 enforcement systems shall be retained by the county for that
2 purpose.

3 (2) Moneys in excess of the amount necessary for the
4 purpose specified in subparagraph (1) shall be deposited in
5 the secondary road fund of the county to be used for road
6 construction, maintenance, and repair.

7 *b.* For purposes of this subsection, "automated traffic law
8 enforcement system" means as defined in section 321.1.

9 Sec. 4. Section 364.3, subsection 2, Code 2013, is amended
10 to read as follows:

11 2. For a violation of an ordinance, a city shall not
12 provide a penalty in excess of the maximum fine and term of
13 imprisonment for a simple misdemeanor under section 903.1,
14 subsection 1, paragraph "a". Am Except as otherwise provided
15 in this section, an amount equal to ten percent of all
16 finances collected by cities shall be deposited in the account
17 established in section 602.8108. However, one

18 a. One hundred percent of all fines collected by a city
19 pursuant to section 321.236, subsection 1, shall be retained
20 by the city.

21 b. Civil fines collected by a city from the use of an
22 automated traffic law enforcement system shall be allocated as
23 follows:

24 (1) The amount necessary to satisfy contractual obligations
25 of the city relating to the use of automated traffic law
26 enforcement systems shall be retained by the city for that
27 purpose.

28 (2) Moneys in excess of the amount necessary for the purpose
29 specified in subparagraph (1) shall be deposited in the city's
30 street construction fund to be used for road construction,
31 maintenance, and repair.

32 (3) For purposes of this subsection, "automated traffic law
33 enforcement system" means as defined in section 321.1.

34 c. The criminal penalty surcharge required by section 911.1
35 shall be added to a city fine and is not a part of the city's



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Senate File 140 - Introduced

SENATE FILE 140
BY HATCH

A BILL FOR

- 1 An Act relating to parental obligation pilot projects, and
- 2 making an appropriation.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 obligations. An "unfunded pilot project" is a project in which
2 CSRU participates which is funded totally by an entity other
3 than CSRU, but which may use incentives offered under 441 IAC
4 ch. 100, such as establishment or modification of support
5 obligations that deviate from the child support guidelines.

6 The funds appropriated in the bill are to be used by
7 the recipient organization to develop a larger community
8 effort, through public and private partnerships, to support
9 a broad-based fatherhood initiative that promotes payment of
10 child support obligations, improved family relationships, and
11 full-time employment.



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Senate Resolution 1 - Introduced

SENATE RESOLUTION NO. 1

BY HATCH and BOLKCOM

1 A Resolution regarding the federal budget.

2 WHEREAS, over the course of the last two years, our
3 nation has engaged in a heated debate over the federal
4 budget and the role of government in growing jobs,
5 strengthening our economy, and providing the vital
6 services on which ordinary families rely; and

7 WHEREAS, the federal budget, including expenditures
8 and tax revenues, reflects the nation's priorities
9 and should address the needs and interests of the
10 population; and

11 WHEREAS, while voters in the last general election
12 expressed strong support for maintaining vital services
13 and for ensuring that corporations and the wealthy
14 pay their fair share of taxes, Republican leaders in
15 Congress have demanded substantial cuts to Medicare,
16 Medicaid, and Social Security, education, and other
17 vital services and have blocked efforts to make our tax
18 system fair; and

19 WHEREAS, the demand by Republican congressional
20 leaders to increase the Medicare age of eligibility
21 from 65 to 67 years of age would not address the
22 underlying factors that are driving health care cost
23 increases throughout our health care system and would
24 only serve to shift costs to seniors, employers, and
25 state Medicaid programs; and

26 WHEREAS, any reduction in federal Medicaid payments
27 to states would undermine our state's ability to
28 provide health care services to low-income children,



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1 and nursing facility and long-term care services to the
2 frail elderly and persons with disabilities; and

3 WHEREAS, Social Security is funded through a
4 dedicated payroll tax and the investment of surpluses,
5 is excluded by law from the congressional budget and
6 the budget submitted by the President, and therefore
7 cannot be considered to contribute to the federal
8 deficit; and

9 WHEREAS, any cut in Social Security benefits would
10 impose substantial hardships on the 65 percent of older
11 Americans who rely on Social Security benefits for
12 half of their income, on the over one-third who rely
13 on Social Security benefits for 90 percent of their
14 income, and on the one quarter who rely on Social
15 Security benefits as their sole source of income; on
16 minorities who have higher rates of disability and
17 lower lifetime earnings; and on women who typically
18 earn less than men, spend more time out of the paid
19 workforce, live longer, accumulate less savings, and
20 receive smaller pensions, according to the Center on
21 Budget and Policy Priorities based in Washington,
22 D.C.; and

23 WHEREAS, Republican congressional leaders have
24 already demanded and achieved in the passage of the
25 Budget Control Act of 2011, severe cuts in spending
26 totaling \$1.7 trillion, which is not only creating
27 a strain on our economy, but is also undermining
28 the ability of state and local governments to meet
29 pressing needs in our communities from education to
30 transportation to law enforcement; and



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1 WHEREAS, the Republican congressional leadership
2 is threatening to shut down the federal government
3 and continues to hold our nation's credit worthiness
4 hostage to their demands to cut Medicare, Medicaid,
5 Social Security, and other vital services; NOW
6 THEREFORE,

7 BE IT RESOLVED BY THE SENATE, That the Iowa Senate
8 urges Congress to incorporate as core values in
9 its deliberations on the federal budget all of the
10 following:

11 1. That reform of the tax system should result
12 in a system that is fair to all by requiring that
13 corporations and the wealthy pay their share of taxes
14 and by eliminating the loopholes and special interest
15 tax deductions used by corporations and the wealthy to
16 avoid payment of taxes.

17 2. That the burden of deficit reduction should not
18 be placed on the shoulders of working families.

19 3. That Medicare, Medicaid, and Social Security
20 benefits should be protected from any cuts including
21 through an increase in the Medicare age of eligibility,
22 cutting or restructuring federal Medicaid payments to
23 states, or reducing the cost-of-living increases to
24 Social Security benefits.

25 4. That further cuts in education, law enforcement,
26 transportation, and other vital services that state and
27 local governments administer should be avoided.

28 BE IT FURTHER RESOLVED, That a copy of this
29 resolution be provided to each member of the Iowa's
30 congressional delegation.



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Senate Resolution 2 - Introduced

SENATE RESOLUTION NO. 2

BY ZAUN, CHELGREN, SMITH, BERTRAND, SORENSON, JOHNSON,
ANDERSON, FEENSTRA, KAPUCIAN, BOETTGER, GUTH,
CHAPMAN, SEGEBART, and WHITVER

1 A Resolution supporting a free, independent, and secure
2 Israel.

3 WHEREAS, Israel has been granted her lands under
4 and through the oldest recorded deed as reported in
5 the Old Testament, a tome of scripture held sacred and
6 revered by Jew and Christian alike, as the acts and
7 words of God; and

8 WHEREAS, as the Grantor of said lands, God stated
9 to the Jewish people in the Old Testament in Leviticus
10 20:24: "Ye shall inherit their land, and I will give
11 it unto you to possess it, a land that floweth with
12 milk and honey"; and

13 WHEREAS, God has never rescinded his grant of said
14 lands; and

15 WHEREAS, along with the grant of said lands to
16 the Jewish people, God provided for the non-Jewish
17 residents of the land in commanding that governance
18 must be in one law for all without drawing distinction
19 between Jewish and non-Jewish citizens, as contained in
20 Leviticus 24:22; and

21 WHEREAS, the Nation of Israel declared its
22 independent control and governance of said lands
23 on May 14, 1948, with the goal of reestablishing
24 their God-given lands as a homeland for the Jewish
25 people; and

26 WHEREAS, the United States of America, having been



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1 the first country to recognize Israel as an independent
2 nation and as Israel's principal Middle East ally, has
3 enjoyed a close and mutually beneficial relationship
4 with Israel and her people; and
5 WHEREAS, indeed, Israel is the United States of
6 America's closest friend in the Middle East; and
7 WHEREAS, the roots of Israel and the roots of the
8 United States of America are so intertwined that it is
9 difficult to separate one from the other under the word
10 and protection of almighty God; and
11 WHEREAS, there are those in the Middle East who
12 have sought to destroy Israel from its inception as a
13 nation; and
14 WHEREAS, those same enemies of Israel also seek to
15 destroy the United States of America; and
16 WHEREAS, the United States of America and the Nation
17 of Israel have enjoyed cordial and mutually beneficial
18 relations since 1948, a friendship that should continue
19 to strengthen with each passing year; NOW THEREFORE,
20 BE IT RESOLVED BY THE SENATE, That the Senate
21 recognizes the sovereign Nation of Israel as a friend
22 and ally of the United States of America and the people
23 of Iowa; and
24 BE IT FURTHER RESOLVED, That on behalf of the people
25 of Iowa, the Senate recognizes the right of the Nation
26 of Israel to exist, defend itself, and secure its
27 borders.

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Senate Study Bill 1108 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON WILHELM)

A BILL FOR

- 1 An Act relating to fees collected by a county recorder or
- 2 the governing board of the county land record information
- 3 system.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 331.605B, subsection 2, Code 2013, is
2 amended to read as follows:

3 2. ~~A recorder or the governing board of the county land~~
4 ~~record information system shall collect only statutorily~~
5 ~~authorized fees for land records management. A recorder or~~
6 ~~the~~ The governing board of the county land record information
7 system shall not collect a fee for searching, viewing,
8 accessing, or printing individual documents in the county
9 land record information system unless specifically authorized
10 by statute. However, a recorder or the governing board of
11 the county land record information system may collect actual
12 third-party fees associated with accepting and processing
13 statutorily authorized fees, including credit card fees,
14 treasury management fees, and other transaction fees required
15 to enable electronic payment fees for services that provide
16 access to land record information on a batch basis, enable
17 electronic filing, or for providing other internet-based
18 services. For the purposes of this subsection, the term
19 "third-party" does not include the county land record
20 information system, the Iowa state association of counties, or
21 any of the association's affiliates.

22 EXPLANATION

23 This bill relates to fees collected by a county recorder
24 or the governing board of the county land record information
25 system.

26 Current law provides that a recorder or the governing
27 board of the county land record information system shall only
28 collect fees authorized by statute and that a fee shall not
29 be collected for viewing, accessing, or printing documents
30 in the county land record information system unless such a
31 fee is authorized by statute. Current law further provides
32 that a recorder or the governing board of the county land
33 record information system may collect certain third-party fees
34 associated with payment of recorder or county land record
35 information fees.

LSB 1723XC (3) 85
aw/sc



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1 The bill provides that the governing board may collect fees
2 for services which provide access to land record information
3 on a batch basis, enable electronic filing, or for providing
4 other internet-based services. The bill removes the county
5 recorder from the grants and limitations of authority related
6 to the collection of fees contained in Code section 331.605B,
7 subsection 2. The bill strikes the authority to collect
8 certain third-party fees associated with payment of recorder or
9 county land record information fees. The bill further provides
10 that a fee shall not be collected by a governing board for
11 searching, viewing, accessing, or printing individual documents
12 in the county land record information system.



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Senate Study Bill 1109 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOGG)

A BILL FOR

1 An Act relating to robbery in the first degree, and providing
2 a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1335XC (1) 85
jm/nh



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1 Section 1. Section 711.2, Code 2013, is amended to read as
2 follows:

3 **711.2 Robbery in the first degree.**

4 A person commits robbery in the first degree when, while
5 perpetrating a robbery, the person purposely inflicts or
6 attempts to inflict serious injury, ~~or~~ is armed with a
7 dangerous weapon, or represents oneself to be in possession of
8 a dangerous weapon. Robbery in the first degree is a class "B"
9 felony.

10 EXPLANATION

11 This bill relates to robbery in the first degree. Under the
12 bill, a person now commits robbery in the first degree if the
13 person, while perpetrating a robbery, represents oneself to
14 be in possession of a dangerous weapon. Robbery in the first
15 degree is a class "B" felony, and a person convicted of the
16 crime must serve at least 70 percent of the maximum term of the
17 person's sentence under Code section 902.12.

18 Under current law, if a person, while perpetrating a
19 robbery, represents oneself to be in possession of a dangerous
20 weapon, the person commits robbery in the second degree.
21 Robbery in the second degree is a class "C" felony, but is also
22 punishable as a 70 percent sentence under Code section 902.12.

23 A class "B" felony is punishable by confinement for no more
24 than 25 years. A class "C" felony is punishable by confinement
25 for no more than 10 years and a fine of at least \$1,000 but not
26 more than \$10,000.



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Senate Study Bill 1110 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOGG)

A BILL FOR

1 An Act relating to the boards of directors of public
2 corporations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1957XC (4) 85
da/nh



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1 Section 1. REPEAL. 2011 Iowa Acts, chapter 2, section 9,
2 is repealed.

3 EXPLANATION

4 BACKGROUND. In 2011, the 84th General Assembly enacted
5 S.F. 325 which provides for the management of a public
6 corporation, formed under the Iowa business corporation Act,
7 by its board of directors (Code chapter 490). The Act defines
8 a public corporation (Code section 490.140), and requires
9 that a public corporation divide its directors into three
10 equal groups, referred to as "classes", elected by the public
11 corporation's holders of common shares, with each class serving
12 staggered three-year terms (Code section 490.806A). The Act
13 also excuses certain public corporations from the staggered
14 term requirement. Finally, the Act requires that the board
15 of directors of an unexcused public corporation amend its
16 articles of incorporation to comply with the Act's staggered
17 term requirement (Code section 490.1005A). The Act does not
18 prohibit a public or private corporation from including a
19 provision in its articles of incorporation requiring staggered
20 terms for its directors as generally allowed under the Code
21 chapter (Code section 490.806). The Act is repealed on
22 December 31, 2014. The Act's future repeal date provides
23 for the continued applicability of the public corporation's
24 articles of incorporation as amended.

25 BILL'S REPEAL OF ACT'S REPEAL. The bill repeals the Act's
26 future repeal effective July 1, 2013.



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Senate Study Bill 1111 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOGG)

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 1321XC (1) 85
rh/nh



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S.F. _____

1 Section 1. Section 123.47, subsection 3, paragraph c, Code
2 2013, is amended to read as follows:

3 c. If the person who commits a violation of this section
4 is under the age of eighteen, the matter shall be disposed
5 of in the manner provided in chapter 232. However, if the
6 juvenile court waives its jurisdiction over the person pursuant
7 to section 232.45 so that the person may be prosecuted as an
8 adult, or if the person appears in adult court for a violation
9 of this section that occurred prior to having reached the age
10 of eighteen and no transfer of jurisdiction to the juvenile
11 court is ordered pursuant to section 803.5, then the penalty
12 for a violation of this section shall be as set forth in
13 paragraphs "a" and "b".

14 EXPLANATION

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

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

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



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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.



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Senate Study Bill 1112 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
ECONOMIC GROWTH BILL BY
CHAIRPERSON SODDERS)

A BILL FOR

1 An Act relating to economic development by modifying the
2 innovation fund investment tax credit and the authority and
3 duties of the Iowa innovation corporation, and including
4 effective date and retroactive applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1204XC (1) 85
mm/sc



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1 Section 1. Section 15.107A, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3. The corporation may establish an
4 innovation fund for purposes of stimulating early-stage
5 and seed capital investment in the state. If the fund is
6 established to qualify for innovation fund investment tax
7 credits pursuant to section 15E.52, the corporation shall
8 ensure that the following requirements are met:

9 a. If the corporation seeks to enter into a contract with
10 an entity to provide investment management services to the
11 innovation fund, such an entity shall be chosen according to an
12 open and competitive proposal process.

13 b. The compensation package provided to an entity under
14 paragraph "a" shall be at or below the market rate for such
15 services as determined by at least one independent investment
16 management evaluation group.

17 c. Any contract entered into for services pursuant to
18 this subsection shall be made available, upon request, to the
19 authority, the general assembly, the auditor of state, and the
20 governor's office.

21 Sec. 2. Section 15.119, subsection 2, paragraph e, Code
22 2013, is amended by striking the paragraph.

23 Sec. 3. Section 15.411, subsection 1, paragraph a, Code
24 2013, is amended to read as follows:

25 a. *"Innovative business"* means ~~the same as defined in~~
26 ~~section 15E.52~~ a business applying novel or original methods
27 to the manufacture of a product or the delivery of a service.
28 *"Innovative business"* includes but is not limited to a
29 business engaged in the industries of advanced manufacturing,
30 biosciences, and information technology.

31 Sec. 4. Section 15E.52, Code 2013, is amended to read as
32 follows:

33 **15E.52 Innovation fund investment tax credits.**

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



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1 binding the state.

2 4. A taxpayer shall not claim a tax credit under this
3 section if the taxpayer is a venture capital investment fund
4 allocation manager for the Iowa fund of funds created in
5 section 15E.65 or an investor that receives a tax credit for
6 the same investment in a qualifying business as described in
7 section 15E.44 or in a community-based seed capital fund as
8 described in section 15E.45.

9 5. ~~a. The board shall issue certificates under this section~~
10 ~~which may be redeemed for tax credits. The board shall issue~~
11 ~~such certificates so that not more than the amount allocated~~
12 ~~for such tax credits under section 15.119, subsection 2, may be~~
13 ~~claimed. The certificates shall not be transferable.~~

14 ~~b.~~ The board shall, in cooperation with the department of
15 revenue, establish criteria and procedures for the allocation
16 and issuance of tax credits by means of certificates issued
17 by the board. The criteria shall include the contingencies
18 that must be met for a certificate to be redeemable in order
19 to receive a tax credit. The procedures established by the
20 board, in cooperation with the department of revenue, shall
21 relate to the procedures for the issuance and transfer of
22 the certificates and for the redemption of a certificate and
23 related tax credit.

24 6. ~~A taxpayer shall not redeem a certificate and related~~
25 ~~tax credit prior to the third tax year following the tax year~~
26 ~~in which the investment is made. Any tax credit in excess of~~
27 ~~the taxpayer's liability for the tax year in which the taxpayer~~
28 ~~claims the credit may be credited to the tax liability for the~~
29 ~~following five years or until depleted, whichever is earlier.~~
30 A tax credit shall not be carried back to a tax year prior to
31 the tax year in which the taxpayer claims the tax credit.

32 7. An innovation fund shall submit an application for
33 certification to the board. The board shall approve the
34 application and certify the innovation fund if all of the
35 following criteria are met:



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1 *a.* The fund is organized for the purposes of making
2 investments in promising early-stage companies which have a
3 principal place of business in the state.

4 *b.* The fund proposes to make investments in innovative
5 businesses.

6 *c.* The fund seeks to secure private funding sources for
7 investment in such businesses.

8 *d.* The fund meets any other criteria adopted by the
9 authority by rule.

10 8. Tax credit certificates issued pursuant to this section
11 may be transferred, in whole or in part, to any person or
12 entity. Within ninety days of transfer, the transferee shall
13 submit the transferred tax credit certificate to the department
14 of revenue along with a statement containing the transferee's
15 name, tax identification number, and address, the denomination
16 that each replacement tax credit certificate is to carry, and
17 any other information required by the department of revenue.

18 9. Within thirty days of receiving the transferred tax
19 credit certificate and the transferee's statement, the
20 department of revenue shall issue one or more replacement
21 tax credit certificates to the transferee. Each replacement
22 tax credit certificate must contain the information required
23 for the original tax credit certificate. A replacement tax
24 credit certificate may designate a different tax than the tax
25 designated on the original tax credit certificate. A tax
26 credit shall not be claimed by a transferee under this section
27 until a replacement tax credit certificate identifying the
28 transferee as the proper holder has been issued.

29 10. The transferee may use the amount of the tax credit
30 transferred against the taxes imposed in chapter 422, divisions
31 II, III, and V, and in chapter 432, and against the moneys and
32 credits tax imposed in section 533.329, for any tax year the
33 original transferor could have claimed the tax credit. Any
34 consideration received for the transfer of the tax credit shall
35 not be included as income under chapter 422, divisions II, III,



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1 and V. Any consideration paid for the transfer of the tax
 2 credit shall not be deducted from income under chapter 422,
 3 divisions II, III, and V.

4 Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
 5 immediate importance, takes effect upon enactment.

6 Sec. 6. RETROACTIVE APPLICABILITY. This Act applies
 7 retroactively to January 1, 2013, for tax years beginning on
 8 or after that date and for equity investments in an innovation
 9 fund made on or after that date.

10 EXPLANATION

11 This bill relates to economic development by modifying the
 12 innovation fund investment tax credit and allowing the Iowa
 13 innovation corporation to establish an innovation fund.

14 Under current law, the economic development authority is
 15 required to issue nontransferable tax credit certificates
 16 equal to 20 percent of a taxpayer's equity investment in an
 17 innovation fund. The tax credits available for issuance are
 18 under the aggregate tax credit limit for certain economic
 19 development programs in Code section 15.119, and are limited to
 20 a total of \$8 million per fiscal year.

21 The bill modifies the credit by removing the credit from
 22 the aggregate tax credit limit and thereby removing the \$8
 23 million allocation limit, removing the 20 percent limitation,
 24 and specifying that innovation fund investment tax certificates
 25 shall be issued according to the following procedure. First,
 26 when a nonprofit corporation receives binding investment
 27 commitments to invest in an innovation fund it shall certify
 28 those amounts to the economic development authority. After
 29 receiving certification of an amount of binding investment
 30 commitments, the economic development authority shall issue to
 31 the nonprofit corporation operating the innovation fund one or
 32 more certificates totaling an amount of tax credits equal to 50
 33 percent of the amount of the binding investment commitments.
 34 Certificates are to be issued by the economic development
 35 authority in the order in which the authority receives



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1 and seed capital investment in the state. If the fund is
2 established to qualify for innovation fund tax credits,
3 it must meet certain requirements as described in the bill
4 relating to contracts for investment management services. In
5 addition, any investor in an innovation fund operated by the
6 Iowa innovation corporation is not permitted to vote on or
7 participate in investment decisions of the innovation fund
8 related to businesses in which the investor has a greater than
9 50 percent equity interest if that investor has or will receive
10 an innovation fund tax credit.

11 The bill is effective upon enactment and applies
12 retroactively to January 1, 2013, for tax years beginning on
13 or after that date and for equity investments in an innovation
14 fund made on or after that date.



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Senate Study Bill 1113 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED SECRETARY OF
STATE BILL)

A BILL FOR

1 An Act relating to the establishment and management of business
2 entities organized in this state or formed in a different
3 state and authorized to do business in this state.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1247DP (11) 85
da/nh



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1 Sec. 5. Section 488.111, subsection 1, Code 2013, is amended
2 to read as follows:

3 1. A current list showing the full name and last known
4 ~~street and mailing~~ address of each partner, separately
5 identifying the general partners, in alphabetical order, and
6 the limited partners, in alphabetical order.

7 Sec. 6. Section 488.115, subsection 1, Code 2013, is amended
8 to read as follows:

9 1. In order to change its designated office, agent for
10 service of process, or the street address of its agent for
11 service of process, a limited partnership or a foreign limited
12 partnership may deliver to the secretary of state for filing a
13 statement of change containing all of the following:

14 a. The name of the limited partnership or foreign limited
15 partnership.

16 b. The ~~street and mailing~~ address of its current designated
17 office.

18 c. If the current designated office is to be changed, the
19 ~~street and mailing~~ address of the new designated office.

20 d. The name and ~~street and mailing~~ address of its current
21 agent for service of process.

22 e. If the current agent for service of process or ~~an~~ street
23 address of the agent is to be changed, the new information.

24 Sec. 7. Section 488.116, subsection 2, Code 2013, is amended
25 to read as follows:

26 2. After receiving a statement of resignation, the
27 secretary of state shall file it and mail a copy to the
28 designated office of the limited partnership or foreign limited
29 partnership and another copy to the principal office if the
30 street address of the office appears in the records of the
31 secretary of state and is different from the street address of
32 the designated office.

33 Sec. 8. Section 488.117, subsection 2, Code 2013, is amended
34 to read as follows:

35 2. If a limited partnership or foreign limited partnership



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1 does not appoint or maintain an agent for service of process
2 in this state or the agent for service of process cannot with
3 reasonable diligence be found at the agent's street address,
4 the secretary of state is an agent of the limited partnership
5 or foreign limited partnership upon whom process, notice, or
6 demand may be served.

7 Sec. 9. Section 488.201, subsection 1, paragraphs b and c,
8 Code 2013, are amended to read as follows:

9 *b.* The street ~~and mailing~~ address of the initial designated
10 office and the name and street ~~and mailing~~ address of the
11 initial agent for service of process.

12 *c.* The name and the street ~~and mailing~~ address of each
13 general partner.

14 Sec. 10. Section 488.803, subsection 3, paragraph b,
15 subparagraph (3), Code 2013, is amended to read as follows:

16 (3) The street ~~and mailing~~ address of the person.

17 Sec. 11. Section 488.806, subsection 2, paragraph b, Code
18 2013, is amended to read as follows:

19 *b.* Provide a ~~mailing~~ street address to which the claim is
20 to be sent.

21 Sec. 12. Section 488.807, subsection 2, paragraph b, Code
22 2013, is amended to read as follows:

23 *b.* Describe the information required to be contained in a
24 claim and provide a ~~mailing~~ street address to which the claim
25 is to be sent.

26 Sec. 13. Section 488.902, subsection 1, paragraphs c
27 through e, Code 2013, are amended to read as follows:

28 *c.* The street ~~and mailing~~ address of the foreign limited
29 partnership's principal office and, if the laws of the
30 jurisdiction under which the foreign limited partnership is
31 organized require the foreign limited partnership to maintain
32 an office in that jurisdiction, the street ~~and mailing~~ address
33 of the required office.

34 *d.* The name and street ~~and mailing~~ address of the foreign
35 limited partnership's initial agent for service of process in



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1 this state.

2 e. The name and street ~~and mailing~~ address of each of the
3 foreign limited partnership's general partners.

4 Sec. 14. Section 488.906, subsection 1, paragraph d, Code
5 2013, is amended to read as follows:

6 d. Deliver for filing a statement of a change under section
7 488.115 within thirty days after a change has occurred in the
8 name or street address of the agent.

9 Sec. 15. Section 488.1104, subsection 1, paragraph a,
10 subparagraph (6), Code 2013, is amended to read as follows:

11 (6) If the converted organization is a foreign organization
12 not authorized to transact business in this state, the street
13 ~~and mailing~~ address of an office which the secretary of state
14 may use for the purposes of section 488.1105, subsection 3.

15 Sec. 16. Section 488.1108, subsection 2, paragraph g, Code
16 2013, is amended to read as follows:

17 g. If the surviving organization is a foreign organization
18 not authorized to transact business in this state, the street
19 ~~and mailing~~ address of an office which the secretary of state
20 may use for the purposes of section 488.1109, subsection 2.

21 Sec. 17. Section 489.109, Code 2013, is amended to read as
22 follows:

23 **489.109 Reservation of name.**

24 1. A person may reserve the exclusive use of the name of a
25 limited liability company, including a fictitious or assumed
26 name for a foreign limited liability company whose name is
27 not available, by delivering an application to the secretary
28 of state for filing. The application must state the name
29 and street address of the applicant and the name proposed
30 to be reserved. If the secretary of state finds that the
31 name applied for is available, it must be reserved for the
32 applicant's exclusive use for a one-hundred-twenty-day period.

33 2. The owner of a name reserved for a limited liability
34 company may transfer the reservation to another person by
35 delivering to the secretary of state for filing a signed notice



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1 of the transfer which states the name and street address of the
2 transferee.

3 Sec. 18. Section 489.114, subsection 1, paragraph b, Code
4 2013, is amended to read as follows:

5 *b.* If the current registered office is to be changed, the
6 street ~~and mailing~~ addresses of the new registered office.

7 Sec. 19. Section 489.114, subsection 3, Code 2013, is
8 amended to read as follows:

9 3. If a registered agent changes the registered agent's
10 business address to another place, the registered agent
11 may change the business address and the street address of
12 the registered agent by filing a statement as required by
13 subsection 2 for each limited liability company or foreign
14 limited liability company, or a single statement of all limited
15 liability companies or all foreign limited liability companies
16 named in the notice, except that it need be signed only by the
17 registered agent and need not be responsive to subsection 1,
18 paragraph "c", and must recite that a copy of the statement
19 has been mailed to each limited liability company or foreign
20 limited liability company named in the notice.

21 Sec. 20. Section 489.702, subsection 4, paragraph b,
22 subparagraph (3), Code 2013, is amended to read as follows:

23 (3) Provide the street ~~and mailing addresses~~ address of the
24 person.

25 Sec. 21. Section 489.703, subsection 2, paragraph b, Code
26 2013, is amended to read as follows:

27 *b.* Provide a ~~mailing~~ street address to which the claim is
28 to be sent.

29 Sec. 22. Section 489.704, subsection 2, paragraph b, Code
30 2013, is amended to read as follows:

31 *b.* Describe the information required to be contained in a
32 claim and provide a ~~mailing~~ street address to which the claim
33 is to be sent.

34 Sec. 23. Section 489.802, subsection 1, paragraph c, Code
35 2013, is amended to read as follows:



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1 *c.* The street ~~and mailing addresses~~ address of the company's
2 principal office and, if the law of the jurisdiction under
3 which the company is formed requires the company to maintain an
4 office in that jurisdiction, the street ~~and mailing addresses~~
5 address of the required office.

6 Sec. 24. Section 489.806, subsection 1, paragraph d, Code
7 2013, is amended to read as follows:

8 *d.* Deliver for filing a statement of a change under section
9 489.114 within thirty days after a change has occurred in the
10 name of its registered agent or the street address of its
11 registered office.

12 Sec. 25. Section 489.807, subsection 1, paragraphs c and d,
13 Code 2013, are amended to read as follows:

14 *c.* A ~~mailing~~ street address to which the secretary of state
15 may mail a copy of any process served on the secretary of state
16 under paragraph "b".

17 *d.* A commitment to notify the secretary of state in the
18 future of any change in the ~~mailing~~ street address of the
19 foreign limited liability company.

20 Sec. 26. Section 489.1004, subsection 2, paragraph g, Code
21 2013, is amended to read as follows:

22 *g.* If the surviving organization is a foreign organization
23 not authorized to transact business in this state, the street
24 ~~and mailing addresses~~ address of an office that the secretary
25 of state may use for the purposes of section 489.1005,
26 subsection 2.

27 Sec. 27. Section 489.1008, subsection 1, paragraph a,
28 subparagraph (7), Code 2013, is amended to read as follows:

29 (7) If the converted organization is a foreign organization
30 not authorized to transact business in this state, the street
31 ~~and mailing addresses~~ address of an office which the secretary
32 of state may use for the purposes of section 489.1009,
33 subsection 3.

34 Sec. 28. Section 489.1012, subsection 1, paragraph g, Code
35 2013, is amended to read as follows:



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1 2. The owner of a reserved corporate name may transfer the
2 reservation to another person by delivering to the secretary of
3 state a signed notice of the transfer that states the name and
4 street address of the transferee.

5 Sec. 34. Section 490.502, subsection 3, Code 2013, is
6 amended to read as follows:

7 3. If a registered agent changes the registered agent's
8 business address to another place, the registered agent
9 may change the business address and the street address of
10 the registered agent by filing a statement as required in
11 subsection 2 for each corporation, or a single statement for
12 all corporations named in the notice, except that it need be
13 signed only by the registered agent and need not be responsive
14 to subsection 1, paragraph "c", and must recite that a copy of
15 the statement has been mailed to each corporation named in the
16 notice.

17 Sec. 35. Section 490.720, subsection 1, Code 2013, is
18 amended to read as follows:

19 1. After fixing a record date for a meeting, a corporation
20 shall prepare an alphabetical list of the names of all its
21 shareholders who are entitled to notice of a shareholders'
22 meeting. The list must be arranged by voting group and
23 within each voting group by class or series of shares, and
24 show the street address of and number of shares held by each
25 shareholder.

26 Sec. 36. Section 490.730, subsection 1, Code 2013, is
27 amended to read as follows:

28 1. One or more shareholders may create a voting trust,
29 conferring on a trustee the right to vote or otherwise act for
30 them, by signing an agreement setting out the provisions of the
31 trust, which may include anything consistent with its purpose,
32 and transferring their shares to the trustee. When a voting
33 trust agreement is signed, the trustee shall prepare a list
34 of the names and street addresses of all owners of beneficial
35 interests in the trust, together with the number and class of



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1 shares each transferred to the trust, and deliver copies of the
2 list and agreement to the corporation's principal office.

3 Sec. 37. Section 490.1005, subsections 2 and 3, Code 2013,
4 are amended to read as follows:

5 2. To delete the names and street addresses of the initial
6 directors.

7 3. To delete the name and street address of the initial
8 registered agent or registered office, if a statement of change
9 is on file with the secretary of state.

10 Sec. 38. Section 490.1113, subsection 1, paragraph a,
11 subparagraph (6), Code 2013, is amended to read as follows:

12 (6) If the converted entity is a foreign other entity not
13 authorized to transact business in this state, the street ~~and~~
14 ~~mailing~~ address of an office which the secretary of state may
15 use for the purposes of section 490.1114, subsection 3.

16 Sec. 39. Section 490.1303, subsection 1, Code 2013, is
17 amended to read as follows:

18 1. A record shareholder may assert appraisal rights
19 as to fewer than all the shares registered in the record
20 shareholder's name but owned by a beneficial shareholder only
21 if the record shareholder objects with respect to all shares
22 of the class or series owned by the beneficial shareholder
23 and notifies the corporation in writing of the name and
24 street address of each beneficial shareholder on whose behalf
25 appraisal rights are being asserted. The rights of a record
26 shareholder who asserts appraisal rights for only part of
27 the shares held of record in the record shareholder's name
28 under this subsection shall be determined as if the shares
29 as to which the record shareholder objects and the record
30 shareholder's other shares were registered in the names of
31 different record shareholders.

32 Sec. 40. Section 490.1406, subsection 2, paragraph b, Code
33 2013, is amended to read as follows:

34 b. Provide a ~~mailing~~ street address where a claim may be
35 sent.



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1 Sec. 41. Section 490.1407, subsection 2, paragraph b, Code
2 2013, is amended to read as follows:

3 *b.* Describe the information that must be included in a claim
4 and provide a ~~mailing~~ street address where the claim may be
5 sent.

6 Sec. 42. Section 490.1503, subsection 1, paragraphs e and f,
7 Code 2013, are amended to read as follows:

8 *e.* The street address of its registered office in this state
9 and the name of its registered agent at that office.

10 *f.* The names and usual business street addresses of its
11 current directors and officers.

12 Sec. 43. Section 490.1520, subsection 2, paragraph d, Code
13 2013, is amended to read as follows:

14 *d.* A ~~mailing~~ street address to which the secretary of state
15 may mail a copy of any process served on the secretary of state
16 under paragraph `c`.

17 Sec. 44. Section 490.1520, subsection 3, Code 2013, is
18 amended to read as follows:

19 3. After the withdrawal of the corporation is effective,
20 service of process on the secretary of state under this
21 section is service on the foreign corporation. Upon receipt
22 of process, the secretary of state shall mail a copy of the
23 process to the foreign corporation at the ~~mailing~~ street
24 address set forth under subsection 2.

25 Sec. 45. Section 490.1531, subsection 4, Code 2013, is
26 amended to read as follows:

27 4. The secretary of state's revocation of a foreign
28 corporation's certificate of authority appoints the secretary
29 of state the foreign corporation's agent for service of process
30 in any proceeding based on a cause of action which arose
31 during the time the foreign corporation was authorized to
32 transact business in this state. Service of process on the
33 secretary of state under this subsection is service on the
34 foreign corporation. Upon receipt of process, the secretary
35 of state shall mail a copy of the process to the secretary of



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1 Sec. 50. Section 490.1701, subsection 3, paragraph a, Code
2 2013, is amended to read as follows:

3 a. The corporation shall amend or restate its articles of
4 incorporation to indicate that the corporation adopts this
5 chapter and to designate the street address of its initial
6 registered office and the name of its registered agent at that
7 office and, if the name of the corporation is not in compliance
8 with the requirements of this chapter, to change the name of
9 the corporation to one complying with the requirements of this
10 chapter.

11 Sec. 51. Section 499.27, Code 2013, is amended to read as
12 follows:

13 **499.27 Meetings.**

14 1. Regular meetings of members shall be held at least once
15 each year, the first of which shall be on the date specified
16 in its articles. Unless otherwise provided in the articles or
17 bylaws, subsequent meetings shall be on the same date in each
18 succeeding year.

19 2. Unless otherwise provided in the articles, the directors
20 may call special meetings of members, and must do so upon
21 written demand of twenty percent of the members.

22 3. Unless the member waives it in writing, each member
23 shall have ten days' written notice of the time and place
24 of all meetings, and of the purpose of all special meetings.
25 Such notice shall be given to the member in person or
26 by mail directed to the member's street address as shown
27 on the books of the association, or if the articles so
28 provide, by publication in a regular publication of general
29 circulation among its members, or a newspaper of general
30 circulation published at the principal place of business of the
31 association.

32 Sec. 52. Section 499.30A, subsection 4, paragraph a, Code
33 2013, is amended to read as follows:

34 a. The name and street address of the cooperative
35 association.



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1 **499A.9 Amendments of articles.**

2 Any cooperative organized under this chapter may change its
3 name or amend its articles of incorporation by a vote of a
4 majority of the members, in such manner as may be provided in
5 its articles; but if no such provision is made in the articles
6 the same may be amended at any regular meeting or special
7 meeting called for that purpose by the president or secretary
8 or a majority of the board of directors. Notice of any meeting
9 at which it is proposed to amend the articles of incorporation,
10 shall be given by mailing to each member at the member's last
11 known ~~post-office~~ street address at least ten days prior to
12 such meeting, a notice signed by the secretary setting forth
13 the proposed amendments in substance, or by two publications
14 of said notice in some daily or weekly newspaper in general
15 circulation in the county wherein said cooperative has its
16 principal place of business. The last publication of said
17 notice shall be not less than ten days prior to the date of said
18 meeting. There shall be paid to the secretary of state at the
19 time of the filing of such change or amendment a recording fee
20 of fifty cents per page.

21 Sec. 57. Section 499A.22, subsection 2, Code 2013, is
22 amended to read as follows:

23 2. The cooperative, upon a member's nonpayment of carrying
24 charges and assessments and the cooperative's compliance with
25 this section, may sell the defaulting member's cooperative
26 interest. Sale may be at a public sale or by private
27 negotiation, and at any time and place, but every aspect of the
28 sale, including the method, advertising, time, place, and terms
29 must be reasonable. The cooperative shall give to the member
30 and any sublessees of the member reasonable written notice of
31 the time and place of a public sale or, if a private sale is
32 intended, of the intention of entering into a contract to sell
33 and of the time after which a private disposition may be made.
34 The same notice shall also be sent to any other person who has
35 a recorded interest in the defaulting member's cooperative



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1 Sec. 62. Section 501.304, subsection 1, Code 2013, is
2 amended to read as follows:

3 1. Within ten days from receiving a demand of a member, the
4 cooperative shall produce and furnish the member with the names
5 and street addresses of all members of the cooperative.

6 Sec. 63. Section 501.701, subsection 3, Code 2013, is
7 amended to read as follows:

8 3. A cooperative or its agent shall maintain a record of its
9 interest holders in a form that permits preparation of a list
10 of the names and street addresses of all interest holders in
11 alphabetical order by class of interests showing the number and
12 class of interests held by each.

13 Sec. 64. Section 501.701, subsection 5, paragraph f, Code
14 2013, is amended to read as follows:

15 *f.* A list of the names and ~~business~~ street addresses of its
16 current directors and officers.

17 Sec. 65. Section 501.713, subsection 1, paragraphs b
18 through d, Code 2013, are amended to read as follows:

19 *b.* The street address of its registered office and the name
20 of its registered agent at that office in this state, together
21 with the consent of any new registered agent.

22 *c.* The street address of its principal office.

23 *d.* The names and street addresses of the president,
24 secretary, treasurer, and one member of the board of directors.

25 Sec. 66. Section 501.807, subsection 2, paragraph b, Code
26 2013, is amended to read as follows:

27 *b.* Provide a ~~mailing~~ street address where a claim may be
28 sent.

29 Sec. 67. Section 501.808, subsection 2, paragraph b, Code
30 2013, is amended to read as follows:

31 *b.* Describe the information that must be included in a claim
32 and provide a ~~mailing~~ street address where the claim may be
33 sent.

34 Sec. 68. Section 501A.102, subsection 1, Code 2013, is
35 amended to read as follows:



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1 1. ~~"Address" means mailing street address, including a zip~~
 2 ~~code. In the case of a registered address, the term means the~~
 3 ~~mailing address and the actual office location, which shall not~~
 4 ~~be a post office box.~~

5 Sec. 69. Section 501A.222, subsection 1, paragraphs d and e,
 6 Code 2013, are amended to read as follows:

7 ~~d.~~ A mailing An address to which the secretary may mail a
 8 copy of any process served on the secretary under paragraph ~~"c"~~.

9 ~~e.~~ A commitment to notify the secretary in the future of any
 10 change in the mailing address of the foreign cooperative.

11 Sec. 70. Section 501A.803, subsection 5, paragraph a, Code
 12 2013, is amended to read as follows:

13 ~~a.~~ The cooperative shall give notice of regular members'
 14 meetings by mailing the regular members' meeting notice to
 15 each member at the members' last known ~~post office~~ address or
 16 by other notification approved by the board and agreed to by
 17 the members. The regular members' meeting notice shall be
 18 published or otherwise given by approved method at least two
 19 weeks before the date of the meeting or mailed at least fifteen
 20 days before the date of the meeting.

21 Sec. 71. Section 501A.804, subsection 2, Code 2013, is
 22 amended to read as follows:

23 2. ~~Notice.~~ The cooperative shall give notice of a special
 24 members' meeting by mailing the special members' meeting notice
 25 to each member personally at the person's last known ~~post~~
 26 ~~office~~ address, or by another process determined by the board
 27 if the member is to vote by an alternative voting method as
 28 approved by the board and agreed to by the member individually
 29 or the members generally. For a member that is an entity, the
 30 notice mailed, or delivered by another process for vote by
 31 an alternative voting method, shall be to an officer of the
 32 entity. The special members' meeting notice shall state the
 33 time, place, and purpose of the special members' meeting. The
 34 special members' meeting notice shall be issued within ten
 35 days from and after the date of the presentation of a members'



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1 petition, and the special members' meeting shall be held within
2 thirty days after the date of the presentation of the members'
3 petition.

4 Sec. 72. Section 501A.1206, Code 2013, is amended to read
5 as follows:

6 **501A.1206 Application for court-supervised voluntary
7 dissolution.**

8 After a notice of intent to dissolve has been filed with
9 the secretary and before a certificate of dissolution has been
10 issued, the cooperative or, for good cause shown, a member
11 or creditor may apply to a court within the county where the
12 registered street address is located to have the dissolution
13 conducted or continued under the supervision of the court.

14 Sec. 73. Section 501A.1207, subsection 5, Code 2013, is
15 amended to read as follows:

16 5. *Venue.* Proceedings under this section shall be brought
17 in a court within the county where the registered street
18 address of the cooperative is located.

19 Sec. 74. Section 501B.7, subsection 3, paragraph b, Code
20 2013, is amended to read as follows:

21 ~~b. The address in this state, including the street address,~~
22 ~~if any,~~ of the association or, if the association does not have
23 an address in this state, its out-of-state address.

24 Sec. 75. Section 501B.11, subsection 2, paragraph b, Code
25 2013, is amended to read as follows:

26 b. The name of the person in this state authorized to
27 receive service of process and the person's ~~address, including~~
28 ~~the street address,~~ in this state.

29 Sec. 76. Section 504.142, subsection 4, paragraph a, Code
30 2013, is amended to read as follows:

31 a. Upon deposit in the United States mail, if mailed
32 postpaid and correctly addressed to the member's street address
33 shown in the corporation's current record of members.

34 Sec. 77. Section 504.142, subsections 6 through 8, Code
35 2013, are amended to read as follows:



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1 6. Written notice is correctly addressed to a member of a
2 domestic or foreign corporation if addressed to the member's
3 street address shown in the corporation's current list of
4 members.

5 7. A written notice or report delivered as part of a
6 newsletter, magazine, or other publication regularly sent
7 to members shall constitute a written notice or report if
8 addressed or delivered to the member's street address shown in
9 the corporation's current list of members, or in the case of
10 members who are residents of the same household and who have
11 the same street address in the corporation's current list of
12 members, if addressed or delivered to one of such members, at
13 the street address appearing on the current list of members.

14 8. Written notice is correctly addressed to a domestic or
15 foreign corporation authorized to transact business in this
16 state, other than in its capacity as a member, if addressed to
17 its registered agent or to its secretary at the street address
18 of its principal office shown in its most recent biennial
19 report or, in the case of a foreign corporation that has not
20 yet delivered a biennial report, in its application for a
21 certificate of authority.

22 Sec. 78. Section 504.202, subsection 1, paragraphs b and c,
23 Code 2013, are amended to read as follows:

24 *b.* The street address of the corporation's initial
25 registered office and the name of its initial registered agent
26 at that office.

27 *c.* The name and street address of each incorporator.

28 Sec. 79. Section 504.202, subsection 2, paragraph b, Code
29 2013, is amended to read as follows:

30 *b.* The names and street addresses of the individuals who are
31 to serve as the initial directors.

32 Sec. 80. Section 504.402, subsection 2, Code 2013, is
33 amended to read as follows:

34 2. The owner of a reserved corporate name may transfer the
35 reservation to another person by delivering to the secretary of



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1 paragraph 1, Code 2013, is amended to read as follows:
 2 If a corporation has no registered agent, or the agent
 3 cannot with reasonable diligence be served, the corporation
 4 may be served by registered or certified mail, return receipt
 5 requested, addressed to the secretary of the corporation at the
 6 street address of its principal office shown in the most recent
 7 biennial report filed pursuant to section 504.1613. Service
 8 is perfected under this subsection on the earliest of any of
 9 the following:

10 Sec. 85. Section 504.622, subsection 4, Code 2013, is
 11 amended to read as follows:

12 4. Any written notice given by mail pursuant to this section
 13 must be given by first class or certified mail sent to the
 14 last street address of the member shown on the corporation's
 15 records.

16 Sec. 86. Section 504.711, subsection 1, Code 2013, is
 17 amended to read as follows:

18 1. After fixing a record date for a notice of a meeting, a
 19 corporation shall prepare an alphabetical list of the names of
 20 all its members who are entitled to notice of the meeting. The
 21 list must show the street address of each member and number
 22 of votes each member is entitled to cast at the meeting. The
 23 corporation shall prepare on a current basis through the time
 24 of the membership meeting a list of members, if any, who are
 25 entitled to vote at the meeting, but not entitled to notice of
 26 the meeting. This list shall be prepared on the same basis as
 27 and be part of the list of members.

28 Sec. 87. Section 504.1002, subsection 1, paragraphs b and c,
 29 Code 2013, are amended to read as follows:

30 b. To delete the names and street addresses of the initial
 31 directors.

32 c. To delete the name and street address of the initial
 33 registered agent or registered office, if a statement of change
 34 is on file with the secretary of state.

35 Sec. 88. Section 504.1406, subsection 2, paragraph b, Code



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1 2013, is amended to read as follows:

2 *b.* Provide a ~~mailing~~ street address where a claim may be
3 sent.

4 Sec. 89. Section 504.1407, subsection 2, paragraph b, Code
5 2013, is amended to read as follows:

6 *b.* Describe the information that must be included in a claim
7 and provide a ~~mailing~~ street address where the claim may be
8 sent.

9 Sec. 90. Section 504.1503, subsection 1, paragraphs d
10 through f, Code 2013, are amended to read as follows:

11 *d.* The street address of its principal office.

12 *e.* The street address of its registered office in this state
13 and the name of its registered agent at that office.

14 *f.* The names and usual business or home street addresses of
15 its current directors and officers.

16 Sec. 91. Section 504.1507, subsection 1, Code 2013, is
17 amended to read as follows:

18 1. A registered office with the same street address as that
19 of its registered agent.

20 Sec. 92. Section 504.1508, subsection 1, paragraphs b and d,
21 Code 2013, are amended to read as follows:

22 *b.* If the current registered office is to be changed, the
23 street address of its new registered office.

24 *d.* That after the change or changes are made, the street
25 addresses of its registered office and the office of its
26 registered agent will be identical.

27 Sec. 93. Section 504.1508, subsections 2 and 3, Code 2013,
28 are amended to read as follows:

29 2. If a registered agent changes the street address of
30 its business office, the agent may change the street address
31 of the registered office of any foreign corporation for which
32 the agent is the registered agent by notifying the corporation
33 in writing of the change and signing either manually or in
34 facsimile and delivering to the secretary of state for filing
35 a statement of change that complies with the requirements of



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1 subsection 1 and recites that the corporation has been notified
2 of the change.

3 3. If a registered agent changes the registered agent's
4 business street address to another place, the registered agent
5 may change the street address of the registered office of any
6 corporation for which the registered agent is the registered
7 agent by filing a statement as required in subsection 2 for
8 each corporation, or by filing a single statement for all
9 corporations named in the notice, except that it must be signed
10 either manually or in facsimile only by the registered agent
11 and must recite that a copy of the statement has been mailed to
12 each corporation named in the notice.

13 Sec. 94. Section 504.1510, subsection 2, unnumbered
14 paragraph 1, Code 2013, is amended to read as follows:

15 A foreign corporation may be served by registered or
16 certified mail, return receipt requested, addressed to the
17 secretary of the foreign corporation at the street address of
18 its principal office shown in its application for a certificate
19 of authority or in its most recent biennial report filed under
20 section 504.1613 if any of the following conditions apply:

21 Sec. 95. Section 504.1521, subsection 2, paragraph d, Code
22 2013, is amended to read as follows:

23 *d.* A ~~mailing~~ street address to which the secretary of state
24 may mail a copy of any process served on the secretary of state
25 under paragraph "c".

26 Sec. 96. Section 504.1521, subsection 3, Code 2013, is
27 amended to read as follows:

28 3. After the withdrawal of the corporation is effective,
29 service of process on the secretary of state under this
30 section is service on the foreign corporation. Upon receipt
31 of process, the secretary of state shall mail a copy of the
32 process to the foreign corporation at the mailing street
33 address set forth in its application for withdrawal.

34 Sec. 97. Section 504.1532, subsection 5, Code 2013, is
35 amended to read as follows:



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1 5. The secretary of state's revocation of a foreign
2 corporation's certificate of authority appoints the secretary
3 of state the foreign corporation's agent for service of
4 process in any proceeding based on a cause of action that
5 arose during the time the foreign corporation was authorized
6 to transact business in this state. Service of process on the
7 secretary of state under this subsection is service on the
8 foreign corporation. Upon receipt of process, the secretary
9 of state shall mail a copy of the process to the secretary of
10 the foreign corporation at its principal office shown in its
11 most recent biennial report or in any subsequent communications
12 received from the corporation stating the current mailing
13 street address of its principal office or, if none are on file,
14 in its application for a certificate of authority.

15 Sec. 98. Section 504.1601, subsection 3, Code 2013, is
16 amended to read as follows:

17 3. A corporation or its agent shall maintain a record of
18 its members in a form that permits preparation of a list of
19 the names and street addresses of all members, in alphabetical
20 order by class, showing the number of votes each member is
21 entitled to vote.

22 Sec. 99. Section 504.1601, subsection 5, paragraph f, Code
23 2013, is amended to read as follows:

24 f. A list of the names and business or home street addresses
25 of its current directors and officers.

26 Sec. 100. Section 504.1607, Code 2013, is amended to read
27 as follows:

28 **504.1607 Exception to notice requirement.**

29 1. Whenever notice is required to be given under any
30 provision of this chapter to any member, such notice shall not
31 be required to be given if notice of two consecutive annual
32 meetings, and all notices of meetings during the period between
33 such two consecutive annual meetings, have been sent to the
34 member at the member's street address as shown on the records
35 of the corporation and have been returned as undeliverable.



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1 secretary of state determines that a record does not comply
2 with the filing requirements of this chapter, and if all filing
3 fees have been paid, the secretary of state shall file the
4 record and perform all of the following:

5 a. For a statement of dissociation, send ~~all of the~~
6 ~~following:~~

7 (1) ~~A~~ a copy of the filed statement and a receipt for the
8 ~~fees~~ record to the person which the statement indicates has
9 dissociated as a general partner.

10 (2) ~~A copy of the filed statement and receipt to the limited~~
11 ~~partnership.~~

12 b. For a statement of withdrawal, send ~~all of the following:~~

13 (1) ~~A~~ a copy of the filed statement and a receipt for the
14 ~~fees~~ record to the person on whose behalf the record was filed.

15 (2) ~~If the statement refers to an existing limited~~
16 ~~partnership, a copy of the filed statement and receipt to the~~
17 ~~limited partnership.~~

18 c. ~~For all other records, send a copy of the filed record~~
19 ~~and a receipt for the fees to the person on whose behalf the~~
20 ~~record was filed.~~

21 Sec. 103. Section 488.206, subsection 2, Code 2013, is
22 amended by striking the subsection.

23 Sec. 104. Section 489.205, subsection 1, Code 2013, is
24 amended to read as follows:

25 1. A record authorized or required to be delivered to the
26 secretary of state for filing under this chapter ~~must~~ shall
27 be captioned to describe the record's purpose, be in a medium
28 permitted by the secretary of state, and be delivered to the
29 secretary of state. If the filing fees have been paid, unless
30 the secretary of state determines that a record does not comply
31 with the filing requirements of this chapter, the secretary of
32 state shall file the record and ~~any of the following applies:~~

33 a. ~~For a statement of denial under section 489.303, send a~~
34 ~~copy of the filed statement and a receipt for the fees to the~~
35 ~~person on whose behalf the statement was delivered for filing~~



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1 ~~and to the limited liability company.~~

2 ~~b. For all other records,~~ send a copy of the filed record
3 and a receipt for the fees to the person on whose behalf the
4 record was filed.

5 Sec. 105. Section 489.205, subsection 2, Code 2013, is
6 amended by striking the subsection.

7 DIVISION III
8 PROOF OF EXISTENCE OR AUTHORIZATION FOR LIMITED PARTNERSHIPS,
9 LIMITED LIABILITY COMPANIES, CORPORATIONS, COOPERATIVES, OR
10 NONPROFIT CORPORATIONS

11 Sec. 106. Section 488.209, Code 2013, is amended to read as
12 follows:

13 **488.209 Certificate of existence or authorization authority.**

14 1. ~~The secretary of state, upon request and payment of~~
15 ~~the requisite fee, shall furnish a certificate of existence~~
16 ~~for a limited partnership if the records filed in the office~~
17 ~~of the secretary of state show that the secretary of state~~
18 ~~has filed a certificate of limited partnership and has not~~
19 ~~filed a statement of termination. A certificate of existence~~
20 ~~must state all of the following:~~ Any person may apply to the
21 secretary of state to furnish that person a certificate of
22 existence for a domestic limited partnership or a certificate
23 of authority for a foreign limited partnership.

24 2. A certificate of existence or authority shall include all
25 of the following:

26 a. The domestic limited partnership's name that complies
27 with section 488.108 or the foreign limited partnership's
28 name used in this state that complies with section 488.108 or
29 488.905.

30 b. That it was one of the following apply:

31 (1) If the limited partnership is a domestic limited
32 partnership, that it is duly formed under the laws of this
33 state, and the date of its formation, and the period of its
34 duration if less than perpetual.

35 (2) If the limited partnership is a foreign limited



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1 partnership, that it is authorized to transact business in this
2 state.

3 ~~c. Whether~~ That all fees, ~~taxes,~~ and penalties under this
4 chapter or other law due the secretary of state have been paid.

5 ~~d. Whether~~ That the limited partnership's most recent
6 biennial report required by section 488.210 has been filed by
7 the secretary of state.

8 ~~e. Whether~~ That in the case of a domestic limited
9 partnership, the secretary of state has administratively
10 dissolved not filed a statement of dissolution or a statement
11 of termination concerning the limited partnership as provided
12 in section 489.702.

13 ~~f. Whether the limited partnership's certificate of~~
14 ~~limited partnership has been amended to state that the limited~~
15 ~~partnership is dissolved.~~

16 ~~g. That a statement of termination has not been filed by the~~
17 ~~secretary of state.~~

18 ~~h.~~ Other facts of record in the office of the secretary of
19 state ~~which~~ that may be requested by the applicant.

20 ~~2. The secretary of state, upon request and payment of the~~
21 ~~requisite fee, shall furnish a certificate of authorization~~
22 ~~for a foreign limited partnership if the records filed in the~~
23 ~~office of the secretary of state show that the secretary of~~
24 ~~state has filed a certificate of authority, has not revoked~~
25 ~~the certificate of authority, and has not filed a notice of~~
26 ~~cancellation. A certificate of authorization must state all~~
27 ~~of the following:~~

28 ~~a. The foreign limited partnership's name and any alternate~~
29 ~~name adopted under section 488.905, subsection 1, for use in~~
30 ~~this state.~~

31 ~~b. That it is authorized to transact business in this state.~~

32 ~~c. Whether all fees, taxes, and penalties under this chapter~~
33 ~~or other law due the secretary of state have been paid.~~

34 ~~d. Whether the foreign limited partnership's most recent~~
35 ~~biennial report required by section 488.210 has been filed by~~



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1 company's name used in this state complies with section 489.108
2 or 489.805.

3 b. That the one of the following apply:

4 (1) If the limited liability company is a domestic limited
5 liability company was, that it is duly formed under the laws
6 of this state, the date of its formation, and the period of its
7 duration if less than perpetual.

8 (2) If the limited liability company is a foreign limited
9 liability company, that it is authorized to transact business
10 in this state.

11 c. Whether That all fees, taxes, and penalties due under
12 this chapter or other law to the secretary of state have been
13 paid.

14 d. Whether That the company's most recent biennial report
15 required by section 489.209 has been filed by the secretary of
16 state.

17 e. Whether That in the case of a domestic limited
18 liability company, the secretary of state has administratively
19 dissolved not filed a statement of dissolution or statement of
20 termination concerning the company.

21 f. Whether the company has delivered to the secretary of
22 state for filing a statement of dissolution.

23 g. That a statement of termination has not been filed by the
24 secretary of state.

25 h. Other facts of record in the office of the secretary of
26 state which are specified that may be requested by the person
27 requesting the certificate applicant.

28 2. The secretary of state, upon request and payment of the
29 requisite fee, shall furnish to any person a certificate of
30 authorization for a foreign limited liability company if the
31 records filed in the office of the secretary of state show that
32 the secretary of state has filed a certificate of authority,
33 has not revoked the certificate of authority, and has not filed
34 a notice of cancellation. A certificate of authorization must
35 state all of the following:



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1 ~~forth~~ authority shall include all of the following:

2 a. The domestic corporation's corporate name that complies
3 with section 490.401 or the foreign corporation's corporate
4 name used in this state that complies with section 490.401 or
5 490.1506.

6 b. That one of the following apply:

7 (1) If ~~it~~ the corporation is a domestic corporation, that it
8 is duly incorporated under the law of this state, the date of
9 its incorporation, and the period of its duration if less than
10 perpetual.

11 (2) If ~~it~~ the corporation is a foreign corporation, that it
12 is authorized to transact business in this state.

13 c. That all fees ~~required by~~ and penalties due under this
14 chapter or other law to the secretary of state have been paid.

15 d. That its most recent biennial report required by section
16 490.1622 has been filed by the secretary of state.

17 e. ~~If it is~~ That in the case of a domestic corporation, ~~that~~
18 the secretary of state has not filed articles of dissolution
19 ~~have not been filed~~ concerning the corporation as provided in
20 section 490.1403.

21 f. Other facts of record in the office of the secretary of
22 state that may be requested by the applicant.

23 3. Subject to any qualification stated in the certificate,
24 a certificate of existence for a domestic corporation,
25 ~~or authorization~~ a certificate of authority for a foreign
26 corporation, issued by the secretary of state may be relied
27 upon as conclusive evidence that the domestic corporation is
28 in existence or the foreign corporation is ~~in existence or is~~
29 authorized to transact business in this state.

30 Sec. 111. Section 501A.205, subsection 1, paragraph x, Code
31 2013, is amended to read as follows:

32 x. Application for certificate of existence or
33 ~~authorization~~ authority \$ 5

34 Sec. 112. Section 501A.209, Code 2013, is amended to read
35 as follows:



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1 **501A.209 Certificate of existence or authority.**
2 1. ~~Anyone~~ Any person may apply to the secretary to furnish
3 a certificate of existence for a domestic cooperative formed
4 under this chapter or a certificate of ~~authorization~~ authority
5 for a foreign cooperative.
6 2. A certificate of existence or certificate of
7 ~~authorization must set forth~~ authority shall include all of the
8 following:
9 a. The domestic cooperative's name that complies with
10 section 501A.301 or the foreign cooperative's name used in this
11 state that complies with section 501A.301.
12 b. That one of the following applies:
13 (1) If ~~it~~ the cooperative is a domestic cooperative, that it
14 is duly organized under the law of this state, the date of its
15 organization, and the period of its duration.
16 (2) If ~~it~~ the cooperative is a foreign cooperative, that it
17 is authorized to transact business in this state.
18 c. That all fees ~~required by~~ and penalties due under this
19 subchapter or other law to the secretary of state have been
20 paid.
21 d. ~~If it is a domestic cooperative, that articles of~~
22 ~~dissolution have not been filed.~~ That the cooperative's most
23 recent biennial report required by section 501A.231 has been
24 filed by the secretary of state.
25 e. That in the case of a domestic cooperative, the secretary
26 of state has not filed articles of dissolution concerning the
27 cooperative as provided in section 501A.1205.
28 e- f. Other facts of record in the office of the secretary
29 that may be requested by the applicant.
30 3. Subject to any qualification stated in the certificate,
31 a certificate of existence for a domestic cooperative, or
32 certificate of ~~authorization~~ authority issued for a foreign
33 cooperative, by the secretary may be relied upon as conclusive
34 evidence that the domestic cooperative is in existence or
35 foreign cooperative is ~~in existence~~ or is authorized to



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1 ~~and~~ together with the consent of any new registered agent.

2 *c.* The street address of its principal office.

3 *d.* In the case of a foreign limited liability company, the

4 state or other jurisdiction under whose law the company is

5 ~~formed and any alternate name adopted under section 489.805,~~

6 ~~subsection 1~~ organized.

7 2. Information in a the biennial report ~~under this section~~

8 ~~must~~ shall be current as of the date the report is ~~delivered~~

9 ~~to the secretary of state for filing~~ executed. The report

10 shall be executed on behalf of the limited liability company

11 or foreign limited liability company and signed as provided

12 in section 489.203 or by any other person authorized by the

13 manager or limited liability company.

14 3. The first biennial report ~~under this section must~~ shall

15 be delivered to the secretary of state between January 1 and

16 April 1 of the first odd-numbered year following the calendar

17 year in which a limited liability company was formed or a

18 foreign limited liability company was authorized to transact

19 business. A Each subsequent biennial report must be delivered

20 to the secretary of state between January 1 and April 1 of

21 each following odd-numbered calendar year. A filing fee for

22 the biennial report shall be determined by the secretary of

23 state ~~pursuant to section 489.117. Each biennial report shall~~

24 ~~contain information related to the two-year period immediately~~

25 ~~preceding the calendar year in which the report is filed.~~

26 4. If a the biennial report does not contain the information

27 required in ~~this section~~ subsection 1, the secretary of state

28 shall promptly notify the reporting limited liability company

29 or foreign limited liability company in writing and return the

30 report to it for correction.

31 5. The secretary of state may provide for the change of

32 registered office or registered agent on the form prescribed by

33 the secretary of state for the biennial report, provided that

34 the form contains the information required in section 489.114.

35 6. If the secretary of state determines that a the biennial



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1 report does not contain the information required in ~~this~~
 2 ~~section subsection 1~~ but otherwise meets the requirements of
 3 section 489.114, ~~for the purpose of changing the registered~~
 4 ~~office or registered agent~~, the secretary of state shall file
 5 the statement of change for the registered office or registered
 6 agent, ~~effective as provided in section 489.205, subsection 3,~~
 7 before returning the biennial report to the limited liability
 8 company ~~as provided in this section.~~

9 7. A statement of change of registered office or registered
 10 agent ~~accomplished~~ pursuant to this ~~subsection~~ section shall be
 11 executed by a person authorized to execute the biennial report.

12 Sec. 122. Section 490.1622, Code 2013, is amended to read
 13 as follows:

14 **490.1622 Biennial report for secretary of state.**

15 1. ~~Each~~ A domestic corporation, ~~and each or a~~ foreign
 16 corporation authorized to transact business in this state,
 17 shall deliver to the secretary of state for filing a biennial
 18 report that ~~sets forth~~ includes all of the following:

19 a. The domestic corporation's name ~~of~~ as used in the
 20 state pursuant to section 490.401 or the corporation and the
 21 state or country under whose law it is incorporated foreign
 22 corporation's name as used in this state pursuant to section
 23 490.401 or 490.1506.

24 b. The street address of its registered office and the name
 25 of its registered agent at that office in this state, together
 26 with the consent of any new registered agent.

27 c. The street address of its principal office.

28 d. The names and street addresses of the president,
 29 secretary, treasurer, and one member of the board of directors.

30 e. In the case of a foreign corporation, the state or other
 31 jurisdiction under whose law the foreign corporation is formed.

32 2. Information in the biennial report ~~must~~ shall be current
 33 as of the date the report is ~~delivered to the secretary of~~
 34 ~~state for filing~~ executed. The report shall be executed on
 35 behalf of the corporation and signed as provided in section



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1 490.120 or by any other person authorized by the board of
2 directors of the corporation.

3 3. The first biennial report shall be delivered to the
4 secretary of state between January 1 and April 1 of the
5 first even-numbered year following the calendar year in
6 which a domestic corporation was incorporated or a foreign
7 corporation was authorized to transact business. ~~Subsequent~~
8 Each subsequent biennial reports must report shall be delivered
9 to the secretary of state between January 1 and April 1 of the
10 following even-numbered calendar ~~years~~ year. A filing fee
11 for the biennial report shall be determined by the secretary
12 of state. ~~For purposes of this section, each biennial report~~
13 ~~shall contain information related to the two-year period~~
14 ~~immediately preceding the calendar year in which the report is~~
15 ~~filed.~~

16 4. If a the biennial report does not contain the information
17 ~~required by this section in subsection 1~~, the secretary
18 of state shall promptly notify the reporting domestic or
19 foreign corporation in writing and return the report to it for
20 correction.

21 5. The secretary of state may provide for the change of
22 registered office or registered agent on the form prescribed by
23 the secretary of state for the biennial report, provided that
24 the form contains the information required in section 490.502
25 or 490.1508.

26 6. If the secretary of state determines that a the biennial
27 report does not contain the information required ~~by this~~
28 ~~section in subsection 1~~ but otherwise meets the requirements
29 of section 490.502 or 490.1508, ~~for the purpose of changing~~
30 ~~the registered office or registered agent~~, the secretary of
31 state shall file the statement of change of registered office
32 or registered agent, ~~effective as provided in section 490.123,~~
33 before returning the biennial report to the corporation ~~as~~
34 ~~provided in this section.~~

35 7. A statement of change of registered office or agent



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1 pursuant to this ~~subsection~~ section shall be executed by a
 2 person authorized to execute the biennial report.
 3 Sec. 123. Section 501.713, Code 2013, is amended to read as
 4 follows:
 5 **501.713 Biennial report for secretary of state.**
 6 1. ~~Each~~ A cooperative authorized to transact business in
 7 this state shall deliver to the secretary of state for filing a
 8 biennial report that ~~sets forth~~ includes all of the following:
 9 *a.* The cooperative's name of the cooperative as used in the
 10 state pursuant to section 501.104.
 11 *b.* The street address of its registered office, and the name
 12 of its registered agent at that office in this state, together
 13 with the consent of any new registered agent.
 14 *c.* The street address of its principal office.
 15 *d.* The names and street addresses of the president,
 16 secretary, treasurer, and one member of the board of directors.
 17 2. Information in the biennial report ~~must~~ shall be current
 18 as of the first day of January of the year in which the report
 19 is ~~due~~ executed. The report shall be executed on behalf of the
 20 cooperative and signed as provided in section 501.105 or by
 21 any other person authorized by the board of directors of the
 22 cooperative.
 23 3. The first biennial report shall be delivered to the
 24 secretary of state between January 1 and April 1 of the first
 25 even-numbered year following the calendar year in which a
 26 cooperative was organized. ~~Subsequent~~ Each subsequent biennial
 27 ~~reports must~~ report shall be delivered to the secretary
 28 of state between January 1 and April 1 of the following
 29 even-numbered calendar ~~years~~ year. A filing fee for the
 30 biennial report shall be determined by the secretary of state.
 31 4. If a the biennial report does not contain the information
 32 ~~required by this section~~ in subsection 1, the secretary
 33 of state shall promptly notify the reporting cooperative
 34 in writing and return the report to the cooperative for
 35 correction.



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1 5. The secretary of state may provide for the change of
2 registered office or registered agent on the form prescribed by
3 the secretary of state for the biennial report, provided that
4 the form contains the information required in section 501.106.

5 6. If the secretary of state determines that a the biennial
6 report does not contain the information required ~~by this~~
7 ~~section~~ in subsection 1 but otherwise meets the requirements
8 of section 501.106, ~~for the purpose of changing the registered~~
9 ~~office or registered agent,~~ the secretary of state shall file
10 the statement of change of registered office or registered
11 agent, ~~effective as provided in section 501.105,~~ before
12 returning the biennial report to the cooperative ~~as provided in~~
13 ~~this section.~~

14 7. A statement of change of registered office or agent
15 pursuant to this ~~subsection~~ section shall be executed by a
16 person authorized to execute the biennial report.

17 Sec. 124. Section 501A.231, Code 2013, is amended to read
18 as follows:

19 **501A.231 Biennial report for secretary of state.**

20 1. A cooperative, or foreign cooperative authorized to
21 transact business in this state, shall deliver to the secretary
22 of state for filing a biennial report that ~~sets forth~~ includes
23 all of the following:

24 a. The cooperative's name of the cooperative as used in this
25 state pursuant to section 501A.301.

26 b. The street address of its registered office and the name
27 of its registered agent at that office in this state, together
28 with the consent of any new registered agent.

29 c. The street address of its principal office.

30 d. The names and street addresses of the president,
31 secretary, treasurer, and one member of the board of directors.

32 e. In the case of a foreign cooperative, the state or other
33 jurisdiction under whose law the cooperative is organized.

34 2. Information in the biennial report ~~must~~ shall be current
35 as of the first day ~~of January of the year in which~~ the report



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1 following odd-numbered calendar ~~years~~ year. A filing fee for
 2 the biennial report shall be determined by the secretary of
 3 state.

4 4. ~~a.~~ If a the biennial report does not contain the
 5 information required ~~by this section~~ in subsection 1, the
 6 secretary of state shall promptly notify the reporting domestic
 7 or foreign corporation in writing and return the report to the
 8 corporation for correction.

9 ~~b.~~ ~~A filing fee for the biennial report shall be determined~~
 10 ~~by the secretary of state.~~

11 ~~c.~~ ~~For purposes of this section, each biennial report shall~~
 12 ~~contain information related to the two-year period immediately~~
 13 ~~preceding the calendar year in which the report is filed.~~

14 5. The secretary of state may provide for the change of
 15 registered office or registered agent on the form prescribed by
 16 the secretary of state for the biennial report, provided that
 17 the form contains the information required in section 504.502
 18 or 504.503.

19 6. If the secretary of state determines that a the biennial
 20 report does not contain the information required ~~by this~~
 21 ~~section~~ in subsection 1 but otherwise meets the requirements
 22 of section 504.502 or 504.503, ~~for the purpose of changing the~~
 23 ~~registered office or registered agent,~~ the secretary of state
 24 shall file the statement of change of registered office or
 25 registered agent, ~~effective as provided in section 504.114,~~
 26 before returning the biennial report to the corporation ~~as~~
 27 ~~provided in this section.~~

28 7. A statement of change of registered office or agent
 29 pursuant to this ~~subsection~~ section shall be executed by a
 30 person authorized to execute the biennial report.

DIVISION VI

32 DISSOLUTION AND REVOCATION FOR LIMITED PARTNERSHIPS, LIMITED
 33 LIABILITY COMPANIES, CORPORATIONS, TRADITIONAL COOPERATIVES,
 34 CLOSED COOPERATIVES, COOPERATIVES UNDER THE IOWA COOPERATIVE
 35 ASSOCIATIONS ACT, AND NONPROFIT CORPORATIONS



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1 state sends the notice.
 2 b. Each ground for administrative dissolution under
 3 subsection 1.
 4 ~~3. If within sixty days after service of the copy pursuant~~
 5 ~~to subsection 2 a A limited liability company does not correct~~
 6 ~~is administratively dissolved on the effective date in the~~
 7 ~~notice of administrative dissolution as provided in subsection~~
 8 ~~2, unless prior to that date the company cures each ground~~
 9 ~~for dissolution or demonstrate to the reasonable satisfaction~~
 10 ~~of the secretary of state that each ground determined by the~~
 11 ~~secretary of state does not exist, the secretary of state shall~~
 12 ~~dissolve the company administratively by preparing, signing,~~
 13 ~~and filing a declaration of dissolution that states the grounds~~
 14 ~~for dissolution stated in the notice. The secretary of state~~
 15 ~~shall serve the company with a copy of the filed declaration.~~
 16 4. A limited liability company that has been
 17 administratively dissolved continues in existence but, subject
 18 to section 489.706, may shall not carry on only activities
 19 necessary to wind up its activities and any business except as
 20 necessary to liquidate its assets under sections 489.702
 21 business and 489.708 and to notify claimants under sections
 22 489.703 and 489.704 as required under this chapter.
 23 5. The administrative dissolution of a limited liability
 24 company does not terminate the authority of its registered
 25 agent ~~for service of process.~~
 26 6. The secretary of state's administrative dissolution
 27 pursuant to this section appoints the secretary of state as the
 28 limited liability company's agent for service of process in any
 29 proceeding based on a cause of action which arose during the
 30 time the limited liability company was authorized to transact
 31 business in this state. Service of process on the secretary of
 32 state under this subsection is service on the limited liability
 33 company. Upon receipt of process, the secretary of state shall
 34 serve a copy of the process on the limited liability company as
 35 provided in section 489.116. This subsection does not preclude



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1 service on the limited liability company's registered agent,
2 if any.

3 Sec. 130. Section 489.806, Code 2013, is amended by striking
4 the section and inserting in lieu thereof the following:

5 **489.806 Revocation of certificate of authority.**

6 The secretary of state may revoke the certificate of
7 authority of a foreign limited liability company to transact
8 business in this state if the foreign limited liability
9 company fails to comply with any requirement set out in section
10 489.705. The procedure for revocation shall be the same as
11 provided in that section for the administrative dissolution of
12 a limited liability company.

13 Sec. 131. Section 490.1420, Code 2013, is amended to read
14 as follows:

15 **490.1420 ~~Grounds for administrative~~ Administrative**
16 **dissolution.**

17 1. The secretary of state may ~~commence a proceeding under~~
18 ~~section 490.1421 to~~ administratively dissolve a corporation if
19 any of the following apply:

20 ~~1- a.~~ a. The corporation ~~has not delivered a biennial report~~
21 ~~to the secretary of state in a form that meets the requirements~~
22 ~~of section 490.1622, within sixty days after it is due, or has~~
23 ~~not paid any fee, tax, or penalty due to the secretary of state~~
24 ~~under this chapter or law other than this chapter, fails to pay~~
25 ~~within sixty days after it is the due date any fee, tax, or~~
26 penalty due to the secretary of state.

27 ~~2- b.~~ b. The corporation is without a registered agent or
28 registered office in this state for sixty days ~~or more.~~

29 ~~3- c.~~ c. The corporation does not notify the secretary of
30 state within sixty days that its registered agent or registered
31 office has been changed, that its registered agent has
32 resigned, or that its registered office has been discontinued.

33 ~~4- d.~~ d. The corporation's period of duration stated in its
34 articles of incorporation expires.

35 e. The corporation fails to deliver within sixty days after



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1 ~~490.1421~~ 490.1420 may apply to the secretary of state
2 for reinstatement at any time after the effective date of
3 dissolution. The application must meet all of the following
4 requirements:

5 Sec. 133. Section 490.1510, subsection 2, paragraph c, Code
6 2013, is amended to read as follows:

7 *c.* Has had its certificate of authority revoked under
8 section ~~490.1531~~ 490.1530.

9 Sec. 134. Section 490.1530, Code 2013, is amended by
10 striking the section and inserting in lieu thereof the
11 following:

12 **490.1530 Revocation of certificate of authority.**

13 The secretary of state may revoke the certificate of
14 authority of a foreign corporation to transact business in
15 this state if the foreign corporation fails to comply with any
16 requirement set out in section 490.1420. The procedure for
17 revocation shall be the same as provided in that section for
18 administrative dissolution of a corporation.

19 Sec. 135. Section 499.76, Code 2013, is amended to read as
20 follows:

21 **~~499.76~~ Administrative ~~Grounds for administrative~~ dissolution.**

22 1. The secretary of state may ~~commence a proceeding under~~
23 ~~section 499.77~~ to administratively dissolve an association if
24 any of the following apply:

25 ~~1- a.~~ a. The association ~~has not delivered a biennial report~~
26 ~~to the secretary of state in a form that meets the requirements~~
27 ~~of section 499.49,~~ fails to pay within sixty days after ~~it is~~
28 due the due date any fee, tax, or penalty due to the secretary
29 of state.

30 ~~2- b.~~ b. The association is without a registered agent or
31 registered office in this state for sixty days ~~or more.~~

32 ~~3- c.~~ c. The association does not notify the secretary of
33 state within sixty days that its registered agent or registered
34 office has been changed, that its registered agent has
35 resigned, or that its registered office has been discontinued.



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1 Sec. 136. NEW SECTION. **499.76A Revocation of certificate**
2 **authority.**

3 The secretary of state may revoke the certificate of
4 authority of a foreign cooperative association to transact
5 business in this state if the foreign cooperative association
6 fails to comply with any requirement set out in section 499.76.
7 The procedure for revocation shall be the same as provided
8 in that section for the administrative dissolution of an
9 association.

10 Sec. 137. Section 499.78, subsection 1, unnumbered
11 paragraph 1, Code 2013, is amended to read as follows:

12 An association administratively dissolved under section
13 ~~499.77~~ 499.76 may apply to the secretary of state for
14 reinstatement at any time after the effective date of
15 dissolution. The application must meet all of the following
16 requirements:

17 Sec. 138. Section 501.104, subsection 2, paragraph d, Code
18 2013, is amended to read as follows:

19 ~~d.~~ d. The name of a cooperative which has been administratively
20 dissolved pursuant to section ~~501.812~~ 501.811 for a period
21 of less than five years from the effective date of the
22 dissolution.

23 Sec. 139. Section 501.811, Code 2013, is amended to read as
24 follows:

25 ~~501.811 Grounds for administrative~~ Administrative
26 dissolution.

27 1. The secretary of state may ~~commence a proceeding under~~
28 ~~section 501.812 to~~ administratively dissolve a cooperative if
29 any of the following apply:

30 ~~1. a.~~ a. The cooperative ~~has not delivered a biennial report~~
31 ~~to the secretary of state in a form that meets the requirements~~
32 ~~of section 501.713,~~ fails to pay within sixty days after it is
33 the due date, ~~or has not paid the filing fee as determined by~~
34 ~~the secretary of state, within sixty days after it is due any~~
35 fee, tax, or penalty due to the secretary of state.



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1 shall include all of the following:

2 *a.* The administrative dissolution's effective date, which
3 must be at least sixty days after the date the secretary of
4 state sends the notice.

5 *b.* Each ground for administrative dissolution under
6 subsection 1.

7 3. A cooperative is administratively dissolved on the
8 effective date in the notice of administrative dissolution
9 as provided in subsection 2, unless prior to that date the
10 cooperative cures each ground for dissolution stated in the
11 notice.

12 4. A cooperative administratively dissolved continues
13 in existence but shall not carry on any business except as
14 necessary to liquidate its business and notify claimants as
15 required under this chapter.

16 5. The administrative dissolution of a cooperative does not
17 terminate the authority of its registered agent.

18 6. The secretary of state's administrative dissolution
19 pursuant to this section appoints the secretary of state
20 as the cooperative's agent for service of process in any
21 proceeding based on a cause of action which arose during the
22 time the cooperative was authorized to transact business in
23 this state. Service of process on the secretary of state under
24 this subsection is service on the cooperative. Upon receipt
25 of process, the secretary of state shall serve a copy of the
26 process on the cooperative as provided in section 501A.404 or
27 501A.405. This subsection does not preclude service on the
28 cooperative's registered agent, if any.

29 Sec. 142. Section 504.1421, Code 2013, is amended to read
30 as follows:

31 **504.1421 ~~Grounds for administrative~~ Administrative**
32 **dissolution.**

33 1. The secretary of state may ~~commence a proceeding under~~
34 ~~section 504.1422 to~~ administratively dissolve a corporation if
35 any of the following ~~occurs~~ apply:



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2 UNDER THE IOWA COOPERATIVE ASSOCIATION ACT, AND NONPROFIT
3 CORPORATIONS

4 Sec. 147. Section 488.108, subsection 7, Code 2013, is
5 amended to read as follows:

6 7. This chapter does not control the use of fictitious
7 names. However, a limited partnership which uses a fictitious
8 name in this state shall deliver to the secretary of state for
9 filing a copy of the resolution of the limited partnership
10 certified by ~~its general partners~~ a general partner, adopting
11 the fictitious name.

12 Sec. 148. Section 489.108, subsection 5, Code 2013, is
13 amended to read as follows:

14 5. This article does not control the use of fictitious
15 names. However, if a limited liability company uses a
16 fictitious name in this state, it shall deliver to the
17 secretary of state for filing a ~~certified~~ copy of the
18 resolution of ~~its members if it is member-managed or its~~
19 ~~managers if it is manager-managed~~, adopting the fictitious
20 name. For a member-managed limited liability company, the
21 copy shall be certified by a member, and for a manager-managed
22 limited liability company, the copy shall be certified by a
23 manager.

24 Sec. 149. Section 489.1103, Code 2013, is amended to read
25 as follows:

26 **489.1103 Name.**

27 1. The name of a professional limited liability company,
28 the name of a foreign professional limited liability company or
29 its name as modified for use in this state, and any fictitious
30 name or trade name adopted by a professional limited liability
31 company or foreign professional limited liability company
32 shall contain the words "professional limited liability
33 company", "professional limited company", or the abbreviation
34 "P.L.L.C.", "PLLC", "P.L.C.", or "PLC", and except for
35 the addition of such words or abbreviation, shall be a name



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1 which could lawfully be used by a licensed individual or by a
2 partnership of licensed individuals in the practice in this
3 state of a profession which the professional limited liability
4 company is authorized to practice.

5 2. Each regulating board may by rule adopt additional
6 requirements as to the corporate names and fictitious or trade
7 names of professional limited liability companies and foreign
8 professional limited liability companies which are authorized
9 to practice a profession which is within the jurisdiction of
10 the regulating board.

11 Sec. 150. Section 490.401, subsection 5, Code 2013, is
12 amended to read as follows:

13 5. This chapter does not control the use of fictitious
14 names; ~~however,~~ However, if a corporation or a foreign
15 corporation uses a fictitious name in this state it shall
16 deliver to the secretary of state for filing a copy of
17 the resolution of its board of directors, certified by
18 ~~its secretary~~ an officer of the corporation, adopting the
19 fictitious name.

20 Sec. 151. Section 499.4, Code 2013, is amended to read as
21 follows:

22 **499.4 Use of term "cooperative" restricted.**

23 1. A person including a corporation hereafter organized,
24 which is not an association as defined in this chapter or a
25 cooperative as defined in chapter 501 or 501A, shall not use
26 the word "cooperative" or any abbreviation thereof in its
27 name or advertising or in any connection with its business,
28 except foreign associations admitted under section 499.54. The
29 attorney general or any association or any member thereof may
30 sue and enjoin such use.

31 2. This chapter does not control the use of fictitious
32 names; ~~however,~~ However, if a cooperative association or a
33 foreign cooperative association uses a fictitious name in this
34 state, it shall deliver to the secretary of state for filing
35 a copy of the resolution of its board of directors, certified



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1 by ~~its secretary~~ an officer of the association, adopting the
2 fictitious name.

3 Sec. 152. Section 501A.301, subsection 5, Code 2013, is
4 amended to read as follows:

5 5. This chapter does not control the use of fictitious
6 names; ~~however,~~ However, if a cooperative uses a fictitious
7 name in this state, the cooperative shall deliver to the
8 secretary for filing a ~~certified~~ copy of the resolution of
9 ~~the cooperative~~ certified by an officer of the cooperative,
10 adopting the fictitious name.

11 Sec. 153. Section 504.401, subsection 5, Code 2013, is
12 amended to read as follows:

13 5. This chapter does not control the use of fictitious
14 names; ~~however,~~ However, if a corporation or a foreign
15 corporation uses a fictitious name in this state, it shall
16 deliver to the secretary of state for filing a copy of
17 the resolution of its board of directors, certified by
18 ~~its secretary~~ an officer of the corporation, adopting the
19 fictitious name.

20 EXPLANATION

21 BACKGROUND. Generally, this Act amends provisions which
22 relate to business entities that are formed under the laws
23 of this state or organized under the laws of a different
24 state, and allowed to do business in this state, by filing
25 certain documents with the secretary of state and conducting
26 operations in a manner consistent with those laws. In the case
27 of a domestic entity, the secretary of state recognizes its
28 existence and in the case of a foreign entity, the secretary
29 of state authorizes its right to do business in this state.
30 Each of the various types of business entities is governed by a
31 separate Code chapter, often derived from legislation proposed
32 by national organizations such as uniform acts by the national
33 conference of commissioners on uniform state laws including
34 the revised uniform partnership Act herein referred to as
35 "UPA" (Code chapter 486A), the uniform limited partnership

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1 (Code sections 490.1406 and 490.1407), and completing documents
2 required to be filed with the secretary of state, including its
3 articles of incorporation (Code section 490.202), reserving
4 a name (Code section 490.402), listing its registered office
5 or agent (Code sections 490.1503), providing for service of
6 process to a foreign corporation (Code section 490.1520), and
7 submitting biennial reports (Code section 490.1622).

8 DIVISION II — DELIVERY OF FILED RECORDS TO A BUSINESS
9 ENTITY OR REQUESTOR. The bill amends the ULPA and RULLCA
10 Code chapters. The ULPA requires the secretary of state to
11 file a record of a statement of dissociation or statement
12 of withdrawal when the partnership is to be dissolved (Code
13 section 488.206). The RULLCA requires the secretary of state
14 to file a record of a statement of denial by a person who
15 objects to authority conferred upon that person by a limited
16 liability company (Code section 489.205). In both cases the
17 bill provides that the secretary of state shall only send a
18 copy of the filed statement and fees received to the person on
19 whose behalf the record was filed. In the case of the ULPA,
20 the secretary of state is no longer required to send a copy
21 of the filed statement and receipt of the fee to the limited
22 partnership. In the case of the RULLCA, the secretary of state
23 is no longer required to send a copy of the record and receipt
24 of a fee to the limited liability company. In both cases, the
25 secretary of state is no longer required to send the requestor
26 a certified copy of the record.

27 DIVISION III — PROOF OF EXISTENCE OR AUTHORIZATION. The
28 bill amends the ULPA, RULLCA, IBCA, ICAA, and RINCA Code
29 chapters. Specifically, each Code chapter requires the
30 secretary of state to issue a certificate of existence to
31 a domestic business entity or a certificate of authority
32 (sometimes referred to as a certificate of authorization) to
33 a foreign entity. The certificate is conclusive evidence of
34 the entity's status (that a domestic entity exists or that a
35 foreign entity is authorized to do business in this state).

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1 To a great extent, the similar provisions in the two uniform
 2 Acts (the ULPA and the RULLCA) are amended to conform with the
 3 provisions in the IBCA. The other Code chapters (the ICAA and
 4 the RINCA) are also amended, although their provisions more
 5 closely resemble the IBCA.

6 In the case of the ULPA and the RULLCA, a certificate must
 7 still include the entity's name, state that all fees and
 8 penalties due the secretary of state have been paid, state
 9 that the entity filed its most recent biennial report with the
 10 secretary of state, and allow for other information required by
 11 the secretary of state. For a domestic entity, the certificate
 12 must still state that the entity is duly formed under state
 13 law and, for a foreign entity, it must still state that the
 14 entity is authorized to transact business in this state. For
 15 a domestic entity, it must state that the secretary of state
 16 has not filed a statement of dissolution or termination. For a
 17 foreign entity, a certificate is no longer required to state
 18 that the certificate of authority has not been revoked.

19 DIVISION IV — AMENDED CERTIFICATES OF AUTHORITY. The bill
 20 amends the ULPA, RULLCA, IBCA, ICAA, and RINCA Code chapters.
 21 In each case a similar provision allows a foreign business
 22 entity to apply to the secretary of state for purposes of
 23 amending its certificate of authority. The bill amends each
 24 Code chapter in the same way by adding a provision which allows
 25 the foreign business entity to obtain an amended certificate of
 26 authority from the secretary of state.

27 DIVISION V — BIENNIAL REPORTS. The bill amends the
 28 ULPA, RULLCA, IBCA, and RINCA Code chapters as well as the
 29 Code chapters governing traditional cooperatives, closed
 30 cooperatives, and cooperative corporations. The Code chapter
 31 governing traditional cooperatives includes Code section
 32 499.49, which adopts the IBCA reporting requirements by
 33 reference. The bill expressly amends the Code chapters
 34 governing closed cooperatives and corporation-cooperatives
 35 which include similar reporting requirements. Note that the

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1 provisions establishing biennial reporting are unique to
2 Iowa. (See 1997 Iowa Acts, ch. 171, which amends the IBCA by
3 replacing annual reporting requirements with biennial reporting
4 requirements and makes similar changes in other Code chapters
5 governing partnerships and cooperatives.) The bill amends all
6 these Code chapters by harmonizing language (e.g., changing
7 the term "sets forth" to "includes"). In addition, it makes
8 substantive changes to each relevant Code section. The bill
9 provides that a biennial report must include the domestic
10 entity's name as it appears in its certificate of existence
11 and the foreign entity's name as used in its certificate of
12 authority. It qualifies the address information of persons
13 connected with the entity to require the street address. For
14 example, in the case of an entity under the IBCA, the report
15 must include the street address of its registered office and
16 registered agent, its principal office, and its officers. The
17 bill also requires a report of a foreign entity to include
18 the state or other jurisdiction in which the entity was
19 formed (e.g., incorporated), and it requires that the report
20 be current as of the date that it is executed rather than
21 delivered to the secretary of state for filing. The bill does
22 not alter the date or year that the report must be submitted
23 (for certain entities in even-numbered years and for the
24 remaining entities in odd-numbered years).

25 DIVISION VI — ADMINISTRATIVE DISSOLUTION AND REVOCATION.
26 The bill amends the ULPA, RULLCA, IBCA, and RINCA Code chapters
27 as well as Code chapters governing traditional cooperatives,
28 closed cooperatives, and cooperative-corporations. The bill
29 provides for administrative dissolution of a domestic entity
30 and the revocation of a certificate of authority issued
31 to a foreign entity. The ULPA and RULLCA each provide two
32 relevant Code sections, one Code section which provides for the
33 dissolution of a domestic entity and one Code section which
34 provides for the revocation of a certificate of authority.
35 The IBCA and the RINCA each provide four relevant Code



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1 sections. In each Code chapter, two related Code sections
 2 provide for the dissolution of a domestic entity issued a
 3 certificate of existence and two related Code sections refer
 4 to the revocation of a certificate of authority issued to a
 5 foreign entity. For example, in the case of a corporation
 6 under the IBCA, Code section 490.1420 provides "grounds" for
 7 administrative dissolution and Code section 490.1421 provides
 8 for the "procedure." Similarly, Code section 490.1530 provides
 9 grounds for the revocation of a certificate of authority and
 10 Code section 490.1531 provides for the revocation procedure.
 11 The Code chapter governing traditional cooperatives and closed
 12 cooperatives includes only administrative dissolution Code
 13 sections. The Code chapter governing cooperative-corporations
 14 does not provide for administrative dissolution by the
 15 secretary of state.

16 The bill amends the provisions to be consistent with the
 17 approach of the ULPA and RULLCA, by including one Code section
 18 that refers to administrative dissolution and one Code section
 19 that refers to the revocation of a certificate of authority.
 20 The bill provides a single Code section covering administrative
 21 dissolution that includes language now in both the grounds and
 22 procedures Code sections. Consequently, the bill eliminates
 23 the procedure Code section in each Code chapter. The remaining
 24 Code section in each Code chapter is combined with its
 25 procedure section and that section is repeated with small
 26 variations in all the relevant Code chapters. The bill also
 27 adds a new provision in the combined Code section, taken from
 28 the IBCA and RINCA Code chapters and the Code chapter governing
 29 closed cooperatives, which appoints the secretary of state the
 30 entity's agent for service of process.

31 The bill also provides for the revocation of a foreign
 32 entity's certificate of authority in those Code chapters which
 33 previously provided for such revocation, including the ULPA,
 34 RULLCA, IBCA, and RINCA as well as the Code chapter governing
 35 traditional cooperatives. The bill eliminates the previous

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1 provisions and instead authorizes the secretary of state to
 2 revoke a certificate if the foreign entity fails to comply
 3 with a requirement set out in the relevant administrative
 4 dissolution section, using the same procedures as for
 5 dissolution.

6 DIVISION VII — NAMING CONVENTIONS. The bill amends
 7 the ULPA, RULLCA, IBCA, and RINCA Code chapters and
 8 Code chapters governing traditional cooperatives and
 9 cooperative-corporations. In all these cases, a domestic
 10 entity may elect to use a fictitious name if a certified
 11 copy of a resolution is sent to the secretary of state. The
 12 bill provides that in the case of the ULPA Code chapter only
 13 one general partner is required to certify the copy, and in
 14 the case of the RULLCA Code chapter, only one member of a
 15 member-managed limited liability company or one manager of
 16 a manager-managed limited liability company is required to
 17 certify the copy. In the case of the IBCA and RINCA Code
 18 chapters, the bill allows any officer of a corporation to
 19 certify the copy. Similarly, in the case of a traditional
 20 cooperative or cooperative-corporation, any officer may also
 21 certify a copy.



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Senate Study Bill 1114 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED ETHICS AND
CAMPAIGN DISCLOSURE BOARD
BILL)

A BILL FOR

1 An Act making changes to the campaign finance laws relating to
2 independent expenditures.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1300DP (6) 85
jr/sc



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1 Section 1. Section 68A.201, subsection 1, Code 2013, is
 2 amended to read as follows:
 3 1. a. Every committee, as defined in this chapter, shall
 4 file a statement of organization within ten days from the date
 5 of its organization. Unless formal organization has previously
 6 occurred, a committee is deemed to have organized as of the
 7 date that committee transactions exceed the financial activity
 8 threshold established in section 68A.102, subsection 5 or
 9 18. If committee transactions exceed the financial activity
 10 threshold prior to the due date for filing a disclosure report
 11 as established under section 68A.402, the committee shall file
 12 a disclosure report whether or not a statement of organization
 13 has been filed by the committee.
 14 b. A person who makes one or more independent expenditures
 15 and files all statements required by section 68A.404 shall not
 16 be required to organize a committee or file the statement of
 17 organization required under this section.
 18 Sec. 2. Section 68A.404, subsections 1, 2, 3, and 7, Code
 19 2013, are amended to read as follows:
 20 1. As used in this section, "*independent expenditure*" means
 21 one or more expenditures in excess of seven hundred fifty
 22 dollars in the aggregate for a communication that expressly
 23 advocates the nomination, election, or defeat of a clearly
 24 identified candidate ~~or the passage or defeat of a ballot issue~~
 25 that is made without the prior approval or coordination with
 26 a candidate, candidate's committee, state statutory political
 27 committee, county statutory political committee, or a ballot
 28 issue political committee.
 29 2. ~~a. An entity~~ a person, other than an individual or
 30 individuals, shall not make an independent expenditure or
 31 disburse funds from its treasury to pay for, in whole or in
 32 part, an independent expenditure made by another person without
 33 the authorization of a majority of the ~~entity's~~ person's board
 34 of directors, executive council, or similar organizational
 35 leadership body of the use of treasury funds for an independent



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1 expenditure involving a candidate ~~or ballot issue committee~~.
 2 Such authorization must occur in the same calendar year in
 3 which the independent expenditure is incurred.
 4 *b.* Such authorization shall expressly provide whether
 5 the board of directors, executive council, or similar
 6 organizational leadership body authorizes one or more
 7 independent expenditures that expressly advocate the nomination
 8 or election of a candidate ~~or passage of a ballot issue~~ or
 9 authorizes one or more independent expenditures that expressly
 10 advocate the defeat of a candidate ~~or ballot issue~~.
 11 *c.* A foreign national shall not make an independent
 12 expenditure, directly or indirectly, that advocates the
 13 nomination, election, or defeat of any candidate ~~or the~~
 14 ~~passage or defeat of any ballot issue~~. As used in this
 15 section, "*foreign national*" means a person who is not a citizen
 16 of the United States and who is not lawfully admitted for
 17 permanent residence. "*Foreign national*" includes a foreign
 18 principal, such as a government of a foreign country or a
 19 foreign political party, partnership, association, corporation,
 20 organization, or other combination of persons that has its
 21 primary place of business in or is organized under the laws of
 22 a foreign country. "*Foreign national*" does not include a person
 23 who is a citizen of the United States or who is a national of
 24 the United States.
 25 *d.* This section does not apply to a candidate, candidate's
 26 committee, state statutory political committee, county
 27 statutory political committee, or a political committee.
 28 This section does not apply to a federal committee or an
 29 out-of-state committee that makes an independent expenditure.
 30 A person who makes one or more independent expenditures and
 31 files all statements required by this section shall not be
 32 required to organize a committee or file the statement of
 33 organization required under section 68A.201.
 34 3. A person, other than a committee registered under this
 35 chapter, that makes one or more independent expenditures shall



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1 file an independent expenditure statement. All statements
2 ~~and reports~~ required by this section shall be filed in an
3 electronic format as prescribed by rule.

4 ~~a. Subject to paragraph "b", the person filing the~~
5 ~~independent expenditure statement shall file reports under~~
6 ~~sections 68A.402 and 68A.402A. An initial report shall be filed~~
7 ~~at the same time as the independent expenditure statement.~~
8 ~~Subsequent reports shall be filed according to the same~~
9 ~~schedule as the office or election to which the independent~~
10 ~~expenditure was directed.~~

11 ~~(1) A supplemental report shall be filed on the same dates~~
12 ~~as in section 68A.402, subsection 2, paragraph "b", if the~~
13 ~~person making the independent expenditure either raises or~~
14 ~~expends more than one thousand dollars.~~

15 ~~(2) A report filed as a result of this paragraph "a" shall~~
16 ~~not require the identification of individual members who~~
17 ~~pay dues to a labor union, organization, or association, or~~
18 ~~individual stockholders of a business corporation. A report~~
19 ~~filed as a result of this paragraph "a" shall not require the~~
20 ~~disclosure of any donor or other source of funding to the~~
21 ~~person making the independent expenditure except when the~~
22 ~~donation or source of funding, or a portion of the donation or~~
23 ~~source of funding, was provided for the purpose of furthering~~
24 ~~the independent expenditure.~~

25 ~~b. This section does not apply to a candidate, candidate's~~
26 ~~committee, state statutory political committee, county~~
27 ~~statutory political committee, or a political committee.~~
28 ~~This section does not apply to a federal committee or an~~
29 ~~out-of-state committee that makes an independent expenditure.~~

30 7. A person making an independent expenditure shall not
31 engage or retain an advertising firm or consultant that has
32 also been engaged or retained within the prior six months
33 by the candidate, or candidate's committee, ~~or ballot issue~~
34 ~~committee~~ that is benefited by the independent expenditure.

35 Sec. 3. Section 68A.404, subsection 5, paragraphs b, c, and



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1 g, Code 2013, are amended to read as follows:

2 *b.* Description of the position advocated by the individuals
3 or persons with regard to the clearly identified candidate ~~or~~
4 ~~ballet issue.~~

5 *c.* Identification of the candidate ~~or ballet issue~~ benefited
6 by the independent expenditure.

7 *g.* A certification by an officer ~~of the corporation~~
8 representing the person, if the person is other than an
9 individual or individuals, that the board of directors,
10 executive council, or similar organizational leadership body
11 expressly authorized the independent expenditure or use of
12 treasury funds for the independent expenditure by resolution
13 or other affirmative action within the calendar year when the
14 independent expenditure was incurred.

15 Sec. 4. Section 68A.404, subsection 5, Code 2013, is amended
16 by adding the following new paragraphs:

17 NEW PARAGRAPH. *h.* The name and address of every donor or
18 other source of funding in excess of twenty-five dollars which
19 was provided for the purpose of furthering the independent
20 expenditure.

21 NEW PARAGRAPH. *i.* If the person making the independent
22 expenditure uses, in whole or in part, anything of value
23 from one or more donors which was not given for the purpose
24 of furthering the independent expenditure, the person making
25 the independent expenditure must disclose the top five donors
26 in the twelve months prior to the independent expenditure
27 being made who gave to the person making the independent
28 expenditure. For purposes of this section, a donor is a person
29 who has rendered anything of value in return for which legal
30 consideration of equal or greater value is not given and
31 received.

32 Sec. 5. Section 68A.405, subsection 1, paragraph h, Code
33 2013, is amended to read as follows:

34 *h.* If the published material is the result of an independent
35 expenditure subject to section 68A.404, the published material



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1 shall include a statement that the published material was not
2 authorized by any candidate, candidate's committee, state
3 statutory political committee, county statutory political
4 committee, or ballot issue political committee.

5 EXPLANATION

6 This bill makes changes to the campaign finance laws
7 relating to independent expenditures.

8 The bill provides that a person who makes independent
9 expenditures and files all required statements is not required
10 to organize a committee or file a statement of organization.

11 The bill strikes current Code language requiring the filing
12 of independent expenditure reports.

13 The bill prohibits a person making an independent
14 expenditure from coordinating with a state statutory political
15 committee, a county statutory political committee, or other
16 political committee as well as a candidate or candidate's
17 committee. The statute currently only prohibits coordination
18 with a candidate, candidate's committee, or ballot issue
19 committee.

20 The bill eliminates the ability to make independent
21 expenditures in favor of or opposed to ballot issues.

22 The bill requires any person, other than one or more
23 individuals, who makes an independent expenditure to obtain
24 prior authorization for the independent expenditure from its
25 governing or leadership body. The statute currently only
26 requires an entity or corporation other, than an individual or
27 individuals, to obtain prior authorization.

28 The bill strikes current Code language which provides that
29 the identification of individual members who pay dues to a
30 labor union, organization, or association, or individual
31 stockholders of a business corporation is not required.

32 The bill requires disclosure of the name and address of every
33 donor or other source of funding in excess of \$25 provided
34 for the independent expenditure. The bill further requires
35 that if a person making an independent expenditure uses



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1 anything of value from a donor, as defined in the bill, that
2 was not donated for the purpose of furthering the independent
3 expenditure, the person must disclose the person's top five
4 donors in the 12 months prior to the making of the independent
5 expenditure. The statute currently only requires disclosure
6 of donors if the donations were given for the purpose of
7 furthering the independent expenditure.



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Senate Study Bill 1115 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON SENG)

A BILL FOR

1 An Act providing for the possession of cats classified as
2 bengals.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2037SC (3) 85
da/nh



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1 Section 1. Section 717F.1, subsection 5, paragraph b, Code
2 2013, is amended to read as follows:

3 *b. "Dangerous wild animal" includes an animal which is the*
4 *offspring of an animal provided in paragraph "a", and another*
5 *animal provided in that paragraph or any other animal. It also*
6 *includes animals which are the offspring of each subsequent*
7 *generation. However, a dangerous wild animal does not include*
8 *any of the following:*

9 (1) The offspring of a domestic dog and a wolf, or the
10 offspring from each subsequent generation in which at least one
11 parent is a domestic dog.

12 (2) The offspring of a domestic cat and another member of
13 the family felidae classified as a bengal with an ancestor
14 classified as an Asian leopard cat which is a member of the
15 species prionailurus bengalensis. The bengal must be the
16 fourth or later filial generation of offspring with the first
17 filial generation being the offspring of a domestic cat and an
18 Asian leopard cat, and each subsequent generation being the
19 offspring of a domestic cat.

20 EXPLANATION

21 GENERAL. This bill amends Code chapter 717F, which
22 regulates the possession of dangerous wild animals under
23 the authority of the department of agriculture and land
24 stewardship. Generally, the Code chapter prohibits a
25 person from owning or possessing a dangerous wild animal
26 or transporting a dangerous wild animal into this state
27 unless the person is licensed by the United States department
28 of agriculture and registered by the Iowa department of
29 agriculture and land stewardship. A dangerous animal includes
30 cats (classified as belonging to the family felidae) other than
31 domestic cats. It also includes the offspring of a dangerous
32 wild animal and any subsequent generation of offspring.

33 EXEMPTING CATS CLASSIFIED AS F-4 BENGALS. The bill provides
34 an exemption for a cat classified as a bengal which is a cross
35 between a domestic cat and an Asian leopard cat. Specifically,

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1 the bill requires a separation of four filial generations
2 between the Asian leopard cat and the bengal. The generations
3 are calculated by counting from the first filial generation
4 which is the offspring of the original crossing. The filial
5 generations are sometimes referred to as F-1 through F-4 to
6 identify the first four filial generations of offspring. The
7 bill's exemption applies to those cats classified as F-4
8 bengals.



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Senate Study Bill 1116 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON RAGAN)

A BILL FOR

1 An Act relating to third-party payment of services provided by
2 a physical therapist.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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av/nh



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1 Section 1. NEW SECTION. **514C.30 Services provided by a**
2 **physical therapist.**

3 1. Notwithstanding the uniformity of treatment requirements
4 of section 514C.6, a policy, contract, or plan providing for
5 third-party payment or prepayment of health or medical expenses
6 shall not impose a copayment or coinsurance amount on an
7 insured for services provided by a physical therapist licensed
8 pursuant to chapter 148A that is greater than the copayment or
9 coinsurance amount imposed on the insured for services provided
10 by a person engaged in the practice of medicine and surgery
11 or osteopathic medicine and surgery under chapter 148 for the
12 same or a similar diagnosed condition even if a different
13 nomenclature is used to describe the condition for which the
14 services are provided.

15 2. This section applies to the following classes of
16 third-party payment provider policies, contracts, or plans
17 delivered, issued for delivery, continued, or renewed in this
18 state on or after July 1, 2013:

19 *a.* Individual or group accident and sickness insurance
20 providing coverage on an expense-incurred basis.

21 *b.* An individual or group hospital or medical service
22 contract issued pursuant to chapter 509, 514, or 514A.

23 *c.* An individual or group health maintenance organization
24 contract regulated under chapter 514B.

25 *d.* A plan established pursuant to chapter 509A for public
26 employees.

27 *e.* An organized delivery system licensed by the director of
28 public health.

29 3. This section shall not apply to accident-only,
30 specified disease, short-term hospital or medical, hospital
31 confinement indemnity, credit, dental, vision, Medicare
32 supplement, long-term care, basic hospital and medical-surgical
33 expense coverage as defined by the commissioner, disability
34 income insurance coverage, coverage issued as a supplement
35 to liability insurance, workers' compensation or similar



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1 insurance, or automobile medical payment insurance.

2 EXPLANATION

3 This bill provides that a policy, contract, or plan
4 providing for third-party payment or prepayment of health or
5 medical expenses shall not impose a copayment or coinsurance
6 amount on an insured for services provided by a physical
7 therapist that is greater than the copayment or coinsurance
8 amount imposed on the insured for services rendered by a person
9 engaged in the practice of medicine and surgery or osteopathic
10 medicine and surgery for the same or a similar diagnosed
11 condition even if a different nomenclature is used to describe
12 the condition for which the services are provided.

13 The bill applies to specified individual and group policies,
14 contracts, and plans that are issued for delivery, continued,
15 or renewed in this state on or after July 1, 2013.



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February 05, 2013

Senate Study Bill 1117 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
NATURAL RESOURCES AND
ENVIRONMENT BILL BY
CHAIRPERSON DEARDEN)

A BILL FOR

1 An Act relating to the natural resources and outdoor recreation
2 trust fund by increasing the sales and use tax rates and
3 including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1104XC (1) 85
da/sc



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1 Section 1. Section 423.2, subsection 1, unnumbered
2 paragraph 1, Code 2013, is amended to read as follows:
3 There is imposed a tax of six and three-eighths percent upon
4 the sales price of all sales of tangible personal property,
5 consisting of goods, wares, or merchandise, sold at retail in
6 the state to consumers or users except as otherwise provided
7 in this subchapter.

8 Sec. 2. Section 423.2, subsections 2 and 3, Code 2013, are
9 amended to read as follows:

10 2. A tax of six and three-eighths percent is imposed upon
11 the sales price of the sale or furnishing of gas, electricity,
12 water, heat, pay television service, and communication service,
13 including the sales price from such sales by any municipal
14 corporation or joint water utility furnishing gas, electricity,
15 water, heat, pay television service, and communication service
16 to the public in its proprietary capacity, except as otherwise
17 provided in this subchapter, when sold at retail in the state
18 to consumers or users.

19 3. A tax of six and three-eighths percent is imposed upon
20 the sales price of all sales of tickets or admissions to places
21 of amusement, fairs, and athletic events except those of
22 elementary and secondary educational institutions. A tax of
23 six and three-eighths percent is imposed on the sales price of
24 an entry fee or like charge imposed solely for the privilege of
25 participating in an activity at a place of amusement, fair, or
26 athletic event unless the sales price of tickets or admissions
27 charges for observing the same activity are taxable under this
28 subchapter. A tax of six and three-eighths percent is imposed
29 upon that part of private club membership fees or charges paid
30 for the privilege of participating in any athletic sports
31 provided club members.

32 Sec. 3. Section 423.2, subsection 4, paragraph a, Code 2013,
33 is amended to read as follows:

34 a. A tax of six and three-eighths percent is imposed upon
35 the sales price derived from the operation of all forms of



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1 including all paging services, that this state is allowed
 2 to tax pursuant to the provisions of the federal Mobile
 3 Telecommunications Sourcing Act, Pub. L. No. 106-252, 4 U.S.C.
 4 § 116 et seq. For purposes of this subsection, taxes on mobile
 5 telecommunications service, as defined under the federal Mobile
 6 Telecommunications Sourcing Act that are deemed to be provided
 7 by the customer's home service provider, shall be paid to
 8 the taxing jurisdiction whose territorial limits encompass
 9 the customer's place of primary use, regardless of where the
 10 mobile telecommunications service originates, terminates,
 11 or passes through and shall in all other respects be taxed
 12 in conformity with the federal Mobile Telecommunications
 13 Sourcing Act. All other provisions of the federal Mobile
 14 Telecommunications Sourcing Act are adopted by the state of
 15 Iowa and incorporated into this subsection by reference. With
 16 respect to mobile telecommunications service under the federal
 17 Mobile Telecommunications Sourcing Act, the director shall, if
 18 requested, enter into agreements consistent with the provisions
 19 of the federal Act.

20 Sec. 8. Section 423.2, subsection 11, paragraph b,
 21 subparagraph (2), Code 2013, is amended to read as follows:

22 (2) Transfer from the remaining revenues the amounts
 23 required under Article VII, section 10, of the Constitution
 24 of the State of Iowa to the natural resources and outdoor
 25 recreation trust fund created in section 461.31, ~~if applicable.~~

26 Sec. 9. Section 423.2, subsection 13, Code 2013, is amended
 27 to read as follows:

28 13. The sales tax rate of six and three-eighths percent is
 29 reduced to five and three-eighths percent on January 1, 2030.

30 Sec. 10. Section 423.5, unnumbered paragraph 1, Code 2013,
 31 is amended to read as follows:

32 Except as provided in subsection 3, an excise tax at the
 33 rate of six and three-eighths percent of the purchase price or
 34 installed purchase price is imposed on the following:

35 Sec. 11. Section 423.5, subsection 9, Code 2013, is amended



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1 to read as follows:

2 9. The use tax rate of six and three-eighths percent is
3 reduced to five and three-eighths percent on January 1, 2030.

4 Sec. 12. Section 423.43, subsection 1, paragraph b, Code
5 2013, is amended to read as follows:

6 b. Subsequent to the deposit into the general fund of the
7 state ~~and after the transfer of such~~ pursuant to paragraph "a",
8 the department shall do the following in the order prescribed:

9 (1) Transfer the revenues collected under chapter 423B, the
10 department shall transfer.

11 (2) Transfer from the remaining revenues the amounts
12 required under Article VII, section 10, of the Constitution
13 of the State of Iowa to the natural resources and outdoor
14 recreation trust fund created in section 461.31.

15 (3) Transfer one-sixth of such remaining revenues to the
16 secure an advanced vision for education fund created in section
17 423F.2. This paragraph subparagraph (3) is repealed December
18 31, 2029.

19 Sec. 13. PURPOSE. The purpose of this Act is to provide
20 for the implementation of Article VII, section 10, of the
21 Constitution of the State of Iowa by fully funding the natural
22 resources and outdoor recreation trust fund as created in
23 section 461.31, pursuant to Article VII, section 10, of the
24 Constitution of the State of Iowa.

25 Sec. 14. EMERGENCY RULES. The department of revenue shall
26 adopt emergency rules under section 17A.4, subsection 3, and
27 section 17A.5, subsection 2, paragraph "b", to implement
28 the provisions of this Act. The rules shall be effective
29 immediately upon filing with the administrative rules
30 coordinator unless a later date is specified in the rules, but
31 not later than July 1, 2013. Any rules adopted in accordance
32 with this section shall also be published as a notice of
33 intended action as provided in section 17A.4.

34 Sec. 15. EFFECTIVE DATE. The following provision or
35 provisions of this Act take effect:



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1 fund to the trust fund.

2 The bill does not affect the 5 percent rate imposed on
3 vehicles subject to the issuance of a certificate of title,
4 the use of manufactured housing, or the use of certain leased
5 vehicles.

6 The bill takes effect on July 1, 2013, except for a provision
7 requiring the department of revenue to adopt emergency rules,
8 which takes effect upon enactment.



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Senate Study Bill 1118 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT
OF COMMERCE/ALCOHOLIC
BEVERAGES DIVISION BILL)

A BILL FOR

- 1 An Act concerning the alcoholic beverages division of the
- 2 department of commerce and alcoholic beverage control, and
- 3 making penalties applicable.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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ec/nh



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1 each applicant shall ~~file with~~ submit to the division
 2 electronically, or in a manner prescribed by the administrator,
 3 the name and address of its authorized agent for service of
 4 process which shall remain effective until changed for another,
 5 and a list of names and addresses of all representatives,
 6 employees, or attorneys whom the applicant has appointed in the
 7 state of Iowa to represent it for any purpose. The listing
 8 shall be amended from time to time by the certificate holder as
 9 necessary to keep the listing current with the division.

10 Sec. 3. Section 123.31, unnumbered paragraph 1, Code 2013,
 11 is amended to read as follows:

12 Verified applications for the original issuance or the
 13 renewal of liquor control licenses shall be ~~filed at the~~
 14 ~~time and in the number of copies as the administrator shall~~
 15 ~~prescribe, on forms~~ submitted electronically, or in a manner
 16 prescribed by the administrator, and shall set forth under oath
 17 the following information:

18 Sec. 4. Section 123.32, subsection 1, Code 2013, is amended
 19 to read as follows:

20 1. *Filing of application.* An application for a class "A",
 21 class "B", class "C", or class "E" liquor control license, for
 22 a class "A" micro-distilled spirits permit, for a retail beer
 23 permit as provided in sections 123.128 and 123.129, or for a
 24 class "B", class "B" native, or class "C" native retail wine
 25 permit as provided in section 123.178, 123.178A, or 123.178B,
 26 accompanied by the necessary fee and bond, if required, shall
 27 be filed with the appropriate city council if the premises for
 28 which the license or permit is sought are located within the
 29 corporate limits of a city, or with the board of supervisors
 30 if the premises for which the license or permit is sought are
 31 located outside the corporate limits of a city. An application
 32 for a class "D" liquor control license and for a class "A"
 33 beer or class "A" wine permit, accompanied by the necessary
 34 fee and bond, if required, shall be ~~filed with~~ submitted to
 35 the division electronically, or in a manner prescribed by the



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1 administrator, which shall proceed in the same manner as in the
2 case of an application approved by local authorities.

3 Sec. 5. Section 123.33, Code 2013, is amended to read as
4 follows:

5 **123.33 Records.**

6 Every holder of a liquor control license shall keep a
7 daily record, in printed or electronic format, of the gross
8 receipts of the holder's business. The records required and
9 the premises of the licensee shall be accessible and open to
10 inspection pursuant to section 123.30, subsection 1, during
11 normal business hours of the licensee.

12 Sec. 6. Section 123.41, subsection 1, Code 2013, is amended
13 to read as follows:

14 1. ~~Upon Each~~ application ~~in the prescribed form to obtain~~
15 or renew a manufacturer's license shall be submitted to the
16 division electronically, or in a manner prescribed by the
17 administrator, and shall be accompanied by a fee of three
18 hundred fifty dollars, the payable to the division. The
19 administrator may in accordance with this chapter grant and
20 issue a manufacturer's license, valid for a one-year period
21 after date of issuance, to a manufacturer which shall allow
22 the manufacture, storage, and wholesale disposition and sale
23 of alcoholic liquors to the division and to customers outside
24 of the state.

25 Sec. 7. Section 123.42, subsection 1, Code 2013, is amended
26 to read as follows:

27 1. Prior to representing or promoting a distiller's
28 alcoholic liquor products in the state, the broker shall
29 ~~make submit an~~ application to the ~~administrator on forms~~
30 provided division electronically, or in a manner prescribed
31 by the ~~division~~ administrator, for a broker's permit. The
32 administrator may in accordance with this chapter issue a
33 broker's permit which shall be valid for one year from the
34 date of issuance unless it is sooner suspended or revoked
35 for a violation of this chapter. A broker's permit is valid



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1 throughout the state, and a broker who represents more than one
2 distiller is required to obtain only one broker's permit.

3 Sec. 8. Section 123.127, subsection 1, paragraph a,
4 unnumbered paragraph 1, Code 2013, is amended to read as
5 follows:

6 Submits ~~a written~~ an application ~~for such permit~~
7 electronically, or in a manner prescribed by the administrator,
8 which ~~application~~ shall state under oath:

9 Sec. 9. Section 123.127, subsection 1, paragraph c, Code
10 2013, is amended to read as follows:

11 c. Furnishes a bond ~~in the form~~ a manner prescribed and
12 ~~to be furnished~~ by the ~~division~~ administrator, with good
13 and sufficient sureties to be approved by the administrator
14 conditioned upon the faithful observance of this chapter, in
15 the ~~penal~~ sum of five thousand dollars, payable to the state.

16 Sec. 10. Section 123.128, subsection 1, unnumbered
17 paragraph 1, Code 2013, is amended to read as follows:

18 Submits ~~a written~~ an application ~~for such permit~~
19 electronically, or in a manner prescribed by the administrator,
20 which ~~application~~ shall state under oath:

21 Sec. 11. Section 123.129, subsection 2, paragraph a, Code
22 2013, is amended to read as follows:

23 a. Submits ~~a written~~ an application ~~for such permit~~
24 electronically, or in a manner prescribed by the administrator,
25 which ~~application~~ shall state under oath all the information
26 required of a class "A" applicant by section 123.127,
27 subsection 1, paragraph "a".

28 Sec. 12. Section 123.135, subsections 1 and 3, Code 2013,
29 are amended to read as follows:

30 1. A manufacturer, brewer, bottler, importer, or vendor
31 of beer or any agent thereof desiring to ship or sell beer,
32 or have beer brought into this state for resale by a class
33 "A" permittee shall first make application for and be issued
34 a brewer's certificate of compliance by the administrator
35 for that purpose. The certificate of compliance expires at



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1 amended to read as follows:

2 4. When a class "B" or class "B" native wine permittee who
3 also holds a class "E" liquor control license sells wine to a
4 class "A", class "B", or class "C" liquor control licensee, the
5 liquor control licensee shall sign a report attesting to the
6 purchase. The class "B" or class "B" native wine permittee who
7 also holds a class "E" liquor control license shall submit a
8 report to the division electronically, ~~on forms supplied by the~~
9 ~~division~~ or in a manner prescribed by the administrator, not
10 later than the tenth of each month ~~a report~~ stating each sale
11 of wine to class "A", class "B", and class "C" liquor control
12 licensees during the preceding month, the date of each sale,
13 and the brands and numbers of bottles with each sale. A class
14 "B" permittee who holds a class "E" liquor control license
15 may sell to class "A", class "B", or class "C" liquor control
16 licensees only if the licensed premises of the liquor control
17 licensee is located within the geographic territory of the
18 class "A" wine permittee from which the wine was originally
19 purchased by the class "B" wine permittee.

20 Sec. 15. Section 123.175, subsection 1, unnumbered
21 paragraph 1, Code 2013, is amended to read as follows:

22 Submits ~~a written~~ an application electronically, or in a
23 manner prescribed by the administrator, for the permit ~~and~~
24 ~~states on the application which shall state~~ under oath:

25 Sec. 16. Section 123.175, subsection 3, Code 2013, is
26 amended to read as follows:

27 3. Submits, in the case of a class "A" wine permit, a bond
28 in the amount of five thousand dollars in ~~the form~~ a manner
29 ~~prescribed and furnished~~ by the ~~division~~ administrator with
30 good and sufficient sureties to be approved by the division
31 conditioned upon compliance with this chapter.

32 Sec. 17. Section 123.180, subsection 1, Code 2013, is
33 amended to read as follows:

34 1. A manufacturer, vintner, bottler, importer, or vendor
35 of wine or an agent thereof desiring to ship, sell, or have



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1 wine brought into this state for resale by the division or for
 2 sale at wholesale by a class "A" permittee shall first make
 3 application for and shall be issued a vintner's certificate
 4 of compliance by the administrator for that purpose. The
 5 vintner's certificate of compliance shall expire at the end of
 6 one year from the date of issuance and shall be renewed for
 7 a like period upon application to the administrator unless
 8 otherwise revoked for cause. Each application for a vintner's
 9 certificate of compliance or renewal of a certificate shall
 10 be submitted electronically, or in a manner prescribed by the
 11 administrator, and shall be accompanied by a fee of one hundred
 12 dollars payable to the division. Each holder of a vintner's
 13 certificate of compliance shall furnish the information
 14 required by the administrator in the form the administrator
 15 requires. A vintner or wine bottler whose plant is located in
 16 Iowa and who otherwise holds a class "A" wine permit to sell
 17 wine at wholesale is exempt from the fee, but not the other
 18 terms and conditions. The holder of a vintner's certificate of
 19 compliance may also hold a class "A" wine permit.

20 Sec. 18. Section 123.184, Code 2013, is amended to read as
 21 follows:

22 **123.184 Report of gallonage sales — penalty.**

23 Each class "A" wine permit holder on or before the tenth
 24 day of each calendar month commencing on the tenth day of the
 25 calendar month following the month in which the person is
 26 issued a permit, shall make a report under oath to the division
 27 upon forms to be furnished by the division electronically, or
 28 in a manner prescribed by the administrator, showing the exact
 29 number of gallons of wine and fractional parts of gallons, sold
 30 by that permit holder during the preceding calendar month.
 31 The report also shall state whatever reasonable additional
 32 information the administrator requires. The permit holder
 33 at the time of filing this report shall pay to the division
 34 the amount of tax due at the rate fixed in section 123.183.
 35 A penalty of ten percent of the amount of the tax shall be



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1 assessed and collected if the report is not filed and the tax
 2 paid within the time required by this section.

3 Sec. 19. Section 123.187, subsection 2, paragraph a, Code
 4 2013, is amended to read as follows:

5 a. The administrator shall issue a wine direct shipper
 6 license to a wine manufacturer who submits ~~a written~~ an
 7 application for the license ~~on a form to be established~~
 8 electronically, or in a manner prescribed by the administrator
 9 ~~by rule~~, accompanied by a true copy of the manufacturer's
 10 current alcoholic beverage license or permit and a copy of the
 11 manufacturer's winery license issued by the federal alcohol and
 12 tobacco tax and trade bureau.

13 DIVISION II

14 COMMISSION AND DIVISION DUTIES — BONDS, PAYMENTS, AND REPORTS

15 Sec. 20. Section 123.10, unnumbered paragraph 1, Code 2013,
 16 is amended to read as follows:

17 The governor shall appoint the administrator of the
 18 alcoholic beverages division, subject to confirmation by the
 19 senate, to a four-year term. A vacancy in an unexpired term
 20 shall be filled in the same manner as a full-term appointment
 21 is made. The administrator shall not be a member of the
 22 commission. The administrator's salary shall be fixed by the
 23 general assembly. The administrator shall be qualified to
 24 perform the administrator's duties by managerial ability and
 25 experience as a business executive. ~~The administrator shall~~
 26 ~~post a bond paid from the state general fund in an amount~~
 27 ~~established by the governor to insure proper discharge of the~~
 28 ~~administrator's duties.~~

29 Sec. 21. Section 123.24, subsections 2 and 3, Code 2013, are
 30 amended to read as follows:

31 2. a. The division may accept from a class "E" liquor
 32 control licensee ~~a cashier's check which shows the licensee~~
 33 ~~is the remitter or a check issued by the licensee~~ electronic
 34 funds transferred by automated clearing house, wire transfer,
 35 or another method deemed acceptable by the administrator,



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1 in payment of alcoholic liquor. If a ~~check~~ payment is
 2 subsequently dishonored, the division shall cause a notice
 3 of nonpayment and penalty to be served upon the class "E"
 4 liquor control licensee or upon any person in charge of the
 5 licensed premises. The notice shall state that if payment
 6 or satisfaction for the dishonored ~~check~~ payment is not made
 7 within ten days of the service of notice, the licensee's liquor
 8 control license may be suspended under section 123.39. The
 9 notice of nonpayment and penalty shall be in a form prescribed
 10 by the administrator, and shall be sent by certified mail.

11 *b.* If upon notice and hearing under section 123.39 and
 12 pursuant to the provisions of chapter 17A concerning a
 13 contested case hearing, the administrator determines that
 14 the class "E" liquor control licensee failed to satisfy the
 15 obligation for which the ~~check~~ payment was issued within ten
 16 days after the notice of nonpayment and penalty was served on
 17 the licensee as provided in paragraph "a" of this subsection,
 18 the administrator may suspend the licensee's class "E" liquor
 19 control license for a period not to exceed ten days.

20 3. The administrator may refuse to sell alcoholic liquor
 21 to a class "E" liquor control licensee who tenders a ~~check~~
 22 ~~or electronic funds transfer~~ payment which is subsequently
 23 dishonored until the outstanding obligation is satisfied.

24 Sec. 22. Section 123.55, unnumbered paragraph 1, Code 2013,
 25 is amended to read as follows:

26 The commission shall cause to be prepared an annual report to
 27 the governor of the state, ending with June 30 of each fiscal
 28 year, showing fully the results of on the operations operation
 29 and financial position of the division covering the period
 30 since the last previous report for the preceding fiscal year.
 31 ~~Such~~ The report shall show include but is not limited to the
 32 following information:

33 Sec. 23. REPEAL. Section 123.8, Code 2013, is repealed.

34 DIVISION III
 35 BEER AND WINE PROVISIONS

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1 or contents of any box, barrel, or other vessel or package
 2 containing such ~~liquors~~ liquor, wine, or beer; or shall refuse
 3 to give correct and truthful information as to the contents of
 4 any such box, barrel, or other vessel or package so sought to
 5 be transported or conveyed; or shall falsely mark, brand, or
 6 label such box, barrel, or other vessel or package in order to
 7 conceal the fact that the same contains intoxicating ~~liquors~~
 8 liquor, wine, or beer; or shall by any device or concealment
 9 procure or attempt to procure the conveyance or transportation
 10 of such ~~liquors~~ liquor, wine, or beer as herein prohibited, the
 11 person shall be guilty of a simple misdemeanor.

12 Sec. 26. Section 123.100, Code 2013, is amended to read as
 13 follows:

14 **123.100 Packages in transit.**

15 Any peace officer of the county under process or warrant to
 16 the peace officer directed shall have the right to open any
 17 box, barrel, or other vessel or package for examination, if
 18 the peace officer has reasonable ground for believing that it
 19 contains intoxicating ~~liquors~~ liquor, wine, or beer, either
 20 before or while the same is being so transported or conveyed.

21 Sec. 27. Section 123.101, Code 2013, is amended to read as
 22 follows:

23 **123.101 Record of shipments.**

24 It shall be the duty of all common carriers, or corporations,
 25 or persons who shall for hire carry any intoxicating ~~liquors~~
 26 liquor, wine, or beer into the state, or from one point to
 27 another within the state, for the purpose of delivery, and
 28 who shall deliver such intoxicating liquor, wine, or beer to
 29 any person, company, or corporation, to ~~keep, at each station~~
 30 ~~or office where it employs an agent or other person to make~~
 31 ~~delivery of freight and keep records relative thereto, a record~~
 32 ~~book, wherein such carrier shall, promptly upon receipt and~~
 33 ~~prior to delivery, enter in ink, in legible writing, in full,~~
 34 maintain a proper record of the name of the consignor of each
 35 shipment of intoxicating liquor ~~to be delivered from or through~~



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1 ~~such station, wine, or beer~~ from where shipped, the date of
2 arrival, the quantity and kind of intoxicating liquor, wine,
3 or beer, so far as disclosed by lettering on the package or by
4 the carrier's records, and to whom and where consigned, and the
5 date delivered.

6 Sec. 28. Section 123.102, Code 2013, is amended to read as
7 follows:

8 **123.102 Inspection of shipping records.**

9 The ~~record book~~ records required by section 123.101 shall,
10 during business hours, be open to inspection by any peace or
11 law enforcing officer. It ~~shall be~~ is a simple misdemeanor to
12 refuse such inspection.

13 Sec. 29. Section 123.103, Code 2013, is amended to read as
14 follows:

15 **123.103 Record receipt upon delivery.**

16 ~~No shipment billed in whole or in part as intoxicating~~
17 ~~liquor shall be delivered to the consignee until such consignee~~
18 ~~upon such record book enters in ink, in legible writing, the~~
19 ~~consignee's~~ The full name and residence or place of business,
20 ~~giving the name of the city, and the street name and number if~~
21 ~~any, and certifies~~ of the consignee of a shipment billed in
22 whole or in part as intoxicating liquor, wine, or beer, shall
23 be properly recorded at the time of delivery and the consignee
24 shall certify that such the intoxicating liquor, wine, or beer
25 is for the consignee's own lawful purposes.

26 Sec. 30. Section 123.104, Code 2013, is amended to read as
27 follows:

28 **123.104 Unlawful delivery.**

29 It ~~shall be~~ is a simple misdemeanor for any corporation,
30 common carrier, person, or any agent or employee thereof:

31 1. To deliver any intoxicating ~~liquors~~ liquor, wine, or beer
32 to any person other than to the consignee.

33 2. To deliver any intoxicating ~~liquors~~ liquor, wine, or
34 beer without having the same ~~receipted for~~ properly recorded
35 as provided in section 123.103.



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1 3. To deliver any intoxicating ~~liquors~~ liquor, wine, or
2 beer where there is reasonable ground to believe that such
3 intoxicating liquor, wine, or beer is intended for unlawful
4 use.

5 Sec. 31. Section 123.106, Code 2013, is amended to read as
6 follows:

7 **123.106 Federal statutes.**

8 The requirements of this chapter relative to the shipment
9 and delivery of intoxicating ~~liquors~~ liquor, wine, or beer and
10 the records to be kept thereof shall be construed in harmony
11 with federal statutes relating to interstate commerce in such
12 ~~liquors~~ liquor, wine, or beer.

13 Sec. 32. Section 123.107, subsection 1, paragraph a, Code
14 2013, is amended to read as follows:

15 a. To set out exactly the kind or quantity of intoxicating
16 ~~liquors~~ liquor, wine, or beer manufactured, sold, given in
17 evasion of the statute, or kept for sale.

18 Sec. 33. Section 123.111, Code 2013, is amended to read as
19 follows:

20 **123.111 Purchaser as witness.**

21 The person purchasing any intoxicating liquor, wine, or
22 beer sold in violation of this chapter shall in all cases be a
23 competent witness to prove such sale.

24 Sec. 34. Section 123.115, Code 2013, is amended to read as
25 follows:

26 **123.115 Defense.**

27 In any prosecution under this chapter for the unlawful
28 transportation of intoxicating ~~liquors~~ liquor, wine, or beer
29 it shall be a defense that the character and contents of the
30 shipment or thing transported were not known to the accused or
31 to the accused's agent or employee.

32 Sec. 35. Section 123.116, Code 2013, is amended to read as
33 follows:

34 **123.116 Right to receive ~~liquors~~ liquor, wine, or beer.**

35 The consignee of intoxicating ~~liquors~~ liquor, wine, or beer



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1 shall, on demand of the carrier transporting such ~~liquors~~
2 liquor, wine, or beer, furnish the carrier, at the place of
3 delivery, with legal proof of the consignee's legal right to
4 receive such ~~liquors~~ liquor, wine, or beer at the time of
5 delivery, and until such proof is furnished the carrier shall
6 be under no legal obligation to make delivery nor be liable for
7 failure to deliver.

8 Sec. 36. Section 123.117, Code 2013, is amended to read as
9 follows:

10 **123.117 Delivery to sheriff.**

11 If such proof is not furnished the carrier within ten days
12 after demand, the carrier may deliver such ~~liquors~~ liquor,
13 wine, or beer to the sheriff of the county embracing the place
14 of delivery, and such delivery shall absolve the carrier from
15 all liability pertaining to such ~~liquors~~ liquor, wine, or beer.

16 Sec. 37. Section 123.118, Code 2013, is amended to read as
17 follows:

18 **123.118 Destruction.**

19 The sheriff shall, on receipt of such ~~liquors~~ liquor, wine,
20 or beer from the carrier, report the receipt to the district
21 court of the sheriff's county, and the court shall proceed to
22 summarily enter an order for the destruction or forfeiture to
23 the state of such ~~liquors~~ liquor, wine, or beer.

24 Sec. 38. Section 123.120, Code 2013, is amended to read as
25 follows:

26 **123.120 Attempt to destroy.**

27 The destruction of or attempt to destroy any liquid by
28 any person while in the presence of peace officers or while
29 a property is being searched by a peace officer, shall be
30 competent evidence that such liquid is intoxicating liquor,
31 wine, or beer and intended for unlawful purposes.

32 Sec. 39. Section 123.121, unnumbered paragraph 2, Code
33 2013, is amended to read as follows:

34 In any prosecution under this chapter for the unlawful
35 transportation of intoxicating liquor, wine, or beer,



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1 the offense shall be held to have been committed in any
2 county in which such liquor, wine, or beer is received for
3 transportation, through which it is transported, or in which it
4 is delivered.

5 Sec. 40. Section 123.138, subsection 1, Code 2013, is
6 amended to read as follows:

7 1. Each class "A" or special class "A" permittee shall
8 keep proper ~~books of account and~~ records showing the amount of
9 beer sold by the permittee, and these ~~books of account~~ records
10 shall be at all times open to inspection by the administrator
11 and to other persons pursuant to section 123.30, subsection

12 1. Each class "B" ~~and~~ permittee, class "C" permittee, and
13 retail liquor control licensee shall keep proper ~~books of~~
14 ~~account and~~ records showing each purchase of beer made by the
15 permittee and licensee, and the date and the amount of each
16 purchase and the name of the person from whom each purchase
17 was made, which ~~books of account and~~ records shall be open to
18 inspection pursuant to section 123.30, subsection 1, during
19 normal business hours of the permittee or licensee.

20 Sec. 41. Section 123.144, Code 2013, is amended to read as
21 follows:

22 **123.144 Bottling beer.**

23 1. No person shall bottle beer within the state of Iowa ~~for~~
24 ~~purposes other than for individual consumption in a private~~
25 ~~home~~, except class "A", special class "A", class "AA", and
26 special class "AA" permittees who have complete equipment for
27 bottling beer and who have received the approval of the local
28 board of health as to sanitation, ~~and it.~~ It shall be the duty
29 of local boards of health to inspect the premises and equipment
30 of class "A", special class "A", class "AA", and special class
31 "AA" permittees who desire to bottle beer.

32 2. However, any person of legal age may bottle beer for
33 personal use and if it is not sold or offered in exchange for
34 any type of consideration. In addition, such beer may be
35 removed from the premises where it was bottled for personal use



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1 including use at bona fide exhibitions, competitions, contests,
 2 tastings, or judged events, if the beer is not sold or offered
 3 in exchange for any type of consideration.

4 Sec. 42. Section 123.185, Code 2013, is amended to read as
 5 follows:

6 **123.185 Records required.**

7 Each class "A" wine permittee shall keep ~~books of account and~~
 8 records showing each sale of wine, which shall be at all times
 9 open to inspection by the administrator and pursuant to section
 10 123.30, subsection 1. Each class "B" wine permittee shall keep
 11 proper ~~books of account and~~ records showing each purchase of
 12 wine and the date and the amount of each purchase and the name
 13 of the person from whom each purchase was made, which shall be
 14 open to inspection pursuant to section 123.30, subsection 1,
 15 during normal business hours of the permittee.

16 EXPLANATION

17 This bill makes several changes relative to the alcoholic
 18 beverages division of the department of commerce and alcoholic
 19 beverage control.

20 Division I, concerning applications, forms, and records,
 21 amends several provisions of Code chapter 123 to provide that
 22 various forms and applications currently submitted to and
 23 supplied by the division in written form shall be submitted or
 24 supplied electronically, or in a manner as prescribed by the
 25 administrator of the division.

26 Division II concerns certain reports, payments, and bonding
 27 requirements relative to the alcoholic beverages commission and
 28 division.

29 Code section 123.10, concerning the duties of the
 30 administrator of the division, is amended to remove the
 31 requirement that the administrator post a surety bond.

32 Code section 123.24, concerning alcoholic liquor sales by
 33 the division, is amended to provide that payment for liquor
 34 sales by liquor control licensees can be made by electronic
 35 funds transfer, wire transfer, or other method deemed

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