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House File 138 - Introduced

HOUSE FILE 138

BY SHAW, HEARTSILL, ALONS,
SCHULTZ, BACON, SHEETS,
KOESTER, FRY, and SALMON

A BILL FOR

1 An Act relating to the definition of person in the context of
2 the victim of the crime of murder, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1246YH (5) 85
pf/nh



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1 Section 1. Section 135.1, unnumbered paragraph 1, Code
2 2013, is amended to read as follows:

3 For the purposes of chapter 155 and Title IV, subtitle 2,
4 ~~excluding chapter 146~~, unless otherwise defined:

5 Sec. 2. Section 135.11, subsections 10 and 12, Code 2013,
6 are amended to read as follows:

7 10. Enforce the law relative to ~~chapter 146 and~~
8 "Health-related Professions", Title IV, subtitle 3, excluding
9 chapter 155.

10 12. Establish, publish, and enforce rules not inconsistent
11 with law for the enforcement of the provisions of chapters 125
12 and 155, and Title IV, subtitle 2, ~~excluding chapter 146 and~~
13 for the enforcement of the various laws, the administration and
14 supervision of which are imposed upon the department.

15 Sec. 3. Section 144.29A, subsections 1 and 2, Code 2013, are
16 amended to read as follows:

17 1. A health care provider who initially identifies and
18 diagnoses a spontaneous termination of pregnancy ~~or who induces~~
19 ~~a termination of pregnancy~~ shall file with the department
20 a report for each termination within thirty days of the
21 occurrence. The health care provider shall make a good faith
22 effort to obtain all of the following information that is
23 available with respect to each termination:

24 a. The confidential health care provider code as assigned
25 by the department.

26 b. The report tracking number.

27 c. The maternal health services region of the Iowa
28 department of public health, as designated as of July 1, 1997,
29 in which the patient resides.

30 d. The race of the patient.

31 e. The age of the patient.

32 f. The marital status of the patient.

33 g. The educational level of the patient.

34 h. The number of previous pregnancies, live births, and
35 spontaneous ~~or induced~~ terminations of pregnancies.



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1 publishing the demographic summary under this section.

2 *b.* The department shall enter the information, from
3 any report of termination submitted, within thirty days of
4 receipt of the report, and shall immediately destroy the
5 report following entry of the information. However, entry of
6 the information from a report shall not include any health
7 care provider, hospital, clinic, or other health facility
8 identification information including, but not limited to, the
9 confidential health care provider code, as assigned by the
10 department.

11 *c.* To protect confidentiality, the department shall limit
12 release of information to release in an aggregate form which
13 prevents identification of any individual patient, health care
14 provider, hospital, clinic, or other health facility. For the
15 purposes of this paragraph, "*aggregate form*" means a compilation
16 of the information received by the department on termination
17 of pregnancies for each information item listed, with the
18 exceptions of the report tracking number, the health care
19 provider code, and any set of information for which the amount
20 is so small that the confidentiality of any person to whom the
21 information relates may be compromised. The department shall
22 establish a methodology to provide a statistically verifiable
23 basis for any determination of the correct amount at which
24 information may be released so that the confidentiality of any
25 person is not compromised.

26 Sec. 4. Section 144.29A, subsection 8, Code 2013, is amended
27 by striking the subsection.

28 Sec. 5. Section 216.6, subsection 2, paragraph c, Code 2013,
29 is amended by striking the paragraph.

30 Sec. 6. Section 216.13, Code 2013, is amended to read as
31 follows:

32 **216.13 Exceptions for retirement plans, ~~abortion coverage,~~**
33 **life, disability, and health benefits.**

34 The provisions of this chapter relating to discrimination
35 because of age do not apply to a retirement plan or benefit



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1 system of an employer unless the plan or system is a mere
2 subterfuge adopted for the purpose of evading this chapter.
3 1. However, a retirement plan or benefit system shall not
4 require the involuntary retirement of a person under the age of
5 seventy because of that person's age. This paragraph does not
6 prohibit the following:

7 a. The involuntary retirement of a person who has attained
8 the age of sixty-five and has for the two prior years been
9 employed in a bona fide executive or high policymaking position
10 and who is entitled to an immediate, nonforfeitable annual
11 retirement benefit from a pension, profit-sharing, savings,
12 or deferred compensation plan of the employer which equals
13 twenty-seven thousand dollars. This retirement benefit test
14 may be adjusted according to the regulations prescribed by
15 the United States secretary of labor pursuant to Pub. L. No.
16 95-256, section 3.

17 b. The involuntary retirement of a person covered by a
18 collective bargaining agreement which was entered into by a
19 labor organization and was in effect on September 1, 1977.
20 This exemption does not apply after the termination of that
21 agreement or January 1, 1980, whichever first occurs.

22 ~~2. A health insurance program provided by an employer may~~
23 ~~exclude coverage of abortion, except where the life of the~~
24 ~~mother would be endangered if the fetus were carried to term or~~
25 ~~where medical complications have arisen from an abortion.~~

26 ~~3.~~ 2. An employee welfare plan may provide life, disability
27 or health insurance benefits which vary by age based on
28 actuarial differences if the employer contributes equally for
29 all the participating employees or may provide for employer
30 contributions differing by age if the benefits for all the
31 participating employees do not vary by age.

32 Sec. 7. Section 602.8102, subsection 31, Code 2013, is
33 amended by striking the subsection.

34 Sec. 8. Section 707.1, Code 2013, is amended to read as
35 follows:



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1 **707.1 Murder defined.**

2 1. A person who kills another person with malice
3 aforethought either express or implied commits murder.

4 2. "Person", when referring to the victim of a murder,
5 means an individual human being, without regard to age of
6 development, from the moment of conception, when a zygote is
7 formed, until natural death.

8 3. Murder includes killing another person through any
9 means that terminates the life of the other person including
10 but not limited to the use of abortion-inducing drugs. For
11 the purposes of this section, "abortion-inducing drug" means a
12 medicine, drug, or any other substance prescribed or dispensed
13 with the intent of terminating the clinically diagnosable
14 pregnancy of a woman, with knowledge that the drug will
15 with reasonable likelihood cause the termination of the
16 pregnancy. "Abortion-inducing drug" includes the off-label
17 use of drugs known to have abortion-inducing properties,
18 which are prescribed specifically with the intent of causing
19 an abortion, but does not include drugs that may be known to
20 cause an abortion, but which are prescribed for other medical
21 indications.

22 4. Murder does not include a fetal death as defined in
23 section 144.1 or the spontaneous termination of pregnancy as
24 defined in section 144.29A.

25 Sec. 9. REPEAL. Sections 232.5, 702.20, 707.7, 707.8,
26 707.8A, 707.9, and 707.10, Code 2013, are repealed.

27 Sec. 10. REPEAL. Chapters 135L and 146, Code 2013, are
28 repealed.

29 Sec. 11. SEVERABILITY. If any provision of this Act or
30 the application of this Act to any person or circumstances is
31 held invalid, the invalidity shall not affect other provisions
32 or applications of the Act which can be given effect without
33 the invalid provisions or application and, to this end, the
34 provisions of this Act are severable.

35 Sec. 12. EFFECTIVE UPON ENACTMENT. This Act, being deemed



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1 fetus), Code chapter 135L (notification requirements regarding
2 pregnant minors), and Code chapter 146 (abortions — refusal
3 to perform). The bill also makes conforming changes to strike
4 references to Code provisions stricken or repealed in the bill.
5 The bill provides for severability of any provision
6 or application of the bill that is held invalid from the
7 provisions or applications of the bill which can be given
8 effect without the invalid provisions or application. The bill
9 takes effect upon enactment.



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House File 139 - Introduced

HOUSE FILE 139
BY STECKMAN

A BILL FOR

1 An Act requiring the use of headlights or daytime running lamps
2 on a motor vehicle during periods of moisture accumulation
3 or windshield wiper use, and making a penalty applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1366YH (1) 85
dea/nh



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H.F. 139

1 Section 1. Section 321.384, Code 2013, is amended to read
2 as follows:

3 **321.384 When lighted lamps required.**

4 1. ~~Every A~~ motor vehicle ~~upon~~ operated on a highway within
5 ~~the state, at any time from~~ shall display lighted headlamps
6 as provided in section 321.415 during the following times,
7 subject to exceptions under this chapter with respect to parked
8 vehicles:

9 a. From sunset to sunrise, and at such other times when.

10 b. Whenever conditions such as fog, snow, sleet, or rain
11 provide insufficient lighting to render clearly discernible
12 persons and vehicles on the highway at a distance of five
13 hundred feet ahead, ~~shall display lighted headlamps as provided~~
14 ~~in section 321.415, subject to exceptions with respect to~~
15 ~~parked vehicles as hereinafter stated.~~

16 2. a. A motor vehicle operated on a highway shall display
17 lighted headlamps, as provided in section 321.415, or daytime
18 running lamps whenever there is moisture accumulating on
19 the windshield due to misting, light rain, or other weather
20 conditions or whenever the motor vehicle's windshield wipers
21 are activated to improve visibility.

22 b. For purposes of this subsection, "daytime running lamps"
23 means a pair of lamps on the front of a motor vehicle which meet
24 the standard for daytime running lamps described in 49 C.F.R.
25 § 571.108.

26 ~~2. 3. Whenever A~~ requirement ~~is hereinafter declared as~~
27 ~~to~~ in this chapter regarding the distance from which certain
28 lamps and devices shall render objects visible or within which
29 such lamps or devices shall be visible, ~~said provisions shall~~
30 ~~apply during the times stated in subsection 1 of this section,~~
31 paragraphs "a" and "b", upon a straight level unlighted highway
32 under normal atmospheric conditions unless a different time or
33 condition is expressly stated.

34 Sec. 2. Section 321.415, subsection 1, unnumbered paragraph
35 1, Code 2013, is amended to read as follows:



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1 stopped on an unlighted roadway or shoulder.

2 Code sections 321.397, 321.398, and 321.418, which describe
3 lighting requirements for bicycles, animal drawn vehicles, and
4 slow-moving vehicles.

5 Code section 321.405, which requires self-illumination of
6 mechanical signal devices.

7 Code sections 321.415 and 321.419, which provide
8 specifications for headlamps.



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House File 140 - Introduced

HOUSE FILE 140

BY DOLECHECK, ALONS, KLEIN,
HUSEMAN, BYRNES, SCHULTZ,
STECKMAN, and DRAKE

A BILL FOR

1 An Act relating to school district funding by establishing
2 a supplementary weighting program for shared operational
3 functions of school districts and area education agencies.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1830YH (2) 85
md/sc



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1 Section 1. Section 257.11, Code 2013, is amended by adding
 2 the following new subsection:
 3 NEW SUBSECTION. 6A. *Shared operational functions —*
 4 *increased student opportunities — budget years beginning in 2014*
 5 *through 2019.*
 6 a. (1) In order to provide additional funding to increase
 7 student opportunities and redirect more resources to student
 8 programming for school districts that share operational
 9 functions, a supplementary weighting of two hundredths per
 10 pupil shall be assigned to pupils enrolled in a district that
 11 shares with a political subdivision one or more operational
 12 functions of a curriculum director, school administration
 13 manager, mental health therapist, school counselor, or school
 14 librarian, or one or more operational functions in the areas
 15 of superintendent management, business management, human
 16 resources, transportation, or operation and maintenance for
 17 at least twenty percent of the school year. The additional
 18 weighting shall be assigned for each discrete operational
 19 function shared. The operational function sharing arrangement
 20 does not need to be a newly implemented sharing arrangement
 21 to receive supplementary weighting under this subsection.
 22 However, to receive supplementary weighting under this
 23 subsection for an ongoing operational function sharing
 24 arrangement that began before July 1, 2014, the district
 25 shall submit information to the department documenting the
 26 cost savings directly attributable to the shared operational
 27 functions and describe the district's consideration of
 28 additional shared operational functions.
 29 (2) For the purposes of this section, *“political*
 30 *subdivision”* means a city, township, county, school corporation,
 31 merged area, area education agency, institution governed by the
 32 state board of regents, or any other governmental subdivision.
 33 b. School districts that share operational functions with
 34 other school districts are not required to be contiguous school
 35 districts. If two or more districts sharing operational

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 md/sc



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1 functions are not contiguous to each other, the districts
2 separating those districts are not required to be a party to
3 the operational functions sharing arrangement.

4 *c.* Supplementary weighting pursuant to this subsection
5 shall be available to a school district for a maximum of
6 five years during the period commencing with the budget year
7 beginning July 1, 2014, through the budget year beginning July
8 1, 2019. The minimum amount of additional weighting for which
9 a school district shall be eligible is an amount equivalent to
10 ten additional pupils, and the maximum amount of additional
11 weighting for which a school district shall be eligible is
12 an amount equivalent to forty additional pupils. Receipt of
13 supplementary weighting by a school district pursuant to this
14 subsection for more than one year shall be contingent upon
15 the annual submission of information by the district to the
16 department documenting cost savings directly attributable to
17 the shared operational functions. Criteria for determining
18 the number of years for which supplementary weighting shall
19 be received pursuant to this subsection, subject to the
20 five-year maximum, and for determining qualification of
21 operational functions for supplementary weighting shall be
22 determined by the department by rule, through consideration of
23 long-term savings by the school district or increased student
24 opportunities.

25 *d.* Supplementary weighting pursuant to this subsection
26 shall be available to an area education agency for a maximum
27 of five years during the period commencing with the budget
28 year beginning July 1, 2014, through the budget year beginning
29 July 1, 2019. The minimum amount of additional funding for
30 which an area education agency shall be eligible is fifty
31 thousand dollars, and the maximum amount of additional funding
32 for which an area education agency shall be eligible is two
33 hundred thousand dollars. The department of management shall
34 annually set a weighting for each area education agency to
35 generate the approved operational sharing expense using the

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1 area education agency's special education cost per pupil amount
2 and foundation level. Receipt of supplementary weighting
3 by an area education agency for more than one year shall be
4 contingent upon the annual submission of information by the
5 district to the department documenting cost savings directly
6 attributable to the shared operational functions. Criteria
7 for determining the number of years for which supplementary
8 weighting shall be received pursuant to this subsection,
9 subject to the five-year maximum, and the amount generated by
10 the supplementary weighting, and for determining qualification
11 of operational functions for supplementary weighting shall be
12 determined by the department by rule, through consideration of
13 long-term savings by the area education agency or increased
14 student opportunities.

15 e. This subsection is repealed effective July 1, 2020.

16

EXPLANATION

17 This bill enacts Code section 257.11, new subsection 6A, to
18 allow supplementary weighting for school districts and area
19 education agencies that share operational functions. The
20 bill is similar to the supplementary weighting provisions for
21 shared operational functions in current Code section 257.11,
22 subsection 6, which is repealed effective July 1, 2014. The
23 bill provides supplementary weighting of two hundredths per
24 pupil enrolled in a district that shares with a political
25 subdivision one or more operational functions. Under the bill,
26 eligible shared operational functions include the operational
27 functions of a curriculum director, school administration
28 manager, mental health therapist, school counselor, or school
29 librarian, or one or more operational functions in the areas
30 of superintendent management, business management, human
31 resources, transportation, or operation and maintenance. To
32 be eligible for the supplementary weighting, the operational
33 function must be shared for at least 20 percent of the school
34 year.

35 Under the bill, the operational functions sharing

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1 directly attributable to the shared operational functions. The
2 bill requires the department of management to annually set
3 a weighting for each area education agency to generate the
4 approved operational sharing expense using the area education
5 agency's special education cost per pupil amount and foundation
6 level.

7 The bill provides that Code section 257.11, new subsection
8 6A, is repealed effective July 1, 2020.



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House File 141 - Introduced

HOUSE FILE 141

BY HEIN, SHEETS, KLEIN, ALONS,
GRASSLEY, BYRNES, S. OLSON,
MAXWELL, JORGENSEN,
L. MILLER, HEATON,
STANERSON, PETTENGILL,
MOORE, and KAUFMANN

A BILL FOR

1 An Act relating to the time for certifying school district
2 budgets and submitting area education agency budgets and
3 including applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1832YH (3) 85
md/sc



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1 Section 1. Section 257.8, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 2A. If a bill establishing a state percent
4 of growth or a categorical state percent of growth for the
5 budget year is enacted after March 15 of the base year, the
6 date required for certifying a school district budget for the
7 budget year under section 24.17 or for submitting an area
8 education agency budget to the state board of education for the
9 budget year under section 273.3 or 273.23 shall be extended to
10 the date thirty days following the date of enactment of the
11 bill establishing the state percent of growth for the budget
12 year or the categorical state percent of growth for the budget
13 year, whichever is later, and all other deadlines applicable to
14 school districts for the certification of taxes for levy and
15 to area education agencies for approval of a budget shall be
16 extended to correspond to the extension of the date required
17 for certifying school district budgets and submitting area
18 education agency budgets.

19 Sec. 2. APPLICABILITY. This Act applies to school budgets
20 and area education agency budgets for school budget years
21 beginning on or after July 1, 2014.

22 EXPLANATION

23 Current Code section 24.17 requires a school district
24 to certify its budget to the county auditor not later than
25 April 15 of each year. This bill provides that if a bill
26 establishing a state percent of growth or a categorical state
27 percent of growth for the budget year is enacted after March
28 15 of the base year, the date required for certifying a school
29 district budget for the budget year under Code section 24.17
30 or for submitting an area education agency budget to the state
31 board of education for approval for the budget year under Code
32 section 273.3 or 273.23 shall be extended to the date 30 days
33 following the date of enactment of the bill establishing the
34 state percent of growth for the budget year or the categorical
35 state percent of growth for the budget year, whichever is

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1 later, and all other deadlines applicable to school districts
2 and area education agencies for the certification of taxes for
3 levy or for approval of an area education agency budget shall
4 be extended to correspond to the extension of the date required
5 for certifying school district budgets and submitting area
6 education agency budgets.

7 The bill applies to school district budgets and area
8 education agency budgets for school budget years beginning on
9 or after July 1, 2014.



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House File 142 - Introduced

HOUSE FILE 142

BY WINCKLER,

WESSEL-KROESCHELL, LUNDBY,

KAJTAZOVIC, ANDERSON,

THEDE, BERRY, RUFF,

STECKMAN, THOMAS, HUNTER,

WOOD, KELLEY, LENSING,

JACOBY, HANSON, GAINES,

ABDUL-SAMAD, and R. OLSON

A BILL FOR

- 1 An Act relating to student performance by establishing an
- 2 education remediation council and an advanced placement
- 3 funding formula.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1397YH (5) 85

kh/rj



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1 Section 1. NEW SECTION. 256.27 Education remediation
2 council.

3 1. An education remediation council is established
4 consisting of eight members appointed as follows:

5 a. One member representing the community colleges appointed
6 by the president of the Iowa association of community college
7 presidents.

8 b. One member representing the accredited private
9 institutions appointed by the president of the Iowa association
10 of independent colleges and universities.

11 c. One member representing the institutions of higher
12 education governed by the state board of regents appointed by
13 the president of the state board of regents.

14 d. One member representing the practitioner preparation
15 programs at institutions of higher education governed by the
16 state board of regents appointed by the president of the state
17 board of regents.

18 e. One member representing school districts appointed by the
19 president of the Iowa association of school boards.

20 f. One member representing accredited nonpublic schools
21 appointed by the director of the department of education.

22 g. One member representing the department of education
23 appointed by the director of the department of education.

24 h. One member representing the area education agencies
25 appointed by the area education agency administrators.

26 2. Council members shall serve three-year terms beginning
27 and ending as provided in section 69.19, and appointments shall
28 comply with sections 69.16, 69.16A, and 69.16C. Vacancies on
29 the council shall be filled in the same manner as the original
30 appointment. A person appointed to fill a vacancy shall serve
31 only for the unexpired portion of the term. Council members
32 are entitled to receive reimbursement for actual and necessary
33 expenses incurred while engaged in the performance of official
34 duties, but shall not receive a per diem.

35 3. The member representing the department of education

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kh/rj

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1 shall convene the initial meeting. The council shall elect one
2 of its members as chairperson. The council shall meet at least
3 quarterly, and at any time on the call of the chairperson.

4 4. The department shall provide staffing services for the
5 council.

6 5. a. Prior to the initial meeting of the council, the
7 member representing the community colleges shall convene
8 a meeting of members appointed pursuant to subsection 1,
9 paragraphs "a" through "d" to define "remediation" for purposes
10 of the council and outline the skills and expectations for
11 postsecondary level attendance. The definitions and outline
12 shall be distributed and discussed at the initial council
13 meeting.

14 b. The council shall identify measures to help students
15 transition from the secondary to the postsecondary level, to
16 limit the costs of remediation at the postsecondary level,
17 to define and standardize the skill sets that determine the
18 need for remediation, and to create effective partnerships
19 between secondary schools and higher education institutions.
20 The council shall review activities and services designed to
21 align school district curricula with core postsecondary level
22 requirements and decrease the need for remedial coursework at
23 the secondary school grade level through grade sixteen. The
24 council shall develop strategies to strengthen grade nine
25 through grade sixteen standards, competencies, and assessment
26 systems, and the professional development of teachers. For the
27 fiscal year beginning July 1, 2013, the council shall focus on
28 mathematics and English remediation measures.

29 6. The council shall submit its findings and
30 recommendations in a report to the state board of education
31 and the general assembly by November 15 annually. The state
32 board and department of education shall use the findings and
33 recommendations to strengthen the common core curriculum and
34 core content standards for secondary schools.

35 Sec. 2. NEW SECTION. 257.16B **Advanced placement performance**

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kh/rj

2/5



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1 **funding.**

2 1. For purposes of this section, "*advanced placement*
3 *student*" means a student who was enrolled in the school district
4 during the school year preceding the base year, who was
5 enrolled in one or more advanced placement courses during such
6 school year as provided under section 261E.4, and who achieved
7 a score on the advanced placement examination for at least
8 one such course of three or higher on the advanced placement
9 five-point scale.

10 2. For budget years beginning on or after July 1, 2015,
11 the department of management shall allocate from amounts
12 appropriated by the general assembly to the department of
13 management, and from other moneys available to and obtained or
14 accepted by the department of management, for the purpose of
15 providing advanced placement performance funding for school
16 districts as provided in this section.

17 *a.* The department of education shall certify to the
18 department of management the total number of advanced placement
19 students enrolled in each school district.

20 *b.* The department of management shall on or before July 1 of
21 the budget year notify each school district of the amount of
22 advanced placement performance funding under this section.

23 3. *a.* A school district shall receive an amount equal
24 to the school district's total number of advanced placement
25 students divided by the total number of advanced placement
26 students in the state, multiplied by the amount of moneys
27 available under subsection 1 to provide advanced placement
28 performance funding for the budget year.

29 *b.* Payments made to school districts under this section are
30 miscellaneous income and may be used for any school district
31 general fund purpose.

32 4. The state board of education shall adopt rules pursuant
33 to chapter 17A necessary to administer this section, including
34 rules that prescribe all necessary reporting requirements for
35 school districts.

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kh/rj

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1 EXPLANATION
2 This bill relates to student performance by establishing
3 an education remediation council charged with identifying
4 measures to help students transition from the secondary to
5 postsecondary level and to limit the costs of remediation
6 at the postsecondary level; and by establishing an advanced
7 placement performance funding formula to provide for
8 distribution of any funds made available for that purpose to
9 school districts with students who have received a score of
10 three or higher on an advanced placement examination.
11 The education remediation council consists of eight
12 members appointed to three-year terms as follows: one member
13 representing the community colleges appointed by the president
14 of the Iowa association of community college presidents;
15 one member representing the accredited private institutions
16 appointed by the president of the Iowa association of
17 independent colleges and universities; one member representing
18 the regents universities and one member representing the
19 practitioner preparation programs at the regents universities,
20 both appointed by the president of the state board of regents;
21 one member representing school districts appointed by the
22 president of the Iowa association of school boards; one member
23 representing accredited nonpublic schools and one member
24 representing the department of education, both appointed by
25 the director of the department of education; and one member
26 representing the area education agencies appointed by the area
27 education agency administrators.
28 The member representing the department of education shall
29 convene the initial meeting. The council shall elect one of
30 its members as chairperson. The council shall meet at least
31 quarterly, and at any time on the call of the chairperson. The
32 department shall provide staffing services for the council.
33 Prior to the initial meeting of the council, the member
34 representing the community colleges shall convene a meeting of
35 members representing community colleges, accredited private

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1 institutions, and regents universities and practitioner
2 preparation programs to define "remediation" for purposes
3 of the council and outline the skills and expectations for
4 postsecondary level attendance. The definitions and outline
5 shall be distributed and discussed at the initial council
6 meeting.

7 The council shall identify measures to help students
8 transition from the secondary to the postsecondary level,
9 limit the cost of remediation, define and standardize the
10 skill sets that determine the need for remediation, and create
11 effective partnerships between secondary schools and higher
12 education institutions. The council shall review activities
13 and services designed to align school district curricula with
14 core postsecondary level requirements and decrease the need
15 for remedial coursework at the secondary school grade level
16 through grade 16. The council shall develop strategies to
17 strengthen grade 9 through grade 16 standards, competencies,
18 and assessment systems, and the professional development of
19 teachers. For the fiscal year beginning July 1, 2013, the
20 council shall focus on mathematics and English remediation
21 measures.

22 The council shall submit its findings and recommendations
23 in a report to the state board of education and the
24 general assembly by November 15 annually. The state board
25 and department of education shall use the findings and
26 recommendations to strengthen the common core curriculum and
27 core content standards of secondary schools.



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House File 143 - Introduced

HOUSE FILE 143
BY HALL and FORRISTALL

A BILL FOR

1 An Act concerning harassment and bullying by students and
2 providing criminal and civil penalties and remedies for
3 failure by parents, guardians, and custodians to prevent
4 such harassment and bullying.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 280.28A Parents of minor students
2 engaging in harassment or bullying — duty to prevent —
3 penalties — harassment or bullying by students prohibited.

4 1. For purposes of this section:

5 a. "Harassment" and "bullying" mean the same as provided in
6 section 280.28, subsection 2.

7 b. "Student" means a student in a public or nonpublic school
8 who is an unemancipated minor child under the age of eighteen
9 years.

10 2. A parent, guardian, or legal or actual custodian of a
11 student shall prevent the student from engaging in harassment
12 or bullying at any time.

13 3. a. If a student engages in harassment or bullying,
14 school officers shall attempt to work with the student and the
15 student's parent, guardian, or legal or actual custodian to
16 find the cause for the student's harassing or bullying behavior
17 and to ensure that the student does not engage in further
18 harassing or bullying behavior. If the parent, guardian, or
19 legal or actual custodian, or student refuses to accept the
20 school's attempt to ensure that the student does not engage
21 in further harassing or bullying behavior, or if the school's
22 attempt to ensure that the student does not engage in further
23 harassing or bullying behavior is otherwise unsuccessful, the
24 school officers shall refer the matter to the county attorney
25 for mediation under this subsection or prosecution under
26 subsection 4.

27 b. If the matter is referred for mediation, the county
28 attorney shall cause a notice of the referral to be sent to the
29 parent, guardian, or legal or actual custodian and designate
30 a person to serve as mediator in the matter. If mediation
31 services are available in the community, those services may
32 be used as the designated mediation service. If mediation
33 services are not available in the community, mediation shall
34 be provided by the county attorney or the county attorney's
35 designee. The mediator shall contact the school, the parent,

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1 guardian, or legal or actual custodian, and any other person
2 the mediator deems appropriate and arrange meeting dates and
3 times for discussion of the student's harassing or bullying
4 behavior. The mediator shall attempt to ascertain the cause
5 of the student's harassing or bullying behavior, attempt to
6 cause the parties to arrive at an agreement to prevent any
7 further harassing or bullying behavior, and initiate referrals
8 to any agencies or counseling that the mediator believes to be
9 appropriate under the circumstances. The mediator may refer a
10 student to the juvenile court if mediation breaks down without
11 an agreement being reached.

12 *c.* If the parties reach an agreement, the agreement shall
13 be reduced to writing and signed by a school officer, parent,
14 guardian, or legal or actual custodian, and the student. The
15 mediator, the school, and the parent, guardian, or legal or
16 actual custodian shall each receive a copy of the agreement,
17 which shall set forth the resolution of the issues and future
18 responsibilities of each party.

19 *d.* The school shall be responsible for monitoring any
20 agreements arrived at through mediation. If a parent,
21 guardian, or legal or actual custodian refuses to engage in
22 mediation or violates a term of the agreement, the matter
23 shall be rereferred to the county attorney for prosecution
24 under subsection 4. The county attorney's office or the
25 mediation service shall require the parent, guardian, or legal
26 or actual custodian and the school to pay a fee to help defray
27 the administrative cost of mediation services. The county
28 attorney's office or the mediation service shall establish
29 a sliding scale of fees to be charged parents, guardians,
30 and legal or actual custodians based upon ability to pay. A
31 parent, guardian, or legal or actual custodian shall not be
32 denied the services of a mediator solely because of inability
33 to pay the fee.

34 4. *a.* A parent, guardian, or legal or actual custodian
35 who violates a mediation agreement under subsection 3, who

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1 refuses to participate in mediation under subsection 3, who is
2 referred for prosecution under subsection 3 and is convicted
3 of a violation of subsection 2, or who violates subsection 2,
4 as a first offense, is guilty of a simple misdemeanor. A first
5 offense is punishable by imprisonment not exceeding ten days
6 or a fine not exceeding one hundred dollars. The court may
7 order the person to perform not more than forty hours of unpaid
8 community service instead of any fine or imprisonment.

9 *b.* A parent, guardian, or legal or actual custodian who
10 violates a mediation agreement under subsection 3, who refuses
11 to participate in mediation under subsection 3, who is referred
12 for prosecution under subsection 3 and is convicted of a
13 violation of subsection 2, or who violates subsection 2, as a
14 second offense, is guilty of a serious misdemeanor. A second
15 offense is punishable by imprisonment not exceeding twenty days
16 or a fine not exceeding five hundred dollars, or both a fine
17 and imprisonment. The court may order the person to perform
18 unpaid community service instead of any fine or imprisonment.

19 *c.* A parent, guardian, or legal or actual custodian
20 who violates a mediation agreement under subsection 3, who
21 refuses to participate in mediation under subsection 3, who is
22 referred for prosecution under subsection 3 and is convicted
23 of a violation of subsection 2, or who violates subsection
24 2, as a third or subsequent offense, is guilty of a serious
25 misdemeanor. A third or subsequent offense is punishable by
26 imprisonment not exceeding thirty days or a fine not exceeding
27 one thousand dollars, or both a fine and imprisonment. The
28 court may order the person to perform unpaid community service
29 instead of any fine or imprisonment.

30 5. *a.* In lieu of a criminal proceeding under this section,
31 a county attorney may bring a civil action against a parent,
32 guardian, or legal or actual custodian who violates a mediation
33 agreement under subsection 3, who refuses to participate in
34 mediation under subsection 3, who is referred for prosecution
35 under subsection 3 and is convicted of a violation of

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1 subsection 2, or who violates subsection 2. If the court finds
2 that a parent, guardian, or legal or actual custodian has
3 violated a mediation agreement under subsection 3, has refused
4 to participate in mediation under subsection 3, was referred
5 for prosecution under subsection 3 and was convicted of a
6 violation of subsection 2, or has violated subsection 2, the
7 court shall assess a civil penalty of not less than one hundred
8 but not more than one thousand dollars against the parent,
9 guardian, or legal or actual custodian for each violation.

10 *b.* Funds received from civil penalties assessed pursuant
11 to this section shall be paid to the school district of
12 residence or school district of enrollment, if open enrolled,
13 or nonpublic school of the student who engaged in the harassing
14 or bullying behavior. The school district or nonpublic school
15 shall use moneys received under this subsection to support
16 programs to prevent harassment and bullying.

17 6. An individual enrolled in a public or nonpublic school
18 shall not engage in harassment or bullying at any time.

19 EXPLANATION

20 This bill provides that a parent, guardian, or legal or
21 actual custodian of a public or nonpublic school student who is
22 an unemancipated minor child under the age of 18 years shall
23 prevent the student from engaging in harassment or bullying at
24 any time.

25 The bill provides that if a student engages in harassment
26 or bullying, school officers shall attempt to work with the
27 student and the student's parent, guardian, or legal or actual
28 custodian to find the cause for the student's harassing or
29 bullying behavior and to ensure that the student does not
30 engage in further harassing or bullying behavior. The bill
31 provides that if the parent, guardian, or legal or actual
32 custodian, or student refuses to accept the school's attempt to
33 ensure that the student does not engage in further harassing or
34 bullying behavior, or if the school's attempt to ensure that
35 the student does not engage in further harassing or bullying

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1 behavior is otherwise unsuccessful, the school officers shall
2 refer the matter to the county attorney for mediation or
3 prosecution under the bill.

4 The bill provides that if the matter is referred for
5 mediation, the county attorney shall cause a notice of the
6 referral to be sent to the parent, guardian, or legal or actual
7 custodian and designate a person to serve as mediator in the
8 matter. The bill provides that the mediator shall contact the
9 school, the parent, guardian, or legal or actual custodian,
10 and any other person the mediator deems appropriate and
11 arrange meeting dates and times for discussion of the student's
12 harassing or bullying behavior. The bill provides that the
13 mediator shall attempt to ascertain the cause of the student's
14 harassing or bullying behavior, attempt to cause the parties
15 to arrive at an agreement to prevent any further harassing or
16 bullying behavior, and initiate referrals to any agencies or
17 counseling that the mediator believes to be appropriate under
18 the circumstances. The bill provides that the mediator may
19 refer a student to the juvenile court if mediation breaks down
20 without an agreement being reached.

21 The bill provides that if the parties reach an agreement, the
22 agreement shall be reduced to writing, shall be signed by all
23 parties, and shall set forth the resolution of the issues and
24 future responsibilities of each party.

25 The bill provides that the student's school shall be
26 responsible for monitoring any agreements arrived at through
27 mediation. The bill provides that if a parent, guardian,
28 or legal or actual custodian refuses to engage in mediation
29 or violates a term of the agreement, the matter shall be
30 rereferred to the county attorney for prosecution under the
31 bill.

32 The bill establishes criminal penalties for a parent,
33 guardian, or legal or actual custodian who violates a mediation
34 agreement, who refuses to participate in mediation, who is
35 referred for prosecution and is convicted of failing to prevent

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1 a student from engaging in harassing or bullying behavior, or
2 who fails to prevent a student from engaging in harassing or
3 bullying behavior. A first offense is a simple misdemeanor,
4 punishable by imprisonment not exceeding 10 days or a fine not
5 exceeding \$100. A second offense is a serious misdemeanor,
6 punishable by imprisonment not exceeding 20 days or a fine
7 not exceeding \$500, or both a fine and imprisonment. A third
8 or subsequent offense is a serious misdemeanor, punishable by
9 imprisonment not exceeding 30 days or a fine not exceeding
10 \$1,000, or both a fine and imprisonment. The bill provides
11 that a court may order the offender to perform unpaid community
12 service instead of any fine or imprisonment.

13 The bill provides that in lieu of a criminal proceeding,
14 a county attorney may bring a civil action against a parent,
15 guardian, or legal or actual custodian for violating a
16 mediation agreement, refusing to participate in mediation,
17 being referred for prosecution and convicted of failing to
18 prevent a student from engaging in harassing or bullying
19 behavior, or failing to prevent a student from engaging in
20 harassing or bullying behavior. The bill provides that the
21 court shall assess a civil penalty of not less than \$100 but
22 not more than \$1,000 against the parent, guardian, or legal
23 or actual custodian for each violation. The bill provides
24 that funds received from civil penalties assessed pursuant to
25 the bill shall be paid to the school district of residence or
26 school district of enrollment, if open enrolled, or nonpublic
27 school of the student who engaged in the harassing or bullying
28 behavior. The bill provides that the school district or
29 nonpublic school shall use such funds to support programs to
30 prevent harassment and bullying.

31 The bill prohibits individuals enrolled in public or
32 nonpublic schools from engaging in harassment or bullying at
33 any time.

34 Code section 280.28, subsection 2, paragraph "b", defines
35 "harassment" or "bullying" to mean any electronic, written,

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1 verbal, or physical act or conduct toward a student which is
2 based on any actual or perceived trait or characteristic of
3 the student and which creates an objectively hostile school
4 environment that places the student in reasonable fear of
5 harm to the student's person or property; has a substantially
6 detrimental effect on the student's physical or mental health;
7 has the effect of substantially interfering with a student's
8 academic performance; or has the effect of substantially
9 interfering with the student's ability to participate in or
10 benefit from the services, activities, or privileges provided
11 by a school.



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House File 144 - Introduced

HOUSE FILE 144
BY HANUSA

A BILL FOR

1 An Act providing that children who are enrolled in the
2 statewide preschool program are of compulsory attendance
3 age.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 256C.3, subsection 1, Code 2013, is
 2 amended to read as follows:
 3 1. *Eligible children.*
 4 a. A child who is a resident of Iowa and is four years
 5 of age on or before September 15 of a school year shall be
 6 eligible to enroll in the preschool program under this chapter.
 7 If such a child is enrolled under this chapter, the child shall
 8 be considered to be of compulsory attendance age as provided in
 9 section 299.1A, subsection 3.

10 b. If space and funding are available, a school district
 11 approved to participate in the preschool program may enroll a
 12 younger or older child in the preschool program; however, the
 13 child shall not be counted for state funding purposes.

14 Sec. 2. Section 299.1A, subsection 1, Code 2013, is amended
 15 to read as follows:

16 1. Except as provided in ~~subsection~~ subsections 2 and 3,
 17 a child who has reached the age of six and is under sixteen
 18 years of age by September 15 is of compulsory attendance age.
 19 However, if a child enrolled in a school district or accredited
 20 nonpublic school reaches the age of sixteen on or after
 21 September 15, the child remains of compulsory age until the end
 22 of the regular school calendar.

23 Sec. 3. Section 299.1A, Code 2013, is amended by adding the
 24 following new subsection:

25 NEW SUBSECTION. 3. A child who has reached the age of
 26 four by September 15 and who is enrolled in the statewide
 27 preschool program under chapter 256C shall be considered to
 28 be of compulsory attendance age unless the parent or guardian
 29 of the child submits written notice to the school district
 30 implementing the program of the parent's or guardian's intent
 31 to remove the child from enrollment in the preschool program.

EXPLANATION

33 This bill provides that a child who is four years of age on
 34 or before September 15 of a school year and who is enrolled
 35 in the statewide preschool program for four-year-old children



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1 shall be considered to be of compulsory attendance age unless
2 the parent or guardian of the child submits written notice to
3 the school district implementing the program of the parent's or
4 guardian's intent to remove the child from enrollment in the
5 preschool program.



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House File 145 - Introduced

HOUSE FILE 145
BY PETTENGILL

A BILL FOR

- 1 An Act creating an Iowa state board for blind and deaf
- 2 education with authority over the Iowa school for the deaf
- 3 and the Iowa braille and sight saving school.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. **259C.1 Definitions.**

2 For the purposes of this chapter, unless the context
3 otherwise requires:

4 1. "Board" means the Iowa state board for blind and deaf
5 education created by this chapter.

6 2. "Director" means the person appointed to serve as the
7 chief administrator for the board and the schools under this
8 chapter.

9 3. "Schools" means both the Iowa school for the deaf at
10 Council Bluffs and the Iowa braille and sight saving school at
11 Vinton.

12 Sec. 2. NEW SECTION. **259C.2 Iowa state board for blind and**
13 **deaf education.**

14 1. An Iowa state board for blind and deaf education is
15 created with authority over the Iowa school for the deaf and
16 the Iowa braille and sight saving school.

17 2. The voting members of the board listed in this subsection
18 shall be appointed by the governor, subject to confirmation
19 by the senate. These voting members shall be appointed to
20 staggered terms of three years beginning and ending as provided
21 in section 69.19. A vacancy shall be filled for the unexpired
22 portion of the term. The voting members of the board appointed
23 by the governor shall consist of the following:

- 24 a. The parent of a child with a severe visual impairment.
- 25 b. The parent of a child with a severe hearing loss.
- 26 c. An alumnus of the Iowa school for the deaf.
- 27 d. An alumnus of the Iowa braille and sight saving school.
- 28 e. An employee of an area education agency.
- 29 f. An employee of the department of education.
- 30 g. An employee of the department of human services.
- 31 h. A representative of the governor's developmental
32 disabilities council.

33 i. An employee of a school district who works with the
34 district's program for pupils with sensory impairments.

35 3. In addition to the voting members listed in subsection 2,

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1 the following shall also serve as voting members of the board:

2 *a.* The superintendent of the Iowa school for the deaf.

3 *b.* The superintendent of the Iowa braille and sight saving
4 school.

5 4. In addition to the voting members, the following shall
6 serve as ex officio, nonvoting members of the board:

7 *a.* A designee of the governor's office.

8 *b.* Four members of the general assembly, with one
9 representative each appointed by the speaker and the minority
10 leader of the house of representatives, and one senator each
11 appointed by the majority leader and the minority leader of the
12 senate. A legislative member serves for a term as provided in
13 section 69.16B.

14 Sec. 3. NEW SECTION. **259C.3 Duties of the board.**

15 The board shall perform the following duties:

16 1. Approve policies and procedures for the schools.

17 2. Adopt rules in accordance with chapter 17A necessary for
18 operation of the schools.

19 3. Approve budgets and exercise control of the schools and
20 the property and other resources connected with the schools.

21 4. Continue the hall of fame for distinguished graduates
22 at the Iowa braille and sight saving school and at the Iowa
23 school for the deaf originally established by the state board
24 of regents pursuant to section 262.9, subsection 21, Code 2013.

25 Sec. 4. NEW SECTION. **259C.4 Director of state board for
26 blind and deaf education.**

27 1. The director of the Iowa state board for blind and
28 deaf education shall be appointed by the governor, subject to
29 confirmation by the senate.

30 2. The duties of the director shall include the following:

31 *a.* Hiring and supervising the superintendents of the
32 schools.

33 *b.* Recommending policies and procedures for the schools
34 and ensuring implementation of those that are approved by the
35 board.



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- 1 *c.* Recommending rules for adoption by the board.
- 2 *d.* Managing the budgets, property, and other resources
- 3 connected with the schools, as approved by the board.
- 4 *e.* Ensuring the schools are operated in accordance with the
- 5 applicable requirements of the state board of education and the
- 6 department of education.
- 7 *f.* Performing other duties as assigned by the governor and
- 8 the board.

9 Sec. 5. NEW SECTION. **259C.5 Iowa school for the deaf.**

10 1. The Iowa school for the deaf, heretofore established

11 pursuant to chapter 270, Code 2013, in Council Bluffs, shall

12 provide services in accordance with this chapter to eligible

13 pupils.

14 2. For the purposes of this chapter, an "*eligible pupil*" at

15 the Iowa school for the deaf is a child or young adult resident

16 of this state who is less than age twenty-one, has a hearing

17 loss which is too severe to allow the pupil to acquire an

18 education in public school appropriate to the pupil's needs,

19 and the pupil's parent, guardian, or custodian has chosen the

20 school for the pupil.

21 3. The school may provide services to child or young

22 adult residents less than age twenty-one who have additional

23 sensory impairments, developmental disabilities, or physical

24 disabilities.

25 4. A child or young adult who meets the definition in

26 subsection 2 other than residency may be considered an eligible

27 pupil provided the child or young adult pays the costs of the

28 services received as determined by the board. Such cost shall

29 not be less than the average expense of resident eligible

30 pupils and shall be paid in advance.

31 Sec. 6. NEW SECTION. **259C.6 Iowa braille and sight saving**

32 **school.**

33 1. The Iowa braille and sight saving school, heretofore

34 established pursuant to chapter 269, Code 2013, in Vinton,

35 shall provide services in accordance with this chapter to



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1 eligible pupils.

2 2. For the purposes of this chapter, an *“eligible pupil”* at
3 the Iowa braille and sight saving school is a child or young
4 adult resident of this state who is less than age twenty-one,
5 has a visual disability which is too severe to allow the pupil
6 to acquire an education in public school appropriate to the
7 pupil’s needs, and the pupil’s parent, guardian, or custodian
8 has chosen the school for the pupil.

9 3. The school may provide services to child or young
10 adult residents less than age twenty-one who have additional
11 sensory impairments, developmental disabilities, or physical
12 disabilities.

13 4. A child or young adult who meets the definition in
14 subsection 2 other than residency may be considered an eligible
15 pupil provided the child or young adult pays the costs of the
16 services received as determined by the board. Such cost shall
17 not be less than the average expense of resident eligible
18 pupils and shall be paid in advance.

19 5. The school may provide summer programs for adults with
20 a severe visual disability who find the school location to be
21 more convenient than programs offered in other locations.

22 **Sec. 7. NEW SECTION. 259C.7 Services provided.**

23 1. The services provided at or available through both
24 schools for eligible pupils shall include but are not limited
25 to all of the following:

26 *a.* Education programs available on a full-time, part-time,
27 or extended-day basis, depending on education need.

28 *b.* A residential program which incorporates daily living and
29 social skill components as well as residential accommodations.

30 In order to participate in the residential program, the
31 eligible pupil must reside more than twenty-five miles from
32 the school location. The residential program services,
33 activities, and transportation shall be provided at no charge
34 to the eligible pupil’s family except for the pupil’s clothing,
35 toiletries, school supplies, and other personal necessary items

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1 as identified by the schools.
2 *c.* Outreach services which may include any of the following:
3 (1) Orientation and mobility consultation.
4 (2) Addressing the special needs of eligible pupils from
5 birth through age six.
6 (3) Professional development.
7 (4) Transition services for children and young adults who
8 would be eligible to attend or are attending one of the schools
9 and are age fourteen or older.
10 (5) Low vision evaluations.
11 (6) Production of accessible materials that comply with the
12 national instructional materials accessibility standard.
13 *d.* A summer program for eligible pupils who are age six
14 through twenty. The program shall provide vocational and job
15 experience components.
16 *e.* A full range of extracurricular activities.
17 *f.* Supportive services for the parents and family of
18 eligible pupils.
19 2. *a.* If a funding source or program, directed to children
20 and young adults who are less than age twenty-one and have a
21 severe hearing loss or visual disability and may have other
22 disabilities, applies a requirement for the use of the least
23 restrictive environment, the environment at the Iowa school
24 for the deaf at Council Bluffs and the Iowa braille and sight
25 saving school at Vinton, as appropriate for the hearing loss or
26 visual disability, shall be considered to be in compliance with
27 the requirement.
28 *b.* If an individual resident of this state who is less
29 than age twenty-one has a severe hearing loss or visual
30 disability, the individual education plan developed to address
31 the individual's needs shall evaluate the extent to which the
32 continuum of services available in the individual's home school
33 district would be provided in the least restrictive environment
34 available to the individual. The evaluation results shall be
35 provided to the individual's parent, guardian, or custodian.

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1 In order for the individual education plan for the individual
2 to include a recommendation for the services to be provided in
3 the individual's home school district, the home school district
4 must be able to offer the individual all of the following:

5 (1) The individual will be able to participate fully in
6 school activities.

7 (2) The individual will be able to function at grade level
8 in reading and math and receive daily instruction in the
9 appropriate reading media.

10 (3) The individual will be able to travel independently
11 within the school facilities.

12 (4) The books, materials distributed, and other educational
13 materials will be available in the reading media appropriate
14 for the individual's special needs.

15 (5) A physical education program will be available to
16 facilitate the individual's full participation.

17 (6) The individual will have technology available to fully
18 utilize computers and access the internet and will receive
19 instruction in the use of appropriate adaptive computer
20 technology.

21 (7) The individual will be able to interact informally with
22 other children and young adults attending the school.

23 (8) The individual will have opportunities to participate
24 in extracurricular activities.

25 (9) The individual will have opportunities to participate
26 in expanded curriculum during the regular school week.

27 **Sec. 8. NEW SECTION. 259C.8 Charges to counties.**

28 1. The superintendents of the schools shall certify charges
29 attributable to a county for the services provided to eligible
30 pupils under this chapter with legal settlement in the county
31 that are comparable to the charges levied to a county for
32 services provided to such eligible pupils under chapters 269
33 and 270, Code 2013.

34 2. *a.* Each superintendent shall, on the first days of
35 June and December of each year, certify to the director of the

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1 department of administrative services the amounts due from
2 counties pursuant to subsection 1, and the director of the
3 department of administrative services shall credit the amounts
4 due to the general fund of the state, and charge the amount to
5 the proper county.

6 *b.* Each superintendent shall, at the time of sending
7 certification to the director of the department of
8 administrative services, send a duplicate copy to the county
9 auditor of the county of the pupil's residence, who shall, when
10 ordered by the board of supervisors, proceed to collect the
11 same by action if necessary, in the name of the county, and
12 when so collected, shall pay the same into the county treasury.

13 *c.* The county auditor shall, upon receipt of the copy of
14 the certification, pass the amounts due to the credit of the
15 state, and issue a notice to the county treasurer authorizing
16 the county treasurer to transfer the amounts due to the state,
17 which shall be filed by the treasurer as authority for making
18 the transfer, and the county treasurer shall include the
19 amounts in the next remittance of state taxes to the treasurer
20 of state, designating the fund to which the amounts belong.

21 *d.* If a county fails to pay the amounts due within sixty
22 days from the date of certification from the superintendent,
23 the director of the department of administrative services shall
24 charge the delinquent county a penalty of three-fourths of one
25 percent per month on and after sixty days from the date of
26 certification until paid. The penalties collected shall be
27 credited to the general fund of the state.

28 **Sec. 9. NEW SECTION. 259C.9 Merger requirements.**

29 The board shall not merge the school for the deaf at Council
30 Bluffs with the Iowa braille and sight saving school at Vinton,
31 or services provided at or by the institutions, or close either
32 of these institutions until all of the following requirements
33 have been met:

34 1. The department of management has presented to the general
35 assembly a comprehensive plan, program, and fiscal analysis of

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1 the existing circumstances and the circumstances which would
 2 prevail upon the proposed merger or closing, together with
 3 data which would support the contention that the merger or
 4 closing will be more efficient and effective than continuation
 5 of the existing services or facilities. The analysis shall
 6 include a detailed study of the educational implications of
 7 the merger or closing, the impact on the students, and the
 8 opinions and research of nationally recognized experts in
 9 the field of the education of visually impaired and deaf
 10 students. The comprehensive plan shall further include a
 11 study relating to the programming, fiscal consequences, and
 12 political implications which would result if either a merger or
 13 an agreement under chapter 28E should be implemented between
 14 the school for the deaf in Council Bluffs and comparable state
 15 programs in the state of Nebraska.

16 2. The general assembly has studied the plans, programs, and
 17 fiscal analysis and has reviewed their impact on the programs.

18 3. The general assembly has enacted legislation authorizing
 19 either the closing or the merger to take effect not sooner than
 20 two years after the enactment of the legislation.

21 Sec. 10. Section 252.16, subsection 6, paragraph c, Code
 22 2013, is amended to read as follows:

23 c. A blind person who is an inpatient or resident of, is
 24 supported by, or is receiving treatment or support services
 25 from a state resource center created under chapter 222, a state
 26 mental health institute created under chapter 226, the Iowa
 27 braille and sight saving school administered by the ~~state board~~
 28 ~~of regents~~ Iowa state board for blind and deaf education, or
 29 any community-based provider of treatment or services for an
 30 intellectual disability, developmental disabilities, mental
 31 health, or substance abuse, does not acquire legal settlement
 32 in the county in which the institution, facility, or provider
 33 is located, unless the blind person has resided in the county
 34 in which the institution, facility, or provider is located for
 35 a period of six months prior to the date of commencement of

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1 receipt of assistance under the laws of this state or for a
2 period of six months subsequent to the date of termination of
3 assistance under the laws of this state.

4 Sec. 11. Section 256B.2, subsection 2, Code 2013, is amended
5 to read as follows:

6 2. It is the policy of this state to require school
7 districts and state-operated educational programs to provide
8 or make provision, as an integral part of public education,
9 for a free and appropriate public education sufficient to
10 meet the needs of all children requiring special education.
11 This chapter is not to be construed as encouraging separate
12 facilities or segregated programs designed to meet the needs
13 of children requiring special education when the children
14 can benefit from all or part of the education program as
15 offered by the local school district. To the maximum extent
16 possible, children requiring special education shall attend
17 regular classes and shall be educated with children who do not
18 require special education. Whenever possible, hindrances to
19 learning and to the normal functioning of children requiring
20 special education within the regular school environment shall
21 be overcome by the provision of special aids and services
22 rather than by separate programs for those in need of special
23 education. Special classes, separate schooling, or other
24 removal of children requiring special education from the
25 regular educational environment, shall occur only when, and
26 to the extent that the nature or severity of the educational
27 disability is such, that education in regular classes, even
28 with the use of supplementary aids and services, cannot be
29 accomplished satisfactorily. For those children who cannot
30 adapt to the regular educational or home living conditions,
31 and who are attending facilities under chapters 259C and 263,
32 ~~269, and 270~~, upon the request of the board of directors of
33 an area education agency, the department of human services
34 shall provide residential or detention facilities and the area
35 education agency shall provide special education programs and

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1 services. The area education agencies shall cooperate with the
2 ~~board of regents~~ Iowa state board for blind and deaf education
3 to provide the services required by this chapter for children.

4 Sec. 12. Section 261E.6, subsection 4, paragraph a, Code
5 2013, is amended to read as follows:

6 a. A school district, the Iowa school for the deaf, the
7 Iowa braille and sight saving school, or accredited nonpublic
8 school shall grant high school credit to an eligible student
9 enrolled in a course under this chapter if the eligible student
10 successfully completes the course as determined by the eligible
11 postsecondary institution. The board of directors of the
12 school district, the ~~board of regents~~ Iowa state board for
13 blind and deaf education for the Iowa school for the deaf and
14 the Iowa braille and sight saving school, or authorities in
15 charge of an accredited nonpublic school shall determine the
16 number of high school credits that shall be granted to an
17 eligible student who successfully completes a course. Eligible
18 students may take up to seven semester hours of credit during
19 the summer months when school is not in session and receive
20 credit for that attendance, if the student pays the cost of
21 attendance for those summer credit hours.

22 Sec. 13. Section 261E.6, subsection 6, Code 2013, is amended
23 to read as follows:

24 6. *Definition.* For purposes of this section and section
25 261E.7, unless the context otherwise requires, "*eligible*
26 *student*" means a student classified by the board of directors
27 of a school district, by the ~~state board of regents~~ Iowa state
28 board for blind and deaf education for pupils of the Iowa
29 school for the deaf and the Iowa braille and sight saving
30 school, or by the authorities in charge of an accredited
31 nonpublic school as a ninth or tenth grade student who is
32 identified according to the school district's gifted and
33 talented criteria and procedures, pursuant to section 257.43,
34 as a gifted and talented child, or an eleventh or twelfth grade
35 student, during the period the student is participating in the

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1 postsecondary enrollment options program.

2 Sec. 14. Section 261E.7, subsection 1, unnumbered paragraph
3 1, Code 2013, is amended to read as follows:

4 Not later than June 30 of each year, a school district
5 shall pay a tuition reimbursement amount to a postsecondary
6 institution that has enrolled its resident eligible
7 students under this chapter, unless the eligible student is
8 participating in open enrollment under section 282.18, in which
9 case, the tuition reimbursement amount shall be paid by the
10 receiving district. However, if a child's residency changes
11 during a school year, the tuition shall be paid by the district
12 in which the child was enrolled as of the date specified in
13 section 257.6, subsection 1, or the district in which the child
14 was counted under section 257.6, subsection 1, paragraph "a",
15 subparagraph (6). For students enrolled at the Iowa school
16 for the deaf and the Iowa braille and sight saving school, the
17 ~~state board of regents~~ Iowa state board for blind and deaf
18 education shall pay a tuition reimbursement amount by June 30
19 of each year. The amount of tuition reimbursement for each
20 separate course shall equal the lesser of:

21 Sec. 15. Section 262.7, subsections 4 and 5, Code 2013, are
22 amended by striking the subsections.

23 Sec. 16. Section 262.9, subsection 2, Code 2013, is amended
24 to read as follows:

25 2. Elect a president of each of the institutions of higher
26 learning; ~~a superintendent of each of the other institutions,~~
27 a treasurer and a secretarial officer for each institution
28 annually; professors, instructors, officers, and employees;
29 and fix their compensation. ~~Sections 279.12 through 279.19~~
30 ~~and section 279.27 apply to employees of the Iowa braille and~~
31 ~~sight saving school and the state school for the deaf, who~~
32 ~~are licensed pursuant to chapter 272. In following those~~
33 ~~sections in chapter 279, the references to boards of directors~~
34 ~~of school districts shall be interpreted to apply to the board~~
35 ~~of regents.~~

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1 Sec. 17. Section 262.9, subsection 21, Code 2013, is amended
2 by striking the subsection.

3 Sec. 18. Section 262.43, Code 2013, is amended to read as
4 follows:

5 **262.43 Students residing on state-owned land.**

6 The state board of regents shall pay to the local school
7 boards the tuition payments and transportation costs, as
8 otherwise authorized by statutes for the elementary or high
9 school education of students residing on land owned by the
10 state and under the control of the state board of regents.
11 Such payments for the three institutions of higher learning,
12 the state university of Iowa, the Iowa state university of
13 science and technology, and the university of northern Iowa,
14 shall be made from the funds of the respective institutions
15 other than state appropriations, ~~and for the two noncollegiate~~
16 ~~institutions, the Iowa braille and sight saving school and the~~
17 ~~state school for the deaf, the payments and costs shall be paid~~
18 ~~from moneys appropriated to the state board of regents.~~

19 Sec. 19. Section 263.12, Code 2013, is amended to read as
20 follows:

21 **263.12 Payment by counties.**

22 The provisions of ~~sections 270.4 to 270.8, inclusive,~~
23 section 259C.8 are hereby made applicable to the university
24 of Iowa hospitals and clinics' center for disabilities and
25 development.

26 Sec. 20. Section 263.21, Code 2013, is amended to read as
27 follows:

28 **263.21 Transfer of patients from state institutions.**

29 The director of the department of human services, in respect
30 to institutions under the director's control, the administrator
31 of any of the divisions of the department, in respect to the
32 institutions under the administrator's control, the director of
33 the department of corrections, in respect to the institutions
34 under the department's control, and the ~~state board of regents~~
35 Iowa state board for blind and deaf education, in respect to



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1 the Iowa braille and sight saving school and the Iowa school
2 for the deaf, may send any inmate, student, or patient of an
3 institution, or any person committed or applying for admission
4 to an institution, to the university of Iowa hospitals and
5 clinics for treatment and care. The department of human
6 services, the department of corrections, and the ~~state board~~
7 ~~of regents~~ Iowa state board for blind and deaf education shall
8 respectively pay the traveling expenses of such patient, and
9 when necessary the traveling expenses of an attendant for
10 the patient, out of funds appropriated for the use of the
11 institution from which the patient is sent.

12 Sec. 21. Section 331.381, subsection 9, Code 2013, is
13 amended to read as follows:

14 9. Comply with ~~chapters 269 and 270~~ chapter 259C in regard
15 to the payment of costs for pupils at the Iowa braille and
16 sight saving school and the Iowa school for the deaf.

17 Sec. 22. Section 331.424, subsection 1, paragraph a,
18 subparagraph (1), subparagraph division (c), Code 2013, is
19 amended to read as follows:

20 (c) Clothing, transportation, medical, or other services
21 provided persons attending the Iowa braille and sight saving
22 school, the Iowa school for the deaf, or the university of Iowa
23 hospitals and clinics' center for disabilities and development
24 for children with severe disabilities at Iowa City, for which
25 the county becomes obligated to pay pursuant to sections 259C.8
26 and 263.12, 269.2, and 270.4 through 270.7.

27 Sec. 23. Section 331.502, subsection 17, Code 2013, is
28 amended to read as follows:

29 17. Carry out duties relating to the collection and payment
30 of funds for educating and supporting deaf students as provided
31 in ~~sections 270.6 and 270.7~~ section 259C.8.

32 Sec. 24. Section 331.552, subsection 13, Code 2013, is
33 amended to read as follows:

34 13. Make transfer payments to the state for school expenses
35 for blind and deaf children and support of persons with mental



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1 New Code section 259C.1 provides definitions.
2 New Code section 259C.2 creates the Iowa state board for
3 blind and deaf education, with voting members appointed by the
4 governor, with the superintendents of the schools as voting
5 members, and with a representative of the governor's office and
6 legislators as nonvoting members. The governor's voting member
7 appointees are subject to senate confirmation.
8 New Code section 259C.3 specifies the board's duties.
9 New Code section 259C.4 provides for appointment of a
10 director for the board and specifies duties.
11 New Code section 259C.5 addresses the Iowa school for the
12 deaf in Council Bluffs, as established pursuant to Code chapter
13 270, Code 2013. The school is required to provide services to
14 eligible pupils, as defined in the Code section.
15 New Code section 259C.6 addresses the Iowa braille and
16 sight saving school in Vinton, as established pursuant to Code
17 chapter 269, Code 2013. The school is required to provide
18 services to eligible pupils, as defined in the Code section.
19 New Code section 259C.7 lists services required to
20 be provided at the schools and provides that the school
21 environments are to be considered in compliance with
22 requirements for the provision of services in the least
23 restrictive environment. In addition, if an individual
24 education plan developed for an individual resident of this
25 state who is less than age 21 and has a severe hearing loss
26 or visual disability, the plan developed to address the
27 individual's needs must evaluate the extent to which the
28 continuum of services available in the individual's home school
29 district would be provided in the least restrictive environment
30 available to the individual and provides a list of criteria for
31 that purpose.
32 New Code section 259C.8 provides procedures for charges
33 to counties for eligible pupils with legal settlement. The
34 charges are required to be comparable to those charged for
35 services at the schools under current law.

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1 New Code section 259C.9 prohibits the board from merging the
2 two schools or services provided at or by the two schools or
3 closing the two schools unless various requirements are met,
4 including enactment of legislation authorizing the merger or
5 closure.

6 Conforming amendments are made to various Code provisions
7 to reflect the change in administrative responsibility for the
8 schools and internal references. Code chapter 269, relating to
9 the Iowa braille and sight saving school, and Code chapter 270,
10 relating to the Iowa school for the deaf, are repealed.

11 A transition provision requires the state board of regents
12 to administer the schools in accordance with the bill until
13 the governor appoints the new board and director and orders
14 transfer of the administrative responsibility, provides
15 for administration of appropriations for the schools by the
16 department of management pending the appointments, continues
17 rules and procedures until replaced, and continues contracts.

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



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House File 146 - Introduced

HOUSE FILE 146

BY PETTENGILL, UPMEYER,
HAGENOW, HUSEMAN, SHAW,
HEARTSILL, ALONS, HEIN,
HESS, and FISHER

A BILL FOR

1 An Act creating a silver alert program within the department of
2 public safety for missing cognitively impaired persons.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. **80G.1 Silver alert program —**
 2 **creation.**

3 A silver alert program is created as a cooperative
 4 effort between the department of public safety and local law
 5 enforcement agencies to aid in the identification and location
 6 of cognitively impaired persons who are missing.

7 Sec. 2. NEW SECTION. **80G.2 Definitions.**

8 As used in this chapter, the following definitions apply:

9 1. "*Cognitively impaired person*" means a person sixty-five
 10 years of age or older who is deficient in short-term or
 11 long-term memory; orientation as to person, place, and time;
 12 deductive or abstract reasoning; or judgment as it relates to
 13 safety awareness.

14 2. "*Department*" means the department of public safety.

15 Sec. 3. NEW SECTION. **80G.3 Criteria.**

16 A silver alert shall be issued by Iowa state patrol
 17 communications upon receipt of a request from a law enforcement
 18 agency if the following criteria apply:

19 1. The law enforcement agency has confirmed that a
 20 cognitively impaired person has been missing for less than
 21 seventy-two hours and an entry has been made into the Iowa
 22 online articles and warrants system identifying the person
 23 as missing. The law enforcement agency shall submit to the
 24 department sufficient information to confirm the person is
 25 missing on a form prescribed by the department prior to a
 26 silver alert being transmitted.

27 2. The law enforcement agency believes the circumstances
 28 surrounding the disappearance indicate the person is in danger
 29 of serious injury or death.

30 3. There is enough descriptive information about the
 31 disappearance to ensure that an immediate broadcast of the
 32 information will aid in the discovery of the person.

33 Sec. 4. NEW SECTION. **80G.4 Activation and termination.**

34 1. Upon establishment of the silver alert criteria in
 35 section 80G.3, the department shall transmit a silver alert



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1 through the emergency alert system to Iowa broadcasters.

2 2. Upon the transmission of a silver alert the department
3 shall post the alert on an internet site accessible by the
4 public.

5 3. After an initial silver alert transmission, additional
6 information may be submitted by the participating law
7 enforcement agency by facsimile transmission, electronic mail,
8 or telephonic means.

9 4. The communications officer of the state patrol may direct
10 the transmission of an Iowa silver alert upon request from
11 another state, provided that there is evidence the person may
12 be present in Iowa.

13 5. A silver alert shall terminate if the person is located
14 or five hours have elapsed since the transmission of the alert.

15 6. A silver alert may be renewed.

16 Sec. 5. NEW SECTION. 80G.5 Rules.

17 The department shall adopt rules pursuant to chapter 17A to
18 implement this chapter.

19 EXPLANATION

20 This bill creates a silver alert program within the
21 department of public safety.

22 The bill provides that the purpose of the program is to aid
23 in the identification and location of cognitively impaired
24 persons who are missing.

25 The bill defines "cognitively impaired person" to mean a
26 person 65 years of age or older who is deficient in short-term
27 or long-term memory; orientation as to person, place, and time;
28 deductive or abstract reasoning; or judgment as it relates to
29 safety awareness.

30 Under the bill, a silver alert shall be issued by the
31 department of public safety if the following apply; a law
32 enforcement agency has confirmed that a cognitively impaired
33 person has been missing for less than 72 hours and an entry
34 has been made into the Iowa online articles and warrants
35 system; the law enforcement agency believes the circumstances

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1 surrounding the disappearance indicate the person is in danger
2 of serious injury or death; and there is enough descriptive
3 information about the disappearance to ensure an immediate
4 broadcast of the information will aid in the discovery of the
5 person.

6 If the criteria for issuing a silver alert have been
7 established, the department of public safety shall transmit
8 a silver alert through the emergency alert system to Iowa
9 broadcasters. Upon the transmission of the silver alert the
10 department shall also post the alert on an internet site.

11 The bill provides that a silver alert shall be terminated
12 when the person is located or five hours after transmission of
13 the alert.

14 The bill also provides a silver alert may be renewed.



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House File 147 - Introduced

HOUSE FILE 147

BY KAJTAZOVIC, KEARNS, HUNTER,
THOMAS, HEDDENS, JACOBY,
MUHLBAUER, and KAUFMANN

A BILL FOR

1 An Act prohibiting the sale of United States flags manufactured
2 outside of the United States, and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 554C.1 United States flag sales
2 — limitation — penalty.

3 1. Notwithstanding any other provision to the contrary,
4 all United States flags sold or offered for sale in this
5 state shall be manufactured within the United States or a
6 district or territory of the United States. This limitation
7 shall apply regardless of the size of flag sold or offered
8 for sale, but shall not be applicable to a pictorial or
9 graphic representation of a flag or to merchandise containing
10 or displaying such a pictorial or graphic representation.
11 Inventory manufactured outside of the United States or a
12 district or territory of the United States existing on or
13 before the effective date of this Act may be sold or offered
14 for sale through and no later than December 31, 2013. The
15 department of commerce shall by rule determine recordkeeping
16 and inspection requirements relating to the requirements of
17 this section.

18 2. A violation of this section is a serious misdemeanor.

19 EXPLANATION

20 This bill prohibits the sale or offer for sale of United
21 States flags manufactured outside of the United States, or
22 a district or territory thereof. The bill provides that
23 the prohibition shall apply regardless of the size of flag
24 sold or offered for sale, but not to a pictorial or graphic
25 representation of a flag or to merchandise containing or
26 displaying a pictorial or graphic representation. The bill
27 provides that inventory manufactured outside of the United
28 States or a district or territory of the United States existing
29 on or before the bill's effective date may be sold or offered
30 for sale through and no later than December 31, 2013. The
31 bill directs the department of commerce by rule to determine
32 recordkeeping and inspection requirements relating to the
33 prohibition.

34 The bill specifies that a violation of the bill's provisions
35 constitutes a serious misdemeanor. A serious misdemeanor is

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1 punishable by confinement for no more than one year and a fine
2 of at least \$315 but not more than \$1,875.



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House File 148 - Introduced

HOUSE FILE 148

BY PETTENGILL, FISHER, ALONS,
MAXWELL, HEIN, HESS,
HEARTSILL, VANDER LINDEN,
LANDON, SCHULTZ, and WATTS

A BILL FOR

1 An Act adding one-half unit of personal finance literacy to
2 the educational program standards established for school
3 districts and accredited nonpublic schools, making an
4 appropriation, and including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 256.11, subsection 5, Code 2013, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. *k.* One-half unit of personal finance
4 literacy. All students shall complete at least one-half unit
5 of personal finance literacy as a condition of graduation. The
6 curriculum shall meet the national standards in kindergarten
7 through grade twelve personal finance education created and
8 maintained by a national nonprofit coalition for personal
9 financial literacy, and at a minimum shall address the
10 following:

11 (1) Savings, including emergency fund, purchases, and
12 wealth building.

13 (2) Understanding investments, including compound and
14 simple interest, liquidity, diversification, risk return
15 ratio, certificates of deposit, money market accounts, single
16 stocks, bonds, mutual funds, rental real estate, annuities,
17 commodities, and futures.

18 (3) Wealth building and college planning, including
19 long-term and short-term investing using tax-favored plans,
20 individual retirement accounts and payments from such accounts,
21 employer-sponsored retirement plans and investments, public and
22 private educational savings accounts, and uniform gifts and
23 transfers to minors.

24 (4) Credit and debt, including credit cards, payday
25 lending, rent-to-own transactions, debt consolidation,
26 automobile leasing, cosigning a loan, debt avoidance, and the
27 marketing of debt, especially to young people.

28 (5) Consumer awareness of the power of marketing on buying
29 decisions including zero percent interest offers; marketing
30 methods, including product positioning, advertising, brand
31 recognition, and personal selling; how to read a credit report
32 and correct inaccuracies; how to build a credit score; how to
33 develop a plan to deal with creditors and avoid bankruptcy; and
34 the federal Fair Debt Collection Practices Act.

35 (6) Financial responsibility and money management,

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1 including creating and living on a written budget and balancing
 2 a checkbook; basic rules of successful negotiating and
 3 techniques; and personality and gender traits regarding money.

4 (7) Insurance, risk management, income, and career
 5 decisions, including career choices that fit personality styles
 6 and occupational goals, job search strategies, cover letters,
 7 resumes, interview techniques, payroll taxes and other income
 8 withholdings, and revenue sources for federal, state, and local
 9 governments.

10 (8) Different types of insurance coverage including
 11 renters, homeowners, automobile, health, disability, long-term
 12 care, identity theft, and life insurance; term life, cash
 13 value and whole life insurance; and insurance terms such
 14 as deductible, stop loss, elimination period, replacement
 15 coverage, liability, and out-of-pocket.

16 (9) Buying, selling, and renting advantages and
 17 disadvantages relating to real estate, including adjustable
 18 rate, balloon, conventional, government-backed, reverse, and
 19 seller-financed mortgages.

20 Sec. 2. DEPARTMENT OF EDUCATION — PERSONAL FINANCE
 21 LITERACY COURSE BY IOWA LEARNING ONLINE INITIATIVE. There
 22 is appropriated from the general fund of the state to the
 23 department of education for the fiscal year beginning July
 24 1, 2013, and ending June 30, 2014, the following amount, or
 25 so much thereof as is necessary, to be used for the purposes
 26 designated:

27 For purposes of implementing statewide online personal
 28 finance literacy coursework to assist schools in meeting the
 29 requirements of section 256.11, subsection 5, paragraph "k",
 30 if enacted, including but not limited to course curriculum,
 31 assessments, materials, salaries, support, maintenance, and for
 32 miscellaneous purposes:

33 \$ 1,400,000

34 Notwithstanding section 8.33, moneys appropriated in this
 35 section that remain unencumbered or unobligated at the close of

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1 the fiscal year shall not revert but shall remain available for
2 expenditure for the purposes designated until the close of the
3 succeeding fiscal year.

4 Sec. 3. EFFECTIVE DATE. The following provision or
5 provisions of this Act take effect July 1, 2014:

6 1. The section of this Act amending section 256.11.

7 EXPLANATION

8 This bill adds a one-half unit course in personal finance
9 literacy to the educational program each school district and
10 accredited nonpublic school is required to offer in grades
11 9-12, and requires all students to take the course as a
12 condition of graduation.

13 The bill appropriates \$1.4 million from the general fund
14 of the state for FY 2013-2014 to the department of education
15 for implementing statewide online personal finance literacy
16 coursework under the department's Iowa learning online
17 initiative to assist schools in meeting the requirement to add
18 one-half unit of personal finance literacy to the educational
19 program standards.

20 The curriculum must meet the national standards in K-12
21 personal finance education created and maintained by a national
22 nonprofit coalition for personal financial literacy, and at a
23 minimum must address areas described in the bill relating to
24 savings, understanding investments, wealth building and college
25 planning, credit and debt, consumer awareness of the power of
26 marketing on buying decisions, financial responsibility and
27 money management, insurance and risk management, income and
28 career decisions, different types of insurance coverage, and
29 real estate and mortgages.

30 The moneys appropriated do not revert at the end of the
31 fiscal year, but remain available for the purposes designated
32 until the end of FY 2014-2015.

33 The provision adding the one-half unit course in personal
34 finance literacy to the educational standards and requiring
35 students to take the course as a condition of graduation takes



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1 effect July 1, 2014.



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House File 149 - Introduced

HOUSE FILE 149
BY ISENHART and KEARNS

A BILL FOR

- 1 An Act requiring minimum sick and safe time for employees,
- 2 providing a penalty, and including applicability provisions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 91F.1 Title.
 2 This chapter shall be known and may be cited as the *“Healthy*
 3 *and Safe Families and Workplaces Act”*.
 4 Sec. 2. NEW SECTION. 91F.2 Public policy.
 5 It is the public policy of this state to protect public
 6 health and safety and to promote the general welfare of its
 7 citizens by supporting employers in their efforts to encourage
 8 employees to work when they are healthy and by protecting
 9 the basic rights of workers who safeguard public health by
 10 remaining home when they are ill.
 11 Sec. 3. NEW SECTION. 91F.3 Definitions.
 12 1. *“Commissioner”* means the labor commissioner appointed
 13 pursuant to section 91.2.
 14 2. *“Domestic abuse assault”* means as defined in section
 15 708.2A.
 16 3. *“Employee”* means as defined in the federal Fair Labor
 17 Standards Act of 1938, 29 U.S.C. § 201 et seq., as amended.
 18 4. *“Employer”* means as defined in the federal Fair Labor
 19 Standards Act of 1938, 29 U.S.C. § 201 et seq., as amended.
 20 5. *“Family member”* means any of the following:
 21 a. An employee’s spouse or domestic partner.
 22 b. A child or foster child; stepchild; legal ward; a child
 23 of a domestic partner; or a child to whom the employee stands
 24 in loco parentis.
 25 c. A parent or foster parent; stepparent; legal guardian;
 26 or a person who stood in loco parentis to the employee when the
 27 employee was a minor child.
 28 d. A grandparent or spouse or domestic partner of a
 29 grandparent.
 30 e. A grandchild.
 31 f. A sibling or foster sibling; stepsibling; or spouse or
 32 domestic partner of a sibling, foster sibling, or stepsibling.
 33 g. Any other individual related to the employee by blood
 34 or affinity whose close association with the employee is the
 35 equivalent of a familial relationship.

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1 6. *"Health care professional"* means as defined in section
2 135.157.

3 7. *"Retaliatory personnel action"* means the discharge,
4 suspension, or demotion of, or any other adverse action taken
5 by an employer against, an employee.

6 8. *"Sexual abuse"* means as defined in section 709.1.

7 9. *"Sick and safe time"* means time, whether paid or unpaid,
8 that is earned and is provided by an employer to an employee
9 for the purposes described in section 91F.5.

10 10. *"Stalking"* means as described in section 708.11.

11 Sec. 4. NEW SECTION. 91F.4 Accrual — sick and safe time.

12 1. An employee who works for compensation for an employer
13 shall have the right to accrue and use sick and safe time as
14 provided in this chapter.

15 2. *a.* An employee shall accrue a minimum of five and
16 fifty-four hundredths hours of sick and safe time for every
17 forty hours worked.

18 *b.* An employee shall not accrue more than one hundred
19 forty-four hours of sick and safe time in a calendar year,
20 unless the employer selects a higher limit.

21 3. Employees who are exempt from overtime requirements
22 under section 13(a)(1) of the federal Fair Labor Standards Act
23 of 1938, 29 U.S.C. § 213(a)(1), are deemed to work forty hours
24 in each work week for purposes of sick and safe time accrual
25 unless their normal work week is less than forty hours, in
26 which case sick and safe time accrues based upon that normal
27 work week.

28 4. Sick and safe time as provided in this section shall
29 begin to accrue upon the commencement of employment for new
30 employees and for existing employees beginning July 1, 2013.

31 5. *a.* A new employee may use accrued sick and safe time
32 beginning on the sixtieth calendar day following commencement
33 of the employee's employment. On and after the sixtieth
34 calendar day of employment, an employee may use accrued sick
35 and safe time and accruing sick and safe time as it accrues.

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1 *b.* Existing employees may use sick and safe time as it
 2 accrues pursuant to this chapter.
 3 6. Accrued sick and safe time shall be carried over to
 4 the following calendar year subject to the limit described in
 5 subsection 2, paragraph “*b*”.
 6 7. An employer with a leave policy who makes available an
 7 amount of leave sufficient to meet the accrual requirements of
 8 this section that may be used for the same purposes and under
 9 the same conditions as sick and safe time under this chapter is
 10 not required to provide additional sick and safe time.
 11 8. Nothing in this section shall be construed as requiring
 12 financial or other reimbursement to an employee from an
 13 employer upon the employee’s termination, resignation,
 14 retirement, or other separation from employment for accrued
 15 sick and safe time that has not been used.
 16 9. *a.* If an employee is transferred to a separate division,
 17 entity, or location, but remains employed by the same employer,
 18 the employee is entitled to all sick and safe time previously
 19 accrued; is entitled to immediately use all accrued sick and
 20 safe time as provided in this chapter; and shall continue to
 21 accrue sick and safe time at the same rate or higher as before
 22 the transfer.
 23 *b.* When there is a separation from employment and the
 24 employee is rehired within three months of the separation
 25 by the same employer, previously accrued sick and safe time
 26 that had not been used prior to the separation shall be
 27 reinstated. The employee may use such accrued sick and safe
 28 time immediately upon rehire, and sick and safe time shall
 29 begin to accrue immediately upon rehire.
 30 10. At the employer’s discretion, the employer may advance
 31 sick and safe time to an employee ahead of accrual of such time
 32 by the employee.
 33 Sec. 5. NEW SECTION. **91F.5 Use of sick and safe time —**
 34 **purposes — procedures.**
 35 1. Sick and safe time shall be provided to an employee by an

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1 employer for the following purposes:

2 *a.* An employee's mental or physical illness, injury, or
3 health condition; an employee's need for medical diagnosis,
4 care, or treatment of a mental or physical illness, injury, or
5 health condition; an employee's need for preventive medical
6 care.

7 *b.* An employee's need to care for a family member with a
8 mental or physical illness, injury, or health condition; an
9 employee's need to care for a family member who needs medical
10 diagnosis, care, or treatment of a mental or physical illness,
11 injury, or health condition; an employee's need to care for a
12 family member who needs preventive medical care.

13 *c.* (1) Closure of the employee's place of work by order of
14 a public official due to a public health emergency.

15 (2) An employee's need to care for a family member whose
16 school or place of care has been closed by order of a public
17 official due to a public health emergency.

18 (3) An employee's need to care for a family member when
19 public health authorities or a health care professional has
20 determined that the family member's presence in the community
21 jeopardizes the health of others because of the family member's
22 exposure to communicable disease, whether or not the family
23 member has actually contracted the communicable disease.

24 *d.* An employee's need to be absent from work due to domestic
25 abuse assault, sexual abuse, or stalking, provided the leave
26 from work is to do one or more of the following:

27 (1) Seek medical attention for the employee or family member
28 to recover from physical or psychological injury or disability
29 caused by domestic abuse assault or sexual abuse.

30 (2) Obtain services from a victim services organization.

31 (3) Obtain psychological or other counseling.

32 (4) Seek relocation due to the domestic abuse assault,
33 sexual abuse, or stalking.

34 (5) Take legal action, including preparing for or
35 participating in any civil or criminal legal proceeding related

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1 to or resulting from the domestic abuse assault, sexual abuse,
2 or stalking.

3 2. Sick and safe time shall be allowed upon the oral request
4 of an employee. When possible, the employee shall include the
5 expected duration of the employee's absence.

6 3. When the use of sick and safe time is foreseeable, the
7 employee shall make a good faith effort to provide notice
8 of the need for such time to the employer in advance of the
9 use of the sick and safe time, and the employee shall make a
10 reasonable effort to schedule the use of sick and safe time in
11 a manner that does not unduly disrupt the operations of the
12 employer.

13 4. Accrued sick and safe time may be used in the smaller of
14 hourly increments or the smallest increment that the employer's
15 payroll system uses to account for absences or use of other
16 time.

17 5. a. For sick and safe time for more than three
18 consecutive days, an employer may require reasonable
19 documentation that the sick and safe time is for the purposes
20 described in subsection 1.

21 (1) Documentation signed by a health care professional
22 indicating that sick time is necessary shall be considered
23 reasonable documentation.

24 (2) A police report indicating that the employee was a
25 victim of domestic abuse assault, sexual abuse, or stalking; a
26 court order; or a signed statement from a victim and witness
27 advocate affirming that the employee is involved in legal
28 action related to domestic abuse assault, sexual abuse, or
29 stalking shall be considered reasonable documentation.

30 b. An employer may not require that the documentation
31 explain the nature of the medical reason or the details of the
32 domestic abuse assault, sexual abuse, or stalking.

33 c. (1) If an employer chooses to require documentation
34 for use of sick time and the employee does not have health
35 insurance, the employer is responsible for paying all

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1 out-of-pocket expenses the employee incurs in obtaining the
2 documentation.

3 (2) If the employee does have health insurance, the
4 employer is responsible for paying any costs charged to the
5 employee by the health care provider for providing the specific
6 documentation required by the employer.

7 6. An employer shall not require as a condition of allowing
8 sick and safe time under this chapter that the employee search
9 for or find a replacement worker to cover the hours during
10 which the employee will be using sick and safe time.

11 **Sec. 6. NEW SECTION. 91F.6 Exercise of rights —**
12 **retaliation prohibited.**

13 1. An employer or any other person shall not interfere with,
14 restrain, or deny the exercise of, or the attempt to exercise,
15 any right protected under this chapter.

16 2. An employer shall not take retaliatory personnel action
17 or discriminate against an employee because the employee has
18 exercised rights protected under this chapter. Such rights
19 include but are not limited to the following:

20 a. The right to use sick and safe time pursuant to this
21 chapter.

22 b. The right to file a complaint or inform any person about
23 any employer's alleged violation of this chapter.

24 c. The right to cooperate with the commissioner in any
25 investigation of alleged violations of this chapter.

26 d. The right to inform any person of the person's potential
27 rights under this chapter.

28 3. An employer's absence control policy shall not count
29 sick and safe time taken pursuant to this chapter as an absence
30 that may lead to or result in discipline, discharge, demotion,
31 suspension, or any other adverse action.

32 4. The protections of this section shall apply to any person
33 who mistakenly but in good faith alleges violations of this
34 section.

35 5. There is a rebuttable presumption of retaliation under



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1 this section whenever an employer takes adverse action against
2 an employee within ninety days of when that employee has done
3 any of the following:

- 4 *a.* Filed a complaint with the commissioner or a court
- 5 alleging a violation of any provision of this chapter.
- 6 *b.* Informed any person about an employer's alleged violation
- 7 of this chapter.
- 8 *c.* Cooperated with the commissioner or others in an
- 9 investigation or prosecution of any alleged violation of this
- 10 chapter.
- 11 *d.* Opposed any policy, practice, or act that is unlawful
- 12 under this chapter.
- 13 *e.* Informed any person of the person's potential rights
- 14 under this chapter.

15 Sec. 7. NEW SECTION. 91F.7 Notice and posting.

16 1. An employer shall give notice to employees of the
17 following:

- 18 *a.* Employees are entitled to sick and safe time.
- 19 *b.* The accrual amounts of sick and safe time.
- 20 *c.* The terms of use of sick and safe time guaranteed under
- 21 this chapter.
- 22 *d.* The prohibition against retaliation against employees who
- 23 request or use sick and safe time.
- 24 *e.* Each employee has the right to file a complaint or
- 25 bring a civil action if sick and safe time as required by
- 26 this chapter is denied by the employer, or the employee is
- 27 retaliated against for requesting or taking sick and safe time.

28 2. *a.* An employer may comply with this section by supplying
29 each employee with a notice that contains all the information
30 required in subsection 1.

31 *b.* An employer may comply with this section by displaying a
32 poster and other informational materials in a conspicuous and
33 accessible place in each establishment where such employees
34 are employed which contains all the information required in
35 subsection 1.



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1 3. An employer who willfully violates the notice and posting
2 requirements of this section shall be subject to a civil
3 penalty in an amount not to exceed one hundred dollars for each
4 separate offense.

5 Sec. 8. NEW SECTION. **91F.8 Damages recoverable by an**
6 **employee.**

7 In an action by an employee against the employee's employer
8 or former employer for an alleged violation of this chapter,
9 when it has been shown that the employer has intentionally
10 failed to provide sick and safe time to the employee in
11 violation of this chapter or failed to allow the employee to
12 use accrued sick and safe time as provided by this chapter,
13 the employer shall be liable to the employee for the monetary
14 value of the owed sick and safe time, plus liquidated damages
15 for failure to allow the employee to use accrued sick and safe
16 time, court costs, and any attorney fees incurred in the civil
17 action.

18 Sec. 9. NEW SECTION. **91F.9 Employer records.**

19 1. An employer shall retain records documenting hours
20 worked by employees and sick and safe time taken by employees,
21 for a period of five years.

22 2. An employer shall allow the commissioner access to such
23 records, with notice and at a mutually agreeable time, to
24 monitor compliance with the requirements of this chapter.

25 3. If an issue arises as to an employee's entitlement to
26 sick and safe time under this chapter and the employer does not
27 maintain or retain adequate records according to this section
28 or does not allow the commissioner access to such records, the
29 commissioner or other investigating authority shall presume
30 that the employer has violated this chapter, absent clear and
31 convincing evidence otherwise.

32 Sec. 10. NEW SECTION. **91F.10 Enforcement.**

33 1. Upon the written complaint of the employee involved,
34 the commissioner may determine whether to investigate if
35 an employer has violated any provision of this chapter.

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1 The commissioner shall keep confidential, to the extent
2 permitted by applicable law, the name of and other identifying
3 information about the employee reporting the alleged violation.
4 However, the commissioner, with the authorization of the
5 complaining employee, may disclose the employee's name and
6 other information as necessary to enforce this chapter or for
7 other appropriate purposes.

8 2. If for any reason the commissioner makes a determination
9 not to investigate, the commissioner shall notify the
10 complaining employee within fourteen days of receipt of
11 the complaint. The commissioner shall otherwise notify
12 the employee of the determination to investigate within
13 a reasonable time. If it is determined that there is an
14 enforceable claim, the commissioner, with the consent of the
15 complaining employee and with the assistance of the office
16 of the attorney general if the commissioner requests such
17 assistance, shall, unless a settlement is reached, commence a
18 civil action in any court of competent jurisdiction to recover
19 for the benefit of any employee any sick and safe time claims
20 that have been assigned to the commissioner for recovery.
21 The commissioner may also request reasonable and necessary
22 attorney fees. With the consent of the assigning employee, the
23 commissioner may also settle a claim on behalf of the assigning
24 employee.

25 3. Proceedings under this section that precede commencement
26 of a civil action shall be conducted informally without any
27 party having a right to be heard before the commissioner. The
28 commissioner may join various assignments in one claim for the
29 purpose of settling or litigating the assignees' claims.

30 4. The provisions of subsections 1 and 2 shall not be
31 construed to prevent an employee from settling or bringing an
32 action for damages under section 91F.8 if the employee has not
33 assigned the claim under subsection 2.

34 5. Any recovery of attorney fees, in the case of actions
35 brought under this section by the commissioner, shall be

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1 remitted by the commissioner to the treasurer of state for
2 deposit in the general fund of the state. The commissioner is
3 not required to pay any filing fee or other court costs.

4 Sec. 11. NEW SECTION. **91F.11 Confidentiality and**
5 **nondisclosure.**

6 1. An employer may not require disclosure of details
7 relating to domestic abuse assault, sexual abuse, or stalking,
8 or of the details of an employee's medical condition or that of
9 a family member as a condition of allowing sick and safe time
10 under this chapter.

11 2. If an employer possesses health information or
12 information pertaining to domestic abuse assault, sexual abuse,
13 or stalking about an employee or an employee's family member,
14 such information shall be treated as confidential and not
15 disclosed except to the affected employee or with the written
16 permission of the affected employee.

17 Sec. 12. NEW SECTION. **91F.12 Other sick and safe time**
18 **policies — legal requirements.**

19 1. Nothing in this chapter shall be construed to discourage
20 or prohibit an employer from the adoption or retention of a
21 sick and safe time policy that is more generous than that
22 provided in this chapter.

23 2. Nothing in this chapter shall be construed as diminishing
24 the obligation of an employer to comply with any contract,
25 collective bargaining agreement, employment benefit plan, or
26 other agreement that provides more generous sick and safe time
27 to an employee than required in this chapter.

28 3. Nothing in this chapter shall be construed as diminishing
29 the rights of public employees regarding sick and safe time or
30 the use of sick and safe time as provided by state law.

31 4. This chapter provides minimum requirements pertaining
32 to sick and safe time and shall not be construed to preempt,
33 limit, or otherwise affect the applicability of any other law,
34 regulation, requirement, policy, or standard that provides for
35 greater accrual or use by employees of sick and safe time or

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1 that extends other protections to employees.

2 Sec. 13. NEW SECTION. 91F.13 Paid sick and safe time —
3 posting.

4 1. For the purposes of this section, *“paid sick and safe*
5 *time”* means time that is compensated at the same hourly rate
6 and with the same benefits, including health care benefits, as
7 the employee normally earns during hours worked and is provided
8 by an employer to an employee for the purposes described in
9 section 91F.5, but in no instance shall the hourly wage be less
10 than that provided in section 91D.1.

11 2. Employers in this state are encouraged to offer paid
12 sick and safe time to their employees. The department of
13 public health shall create a poster and other informational
14 materials that may be used by an employer for public display if
15 the employer provides paid sick and safe time to all employees
16 in each establishment where the poster and other informational
17 materials are displayed. The poster and other informational
18 materials shall contain all the information required in section
19 91F.7, subsection 1.

20 3. An employer may apply to the department of public health
21 for authorization to display or distribute the poster and
22 other informational materials created by the department. The
23 department shall verify that an applicant offers paid sick and
24 safe time to all employees in each establishment where the
25 poster and other informational materials will be displayed
26 and is in compliance with the requirements of this chapter.
27 The department shall electronically transmit the poster and
28 other informational materials to any verified applicant. The
29 department shall consult with the commissioner as necessary to
30 carry out the requirements of this section.

31 Sec. 14. Section 91.4, subsection 2, Code 2013, is amended
32 to read as follows:

33 2. The director of the department of workforce development,
34 in consultation with the labor commissioner, shall, at the
35 time provided by law, make an annual report to the governor

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1 setting forth in appropriate form the business and expense of
 2 the division of labor services for the preceding year, the
 3 number of remedial actions taken under chapter 89A, the number
 4 of disputes or violations processed by the division and the
 5 disposition of the disputes or violations, and other matters
 6 pertaining to the division which are of public interest,
 7 together with recommendations for change or amendment of the
 8 laws in this chapter and chapters 88, 88A, 88B, 89, 89A, 89B,
 9 90A, 91A, 91C, 91D, 91E, 91F, 92, and 94A, and section 85.68,
 10 and the recommendations, if any, shall be transmitted by the
 11 governor to the first general assembly in session after the
 12 report is filed.

13 Sec. 15. Section 135.11, Code 2013, is amended by adding the
 14 following new subsection:

15 NEW SUBSECTION. 32. In consultation with the labor
 16 commissioner, carry out duties relating to the creation and
 17 transmission of posters and other informational materials
 18 pursuant to section 91F.13.

19 Sec. 16. APPLICABILITY. Notwithstanding the section of
 20 this Act relating to applicability of this Act on or after
 21 the effective date of this Act, this Act does not apply to
 22 employees under a contract or collective bargaining agreement
 23 that was in effect on or before the effective date of this Act.

24 Sec. 17. APPLICABILITY. This Act applies to all existing
 25 employees on and after the effective date of this Act and to
 26 all new employees hired on or after that date.

EXPLANATION

27
 28 This bill, entitled the "Healthy and Safe Families and
 29 Workplace Act", provides minimum sick and safe time, whether
 30 paid or unpaid, for all employees working part-time and
 31 full-time in the state in new Code chapter 91F. The bill
 32 declares that it is the public policy of the state to protect
 33 public health and safety and to promote the general welfare
 34 of its citizens by supporting employers in their efforts to
 35 encourage employees to work when they are healthy and by

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1 protecting the basic rights of workers who safeguard public
2 health by remaining home when they are ill.
3 The bill defines several terms including "family member" and
4 "sick and safe time".
5 The bill provides that all employees shall have the right to
6 accrue and use sick and safe time. The formula for accruing
7 sick and safe time is contained in the bill, and there are
8 limits for the amount of sick and safe time an employee may
9 accrue per year, unless the employer sets a higher limit.
10 The formula for accruing sick and safe time and the
11 limitations and exceptions are provided in new Code section
12 91F.4. Sick and safe time shall begin to accrue for new
13 employees on the first day of work and for existing employees
14 on July 1, 2013. New employees may use accrued sick and safe
15 time starting the 60th day of employment. Existing employees
16 may use sick and safe time as it accrues. Sick and safe time
17 shall carry over each year, but an employee may not use more
18 than 144 hours of sick and safe time per year.
19 An employer who provides a leave policy that meets the
20 minimum accrual requirements and the same minimum uses and
21 conditions is deemed to be in compliance with the bill. The
22 bill does not require employees to be reimbursed for unused
23 sick and safe time upon separation from employment. However,
24 if an employee is moved or transferred within the company,
25 the employee shall retain all accrued sick and safe time and
26 may use such time immediately. If there is an employment
27 separation, but an employee is rehired within three months, all
28 accrued sick and safe time shall be reinstated upon rehire and
29 be available for immediate use. An employer has the discretion
30 to advance sick and safe time to an employee.
31 The bill provides specific reasons for which employees may
32 use the sick and safe time in new Code section 91F.5. An
33 employee shall give reasonable notice to an employer when
34 use of sick and safe time is foreseeable. When an employee
35 uses more than three consecutive days of sick and safe time,

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1 an employer may require reasonable documentation that the
2 time used is covered by the reasons the time may be taken as
3 provided in the bill. An employer who requests documentation
4 for use of sick time by an employee without health insurance
5 is responsible for paying all expenses related to acquiring
6 the documentation. For an employee with health insurance, the
7 employer is responsible for paying any costs charged to the
8 employee to receive the documentation. An employer shall not
9 require an employee to find a replacement worker in order to
10 use sick and safe time.

11 An employee's rights under the bill, including the right
12 to use sick and safe time and to file a complaint against
13 an employer, and the prohibitions against an employer's
14 retaliation against an employee exercising those rights, are
15 explained in new Code section 91F.6.

16 Employers are required to give employees notice of their
17 rights to sick and safe time as described in new Code section
18 91F.7, either by supplying each employee with a notice or
19 by posting such notice in an accessible and obvious place
20 where employees work. Violations of the notice and posting
21 requirements may result in a civil penalty of not more than
22 \$100 for each offense.

23 An employee may recover the monetary value of owed sick
24 and safe time plus liquidated damages for the wrongful denial
25 of use of accrued sick and safe time if an employer is shown
26 to have intentionally violated the bill pursuant to new Code
27 section 91F.8.

28 An employer must retain records documenting hours worked by
29 each employee and the amount of sick and safe time taken by the
30 employees for five years. The labor commissioner shall have
31 reasonable access to these records. If a question arises about
32 an employee's right to sick and safe time and an employer does
33 not have adequate records or does not allow the commissioner to
34 examine the employer's records, the commissioner shall presume
35 that the employer has violated the bill.

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1 Pursuant to new Code section 91F.10, an employee may submit
2 a written complaint to the commissioner, who will determine
3 whether to investigate the claim that an employer has violated
4 any provision of new Code chapter 91F. If the commissioner
5 decides to investigate, the commissioner shall commence a civil
6 action against the employer.

7 An employer may not require an employee to disclose details
8 relating to domestic abuse assault, sexual abuse, stalking,
9 or a medical condition as a condition of using sick and safe
10 time. An employer who has such information shall treat the
11 information as confidential and not disclose it without written
12 consent of the affected employee, according to new Code section
13 91F.11.

14 The bill provides that the new Code chapter does not prohibit
15 an employer from providing a more generous sick and safe time
16 policy, does not diminish an employer's previous contractual
17 obligations for more generous sick and safe time, and does not
18 diminish public employees' rights to sick and safe time as
19 provided by law.

20 The bill encourages employers to offer paid sick and safe
21 time as defined in the bill to their employees. "Paid sick and
22 safe time" is defined to mean time that is compensated at the
23 same hourly rate and with the same benefits, including health
24 care benefits, as the employee normally earns during hours
25 worked.

26 The department of public health, in consultation
27 with the commissioner, is to create a poster and other
28 informational materials which an employer may use for public
29 display if the employer provides sick and safe time to all
30 employees in each establishment where the poster and other
31 informational materials are to be displayed. The poster and
32 other informational materials must comply with the notice
33 requirements for sick and safe time provided in the bill.
34 The department is to make the poster and other informational
35 materials available to an employer upon verification of

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1 compliance with the bill.

2 The bill applies to all existing employees on and after July
3 1, 2013, and to all new hires on or after that date, but does
4 not apply to employees under existing contracts or collective
5 bargaining agreements.



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House File 150 - Introduced

HOUSE FILE 150
BY ISENHART

A BILL FOR

- 1 An Act relating to certain campaign communications, providing
- 2 for fees, and providing for penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1352HH (2) 85
jr/sc



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1 Section 1. Section 68A.405, subsection 1, paragraph a,
 2 subparagraph (3), Code 2013, is amended to read as follows:

3 (3) "*Published material*" means any newspaper, magazine,
 4 shopper, outdoor advertising facility, poster, direct mailing,
 5 brochure, internet ~~website~~ site, campaign sign, or any
 6 other form of printed general public political advertising.
 7 "*Published material*" includes television, radio, video, or
 8 motion picture advertising.

9 Sec. 2. Section 68A.405, subsection 1, paragraph b, Code
 10 2013, is amended to read as follows:

11 *b.* (1) Except as set out in subsection 2, published
 12 material or automated or live telephone calls designed to
 13 expressly advocate the nomination, election, or defeat of a
 14 candidate for public office or the passage or defeat of a
 15 ballot issue shall include on the published material or in
 16 the telephone call an attribution statement disclosing who is
 17 responsible for the published material or telephone call.

18 (2) Automated or live telephone calls made by a person
 19 or organization for the purpose of gathering information to
 20 inform or influence a public election campaign shall include a
 21 disclaimer clearly identifying the name of the caller, the name
 22 of the person or organization sponsoring the communication,
 23 and the name and telephone number of an authorized person
 24 responsible for the communication.

25 ~~(2)~~ (3) The person who is responsible for the published
 26 material or automated or live telephone calls has the sole
 27 responsibility and liability for the attribution statement
 28 required by this section.

29 Sec. 3. Section 68A.405, subsection 2, paragraph a, Code
 30 2013, is amended to read as follows:

31 *a.* The editorials or news articles of a newspaper, magazine,
 32 television or radio station, or other print or electronic media
 33 that are not paid political advertisements.

34 Sec. 4. Section 68A.405, subsections 3 and 4, Code 2013, are
 35 amended to read as follows:



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1 3. For television, video, or motion picture advertising,
 2 the attribution statement shall be displayed on the screen in a
 3 clearly readable manner for at least four seconds. For radio,
 4 the attribution statement shall be read at the conclusion of
 5 the advertisement at a volume and with enunciation to make
 6 the statement easily understandable. For automated or live
 7 telephone calls described in subsection 1, paragraph "b", the
 8 attribution statement or disclaimer, as applicable, shall
 9 be read at the conclusion of the call at a volume and with
 10 enunciation to make the statement easily understandable.

11 4. The board shall adopt rules relating to the placing of
 12 an attribution statement on published materials and for the
 13 reading of attribution statements or disclaimers for radio and
 14 automated or live telephone calls.

15 Sec. 5. NEW SECTION. 68A.407 Certain communications
 16 provided to the board.

17 1. Any communication intended for audio or video broadcast,
 18 cable or internet transmission, or any automated or live
 19 telephone call that is made to influence a public election,
 20 and paid for as a direct, in-kind, or independent expenditure
 21 by a person, a candidate, or political committee, shall be
 22 supplied to the board in an electronic format according to
 23 specifications established by the board.

24 2. The communication shall be supplied by noon on the
 25 same day that the transmission first occurs or by noon on the
 26 previous Friday if the first transmission occurs on a Saturday
 27 or Sunday.

28 3. The communication shall be supplied to the board eleven
 29 days before the day of the election if the transmission will
 30 first occur within eleven days preceding the election. The
 31 communication shall be supplied to the board seven days
 32 before the day of the election if the communication responds
 33 to a communication that will first occur within eleven days
 34 preceding the election. The material supplied to the board
 35 shall include a specific listing of each radio, television,

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1 cable, internet, or other outlet used to transmit the
2 communication, and the total of expenditures associated with
3 the communication.

4 4. An audio or video broadcast, cable or internet
5 transmission, or automated or live telephone call made to
6 influence a public election, and paid for as a direct, in-kind,
7 or independent expenditure by a person or by a candidate or
8 political committee may not be made if it has not been supplied
9 to the board as required in this section.

10 5. Any communication supplied to the board which directly or
11 indirectly refers to a vote or position taken by a candidate
12 for public office, or portrays the view of a candidate for
13 office, shall include documentation of that vote, position,
14 or view in a form required by the board. The documentation
15 shall include but not be limited to the date, place, and manner
16 that the candidate cast such vote, took such a position, or
17 expressed such views and shall reference a public source
18 of information at which the citation can be verified. In
19 addition, the filing shall include the name, address, telephone
20 number, and electronic mail address of the person who is taking
21 legal responsibility for the truthfulness of the information.

22 6. A communication supplied to the board, and its associated
23 documentation, shall be permanently posted by the board
24 on an internet site accessible by the public in an easily
25 identifiable format as soon as technically and reasonably
26 possible.

27 7. The board may establish reasonable fees to cover
28 the costs associated with implementation of this section
29 and such fees shall be payable by the persons, candidate
30 committees, political committees, or other entities submitting
31 a communication.

32 8. In addition to the penalty set out in section 68A.701, a
33 person who violates this section shall be subject to a civil
34 penalty not to exceed the total amount of the expenditures made
35 to produce and transmit the communication.

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1 EXPLANATION
2 This bill regulates audio or video broadcasts, cable or
3 internet transmissions, or automated or live telephone calls
4 which are used in political campaigns. The bill expands
5 current attribution statement requirements to include radio
6 advertisements and certain automated or live telephone
7 calls, as described in the bill. The bill also requires that
8 a disclaimer be made for certain other automated or live
9 telephone calls, as described in the bill.
10 The bill enacts new Code section 68A.407 to require that
11 the contents of a campaign-related audio or video broadcast,
12 cable or internet transmission, or automated or live telephone
13 call must be provided to the ethics and campaign finance
14 disclosure board. The bill sets out specific timelines when
15 these communications must be provided. These communications
16 are prohibited unless they have been supplied to the board as
17 required by the bill.
18 The bill requires that any communication which directly or
19 indirectly refers to a vote, position, or viewpoint taken by a
20 candidate shall include documentation of that vote, position,
21 or viewpoint in a form required by the board.
22 Communications supplied to the board under new Code section
23 68A.407 shall be permanently posted on an internet site
24 accessible by the public.
25 The bill empowers the board to establish reasonable fees
26 to cover the costs associated with implementation of new Code
27 section 68A.407.
28 The bill provides that in addition to the criminal penalty
29 set out in current Code section 68A.701, a person who violates
30 new Code section 68A.407 shall be subject to a civil penalty
31 not to exceed the total amount of the expenditures made to
32 produce and transmit the communication.



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House File 151 - Introduced

HOUSE FILE 151
BY JORGENSEN

A BILL FOR

- 1 An Act requiring the driver of a motor vehicle to maintain a
- 2 certain distance when passing a bicycle on a highway, and
- 3 making penalties applicable.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1915YH (3) 85
dea/nh



**Iowa General Assembly
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H.F. 151

1 Section 1. Section 321.299, subsection 1, Code 2013, is
2 amended to read as follows:

3 1. a. The driver of a vehicle overtaking another vehicle
4 proceeding in the same direction shall pass to the left of the
5 other vehicle at a safe distance and shall not again drive
6 to the right side of the roadway until safely clear of the
7 overtaken vehicle.

8 b. The driver of a motor vehicle, when overtaking and
9 passing a bicycle, shall leave a safe distance between the
10 motor vehicle and the bicycle of not less than three feet and
11 shall maintain such clearance until safely past the overtaken
12 bicycle, whether the bicycle is traveling on the roadway or on
13 a bicycle lane or shoulder adjacent to the roadway.

14 EXPLANATION

15 This bill requires the driver of a motor vehicle, when
16 passing a bicycle, to maintain a safe distance between the
17 motor vehicle and the bicycle of at least three feet until
18 safely past the bicycle. The requirement applies whether the
19 bicycle is being ridden on the roadway or on a bicycle lane or
20 shoulder adjacent to the roadway.

21 Pursuant to current law, a violation of motor vehicle laws
22 governing overtaking and passing is a simple misdemeanor
23 punishable by a scheduled fine of \$100. In addition, if the
24 violation causes serious injury to another person, the court
25 may impose an additional fine of \$500 or driver's license
26 suspension for up to 90 days, or both. If the violation
27 results in an accident causing a death, the court may impose an
28 additional fine of \$1,000 or driver's license suspension for
29 up to 180 days, or both.

LSB 1915YH (3) 85
dea/nh



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House File 152 - Introduced

HOUSE FILE 152
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HF 49)

A BILL FOR

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

TLSB 1035HV (2) 85
da/sc



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H.F. 152

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

3 **468.500 Trustees authorized.**

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

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

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

21 Sec. 2. NEW SECTION. 468.538 Scope.

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

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

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

35 1. The trustees of the overlying district serving on the



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1 board at the time of acceptance as described in section 468.538
2 shall be considered initially elected as the trustees of the
3 drainage or levee district as provided in sections 468.502,
4 468.503, and 468.521.

5 2. a. The board of trustees described in subsection 1 shall
6 do all of the following:

7 (1) Establish the overlying district as a new drainage
8 or levee district, which must include all improvements and
9 rights-of-way surrendered by a board of supervisors or board of
10 trustees of the contained district.

11 (2) Divide the new drainage or levee district into three
12 election districts in the same manner as a board of supervisors
13 acting pursuant to sections 468.504 and 468.505.

14 b. The petition described in section 468.501 is not required
15 to be filed or considered under this subsection.

16 3. Each of the three persons elected as trustee to serve
17 on a new drainage or levee district established pursuant to an
18 election held by the board of trustees described in subsection
19 1 shall hold office for a staggered term as provided in section
20 468.518. A person elected as a trustee of the new drainage
21 or levee district shall be elected from a specified election
22 district, unless the person is elected at large as provided in
23 subsection 4.

24 4. The board of trustees described in subsection 1 or a
25 subsequent board of trustees of the new drainage or levee
26 district may provide for the election of two additional persons
27 to serve as trustees. One person's initial term shall be for
28 one year and the second person's initial term shall be for two
29 years in the same manner as provided in section 468.518.

30 5. Votes shall be determined as provided pursuant to either
31 section 468.510 or 468.511 in the same manner as was determined
32 for the overlying district.

33 Sec. 4. DIVISION OF CHAPTER 468, SUBCHAPTER III. The Code
34 editor shall codify section 468.500, as amended by this Act, as
35 part 1 of chapter 468, subchapter III; sections 468.501 through

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1 overlying district and each district which has jurisdiction
 2 of a portion of that larger territory is referred to as a
 3 contained district (Code section 468.250). The governing body
 4 of a contained district or overlying district may be a board of
 5 supervisors, joint board of supervisors, or board of trustees.
 6 After receiving a dissolution petition, the governing body of
 7 a contained district must conduct a hearing to dissolve the
 8 district and the governing body of the overlying district may
 9 conduct a hearing and accept improvements and rights-of-way
 10 surrendered by the board of the contained district (Code
 11 sections 468.257 and 468.258), or in the alternative, conduct
 12 an election of land users (Code section 468.259).

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

21 BILL — PETITION AND ELECTION TO ESTABLISH A BOARD OF TRUSTEE
 22 FORM OF GOVERNANCE NOT REQUIRED. The bill provides that the
 23 current Code procedures under Code chapter 468, subchapter III,
 24 requiring a petition and election by landowners to establish
 25 a trustee form of governance, do not apply. Instead, the
 26 board of trustees currently serving the overlying district
 27 is responsible for conducting the election of succeeding
 28 trustees to the new district in the same manner as if the
 29 board of trustees initially elected under the supervision of
 30 a board of supervisors, or joint board of supervisors, would
 31 be responsible for conducting the subsequent election of
 32 succeeding trustees to an existing district.

33 BILL — NEW ELECTION REQUIREMENTS. The bill provides that
 34 trustees of the overlying district must divide the new drainage
 35 or levee district into three election districts in the same

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1 manner as a board of supervisors acting pursuant to Code
2 sections 468.504 and 468.505. The individuals elected to the
3 board as trustees must serve staggered terms notwithstanding
4 any special requirements applicable to districts with pumping
5 stations in Code section 568.519. In addition, either the
6 board of trustees of the overlying district or a subsequent
7 board of trustees of the new district may provide for the
8 election of two additional persons to serve at large for
9 staggered three-year terms.

10 BILL — CHAPTER ORGANIZATION. The bill requires the Code
11 editor to organize Code chapter 468, subchapter III, into three
12 new parts in order to enhance the Code's readability.

13 BILL — EFFECTIVE DATE. The bill takes effect upon
14 enactment.



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House File 153 - Introduced

HOUSE FILE 153

BY WINCKLER,

WESSEL-KROESCHELL,

LUNDBY, KAJTAZOVIC,

ANDERSON, THEDE, BERRY,

RUFF, STECKMAN, THOMAS,

BEARINGER, KEARNS, STAED,

WOLFE, HEDDENS, KRESSIG,

T. TAYLOR, R. OLSON,

ABDUL-SAMAD, GAINES,

HANSON, JACOBY, LENSING,

STUTSMAN, KELLEY, FORBES,

DUNKEL, WOOD, and JORGENSEN

A BILL FOR

- 1 An Act authorizing the college student aid commission to
- 2 organize a nonprofit corporation to provide Iowans with
- 3 postsecondary educational financial assistance.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1363YH (7) 85

kh/sc



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1 Section 1. NEW SECTION. 261.8 Corporation for educational
2 financial assistance.

3 1. *Nonprofit corporation for receiving and disbursing*
4 *funds.* The college student aid commission may organize a
5 corporation under the provisions of chapter 504 that qualifies
6 under section 501(c)(3) of the Internal Revenue Code as an
7 organization exempt from taxation for the purpose of receiving
8 and disbursing funds from public or private sources to be used
9 to provide Iowans with educational financial assistance under
10 programs administered by the commission. Unless otherwise
11 provided in this section, the corporation is subject to the
12 provisions of chapter 504.

13 2. *Incorporators.* The incorporators of the corporation
14 organized pursuant to this section shall be the chairperson of
15 the commission, the executive director of the commission, and
16 a member of the commission selected by a majority vote of the
17 commission.

18 3. *Board of directors.* The board of directors of the
19 corporation organized pursuant to this section shall be the
20 members of the commission appointed under section 261.1,
21 subsection 2, paragraph "d", or their successors in office.

22 4. *Accepting grants in aid.* The corporation organized
23 pursuant to this section may accept grants of money or property
24 from the federal government or private sources and may upon
25 its own order use its money, property, or other resources for
26 purposes of providing educational financial assistance under
27 programs administered by the commission.

28 5. *Open meetings and open records.* The corporation is
29 subject to chapters 21 and 22.

30 6. *Status.* The corporation shall collaborate with the
31 commission for the purposes specified in this section, but the
32 corporation shall not be considered, in whole or in part, an
33 agency, department, or administrative unit of the state. The
34 corporation shall not receive appropriations from the general
35 assembly. Except as provided in subsection 5, the corporation

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1 shall not be required to comply with any requirements that
2 apply to a state agency, department, or administrative unit and
3 shall not exercise any sovereign power of the state.

4 7. *No state liability.* The corporation does not have
5 authority to pledge the credit of the state, and the state
6 shall not be liable for the debts or obligations of the
7 corporation. All debts and obligations of the corporation
8 shall be payable solely from the corporation's funds.

9 8. *Tax deductible.* The corporation shall be established
10 so that donations and bequests to it qualify as tax deductible
11 under state income tax laws and under section 501(c)(3) of the
12 Internal Revenue Code.

13 9. *Staffing and administrative support.* The commission
14 shall provide staff assistance and administrative support to
15 the corporation.

16 10. *Report.* The corporation shall submit by January 15
17 annually a written report of its activities and operations to
18 the governor, the general assembly, and the commission.

19 EXPLANATION

20 This bill authorizes the college student aid commission to
21 organize a corporation under Iowa's revised Iowa nonprofit
22 corporation Act that qualifies under section 501(c)(3) of
23 the Internal Revenue Code as a tax-exempt organization. The
24 corporation must be organized for the purpose of receiving and
25 disbursing funds from public or private sources to be used to
26 provide Iowans with educational financial assistance under
27 programs administered by the college student aid commission in
28 accordance with Code chapter 261.

29 The incorporators of the corporation shall be the
30 chairperson of the commission, the executive director of the
31 commission, and a member of the commission selected by a
32 majority vote of the commission. The board of directors of
33 the corporation shall be the eight members of the commission
34 appointed by the governor or their successors in office.

35 The corporation may accept grants of money or property

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1 from the federal government or private sources and may upon
2 its own order use its money, property, or other resources for
3 purposes of providing educational financial assistance under
4 programs administered by the college student aid commission in
5 accordance with Code chapter 261.

6 The corporation is subject to the open meetings and open
7 records laws in Code chapters 21 and 22, but the corporation
8 shall not otherwise be required to comply with any requirements
9 that apply to a state agency, department, or administrative
10 unit and shall not exercise any sovereign power of the state.
11 The corporation shall collaborate with the commission for the
12 purposes specified in the bill, but shall not be considered an
13 agency, department, or administrative unit of the state, nor
14 shall it receive appropriations from the general assembly. The
15 corporation shall be established so that donations and bequests
16 to it qualify as tax deductible under federal and state income
17 tax laws.

18 The corporation does not have authority to pledge the credit
19 of the state, and the state shall not be liable for the debts or
20 obligations of the corporation.

21 The commission shall provide staff assistance and
22 administrative support to the corporation. The corporation
23 shall submit a written report annually of its activities and
24 operations to the governor, the general assembly, and the
25 commission.



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House File 154 - Introduced

HOUSE FILE 154
BY HAGENOW

A BILL FOR

- 1 An Act relating to increasing certain criminal and
- 2 administrative penalties for operating-while-intoxicated
- 3 offenses.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2086YH (2) 85
rh/nh



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1 Section 1. Section 321J.2, subsection 2, paragraph c, Code
 2 2013, is amended to read as follows:

3 c. A class ~~"D"~~ "C" felony for a third offense and each
 4 subsequent offense.

5 Sec. 2. Section 321J.2, subsection 3, unnumbered paragraph
 6 1, Code 2013, is amended to read as follows:

7 A Except as otherwise provided in section 321J.2C, a first
 8 offense is punishable by all of the following:

9 Sec. 3. Section 321J.2, subsections 4, 5, and 10, Code 2013,
 10 are amended to read as follows:

11 4. A Except as otherwise provided in section 321J.2C, a
 12 second offense is punishable by all of the following:

13 a. A minimum period of imprisonment in the county jail or
 14 community-based correctional facility of ~~seven~~ fourteen days
 15 but not to exceed two years.

16 b. Assessment of a minimum fine of ~~one two thousand eight~~
 17 five hundred ~~seventy-five~~ dollars and a maximum fine of ~~six~~
 18 seven thousand ~~two~~ five hundred ~~fifty~~ dollars. Surcharges and
 19 fees shall be assessed pursuant to chapter 911.

20 c. Revocation of the defendant's driver's license for a
 21 period of ~~one year~~ three years, if a revocation occurs pursuant
 22 to section 321J.12, subsection 1. If a revocation occurs due
 23 to test refusal under section 321J.9, or pursuant to section
 24 321J.4, subsection 2, the defendant's license shall be revoked
 25 for a period of ~~two~~ four years.

26 d. Assignment to substance abuse evaluation and treatment, a
 27 course for drinking drivers, and, if available and appropriate,
 28 a reality education substance abuse prevention program pursuant
 29 to section 321J.24.

30 5. A Except as otherwise provided in section 321J.2C, a
 31 third offense is punishable by all of the following:

32 a. Commitment to the custody of the director of the
 33 department of corrections for an indeterminate term not to
 34 exceed ~~five~~ ten years, with a mandatory minimum term of ~~thirty~~
 35 sixty days.

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1 (1) If the court does not suspend a person's sentence of
2 commitment to the custody of the director of the department
3 of corrections under this paragraph "a", the person shall be
4 assigned to a facility pursuant to section 904.513.

5 (2) If the court suspends a person's sentence of commitment
6 to the custody of the director of the department of corrections
7 under this paragraph "a", the court shall order the person to
8 serve not less than ~~thirty~~ sixty days nor more than one year in
9 the county jail, and the person may be committed to treatment
10 in the community under section 907.6.

11 *b.* Assessment of a minimum fine of ~~three~~ five thousand ~~one~~
12 ~~hundred twenty-five~~ dollars and a maximum fine of ~~nine~~ ten
13 thousand ~~three hundred seventy-five~~ dollars. Surcharges and
14 fees shall be assessed pursuant to chapter 911.

15 *c.* ~~Revocation~~ Permanent revocation of the person's driver's
16 license ~~for a period of six years pursuant to section 321J.4,~~
17 ~~subsection 4.~~

18 *d.* Assignment to substance abuse evaluation and treatment, a
19 course for drinking drivers, and, if available and appropriate,
20 a reality education substance abuse prevention program pursuant
21 to section 321J.24.

22 10. The clerk of the district court shall immediately
23 certify to the department a true copy of each order entered
24 with respect to deferral of judgment, deferral of sentence, or
25 pronouncement of judgment and sentence for a defendant under
26 this section or section 321J.2C.

27 **Sec. 4. NEW SECTION. 321J.2C Enhanced penalties — alcohol**
28 **concentration exceeding .15.**

29 1. A person who violates section 321J.2, subsection 1, whose
30 alcohol concentration established by the results of an analysis
31 of a specimen of the person's blood, breath, or urine withdrawn
32 in accordance with this chapter exceeds .15, regardless of
33 whether or not the alcohol concentration indicated by the
34 chemical test minus the established margin of error inherent in
35 the device or method used to conduct the test equals an alcohol

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1 concentration of .15 or more, shall be subject to the following
2 penalties:

3 *a.* For a first offense:

4 (1) A minimum period of imprisonment in the county jail
5 of four days, but not to exceed one year, to be served as
6 ordered by the court, less credit for any time the person
7 was confined in a jail or detention facility following
8 arrest or for any time the person spent in a court-ordered
9 operating-while-intoxicated program that provides law
10 enforcement security. However, the court, in ordering service
11 of the sentence and in its discretion, may accommodate the
12 defendant's work schedule.

13 (2) Assessment of a fine of at least one thousand five
14 hundred dollars and a maximum of two thousand two hundred fifty
15 dollars. Surcharges and fees shall also be assessed pursuant
16 to chapter 911.

17 (3) Revocation of the person's driver's license for a
18 minimum period of two hundred forty days up to a maximum
19 revocation period of one year.

20 (4) Assignment to substance abuse evaluation and treatment,
21 a course for drinking drivers, and, if available and
22 appropriate, a reality education substance abuse prevention
23 program pursuant to section 321J.24.

24 *b.* For a second offense, regardless of whether the person
25 received an enhanced penalty under this section for the first
26 offense:

27 (1) A minimum period of imprisonment in the county jail or
28 community-based correctional facility of thirty days but not to
29 exceed two years.

30 (2) Assessment of a minimum fine of three thousand dollars
31 and a maximum fine of eight thousand dollars. Surcharges and
32 fees shall be assessed pursuant to chapter 911.

33 (3) Revocation of the defendant's driver's license for a
34 period of four years.

35 (4) Seizure and forfeiture of the defendant's motor vehicle

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1 to the state pursuant to chapters 809 and 809A if the defendant
 2 is the owner of the motor vehicle used in the commission of the
 3 offense.

4 (5) Assignment to substance abuse evaluation and treatment,
 5 a course for drinking drivers, and, if available and
 6 appropriate, a reality education substance abuse prevention
 7 program pursuant to section 321J.24.

8 c. For a third offense and all subsequent offenses under
 9 this section, regardless of whether the person received an
 10 enhanced penalty under this section for any prior offenses:

11 (1) A minimum period of imprisonment of ninety days but not
 12 to exceed ten years.

13 (2) Assessment of a minimum fine of five thousand dollars
 14 and a maximum fine of ten thousand dollars. Surcharges and
 15 fees shall be assessed pursuant to chapter 911.

16 (3) Permanent revocation of the person's driver's license.

17 (4) Seizure and forfeiture of the defendant's motor vehicle
 18 to the state pursuant to chapters 809 and 809A if the defendant
 19 is the owner of the motor vehicle used in the commission of the
 20 offense.

21 (5) Assignment to substance abuse evaluation and
 22 treatment, a course for drinking drivers, and, if available
 23 and appropriate, a reality education substance abuse program
 24 pursuant to section 321J.24.

25 2. The provisions of this chapter that do not conflict with
 26 the provisions of this section shall continue to apply to a
 27 violation of this chapter.

28 Sec. 5. Section 321J.4, subsection 2, Code 2013, is amended
 29 to read as follows:

30 2. If a defendant is convicted of a violation of section
 31 321J.2, and the defendant's driver's license or nonresident
 32 operating privilege has not already been revoked under section
 33 321J.9 or 321J.12 for the occurrence from which the arrest
 34 arose, the department shall revoke the defendant's driver's
 35 license or nonresident operating privilege for ~~one-year~~ three



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1 years if the defendant submitted to chemical testing and has
 2 had a previous conviction or revocation under this chapter and
 3 shall revoke the defendant's driver's license or nonresident
 4 operating privilege for ~~two~~ four years if the defendant refused
 5 to submit to chemical testing and has had a previous revocation
 6 under this chapter. The defendant shall not be eligible for
 7 any temporary restricted license for forty-five days after the
 8 effective date of revocation if the defendant submitted to
 9 chemical testing and shall not be eligible for any temporary
 10 restricted license for ninety days after the effective date
 11 of revocation if the defendant refused chemical testing. The
 12 temporary restricted license shall be issued in accordance with
 13 section 321J.20, subsection 2. The department shall require
 14 the defendant to install an ignition interlock device of a type
 15 approved by the commissioner of public safety on all vehicles
 16 owned or operated by the defendant if the defendant seeks a
 17 temporary restricted license at the end of the minimum period
 18 of ineligibility. A temporary restricted license shall not
 19 be granted by the department until the defendant installs the
 20 ignition interlock device.

21 Sec. 6. Section 321J.4B, subsection 6, Code 2013, is amended
 22 to read as follows:

23 6. Upon conviction of the defendant for a second
 24 or subsequent violation of subsection 2, paragraph "a",
 25 ~~subparagraph (2)~~, the court shall order, if the convicted
 26 person is the owner of the motor vehicle used in the commission
 27 of the offense, that that motor vehicle be seized and forfeited
 28 to the state pursuant to chapters 809 and 809A.

29 Sec. 7. Section 321J.9, subsection 1, Code 2013, is amended
 30 to read as follows:

31 1. If a person refuses to submit to the chemical testing, a
 32 test shall not be given, but the department, upon the receipt
 33 of the peace officer's certification, subject to penalty for
 34 perjury, that the officer had reasonable grounds to believe the
 35 person to have been operating a motor vehicle in violation of

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1 section 321J.2 or 321J.2A, that specified conditions existed
2 for chemical testing pursuant to section 321J.6, and that the
3 person refused to submit to the chemical testing, shall revoke
4 the person's driver's license and any nonresident operating
5 privilege for the following periods of time:

6 a. One year if the person has no previous revocation under
7 this chapter; ~~and.~~

8 b. ~~Two~~ Four years if the person has had a one previous
9 revocation under this chapter.

10 Sec. 8. Section 321J.9, subsection 1, Code 2013, is amended
11 by adding the following new paragraph:

12 NEW PARAGRAPH. c. Revocation shall be permanent if the
13 person has had more than one previous revocation under this
14 chapter.

15 Sec. 9. Section 321J.12, subsection 1, paragraph b, Code
16 2013, is amended to read as follows:

17 b. ~~One year~~ Three years if the person has had a one previous
18 revocation under this chapter.

19 Sec. 10. Section 321J.12, subsection 1, Code 2013, is
20 amended by adding the following new paragraph:

21 NEW PARAGRAPH. c. Revocation shall be permanent if the
22 person has had more than one previous revocation under this
23 chapter.

24 Sec. 11. Section 321J.12, subsection 2, paragraph d, Code
25 2013, is amended to read as follows:

26 d. A person whose license or privileges have been revoked
27 under subsection 1, paragraph "b", for ~~one year~~ three years
28 shall not be eligible for any temporary restricted license for
29 forty-five days after the effective date of the revocation, and
30 the department shall require the person to install an ignition
31 interlock device of a type approved by the commissioner
32 of public safety on all vehicles owned or operated by the
33 defendant if the defendant seeks a temporary restricted
34 license at the end of the minimum period of ineligibility. The
35 temporary restricted license shall be issued in accordance with



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1 section 321J.20, subsection 2. A temporary restricted license
2 shall not be granted by the department until the defendant
3 installs the ignition interlock device.

4 Sec. 12. Section 321J.20, subsection 1, paragraph b, Code
5 2013, is amended to read as follows:

6 b. A temporary restricted license may be issued under this
7 subsection if the person's noncommercial driver's license is
8 revoked for ~~two~~ three years under section 321J.4, subsection 2,
9 or section 321J.9, subsection 1, paragraph "b", and the first
10 three hundred sixty-five days of the revocation have expired.

11 EXPLANATION

12 This bill increases certain criminal and administrative
13 penalties for operating-while-intoxicated (OWI) offenses under
14 Code chapter 321J.

15 Under current law, a person commits the offense of operating
16 while intoxicated if the person operates a motor vehicle in
17 this state while under the influence of an alcoholic beverage
18 or other drug or a combination of such substances, while having
19 an alcohol concentration of .08 or more, or while any amount of
20 a controlled substance is present in the person, as measured
21 in the person's blood or urine. Current law provides both
22 administrative and criminal penalties for persons found to
23 be in violation of Code chapter 321J based upon whether the
24 offense is a first, second, or third violation of the law.

25 The bill increases certain criminal and administrative
26 penalties for persons convicted of OWI offenses for second and
27 subsequent offenses but distinguishes OWI offenses involving
28 a person with a blood alcohol concentration between .08 and
29 .15 and OWI offenses involving a person with a blood alcohol
30 concentration in excess of .15 and provides enhanced penalties
31 for the latter.

32 The bill maintains current law that provides a person
33 convicted of a second offense OWI is guilty of an aggravated
34 misdemeanor, but increases the mandatory minimum jail time from
35 seven days to 14 days, increases the range of the fine that



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1 may be imposed from \$1,850 to \$6,250 to \$2,500 to \$7,500, and
2 increases the period of license revocation from one to three
3 years if the person submitted to a chemical test and failed
4 that test and from two years to four years if a revocation
5 occurs due to test refusal under Code section 321J.9.

6 The bill increases the criminal penalty for a person
7 convicted of a third offense OWI from a class "D" felony to
8 a class "C" felony and provides that the mandatory term of
9 imprisonment shall be at least 60 days but shall not exceed
10 10 years. The fine imposed shall be from \$5,000 to \$10,000
11 and a person convicted of a third offense OWI is subject to a
12 permanent license revocation and mandatory vehicle seizure and
13 forfeiture pursuant to Code chapters 809 and 809A.

14 The bill provides for an enhanced penalty structure for
15 a person convicted of an OWI offense with a blood alcohol
16 concentration between .08 and .15. For a first offense, the
17 person is subject to a minimum period of imprisonment in the
18 county jail of four days, but not to exceed one year, a fine
19 of between \$1,500 and \$2,250, and revocation of the person's
20 driver's license for a minimum period of 240 days up to a
21 maximum revocation period of one year; for a second offense, a
22 person is subject to a minimum period of imprisonment in the
23 county jail or community-based correctional facility of from
24 30 days up to two years, a fine of between \$3,000 and \$8,000,
25 revocation of the defendant's driver's license for four years,
26 and seizure and forfeiture of the person's motor vehicle to the
27 state pursuant to Code chapters 809 and 809A if the person is
28 the owner of the motor vehicle used in the commission of the
29 offense; and for a third offense and all subsequent offenses, a
30 person is subject to minimum period of imprisonment of 90 days
31 not to exceed 10 years, a fine of between \$5,000 and \$10,000,
32 permanent revocation of the person's driver's license, and
33 seizure and forfeiture of the person's motor vehicle to the
34 state pursuant to Code chapters 809 and 809A if the person
35 is the owner of the motor vehicle used in the commission of

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1 the offense. In addition, consistent with current law, all
2 offenders under this enhanced penalty structure shall be
3 assigned to substance abuse evaluation and treatment, a course
4 for drinking drivers, and, if available and appropriate, a
5 reality education substance abuse program pursuant to Code
6 section 321J.24.



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House File 155 - Introduced

HOUSE FILE 155
BY COMMITTEE ON NATURAL
RESOURCES

(SUCCESSOR TO HF 68)

A BILL FOR

1 An Act extending a provision relating to the use of certain
2 increases in watercraft registration fees by the natural
3 resource commission.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1459HV (1) 85
av/sc



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H.F. 155

1 Section 1. Section 462A.52, subsections 2 and 3, Code 2013,
2 are amended to read as follows:

3 2. Notwithstanding subsection 1, any increase in revenues
4 received on or after July 1, 2007, but on or before June
5 30, ~~2013~~ 2023, pursuant to this section as a result of fee
6 increases pursuant to 2005 Iowa Acts, ch. 137, shall be used
7 by the commission only for the administration and enforcement
8 of programs to control aquatic invasive species and for the
9 administration and enforcement of navigation laws and water
10 safety upon the inland waters of this state and shall be used
11 in addition to funds already being expended by the commission
12 each year for these purposes. The commission shall not reduce
13 the amount of other funds being expended on an annual basis for
14 these purposes as of July 1, 2005, during the period of the
15 appropriation provided for in this subsection.

16 3. The commission shall submit a written report to the
17 general assembly by December 31, 2007, and by December 31
18 of each year thereafter through December 31, ~~2013~~ 2023,
19 summarizing the activities of the department in administering
20 and enforcing programs to control aquatic invasive species
21 and administering and enforcing navigation laws and water
22 safety upon the inland waters of the state. The report shall
23 include information concerning the amount of revenues collected
24 pursuant to this section as a result of fee increases pursuant
25 to 2005 Iowa Acts, ch. 137, and how the revenues were expended.
26 The report shall also include information concerning the amount
27 and source of all other funds expended by the commission during
28 the year for the purposes of administering and enforcing
29 programs to control aquatic invasive species and administering
30 and enforcing navigation laws and water safety upon the inland
31 waters of the state and how the funds were expended.

32 EXPLANATION

33 This bill extends the designation of certain increases
34 in registration fees for watercraft for use by the natural
35 resource commission for an additional 10 years.

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1 In 2005, registration fees for watercraft were raised, and
2 the increase in revenues received on or after July 1, 2007,
3 but on or before June 30, 2013, was designated for use by the
4 natural resource commission only for the administration and
5 enforcement of programs to control aquatic invasive species and
6 for the administration and enforcement of navigation laws and
7 water safety upon the inland waters of this state. These funds
8 were to be used in addition to funds already being expended by
9 the commission each year for those purposes and the commission
10 was prohibited from reducing the amount of other funds being
11 expended for those purposes as of July 1, 2005. The commission
12 was also required to submit an annual report to the general
13 assembly each year summarizing the activities of the department
14 of natural resources in carrying out those purposes.

15 The bill provides that this provision will sunset in 2023
16 instead of 2013.



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House File 156 - Introduced

HOUSE FILE 156

BY STECKMAN, WOOD, MASCHER,
COHOON, RUFF, HANSON,
WINCKLER, GAINES,
ABDUL-SAMAD, ANDERSON,
T. TAYLOR, OURTH, M.
SMITH, GASKILL, R. OLSON,
BERRY, KRESSIG, LYKAM,
PRICHARD, KELLEY, OLDSON,
FORBES, MUHLBAUER, WOLFE,
KAJTAZOVIC, ISENHART, HALL,
and DUNKEL

A BILL FOR

1 An Act relating to state funding for intensive instructional
2 services and supports and to the retention in grade three of
3 students who are deficient in reading and who fail to enroll
4 in an intensive summer reading program.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1052YH (7) 85
kh/rj



**Iowa General Assembly
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H.F. 156

1 Section 1. Section 279.68, subsection 1, paragraph c, Code
2 2013, is amended to read as follows:

3 c. Beginning May 1, 2017, unless the school district is
4 granted a waiver pursuant to subsection 2, paragraph "e",
5 if the student's reading deficiency is not remedied by the
6 end of grade three, as demonstrated by scoring on a locally
7 determined or statewide assessment as provided in section
8 256.7, subsection 3l, the school district shall notify the
9 student's parent or guardian that the parent or guardian may
10 enroll the student in an intensive summer reading program
11 offered in accordance with subsection 2, paragraph "e". If the
12 general assembly appropriates funds as provided in subsection
13 2, and the parent or guardian does not enroll the student
14 in the intensive summer reading program and the student is
15 ineligible for the good cause exemption under subsection 5, the
16 student shall be retained in grade three pursuant to subsection
17 3. If the student is exempt from participating in an intensive
18 summer reading program for good cause, pursuant to subsection
19 5, or completes the intensive summer reading program but is
20 not reading proficient upon completion of the program, the
21 student may be promoted to grade four, but the school district
22 shall continue to provide the student with intensive reading
23 instruction until the student is proficient in reading as
24 demonstrated by scoring on locally determined or statewide
25 assessments.

26 Sec. 2. Section 279.68, subsection 2, unnumbered paragraph
27 1, Code 2013, is amended to read as follows:

28 If funds are specifically appropriated by the general
29 assembly for purposes of implementing all of this subsection, a
30 school district shall do all of the following:

EXPLANATION

31
32 This bill specifically makes conditional a requirement that
33 school districts retain in grade three a student whose reading
34 deficiency is not remedied by the end of grade three and whose
35 parent or guardian does not enroll the student in the school

LSB 1052YH (7) 85
kh/rj



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1 district's intensive summer reading program. The retention
2 requirement is conditioned on the specific appropriation of
3 funds by the general assembly to implement a current Code
4 provision that requires school districts to provide a full
5 range of intensive instructional services and supports to
6 remedy reading deficiencies of students in kindergarten through
7 grade three.



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House File 157 - Introduced

HOUSE FILE 157

BY STECKMAN, MURPHY, WOOD,
STAED, KELLEY, HALL,
RUFF, DAWSON, GASKILL,
MASCHER, HANSON, WINCKLER,
GAINES, ABDUL-SAMAD,
COHOON, RUNNING-MARQUARDT,
ANDERSON, T. TAYLOR,
LENSING, WESSEL-KROESCHELL,
LUNDBY, HUNTER, KEARNS,
THOMAS, and DUNKEL

A BILL FOR

1 An Act relating to the Iowa early intervention block grant
2 program by extending the repeal date of the chapter
3 establishing the program and including effective date
4 provisions.

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

TLSB 1958HH (4) 85
kh/sc



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H.F. 157

1 Section 1. Section 256D.9, Code 2013, is amended to read as
2 follows:

3 **256D.9 Future repeal.**

4 This chapter is repealed effective July 1, ~~2013~~ 2018.

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

7 EXPLANATION

8 This bill extends the future repeal date of the Code chapter
9 that establishes the Iowa early intervention block grant
10 program from July 1, 2013, to July 1, 2018, and makes the
11 extension effective upon enactment.

12 Currently, the program is funded through a categorical
13 supplement under the state school foundation program. Moneys
14 received by a school district must be used in kindergarten
15 through grade three for purposes of class size management or to
16 improve instruction in basic skills, especially reading.



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House File 158 - Introduced

HOUSE FILE 158
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 72)

A BILL FOR

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

TLSB 1440HV (1) 85
rh/rj



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H.F. 158

1 Section 1. Section 670.4, subsections 14 and 15, Code 2013,
2 are amended to read as follows:

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

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

28 EXPLANATION

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

35 The bill also provides an exemption from liability for

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rh/rj

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



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House File 159 - Introduced

HOUSE FILE 159
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 54)

A BILL FOR

1 An Act relating to the possession of certain products with
2 the intent to use the products to manufacture a controlled
3 substance, and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1305HV (1) 85
jm/nh



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H.F. 159

1 Section 1. Section 124.401, subsection 4, Code 2013, is
2 amended by adding the following new paragraphs:

3 NEW PARAGRAPH. o. Sodium hydroxide.

4 NEW PARAGRAPH. p. Ammonia nitrate.

5 NEW PARAGRAPH. q. Ammonia sulfate.

6 NEW PARAGRAPH. r. White gas.

7 EXPLANATION

8 This bill relates to the possession of certain products with
9 the intent to use the products to manufacture a controlled
10 substance, and makes penalties applicable.

11 The bill makes sodium hydroxide, ammonia nitrate, ammonia
12 sulfate, and white gas illegal to possess if the person
13 possesses such products with the intent to manufacture a
14 controlled substance.

15 If a person possesses sodium hydroxide, ammonia nitrate,
16 ammonia sulfate, or white gas with the intent to manufacture a
17 controlled substance, the person commits a class "D" felony.

18 A class "D" felony is punishable by confinement for no more
19 than five years and a fine of at least \$750 but not more than
20 \$7,500.



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House File 160 - Introduced

HOUSE FILE 160
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 103)

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:

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jp/tm



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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.

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

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

16 The bill takes effect upon enactment.



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House Study Bill 104 - Introduced

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

A BILL FOR

1 An Act concerning prescription drug or controlled substance
2 medication defenses in operating-while-intoxicated cases.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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rh/nh



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1 d. A person asserting an affirmative defense directly
 2 relating to the person's prescription or prescriptions waives
 3 all of the following:

4 (1) The confidentiality privilege pursuant to section
 5 622.10.

6 (2) Any privilege or nondisclosure requirement under state
 7 or federal privacy laws.

8 EXPLANATION

9 This bill relates to prescription drug or controlled
 10 substance medication defenses in operating-while-intoxicated
 11 cases.

12 Under current law, a person's use of a valid drug
 13 prescription taken in accordance with the directions of
 14 a medical practitioner or pharmacist is a defense to an
 15 operating-while-intoxicated (OWI) charge if there is no
 16 evidence of alcohol consumption and the medical practitioner or
 17 pharmacist did not direct the person to refrain from operating
 18 a motor vehicle. The bill amends this law to provide that
 19 a person who is charged with an OWI violation while under
 20 the influence of an alcoholic beverage or other drug or a
 21 combination of both who has consented to testing in accordance
 22 with Code section 321J.6 may assert, as an affirmative defense,
 23 that the drug involved was prescribed or dispensed for the
 24 person and was taken in accordance with the directions of a
 25 practitioner and the labeling directions of the pharmacy, if
 26 there is no evidence of the consumption of alcohol and there is
 27 evidence the prescriber affirmatively permitted the person to
 28 operate a motor vehicle.

29 Current law also provides that a person charged with an
 30 OWI offense based upon the presence of a controlled substance
 31 in the person's blood or urine may assert, as an affirmative
 32 defense, that the controlled substance was prescribed or
 33 dispensed for the person and was taken in accordance with the
 34 directions of a practitioner and the labeling directions of the
 35 pharmacy.



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1 The bill provides that a person asserting an affirmative
2 prescription drug defense is required to provide notice to
3 the state not later than 40 days after arraignment. At the
4 time notice is provided, the person is required to provide a
5 list of witnesses and shall allow the state to inspect and
6 copy any records or statements upon which the witnesses will
7 rely in testifying. Failure to comply with these requirements
8 bars introduction of any evidence of impairment caused by
9 a prescription drug or any evidence of the presence of a
10 controlled substance in a prescribed drug, except the testimony
11 of the person, without leave of the court for good cause shown.

12 The bill provides that a person asserting an affirmative
13 defense directly relating to the person's prescription or
14 prescriptions waives the confidentiality privilege pursuant to
15 Code section 622.10 (confidential professional communications)
16 and any privilege or nondisclosure requirement under state or
17 federal privacy laws.



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House Study Bill 105 - Introduced

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

A BILL FOR

- 1 An Act relating to the sentencing of a minor who commits murder
- 2 in the first degree, providing penalties, and including
- 3 effective date provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1324YC (5) 85
jm/rj



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1 Section 1. Section 902.1, subsection 2, Code 2013, is
 2 amended to read as follows:
 3 2. ~~a.~~ Notwithstanding subsection 1, a person convicted
 4 of a class "A" felony, other than murder in the first degree
 5 in violation of section 707.2, and who was under the age
 6 of eighteen at the time the offense was committed shall be
 7 eligible for parole after serving a minimum term of confinement
 8 of twenty-five years.

9 ~~b.~~ ~~If a person is paroled pursuant to this subsection the~~
 10 ~~person shall be subject to the same set of procedures set out~~
 11 ~~in chapters 901B, 905, 906, and chapter 908, and rules adopted~~
 12 ~~under those chapters for persons on parole.~~

13 ~~c.~~ ~~A person convicted of murder in the first degree in~~
 14 ~~violation of section 707.2 shall not be eligible for parole~~
 15 ~~pursuant to this subsection.~~

16 Sec. 2. Section 902.1, Code 2013, is amended by adding the
 17 following new subsections:

18 NEW SUBSECTION. 3. a. Notwithstanding subsections 1 and 2,
 19 a person convicted of murder in the first degree in violation
 20 of section 707.2, and who was under the age of eighteen at the
 21 time the offense was committed shall receive either of the
 22 following sentences:

23 (1) Commitment to the director of the department of
 24 corrections for the rest of the defendant's life with no
 25 possibility of parole unless the governor commutes the sentence
 26 to a term of years.

27 (2) Commitment to the custody of the director of the
 28 department of corrections for the rest of the defendant's life
 29 with the possibility of parole after serving a minimum term of
 30 confinement of fifty years.

31 b. At the time of sentencing, evidence concerning the
 32 victim and impact that the death of the victim had on the
 33 victim's family is admissible. Additionally, evidence may be
 34 presented as to any other matter that the court deems relevant
 35 and admissible on the question of the type of sentence to be



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1 imposed at the sentencing hearing. Evidence shall include
2 matters relating to any of the aggravating or mitigating
3 circumstances specified in this paragraph "b". The court shall
4 weigh the aggravating and mitigating circumstances in each case
5 when sentencing a person under this subsection.

6 (1) The aggravating circumstances shall include but are not
7 limited to the following:

8 (a) The victim was a peace officer as defined in section
9 801.4, corrections officer, or fire fighter, whether paid or
10 volunteer, who was performing official duties at the time the
11 act resulting in the death occurred and the act resulting in
12 the death was done with the knowledge that the person against
13 whom the act was committed was a peace officer, corrections
14 officer, or fire fighter.

15 (b) At the time of the murder, the person was serving
16 a term of confinement at a state institution, escaped or
17 was attempting to escape from lawful custody, or was on
18 unauthorized leave in or from a state institution or program
19 for the incarceration or treatment of a person adjudicated
20 delinquent or convicted of a crime.

21 (c) At the time of the murder, the person was in custody
22 in a county or municipal holding facility as a consequence of
23 having been adjudicated for an act which if committed by an
24 adult would be a felony or convicted of a felony.

25 (d) The person committed murder in exchange for money or
26 anything of value.

27 (e) The person solicited another person to commit murder and
28 paid or agreed to pay money or anything of value in exchange
29 for the other person to commit murder.

30 (f) The victim was a judicial officer as defined in section
31 602.1101, a grand or petit or prospective grand or petit juror,
32 a witness in a court proceeding, a county attorney or any other
33 prosecuting attorney including an assistant county attorney, a
34 defense attorney, a juvenile court officer, or a probation or
35 parole officer, and the murder was related to the exercise of



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- 1 the official duties performed or to be performed by the victim.
2 (g) There was more than one victim and the murders were part
3 of a common scheme or plan or the result of a single act of the
4 person.
5 (h) The murder was committed in the course of, in the
6 furtherance of, or in immediate flight from one of the
7 following crimes:
8 (i) Kidnapping in the first degree in violation of section
9 710.2.
10 (ii) Robbery in the first degree in violation of section
11 711.2.
12 (iii) Arson in the first degree in violation of section
13 712.2.
14 (iv) Burglary in the first degree in violation section
15 713.3.
16 (v) Burglary in the second degree in violation of section
17 713.5.
18 (vi) Sexual assault as defined in section 915.40.
19 (i) A no contact or protective order was in force in
20 this state or another state at the time of the murder that
21 prohibited the person from contacting the victim, and the
22 person had knowledge of the existence of the order.
23 (j) The victim was being held for ransom or reward by the
24 person, or was being used as a shield or hostage.
25 (k) The victim was a prosecutorial witness to murder or
26 another felony committed by the person, and was murdered for
27 the purpose of preventing testimony against the person in a
28 grand jury or criminal proceeding involving the murder or other
29 felony.
30 (l) The person committed murder while participating in
31 another felony.
32 (m) The person has a juvenile or criminal record involving
33 the use or threat of violence.
34 (n) The victim was under twelve years of age.
35 (o) The victim was especially vulnerable due to age or

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1 confinement of 25 years.

2 The bill takes effect upon enactment.



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House Study Bill 106 - Introduced

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

A BILL FOR

1 An Act authorizing charitable auctions for alcoholic spirits.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1667YC (2) 85
ec/nh



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1 Section 1. Section 123.173A, Code 2013, is amended to read
2 as follows:

3 **123.173A Charity beer, spirits, and wine auction permit.**

4 1. For purposes of this section, "*authorized nonprofit*
5 *entity*" includes a nonprofit entity which has a principal office
6 in the state, a nonprofit corporation organized under chapter
7 504, or a foreign corporation as defined in section 504.141,
8 whose income is exempt from federal taxation under section
9 501(c) of the Internal Revenue Code.

10 2. An authorized nonprofit entity may, upon application to
11 the division and receipt of a charity beer, spirits, and wine
12 auction permit from the division, conduct a charity auction
13 which includes beer, spirits, and wine. The application shall
14 specify the date and time when the charity beer, spirits, and
15 wine auction is to be conducted and the premises in this state
16 where the charity beer, spirits, and wine auction is to be
17 physically conducted. The applicant shall certify that the
18 objective of the charity beer, spirits, and wine auction is
19 to raise funds solely to be used for educational, religious,
20 or charitable purposes and that the entire proceeds from the
21 charity beer, spirits, and wine auction are to be expended for
22 any of the purposes described in section 423.3, subsection 78.

23 3. An authorized nonprofit entity shall be eligible to
24 receive only two charity beer, spirits, and wine auction
25 permits during a calendar year and each charity beer, spirits,
26 and wine auction permit shall be valid for a period not to
27 exceed thirty-six consecutive hours.

28 4. The authorized nonprofit entity conducting the charity
29 beer, spirits, and wine auction shall obtain the beer, spirits,
30 and wine to be auctioned at the charity beer, spirits, and
31 wine auction from an Iowa retail beer permittee, an Iowa
32 retail alcoholic liquor permittee, an Iowa micro-distilled
33 spirits permittee, or an Iowa retail wine permittee, or may
34 receive donations of beer, spirits, or wine to be auctioned
35 at the charity beer, spirits, and wine auction from persons

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1 who purchased the donated beer, spirits, or wine from an
 2 Iowa retail beer permittee, an Iowa retail alcoholic liquor
 3 permittee, an Iowa micro-distilled spirits permittee, or
 4 an Iowa retail wine permittee and who present a receipt
 5 documenting the purchase at the time the beer, spirits, or wine
 6 is donated. The authorized nonprofit entity conducting the
 7 charity beer, spirits, and wine auction shall retain a copy
 8 of the receipt for a period of one year from the date of the
 9 charity beer, spirits, and wine auction.

10 5. Persons shall be physically present at the charity
 11 beer, spirits, and wine auction to be eligible to bid on beer,
 12 spirits, and wine sold at the charity auction.

13 6. The beer, spirits, and wine sold at the charity beer,
 14 spirits, and wine auction shall be in original containers
 15 for consumption off of the premises where the charity beer,
 16 spirits, and wine auction is conducted. No other alcoholic
 17 beverage may be sold by the charity beer, spirits, and wine
 18 auction permittee at the charity beer, spirits, and wine
 19 auction. A purchaser of beer, spirits, or wine at a charity
 20 beer, spirits, and wine auction shall not take possession of
 21 the beer, spirits, or wine until the person is leaving the
 22 event. A purchaser of beer, spirits, or wine at a charity
 23 beer, spirits, and wine auction shall not open the container
 24 or consume or permit the consumption of the beer, spirits, or
 25 wine purchased on the premises where the charity beer, spirits,
 26 and wine auction is conducted. A purchaser of beer, spirits,
 27 or wine at a charity beer, spirits, and wine auction shall not
 28 resell the beer, spirits, or wine.

29 7. A liquor control licensee, beer permittee,
 30 micro-distilled spirits permittee, or wine permittee shall not
 31 purchase beer, spirits, or wine at a charity beer, spirits, and
 32 wine auction. The charity beer, spirits, and wine auction may
 33 be conducted on a premises for which a class "B" liquor control
 34 license or class "C" liquor control license has been issued,
 35 provided that the liquor control licensee does not participate

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1 in the charity beer, spirits, and wine auction, supply beer,
2 spirits, or wine to be auctioned at the charity beer, spirits,
3 and wine auction, or receive any of the proceeds of the charity
4 beer, spirits, and wine auction.

5 Sec. 2. Section 123.179, subsection 5, Code 2013, is amended
6 to read as follows:

7 5. The fee for a charity beer, spirits, and wine auction
8 permit is one hundred dollars.

9 EXPLANATION

10 Code section 123.173A, providing for a charity beer and wine
11 auction permit, is amended to allow the auction of alcoholic
12 spirits.



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House Study Bill 107 - Introduced

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

A BILL FOR

1 An Act concerning the review, approval, and establishment of
2 county supervisor districting plans.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1146DP (3) 85
ec/sc



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1 Section 1. Section 49.8, subsection 4, Code 2013, is amended
2 to read as follows:

3 4. If city population data certified by the United States
4 bureau of the census following the federal decennial census
5 is revised and the revision is certified by the United
6 States bureau of the census, such revisions may be used
7 to revise precinct and ward boundaries in accordance with
8 the requirements of sections 49.3 and 49.5. The board of
9 supervisors shall determine whether such revised population
10 data affects the population equality of supervisor districts.
11 If necessary, the temporary county redistricting commission
12 shall be reconvened, notwithstanding section 331.210A,
13 subsection 4, and supervisor districts shall be revised
14 in accordance with the requirements of section 331.210A,
15 ~~subsection~~ subsections 2 and 2A.

16 Sec. 2. Section 68B.32A, subsection 16, Code 2013, is
17 amended by striking the subsection.

18 Sec. 3. Section 331.209, subsection 4, Code 2013, is amended
19 by striking the subsection.

20 Sec. 4. Section 331.210A, subsection 2, paragraph e, Code
21 2013, is amended by striking the paragraph.

22 Sec. 5. Section 331.210A, subsection 2, paragraph f,
23 subparagraph (4), Code 2013, is amended to read as follows:

24 (4) The governing body, after approving a plan, shall comply
25 with the requirements of ~~paragraph "e"~~ subsection 2A.

26 Sec. 6. Section 331.210A, Code 2013, is amended by adding
27 the following new subsection:

28 NEW SUBSECTION. 2A. *Review and approval of plans.*

29 a. The plan adopted by the board of supervisors as provided
30 in subsection 2 shall be submitted to the state commissioner of
31 elections for review and approval. To facilitate this review,
32 each applicable temporary county redistricting commission
33 shall notify the state commissioner of elections when the
34 boundaries of supervisor districts will be changed or newly
35 divided pursuant to a change in the county representation plan,



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1 shall provide documentation as to when the board of supervisors
2 approved the new supervisor district plan, shall provide a map
3 delineating the new boundary lines, and shall certify to the
4 state commissioner of elections the populations of the new
5 supervisor districts as determined under the latest federal
6 decennial census.

7 *b.* (1) The state commissioner shall reject a county
8 supervisor districting plan submitted to the state commissioner
9 if a valid petition requesting that the legislative services
10 agency prepare the supervisor districting plan for the county
11 is filed with the state commissioner of elections, on a form
12 prescribed by the state commissioner, within thirty days after
13 the plan is approved by the board of supervisors. For purposes
14 of this subparagraph, a petition is a valid petition if signed
15 by eligible electors of the county equal in number to at least
16 two percent of the total votes cast in the county for the
17 office of governor at the last preceding general election
18 for governor. In addition, the petition shall include the
19 signatures of the eligible electors, a statement of their place
20 of residence, and the date on which they signed the petition.
21 If a date of signature on a petition is a date prior to the date
22 the board of supervisors approved the plan, the signature shall
23 not be counted.

24 (2) Upon determining that a valid petition has been filed
25 with the state commissioner, the state commissioner shall
26 notify the legislative council which shall, upon the request of
27 the state commissioner, direct the legislative services agency
28 to prepare a supervisor districting plan for the county. The
29 legislative services agency shall draw the plan, based to the
30 extent possible upon the precinct plan adopted and approved by
31 the state commissioner for use by the county, in accordance
32 with the standards of section 42.4, to the extent applicable,
33 and such other legal requirements applicable to county
34 supervisor districts. The legislative services agency shall
35 submit the plan to the board of supervisors for the county who



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1 shall approve or reject the plan as expeditiously as possible,
 2 but no later than thirty days after the plan is submitted. The
 3 board of supervisors shall notify the state commissioner of the
 4 action taken and, if the plan is rejected, provide the state
 5 commissioner written reasons for the rejection of the plan. If
 6 the plan is rejected, the state commissioner shall notify the
 7 legislative council which shall, upon the request of the state
 8 commissioner, direct the legislative services agency to prepare
 9 a second supervisor districting plan for the county. The
 10 legislative services agency shall draw the plan in accordance
 11 with the standards for a supervisor districting plan as
 12 described in this subparagraph and, insofar as it is possible
 13 to do so within the requirements for a supervisor districting
 14 plan, in accordance with the reasons cited by the board of
 15 supervisors by resolution for the rejection of the first plan.
 16 The legislative services agency shall submit the second plan to
 17 the state commissioner who shall impose the plan on the county.
 18 *c.* (1) If a valid petition as provided by paragraph "b" is
 19 not filed with the state commissioner, the state commissioner
 20 shall review the plan submitted and shall approve the plan if
 21 the plan meets the standards of section 42.4 and such other
 22 legal requirements applicable to county supervisor districts
 23 and precincts.
 24 (2) If the state commissioner finds that the plan does
 25 not meet the standards of section 42.4 and such other legal
 26 requirements applicable to county supervisor districts or
 27 precincts, the state commissioner shall reject the plan, and
 28 the board of supervisors shall direct the commission to prepare
 29 and adopt an acceptable plan. If it is necessary for the
 30 temporary county redistricting commission to make subsequent
 31 attempts at adopting an acceptable plan because the initial
 32 proposed district or precinct plan has been rejected pursuant
 33 to this subparagraph, the subsequent plans do not require
 34 public hearings.
 35 *d.* Upon failure of a temporary county redistricting

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1 commission to make the required changes in supervisor district
2 boundaries by the dates specified by sections 331.203,
3 331.204, and 331.209 as determined by the state commissioner of
4 elections, the state commissioner of elections shall make or
5 cause to be made the necessary changes as soon as possible, and
6 shall assess to the county the expenses incurred in so doing.
7 The state commissioner of elections may request the services of
8 personnel and materials available to the legislative services
9 agency to assist the state commissioner in making required
10 changes in supervisor district boundaries which become the
11 state commissioner's responsibility.

12 Sec. 7. Section 331.210A, subsection 4, Code 2013, is
13 amended to read as follows:

14 4. *Termination.* The terms of the members of the temporary
15 county redistricting commission shall expire twenty days
16 following the date the county's supervisor district plan and
17 corresponding precinct plan, if applicable, are approved or
18 imposed by the state commissioner of elections under ~~sections~~
19 section 49.7 and 331.209 this section.

20 Sec. 8. Section 331.248, subsection 2, paragraph h, Code
21 2013, is amended to read as follows:

22 h. Provide for a representation plan for the governing body
23 which representation plan may differ from the representation
24 plans provided in section 331.206 and in chapter 372. If the
25 plan calls for representation by districts and the charter
26 has been approved in a county whose population is one hundred
27 eighty thousand or more, the plan shall be drawn pursuant to
28 section 331.210A, subsection 2, paragraph "f". The initial
29 representation plan for such a county shall be drawn as
30 provided in section 331.210A, subsection 2, paragraph "f",
31 within one hundred twenty days after the election at which the
32 charter is approved. For the initial representation plan,
33 the charter commission shall assume the role of the governing
34 body for purposes of this paragraph ~~and~~, section 331.210A,
35 subsection 2, paragraphs "d" through ~~and~~ "f", and section



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1 331.210A, subsection 2A.

2 EXPLANATION

3 This bill concerns county supervisor districting plans.
4 Under current law, following adoption by the county
5 supervisors of a county supervisor districting plan, an
6 eligible elector from the county may file, within 14 days of
7 adopting the plan, a complaint with the state commissioner of
8 elections (the secretary of state), alleging that the plan was
9 drawn for improper political reasons. Once filed, current law
10 provides that the complaint be forwarded to the ethics and
11 campaign disclosure board for a determination of whether the
12 plan was improperly drawn.

13 The bill eliminates the complaint process relative to
14 the ethics and campaign disclosure board. Instead, the bill
15 provides that if following the adoption of a county supervisor
16 district plan a valid petition is filed with the state
17 commissioner of elections, the state commissioner shall reject
18 the plan and request the legislative council to direct the
19 legislative services agency to draw a plan. The bill provides
20 that the petition shall be filed within 30 days after the
21 adoption of the plan and shall be signed by eligible electors
22 of the county equal in number to at least 2 percent of the total
23 votes cast for the office of governor in the county at the
24 last preceding general election for governor. To be counted,
25 a signature shall not be dated prior to the date the board of
26 supervisors approved the plan.

27 The bill provides that once the state commissioner
28 determines that a valid petition has been filed and has made a
29 request to the legislative council, the legislative services
30 agency shall draw a proposed county supervisor districting
31 plan and submit the plan to the county board of supervisors
32 who shall approve or reject the plan within thirty days. If
33 the plan is rejected, the bill provides that the county shall
34 provide reasons for the rejection to the state commissioner
35 of elections and the state commissioner shall request the

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1 legislative council to direct the legislative services agency
2 to draw a new county supervisor districting plan in accordance
3 with the reasons submitted to the extent they are consistent
4 with the requirements for county supervisor districting plans.
5 The bill provides that the second plan shall be imposed on the
6 county by the state commissioner.

7 The bill makes additional changes to relocate provisions
8 relative to the consideration, review, approval, and
9 imposition of county supervisor districting plans by the state
10 commissioner of elections to Code section 331.210A.



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House Study Bill 108 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR'S BILL)

A BILL FOR

1 An Act relating to school district funding by providing for
2 school district property tax replacement payments, making
3 appropriations, modifying terminology, and including
4 effective date and applicability provisions.

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

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1 Section 1. Section 256C.4, subsection 1, paragraph f, Code
2 2013, is amended to read as follows:

3 *f.* The receipt of funding by a school district for the
4 purposes of this chapter, the need for additional funding
5 for the purposes of this chapter, or the enrollment count of
6 eligible students under this chapter shall not be considered
7 to be unusual circumstances, create an unusual need for
8 additional funds, or qualify under any other circumstances that
9 may be used by the school budget review committee to grant
10 supplemental aid to or establish modified ~~allowable growth~~
11 supplemental state aid for a school district under section
12 257.31.

13 Sec. 2. Section 257.2, subsection 1, Code 2013, is amended
14 by striking the subsection.

15 Sec. 3. Section 257.2, subsection 9, Code 2013, is amended
16 by adding the following new paragraph:

17 NEW PARAGRAPH. *d.* Property tax replacement payments
18 received under section 257.16B.

19 Sec. 4. Section 257.2, subsection 12, Code 2013, is amended
20 to read as follows:

21 12. *"State percent of growth"* means the percent of growth
22 which is established by statute pursuant to section 257.8, and
23 which is used in determining the ~~allowable growth~~ supplemental
24 state aid.

25 Sec. 5. Section 257.2, Code 2013, is amended by adding the
26 following new subsection:

27 NEW SUBSECTION. 12A. *"Supplemental state aid"* means the
28 amount by which state cost per pupil and district cost per
29 pupil will increase from one budget year to the next.

30 Sec. 6. Section 257.4, subsection 1, paragraph a, Code 2013,
31 is amended by adding the following new subparagraph:

32 NEW SUBPARAGRAPH. (8) The amount of the school district
33 property tax replacement payment received by the school
34 district under section 257.16B.

35 Sec. 7. Section 257.4, subsection 1, paragraph b, Code 2013,



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1 as three-tenths of one pupil. Revenues received by a
 2 school district attributed to a school district's weighted
 3 enrollment pursuant to this subparagraph shall be expended
 4 for the purpose for which the weighting was assigned under
 5 this subparagraph. If the school district determines that
 6 the expenditures associated with providing competent private
 7 instruction pursuant to chapter 299A are in excess of the
 8 revenue attributed to the school district's weighted enrollment
 9 for such instruction in accordance with this subparagraph,
 10 the school district may submit a request to the school budget
 11 review committee for modified ~~allowable growth~~ supplemental
 12 state aid in accordance with section 257.31, subsection 5,
 13 paragraph "n". A home school assistance program shall not
 14 provide moneys received pursuant to this subparagraph, nor
 15 resources paid for with moneys received pursuant to this
 16 subparagraph, to parents or students utilizing the program.
 17 Moneys received by a school district pursuant to this
 18 subparagraph shall be used as provided in section 299A.12.

19 Sec. 9. Section 257.8, subsections 3, 6, and 7, Code 2013,
 20 are amended to read as follows:

21 3. ~~Allowable growth~~ Supplemental state aid calculation. The
 22 department of management shall calculate the regular program
 23 ~~allowable growth~~ supplemental state aid for a budget year by
 24 multiplying the state percent of growth for the budget year
 25 by the regular program state cost per pupil for the base year
 26 and shall calculate the special education support services
 27 ~~allowable growth~~ supplemental state aid for the budget year by
 28 multiplying the state percent of growth for the budget year by
 29 the special education support services state cost per pupil for
 30 the base year.

31 6. ~~Combined allowable growth~~ supplemental state aid. The
 32 combined ~~allowable growth~~ supplemental state aid per pupil
 33 for each school district is the sum of the regular program
 34 ~~allowable growth~~ supplemental state aid per pupil and
 35 the special education support services ~~allowable growth~~

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1 supplemental state aid per pupil for the budget year, which may
2 be modified as follows:

3 *a.* By the school budget review committee under section
4 257.31.

5 *b.* By the department of management under section 257.36.

6 7. ~~Alternate allowable-growth~~ supplemental state aid —
7 *definitions.* For budget years beginning July 1, 2000, and
8 subsequent budget years, references to the terms ~~“allowable~~
9 ~~growth”~~ “supplemental state aid”, “regular program state cost
10 per pupil”, and “regular program district cost per pupil” shall
11 mean those terms as calculated for those school districts that
12 calculated regular program ~~allowable-growth~~ supplemental state
13 aid for the school budget year beginning July 1, 1999, with the
14 additional thirty-eight dollars specified in section 257.8,
15 subsection 4, Code 2013.

16 Sec. 10. Section 257.8, subsections 4 and 5, Code 2013, are
17 amended by striking the subsections.

18 Sec. 11. Section 257.9, subsection 1, paragraph b, Code
19 2013, is amended to read as follows:

20 *b.* The total calculated under this subsection shall
21 be divided by the total of the budget enrollments of all
22 school districts for the budget year beginning July 1, 1990,
23 calculated under section 257.6, subsection 4, if section
24 257.6, subsection 4, had been in effect for that budget
25 year. The regular program state cost per pupil for the budget
26 year beginning July 1, 1991, is the amount calculated by
27 the department of management under this subsection plus ~~an~~
28 ~~allowable-growth~~ a supplemental state aid amount, as defined
29 in this Act, that is equal to the state percent of growth for
30 the budget year multiplied by the amount calculated by the
31 department of management under this subsection.

32 Sec. 12. Section 257.9, subsections 2, 4, 6, 7, 8, 9, and
33 10, Code 2013, are amended to read as follows:

34 2. *Regular program state cost per pupil for 1992-1993 and*
35 *succeeding years.* For the budget year beginning July 1, 1992,



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1 teacher compensation allocation made to each area education
2 agency for the fiscal year beginning July 1, 2008, pursuant to
3 section 284.13, subsection 1, paragraph "i", Code 2009, and
4 the phase II allocation made to each area education agency for
5 the fiscal year beginning July 1, 2008, pursuant to section
6 294A.9, Code 2009, and divide that sum by the statewide special
7 education support services weighted enrollment for the fiscal
8 year beginning July 1, 2009. The area education agency teacher
9 salary supplement state cost per pupil for the budget year
10 beginning July 1, 2010, and succeeding budget years, shall be
11 the amount calculated by the department of management under
12 this subsection for the base year plus ~~an allowable growth a~~
13 supplemental state aid amount that is equal to the teacher
14 salary supplement categorical state percent of growth, pursuant
15 to section 257.8, subsection 2, for the budget year, multiplied
16 by the amount calculated by the department of management under
17 this subsection for the base year.

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

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1 department of management under this subsection for the base
2 year.

3 Sec. 13. Section 257.10, subsection 1, Code 2013, is amended
4 to read as follows:

5 1. *Regular program district cost per pupil for*
6 *1991-1992.* For the budget year beginning July 1, 1991, in order
7 to determine the regular program district cost per pupil for a
8 district, the department of management shall divide the product
9 of the regular program district cost per pupil of the district
10 for the base year, as regular program district cost per pupil
11 would have been calculated under section 442.9, Code 1989,
12 multiplied by its budget enrollment for the base year as budget
13 enrollment would have been calculated under section 442.4,
14 Code 1989, plus the amount added to district cost pursuant
15 to section 442.21, Code 1989, for each school district, by
16 the budget enrollment of the school district for the budget
17 year beginning July 1, 1990, calculated under section 257.6,
18 subsection 4, as if section 257.6, subsection 4, had been in
19 effect for that budget year. The regular program district cost
20 per pupil for the budget year beginning July 1, 1991, is the
21 amount calculated by the department of management under this
22 subsection plus the ~~allowable growth~~ supplemental state aid
23 amount, as defined in this Act, calculated for regular program
24 state cost per pupil, except that if the regular program
25 district cost per pupil for the budget year calculated under
26 this subsection in any school district exceeds one hundred
27 ten percent of the regular program state cost per pupil for
28 the budget year, the department of management shall reduce
29 the regular program district cost per pupil of that district
30 for the budget year to an amount equal to one hundred ten
31 percent of the regular program state cost per pupil for the
32 budget year, and if the regular program district cost per pupil
33 for the budget year calculated under this subsection in any
34 school district is less than the regular program state cost per
35 pupil for the budget year, the department of management shall

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1 increase the regular program district cost per pupil of that
2 district to an amount equal to the regular program state cost
3 per pupil for the budget year.

4 Sec. 14. Section 257.10, subsection 2, paragraph a, Code
5 2013, is amended to read as follows:

6 a. For the budget year beginning July 1, 1992, and
7 succeeding budget years, the regular program district cost per
8 pupil for each school district for a budget year is the regular
9 program district cost per pupil for the base year plus the
10 regular program ~~allowable-growth~~ supplemental state aid for the
11 budget year except as otherwise provided in this subsection.

12 Sec. 15. Section 257.10, subsection 4, paragraph a, Code
13 2013, is amended to read as follows:

14 a. For the budget year beginning July 1, 1992, and
15 succeeding budget years, the special education support services
16 district cost per pupil for the budget year is the special
17 education support services district cost per pupil for the base
18 year plus the special education support services ~~allowable~~
19 ~~growth~~ supplemental state aid for the budget year.

20 Sec. 16. Section 257.10, subsection 5, Code 2013, is amended
21 to read as follows:

22 5. *Combined district cost per pupil.* The combined district
23 cost per pupil for a school district is the sum of the regular
24 program district cost per pupil and the special education
25 support services district cost per pupil. Combined district
26 cost per pupil does not include modified ~~allowable-growth~~
27 supplemental state aid added for school districts that have
28 a negative balance of funds raised for special education
29 instruction programs, modified ~~allowable-growth~~ supplemental
30 state aid granted by the school budget review committee for a
31 single school year, or modified ~~allowable-growth~~ supplemental
32 state aid added for programs for dropout prevention.

33 Sec. 17. Section 257.10, subsection 9, paragraph a, Code
34 2013, is amended to read as follows:

35 a. For the budget year beginning July 1, 2009, the



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1 for educational services shall be computed as provided in this
 2 subsection. For the budget year beginning July 1, 1991, the
 3 total amount funded in each area for educational services
 4 in the base year shall be divided by the enrollment served
 5 in the area in the base year to provide an area educational
 6 services cost per pupil in the base year, and the department of
 7 management shall compute the state educational services cost
 8 per pupil in the base year, which is equal to the average of
 9 the area educational services costs per pupil in the base year.
 10 For the budget year beginning July 1, 1991, and succeeding
 11 budget years, the department of management shall compute
 12 the ~~allowable growth~~ supplemental state aid for educational
 13 services by multiplying the state educational services cost
 14 per pupil in the base year times the state percent of growth
 15 for the budget year, and the total amount funded in each area
 16 for educational services for the budget year equals the area
 17 educational services cost per pupil for the base year plus
 18 the ~~allowable growth~~ supplemental state aid for educational
 19 services in the budget year times the enrollment served in the
 20 area in the budget year. Funds shall be paid to area education
 21 agencies as provided in section 257.35.

22 Sec. 29. Section 257.37A, subsection 1, paragraph a, Code
 23 2013, is amended to read as follows:

24 a. For the budget year beginning July 1, 2009, the
 25 department of management shall add together the teacher
 26 compensation allocation made to each area education agency for
 27 the fiscal year beginning July 1, 2008, pursuant to section
 28 284.13, subsection 1, paragraph "i", Code 2009, and the phase II
 29 allocation made to each area education agency for the fiscal
 30 year beginning July 1, 2008, pursuant to section 294A.9, Code
 31 2009, and divide that sum by the special education support
 32 services weighted enrollment in the fiscal year beginning July
 33 1, 2009, to determine the area education agency teacher salary
 34 supplement cost per pupil. For the budget year beginning July
 35 1, 2010, and succeeding budget years, the area education agency

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1 of the senate and house education committees that includes
 2 the ways school districts in the previous school year used
 3 ~~modified allowable growth~~ supplemental state aid approved under
 4 subsection 1; identifies, by grade level, age, and district
 5 size, the students in the dropout and dropout prevention
 6 programs for which the department approves a request; describes
 7 school district progress toward increasing student achievement
 8 and attendance for the students in the programs; and describes
 9 how the school districts are using the revenues from the
 10 ~~modified allowable growth~~ supplemental state aid to improve
 11 student achievement among minority subgroups.

12 Sec. 34. Section 257.41, subsections 1 and 3, Code 2013, are
 13 amended to read as follows:

14 1. *Budget.* The budget of an approved program for returning
 15 dropouts and dropout prevention for a school district, after
 16 subtracting funds received from other sources for that purpose,
 17 shall be funded annually on a basis of one-fourth or more
 18 from the district cost of the school district and up to
 19 three-fourths by an increase in ~~allowable growth~~ supplemental
 20 state aid as defined in section 257.8. Annually, the
 21 department of management shall establish a modified ~~allowable~~
 22 ~~growth~~ supplemental state aid for each such school district
 23 equal to the difference between the approved budget for the
 24 program for returning dropouts and dropout prevention for that
 25 district and the sum of the amount funded from the district
 26 cost of the school district plus funds received from other
 27 sources.

28 3. *Limitation.* For the fiscal year beginning July 1, 2013,
 29 and each succeeding fiscal year, the ratio of the amount of
 30 ~~modified allowable growth~~ supplemental state aid established by
 31 the department of management compared to the school district's
 32 total regular program district cost shall not exceed two and
 33 one-half percent. However, if the school district's highest
 34 such ratio so determined for any fiscal year beginning on or
 35 after July 1, 2009, but before July 1, 2013, exceeded two and

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1 to read as follows:

2 3. In order to provide funds for the excess costs of
3 instruction of limited English proficient students above
4 the costs of instruction of pupils in a regular curriculum,
5 students identified as limited English proficient shall be
6 assigned an additional weighting of twenty-two hundredths, and
7 that weighting shall be included in the weighted enrollment of
8 the school district of residence for a period not exceeding
9 four years. However, the school budget review committee
10 may grant supplemental aid or modified ~~allowable-growth~~
11 supplemental state aid to a school district to continue funding
12 a program for students after the expiration of the four-year
13 period.

14 Sec. 38. EFFECTIVE UPON ENACTMENT. This Act, being deemed
15 of immediate importance, takes effect upon enactment.

16 Sec. 39. APPLICABILITY. This Act applies to school budget
17 years beginning on or after July 1, 2013.

18 EXPLANATION

19 This bill relates to school district funding by providing
20 for school district property tax replacement payments and
21 modifying school district funding terminology.

22 For each fiscal year beginning on or after July 1, 2013,
23 the bill appropriates from the general fund of the state to
24 the department of education an amount necessary to make all
25 school district property tax replacement payments under new
26 Code section 257.16B.

27 Under the bill, for each school budget year beginning on
28 or after July 1, 2013, each school district's property tax
29 replacement payment amount is equal to the school district's
30 weighted enrollment for the budget year multiplied by the
31 difference of the following: (1) the state cost per pupil for
32 the budget year multiplied by 100 percent less the regular
33 program foundation base per pupil percentage pursuant to Code
34 section 257.1 and (2) the state cost per pupil for the budget
35 year beginning July 1, 2012, multiplied by 100 percent less the



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1 regular program foundation base per pupil percentage pursuant
2 to Code section 257.1.

3 The bill specifies the timing and manner in which school
4 district property tax replacement payments are made by the
5 department of education.

6 The bill modifies the definition of miscellaneous income
7 under Code chapter 257 to exclude property tax replacement
8 payments received by a school district under new Code
9 section 257.16B. The bill also modifies the calculation for
10 determining the amount of a school district's additional
11 property tax levy to reflect property tax replacement payment
12 amounts received under new Code section 257.16B.

13 The bill modifies school district funding terminology in
14 Code chapters 256C, 257, 273, and 280 by changing the term
15 "allowable growth" to "supplemental state aid" and by changing
16 the term "modified allowable growth" to "modified supplemental
17 state aid".

18 The bill takes effect upon enactment and applies to school
19 budget years beginning on or after July 1, 2013.



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House Study Bill 109 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
HUMAN SERVICES BILL)

A BILL FOR

1 An Act relating to mental health and disability services
2 requirements involving the department of human services
3 and including effective date and retroactive applicability
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 to read as follows:

2 2. An intermediate care facility for persons with mental
3 illness licensed under chapter 135C may convert to a subacute
4 care facility by ~~providing~~ submitting an application for a
5 license in accordance with section 135G.5 accompanied by
6 written notice to the department that the facility has employed
7 a full-time psychiatrist and desires to make the conversion.
8 An intermediate care facility for persons with mental illness
9 applying for a license under this subsection remains subject to
10 subsection 1 until a license is issued.

11 Sec. 6. EFFECTIVE UPON ENACTMENT. This division of this
12 Act, being deemed of immediate importance, takes effect upon
13 enactment.

14 Sec. 7. RETROACTIVE APPLICABILITY. This division of this
15 Act applies retroactively to July 1, 2012.

16 DIVISION IV

17 COMMUNITY MENTAL HEALTH SERVICES BLOCK GRANT ALLOCATION

18 Sec. 8. 2011 Iowa Acts, chapter 126, section 20, subsection
19 1, paragraph d, is amended to read as follows:

20 d. Of the amount allocated to eligible services providers
21 under paragraph "c", 70 percent shall be distributed to the
22 state's accredited community mental health centers established
23 or designated by ~~counties~~ the department in collaboration with
24 mental health and disability services regions in accordance
25 with ~~law~~ chapter 230A or applicable administrative rule.
26 ~~If a county has not established or designated a community~~
27 ~~mental health center and has received a waiver from the~~
28 ~~mental health and disability services commission, the mental~~
29 ~~health services provider designated by that county is~~ was
30 designated as authorized in section 230A.107, subsection 2,
31 the provider remains eligible to receive funding distributed
32 pursuant to this paragraph ~~in lieu of~~ as a community mental
33 health center. The funding distributed shall be used by
34 recipients of the funding for the purpose of developing and
35 providing evidence-based practices and emergency services



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1 to adults with a serious mental illness and children with
 2 a serious emotional disturbance. ~~The distribution amounts~~
 3 ~~shall be announced at the beginning of the federal fiscal~~
 4 ~~year and distributed on a quarterly basis according to the~~
 5 ~~formulas used in previous fiscal years.~~ It is the intent of
 6 the general assembly that the distribution amounts for future
 7 federal fiscal years shall be determined by the department in
 8 consultation with the mental health and disability services
 9 regional administrators and announced by the beginning of the
 10 federal fiscal year. Recipients shall submit quarterly reports
 11 containing data consistent with the performance measures
 12 approved by the federal substance abuse and mental health
 13 services administration.

14 Sec. 9. EFFECTIVE UPON ENACTMENT. This division of this
 15 Act, being deemed of immediate importance, takes effect upon
 16 enactment.

EXPLANATION

17
 18 This bill relates to mental health and disability services
 19 requirements involving the department of human services (DHS)
 20 and is organized into divisions.

21 MENTAL HEALTH AND DISABILITY SERVICES CLIENT IDENTIFIER.
 22 This division amends Code section 225C.6A, relating to
 23 disability services system redesign data, by eliminating
 24 specific requirements for the client identifier that is used in
 25 lieu of an individual's name or social security number.

26 INTERAGENCY INFORMATION SERVICE ON PERSONS WITH MENTAL
 27 DISABILITIES. This division repeals Code chapter 220A,
 28 requiring DHS to provide for a central data control and
 29 exchange agency for persons believed to have mental
 30 disabilities known as the "interagency case information
 31 service".

32 The Code chapter includes sections stating purpose,
 33 providing definitions, designating DHS as the administrative
 34 agency for the information service, listing other state
 35 agencies required to provide and receive information, listing



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1 DHS duties, authorizing other public and private agencies to
2 provide or receive information, exempting the information
3 exchange from any state law or administrative rule that would
4 restrict information from being exchanged by the service,
5 authorizing the service to disseminate statistical information,
6 and providing immunity from liability for agencies and persons
7 participating under the Code chapter.

8 The division also repeals Code section 218.11 in the Code
9 chapter relating to institutions governed by DHS. The Code
10 section requires DHS to be the administrative agency for the
11 information service and perform the duties required by Code
12 chapter 220A.

13 SUBACUTE MENTAL HEALTH CARE FACILITIES. This division
14 amends certain provisions for licensure of subacute mental
15 health care facilities enacted in 2012 Iowa Acts, ch. 1120
16 (SF 2315). Licensure is administered by the department of
17 inspections and appeals in conjunction with DHS.

18 Code section 135G.3 is amended to require a licensed
19 psychiatrist to provide supervision of the subacute care
20 facility's treatment care plans rather than the subacute care
21 facility itself.

22 Code section 135G.4, requiring licensure of subacute
23 care facilities and authorizing a licensed intermediate care
24 facility for persons with mental illness (ICF/MI) to convert
25 to a licensed subacute facility after notifying the department
26 of inspections and appeals that certain requirements are
27 being met, is amended to require the ICF/MI to also submit
28 an application for licensure as a subacute care facility.
29 An ICF/MI is prohibited from establishing, operating, or
30 maintaining a subacute care facility until issued a license to
31 do so.

32 This division takes effect upon enactment and is
33 retroactively applicable to July 1, 2012.

34 COMMUNITY MENTAL HEALTH SERVICES BLOCK GRANT ALLOCATION.
35 This division amends the allocation requirements in the federal



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1 community mental health services block grant appropriation for
2 federal fiscal year 2012-2013 made in 2011 Iowa Acts, chapter
3 126.

4 The amendments reflect changes made in Code chapter 230A
5 for designation of community mental health centers. The
6 amended Code chapter allows a for-profit corporation, nonprofit
7 corporation, or county hospital providing mental health
8 services to county residents pursuant to a waiver approved
9 under Code section 225C.7, subsection 3, Code 2011, as of
10 October 1, 2010, to be designated as a community mental
11 health center. Otherwise, only a nonprofit corporation can be
12 designated as a community mental health center. In addition,
13 the amendments state legislative intent that in future federal
14 fiscal years the distribution amounts for centers will be
15 determined by DHS in consultation with the mental health and
16 disability services regional administrators and announced by
17 the beginning of the federal fiscal year.

18 The division takes effect upon enactment.



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Senate File 110

S-3007

- 1 Amend Senate File 110 as follows:
 2 1. Page 1, after line 24 by inserting:
 3 <Sec. _____. Section 96.4, Code 2013, is amended by
 4 adding the following new subsection:
 5 NEW SUBSECTION. 8. *a.* The individual has
 6 satisfied one one-week waiting period during the
 7 individual's benefit year. To satisfy the one-week
 8 waiting period, the individual, with respect to the
 9 week in question, must meet all of the following
 10 conditions:
 11 (1) Must be unemployed.
 12 (2) Must have filed a claim for benefits in
 13 accordance with section 96.6, subsection 1.
 14 (3) Must be eligible for benefits from this state
 15 and would receive benefits after deductions from this
 16 state but for the waiting period; must not receive
 17 benefits from this or any other state; and must not be
 18 eligible for benefits from any other state.
 19 *b.* If the individual has satisfied the one-week
 20 waiting period and the department finds the individual
 21 is eligible for benefits for the two weeks subsequent
 22 to the one-week waiting period, the individual shall
 23 then be paid benefits for the one-week waiting period
 24 provided the individual meets all other eligibility
 25 requirements of this section.>
 26 2. Page 2, after line 19 by inserting:
 27 <Sec. _____. EFFECTIVE DATE. The section of this Act
 28 amending section 96.4, takes effect July 7, 2013.>
 29 3. Page 2, after line 23 by inserting:
 30 <Sec. _____. APPLICABILITY. The section of this
 31 Act amending section 96.4, applies to unemployment
 32 insurance benefit claims with an effective date on or
 33 after July 7, 2013.>
 34 4. Title page, line 3, after <overpayments,> by
 35 inserting <establishing a one-week waiting period prior
 36 to the receipt of unemployment compensation benefits,>
 37 5. Title page, line 4, after <including> by
 38 inserting <effective date and>
 39 6. By renumbering as necessary.

RICK BERTRAND

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Senate Concurrent Resolution 3 - Introduced

SENATE CONCURRENT RESOLUTION NO. 3
BY COMMITTEE ON ETHICS
(SUCCESSOR TO SSB 1061)

1 A Concurrent Resolution relating to the joint rules
2 governing lobbyists of the Senate and House of
3 Representatives for the Eighty-fifth General
4 Assembly.

5 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
6 REPRESENTATIVES CONCURRING, That ~~Senate Resolution~~
7 ~~4 and House Resolution 12 are superseded by this~~
8 ~~resolution and that~~ the joint rules governing lobbyists
9 of the Senate and House of Representatives for the
10 ~~Eighty-fourth~~ Eighty-fifth General Assembly shall be
11 as follows:

12 JOINT RULES GOVERNING LOBBYISTS

13 Rule 1

14 DEFINITIONS

15 As used in these rules, "client", "gift",
16 "honoraria" or "honorarium", "immediate family member",
17 and "lobbyist" have the meaning provided in chapter
18 68B of the Code. As used in these rules, the term
19 "political action committee" means a committee, but not
20 a candidate's committee, which accepts contributions,
21 makes expenditures, or incurs indebtedness in the
22 aggregate of more than seven hundred fifty dollars
23 in any one calendar year to expressly advocate the
24 nomination, election, or defeat of a candidate for
25 public office or to expressly advocate the passage or
26 defeat of a ballot issue or influencing legislative
27 action, or an association, lodge, society, cooperative,



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1 union, fraternity, sorority, educational institution,
2 civic organization, labor organization, religious
3 organization, or professional or other organization
4 which makes contributions in the aggregate of more than
5 seven hundred fifty dollars in any one calendar year
6 to expressly advocate the nomination, election, or
7 defeat of a candidate for public office or to expressly
8 advocate the passage or defeat of a ballot issue or
9 influencing legislative action.

10 Rule 2

11 REGISTRATION REQUIRED

12 1. All lobbyists shall register with the chief
13 clerk of the house and secretary of the senate on or
14 before the day their lobbying activity begins. In
15 addition, the lobbyist shall file with the chief clerk
16 of the house and secretary of the senate a statement
17 of the general subjects of legislation in which the
18 lobbyist is or may be interested, and a declaration
19 of the numbers of the bills and resolutions and the
20 bill number of study bills, if known, which will be
21 lobbied, whether the lobbyist intends to lobby for or
22 against each bill, resolution, or study bill, if known,
23 and on whose behalf the lobbyist is lobbying the bill,
24 resolution, or study bill.

25 2. A declaration on a bill, resolution, or study
26 bill shall be filed prior to the lobbyist advocating
27 for or against the bill, resolution, or study bill
28 or stating that the lobbyist's client is undecided.
29 If such a prior declaration is impracticable, a
30 declaration shall be made within one working day



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1 of the commencement of advocating for or against
2 the bill, resolution, or study bill or stating that
3 the lobbyist's client is undecided. A change to a
4 declaration for a bill, resolution, or study bill shall
5 be filed within one working day of when the change
6 becomes effective.

7 3. Registration expires upon the commencement of
8 the next regular session of the general assembly,
9 except that the chief clerk of the house and secretary
10 of the senate may adopt and implement a reasonable
11 preregistration procedure in advance of each regular
12 session during which persons may register for that
13 session and the following legislative interim.

14 4. If a lobbyist's service on behalf of a
15 particular employer, client, or cause is concluded
16 prior to the end of the calendar year, the lobbyist may
17 cancel the registration on appropriate forms supplied
18 by the chief clerk of the house and the secretary
19 of the senate. Upon cancellation of registration, a
20 lobbyist is prohibited from engaging in any lobbying
21 activity on behalf of that particular employer, client,
22 or cause until reregistering and complying with these
23 rules. A lobbyist's registration is valid for only one
24 session of a general assembly.

25 5. If a registered lobbyist represents more than
26 one employer, client, or cause and the lobbyist's
27 services are concluded on behalf of a particular
28 employer, client, or cause after the lobbyist registers
29 but before the first day of the next legislative
30 session, the lobbyist shall file an amendment to the



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1 lobbyist's registration indicating which employer,
2 client, or cause is no longer represented by the
3 lobbyist and the date upon which the representation
4 concluded.

5 6. If a lobbyist is retained by one or more
6 additional employers, clients, or causes after the
7 lobbyist registers but before the first day of the
8 next legislative session, the lobbyist shall file an
9 amendment to the lobbyist's registration indicating the
10 employer, client, or cause to be added and the date
11 upon which the representation begins.

12 7. Amendments to a lobbyist's registration
13 regarding changes which occur during the time that the
14 general assembly is in session shall be filed within
15 one working day after the date upon which the change in
16 the lobbyist's representation becomes effective.

Rule 3

ELECTRONIC FILING

19 A lobbyist or client of a lobbyist required to
20 file information with the chief clerk of the house
21 or the secretary of the senate is required to make
22 such filings in an electronic format as directed by
23 the chief clerk of the house and the secretary of the
24 senate.

Rule 4

LOBBYIST'S CLIENT REPORTING

27 1. Each lobbyist's client shall file the reports
28 required under section 68B.38 with the chief clerk of
29 the house or the secretary of the senate.

30 2. For purposes of this rule, and the report



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1 reasonable time.

2 Rule 7

3 CHARGE ACCOUNTS

4 Lobbyists and clients of lobbyists shall not allow
5 members to charge any amounts or items to a charge
6 account to be paid for by those lobbyists or clients of
7 lobbyists.

8 Rule 8

9 MEMBERSHIP CONTRIBUTIONS

10 A lobbyist or client of a lobbyist shall not
11 pay for membership in or contributions to clubs or
12 organizations on behalf of a member.

13 Rule 9

14 FEE OR BONUS PROHIBITED

15 A fee or bonus shall not be paid to any lobbyist
16 with reference to any legislative action that is
17 conditioned wholly or in part upon the results attained
18 by the lobbyist.

19 Rule 10

20 OFFERS OF ECONOMIC OR INVESTMENT OPPORTUNITY

21 1. A lobbyist, an employer or client of a lobbyist,
22 or a political action committee shall not offer
23 economic or investment opportunity or promise of
24 employment to any member with intent to influence
25 conduct in the performance of official duties.

26 2. A lobbyist shall not take action intended to
27 negatively affect the economic interests of a member.
28 For purposes of this rule, supporting or opposing a
29 candidate for office or supporting or opposing a bill,
30 amendment, or resolution shall not be considered to



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1 be action intended to negatively affect the economic
2 interests of a member.

3 Rule 11

4 PERSONAL OR FINANCIAL OBLIGATION

5 A lobbyist shall not do anything with the purpose of
6 placing a member under personal or financial obligation
7 to a lobbyist or a lobbyist's principal or agent.

8 Rule 12

9 ATTEMPTS TO CREATE ADDITIONAL EMPLOYMENT

10 A lobbyist shall not cause or influence the
11 introduction of any bill or amendment for the purpose
12 of being employed to secure its passage or defeat.

13 Rule 13

14 CAMPAIGN SUPPORT

15 A lobbyist shall not influence or attempt to
16 influence a member's actions by the promise of
17 financial support for the member's candidacy or threat
18 of financial support for an opposition candidate. A
19 lobbyist shall not make a campaign contribution to a
20 member or to a member's candidate's committee during
21 the time that the general assembly is in session.

22 Rule 14

23 COMMUNICATION WITH MEMBER'S EMPLOYER PROHIBITED

24 A lobbyist shall not communicate with a member's
25 employer for the purpose of influencing a vote of the
26 member.

27 Rule 15

28 EXCESS PAYMENTS

29 A lobbyist shall not pay or agree to pay to a member
30 a price, fee, compensation, or other consideration for



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1 the sale or lease of any property or the furnishing of
2 services which is substantially in excess of that which
3 other persons in the same business or profession would
4 charge in the ordinary course of business.

5 Rule 16

6 PROHIBITION AGAINST GIFTS

7 1. A lobbyist or client of a lobbyist shall not,
8 directly or indirectly, offer or make a gift or series
9 of gifts to any member or full-time permanent employee
10 of the house or senate or the immediate family members
11 of a member or full-time permanent employee of the
12 house or senate except as otherwise provided in section
13 68B.22 of the Code. A lobbyist or client of a lobbyist
14 who intends or plans to give a nonmonetary item, other
15 than food or drink consumed in the presence of the
16 donor, which does not have a readily ascertainable
17 value, to a member or full-time permanent employee of
18 the house or senate, prior to giving or sending the
19 item to the member or employee, shall seek approval
20 of the item from the chief clerk of the house or the
21 secretary of the senate, as applicable. A lobbyist or
22 client of a lobbyist who seeks approval of an item from
23 the chief clerk of the house or the secretary of the
24 senate shall submit the item and evidence of the value
25 of the item at the time that approval is requested.

26 2. A lobbyist shall inform each of the lobbyist's
27 clients of the requirements of section 68B.22 of the
28 Code and of the responsibility to seek approval prior
29 to giving or sending a nonmonetary item which does not
30 have a readily ascertainable value to a member or a

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tm/rj

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1 full-time permanent employee of the house or senate.

2 Rule 17

3 FINANCIAL TRANSACTIONS

4 1. A lobbyist shall not, directly or indirectly,
5 make a loan to a member or to an employee of the house
6 or senate.

7 2. A loan prohibited under this section does not
8 include a loan made in the ordinary course of business
9 of a lobbyist if the primary business of the lobbyist
10 is something other than lobbying, if consideration of
11 equal or greater value is received by the lobbyist,
12 and if fair market value is given or received for the
13 benefit conferred.

14 Rule 18

15 HONORARIA — RESTRICTIONS

16 A lobbyist or client of a lobbyist shall not pay
17 an honorarium to a member or employee of the house or
18 senate for a speaking engagement or other formal public
19 appearance in the official capacity of the member or
20 employee except as otherwise provided in section 68B.23
21 of the Code.

22 Rule 19

23 COMPLAINTS

24 The procedures for complaints and enforcement of
25 these rules shall be the same as those provided in the
26 house or senate code of ethics.

27 Rule 20

28 PROCEDURES AND FORMS

29 The chief clerk of the house and the secretary of
30 the senate, subject to the approval of the house or



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1 senate ethics committee, as applicable, shall prescribe
2 procedures for compliance with these rules, and shall
3 prepare forms for the filing of complaints and make
4 them available to any person.

5 Rule 21

6 EFFECTIVE PERIOD

7 These rules governing lobbyists and clients of
8 lobbyists shall be in effect throughout the calendar
9 year, whether or not the general assembly is in
10 session.

11 Rule 22

12 ADDITIONAL RULES

13 The senate and the house of representatives may
14 adopt rules relating to the activities of lobbyists in
15 the senate rules and house rules that supplement these
16 joint rules.



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Senate File 141 - Introduced

SENATE FILE 141
BY SODDERS

A BILL FOR

- 1 An Act relating to game birds only hunting preserves.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 inspection of the proposed hunting preserve, the department is
2 satisfied with implementation of the plan.

3 EXPLANATION

4 This bill relates to the issuance of a license to operate a
5 hunting preserve that is for game birds only. The bill reduces
6 the minimum number of contiguous acres that are required for
7 the establishment of a hunting preserve from 320 acres to 40
8 acres if the preserve is for game birds only. However, an
9 application for a license to operate such a hunting preserve
10 with an area from 40 acres up to 320 acres must be accompanied
11 by a game bird habitat plan approved by the department of
12 natural resources and upon inspection of the proposed preserve,
13 the department must be satisfied with implementation of the
14 plan before an operator's license can be issued.



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Senate File 142 - Introduced

SENATE FILE 142
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1030)

A BILL FOR

1 An Act providing that certain activities relating to business
2 opportunity promotions are unlawful practices punishable as
3 consumer fraud and making a penalty applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1173SV (1) 85
av/nh



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1 Section 1. Section 551A.10, subsection 2, Code 2013, is
2 amended to read as follows:

3 2. A ~~business opportunity contract is subject~~ violation
4 of this chapter is an unlawful practice pursuant to section
5 714.16.

6 EXPLANATION

7 This bill provides that a violation of Code chapter 551A,
8 which regulates certain business opportunity promotions,
9 constitutes an unlawful practice as provided in Code section
10 714.16, which relates to consumer frauds. Pursuant to Code
11 section 714.16, the attorney general may investigate, issue
12 subpoenas, and commence civil proceedings seeking restraining
13 orders or injunctions prohibiting persons from engaging in
14 unlawful practices or seeking termination of the business
15 affairs of a person engaging in unlawful practices. In
16 addition, a civil penalty of up to \$40,000 per violation may be
17 imposed by a court against a person found to have committed an
18 unlawful practice.



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Senate File 143 - Introduced

SENATE FILE 143
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 1049)

A BILL FOR

1 An Act concerning applications for liquor control licenses and
2 micro-distilled spirits, beer, and wine permits.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1169SV (1) 85
ec/nh



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1 Section 1. Section 123.32, Code 2013, is amended by adding
 2 the following new subsections:

3 NEW SUBSECTION. 1A. *Misrepresentation of material fact on*
 4 *application.* A person who makes a false statement of material
 5 fact on an application for a liquor license, micro-distilled
 6 spirits permit, wine permit, or beer permit, or who has been a
 7 party to the preparation or submission of any false application
 8 for such a license or permit, may be denied the license or
 9 permit on the grounds of the false statement or submission.

10 NEW SUBSECTION. 1B. *Criminal history record checks.*

11 *a.* The division may request and obtain criminal history
 12 data from the department of public safety for an applicant for
 13 a liquor license, micro-distilled spirits permit, wine permit,
 14 or beer permit under this chapter and any other person required
 15 to be listed on the application pursuant to section 123.31,
 16 subsection 3 for the purpose of evaluating an applicant's
 17 fitness to hold such license or permit.

18 *b.* The division may also require that a full set of
 19 fingerprints be provided by an applicant for a liquor license,
 20 micro-distilled spirits permit, wine permit, or beer permit
 21 issued pursuant to this chapter and by any other person
 22 required to be listed on the application pursuant to section
 23 123.31, subsection 3 for purposes of conducting a national
 24 criminal history check. The division shall provide the
 25 fingerprints to the department of public safety for submission
 26 through the state criminal history repository to the federal
 27 bureau of investigation for the national criminal history
 28 check.

29 *c.* Persons subject to a criminal history check conducted
 30 pursuant to this subsection shall authorize release of
 31 the results of the criminal history check to the division.
 32 Failure of the applicant or any other person subject to the
 33 requirements of this subsection to fully cooperate in the
 34 conduct of a criminal history check shall be grounds to deny
 35 the license or permit application.

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1 *d.* Criminal history data obtained by the division pursuant
2 to this subsection is confidential and shall not be considered
3 a public record under chapter 22. The division may, however,
4 use such information in a license or permit denial proceeding
5 or other regulatory proceeding brought under this chapter.

6 *e.* The division shall pay the actual cost of all
7 fingerprinting and criminal history checks conducted pursuant
8 to this subsection, if any.

9 Sec. 2. Section 123.32, subsections 2, 7, and 9, Code 2013,
10 are amended to read as follows:

11 2. *Action by local authorities.* The local authority shall
12 either approve or disapprove the issuance of a liquor control
13 license, micro-distilled spirits permit, retail wine permit, or
14 retail beer permit, shall endorse its approval or disapproval
15 on the application and shall forward the application with
16 the necessary fee and bond, if required, to the division.
17 There is no limit upon the number of liquor control licenses,
18 micro-distilled spirits permits, retail wine permits, or retail
19 beer permits which may be approved for issuance by local
20 authorities.

21 7. *Appeal to administrator.* An applicant for a liquor
22 control license, micro-distilled spirits permit, wine
23 permit, or beer permit may appeal from the local authority's
24 disapproval of an application for a license or permit to the
25 administrator. In the appeal the applicant shall be allowed
26 the opportunity to demonstrate in an evidentiary hearing
27 conducted pursuant to chapter 17A that the applicant complies
28 with all of the requirements for holding the license or permit.
29 The administrator may appoint a member of the division or may
30 request an administrative law judge from the department of
31 inspections and appeals to conduct the evidentiary hearing
32 and to render a proposed decision to approve or disapprove
33 the issuance of the license or permit. The administrator may
34 affirm, reverse, or modify the proposed decision. If the
35 administrator determines that the applicant complies with

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1 background checks of applicants for licenses and permits and
2 any other person required to be listed on the application for
3 that license or permit. The bill authorizes the division
4 to obtain criminal history data from the department of
5 public safety and to require applicants to provide a set of
6 fingerprints for purposes of conducting a national criminal
7 history check. The bill provides that criminal history data
8 obtained pursuant to this new provision is confidential but
9 may be used in a license or permit denial or other regulatory
10 proceeding brought by the division. The bill also provides
11 that the division pay the cost of all fingerprinting and
12 criminal history checks conducted pursuant to this new
13 provision.

14 Code section 123.32 is also amended to provide that the
15 requirements and procedures for applications for liquor
16 control licenses and wine and beer permits also apply to
17 micro-distilled spirits permits.



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Senate File 144 - Introduced

SENATE FILE 144
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 1004)

A BILL FOR

1 An Act relating to pollution prevention and waste management
2 assistance.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1196SV (1) 85
tm/nh



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1 Section 1. Section 455B.481, subsections 1 through 3, Code
2 2013, are amended to read as follows:

3 1. The purpose of this part is to promote the proper and
4 ~~safe storage, treatment, and disposal~~ management of solid,
5 hazardous, and low-level radioactive wastes in Iowa. The
6 ~~management of these wastes generated within Iowa is the~~
7 ~~responsibility of Iowans. It is the intent of the general~~
8 ~~assembly that Iowans assume this responsibility to the extent~~
9 ~~consistent with the protection of public health, safety, and~~
10 ~~the environment, and that Iowans insure that waste management~~
11 ~~practices, as alternatives to land disposal, including source~~
12 ~~reduction, recycling, compaction, incineration, and other forms~~
13 ~~of waste reduction, are employed.~~

14 2. ~~It is also the intent of the general assembly that a~~
15 ~~comprehensive waste management plan be established by the~~
16 ~~department which includes: the determination of need and~~
17 ~~adequate regulatory controls prior to the initiation of site~~
18 ~~selection; the process for selecting a superior site determined~~
19 ~~to be necessary; the establishment of a process for a site~~
20 ~~community to submit or present data, views, or arguments~~
21 ~~regarding the selection of the operator and the technology~~
22 ~~that best ensures proper facility operation; the prohibition~~
23 ~~of shallow land burial of hazardous and low-level radioactive~~
24 ~~wastes; the establishment of a regulatory framework for a~~
25 ~~facility; and the establishment of provisions for the safe~~
26 ~~and orderly development, operation, closure, postclosure, and~~
27 ~~long-term monitoring and maintenance of the facility.~~

28 3. 2. ~~In order to meet capacity assurance requirements~~
29 ~~of section 104k of the federal Superfund Amendments and~~
30 ~~Reauthorization Act of 1986, Pub. L. No. 99-499, and further~~
31 ~~the objectives of waste minimization, the The department, in~~
32 ~~cooperation with the small business assistance center at the~~
33 ~~university of northern Iowa Iowa waste reduction center for~~
34 ~~safe and economic management of solid waste and hazardous~~
35 ~~substances established in section 268.4, shall work with~~

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1 generators of hazardous wastes in the state to develop and
 2 implement aggressive waste minimization programs. ~~The goal~~
 3 ~~of these programs is to reduce the volume of hazardous waste~~
 4 ~~generated in the state as a whole by twenty-five percent of~~
 5 ~~the amount generated as of January 1, 1987, as reported in the~~
 6 ~~biennial reports collected by the United States environmental~~
 7 ~~protection agency. The twenty-five percent reduction goal~~
 8 ~~shall be reached as expeditiously as possible and no later than~~
 9 ~~July 1, 1994. In meeting the reduction goal, elements "a"~~
 10 ~~through "d" of the hazardous waste management hierarchy shall~~
 11 ~~be utilized. The department, in cooperation with the small~~
 12 ~~business assistance center, shall reassess the twenty-five~~
 13 ~~percent reduction goal in 1994. The department shall promote~~
 14 ~~research and development, provide and promote educational~~
 15 ~~and informational programs, promote and encourage provide~~
 16 confidential, voluntary technical assistance to hazardous waste
 17 generators, promote assistance by the ~~small business assistance~~
 18 Iowa waste reduction center, and promote other activities by
 19 the public and private sectors that support this goal. ~~In~~
 20 ~~the promotion of the goal, the following hazardous waste~~
 21 ~~management pollution prevention hierarchy, in descending order~~
 22 ~~of preference, is established by the department:~~

- 23 a. Source reduction for waste elimination.
- 24 b. Reuse.
- 25 c. On-site recycling.
- 26 ~~e.~~ d. Off-site recycling.
- 27 ~~d.~~ e. Waste treatment.
- 28 ~~e.~~ f. Incineration Combustion with energy recovery.
- 29 ~~f.~~ g. Land disposal.

30 Sec. 2. Section 455B.481, subsections 4 and 5, Code 2013,
 31 are amended by striking the subsections.

32 Sec. 3. Section 455B.482, Code 2013, is amended by adding
 33 the following new subsection:

34 NEW SUBSECTION. 7A. "Pollution prevention" means employment
 35 of a practice that reduces the industrial use of toxic



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1 substances or reduces the environmental and health hazards
2 associated with an environmental waste without diluting or
3 concentrating the waste before the release, handling, storage,
4 transport, treatment, or disposal of the waste.

5 Sec. 4. Section 455B.484, Code 2013, is amended by adding
6 the following new subsection:

7 NEW SUBSECTION. 1A. Implement the waste management policy
8 provided in section 455B.481.

9 Sec. 5. Section 455B.484, subsections 2, 3, 4, 6, 7, 9, and
10 10, Code 2013, are amended by striking the subsections.

11 Sec. 6. Section 455B.484A, subsection 1, paragraph c, Code
12 2013, is amended to read as follows:

13 *c.* "Assistance program" means the ~~waste reduction assistance~~
14 pollution prevention program of the department or of the Iowa
15 waste reduction center for safe and economic management of
16 solid waste and hazardous substances conducted pursuant to
17 section 268.4.

18 Sec. 7. Section 455B.485, subsections 3 and 5, Code 2013,
19 are amended by striking the subsections.

20 Sec. 8. Section 455B.486, subsection 1, Code 2013, is
21 amended by striking the subsection.

22 Sec. 9. Section 455B.487, subsection 1, Code 2013, is
23 amended to read as follows:

24 1. The commission shall adopt rules establishing criteria
25 for the identification of land areas or sites which are
26 suitable for the operation of facilities for the management
27 of ~~hazardous and~~ low-level radioactive wastes. Upon request,
28 the department shall assist in locating suitable sites for the
29 location of a facility. The commission may purchase or condemn
30 land to be leased or used for the operation of a facility
31 subject to chapter 6A. Consideration for a contract for
32 purchase of land shall not be in excess of funds appropriated
33 by the general assembly for that purpose. The commission may
34 lease land purchased under this section to any person including
35 the state or a state agency. This section authorizes the state



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1 to own or operate ~~hazardous waste facilities and~~ low-level
2 radioactive waste facilities, subject to the approval of the
3 general assembly.

4 Sec. 10. Section 455B.487, subsection 8, Code 2013, is
5 amended by striking the subsection.

6 Sec. 11. Section 455C.12, subsection 1, Code 2013, is
7 amended to read as follows:

8 1. Any person violating the provisions of section 455C.2,
9 455C.3, or 455C.5, ~~and 455C.8~~, or a rule adopted under this
10 chapter, shall be guilty of a simple misdemeanor.

11 Sec. 12. Section 455D.1, subsections 3, 5, and 7, Code 2013,
12 are amended by striking the subsections.

13 Sec. 13. Section 455D.1, Code 2013, is amended by adding the
14 following new subsection:

15 NEW SUBSECTION. 4A. "*Pollution prevention techniques*" means
16 any of the following practices employed by the user of a toxic
17 substance:

18 a. Input substitution, which is the replacement of a toxic
19 substance or raw material used in a production process with a
20 nontoxic or less toxic substance.

21 b. Product reformulation, which is the substitution of an
22 end product which is nontoxic or less toxic upon use or release
23 for an existing end product.

24 c. Production process redesign or modification, which is
25 the development and use of production processes of a different
26 design other than those currently in use.

27 d. Production process modernization, which is the upgrading
28 or replacing of existing production process equipment or
29 methods with other equipment or methods based on the same
30 production process.

31 e. Improved operation and maintenance of existing production
32 process equipment and methods, which is the modification or
33 addition to existing equipment or methods, including but not
34 limited to such techniques as improved housekeeping practices,
35 system adjustments, product and process inspections, and



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1 production process control equipment or methods.

2 *f.* Recycling, reuse, or extended use of toxic substances by
3 using equipment or methods that become an integral part of the
4 production process.

5 Sec. 14. Section 455D.3, subsections 1 and 3, Code 2013, are
6 amended to read as follows:

7 1. ~~Year 1994 and 2000 goals~~ Waste reduction goals.

8 *a.* The goal of the state is to reduce the amount of
9 materials in the waste stream, existing as of July 1, 1988, by
10 an intermediate goal of twenty-five percent by July 1, 1994,
11 and by a final goal of at least fifty percent by July 1, 2000,
12 through the practice of waste volume reduction at the source
13 and through recycling. For the purposes of this section, "waste
14 stream" means the disposal of solid waste as "solid waste" is
15 defined in section 455B.301.

16 *b.* Notwithstanding section 455D.1, subsection 6, facilities
17 which employ combustion of solid waste with energy recovery
18 and refuse-derived fuel, which are included in an approved
19 comprehensive plan, may include these processes in the
20 definition of recycling for the purpose of meeting the state
21 goal if at least thirty-five percent of the fifty percent waste
22 reduction goal, ~~required to be met by July 1, 2000, pursuant~~
23 ~~to this section,~~ is met through volume reduction at the source
24 and recycling and reuse, as established pursuant to section
25 455B.301A, subsection 1, paragraphs "a" and "b".

26 3. Departmental monitoring.

27 *a.* ~~By October 31, 1994, a planning area shall submit to~~
28 ~~the department a solid waste abatement table which is updated~~
29 ~~through June 30, 1994. By April 1, 1995, the department shall~~
30 ~~report to the general assembly on the progress that has been~~
31 ~~made by each planning area on attainment of the July 1, 1994,~~
32 ~~twenty-five percent goal.~~

33 ~~(1)~~ If at any time the department determines that a planning
34 area has met or exceeded the twenty-five percent goal, but has
35 not met or exceeded the fifty percent goal, a planning area

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1 shall subtract sixty cents from the total amount of the tonnage
2 fee imposed pursuant to section 455B.310. If at any time the
3 department determines that a planning area has met or exceeded
4 the fifty percent goal, a planning area shall subtract fifty
5 cents from the total amount of the tonnage fee imposed pursuant
6 to section 455B.310. The reduction in tonnage fees pursuant
7 to this ~~subparagraph~~ paragraph shall be taken from that
8 portion of the tonnage fees which would have been allocated for
9 funding alternatives to landfills pursuant to section 455E.11,
10 subsection 2, paragraph "a", subparagraph (1).

11 ~~(2)~~ b. If the department determines that a planning area
12 has failed to meet the ~~July 1, 1994~~, twenty-five percent
13 goal, the planning area shall, ~~at a minimum, implement the~~
14 ~~solid waste management techniques as listed in subsection~~
15 ~~4. Evidence of implementation of the solid waste management~~
16 ~~techniques shall be documented in subsequent comprehensive~~
17 ~~plans submitted to the department~~ remit fifty cents per
18 ton to the department. The moneys shall be deposited in
19 the groundwater protection fund created in section 455E.11,
20 subsection 2, paragraph "a", and credited to the solid waste
21 account of the fund to be used for funding alternatives to
22 landfills pursuant to section 455E.11, subsection 2, paragraph
23 "a", subparagraph (1). Moneys shall continue to be remitted
24 pursuant to this paragraph until such time as evidence of
25 attainment of the twenty-five percent goal is documented in
26 subsequent plans submitted to the department.

27 ~~b. (1) By October 31, 2000, a planning area shall submit to~~
28 ~~the department, a solid waste abatement table which is updated~~
29 ~~through June 30, 2000. By April 1, 2001, the department shall~~
30 ~~report to the general assembly on the progress that has been~~
31 ~~made by each planning area on attainment of the July 1, 2000,~~
32 ~~fifty percent goal.~~

33 ~~(2)~~ c. If at any time the department determines that a
34 planning area has met or exceeded the fifty percent goal, the
35 planning area shall subtract fifty cents from the total amount



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1 of the tonnage fee imposed pursuant to section 455B.310. This
2 amount shall be in addition to any amount subtracted pursuant
3 to paragraph "a". The reduction in tonnage fees pursuant
4 to this ~~subparagraph~~ paragraph shall be taken from that
5 portion of the tonnage fees which would have been allocated to
6 funding alternatives to landfills pursuant to section 455E.11,
7 subsection 2, paragraph "a", subparagraph (1). ~~Except for fees~~
8 ~~required under subsection 4, paragraph "a",~~ a A planning area
9 failing to meet the fifty percent goal is not required to remit
10 any additional tonnage fees to the department.

11 Sec. 15. Section 455D.3, subsections 2 and 4, Code 2013, are
12 amended by striking the subsections.

13 Sec. 16. Section 455D.6, subsections 1, 6, and 7, Code 2013,
14 are amended to read as follows:

15 1. Unless otherwise specified in this chapter, recommend
16 rules to the commission which are necessary to implement
17 this chapter. ~~Initial recommendations shall be made to the~~
18 ~~commission no later than July 1, 1991.~~

19 6. Develop a strategy and recommend to the commission the
20 adoption of rules necessary to implement a strategy for white
21 goods and waste oil ~~by January 1, 1990.~~

22 7. Develop a strategy and recommend to the commission
23 the adoption of rules necessary to implement ~~by January 1,~~
24 ~~2004,~~ a strategy for the recycling of electronic goods and
25 the disassembling and removing of toxic parts from electronic
26 goods.

27 Sec. 17. Section 455D.6, subsections 2, 5, 8, 9, and 10,
28 Code 2013, are amended by striking the subsections.

29 Sec. 18. Section 455D.7, subsection 1, Code 2013, is amended
30 to read as follows:

31 1. Unless otherwise specified in this chapter, adopt rules
32 necessary to implement this chapter pursuant to chapter 17A.
33 ~~Initial rules shall be adopted no later than April 1, 1992.~~

34 Sec. 19. Section 455D.7, subsection 4, Code 2013, is amended
35 by striking the subsection.



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1 Sec. 20. Section 455D.9, subsections 1, 2, 3, and 6, Code
2 2013, are amended to read as follows:

3 1. ~~Beginning January 1, 1991, land~~ Land disposal of yard
4 waste as defined by the department is prohibited. However,
5 yard waste which has been separated at its source from other
6 solid waste may be accepted by a sanitary landfill for the
7 purposes of soil conditioning or composting.

8 2. The department shall assist local communities in the
9 development of collection systems for yard waste generated
10 from residences and shall assist in the establishment of
11 local composting facilities. ~~Within one hundred twenty days~~
12 ~~of the adoption of rules by the department regarding yard~~
13 ~~waste, each~~ Each city and county shall, by ordinance, require
14 persons within the city or county to separate yard waste from
15 other solid waste generated. ~~Municipalities which provide~~
16 ~~a collection system for solid waste shall provide for a~~
17 ~~collection system for yard waste which is not composted.~~

18 3. The department shall ~~develop~~ adopt rules which define
19 yard waste and provide for the safe and proper method of
20 composting. ~~The rules adopted for a composting facility to be~~
21 ~~located on property owned by an applicant for a permit prior~~
22 ~~to July 1, 1992, when the property is located within twenty~~
23 ~~miles of a metropolitan area of two hundred fifty thousand or~~
24 ~~more, shall require that prior to the issuance of a permit for~~
25 ~~a composting facility, the applicant shall submit an economic~~
26 ~~impact statement to the department. For the purpose of this~~
27 ~~subsection, "economic impact statement" means an estimate of~~
28 ~~the economic impact of the siting of a composting facility at a~~
29 ~~specific location on affected property owners~~ yard waste and
30 other organic materials.

31 6. This section prohibits the ~~incineration~~ open burning of
32 yard waste within the permitted boundary at a sanitary disposal
33 project.

34 Sec. 21. Section 455D.12, subsection 2, unnumbered
35 paragraph 1, Code 2013, is amended to read as follows:

LSB 1196SV (1) 85
tm/nh



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1 ~~Beginning July 1, 1992,~~ a person shall not distribute,
 2 sell, or offer for sale in this state a plastic bottle or rigid
 3 plastic container unless the product is labeled with a code
 4 indicating the plastic resin used to produce the bottle or
 5 container. Rigid plastic bottles or rigid plastic containers
 6 with labels and basecups of a different material shall be coded
 7 by their basic material. The code shall consist of a number
 8 placed within a triangle of arrows and letters placed below the
 9 triangle of arrows. The triangle shall be equilateral, formed
 10 by three arrows with the apex of each point of the triangle
 11 at the midpoint of each arrow, rounded with a short radius.
 12 The arrowhead of each arrow shall be at the midpoint of each
 13 side of the triangle with a short gap separating the pointer
 14 from the base of the adjacent arrow. The triangle, formed by
 15 the three arrows curved at their midpoints, shall depict a
 16 clockwise path around the code number. The numbers and letters
 17 used shall be as follows:

18 Sec. 22. Section 455D.12, subsection 3, Code 2013, is
 19 amended by striking the subsection.

20 Sec. 23. Section 455D.15, subsection 2, Code 2013, is
 21 amended by striking the subsection and inserting in lieu
 22 thereof the following:

23 2. The fund shall be utilized by the department for
 24 providing technical assistance to Iowa businesses in developing
 25 and implementing pollution prevention techniques.

26 Sec. 24. Section 455D.15, subsection 3, Code 2013, is
 27 amended by striking the subsection.

28 Sec. 25. Section 455E.8, subsections 2 and 3, Code 2013, are
 29 amended by striking the subsections.

30 Sec. 26. REPEAL. Sections 455B.516, 455B.517, 455B.518,
 31 455C.8, and 455C.15, Code 2013, are repealed.

EXPLANATION

33 This bill relates to pollution prevention and waste
 34 management assistance.

35 The bill amends the waste management assistance provisions



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1 also eliminates certain expired deadlines and other outdated
2 requirements.

3 The bill eliminates two duties of the environmental
4 protection commission in relation to waste management policy.
5 The duties relate to budget requests and approval of certain
6 contracts and agreements.

7 The bill eliminates a duty of the commission to recommend
8 to the general assembly, annually, the imposition of waste
9 abatement fees, rebates, and deposits.

10 The bill eliminates certain municipal requirements related
11 to yard waste. The bill eliminates certain rules requirements
12 for composting related to economic impact statements. The bill
13 expands the definition of composting to include yard waste and
14 other organic materials.

15 The bill eliminates a requirement that the department
16 maintain a list of label codes for plastic containers.

17 The bill amends provisions related to the waste volume
18 reduction and recycling fund. The bill eliminates a
19 requirement that grants from the fund be awarded based on the
20 solid waste management hierarchy. The bill provides that the
21 fund shall be utilized for purposes of providing technical
22 assistance to Iowa businesses in developing and implementing
23 pollution prevention techniques.

24 The bill eliminates two duties of the director of the
25 department relating to groundwater reporting requirements.

26 The bill repeals Code sections 455B.516, 455B.517, and
27 455B.518, which relate to the toxics pollution prevention
28 program. The bill repeals Code section 455C.8, relating to the
29 prohibition against snap-top cans, and Code section 455C.15,
30 relating to the prohibition against plastic cans.



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Senate File 145 - Introduced

SENATE FILE 145
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1026)

A BILL FOR

1 An Act relating to the confidentiality of information filed
2 with the court for the purpose of securing an arrest
3 warrant.

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

TLSB 1259SV (3) 85
rh/nh



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S.F. 145

1 Section 1. Section 804.29, subsection 2, paragraph a, Code
2 2013, is amended to read as follows:

3 a. A peace officer, or any other employee of a law
4 enforcement agency if allowed access pursuant to section 692.14
5 and if authorized in writing by the head of the agency.

6 EXPLANATION

7 This bill relates to the confidentiality of information
8 filed with the court for the purpose of securing an arrest
9 warrant.

10 Current law provides that, unless otherwise ordered by the
11 court, all information filed with the court for the purpose of
12 securing a warrant for an arrest, including but not limited to
13 a citation and affidavits, is a confidential record until a
14 peace officer has made the arrest and has returned the warrant,
15 or the defendant has made an initial appearance in court.
16 During the period of time such information is confidential, the
17 record is sealed by the court and the information contained
18 in the record cannot be disseminated to any person unless
19 otherwise ordered by the court. However, during the period of
20 confidentiality, a peace officer, an employee of the county
21 attorney's office, a judicial officer or other court employee,
22 or an employee of the department of corrections or judicial
23 district department of correctional services, if authorized
24 by the director of the department of corrections, may receive
25 such confidential information without a court order during the
26 course of such person's official duties. The bill additionally
27 authorizes an employee of a law enforcement agency, if allowed
28 access pursuant to Code section 692.41 and if authorized in
29 writing by the head of the agency, to receive such confidential
30 information without a court order during the course of the
31 employee's official duties. Under Code section 692.14, the
32 department of public safety regulates access to the criminal
33 justice information system.

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Senate File 146 - Introduced

SENATE FILE 146
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SF 10)

A BILL FOR

1 An Act extending a provision relating to the use of certain
2 increases in watercraft registration fees by the natural
3 resource commission.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1459SV (1) 85
av/sc



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S.F. 146

1 Section 1. Section 462A.52, subsections 2 and 3, Code 2013,
2 are amended to read as follows:

3 2. Notwithstanding subsection 1, any increase in revenues
4 received on or after July 1, 2007, but on or before June
5 30, ~~2013~~ 2023, pursuant to this section as a result of fee
6 increases pursuant to 2005 Iowa Acts, ch. 137, shall be used
7 by the commission only for the administration and enforcement
8 of programs to control aquatic invasive species and for the
9 administration and enforcement of navigation laws and water
10 safety upon the inland waters of this state and shall be used
11 in addition to funds already being expended by the commission
12 each year for these purposes. The commission shall not reduce
13 the amount of other funds being expended on an annual basis for
14 these purposes as of July 1, 2005, during the period of the
15 appropriation provided for in this subsection.

16 3. The commission shall submit a written report to the
17 general assembly by December 31, 2007, and by December 31
18 of each year thereafter through December 31, ~~2013~~ 2023,
19 summarizing the activities of the department in administering
20 and enforcing programs to control aquatic invasive species
21 and administering and enforcing navigation laws and water
22 safety upon the inland waters of the state. The report shall
23 include information concerning the amount of revenues collected
24 pursuant to this section as a result of fee increases pursuant
25 to 2005 Iowa Acts, ch. 137, and how the revenues were expended.
26 The report shall also include information concerning the amount
27 and source of all other funds expended by the commission during
28 the year for the purposes of administering and enforcing
29 programs to control aquatic invasive species and administering
30 and enforcing navigation laws and water safety upon the inland
31 waters of the state and how the funds were expended.

32 EXPLANATION

33 This bill extends the designation of certain increases
34 in registration fees for watercraft for use by the natural
35 resource commission for an additional 10 years.

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1 In 2005, registration fees for watercraft were raised, and
2 the increase in revenues received on or after July 1, 2007,
3 but on or before June 30, 2013, was designated for use by the
4 natural resource commission only for the administration and
5 enforcement of programs to control aquatic invasive species and
6 for the administration and enforcement of navigation laws and
7 water safety upon the inland waters of this state. These funds
8 were to be used in addition to funds already being expended by
9 the commission each year for those purposes and the commission
10 was prohibited from reducing the amount of other funds being
11 expended for those purposes as of July 1, 2005. The commission
12 was also required to submit an annual report to the general
13 assembly each year summarizing the activities of the department
14 of natural resources in carrying out those purposes.

15 The bill provides that this provision will sunset in 2023
16 instead of 2013.



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Senate File 147 - Introduced

SENATE FILE 147
BY CHELGREN, ROZENBOOM, BEHN,
ZAUN, WHITVER, BERTRAND,
and FEENSTRA

A BILL FOR

1 An Act requiring drug testing for individuals applying for or
2 receiving state assistance.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1794SS (3) 85
je/rj



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1 Section 1. NEW SECTION. 127.1 State assistance — drug
2 testing requirement.

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

5 a. "Department" means the applicable state department,
6 institution, or agency providing state aid.

7 b. "Drug" means the same as defined in section 730.5.

8 c. "State aid" means any form of financial benefit, aid,
9 or assistance provided to an individual by a state department,
10 institution, or agency.

11 2. As a condition of eligibility for an applicant or
12 participant to receive state aid, the applicant or participant
13 shall, if not otherwise prohibited by law, agree to participate
14 in drug testing in accordance with this section.

15 3. The department shall implement a program of drug testing
16 of individuals subject to subsection 2. The program shall
17 include but is not limited to all of the following:

18 a. Random drug testing of existing participants.

19 b. Drug testing of all applicants.

20 c. Drug testing shall include confirmation of any
21 initial positive test results. Any confirmatory test shall
22 be performed using a chromatographic technique such as gas
23 chromatography/mass spectrometry or another comparably reliable
24 analytical method.

25 4. An applicant or participant subject to the provisions
26 of subsection 2 who has a confirmed positive test result for
27 a drug that was not lawfully prescribed for the individual,
28 shall be ineligible for state aid. The period of ineligibility
29 applicable to an individual shall continue until the individual
30 has a negative test result for the drug for which the
31 individual had a confirmed positive test result.

32 5. An individual's positive test result obtained under this
33 section shall not be used as evidence in any criminal action
34 involving the individual.

35 6. The applicable department shall adopt rules to

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1 administer this section. The rules shall include but are not
2 limited to all of the following:

3 *a.* Testing procedures to ensure collection of test samples
4 is performed under sanitary conditions, with regard for the
5 privacy of the individual providing the sample, and in a manner
6 reasonably calculated to preclude contamination or substitution
7 of the sample. Test samples shall be divided at the time of
8 collection to permit confirmatory tests of the sample. The
9 department shall establish standards for analysis of samples
10 and for determining test results to be positive.

11 *b.* Labeling and other documentation of test sample
12 collections so as to reasonably preclude the possibility of
13 misidentification of the individual tested in relation to the
14 test result provided, and requirement for samples to be handled
15 and tracked in a manner such that control and accountability
16 are maintained from initial collection to each stage in
17 handling, testing, and storage, through final disposition.

18 *c.* An individual being tested shall be given an opportunity
19 to provide any information which may be considered relevant
20 to the test, including identification of prescription or
21 nonprescription drugs currently or recently used, or other
22 relevant medical information. To assist an individual in
23 providing the information described in this paragraph, the
24 department shall provide the individual with a list of the
25 drugs for which the individual is tested.

26 *d.* A medical review officer shall review and interpret any
27 confirmed positive test results, including both quantitative
28 and qualitative test results, to ensure that the chain of
29 custody is complete and sufficient on its face and that any
30 information provided by the individual pursuant to paragraph
31 "*c*" is considered.

32 *e.* A procedure to provide written notification to an
33 individual of the results of a confirmed positive drug test by
34 certified mail or other verifiable means. The notification
35 shall include the individual's right to request and obtain

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1 a second confirmatory test at an approved laboratory of the
2 individual's choice. If the results of the second test do
3 not confirm the results of the initial confirmatory test, the
4 initial confirmatory test shall not be considered a confirmed
5 positive drug test.

6 *f.* The department shall prohibit a laboratory or other
7 medical facility reporting information to anyone other than the
8 department or the tested individual relating to the results of
9 a drug test conducted pursuant to this section.

10 *g.* A procedure to address incidents of false positive tests.

11 *h.* A procedure to ensure the confidentiality of test
12 results, including but not limited to specifying those with
13 access to test result information.

14 *i.* Other procedures to administer this section in a fair and
15 reliable manner.

16 EXPLANATION

17 This bill establishes a requirement that individuals
18 applying and receiving state aid participate in drug testing if
19 such drug testing is not otherwise prohibited by law.

20 The bill defines the term "drug" as having the same meaning
21 as in Code section 730.5, relating to private-sector drug-free
22 workplaces, which is any drug on schedules I through V of the
23 federal Controlled Substances Act. "State aid" is defined as
24 any form of financial benefit, aid, or assistance provided to
25 an individual by a state department, institution, or agency.

26 Each applicable state department, institution, or agency
27 providing state aid shall implement a drug testing program
28 for the individuals subject to the eligibility requirement.
29 The program is to include random drug testing of participants
30 and drug testing of all applicants. Drug testing includes
31 confirmation of any positive result with a chromatographic/mass
32 spectrometry technique or comparable method.

33 If an applicant or participant subject to the bill's
34 requirements has a confirmed positive test result for a drug
35 that was not lawfully prescribed for the individual, the



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1 applicant or participant is ineligible for state aid. The
2 period of ineligibility continues until the individual has a
3 negative test result for the drug for which the individual had
4 a confirmed positive test result.

5 The bill prohibits an individual's positive test result
6 obtained under the bill's provisions from being used as
7 evidence in any criminal action involving the individual.

8 Each department affected is directed to adopt rules to
9 administer the provisions of the bill. The rules are to
10 address collection, labeling, and other documentation of test
11 samples, notification concerning test results, interpretation
12 of test results, an opportunity for a second confirmatory test
13 of a positive result, prohibition against laboratory disclosure
14 of test results, other confidentiality provisions, procedure to
15 address incidents of false positive tests, and other procedures
16 for fairness and reliability.



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Senate Resolution 3 - Introduced

SENATE RESOLUTION NO. 3
BY COMMITTEE ON ETHICS
(SUCCESSOR TO SSB 1062)

1 A Resolution relating to the Senate Code of Ethics
2 governing the conduct of members of the Senate in
3 relation to their senatorial duties during the
4 Eighty-fifth General Assembly.

5 BE IT RESOLVED BY THE SENATE, That the Senate Code
6 of Ethics for the ~~Eighty-fourth~~ Eighty-fifth General
7 Assembly shall be amended to read as follows:

8 SENATE CODE OF ETHICS

9 PREAMBLE. Every legislator owes a duty to uphold
10 the integrity and honor of the general assembly, to
11 encourage respect for the law and for the general
12 assembly and the members thereof, and to observe the
13 legislative code of ethics.

14 In doing so, members of the senate have a duty to
15 conduct themselves so as to reflect credit on the
16 general assembly, and to inspire the confidence,
17 respect, and trust of the public, and to strive to
18 avoid both unethical and illegal conduct and the
19 appearance of unethical and illegal conduct.

20 Recognizing that service in the Iowa general
21 assembly is a part-time endeavor and that members of
22 the general assembly are honorable individuals who
23 are active in the affairs of their localities and
24 elsewhere and that it is necessary that they maintain
25 a livelihood and source of income apart from their
26 legislative compensation, the following rules are
27 adopted pursuant to section 68B.31, to assist the



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1 members in the conduct of their legislative affairs.

2 1. ECONOMIC INTEREST OF SENATOR. Taking into
3 account that legislative service is part-time, a
4 senator shall not accept economic or investment
5 opportunity, under circumstances where the senator
6 knows, or should know, that there is a reasonable
7 possibility that the opportunity is being afforded the
8 senator with intent to influence the senator's conduct
9 in the performance of official duties.

10 2. DIVESTITURE. Where a senator learns that
11 an economic or investment opportunity previously
12 accepted was offered with the intent of influencing
13 the senator's conduct in the performance of official
14 duties, the senator shall take steps to divest that
15 senator of that investment or economic opportunity, and
16 shall report the facts of the situation to the senate
17 ethics committee.

18 3. CHARGES FOR SERVICES. A senator shall not
19 charge to or accept from a person, corporation,
20 partnership, or association known to have a legislative
21 interest a price, fee, compensation, or other
22 consideration for the sale or lease of any property or
23 the furnishing of services which is in excess of that
24 which the senator would charge another.

25 4. USE OF CONFIDENTIAL INFORMATION. A senator in
26 order to further the senator's own economic or other
27 interests, or those of any other person, shall not
28 disclose or use confidential information acquired in
29 the course of official duties.

30 5. HONORARIA. A senator shall not accept an



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1 honorarium from a restricted donor for a speech,
2 writing for publication, or other similar activity,
3 except as otherwise provided in section 68B.23.

4 6. EMPLOYMENT. A senator shall not accept
5 employment, either directly or indirectly, from a
6 political action committee or from an organization
7 exempt from taxation under section 501(c)(4),
8 501(c)(6), or 527 of the Internal Revenue Code that
9 engages in activities related to the nomination,
10 election, or defeat of a candidate for public office.
11 A senator may accept employment from a political
12 party, but shall disclose the employment relationship
13 in writing to the secretary of the senate within ten
14 days after the beginning of each legislative session.
15 If a senator accepts employment from a political
16 party during a legislative session, the senator shall
17 disclose the employment relationship within ten days
18 after acceptance of the employment.

19 For the purpose of this rule, a political action
20 committee means a committee, but not a candidate's
21 committee, which accepts contributions, makes
22 expenditures, or incurs indebtedness in the aggregate
23 of more than seven hundred fifty dollars in any one
24 calendar year to expressly advocate the nomination,
25 election, or defeat of a candidate for public office
26 or to expressly advocate the passage or defeat of
27 a ballot issue or influencing legislative action,
28 or an association, lodge, society, cooperative,
29 union, fraternity, sorority, educational institution,
30 civic organization, labor organization, religious

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1 organization, or professional organization which makes
2 contributions in the aggregate of more than seven
3 hundred fifty dollars in any one calendar year to
4 expressly advocate the nomination, election, or defeat
5 of a candidate for public office or ballot issue or
6 influencing legislative action.

7 7. ECONOMIC INTERESTS OF LOBBYIST. With the
8 exception of exercising unfettered discretion in
9 supporting or refusing to support proposed legislation,
10 a senator shall not take action intended to affect the
11 economic interests of a lobbyist or citizen supporting
12 or opposing proposed legislation.

13 8. APPEARANCE BEFORE GOVERNMENTAL AGENCY. A
14 senator may appear before a governmental agency or
15 board in any representation case, except that the
16 senator shall not act as a lobbyist. Whenever a
17 senator appears before a governmental agency or board,
18 the senator shall carefully avoid all conduct which
19 might in any way lead members of the general public
20 to conclude that the senator is using the senator's
21 official position to further the senator's professional
22 success or personal financial interest.

23 9. CONFLICTS OF INTERESTS. In order to permit the
24 general assembly to function effectively, a senator
25 will sometimes be required to vote on bills and
26 participate in committee work which will affect the
27 senator's employment and other monetary interests. In
28 making a decision relative to the senator's activity on
29 given bills or committee work which are subject to the
30 code, the following factors shall be considered:

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1 a. Whether a substantial threat to the senator's
2 independence of judgment has been created by the
3 conflict situation.

4 b. The effect of the senator's participation on
5 public confidence in the integrity of the legislature.

6 c. The need for the senator's particular
7 contribution, such as special knowledge of the
8 subject matter, to the effective functioning of the
9 legislature.

10 A senator with a conflict of interest may
11 participate in floor debate if prior to debate the
12 senator indicates the conflict of interest.

13 10. GIFTS. Except as otherwise provided in section
14 68B.22, a senator, or that person's immediate family
15 member, shall not, directly or indirectly, accept or
16 receive any gift or series of gifts from a restricted
17 donor.

18 11. DISCLOSURE REQUIRED. Each senator shall file
19 with the secretary of the senate within ten days after
20 the adoption of the code of ethics by the senate, and
21 within ten days after the convening of the second
22 session of the general assembly, a statement under
23 section 68B.35 on forms provided by the secretary of
24 the senate setting forth the following information:

25 The nature of each business in which the senator
26 is engaged and the nature of the business of each
27 company in which the senator has a financial interest.
28 A senator shall not be required to file a report or
29 be assumed to have a financial interest if the annual
30 income derived from the investment in stocks, bonds,



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1 bills, notes, mortgages, or other securities offered
2 for sale through recognized financial brokers is less
3 than one thousand dollars.

4 Disclosures required under this rule shall be as
5 of the date filed unless provided to the contrary,
6 and shall be amended to include interests and changes
7 encompassed by this rule that occur while the general
8 assembly is in session. All filings under this rule
9 shall be open to public inspection in the office of the
10 secretary of the senate at all reasonable times.

11 The secretary of the senate shall inform the
12 ethics committee of the statements which are filed
13 and shall report to the ethics committee the names of
14 any senators who appear not to have filed complete
15 statements. The chairperson of the ethics committee
16 shall request in writing that a senator who has failed
17 to complete the report or appears to have filed an
18 incomplete report do so within five days, and, upon
19 the failure of the senator to comply, the ethics
20 committee shall require the senator to appear before
21 the committee.

22 12. STATUTORY VIOLATIONS. Members of the general
23 assembly are urged to familiarize themselves with
24 chapters 68B, 721, and 722.

25 13. CHARGE ACCOUNTS. Senators shall not charge any
26 amount or item to any charge account to be paid for by
27 any lobbyist or any client the lobbyist represents.

28 14. TRAVEL EXPENSES. A senator shall not charge
29 to the state of Iowa amounts for travel and expenses
30 unless the senator actually has incurred those mileage



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1 and expense costs. Senators shall not file the
2 vouchers for weekly mileage reimbursement required
3 by section 2.10, subsection 1, unless the travel
4 was actually incurred at commensurate expense to the
5 senator.

6 15. COMPLAINTS. Complaints or charges against
7 any senator or any lobbyist shall be in writing, made
8 under oath, and filed with the secretary of the senate
9 or the chairperson of the ethics committee. If filed
10 with the secretary of the senate, the secretary shall
11 immediately advise the chairperson of the ethics
12 committee of the receipt of the complaint.

13 Complaint forms shall be available from the
14 secretary of the senate, or the chairperson of the
15 ethics committee, but a complaint shall not be rejected
16 for failure to use an approved form if the complaint
17 substantially complies with senate requirements.

18 A complainant may submit exhibits and affidavits
19 attached to the complaint.

20 16. FILING OF COMPLAINTS.

21 a. *Persons entitled.* Complaints may be filed by any
22 person believing that a senator, lobbyist, or client
23 of a lobbyist has violated the senate ethics code, the
24 senate joint rules governing lobbyists, or chapter 68B
25 of the Iowa Code. A violation of the criminal law may
26 be considered to be a violation of this code of ethics
27 if the violation constitutes a serious misdemeanor or
28 greater, or a repetitive and flagrant violation of the
29 law.

30 b. *Committee complaint.* The ethics committee



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1 may, upon its own motion, initiate a complaint,
2 investigation, or disciplinary action.

3 c. *Timeliness of filing.* A complaint will be
4 considered to be timely filed if it is filed within
5 three years of the occurrence of the alleged violation
6 of the ethics code.

7 17. PERMANENT RECORD. The secretary of the senate
8 shall maintain a permanent record of all complaints
9 filed, evidence received by the committee, and any
10 transcripts or other recordings made of committee
11 proceedings, including a separate card file containing
12 the date filed, name and address of the complainant,
13 name and address of the respondent, a brief statement
14 of the charges made, and ultimate disposition of
15 the complaint. The secretary shall keep each such
16 complaint confidential until public disclosure is made
17 by the ethics committee.

18 18. PREHEARING PROCEDURE.

19 a. *Defective complaint.* Upon receipt of a
20 complaint, the chairperson and ranking member of the
21 ethics committee shall determine whether the complaint
22 substantially complies with the requirements of this
23 code of ethics and section 68B.31, subsection 6. If
24 the complaint does not substantially comply with
25 the requirements for formal sufficiency under the
26 code of ethics, the complaint may be returned to the
27 complainant with a statement that the complaint is not
28 in compliance with the code and a copy of the code.
29 If the complainant fails to amend the complaint to
30 comply with the code within a reasonable time, the



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1 ~~chair~~ chairperson and ranking member may dismiss the
2 complaint with prejudice for failure to prosecute.

3 b. *Service of complaint on respondent.* Upon
4 receipt of any complaint substantially complying
5 with the requirements of this code of ethics, the
6 chairperson of the ethics committee shall cause a copy
7 of the complaint and any supporting information to
8 be delivered promptly to the respondent, requesting
9 a written response to be filed within ten days. The
10 response may do any of the following:

- 11 (1) Admit or deny the allegation or allegations.
- 12 (2) Object that the allegation fails to allege a
13 violation of chapter 68B or the code of ethics.
- 14 (3) Object to the jurisdiction of the committee.
- 15 (4) Request a more specific statement of the
16 allegation or allegations.

17 c. *Objection to member.* In addition to the
18 items which may be included in a response pursuant
19 to paragraph "b", the response may also include an
20 objection to the participation of any member of the
21 committee in the consideration of the allegation or
22 allegations on the grounds that the member cannot
23 render an impartial and unbiased decision.

24 d. *Extension of time.* At the request of the
25 respondent and upon a showing of good cause, the
26 committee, or the chairperson and ranking member,
27 may extend the time for response, not to exceed ten
28 additional days.

29 e. *Confidentiality.* If a complaint is not
30 otherwise made public, the members of the committee



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1 shall treat the complaint and all supporting
2 information as confidential until the written response
3 is received from the respondent.

4 f. *Communications with ethics committee.* After a
5 complaint has been filed or an investigation has been
6 initiated, a party to the complaint or investigation
7 shall not communicate, or cause another to communicate,
8 as to the merits of the complaint or investigation with
9 a member of the committee, except under the following
10 circumstances:

11 (1) During the course of any meetings or other
12 official proceedings of the committee regarding the
13 complaint or investigation.

14 (2) In writing, if a copy of the writing is
15 delivered to the adverse party or the designated
16 representative for the adverse party.

17 (3) Orally, if adequate prior notice of the
18 communication is given to the adverse party or the
19 designated representative for the adverse party.

20 (4) As otherwise authorized by statute, the senate
21 code of ethics, the ~~senate~~ joint rules governing
22 lobbyists, or vote of the committee.

23 g. *Scheduling hearing.* Upon receipt of the
24 response, the committee shall schedule a public meeting
25 to review the complaint and available information, and
26 shall do one of the following:

27 (1) Notify the complainant that no further
28 action will be taken, unless further substantiating
29 information is produced.

30 (2) Dismiss the complaint for failure to meet the



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1 statutory and code of ethics requirements for valid
2 complaints.

3 (3) Take action on the complaint without requesting
4 the appointment of an independent special counsel
5 if the committee determines the complaint is valid
6 and determines no dispute exists between the parties
7 regarding the material facts that establish a
8 violation. The committee may do any of the following:

9 (a) Issue an admonishment to advise against the
10 conduct that formed the basis for the complaint and to
11 exercise care in the future.

12 (b) Issue an order to cease and desist the conduct
13 that formed the basis for the complaint.

14 (c) Make a recommendation to the senate that
15 the person subject to the complaint be censured or
16 reprimanded.

17 (4) Request that the chief justice of the supreme
18 court appoint an independent special counsel to conduct
19 an investigation of the complaint and supporting
20 information, to make a determination of probable cause,
21 and to report the findings to the committee, which
22 shall be received within a reasonable time.

23 h. *Public hearing.* If independent special counsel
24 is appointed, upon receipt of the report of independent
25 special counsel's findings, the committee shall
26 schedule a public meeting to review the report and
27 shall do either of the following:

28 (1) Cause the complaint to be scheduled for a
29 public hearing.

30 (2) Dismiss the complaint based upon a



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1 determination by independent special counsel and the
2 committee that insufficient evidence exists to support
3 a finding of probable cause.

4 19. HEARING PROCEDURE.

5 a. *Notice of hearing.* If the committee causes a
6 complaint to be scheduled for a public hearing, notice
7 of the hearing date and time shall be given to the
8 complainant and respondent in writing, and of the
9 respondent's right to appear in person, be represented
10 by legal counsel, present statements and evidence, and
11 examine and cross-examine witnesses. The committee
12 shall not be bound by formal rules of evidence, but
13 shall receive relevant evidence, subject to limitations
14 on repetitiveness. Any evidence taken shall be under
15 oath.

16 b. *Subpoena power.* The committee may require, by
17 subpoena or otherwise, the attendance and testimony of
18 witnesses and the production of such books, records,
19 correspondence, memoranda, papers, documents, and any
20 other things it deems necessary to the conduct of the
21 inquiry.

22 c. *Ex post facto.* An investigation shall not be
23 undertaken by the committee of a violation of a law,
24 rule, or standard of conduct that is not in effect at
25 the time of violation.

26 d. *Disqualification of member.* Members of the
27 committee may disqualify themselves from participating
28 in any investigation of the conduct of another person
29 upon submission of a written statement that the member
30 cannot render an impartial and unbiased decision



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1 in a case. A member may also be disqualified by a
2 unanimous vote of the remaining eligible members of the
3 committee.

4 A member of the committee is ineligible to
5 participate in committee meetings, as a member of the
6 committee, in any proceeding relating to the member's
7 own official conduct.

8 If a member of the committee is disqualified or
9 ineligible to act, the majority or minority leader who
10 appointed the member shall appoint a replacement member
11 to serve as a member of the committee during the period
12 of disqualification or ineligibility.

13 e. *Hearing.* At the hearing, the chairperson shall
14 open the hearing by stating the charges, the purpose of
15 the hearing, and its scope. The burden of proof rests
16 upon the complainant to establish the facts as alleged,
17 by clear and convincing evidence. However, questioning
18 of witnesses shall be conducted by the members of the
19 committee, by independent special counsel, or by a
20 senator. The chairperson shall also permit questioning
21 by legal counsel representing the complainant or
22 respondent.

23 The chairperson or other member of the committee
24 presiding at a hearing shall rule upon procedural
25 questions or any question of admissibility of evidence
26 presented to the committee. Rulings may be reversed by
27 a majority vote of the committee members present.

28 The committee may continue the hearing to a future
29 date if necessary for appropriate reasons or purposes.

30 f. *Committee action.* Upon receipt of all relevant



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1 evidence and arguments, the committee shall consider
2 the same and recommend to the senate any of the
3 following:

- 4 (1) That the complaint be dismissed.
- 5 (2) That the senator, lobbyist, or client of a
6 lobbyist be censured or reprimanded, and recommend the
7 appropriate form of censure or reprimand.
- 8 (3) Any other appropriate sanction, including
9 suspension or expulsion from membership in the senate,
10 or suspension of lobbying privileges.

11 g. *Disposition resolution.* By appropriate
12 resolution, the senate may amend, adopt, or reject
13 the report of the ethics committee, including the
14 committee's recommendations regarding disciplinary
15 action.

16 20. COMMITTEE AUTHORIZED TO MEET. The senate
17 ethics committee is authorized to meet at the
18 discretion of the chairperson to conduct hearings and
19 other business that properly may come before it. If
20 the committee submits a report seeking senate action
21 against a senator, lobbyist, or client of a lobbyist
22 after the second regular session of a general assembly
23 has adjourned sine die, the report shall be submitted
24 to and considered by the subsequent general assembly.
25 However, the report may be submitted to and considered
26 during any special session which may take place after
27 the second regular session of a general assembly has
28 adjourned sine die, but before the convening of the
29 next general assembly.

30 21. ADVISORY OPINIONS.



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1 a. *Requests for formal opinions.* A request for a
2 formal advisory opinion may be filed by any person who
3 is subject to the authority of the ethics committee.
4 The ethics committee may also issue a formal advisory
5 opinion on its own motion, without having previously
6 received a formal request for an opinion, on any issue
7 that is within the jurisdiction of the committee.
8 Requests shall be filed with either the secretary of
9 the senate or the chairperson of the ethics committee.
10 b. *Form and contents of requests.* A request for
11 a formal advisory opinion shall be in writing and may
12 pertain to any subject matter that is related to the
13 application of the senate code of ethics, the ~~senate~~
14 joint rules governing lobbyists, or chapter 68B of the
15 Code to any person who is subject to the authority of
16 the ethics committee. Requests shall contain one or
17 more specific questions and shall relate either to
18 future conduct or be stated in the hypothetical. A
19 request for an advisory opinion shall not specifically
20 name any individual or contain any other specific
21 identifying information, unless the request relates
22 to the requester's own conduct. However, any request
23 may contain information which identifies the kind
24 of individual who may be affected by the subject
25 matter of the request. Examples of this latter kind
26 of identifying information may include references to
27 conduct of a category of individuals, such as but not
28 limited to conduct of legislators, legislative staff,
29 lobbyists, or clients of lobbyists.
30 c. *Confidentiality of formal requests and opinions.*



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1 Requests for formal opinions are not confidential and
2 any deliberations of the committee regarding a request
3 for a formal opinion shall be public. Opinions issued
4 in response to requests for formal opinions are not
5 confidential, shall be in writing, and shall be placed
6 on file in the office of the secretary of the senate.
7 Persons requesting formal opinions shall personally
8 receive a copy of the written formal opinion that is
9 issued in response to the request.

10 22. CALCULATION OF TIME — DAYS. For purposes of
11 these rules, unless the context otherwise requires,
12 the word "day" or "days" shall mean a calendar day
13 except that if the day is the last day of a specific
14 time period and falls upon a Saturday, Sunday, or legal
15 holiday, the time prescribed shall be extended so as to
16 include the whole of the next day in which the offices
17 of the senate and the general assembly are open for
18 official business.

19 23. COMPLAINT FILING FORM. The following form
20 shall be used to file a complaint under these rules:

21 THE SENATE
22 Ethics Complaint Form
23 Re: _____
24 (Senator/Lobbyist/Client of Lobbyist), of
25 _____, Iowa.
26 I, _____ (Complainant),
27 residing at _____, in the City of
28 _____, State of _____,
29 hereby complain that _____
30 (Senator/Lobbyist/Client of Lobbyist), whose address



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1 is _____, has
2 violated the Senate Code of Ethics or ~~Senate~~ Joint
3 Rules Governing Lobbyists in that:

4 (Explain the basis for the complaint here. Use
5 additional pages, if necessary.)

6 Under penalty of perjury, I certify that the above
7 complaint is true and correct as I verily believe.

8 _____
9 Signature of Complainant

10 SUBSCRIBED AND AFFIRMED to before me this _____
11 day of _____, _____.

12 _____
13 Notary Public in and for the
14 State of _____

15 24. COMPLAINT NOTICE FORM. The following form
16 shall be used for notice of a complaint under these
17 rules:

	STATE OF IOWA	
	THE SENATE	
20 COMMITTEE ON ETHICS)	
21 IOWA STATE SENATE)	
22)	
23 On The Complaint Of)	NOTICE OF COMPLAINT
24)	
25 _____)	
26)	
27 And Involving)	
28)	
29 _____)	
30)	



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1 TO _____,
 2 Senator or Lobbyist or Client of Lobbyist named
 3 above:
 4 You are hereby notified that there is now on file
 5 with the Secretary of the Senate, State Capitol, Des
 6 Moines, Iowa, a complaint which alleges that you have
 7 committed a violation of the Senate's Code of Ethics or
 8 Senate Joint Rules Governing Lobbyists.
 9 A copy of the complaint and the Senate rules for
 10 processing the same are attached hereto and made a part
 11 of this notice.
 12 You are further notified and requested to file your
 13 written answer to the complaint within ten days of the
 14 date upon which the notice was caused to be delivered
 15 to you, (date) _____, _____.
 16 Your answer is to be filed with the Secretary of the
 17 Senate, State Capitol, Des Moines, Iowa.
 18 Dated this _____ day of _____, _____.
 19 _____
 20 Chair, Senate Ethics Committee,
 21 or Secretary of the Senate
 22 25. HEARING NOTICE FORM. The following form shall
 23 be used for notice of a hearing under these rules:
 24 STATE OF IOWA
 25 THE SENATE
 26 COMMITTEE ON ETHICS)
 27 IOWA STATE SENATE)
 28)
 29 On The Complaint Of) NOTICE OF HEARING
 30)



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1 _____)
 2 _____)
 3 And Involving)
 4 _____)
 5 _____)
 6 _____)

7 TO _____,
 8 Senator or Lobbyist or Client of Lobbyist named
 9 above:

10 You are hereby notified that there is now on file
 11 with the Secretary of the Senate, State Capitol, Des
 12 Moines, Iowa, a complaint which alleges that you have
 13 committed a violation of the Senate's Code of Ethics or
 14 Senate Joint Rules Governing Lobbyists.

15 A copy of the complaint and the Senate rules for
 16 processing the same are attached hereto and made a part
 17 of this notice.

18 You are further notified that, after preliminary
 19 review, the committee has caused a public hearing to be
 20 scheduled on (date) _____, _____, at
 21 (hour) _____ (a.m.) (p.m.), in Room _____, State
 22 Capitol, Des Moines, Iowa.

23 At the hearing, you will have the right to appear
 24 in person, be represented by legal counsel at your own
 25 expense, present statements and evidence, and examine
 26 and cross-examine witnesses. The committee shall
 27 not be bound by formal rules of evidence, but shall
 28 receive relevant evidence, subject to limitations on
 29 repetitiveness. Any evidence taken shall be under
 30 oath.



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1 The committee may continue the hearing to a future
2 date if necessary for appropriate reasons or purposes.
3 You are further notified that the committee will
4 receive such evidence and take such action as warranted
5 by the evidence.

6 Dated this ____ day of _____, ____.
7 _____
8 Chair, Senate Ethics Committee,
9 or Secretary of the Senate

10 26. PERSONAL FINANCIAL DISCLOSURE FORM. The
11 following form shall be used for disclosure of economic
12 interests under these rules and section 68B.35:

STATEMENT OF ECONOMIC INTERESTS

13
14 Name: _____
15 (Last) (First) (Middle Initial)
16 Address: _____
17 (Street Address, Apt.#/P.O. Box)
18 _____
19 (City) (State) (Zip)
20 Phone: (Home) ____/____-____ (Business) ____/____-____

21 *****

22 a. Please list each business, occupation, or
23 profession in which you are engaged. In listing
24 the business, occupation, or profession, it is
25 not necessary that your employer or the name of
26 the business be listed, although all businesses,
27 occupations, or professions must be listed, regardless
28 of the amount of income derived or time spent
29 participating in the activity. (Examples of types
30 of businesses, occupations, or professions that may



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1 be listed: teacher, lawyer, legislator, real estate
2 agent, insurance adjuster, salesperson....)

3 (1) _____

4 (2) _____

5 (3) _____

6 (4) _____

7 (5) _____

8 b. Please list the nature of each of the
9 businesses, occupations, or professions which you
10 listed in paragraph "a", above, unless the nature of
11 the business, occupation, or profession is already
12 apparent from the information indicated above. The
13 descriptions in this paragraph should correspond by
14 number to the numbers for each of the businesses,
15 occupations, or professions listed in paragraph "a".
16 (Examples: If you indicated, for example, that you
17 were a salesperson in subparagraph (1) of paragraph
18 "a", you should list in subparagraph (1) of this
19 paragraph the types of goods or services sold in this
20 item. If you indicated that you were a teacher in
21 subparagraph (2) of paragraph "a", you should indicate
22 in subparagraph (2) of this paragraph the type of
23 school or institution in which you provide instruction
24 or whether the instruction is provided on a private
25 basis. If you indicated that you were a lawyer in
26 subparagraph (3) of paragraph "a", you should indicate
27 your areas of practice and whether you are in private,
28 corporate, or government practice in subparagraph (3)
29 of this paragraph. If you indicated in subparagraph
30 (4) of paragraph "a" that you were a consultant, in



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1 subparagraph (4) of this paragraph you should indicate
 2 the kind of services provided and types of clients
 3 served.)

- 4 (1) _____
- 5 (2) _____
- 6 (3) _____
- 7 (4) _____
- 8 (5) _____

9 c. Please list each source, by general description,
 10 from which you receive, or which generates, more than
 11 one thousand dollars in gross annual income in the
 12 categories listed below. For purposes of this item,
 13 a source produces gross annual income if the revenue
 14 produced by the source is subject to federal or state
 15 income taxes. In completing this item, it is not
 16 necessary to list the name of the company, business,
 17 financial institution, corporation, partnership, or
 18 other entity which constitutes the source of the income
 19 and the amount or value of the holding should not be
 20 listed.

21 (1) Securities (Here for example, you need not
 22 state that you own X number of shares of any specific
 23 company by brand or corporate name, or that the stock
 24 is of a certain value, but may instead state that you
 25 possess stock in a company and indicate the nature of
 26 the company's business.):

- 27 _____
- 28 _____
- 29 _____
- 30 _____



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1 _____
 2 (2) Instruments of Financial Institutions (You
 3 need not indicate, for example, in which institutions
 4 you hold certificates of deposit that produce annual
 5 income over the one thousand dollar threshold, but
 6 simply listing the nature of the institution will
 7 suffice, e.g., bank, credit union, or savings and loan
 8 association.):

9 _____
 10 _____
 11 _____
 12 _____
 13 _____

14 (3) Trusts (The name of the particular trust need
 15 not be listed. However, if the income is received
 16 from a charitable trust/foundation, such as the Pugh
 17 Charitable Trust, in the form of a grant, the fact that
 18 the trust is a charitable trust should be noted here.):

19 _____
 20 _____
 21 _____
 22 _____
 23 _____

24 (4) Real Estate (When listing real estate, it is
 25 not necessary to list the location of the property, but
 26 the general nature of the real estate interest should
 27 be indicated, e.g., residential leasehold interest or
 28 farm leasehold interest.):

29 _____
 30 _____



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Senate Resolution 4 - Introduced

SENATE RESOLUTION NO. 4

BY BEALL and KAPUCIAN

1 A Resolution congratulating the Republic of China
2 (Taiwan) on its inclusion in the United States Visa
3 Waiver Program; supporting Taiwan's efforts to
4 secure entry into the Trans-Pacific Partnership; and
5 reaffirming support for Taiwan's participation in
6 the International Civil Aviation Organization, and
7 for strengthening sister-state ties between Iowa and
8 Taiwan.

9 WHEREAS, the Republic of China (Taiwan), marking
10 its centennial in 2011 and entering into its second
11 century in 2012 as the world's 19th-largest economy,
12 has achieved economic and social stability, has been
13 lauded in the last two decades as a beacon of democracy
14 for Asia, has dramatically improved its record on human
15 rights, and has taken great steps forward to enter the
16 world arena as a trusted partner; and

17 WHEREAS, Taiwan gained membership in the United
18 States Visa Waiver Program, and is the 37th country
19 to receive visa-free travel privileges to the United
20 States and only the 5th Asian country with visa-free
21 status, behind Japan, South Korea, Singapore, and
22 Brunei; and as a result, more Taiwanese will travel to
23 the United States for business and tourism, increasing
24 the spending of tourist dollars and facilitating
25 business, trade, and investment in the United States,
26 thus contributing to the national and local economies
27 and strengthening bilateral ties with the individual
28 states, including Iowa; and



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1 WHEREAS, Taiwan in 2011 ranks as the United States'
2 10th-largest trading partner in the world, serving as
3 the United States' 15th-largest export market overall,
4 and the 6th-largest market for U.S. agricultural goods,
5 as well as the 14th-largest market for Iowa goods,
6 worth \$125.1 million in 2011, an increase of 18 percent
7 above Iowa's exports to Taiwan in 2010; and

8 WHEREAS, Taiwan's imports of goods continue to
9 contribute to Iowa's economy since the September 2011
10 visit of the Taiwan Agricultural Goodwill Mission to
11 the United States, which included a delegation visit
12 to Des Moines and signing of Letters of Intent for
13 Iowa-grown corn and soybeans through 2013; and

14 WHEREAS, Taiwan, seeking greater regional
15 integration in the Asia-Pacific region and promotion
16 of bilateral investment and trade relations with the
17 United States, welcomes the opportunity presented
18 by the United States' announcement at the 2011
19 Asia-Pacific Economic Cooperation leaders meeting
20 of the United States' intent to not only join the
21 Trans-Pacific Partnership, the proposed 21st-century
22 trade agreement between the United States and eight
23 other Asia-Pacific Rim countries, but to expand the
24 membership in the future to include other countries,
25 such as Taiwan; and

26 WHEREAS, aviation safety has become a major global
27 concern since 2001, and even though Taiwan is a key
28 air transport hub in the Asia-Pacific region, with
29 more than one million flights passing through the
30 Taipei Flight Information Region, and with one of



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1 the world's largest airport cargo volumes passing
2 through the Taoyuan International Airport, yet Taiwan
3 is not a member of the International Civil Aviation
4 Organization; NOW THEREFORE,
5 BE IT RESOLVED BY THE SENATE, That the Senate
6 congratulates the Republic of China (Taiwan) on gaining
7 inclusion in the United States Visa Waiver Program;
8 supports Taiwan's efforts to secure entry into the
9 Trans-Pacific Partnership, along with the United States
10 and other friendly Asia-Pacific Rim countries, and
11 to promote bilateral investment and trade relations
12 with the United States; reaffirms its support for the
13 participation of Taiwan in the International Civil
14 Aviation Organization; and supports strengthening
15 Taiwan-Iowa sister-state relations, friendship, and
16 exchanges; and
17 BE IT FURTHER RESOLVED, That the Secretary of
18 the Senate is hereby directed to send a copy of this
19 Resolution to United States Secretary of State John
20 Kerry; Secretary General Raymond Benjamin of the
21 International Civil Aviation Organization; President
22 Ma Ying-jeou of the Republic of China (Taiwan); and
23 the Taipei Economic and Cultural Office in Chicago,
24 Illinois.

LSB 1572SS (1) 85

-3-

jr/rj

3/3



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Senate Study Bill 1119 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
INSPECTIONS AND APPEALS
BILL)

A BILL FOR

1 An Act relating to the transfer of assets under the Medicaid
2 program.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1170XD (3) 85
pf/nh



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S.F. _____ H.F. _____

1 Section 1. Section 249F.1, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 01. *a.* *"Fair consideration"* means full
4 and adequate consideration which is, under all circumstances,
5 equivalent to the value of the property transferred and which
6 is honest, reasonable, and free of suspicion. A determination
7 of fair consideration is separate and distinct from and
8 independent and exclusive of any prior value determination
9 relating to the medical assistance application or ongoing
10 medical assistance participation of the transferor.

11 *b.* For the purposes of determining fair consideration
12 in transfers of a life estate or remainder interests, the
13 determination shall be made in accordance with rules adopted
14 by the department of human services pursuant to chapter 17A.
15 The rules shall specify the computation to be utilized in such
16 determination, which shall be based on the program operations
17 manual system life estate table published by the United
18 States social security administration, and shall not include
19 subjective considerations such as the health and personal
20 circumstances of the life estate holder.

21 Sec. 2. Section 249F.1, subsection 2, paragraph a, Code
22 2013, is amended to read as follows:

23 *a.* *"Transfer of assets"* means any transfer or assignment
24 of a legal or equitable interest in property, as defined in
25 section 702.14, from a transferor to a transferee for less
26 than fair consideration, made within five years prior to the
27 application for medical assistance by the transferor, while
28 the transferor is receiving medical assistance, or within
29 five years prior to application for medical assistance by
30 the transferor after the transferor is no longer receiving
31 medical assistance but has an existing medical assistance
32 debt. Any such transfer or assignment is presumed to be made
33 with the intent, on the part of the transferee; transferor;
34 or another person acting on behalf of a transferor who is an
35 actual or implied agent, guardian, attorney-in-fact, or person



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1 acting as a fiduciary, of enabling the transferor to obtain or
 2 maintain eligibility for medical assistance or of impacting
 3 the recovery or payment of a medical assistance debt. This
 4 presumption is rebuttable only by clear and convincing evidence
 5 that the transferor's eligibility or potential eligibility for
 6 medical assistance or the impact on the recovery or payment
 7 of a medical assistance debt was no part of the reason of
 8 the transferee; transferor; or other person acting on behalf
 9 of a transferor who is an actual or implied agent, guardian,
 10 attorney-in-fact, or person acting as a fiduciary for making
 11 or accepting the transfer or assignment. A transfer of assets
 12 includes a transfer of an interest in the transferor's home,
 13 domicile, or land appertaining to such home or domicile
 14 while the transferor is receiving medical assistance, unless
 15 otherwise exempt under paragraph "b".

16 Sec. 3. Section 249F.1, subsection 2, paragraph b,
 17 subparagraph (5), Code 2013, is amended by striking the
 18 subparagraph.

19 Sec. 4. Section 249F.2, Code 2013, is amended to read as
 20 follows:

21 **249F.2 Creation of debt.**

22 A transfer of assets creates a debt due and owing to the
 23 department of human services from the transferee in an amount
 24 equal to medical assistance provided to or on behalf of the
 25 transferor, on or after the date of the transfer of assets, but
 26 not exceeding the fair ~~market value of~~ consideration of the
 27 assets at the time of the transfer.

28 EXPLANATION

29 This bill relates to transfers of assets under the medical
 30 assistance (Medicaid) program.

31 The bill defines "fair consideration" for the purposes of
 32 determining whether an asset was transferred for less than the
 33 fair consideration amount.

34 The bill amends the definition of "transfer of asset" to
 35 include a transfer made after the transferor is no longer



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1 receiving Medicaid, but has an existing Medicaid debt.
2 The bill eliminates, as an exception to the definition
3 of a "transfer of asset", transfers of less than \$2,000 on
4 an aggregated basis during the five-year period prior to
5 application for medical assistance by the transferor.



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Senate Study Bill 1120 - Introduced

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

A BILL FOR

- 1 An Act creating the manufactured housing program fund.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1851SC (2) 85
av/sc



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S.F. _____

1 Section 1. NEW SECTION. 16.100B **Manufactured housing**
2 **program fund.**

3 1. A manufactured housing program fund is created within the
4 authority to further the goal of providing affordable housing
5 to Iowans. The moneys in the fund are annually appropriated to
6 the authority for the purpose of providing funding to financing
7 agents or financial institutions to finance the purchase by
8 an individual of a manufactured home that is in compliance
9 with all laws, rules, and standards that are applicable to
10 manufactured homes and manufactured housing.

11 2. Moneys received by the authority for the manufactured
12 housing program fund, transferred by the authority for deposit
13 in the fund, appropriated to the fund, and any other moneys
14 available to and obtained or accepted by the authority for
15 placement in the fund shall be deposited in the fund and are
16 appropriated to the authority to be used as set forth in
17 this section. Additionally, recapture of awards and other
18 repayments to the fund shall be deposited in the fund and
19 are appropriated to the authority to be used as set forth in
20 this section. Notwithstanding section 8.33, unencumbered or
21 unobligated moneys remaining in the fund on June 30 of any
22 fiscal year shall not revert to any other fund but shall be
23 available for expenditure in subsequent years. Notwithstanding
24 section 12C.7, interest or earnings on moneys in the fund or
25 appropriated to the fund shall be credited to the fund.

26 3. The authority shall allocate moneys available in the
27 manufactured housing program fund to financing agents or
28 financial institutions to be used as set forth in subsection
29 1. The authority may provide funding to a financing agent or
30 financial institution in the form of loans, linked deposits,
31 guarantees, reserve funds, or any other prudent financial
32 instruments.

33 4. The authority shall adopt rules pursuant to chapter
34 17A including but not limited to eligibility requirements for
35 financing agents or financial institutions to receive funding

LSB 1851SC (2) 85
av/sc



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Senate Study Bill 1121 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

- 1 An Act providing for appropriations to the statewide fire
- 2 and police retirement system and including effective date
- 3 provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1906XC (3) 85
ec/sc



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1 Section 1. NEW SECTION. 411.19 State appropriation.

2 1. There is appropriated from the general fund of the state
3 for each fiscal year an amount equal to three and seventy-nine
4 hundredths percent of the covered earnable compensation to be
5 distributed to the statewide fire and police retirement system,
6 or to the cities participating in the system, to finance the
7 cost of benefits provided in this chapter by amendments of the
8 Acts of the Sixty-sixth General Assembly, chapter 1089. The
9 method of distribution shall be determined by the board of
10 trustees based on information provided by the actuary of the
11 statewide retirement system.

12 2. Moneys appropriated by the state shall not be used
13 to reduce the normal rate of contribution of any city below
14 seventeen percent.

15 Sec. 2. STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM FUND —
16 APPROPRIATION.

17 1. There is appropriated from the general fund of the state
18 for deposit in the statewide fire and police retirement fund
19 created in section 411.8, for the fiscal year beginning July 1,
20 2012, and ending June 30, 2013, the following amount:

21 \$ 9,800,000

22 2. Moneys appropriated by the state pursuant to this section
23 shall not be used to reduce the normal rate of contribution of
24 any city below 17 percent.

25 Sec. 3. EFFECTIVE UPON ENACTMENT. The following provision
26 or provisions of this Act, being deemed of immediate
27 importance, take effect upon enactment:

28 1. The section of this Act providing for an appropriation to
29 the statewide fire and police retirement fund for the fiscal
30 year beginning July 1, 2012.

EXPLANATION

32 This bill provides for a state appropriation to the
33 statewide fire and police retirement system established in
34 Code chapter 411 equal to 3.79 percent of the covered earnable
35 compensation of the members. The percentage represents the

LSB 1906XC (3) 85
ec/sc



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1 cost of benefits provided by Acts of the 66th General Assembly.
2 The bill restores the standing state appropriation to the
3 retirement system that was repealed by 2010 Acts, chapter 1167.
4 The repealed language had set the state appropriation based
5 upon the cost of benefits provided by the Acts of the 66th
6 General Assembly but did not specify a percentage.
7 The bill also provides for an appropriation from the general
8 fund of the state to the statewide fire and police retirement
9 system fund for the fiscal year beginning July 1, 2012, for
10 \$9.8 million. This provision of the bill takes effect upon
11 enactment.



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Senate Study Bill 1122 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON EDUCATION BILL BY
CHAIRPERSON QUIRMBACH)

A BILL FOR

1 An Act establishing the categorical state percent of growth for
2 the school budget year beginning July 1, 2014, and including
3 effective date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2118SC (2) 85
md/sc



**Iowa General Assembly
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1 Section 1. Section 257.8, subsection 2, Code 2013, is
2 amended to read as follows:

3 2. *Categorical state percent of growth.* ~~The categorical~~
4 ~~state percent of growth for the budget year beginning July~~
5 ~~1, 2010, is two percent.~~ The categorical state percent of
6 growth for the budget year beginning July 1, 2012, is two
7 percent. The categorical state percent of growth for the
8 budget year beginning July 1, 2014, is four percent. The
9 categorical state percent of growth for each budget year shall
10 be established by statute which shall be enacted within thirty
11 days of the submission in the year preceding the base year of
12 the governor's budget under section 8.21. The establishment
13 of the categorical state percent of growth for a budget year
14 shall be the only subject matter of the bill which enacts the
15 categorical state percent of growth for a budget year. The
16 categorical state percent of growth may include state percents
17 of growth for the teacher salary supplement, the professional
18 development supplement, and the early intervention supplement.

19 Sec. 2. CODE SECTION 257.8 — IMPLEMENTATION. The
20 requirement of section 257.8, subsection 2, regarding the
21 enactment of a bill establishing the categorical state percent
22 of growth within thirty days of the submission in the year
23 preceding the base year of the governor's budget does not apply
24 to this Act.

25 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
26 immediate importance, takes effect upon enactment.

27 Sec. 4. APPLICABILITY. This Act is applicable for computing
28 state aid under the state school foundation program for the
29 school budget year beginning July 1, 2014.

30 EXPLANATION

31 This bill establishes a categorical state percent of growth
32 of 4 percent for purposes of the state school foundation
33 program for the school budget year beginning July 1, 2014.
34 The categorical state percent of growth includes the teacher
35 salary supplement, the professional development supplement,

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md/sc



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1 and the early intervention supplement. The bill takes effect
2 upon enactment and is applicable for computing state aid under
3 the state school foundation program for the school budget year
4 beginning July 1, 2014.

5 The bill provides that the requirement of Code section 257.8
6 regarding the timing of enactment of a bill establishing the
7 categorical state percent of growth does not apply to the bill.



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Senate Study Bill 1123 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON EDUCATION BILL BY
CHAIRPERSON QUIRMBACH)

A BILL FOR

1 An Act establishing the state percent of growth for the school
2 budget year beginning July 1, 2014, and including effective
3 date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2119SC (1) 85
md/sc



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1 Section 1. Section 257.8, subsection 1, Code 2013, is
2 amended to read as follows:
3 1. *State percent of growth.* ~~The state percent of growth~~
4 ~~for the budget year beginning July 1, 2010, is two percent.~~
5 The state percent of growth for the budget year beginning July
6 1, 2012, is two percent. The state percent of growth for the
7 budget year beginning July 1, 2014, is four percent. The state
8 percent of growth for each subsequent budget year shall be
9 established by statute which shall be enacted within thirty
10 days of the submission in the year preceding the base year of
11 the governor's budget under section 8.21. The establishment of
12 the state percent of growth for a budget year shall be the only
13 subject matter of the bill which enacts the state percent of
14 growth for a budget year.

15 Sec. 2. CODE SECTION 257.8 — IMPLEMENTATION. The
16 requirement of section 257.8, subsection 1, regarding the
17 enactment of a bill establishing the regular program state
18 percent of growth within thirty days of the submission in the
19 year preceding the base year of the governor's budget does not
20 apply to this Act.

21 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
22 immediate importance, takes effect upon enactment.

23 Sec. 4. APPLICABILITY. This Act is applicable for computing
24 state aid under the state school foundation program for the
25 school budget year beginning July 1, 2014.

26 EXPLANATION

27 This bill establishes a state percent of growth of 4
28 percent for purposes of the state school foundation program
29 for the school budget year beginning July 1, 2014. The bill
30 takes effect upon enactment and is applicable for state aid
31 computation under the state school foundation program for the
32 school budget year beginning July 1, 2014.

33 The bill provides that the requirement of Code section 257.8
34 regarding the timing of enactment of a bill establishing the
35 state percent of growth does not apply to the bill.

LSB 2119SC (1) 85
md/sc



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Senate Study Bill 1124 - Introduced

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

A BILL FOR

1 An Act requiring in-state construction contracts and disputes
2 thereof to be governed by Iowa law.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1607XC (2) 85
je/nh



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1 Section 1. NEW SECTION. 537A.6 In-state construction
2 contracts — Iowa law to govern.

3 1. As used in this section, "*in-state construction*
4 *contract*" means a public, private, foreign, or domestic
5 agreement relating to construction, alteration, repair, or
6 maintenance of any real property in this state and includes
7 agreements for architectural services, demolition, design
8 services, development, engineering services, excavation, or any
9 other improvement to real property in this state, including
10 buildings, shafts, wells, and structures, whether on, above, or
11 under real property in this state.

12 2. A provision of an in-state construction contract is void
13 and unenforceable as contrary to public policy if the provision
14 does any of the following:

15 a. Makes the in-state construction contract subject to the
16 laws of another state.

17 b. Requires any litigation, mediation, arbitration, or
18 other dispute resolution proceeding arising from the in-state
19 construction contract to be conducted in another state.

20 3. Any litigation, mediation, arbitration, or other dispute
21 resolution proceeding arising from or relating to an in-state
22 construction contract shall be conducted in this state.

23 EXPLANATION

24 This bill provides that a provision of an in-state
25 construction contract is void and unenforceable as contrary
26 to public policy if the provision makes the contract subject
27 to the laws of another state or requires any litigation,
28 mediation, arbitration, or other dispute resolution proceeding
29 arising from the contract to be conducted in another state.

30 The bill also requires any litigation, mediation, arbitration,
31 or other dispute resolution proceeding arising from or relating
32 to an in-state construction contract to be conducted in this
33 state.

34 "In-state construction contract", as defined in the bill,
35 means a public, private, foreign, or domestic agreement



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1 relating to construction, alteration, repair, or maintenance
2 of any real property in this state and includes agreements
3 for architectural services, demolition, design services,
4 development, engineering services, excavation, or any
5 other improvement to real property in this state, including
6 buildings, shafts, wells, and structures, whether on, above, or
7 under real property in this state.



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Senate Study Bill 1125 - Introduced

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

A BILL FOR

- 1 An Act prohibiting employers from refusing to hire job
- 2 applicants based on certain criminal history and providing
- 3 penalties.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1846XC (7) 85
je/rj



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1 Section 1. Section 84A.5, subsection 4, Code 2013, is
2 amended to read as follows:

3 4. The division of labor services is responsible for the
4 administration of the laws of this state under chapters 88,
5 88A, 88B, 89, 89A, 89B, 90A, 91, 91A, 91C, 91D, 91E, 91F, 92,
6 and 94A, and section 85.68. The executive head of the division
7 is the labor commissioner, appointed pursuant to section 91.2.

8 Sec. 2. Section 91.4, subsection 2, Code 2013, is amended
9 to read as follows:

10 2. The director of the department of workforce development,
11 in consultation with the labor commissioner, shall, at the
12 time provided by law, make an annual report to the governor
13 setting forth in appropriate form the business and expense of
14 the division of labor services for the preceding year, the
15 number of remedial actions taken under chapter 89A, the number
16 of disputes or violations processed by the division and the
17 disposition of the disputes or violations, and other matters
18 pertaining to the division which are of public interest,
19 together with recommendations for change or amendment of the
20 laws in this chapter and chapters 88, 88A, 88B, 89, 89A, 89B,
21 90A, 91A, 91C, 91D, 91E, 91F, 92, and 94A, and section 85.68,
22 and the recommendations, if any, shall be transmitted by the
23 governor to the first general assembly in session after the
24 report is filed.

25 Sec. 3. NEW SECTION. 91F.1 Definitions.

26 As used in this chapter:

27 1. "Arrested" means the same as defined in section 804.5 and
28 includes taking into custody pursuant to section 232.19.

29 2. "Commissioner" means the labor commissioner, appointed
30 pursuant to section 91.2, or the labor commissioner's designee.

31 3. "Convicted" means a finding of guilt, irrespective of
32 imposition or execution of any sentence; a final and valid
33 admission of guilt or a guilty plea; an entry of judgment of
34 conviction; an adjudication of delinquency, including but not
35 limited to a juvenile who has been adjudicated delinquent, but



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1 whose juvenile court records have been sealed under section
2 232.150; or a plea of guilty or consent agreement related to
3 a delinquency petition; and means any comparable offense for
4 which a conviction has been entered under prior law, or any
5 comparable offense for which a conviction has been entered in a
6 state, federal, military, or foreign court.

7 **Sec. 4. NEW SECTION. 91F.2 Prohibited hiring practices.**

8 1. A person shall not refuse to hire an applicant for
9 employment because the applicant has been arrested for or
10 convicted of a public offense more than ten years before the
11 date of application for employment.

12 2. A person shall not directly or indirectly advertise or
13 in any other manner indicate or publicize that an individual
14 arrested for or convicted of a public offense more than
15 ten years before the date of application for employment is
16 unwelcome, objectionable, not acceptable, or not solicited for
17 employment.

18 **Sec. 5. NEW SECTION. 91F.3 Penalties.**

19 A person violating this chapter shall be guilty of a simple
20 misdemeanor, and the commissioner shall assess a civil penalty
21 against the person in an amount not to exceed two hundred fifty
22 dollars for each violation. Civil penalties recovered pursuant
23 to this section shall be remitted by the commissioner to the
24 treasurer of state for deposit in the general fund of the
25 state.

26 **Sec. 6. NEW SECTION. 91F.4 Rules.**

27 The commissioner shall adopt rules pursuant to chapter 17A
28 to administer this chapter.

29 **Sec. 7. NEW SECTION. 91F.5 Inapplicability.**

30 1. This chapter does not apply to a public offense
31 the elements of which are substantially related to the
32 qualifications to perform the particular occupation for which
33 an applicant is applying.

34 2. This chapter shall not be construed to prohibit hiring
35 practices otherwise required by law.



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1 The bill does not apply to a public offense the elements
2 of which are substantially related to the qualifications to
3 perform the particular occupation for which an applicant is
4 applying. The bill is not to be construed to prohibit hiring
5 practices otherwise required by law.



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Senate Study Bill 1126 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT
OF INSPECTIONS AND
APPEALS/STATE PUBLIC
DEFENDER BILL)

A BILL FOR

1 An Act relating to payments from the indigent defense fund by
2 the state public defender.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1172XD (8) 85
jm/rj



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1 Section 1. Section 13B.4, subsection 4, paragraph d, Code
2 2013, is amended by striking the paragraph.

3 Sec. 2. Section 13B.4, subsection 8, Code 2013, is amended
4 to read as follows:

5 8. The state public defender shall adopt rules, as
6 necessary, pursuant to chapter 17A to interpret and administer
7 this chapter, ~~and~~ chapter 815, and sections 229A.6, 232.11,
8 232.89, 232.113, 232.126, 232.141, 232.179, 600A.6A, 600A.6B,
9 814.11, and 908.2A. The state public defender shall have the
10 discretion to interpret such rules.

11 Sec. 3. NEW SECTION. **13B.4A Judicial review of agency**
12 **action.**

13 1. Notwithstanding chapter 17A, a claimant for payment of
14 indigent defense costs may seek judicial review of the state
15 public defender's final agency action denying or reducing any
16 claim by filing a motion for judicial review in the court with
17 jurisdiction over the original appointment. This section is
18 the sole and exclusive method of seeking judicial review of the
19 state public defender's action on any claim for payment.

20 a. A claimant may only file the motion after the state
21 public defender has taken final agency action, as defined by
22 the state public defender, on the claim, and the claimant must
23 file the motion within twenty days of the final agency action.

24 b. Failure to seek judicial review within twenty days of
25 final agency action as defined by the state public defender
26 shall preclude any judicial review of the action taken by the
27 state public defender.

28 c. The motion must clearly and concisely set forth the
29 grounds for error and any other grounds the claimant intends
30 to rely upon when challenging the action of the state public
31 defender.

32 2. a. The court shall set the motion for hearing and
33 provide the state public defender with at least ten days'
34 notice of the hearing. The state public defender shall not
35 be required to file a resistance to the motion for judicial



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1 review.

2 *b.* The claimant or state public defender may participate
3 in the hearing by telephone. If the state public defender
4 participates by telephone, the state public defender shall be
5 responsible for initiating the telephone call and paying all
6 telephone charges incurred for the hearing.

7 3. The claimant shall have the burden to show by a
8 preponderance of the evidence any of the following, otherwise
9 the action of the state public defender shall be affirmed:

10 *a.* The action of the state public defender violates the
11 Constitution of the United States or the Constitution of the
12 State of Iowa, a statute, or an administrative rule adopted by
13 the state public defender.

14 *b.* The action of the state public defender is arbitrary,
15 capricious, or an abuse of discretion.

16 4. In a hearing on a motion for judicial review of an action
17 of the state public defender the following shall apply:

18 *a.* The state public defender's interpretation of the rules
19 adopted by the state public defender or a statute, which the
20 state public defender is vested with discretion to interpret
21 pursuant to section 13B.4, subsection 8, is binding on the
22 court unless the interpretation is irrational, illogical, or a
23 wholly unjustifiable interpretation of the law.

24 *b.* Factual findings of the state public defender must be
25 accepted by the court unless not supported by substantial
26 evidence.

27 *c.* If the state public defender provides an administrative
28 procedure for review of an action on a claim, the court shall
29 not consider any grounds for error or any other grounds unless
30 raised with the state public defender prior to the final agency
31 action, and the court shall not admit new evidence that was
32 not presented to the state public defender prior to the final
33 agency action.

34 5. If the state public defender is not first notified and
35 given an opportunity to be heard, any court order entered after

LSB 1172XD (8) 85

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jm/rj

2/14



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1 the state public defender has taken action on the claim, which
2 affects the claim, is void.

3 6. The decision of the court following a hearing on a motion
4 for judicial review is a final judgment appealable by either
5 the claimant or state public defender.

6 **Sec. 4. NEW SECTION. 13B.4B Confidentiality of indigent**
7 **defense claim records.**

8 1. A claim for compensation and reimbursement for legal
9 assistance and supporting documents submitted to the state
10 public defender for payment of costs incurred in the legal
11 representation of an indigent person from the indigent defense
12 fund established in section 815.11 shall be kept confidential
13 by the state public defender except as otherwise provided in
14 subsection 2.

15 2. a. The claim and supporting documents may be released to
16 the client on whose behalf the costs were incurred.

17 b. Summary claims data may be released if the data contains
18 no information that is required to be kept confidential
19 pursuant to an attorney's obligations under the Iowa rules of
20 professional conduct. Such summary data may include:

21 (1) The name of the attorney or vendor who provided the
22 legal services.

23 (2) The name of the county in which legal services were
24 provided.

25 (3) The case number and name of the client unless the
26 information is a confidential juvenile record under section
27 232.147.

28 (4) The type of claim and the type of cases for which legal
29 services were provided.

30 (5) The number of hours and expenses claimed, and the total
31 amount paid.

32 c. The state public defender may in the state public
33 defender's sole discretion release claims and supporting
34 documents to the auditor of state, the Iowa supreme court
35 attorney disciplinary board, the grievance commission of the



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1 supreme court of Iowa, or to other state or local agencies to
2 the extent necessary to investigate fraud or other criminal
3 activity against the attorney or vendor submitting the claim.

4 *d.* The state public defender may release the claim and
5 supporting documents to the court with respect to a hearing
6 held under section 13B.4A.

7 Sec. 5. Section 13B.8, subsection 2, Code 2013, is amended
8 to read as follows:

9 2. The state public defender may appoint ~~and may, for~~
10 ~~cause, remove~~ the local public defender, assistant local
11 public defenders, clerks, investigators, secretaries, or other
12 employees. After completion of an employee's probationary
13 period, the state public defender shall only remove the
14 employee for cause. An employee of the state public defender
15 exempt from the merit system provisions of chapter 8A,
16 subchapter IV, shall serve a one-year probationary period from
17 the beginning date of employment. Each local public defender,
18 and any assistant local public defender, must be an attorney
19 admitted to the practice of law before the Iowa supreme court.

20 Sec. 6. NEW SECTION. 13B.12 **Gideon fellowship program**
21 **established.**

22 The state public defender may establish a gideon fellowship
23 program for the entry level hiring and training of public
24 defender attorneys. The state public defender may appoint
25 up to four gideon fellows for a term of up to two years and
26 may assign each fellow to a local public defender office or
27 appellate defender office. Each fellow shall be a licensed
28 attorney admitted to practice law in this state prior to
29 commencement of the fellowship. An attorney hired as a fellow
30 shall be excluded from the provisions of chapter 20.

31 Sec. 7. Section 22.7, Code 2013, is amended by adding the
32 following new subsection:

33 NEW SUBSECTION. 10. A claim for compensation and
34 reimbursement for legal assistance and supporting documents
35 submitted to the state public defender for payment from



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1 the indigent defense fund established in section 815.11, as
2 provided in section 13B.4B.

3 Sec. 8. Section 600A.6, subsection 2, Code 2013, is amended
4 to read as follows:

5 2. a. Prior to the service of notice on the necessary
6 parties, the juvenile court shall appoint a guardian ad litem
7 for a minor child if the child does not have a guardian or if
8 the interests of the guardian conflict with the interests of
9 the child. Such guardian ad litem shall be a necessary party
10 under subsection 1 ~~of this section.~~

11 b. A person who is appointed as a guardian ad litem for
12 a minor child shall not also be the attorney for any party
13 other than the minor child in any proceeding involving the
14 minor child. The guardian ad litem may make an independent
15 investigation of the interest of the child and may cause
16 witnesses to appear before the court to provide testimony
17 relevant to the best interest of the minor child.

18 c. The costs of the guardian ad litem shall be paid by the
19 person filing the petition under section 600A.5, subsection
20 1. The costs are not payable from the indigent defense fund
21 established in section 815.11.

22 Sec. 9. Section 600A.6B, Code 2013, is amended to read as
23 follows:

24 **600A.6B Payment of attorney fees.**

25 1. A person filing a petition for termination of parental
26 rights under this chapter ~~or the person on whose behalf the~~
27 ~~petition is filed~~ shall be responsible for the payment of
28 reasonable attorney fees for counsel appointed pursuant to
29 section 600A.6A unless the person filing the petition is a
30 private child-placing agency ~~as defined in section 238.1~~
31 licensed under chapter 238, or unless the court determines that
32 the person filing the petition or the person on whose behalf
33 the petition is filed is indigent.

34 2. If the person filing the petition is a private
35 child-placing agency ~~as defined in section 238.1~~ licensed



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1 under chapter 238 or if the person filing the petition ~~or the~~
 2 ~~person on whose behalf the petition is filed~~ is indigent, the
 3 ~~appointed attorney shall be paid reasonable attorney fees as~~
 4 ~~determined by the state public defender~~ prospective parent on
 5 whose behalf the petition is filed shall be responsible for
 6 the payment of reasonable attorney fees for counsel appointed
 7 pursuant to section 600A.6A unless the court determines that
 8 the prospective parent on whose behalf the petition is filed
 9 is indigent.

10 3. ~~The~~ If the prospective parent on whose behalf the
 11 petition is filed is indigent, and if the person filing the
 12 petition is indigent or a private child-placing agency licensed
 13 under chapter 238, the appointed attorney shall be paid
 14 reasonable attorney fees as determined by the state public
 15 defender from the indigent defense fund established in section
 16 815.11.

17 4. The state public defender shall review all the claims
 18 submitted for payment under this section subsection 3 and shall
 19 have the same authority with regard to the payment of these
 20 claims as the state public defender has with regard to claims
 21 submitted under chapters 13B and 815, including the authority
 22 to adopt rules concerning the review and payment of claims
 23 submitted.

24 Sec. 10. Section 814.11, subsections 2, 3, and 4, Code 2013,
 25 are amended to read as follows:

26 2. a. If the appeal involves an indictable offense or
 27 denial of postconviction relief, the appointment shall be made
 28 to the state appellate defender unless the state appellate
 29 defender notifies the court that the state appellate defender
 30 is unable to handle the case.

31 b. If the state appellate defender is unable to handle
 32 the case, the state public defender may transfer the case to
 33 a local public defender office, nonprofit organization, or
 34 private attorney designated by the state public defender to
 35 handle such a case. The state appellate defender shall notify



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1 the supreme court of the transfer of a case, and upon such
2 notification the responsibility of the state appellate defender
3 in the case terminates.

4 c. If, after transfer of the case to a local public defender
5 office, nonprofit organization, or private attorney, the local
6 public defender office, nonprofit organization, or private
7 attorney withdraws from the case, the court shall appoint an
8 attorney who has a contract with the state public defender to
9 provide legal services in appellate cases.

10 3. a. In a juvenile case under chapter 232 or a proceeding
11 under chapter 600A, the trial attorney shall continue
12 representation throughout the appeal without an additional
13 appointment order unless the court grants the attorney
14 permission to withdraw from the case.

15 b. If the court grants the attorney permission to withdraw,
16 the court shall appoint the state public defender's designee
17 pursuant to section 13B.4.

18 c. If the state public defender has not made a designation
19 pursuant to section 13B.4 to handle the type of case or the
20 state public defender's designee is unable to handle the case,
21 the court shall appoint an attorney who has a contract with the
22 state public defender to provide legal services in appellate
23 cases.

24 4. a. In all other cases not specified in subsection 2 or
25 3, or except as otherwise provided in this section, the court
26 shall appoint the state public defender's designee pursuant to
27 section 13B.4.

28 b. If the state public defender has not made a designation
29 pursuant to section 13B.4 to handle these other types of cases
30 or the state public defender's designee is unable to handle
31 the case, the court shall appoint an attorney to represent
32 an indigent person who has a contract with the state public
33 defender to provide legal services in appellate cases.

34 Sec. 11. **NEW SECTION. 815.1 Costs incurred by a privately**
35 **retained attorney representing an indigent person.**



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1 1. The court shall not authorize the payment of state
2 funds for the costs incurred in the legal representation of a
3 person represented by a privately retained attorney unless the
4 requirements of this section are satisfied.

5 2. An application for the payment of state funds for the
6 costs incurred in the legal representation of an indigent
7 person that is submitted by the privately retained attorney
8 shall be filed with the court in the county in which the case
9 was filed and include the following:

10 *a.* A copy of the attorney's fee agreement for the
11 representation.

12 *b.* An itemized accounting of all compensation paid to the
13 attorney including the amount of any retainer.

14 *c.* The amount of compensation earned by the attorney.

15 *d.* Information on any expected additional costs to be paid
16 or owed by the represented person to the attorney for the
17 representation.

18 *e.* A signed financial affidavit completed by the represented
19 person.

20 3. The attorney shall submit a copy of the application and
21 all attached documents to the state public defender.

22 4. The court shall not grant the application and authorize
23 all or a portion of the payment to be made from state funds
24 unless the court determines, after reviewing the application
25 and supporting documents, that all of the following apply:

26 *a.* The represented person is indigent and unable to pay for
27 the costs sought to be paid by the attorney.

28 *b.* The costs are reasonable and necessary for the
29 representation of the person in a case for which counsel could
30 have been appointed under section 815.10.

31 *c.* The moneys paid or to be paid to the attorney by or on
32 behalf of the represented person are insufficient to pay all or
33 a portion of the costs sought to be paid from state funds.

34 (1) In determining whether the moneys paid or to be paid to
35 the attorney are insufficient for purposes of this paragraph



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1 "c", the court shall add the hours previously worked to the
2 hours expected to be worked to finish the case and multiply
3 that sum by the hourly rate of compensation specified under
4 section 815.7.

5 (2) If the product calculated in subparagraph (1) is
6 greater than the moneys paid or to be paid to the attorney by
7 or on behalf of the represented person, the moneys shall be
8 considered insufficient to pay all or a portion of the costs
9 sought to be paid from state funds.

10 (3) If the private attorney is retained on a flat fee
11 agreement, and a precise record of hours worked is not
12 available, the privately retained attorney shall provide the
13 court a reasonable estimate of the time expended to allow the
14 court to make the calculation pursuant to this paragraph "c".

15 5. This section applies to payments to witnesses under
16 section 815.4, evaluators, investigators, and certified
17 shorthand reporters, and for other costs incurred in the legal
18 representation.

19 6. This section shall not be construed to restrict payment
20 of costs on behalf of an indigent person represented on a pro
21 bono basis.

EXPLANATION

22 This bill relates to payments from the indigent defense fund
23 by the state public defender.

24 Under the bill, an indigent defense claimant may seek
25 judicial review of the final agency action of the state
26 public defender denying or reducing an indigent defense claim
27 by filing a motion for judicial review in the court with
28 jurisdiction over the original court appointment.

29 The bill requires the motion to be filed within 20 days after
30 the final agency action. The bill also requires the motion
31 to clearly and concisely set forth the grounds for error the
32 claimant intends to rely upon when challenging the final agency
33 action of the state public defender.

34 The bill requires the motion to be set for a hearing and that
35



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1 the state public defender be provided at least 10 days' notice
 2 of the hearing. The bill does not require the state public
 3 defender to file a resistance to the motion. The claimant or
 4 state public defender may appear at the hearing by telephone,
 5 however, if the state public defender appears by telephone, the
 6 state public defender shall be responsible for initiating and
 7 paying all telephone charges incurred during the hearing.

8 The bill specifies that if the state public defender is not
 9 first notified and given an opportunity to be heard on a motion
 10 to review a claim for payment, any court order entered after
 11 the state public defender has taken action on the claim, which
 12 affects the claim, is void.

13 The bill requires the claimant to prove by a preponderance of
 14 the evidence that the final agency action of the state public
 15 defender violated the constitutions of the United States or the
 16 State of Iowa, a statute, or an administrative rule, or that
 17 the final agency action was arbitrary, capricious, or an abuse
 18 of discretion.

19 Under the bill, if the state public defender provides an
 20 administrative procedure for review of an action on a claim,
 21 the court, during judicial review, shall not consider any
 22 grounds for error unless raised with the state public defender
 23 prior to the final agency action, and the court is prohibited
 24 from admitting new evidence that was not previously presented
 25 to the state public defender.

26 The bill specifies the state public defender may adopt rules
 27 to interpret and administer Code sections 229A.6 (sexually
 28 violent predators), 232.11 (juvenile delinquency), 232.89
 29 (child in need of assistance), 232.113 (termination of parental
 30 rights in juvenile court), 232.126 (appointment of guardian
 31 ad litem for family in need of assistance), 232.141 (juvenile
 32 court expenses and costs), 232.179 (appointment of counsel and
 33 guardian ad litem for voluntary foster care placement), 600A.6A
 34 (termination of parental rights), 600A.6B (payment of attorney
 35 fees for termination of parental rights), 814.11 (indigent's



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1 right to counsel), and 908.2A (appointment of an attorney for
2 violations of probation or parole).

3 The bill specifies that indigent defense claims and
4 supporting documents are confidential documents under Code
5 section 22.7 but allows the state public defender to release
6 the confidential information under certain circumstances. The
7 state public defender may release the claim and supporting
8 documents to the indigent person who was the client in the
9 case. The bill specifies that summary claims data may be
10 released including the name of the attorney or vendor providing
11 services, the county in which legal services were provided, the
12 case number and name of the client unless the information is a
13 confidential juvenile record, the type of claim and case, the
14 number of hours and costs claimed, and the amount paid to the
15 claimant.

16 The bill also allows the state public defender to provide
17 indigent defense claims and supporting documents to the auditor
18 of state, the Iowa supreme court attorney disciplinary board,
19 or grievance commission, or to other state or local agencies
20 for the purpose of investigating fraud or criminal activity.

21 After completion of an employee's probationary period, the
22 bill specifies that the state public defender may only remove
23 the employee for cause. The bill specifies that an employee of
24 the state public defender not covered by the merit system under
25 Code chapter 8A shall serve a one-year probationary period from
26 the beginning date of employment.

27 The bill establishes the gideon fellowship program for the
28 entry level hiring and training of attorneys within the office
29 of the state public defender. Under the bill, the state public
30 defender may hire up to four gideon fellows to serve under the
31 program as a public or appellate defender for up to two years.
32 The bill requires the fellows to be licensed attorneys in this
33 state and excludes the fellows from Code chapter 20 relating to
34 public collective bargaining.

35 The bill specifies that costs incurred by a guardian ad



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1 litem in a proceeding under Code chapter 600A (termination
2 of parental rights) shall be paid by the person filing the
3 petition under Code section 600A.5(1).

4 The bill provides that a child-placing agency licensed under
5 Code chapter 238 may file a petition to terminate parental
6 rights under Code chapter 600A. Current law specifies a
7 child-placing agency as defined in Code section 238.1 may file
8 such a petition.

9 The bill specifies that if a person filing a petition
10 to terminate parental rights under Code chapter 600A is a
11 child-placing agency licensed under Code chapter 238 or if the
12 person filing the petition is indigent, the prospective parent
13 on whose behalf the petition is filed shall be responsible for
14 the payment of reasonable attorney fees in the case, unless the
15 court determines the prospective parent on whose behalf the
16 petition is filed is indigent.

17 If a prospective parent on whose behalf a petition is filed
18 is indigent, and if the person filing the petition is indigent
19 or a child-placing agency licensed under Code chapter 238 files
20 the petition, the bill requires the appointed attorney in the
21 case to be paid reasonable attorney fees from the indigent
22 defense fund established in Code section 815.11.

23 In an appeal involving an indictable offense or denial
24 of postconviction relief, the bill specifies that if the
25 state appellate defender is unable to handle the case, the
26 state public defender may transfer the case to a local public
27 defender office, nonprofit organization, or private attorney
28 designated by the state public defender to handle such a
29 case. If after the transfer of the appeal, the attorney or
30 organization withdraws from the case, the court shall appoint
31 an attorney who has a contract with the state public defender
32 to provide such services in appellate cases.

33 In an appeal in a juvenile or termination of parental rights
34 case under Code chapter 600A, the bill specifies that if the
35 court grants permission for an attorney to withdraw from the



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1 appeal, the court shall appoint the state public defender's
2 designee pursuant to Code section 13B.4. If the state public
3 defender has not made a designation pursuant to Code section
4 13B.4 to handle the type of case or the designee is unable to
5 handle the case, the bill requires the court to appoint an
6 attorney who has a contract with the state public defender to
7 provide legal services in appellate cases.

8 In all other cases not involving an indictable offense,
9 juvenile case, or termination of parental rights under Code
10 chapter 600A, the bill specifies that the court shall appoint
11 the state public defender's designee on an appeal. If the
12 state public defender has not made a designation pursuant
13 to Code section 13B.4 to handle these types of cases or the
14 designee is unable to handle the case, the bill requires the
15 court to appoint an attorney who has a contract with the state
16 public defender to provide legal services in appellate cases.

17 The bill establishes a process for payment of state funds
18 to a privately retained attorney for the costs incurred in the
19 legal representation of a person who is later determined to be
20 indigent.

21 Under the bill, the privately retained attorney shall
22 file an application for the payment of state funds with the
23 court. The bill requires the application to include a copy of
24 the attorney's fee agreement, an itemized accounting of all
25 compensation paid to the attorney including the amount of any
26 retainer, information on any expected additional expense paid
27 or owed to the attorney in the case, and a signed financial
28 affidavit completed by the represented person.

29 The bill requires a copy of the application to be submitted
30 to the state public defender.

31 The bill prohibits the payment of state funds to a privately
32 retained attorney unless the court determines that the
33 represented person is indigent and unable to pay for the
34 expenses sought to be paid by the attorney, the expense of the
35 attorney is reasonable and necessary for the representation of

