Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 12, 2013

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House File 184

H-1070

1 Amend House File 184 as follows:
2 1. Page 1, after line 17 by inserting:
3 <Sec. ___. APPLICABILITY. This Act applies to
4 cities with a population greater than 10,000 beginning
5 July 1, 2013.
6 Sec. ___. APPLICABILITY. This Act applies to
7 cities with a population of 10,000 or less beginning
8 July 1, 2014.>
9 2. Title page, line 2, after <property> by
10 inserting <and including applicability provisions>
11 3. By renumbering as necessary.

_____
SALMON of Black Hawk

House File 312

H-1071

1 Amend the amendment, H-1069, to House File 312, as
2 follows:
3 1. Page 1, by striking lines 2 through 15 and
4 inserting:
5 <___. Page 2, by striking lines 25 and 26 and
6 inserting <upon being appropriated necessary moneys by
7 the general assembly to support the project. The>
8 ___. Page 2, by striking line 35 and inserting
9 <appropriate necessary moneys to the>>

_____
KLEIN of Washington

House File 489

H-1072

1 Amend House File 489 as follows:
2 1. Page 6, after line 19 by inserting:
3 <Sec. ___. Section 511.8, subsection 22, paragraph
4 i, subparagraph (2), Code 2013, is amended to read as
5 follows:
6 (2) Securities pledged as collateral for financial
7 instruments used in highly effective hedging
8 transactions together with securities pledged to a
9 counterparty, clearing organization, or clearinghouse
10 on an upfront basis in the form of initial margin,
11 independent amount, or other securities pledged as a
12 precondition of entering into financial instruments
13 used in highly effective hedging transactions pursuant
14 to subparagraph (1), are not eligible in excess of ten
15 percent of the legal reserve of the life insurance
16 company or association, less any financial instruments
17 used in hedging transactions held in the legal reserve
18 under this subsection.
19 Sec. ___. Section 511.8, subsection 22, paragraph
20 i, subparagraph (3), Code 2013, is amended by striking
21 the subparagraph.>
22 2. By renumbering as necessary.

_____
PETTENGILL of Benton

House File 469

H-1073

Amend House File 469 as follows:

1. Page 18, after line 9 by inserting:

<Sec. ___. Section 490.732, subsection 4, Code 2013, is amended to read as follows:

4. An agreement authorized by this section shall cease to be effective when ~~shares of the corporation are listed on a national securities exchange or regularly traded in a market maintained by one or more members of a national or affiliated securities association~~ the corporation becomes a public corporation. If the agreement ceases to be effective for any reason, the board of directors may, if the agreement is contained or referred to in the corporation's articles of incorporation or bylaws, adopt an amendment to the articles of incorporation or bylaws, without shareholder action, to delete the agreement and any references to it.>

2. Page 41, line 32, by striking <specifies> and inserting <~~specifies~~>

3. By striking page 56, line 31, through page 57, line 6.

4. By renumbering, redesignating, and correcting internal references as necessary.

_____
HAGENOW of Polk

House Joint Resolution 2

H-1074

1 Amend House Joint Resolution 2 as follows:
2 1. By striking everything after the resolving
3 clause and inserting:
4 <Section 1. The following amendment to the
5 Constitution of the State of Iowa is proposed:
6 The Constitution of the State of Iowa is amended by
7 adding the following new section to new Article XIII:
8 ARTICLE XIII.
9 TAXPAYERS TRUST FUND
10 **Taxpayers trust fund.** SECTION 1.
11 1. A taxpayers trust fund is created within the
12 treasury to provide tax relief. The maximum balance
13 of the trust fund shall be established by statute but
14 shall not be more than one percent of the state's
15 annual net general revenue.
16 2. Except for temporary cash flow purposes, moneys
17 in the taxpayers trust fund shall only be used in
18 accordance with appropriations or transfers made by the
19 general assembly for purposes of providing tax relief
20 for any of the following purposes:
21 a. Personal income tax reduction.
22 b. Homeowner property tax reduction.
23 c. Sales tax reduction.
24 3. The general assembly shall enact laws to
25 implement this section.
26 Sec. 2. The foregoing proposed amendment to the
27 Constitution of the State of Iowa is referred to the
28 general assembly to be chosen at the next general
29 election for members of the general assembly, and the
30 Secretary of State is directed to cause the amendment
31 to be published for three consecutive months previous
32 to the date of that election as provided by law.
33 2. Title page, by striking lines 1 through 5 and
34 inserting <A Joint Resolution proposing an amendment to
35 the Constitution of the State of Iowa relating to state
36 budgeting by creating a taxpayers relief fund.>
37 3. By renumbering as necessary.

_____
HALL of Woodbury

House File 184

H-1075

1 Amend House File 184 as follows:
2 1. Page 1, after line 17 by inserting:
3 <Sec. ___. EFFECTIVE DATE. This Act takes effect
4 January 1, 2014.>
5 2. Title page, line 2, after <property> by
6 inserting <and including effective date provisions>
7 3. By renumbering as necessary.

_____
BRANDENBURG of Pottawattamie

House File 352

H-1076

Amend House File 352 as follows:

1. Page 1, by striking lines 5 through 9 and inserting <~~through twelve. The minimum~~ hours as time that shall be exclusive of the lunch period, but may include passing time between classes. Time spent on parent-teacher conferences shall be considered instructional time. ~~A school~~>

2. Page 2, by striking lines 30 and 31 and inserting:

<Sec. 4. Section 279.10, subsection 2, Code 2013, is amended to read as follows:

2. The board of directors shall hold a public hearing on any proposal relating to the school calendar prior to submitting it to the department of education for approval.

Sec. 5. Section 299.1, subsection 2, Code 2013, is amended to read as follows:

2. The board of directors of a public school district or the governing body of an accredited nonpublic school shall set the number of ~~days~~ hours of required attendance for the schools under its control. The board of directors of a public school district or the governing body of an accredited nonpublic school may, by resolution, require attendance for the entire time when the schools are in session in any school year and adopt a policy or rules relating to the reasons considered to be valid or acceptable excuses for absence from school.>

3. Page 3, by striking line 23.

4. By renumbering as necessary.

RUFF of Clayton

House File 515

H-1077

1 Amend House File 515 as follows:
2 1. Page 1, line 13, after <Independence,> by
3 inserting <the Federalist Papers,>
4 2. Page 1, line 15, after <Independence,> by
5 inserting <the Federalist Papers,>
6 3. Title page, line 3, after <Independence> by
7 inserting <and the Federalist Papers>

_____
HEARTSILL of Marion

House File 478

H-1078

1 Amend House File 478 as follows:
2 1. Page 3, after line 1 by inserting:
3 <DIVISION ___
4 TAXPAYERS TRUST FUND
5 Sec. ___. Section 8.54, subsection 5, Code 2013, is
6 amended by striking the subsection.
7 Sec. ___. Section 8.55, subsection 2, Code 2013, is
8 amended to read as follows:
9 2. The maximum balance of the fund is the amount
10 equal to two and one-half percent of the adjusted
11 revenue estimate for the fiscal year. If the amount of
12 moneys in the Iowa economic emergency fund is equal to
13 the maximum balance, moneys in excess of this amount
14 shall be ~~distributed as follows:~~
15 ~~*a.* The first sixty million dollars of the~~
16 ~~difference between the actual net revenue for the~~
17 ~~general fund of the state for the fiscal year and the~~
18 ~~adjusted revenue estimate for the fiscal year shall be~~
19 transferred to the taxpayers trust fund.
20 ~~*b.* The remainder of the excess, if any, shall be~~
21 ~~transferred to the general fund of the state.~~
22 Sec. ___. Section 8.57E, subsection 2, Code 2013,
23 is amended to read as follows:
24 2. Moneys in the taxpayers trust fund shall only
25 be used pursuant to appropriations or transfers made
26 by the general assembly for tax relief. During each
27 fiscal year beginning on or after July 1, 2014, in
28 which the balance of the taxpayers trust fund equals or
29 exceeds thirty million dollars, there is transferred
30 from the taxpayers trust fund to the Iowa taxpayers
31 trust fund tax credit fund created in section 422.11E,
32 the entire balance of the taxpayers trust fund to be
33 used for the Iowa taxpayers trust fund tax credit in
34 accordance with section 422.11E, subsection 5.
35 Sec. ___. Section 8.58, Code 2013, is amended to
36 read as follows:
37 **8.58 Exemption from automatic application.**
38 1. ~~To the extent that moneys appropriated under~~
39 ~~section 8.57 do not result in moneys being credited~~
40 ~~to the general fund under section 8.55, subsection 2,~~
41 ~~moneys~~ Moneys appropriated ~~under~~ in section 8.57 and
42 moneys contained in the cash reserve fund, rebuild
43 Iowa infrastructure fund, environment first fund, Iowa
44 economic emergency fund, and taxpayers trust fund shall
45 not be considered in the application of any formula,
46 index, or other statutory triggering mechanism which
47 would affect appropriations, payments, or taxation
48 rates, contrary provisions of the Code notwithstanding.
49 2. ~~To the extent that moneys appropriated under~~
50 ~~section 8.57 do not result in moneys being credited~~

1 ~~to the general fund under section 8.55, subsection 2,~~
2 ~~moneys~~ Moneys appropriated ~~under~~ in section 8.57 and
3 moneys contained in the cash reserve fund, rebuild
4 Iowa infrastructure fund, environment first fund, Iowa
5 economic emergency fund, and taxpayers trust fund shall
6 not be considered by an arbitrator or in negotiations
7 under chapter 20.
8 DIVISION ___
9 IOWA TAXPAYERS TRUST FUND TAX CREDIT
10 Sec. ___. TAXPAYERS TRUST FUND — IOWA TAXPAYERS
11 TRUST FUND TAX CREDIT TRANSFER. During the fiscal
12 year beginning July 1, 2013, there is transferred from
13 the taxpayers trust fund created in section 8.57E to
14 the Iowa taxpayers trust fund tax credit fund created
15 in section 422.11E, an amount equal to the sum of
16 the balance of the taxpayers trust fund as determined
17 after the close of the fiscal year beginning July 1,
18 2012, and ending June 30, 2013, including the amount
19 transferred for that fiscal year to the taxpayers trust
20 fund from the Iowa economic emergency fund created
21 in section 8.55 in the fiscal year beginning July 1,
22 2013, and ending June 30, 2014, to be used for the Iowa
23 taxpayers trust fund tax credit in accordance with
24 section 422.11E, subsection 5.
25 Sec. ___. NEW SECTION. **422.11E Iowa taxpayers**
26 **trust fund tax credit.**
27 1. For purposes of this section, unless the context
28 otherwise requires:
29 *a. "Eligible individual"* means, with respect to
30 a tax year, an individual who makes and files an
31 individual income tax return pursuant to section
32 422.13. *"Eligible individual"* does not include
33 an estate or trust, or an individual for whom an
34 individual income tax return was not timely filed,
35 including extensions.
36 *b. "Unclaimed tax credit"* means, with respect to
37 a tax year, the aggregate amount by which the Iowa
38 taxpayers trust fund tax credits that were eligible to
39 be claimed by eligible individuals, if any, exceeds the
40 Iowa taxpayers trust fund tax credits actually claimed
41 by eligible individuals, if any.
42 2. The taxes imposed under this division, less the
43 credits allowed under this division except the credits
44 for withheld tax and estimated tax paid in section
45 422.16, shall be reduced by an Iowa taxpayers trust
46 fund tax credit to an eligible individual for the tax
47 year beginning January 1 immediately preceding July 1
48 of any fiscal year during which a transfer, if any, is
49 made from the taxpayers trust fund in section 8.57E to
50 the Iowa taxpayers trust fund tax credit fund created

1 in this section.
2 3. The credit shall be equal to the quotient of
3 the amount transferred to the Iowa taxpayers trust
4 fund tax credit fund in the applicable fiscal year,
5 divided by the number of eligible individuals for the
6 tax year immediately preceding the tax year for which
7 the credit in this section is allowed, as determined
8 by the director of revenue in accordance with this
9 section, rounded down to the nearest whole dollar. The
10 department of revenue shall draft the income tax form
11 for any tax year in which a credit will be allowed
12 under this section to provide the information and space
13 necessary for eligible individuals to claim the credit.
14 4. Any credit in excess of the taxpayer´s liability
15 for the tax year is not refundable and shall not be
16 credited to the tax liability for any following year
17 or carried back to a tax year prior to the tax year in
18 which the taxpayer claims the credit.
19 5. *a.* There is established within the state
20 treasury under the control of the department an Iowa
21 taxpayers trust fund tax credit fund consisting of any
22 moneys transferred by the general assembly by law from
23 the taxpayers trust fund created in section 8.57E for
24 purposes of the credit provided in this section. For
25 the fiscal year beginning July 1, 2013, and for each
26 fiscal year thereafter, the department shall transfer
27 from the Iowa taxpayers trust fund tax credit fund
28 to the general fund of the state, the lesser of the
29 balance of the Iowa taxpayers trust fund tax credit
30 fund or an amount of money equal to the Iowa taxpayers
31 trust fund tax credits claimed in that fiscal year, if
32 any. Any moneys in the Iowa taxpayers trust fund tax
33 credit fund which represent unclaimed tax credits shall
34 immediately revert to the taxpayers trust fund created
35 in section 8.57E. Interest or earnings on moneys in
36 the Iowa taxpayers trust fund tax credit fund shall be
37 credited to the taxpayers trust fund created in section
38 8.57E.
39 *b.* The moneys transferred to the general fund of
40 the state in accordance with this subsection shall not
41 be considered new revenues for purposes of the state
42 general fund expenditure limitation under section 8.54
43 but instead as replacement of a like amount included in
44 the expenditure limitation for the fiscal year in which
45 the transfer is made.>
46 2. Page 3, line 24, before <or> by inserting
47 <except for the Iowa taxpayers trust fund tax credit
48 allowed under section 422.11E,>
49 3. Page 5, line 15, before <or> by inserting
50 <except for the Iowa taxpayers trust fund tax credit

allowed under section 422.11E,>

4. Page 5, line 21, by striking <This> and inserting:

<1. Except as provided in subsection 2, this>

5. Page 5, after line 23 by inserting:

<2. The following provisions of this Act apply retroactively to July 1, 2012, to moneys attributed to fiscal years beginning on or after July 1, 2012:

a. The section of this Act amending section 8.54.

b. The section of this Act amending section 8.55.

c. The section of this Act amending section 8.57E.

d. The section of this Act amending section 8.58.>

6. Title page, line 1, by striking <the individual income tax by> and inserting <revenue and taxation by modifying the transfer of moneys from the Iowa economic emergency fund to the taxpayers trust fund, creating an Iowa taxpayers trust fund tax credit and fund and providing for the transfer of moneys for purposes of the credit,>

7. By renumbering as necessary.

COWNIE of Polk

House File 520

H-1079

1 Amend House File 520 as follows:
2 1. Page 15, after line 19 by inserting:
3 <*d.* The county commissioner of elections conducting
4 an election pursuant to this subsection shall submit
5 a report to the state commissioner of elections
6 within sixty days following the election. The report
7 shall include information on the number of voters who
8 were sent an absentee ballot, the number of returned
9 absentee ballots, the number of voters who cast
10 ballots at the county commissioner's office, whether
11 an additional site was made available as a polling
12 place on election day pursuant to paragraph "*a*", and,
13 if such an additional site was made available, the
14 number of voters who cast ballots at that site, and any
15 obstacles encountered in the voting process for the
16 election. The state commissioner shall submit a copy
17 of the report to the chairpersons and ranking members
18 of the general assembly's standing committees on state
19 government within ten days following the receipt of the
20 report.>
21 2. By renumbering as necessary.

HUNTER of Polk

House File 501 - Introduced

HOUSE FILE 501
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 413)

A BILL FOR

1 An Act relating to career and technical programs offered by
2 community colleges or administered by the department of
3 education and making appropriations.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2048HV (1) 85
kh/sc

H.F. 501

Section 1. Section 256.40, subsection 2, unnumbered paragraph 1, Code 2013, is amended to read as follows:

The purpose of the program shall be to ~~build a seamless career, future~~ prepare students for the workforce~~, and economic development system in Iowa to~~ by connecting business and education and offering relevant workplace and career learning activities to students and teachers. The program shall be structured to accomplish all of the following:

Sec. 2. Section 256.40, subsection 2, paragraphs d, f, and h, Code 2013, are amended by striking the paragraphs.

Sec. 3. Section 256.40, subsection 2, paragraph e, Code 2013, is amended to read as follows:

e. Provide a one-stop contact point for information useful to both educators and employers, including ~~a state-level clearinghouse for~~ but not limited to information relating to internships, job shadowing experiences, and other workplace and career learning opportunities for students ~~that are linked to the state's economic goals~~, particularly opportunities in occupations relating to science, technology, engineering, or mathematics or to opportunities in targeted industries identified by the economic development authority in accordance with chapter 15.

Sec. 4. Section 256.40, subsection 2, Code 2013, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *j.* Integrate services with other activities related to exploring workforce and career opportunities, such as the core curriculum plan developed pursuant to section 279.61 and the state-designated career information and decision-making system administered by the department as provided in section 279.61.

NEW PARAGRAPH. *k.* Facilitate the attainment of portable credentials of value to employers, when appropriate.

Sec. 5. Section 256.40, subsections 4, 5, 6, and 7, Code 2013, are amended to read as follows:

4. The steering committee shall develop a design for a

H.F. 501

statewide network comprised of fifteen regional work-based learning intermediary networks. The design shall include network specifications, strategic functions, and desired outcomes. The steering committee shall recommend program parameters and reporting requirements to the department.

5. Each regional network shall establish an advisory council to ~~develop~~ provide advice and ~~implement~~ assistance to the regional network. Membership on the advisory council shall include but not be limited to representatives of business and industry. The advisory council shall meet at least annually.

6. ~~Funds~~ Moneys deposited in the statewide work-based learning intermediary network fund created in subsection 1 shall be distributed to each region for the implementation of the statewide work-based learning intermediary network ~~based upon the distribution of the kindergarten through grade twelve student enrollments in each region. The amount shall not exceed three dollars per student~~. Upon approval of the plan submitted pursuant to subsection 7, moneys in the fund shall be distributed annually as follows:

a. If the moneys in the fund total less than one million five hundred thousand dollars, the moneys in the fund shall be distributed by the department on a competitive basis to regional networks or to consortia of regional networks.

b. If the moneys in the fund total one million five hundred thousand dollars or more, not less than one hundred thousand dollars shall be distributed to each regional network and all remaining funds shall be distributed utilizing the state aid distribution formula established pursuant to section 260C.18C as if a regional network was a community college.

7. The department shall provide oversight of the statewide work-based learning intermediary network ~~and shall annually evaluate the statewide and regional network progress toward the outcomes identified by the steering committee pursuant to subsection 4~~. Each regional network, or consortium of regional networks, shall annually submit a report to the department

H.F. 501

that details its operations and activities for the most recent fiscal year and includes a plan for providing, in the following year, core services to all school districts within its region and for integrating job shadowing activities into secondary career and technical education programs, and any other information required by the department.

Sec. 6. Section 256.40, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 9. The state board of education shall adopt rules which establish the parameters of the program.

Sec. 7. Section 257.11, subsection 3, paragraph b, subparagraph (2), Code 2013, is amended to read as follows:

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

Sec. 8. Section 297.22, subsection 2, paragraph a, Code 2013, is amended to read as follows:

a. The board of directors of a school district may sell, lease, exchange, give, or grant, and accept any interest in real property to, with, or from a county, municipal corporation, school district, community college, township, or area education agency if the real property is within the jurisdiction of both the grantor and grantee. In the case of a community college, the provisions of this paragraph shall apply only for purposes of a joint infrastructure project as provided in section 298.3, subsection 1, paragraph *"n"*, or section 423F.3, subsection 3, paragraph *"a"*.

Sec. 9. Section 298.3, subsection 1, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *n.* Notwithstanding sections 28E.41 and 274.1, joint infrastructure projects with one or more school districts or one or more school districts and a community college established under chapter 260C, for which buildings or facilities are constructed or leased for the purpose of offering classes under a district-to-community college sharing

H.F. 501

agreement or concurrent enrollment program that meets the requirements for funding under section 257.11, subsection 3. A school district that seeks to enter into a contract for the construction or lease of a building or facility pursuant to this paragraph shall hold a public hearing on the question prior to entering into the contract.

Sec. 10. Section 423F.3, subsection 1, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *g.* Notwithstanding sections 28E.41 and 274.1, for joint infrastructure projects with one or more school districts or one or more school districts and a community college established under chapter 260C, for which buildings or facilities are constructed or leased for the purposes of offering classes under a district-to-community college sharing agreement or concurrent enrollment program that meets the requirements for funding under section 257.11, subsection 3.

Sec. 11. Section 423F.3, subsection 3, paragraph a, Code 2013, is amended to read as follows:

a. If the board of directors adopts a resolution to use funds received under the operation of this chapter solely for providing property tax relief by reducing indebtedness from the levies specified under section 298.2 or 298.18 or, notwithstanding sections 28E.41 and 274.1, for joint infrastructure projects with one or more school districts or one or more school districts and a community college established under chapter 260C, for which buildings or facilities are constructed or leased for the purpose of offering classes under a district-to-community college sharing agreement or concurrent enrollment program that meets the requirements for funding under section 257.11, subsection 3, the board of directors may approve a revenue purpose statement for ~~that purpose~~ either of such purposes without submitting the revenue purpose statement to a vote of the electors.

Sec. 12. DEPARTMENT OF EDUCATION — STATEWIDE WORK-BASED

H.F. 501

1 LEARNING INTERMEDIARY FUND. There is appropriated from the
2 general fund of the state to the department of education for
3 the fiscal year beginning July 1, 2013, and ending June 30,
4 2014, the following amount, or so much thereof as is necessary,
5 to be used for the purposes designated:
6 For deposit in the statewide work-based learning
7 intermediary network fund created pursuant to section 256.40:
8 ..... $ 3,000,000
9 Sec. 13. SECONDARY CAREER AND TECHNICAL PROGRAMMING TASK
10 FORCE.
11 1. a. The director of the department of education, or the
12 director's designee, shall convene a task force that includes
13 secondary and postsecondary education stakeholders to review
14 current secondary career and technical programming offered by
15 community colleges and make recommendations for programming
16 that reduces skill shortages, enhances the state's economic
17 growth, and ensures that all students statewide have access
18 to high quality globally competitive career and technical
19 education programs.
20 b. The task force shall review appropriate provisions
21 of the Iowa Code, including but not limited to Code chapter
22 258, relating to vocational education, and section 256.11,
23 subsection 5, paragraph "h", relating to vocational service
24 area requirements in the core curriculum standards for
25 grades nine through 12, and related provisions of the Iowa
26 administrative code. The task force shall consider measures
27 to ensure rigorous standards, consistency in program quality
28 statewide, alignment with postsecondary programs leading
29 to middle-skill occupations with family-sustaining wages,
30 responsiveness to labor market needs, robust business and
31 industry participation, including participation on advisory
32 committees, and efficient statewide delivery of programming.
33 The task force shall also review the definition of "career
34 academy" for purposes of Code sections 260C.18A and 261E.10,
35 and review and recommend core components of career academies

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and regional centers.

c. The task force shall recommend specific changes in policy or statute to ensure that all students statewide have access to high-quality, globally competitive career and technical education programs. The task force shall submit an interim progress report by January 15, 2014, and a final report with its findings and recommendations by November 1, 2015, to the state board of education, the governor, and the general assembly.

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

For expenses associated with the activities of the secondary career and technical programming task force pursuant to subsection 1:

..... $ 50,000

EXPLANATION

This bill relates to career and technical programs offered by community colleges or administered by the department of education and makes appropriations.

STATEWIDE WORK-BASED LEARNING INTERMEDIARY NETWORK — APPROPRIATION. The bill makes a number of changes to Code section 256.40, relating to the statewide work-based learning intermediary network program administered by the department of education. The purposes of the program are modified to purposes focused on preparing students for the workforce by connecting business and education and offering relevant, work-based learning activities to students and teachers, particularly opportunities in occupations relating to science, technology, engineering, or mathematics or to opportunities in targeted industries identified by the economic development authority.

The program´s purposes must also include integrating

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1 services with other career exploration-related activities and
2 facilitating the attainment of portable credentials of value
3 to employers, when appropriate.
4 Current purposes stricken by the bill relate to the sharing
5 of best practices; implementing services to all students,
6 staff, and districts and integrating workplace skills into
7 the curriculum; and improving the skills of Iowa´s future
8 workforce.
9 The program´s steering committee is directed to recommend
10 program parameters and reporting requirements to the
11 department. The state board of education is directed to adopt
12 rules which establish the parameters of the program.
13 Each regional network´s advisory council is directed to
14 provide advice and assistance to the regional network. The
15 council must also meet at least annually and must include in
16 its membership representatives of business and industry.
17 Each regional network, or consortium of regional networks,
18 must annually submit a report to the department that includes a
19 plan for providing core services to all school districts within
20 its region and for integrating job shadowing activities into
21 secondary career and technical education programs, and any
22 other information required by the department. Upon approval
23 of the plan, moneys in the statewide work-based learning
24 intermediary network fund shall be distributed annually to
25 each region for the implementation of the statewide work-based
26 learning intermediary network. If the moneys in the fund total
27 more than $1.5 million, the moneys shall be distributed using
28 the state aid distribution formula established for community
29 colleges, but if the moneys in the fund total less than $1.5
30 million, the moneys shall be distributed on a competitive
31 basis.
32 The bill appropriates $3 million from the general fund
33 of the state to the department of education for FY 2013-2014
34 for deposit in the statewide work-based learning intermediary
35 network fund.

H.F. 501

1 WEIGHTING FOR DISTRICT-TO-COMMUNITY COLLEGE SHARING OR
2 CONCURRENT ENROLLMENT — SUMMER. Code section 257.11, relating
3 to additional weighting under a district-to-community college
4 sharing or concurrent enrollment program, is amended to specify
5 that "community college catalog" includes the fall, spring, or
6 summer catalog.
7 USE OF SCHOOL DISTRICT PROPERTY — PHYSICAL PLANT
8 AND EQUIPMENT LEVY (PPEL) REVENUES AND STATEWIDE SCHOOL
9 INFRASTRUCTURE FUNDS. The bill permits a school district
10 to sell, lease, exchange, give, or grant, and accept any
11 interest in real property to, with, or from a community
12 college for purposes of a joint infrastructure project, and
13 allows the district to use PPEL revenues or statewide school
14 infrastructure revenues for a joint infrastructure project
15 with one or more school districts or one or more school
16 districts and a community college for buildings or facilities
17 constructed or leased for the purpose of offering classes under
18 a district-to-community college sharing agreement or concurrent
19 enrollment program. If the district intends to use PPEL funds,
20 it must hold a public hearing on the question of using the
21 funds prior to entering into a contract. However, to use
22 statewide school infrastructure revenues, the school board may
23 adopt a resolution to use the funds for such purpose and may
24 approve a revenue purpose statement without submitting it to
25 election.
26 SECONDARY CAREER AND TECHNICAL PROGRAMMING TASK FORCE —
27 APPROPRIATION. The director of the department of education
28 or designee is directed to convene a task force that includes
29 secondary and postsecondary education stakeholders to review
30 current statutory secondary career and technical programming
31 offered by community colleges and make recommendations for
32 programming that reduces skill shortages and enhances the
33 state's economic growth. The task force shall consider
34 measures to ensure rigorous standards, consistency in program
35 quality statewide, alignment with postsecondary programs

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that focus on income levels and skills, as specified in the bill, robust business and industry participation, including participation on advisory committees, and efficient statewide delivery of programming. The task force shall also review the definition of "career academy" for purposes of Code sections 260C.18A and 261E.10, and review and recommend core components of career academies and regional centers. The task force shall recommend specific changes in policy or statute to ensure that all students statewide have access to high-quality, globally competitive career and technical education programs. The task force shall submit an interim progress report by January 15, 2014, and a final report with its findings and recommendations by November 1, 2015, to the state board of education, the governor, and the general assembly.

The bill appropriates $50,000 from the general fund of the state to the department of education for FY 2013-2014 for expenses associated with the activities of the task force.

House File 502 - Introduced

HOUSE FILE 502
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 164)

A BILL FOR

1 An Act relating to real estate broker and real estate
2 salesperson licensing fees and allocations from those fees,
3 and making an appropriation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2164HV (3) 85
rn/sc

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Section 1. Section 543B.14, Code 2013, is amended to read as follows:

543B.14 Fees and expenses — funds.

All fees and charges collected by the real estate commission under this chapter shall be paid into the general fund of the state, except that ~~fifty~~ twenty-five dollars from each real estate salesperson's license fee and each broker's license ~~shall be paid into the Iowa real estate education fund created in section 543B.54~~ fee shall be appropriated to the professional licensing and regulation bureau of the banking division of the department of commerce for the purpose of hiring and compensating a real estate education director and regulatory compliance personnel. All expenses incurred by the commission under this chapter, including compensation of staff assigned to the commission, shall be paid from funds appropriated for those purposes~~, except for expenses incurred and compensation paid for the real estate education director, which shall be paid out of the real estate education fund~~.

Sec. 2. Section 546.10, subsection 3, paragraph b, Code 2013, is amended to read as follows:

b. Notwithstanding subsection 5, eighty-five percent of the funds received annually resulting from an increase in licensing fees implemented on or after April 1, 2002, by a licensing board or commission listed in subsection 1, is appropriated to the professional licensing and regulation bureau to be allocated to the board or commission for the fiscal year beginning July 1, 2002, and succeeding fiscal years, for purposes related to the duties of the board or commission, including but not limited to additional full-time equivalent positions. In addition, notwithstanding subsection 5, twenty-five dollars from each real estate salesperson's license fee and each broker's license fee received pursuant to section 543B.14 is appropriated to the professional licensing and regulation bureau for the purpose of hiring and compensating a real estate education director and regulatory compliance

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1 personnel. The director of the department of administrative
2 services shall draw warrants upon the treasurer of state from
3 the funds appropriated as provided in this section and shall
4 make the funds available to the professional licensing and
5 regulation bureau on a monthly basis during each fiscal year.
6 Sec. 3. REPEAL. Section 543B.54, Code 2013, is repealed.
7 Sec. 4. REAL ESTATE EDUCATION FUND —— REMAINING FUNDS
8 TRANSFER. Any funds remaining in the real estate education
9 fund on June 30, 2013, shall not revert to the general fund
10 of the state but shall be appropriated to the professional
11 licensing and regulation bureau of the banking division of the
12 department of commerce. Funds appropriated pursuant to this
13 section shall be used for the public purpose of providing a
14 grant to a nonprofit foundation affiliated with a statewide
15 association of real estate professionals to provide real
16 estate education programs, scholarship assistance, housing
17 assistance programs, or to otherwise further the mission of the
18 foundation.
19 EXPLANATION
20 This bill relates to real estate broker and real estate
21 salesperson licensing fees and allocations from those fees.
22 The bill reduces an allocation of $50 that is currently
23 mandated from each real estate broker and real estate
24 salesperson licensing fee for deposit into the Iowa real estate
25 education fund created in Code section 543B.54 to provide
26 grants to educational institutions to provide real estate
27 education programs and to hire and compensate a real estate
28 education director and regulatory compliance personnel. The
29 bill reduces the allocation to $25, and directs the allocation
30 to be appropriated to the professional licensing and regulation
31 bureau of the banking division of the department of commerce
32 for the purpose of hiring and compensating a real estate
33 education director and regulatory compliance personnel.
34 The bill also repeals Code section 543B.54, modifies related
35 provisions, and provides that any funds remaining in the Iowa

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1 real estate education fund on June 30, 2013, shall not revert
2 to the general fund of the state but shall be appropriated
3 to the professional licensing and regulation bureau for the
4 public purpose of providing a grant to a nonprofit foundation
5 affiliated with a statewide association of real estate
6 professionals for purposes specified in the bill.

House File 503 - Introduced

HOUSE FILE 503
BY HALL

A BILL FOR

1 An Act providing for a study and report on establishing an
2 online curriculum for uniform transfer of academic credit
3 for certain children under the responsibility of the
4 department of human services.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2397YH (2) 85
je/rj

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1 Section 1. ONLINE CURRICULUM FOR UNIFORM TRANSFER OF
2 ACADEMIC CREDIT —— STUDY AND REPORT.
3 1. The department of education shall conduct a study
4 regarding the establishment of an online curriculum to
5 facilitate the transfer of academic credits earned by students
6 residing in child foster care facilities licensed under section
7 237.4, and in institutions controlled by the department of
8 human services and listed in section 218.1, between those
9 facilities and institutions and public and accredited nonpublic
10 schools. The goal of the curriculum shall be to minimize
11 wherever possible the loss of academic credit for coursework
12 completed by such students.
13 2. The department shall consider contracting with a
14 private provider to administer the curriculum through a
15 request for bids or proposals, but shall prioritize the use of
16 existing resources such as the Iowa learning online initiative
17 established under section 256.42, and the online learning
18 program model established under section 256.43, for such
19 administration.
20 3. Instruction provided through the online curriculum shall
21 be taught by teachers licensed under chapter 272. All courses
22 in the online curriculum shall meet existing accreditation
23 standards.
24 4. The department shall submit a report of its findings and
25 recommendations to the general assembly by January 3, 2014.
26 EXPLANATION
27 This bill directs the department of education to conduct a
28 study regarding the establishment of an online curriculum to
29 facilitate the transfer of academic credits earned by students
30 residing in child foster care facilities licensed under Code
31 section 237.4, and in institutions controlled by the department
32 of human services and listed in Code section 218.1, between
33 those facilities and institutions and public and accredited
34 nonpublic schools. The goal of the curriculum shall be to
35 minimize wherever possible the loss of academic credit for

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1 coursework completed by such students.
2 The bill directs the department to consider contracting with
3 a private provider to administer the online curriculum through
4 a request for bids or proposals, but to prioritize the use of
5 existing resources such as the Iowa learning online initiative
6 and the online learning program model.
7 The bill provides that instruction through the online
8 curriculum must be taught by teachers licensed under Code
9 chapter 272, and all courses in the curriculum must meet
10 existing accreditation standards.
11 The bill directs the department to report its findings and
12 recommendations to the general assembly by January 3, 2014.

House File 504 - Introduced

HOUSE FILE 504
BY M. SMITH and MURPHY

A BILL FOR

1 An Act relating to access to and disclosure of information
2 concerning mental health treatment or services involving a
3 minor fourteen years of age or older who seeks treatment or
4 services due to the minor´s thoughts of causing injury to
5 self or others.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1462HH (5) 85
rh/rj

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1 Section 1. Section 228.8, subsection 1, unnumbered
2 paragraph 1, Code 2013, is amended to read as follows:
3 ~~A~~ Except as provided in subsection 5, a mental health
4 professional or an employee of or agent for a mental health
5 facility may disclose mental health information to the spouse,
6 parent, adult child, or adult sibling of an individual who has
7 chronic mental illness, if all of the following conditions are
8 met:
9 Sec. 2. Section 228.8, Code 2013, is amended by adding the
10 following new subsection:
11 NEW SUBSECTION. 5. Mental health information relating to a
12 minor fourteen years of age or older who seeks mental health
13 treatment or services due to the minor's thoughts of causing
14 injury to self or others shall not be disclosed to the parent,
15 guardian, or legal custodian of such minor without the minor's
16 consent.
17 Sec. 3. Section 229.2, subsection 1, paragraph a, Code 2013,
18 is amended to read as follows:
19 *a.* An application for admission to a public or private
20 hospital for observation, diagnosis, care, and treatment as a
21 voluntary patient may be made by any person who is mentally
22 ill or has symptoms of mental illness. A minor fourteen years
23 of age or older who has had thoughts of causing injury to self
24 or others may make application under this paragraph "*a*" and an
25 application under paragraph "*b*" shall not be required. The fact
26 that such minor made such application shall not be reported or
27 disclosed to the parent, guardian, or legal custodian of such
28 minor without the minor's consent.
29 EXPLANATION
30 Under current law, a mental health professional or an
31 employee or agent for a mental health facility may disclose
32 mental health information to the spouse, parent, adult child,
33 or adult sibling of an individual who has a chronic mental
34 illness under certain circumstances. This bill provides
35 that mental health information relating to a minor who is 14

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1 years of age or older who seeks mental health treatment or
2 services due to the minor's thoughts of causing injury to self
3 or others, shall not be disclosed to the parent, guardian, or
4 legal custodian of such minor without the minor's consent.
5 Under current law, a voluntary application for voluntary
6 admission to a public or private hospital for observation,
7 diagnosis, care, and treatment as a voluntary patient may be
8 made by any person who is mentally ill or has symptoms of
9 mental illness; however, in the case of a minor, the parent,
10 guardian, or custodian may make application for admission of
11 the minor as a voluntary patient. The bill provides that a
12 minor 14 years of age or older who has had thoughts of causing
13 injury to self or others may make application under the
14 bill and an application by the minor's parent, guardian, or
15 custodian is not required. The fact that such minor made such
16 application shall not be reported or disclosed to the parent,
17 guardian, or legal custodian of such minor without the minor's
18 consent.

House File 505 - Introduced

HOUSE FILE 505
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HF 60)

A BILL FOR

1 An Act relating to the approval and imposition of local option
2 taxes and including applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1026HV (4) 85
md/sc

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Section 1. Section 423B.1, subsection 1, Code 2013, is amended to read as follows:

1. A city or county may impose by ordinance of the governing body of the city or the board of supervisors local option taxes authorized by this chapter, subject to this section ~~and subject to the exception provided in subsection 2~~.

Sec. 2. Section 423B.1, subsection 2, Code 2013, is amended by striking the subsection.

Sec. 3. Section 423B.1, subsection 3, Code 2013, is amended to read as follows:

3. A local option tax shall be imposed only after an election at which a majority of those voting on the question favors imposition and shall then be imposed until repealed as provided in subsection 6, paragraph *"a"*. If the tax is a local vehicle tax imposed by a county, it shall apply to all incorporated and unincorporated areas of the county. If the tax is a local sales and services tax imposed by a county, it shall only apply to ~~those incorporated areas and~~ the unincorporated area of that county ~~in which~~ if a majority of those voting in the unincorporated area on the tax favors its imposition and if the tax is a local sales and services tax imposed by a city it shall only apply to the city if a majority of those voting in the city on the tax favors its imposition. ~~For purposes of the local sales and services tax, all cities contiguous to each other shall be treated as part of one incorporated area and the tax would be imposed in each of those contiguous cities only if the majority of those voting in the total area covered by the contiguous cities favors its imposition. In the case of a local sales and services tax submitted to the registered voters of two or more contiguous counties as provided in subsection 4, paragraph *"c"*, all cities contiguous to each other shall be treated as part of one incorporated area, even if the corporate boundaries of one or more of the cities include areas of more than one county, and the tax shall be imposed in each of those contiguous cities~~

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~~only if a majority of those voting on the tax in the total area covered by the contiguous cities favored its imposition. For purposes of the local sales and services tax, a city is not contiguous to another city if the only road access between the two cities is through another state.~~

Sec. 4. Section 423B.1, subsection 4, paragraphs a and b, Code 2013, are amended to read as follows:

a. A county board of supervisors shall direct within thirty days the county commissioner of elections to submit the question of imposition of a local vehicle tax ~~or a local sales and services tax~~ to the registered voters of the incorporated and unincorporated areas of the county upon receipt by the board of supervisors of a petition, requesting imposition of a local vehicle tax ~~or a local sales and services tax~~, signed by eligible electors of the ~~whole~~ county equal in number to five percent of the persons in the ~~whole~~ county who voted at the last preceding ~~state~~ general election. A county board of supervisors shall direct within thirty days the county commissioner of elections to submit the question of imposition of a local sales and services tax to the registered voters of a city or of the unincorporated area of the county upon receipt by the board of supervisors of a petition, requesting imposition of a local sales and services tax, signed by eligible electors of the city or of the unincorporated area of the county, as applicable, equal in number to five percent of the persons in the applicable city or unincorporated area of the county who voted at the last preceding general election. In the case of a local vehicle tax, the petition requesting imposition shall specify the rate of tax and the classes, if any, that are to be exempt. If more than one valid petition is received, the earliest received petition shall be used.

b. The question of the imposition of a local sales and services tax shall be submitted to the registered voters of the ~~incorporated and~~ city or of the unincorporated ~~areas~~ area of the county upon receipt by the county commissioner of elections

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of ~~the~~ a motion ~~or motions~~, requesting such submission, adopted by the governing body ~~or bodies~~ of ~~the~~ a city ~~or cities~~ located within the county or of the county~~,~~ for the unincorporated ~~areas~~ area of the county~~, representing at least one half of the population of the county~~. Upon adoption of such motion, the governing body of the city or county~~,~~ for the unincorporated ~~areas,~~ area shall submit the motion to the county commissioner of elections ~~and in the case of the governing body of the city shall notify the board of supervisors of the adoption of the motion~~. The county commissioner of elections shall ~~keep a file on all the motions received and, upon reaching the population requirements, shall~~ publish notice of the ballot proposition concerning the imposition of the local sales and services tax. ~~A motion ceases to be valid at the time of the holding of the regular election for the election of members of the governing body which adopted the motion. The county commissioner of elections shall eliminate from the file any motion that ceases to be valid.~~ The manner provided under this paragraph for the submission of the question of imposition of a local sales and services tax is an alternative to the manner provided in paragraph *"a"*.

Sec. 5. Section 423B.1, subsection 4, paragraph c, Code 2013, is amended by striking the paragraph and inserting in lieu thereof the following:

c. A city is considered to be located in a county if over half of the population of the city is located in that county.

Sec. 6. Section 423B.1, subsection 5, Code 2013, is amended to read as follows:

5. The county commissioner of elections shall submit the question of imposition of a local option tax at an election held on a date specified in section 39.2, subsection 4, paragraph *"a"* or *"b"*, as applicable. The election shall not be held sooner than sixty days after publication of notice of the ballot proposition. The ballot proposition shall specify the type and rate of tax and, in the case of a vehicle tax, the

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1 classes that will be exempt and, in the case of a local sales
2 and services tax, the date it will be imposed which date shall
3 not be earlier than ninety days following the election. The
4 ballot proposition shall also specify the approximate amount
5 of local option tax revenues that will be used for property
6 tax relief and shall contain a statement as to the specific
7 purpose or purposes for which the revenues shall otherwise
8 be expended. If the county board of supervisors or city
9 council, as applicable, decides under subsection 6 to specify
10 a date on which the local option sales and services tax shall
11 automatically be repealed, the date of the repeal shall also be
12 specified on the ballot. The rate of the vehicle tax shall be
13 in increments of one dollar per vehicle as set by the petition
14 seeking to impose the tax. The rate of a local sales and
15 services tax shall ~~not~~ be ~~more than~~ one percent ~~as set by the~~
16 ~~governing body~~. The state commissioner of elections shall
17 establish by rule the form for the ballot proposition which
18 form shall be uniform throughout the state.
19 Sec. 7. Section 423B.1, subsection 6, paragraph a, Code
20 2013, is amended to read as follows:
21 *a.* (1) If a majority of those voting on the question
22 of imposition of a local option tax favors imposition of a
23 local option tax, the governing body of that county shall
24 impose the tax at the rate specified for an unlimited period.
25 ~~However, in the case of a local sales and services tax, the~~
26 ~~county shall not impose the tax in any incorporated area or~~
27 ~~the unincorporated area if the majority of those voting on the~~
28 ~~tax in that area did not favor its imposition. For purposes~~
29 ~~of the local sales and services tax, all cities contiguous to~~
30 ~~each other shall be treated as part of one incorporated area~~
31 ~~and the tax shall be imposed in each of those contiguous cities~~
32 ~~only if the majority of those voting on the tax in the total~~
33 ~~area covered by the contiguous cities favored its imposition.~~
34 ~~In the case of a local sales and services tax submitted to~~
35 ~~the registered voters of two or more contiguous counties as~~

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~~provided in subsection 4, paragraph "c", all cities contiguous to each other shall be treated as part of one incorporated area, even if the corporate boundaries of one or more of the cities include areas of more than one county, and the tax shall be imposed in each of those contiguous cities only if a majority of those voting on the tax in the total area covered by the contiguous cities favored its imposition.~~ If a majority of those voting on the question of imposition of a local option sales and services tax favors imposition of the tax, the governing body of the city or county, as applicable, shall impose by ordinance the tax at the rate of one percent.

(2) The local option tax may be repealed or the rate of the local vehicle tax increased or decreased or the use ~~thereof~~ of a local option tax changed after an election at which a majority of those voting on the question of repeal or rate or use change favored the repeal or rate or use change. The date on which the repeal, rate, or use change is to take effect shall not be earlier than ninety days following the election. The election at which the question of repeal or rate or use change is offered shall be called and held in the same manner and under the same conditions as provided in subsections 4 and 5 for the election on the imposition of the local option tax. ~~However, in the case of a local sales and services tax where the tax has not been imposed countywide, the question of repeal or imposition or rate or use change shall be voted on only by the registered voters of the areas of the county where the tax has been imposed or has not been imposed, as appropriate.~~ However, the governing body of the ~~incorporated area~~ city or unincorporated area where the local sales and services tax is imposed may, upon its own motion, request the county commissioner of elections to hold an election in the ~~incorporated~~ city or unincorporated area, as appropriate, on the question of the change in use of local sales and services tax revenues. The election may be held at any time but not sooner than sixty days following publication of the ballot

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1 proposition. If a majority of those voting in the ~~incorporated~~
2 city or unincorporated area on the change in use favors the
3 change, the governing body of that city or area shall change
4 the use to which the revenues shall be used. The ballot
5 proposition shall list the present use of the revenues, the
6 proposed use, and the date after which revenues received will
7 be used for the new use.
8 (3) When submitting the question of the imposition of a
9 local sales and services tax, the county board of supervisors
10 or the governing body of the city may direct that the question
11 contain a provision for the repeal, without election, of the
12 local sales and services tax on a specific date, which date
13 shall be as provided in section 423B.6, subsection 1.
14 Sec. 8. Section 423B.1, Code 2013, is amended by adding the
15 following new subsection:
16 NEW SUBSECTION. 6A. If a proposition for the imposition
17 of a local sales and services tax submitted to the voters
18 of a city or unincorporated area of a county under this
19 section fails to gain approval, the proposition shall not be
20 resubmitted to the voters of that jurisdiction in substantially
21 the same form for a period of three years following the date
22 of the election and may only be resubmitted to the voters on a
23 date specified in section 39.2, subsection 4, paragraph *"a"* or
24 *"b"*, as applicable.
25 Sec. 9. Section 423B.1, subsection 7, paragraph b, Code
26 2013, is amended to read as follows:
27 *b.* Costs of local option tax elections shall be apportioned
28 among jurisdictions within the county voting on the question
29 at the same election on a pro rata basis in proportion to the
30 number of registered voters in each taxing jurisdiction voting
31 on the question and the total number of registered voters in
32 all of the taxing jurisdictions voting on the question.
33 Sec. 10. Section 423B.1, subsections 8 through 10, Code
34 2013, are amended to read as follows:
35 8. Local option taxes authorized to be imposed as provided

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in this chapter are a local sales and services tax and a local vehicle tax. The rate of the tax shall be in increments of one dollar per vehicle for a vehicle tax as set on the petition seeking to impose the vehicle tax. The rate of a local sales and services tax shall ~~not~~ be ~~more than~~ one percent ~~as set by the governing body~~.

9. *a.* In a county that has imposed a local ~~option~~ sales and services tax in the unincorporated area of the county, the board of supervisors shall, notwithstanding any contrary provision of this chapter, repeal the local ~~option~~ sales and services tax in the unincorporated ~~areas or in an incorporated city area in which the tax has been imposed~~ area upon adoption of its own motion for repeal ~~in the unincorporated areas or upon receipt of a motion adopted by the governing body of that incorporated city area requesting repeal~~. The board of supervisors shall repeal the local ~~option~~ sales and services tax effective on the later of the date of the adoption of the repeal motion or the earliest date specified in section 423B.6, subsection 1. ~~For purposes of this subsection, incorporated city area includes an incorporated city which is contiguous to another incorporated city.~~

b. In a city that has imposed a local sales and services tax, the governing body of the city shall, notwithstanding any contrary provision of this chapter, repeal the local sales and services tax in the city upon adoption of its own motion for repeal. The governing body of the city shall repeal the local sales and services tax effective on the later of the date of the adoption of the repeal motion or the earliest date specified in section 423B.6, subsection 1.

10. Notwithstanding subsection 9 or any other contrary provision of this chapter, a local option sales and services tax shall not be repealed ~~or reduced in rate~~ if obligations are outstanding which are payable as provided in section 423B.9, unless funds sufficient to pay the principal, interest, and premium, if any, on the outstanding obligations at and prior

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to maturity have been properly set aside and pledged for that purpose.

Sec. 11. Section 423B.5, unnumbered paragraph 1, Code 2013, is amended to read as follows:

A local sales and services tax at the rate of ~~not more than~~ one percent may be imposed by a city or county on the sales price taxed by the state under chapter 423, subchapter II. A local sales and services tax shall be imposed on the same basis as the state sales and services tax or in the case of the use of natural gas, natural gas service, electricity, or electric service on the same basis as the state use tax and shall not be imposed on the sale of any property or on any service not taxed by the state, except the tax shall not be imposed on the sales price from the sale of motor fuel or special fuel as defined in chapter 452A which is consumed for highway use or in watercraft or aircraft if the fuel tax is paid on the transaction and a refund has not or will not be allowed, on the sales price from the sale of equipment by the state department of transportation, or on the sales price from the sale or use of natural gas, natural gas service, electricity, or electric service in a city or county where the sales price from the sale of natural gas or electric energy is subject to a franchise fee or user fee during the period the franchise or user fee is imposed. A local sales and services tax is applicable to transactions within ~~those incorporated and~~ the city or unincorporated ~~areas~~ area of the county where it is imposed and shall be collected by all persons required to collect state sales taxes. ~~All cities contiguous to each other shall be treated as part of one incorporated area and the tax would be imposed in each of those contiguous cities only if the majority of those voting in the total area covered by the contiguous cities favors its imposition. In the case of a local sales and services tax submitted to the registered voters of two or more contiguous counties as provided in section 423B.1, subsection 4, paragraph "c", all cities contiguous to each other shall be~~

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1 ~~treated as part of one incorporated area, even if the corporate~~
2 ~~boundaries of one or more of the cities include areas of more~~
3 ~~than one county, and the tax shall be imposed in each of those~~
4 ~~contiguous cities only if a majority of those voting on the tax~~
5 ~~in the total area covered by the contiguous cities favored its~~
6 ~~imposition.~~
7 Sec. 12. Section 423B.5, unnumbered paragraph 4, Code 2013,
8 is amended to read as follows:
9 If a local sales and services tax is imposed by a city or
10 county pursuant to this chapter, a local excise tax at the same
11 rate shall be imposed by the city or county on the purchase
12 price of natural gas, natural gas service, electricity, or
13 electric service subject to tax under chapter 423, subchapter
14 III, and not exempted from tax by any provision of chapter 423,
15 subchapter III. The local excise tax is applicable only to
16 the use of natural gas, natural gas service, electricity, or
17 electric service within those incorporated and unincorporated
18 areas of the county where it is imposed and, except as
19 otherwise provided in this chapter, shall be collected and
20 administered in the same manner as the local sales and services
21 tax. For purposes of this chapter, *"local sales and services*
22 *tax"* shall also include the local excise tax.
23 Sec. 13. Section 423B.6, subsection 1, paragraphs b and c,
24 Code 2013, are amended to read as follows:
25 *b.* A local sales and services tax shall be repealed only
26 on June 30 or December 31 but not sooner than ninety days
27 following the favorable election if one is held. However, a
28 local sales and services tax shall not be repealed before the
29 tax has been in effect for one year. At least forty days before
30 the imposition or repeal of the tax, ~~a~~ the city or county, as
31 applicable, shall provide notice of the action by certified
32 mail to the director of revenue.
33 *c.* The imposition of ~~or a rate change for~~ a local sales and
34 services tax shall not be applied to purchases from a printed
35 catalog wherein a purchaser computes the local tax based on

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rates published in the catalog unless a minimum of one hundred twenty days' notice of the imposition ~~or rate change~~ has been given to the seller from the catalog and the first day of a calendar quarter has occurred on or after the one hundred twentieth day.

Sec. 14. Section 423B.6, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. The ordinance of a governing body of a city or county board of supervisors imposing a local sales and services tax shall adopt by reference the applicable provisions of the appropriate sections of chapter 423. All powers and requirements of the director to administer the state sales tax law and use tax law are applicable to the administration of a local sales and services tax law and the local excise tax, including but not limited to the provisions of section 422.25, subsection 4, sections 422.30, 422.67, and 422.68, section 422.69, subsection 1, sections 422.70 through 422.75, section 423.14, subsection 1 and subsection 2, paragraphs *"b"* through *"e"*, and sections 423.15, 423.23, 423.24, 423.25, 423.31 through 423.35, 423.37 through 423.42, 423.46, and 423.47. Local officials shall confer with the director of revenue for assistance in drafting the ordinance imposing a local sales and services tax. A certified copy of the ordinance shall be filed with the director as soon as possible after passage.

Sec. 15. Section 423B.6, subsection 3, paragraph b, Code 2013, is amended to read as follows:

b. All local tax moneys and interest and penalties received or refunded one hundred eighty days or more after the date on which the city or county repeals its local sales and services tax shall be deposited in or withdrawn from the state general fund.

Sec. 16. Section 423B.7, subsection 1, paragraph a, Code 2013, is amended to read as follows:

a. Except as provided in paragraph *"b"*, the director shall credit the local sales and services tax receipts and interest

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and penalties from a county-imposed tax or a city-imposed tax to the county's account in the local sales and services tax fund ~~and from a city-imposed tax under section 423B.1, subsection 2, to the city's account in the local sales and services tax fund~~ for the county in which the tax was collected. If the director is unable to determine from which county any of the receipts were collected, those receipts shall be allocated among the possible counties based on allocation rules adopted by the director.

Sec. 17. Section 423B.7, subsection 5, Code 2013, is amended by striking the subsection.

Sec. 18. Section 423B.8, subsection 1, paragraph a, Code 2013, is amended to read as follows:

a. The goods, wares, or merchandise are incorporated into an improvement to real estate in fulfillment of a written contract fully executed prior to the date of the imposition ~~or increase in rate~~ of a local sales and services tax under this chapter. The refund shall not apply to equipment transferred in fulfillment of a mixed construction contract.

Sec. 19. Section 423B.10, subsection 1, paragraph b, Code 2013, is amended to read as follows:

b. *"Eligible city"* means a city in which a local sales and services tax imposed by the city or county applies or a city described in section 423B.1, subsection 2, paragraph *"a"*, Code 2013, and in which an urban renewal area has been designated.

Sec. 20. EFFECT OF ACT — CURRENT LOCAL OPTION TAXES. This Act shall not affect the imposition and collection of a local option tax imposed, or that will take effect, as the result of a petition received or a motion approved under chapter 423B prior to July 1, 2013.

Sec. 21. APPLICABILITY.

1. This Act applies to petitions received pursuant to section 423B.1, subsection 4, paragraph *"a"*, as amended in this Act, on or after July 1, 2013.

2. This Act applies to motions adopted pursuant to section

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1 423B.1, subsection 4, paragraph "b", as amended in this Act, on
2 or after July 1, 2013.
3 EXPLANATION
4 This bill relates to the approval and imposition of local
5 option taxes.
6 Current Code chapter 423B authorizes the imposition of local
7 option taxes, including a local option sales and services tax.
8 Currently, such a proposed tax is only presented to the voters
9 of a whole county upon the filing of a petition signed by
10 eligible electors of the county equal in number to five percent
11 of the persons in the county who voted at the last preceding
12 general election or upon receipt by the county commissioner of
13 elections of motions requesting such submission, adopted by the
14 governing bodies of the cities located within the county or the
15 governing body of the county for the unincorporated area of the
16 county, representing at least one-half of the population of the
17 county.
18 The bill amends the methods of seeking presentment of
19 the local option sales and services tax to the voters by
20 allowing the eligible electors of individual cities and the
21 unincorporated area of a county to file a petition for an
22 election to be held in the petitioning jurisdiction if such
23 petition is signed by eligible electors of the city or the
24 unincorporated area of the county, as applicable, equal in
25 number to five percent of the persons in the applicable city
26 or unincorporated area of the county who voted at the last
27 preceding general election.
28 The bill also removes the requirement that in order to have
29 the local sales and services tax presented to the voters,
30 motions must be approved by cities or the county for the
31 unincorporated area, representing at least one-half of the
32 county's population. Instead, the bill allows individual
33 cities or the county for the unincorporated area to approve a
34 motion for an election on the local sales and services tax to
35 be held in only that jurisdiction.

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The bill consequently removes the requirements related to approval of a ballot question by cities that are contiguous to each other and special provisions related to the approval and imposition of a local sales and services tax in a city that is located in more than one county.

The bill provides that if a proposition for the imposition of a local sales and services tax submitted to the voters of a city or the unincorporated area of a county fails to gain approval, it shall not be resubmitted to the voters of that jurisdiction in substantially the same form for a period of three years following the election and may only be resubmitted on a day specified in statute for special elections of a city or county.

Current Code chapter 423B authorizes the imposition of a local sales and services tax at a rate of not more than 1 percent. The bill requires a local sales and services tax, if imposed, to be 1 percent.

The bill does not affect the imposition and collection of a local tax imposed, or that will take effect, as the result of a petition received or a motion approved before July 1, 2013.

The bill applies to petitions and motions for the imposition of local option taxes received or adopted under Code chapter 423B, as amended in the bill, on or after July 1, 2013.

House File 506 - Introduced

HOUSE FILE 506
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO HSB 98)

A BILL FOR

1 An Act relating to property taxes of veterans and members of
2 the armed forces by modifying the military service property
3 tax exemption and credit, providing an additional homestead
4 credit for certain disabled veterans, making penalties
5 applicable, and including applicability provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1664HV (2) 85
md/sc

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Section 1. Section 425.15, Code 2013, is amended to read as follows:

425.15 Disabled veteran tax credit.

If the owner of a homestead allowed a credit under this chapter is a veteran of any of the military forces of the United States, who acquired the homestead under 38 U.S.C. § 21.801, 21.802, prior to August 6, 1991, or 38 U.S.C. § 2101~~,~~ through 2102, who is a veteran as defined in section 35.1 with a permanent and total service-connected disability as certified by the United States department of veterans affairs, or who is a former member of the national guard of any state who meets the service requirements of section 35.1, subsection 2, paragraph *"b"*, subparagraph (2) or (7), with a permanent and total service-connected disability as certified by the United States department of veterans affairs, the credit allowed on the homestead from the homestead credit fund shall be the entire amount of the tax levied on the homestead. The credit allowed shall be continued to the estate of a veteran who is deceased or the surviving spouse and any child, as defined in section 234.1, who are the beneficiaries of a deceased veteran, so long as the surviving spouse remains unmarried. ~~This section is not applicable to the holder of title to any homestead whose annual income, together with that of the titleholder's spouse, if any, for the last preceding twelve-month income tax accounting period exceeds thirty-five thousand dollars. For the purpose of this section *"income"* means taxable income for federal income tax purposes plus income from securities of state and other political subdivisions exempt from federal income tax.~~ A veteran or a beneficiary of a veteran who elects to secure the credit provided in this section is not eligible for any other real property tax exemption provided by law for veterans of military service. If a veteran acquires a different homestead, the credit allowed under this section may be claimed on the new homestead unless the veteran fails to meet the other

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1 requirements of this section.
2 Sec. 2. NEW SECTION. **425.15A Disabled veteran tax**
3 **limitation.**
4 1. For purposes of this section, unless the context
5 otherwise requires:
6 *a. "Base year"* means the fiscal year immediately preceding
7 the first fiscal year in which the additional homestead
8 credit under this section is allowed on the disabled veteran's
9 homestead.
10 *b. "Disabled veteran"* means a veteran, as defined in section
11 35.1, who has a service-connected disability rating of at least
12 fifty percent as certified by the United States department of
13 veterans affairs. *"Disabled veteran"* also means a former member
14 of the national guard of any state who otherwise meets the
15 service requirements of section 35.1, subsection 2, paragraph
16 *"b"*, subparagraph (2) or (7), who has a service-connected
17 disability rating of at least fifty percent as certified by the
18 United States department of veterans affairs.
19 2. A disabled veteran who is eligible for the credit allowed
20 under section 425.1 may claim an additional homestead credit
21 pursuant to this section. To claim the credit under this
22 section, the disabled veteran shall file on or before June 30
23 of the base year for which the veteran is first claiming the
24 credit. The amount of the credit equals the amount of property
25 taxes, less the regular homestead credit allowed under section
26 425.1, due and payable in the coming fiscal year that exceeds
27 the amount of property taxes, less the regular homestead credit
28 allowed under section 425.1, that were due and payable in the
29 base year. The credit under this section is payable from the
30 homestead credit fund created in section 425.1.
31 3. Upon the filing and allowance of the claim, the claim
32 shall be allowed on the disabled veteran's homestead for
33 successive years without further filing as long as the property
34 is legally and equitably owned and used as a homestead by
35 the disabled veteran on July 1 of each of those successive

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years. The credit allowed shall be continued to the estate of a veteran who is deceased or the surviving spouse and any child, as defined in section 234.1, who are the beneficiaries of a deceased veteran, so long as the surviving spouse remains unmarried.

Sec. 3. Section 426A.11, subsection 1, Code 2013, is amended by striking the subsection.

Sec. 4. Section 426A.11, subsections 2 and 4, Code 2013, are amended to read as follows:

2. The property, not to exceed ~~one thousand eight hundred fifty-two~~ three thousand seven hundred five dollars in taxable value of an honorably separated, retired, furloughed to a reserve, placed on inactive status, or discharged veteran, as defined in section 35.1, subsection 2, ~~paragraph *"a"* or *"b"*~~ or subsections 3 and 4 of this section.

4. For purposes of this chapter, unless the context otherwise requires, *"veteran"* also means ~~a~~ any of the following:

a. A resident of this state who is a former member of the armed forces of the United States and who served for a minimum aggregate of eighteen months and who was discharged under honorable conditions. ~~However, *"veteran"* also means a~~

b. A resident of this state who is a former member of the armed forces of the United States and who, after serving fewer than eighteen months, was honorably discharged because of a service-related injury sustained by the veteran.

c. A resident of this state who is a current member of the national guard, organized reserves, or regular component of the armed forces of the United States.

d. A resident of this state who is a former member of the national guard of any state who otherwise meets the service requirements of section 35.1, subsection 2, paragraph *"b"*, subparagraph (2) or (7).

Sec. 5. Section 426A.12, Code 2013, is amended to read as follows:

426A.12 Exemptions to relatives.

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1. In case any person in the foregoing classifications does not claim the exemption from taxation or for any member of the national guard, organized reserves, or a regular component of the armed forces of the United States whose death occurred in the line of duty, it shall be allowed in the name of the person to the same extent on the property of any one of the following persons in the order named:

a. The spouse, or surviving spouse remaining unmarried, of a veteran, as defined in this chapter or in section 35.1, subsection 2, ~~paragraph "a" or "b",~~ or of a person whose death occurred in the line of duty where they are living together or were living together at the time of the death of the veteran or person.

b. The parent whose spouse is deceased and who remains unmarried, of a veteran, as defined in this chapter or in section 35.1, subsection 2, ~~paragraph "a" or "b",~~ or of a person whose death occurred in the line of duty whether living or deceased, where the parent is, or was at the time of death of the veteran or person, dependent on the veteran or person for support.

c. The minor child, or children owning property as tenants in common, of a deceased veteran, as defined in this chapter or in section 35.1, subsection 2, ~~paragraph "a" or "b"~~ or of a person whose death occurred in the line of duty.

2. No more than one tax exemption shall be allowed under this section or section 426A.11 in the name of a veteran, as defined in this chapter or in section 35.1, subsection 2, ~~paragraph "a" or "b"~~ or of a person whose death occurred in the line of duty.

Sec. 6. Section 426A.13, unnumbered paragraphs 1 and 2, Code 2013, are amended to read as follows:

A person named in section 426A.11, who is a resident of and domiciled in the state of Iowa, shall receive a reduction equal to the exemption, to be made from any property owned by the person or owned by a family farm corporation of which

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1 the person is a shareholder and occupant of the property and
2 so designated by proceeding as provided in the section. To
3 be eligible to receive the exemption, the person claiming it
4 shall have recorded in the office of the county recorder of
5 the county in which is located the property designated for the
6 exemption, evidence of property ownership by that person or the
7 family farm corporation of which the person is a shareholder
8 and the military certificate of satisfactory service, order
9 transferring to inactive status, reserve, retirement, order of
10 separation from service, honorable discharge or a copy of any
11 of these documents of the person claiming or through whom is
12 claimed the exemption. In the case of a person claiming the
13 exemption as a veteran described in section 35.1, subsection
14 2, paragraph "b", subparagraph (6) or (7), or under section
15 426A.11, subsection 4, paragraph "d", the person shall file the
16 statement required by section 35.2.
17 The person shall file with the appropriate assessor on forms
18 obtained from the assessor the claim for exemption for the year
19 for which the person is first claiming the exemption. The
20 claim shall be filed not later than July 1 of the year for which
21 the person is claiming the exemption. The claim shall set out
22 the fact that the person is a resident of and domiciled in the
23 state of Iowa, and a person within the terms of section 426A.11
24 or section 426A.12, and shall give the volume and page on which
25 the certificate of satisfactory service, order of separation,
26 retirement, furlough to reserve, inactive status, or honorable
27 discharge or certified copy thereof is recorded in the office
28 of the county recorder, and may include the designation of the
29 property from which the exemption is to be made, and shall
30 further state that the claimant is the equitable or legal owner
31 of the property designated or if the property is owned by a
32 family farm corporation, that the person is a shareholder of
33 that corporation and that the person occupies the property.
34 In the case of a person claiming the exemption as a veteran
35 described in section 35.1, subsection 2, paragraph "b",

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1 subparagraph (6) or (7), or under section 426A.11, subsection
2 4, paragraph "d", the person shall file the statement required
3 by section 35.2.
4 Sec. 7. APPLICABILITY. This Act applies to property taxes
5 due and payable in fiscal years beginning on or after July 1,
6 2014.
7 EXPLANATION
8 This bill relates to property taxes of veterans and members
9 of the armed forces.
10 The disabled veterans tax credit under Code section 425.15
11 provides a credit on the homestead of an eligible veteran
12 who acquired the homestead under specified federal programs
13 in an amount equal to the entire amount of the tax levied on
14 the homestead. This bill modifies the qualifications for the
15 disabled veterans tax credit by adding to the list of veterans
16 who are eligible for the credit, the following: (1) a veteran
17 as defined in Code section 35.1 with a permanent and total
18 service-connected disability as certified by the United States
19 department of veterans affairs; and (2) a former member of the
20 national guard of any state who otherwise meets the service
21 requirements for Iowa national guard members under Code section
22 35.1(2)(b), subparagraph (2) or (7), with a permanent and total
23 service-connected disability as certified by the United States
24 department of veterans affairs. The bill also strikes the
25 income limitation qualifications for the disabled veteran tax
26 credit.
27 The bill enacts new Code section 425.15A, which provides
28 that the property tax on a disabled veteran's homestead shall
29 not increase from year to year. To receive this credit, the
30 veteran must file on or before June 30 in a manner similar
31 to filing for the regular homestead credit. Once the claim
32 is filed and allowed, the veteran does not have to file for
33 successive years so long as the property is still owned and
34 used by the veteran as a homestead.
35 The bill defines "disabled veteran" for the purposes of new

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1 Code section 425.15A to be a veteran as defined in Code section
2 35.1, and specified former members of the national guard of
3 any state who have a service-connected disability rating of at
4 least 50 percent as certified by the United States department
5 of veterans affairs.
6 Under current law, veterans of the First World War are
7 entitled to a property tax exemption of $2,778 in taxable value
8 and honorably discharged veterans who served during other
9 specific time periods are entitled to a property tax exemption
10 of $1,852 in taxable value. The bill removes the provision
11 relating to veterans of the first World War and increases the
12 exemption amount for all eligible veterans to $3,705.
13 The bill also modifies the qualifications for the military
14 service property tax exemption and credit by adding to the list
15 of veterans who are eligible for the credit, the following:
16 (1) a resident of this state who is a current member of the
17 national guard, organized reserves, or regular component of the
18 armed forces of the United States; (2) a resident of this state
19 who is a former member of the national guard of any state who
20 otherwise meets the service requirements for members of the
21 Iowa national guard under Code section 35.1(2)(b), subparagraph
22 (2) or (7); and (3) a resident of this state who served on
23 federal active duty, other than training, in the armed forces
24 of the United States and who was discharged under honorable
25 conditions.
26 The bill also amends Code section 426A.12 relating to the
27 ability of relatives to claim the exemption and credit of a
28 veteran to add relatives of a member of the national guard,
29 organized reserves, or a regular component of the armed forces
30 of the United States whose death occurred in the line of duty.
31 Under current law, the state provides funding to local
32 governments for the military service property tax exemption and
33 credit up to $6.92 per $1,000 of assessed value of the exempt
34 property. Code section 25B.7 provides that for a property tax
35 credit or exemption enacted on or after January 1, 1997, if a

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1 state appropriation made to fund the credit or exemption is not
2 sufficient to fully fund the credit or exemption, the political
3 subdivision shall be required to extend to the taxpayer only
4 that portion of the credit or exemption estimated by the
5 department of revenue to be funded by the state appropriation.
6 The provisions of Code section 25B.7 apply to the military
7 service property tax credit and exemption to the extent of
8 $6.92 per $1,000 of assessed value of the exempt property.
9 The bill applies to property taxes due and payable in fiscal
10 years beginning on or after July 1, 2014.

House File 507 - Introduced

HOUSE FILE 507
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HF 263)

A BILL FOR

1 An Act relating to the operation of all-terrain vehicles
2 on highways upon registration with the department of
3 transportation, providing a registration fee, and providing
4 penalties.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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dea/nh

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Section 1. Section 321.1, subsection 32, Code 2013, is amended to read as follows:

32. *"Implement of husbandry"* means a vehicle or special mobile equipment manufactured, designed, or reconstructed for agricultural purposes and, except for incidental uses, exclusively used in the conduct of agricultural operations. *"Implements of husbandry"* includes all-terrain vehicles operated in compliance with section 321.234A, subsection 1, paragraph *"a"*, but not registered for operation upon a highway pursuant to section 321.118, fence-line feeders, and vehicles used exclusively for the application of organic or inorganic plant food materials, organic agricultural limestone, or agricultural chemicals. To be considered an implement of husbandry, a self-propelled implement of husbandry must be operated at speeds of thirty-five miles per hour or less.

a. *"Reconstructed"* as used in this subsection means materially altered from the original construction by the removal, addition, or substitution of essential parts, new or used.

b. A vehicle covered under this subsection, if it otherwise qualifies, may be operated as special mobile equipment and under such circumstances this subsection shall not be applicable to such vehicle, and such vehicle shall not be required to comply with sections 321.384 through 321.423, when such vehicle is moved during daylight hours; however, the provisions of section 321.383 shall remain applicable to such vehicle.

Sec. 2. Section 321.1, subsection 47A, Code 2013, is amended to read as follows:

47A. *"Off-road utility vehicle"* means a motorized flotation-tire vehicle with not less than four and not more than eight low-pressure tires that is limited in engine displacement to less than one thousand five hundred cubic centimeters and in total dry weight to not more than ~~one~~ two thousand ~~eight hundred~~ pounds and that has a seat that is of

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1 bucket or bench design, not intended to be straddled by the
2 operator, and a steering wheel or control levers for control.
3 *"Off-road utility vehicle"* does not include dune buggies, golf
4 carts, go-carts, or minitrucks.
5 Sec. 3. Section 321.20, subsection 1, paragraphs d and e,
6 Code 2013, are amended to read as follows:
7 *d.* A statement of the applicant's title and of all liens
8 or encumbrances upon the vehicle and the names and mailing
9 addresses of all persons having any interest in the vehicle and
10 the nature of every such interest. When the application refers
11 to a new vehicle, it shall be accompanied by a manufacturer's
12 or importer's certificate duly assigned as provided in section
13 321.45, or for an all-terrain vehicle, as provided in section
14 321I.31.
15 *e.* The amount of the fee for new registration to be paid
16 under section 321.105A if applicable, the amount of tax to be
17 paid under section 423.26, subsection 1, or the amount of tax
18 to be paid under section 423.26A.
19 Sec. 4. Section 321.20, subsection 1, Code 2013, is amended
20 by adding the following new paragraph:
21 NEW PARAGRAPH. *g.* If the vehicle is an all-terrain vehicle,
22 the certificate of title issued for the vehicle under section
23 321I.31 may be accepted as proof of ownership for purposes of
24 this subsection.
25 Sec. 5. Section 321.30, subsection 2, Code 2013, is amended
26 by adding the following new paragraph:
27 NEW PARAGRAPH. *c.* Paragraph *"a"* does not apply to an
28 all-terrain vehicle.
29 Sec. 6. Section 321.105A, subsection 2, paragraph c, Code
30 2013, is amended by adding the following new subparagraph:
31 NEW SUBPARAGRAPH. (31) An all-terrain vehicle for which the
32 applicant has paid the sales tax in this state or has paid to
33 another state a state sales, use, or occupational tax.
34 Sec. 7. Section 321.109, subsection 1, paragraph a, Code
35 2013, is amended to read as follows:

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1 *a.* The annual fee for all motor vehicles including vehicles
2 designated by manufacturers as station wagons, 1993 and
3 subsequent model year multipurpose vehicles, and 2010 and
4 subsequent model year motor trucks with an unladen weight of
5 ten thousand pounds or less, except motor trucks registered
6 under section 321.122, business-trade trucks, special trucks,
7 motor homes, ambulances, hearses, all-terrain vehicles,
8 motorcycles, motorized bicycles, and 1992 and older model year
9 multipurpose vehicles, shall be equal to one percent of the
10 value as fixed by the department plus forty cents for each one
11 hundred pounds or fraction thereof of weight of vehicle, as
12 fixed by the department. The weight of a motor vehicle, fixed
13 by the department for registration purposes, shall include
14 the weight of a battery, heater, bumpers, spare tire, and
15 wheel. Provided, however, that for any new vehicle purchased
16 in this state by a nonresident for removal to the nonresident's
17 state of residence the purchaser may make application to the
18 county treasurer in the county of purchase for a transit plate
19 for which a fee of ten dollars shall be paid. And provided,
20 however, that for any used vehicle held by a registered dealer
21 and not currently registered in this state, or for any vehicle
22 held by an individual and currently registered in this state,
23 when purchased in this state by a nonresident for removal to
24 the nonresident's state of residence, the purchaser may make
25 application to the county treasurer in the county of purchase
26 for a transit plate for which a fee of three dollars shall
27 be paid. The county treasurer shall issue a nontransferable
28 certificate of registration for which no refund shall be
29 allowed; and the transit plates shall be void thirty days
30 after issuance. Such purchaser may apply for a certificate
31 of title by surrendering the manufacturer's or importer's
32 certificate or certificate of title, duly assigned as provided
33 in this chapter. In this event, the treasurer in the county
34 of purchase shall, when satisfied with the genuineness and
35 regularity of the application, and upon payment of a fee of

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1 twenty dollars, issue a certificate of title in the name and
2 address of the nonresident purchaser delivering the title
3 to the owner. If there is a security interest noted on the
4 title, the county treasurer shall mail to the secured party an
5 acknowledgment of the notation of the security interest. The
6 county treasurer shall not release a security interest that
7 has been noted on a title issued to a nonresident purchaser
8 as provided in this paragraph. The application requirements
9 of section 321.20 apply to a title issued as provided in this
10 subsection, except that a natural person who applies for a
11 certificate of title shall provide either the person's social
12 security number, passport number, or driver's license number,
13 whether the license was issued by this state, another state, or
14 another country. The provisions of this subsection relating to
15 multipurpose vehicles are effective for all 1993 and subsequent
16 model years. The annual registration fee for multipurpose
17 vehicles that are 1992 model years and older shall be in
18 accordance with section 321.124.
19 Sec. 8. NEW SECTION. **321.118 All-terrain vehicles.**
20 An all-terrain vehicle designed to travel on four or
21 more wheels may be titled and registered under this chapter
22 for operation on secondary roads and on city streets where
23 authorized, as provided in this chapter, for an annual fee of
24 fifty dollars. Registration under this section is in addition
25 to the requirements of chapter 321I.
26 Sec. 9. Section 321.166, subsection 1, paragraph a, Code
27 2013, is amended to read as follows:
28 *a.* Registration plates shall be of metal and of a size not
29 to exceed six inches by twelve inches, except that the size
30 of plates issued for use on all-terrain vehicles, motorized
31 bicycles, motorcycles, motorcycle trailers, and trailers
32 with an empty weight of two thousand pounds or less shall be
33 established by the department.
34 Sec. 10. Section 321.166, subsection 4, Code 2013, is
35 amended to read as follows:

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1 4. The registration plate number, except on all-terrain
2 vehicles, motorized bicycles, motorcycles, motorcycle trailers,
3 and trailers with an empty weight of two thousand pounds
4 or less, shall be of sufficient size to be readable from a
5 distance of one hundred feet during daylight.
6 Sec. 11. Section 321.234A, subsection 1, paragraph f, Code
7 2013, is amended by striking the paragraph.
8 Sec. 12. Section 321.234A, Code 2013, is amended by adding
9 the following new subsection:
10 NEW SUBSECTION. 5. The provisions of this section do
11 not apply to an all-terrain vehicle registered under section
12 321.118 and operated on a highway in accordance with section
13 321.234B.
14 Sec. 13. NEW SECTION. **321.234B Registered all-terrain**
15 **vehicles — operation on highways.**
16 An all-terrain vehicle which is registered pursuant to
17 section 321.118 may be operated on a highway subject to all of
18 the following:
19 1. *Persons who may operate.* A person shall not operate an
20 all-terrain vehicle on a highway unless the person is sixteen
21 years of age or older and has a valid driver's license other
22 than a license valid only for operation of a motorized bicycle.
23 2. *Operation on certain highways only.* All-terrain vehicles
24 registered under section 321.118 may be operated on secondary
25 roads, but shall not be operated on primary highways or on
26 highways within the corporate limits of a city except as
27 follows:
28 *a.* A person shall not operate an all-terrain vehicle
29 registered under section 321.118 on a primary highway except
30 to cross a primary highway; however, the provisions of section
31 321I.10 govern the crossing of a primary highway when the
32 all-terrain vehicle is being operated on an all-terrain vehicle
33 trail.
34 *b.* A person shall not operate an all-terrain vehicle
35 registered under section 321.118 on a highway within the

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1 corporate limits of a city except on a nonprimary highway where
2 such operation is authorized by ordinance pursuant to section
3 321.236, subsection 14A.
4 3. *Motor vehicle laws applicable.* The motor vehicle
5 laws, including but not limited to the provisions of sections
6 321.20B, 321.285, 321.317, 321.385, and 321.387, apply to the
7 operation of all-terrain vehicles registered for operation on
8 highways, except for those provisions relating to required
9 equipment which by their nature can have no practical
10 application.
11 4. *Penalties.* A person convicted of a violation of
12 subsection 1 or 2 is guilty of a simple misdemeanor punishable
13 as a scheduled violation under section 805.8A, subsection 6.
14 Sec. 14. Section 321.236, Code 2013, is amended by adding
15 the following new subsection:
16 NEW SUBSECTION. 14A. Authorizing the operation of
17 all-terrain vehicles registered under section 321.118 on
18 highways under the jurisdiction of a city, other than municipal
19 extensions of primary highways.
20 Sec. 15. Section 321.285, Code 2013, is amended by adding
21 the following new subsection:
22 NEW SUBSECTION. 6A. Notwithstanding any other speed
23 restrictions allowing for speed in excess of forty-five miles
24 per hour, a person shall not operate an all-terrain vehicle on
25 a highway at a speed in excess of forty-five miles per hour.
26 Sec. 16. Section 321I.1, subsection 17, paragraph b, Code
27 2013, is amended to read as follows:
28 *b.* The operator of an off-road utility vehicle is subject
29 to provisions governing the operation of all-terrain vehicles
30 in section 321.234A, this chapter, and administrative rules,
31 but is exempt from the education instruction and certification
32 program requirements of sections 321I.25 and 321I.26. An
33 operator of an off-road utility vehicle shall not operate the
34 vehicle on a designated riding area or designated riding trail
35 unless the department has posted signage indicating the riding

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area or trail is open to the operation of off-road utility vehicles. Off-road utility vehicles are subject to the dealer registration and titling requirements of this chapter. A motorized vehicle that was previously titled or is currently titled under chapter 321, except section 321.118, shall not be registered or operated as an off-road utility vehicle under this chapter.

Sec. 17. Section 321I.9, unnumbered paragraph 1, Code 2013, is amended to read as follows:

Registration under this chapter shall not be required for the following described all-terrain vehicles:

Sec. 18. Section 321I.10, subsection 1, Code 2013, is amended to read as follows:

1. A person shall not operate an all-terrain vehicle or off-road utility vehicle upon roadways or highways except as provided in ~~section~~ sections 321.234A and 321.234B and this section.

Sec. 19. Section 321I.10, subsections 2 and 3, Code 2013, are amended by striking the subsections.

Sec. 20. Section 321I.31, subsections 1 and 7, Code 2013, are amended to read as follows:

1. The owner of an all-terrain vehicle acquired on or after January 1, 2000, other than an all-terrain vehicle used exclusively as a farm implement, ~~or~~ a motorcycle previously issued a title pursuant to chapter 321 or an all-terrain vehicle issued a certificate of title under section 321.20 and registered in accordance with section 321.118, shall apply to the county recorder of the county in which the owner resides for a certificate of title for the all-terrain vehicle. The owner of an all-terrain vehicle used exclusively as a farm implement may obtain a certificate of title. A person who owns an all-terrain vehicle that is not required to have a certificate of title may apply for and receive a certificate of title for the all-terrain vehicle and, subsequently, the all-terrain vehicle shall be subject to the requirements of

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this chapter as if the all-terrain vehicle were required to be titled. All all-terrain vehicles that are titled under this chapter shall be registered under this chapter. An all-terrain vehicle that is titled under section 321.20 and registered under section 321.118, shall also be registered under this chapter.

7. The county recorder shall maintain a record of any certificate of title which the county recorder issues and shall keep each certificate of title on record until the certificate of title has been inactive for five years. When issuing a title for a new all-terrain vehicle, the county recorder shall obtain and keep on file a copy of the certificate of origin. When issuing a title and registration for a used all-terrain vehicle for which there is no title or registration, the county recorder shall obtain and keep on file the affidavit for the unregistered and untitled all-terrain vehicle. When registering an all-terrain vehicle issued a certificate of title under section 321.20 and registered in accordance with section 321.118, the county recorder shall maintain a record of the certificate of title issued by a county recorder under section 321.20.

Sec. 21. Section 331.362, subsection 9, Code 2013, is amended to read as follows:

9. A county may regulate traffic on and use of the secondary roads, in accordance with sections 321.236 to 321.250, 321.254, 321.255, 321.285, subsection 4, sections 321.352, 321.471 to 321.473, and other applicable provisions of chapter 321, and sections 321G.9~~, 321I.10,~~ and 327G.15.

Sec. 22. Section 423.1, subsection 66, Code 2013, is amended to read as follows:

66. *"Vehicles subject to registration"* means any vehicle subject to registration pursuant to section 321.18, other than an all-terrain vehicle or off-road utility vehicle registered pursuant to section 321.118.

Sec. 23. Section 805.8A, subsection 6, Code 2013, is amended

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1 by adding the following new paragraph:
2 NEW PARAGRAPH. *0a.* Section 321.234B, subsection 1
3 or 2.....$50.
4 EXPLANATION
5 This bill provides for the registration of all-terrain
6 vehicles for operation on certain Iowa roads.
7 Code section 321.1 defines "all-terrain vehicle" as a motor
8 vehicle designed to travel on three or more wheels and designed
9 primarily for off-road recreational use. The definition
10 includes off-road utility vehicles, but excludes farm tractors
11 or equipment, construction equipment, forestry vehicles,
12 and lawn and grounds maintenance vehicles. Currently, the
13 department of natural resources regulates all-terrain vehicles
14 for purposes of off-road recreational use. All-terrain
15 vehicles are not permitted on Iowa roads, except under limited
16 circumstances.
17 Under the bill, the owner of an all-terrain vehicle designed
18 to travel on four or more wheels may register the vehicle with
19 the department of transportation by applying for a certificate
20 of title and registration from the county treasurer. The
21 annual registration fee is $50. The size of license plates
22 to be issued for all-terrain vehicles will be determined
23 by the department of transportation. Because all-terrain
24 vehicles are currently subject to sales tax, the bill provides
25 that all-terrain vehicles are exempt from the fee for new
26 registration imposed on vehicles subject to registration,
27 so long as the owner has paid the Iowa sales tax or the
28 appropriate tax in another state at the time of purchase.
29 Registration with the department of transportation does not
30 exempt the owner from the current requirement to register the
31 all-terrain vehicle with the department of natural resources,
32 but if the owner obtains a certificate of title from the
33 department of transportation, the owner does not have to repeat
34 that process when registering the vehicle with the department
35 of natural resources. The owner may submit the certificate

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of title issued for the vehicle by the department of natural resources as proof of ownership when registering an all-terrain vehicle with the department of transportation. Under the bill, a manufacturer's label certifying that the vehicle meets federal motor vehicle safety standards is not required for registration of an all-terrain vehicle.

The bill provides that an all-terrain vehicle registered with the department of transportation may be operated on secondary roads, but not on primary highways, except to cross over a primary highway, and not on highways within the corporate limits of a city except where all-terrain vehicles are permitted by ordinance. Under the bill, a city may authorize the operation of all-terrain vehicles registered with the department of transportation on highways under the city's jurisdiction other than municipal extensions of primary highways. The bill strikes current provisions in Code chapter 321I that allow cities and counties to designate roads under their jurisdiction for the operation of all-terrain vehicles registered with the department of natural resources.

The bill states that a person who operates an all-terrain vehicle on a highway must be at least 16 years of age and have a valid driver's license other than a license valid only for the operation of a motorized bicycle. Iowa motor vehicle laws apply to the operation of all-terrain vehicles on highways except those equipment provisions which by their nature can have no practical application. The bill specifies that the operator of an all-terrain vehicle must carry proof of motor vehicle financial liability coverage, and the all-terrain vehicle must meet requirements for headlamps, rear lamps, and turn signals. Current speed limits apply to all-terrain vehicles operated on a highway, except that an all-terrain vehicle may not be operated at a speed exceeding 45 miles per hour.

The bill amends the definition of "motor vehicles subject to registration" for purposes of the exemption from the sales and

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1 use tax, to exclude all-terrain vehicles and off-road utility
2 vehicles registered for operation on highways, in order to
3 continue the applicability of the sales tax to those vehicles.
4 Under current law, a person who operates an all-terrain
5 vehicle on a highway in violation of current restrictions
6 commits a simple misdemeanor punishable by a scheduled fine
7 of $50. The bill establishes the same penalty for a person
8 who operates a registered all-terrain vehicle in violation of
9 minimum age and licensing requirements or on a highway where
10 all-terrain vehicle operation is not authorized.
11 The bill makes conforming amendments to Code chapter 321I,
12 relating to the regulation of all-terrain vehicles by the
13 department of natural resources.

House File 508 - Introduced

HOUSE FILE 508
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HSB 202)

A BILL FOR

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

TLSB 1499HV (2) 85
md/sc

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Section 1. Section 441.23, Code 2013, is amended to read as follows:

441.23 Notice of valuation.

If there has been an increase or decrease in the valuation of the property, or upon the written request of the person assessed, the assessor shall, at the time of making the assessment, inform the person assessed, in writing, of the valuation put upon the taxpayer´s property, and notify the person, that if the person feels aggrieved, to appear before the board of review and show why the assessment should be changed. However, if the valuation of a class of property is uniformly decreased, the assessor may notify the affected property owners by publication in the official newspapers of the county. The owners of real property shall be notified not later than April ~~15~~ 1 of any adjustment of the real property assessment.

Sec. 2. Section 441.26, subsection 1, Code 2013, is amended to read as follows:

1. The director of revenue shall each year prescribe the form of assessment roll to be used by all assessors in assessing property, in this state, also the form of pages of the assessor´s assessment book. The assessment rolls shall be in a form that will permit entering, separately, the names of all persons assessed, and shall also contain a notice in substantially the following form:

If you are not satisfied that the foregoing assessment is correct, you may file a protest against such assessment with the board of review on or after April ~~16~~ 1, to and including May ~~5~~ 1, of the year of the assessment, such protest to be confined to the grounds specified in section 441.37.

Dated: .. day of ... (month), .. (year)

.....

County/City Assessor.

Sec. 3. Section 441.28, Code 2013, is amended to read as follows:

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441.28 Assessment rolls — change — notice to taxpayer.

The assessment shall be completed not later than April ~~15~~ 1 each year. If the assessor makes any change in an assessment after it has been entered on the assessor's rolls, the assessor shall note on the roll, together with the original assessment, the new assessment and the reason for the change, together with the assessor's signature and the date of the change. Provided, however, in the event the assessor increases any assessment the assessor shall give notice of the increase in writing to the taxpayer by mail postmarked no later than April ~~15~~ 1. No changes shall be made on the assessment rolls after April ~~15~~ 1 except by order of the board of review or of the property assessment appeal board, or by decree of court.

Sec. 4. Section 441.37, subsection 1, paragraph a, unnumbered paragraph 1, Code 2013, is amended to read as follows:

Any property owner or aggrieved taxpayer who is dissatisfied with the owner's or taxpayer's assessment may file a protest against such assessment with the board of review on or after April ~~16~~ 1, to and including May ~~5~~ 1, of the year of the assessment. In any county which has been declared to be a disaster area by proper federal authorities after March 1 and prior to May 20 of said year of assessment, the board of review shall be authorized to remain in session until June 15 and the time for filing a protest shall be extended to and include the period from May 25 to June 5 of such year. Said protest shall, except as provided in subsection 2A, be in writing and signed by the one protesting or by the protester's duly authorized agent. The taxpayer may have an oral hearing thereon if, except as provided in subsection 2A, the request therefor in writing is made at the time of filing the protest. Said protest must be confined to one or more of the following grounds:

Sec. 5. Section 441.37, Code 2013, is amended by adding the following new subsection:

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1 NEW SUBSECTION. 2A. For assessment years beginning on or
2 after January 1, 2014, the board of review shall allow property
3 owners or aggrieved taxpayers who are dissatisfied with the
4 owner's or taxpayer's assessment to file a protest against
5 such assessment by electronic means. Electronic filing of
6 assessment protests is authorized for the protest period that
7 begins April 1 and the protest period that begins October 15.
8 Except for the requirement that a protest be in writing and the
9 requirement that the protest be signed, all other requirements
10 of this section for an assessment protest to the board of
11 review shall apply to a protest filed electronically. The
12 availability of electronic filing shall be clearly indicated on
13 the assessment roll notice provided to the property or owner
14 and included in the published equalization order notice.
15 Sec. 6. APPLICABILITY. This Act applies to assessment years
16 beginning on or after January 1, 2014.
17 EXPLANATION
18 This bill changes the date upon which property assessments
19 are required to be completed from April 15 to April 1 for each
20 assessment year and correspondingly moves the deadline for
21 notifying owners of real property of an adjustment of their
22 property assessment from April 15 to April 1.
23 Current Code section 441.37 allows any property owner or
24 aggrieved taxpayer who is dissatisfied with the owner's or
25 taxpayer's assessment to file a protest against such assessment
26 with the local board of review on or after April 16 to and
27 including May 5, of the year of the assessment. The bill
28 modifies that period to file a protest to be on or after April 1
29 to and including May 1.
30 The bill provides that for assessment years beginning on
31 or after January 1, 2014, the board of review shall allow
32 property owners or aggrieved taxpayers who are dissatisfied
33 with the owner's or taxpayer's assessment to file a protest
34 against such assessment by electronic means. Except for the
35 requirement that a protest be in writing and the requirement

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1 that the protest be signed, all other requirements for an
2 assessment protest to the board of review apply to a protest
3 filed electronically.
4 The bill applies to assessment years beginning on or after
5 January 1, 2014.

House File 509 - Introduced

HOUSE FILE 509
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 211)

A BILL FOR

1 An Act providing for special vehicle registration plates
2 displaying a decal designed and issued by a nonprofit
3 organization, providing fees, making a penalty applicable,
4 and including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2265HV (1) 85
dea/nh

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1 Section 1. Section 321.34, subsection 13, Code 2013, is
2 amended by striking the subsection and inserting in lieu
3 thereof the following:
4 13. *Special plates displaying organization decal.*
5 *a.* (1) The owner of a motor vehicle subject to registration
6 pursuant to section 321.109, subsection 1, motor truck, motor
7 home, multipurpose vehicle, motorcycle, trailer, or travel
8 trailer may upon request be issued special registration
9 plates that contain a space reserved for the placement of an
10 organization decal. If the special plates are requested at the
11 time of initial application for registration and certificate
12 of title for the vehicle, no special plate fee is required
13 other than the regular annual registration fee for the vehicle.
14 If the special plates are requested as replacement plates,
15 the owner shall surrender the current regular or special
16 registration plates in exchange for the special plates and
17 shall pay a replacement plate fee of five dollars. The county
18 treasurer shall validate special plates with an organization
19 decal in the same manner as regular plates, upon payment of the
20 annual registration fee.
21 (2) An applicant may obtain a personalized special
22 registration plate with space reserved for an organization
23 decal, subject to the additional fees for a personalized plate
24 as provided in subsection 5. Personalized plates with space
25 reserved for an organization decal shall be limited to no more
26 than five initials, letters, or combinations of numerals and
27 letters.
28 *b.* (1) An organization may apply to the department
29 for approval to issue a decal to be displayed on vehicle
30 registration plates. To qualify for such approval, an
31 organization must have at least two hundred members in this
32 state and shall meet the following requirements:
33 (a) The primary activity or interest of the organization
34 serves the community, contributes to the welfare of others,
35 and is not discriminatory in its purpose, nature, activity, or

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name.

(b) The name and purpose of the organization do not promote any specific product or brand name that is provided for sale.

(c) The organization is a nonprofit corporation which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code and is organized under the laws of this state or authorized to do business within this state.

(2) The department may accept an application for a decal design from a group of nonprofit organizations with a common purpose, provided that each organization within the group meets the requirements for a qualifying organization established by the department under this subsection.

c. An organization desiring to issue a decal shall submit an application to the department on a form to be provided by the department. Along with the application, the organization shall furnish to the department all of the following:

(1) A copy of the articles of incorporation for the organization.

(2) A copy of the charter or by-laws for the organization.

(3) Any Internal Revenue Service rulings concerning the organization's nonprofit tax exemption status.

(4) A color copy of the completed decal design.

(5) A clear and concise explanation of the purpose of the decal, all eligibility requirements for purchasing the decal, and fees to be charged for the decal.

(6) Certification by the person who has legal rights to the decal design allowing use of the design.

(7) Any other information required by the department.

d. The department shall consider a proposed decal design based upon criteria established by the department, which shall include but not be limited to the following:

(1) A decal shall not promote a specific religion, faith, or anti-religious sentiment.

(2) A decal shall not have any sexual connotation and shall not be not vulgar, prejudiced, hostile, insulting, or racially

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1 or ethnically degrading.
2 *e.* Upon approval by the department of an organization's
3 application to issue a decal and approval of the design of the
4 decal, the organization is responsible for the production,
5 administration, and issuance of the decal. An organization
6 shall not issue a decal that has not been approved by the
7 department or alter the approved design of a decal without the
8 department's approval.
9 *f.* A person shall not display a decal on a vehicle
10 registration plate other than a decal approved by the
11 department.
12 *g.* The department may adopt rules pursuant to chapter 17A as
13 necessary to implement this subsection.
14 Sec. 2. Section 321.166, subsection 9, Code 2013, is amended
15 to read as follows:
16 9. Special registration plates issued pursuant to section
17 321.34, other than gold star, medal of honor, collegiate, fire
18 fighter, and natural resources registration plates, shall be
19 consistent with the design and color of regular registration
20 plates but shall provide a space on a portion of the plate
21 for the purpose of allowing the placement of a distinguishing
22 processed emblem <u>or an organization decal</u>. Special
23 registration plates shall also comply with the requirements
24 for regular registration plates as provided in this section to
25 the extent the requirements are consistent with the section
26 authorizing a particular special vehicle registration plate.
27 Sec. 3. EFFECTIVE DATE. This Act takes effect January 1,
28 2014.
29 EXPLANATION
30 This bill provides for the issuance of special vehicle
31 registration plates containing a space for the placement of
32 an organization decal and provides a process for the approval
33 of registration plate decals to be issued by qualifying
34 organizations.
35 Under current law, anyone may submit a request to the

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1 department of transportation for approval of a new special
2 registration plate with a processed emblem. If the department
3 approves the request and the design of the proposed emblem,
4 a minimum of 500 paid applications are required before the
5 department begins issuing the plate. The department may cancel
6 its approval if sufficient applications are not received within
7 one year. A vehicle owner is charged a fee of $25 for the
8 issuance of the special plates, and an annual $5 validation
9 fee for renewal. Those fees are deposited in the road use
10 tax fund. An alternative process allows for a state agency
11 to sponsor a special registration plate, with fees of $35 for
12 issuance and $10 for renewal. Those fees are credited to the
13 sponsoring state agency.
14 The bill eliminates the current process for a person to
15 request a new special plate and eliminates state agency
16 sponsorship of new special plates. Under the bill, the
17 department will begin issuing special registration plates with
18 a space reserved for placement of an organization decal to be
19 designed, produced, and issued by a qualifying organization,
20 rather than the department. The plates will be available
21 without an additional special plate fee at the time of initial
22 registration of a vehicle, and will be renewed annually upon
23 payment of the regular annual registration fee for the vehicle.
24 A $5 replacement fee applies if the plates are issued in
25 exchange for regular or special plates. The new plates will
26 also be available as personalized plates upon payment of
27 personalized plate fees.
28 A qualifying organization must be a nonprofit corporation
29 with at least 200 members, whose primary activity or interest
30 serves the community, contributes to the welfare of others, and
31 is not discriminatory. A group of such organizations with a
32 common purpose may also be approved to issue a decal. The bill
33 specifies that organizations that promote a specific product
34 or brand name are not eligible to issue organization decals.
35 An organization desiring to issue a decal must apply to the

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1 department for approval by submitting information concerning
2 its nonprofit corporation identity along with a copy of the
3 proposed decal design, certification of legal rights to use
4 the design, and an explanation of the purpose of the decal,
5 eligibility requirements, and fees the organization will charge
6 for the decal. The department may establish criteria for decal
7 designs, including that a decal shall not promote a specific
8 religion, faith, or anti-religious sentiment, shall not have
9 any sexual connotation, and shall not be vulgar, prejudiced,
10 hostile, insulting, or racially or ethnically degrading. If
11 the department approves the application, the organization is
12 responsible for the production, administration, and issuance
13 of the decal, and any fees charged by the organization for the
14 decals will be retained by the organization.
15 The bill prohibits any organization from issuing a decal
16 without the approval of the department. The bill also
17 prohibits a person from displaying a decal other than an
18 approved decal on a vehicle registration plate. Pursuant to
19 current law, a person who violates Code provisions relating
20 to vehicle registration plates commits a simple misdemeanor
21 punishable by a scheduled fine of $20.
22 The bill takes effect January 1, 2014.

House File 510 - Introduced

HOUSE FILE 510
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 133)

A BILL FOR

1 An Act relating to enhanced E911 emergency communication
2 systems, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1422HV (2) 85
rn/nh

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1 Section 1. Section 34A.7, subsection 1, paragraph a, Code
2 2013, is amended by striking the paragraph and inserting in
3 lieu thereof the following:
4 *a.* To encourage local implementation of E911 service, one
5 source of funding for E911 emergency communication systems
6 shall come from a surcharge per month, per access line on each
7 access line subscriber, of one dollar.
8 Sec. 2. Section 34A.7, subsection 1, paragraph b,
9 subparagraph (1), Code 2013, is amended to read as follows:
10 (1) The program manager shall notify a local exchange
11 service provider scheduled to provide exchange access line
12 service to an E911 service area that implementation of an E911
13 service plan has been approved by the joint E911 service board
14 ~~and by the service area referendum~~ and that collection of the
15 surcharge is to begin within sixty days.
16 Sec. 3. Section 34A.7, subsection 5, Code 2013, is amended
17 to read as follows:
18 5. *Use of moneys in fund — priority and limitations on*
19 *expenditure.*
20 *a.* Moneys deposited in the E911 service fund shall be
21 used for the repayment of any bonds issued for the benefit
22 of or loan made to the joint E911 service board pursuant to
23 sections 34A.20 through 34A.22, and as long as any such bond
24 or loan remains unpaid the surcharge shall not be reduced or
25 eliminated. Moneys deposited in the fund shall be subject to
26 such terms and conditions as may be contained in the relevant
27 bond documents, trust indenture, resolution, loan agreement, or
28 other instrument pursuant to which bonds are issued or a loan
29 is made, without regard to any limitation otherwise provided
30 by law. ~~The surcharge may be increased, but shall not exceed~~
31 ~~the maximum allowed in subsection 1, upon approval of the~~
32 ~~authority upon such terms and conditions as may be contained~~
33 ~~in the relevant bond documents, trust indenture, resolution,~~
34 ~~loan agreement, or other instrument pursuant to which bonds are~~
35 ~~issued or a loan is made, as deemed necessary or prudent by the~~

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~~authority to secure repayment and assure marketability or a reasonable interest rate.~~

b. Moneys deposited in the E911 service fund shall be used for the following, in order of priority if paragraph *"a"* does not apply:

(1) Money shall first be spent for actual recurring costs of operating the E911 service plan.

(2) If money remains in the fund after fully paying for recurring costs incurred in the preceding year, the remainder may be spent to pay for nonrecurring costs, not to exceed actual nonrecurring costs as approved by the program manager.

(3) If money remains in the fund after fully paying obligations under subparagraphs (1) and (2), the remainder may be accumulated in the fund as a carryover operating surplus. ~~If the surplus is greater than twenty-five percent of the approved annual operating budget for the next year, the program manager shall reduce the surcharge by an amount calculated to result in a surplus of no more than twenty-five percent of the planned annual operating budget. After nonrecurring costs have been paid, if the surcharge is less than the maximum allowed and the fund surplus is less than twenty-five percent of the approved annual operating budget, the program manager shall, upon application of the joint E911 service board, increase the surcharge in an amount calculated to result in a surplus of twenty-five percent of the approved annual operating budget. The surcharge may only be adjusted once in a single year, upon sixty days' prior notice to the provider.~~

Sec. 4. Section 34A.7, subsection 7, Code 2013, is amended by striking the subsection.

Sec. 5. Section 34A.7A, subsection 1, paragraphs a and b, Code 2013, are amended to read as follows:

a. ~~Notwithstanding section 34A.6, the~~ The administrator shall adopt by rule a monthly surcharge of ~~up to sixty-five cents~~ one dollar to be imposed on each communications service number provided in this state. The surcharge shall be

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1 imposed uniformly on a statewide basis and simultaneously
2 on all communications service numbers as provided by rule
3 of the administrator. The surcharge shall not be imposed
4 on wire-line-based communications or prepaid wireless
5 telecommunications service.
6 *b.* The program manager shall provide no less than
7 sixty days' notice of the surcharge to be imposed to each
8 communications service provider. ~~The program manager, subject~~
9 ~~to the sixty-five cent limit in paragraph "a", may adjust the~~
10 ~~amount of the surcharge as necessary, but no more than once in~~
11 ~~any calendar year.~~
12 Sec. 6. Section 34A.7A, subsection 2, Code 2013, is amended
13 by adding the following new paragraph:
14 NEW PARAGRAPH. *0b.* The program manager shall allocate
15 thirteen percent of the total amount of surcharge generated
16 to wireless carriers to recover their costs to deliver E911
17 phase 1 services. If the allocation in this paragraph is
18 insufficient to reimburse all wireless carriers for such
19 carrier's eligible expenses, the program manager shall allocate
20 a prorated amount to each wireless carrier equal to the
21 percentage of such carrier's eligible expenses as compared to
22 the total of all eligible expenses for all wireless carriers
23 for the calendar quarter during which such expenses were
24 submitted. When prorated expenses are paid, the remaining
25 unpaid expenses shall no longer be eligible for payment under
26 this paragraph.
27 Sec. 7. Section 34A.7A, subsection 2, paragraph e, Code
28 2013, is amended to read as follows:
29 *e.* If moneys remain in the fund after fully paying all
30 obligations under paragraphs *"a"* ~~through~~, *"0b"*, *"b"*, *"c"*,
31 and *"d"*, the remainder may be accumulated in the fund as a
32 carryover operating surplus. This surplus shall be used
33 to fund future network and public safety answering point
34 improvements, including hardware and software for an internet
35 protocol-enabled next generation network, and wireless

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1 carriers' transport costs related to wireless E911 services, if
2 those costs are not otherwise recovered by wireless carriers
3 through customer billing or other sources and approved by the
4 program manager in consultation with the E911 communications
5 council. Notwithstanding section 8.33, any moneys remaining
6 in the fund at the end of each fiscal year shall not revert to
7 the general fund of the state but shall remain available for
8 the purposes of the fund.
9 Sec. 8. Section 34A.7A, Code 2013, is amended by adding the
10 following new subsection:
11 NEW SUBSECTION. 5. *a.* The program manager, in consultation
12 with the E911 communications council, shall establish a
13 methodology for determining and collecting comprehensive public
14 safety answering point cost and expense data through the county
15 joint E911 service boards. The methodology shall include
16 the collection of data for all costs and expenses related to
17 the operation of a public safety answering point and account
18 for the extent to which identified costs and expenses are
19 compensated for or addressed through E911 surcharges versus
20 other sources of funding.
21 *b.* Data collection pursuant to paragraph "*a*" shall commence
22 no later than January 1, 2014. The program manager shall
23 prepare a report detailing the methodology developed and
24 the data collected after such data has been collected for a
25 two-year period. The report shall be submitted to the general
26 assembly by March 1, 2016, and every two years thereafter.
27 *c.* A county joint E911 service board which fails to submit
28 expenses and costs pursuant to the methodology developed
29 pursuant to paragraph "*a*" by March 31 of each year shall be
30 allocated sixty-five cents out of the one dollar emergency
31 communications service surcharge until March 31 of the
32 following year. Remaining funds shall be held in the carryover
33 operating surplus fund until the expenses and cost report is
34 submitted by the county joint E911 service board. If the
35 county joint E911 service board submits the expense and cost

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1 report before March 30 of the following year, the set aside
2 funds shall be provided to the county joint E911 service board.
3 If the county joint E911 service board fails to submit the
4 expense and cost report within one year, funds shall revert to
5 the carryover operating surplus fund and be used in accordance
6 with section 34A.7A, subsection 2, paragraph *"e"*.
7 Sec. 9. REPEAL. Sections 34A.6 and 34A.6A, Code 2013, are
8 repealed.
9 EXPLANATION
10 This bill modifies provisions applicable to the
11 administration and funding of enhanced E911 emergency
12 communication systems.
13 The bill eliminates existing voter referendum requirements
14 regarding imposition of the local wire-line E911 service
15 surcharge and the alternative surcharge applicable to wire-line
16 communications contained in Code sections 34A.6 and 34A.6A,
17 respectively. The bill replaces current provisions authorizing
18 imposition of the wire-line E911 service surcharge in an amount
19 up to $1 per access line with a requirement that the surcharge
20 be imposed at the $1 level. The bill increases the level of
21 the emergency communications service surcharge from the current
22 level of up to 65 cents per communications service number to
23 $1 per service number.
24 The bill reinstates provisions authorizing wireless carriers
25 to recover their E911 service delivery costs which were
26 eliminated during the 2012 legislative session. However, the
27 bill specifies that the program manager shall allocate 13
28 percent of the total amount of emergency communications service
29 surcharge revenue for such cost recovery. Further, the bill
30 requires the E911 program manager to consult with the E911
31 communications council regarding how revenue accumulated in the
32 emergency communications fund as carryover operating surplus
33 shall be allocated. Currently, this determination is made
34 strictly with the approval of the program manager.
35 Additionally, the bill directs the program manager, in

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consultation with the council, to establish a methodology for determining and collecting comprehensive public safety answering point cost and expense data through the county joint E911 service boards. The bill states that data collection shall commence no later than January 1, 2014, and that the program manager shall prepare a report detailing the methodology and the data collected after the data has been collected for two years. The report is required to be submitted to the general assembly by March 1, 2016, and every two years thereafter. The bill provides that a county joint E911 service board which fails to submit expenses and costs pursuant to the methodology by March 31 of each year shall be allocated 65 cents out of the $1 emergency communications service surcharge until March 31 of the following year. The remaining funds shall be held in the carryover operating surplus fund until the expenses and cost report is submitted by the county joint E911 service board. Further, the bill provides that if the county joint E911 service board submits the expense report prior to March 30 of the following year, the set aside funds shall be provided to the board, but if the board fails to submit the report within one year, the funds shall revert to the carryover operating surplus fund and be used in accordance with Code section 34A.7A. That Code section states that carryover surplus funds shall be used to fund future network and public safety answering point improvements, including hardware and software for an internet protocol-enabled next generation network, and wireless carriers' transport costs related to wireless E911 services, if those costs are not otherwise recovered by wireless carriers through customer billing or other sources and approved by the program manager.

House File 511 - Introduced

HOUSE FILE 511
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HSB 166)

A BILL FOR

1 An Act exempting certain farm real estate from the inheritance
2 tax, and including applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1880HV (1) 85
da/sc

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Section 1. Section 450.1, subsection 1, paragraph d, Code 2013, is amended to read as follows:

d. ~~*"Real estate or real*~~ *"Real estate"* or *"real property"* for the purpose of appraisal under this chapter means real estate which is the land and appurtenances, including structures affixed thereto.

Sec. 2. Section 450.1, subsection 1, Code 2013, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *0a.* *"Farming operation"* means the use of farm real estate to produce a crop as defined in section 717.1 or to produce livestock as defined in section 717.1.

NEW PARAGRAPH. *00a.* (1) *"Farm real estate"* means real estate that is all of the following:

(a) Ten acres or more that are not laid off into lots of less than ten acres or divided by streets or alleys into parcels of less than ten acres.

(b) Used for a farming operation.

(2) *"Farm real estate"* includes a residence and associated garage or shed constructed on the real estate and any structure located on the real estate that is constructed for use as part of a farming operation as described in subparagraph (1).

Sec. 3. Section 450.7, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 4. This section does not apply to family farm property subject to a qualified exemption and qualified lien as provided in sections 450.9A and 450.9B.

Sec. 4. Section 450.9, Code 2013, is amended to read as follows:

450.9 Individual exemptions.

In computing the tax on the net estate, the entire amount of property, all of the following applies:

1. The interest in property, and income passing to the surviving spouse, and parents, grandparents, great-grandparents, and other lineal ascendants, children including legally adopted children and biological children

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1 entitled to inherit under the laws of this state, stepchildren,
2 and grandchildren, great-grandchildren, and other lineal
3 descendants are exempt from tax.
4 2. Family farm property is exempt from tax as provided in
5 section 450.9A.
6 Sec. 5. NEW SECTION. **450.9A Family farm property —**
7 **qualified exemption.**
8 The tax on real property and personal tangible property
9 as provided in section 450.2 shall not be imposed on family
10 farm property located in this state if a qualified exemption
11 is elected by a person who is passed such property under this
12 chapter. In order to make the election, all of the following
13 must apply:
14 1. The family farm property is limited to the following:
15 *a.* Farm real estate. However, more than half the total
16 acres of the farm real estate must have been devoted to a
17 farming operation at any time in the last three years prior to
18 the year of the decedent's death.
19 *b.* Farm machinery and equipment used in the farming
20 operation and passed as part of the same bequest or devise as
21 the farm real estate described in paragraph *"a"*.
22 2. The family farm property is passed to any of the
23 following:
24 *a.* A qualified individual. The qualified individual must
25 be related to the decedent within the second, third, or fourth
26 degree of consanguinity or affinity, excluding any individual
27 who is exempt from tax as provided in another provision of this
28 chapter. The family farm property may pass to more than one
29 qualified individual to the extent that the interest is shared
30 by all qualified individuals.
31 *b.* A partnership in which all partners are qualified
32 individuals as described in paragraph *"a"*.
33 *c.* A family farm corporation or family farm limited
34 liability company as defined in section 9H.1. However, the
35 shareholders of the family farm corporation or members of the

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1 family farm limited liability company must all be related to
2 the decedent as qualified individuals as provided in paragraph
3 *"a"*.
4 3. The interest in the farm real estate passes in fee
5 simple, notwithstanding any debt, lien, or other encumbrance
6 against the farm real estate.
7 4. An appraisal prepared pursuant to section 450.24 is filed
8 with the clerk of court and the director of revenue pursuant
9 to section 450.29.
10 5. An inheritance tax qualified exemption statement is
11 filed with the department of revenue on a form prescribed by
12 the department.
13 *a.* The statement shall include the amount of the tax due as
14 if an election were not made under this section.
15 *b.* The statement must be filed in the office of the county
16 recorder of the county where the estate is probated, and of the
17 county where the farm real estate is located. The statement
18 must be filed for recording prior to filing the statement with
19 the department. The statement shall be filed in the manner
20 provided in section 558.66. The statement shall be indexed as
21 provided in sections 558.49 and 558.52.
22 *c.* The statement must be filed with the department on or
23 before the date that the tax is required to be paid under
24 section 450.6.
25 6. *a.* For ten years from the date of the decedent's
26 death, a person eligible to make an election as provided in
27 this section who conveys the farm real estate to a person
28 not eligible to make such an election is liable for the tax
29 otherwise imposed upon the family farm property as provided in
30 this chapter. A person is not liable for the tax so long as
31 the person being conveyed the farm real estate would have been
32 eligible to make the election if the decedent had died on the
33 date the conveyance was made.
34 *b.* The department shall assess interest on the amount due as
35 if the tax was delinquent beginning on the date of conveyance

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1 at the rate in effect under section 421.7.
2 Sec. 6. NEW SECTION. **450.9B Family farm property —**
3 **qualified lien.**
4 1. A qualified lien is created on farm real estate that
5 is subject to a family farm property qualified exemption as
6 provided in section 450.9A. The amount of the qualified lien
7 equals the amount of the person's tax liability and interest as
8 provided in that section. The lien does not apply to the farm
9 real estate if the lien provided in section 450.7, subsection
10 1, would also have not applied to the farm real estate.
11 2. The qualified lien expires on the date that a person
12 eligible to make an election under section 450.9A is no longer
13 liable for the tax.
14 3. Notwithstanding the requirement that the inheritance tax
15 qualified exemption statement be filed with a county recorder
16 as provided in section 450.9A, a notice of the qualified lien
17 created in this section is not required to be recorded in order
18 to preserve the rights of the department as a lien holder.
19 4. The rights of the department under the qualified lien
20 created in this section have priority over all subsequent
21 mortgages, purchases, or judgment creditors. A conveyance
22 after the decedent's death of the farm real estate does not
23 discharge the qualified lien. However, if any additional tax
24 is determined to be owing under this chapter or chapter 451
25 after the qualified lien has been released under subsection
26 5, paragraph *"a"*, subparagraph (1) or (2), the qualified lien
27 does not have priority over subsequent mortgages, purchases,
28 or judgment creditors unless notice of the qualified lien
29 is recorded in the office of the county recorder in the
30 same counties where the inheritance tax qualified exemption
31 statement is required to be filed pursuant to section 450.9A.
32 5. *a.* The department of revenue may release the qualified
33 lien by filing in the office of the clerk of the court in
34 the county where the farm real estate is located, where the
35 decedent owner died, or where the estate is pending or was

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1 administered, one of the following:
2 (1) A receipt in full payment of the tax.
3 (2) A certificate of nonliability for the tax as to the farm
4 real estate reported in the estate.
5 (3) A waiver of the qualified lien as to all or any
6 part of the farm real estate reported in the estate, which
7 shall release the qualified lien as to the farm real estate
8 designated in the waiver.
9 *b.* Upon request, the department shall provide a person with
10 a copy of the receipt, certificate, or waiver.
11 Sec. 7. Section 450.10, subsection 6, Code 2013, is amended
12 to read as follows:
13 6. *a.* Property, interest in property, or income
14 passing to the surviving spouse, and parents, grandparents,
15 great-grandparents, and other lineal ascendants, children
16 including legally adopted children and biological children
17 entitled to inherit under the laws of this state, stepchildren,
18 and grandchildren, great-grandchildren, and other lineal
19 descendants, is not taxable under this section.
20 *b.* Family farm property is exempt from tax as provided in
21 section 450.9A.
22 EXPLANATION
23 BACKGROUND — INHERITANCE TAX. Code chapter 450 imposes an
24 inheritance tax on real estate and tangible personal property
25 located in this state.
26 BACKGROUND — CONSANGUINITY AND AFFINITY. Generally, an
27 inheritance tax is assessed differently upon family members
28 of the decedent. An individual's familial relationship is
29 classified according to an assigned number (degree) that
30 separates the individual from an ancestor (consanguinity) or
31 from a spouse's ancestor (affinity). In either case, the
32 relationship is measured lineally where one person is ascending
33 from an ancestor (father, grandfather, great-grandfather, and
34 so on) or descending from that ancestor (child, grandchild,
35 great-grandchild, and so on). Alternatively, the relationship

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1 may be measured collaterally where two individuals share a
2 common ancestor but not by linear ascent or descent (e.g., a
3 brother, sister, uncle, or cousin).
4 For consanguinity, the first degree includes a parent or
5 child; the second degree includes a grandparent, sibling, or
6 grandchild; the third degree includes a great-grandparent,
7 aunt or uncle, niece or nephew, or great-grandchild; and
8 the fourth degree includes a great-niece or great-nephew,
9 great-aunt or great-uncle, or first cousin. For affinity,
10 family relationships are measured on the spouse´s side in the
11 same manner.
12 CURRENT INHERITANCE TAX —— RATES. The amount of inheritance
13 tax assessed on property in Iowa depends upon the status of
14 the inheriting person and, if the person is an individual, the
15 amount of that individual´s inheritance share. For example,
16 for property passing to a second degree family member (brother
17 or sister, or son-in-law or daughter-in-law) the bottom rate
18 is 5 percent on an amount up to $12,500 and the top rate is
19 10 percent on an amount in excess of $150,000. For all other
20 individuals, the bottom rate is 10 percent on an amount up to
21 $50,000 and the top rate is 15 percent on an amount in excess of
22 $100,000. A for-profit corporation is assessed a single rate
23 of 15 percent.
24 CURRENT INHERITANCE TAX —— EXEMPTIONS FOR INDIVIDUALS.
25 Currently, an individual is exempt from inheritance tax if the
26 individual is related to the decedent as a spouse or stepchild;
27 as a lineal ascendant beginning with a parent (first degree),
28 and then grandparent (second degree), great-grandparent (third
29 degree), great-great-grandparent (fourth degree) and so on; or
30 as a lineal descendant beginning with child (first degree),
31 and then grandchild (second degree), great-grandchild (third
32 degree), great-great-grandchild (fourth degree), and so on.
33 BILL —— PROPOSED INHERITANCE TAX ON FARM REAL ESTATE. The
34 bill exempts (1) a person inheriting family farm property
35 within the second, third, or fourth degree of consanguinity

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1 or affinity, (2) more than one individual where the divided
2 interest is shared by individuals related within that degree,
3 (3) a partnership where all partners are related within that
4 degree, or (4) a family farm corporation or family farm limited
5 liability company (Code chapter 9H) where equity holders are so
6 related. Family farm property includes farm real estate of 10
7 acres or more where a farming operation is located and any farm
8 machinery and equipment used in the farming operation. The
9 interest in the farm real estate must pass in fee simple.
10 BILL — SPECIAL CLAW-BACK PROVISION. The bill requires a
11 qualified exemption statement to be filed in the office of the
12 county recorder of the county in which the farm real estate
13 is located, with a copy of the statement delivered to the
14 department in lieu of the tax payment. A person who is passed
15 the family farm property is liable for the inheritance tax if
16 the person conveys the farm real estate to a person who is not
17 related within the fourth degree of consanguinity or affinity
18 to the decedent within 10 years after the decedent's death.
19 The department is required to assess interest on the amount due
20 as if the tax was delinquent.
21 BILL — QUALIFIED LIEN. The bill creates a qualified
22 lien on the farm real estate that is subject to the family
23 farm property qualified tax exemption. The department of
24 revenue is the lienholder. The amount of the qualified lien
25 equals the amount of the person's tax liability and interest.
26 The qualified lien is based on a current lien used by the
27 department of revenue (Code section 450.7). The qualified
28 lien expires after a person eligible to make an election for a
29 qualified exemption is no longer liable for the tax.
30 BILL — APPLICABILITY. This Act applies to estates of
31 decedents dying on or after July 1, 2013.

House File 512 - Introduced

HOUSE FILE 512
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HSB 171)

A BILL FOR

1 An Act providing for the determination of animal units which
2 are part of confinement feeding operations, and making
3 penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1480HV (2) 85
da/sc

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Section 1. Section 459.301, subsection 3, Code 2013, is amended to read as follows:

3. In calculating the animal unit capacity of a confinement feeding operation, the animal unit capacity shall include the animal unit capacity of all confinement feeding operation buildings which are part of the confinement feeding operation, unless a confinement feeding operation building has been abandoned as provided in section 459.201. In calculating animal unit capacity for purposes of an election to be a small animal feeding operation as provided in section 459.312A, the animal unit capacity of a confinement feeding operation shall include all confinement feeding operation buildings that are used to house animals.

Sec. 2. NEW SECTION. **459.312A Election to be a small animal feeding operation.**

A person otherwise required to submit an updated manure management plan as required in section 459.312 and pay an annual compliance fee as required in section 459.400 may make a small animal feeding operation election as provided in this section.

1. Upon the effective date of the election, the confinement feeding operation covered by the updated manure management plan shall be considered a small animal feeding operation only for purposes of submitting the updated manure management plan and paying the annual compliance fee, during the period of the election.

2. A person is eligible to make an election only if all of the following apply:

a. Five hundred or fewer animal units are housed at the confinement feeding operation at any one time during the period of election.

b. The department is notified of the election in a manner required by the department. The department may require that a person submit a notice of election as part of an updated manure management plan form or as a separate document.

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1 3. The department shall provide for the period of election,
2 including its effective and expiration dates. However, the
3 period of election shall be at least for the same period
4 covered by the updated manure management plan. An election
5 automatically terminates when more than five hundred animal
6 units are housed at the confinement feeding operation at any
7 one time.
8 4. This section does not affect any of the following:
9 *a.* A condition associated with a construction permit as
10 provided in this subchapter, including but not limited to a
11 master matrix as provided in section 459.305.
12 *b.* A requirement unrelated to filing an updated manure
13 management plan or paying an annual compliance fee, including
14 but not limited to the filing of a construction design
15 statement as provided in section 459.306, the application of
16 manure as provided in section 459.313A, or the certification of
17 a person as a confinement site manure applicator as provided
18 in section 459.315.
19 EXPLANATION
20 BACKGROUND. The department of natural resources
21 (department) is required to regulate confinement feeding
22 operations (operations) under Code chapter 459, the "Animal
23 Agriculture Compliance Act". This bill amends provisions in
24 subchapter III which govern water quality, including how and
25 when manure from such operations is to be applied to land.
26 CURRENT ANIMAL UNIT CAPACITY FORMULA TO DETERMINE AN
27 OPERATION'S SIZE. To some extent, the degree of regulation
28 depends upon an operation's size which is determined by
29 calculating its animal unit capacity; the maximum number
30 of animal units that may be maintained in all confinement
31 buildings (buildings) at any one time (Code section 459.102).
32 Each of various types of animals are assigned a special
33 equivalency factor. For example, a butcher or breeding swine
34 weighing more than 55 pounds has a factor of 0.4 animal units
35 (Code section 459.102). Generally, when calculating the animal

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1 unit capacity of an operation, buildings constructed as part
2 of the operation are included regardless of whether they are
3 occupied, except if a building has been abandoned, i.e., has
4 been razed or converted to another use (Code section 459.301).
5 SMALL ANIMAL FEEDING OPERATIONS. The current law provides
6 a special regulatory exemption for small animal feeding
7 operations, which have an animal unit capacity of 500 or
8 fewer animal units (Code section 459.102). For example, a
9 confinement feeding operation with three buildings keeping
10 a maximum of 400 butcher or breeding swine in each of two
11 buildings and no animals in the third empty building would not
12 qualify as a small animal feeding operation if the capacity
13 of the three buildings were 600, 500, and 300 animal units,
14 respectively (1,400 x 0.4 = 560).
15 NEW FORMULA —— RECLASSIFYING CONFINEMENT FEEDING OPERATIONS
16 BASED ON MAXIMUM NUMBER OF ANIMAL UNITS. The bill allows a
17 person to elect to be exempt from filing a manure management
18 plan update (update) with the department and paying an
19 associated annual compliance fee (fee) if the person can
20 reclassify the operation as a small animal feeding operation
21 using a new formula which is based on the maximum number
22 of animal units actually housed at the confinement feeding
23 operation at any one time during the election period. An
24 update is required to be filed by a person who owns a
25 confinement feeding operation or who applies manure from a
26 confinement feeding operation located outside the state (Code
27 section 459.312). Both the original plan and the update must
28 include the latest information regarding manure application.
29 Using the example above, the operation could elect to be exempt
30 as a small animal feeding operation (800 x 0.4 = 320). The
31 bill provides that the department must determine the period
32 of election so long as the minimum election period equals the
33 duration of the updated plan. However, the election period
34 automatically terminates if the operation no longer qualifies
35 as a small animal feeding operation as calculated using the new

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1 formula.
2 CIVIL PENALTIES. A person who violates Code chapter 459,
3 subchapter III is subject to a civil penalty. The department
4 is authorized to impose a range of civil penalties based
5 on a number of criteria. The general civil penalty cannot
6 exceed $10,000 (Code sections 459.603 and 455B.109). A
7 person violating a provision is also subject to judicial
8 action brought by the attorney general (Code sections 459.603
9 and 455B.191). The general civil penalty applicable for a
10 violation cannot exceed $5,000.

House File 513 - Introduced

HOUSE FILE 513
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 188)

A BILL FOR

1 An Act providing for the issuance of a ratemaking principles
2 order when a rate-regulated public utility enters into a
3 power purchase agreement under specified circumstances.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1717HV (1) 85
rn/nh

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1 Section 1. Section 476.53, subsection 3, Code 2013, is
2 amended to read as follows:
3 3. *a.* The board shall specify in advance, by order issued
4 after a contested case proceeding, the ratemaking principles
5 that will apply when the costs of the electric power generating
6 facility, ~~or~~ alternate energy production facility, or power
7 purchased pursuant to a power purchase agreement are included
8 in regulated electric rates whenever a rate-regulated public
9 utility does any of the following:
10 (1) Files an application pursuant to section 476A.3 to
11 construct in Iowa a baseload electric power generating facility
12 with a nameplate generating capacity equal to or greater
13 than three hundred megawatts or a combined-cycle electric
14 power generating facility, or an alternate energy production
15 facility as defined in section 476.42, or to significantly
16 alter an existing generating facility. For purposes of
17 this subparagraph, a significant alteration of an existing
18 generating facility must, in order to qualify for establishment
19 of ratemaking principles, fall into one of the following
20 categories:
21 (a) Conversion of a coal fueled facility into a gas fueled
22 facility.
23 (b) Addition of carbon capture and storage facilities at a
24 coal fueled facility.
25 (c) Addition of gas fueled capability to a coal fueled
26 facility, in order to convert the facility to one that will
27 rely primarily on gas for future generation.
28 (d) Addition of a biomass fueled capability to a coal fueled
29 facility.
30 With respect to a significant alteration of an existing
31 generating facility, an original facility shall not be required
32 to be either a baseload or a combined-cycle facility. Only
33 the incremental investment undertaken by a utility under
34 subparagraph divisions (a), (b), (c), or (d) shall be eligible
35 to apply the ratemaking principles established by the order

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1 issued pursuant to paragraph *"e"*. Facilities for which advanced
2 ratemaking principles are obtained pursuant to this section
3 shall not be subject to a subsequent board review pursuant to
4 section 476.6, subsection 21 to the extent that the investment
5 has been considered by the board under this section. To the
6 extent an eligible utility has been authorized to make capital
7 investments subject to section 476.6, subsection 21, such
8 investments shall not be eligible for ratemaking principles
9 pursuant to this section.
10 (2) Leases or owns in Iowa, in whole or in part, a new
11 baseload electric power generating facility with a nameplate
12 generating capacity equal to or greater than three hundred
13 megawatts or a combined-cycle electric power generating
14 facility, or a new alternate energy production facility as
15 defined in section 476.42.
16 (3) Enters into a power purchase agreement with a term
17 longer than seven years to purchase in excess of three hundred
18 megawatts of output from an electric power generating facility
19 in this state.
20 *b.* In determining the applicable ratemaking principles,
21 the board shall not be limited to traditional ratemaking
22 principles or traditional cost recovery mechanisms. Among the
23 principles and mechanisms the board may consider, the board
24 has the authority to approve ratemaking principles proposed by
25 a rate-regulated public utility that provide for reasonable
26 restrictions upon the ability of the public utility to seek
27 a general increase in electric rates under section 476.6 for
28 at least three years after the generating facility begins
29 providing service to Iowa customers.
30 *c.* In determining the applicable ratemaking principles, the
31 board shall make the following findings:
32 (1) The rate-regulated public utility has in effect a
33 board-approved energy efficiency plan as required under section
34 476.6, subsection 16.
35 (2) The rate-regulated public utility has demonstrated

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to the board that the public utility has considered other sources for long-term electric supply and that the facility, ~~or~~ lease, or power purchase agreement is reasonable when compared to other feasible alternative sources of supply. The rate-regulated public utility may satisfy the requirements of this subparagraph through a competitive bidding process, under rules adopted by the board, that demonstrate the facility, or lease, or power purchase agreement is a reasonable alternative to meet its electric supply needs.

d. The applicable ratemaking principles shall be determined in a contested case proceeding, which proceeding may be combined with the proceeding for issuance of a certificate conducted pursuant to chapter 476A.

e. The order setting forth the applicable ratemaking principles shall be issued prior to the commencement of construction or lease of, or purchase of power by agreement from, the facility.

f. Following issuance of the order, the rate-regulated public utility shall have the option of proceeding according to either of the following:

(1) Withdrawing its application for a certificate pursuant to chapter 476A.

(2) Proceeding with the construction or lease of, or purchase of power by agreement from, the facility.

g. Notwithstanding any provision of this chapter to the contrary, the ratemaking principles established by the order issued pursuant to paragraph *"e"* shall be binding with regard to the specific electric power generating facility or power purchase agreement in any subsequent rate proceeding.

EXPLANATION

This bill relates to the advance determination by the Iowa utilities board of applicable ratemaking principles when regulated electric rates are proposed to include the costs of specified actions by a rate-regulated public utility.

Currently, Code section 476.53 provides that the board shall

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1 issue a ratemaking principles order when a rate-regulated
2 public utility files an application to construct in Iowa a
3 baseload electric power generating facility with a nameplate
4 generating capacity equal to or greater than 300 megawatts
5 or a combined-cycle electric power generating facility, or
6 an alternate energy production facility; or to significantly
7 alter an existing generating facility; or leases or owns such
8 a facility. The bill additionally provides for the issuance
9 of a ratemaking principles order when a rate-regulated public
10 utility enters into a power purchase agreement with a term
11 longer than seven years to purchase in excess of 300 megawatts
12 of output from a generating facility in Iowa. The bill makes
13 conforming changes throughout the Code section consistent with
14 this addition.

House File 514 - Introduced

HOUSE FILE 514
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HF 84)

A BILL FOR

1 An Act relating to and requiring the return of stolen
2 merchandise in the possession of a pawn shop owner or
3 operator, and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1125HV (1) 85
rn/nh

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1 Section 1. NEW SECTION. **714.28 Pawn shops — stolen**
2 **merchandise — return to rightful owner.**
3 1. The governing body of a political subdivision which has
4 adopted an ordinance regulating the operation of pawn shops
5 shall include within the ordinance a provision requiring the
6 owner or operator of a pawn shop to return merchandise held
7 or offered for sale by the owner or operator which local,
8 state, or federal law enforcement officials have determined
9 to be stolen to the rightful owner of the merchandise. The
10 merchandise shall be returned by the owner or operator of the
11 pawn shop, or local law enforcement officials, to the owner
12 of the merchandise at no charge or cost to the owner. The
13 ordinance shall specify procedures and requirements regarding
14 verifying the identity of the owner of the stolen merchandise,
15 and that the merchandise was in fact reported as stolen
16 pursuant to a police report, national electronic database, or
17 other applicable means of notification.
18 2. In addition to any other penalty imposed for violation
19 of an ordinance described in subsection 1, if the political
20 subdivision issues a license or permit for the operation of
21 a pawn shop, the ordinance shall provide for the suspension,
22 revocation, or nonrenewal of the license or permit in the
23 event the ordinance is violated by an owner or operator. A
24 suspension, revocation, or nonrenewal shall not take effect
25 without notice and hearing.
26 *a.* Notice shall be delivered to the licensee or permittee
27 by regular mail addressed to the licensee or permittee at the
28 licensed premises a minimum of ten days prior to a date set
29 for hearing before a magistrate or district associate judge.
30 The notice shall inform the licensee or permittee of the time,
31 date, and place of hearing and the purpose of the hearing, and
32 shall set out briefly the reasons for the hearing.
33 *b.* A decision regarding whether to suspend or revoke
34 a license or permit, or deny its renewal, shall be at the
35 discretion of the magistrate or district associate judge,

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1 based upon the circumstances surrounding the violation and its
2 severity.
3 *c.* A licensee or permittee whose license or permit or
4 renewal has been revoked or denied because of a violation of
5 this section shall not be eligible for another such license
6 or permit for a period of one hundred eighty days after the
7 revocation or denial.
8 EXPLANATION
9 This bill requires the governing body of a political
10 subdivision in which an ordinance has been adopted regulating
11 the operation of pawn shops to include within the ordinance
12 a provision requiring the owner or operator of a pawn shop
13 to return merchandise held or offered for sale which local,
14 state, or federal law enforcement officials have determined to
15 be stolen. The bill requires the merchandise to be returned
16 to the owner of the merchandise without charge or cost to
17 the owner. The bill states that the ordinance shall specify
18 procedures and requirements regarding verifying the identity
19 of the owner of the stolen merchandise, and verifying that the
20 merchandise was in fact reported as stolen pursuant to a police
21 report, national electronic database, or other applicable means
22 of notification.
23 The bill provides that, in addition to any other penalty
24 imposed for violation of such an ordinance, if the political
25 subdivision issues a license or permit for the operation of
26 a pawn shop, the ordinance shall provide for the suspension,
27 revocation, or nonrenewal of the license or permit in the event
28 of a violation.

House File 515 - Introduced

HOUSE FILE 515
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 341)

A BILL FOR

1 An Act requiring the state's high school social studies
2 curriculum to include instruction on the Declaration of
3 Independence.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2308HV (1) 85
je/sc

H.F. 515

1 Section 1. Section 256.11, subsection 5, paragraph b, Code
2 2013, is amended to read as follows:
3 *b.* Five units of the social studies including instruction
4 in voting statutes and procedures, voter registration
5 requirements, the use of paper ballots and voting systems in
6 the election process, and the method of acquiring and casting
7 an absentee ballot. All students shall complete a minimum
8 of one-half unit of United States government and one unit of
9 United States history. The one-half unit of United States
10 government shall include the voting procedure as described in
11 this lettered paragraph and section 280.9A. The government
12 instruction shall also include a study of the Declaration of
13 Independence, the Constitution of the United States, and the
14 Bill of Rights contained in the Constitution, and an assessment
15 of a student's knowledge of the Declaration of Independence,
16 the Constitution, and the Bill of Rights.
17 EXPLANATION
18 This bill adds study of the Declaration of Independence to
19 the subjects required as part of government instruction in the
20 social studies curriculum for grades nine through 12 in the
21 state's educational standards.

House File 516 - Introduced

HOUSE FILE 516
BY COMMITTEE ON ECONOMIC GROWTH

(SUCCESSOR TO HSB 111)

A BILL FOR

1 An Act relating to rural water providers by making changes
2 to water service requirements and changes related to
3 compensation for the acquisition of certain facilities by a
4 city.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2004HV (2) 85
aw/sc

H.F. 516

1 Section 1. Section 357A.1, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 6A. *"Rural water association"* or
4 *"association"* means a rural water association organized and
5 incorporated as a cooperative association under chapter 499 or
6 as a nonprofit corporation under chapter 504.
7 Sec. 2. Section 357A.2, subsections 3 and 4, Code 2013, are
8 amended to read as follows:
9 3. *a.* Water services, other than water services provided as
10 of April 1, 1987, shall not be provided within two miles of the
11 limits of a city by a rural water district incorporated under
12 this chapter or chapter 504 except as provided in this section.
13 *b.* Water services, other than water services provided as
14 of July 1, 2013, shall not be provided within two miles of
15 the limits of a city by a rural water association, except as
16 otherwise provided for in this section.
17 4. *a.* A rural water district ~~incorporated under this~~
18 ~~chapter or chapter 504 may~~ or rural water association shall
19 give notice of intent to provide water service to a new area
20 within two miles of a city or to replace or substantially
21 increase the capacity of existing facilities or infrastructure
22 within two miles of a city by submitting a water plan to the
23 city. If city water service is governed by a board of trustees
24 established under chapter 388, the water plan shall be filed
25 with the board of trustees.
26 *b.* The plan ~~is only required to~~ shall indicate the area
27 within two miles of the city which the rural water district or
28 rural water association intends to serve within four years of
29 the date the plan is filed.
30 *c.* The plan shall describe whether federal financing of the
31 rural water district or rural water association may directly or
32 indirectly create an exclusive right, franchise, or privilege.
33 The plan shall also describe whether such financing may limit,
34 curtail, or preempt rights or privileges of a city to serve
35 current or future customers. The plan shall further describe

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1 whether the district or association facilities will provide
2 sufficient capacity for fire protection services to be provided
3 in the area within two miles of a city. The plan shall include
4 the number of customers that existing facilities are meant to
5 serve or, in the case of notification of intent to replace or
6 substantially increase capacity, the number of new customers to
7 be served by replaced or expanded facilities.
8 *d.* If the city fails to respond to ~~the rural water~~
9 ~~district's~~ such a plan within ninety days of receipt of the
10 plan, the rural water district or rural water association may
11 provide service in the area designated in the plan. The city
12 may inform the ~~rural water~~ district or association within
13 ninety days of receipt of the plan that the city requires
14 additional time or information to study the question of
15 providing water service outside the limits of the city. If
16 additional time or information is required, the city shall
17 respond to the ~~rural water district's~~ plan within one hundred
18 eighty days of receipt of the plan.
19 *e.* In responding to the plan, the city may waive its right
20 to provide water service within the areas designated for
21 service by the rural water district or rural water association,
22 or the city may reserve the right to provide water service in
23 some or all of the areas which the ~~rural water~~ district or
24 association intends to serve. If the city reserves the right
25 to provide water service within some or all of the areas which
26 the ~~rural water~~ district or association intends to serve, the
27 city shall provide service within four years of receipt of the
28 plan. The city may rescind a waiver after four years from the
29 date the plan is filed for any area in which the district or
30 association has not provided service.
31 *f.* This section does not preclude a city from providing
32 water service in ~~an area which is annexed by the city~~
33 accordance with section 357A.21.
34 Sec. 3. Section 357A.2, Code 2013, is amended by adding the
35 following new subsection:

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1 NEW SUBSECTION. 5. A city shall compensate a rural
2 water district or rural water association for any existing
3 facilities displaced by the city's provision of water service
4 in accordance with section 357A.21.
5 Sec. 4. Section 357A.16, Code 2013, is amended to read as
6 follows:
7 **357A.16 Detaching real property from a district or**
8 **association.**
9 1. If it becomes apparent that any real property included
10 within a rural water district or a rural water association
11 cannot economically or adequately be served by the facilities
12 of the district or association, the owners of the real property
13 may file with the auditor a petition to the supervisors
14 requesting that the real property be detached from the district
15 or association. The petition shall:
16 ~~1.~~ *a.* Describe by section, or fraction thereof, and by
17 township and range, the real property which it is proposed
18 to detach from the rural water district or rural water
19 association.
20 ~~2.~~ *b.* State that the real property cannot economically
21 or adequately be served by the facilities of the rural water
22 district or rural water association, and that it is not
23 feasible for the district or association to enlarge or extend
24 its facilities so as to economically and adequately serve the
25 real property.
26 ~~3.~~ *c.* Be signed by the owners of all the real property
27 which it is desired to detach from the rural water district or
28 rural water association.
29 2. For the purposes of this section, *"economically or*
30 *adequately served"* means that the facilities of the rural water
31 district or rural water association do not create an impediment
32 to economic development and includes but is not limited
33 to the district or association offering reasonable water
34 service rates to the owners of real property, the sufficient
35 provision of water and infrastructure for fire protection and

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fire suppression, and the ability to provide any reasonably anticipated future water service needs as specified by the owners of the real property.

Sec. 5. Section 357A.21, Code 2013, is amended to read as follows:

357A.21 ~~Annexation~~ Buyout of facilities and annexation of land by a city — arbitration.

1. A rural water district or rural water association, or a water district organized under ~~this chapter,~~ chapter 357~~,~~ ~~499,~~ or chapter 504 shall be fairly compensated for ~~losses resulting from annexation~~ distribution facilities acquired by a city. Where such distribution facilities located within the corporate limits of a city are acquired by the city through a buyout, fair compensation shall be the original cost of the distribution facilities plus an amount not to exceed the expected losses to net revenue of the district or association over a ten-year period based upon the district's or association's most recent audit preceding such a buyout. For the purposes of this subsection, expected losses to net revenue shall be based upon revenue received by the district or association from the sale of water to customers served by the district or association that are included in such a buyout.

2. ~~The~~ If a city annexes territory containing facilities owned by a district or association, the governing body of ~~a~~ the city or the city's water utility and the governing board ~~of directors or trustees~~ of the ~~water~~ district or association may agree to terms which provide that the facilities owned by the ~~water~~ district or association and located within the city shall be retained by the ~~water~~ district or association for the purpose of transporting water to customers outside the city. If an agreement is not reached within ninety days, the issues may be submitted to mediation under chapter 679C or to arbitration. If submitted, an arbitrator shall be selected by a committee which includes one member of the governing body of the city or its designee, one member of the ~~water~~ district's or

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1 association's governing board ~~of directors or trustees~~ or its
2 designee, and a disinterested party selected by the other two
3 members of the committee. A list of qualified arbitrators may
4 be obtained from the American arbitration association or other
5 recognized arbitration organization or association.
6 EXPLANATION
7 This bill relates to rural water providers by making
8 changes to water service requirements and changes related to
9 compensation for certain facilities acquisitions.
10 The bill defines "rural water association".
11 The bill places certain limitations on the provision of
12 water services by rural water associations to areas that are
13 within two miles of a city after July 1, 2013.
14 Current law provides that a rural water district may provide
15 notice of intent to provide water service to a new area within
16 two miles of a city. The bill requires that rural water
17 associations also provide such notice. The bill requires that
18 notice also be provided by a district or association intending
19 to replace or substantially increase the capacity of existing
20 facilities within two miles of a city. The bill further
21 requires that if a city's water service is governed by a board
22 of trustees that the notice shall be filed with the board.
23 Current law requires that a water plan submitted by a
24 rural water district only include an indication of the new
25 area that the district intends to serve. The bill requires
26 that a district or association indicate any such area that
27 the district or association intends to serve within four
28 years following the date that the plan is filed with a city.
29 Additionally, the plan is also required to provide information
30 relating to federal financing, fire protection service
31 capacity, and information related to the number of customers
32 served or intended to be served.
33 Current law provides that a city may waive its right to
34 provide water service within the areas designated in a water
35 plan. The bill provides that a city may rescind such a waiver

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after four years following the date the water plan is filed with the city, provided that the district or association has not provided service to the area.

The bill provides a definition for the term "economically or adequately served" related to the provision of water service by a district or association.

The bill provides that a district be compensated for distribution facilities acquired by a city through buyout procedures and provides a formula for determining the amount of compensation to be paid. The bill further provides that a city may provide compensation to a district or association for service that was proposed or intended to be provided by the district or association at the time of acquisition.

The bill further provides that if the city or city utility cannot reach an agreement for the retention of certain rights by a district or association, that the issues may be submitted to mediation.

House File 517 - Introduced

HOUSE FILE 517
BY COMMITTEE ON ECONOMIC GROWTH

(SUCCESSOR TO HF 65)

A BILL FOR

1 An Act relating to the implementation of federal statute,
2 regulation, or policy by state administrative agencies.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1642HV (1) 85
jr/rj

H.F. 517

1 Section 1. NEW SECTION. **17A.24 Rule implementation of**
2 **federal statute, regulation, or policy.**
3 1. Except as otherwise explicitly authorized by state law,
4 an agency charged with the implementation of a federal statute,
5 regulation, or policy shall not implement the federal statute,
6 regulation, or policy in a manner that exceeds the specific
7 requirements of the federal statute, regulation, or policy.
8 2. Any portion of an agency rule or policy that implements
9 a federal statute, regulation, or policy and that exceeds the
10 specific requirements of the federal statute, regulation, or
11 policy is automatically superceded by the specific requirements
12 of that federal statute, regulation, or policy.
13 EXPLANATION
14 This bill provides that state implementation of a federal
15 statute, regulation, or policy by a state agency shall not
16 exceed the specific requirements of the federal statute,
17 regulation, or policy, except as specifically allowed by state
18 law. Any portion of a state rule or policy that implements a
19 federal statute, regulation, or policy and that exceeds the
20 specific requirements of the federal statute, regulation, or
21 policy is automatically superceded by the specific requirements
22 of that federal statute, regulation, or policy.

House File 518 - Introduced

HOUSE FILE 518
BY COMMITTEE ON ECONOMIC
GROWTH

(SUCCESSOR TO HSB 156)

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 1851HV (1) 85
av/sc

H.F. 518

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

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1 through the manufactured housing program fund and any other
2 rules necessary to implement and administer this section.
3 5. For purposes of this section, *"manufactured home"* or
4 *"manufactured housing"* means the same as defined in section
5 435.1.
6 EXPLANATION
7 This bill creates the manufactured housing program fund
8 within the Iowa finance authority to further the goal of
9 providing affordable housing to Iowans. The moneys in the fund
10 are annually appropriated to the authority for the purpose of
11 providing funding to financing agents or financial institutions
12 to finance the purchase by an individual of a manufactured
13 home that is in compliance with all applicable laws, rules,
14 and standards that are applicable to manufactured homes and
15 manufactured housing.
16 The authority is required to allocate the moneys in the fund
17 to financing agents and financial institutions to meet the
18 purposes set forth in the bill and may provide funding in the
19 form of loans, linked deposits, guarantees, reserve funds, or
20 any other prudent financial instruments.
21 The authority is required to adopt rules that include but
22 are not limited to eligibility requirements for financing
23 agents and financial institutions to receive funding, and any
24 other rules that are necessary to implement and administer the
25 provisions of the bill.
26 For purposes of the bill, "manufactured home" or
27 "manufactured housing" means a factory-built structure
28 constructed under authority of 42 U.S.C. § 5403, that is
29 required by federal law to display a seal from the United
30 States department of housing and urban development, and was
31 constructed on or after June 15, 1976.

House File 519 - Introduced

HOUSE FILE 519
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HF 260)

A BILL FOR

1 An Act to allow the office of the citizens' aide access to the
2 minutes and audio recording of a closed session of a meeting
3 of the plumbing and mechanical systems board.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1333HV (2) 85
jr/sc

H.F. 519

1 Section 1. Section 105.3, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 8. Notwithstanding section 21.5,
4 subsection 4, the office of the citizens' aide without an order
5 of the court and only for purposes of conducting a confidential
6 investigation in response to a complaint relating to the board
7 pursuant to section 2C.12, shall have access to the minutes and
8 audio recording of a closed session of a meeting of the board.
9 EXPLANATION
10 This bill provides, notwithstanding Code section 21.5,
11 subsection 4, relating to closed session meetings held by
12 governmental bodies, that the minutes and audio recording of
13 a closed session of a meeting of the plumbing and mechanical
14 systems board shall be accessible to the office of the
15 citizens' aide without an order of the court and only for
16 purposes of conducting a confidential investigation in response
17 to a complaint relating to the board.

House File 520 - Introduced

HOUSE FILE 520
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 22)

A BILL FOR

1 An Act relating to the policy administration of election
2 and voter registration laws by the secretary of state,
3 including the voter registration age, absentee voting, the
4 provision of training space for election personnel, the
5 candidate nomination filing requirements for merged area,
6 school district, and city elections and related filing
7 requirements, the filling of vacancies in certain city,
8 county, and school district offices, and authorizing certain
9 cities to conduct city elections by absentee ballot, and
10 including effective date provisions.
11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1135HV (3) 85
aw/sc

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Section 1. Section 44.4, subsection 1, Code 2013, is amended to read as follows:

1. Nominations made pursuant to this chapter and chapter 45 which are required to be filed in the office of the state commissioner shall be filed in that office not more than ninety-nine days nor later than 5:00 p.m. on the eighty-first day before the date of the general election to be held in November. Nominations made for a special election called pursuant to section 69.14 shall be filed by 5:00 p.m. not less than twenty-five days before the date of an election called upon at least forty days' notice and not less than fourteen days before the date of an election called upon at least eighteen days' notice. Nominations made for a special election called pursuant to section 69.14A shall be filed by 5:00 p.m. not less than twenty-five days before the date of the election. Nominations made pursuant to this chapter and chapter 45 which are required to be filed in the office of the commissioner shall be filed in that office not more than ninety-two days nor later than 5:00 p.m. on the sixty-ninth day before the date of the general election. Nominations made pursuant to this chapter or chapter 45 for city office shall be filed not more than seventy-two days nor later than 5:00 p.m. on the forty-seventh day before the city election with the ~~city clerk~~ county commissioner of elections responsible under section 47.2 for conducting elections held for the city, who shall process them as provided by law.

Sec. 2. Section 44.4, subsection 2, paragraph a, subparagraphs (2) and (3), Code 2013, are amended to read as follows:

(2) Those filed with the commissioner, not less than sixty-four days before the date of the election, except as provided in subparagraph (3).

(3) Those filed with the ~~city clerk~~ commissioner for an elective city office, at least forty-two days before the regularly scheduled or special city election. However, for

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those cities that may be required to hold a primary election, at least sixty-three days before the regularly scheduled or special city election.

Sec. 3. Section 44.7, Code 2013, is amended to read as follows:

44.7 Hearing before commissioner.

~~Objections~~ Except as otherwise provided in section 44.8, objections filed with the commissioner shall be considered by the county auditor, county treasurer, and county attorney, and a majority decision shall be final~~; but~~. However, if the objection is to the certificate of nomination of one or more of the above named county officers, the officer or officers objected to shall not pass upon the objection, but their places shall be filled, respectively, by the chairperson of the board of supervisors, the sheriff, and the county recorder.

Sec. 4. Section 44.8, Code 2013, is amended to read as follows:

44.8 Hearing before mayor.

1. Objections filed with the city clerk pursuant to section 362.4 or with the commissioner for an elective city office shall be considered by the mayor and clerk and one member of the council chosen by the council by ballot, and a majority decision shall be final~~; but~~. However, if the objection is to the certificate of nomination of either of those city officials, that official shall not pass upon ~~said~~ the objection, but the official's place shall be filled by a member of the council against whom no such objection exists, chosen as above provided.

2. The hearing shall be held within twenty-four hours of the receipt of the objection if a primary election must be held for the office sought by the candidate against whom the objection has been filed.

Sec. 5. Section 44.9, subsections 2, 3, 5, and 6, Code 2013, are amended to read as follows:

2. In the office of the proper commissioner, at least

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1 sixty-four days before the date of the election, except as
2 otherwise provided in subsections 3, 5, and 6.
3 3. In the office of the proper ~~school board secretary~~
4 commissioner, at least thirty-five days before the day of a
5 regularly scheduled school election.
6 5. In the office of the proper commissioner ~~or school board~~
7 ~~secretary~~ in case of a special election to fill vacancies in an
8 elective school board office, at least twenty-five days before
9 the day of election.
10 6. In the office of the proper ~~city clerk~~ commissioner, at
11 least forty-two days before the regularly scheduled or special
12 city election. However, for those cities that may be required
13 to hold a primary election, at least sixty-three days before a
14 regularly scheduled or special city election.
15 Sec. 6. Section 44.11, Code 2013, is amended to read as
16 follows:
17 **44.11 Vacancies filled.**
18 If a candidate named under this chapter withdraws before the
19 deadline established in section 44.9, declines a nomination,
20 or dies before election day, or if a certificate of nomination
21 is held insufficient or inoperative by the officer with whom
22 it is required to be filed, or in case any objection made
23 to a certificate of nomination, or to the eligibility of any
24 candidate named in the certificate, is sustained by the board
25 appointed to determine such questions, the vacancy or vacancies
26 may be filled by the convention, or caucus, or in such manner
27 as such convention or caucus has previously provided. The
28 vacancy or vacancies shall be filled not less than seventy-four
29 days before the election in the case of nominations required to
30 be filed with the state commissioner, not less than sixty-four
31 days before the election in the case of nominations required
32 to be filed with the commissioner, not less than thirty-five
33 days before the election in the case of nominations required
34 to be filed ~~in~~ with the ~~office of the school board secretary~~
35 commissioner for school board elections, and not less than

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forty-two days before the election in the case of nominations required to be filed with the ~~city clerk~~ commissioner for city elections.

Sec. 7. Section 47.2, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. The county commissioner shall post notice of all elections filings received for county elections, city elections, and school elections on the county's internet site, if any, and at the county commissioner's office.

Sec. 8. Section 48A.5, subsection 2, paragraph c, Code 2013, is amended to read as follows:

c. Be at least eighteen years of age. Completed registration forms shall be accepted from registrants who are at least seventeen ~~and one-half~~ years of age~~; however~~. However, the registration shall not be effective until the registrant reaches the age of eighteen. The commissioner of registration shall ensure that the birth date shown on the registration form is at least seventeen ~~and one-half~~ years earlier than the date the registration is processed. A registrant who is at least seventeen ~~and one-half~~ years of age and who will be eighteen by the date of a pending election is a registered voter for the pending election for purposes of chapter 53.

Sec. 9. Section 48A.14, subsection 1, paragraph b, Code 2013, is amended to read as follows:

b. The challenged registrant is less than seventeen ~~and one-half~~ years of age.

Sec. 10. Section 48A.23, subsection 1, Code 2013, is amended to read as follows:

1. At least twice during each school year, the board of directors of each school district operating a high school and the authorities in charge of each accredited nonpublic school shall offer the opportunity to register to vote to each student who is at least seventeen ~~and one-half~~ years of age.

Sec. 11. Section 48A.26, subsection 9, Code 2013, is amended

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to read as follows:

9. When a person who is at least seventeen ~~and one-half~~ years of age but less than eighteen years of age registers to vote, the commissioner shall maintain a record of the registration so as to clearly indicate that it will not take effect until the registrant's eighteenth birthday and that the person is registered and qualifies to vote at any election held on or after that date.

Sec. 12. Section 48A.31, Code 2013, is amended to read as follows:

48A.31 Deceased persons record.

The state registrar of vital statistics shall transmit or cause to be transmitted to the state registrar of voters, once each calendar quarter, a certified list of all persons seventeen ~~and one-half~~ years of age and older in the state whose deaths have been reported to the bureau of vital records of the Iowa department of public health since the previous list of decedents was certified to the state registrar of voters. The list shall be submitted according to the specifications of the state registrar of voters. The commissioner shall, in the month following the end of a calendar quarter, run the statewide voter registration system's matching program to determine whether a listed decedent was registered to vote in the county and shall immediately cancel the registration of any person named on the list of decedents.

Sec. 13. Section 49.11, subsection 3, paragraph b, subparagraph (3), Code 2013, is amended to read as follows:

(3) A voting center designated under this subsection is subject to the requirements of section 49.21 relating to accessibility to persons ~~who are elderly and persons~~ with disabilities and relating to the posting of signs. The location of each voting center shall be published by the county commissioner of elections in the same manner as the location of polling places is required to be published.

Sec. 14. NEW SECTION. **49.123A Training sites —**

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availability — accessibility.

For a period of thirty days prior to each scheduled election, and upon the application of the commissioner, the authority which has control of any buildings or grounds supported by taxation under the laws of this state shall make available the necessary space therein for the purpose of conducting training courses relating to the election and offered by the commissioner for precinct election officials and other election personnel, without charge for the use of such buildings or grounds. Training courses scheduled and conducted at buildings or grounds selected by the commissioner pursuant to this section shall not interfere with previously scheduled events at such buildings or grounds. The commissioner shall only schedule and conduct training courses at buildings or grounds that are accessible to and functional for persons with disabilities.

Sec. 15. Section 53.8, subsection 1, Code 2013, is amended to read as follows:

1. Upon receipt of an application for an absentee ballot meeting the requirements of section 53.2 and immediately after the absentee ballots are printed but in no case sooner than the fiftieth day before any election for an absentee ballot to be mailed to a person described in section 53.37, the commissioner shall mail an absentee ballot to the applicant within twenty-four hours, except as otherwise provided in subsection 3. The absentee ballot shall be enclosed in an unsealed envelope bearing a serial number and affidavit. The absentee ballot and unsealed envelope shall be enclosed in or with a return envelope marked postage paid which bears the same serial number as the unsealed envelope. The absentee ballot, unsealed envelope, and return envelope shall be enclosed in a third envelope to be sent to the registered voter. If the ballot cannot be folded so that all of the votes cast on the ballot will be hidden, the commissioner shall also enclose a secrecy envelope with the absentee ballot.

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1 Sec. 16. Section 53.10, subsection 1, Code 2013, is amended
2 to read as follows:
3 1. Not more than forty days before the date of the primary
4 election or the general election, the commissioner shall
5 provide facilities for absentee voting in person at the
6 commissioner's office. This service shall also be provided for
7 other elections as soon as the ballots are ready, but in no
8 case shall absentee ballots be available for absentee voting in
9 person more than forty days before an election.
10 Sec. 17. Section 69.14A, subsection 1, paragraph a,
11 subparagraph (1), Code 2013, is amended to read as follows:
12 (1) The appointment shall be for the period until the next
13 pending election as defined in section 69.12, and shall be
14 made within ~~forty~~ sixty days after the vacancy occurs. If the
15 committee of county officers designated to fill the vacancy
16 chooses to proceed under this paragraph, the committee shall
17 publish notice in the manner prescribed by section 331.305
18 stating that the committee intends to fill the vacancy by
19 appointment but that the electors of the district or county,
20 as the case may be, have the right to file a petition requiring
21 that the vacancy be filled by special election. The committee
22 may publish notice in advance if an elected official submits
23 a resignation to take effect at a future date. The committee
24 may make an appointment to fill the vacancy after the notice is
25 published or after the vacancy occurs, whichever is later. A
26 person appointed to an office under this subsection shall have
27 actually resided in the county which the appointee represents
28 sixty days prior to appointment. If the committee of county
29 officers designated to fill the vacancy in section 69.8 fails
30 to make an appointment within sixty days as required by this
31 subparagraph (1), the county commissioner of elections shall
32 call a special election to fill the vacancy at the earliest
33 practicable date but not later than thirty-two days after the
34 sixtieth day following the day the vacancy occurred.
35 Sec. 18. Section 260C.15, subsection 3, Code 2013, is

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amended to read as follows:

3. Nomination papers on behalf of candidates for member of the board of directors of a merged area shall be filed with the ~~secretary of the board~~ county commissioner of elections responsible under section 47.2 for conducting elections held for the merged area not earlier than sixty-four days nor later than 5:00 p.m. on the fortieth day prior to the election at which members of the board are to be elected. ~~On the day following~~ No later than the last day on which nomination petitions can be filed, and no later than 5:00 p.m. on that day, the secretary of the board shall deliver ~~all nomination petitions so filed, together with~~ the text of any public measure being submitted by the board of directors to the electorate, to the county commissioner of elections ~~who is~~ responsible under section 47.2 for conducting elections held for the merged area. That commissioner shall certify the names of candidates, and the text and summary of any public measure being submitted to the electorate, to all county commissioners of elections in the merged area by the thirty-fifth day prior to the election.

Sec. 19. Section 260C.15, subsection 4, paragraph b, Code 2013, is amended to read as follows:

b. The objection must be filed with the ~~secretary of the board~~ county commissioner of elections responsible under section 47.2 for conducting elections held for the merged area at least thirty-five days before the day of the election at which members of the board are elected. When objections are filed, notice shall immediately be given to the candidate affected, addressed to the candidate's place of residence as given on the candidate's affidavit, stating that objections have been made to the legal sufficiency of the petition or to the eligibility of the candidate, and also stating the time and place the objections will be considered. The ~~board secretary~~ county commissioner shall also attempt to notify the candidate by telephone if the candidate provided a telephone number on

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the candidate's affidavit.

Sec. 20. Section 260C.15, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. A candidate nominated under this section may withdraw the candidate's nomination by a written request filed with the county commissioner of elections responsible under section 47.2 for conducting elections held for the merged area at least thirty-five days before the day of the election at which members of the board are elected.

Sec. 21. Section 275.25, subsection 1, paragraph b, Code 2013, is amended to read as follows:

b. The election shall be conducted as provided in section 277.3, and nomination petitions shall be filed pursuant to section 277.4, except as otherwise provided in this subsection. Nomination petitions shall be filed with the ~~secretary of the board of~~ county commissioner of elections responsible under section 47.2 for conducting elections held for the existing school district in which the candidate resides not less than twenty-eight days before the date set for the special school election. The ~~secretary of the board~~ commissioner, or the ~~secretary's~~ commissioner's designee, shall be present in the ~~secretary's~~ commissioner's office until 5:00 p.m. on the final day to file the nomination papers. The nomination papers shall be delivered to the commissioner no later than 5:00 p.m. on the twenty-seventh day before the election.

Sec. 22. Section 277.4, subsections 1, 3, and 4, Code 2013, are amended to read as follows:

1. Nomination papers for all candidates for election to office in each school district shall be filed with the ~~secretary of the school board~~ county commissioner of elections responsible under section 47.2 for conducting elections held for the school district not more than sixty-four days, nor less than forty days before the election. Nomination petitions shall be filed not later than 5:00 p.m. on the last day for filing. ~~If the school board secretary is not readily available~~

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~~during normal office hours, the secretary may designate a full-time employee of the school district who is ordinarily available to accept nomination papers under this section.~~ On the final date for filing nomination papers the office of the ~~school secretary~~ county commissioner shall remain open until 5:00 p.m.

3. The ~~secretary of the school board~~ county commissioner shall accept the petition for filing if on its face it appears to have the requisite number of signatures and if it is timely filed. The ~~secretary of the school board~~ county commissioner shall note upon each petition and affidavit accepted for filing the date and time that the petition was filed. The secretary of the school board shall deliver ~~all nomination petitions, together with~~ the complete text of any public measure being submitted by the board to the electorate, to the county commissioner of elections ~~on the day following~~ no later than the last day on which nomination petitions can be filed, and not later than 5:00 p.m. on that day.

4. Any person on whose behalf nomination petitions have been filed under this section may withdraw as a candidate by filing a signed statement to that effect with the ~~secretary~~ county commissioner of elections responsible under section 47.2 for conducting elections held for the school district at any time prior to 5:00 p.m. on the thirty-fifth day before the election.

Sec. 23. Section 277.5, Code 2013, is amended to read as follows:

277.5 Objections to nominations.

1. Objections to the legal sufficiency of a nomination petition or to the eligibility of a candidate may be filed by any person who would have the right to vote for a candidate for the office in question. The objection must be filed with the ~~secretary of the school board~~ county commissioner of elections responsible under section 47.2 for conducting elections held for the school district at least thirty-five days before the day of the school election. When objections are filed

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notice shall forthwith be given to the candidate affected, addressed to the candidate's place of residence as given on the candidate's affidavit, stating that objections have been made to the legal sufficiency of the petition or to the eligibility of the candidate, and also stating the time and place the objections will be considered.

2. Objections shall be considered not later than two working days following the receipt of the objections by the president of the school board, the secretary of the school board, and one additional member of the school board chosen by ballot. If objections have been filed to the nominations of either of those school officials, that official shall not pass on the objection. The official's place shall be filled by a member of the school board against whom no objection exists. The replacement shall be chosen by ballot.

Sec. 24. Section 277.7, Code 2013, is amended to read as follows:

277.7 Petitions for public measures.

1. A petition filed with the school board to request an election on a public measure shall be examined before it is accepted for filing. If the petition appears valid on its face it shall be accepted for filing. If it lacks the required number of signatures it shall be returned to the petitioners.

2. Petitions which have been accepted for filing are valid unless written objections are filed. Objections must be filed with the secretary of the school board within five working days after the petition was filed. The objection process in section 277.5, subsection 2, shall be followed for objections filed pursuant to this section.

Sec. 25. Section 279.7, subsection 1, Code 2013, is amended to read as follows:

1. If a vacancy or vacancies occur among the elective officers or members of a school board and the remaining members of the board have not filled the vacancy within ~~thirty~~ sixty days after the vacancy becomes known by the secretary or

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1 the board, or when the board is reduced below a quorum, the
2 secretary of the board, or if there is no secretary, the area
3 education agency administrator, shall call a special election
4 in the district, subdistrict, or subdistricts, as the case may
5 be, to fill the vacancy or vacancies. The county commissioner
6 of elections shall publish the notices required by law for
7 special elections, and the election shall be held not sooner
8 than thirty days nor later than forty days after the ~~thirtieth~~
9 sixtieth day following the day the vacancy becomes known by the
10 secretary or the board. If the secretary fails for more than
11 three days to call an election, the administrator shall call
12 it.
13 Sec. 26. Section 280.9A, subsection 3, Code 2013, is amended
14 to read as follows:
15 3. At least twice during each school year, the board of
16 directors of each local public school district operating a
17 high school and the authorities in charge of each accredited
18 nonpublic school operating a high school shall offer the
19 opportunity to register to vote to each student who is at least
20 seventeen ~~and one-half~~ years of age, as required by section
21 48A.23.
22 Sec. 27. Section 372.13, subsection 2, paragraph a, Code
23 2013, is amended to read as follows:
24 *a.* (1) By appointment by the remaining members of the
25 council, except that if the remaining members do not constitute
26 a quorum of the full membership, paragraph *"b"* shall be
27 followed. The appointment shall be for the period until the
28 next pending election as defined in section 69.12, and shall
29 be made within ~~forty~~ sixty days after the vacancy occurs. If
30 the council fails to make an appointment within sixty days
31 as required by this subsection, the city clerk shall give
32 notice of the vacancy to the county commissioner and the county
33 commissioner shall call a special election to fill the vacancy
34 at the earliest practicable date but no fewer than thirty-two
35 days after the notice is received by the county commissioner.

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1 (2) If the council chooses to proceed under this paragraph,
2 it shall publish notice in the manner prescribed by section
3 362.3, stating that the council intends to fill the vacancy
4 by appointment but that the electors of the city or ward, as
5 the case may be, have the right to file a petition requiring
6 that the vacancy be filled by a special election. The council
7 may publish notice in advance if an elected official submits
8 a resignation to take effect at a future date. The council
9 may make an appointment to fill the vacancy after the notice
10 is published or after the vacancy occurs, whichever is later.
11 However, if within fourteen days after publication of the
12 notice or within fourteen days after the appointment is made,
13 there is filed with the city clerk a petition which requests a
14 special election to fill the vacancy, an appointment to fill
15 the vacancy is temporary and the council shall call a special
16 election to fill the vacancy permanently, under paragraph "b".
17 The number of signatures of eligible electors of a city for a
18 valid petition shall be determined as follows:
19 ~~(1)~~ (a) For a city with a population of ten thousand or
20 less, at least two hundred signatures or at least the number of
21 signatures equal to fifteen percent of the voters who voted for
22 candidates for the office at the preceding regular election at
23 which the office was on the ballot, whichever number is fewer.
24 ~~(2)~~ (b) For a city with a population of more than ten
25 thousand but not more than fifty thousand, at least one
26 thousand signatures or at least the number of signatures equal
27 to fifteen percent of the voters who voted for candidates for
28 the office at the preceding regular election at which the
29 office was on the ballot, whichever number is fewer.
30 ~~(3)~~ (c) For a city with a population of more than fifty
31 thousand, at least two thousand signatures or at least the
32 number of signatures equal to ten percent of the voters who
33 voted for candidates for the office at the preceding regular
34 election at which the office was on the ballot, whichever
35 number is fewer.

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1 ~~(4)~~ (d) The minimum number of signatures for a valid
2 petition pursuant to ~~subparagraphs (1)~~ subparagraph divisions
3 (a) through ~~(3)~~ (c) shall not be fewer than ten. In
4 determining the minimum number of signatures required, if at
5 the last preceding election more than one position was to be
6 filled for the office in which the vacancy exists, the number
7 of voters who voted for candidates for the office shall be
8 determined by dividing the total number of votes cast for the
9 office by the number of seats to be filled.
10 Sec. 28. Section 376.1, Code 2013, is amended to read as
11 follows:
12 **376.1 City election held — absentee ballot elections**
13 **authorized.**
14 1. A city shall hold a regular city election on the first
15 Tuesday after the first Monday in November of each odd-numbered
16 year. A city shall hold regular, special, primary, or runoff
17 city elections as provided by state law.
18 2. The mayor or council shall give notice of any special
19 election to the county commissioner of elections. The county
20 commissioner of elections shall publish notice of any city
21 election and conduct the election pursuant to the provisions of
22 chapters 39 to 53, except as otherwise specifically provided
23 in chapters 362 to 392. The results of any election shall be
24 canvassed by the county board of supervisors and certified
25 by the county commissioner of elections to the mayor and the
26 council of the city for which the election is held.
27 3. *a.* The council of a city with a population of two
28 hundred or less according to the most recent federal decennial
29 census may adopt an ordinance providing that elections be
30 conducted by absentee ballot. If the city council adopts
31 such an ordinance, the clerk shall notify the commissioner
32 of elections of the adoption of the ordinance, and the
33 commissioner shall mail an absentee ballot application form
34 by forwardable mail to each registered voter within the city
35 who is on active status pursuant to section 48A.37 no fewer

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1 than twenty-five days before each regular city election or
2 special election for the city. The commissioner shall also
3 enclose a postage paid return envelope and a notice in the form
4 prescribed by the state commissioner informing the voter that
5 voting in person on election day will also be available at the
6 commissioner's office during the time the polls are open. The
7 commissioner may designate one additional site as an election
8 day polling place for a city that adopts an ordinance pursuant
9 to this subsection. The location of the additional polling
10 place shall be included in the notice to the voter.
11 *b.* The additional polling place designated under this
12 subsection is subject to the requirements of section 49.21
13 relating to accessibility to persons with disabilities
14 and relating to the posting of signs. The location of the
15 additional polling place shall be published by the county
16 commissioner of elections as required by section 49.53.
17 *c.* The provisions of chapter 53, insofar as applicable,
18 shall apply to absentee ballot elections authorized under this
19 subsection.
20 Sec. 29. Section 376.4, subsection 1, paragraph a, Code
21 2013, is amended to read as follows:
22 *a.* An eligible elector of a city may become a candidate
23 for an elective city office by filing with the ~~city clerk~~
24 county commissioner of elections responsible under section 47.2
25 for conducting elections held for the city a valid petition
26 requesting that the elector's name be placed on the ballot
27 for that office. The petition must be filed not more than
28 seventy-one days and not less than forty-seven days before the
29 date of the election, and must be signed by eligible electors
30 equal in number to at least two percent of those who voted to
31 fill the same office at the last regular city election, but not
32 less than ten persons. However, for those cities which may be
33 required to hold a primary election, the petition must be filed
34 not more than eighty-five days and not less than sixty-eight
35 days before the date of the regular city election. Nomination

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1 petitions shall be filed not later than 5:00 p.m. on the last
2 day for filing.
3 Sec. 30. Section 376.4, subsections 3, 4, and 5, Code 2013,
4 are amended to read as follows:
5 3. ~~If the city clerk is not readily available during normal~~
6 ~~office hours, the city clerk shall designate other employees or~~
7 ~~officials of the city who are ordinarily available to accept~~
8 ~~nomination papers under this section.~~ On the final date for
9 filing nomination papers the office of the ~~city clerk~~ county
10 commissioner shall remain open until 5:00 p.m.
11 4. The ~~city clerk~~ county commissioner shall review each
12 petition and affidavit of candidacy for completeness following
13 the standards in section 45.5 and shall accept the petition
14 for filing if on its face it appears to have the requisite
15 number of signatures and if it is timely filed. The ~~city~~
16 ~~clerk~~ county commissioner shall note upon each petition and
17 affidavit accepted for filing the date and time that they were
18 filed. The ~~clerk~~ county commissioner shall return any rejected
19 nomination papers to the person on whose behalf the nomination
20 papers were filed.
21 5. Nomination papers filed with the ~~city clerk~~ county
22 commissioner shall be available for public inspection.
23 5A. The city clerk shall deliver ~~all nomination papers~~
24 ~~together with~~ the text of any public measure being submitted by
25 the city council to the electorate to the county commissioner
26 of elections ~~on the day following~~ no later than the last day
27 on which nomination petitions can be filed, and not later than
28 5:00 p.m. on that day.
29 Sec. 31. Section 376.11, subsections 3, 4, and 5, Code 2013,
30 are amended to read as follows:
31 3. In city primary elections any person who receives
32 write-in votes shall execute an affidavit in substantially the
33 form required by section 45.3, and file it with the county
34 commissioner of elections ~~or the city clerk~~ not later than 5:00
35 p.m. on the day after the canvass of the primary election.

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If any person who received write-in votes fails to file the affidavit at the time required, the county commissioner shall disregard the write-in votes cast for that person. A notation shall be made on the abstract of votes showing which persons who received write-in votes filed affidavits. The total number of votes cast for each office on the ballot shall be amended by subtracting the write-in votes of those candidates who failed to file the affidavit. It is not necessary for a candidate whose name was printed upon the ballot to file an affidavit. Of the remaining candidates, those who receive the highest number of votes to the extent of twice the number of unfilled positions shall be placed on the ballot for the regular city election as candidates for that office.

4. In cities in which the city council has chosen a runoff election in lieu of a primary, if a person who was elected by write-in votes chooses not to accept the office by filing a resignation notice with the ~~city clerk or~~ commissioner of elections not later than 5:00 p.m. on the day following the canvass, all remaining persons who received write-in votes and who wish to be considered candidates for the runoff election shall execute an affidavit in substantially the form required by section 45.3 and file it with the county commissioner ~~or the city clerk~~ not later than 5:00 p.m. of the fourth day following the canvass. If a person receiving write-in votes fails to file the affidavit at the time required, the county commissioner of elections shall disregard the write-in votes cast for that person. The abstract of votes shall be amended to show that the person who was declared elected declined the office and a notation shall be made next to the names of those persons who did not file the affidavit. A runoff election shall be held with the remaining candidates who have the highest number of votes to the extent of twice the number of unfilled positions.

5. In a city in which the council has chosen a runoff election, if no person was declared elected for an office, all

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1 persons who received write-in votes shall execute an affidavit
2 in substantially the form required by section 45.3 and file it
3 with the county commissioner of elections ~~or the city clerk~~ not
4 later than 5:00 p.m. on the day following the canvass of votes.
5 If any person who received write-in votes fails to file the
6 affidavit, the county commissioner of elections shall disregard
7 the write-in votes cast for that person. The abstract of votes
8 shall be amended to note which of the write-in candidates
9 failed to file the affidavit. A runoff election shall be held
10 with the remaining candidates who have the highest number of
11 votes to the extent of twice the number of unfilled positions.
12 Sec. 32. Section 602.8102, subsection 15, Code 2013, is
13 amended to read as follows:
14 15. Monthly, notify the county commissioner of registration
15 and the state registrar of voters of persons seventeen ~~and~~
16 ~~one-half~~ years of age and older who have been convicted of a
17 felony during the preceding calendar month or persons who at
18 any time during the preceding calendar month have been legally
19 declared to be a person who is incompetent to vote as that term
20 is defined in section 48A.2.
21 Sec. 33. REPEAL. Section 53.14, Code 2013, is repealed.
22 Sec. 34. EFFECTIVE DATE. The following provision or
23 provisions of this Act take effect January 1, 2014:
24 1. The section of this Act amending section 48A.5,
25 subsection 2, paragraph "c".
26 2. The section of this Act amending section 48A.14,
27 subsection 1, paragraph "b".
28 3. The section of this Act amending section 48A.23,
29 subsection 1.
30 4. The section of this Act amending section 48A.26,
31 subsection 9.
32 5. The section of this Act amending section 48A.31.
33 6. The section of this Act amending section 280.9A,
34 subsection 3.
35 7. The section of this Act amending section 602.8102,

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1 subsection 15.
2 EXPLANATION
3 This bill relates to the policy administration of the
4 election and voter registration laws by the secretary of state.
5 The bill requires that the county commissioner of elections
6 post notice of all elections filings received for county, city,
7 and school elections.
8 The bill requires that the county commissioner of
9 registration accept completed voter registration forms from
10 registrants who are at least 17 years of age. Current law
11 requires the county commissioner of registration to accept such
12 forms from registrants who are at least 17 and one-half years
13 of age. These provisions of the bill take effect January 1,
14 2014.
15 In 2008, Code section 49.21, relating to designation of
16 polling places, eliminated language regarding accessibility to
17 elderly persons and retained language regarding accessibility
18 to persons with disabilities. The bill strikes the same
19 language referring to accessibility to elderly persons at
20 voting centers, to conform with Code section 49.21.
21 The bill requires that any authority supported by taxation
22 under the laws of Iowa make space available for the training
23 of precinct election officials and other election personnel
24 upon the application of the county commissioner of elections.
25 The bill requires that the commissioner only schedule and
26 conduct such training courses at locations that are accessible
27 to and functional for persons with disabilities and that such
28 courses not interfere with previously scheduled events at those
29 locations.
30 The bill provides that the county commissioner of elections
31 shall not mail an absentee ballot to a person who is included
32 within the term "armed forces of the United States" as defined
33 in Code section 53.37 sooner than 50 days before any election.
34 The bill retains the provision that absentee ballots shall
35 be made available for voting in person at the commissioner's

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1 office not more than 40 days before an election.
2 The bill repeals a Code section that requires a voter's
3 party affiliation be designated in the voter affidavit on the
4 unsealed affidavit envelope if the enclosed ballot is a primary
5 election ballot.
6 The bill requires that nomination petitions and affidavits
7 of candidacy of candidates for member of the board of
8 directors of a merged area, objections to such nominations,
9 and withdrawals of such nominations be filed with the county
10 commissioner of elections responsible for conducting elections
11 for the merged area, rather than with the secretary of the
12 board. The bill also requires the county commissioner,
13 rather than the secretary of the board, to attempt to notify
14 the candidate by telephone if an objection is filed if the
15 candidate provided a telephone number.
16 The bill requires that nomination petitions and affidavits
17 of candidacy for a school district elected office, withdrawals
18 of such nominations, and objections to nominations be filed
19 with the county commissioner of elections responsible for
20 conducting elections for the school district. Current
21 law requires that such nomination papers, withdrawals, and
22 objections be filed with the secretary of the school board.
23 Under current law, a committee of county officers may fill a
24 vacancy on the council by appointment or by special election.
25 If by appointment, the appointment must be made within 40
26 days after the vacancy occurs. The bill requires that such
27 appointments be made within 60 days. If such an appointment is
28 not made within 60 days, the county commissioner of elections
29 shall call a special election to fill the vacancy at the
30 earliest practicable date, but no sooner than 32 days after the
31 vacancy occurred.
32 Under current law, the remaining members of a school board
33 are required to fill a vacancy on the board by appointment.
34 The appointment must be made within 30 days after the vacancy
35 occurs, and if the appointment is not made, the secretary of

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1 the board or the area education agency administration shall
2 call a special election to fill the vacancy. The bill requires
3 that such appointments be made within 60 days.
4 Under current law, the remaining members of a city council
5 may fill a vacancy on the council by appointment or by special
6 election. If by appointment, the appointment must be made
7 within 40 days after the vacancy occurs. The bill requires
8 that such appointments be made within 60 days and that the
9 city clerk notify the county commissioner of elections if the
10 council fails to make such an appointment within 60 days. Upon
11 receipt of such notice, the county commissioner of elections
12 shall call a special election to fill the vacancy at the
13 earliest practicable date, but no sooner than 32 days after
14 receiving such notice.
15 The bill allows cities with populations of 200 or less to
16 adopt an ordinance providing that city elections be conducted
17 by absentee ballot. The bill requires the county commissioner
18 of elections responsible for conducting elections for such a
19 city to mail an absentee ballot application form by forwardable
20 mail to each active status registered voter within the city
21 no fewer than 25 days before each regular city election or
22 special election for that city. The bill requires that the
23 county commissioner of elections also enclose a postage paid
24 return envelope and a notice that in-person voting will also
25 be available at the county commissioner´s office on the day of
26 the election and, if applicable, the location of the additional
27 polling place. The bill allows the county commissioner to
28 designate one additional election day polling place for such
29 cities.
30 The bill further requires that nomination petitions and
31 affidavits of candidacy for elective city office, withdrawals
32 of such nominations, and objections to nominations be filed
33 with the county commissioner of elections responsible for
34 conducting elections for the city.

House File 521 - Introduced

HOUSE FILE 521
BY COMMITTEE ON NATURAL
RESOURCES

(SUCCESSOR TO HSB 65)

A BILL FOR

1 An Act relating to certain license requirements under the
2 purview of the natural resource commission.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1296HV (1) 85
av/nh

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1 Section 1. Section 483A.24, subsection 6, Code 2013, is
2 amended to read as follows:
3 6. *a.* A fishing license shall not be required of minor
4 pupils of the state school for the blind, state school for
5 the deaf, or of minor residents of other state institutions
6 under the control of an administrator of a division of the
7 department of human services. In addition, a person who is
8 on active duty with the armed forces of the United States,
9 on authorized leave from a duty station located outside of
10 this state, and a resident of the state of Iowa shall not be
11 required to have a license to hunt or fish in this state. The
12 military person shall carry the person's leave papers and a
13 copy of the person's current earnings statement showing a
14 deduction for Iowa income taxes while hunting or fishing. In
15 lieu of carrying the person's earnings statement, the military
16 person may also claim residency if the person is registered to
17 vote in this state. If a deer or wild turkey is taken, the
18 military person shall immediately contact a state conservation
19 officer to obtain an appropriate tag to transport the animal.
20 A fishing license shall not be required of residents of county
21 care facilities or any person who is receiving supplementary
22 assistance under chapter 249.
23 *b.* A person who is on active duty with the armed forces
24 of the United States and lives in this state, and who is a
25 nonresident, may apply to purchase any hunting, fishing, or
26 trapping license, or pay any fees, at the same price as a
27 person who is a resident of Iowa. The commission shall, by
28 rule, establish the requirements for issuance of a hunting,
29 fishing, or trapping license, and for the payment of fees,
30 pursuant to this paragraph and provide for an application to be
31 used by an applicant requesting a license or paying a fee under
32 this paragraph.
33 Sec. 2. Section 483A.27, subsections 1 and 2, Code 2013, are
34 amended to read as follows:
35 1. *a.* A person born after January 1, 1972, shall not

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1 obtain a hunting license unless the person has satisfactorily
2 completed a hunter safety and ethics education course approved
3 by the commission. A person who is eleven years of age or more
4 may enroll in an approved hunter safety and ethics education
5 course, but a person who is eleven years of age and who has
6 successfully completed the course shall be issued a certificate
7 of completion which becomes valid on the person's twelfth
8 birthday. A certificate of completion from an approved hunter
9 safety and ethics education course issued in this state, or a
10 certificate issued by another state, country, or province for
11 completion of a course that meets the standards adopted by the
12 international hunter education association, is valid for the
13 requirements of this section.
14 *b.* Notwithstanding paragraph "*a*", the requirement that
15 a person must have a certificate of completion of a hunter
16 safety and ethics education course in order to obtain a hunting
17 license is waived for a person who is on active duty with the
18 armed forces of the United States or for a person who served on
19 active duty with the armed forces of the United States and was
20 honorably discharged.
21 2. *a.* A certificate of completion shall not be issued
22 to a person who has not satisfactorily completed a minimum
23 of ten hours of training in an approved hunter safety and
24 ethics education course. The department shall establish the
25 curriculum for the first ten hours of an approved hunter
26 safety and ethics education course offered in this state.
27 Upon completion of the ten-hour curriculum, each person shall
28 pass an individual oral test or a written test provided by
29 the department. The department shall establish the criteria
30 for successfully passing the tests. Based on the results of
31 the test and demonstrated safe handling of a firearm, the
32 instructor shall determine the persons who shall be issued a
33 certificate of completion.
34 *b.* Notwithstanding paragraph "*a*", a resident who is eighteen
35 years of age or older may obtain a certificate of completion

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1 without demonstrating the safe handling of a firearm.
2 EXPLANATION
3 This bill relates to certain license requirements under the
4 purview of the natural resource commission.
5 Code section 483A.24(6) is amended to provide that certain
6 minor pupils at state institutions, residents of county care
7 facilities, and persons receiving supplementary assistance
8 under Code chapter 249 do not need a license to fish in this
9 state. In addition, a person who is on active duty with the
10 armed forces of the United States and lives in this state,
11 but is a nonresident, may purchase any hunting, fishing,
12 or trapping license, or pay any fees, at the same price as
13 a person who is a resident of Iowa. The natural resource
14 commission shall, by rule, establish the requirements for
15 licenses issued and fees paid pursuant to the bill and provide
16 for an application to be used when requesting such a license or
17 paying a fee.
18 Code section 483A.27 is amended to provide that a person who
19 is on active duty with the armed forces of the United States,
20 or who served on active duty with the armed forces of the
21 United States and was honorably discharged, is not required to
22 complete a hunter safety and ethics education course in order
23 to obtain a hunting license. In addition, a resident who is 18
24 years of age or older may obtain a certificate of completion
25 of the course without demonstrating the safe handling of a
26 firearm.

House File 522 - Introduced

HOUSE FILE 522
BY COMMITTEE ON NATURAL
RESOURCES

(SUCCESSOR TO HSB 209)

A BILL FOR

1 An Act relating to the prevention and control of aquatic
2 invasive species in the state and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2500HV (1) 85
av/nh

H.F. 522

1 Section 1. Section 456A.37, Code 2013, is amended by
2 striking the section and inserting in lieu thereof the
3 following:
4 **456A.37 Aquatic invasive species — prevention and control.**
5 1. *Definitions.* As used in this section:
6 *a. "Aquatic invasive species"* means nonnative wildlife or
7 plant species that have been determined by the department to
8 pose a significant threat to the aquatic resources or water
9 infrastructure of the state.
10 *b. "Aquatic plant"* means a submergent, emergent, floating,
11 or floating-leaved plant, including algae, and includes any
12 part of such a plant.
13 *c. "Bait"* means the same as defined in section 481A.1.
14 *d. "Water-related equipment"* means a motor vehicle,
15 boat, watercraft, dock, boat lift, raft, vessel, trailer,
16 tool, implement, device, or any other associated equipment
17 or container, including but not limited to portable bait
18 containers, live wells, ballast tanks, bilge areas, and
19 water-hauling equipment that is capable of containing or
20 transporting aquatic invasive species, aquatic plants, or
21 water.
22 2. *Rulemaking.* The commission shall adopt rules pursuant to
23 chapter 17A for the implementation and administration of this
24 section. The rules shall do all of the following:
25 *a.* Restrict the introduction, propagation, use, possession,
26 and spread of aquatic invasive species.
27 *b.* Identify waters of the state with infestations of aquatic
28 invasive species. The commission shall require that such
29 waters be posted as infested.
30 *c.* If the commission determines that an additional species
31 should be defined as an *"aquatic invasive species"*, the species
32 shall be defined by the commission by rule as an *"aquatic*
33 *invasive species"*.
34 3. *Prohibitions.*
35 *a.* A person shall not transport on a public road, or place

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or attempt to place into waters of the state, any water-related equipment that has an aquatic invasive species or aquatic plant attached to or within the water-related equipment except as follows:

(1) When authorized by a written permit issued by the director upon a finding that the person is unable to comply with the requirements of this lettered paragraph *"a"*, is substantially impacted by the prohibitions of this lettered paragraph *"a"*, and is affording adequate protection of the aquatic resources or water infrastructure of the state by an alternative means.

(2) When the department, or other governmental entity approved by the director, is undertaking management activities that would constitute prohibited activities under this lettered paragraph *"a"* but are necessary to manage the aquatic resources or water infrastructure of the state, including but not limited to aquatic invasive species control, and sufficient mitigation efforts are undertaken to avoid or minimize, to the greatest extent possible, exposure of the waters of the state to an aquatic invasive species.

(3) When disposing of or engaging in a control activity of an aquatic invasive species and exposure to other waters of the state is minimized.

(4) When transporting commercial or municipal aquatic plant harvesting equipment to a suitable location away from any waters of the state, for purposes of cleaning the equipment of any remaining aquatic plants or wildlife.

(5) When water-related equipment is legally purchased or traded by or from a commercial source.

(6) For purposes of constructing or transporting a shooting or observation blind, provided that there are no aquatic invasive species present on or in the blind, and the aquatic plants used on or in the blind are emergent, cut above the waterline, and contain no propagules such as seed heads, roots, or rhizomes.

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(7) For purposes of submitting a sample to the department or to another entity as directed by the department, provided that the sample is in a sealed container. Any test results of such samples shall be reported to the department.

(8) When engaged in emergency response activities, provided that the person engaged in such activities is affiliated with a law enforcement agency or an agency with emergency response authority.

(9) When otherwise permitted under a disaster declaration issued consistent with chapter 29C.

b. A person shall drain all water from water-related equipment when leaving the waters of the state and before transporting the water-related equipment off a water access area or riparian property. Drain plugs, bailers, valves, or other devices used to control the drainage of water from ballast tanks, bilges, and live wells shall be removed or opened while transporting water-related equipment except as follows:

(1) When authorized by a written permit issued by the director upon a finding that the person is unable to comply with the requirements of this lettered paragraph *"b"*, is substantially impacted by the prohibitions of this lettered paragraph *"b"*, and is affording adequate protection of the aquatic resources or water infrastructure of the state by an alternative means.

(2) When the department, or other governmental entity approved by the director, is undertaking management activities that would constitute prohibited activities under this lettered paragraph *"b"* but are necessary to manage the aquatic resources or water infrastructure of the state, including but not limited to aquatic invasive species control, and sufficient mitigation efforts are undertaken to avoid or minimize, to the greatest extent possible, exposure of the waters of the state to an aquatic invasive species.

(3) When water-related equipment constitutes a marine

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sanitary system, a closed engine cooling system, or is a tank or container of potable drinking water or other beverage intended for human consumption.

(4) When engaged in emergency response activities, provided that the person engaged in such activities is affiliated with a law enforcement agency or an agency with emergency response authority.

(5) When otherwise permitted under a disaster declaration issued consistent with chapter 29C.

c. A person who violates this subsection is subject to a scheduled fine pursuant to section 805.8B, subsection 5.

4. *Inspections.* Persons operating and transporting water-related equipment shall inspect the equipment for aquatic invasive species when the equipment is removed from, or before entering waters of the state. If an aquatic invasive species is present on or within the water-related equipment, the aquatic invasive species shall be removed immediately. Any water-related equipment is subject to inspection by a representative of the department. A representative of the department may prohibit a person from placing or operating water-related equipment in waters of the state if the person refuses to allow an inspection of the water-related equipment or refuses to remove and dispose of aquatic invasive species, aquatic plants, or water on or within the water-related equipment.

Sec. 2. Section 805.8B, subsection 5, Code 2013, is amended to read as follows:

5. *Aquatic invasive species violations.* For violations of section 456A.37, subsection ~~5~~ 3, the scheduled fine is ~~five hundred dollars.~~ as follows:

a. For violations of section 456A.37, subsection 3, paragraph *"a"*, the scheduled fine is five hundred dollars.

b. For violations of section 456A.37, subsection 3, paragraph *"b"*, the scheduled fine is seventy-five dollars.

c. For repeat violations of section 456A.37, subsection 3,

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1 paragraph "a" or "b" within the same twelve-month period, the
2 scheduled fine shall include an additional fine of five hundred
3 dollars for each violation.
4 EXPLANATION
5 This bill relates to the prevention and control of aquatic
6 invasive species in the waters of the state and provides
7 penalties.
8 Code section 456A.37, relating to the same subject,
9 is stricken and rewritten with a new definition for what
10 constitutes an "aquatic invasive species" and new definitions
11 of "aquatic plant", "bait", and "water-related equipment".
12 The natural resource commission is directed to adopt rules to
13 implement and administer the bill. The rules are required to
14 restrict the introduction, propagation, use, possession, and
15 spread of aquatic invasive species; identify waters of the
16 state with infestations of aquatic invasive species and post
17 such waters as infested; and define additional aquatic species
18 as invasive if necessary.
19 The bill prohibits a person from transporting on a public
20 road, or placing or attempting to place into waters of the
21 state, any water-related equipment that has an aquatic
22 invasive species or aquatic plant attached to or within the
23 water-related equipment unless specified exceptions apply. A
24 violation of these provisions is punishable by a scheduled
25 fine of $500 plus an additional fine of $500 for each repeat
26 violation within the same 12-month period.
27 The bill requires a person leaving the waters of the
28 state to drain all water from water-related equipment before
29 transporting the equipment off a water access area or riparian
30 property. Specified equipment used to control drainage of
31 water from water-related equipment must be removed or opened
32 while being transported unless specified exceptions apply. A
33 violation of these provisions is punishable by a scheduled
34 fine of $75 plus an additional fine of $500 for each repeat
35 violation within the same 12-month period.

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1 Persons who operate and transport water-related equipment
2 are required to inspect the equipment for aquatic invasive
3 species when the equipment is removed from, or before entering,
4 waters of the state. Any water-related equipment is also
5 subject to inspection by a representative of the department
6 of natural resources. A representative of the department may
7 prohibit a person from placing or operating water-related
8 equipment in the waters of the state if the person refuses to
9 allow an inspection of the equipment or refuses to remove and
10 dispose of aquatic invasive species, aquatic plants, or water
11 on or within the equipment.

House File 523 - Introduced

HOUSE FILE 523
BY COMMITTEE ON NATURAL
RESOURCES

(SUCCESSOR TO HSB 66)

A BILL FOR

1 An Act relating to matters under the purview of the department
2 of natural resources, including the registration and titling
3 of snowmobiles and all-terrain vehicles, the restore the
4 outdoors program, and protected wetlands.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1301HV (1) 85
dea/nh

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DIVISION I

SNOWMOBILE AND ALL-TERRAIN VEHICLE TITLING REGISTRATION

Section 1. Section 321G.29, subsection 3, Code 2013, is amended to read as follows:

3. An owner of a snowmobile shall apply to the county recorder for issuance of a certificate of title within thirty days after acquisition. The application shall be on forms the department prescribes and accompanied by the required fee. The application ~~shall be signed and sworn to before a notarial officer as provided in chapter 9B or other person who administers oaths, or~~ shall include a certification signed in writing containing substantially the representation that statements made are true and correct to the best of the applicant's knowledge, information, and belief, under penalty of perjury. The application shall contain the date of sale and gross price of the snowmobile or the fair market value if no sale immediately preceded the transfer and any additional information the department requires. If the application is made for a snowmobile last previously registered or titled in another state or foreign country, the application shall contain this information and any other information the department requires.

Sec. 2. Section 321I.31, subsection 3, Code 2013, is amended to read as follows:

3. An owner of an all-terrain vehicle shall apply to the county recorder for issuance of a certificate of title within thirty days after acquisition. The application shall be on forms the department prescribes and accompanied by the required fee. The application ~~shall be signed and sworn to before a notary public as provided in chapter 9B or other person who administers oaths, or~~ shall include a certification signed in writing containing substantially the representation that statements made are true and correct to the best of the applicant's knowledge, information, and belief, under penalty of perjury. The application shall contain the date of sale and

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1 gross price of the all-terrain vehicle or the fair market value
2 if no sale immediately preceded the transfer and any additional
3 information the department requires. If the application is
4 made for an all-terrain vehicle last previously registered or
5 titled in another state or foreign country, the application
6 shall contain this information and any other information the
7 department requires.
8 DIVISION II
9 RESTORE THE OUTDOORS PROGRAM
10 Sec. 3. REPEAL. Section 461A.3A, Code 2013, is repealed.
11 DIVISION III
12 PROTECTED WETLANDS
13 Sec. 4. Section 427.1, subsection 23, unnumbered paragraph
14 1, Code 2013, is amended to read as follows:
15 Land designated as native prairie or land designated as
16 a protected wetland, as defined in section 456B.1, by the
17 department of natural resources ~~pursuant to section 456B.12~~.
18 Sec. 5. Section 456B.1, subsection 4, Code 2013, is amended
19 to read as follows:
20 4. *"Protected wetlands"* means type 3, type 4, and type
21 5 wetlands as described in circular 39, "Wetlands of the
22 United States", 1971 Edition, published by the United States
23 department of the interior, or a palustrine emergent wetland
24 with a water regime of seasonally flooded, semipermanently
25 flooded, or permanently flooded as described in classification
26 of wetlands and deepwater habitats of the United States,
27 originally published in 1979 by the United States fish and
28 wildlife service. However, a protected wetland does not
29 include land where an agricultural drainage well has been
30 plugged causing a temporary wetland or land within a drainage
31 district or levee district.
32 Sec. 6. REPEAL. Sections 456B.12, 456B.13, 456B.14, and
33 654A.16, Code 2013, are repealed.
34 EXPLANATION
35 This bill concerns matters administered by the department of

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1 natural resources.
2 DIVISION I — SNOWMOBILE AND ALL-TERRAIN VEHICLE TITLING
3 AND REGISTRATION. Currently, an application for a certificate
4 of title for a snowmobile or all-terrain vehicle must either
5 be signed and sworn to before a notary public or other person
6 who administers oaths, or include the applicant's signed
7 certification that statements made in the application are
8 true and correct. The bill strikes the language relating to
9 notarization of the application, requiring only the signed
10 certification by the owner.
11 DIVISION II — RESTORE THE OUTDOORS PROGRAM. The bill
12 repeals the restore the outdoors program whose stated
13 purpose is to provide funding for new and existing vertical
14 infrastructure projects in existing state parks and other
15 public facilities managed by the department.
16 DIVISION III — PROTECTED WETLANDS. The bill amends
17 the definition of "protected wetlands" to include certain
18 palustrine emergent wetlands. The bill repeals Code section
19 456B.12, relating to the department's designation of protected
20 wetlands and marshes of each county and the procedure by which
21 affected landowners may challenge a preliminary wetlands
22 designation; Code section 456B.13, requiring a person to obtain
23 a permit from the department to drain a protected wetland
24 and citing exceptions for certain activities; Code section
25 456B.14, relating to civil penalties for violation of permit
26 requirements; and Code section 654A.16, relating to mediation
27 between the department and landowners affected by a preliminary
28 wetland designation.

House File 524 - Introduced

HOUSE FILE 524
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HSB 200)

A BILL FOR

1 An Act relating to city utilities and city enterprises by
2 making changes to requirements related to commercial rental
3 property.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2162HV (1) 85
aw/sc

H.F. 524

1 Section 1. Section 384.84, subsection 4, paragraph d, Code
2 2013, is amended to read as follows:
3 *d.* (1) Residential or commercial rental property where
4 a charge for water service is separately metered and paid
5 directly to the city utility or enterprise by the tenant is
6 exempt from a lien for delinquent rates or charges associated
7 with such water service if the landlord gives written notice to
8 the city utility or enterprise that the property is residential
9 or commercial rental property and that the tenant is liable
10 for the rates or charges. A city utility or enterprise may
11 require a deposit not exceeding the usual cost of ninety days
12 of water service to be paid to the utility or enterprise. Upon
13 receipt, the utility or enterprise shall acknowledge the notice
14 and deposit. A written notice shall contain the name of the
15 tenant responsible for charges, address of the residential or
16 commercial rental property that the tenant is to occupy, and
17 the date that the occupancy begins.
18 (2) A change in tenant for a residential rental property
19 shall require a new written notice to be given to the city
20 utility or enterprise within thirty business days of the change
21 in tenant. A change in tenant for a commercial rental property
22 shall require a new written notice to be given to the city
23 utility or enterprise within ten business days of the change
24 in tenant. When the tenant moves from the rental property,
25 the city utility or enterprise shall return the deposit if the
26 water service charges are paid in full.
27 (3) A change in the ownership of the residential rental
28 property shall require written notice of such change to be
29 given to the city utility or enterprise within thirty business
30 days of the completion of the change of ownership. A change in
31 the ownership of the commercial rental property shall require
32 written notice of such change to be given to the city utility
33 or enterprise within ten business days of the completion of the
34 change of ownership.
35 (4) The lien exemption for rental property does not apply to

H.F. 524

1 charges for repairs to a water service if the repair charges
2 become delinquent.
3 EXPLANATION
4 The bill relates to city utilities and city enterprises by
5 making changes to requirements related to commercial rental
6 property.
7 Current law provides certain exemptions and requirements
8 related to residential rental property that is individually
9 metered and where a charge for water service is separately
10 metered and paid directly to a city utility or enterprise by a
11 tenant. The bill extends these exemptions and requirements to
12 commercial rental property with shorter allowable notification
13 periods applied to commercial landlords.
14 The bill provides that commercial rental property is exempt
15 from a lien for delinquent rates or charges associated with
16 charges for water service if the landlord gives written notice
17 to the city utility or city enterprise that the property is
18 commercial rental property and that the tenant is liable for
19 the rates or charges. The bill provides that a city utility or
20 city enterprise may require a deposit not exceeding the usual
21 cost of 90 days of provision of such services to be paid to the
22 city utility or city enterprise. The bill requires that the
23 city utility or city enterprise acknowledge the receipt of such
24 notice and deposit. The bill requires that a written notice
25 contain the name of the tenant, the address of the commercial
26 rental property that the tenant is to occupy, and the date that
27 the occupancy begins. The bill requires that the city utility
28 or city enterprise return the deposit paid if the charges for
29 such services are paid in full when the tenant moves from the
30 rental property. The bill provides that the lien exemption
31 does not apply to charges for repairs related to water service
32 if the repair charges become delinquent.
33 The bill further requires that written notice be provided
34 to a city utility or city enterprise providing such services
35 within 10 business days when there is a change in tenant or

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1 a change in ownership of commercial rental property. Under
2 current law, the notification period for a change in tenant
3 or a change in ownership of residential rental property is 30
4 business days.

House File 525 - Introduced

HOUSE FILE 525
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 92)

A BILL FOR

1 An Act relating to the period of validity of driver's licenses
2 and nonoperator's identification cards, and including
3 effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1727HV (2) 85
dea/nh

H.F. 525

1 Section 1. Section 321.190, subsection 1, paragraph d, Code
2 2013, is amended to read as follows:
3 *d.* The fee for a nonoperator's identification card shall
4 be ~~five~~ eight dollars and the card shall be valid for a
5 period of ~~five~~ eight years from the date of issuance. ~~A~~
6 ~~nonoperator's identification card shall be issued without~~
7 ~~expiration to anyone age seventy or over.~~ If an applicant
8 for a nonoperator's identification card is a foreign national
9 who is temporarily present in this state, the nonoperator's
10 identification card shall be issued only for the length of time
11 the foreign national is authorized to be present as determined
12 by the department, not to exceed two years. An issuance fee
13 shall not be charged for a person whose driver's license or
14 driving privilege has been suspended under section 321.210,
15 subsection 1, paragraph *"a"*, subparagraph (3).
16 Sec. 2. Section 321.196, subsection 1, Code 2013, is amended
17 to read as follows:
18 1. Except as otherwise provided, a driver's license, other
19 than an instruction permit, chauffeur's instruction permit, or
20 commercial driver's instruction permit issued under section
21 321.180, expires ~~five~~ eight years from the licensee's birthday
22 anniversary occurring in the year of issuance if the licensee
23 is between the ages of seventeen years eleven months and
24 seventy years on the date of issuance of the license. If the
25 licensee is under the age of seventeen years eleven months or
26 age seventy or over, the license is effective for a period of
27 two years from the licensee's birthday anniversary occurring in
28 the year of issuance. A licensee whose license is restricted
29 due to vision or other physical deficiencies may be required
30 to renew the license every two years. If a licensee is a
31 foreign national who is temporarily present in this state,
32 the license shall be issued only for the length of time the
33 foreign national is authorized to be present as verified by the
34 department, not to exceed two years.
35 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of

H.F. 525

1 immediate importance, takes effect upon enactment.
2 EXPLANATION
3 This bill concerns the period of validity of driver's
4 licenses and nonoperator's identification cards issued by the
5 department of transportation.
6 The bill amends Code section 321.190 to extend the validity
7 of nonoperator's identification cards from five years to eight
8 years, with a corresponding fee increase from $5 to $8. In
9 addition, the current provision that provides for issuance of
10 a nonexpiring nonoperator's identification card to a person
11 age 70 or over is stricken. Code section 321.196 is amended
12 to extend the validity of a driver's license from five years
13 to eight years for licenses issued to persons between the ages
14 of 17 years, 11 months, and 70 years. Pursuant to current
15 law, the fee for a driver's license is based on the years of
16 validity; that does not change under the bill.
17 The bill takes effect upon enactment.

House File 526 - Introduced

HOUSE FILE 526
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HF 194)

A BILL FOR

1 An Act relating to the deadline for obtaining a registration
2 fee credit for a vehicle that is sold, transferred, or
3 junked or for a motor vehicle purchased by a lessee, and
4 including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2038HV (2) 85
dea/nh

H.F. 526

1 Section 1. Section 321.46, subsection 3, paragraph a, Code
2 2013, is amended to read as follows:
3 *a.* The credit shall be claimed within ~~thirty days~~ six months
4 from the date the vehicle for which credit is granted was sold,
5 transferred, or junked. After ~~thirty days~~ six months, all
6 credits shall be disallowed.
7 Sec. 2. Section 321.46, subsection 7, Code 2013, is amended
8 to read as follows:
9 7. If a motor vehicle is leased and the lessee purchases
10 the vehicle upon termination of the lease, the lessor shall,
11 upon claim by the lessee with the lessor within ~~thirty days~~
12 six months of the purchase, assign the annual registration fee
13 credit and registration plates for the leased motor vehicle to
14 the lessee. Credit shall be applied as provided in subsection
15 3.
16 Sec. 3. EFFECTIVE DATE. This Act takes effect January 1,
17 2014.
18 EXPLANATION
19 Currently, when a person transfers ownership of a vehicle,
20 the person is entitled to a credit of the unexpired portion
21 of the annual registration fee for the vehicle that was sold,
22 transferred, or junked. The credit is processed by the county
23 treasurer and is applied to the annual registration fee for
24 a vehicle newly acquired by the person. The credit must be
25 claimed within 30 days of the date the vehicle was sold,
26 transferred, or junked. If the credit is not claimed within 30
27 days, the person has six months in which to apply to the county
28 treasurer or the department of transportation for a refund of
29 the amount of the unexpired registration fee that would have
30 otherwise been available as a credit.
31 This bill extends the period in which a person may apply for
32 a credit of unexpired registration fees to six months.
33 Currently, when a motor vehicle is purchased by the lessee
34 upon termination of a lease, the lessee has 30 days in which
35 to claim a credit from the lessor for the unexpired portion

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of the annual registration fee and have the registration fee credit and registration plates for the leased motor vehicle assigned to the lessee. The bill provides that the lessee has six months in which to make the claim for the transfer of the registration fee credit and the registration plates.

The bill takes effect January 1, 2014.

House File 527 - Introduced

HOUSE FILE 527
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 51)

A BILL FOR

1 An Act requiring a person other than a juvenile convicted
2 of or receiving a deferred judgment for an aggravated
3 misdemeanor to submit a DNA sample and including effective
4 date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1176HV (2) 85
jm/rj

H.F. 527

Section 1. Section 81.1, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 01. *"Aggravated misdemeanor"* means any offense classified as an aggravated misdemeanor, other than an aggravated misdemeanor under chapter 321, but only if committed by a person eighteen years of age or older.

Sec. 2. Section 81.2, subsection 1, Code 2013, is amended to read as follows:

1. A person who receives a deferred judgment for a felony or aggravated misdemeanor or against whom a judgment or conviction for a felony or aggravated misdemeanor has been entered shall be required to submit a DNA sample for DNA profiling pursuant to section 81.4.

Sec. 3. Section 81.10, subsection 1, Code 2013, is amended to read as follows:

1. A defendant who has been convicted of a felony or aggravated misdemeanor and who has not been required to submit a DNA sample for DNA profiling may make a motion to the court for an order to require that DNA analysis be performed on evidence collected in the case for which the person stands convicted.

Sec. 4. IMPLEMENTATION OF ACT. Section 25B.2, subsection 3, shall not apply to this Act.

Sec. 5. EFFECTIVE DATE. This Act takes effect July 1, 2014.

EXPLANATION

Current law provides that a person who is convicted of or who receives a deferred judgment for an offense classified as a felony shall submit a DNA sample for DNA profiling.

This bill requires a person convicted of or who receives a deferred judgment for an offense that is classified as an aggravated misdemeanor to submit a DNA sample for DNA profiling.

The bill defines aggravated misdemeanor to mean any offense classified as an aggravated misdemeanor other than an aggravated misdemeanor under Code chapter 321, but only if

H.F. 527

1 committed by a person 18 years of age or older.
2 The bill allows a defendant convicted of an aggravated
3 misdemeanor and who has not been required to submit a DNA
4 sample to move the court to order DNA profiling of evidence
5 collected in the defendant's case.
6 The bill may include a state mandate as defined in Code
7 section 25B.3. The bill makes inapplicable Code section 25B.2,
8 subsection 3, which would relieve a political subdivision from
9 complying with a state mandate if funding for the cost of
10 the state mandate is not provided or specified. Therefore,
11 political subdivisions are required to comply with any state
12 mandate included in the bill.
13 The bill takes effect July 1, 2014.

House File 528 - Introduced

HOUSE FILE 528
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 128)

A BILL FOR

1 An Act modifying the criminal offense of interference with
2 official acts.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2049HV (1) 85
jm/nh

H.F. 528

Section 1. Section 719.1, subsections 1 and 2, Code 2013, are amended to read as follows:

1. A person who knowingly resists or obstructs anyone known by the person to be a peace officer, emergency medical care provider under chapter 147A, or fire fighter, whether paid or volunteer, in the performance of any act which is within the scope of the lawful duty or authority of that officer, emergency medical care provider under chapter 147A, or fire fighter, whether paid or volunteer, or who knowingly resists or obstructs the service or execution by any authorized person of any civil or criminal process or order of any court, commits a simple misdemeanor. In addition to any other penalties, the punishment imposed for a violation of this subsection shall include assessment of a fine of not less than two hundred fifty dollars. However, if a person commits an interference with official acts, as defined in this subsection, ~~and in so doing inflicts~~ which results in bodily injury ~~other than serious injury~~, that person commits an aggravated misdemeanor. If a person commits an interference with official acts, as defined in this subsection, ~~and in so doing inflicts or attempts to inflict~~ which results in serious injury, or displays a dangerous weapon, as defined in section 702.7, or is armed with a firearm, that person commits a class "D" felony.

2. A person under the custody, control, or supervision of the department of corrections who knowingly resists, obstructs, or interferes with a correctional officer, agent, employee, or contractor, whether paid or volunteer, in the performance of the person's official duties, commits a serious misdemeanor. If a person violates this subsection and in so doing commits an assault, as defined in section 708.1, the person commits an aggravated misdemeanor. If a person violates this subsection and ~~in so doing inflicts or attempts to inflict~~ the violation results in bodily injury ~~other than serious injury~~ to another, displays a dangerous weapon, as defined in section 702.7, or is armed with a firearm, the person commits a class "D" felony.

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1 If a person violates this subsection and uses or attempts
2 to use a dangerous weapon, as defined in section 702.7, or
3 ~~inflicts~~ the violation results in serious injury to another,
4 the person commits a class "C" felony.
5 EXPLANATION
6 This bill relates to the criminal offense of interference
7 with official acts.
8 The bill provides that a person commits the offense of
9 interference with official acts if the violation results in
10 bodily or serious injury to a peace officer, emergency medical
11 care provider, correctional officer, or other member of a
12 protected class under Code section 719.1.
13 Current law provides that a person commits the offense
14 of interference with official acts if the person inflicts or
15 attempts to inflict bodily or serious injury.
16 Under the bill, if a person commits interference with
17 official acts that results in bodily injury to a member
18 of a protected class, the person commits an aggravated
19 misdemeanor if the injury is to a peace officer or emergency
20 medical officer, or a class "D" felony if the injury is to a
21 correctional officer.
22 If a person commits interference with official acts that
23 results in serious injury, the person commits a class "D"
24 felony if the injury is to a peace officer or emergency
25 medical officer, or a class "C" felony if the injury is to a
26 correctional officer.

House File 529 - Introduced

HOUSE FILE 529
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 234)

A BILL FOR

1 An Act relating to the underage possession or consumption of
2 alcohol and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1409HV (1) 85
rh/nh

H.F. 529

1 Section 1. Section 123.47, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 1A. Except for the purposes described in
4 subsection 2, a person who is the owner or lessee of, or who
5 otherwise has control over, property that is not a licensed
6 premises, shall not permit any person, knowing or having
7 reasonable cause to believe the person to be under legal age,
8 to consume or possess on such property any alcoholic liquor,
9 wine, or beer.
10 Sec. 2. Section 123.47, subsection 2, Code 2013, is amended
11 to read as follows:
12 2. A person or persons under legal age shall not purchase or
13 attempt to purchase, consume, or individually or jointly have
14 alcoholic liquor, wine, or beer in their possession or control;
15 except in the case of liquor, wine, or beer given or dispensed
16 to a person under legal age within a private home and with the
17 knowledge, presence, and consent of the parent or guardian, for
18 beverage or medicinal purposes or as administered to the person
19 by either a physician or dentist for medicinal purposes and
20 except to the extent that a person under legal age may handle
21 alcoholic beverages, wine, and beer during the regular course
22 of the person's employment by a liquor control licensee, or
23 wine or beer permittee under this chapter.
24 Sec. 3. Section 123.47, subsection 3, paragraph a,
25 unnumbered paragraph 1, Code 2013, is amended to read as
26 follows:
27 A person who is eighteen, nineteen, or twenty years of
28 age, other than a licensee or permittee, who violates this
29 section regarding the purchase of, ~~or~~ attempt to purchase, or
30 consumption of alcoholic liquor, wine, or beer, or possessing
31 or having control of alcoholic liquor, wine, or beer, or
32 permitting under legal age consumption or possession on certain
33 property commits the following:
34 Sec. 4. Section 123.47, subsection 3, paragraph a,
35 subparagraph (1), Code 2013, is amended to read as follows:

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(1) A simple misdemeanor punishable as a scheduled violation under section 805.8C, subsection 7. Notwithstanding section 903.1, the court, in lieu of ordering payment of a scheduled fine, may suspend the fine and order the person who is eighteen, nineteen, or twenty years of age to receive a substance abuse evaluation by a program licensed to provide services pursuant to section 125.13.

Sec. 5. Section 123.47, subsection 4, Code 2013, is amended to read as follows:

4. Except as otherwise provided in subsections 5 and 6, a person who is of legal age, other than a licensee or permittee, who sells, gives, or otherwise supplies alcoholic liquor, wine, or beer to a person who is under legal age in violation of this section, or permits under legal age consumption or possession on certain property, commits a serious misdemeanor punishable by a minimum fine of five hundred dollars.

Sec. 6. Section 123.47B, Code 2013, is amended to read as follows:

123.47B Parental and school notification — persons under eighteen years of age.

1. A peace officer shall make a reasonable effort to identify a person under the age of eighteen discovered consuming or to be in possession of alcoholic liquor, wine, or beer in violation of section 123.47 and refer the person to juvenile court.

2. The juvenile court officer shall notify the person's custodial parent, legal guardian, or custodian of the violation. In addition, the juvenile court shall also make a reasonable effort to identify the elementary or secondary school which the person attends if the person is enrolled in elementary or secondary school and to notify the superintendent or the superintendent's designee of the school which the person attends, or the authorities in charge of the nonpublic school which the person attends, of the consumption or possession. A reasonable attempt to notify the person includes but is not

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limited to a telephone call or notice by first-class mail.

Sec. 7. Section 232.52, subsection 2, paragraph a, subparagraph (4), subparagraph division (a), subparagraph subdivision (ii), Code 2013, is amended to read as follows:

(ii) Section 123.47 regarding the purchase, ~~or~~ attempt to purchase, or consumption of alcoholic beverages.

Sec. 8. Section 232.52, subsection 2, paragraph a, subparagraph (4), subparagraph division (a), subparagraph subdivision (vi), Code 2013, is amended to read as follows:

(vi) Two or more violations of section 123.47 regarding the consumption or possession of alcoholic beverages.

EXPLANATION

This bill relates to the underage possession or consumption of alcohol and provides penalties.

Under the bill, a person who is the owner or lessee of, or who otherwise has control over, property that is not a licensed premises, shall not permit an under legal age person to consume or possess an alcoholic beverage on such property.

The bill amends Code section 123.47 to specify that a person under legal age (under 21) in Iowa is prohibited from consuming alcoholic liquor, wine, or beer, subject to certain exceptions (if consumed in a private home with the knowledge, presence, and consent of the underage person's parent or guardian, for beverage or medicinal purposes or as administered to the person by either a physician or dentist for medicinal purposes, and to the extent that a person under legal age may handle alcoholic beverages, wine, and beer during the regular course of the person's employment by a liquor control licensee, or wine or beer permittee under Code chapter 123). The bill makes conforming changes.

For a first offense, a person who is 18, 19, or 20 who permits under legal age consumption or possession in violation of the bill commits a simple misdemeanor punishable as a scheduled violation under Code section 805.8C, subsection 7; for a second offense a person commits a simple misdemeanor

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1 punishable by a fine of $500; and for a third or subsequent
2 offense the person commits a simple misdemeanor punishable by
3 a fine of $500 and suspension of the person's motor vehicle
4 operating privileges for up to one year.
5 The court, for a first offense by a person who is 18, 19,
6 or 20, may suspend the payment of a scheduled fine and order
7 the person who is 18, 19, or 20 to receive a substance abuse
8 evaluation by a program licensed to provide services pursuant
9 to Code section 125.13.
10 A person of legal age who permits under legal age consumption
11 or possession in violation of the bill commits a serious
12 misdemeanor punishable by a minimum fine of $500.

House File 530 - Introduced

HOUSE FILE 530
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 68)

A BILL FOR

1 An Act relating to the governor´s office of drug control policy
2 and certain advisory councils.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1303HV (2) 85
rh/nh

H.F. 530

1 Section 1. Section 80E.2, subsection 5, Code 2013, is
2 amended to read as follows:
3 5. The council shall meet at least ~~quarterly~~ semiannually
4 throughout the year.
5 Sec. 2. REPEAL. Section 124.212C, Code 2013, is repealed.
6 EXPLANATION
7 This bill relates to the governor's office of drug control
8 policy and certain advisory councils.
9 The bill revises the meeting requirement for the Iowa
10 drug policy advisory council by reducing the minimum meeting
11 requirement from meeting at least quarterly to at least
12 semiannually.
13 The bill repeals the pseudoephedrine advisory council
14 established in 2009 within the governor's office of drug
15 control policy. The pseudoephedrine advisory council provides
16 input and advises the governor's office of drug control
17 policy regarding the implementation and maintenance of the
18 statewide real-time central repository to monitor sales of
19 pseudoephedrine. Members of the council receive actual and
20 necessary expenses incurred in the performance of their duties.

House File 531 - Introduced

HOUSE FILE 531
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 71)

A BILL FOR

1 An Act relating to programs and accounts administered by the
2 college student aid commission.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1202HV (2) 85
kh/sc

H.F. 531

Section 1. Section 8A.504, subsection 1, paragraph c, subparagraph (2), Code 2013, is amended to read as follows:

(2) An amount that is due because of a default on a ~~guaranteed student or parental~~ loan under chapter 261.

Sec. 2. Section 8A.504, subsection 4, Code 2013, is amended to read as follows:

4. The director shall have the authority to enter into reciprocal agreements with the departments of revenue of other states that have enacted legislation that is substantially equivalent to the setoff procedure provided in this section for the recovery of an amount due because of a default on a ~~guaranteed student or parental~~ loan under chapter 261. A reciprocal agreement shall also be approved by the college student aid commission. The agreement shall authorize the department to provide by rule for the setoff of state income tax refunds or rebates of defaulters from states with which Iowa has a reciprocal agreement and to provide for sending lists of names of Iowa defaulters to the states with which Iowa has a reciprocal agreement for setoff of that state's income tax refunds.

Sec. 3. Section 261.12, subsection 1, Code 2013, is amended to read as follows:

1. The amount of a tuition grant to a qualified full-time student for the fall and spring semesters, or the trimester equivalent, shall be the amount of the student's financial need for that period. However, a tuition grant shall not exceed the ~~lesser of:~~

~~*a.* The~~ total tuition and mandatory fees for that student for two semesters or the trimester or quarter equivalent, less the base amount determined annually by the college student aid commission, which base amount shall be within ten dollars of the average tuition for two semesters or the trimester equivalent of undergraduate study at the state universities under the board of regents, but in any event the base amount shall not be less than four hundred dollars~~; or~~

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1 ~~*b.* For the fiscal year beginning July 1, 2000, and for each~~
2 ~~following fiscal year, four thousand dollars~~.
3 Sec. 4. Section 261.37, subsection 7, Code 2013, is amended
4 to read as follows:
5 7. To establish an effective system for the collection
6 of delinquent loans, including the adoption of an agreement
7 with the department of administrative services to set off
8 against a defaulter's income tax refund or rebate the amount
9 that is due because of a default on a ~~guaranteed or parental~~
10 loan made under this division. The commission shall adopt
11 rules under chapter 17A necessary to assist the department of
12 administrative services in the implementation of the student
13 loan setoff program as established under section 8A.504.
14 The commission shall apply administrative wage garnishment
15 procedures authorized under the federal Higher Education Act of
16 1965, as amended and codified in 20 U.S.C. § 1071 et seq., for
17 all delinquent loans, including loans authorized under section
18 261.38, when a defaulter who is financially capable of paying
19 fails to voluntarily enter into a reasonable payment agreement.
20 In no case shall the commission garnish more than the amount
21 authorized by federal law for all loans being collected by the
22 commission, including those authorized under section 261.38.
23 Sec. 5. Section 261.38, subsections 1, 3, and 4, Code 2013,
24 are amended to read as follows:
25 1. The commission shall establish ~~a loan reserve account~~
26 ~~and~~ an agency operating account as authorized by the federal
27 Higher Education Act of 1965. The commission shall credit to
28 ~~these accounts~~ this account all moneys provided for the state
29 student loan program by the United States, the state of Iowa,
30 or any of their agencies, departments, or instrumentalities,
31 as well as any funds accruing to the program which are not
32 required for current administrative expenses. The commission
33 may expend moneys in the ~~loan reserve and~~ agency operating
34 ~~accounts~~ account as authorized by the federal Higher Education
35 Act of 1965.

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3. Notwithstanding section 8.33, funds on deposit in the ~~loan reserve and~~ agency operating ~~accounts~~ account shall not revert to the state general fund at the close of any fiscal year.

4. The treasurer of state shall invest any funds~~, including those~~ in the ~~loan reserve and~~ agency operating ~~accounts~~ account, and, notwithstanding section 12C.7, the interest income earned shall be credited back to the ~~appropriate~~ agency operating account.

Sec. 6. Section 261.38, subsection 2, Code 2013, is amended by striking the subsection.

Sec. 7. Section 261B.11, Code 2013, is amended by adding the following new subsections:

NEW SUBSECTION. 4. The state of Iowa considers institutions specified in subsection 1, paragraphs *"j"* and *"l"*, to be authorized to lawfully operate in Iowa as a postsecondary educational institution that grants a certificate, diploma, or degree for the purpose of state authorization regulations established by the United States department of education, provided the institution meets the following conditions:

a. The institution is exempt from federal taxation under section 501(c)(3) of the Internal Revenue Code on and after July 1, 2013.

b. The institution originated in this state and undergoes no change in ownership or control on or after July 1, 2011.

NEW SUBSECTION. 5. The commission shall, by administrative rule, identify the name of each institution that is authorized by this state to lawfully operate as a postsecondary educational institution in the state pursuant to this chapter.

Sec. 8. REPEAL. Sections 261.39 and 261.41, Code 2013, are repealed.

EXPLANATION

This bill removes the $4,000 cap on the amount of an Iowa tuition grant which may be awarded by the college student aid commission, and makes changes to Code chapter 261 in response

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1 to recent changes in the federal Higher Education Act of 1965,
2 as amended. The bill eliminates references to guaranteed
3 student or parental loans and to the loan reserve account, and
4 repeals related Code provisions.
5 The bill also amends a provision in Code chapter 261B, under
6 which the commission is authorized to register postsecondary
7 schools that operate in this state, to provide that this state
8 considers higher education institutions that are located in
9 Iowa and meet the criteria established in statute for the Iowa
10 tuition grant or are affiliated with Iowa health care systems
11 and offer health professions programs that are accredited by an
12 agency recognized by the U.S. department of education, to be
13 authorized to lawfully operate in Iowa for the purpose of state
14 authorization regulations established by the U.S. department
15 of education, provided the institution is exempt from federal
16 taxation on and after July 1, 2013, and the institution
17 originated in this state and undergoes no change in ownership
18 or control on or after July 1, 2011.
19 The commission is also directed, by administrative rule, to
20 identify the name of each institution that is authorized by
21 this state to lawfully operate as a postsecondary educational
22 institution in the state.

House File 532 - Introduced

HOUSE FILE 532
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 401)

A BILL FOR

1 An Act to provide that peace officers and retired peace
2 officers qualify as classroom driver education instructors.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1975HV (1) 85
kh/nh

H.F. 532

Section 1. Section 272.31, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. The board shall issue a classroom driver education instructor authorization for purposes of section 321.178 to a person who completes a training program that meets the standards set by the board, who complies with rules adopted pursuant to subsection 4, and who is either a peace officer as defined in section 801.4, subsection 11, or is retired under chapter 97A or 411, or section 97B.49B or 97B.49C, after service as a peace officer as defined in section 801.4, subsection 11. The training program shall include but not be limited to a minimum of fifteen contact hours in a program consisting of instruction relating to classroom management, strategies for learning, diversity, and ethics.

Sec. 2. Section 321.178, subsection 1, paragraph b, subparagraph (1), Code 2013, is amended to read as follows:

(1) To be qualified as a classroom driver education instructor, a person shall ~~have satisfied the educational requirements for a teaching~~ meet one of the following requirements:

(a) Hold a valid teacher's license ~~at the elementary or secondary level~~ and ~~hold a valid license~~ an endorsement to teach driver education ~~in the public schools of this state~~ issued under chapter 272.

(b) Be a peace officer as defined in section 801.4, subsection 11, or, be retired under chapter 97A or 411, or section 97B.49B or 97B.49C, after service as a peace officer as defined in section 801.4, subsection 11, and meet the requirements of section 272.31, subsection 3A.

EXPLANATION

This bill permits a person who is a peace officer or a retired peace officer to be qualified as a classroom driver education instructor if the person also meets the board of educational examiner's requirements for a classroom driver education instructor authorization. Currently, only persons

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1 holding a teaching license with an endorsement to teach driver
2 education may qualify to be a classroom driver education
3 instructor.
4 The bill directs the board of educational examiners to
5 issue a classroom driver education instructor authorization
6 to a person who completes a training program that meets the
7 standards set by the board and who is either a peace officer or
8 a retired peace officer. The training program shall include
9 but not be limited to a minimum of 15 contact hours in a program
10 consisting of instruction relating to classroom management,
11 strategies for learning, diversity, and ethics.
12 The term "peace officer" is currently defined in Code
13 section 801.4, subsection 11, to include sheriffs, deputy
14 sheriffs, marshals and police officers of cities, peace officer
15 members of the department of public safety, parole officers,
16 probation officers, special security officers employed by
17 regents institutions, conservation officers, employees of
18 the department of transportation or of an aviation authority
19 designated as "peace officers", and such persons as may be
20 otherwise so designated by law.

House File 533 - Introduced

HOUSE FILE 533
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 227)

A BILL FOR

1 An Act providing for entrepreneurial education funds for
2 student organizations and clubs and including effective date
3 and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2042HV (5) 85
je/sc

H.F. 533

1 Section 1. Section 11.6, subsection 1, paragraph a,
2 subparagraph (1), Code 2013, is amended to read as follows:
3 (1) Except for entities organized under chapter 28E having
4 gross receipts of one hundred thousand dollars or less in
5 a fiscal year, the financial condition and transactions of
6 all government subdivisions shall be audited at least once
7 each year, except that cities having a population of seven
8 hundred or more but less than two thousand shall be examined
9 at least once every four years, and cities having a population
10 of less than seven hundred may be examined as otherwise
11 provided in this section. The audit of school districts shall
12 include an audit of all school funds including categorical
13 funding provided by the state, the certified annual financial
14 report, the certified enrollment as provided in section 257.6,
15 supplementary weighting as provided in section 257.11, ~~and~~ the
16 revenues and expenditures of any nonprofit school organization
17 established pursuant to section 279.62, and entrepreneurial
18 education funds established pursuant to section 298A.15.
19 Differences in certified enrollment shall be reported to the
20 department of management. The audit of school districts shall
21 include at a minimum a determination that the laws of the
22 state are being followed, that categorical funding is not
23 used to supplant other funding except as otherwise provided,
24 that supplementary weighting is pursuant to an eligible
25 sharing condition, and that postsecondary courses provided in
26 accordance with section 257.11 and chapter 261E supplement,
27 rather than supplant, school district courses. The audit of
28 a city that owns or operates a municipal utility providing
29 local exchange services pursuant to chapter 476 shall include
30 performing tests of the city's compliance with section 388.10.
31 The audit of a city that owns or operates a municipal utility
32 providing telecommunications services pursuant to section
33 388.10 shall include performing tests of the city's compliance
34 with section 388.10.
35 Sec. 2. Section 12B.10, subsection 6, Code 2013, is amended

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1 by adding the following new paragraph:
2 NEW PARAGRAPH. *m.* Investments by a student organization or
3 club of moneys from an entrepreneurial education fund governed
4 by section 298A.15.
5 Sec. 3. NEW SECTION. **298A.15 Entrepreneurial education**
6 **funds.**
7 1. *Funds established — purposes.* For the purposes of
8 enhancing student learning by encouraging students to develop
9 and practice entrepreneurial skills at an early age and of
10 fostering a business-ready workforce in this state, a school
11 corporation may establish an entrepreneurial education fund at
12 the request of a student organization or club and upon approval
13 by the school board. An entrepreneurial education fund is a
14 special revenue fund and shall consist only of moneys earned
15 through entrepreneurial activities or returns on investments
16 made for entrepreneurial purposes by the student organization
17 or club, private donations and private contributions, and any
18 interest earned on such moneys, that are deposited in the
19 fund. Moneys in the fund shall be used only for investments
20 made, or activities undertaken, for entrepreneurial purposes
21 in accordance with this section. The student organization
22 or club may designate an entrepreneurial purpose for the use
23 of moneys in the fund in accordance with this section. A
24 school corporation may expend moneys in the fund for use by the
25 student organization or club in accordance with this section
26 upon approval of the designated entrepreneurial purpose by the
27 school board. A school organization or club shall deposit
28 any return on an investment made with moneys from the fund
29 in the school corporation's entrepreneurial education fund.
30 The school corporation shall not transfer or contribute to
31 the fund any other moneys that are not moneys earned through
32 entrepreneurial activities or returns on investments made for
33 entrepreneurial purposes by the student organization or club.
34 2. *Funds transferred.* At the request of a student
35 organization or club and upon approval by the school board, a

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1 school corporation shall transfer moneys in a student activity
2 fund established under section 298A.8, for deposit by the
3 student organization or club in an entrepreneurial education
4 fund. However, a school corporation shall not transfer such
5 moneys unless the moneys are attributable through appropriate
6 documentation to the specific student organization or club
7 and unless the student organization or club shows through
8 appropriate documentation that the student organization or club
9 earned the moneys through entrepreneurial activities as defined
10 in subsection 4, paragraph *"a"*.
11 3. *Conflicts of interest prohibited.* A student organization
12 or club shall not invest moneys from an entrepreneurial
13 education fund for an entrepreneurial purpose in which a member
14 of the student organization or club, an advisor or supervisor
15 of the student organization or club, or an immediate family
16 member of such persons, has a financial interest. Sections
17 279.7A and 301.28 apply to this section.
18 4. *Definitions.* For purposes of this section:
19 *a. "Entrepreneurial activities"* means starting, maintaining,
20 or expanding a business venture, including a seasonal business
21 venture.
22 *b. "Entrepreneurial purpose"* means establishing or investing
23 in a start-up company, early-stage company, or existing
24 company developing a new product or new technology if the
25 investment is in keeping with the education program of the
26 school corporation; if the student organization or club or its
27 members will, as a stated condition of the investment, take an
28 active role in the company which active role directly relates
29 to and furthers the educational purposes for which the student
30 organization or club is established; and if a reasonable return
31 upon the investment is expected.
32 *c. "Immediate family member"* means a spouse; natural or
33 adoptive parent, child, or sibling; or stepparent, stepchild,
34 or stepsibling.
35 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of

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1 immediate importance, takes effect upon enactment.
2 Sec. 5. APPLICABILITY. Section 298A.15, subsection 2, as
3 enacted in this Act, applies to moneys in a student activity
4 fund established under section 298A.8, on and after the
5 effective date of this Act, that are attributable through
6 appropriate documentation to a specific student organization
7 or club and that were earned by the student organization or
8 club through entrepreneurial activities as defined in section
9 298A.15, subsection 4, paragraph "a".
10 EXPLANATION
11 This bill permits a school corporation, at the request of a
12 student organization or club and upon approval of the school
13 board, to establish an entrepreneurial education fund for the
14 purposes of enhancing student learning by encouraging students
15 to develop and practice entrepreneurial skills at an early age
16 and of fostering a business-ready workforce in Iowa. The bill
17 provides that an entrepreneurial education fund is a special
18 revenue fund and can consist only of moneys earned through
19 entrepreneurial activities or returns on investments made for
20 entrepreneurial purposes by the student organization or club,
21 private donations and private contributions, and any interest
22 earned on such moneys, that are deposited in the fund. The
23 bill provides that moneys in the fund can only be used for
24 investments made or activities undertaken for entrepreneurial
25 purposes in accordance with the bill.
26 The bill provides that the student organization or club may
27 designate an entrepreneurial purpose for the use of moneys in
28 the entrepreneurial education fund in accordance with the bill.
29 The bill permits a school corporation to expend moneys in the
30 fund for use by the student organization or club in accordance
31 with the bill upon approval of the designated entrepreneurial
32 purpose by the school board. The bill requires the school
33 organization or club to deposit any return on an investment
34 made with moneys from the fund in the fund. The bill prohibits
35 a school corporation from transferring or contributing to

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1 the fund any other moneys that are not moneys earned through
2 entrepreneurial activities or returns on investments made for
3 entrepreneurial purposes by the student organization or club.
4 The bill requires a school corporation, upon request
5 of a student organization or club and upon approval by
6 the school board, to transfer moneys in a student activity
7 fund for deposit by the student organization or club in an
8 entrepreneurial education fund. However, the bill prohibits
9 a school corporation from transferring such moneys unless the
10 moneys are attributable through appropriate documentation
11 to the specific student organization or club and unless
12 the student organization or club shows through appropriate
13 documentation that the student organization or club earned the
14 moneys through entrepreneurial activities.
15 The bill prohibits a student organization or club from
16 investing moneys from an entrepreneurial education fund for
17 an entrepreneurial purpose in which a member of the student
18 organization or club, an advisor or supervisor of the student
19 organization or club, or an immediate family member of such
20 persons, has a financial interest. The bill applies other
21 prohibitions of conflicts of interest to entrepreneurial
22 education funds.
23 The bill defines "entrepreneurial activities" as starting,
24 maintaining, or expanding a business venture, including a
25 seasonal business venture. The bill defines "entrepreneurial
26 purpose" as establishing or investing in a start-up company,
27 early-stage company, or existing company developing a new
28 product or new technology if the investment is in keeping with
29 the education program of the school corporation; if the student
30 organization or club or its members will, as a stated condition
31 of the investment, take an active role in the company which
32 directly relates to and furthers the educational purposes for
33 which the student organization or club is established; and if a
34 reasonable return upon the investment is expected.
35 The bill specifies that entrepreneurial education funds

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are subject to the annual auditing requirements applicable to government subdivisions including school districts in Code section 11.6.

The bill excludes investments of moneys from entrepreneurial education funds from the limitations on the investment of public funds in Code section 12B.10.

The bill takes effect upon enactment.

The bill applies to moneys in a student activity fund on and after the effective date of the bill that are attributable through appropriate documentation to a specific student organization or club, and that were earned by the student organization or club through entrepreneurial activities.

House File 534 - Introduced

HOUSE FILE 534
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 176)

A BILL FOR

1 An Act relating to identity theft, and providing a penalty.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1820HV (1) 85
rn/nh

H.F. 534

1 Section 1. Section 715A.8, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 2A. Notwithstanding subsection 2, a
4 person of the applicable age indicated in this subsection who
5 knowingly takes, purchases, manufactures, records, possesses,
6 uses, or attempts to take, purchase, manufacture, record,
7 possess, or use identification information of another person
8 or entity for the following purposes may be considered to have
9 violated the applicable statute or ordinance governing such
10 purposes but shall not be considered to have committed any
11 offense of identity theft under this section:
12 *a.* Possession or purchase of alcohol by a person under the
13 age of twenty-one.
14 *b.* Entry by a person under the age of twenty-one onto the
15 premises of an establishment where one may purchase alcoholic
16 beverages as defined in section 123.3 for consumption on the
17 premises and in which the serving of food is only incidental to
18 the consumption of those beverages.
19 *c.* Entry by a person under the age of seventeen onto the
20 premises of a motion picture theater for the viewing of a
21 motion picture which is prohibited to be viewed by persons
22 under the age of seventeen.
23 *d.* Possession or purchase of cigarettes or tobacco products
24 by a person under the age of eighteen.
25 *e.* Entry by a person under the age of twenty-one onto the
26 premises of a racetrack, excursion boat, or gambling structure.
27 *f.* Entry by a person under the age of eighteen onto
28 the premises of a business establishment other than an
29 establishment identified in paragraph "*b*", "*c*", or "*e*" where
30 such entry is prohibited by persons under the age of eighteen.
31 *g.* Obtaining employment in violation of chapter 92.
32 Sec. 2. Section 715A.8, subsection 3, Code 2013, is amended
33 by striking the subsection and inserting in lieu thereof the
34 following:
35 3. A person who violates this section commits a class "D"

H.F. 534

1 felony.
2 EXPLANATION
3 This bill relates to the offense of identity theft.
4 The bill provides that persons of specified ages who
5 knowingly take, purchase, manufacture, record, possess, or use
6 identification information, or who attempt to do so, for a
7 designated list of offenses may be considered to have violated
8 the applicable statute or ordinance relating to that offense,
9 but shall not be considered to have committed identify theft
10 under Code section 715A.8. The offenses in general relate to
11 underage possession of alcohol, underage entry onto premises
12 where alcohol is served, underage entry onto the premises of
13 a motion picture, underage possession or purchase of tobacco,
14 underage entry onto the premises of a gambling establishment,
15 underage entry onto the premises of any other business
16 establishment with age restrictions attached, and obtaining
17 employment in violation of child labor laws specified in Code
18 chapter 92.
19 The bill additionally states that a violation of the
20 identity theft provisions in Code section 715A.8 constitutes
21 a class "D" felony. Currently, the Code section specifies
22 that if the value of credit, property, or services for which
23 identity theft was utilized exceeds $1,000, the violation
24 constitutes a class "D" felony, and if below that amount the
25 violation constitutes an aggravated misdemeanor. A class "D"
26 felony is punishable by confinement for no more than five years
27 and a fine of at least $750 but not more than $7,500.

House File 535 - Introduced

HOUSE FILE 535
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 81)

A BILL FOR

1 An Act relating to firearms, including certain confidentiality
2 and purchasing provisions, providing penalties, and
3 including effective date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1501HV (3) 85
rh/rj

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1 Section 1. Section 724.23, Code 2013, is amended to read as
2 follows:
3 **724.23 Records kept by commissioner and issuing officers.**
4 1. The commissioner of public safety shall maintain a
5 permanent record of all valid permits to carry weapons and of
6 current permit revocations.
7 2. *a.* Notwithstanding any other law or rule to the
8 contrary, the commissioner of public safety and any issuing
9 officer shall keep confidential personally identifiable
10 information of holders of nonprofessional permits to carry
11 weapons and permits to acquire pistols or revolvers, including
12 but not limited to the name, social security number, date of
13 birth, residential or business address, and driver's license or
14 other identification number of the applicant or permit holder.
15 *b.* This subsection shall not prohibit the release of
16 statistical information relating to the issuance, denial,
17 revocation, or administration of nonprofessional permits to
18 carry weapons and permits to acquire pistols or revolvers,
19 provided that the release of such information does not reveal
20 the identity of any individual permit holder.
21 *c.* This subsection shall not prohibit the release of
22 information to any law enforcement agency or any employee or
23 agent thereof when necessary for the purpose of investigating
24 a possible violation of law or for conducting a lawfully
25 authorized background investigation.
26 *d.* Except as provided in paragraphs *"b"* and *"c"*, the
27 release of any confidential information under this section
28 shall require a court order or the consent of the person whose
29 personally identifiable information is the subject of the
30 information request.
31 Sec. 2. NEW SECTION. **724.29A Fraudulent purchase of**
32 **firearms or ammunition.**
33 1. For purposes of this section:
34 *a.* *"Ammunition"* means any cartridge, shell, or projectile
35 designed for use in a firearm.

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1 *b. "Licensed firearms dealer"* means a person who is licensed
2 pursuant to 18 U.S.C. § 923 to engage in the business of
3 dealing in firearms.
4 *c. "Materially false information"* means information that
5 portrays an illegal transaction as legal or a legal transaction
6 as illegal.
7 *d. "Private seller"* means a person who sells or offers for
8 sale any firearm or ammunition.
9 2. A person who knowingly solicits, persuades, encourages,
10 or entices a licensed firearms dealer or private seller of
11 firearms or ammunition to transfer a firearm or ammunition
12 under circumstances that the person knows would violate the
13 laws of this state or of the United States commits a class "D"
14 felony.
15 3. A person who knowingly provides materially false
16 information to a licensed firearms dealer or private seller of
17 firearms or ammunition with the intent to deceive the firearms
18 dealer or seller about the legality of a transfer of a firearm
19 or ammunition commits a class "D" felony.
20 4. Any person who willfully procures another to engage in
21 conduct prohibited by this section shall be held accountable
22 as a principal.
23 5. This section shall not apply to a law enforcement officer
24 acting in the officer's official capacity or to a person acting
25 at the direction of such law enforcement officer.
26 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
27 immediate importance, takes effect upon enactment.
28 Sec. 4. APPLICABILITY. The section of this Act amending
29 section 724.23 applies to holders of nonprofessional permits
30 to carry weapons and permits to acquire pistols or revolvers
31 and to applicants for nonprofessional permits to carry weapons
32 and permits to acquire pistols or revolvers on or after the
33 effective date of this Act.
34 EXPLANATION
35 This bill relates to firearms, including certain

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1 confidentiality and purchasing provisions, provides penalties,
2 and includes effective date and applicability provisions.
3 PERMIT TO CARRY AND PERMIT TO ACQUIRE RECORDS —
4 CONFIDENTIALITY. Current law requires the commissioner
5 of public safety to maintain a permanent record of all
6 valid permits to carry weapons and of current permit
7 revocations. This bill provides that, notwithstanding any
8 other law or rule to the contrary, the commissioner of public
9 safety and any issuing officer (county sheriff) shall keep
10 confidential personally identifiable information of holders
11 of nonprofessional permits to carry weapons and permits to
12 acquire pistols or revolvers. The release of any confidential
13 information, except as otherwise provided in the bill, requires
14 a court order or the consent of the person whose personally
15 identifiable information is the subject of the information
16 request. The bill does not prohibit release of statistical
17 information relating to the issuance, denial, revocation, or
18 administration of nonprofessional permits to carry weapons and
19 permits to acquire pistols or revolvers if such information
20 does not reveal the identity of any individual permit holder,
21 or the release of information to a law enforcement agency
22 investigating a violation of law or conducting a background
23 check. This provision applies to holders of nonprofessional
24 permits to carry weapons and permits to acquire pistols or
25 revolvers and to applicants for nonprofessional permits to
26 carry weapons and permits to acquire pistols or revolvers on or
27 after the effective date of the bill.
28 FRAUDULENT PURCHASE OF FIREARMS OR AMMUNITION. The bill
29 provides that a person who knowingly solicits, persuades,
30 encourages, or entices a licensed firearms dealer or private
31 seller of firearms or ammunition to transfer a firearm or
32 ammunition under circumstances that the person knows would
33 violate the laws of this state or of the United States commits
34 a class "D" felony. A person who knowingly provides materially
35 false information to a licensed firearms dealer or private

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1 seller of firearms or ammunition with the intent to deceive the
2 firearms dealer or seller about the legality of a transfer of a
3 firearm or ammunition commits a class "D" felony. Any person
4 who willfully procures another to engage in conduct prohibited
5 by this Code section shall be held accountable as a principal.
6 The bill does not apply to a law enforcement officer acting
7 in the officer's official capacity or to a person acting at the
8 direction of such law enforcement officer.
9 A class "D" felony is punishable by confinement for no more
10 than five years and a fine of at least $750 but not more than
11 $7,500.
12 The bill takes effect upon enactment.

House File 536 - Introduced

HOUSE FILE 536
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 75)

A BILL FOR

1 An Act relating to the disposition of legal firearms and
2 ammunition seized by a law enforcement agency.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1513HV (3) 85
rh/rj

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Section 1. Section 809.5, subsection 1, paragraph f, subparagraph (3), Code 2013, is amended to read as follows:

(3) (i) Notwithstanding subparagraph (2) and except as otherwise provided in this subparagraph, firearms or ammunition ~~with an aggregate fair market value equal to or less than five hundred dollars~~ shall be deposited with the department of public safety.

(ii) The seizing agency shall notify the department of public safety if the seizing agency desires to resume and retain custody of any firearms. If the department is already in possession of the same type of firearms, the department shall return the firearms to the seizing agency within one hundred eighty days of receiving the firearms from the seizing agency. Before returning the firearms, the department shall, as necessary, collect and record information from the firearms, which may include but is not limited to serial numbers.

(iii) The firearms or ammunition may be held by the department ~~of public safety~~ and may be used for law enforcement, testing, or comparisons by the criminalistics laboratory of the department, or ~~may be~~ destroyed, or disposed of by the ~~department of public safety~~ seizing agency using the same rules and procedures established in ~~accordance with~~ section 809.21, subsection 2.

Sec. 2. Section 809.21, Code 2013, is amended to read as follows:

809.21 Sale of certain ammunition and firearms.

1. Ammunition and firearms seized by the department of public safety which are not illegal and which are not offensive weapons as defined by section 724.1 may be sold by the department of public safety at public auction. The firearms or ammunition may also be held by the department of public safety and used for law enforcement, testing, or comparisons by the criminalistics laboratory, or destroyed, or disposed of in accordance with this section. The department of public safety may sell at public auction forfeited legal weapons received

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from the director of the department of natural resources, except that rifles and shotguns shall be retained by the department of natural resources for disposal according to its rules.

2. The sale of ammunition or firearms which are not illegal and which are not offensive weapons as defined by section 724.1, pursuant to this section shall be made only to federally licensed firearms dealers or to persons who have a permit to purchase the firearms. Persons who have not obtained a permit may bid on firearms at the public auction. However, persons who bid without a permit must post a ~~fifty percent of purchase price~~ fifty-percent-of-purchase-price deposit with the commissioner of public safety on any winning bid. No transfer of firearms may be made to a person bidding without a permit until such time as the person has obtained a permit. If the person is unable to produce a permit within two weeks from the date of the auction, the person shall forfeit the ~~fifty percent~~ fifty-percent deposit to the department of public safety. All proceeds of a public auction ~~pursuant to this section~~ conducted by the department, less department expenses reasonably incurred, shall be deposited in the general fund of the state. The department of public safety shall be reimbursed from the proceeds for the reasonable expenses incurred in selling the property at the auction.

Sec. 3. Section 809A.17, subsection 5, paragraph b, Code 2013, is amended to read as follows:

b. Forfeited property which is a weapon or ammunition shall be deposited with the ~~department of public safety to be disposed of in accordance with the rules of the department~~ seizing agency. All weapons or ammunition may be held for use in law enforcement, testing, or comparison by the criminalistics laboratory, or destroyed. Ammunition and firearms which are not illegal and are not offensive weapons as defined by section 724.1 may be sold by the ~~department as provided~~ seizing agency using the same rules and procedures in

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1 section 809.21, subsection 2.
2 EXPLANATION
3 This bill relates to the disposition of legal firearms and
4 ammunition seized by a law enforcement agency.
5 Current law requires that all abandoned, seized firearms
6 and ammunition with an aggregate value of less $500 be
7 transferred to the department of public safety for use in law
8 enforcement, testing, or for comparisons by the criminalistics
9 laboratory, or destroyed, or sold at public auction pursuant
10 to Code section 809.21. If the value of a seized firearm or
11 ammunition is greater than $500 in the aggregate, Code section
12 809.5(1)(f)(1) requires the property to be forfeited pursuant
13 to the procedures established in Code chapter 809A.
14 Under the bill, if the owner of firearms or ammunition is
15 unable to be located or the firearms or ammunition is deemed
16 abandoned, such firearms or ammunition shall be deposited with
17 the department of public safety, regardless of value, and if
18 the seizing agency desires to resume and retain custody of
19 any firearms, the seizing agency must notify the department
20 of public safety. If the department is already in possession
21 of the same type of firearms, the department is required to
22 return the firearms to the seizing agency within six months
23 of receiving the firearms from the seizing agency. Before
24 returning the firearms, the department shall, as necessary,
25 collect and record information from the firearms, which may
26 include but is not limited to serial numbers. The firearms or
27 ammunition may be held by the department of public safety and
28 may be used for law enforcement, testing, or comparisons by the
29 criminalistics laboratory of the department, or destroyed or
30 disposed of by the seizing agency.
31 Current law requires all forfeited weapons and ammunition
32 with an aggregate value of more than $500 to be transferred to
33 the department of public safety for use in law enforcement,
34 testing, or used for comparisons by the criminalistics
35 laboratory, to be destroyed, or to be disposed of pursuant to

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1 the procedures established in Code section 809A.17(5)(b).
2 The bill requires forfeited firearms or ammunition to be
3 transferred to the seizing agency. The bill further provides
4 that the seizing agency may use a forfeited firearm or
5 ammunition for law enforcement, testing, or loan or transfer
6 to the department of public safety for comparisons by the
7 criminalistics laboratory, or that the firearm or ammunition
8 be destroyed, or disposed of pursuant to the procedures
9 established for the department of public safety in newly
10 designated Code section 809.21(2).
11 The bill does not restrict the use of the proceeds from
12 the sale of seized firearms or ammunition by a local law
13 enforcement agency. Current law and the bill provide that
14 the proceeds from the sale of firearms or ammunition by the
15 department of public safety in Code section 809.21, less
16 expenses, be deposited into the general fund of the state.

House File 537 - Introduced

HOUSE FILE 537
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 109)

A BILL FOR

1 An Act relating to consideration of the educational setting of
2 a minor child in a child custody proceeding.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1941HV (1) 85
pf/nh

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1 Section 1. Section 598.1, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 2A. *"Educational setting"* means a public
4 school, an accredited nonpublic school, competent private
5 instruction in accordance with the provisions of chapter 299A,
6 or any other method of educational instruction that satisfies
7 the compulsory education requirements of chapter 299.
8 Sec. 2. Section 598.10, subsection 1, Code 2013, is amended
9 by adding the following new paragraph:
10 NEW PARAGRAPH. *c.* If the parents are in disagreement over a
11 minor child's educational setting, the court shall consider the
12 educational setting of the minor child in making a temporary
13 order for custody. There is a rebuttable presumption that
14 it is in the best interest of the minor child to remain in
15 the educational setting in which the minor child was enrolled
16 during the immediately preceding school year.
17 Sec. 3. Section 598.41, Code 2013, is amended by adding the
18 following new subsections:
19 NEW SUBSECTION. 4A. If the court awards joint legal custody
20 to the parents, but the parents are in disagreement over a
21 minor child's educational setting, the court shall consider,
22 and include a provision in the custody order regarding, the
23 educational setting of the minor child. There is a rebuttable
24 presumption that it is in the best interest of the minor child
25 to remain in the educational setting in which the minor child
26 was enrolled during the immediately preceding school year.
27 NEW SUBSECTION. 10. All orders relating to custody of a
28 child shall specify the rights and responsibilities of each
29 parent relative to the minor child's educational setting.
30 The order shall, at a minimum, specify a parent's rights
31 and responsibilities regarding physical access to the child
32 during the school day; access to records involving the health,
33 education, and welfare of the child; decision-making authority
34 including instances when parental consent or authorization is
35 required; and the removal of the child from the premises of the

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1 educational setting during school hours. Any parent with legal
2 custody of the child shall provide a copy of the order to the
3 educational setting and to the school district of the child to
4 whom the order applies.
5 EXPLANATION
6 This bill provides that in determining temporary custody
7 orders or the award of joint legal custody for a minor child,
8 if the parents are in disagreement over the minor child's
9 educational setting, the court is to consider the educational
10 setting of the minor child. In the case of awarding joint
11 legal custody, the court is also to include a provision in
12 the order regarding the educational setting of the minor
13 child. There is a rebuttable presumption that it is in the
14 best interest of the minor child to remain in the educational
15 setting in which the minor child was enrolled during the
16 immediately preceding school year. The bill also defines
17 "educational setting".
18 The bill directs that all orders relating to the custody
19 of a child shall specify the rights and responsibilities of
20 each parent relative to the minor child's educational setting
21 and specifies the minimum rights and responsibilities to be
22 addressed in the order. The bill requires that any parent with
23 legal custody of the child is to provide a copy of the order to
24 the educational setting and to the school district of the child
25 to whom the order applies.

House File 538 - Introduced

HOUSE FILE 538
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 174)

A BILL FOR

1 An Act relating to the board of parole.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2282HV (2) 85
ec/sc

H.F. 538

Section 1. Section 904A.1, Code 2013, is amended to read as follows:

904A.1 Board of parole — panels.

1. The board of parole is created to consist of ~~five~~ seven members. Each member, except the chairperson and the vice chairperson, shall be compensated on a day-to-day basis. Each member shall serve a term of four years beginning and ending as provided by section 69.19, except for members appointed to fill vacancies who shall serve for the balance of the unexpired term. The terms shall be staggered. The chairperson and vice chairperson of the board shall be full-time, salaried members of the board.

2. The board of parole shall be divided into panels of three or five members for the purpose of transacting business and considering inmates for parole and work release. The chairperson shall designate the members and assign the duties of each panel and shall provide that at least one member of each panel shall be the chairperson or vice chairperson of the board. A majority of the members of a panel of the board constitutes a quorum for that panel to transact business.

Sec. 2. Section 904A.4, subsection 1, Code 2013, is amended to read as follows:

1. The board of parole shall interview and consider inmates for parole and work release and a majority vote of the members of a panel of the board is required to grant a parole or work release.

Sec. 3. Section 904A.4A, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. Designate the members and assign the duties of each panel of the board of parole.

EXPLANATION

This bill increases the number of members of the board of parole from five to seven and directs the board to be divided into panels of three or five members for the purpose of transacting business and considering inmates for parole and

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1 work release. The bill provides that the chairperson designate
2 the members and assign the duties of each panel. The bill
3 also provides that at least one member of a panel shall be
4 the chairperson or vice chairperson of the board. The bill
5 provides that a majority of the members of a panel of the board
6 constitutes a quorum to transact business and to grant a parole
7 or work release.

House File 539 - Introduced

HOUSE FILE 539
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 44)

A BILL FOR

1 An Act providing for immunity from civil liability for
2 registered architects and professional engineers providing
3 disaster emergency assistance under specified circumstances.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1344HV (1) 85
rn/rj

H.F. 539

1 Section 1. NEW SECTION. **29C.20C Immunity — registered**
2 **architects and professional engineers.**
3 An architect registered pursuant to chapter 544A or a
4 professional engineer licensed pursuant to chapter 542B who,
5 during a disaster emergency as proclaimed by the governor or
6 a major disaster as declared by the president of the United
7 States, in good faith and at the request of or with the
8 approval of a national, state, or local public official, law
9 enforcement official, public safety official, or building
10 inspection official believed by the registered architect or
11 professional engineer to be acting in an official capacity,
12 voluntarily and without compensation provides architectural,
13 engineering, structural, electrical, mechanical, or other
14 design professional services related to the disaster emergency
15 shall not be liable for civil damages for any acts or omissions
16 resulting from the services provided, unless such acts or
17 omissions constitute recklessness or willful and wanton
18 misconduct. A registered architect or professional engineer
19 who receives expense reimbursement for the performance of
20 services described in this section shall not be considered to
21 have received compensation for such services.
22 EXPLANATION
23 This bill confers immunity from civil liability for
24 registered architects and professional engineers providing
25 assistance pursuant to a disaster emergency declared by the
26 governor or a major disaster declared by the president of the
27 United States pursuant to Code chapter 29C. The bill provides
28 that when architectural, engineering, structural, electrical,
29 mechanical, or other design professional services are rendered
30 in good faith at the request of or with the approval of a
31 national, state, or local public official, law enforcement
32 official, public safety official, or building inspection
33 official believed by the registered architect or professional
34 engineer to be acting in an official capacity, and are rendered
35 voluntarily and without compensation, a registered architect

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1 or professional engineer shall not be liable for civil damages
2 for any acts or omissions resulting from the services provided,
3 unless such acts or omissions constitute recklessness or
4 willful and wanton misconduct. The bill provides that receipt
5 of expense reimbursement for services performed shall not be
6 regarded as compensation for such services.

House File 540 - Introduced

HOUSE FILE 540
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HF 55)

A BILL FOR

1 An Act allowing criminal history and abuse registry background
2 checks for certain food vendors.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1710HV (2) 85
jm/nh

H.F. 540

1 Section 1. NEW SECTION. **137G.1 Food vendor — motor vehicle**
2 **— background check.**
3 1. A business that operates a motor vehicle primarily
4 marketing the sale and dispensing of ice cream or other food
5 products from or near the motor vehicle to children may require
6 an applicant for employment or employee of the business to
7 be subject to a criminal history and abuse registry record
8 background check. The business shall perform the background
9 check by accessing the single contact repository established
10 under section 135C.33, subsection 6.
11 2. The business shall inform the applicant or employee
12 of the requirement of the background check required under
13 subsection 1 and obtain a signed waiver from the applicant or
14 employee prior to requesting such a check.
15 Sec. 2. Section 235A.15, subsection 2, paragraph e, Code
16 2013, is amended by adding the following new subparagraph:
17 NEW SUBPARAGRAPH. (24) To a business which is authorized to
18 perform a background check pursuant to section 137G.1.
19 Sec. 3. Section 235B.6, subsection 2, paragraph e, Code
20 2013, is amended by adding the following new subparagraph:
21 NEW SUBPARAGRAPH. (19) To a business which is authorized to
22 perform a background check pursuant to section 137G.1.
23 EXPLANATION
24 This bill relates to criminal history and abuse registry
25 record checks for certain food vendors.
26 The bill provides that a business that operates a motor
27 vehicle primarily marketing the sale and dispensing of ice
28 cream or other food products from or near the motor vehicle
29 to children may require an applicant for employment or an
30 employee of the business to undergo a criminal history and
31 abuse registry record check by the business.
32 The bill requires the business to inform the applicant for
33 employment or employee of the background check and obtain a
34 signed waiver prior to requesting a check.
35 The bill also requires a business that chooses to perform a

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1 criminal history and abuse registry record background check to
2 perform such a check by accessing the single contact repository
3 established under Code section 135C.33(6).
4 The information received by the business accessing the
5 single contact repository includes information relating to the
6 following: Iowa criminal history, the sex offender registry,
7 the child abuse registry, and the dependent adult abuse
8 registry.

House File 541 - Introduced

HOUSE FILE 541
BY COMMITTEE ON ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HSB 163)

A BILL FOR

1 An Act relating to dam reconstruction standards.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1916HV (2) 85
tm/nh

H.F. 541

Section 1. Section 455B.275, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. Notwithstanding design criteria and guidelines for Iowa dams adopted by the department, all of the following standards shall apply to a person reconstructing a dam that was damaged due to a natural disaster who files an application under subsection 3:

a. The person reconstructing the dam is only required to possess the flooding easements or ownership which were held prior to the reconstruction as long as the former normal pool elevation is not exceeded and the spillway capacity is increased by at least fifty percent.

b. Flooding easements or ownership are only required to the top of the reconstructed spillway elevation.

EXPLANATION

This bill relates to dam reconstruction standards.

The bill provides that, notwithstanding design criteria and guidelines for Iowa dams adopted by the department of natural resources, certain standards apply to the reconstruction of a dam damaged due to a natural disaster. The standards include that the person reconstructing the dam is only required to possess flooding easements or ownership which were held prior to the reconstruction as long as the former normal pool elevation is not exceeded and the spillway capacity is increased by at least 50 percent; and the flooding easements or ownership are only required to the top of the reconstructed spillway elevation.

House File 542 - Introduced

HOUSE FILE 542
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HF 259)

A BILL FOR

1 An Act modifying provisions applicable to electrician and
2 electrical contractor licensing and regulation.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1367HV (2) 85
rn/rj

H.F. 542

Section 1. Section 103.4, Code 2013, is amended to read as follows:

103.4 Organization and meetings of the board.

1. The board shall elect annually from its members a chairperson and a vice chairperson, and shall hire and provide staff to assist the board in administering this chapter. An executive secretary designated by the board shall report to the state fire marshal for purposes of routine board administrative functions, and shall report directly to the board for purposes of execution of board policy such as application of licensing criteria and processing of applications. The board shall hold at least one meeting quarterly at the location of the board's principal office, and meetings shall be called at other times by the chairperson or four members of the board. At any meeting of the board, a majority of members constitutes a quorum.

2. All meetings, actions, and deliberations of the board shall be fully subject to and shall comply with the open meetings and open records requirements of chapters 21 and 22. Notwithstanding section 21.5, subsection 4, the office of citizens' aide or the Iowa public information board shall not be required to obtain a court order for the purpose of inspecting the detailed minutes and audio recording of a closed session of the electrical examining board in the performance of its duties or under chapter 2C.

Sec. 2. Section 103.6, subsection 1, paragraph a, Code 2013, is amended to read as follows:

a. Adopt rules pursuant to chapter 17A and in doing so shall be governed by the minimum standards set forth in the most current publication of the national electrical code issued and adopted by the national fire protection association, and amendments to the code, which code and amendments shall be filed in the offices of the state law library and the board and shall be a public record. The board shall adopt rules reflecting updates to the code and amendments to the code. The

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1 board shall promulgate and adopt rules establishing wiring
2 standards that protect public safety and health and property
3 and that apply to all electrical wiring which is installed
4 subject to this chapter. The rules adopted by the board
5 based on the minimum standards set forth in the most current
6 publication of the national electrical code shall apply and be
7 consistently enforced throughout the state and in and by every
8 political subdivision of the state.
9 Sec. 3. Section 103.6, subsection 1, paragraph d, Code 2013,
10 is amended by striking the paragraph.
11 Sec. 4. Section 103.6, Code 2013, is amended by adding the
12 following new subsection:
13 NEW SUBSECTION. 3. The state fire marshal shall provide
14 for the amount and collection of fees for inspection and other
15 services, by rule.
16 Sec. 5. Section 103.7, Code 2013, is amended to read as
17 follows:
18 **103.7 Electrician and installer licensing and inspection**
19 **fund.**
20 An electrician and installer licensing and inspection fund
21 is created in the state treasury as a separate fund under
22 the control of the ~~board~~ state fire marshal. All licensing,
23 examination, renewal, and inspection fees shall be deposited
24 into the fund and retained by and for the use of the ~~board~~ state
25 fire marshal. Expenditures from the fund shall be approved by
26 the sole authority of the ~~board in consultation with the~~ state
27 fire marshal for any of the board's duties and the regulatory
28 or administrative functions of this chapter. Amounts deposited
29 into the fund shall be considered repayment receipts as defined
30 in section 8.2. Notwithstanding section 8.33, any balance
31 in the fund on June 30 of each fiscal year shall not revert
32 to the general fund of the state, but shall remain available
33 for the purposes of this chapter in subsequent fiscal years.
34 Notwithstanding section 12C.7, subsection 2, interest or
35 earnings on moneys deposited in the fund shall be credited to

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1 the fund.
2 Sec. 6. Section 103.10A, Code 2013, is amended to read as
3 follows:
4 **103.10A Inactive master electrician license.**
5 The board may by rule create an inactive master electrician
6 license and the state fire marshal may establish a fee for such
7 a license. An applicant for an inactive master electrician
8 license shall, at a minimum, meet the requirements of this
9 chapter and requirements established by the board by rule
10 for licensure as a class A master electrician or a class
11 B master electrician. A person licensed as an inactive
12 master electrician shall not be authorized to act as a master
13 electrician, but shall be authorized to apply for a class A
14 master electrician license or a class B master electrician
15 license at a future date subject to conditions and under
16 procedures established by the board by rule. The conditions
17 and procedures shall include but not be limited to completion
18 of the required number of contact hours of continuing education
19 courses specified in section 103.18, and paying the applicable
20 license fee specified in section 103.19 for a class A master
21 electrician license or class B master electrician license.
22 Sec. 7. Section 103.19, Code 2013, is amended to read as
23 follows:
24 **103.19 Licenses — expiration — application — fees.**
25 1. Licenses issued pursuant to this chapter shall
26 expire every three years, with the exception of licenses for
27 apprentice electricians and unclassified persons, which shall
28 expire on an annual basis. All license applications shall
29 include the applicant's social security number, which shall be
30 maintained as a confidential record and shall be redacted prior
31 to public release of an application or other record containing
32 such social security number. The ~~board~~ state fire marshal
33 shall establish the fees to be payable for license issuance and
34 renewal in amounts not to exceed the following:
35 *a.* For each year of the three-year license period for

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1 issuance and renewal:
2 (1) Electrical contractor, one hundred twenty-five dollars.
3 (2) Class A master electrician, class B master electrician,
4 residential master electrician, one hundred twenty-five
5 dollars.
6 (3) Class A journeyman electrician, class B journeyman
7 electrician, residential electrician, or special electrician,
8 twenty-five dollars.
9 *b.* For apprentice electricians or unclassified persons,
10 twenty dollars.
11 2. The holder of an expired license may renew the license
12 for a period of three months from the date of expiration upon
13 payment of the license fee plus ten percent of the renewal fee
14 for each month or portion thereof past the expiration date.
15 All holders of licenses expired for more than three months
16 shall apply for a new license.
17 3. If the ~~board~~ state fire marshal determines that all
18 licenses shall expire on the same date every three years for
19 licenses specified in subsection 1, paragraph *"a"*, the license
20 fees shall be prorated by month. The ~~board~~ state fire marshal
21 shall determine an individual's license fee based on the number
22 of months that the individual's license will be in effect after
23 being issued and prior to expiration.
24 Sec. 8. Section 103.25, Code 2013, is amended to read as
25 follows:
26 **103.25 Request for inspection — fees.**
27 1. At or before commencement of any installation required
28 to be inspected by the board, the licensee or property owner
29 making such installation shall submit to the state fire
30 marshal's office a request for inspection. The board shall
31 prescribe the methods by which the request may be submitted,
32 which may include electronic submission or through a form
33 prescribed by the board that can be submitted either through
34 the mail or by a fax transmission. The ~~board~~ state fire
35 marshal shall also prescribe methods by which inspection fees

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can be paid, which may include electronic methods of payment. If the board or the state fire marshal's office becomes aware that a person has failed to file a necessary request for inspection, the board shall send a written notification by certified mail that the request must be filed within fourteen days. Any person filing a late request for inspection shall pay a delinquency fee in an amount to be determined by the ~~board~~ state fire marshal. A person who fails to file a late request within fourteen days from receipt of the notification shall be subject to a civil penalty to be determined by the board by rule.

2. Notwithstanding subsection 1, the board may by rule provide for the issuance of a single permit to a licensee to request multiple inspections. The permit authorizes the licensee to perform new electrical installations specified in the permit. The board shall prescribe the methods by which the request for multiple inspections may be submitted, which may include electronic submission or through a form prescribed by the board that can be submitted either through the mail or by a fax transmission. The ~~board~~ state fire marshal shall also prescribe methods by which inspection fees can be paid, which may include electronic methods of payment. The board may perform inspections of each new electrical installation or any portion of the total number of new electrical installations made under each permit. The ~~board~~ state fire marshal shall establish fees for such permits, which shall not exceed the total inspection fees that would be required if each new electrical installation performed under the request for multiple inspections had been performed under individual requests for inspections as provided in subsection 1.

Sec. 9. Section 103.29, subsection 5, Code 2013, is amended to read as follows:

5. A political subdivision that performs electrical inspections shall act as the authority having jurisdiction for electrical inspections ~~and for amending the national electrical~~

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~~code adopted by the board pursuant to section 103.6 for work performed within the jurisdictional limits of the political subdivision, provided those inspections and amendments conform to the requirements of this chapter. Any action by a political subdivision with respect to amendments to the national electrical code shall be filed with the board prior to enforcement by the political subdivision, and shall not be less stringent than the minimum standards established by the board by rule.~~ Inspections performed by a political subdivision shall be based on standards which conform to, are governed by, and do not exceed or vary from the rules adopted by the board based on the minimum standards set forth in the most current publication of the national electrical code.

Sec. 10. Section 103.29, subsection 6, Code 2013, is amended by striking the subsection.

Sec. 11. Section 103.32, subsections 1 and 2, Code 2013, are amended to read as follows:

1. All state electrical inspection fees shall be due and payable to the ~~board~~ state fire marshal at or before commencement of the installation and shall be forwarded with the request for inspection. Inspection fees provided in this section shall not apply within the jurisdiction of any political subdivision if the political subdivision has adopted an ordinance or resolution pursuant to this chapter.

2. The ~~board~~ state fire marshal shall establish the fees for inspections in amounts not to exceed:

a. For each separate inspection of an installation, replacement, alteration, or repair, twenty-five dollars.

b. For services, change of services, temporary services, additions, alterations, or repairs on either primary or secondary services as follows:

(1) Zero to one hundred ampere capacity, twenty-five dollars plus five dollars per branch circuit or feeder.

(2) One hundred one to two hundred ampere capacity, thirty-five dollars plus five dollars per branch circuit or

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1 feeder.
2 (3) For each additional one hundred ampere capacity or
3 fraction thereof, twenty dollars plus five dollars per branch
4 circuit or feeder.
5 *c.* For field irrigation system inspections, sixty dollars
6 for each unit inspected.
7 *d.* For the first reinspection required as a result of a
8 correction order, fifty dollars; a second reinspection required
9 as a result of noncompliance with the same correction order,
10 seventy-five dollars; and subsequent reinspections associated
11 with the same correction order, one hundred dollars for each
12 reinspection.
13 EXPLANATION
14 This bill modifies provisions applicable to electrician and
15 electrical contractor licensing and regulation.
16 The bill provides that all meetings, actions, and
17 deliberations of the electrical examining board created
18 in Code section 103.2 shall be fully subject to and shall
19 comply with the open meetings and open records requirements
20 of Code chapters 21 and 22. Further, the bill provides that
21 notwithstanding Code section 21.5, subsection 4, the office
22 of citizens' aide or the Iowa public information board shall
23 not be required to obtain a court order for the purpose of
24 inspecting the detailed minutes and audio recording of a closed
25 session of the board in the performance of its duties or under
26 Code chapter 2C.
27 The bill specifies that rules adopted by the board based on
28 the minimum standards set forth in the most current publication
29 of the national electrical code shall apply and be consistently
30 enforced throughout the state and in and by every political
31 subdivision of the state. The bill makes conforming changes
32 deleting previous authority by political subdivisions to
33 amend the national electrical code for work performed within
34 the jurisdictional limits of the political subdivision, and
35 authority to grant variances or deviations from a standard

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1 interpretation of the national electrical code on an exception
2 basis.
3 The bill transfers authority regarding the establishing and
4 collection of licensing and inspection fees, and control of
5 the electrician and installer licensing and inspection fund,
6 from the board to the state fire marshal, and makes conforming
7 changes consistent with this transfer of authority.

House File 543 - Introduced

HOUSE FILE 543
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 76)

A BILL FOR

1 An Act modifying provisions applicable to the propane education
2 and research council.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1907HV (2) 85
rn/nh

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Section 1. Section 101C.3, subsection 3, paragraph a, Code 2013, is amended to read as follows:

a. A professional fire fighter designated by the Iowa ~~association of~~ professional ~~fire chiefs~~ fire fighters association.

Sec. 2. Section 101C.3, subsection 5, Code 2013, is amended to read as follows:

5. A council member shall serve a term of three years ~~and shall not serve more than two full consecutive terms. A council member filling an unexpired term may serve not more than a total of seven consecutive years. A former council member may be appointed to the council if the former member has not been a member of the council for a period of at least two years~~.

Sec. 3. Section 101C.4, subsection 1, Code 2013, is amended to read as follows:

1. The council and its activities shall be funded by an annual assessment. Upon establishment of the council ~~and each year thereafter~~ the annual assessment shall be made at a rate of one-tenth of one cent on each gallon of odorized propane sold. Thereafter, annual assessments shall be sufficient to cover the costs of the plans and programs developed by the council and upon a majority vote by the council, the council may increase or decrease the annual assessment as necessary, but in no event shall the annual assessment exceed two-tenths of one cent on each gallon of odorized propane sold.

Sec. 4. REPEAL. Section 101C.14, Code 2013, is repealed.

EXPLANATION

This bill modifies provisions applicable to the propane education and research council established in Code chapter 101C.

The bill changes the designation of one of the ex officio, nonvoting members of the council from a professional fire fighter designated by the Iowa association of professional fire chiefs to a professional fire fighter designated by the Iowa

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1 professional fire fighters association.
2 The bill also eliminates provisions specifying term limits
3 and reappointment requirements.
4 The bill additionally modifies provisions relating to the
5 annual assessment which funds the council and its activities.
6 Currently, Code section 101C.4, subsection 1, provides that
7 upon establishment of the council and each year thereafter the
8 annual assessment shall be made at a rate of one-tenth of one
9 cent on each gallon of odorized propane sold. The bill deletes
10 the reference to "and each year thereafter", and provides that
11 after establishment of the council and the initial rate of
12 one-tenth of one cent, annual assessments shall thereafter be
13 in an amount sufficient to cover the costs of the plans and
14 programs developed by the council, and that upon a majority
15 vote by the council, the council may increase or decrease the
16 annual assessment as necessary, but not to exceed two-tenths of
17 one cent on each gallon of odorized propane sold.
18 Additionally, the bill repeals a provision which repealed
19 the Code chapter effective December 31, 2014.

House File 544 - Introduced

HOUSE FILE 544
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO HSB 130)

A BILL FOR

1 An Act relating to the Iowa veterans home and providing for
2 the consideration of contributions to support as repayment
3 receipts.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2039HV (2) 85
aw/nh

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Section 1. Section 35D.1, subsection 1, Code 2013, is amended to read as follows:

1. The Iowa veterans home, located in Marshalltown, shall be maintained as a long-term health care facility providing ~~multiple~~ nursing and residential levels of care~~, with attendant health care services,~~ for honorably discharged veterans and their dependent spouses, ~~and for~~ surviving spouses of honorably discharged veterans, and gold star parents. Eligibility requirements for admission to the Iowa veterans home shall coincide with the eligibility requirements for ~~hospitalization~~ care and treatment in a United States department of veterans affairs facility pursuant to 38 U.S.C. § 1710, and regulations promulgated under that section, as amended. For the purposes of this subsection, *"gold star parent"* means a parent of a deceased member of the United States armed forces who died while serving on active duty during a time of military conflict or who died as a result of such service.

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

1. Persons described in section 35D.1 who ~~do not have sufficient means for their own support, or~~ are disabled by disease, ~~wounds~~ injury, or old age, ~~or otherwise~~ and meet the qualifications for nursing or residential care, and are unable to earn a livelihood, and who are residents of the state of Iowa on the date of the application and immediately preceding the date the application is accepted, may be admitted to the home as members under rules adopted by the commission. Eligibility determinations are subject to approval by the commandant.

Sec. 3. Section 35D.4, subsection 2, Code 2013, is amended to read as follows:

2. The cottages may be made available to persons on the staff of the home at a rental rate determined by the ~~commission~~ commandant.

Sec. 4. Section 35D.5, Code 2013, is amended to read as

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1 follows:
2 **35D.5 Surviving spouses of veterans.**
3 If a deceased veteran, who would be entitled to admission
4 to the home if the deceased veteran were living, has left a
5 surviving spouse, the spouse is entitled to admission to the
6 home with the same rights, privileges, and benefits as if the
7 veteran were living and a member of the home, if the spouse
8 was married to the veteran for at least one year immediately
9 prior to the veteran's death, is found by the commandant to
10 be disabled, ~~does not have sufficient means for support and~~
11 ~~maintenance~~ meets the qualifications for nursing or residential
12 level of care, and is a resident of the state of Iowa on the
13 date of the application and immediately preceding the date the
14 application is accepted.
15 Sec. 5. Section 35D.6, Code 2013, is amended to read as
16 follows:
17 **35D.6 Certificate of eligibility.**
18 Before admission, each applicant shall file with the
19 commandant an affidavit signed by two members of the commission
20 of veteran affairs of the county in which the person resides,
21 stating that the person to the best of their knowledge and
22 belief is a resident of that county and that the person is
23 unable to earn a livelihood and the person's income~~, exclusive~~
24 ~~of pension, compensation, war risk insurance payments, or~~
25 ~~pensions or annuities under the Social Security Act and the~~
26 ~~Railroad Retirement Acts~~, is less than is sufficient to provide
27 the type of health care necessary for the person's welfare.
28 The affidavit is conclusive evidence of the residence of the
29 person but is prima facie only in all other matters affecting
30 the eligibility of the applicant and the liability of the
31 county with respect to the expense of the person for which the
32 county may be liable. All records of admission shall show the
33 residence of the applicant.
34 Sec. 6. Section 35D.7, Code 2013, is amended to read as
35 follows:

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35D.7 Contributing to own support.

1. Except as otherwise provided in chapter 249A and other provisions of this chapter, a member of the home who receives a pension, compensation, or gratuity from the United States government, or income from any source of more than ~~twenty-five~~ one hundred forty dollars per month, shall contribute to the member's own maintenance or support while a member of the home. The amount of the contribution and the method of collection shall be determined by the ~~director~~ commandant, but the amount shall in no case exceed the actual cost of keeping and maintaining the person in the home.

2. Sums paid to and received by the commandant for the support of members of the home shall be ~~paid monthly by the commandant to the treasurer of state and~~ considered repayment receipts as defined in section 8.2 and credited to the ~~general fund of the state~~ Iowa veterans home account referred to in section 35D.18, subsection 3.

3. The commandant may ~~require~~ allow any member of the home to render assistance in the care of the home and its grounds as the member's psychosocial and physical condition permit, as a phase of that member's rehabilitation program. The commandant shall compensate each member who furnishes assistance at rates ~~established~~ approved by the commission.

Sec. 7. Section 35D.10, Code 2013, is amended to read as follows:

35D.10 Payment to ~~dependents~~ spouse.

Except as otherwise provided in chapter 249A and other provisions of this chapter, a member of the home who receives a pension or compensation and who has ~~a child, as defined in section 234.1, or~~ a spouse ~~who is dependent upon employment or others for support~~ shall deposit with the commandant on receipt of the member's pension or compensation check one-half of its amount, which shall be sent by the eighth day of the month or at once if any such pension or compensation is received after the eighth day of the month to the spouse ~~or, if there is no spouse,~~

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1 ~~to the guardian of the child~~. ~~The commandant, if satisfied~~
2 ~~that the spouse has deserted the member of the home, may pay~~
3 ~~the money deposited to the guardian of the child.~~
4 Sec. 8. Section 35D.11, subsection 1, Code 2013, is amended
5 to read as follows:
6 1. Pension money deposited with the commandant is not
7 assignable for any purpose except as provided in ~~sections~~
8 section 35D.10 ~~and 35D.16~~, or in accordance with subsection 2
9 of this section.
10 Sec. 9. Section 35D.12, subsection 1, Code 2013, is amended
11 to read as follows:
12 1. *a.* The Iowa veterans home, for the convenience of its
13 members, may maintain a commercial account with a federally
14 insured bank for the individual personal deposits of its
15 members. The account shall be known as the Iowa veterans home
16 membership account. The commandant shall record each member's
17 personal deposits individually and shall deposit the funds in
18 the membership account, where the members' deposits shall be
19 held in the aggregate.
20 *b.* The Iowa veterans home may withdraw moneys from the
21 account maintained pursuant to this subsection to establish
22 certificates of deposit for the benefit of all members. The
23 commission shall adopt rules pursuant to chapter 17A for the
24 administration of this paragraph.
25 Sec. 10. Section 35D.13, subsection 2, Code 2013, is amended
26 to read as follows:
27 2. The commandant shall be a resident of the state of
28 Iowa who served in the armed forces of the United States
29 and was honorably discharged~~, and is a licensed nursing home~~
30 ~~administrator~~.
31 Sec. 11. Section 35D.15, subsection 2, paragraph a,
32 subparagraph (3), Code 2013, is amended to read as follows:
33 (3) The ~~member's medical or life skills needs have been~~
34 ~~met to the extent possible through the services provided by~~
35 ~~the Iowa veterans home and the~~ member no longer requires a

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1 residential or nursing level of care, as determined by the
2 interdisciplinary resident care committee.
3 Sec. 12. Section 35D.15, subsection 2, paragraph g,
4 subparagraph (2), Code 2013, is amended to read as follows:
5 (2) *"Interdisciplinary resident care committee"* means the
6 member, a social worker, a registered nurse, a dietitian,
7 a medical provider, and a recreation specialist~~, and other~~
8 ~~staff, as appropriate,~~ who are involved in reviewing a member's
9 assessment data and developing a collaborative care plan for
10 the individual member.
11 Sec. 13. Section 35D.18, subsection 2, Code 2013, is amended
12 to read as follows:
13 2. The net appropriation made to the Iowa veterans home may
14 be used throughout the fiscal year in the manner necessary for
15 purposes of cash flow management~~, and for cash flow management,~~
16 ~~the~~. The Iowa veterans home may temporarily draw more than the
17 amount appropriated, provided the amount appropriated is not
18 exceeded at the close of the fiscal year.
19 Sec. 14. REPEAL. Sections 35D.8 and 35D.16, Code 2013, are
20 repealed.
21 EXPLANATION
22 This bill relates to the Iowa veterans home.
23 The bill makes certain changes to terminology related to
24 the levels of care and treatment provided at the Iowa veterans
25 home to specify the provision of nursing and residential levels
26 of care. The bill also provides that gold star parents may be
27 provided care at the Iowa veterans home and defines "gold star
28 parent" as any parent of a deceased member of the United States
29 armed forces who died while serving on active duty during a
30 time of military conflict or who died as a result of such
31 service.
32 The bill amends provisions relating to admissions
33 requirements to provide that the only persons who may be
34 admitted are persons who are disabled by disease, injury, or
35 old age and meet qualifications for nursing or residential

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1 care. The bill also makes changes to admissions provisions by
2 removing a provision allowing admission for persons who do not
3 have sufficient means for their own support. The bill makes
4 similar changes relating to admission of the surviving spouses
5 of veterans.
6 The bill provides that the commandant of the veterans home
7 shall determine certain rental rates for cottages rented
8 by staff, rather than having such rates determined by the
9 commission of veterans affairs as provided under current law.
10 The bill removes certain personal income exclusions from the
11 income qualification portion of the certificate of eligibility
12 required to be signed by two members of the county commission
13 of veterans affairs.
14 The bill requires that members of the veterans home with
15 incomes of more than $140 per month contribute to their own
16 support. Current law requires that members of the veterans
17 home with incomes of more than $25 per month contribute to
18 their own support. The bill provides that the commandant shall
19 determine the amount of any such contributions rather than the
20 director of the department of veterans affairs as required
21 under current law. The bill also requires that the sums paid
22 for such support be considered repayment receipts and are
23 credited to the Iowa veterans home account rather than to the
24 general fund of the state as required under current law. The
25 bill makes additional changes related to assistance provided by
26 members of the veterans home.
27 The bill makes certain changes related to the payment to
28 dependents from any pension or compensation received by a
29 member of the veterans home. The bill provides that payments
30 shall be sent by the commandant to a spouse of a member by
31 the eighth day of the month or immediately if the payment or
32 compensation is received after the eighth day of the month.
33 The bill removes provisions regarding payment to certain
34 children under Code section 234.1.
35 The bill allows the Iowa veterans home to withdraw moneys

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from the Iowa veterans home membership account in order to establish certificates of deposit for the benefit of all members of the Iowa veterans home. The commission shall adopt rules for the administration of any program for such withdrawals.

The bill removes the requirement that the commandant of the Iowa veterans home be a licensed nursing home administrator. The bill makes certain additional changes related to involuntary discharge of members and the composition of the interdisciplinary resident care committee. The bill also provides that the Iowa veterans home may temporarily draw more than the amount appropriated from the general fund for any purpose, provided the amount appropriated is not exceeded at the close of the fiscal year. Under current law, the veterans home is only permitted to draw more than the amount appropriated for cash flow purposes.

The bill repeals Code sections 35D.8 and 35D.16 related to conditional admittance to the home and the disposition of active duty members charged with a military offense.

House File 545 - Introduced

HOUSE FILE 545
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO HF 348)

A BILL FOR

1 An Act creating a new category of allowable expenditures from
2 the veterans trust fund.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2090HV (2) 85
aw/sc

H.F. 545

1 Section 1. Section 35A.13, subsection 6, Code 2013, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. *m.* Expenses related to screening or
4 treatment for any medical need related to a military
5 service-connected traumatic brain injury sustained while on
6 federal active duty, state active duty, or national guard duty,
7 as defined in section 29A.1, or sustained while on federal
8 reserve duty pursuant to orders issued under Tit. 10 of the
9 United States Code for which payment or reimbursement is not
10 otherwise available through any other federal or state program
11 or, if applicable, through a veteran's private insurance or
12 managed care organization.
13 EXPLANATION
14 This bill creates a new category of allowable expenditures
15 from the veterans trust fund. The bill allows the commission
16 of veterans affairs to expend moneys on expenses related to
17 screening or treatment for any medical need related to a
18 military service-connected traumatic brain injury for which
19 payment or reimbursement is not otherwise available through any
20 other federal or state program or, if applicable, through a
21 veteran's private insurance or managed care organization.

House File 546 - Introduced

HOUSE FILE 546
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 141)

(COMPANION TO LSB 1479SV BY
COMMITTEE ON JUDICIARY)

A BILL FOR

1 An Act relating to marital agreements, and including effective
2 date and applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1479HV (2) 85
pf/rj

H.F. 546

1 Section 1. Section 249A.3, subsection 11, paragraph d, Code
2 2013, is amended to read as follows:
3 *d.* Unless a surviving spouse is precluded from making an
4 election under the terms of a ~~premarital~~ marital agreement as
5 defined in section 596.1, the failure of a surviving spouse to
6 take an elective share pursuant to chapter 633, division V,
7 constitutes a transfer of assets for the purpose of determining
8 eligibility for medical assistance to the extent that the value
9 received by taking an elective share would have exceeded the
10 value of the inheritance received under the will.
11 Sec. 2. Section 596.1, Code 2013, is amended to read as
12 follows:
13 **596.1 Definitions.**
14 As used in this chapter:
15 1. *"Marital agreement"* means any of the following:
16 *a.* A premarital agreement.
17 *b.* An amendment to a premarital agreement made between
18 present spouses, but only relating to post-death matters.
19 *c.* An agreement or an amendment to an agreement between
20 present spouses, but only relating to post-death matters.
21 2. *"Party"* means a person who has entered into a marital
22 agreement.
23 3. *"Post-death matter"* includes but is not limited to the
24 disposition of the parties' individually or jointly owned
25 assets upon the death of either or both parties; the making of
26 a will, trust, or other arrangements for the disposition of
27 property upon the death of either or both parties; ownership
28 rights in life insurance policies and retirement plans and the
29 disposition of the death benefits of any such policy or plan;
30 and the limitation or expansion of spousal elective shares
31 pursuant to chapter 633, division V.
32 ~~1.~~ 4. *"Premarital agreement"* means an agreement between
33 prospective spouses made in contemplation of marriage and to be
34 effective upon marriage.
35 ~~2.~~ 5. *"Property"* means an interest, present or future,

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legal or equitable, vested or contingent, in real or personal property, including income and earnings.

Sec. 3. Section 596.2, Code 2013, is amended to read as follows:

596.2 Construction and application.

This chapter shall be construed and applied to effectuate its general purpose ~~to make uniform the law with respect to premarital agreements~~.

Sec. 4. Section 596.3, Code 2013, is amended to read as follows:

596.3 Short title.

This chapter may be cited as the *"Iowa ~~Uniform Premarital~~ Marital Agreement Act"*.

Sec. 5. Section 596.4, Code 2013, is amended to read as follows:

596.4 Formalities.

1. *a.* A ~~premarital~~ marital agreement must be in writing ~~and~~, must be signed by both ~~prospective spouses. It~~ parties, and must contain the date that each party signed the marital agreement. Each party's signature must be witnessed or acknowledged by one of the following methods, as applicable:

(1) Witnessed by a competent person, as described in section 633.280, who, in the presence of the signing party, witnessed the signing of the agreement by the party or by another person acting on behalf of the party at that party's direction.

(2) Acknowledged before a notarial officer within this state.

b. The witnessing or acknowledgment language may be in substantially the following form:

THIS DOCUMENT MUST BE EITHER WITNESSED OR ACKNOWLEDGED

WITNESS STATEMENT

I declare that the parties who signed this document are personally known to me, and that they signed this marital agreement in my presence. I further declare that I am at least sixteen years of age or older.

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1 Witness #1: Signature: _____
2 Date: _____
3 Print Name: _____
4 Telephone: _____
5 Address: _____
6 Witness #2: Signature: _____
7 Date: _____
8 Print Name: _____
9 Telephone: _____
10 Address: _____
11 ACKNOWLEDGMENT
12 STATE OF IOWA, _____ COUNTY, ss:
13 On this ____ day of _____ (month), ____ (year), the
14 said _____, and _____, known to
15 me (or satisfactorily proven) to be the parties named in the
16 foregoing instrument, personally appeared before me, a Notary
17 Public, within and for the State and County aforesaid, and
18 acknowledged that they freely and voluntarily executed the same
19 for the purposes stated therein.
20 2. A marital agreement between present spouses must be
21 signed by both parties prior to the filing of an action for
22 dissolution of marriage, for legal separation, or for separate
23 maintenance.
24 3. A marital agreement is enforceable without consideration
25 ~~other than the marriage~~.
26 4. Both parties to ~~the~~ a marital agreement shall execute all
27 documents necessary to enforce the agreement.
28 Sec. 6. Section 596.5, Code 2013, is amended to read as
29 follows:
30 **596.5 Content.**
31 1. ~~Parties~~ Subject to the limitations of a marital agreement
32 between present spouses, which as specified in section 596.1,
33 subsection 1, shall only relate to post-death matters, parties
34 to a ~~premarital~~ marital agreement may contract with respect to
35 the following:

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a. The rights and obligations of each of the parties in any of the property of either or both of them whenever and wherever acquired or located.

b. The ~~right~~ rights of possession, ownership, or control, including but not limited to the rights to buy, sell, use, transfer, make a gift of, exchange, abandon, lease, consume, expend, assign, create a security interest in, mortgage, encumber, dispose of, or otherwise manage and control property.

c. The disposition of property upon separation, dissolution of the marriage, death, or the occurrence or nonoccurrence of any other event.

d. The making of a will, trust, or other arrangement to carry out the provisions of the marital agreement.

e. The ownership rights in ~~and disposition of the death benefit from~~ a life insurance policy and the establishment of rights of beneficiaries to the benefits of such policy.

f. The rights and obligations in benefits available or to be available under an employee benefit or retirement plan, except to the extent federal law prevents a binding agreement with respect to such rights and obligations.

~~*f.*~~ *g.* The choice of law governing the construction of the agreement.

~~*g.*~~ *h.* Any other matter, including the personal rights and obligations of the parties, not in violation of public policy or a statute imposing a criminal penalty.

2. A marital agreement is not enforceable unless the agreement contains a statement of the types of rights that could be affected by the marital agreement in an all capital letter typeface and font size as large as the largest typeface and font contained in the document. The following statement or a statement of like import contained within the document shall be acceptable for this purpose:

BE ADVISED, BY SIGNING THIS DOCUMENT, YOU MAY BE GIVING UP LEGAL RIGHTS, SUCH AS THE RIGHTS TO OWN OR OCCUPY YOUR HOMESTEAD, RIGHTS TO A STATUTORY SHARE OF YOUR SPOUSE'S ASSETS

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UPON DEATH, RIGHTS TO COURT DETERMINATIONS OF DISTRIBUTIONS OF PROPERTY UPON DISSOLUTION OF MARRIAGE, AND OTHER RIGHTS YOU MAY HAVE BY REASON OF MARRIAGE. YOU MAY ALSO BE EXPANDING OR RESTRICTING THOSE TYPES OF RIGHTS OR EXPANDING OR RESTRICTING THE COURT'S POWERS TO DETERMINE THESE ISSUES.

~~2.~~ 3. The right of a spouse or child to support, whether during the lifetime or after the death of a party, shall not be adversely affected by a ~~premarital~~ marital agreement.

Sec. 7. Section 596.6, Code 2013, is amended to read as follows:

596.6 Effective date of agreement.

1. A ~~premarital~~ marital agreement becomes effective upon ~~the~~ marriage, if signed by both of the parties prior to the marriage.

2. If a marital agreement is signed by the parties during their marriage, the marital agreement becomes effective on the effective date stated in the marital agreement. If no such effective date is stated in the marital agreement, the marital agreement becomes effective upon the latest date of signature by the parties.

Sec. 8. Section 596.7, Code 2013, is amended to read as follows:

596.7 Revocation and amendment.

1. *Revocation.* After marriage, a ~~premarital~~ marital agreement may be revoked, in whole or in part, only as follows:

~~1.~~ *a.* By a written agreement signed by both ~~spouses~~ parties. The revocation is enforceable without consideration.

~~2.~~ *b.* ~~To revoke a premarital~~ By either party to the marital agreement without the consent of the other ~~spouse~~ party, ~~the person seeking revocation must prove one or more~~ if the party seeking revocation proves any of the following:

~~*a.*~~ (1) The ~~person~~ party seeking revocation did not execute the marital agreement voluntarily.

~~*b.*~~ (2) The marital agreement was unconscionable when it was executed.

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1 ~~c.~~ (3) Before the execution of the marital agreement the
2 ~~person~~ party seeking revocation was not provided a fair and
3 reasonable disclosure of the property or financial obligations
4 of the other ~~spouse~~ party; and the ~~person~~ party seeking
5 revocation did not have, or reasonably could not have had, an
6 adequate knowledge of the property or financial obligations of
7 the other ~~spouse~~ party; and such disclosure would have been
8 material to the decision of the party seeking revocation to
9 execute the marital agreement.
10 (4) Before the execution of the marital agreement the party
11 seeking revocation was not given a reasonable opportunity to
12 obtain independent legal representation with respect to the
13 marital agreement.
14 2. *Revocation severable.* If the revocation of one or
15 more provisions of the marital agreement, or the application
16 of the revocation of such a provision to a party is upheld
17 by the court, any revoked provision shall be severed from
18 the remainder of the marital agreement, unless the marital
19 agreement states otherwise, and shall not affect the remaining
20 provisions.
21 3. *Amendment.* A marital agreement may be amended by
22 a written agreement signed by both parties. An amendment
23 is subject to the limitations of an amendment to a marital
24 agreement which, as specified in section 596.1, subsection 1,
25 shall only relate to post-death matters, and subject to the
26 enforcement provisions of section 596.8.
27 4. *Limits on amendment and revocation.* A marital
28 agreement cannot be amended or revoked by an agent, guardian,
29 conservator, or other legal representative of either party, or
30 after the death of either party, except as provided pursuant
31 to subsection 1, paragraph *"b"*, relating to revocation without
32 the consent of the other party.
33 Sec. 9. Section 596.8, Code 2013, is amended to read as
34 follows:
35 **596.8 Enforcement.**

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1. A ~~premarital~~ marital agreement is not enforceable if the person or party against whom enforcement is sought proves ~~any of the following:~~

~~1. The person did not execute the agreement voluntarily.~~

~~2. The agreement was unconscionable when it was executed.~~

~~3. Before the execution of the agreement the person was not provided a fair and reasonable disclosure of the property or financial obligations of the other spouse; and the person did not have, or reasonably could not have had, an adequate knowledge of the property or financial obligations of the other spouse~~ that such person or party could have revoked the marital agreement pursuant to section 596.7, subsection 1, paragraph *"b"*, relating to revocation without consent of the other party.

2. If ~~a provision~~ one or more of the provisions of the marital agreement ~~or the application of the provision to a party~~ is ~~found~~ determined by the court to be unenforceable pursuant to this section, the unenforceable provision shall be severed from the remainder of the marital agreement, unless the marital agreement states otherwise, and shall not affect the remaining provisions~~, or application, of the agreement which can be given effect without the unenforceable provision~~.

3. Other than the determination of the issue of unconscionability, actions with respect to enforcement of a marital agreement shall be decided by the court as a matter of equity.

Sec. 10. Section 596.9, Code 2013, is amended to read as follows:

596.9 Unconscionability.

In any action under this chapter to revoke or enforce a ~~premarital~~ marital agreement, the issue of unconscionability of a ~~premarital~~ marital agreement shall be decided by the court as a matter of law.

Sec. 11. Section 596.10, Code 2013, is amended to read as follows:

596.10 Enforcement — void marriage.

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1 If a marriage is determined to be void, an agreement that
2 would otherwise have been a ~~premarital~~ marital agreement
3 is enforceable only to the extent necessary to avoid an
4 inequitable result.
5 Sec. 12. Section 596.11, Code 2013, is amended to read as
6 follows:
7 **596.11 Limitation of actions.**
8 Any statute of limitations applicable to an action asserting
9 a claim for relief under a ~~premarital~~ marital agreement is
10 tolled during the marriage of the parties ~~to the agreement~~.
11 However, equitable defenses limiting the time for enforcement,
12 including laches and estoppel, are available to either party.
13 Sec. 13. NEW SECTION. **596.11A Scope of chapter — bona fide**
14 **purchasers and distribution of assets.**
15 1. This chapter shall not affect adversely the rights of a
16 bona fide purchaser for value to the extent that this chapter
17 applies to a transfer or conveyance of property by a party to a
18 marital agreement to a nonparty.
19 2. A financial institution, insurance company, investment
20 company as defined in the federal Investment Company Act of
21 1940, 15 U.S.C. § 80a-3, or broker-dealer registered under
22 the federal Securities Exchange Act of 1934, 15 U.S.C. § 78m
23 et seq., may distribute any assets, in accordance with the
24 terms of the contract with a party to a marital agreement or in
25 accordance with any effective beneficiary designation without
26 liability to either party to the marital agreement.
27 Sec. 14. Section 596.12, Code 2013, is amended to read as
28 follows:
29 **596.12 Effective date and applicability.**
30 1. ~~This~~ As it relates to premarital agreements, this chapter
31 takes effect on January 1, 1992, and applies to any premarital
32 agreement executed on or after that date, in accordance
33 with the statutory provisions in effect as of the date of
34 the premarital agreement. This chapter does not affect the
35 validity under Iowa law of any premarital agreement entered

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1 into prior to January 1, 1992.
2 2. As it relates to amendments to premarital agreements
3 and to marital agreements and amendments to marital agreements
4 entered into after marriage, this chapter takes effect July 1,
5 2013, and applies to any such amendments or agreements executed
6 on or after that date.
7 Sec. 15. NEW SECTION. **598.20C Marital agreements.**
8 Except as preempted by federal law, if a decree of
9 dissolution, annulment, or separate maintenance is issued after
10 a marital agreement is entered into in accordance with chapter
11 596, the marital agreement is voided by the issuance of the
12 decree unless the marital agreement is retained and ratified
13 by the decree.
14 Sec. 16. Section 598.21, subsection 5, paragraph 1, Code
15 2013, is amended to read as follows:
16 *1.* The provisions of ~~an antenuptial~~ a premarital agreement.
17 Sec. 17. Section 598.21A, subsection 1, paragraph i, Code
18 2013, is amended to read as follows:
19 *i.* The provisions of ~~an antenuptial~~ a premarital agreement.
20 Sec. 18. Section 633.246A, Code 2013, is amended to read as
21 follows:
22 **633.246A Medical assistance eligibility.**
23 Unless precluded from doing so under the terms of a
24 ~~premarital~~ marital agreement as defined in section 596.1, the
25 failure of a surviving spouse to make an election under this
26 division constitutes a transfer of assets for the purpose of
27 determining eligibility for medical assistance pursuant to
28 chapter 249A to the extent that the value received by making
29 the election would have exceeded the value of property received
30 absent the election.
31 EXPLANATION
32 This bill amends Code chapter 596 (premarital agreements)
33 to allow for marital agreements which include premarital
34 agreements, certain amendments to premarital agreements, and
35 the creation of agreements or amendments to agreements between

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present spouses. An amendment to a premarital agreement or an agreement or amendment to an agreement between present spouses is effective only to the extent it relates to post-death matters. The bill provides for protection of the parties including that the agreement must not be unconscionable at the time it is entered into; the agreement must include a provision that states the rights a party may be giving up; an agent is prohibited from amending or revoking a marital agreement on behalf of a party; and unconscionability is determined by the court as a matter of law while all other matters are determined in equity. The bill provides for revocation and amendment of marital agreements, places limits on amendments and revocations of marital agreements, provides for enforcement, provides for scope of the chapter regarding bona fide purchasers and distribution of assets, and makes conforming changes.

The bill continues the applicability of the amended Code chapter to any premarital agreement executed on or after January 1, 1992, in accordance with the statutory provisions in effect as of the date of the premarital agreement. The bill does not modify the inapplicability of the Code chapter to any premarital agreement entered into prior to January 1, 1992. Additionally, the bill provides that as the Code chapter relates to amendments to premarital agreements and to marital agreements entered into after marriage, the amended Code chapter takes effect July 1, 2013, and applies to any such amendments or agreements executed on or after that date.

The bill provides that except as preempted by federal law, if a decree of dissolution, annulment, or separate maintenance is issued after a marital agreement is entered into, the marital agreement is voided by the issuance of the decree unless the marital agreement is retained and ratified by the decree.

The bill also makes conforming changes throughout the Code.

House File 547 - Introduced

HOUSE FILE 547
BY COMMITTEE ON LABOR

(SUCCESSOR TO HF 10)

A BILL FOR

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

TLSB 1156HV (2) 85
je/nh

H.F. 547

Section 1. Section 92.6, subsection 1, paragraph c, Code 2013, is amended to read as follows:

c. Processing occupations, including laundering, except in a retail, food service, or gasoline service establishment in those specific occupations expressly permitted under the provisions of section 92.5.

Sec. 2. Section 92.8, subsection 18, Code 2013, is amended to read as follows:

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

EXPLANATION

Current law prohibits persons under 18 years of age from employment in occupations involving the operation of laundry machinery. This bill provides that only persons under 16 years of age will be prohibited from employment in laundering occupations.

House File 548 - Introduced

HOUSE FILE 548
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 122)

A BILL FOR

1 An Act providing for vision screening for school children.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2014HV (3) 85
je/nh

H.F. 548

1 Section 1. NEW SECTION. **135.39D Vision screening.**
2 1. The parent or guardian of a child to be enrolled in a
3 public or accredited nonpublic elementary school shall ensure
4 that the child is screened for vision impairment at least once
5 before enrollment in kindergarten and again before enrollment
6 in grade three. The parent or guardian of the child shall
7 ensure that evidence of the vision screening is provided to the
8 school district or accredited nonpublic school in which the
9 child is enrolled. Evidence of the vision screening may be
10 provided either directly from the parent or guardian or from a
11 vision screening provider referred to in subsection 2, and may
12 be provided in either written or electronic form.
13 2. The requirement for vision screening may be satisfied by
14 any of the following:
15 *a.* A vision screening or comprehensive eye examination by a
16 licensed ophthalmologist or licensed optometrist.
17 *b.* A vision screening conducted at a pediatrician's or
18 family practice physician's office, a free clinic, a licensed
19 child care center, a local public health department, a
20 public or accredited nonpublic school, or a community-based
21 organization identified by the director, or by an advanced
22 registered nurse practitioner or physician assistant.
23 *c.* An online vision screening through a program approved by
24 the director. An online vision screening may be conducted by
25 a child's parent or guardian.
26 *d.* A photoscreening vision screening through Iowa kidsight
27 or another program approved by the director.
28 3. A person who performs a vision screening required
29 pursuant to this section shall report the results of the vision
30 screening to the department. The department may collect and
31 maintain such reports through the statewide immunization
32 registry or a private contractor.
33 4. Each public and accredited nonpublic elementary school
34 shall, in collaboration with the department, do the following:
35 *a.* Ensure the parent or guardian of a student enrolled in

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1 kindergarten or grade three has complied with this section.
2 *b.* If a student enrolled in kindergarten or grade three
3 is found not to have had their vision screened as required
4 pursuant to this section, provide the parent or guardian of the
5 student with vision screening referral resources.
6 *c.* Provide the department with evidence that each student
7 enrolled in kindergarten and grade three has had their vision
8 screened as required pursuant to this section.
9 5. A child shall not be prohibited from attending school
10 based upon the failure of a parent or guardian to ensure that
11 the child has received the vision screening required by this
12 section.
13 6. If a vision screening required pursuant to this section
14 identifies potential vision impairment in a child, the person
15 who performed the vision screening shall, if the person is not
16 a licensed ophthalmologist or licensed optometrist, refer the
17 child to a licensed ophthalmologist or licensed optometrist for
18 a comprehensive eye examination.
19 7. The department shall establish procedures to contact
20 parents or guardians of children identified as having potential
21 vision impairment based on the results of a vision screening
22 required pursuant to subsection 1 or a comprehensive eye
23 examination required pursuant to subsection 6 in order to
24 provide information on obtaining necessary vision correction.
25 8. The department may share information with licensed
26 health care providers, agencies, and other persons involved
27 with vision screenings, eye examinations, follow-up services,
28 and intervention services as necessary to administer this
29 section. The department shall adopt rules to protect the
30 confidentiality of the individuals involved.
31 9. The vision screening requirement shall not apply if
32 the vision screening conflicts with a parent's or guardian's
33 genuine and sincere religious belief.
34 10. A person who acts in good faith in complying with this
35 section shall not be civilly or criminally liable for reporting

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1 the information required to be reported by this section.
2 11. The department shall adopt rules necessary to
3 administer this section.
4 EXPLANATION
5 This bill requires the parent or guardian of a child to be
6 enrolled in a public or accredited nonpublic elementary school
7 to ensure that the child is screened for vision impairment
8 at least once before enrollment in kindergarten and again
9 before enrollment in grade three. The bill requires the parent
10 or guardian to ensure that evidence of the vision screening
11 is provided to the child's school and sets out methods for
12 providing such evidence. The bill lists various ways the
13 vision screening requirement may be satisfied.
14 The bill requires a person who performs a required vision
15 screening to report the results of the vision screening to
16 the department of public health. The bill provides that the
17 department may collect and maintain such reports through the
18 statewide immunization registry or a private contractor.
19 The bill establishes various duties for each public and
20 accredited nonpublic elementary school, in collaboration with
21 the department of public health, to implement the bill.
22 The bill specifies that a child cannot be prohibited from
23 attending school based upon the failure of a parent or guardian
24 to ensure that the child has received the required vision
25 screening.
26 The bill requires a person performing a required vision
27 screening, if the person is not a licensed ophthalmologist or
28 licensed optometrist, to refer children identified as having
29 potential vision impairment to a licensed ophthalmologist or
30 licensed optometrist for a comprehensive eye examination.
31 The bill requires the department of public health to
32 establish procedures to contact parents or guardians of
33 children in need of vision correction based on the results of a
34 required vision screening in order to provide information on
35 obtaining necessary vision correction.

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1 The bill permits the department of public health to share
2 information with various entities as necessary to administer
3 the bill. The bill requires the department to adopt rules to
4 protect the confidentiality of the individuals involved.
5 The vision screening requirement does not apply if the
6 vision screening conflicts with a parent´s or guardian´s
7 genuine and sincere religious belief.
8 A person who acts in good faith in complying with the bill
9 shall not be civilly or criminally liable for reporting the
10 information required by the bill.

House File 549 - Introduced

HOUSE FILE 549
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 118)

A BILL FOR

1 An Act relating to vaccine administration by licensed
2 pharmacists.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1918HV (2) 85
ad/nh

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1 Section 1. NEW SECTION. **155A.44 Vaccine and immunization**
2 **administration.**
3 1. In accordance with rules adopted by the board, a licensed
4 pharmacist may administer vaccines and immunizations pursuant
5 to this section.
6 2. The board shall adopt rules requiring pharmacists to
7 complete training pursuant to continuing education requirements
8 and establish protocols for the review of prescriptions and
9 administration of vaccines and immunizations. The rules shall
10 allow a licensed pharmacist who has completed the required
11 training to administer vaccines and immunizations in accordance
12 with the rules of the board and shall include the United States
13 centers for disease control and prevention's protocol for the
14 administration of the vaccinations and immunizations.
15 3. Prior to the administration of a vaccination or
16 immunization authorized by subsection 4, paragraph "*b*",
17 subparagraphs (2) through (4), pursuant to the required
18 protocols, a licensed pharmacist shall consult and review the
19 statewide immunization registry or health information network.
20 The board shall adopt rules requiring the reporting of the
21 administration of vaccines and immunizations authorized by
22 subsection 4, paragraph "*b*", subparagraphs (2) through (4), to
23 a patient's primary health care provider, primary physician,
24 and a statewide immunization registry or health information
25 network.
26 4. A licensed pharmacist shall only administer the
27 following vaccines and immunizations to the designated age
28 categories:
29 *a.* Vaccination and immunization of patients ages six
30 years through seventeen years shall be limited to vaccines or
31 immunizations for influenza and other emergency immunizations
32 or vaccines in response to a public health emergency.
33 *b.* Patients ages eighteen years and older may receive
34 a vaccination or immunization administered by a licensed
35 pharmacist for any of the following:

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1 (1) An immunization or vaccination described in paragraph
2 *"a"*, including all forms of the influenza vaccine.
3 (2) An immunization or vaccination recommended by the
4 United States centers for disease control and prevention
5 advisory committee on immunization practices in its approved
6 vaccination schedule for adults.
7 (3) An immunization or vaccine recommended by the United
8 States centers for disease control and prevention for
9 international travel.
10 (4) A Tdap (tetanus, diptheria, acellular pertussis)
11 vaccination in a booster application.
12 EXPLANATION
13 This bill allows licensed pharmacists to administer vaccines
14 and immunizations. The bill provides that the board of
15 pharmacy must adopt rules requiring pharmacists to complete
16 training pursuant to continuing education requirements and
17 establish protocols for the review of prescriptions and
18 administration of vaccines and immunizations. The rules
19 shall allow a licensed pharmacist who has completed required
20 training to administer vaccines and immunizations as provided
21 by rule and the United States centers for disease control and
22 prevention's (CDC) protocol.
23 A licensed pharmacist allowed to administer vaccines
24 and immunizations under the bill is limited to specific
25 vaccines and immunizations for certain age groups. A licensed
26 pharmacist may administer vaccines or immunizations for
27 influenza and emergency immunizations or vaccines in response
28 to a public health emergency for patients aged 6 years through
29 17 years.
30 A patient aged 18 years or older may receive an immunization
31 or vaccine from a licensed pharmacist for influenza or Tdap,
32 a vaccine or immunization in response to a public health
33 emergency, an immunization or vaccine recommended by the CDC
34 advisory committee on immunization practices in its approved
35 vaccination schedule for adults, or vaccines and immunizations

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1 recommended by the CDC for international travel. The bill
2 requires a pharmacist administering an immunization or
3 vaccination recommended by the CDC advisory committee in its
4 approved vaccination schedule for adults, an immunization or
5 vaccination recommended by the CDC for international travel,
6 or a Tdap vaccination to an adult pursuant to the bill to
7 consult and review the statewide immunization registry or
8 health information network prior to administering the vaccine
9 or immunization. The bill also requires the board to adopt
10 rules requiring a pharmacist administering an immunization or
11 vaccination recommended by the CDC advisory committee in its
12 approved vaccination schedule for adults, an immunization or
13 vaccination recommended by the CDC for international travel,
14 or a Tdap vaccination to an adult pursuant to the bill to
15 report to the patient´s primary health care provider, primary
16 physician, and a statewide immunization registry or health
17 information network.

House File 550 - Introduced

HOUSE FILE 550
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 152)

(COMPANION TO SF 347)

A BILL FOR

1 An Act relating to record checks of prospective and current
2 health care employees and certain students.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1738HV (2) 85
jp/nh

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1 Section 1. Section 135B.34, subsection 2, Code 2013, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. *0b.* (1) If a person being considered for
4 employment, other than employment involving the operation
5 of a motor vehicle, has been convicted of a crime listed in
6 subparagraph (2) but does not have a record of founded child or
7 dependent abuse and the hospital has requested an evaluation
8 in accordance with paragraph *"a"* to determine whether the crime
9 warrants prohibition of the person's employment, the hospital
10 may employ the person for not more than sixty calendar days
11 pending completion of the evaluation.
12 (2) Subparagraph (1) applies to a crime that is a simple
13 misdemeanor offense under section 123.47 or chapter 321, and
14 to a crime that is a first offense of operating a motor vehicle
15 while intoxicated under section 321J.2, subsection 1.
16 Sec. 2. Section 135B.34, subsection 4, paragraph b, Code
17 2013, is amended to read as follows:
18 *b.* A person with a criminal or abuse record who is or was
19 employed by a hospital licensed under this chapter and is hired
20 by another ~~licensee without a lapse in employment~~ hospital
21 shall be subject to the criminal history and abuse record
22 checks required pursuant to subsection 1. ~~If~~ However, if an
23 evaluation was previously performed by the department of human
24 services concerning the person's criminal or abuse record and
25 it was determined that the record did not warrant prohibition
26 of the person's employment and the latest record checks do not
27 indicate a crime was committed or founded abuse record was
28 entered subsequent to that evaluation, the person may commence
29 employment with the other ~~licensee while~~ hospital in accordance
30 with the department of human services' evaluation ~~of the latest~~
31 ~~record checks is pending~~ and an exemption from the requirements
32 in paragraph *"a"* for reevaluation of the latest record checks
33 is authorized. Otherwise, the requirements of paragraph *"a"*
34 remain applicable to the person's employment. Authorization
35 of an exemption under this paragraph *"b"* from requirements for

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1 reevaluation of the latest record checks by the department of
2 human services is subject to all of the following provisions:
3 (1) The position with the subsequent employer is
4 substantially the same or has the same job responsibilities as
5 the position for which the previous evaluation was performed.
6 (2) Any restrictions placed on the person's employment in
7 the previous evaluation by the department of human services
8 shall remain applicable in the person's subsequent employment.
9 (3) The person subject to the record checks has maintained a
10 copy of the previous evaluation and provides the evaluation to
11 the subsequent employer or the previous employer provides the
12 previous evaluation from the person's personnel file pursuant
13 to the person's authorization. If a physical copy of the
14 previous evaluation is not provided to the subsequent employer,
15 the record checks shall be reevaluated.
16 (4) Although an exemption under this lettered paragraph *"b"*
17 may be authorized, the subsequent employer may instead request
18 a reevaluation of the record checks and may employ the person
19 while the reevaluation is being performed.
20 Sec. 3. Section 135C.33, subsection 2, Code 2013, is amended
21 by adding the following new paragraph:
22 NEW PARAGRAPH. *0b.* (1) If a person being considered for
23 employment, other than employment involving the operation
24 of a motor vehicle, has been convicted of a crime listed in
25 subparagraph (2) but does not have a record of founded child or
26 dependent abuse and the licensee has requested an evaluation
27 in accordance with paragraph *"a"* to determine whether the crime
28 warrants prohibition of the person's employment, the licensee
29 may employ the person for not more than sixty calendar days
30 pending completion of the evaluation.
31 (2) Subparagraph (1) applies to a crime that is a simple
32 misdemeanor offense under section 123.47 or chapter 321, and
33 to a crime that is a first offense of operating a motor vehicle
34 while intoxicated under section 321J.2, subsection 1.
35 Sec. 4. Section 135C.33, subsection 8, Code 2013, is amended

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1 by adding the following new paragraph:
2 NEW PARAGRAPH. *0d.* (1) If a student's clinical education
3 component of the training program involves children or
4 dependent adults but does not involve operation of a motor
5 vehicle, and the student has been convicted of a crime listed
6 in subparagraph (2), but does not have a record of founded
7 child or dependent adult abuse, and the training program has
8 requested an evaluation in accordance with paragraph *"c"*
9 to determine whether the crime warrants prohibition of the
10 student's involvement in such clinical education component, the
11 training program may allow the student's participation in the
12 component for not more than sixty days pending completion of
13 the evaluation.
14 (2) Subparagraph (1) applies to a crime that is a simple
15 misdemeanor offense under section 123.47 or chapter 321, and
16 to a crime that is a first offense of operating a motor vehicle
17 while intoxicated under section 321J.2, subsection 1.
18 Sec. 5. STUDY OF BACKGROUND CHECK IMPROVEMENTS
19 AND REQUIREMENTS FOR CERTAIN PROVIDERS OF HOME HEALTH
20 SERVICES. The department of inspections and appeals, in
21 conjunction with the departments of human services and
22 public health, shall study the potential for applying new
23 technologies and other improvements that may be implemented for
24 the current processes of performing and evaluating child and
25 dependent adult abuse and criminal record checks of persons
26 providing health care services. In addition, the study shall
27 consider applying record check requirements to individuals and
28 agencies providing home health services that are not subject
29 to certification, licensing, or other regulation by state
30 government. The department shall submit a report with findings
31 and recommendations to the governor and general assembly on or
32 before December 15, 2013.
33 EXPLANATION
34 This bill relates to evaluation of the results of certain
35 criminal record checks of prospective health care employees by

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1 the department of human services (DHS).
2 Code sections 135B.34 and 135C.33, relating to criminal and
3 child or dependent adult abuse record checks of employees of
4 hospitals (135B.34) and health care facilities and certified
5 nurse aide student trainees (135C.33), are amended. Code
6 section 135B.34 is amended to conform with an amendment made
7 to Code section 135C.33 in 2012. Under the amendment, if a
8 person with a criminal or abuse record is or was employed by a
9 hospital and is hired by another hospital, the person remains
10 subject to another record check. However, if DHS previously
11 evaluated the record and determined the record did not warrant
12 prohibition of the person's employment, a reevaluation of the
13 record is not required if the conditions specified in the bill
14 are met. The conditions include that the new position is
15 substantially the same as the previous position, that any DHS
16 restrictions from the previous evaluation remain applicable,
17 and the employee either provides a physical copy of the
18 evaluation or the previous hospital provides it. Although
19 the exemption conditions are met, the new hospital may still
20 request a reevaluation of the record and employ the person
21 while the reevaluation is pending.
22 Both Code sections are amended to allow conditional
23 employment of prospective employees under certain
24 circumstances. In addition to nurse aide student trainees,
25 Code section 135C.33 applies to prospective employees
26 of nursing facilities, residential care facilities, and
27 intermediate care facilities for persons with mental illness or
28 a developmental disability, various in-home service providers,
29 hospices, Medicaid waiver service providers, elder group homes,
30 and assisted living programs.
31 Current law provides that if it is determined that a
32 person being considered for employment has been convicted of
33 a crime under a law of any state, the department of public
34 safety shall notify the licensee that upon the request of the
35 licensee DHS will perform an evaluation to determine whether

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1 the crime warrants prohibition of the person's employment in
2 the facility.
3 The bill allows for conditional employment of not more than
4 60 calendar days of the prospective employee who was convicted
5 of a crime specified by the bill pending completion of the DHS
6 evaluation. The bill does not apply to employment involving
7 the operation of a motor vehicle or to persons with a record
8 of founded child or dependent adult abuse. The crimes covered
9 by the bill are limited to simple misdemeanor offenses under
10 Code section 123.47, involving purchase or possession of an
11 alcoholic beverage by a person who is not legal age, and
12 Code chapter 321, relating to motor vehicles and laws of the
13 road, and first offenses of operating a motor vehicle while
14 intoxicated under section 321J.2, subsection 1 (a serious
15 misdemeanor).
16 A similar new conditional employment exception is applied by
17 the bill to students applying for, enrolled in, or returning to
18 a certified nurse aide training program.
19 The department of inspections and appeals, in conjunction
20 with the departments of administrative services, human
21 services, public health, and public safety, is required
22 to study the potential for applying new technologies and
23 other improvements that may be implemented for the current
24 processes of performing and evaluating child and dependent
25 adult abuse and criminal record checks of persons providing
26 health care services. In addition, the study is required to
27 consider applying record check requirements to individuals and
28 agencies providing home health services that are not subject
29 to certification, licensing, or other regulation by state
30 government. The department is required to report with findings
31 and recommendations to the governor and general assembly on or
32 before December 15, 2013.

House File 551 - Introduced

HOUSE FILE 551
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HF 29)

A BILL FOR

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

TLSB 1463HV (2) 85
je/nh

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

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

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

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

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

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

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

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

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

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

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1 (1) The name and purpose of the medication or epinephrine
2 auto-injector.
3 (2) The prescribed dosage.
4 (3) The times at which or the special circumstances under
5 which the medication or epinephrine auto-injector is to be
6 administered.
7 *c.* The parent or guardian and the school meet the
8 requirements of subsection ~~3~~ 5.
9 3. The board of directors of a school district and the
10 authorities in charge of a nonpublic school may authorize
11 the provision of an epinephrine auto-injector that meets
12 a student's prescription on file to the student or to any
13 personnel legally authorized to administer an epinephrine
14 auto-injector to the student.
15 4. The board of directors of a school district and the
16 authorities in charge of a nonpublic school may authorize a
17 school nurse to do any of the following:
18 *a.* Provide an epinephrine auto-injector that meets a
19 student's prescription on file to the student or any personnel
20 legally authorized to administer an epinephrine auto-injector
21 to the student.
22 *b.* Administer an epinephrine auto-injector that meets the
23 student's prescription on file to any student for whom the use
24 of epinephrine auto-injector is legally authorized.
25 *c.* Administer an epinephrine auto-injector to any
26 student whom the school nurse reasonably and in good faith
27 professionally believes is having an anaphylactic reaction.
28 ~~3.~~ 5. *a.* The school district or accredited nonpublic
29 school shall notify the parent or guardian of the student,
30 in writing, that the school district or accredited nonpublic
31 school and its employees are to incur no liability, except
32 for gross negligence, as a result of any injury arising from
33 self-administration of medication ~~by the student~~ or use of an
34 epinephrine auto-injector pursuant to the provisions of this
35 section. The parent or guardian of the student shall sign a

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

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

~~6.~~ 8. Information provided to the school under subsection 2 shall be kept on file in the office of the school nurse or, in the absence of a school nurse, the school's administrator.

~~7.~~ 9. The Iowa braille and sight saving school, the state school for the deaf, and the institutions under the control of the department of human services as provided in section 218.1 are exempt from the provisions of this section.

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

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

EXPLANATION

This bill adds epinephrine auto-injectors to Code section 280.16, which permits self-administration of medication in school by students with asthma. The bill defines "epinephrine auto-injector" as a medical device for immediate self-administration of a measured dose of epinephrine by a person at risk of anaphylaxis.

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

The bill provides that a school district or nonpublic school may authorize the provision of an epinephrine auto-injector that meets a student's prescription on file to the student or to any personnel legally authorized to administer an epinephrine auto-injector to the student. The bill provides that a school district or nonpublic school may authorize a school nurse to provide an epinephrine auto-injector to a student or any personnel legally authorized to administer an epinephrine auto-injector to the student; administer an epinephrine auto-injector to any student for whom the use of

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1 epinephrine auto-injector is legally authorized; or administer
2 an epinephrine auto-injector to any student whom the school
3 nurse reasonably and in good faith professionally believes is
4 having an anaphylactic reaction.
5 The bill adds epinephrine auto-injectors to the provisions
6 of Code section 280.16 granting immunity from legal liability
7 to school employees, except for gross negligence, for injuries
8 resulting from the self-administration of medication. Code
9 section 280.16 requires a student's parent or guardian to
10 receive notice of such immunity. The bill also grants immunity
11 from legal liability, except for negligence, to a school nurse
12 who administers an epinephrine auto-injector to a student whom
13 the school nurse reasonably and in good faith professionally
14 believes is having an anaphylactic reaction, even if prior
15 notice to the student's parent or guardian has not been given.
16 The bill permits a student with a prescription on file to
17 possess and use an epinephrine auto-injector while in school,
18 at school-sponsored activities, under the supervision of school
19 personnel, and before or after normal school activities,
20 such as while in before-school or after-school care on
21 school-operated property.
22 The bill takes effect upon enactment and applies to school
23 years beginning on or after July 1, 2013.

House File 552 - Introduced

HOUSE FILE 552
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HF 53)

A BILL FOR

1 An Act providing for placement, release, notice, and safety
2 procedures relating to sex offenders and nursing facilities,
3 residential care facilities, and assisted living programs,
4 and providing penalties and including effective date
5 provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1370HV (2) 85
ad/rj

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1 Section 1. NEW SECTION. **135C.23A Sex offender notification.**
2 1. Upon commitment of a person required to register as a sex
3 offender as provided in section 692A.103 to a nursing facility,
4 residential care facility, or assisted living program as
5 defined in section 231C.2, that agrees to the commitment, the
6 clerk of the committing court shall notify the department of
7 inspections and appeals and the admitting facility or program.
8 2. Prior to admission of a resident or tenant to a nursing
9 facility, residential care facility, or assisted living
10 program, the facility or program shall access and search the
11 sex offender registry established in chapter 692A to determine
12 whether the resident or tenant is a person required to register
13 as a sex offender, as provided in section 692A.103.
14 3. Upon the admission of a person required to register as a
15 sex offender, a nursing facility, residential care facility, or
16 assisted living program shall provide notice of the admission,
17 in accordance with the federal Health Insurance Portability and
18 Accountability Act of 1996, Pub. L. No. 104-191, other state
19 and federal regulations, and rules adopted by the department,
20 to all of the following persons:
21 *a.* Residents or tenants of the facility or program.
22 *b.* The emergency contact person or the person on record with
23 the facility or program as the next of kin for residents or
24 tenants of the facility or program.
25 *c.* Operators, owners, managers, or employees of the facility
26 or program.
27 *d.* Visitors to the facility or program.
28 *e.* The sheriff for the county in which the facility or
29 program is located. The sheriff shall notify local law
30 enforcement agencies.
31 4. Upon the admission of a person required to register as a
32 sex offender, a nursing facility, residential care facility, or
33 assisted living program shall develop and implement a written
34 safety plan for each such person in accordance with rules
35 adopted by the department.

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1 5. The requirement of a nursing facility, residential
2 care facility, or assisted living program under this section
3 to provide notice pursuant to subsection 3 or to develop and
4 implement a written safety plan pursuant to subsection 4 is
5 contingent upon the commencement of operations of a state
6 or private facility, as noticed by the department of human
7 services, that offers adequate placements for persons who are
8 required to register as a sex offender pursuant to chapter 692A
9 and who require the type of medical and personal care provided
10 by a nursing facility, residential care facility, or assisted
11 living program.
12 6. The department shall establish by rule, all of the
13 following:
14 *a.* The requirements of the notice required under this
15 section. The rules shall include but are not limited to
16 provisions for the method of notice and time of notice to each
17 of the persons enumerated in subsection 3.
18 *b.* The requirements of a safety plan for persons required
19 to register as a sex offender who are admitted by a nursing
20 facility, residential care facility, or assisted living
21 program. The rules shall include but are not limited to all of
22 the following:
23 (1) A plan for the safety of residents, tenants, and staff
24 of the facility or program.
25 (2) A plan for the safety of others when community functions
26 are held at a facility or program and when a person required to
27 register as a sex offender is not on the premises of a facility
28 or program but the person remains within the care, custody, and
29 control of the facility or program.
30 (3) A provision to establish the responsibilities of a
31 nursing facility, residential care facility, and assisted
32 living program and the operators, owners, managers, and
33 employees of facilities and programs in implementing a safety
34 plan.
35 (4) A provision for the timely development and

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1 implementation of a safety plan.
2 7. The department shall work with interested stakeholders
3 in developing the proposed rules under this section.
4 8. A violation of this section is subject to the imposition
5 of a civil penalty in accordance with rules adopted by the
6 department pursuant to this section.
7 Sec. 2. Section 229A.8A, subsection 5, Code 2013, is amended
8 to read as follows:
9 5. ~~Committed~~ Except as provided in subsection 6A, committed
10 persons in the transitional release program are not necessarily
11 required to be segregated from other persons.
12 Sec. 3. Section 229A.8A, Code 2013, is amended by adding the
13 following new subsection:
14 NEW SUBSECTION. 6A. Persons in the transitional release
15 program shall not be released to a health care facility as
16 defined in section 135C.1 or an assisted living program as
17 defined in section 231C.2.
18 Sec. 4. Section 229A.9A, Code 2013, is amended by adding the
19 following new subsection:
20 NEW SUBSECTION. 3A. If a release with or without
21 supervision is ordered, the committed person shall not be
22 released to a health care facility as defined in section 135C.1
23 or an assisted living program as defined in section 231C.2.
24 Sec. 5. Section 231C.3, subsection 9, Code 2013, is amended
25 to read as follows:
26 9. An assisted living program shall comply with ~~section~~
27 sections 135C.23A and 135C.33.
28 Sec. 6. Section 231C.5A, Code 2013, is amended to read as
29 follows:
30 **231C.5A ~~Assessment~~ Admission and assessment of tenants —**
31 **program eligibility.**
32 1. An assisted living program receiving reimbursement
33 through the medical assistance program under chapter 249A shall
34 assist the department of veterans affairs in identifying, upon
35 admission of a tenant, the tenant's eligibility for benefits

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through the United States department of veterans affairs. The assisted living program shall also assist the commission of veterans affairs in determining such eligibility for tenants residing in the program on July 1, 2009. The department of inspections and appeals, in cooperation with the department of human services, shall adopt rules to administer this section, including a provision that ensures that if a tenant is eligible for benefits through the United States department of veterans affairs or other third-party payor, the payor of last resort for reimbursement to the assisted living program is the medical assistance program. The rules shall also require the assisted living program to request information from a tenant or tenant's personal representative regarding the tenant's veteran status and to report to the department of veterans affairs only the names of tenants identified as potential veterans along with the names of their spouses and any dependents. Information reported by the assisted living program shall be verified by the department of veterans affairs.

2. An assisted living program is not required to enter into a lease or occupancy agreement with an individual through court order, referral, or other means without the express prior approval of the manager of the assisted living program.

Sec. 7. Section 231C.14, subsection 1, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *d.* Noncompliance with section 135C.23A.

Sec. 8. Section 602.8102, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 152. Notify the department of inspections and appeals and the admitting entity upon commitment of a person required to register as a sex offender as provided in section 692A.103 to a nursing facility or residential care facility as defined in section 135C.1, or an assisted living program as defined in section 231C.2, that agrees to the commitment.

Sec. 9. PLACEMENT OF PERSONS REQUIRED TO REGISTER.

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1 1. For purposes of this section, "adequate placement" means
2 a placement that will provide the level of care necessary for
3 a person including the level of care provided by a nursing
4 facility or residential care facility.
5 2. Upon the completion of a request for proposals process
6 as allowed under this section and commencement of operations
7 of a state or private facility offering adequate placement
8 under this section through December 31, 2014, the department of
9 human services, in compliance with federal and state law, shall
10 secure adequate placements for persons required to register
11 as a sex offender pursuant to chapter 692A who are being
12 released from the custody of the department of corrections
13 or a judicial district department of correctional services
14 and require the type of medical and personal care provided by
15 a nursing facility, residential care facility, or assisted
16 living program; who are being discharged or transferred from
17 nursing facilities, residential care facilities, or assisted
18 living programs pursuant to a provision of this Act; or who
19 require the type of medical and personal care provided by
20 nursing facilities, residential care facilities, or assisted
21 living programs when the persons are unable to gain access
22 to a facility or program because the persons are required to
23 register on the sex offender registry.
24 3. The department of human services may use a state facility
25 to provide care for such persons or may conduct a request for
26 proposal process to contract with a private facility to care
27 for such persons. A request for proposals shall identify the
28 reimbursement rate, the necessary staffing and the necessary
29 training for staff in the facility or program, and the
30 necessary security measures to ensure the safety of residents,
31 staff, and visitors of the facility or program. The department
32 of human services shall begin the request for proposals process
33 no later than September 1, 2013.
34 4. The department of human services shall secure an adequate
35 placement for such a person within ten business days of being

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1 notified by the department of corrections, the department of
2 inspections and appeals, or a nursing facility, residential
3 care facility, or assisted living program that placement is
4 needed for such person, provided that such period shall not
5 commence until the department of public safety receives and
6 approves registration data and makes such data available on
7 the sex offender registry internet site pursuant to section
8 692A.121, subsection 12.
9 5. The department of human services shall notify the general
10 assembly as provided in section 7A.11 and the governor in
11 writing of the commencement of operations of a state or private
12 facility offering adequate placements under this section.
13 Sec. 10. WORKFORCE DEVELOPMENT TASK FORCE.
14 1. The department of human services shall convene and
15 provide support to a health and mental health services for
16 sexual offender workforce development task force to address
17 issues connected with ensuring that an adequate workforce is
18 available in the state to provide health and mental health
19 services to persons required to register as a sex offender
20 pursuant to section 692A.103. The task force shall report at
21 least annually to the governor and general assembly providing
22 findings, recommendations, and financing information concerning
23 the findings and recommendations.
24 2. The membership of the task force shall include all of the
25 following:
26 a. The director of the department on aging or the director's
27 designee.
28 b. The director of the department of corrections or the
29 director's designee.
30 c. The director of the department of education or the
31 director's designee.
32 d. The director of human services or the director's
33 designee.
34 e. The director of the department of public health or the
35 director's designee.

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1 f. The director of the department of workforce development
2 or the director's designee.
3 g. At least three individuals who are required to register
4 as a sex offender and who are receiving mental health or health
5 services, or relatives of such individuals.
6 h. At least three providers of mental health or health
7 services for individuals who are required to register as a sex
8 offender.
9 i. At least three representatives of the direct care
10 workforce who provide direct care to persons required to
11 register as a sex offender who have personal, mental health, or
12 health care needs.
13 j. At least three individuals who are survivors of sexual
14 assault, or relatives of such individuals.
15 k. Other persons identified by the task force.
16 3. In addition to the members identified in subsection
17 2, the membership of the task force shall include four
18 members of the general assembly serving in a ex officio,
19 nonvoting capacity. One member shall be designated by each
20 of the following: the majority leader of the senate, the
21 minority leader of the senate, the speaker of the house of
22 representatives, and the minority leader of the house of
23 representatives. A legislative member serves for a term as
24 provided in section 69.16B.
25 4. Except as provided in subsection 3 for legislative
26 appointments, the task force shall determine its own rules of
27 procedure, membership terms, and operating provisions.
28 Sec. 11. FACILITY FOR SEXUAL OFFENDERS COMMITTEE AND
29 REPORT.
30 1. The department of inspections and appeals, in
31 conjunction with the department of human services, shall
32 establish and facilitate the activities of a committee of
33 stakeholders to examine options for designating a facility to
34 provide care for persons in this state who are required to
35 register as a sex offender pursuant to section 692A.103 and

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1 require the type of personal or medical care provided at a
2 nursing facility, residential care facility, or assisted living
3 program.
4 2. The membership of the committee shall include but is not
5 limited to the following:
6 a. Representatives of the departments of inspections
7 and appeals, human services, public health, corrections, and
8 aging, the office of the state public defender, the office of
9 the citizens' aide, the office of the state long-term care
10 resident's advocate, and the judicial branch.
11 b. Consumers of services provided by health care facilities
12 and family members of consumers.
13 c. Representatives of the health care industry and industry
14 associations.
15 d. Direct care workers employed by health care facilities.
16 e. Representatives from the Iowa legal aid.
17 f. Representatives from AARP Iowa.
18 g. Representatives from the Iowa civil liberties union.
19 h. Representatives of the Iowa coalition against sexual
20 assault.
21 i. Other stakeholders as the department of inspections and
22 appeals and the department of human services deem necessary.
23 j. Four ex officio, nonvoting members from the general
24 assembly with not more than one member from each chamber being
25 from the same political party. The two senators shall be
26 appointed, one each, by the majority leader of the senate and
27 the minority leader of the senate. The two representatives
28 shall be appointed, one each, by the speaker of the house
29 of representatives and the minority leader of the house of
30 representatives.
31 3. The committee shall discuss and make recommendations on
32 all of the following:
33 a. Options to create a new facility or assist an existing
34 facility to expand services to provide care for persons who
35 are no longer under judicial control, but who are required to

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1 register as sex offenders, and require the type of personal
2 or medical care provided at a nursing facility, residential
3 care facility, or assisted living program. The committee shall
4 identify the characteristics of a client for such a facility,
5 the need for such a facility, options for creating a new
6 facility to house such persons, options for the expansion of
7 an existing facility to house such persons, options for using
8 any alternative facilities for such purposes, options for a
9 public-private partnership for such a facility, options for
10 using part of a mental health institute to house such persons,
11 options to qualify a facility for Medicaid reimbursement, cost
12 projections for any recommendations, regulatory challenges,
13 and other information deemed relevant by the department of
14 inspections and appeals and the department of human services.
15 b. The responsibility of the court, the clerk of the
16 district court, the department of corrections, or any other
17 entity, department, or person to inform a nursing facility,
18 residential care facility, or an assisted living program, that
19 agrees to the commitment, of the admission of a person who is
20 required to register as a sex offender.
21 c. The responsibility of the court, clerk of the district
22 court, department of corrections, a facility, or any other
23 entity, department, or person to notify persons of the
24 discharge of a person who is required to register as a sex
25 offender from a nursing facility, residential care facility, or
26 assisted living program.
27 d. The requirements of a treatment safety plan for a person
28 admitted to a nursing facility, residential care facility,
29 or assisted living program who is required to register as a
30 sex offender. The treatment safety plan shall address the
31 procedure for notifying other residents of the residency of a
32 person required to register as a sex offender.
33 e. The establishment of a formal process for the department
34 of inspections and appeals to follow when completing facility
35 or assisted living program inspections or surveys.

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1 f. The establishment of a system for the judicial branch to
2 identify facilities with the capacity to provide an appropriate
3 placement for a person requiring commitment when the person is
4 required to register as a sex offender.
5 4. The committee shall provide a report detailing its
6 findings and recommendations to the governor and the general
7 assembly by December 15, 2013.
8 Sec. 12. EMERGENCY RULES. If specifically authorized by
9 a provision of this Act, the department of inspections and
10 appeals may adopt administrative rules under section 17A.4,
11 subsection 3, and section 17A.5, subsection 2, paragraph
12 "b", to implement the provisions and the rules shall become
13 effective immediately upon filing or on a later effective date
14 specified in the rules, unless the effective date is delayed by
15 the administrative rules review committee. Any rules adopted
16 in accordance with this section shall not take effect before
17 the rules are reviewed by the administrative rules review
18 committee. The delay authority provided to the administrative
19 rules review committee under section 17A.4, subsection 7, and
20 section 17A.8, subsection 9, shall be applicable to a delay
21 imposed under this section, notwithstanding a provision in
22 those sections making them inapplicable to section 17A.5,
23 subsection 2, paragraph "b". Any rules adopted in accordance
24 with the provisions of this section shall also be published as
25 a notice of intended action as provided in section 17A.4.
26 Sec. 13. CURRENT RESIDENTS AND TENANTS —— ACCESS AND SEARCH
27 OF SEX OFFENDER REGISTRY AND NOTIFICATION.
28 1. Within three months of either of the actions described
29 in paragraph "a" or "b", whichever occurs last, a nursing
30 facility, residential care facility, or assisted living
31 program, shall access and search the sex offender registry
32 established in chapter 692A for persons who were and remain
33 residents or tenants of the facility or program prior to and
34 after either of the actions described in paragraph "a" or "b".
35 a. The adoption by the department of inspections and appeals

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1 of rules regarding notification of the admission of persons
2 required to register as a sex offender to a facility or program
3 and regarding development and implementation of safety plans
4 relating to such admitted persons.
5 b. The commencement of operations of a state or private
6 facility offering adequate placements under this Act, as
7 noticed by the department of human services, that provides care
8 for persons who are required to register as a sex offender
9 pursuant to chapter 692A and who require the type of medical
10 and personal care provided by a nursing facility, residential
11 care facility, or assisted living program.
12 2. a. Upon determining that a resident or tenant is a
13 person required to register as a sex offender, the facility
14 or program shall work with the department of inspections and
15 appeals and the department of human services to transfer a sex
16 offender living in the facility or program, as an endangerment
17 to the safety of individuals in the facility or program based
18 on that person's status as a sex offender, to a state or
19 private facility, or to notify persons as required by section
20 135C.23A and the rules adopted pursuant to that section and
21 develop and implement a safety plan as required by section
22 135C.23A and rules adopted pursuant to that section.
23 b. Within three months of either of the actions described
24 in subsection 1, paragraph "a" or "b", whichever occurs last,
25 the resident or tenant shall be transferred or the facility
26 or program shall have notified persons as required by section
27 135C.23A and the rules adopted pursuant to that section and
28 shall have developed and implemented a safety plan as required
29 by section 135C.23A and the rules adopted pursuant to that
30 section.
31 c. The rules shall provide that, for purposes of this
32 section, a nursing facility, residential care facility, or
33 assisted living program has the right to discharge a current
34 resident or tenant based solely on the person's status as a sex
35 offender as that person is an endangerment to the safety of

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1 individuals in the facility or program, notwithstanding section
2 135C.23, subsection 3.
3 3. The department of human services shall notify the
4 department of inspections and appeals in writing of the
5 commencement of operations of a state or private facility
6 offering adequate placements under this Act. Upon receiving
7 this notice, the department of inspections and appeals
8 shall provide notice to nursing facilities, residential care
9 facilities, and assisted living programs of the commencement
10 of operations of a state or private facility offering adequate
11 placements under this Act.
12 Sec. 14. FUTURE RESIDENTS AND TENANTS —— DISCHARGE. If
13 a tenant or resident has been added to the sex offender
14 registry after a nursing facility, residential care facility,
15 or assisted living program has accessed and searched the
16 registry or if a resident or tenant is on the sex offender
17 registry of another state and the person´s status was not
18 disclosed to the nursing facility, residential care facility,
19 or assisted living program, either through an act of omission
20 or misrepresentation, the rules shall provide that a nursing
21 facility, residential care facility, or assisted living program
22 has the right to discharge the resident or tenant based solely
23 on the person´s status as a sex offender as that person is an
24 endangerment to the safety of individuals in the facility or
25 program, notwithstanding section 135C.23, subsection 3.
26 Sec. 15. EFFECTIVE UPON ENACTMENT. This Act, being deemed
27 of immediate importance, takes effect upon enactment.
28 EXPLANATION
29 This bill addresses the placement, release, notice, and
30 safety procedures relating to sex offenders and nursing
31 facilities, residential care facilities, and assisted living
32 programs.
33 NOTIFICATION OF COMMITMENT. The bill requires the clerk of
34 the committing court to notify the department of inspections
35 and appeals and the admitting facility or program, upon

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1 commitment of a person required to register as a sex offender
2 to a nursing facility, residential care facility, or assisted
3 living program that agrees to the commitment.
4 SEX OFFENDER REGISTRY ACCESS. Before admitting a person
5 required to register as a sex offender, a nursing facility,
6 residential care facility, or assisted living program must
7 access and search the sex offender registry to determine
8 whether that person is required to register as a sex offender.
9 NOTICE OF ADMISSION/TREATMENT SAFETY PLAN. If admitting
10 a person required to register as a sex offender, a nursing
11 facility, residential care facility, or assisted living
12 program must provide notice of the admission to residents or
13 tenants; the emergency contact person or the person on record
14 as the next of kin of residents or tenants; operators, owners,
15 managers, employees; visitors of the facility or program; and
16 the sheriff for the county in which the facility or program
17 is located. The sheriff must provide notice to local law
18 enforcement agencies. The nursing facility, residential care
19 facility, or assisted living program must also develop and
20 implement a written safety plan, in accordance with rules
21 adopted by the department of inspections and appeals, for such
22 a person required to register as a sex offender. A violation
23 of these requirements may subject the facility or program to a
24 civil penalty.
25 CONTINGENCY. The requirement that a nursing facility,
26 residential care facility, or assisted living program provide
27 notice and develop and implement a written safety plan is
28 contingent on the commencement of operations of a state or
29 private facility that offers placement for persons required to
30 register as a sex offender and who need medical or personal
31 care that is generally provided by a nursing facility,
32 residential care facility, or assisted living program.
33 NOTICE OF NEW TEMPORARY FACILITY. The bill requires the
34 department of human services to notify the department of
35 inspections and appeals in writing of the commencement of

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1 operations at a state or private facility as required under the
2 bill.
3 RULES. The department of inspections and appeals is
4 required to establish the requirements of the notice provided
5 by the facility or program and the requirements of the safety
6 plan. The notice requirements must include but are not limited
7 to provisions for the method of the notice and the time of
8 the notice. The requirements of the safety plan must include
9 but are not limited to a plan for the safety of residents,
10 tenants, and staff; a plan for the safety of others when
11 community functions are held at the facility or program or when
12 a person required to register as a sex offender is not on the
13 premises of the facility or program, but remains in the care
14 and custody of the facility or program; the responsibilities of
15 the facility or program and its operators, owners, managers,
16 and employees; and the timely development and implementation
17 of a safety plan.
18 SEXUALLY VIOLENT PREDATORS. The bill provides that persons
19 committed as sexually violent predators that are in the
20 transitional release program governed by Code chapter 229A
21 shall not be released to a health care facility or an assisted
22 living program. The bill further provides that a person
23 committed as a sexually violent predator shall not be released
24 to a health care facility or assisted living program when a
25 release with or without supervision is ordered. The bill makes
26 conforming amendments.
27 ASSISTED LIVING PROGRAM. The bill provides that an assisted
28 living program is not required to enter into an occupancy
29 agreement with an individual through court order, referral, or
30 other means without the express prior approval of the manager
31 of the assisted living program.
32 TEMPORARY FACILITY PLACEMENTS. The bill also addresses
33 placement of persons required to register as a sex offender
34 pursuant to Code chapter 692A. The bill requires that
35 after completion of a request for proposals process and the

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1 commencement of operations of a state or private facility
2 offering adequate placement until December 31, 2014, the
3 department of human services must secure adequate placement
4 for certain persons required to register as a sex offender.
5 The department of human services must secure placement for the
6 following: a sex offender being released from the custody of
7 the department of corrections or a judicial district department
8 of correctional services when that person needs medical and
9 personal care provided by a nursing facility, residential
10 care facility, or assisted living program; a sex offender who
11 is being discharged or transferred from a nursing facility,
12 residential care facility, or assisted living program pursuant
13 to a provision of the bill; or a person who requires the type
14 of medical and personal care provided by a nursing facility,
15 residential care facility, or assisted living program who is
16 unable to gain access to a facility or program because the
17 person is required to register on the sex offender registry.
18 The bill allows the department of human services to use a state
19 facility or to conduct a request for proposals process to
20 provide care for such persons, but requires that the request
21 for proposals process begin by September 1, 2013. The bill
22 requires the department of human services to secure adequate
23 placement for such a person as described above within 10
24 business days of being notified that placement is needed. The
25 department of human services must provide notice to the general
26 assembly and the governor upon commencement of operations of
27 the facility.
28 WORKFORCE DEVELOPMENT TASK FORCE. The bill requires
29 the department of human services to establish a workforce
30 development task force to address problems in ensuring that
31 an adequate workforce is available in the state to provide
32 health and mental health services to persons who are required
33 to register as a sex offender. The task force is required to
34 report its findings, recommendations, and financing information
35 for those findings and recommendations annually to the governor

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1 and the general assembly.
2 PERMANENT FACILITY COMMITTEE. The bill directs the
3 department of inspections and appeals, in conjunction with
4 the department of human services, to establish and facilitate
5 a committee to examine options for a facility for sexual
6 offenders. The committee must consider options for a facility
7 which would provide care for persons who are required to
8 register as a sex offender and require the type of care
9 ordinarily provided by a nursing facility, residential care
10 facility, or assisted living program. The committee shall
11 identify the residents to be served by the facility; the need
12 for such a facility; options for creating a new facility,
13 expanding an existing facility, or using any alternative
14 facility for the purpose of housing identified persons;
15 options to qualify a facility for Medicaid reimbursement; cost
16 projections for the recommendations; and other information
17 deemed relevant.
18 The committee must also address the responsibility of the
19 court or the clerk of court, the department of corrections,
20 or any other entity to inform a nursing facility, residential
21 care facility, or assisted living program, that agrees to
22 the commitment, of the admission of a person who is required
23 to register as a sex offender and to notify persons of the
24 discharge of such a person. The committee must consider
25 and make recommendations on the requirements of a treatment
26 safety plan for a person who is required to register as a sex
27 offender when that person is admitted to a nursing facility,
28 residential care facility, or assisted living program. The
29 committee must consider the establishment of a formal process
30 for the department of inspections and appeals to follow when
31 completing facility or assisted living program inspections or
32 surveys. The committee must also consider the establishment
33 of a system for the judicial branch to identify facilities
34 with the capacity to provide an appropriate placement for a
35 person requiring commitment when the person also is required

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1 to register as a sex offender.
2 The bill requires the committee to provide a report of its
3 findings and recommendations to the governor and the general
4 assembly by December 15, 2013.
5 EMERGENCY RULES. The bill allows the department of
6 inspections and appeals to adopt emergency rules. These rules
7 are not effective unless reviewed by the administrative rules
8 review committee.
9 CURRENT RESIDENTS AND TENANTS. The bill requires nursing
10 facilities, residential care facilities, and assisted living
11 programs, after either the adoption of rules by the department
12 of inspections and appeals regarding notification and the
13 development and implementation of safety plans in a facility or
14 program or the commencement of operations of a state or private
15 facility as required by the bill, whichever occurs last,
16 to access and search the sex offender registry for persons
17 who were and remain residents or tenants of the facility or
18 program after the adoption of the rules or the commencement of
19 operations of a state or private facility.
20 After a facility or program determines that a current
21 resident or tenant is required to register, the facility or
22 program must work with the department of inspections and
23 appeals and the department of human services to either transfer
24 a sex offender to the state or private facility based on that
25 person's status as a sex offender as an endangerment to others
26 in the facility, or the facility or program must notify persons
27 as required by the bill and develop and implement a safety plan
28 for the sex offender as required by the bill.
29 The facility or program must have either transferred the
30 current resident or tenant required to register as a sex
31 offender or notified persons and developed and implemented a
32 safety plan for that resident or tenant within three months of
33 the adoption of the rules for notification and the safety plan
34 or the commencement of a state or private facility as required
35 by the bill.

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1 FUTURE RESIDENTS AND TENANTS — DISCHARGE. The bill states
2 that the rules adopted by the department of inspections and
3 appeals concerning residents or tenants in a facility or
4 program at the time rules are adopted or commencement of
5 operations of a facility or program take place must state that
6 a program or facility has the right to discharge a resident or
7 tenant based solely on the person's status as a sex offender
8 and an endangerment to the safety of others. The bill also
9 requires that rules adopted by the department of inspections
10 and appeals allow a facility or program the right to discharge
11 a resident or tenant based solely on the person's status as
12 a sex offender as an endangerment to others if a tenant or
13 resident was added to the sex offender registry after the
14 facility or program accessed the registry or if a resident or
15 tenant's status was not disclosed to the facility or program.
16 The bill is effective upon enactment.

House File 553 - Introduced

HOUSE FILE 553
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 110)

(COMPANION TO SF 357)

A BILL FOR

1 An Act relating to Medicaid program integrity, and providing
2 penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1263HV (2) 85
pf/nh

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1 Section 1. Section 10A.108, subsections 6 and 7, Code 2013,
2 are amended to read as follows:
3 6. The department shall pay, from moneys appropriated to
4 the department for this purpose, recording fees as provided
5 in section 331.604, for the recording of the lien~~, or for~~
6 ~~satisfaction of the lien~~.
7 7. Upon payment of a debt for which the director has filed
8 notice with a county recorder, the director shall ~~file a~~
9 provide to the debtor a satisfaction of the debt. The debtor
10 shall be responsible for filing the satisfaction of the debt
11 with the recorder and the recorder shall enter the satisfaction
12 on the notice on file in the recorder's office.
13 Sec. 2. Section 249A.2, Code 2013, is amended by adding the
14 following new subsection:
15 NEW SUBSECTION. 8A. *"Overpayment"* means any funds that
16 a provider receives or retains under the medical assistance
17 program to which the person, after applicable reconciliation,
18 is not entitled. To the extent the provider and the department
19 disagree as to whether the provider is entitled to funds
20 received or retained under the medical assistance program,
21 *"overpayment"* includes such funds for which the provider's
22 administrative and judicial review remedies under 441 IAC
23 ch. 7 and chapter 17A have been exhausted. For purposes of
24 repayment, an overpayment may include interest in accordance
25 with section 249A.41.
26 Sec. 3. NEW SECTION. **249A.39 Reporting of overpayment.**
27 1. A provider who has received an overpayment shall notify
28 in writing, and return the overpayment to, the department,
29 the department's agent, or the department's contractor, as
30 appropriate. The notification shall include the reason for the
31 return of the overpayment.
32 2. Notification and return of an overpayment under this
33 section shall be provided by no later than the later of either
34 of the following, as applicable:
35 *a.* The date which is sixty days after the date on which the

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1 overpayment was identified by the provider.
2 *b.* The date any corresponding cost report is due.
3 3. A violation of this section is a violation of chapter
4 685.
5 Sec. 4. NEW SECTION. **249A.40 Involuntarily dissolved**
6 **providers — overpayments or incorrect payments.**
7 Medical assistance paid to a provider following involuntary
8 administrative dissolution of the provider pursuant to chapter
9 490, division XIV, part B, shall be considered incorrectly
10 paid for the purposes of section 249A.5 and the provider
11 shall be considered to have received an overpayment for the
12 purposes of this subchapter. For the purposes of this section,
13 the overpayment shall not accrue until after a grace period
14 of ninety days following receipt of notice by the provider
15 of the dissolution from the department. Notwithstanding
16 section 490.1422, or any other similar retroactive provision
17 for reinstatement, the director shall recoup any medical
18 assistance paid to a provider while the provider was dissolved
19 if the provider is not retroactively reinstated within the
20 ninety-day grace period. The principals of the provider shall
21 be personally liable for the incorrect payment or overpayment.
22 Sec. 5. NEW SECTION. **249A.41 Overpayment — interest.**
23 1. Interest may be collected upon any overpayment
24 determined to have been made and shall accrue at the rate and
25 in the manner specified in this section.
26 2. Prior to the provision of a notice of overpayment to
27 the provider, interest shall accrue at the statutory rate for
28 prejudgment interest applicable in civil actions.
29 3. After the provision of a notice of overpayment to the
30 provider and after all of the provider's administrative and
31 judicial review remedies under 441 IAC ch. 7 and chapter 17A
32 have been exhausted, interest shall accrue at the statutory
33 rate for prejudgment interest applicable in civil actions plus
34 five percent per annum, or the maximum legal rate, whichever is
35 lower.

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1 4. At the discretion of the director, interest on an
2 overpayment may be waived in whole or in part when the
3 department determines the imposition of interest would produce
4 an unjust result, would unduly burden the provider, or would
5 substantially delay the prompt and efficient resolution of an
6 outstanding audit or investigation.
7 Sec. 6. NEW SECTION. **249A.42 Overpayment — limitations**
8 **periods.**
9 1. An administrative action to recover an overpayment to a
10 provider shall be commenced within five years of the date the
11 overpayment was incurred. For the purposes of this subsection,
12 *"incurred"* means the date the medical assistance claim was
13 paid, or the date any applicable reconciliation was completed,
14 whichever is later.
15 2. An administrative action to impose a sanction related
16 to an overpayment to a provider shall be commenced within
17 five years of the date the conduct underlying the sanction
18 concluded, or the director discovered such conduct, whichever
19 is later.
20 Sec. 7. NEW SECTION. **249A.43 Provider overpayment — notice**
21 **— judgment.**
22 1. Any overpayment to a provider under this chapter shall
23 become a judgment against the provider, by operation of law,
24 ninety days after a notice of overpayment is personally served
25 upon the enrolled provider as required in the Iowa rules of
26 civil procedure or by certified mail, return receipt requested,
27 by the director or the attorney general or, if applicable,
28 upon exhaustion of the provider's administrative and judicial
29 review remedies under 441 IAC ch. 7 or chapter 17A, whichever
30 is later. The judgment is entitled to full faith and credit in
31 all states.
32 2. The notice of overpayment shall include the amount and
33 cause of the overpayment, the provider's appeal rights, and a
34 disclaimer that a judgment may be established if an appeal is
35 not timely filed or if an appeal is filed and at the conclusion

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1 of the administrative process under chapter 17A a determination
2 is made that there is an overpayment.
3 3. An affidavit of service of a notice of entry of judgment
4 shall be made by first class mail at the address where the
5 debtor was served with the notice of overpayment. Service is
6 completed upon mailing as specified in this paragraph.
7 4. On or after the date an unpaid overpayment becomes a
8 judgment by operation of law, the director or the attorney
9 general may file all of the following with the district court:
10 *a.* A statement identifying, or a copy of, the notice of
11 overpayment.
12 *b.* Proof of service of the notice of overpayment.
13 *c.* An affidavit of default, stating the full name,
14 occupation, place of residence, and last known post office
15 address of the debtor; the name and post office address of the
16 department; the date or dates the overpayment was incurred;
17 the program under which the debtor was overpaid; and the total
18 amount of the judgment.
19 5. Nothing in this section shall be construed to impede or
20 restrict alternative methods of recovery of the overpayments
21 specified in this section or of overpayments which do not meet
22 the requirements of this section.
23 Sec. 8. NEW SECTION. **249A.44 Overpayment — emergency**
24 **relief.**
25 1. Concurrently with a withholding of payment, the
26 imposition of a sanction, or the institution of a criminal,
27 civil, or administrative proceeding against a provider or
28 other person for overpayment, the director or the attorney
29 general may bring an action for a temporary restraining order
30 or injunctive relief to prevent a provider or other person
31 from whom recovery may be sought, from transferring property
32 or otherwise taking action to protect the provider's or other
33 person's business inconsistent with the recovery sought.
34 2. To obtain such relief, the director or the attorney
35 general shall demonstrate all necessary requirements for the

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1 relief to be granted.
2 3. If an injunction is granted, the court may appoint a
3 receiver to protect the property and business of the provider
4 or other person from whom recovery may be sought. The court
5 shall assess the costs of the receiver to the provider or other
6 person.
7 4. The director or the attorney general may file a lis
8 pendens on the property of the provider or other person
9 during the pendency of a criminal, civil, or administrative
10 proceeding.
11 5. When requested by the court, the director, or the
12 attorney general, a provider or other person from whom recovery
13 may be sought shall have an affirmative duty to fully disclose
14 all property and liabilities to the requester.
15 6. An action brought under this section may be brought in
16 the district court for Polk county or any other county in which
17 a provider or other person from whom recovery may be sought has
18 its principal place of business or is domiciled.
19 Sec. 9. NEW SECTION. **249A.45 Provider's third-party**
20 **submissions.**
21 1. The department may refuse to accept a financial and
22 statistical report, cost report, or any other submission
23 from any third party acting under a provider's authority or
24 direction to prepare or submit such documents or information,
25 for good cause shown. For the purposes of this section,
26 *"good cause"*, includes but is not limited to a pattern or
27 practice of submitting unallowable costs on cost reports;
28 making a false statement or certification to the director or
29 any representative of the department; professional negligence
30 or other demonstrated lack of knowledge of the cost reporting
31 process; conviction under a federal or state law relating to
32 the operation of a publicly funded program; or submission of a
33 false claim under chapter 685.
34 2. If the department refuses to accept a cost report
35 from a third party for good cause under this section, the

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1 third party shall be strictly liable to the provider for all
2 fees incurred in preparation of the cost report, as well as
3 reasonable attorney fees and costs. The department shall not
4 take any adverse action against a provider that results from
5 the unintentional delay in the submission of a new cost report
6 or other submission necessitated by the department's refusal to
7 accept a cost report or other submission under this section.
8 The department shall notify an affected provider within seven
9 business days of any refusal to accept a cost report.
10 Sec. 10. NEW SECTION. **249A.46 Liability of other persons**
11 **— repayment of claims.**
12 1. The department may require repayment of medical
13 assistance paid from the person submitting an incorrect or
14 improper claim, the person causing the claim to be submitted,
15 or the person receiving payment for the claim.
16 2. Nothing in this section shall be construed to impede or
17 restrict alternative recovery methods for claims specified in
18 this section or claims which do not meet the requirements of
19 this section.
20 Sec. 11. NEW SECTION. **249A.47 Improperly filed claims**
21 **— other violations — imposition of monetary recovery and**
22 **sanctions.**
23 1. In addition to any other remedies or penalties prescribed
24 by law, including but not limited to those specified pursuant
25 to section 249A.8 or chapter 685, all of the following shall be
26 applicable to violations under the medical assistance program:
27 *a.* A person who intentionally and purposefully presents
28 or causes to be presented to the department a claim that the
29 department determines meets any of the following criteria
30 is subject to a civil penalty of not more than ten thousand
31 dollars for each item or service:
32 (1) A claim for medical or other items or services that
33 the provider knows was not provided as claimed, including a
34 claim by any provider who engages in a pattern or practice
35 of presenting or causing to be presented a claim for an item

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1 or service that is based on a billing code that the provider
2 knows will result in a greater payment to the provider than the
3 billing code the provider knows is applicable to the item or
4 service actually provided.
5 (2) A claim for medical or other items or services the
6 provider knows to be false or fraudulent.
7 (3) A claim for a physician service or an item or service
8 incident to a physician service by a person who knows that the
9 individual who furnished or supervised the furnishing of the
10 service meets any of the following:
11 (a) Was not licensed as a physician.
12 (b) Was licensed as a physician, but such license had been
13 obtained through a misrepresentation of material fact.
14 (c) Represented to the patient at the time the service
15 was furnished that the physician was certified in a medical
16 specialty by a medical specialty board when the individual was
17 not so certified.
18 (4) A claim for medical or other items or services furnished
19 during a period in which the provider was excluded from
20 providing such items or services.
21 (5) A claim for a pattern of medical or other items or
22 services that a provider knows were not medically necessary.
23 *b.* A provider who intentionally and purposefully presents
24 or causes to be presented to any person a request for payment
25 which is in violation of the terms of either of the following
26 is subject to a civil penalty of not more than ten thousand
27 dollars for each item or service:
28 (1) An agreement with the department or a requirement of a
29 state plan under Tit. XIX or XXI of the federal Social Security
30 Act not to charge a person for an item or service in excess of
31 the amount permitted to be charged.
32 (2) An agreement to be a participating provider.
33 *c.* A provider who is not an organization, agency, or
34 other entity, and knowing that the provider is excluded from
35 participating in a program under Tit. XVIII, XIX, or XXI of the

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1 federal Social Security Act at the time of the exclusion, who
2 does any of the following, is subject to a civil penalty of ten
3 thousand dollars for each day that the prohibited relationship
4 occurs:
5 (1) Retains a direct or indirect ownership or control
6 interest in an entity that is participating in such programs,
7 and knows of the action constituting the basis for the
8 exclusion.
9 (2) Is an officer or managing employee of such an entity.
10 *d.* A provider who intentionally and purposefully offers
11 to or transfers remuneration to any individual eligible for
12 benefits under Tit. XIX or XXI of the federal Social Security
13 Act and who knows such offer or remuneration is likely to
14 influence such individual to order or receive from a particular
15 provider any item or service for which payment may be made, in
16 whole or in part, under Tit. XIX or XXI of the federal Social
17 Security Act, is subject to a civil penalty of not more than
18 ten thousand dollars for each item or service.
19 *e.* A provider who intentionally and purposefully arranges or
20 contracts, by employment or otherwise, with an individual or
21 entity that the provider knows is excluded from participation
22 under Tit. XVIII, XIX, or XXI of the federal Social Security
23 Act, for the provision of items or services for which payment
24 may be made under such titles, is subject to a civil penalty of
25 not more than ten thousand dollars for each item or service.
26 *f.* A provider who intentionally and purposefully offers,
27 pays, solicits, or receives payment, directly or indirectly, to
28 reduce or limit services provided to any individual eligible
29 for benefits under Tit. XVIII, XIX, or XXI of the federal
30 Social Security Act, is subject to a civil penalty of not more
31 than fifty thousand dollars for each act.
32 *g.* A provider who intentionally and purposefully makes,
33 uses, or causes to be made or used, a false record or statement
34 material to a false or fraudulent claim for payment for items
35 and services furnished under Tit. XIX or XXI of the federal

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1 Social Security Act, is subject to a civil penalty of not more
2 than fifty thousand dollars for each false record or statement.
3 *h.* A provider who intentionally and purposefully fails
4 to grant timely access, upon reasonable request and without
5 good cause, to the department for the purpose of audits,
6 investigations, evaluations, or other functions of the
7 department, is subject to a civil penalty of fifteen thousand
8 dollars for each day of the failure.
9 *i.* A provider who intentionally and purposefully makes
10 or causes to be made any false statement, omission, or
11 misrepresentation of a material fact in any application, bid,
12 or contract to participate or enroll as a provider of services
13 or a supplier under Tit. XVIII, XIX, or XXI of the federal
14 Social Security Act, including a managed care organization or
15 entity that applies to participate as a provider of services
16 or supplier in such a managed care organization or plan, is
17 subject to a civil penalty of fifty thousand dollars for each
18 false statement, omission, or misrepresentation of a material
19 fact.
20 *j.* A provider who intentionally and purposefully fails to
21 report and return an overpayment in accordance with section
22 249A.41 is subject to a civil penalty of ten thousand dollars
23 for each failure to report and return an overpayment.
24 2. In addition to the civil penalties prescribed under
25 subsection 1, for any violation specified in subsection 1, a
26 provider shall be subject to the following, as applicable:
27 *a.* For violations specified in subsection 1, paragraph
28 *"a"*, *"b"*, *"c"*, *"d"*, *"e"*, *"g"*, *"h"*, or *"j"*, an assessment of not
29 more than three times the amount claimed for each such item or
30 service in lieu of damages sustained by the department because
31 of such claim.
32 *b.* For a violation specified in subsection 1, paragraph
33 *"f"*, damages of not more than three times the total amount of
34 remuneration offered, paid, solicited, or received, without
35 regard to whether a portion of such remuneration was offered,

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1 paid, solicited, or received for a lawful purpose.
2 *c.* For a violation specified in subsection 1, paragraph *"i"*,
3 an assessment of not more than three times the total amount
4 claimed for each item or service for which payment was made
5 based upon the application containing the false statement,
6 omission, or misrepresentation of a material fact.
7 3. In determining the amount or scope of any penalty
8 or assessment imposed pursuant to a violation specified in
9 subsection 1, the director shall consider all of the following:
10 *a.* The nature of the claims and the circumstances under
11 which they were presented.
12 *b.* The degree of culpability, history of prior offenses, and
13 financial condition of the person against whom the penalties or
14 assessments are levied.
15 *c.* Such other matters as justice may require.
16 4. Of any amount recovered arising out of a claim under Tit.
17 XIX or XXI of the federal Social Security Act, the department
18 shall receive the amount bearing the same proportion paid by
19 the department for such claims, including any federal share
20 that must be returned to the centers for Medicare and Medicaid
21 services of the United States department of human services.
22 The remainder of any amount recovered shall be deposited in the
23 general fund of the state.
24 5. Civil penalties levied under this section are appealable
25 under 441 IAC ch. 7, but, notwithstanding any provision to the
26 contrary in that chapter, the appellant shall bear the burden
27 to prove by clear and convincing evidence that the claim was
28 not filed improperly.
29 6. For the purposes of this section, *"claim"* includes but is
30 not limited to the submission of a cost report.
31 Sec. 12. NEW SECTION. **249A.48 Temporary moratoria.**
32 1. The Iowa Medicaid enterprise shall impose a temporary
33 moratorium on the enrollment of new providers or provider types
34 identified by the centers for Medicare and Medicaid services of
35 the United States department of health and human services as

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1 posing an increased risk to the medical assistance program.
2 *a.* This section shall not be interpreted to require the
3 Iowa Medicaid enterprise to impose a moratorium if the Iowa
4 Medicaid enterprise determines that imposition of a temporary
5 moratorium would adversely affect access of recipients to
6 medical assistance services.
7 *b.* If the Iowa Medicaid enterprise makes a determination
8 as specified in paragraph *"a"*, the Iowa Medicaid enterprise
9 shall notify the centers for Medicare and Medicaid services of
10 the United States department of health and human services in
11 writing.
12 2. The Iowa Medicaid enterprise may impose a temporary
13 moratorium on the enrollment of new providers, or impose
14 numerical caps or other limits that the Iowa Medicaid
15 enterprise and the centers for Medicare and Medicaid services
16 identify as having a significant potential for fraud, waste, or
17 abuse.
18 *a.* Before implementing the moratorium, caps, or other
19 limits, the Iowa Medicaid enterprise shall determine that its
20 action would not adversely impact access by recipients to
21 medical assistance services.
22 *b.* The Iowa Medicaid enterprise shall notify, in writing,
23 the centers for Medicare and Medicaid services, if the Iowa
24 Medicaid enterprise seeks to impose a moratorium under this
25 subsection, including all of the details of the moratorium.
26 The Iowa Medicaid enterprise shall receive approval from the
27 centers for Medicare and Medicaid services prior to imposing a
28 moratorium under this subsection.
29 3. *a.* The Iowa Medicaid enterprise shall impose any
30 moratorium for an initial period of six months.
31 *b.* If the Iowa Medicaid enterprise determines that it
32 is necessary, the Iowa Medicaid enterprise may extend the
33 moratorium in six-month increments. Each time a moratorium
34 is extended, the Iowa Medicaid enterprise shall document, in
35 writing, the necessity for extending the moratorium.

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1 Sec. 13. NEW SECTION. **249A.49 Internet site — providers**
2 **found in violation of medical assistance program.**
3 1. The director shall maintain on the department's internet
4 site, in a manner readily accessible by the public, all of the
5 following:
6 *a.* A list of all providers that the department has
7 terminated, suspended, or placed on probation.
8 *b.* A list of all providers that have failed to return an
9 identified overpayment of medical assistance within the time
10 frame specified in section 249A.41.
11 *c.* A list of all providers found liable for a false claims
12 law violation related to the medical assistance program under
13 chapter 685.
14 2. The director shall take all appropriate measures to
15 safeguard the protected health information, social security
16 numbers, and other information of the individuals involved,
17 which may be redacted or omitted as provided in rule of civil
18 procedure 1.422. A provider shall not be included on the
19 internet site until all administrative and judicial remedies
20 relating to the violation have been exhausted.
21 Sec. 14. CODE EDITOR DIRECTIVES. The Code editor shall do
22 all of the following:
23 1. Create a new subchapter in chapter 249A, entitled
24 "Medical Assistance Eligibility and Miscellaneous Provisions",
25 which shall include sections 249A.1 through 249A.4, section
26 249A.4B, sections 249A.9 through 249A.13, sections 249A.15
27 through 249A.18A, and sections 249A.20 through 249A.38,
28 Code 2013. The Code editor may renumber sections within the
29 subchapter and shall correct internal references as necessary.
30 2. Create a new subchapter in chapter 249A, entitled
31 "Medical Assistance Program Integrity", which shall include
32 sections 249A.39 through 249A.49, as enacted in this Act.
33 3. a. Transfer section 249A.4A, sections 249A.5 through
34 249A.8, section 249A.14, and section 249A.19, Code 2013, to the
35 new subchapter entitled "Medical Assistance Program Integrity".

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1 The Code editor shall renumber the transferred sections as
2 follows:
3 (1) Section 249A.4A as section 249A.52.
4 (2) Section 249A.5 as section 249A.53.
5 (3) Section 249A.6 as section 249A.54.
6 (4) Section 249A.6A as section 249A.55.
7 (5) Section 249A.7 as section 249A.50.
8 (6) Section 249A.8 as section 249A.51.
9 (7) Section 249A.14 as section 249A.56.
10 (8) Section 249A.19 as section 249A.57.
11 b. The Code editor shall correct internal references as
12 necessary.
13 EXPLANATION
14 This bill relates to medical assistance (Medicaid) program
15 integrity.
16 The bill amends Code section 10A.108, which provides that
17 if a person refuses or neglects to repay benefits or provider
18 payments inappropriately obtained from the department of human
19 services (DHS), the amount inappropriately obtained constitutes
20 a debt and is a lien in favor of the state upon all property
21 belonging to the person. The bill provides that DHS is no
22 longer responsible for paying the fee for recording of the
23 satisfaction of the lien or the debt, but that this is the
24 responsibility of the debtor.
25 The bill requires a provider who has received an overpayment
26 to provide notification in writing and return the overpayment
27 to the department, department's agent, or the department's
28 contractor, as applicable. The notification and return of the
29 overpayment are to be completed the later of 60 days after the
30 date on which the overpayment was identified by the provider or
31 the date any corresponding cost report is due, as applicable.
32 Violation of this provision constitutes a violation of the
33 false claims Act (Code chapter 685).
34 The bill provides that if a provider is administratively and
35 involuntarily dissolved and receives payments following the

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1 dissolution, the payments are considered to be overpayments and
2 to be incorrectly paid.
3 The bill provides for the accrual of interest on, and the
4 rate of interest applicable to, overpayments.
5 The bill requires that an administrative action to recover
6 an overpayment be commenced within five years of the date the
7 overpayment occurred. An administrative action to impose
8 a sanction on a provider related to an overpayment must be
9 commenced within five years of the date the conduct underlying
10 the sanction concluded, or the director of human services
11 discovered such conduct, whichever is first.
12 The bill provides a process to establish a judgment by
13 operation of law for any overpayment to a Medicaid provider
14 90 days after the notice of overpayment is served upon the
15 provider or after all administrative and judicial review
16 remedies are exhausted.
17 The bill provides for emergency relief relating to
18 overpayments to Medicaid providers or others. The bill
19 provides that the director of human services or the attorney
20 general may bring an action for a temporary restraining order
21 or injunctive relief to prevent a provider or other person from
22 transferring property or otherwise taking actions to protect
23 the provider's or other person's business inconsistent with the
24 recovery being sought.
25 The bill authorizes DHS to refuse to accept financial and
26 statistical reports, cost reports, and other submissions from
27 third parties acting under the authority or direction of a
28 provider for good cause, and defines "good cause". If DHS
29 refuses to accept a submission from such a third party, the
30 third party is strictly liable to the provider for all fees
31 incurred, attorney fees, and other costs. The bill provides
32 that DHS shall not take any adverse action against the provider
33 under circumstance that result from any unintentional delay on
34 the part of the provider in submitting a new submission.
35 The bill provides for repayment by persons other than the

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1 provider for improper payments including the person submitting
2 an incorrect or improper claim, the person causing the claim to
3 be submitted, or the person receiving payment for the claim.
4 The bill provides specific civil penalties and assessments
5 or damages for improperly filed claims and other violations
6 relating to improper reimbursement under the Medicaid program.
7 The bill directs the Iowa Medicaid enterprise (IME) to
8 impose temporary moratoria on enrollment of new providers or
9 provider types identified by the centers for Medicare and
10 Medicaid services of the United States department of health
11 and human services (CMS) as posing an increased risk to the
12 Medicaid program. The moratoria are not required if the IME
13 determines that imposition of a temporary moratorium would
14 adversely affect access of recipients to Medicaid services.
15 However, if the IME makes such a determination, IME is to
16 notify CMS in writing. The bill also authorizes IME to
17 impose temporary moratoria on enrollment of new providers, or
18 impose numerical caps or other limits that the IME and CMS
19 identify as having a significant potential for fraud, waste,
20 or abuse. Before implementing the moratoria, caps, or other
21 limits, IME must determine that its action would not adversely
22 impact access by recipients to Medicaid services, notify CMS
23 in writing, and receive approval from CMS. Any moratorium is
24 to be imposed for an initial period of six months and may then
25 be extended in six-month increments. The necessity for any
26 extension is to be documented in writing.
27 The bill requires the director of human services to maintain
28 on the department's internet site, in a manner readily
29 accessible by the public, lists of all providers that the
30 department has terminated, suspended, or placed on probation;
31 all providers that have failed to return an identified
32 overpayment; and all providers found liable for a false claims
33 law violation related to Medicaid.
34 The bill provides for all Medicaid program integrity
35 provisions to be codified in a new subchapter under Code

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1 chapter 249A (medical assistance), including the new provisions
2 enacted in the bill and existing provisions under Code sections
3 249A.4A (garnishment), 249A.5 (recovery of payment), 249A.6
4 (assignment — lien), 249A.6A (restitution), 249A.7 (fraudulent
5 practices — investigations and audits — Medicaid fraud fund),
6 249A.8 (fraudulent practice), 249A.14 (county attorney to
7 enforce), and 249A.19 (health care facilities — penalty).

House File 554 - Introduced

HOUSE FILE 554
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 119)

(COMPANION TO SF 351)

A BILL FOR

1 An Act relating to service providers under Medicaid home and
2 community-based services waivers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1152HV (2) 85
pf/nh

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1 Section 1. Section 135C.6, subsection 8, paragraph c,
2 unnumbered paragraph 1, Code 2013, is amended to read as
3 follows:
4 A residential program approved by the department of human
5 services pursuant to this paragraph "c" to receive moneys
6 appropriated to the department of human services under
7 provisions of a federally approved home and community-based
8 services habilitation or waiver ~~for persons with intellectual~~
9 ~~disabilities~~ program may provide care to not more than five
10 individuals. The department shall approve a residential
11 program under this paragraph that complies with all of the
12 following conditions:
13 Sec. 2. 2010 Iowa Acts, chapter 1031, section 351, is
14 amended to read as follows:
15 SEC. 351. MEDICAID HOME AND COMMUNITY-BASED SERVICES WAIVER
16 ~~PAYMENTS~~ UTILIZATION — REVIEW. The department of human
17 services shall evaluate ~~payment records~~ utilization data and
18 determine the proper mechanism to trigger a review of ~~payments~~
19 medical necessity for services provided under each home and
20 community-based services waiver ~~that are in excess of the~~
21 ~~median amount for payments through the applicable waiver~~.
22 Following evaluation of the utilization data and determination
23 of the trigger mechanism, the department shall notify the
24 affected providers of the results of the evaluation of
25 utilization data, the determination of the trigger mechanism,
26 and the criteria that will be used for review of services that
27 exceed the trigger mechanism, at least sixty days prior to
28 applying the trigger mechanism to assess the medical necessity
29 of the services requested. Following ~~development of the~~
30 ~~trigger mechanism~~ provision of notice to affected providers
31 as required under this section, the department shall require
32 advance approval for services for which ~~payment~~ utilization is
33 projected to exceed the ~~median~~ trigger mechanism as applicable
34 to each waiver service. The use of a trigger mechanism and the
35 approval process is intended to preserve necessary services

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1 while preventing overuse of services.
2 EXPLANATION
3 This bill involves provisions relating to Medicaid home and
4 community-based services (HCBS) waivers.
5 The bill amends a provision in the health facilities
6 licensing chapter (Code chapter 135C) that provides an
7 exemption from licensing as a health care facility for certain
8 residential programs to which the department of human services
9 (DHS) applies accreditation, certification, or standards of
10 review. The bill broadens the exemption for residential
11 programs that provide care to not more than five individuals
12 that are approved by DHS to receive moneys under an HCBS
13 waiver, by removing the limitation to only HCBS waivers for
14 persons with intellectual disabilities and instead providing
15 for application of the exemption to residential programs
16 approved by DHS to receive moneys under HCBS habilitation or
17 waiver programs.
18 The bill also amends a provision in 2010 Iowa Acts relating
19 to evaluation of Medicaid HCBS waiver payments, to instead
20 require that DHS evaluate utilization data and determine the
21 proper mechanism to trigger a review of medical necessity for
22 services provided under each home and community-based services
23 waiver. Following evaluation of the utilization data and
24 determination of the trigger mechanism, DHS is required to
25 notify affected providers at least 60 days prior to applying
26 the trigger mechanism. Following provision of the notice,
27 DHS is to require advance approval for services for which
28 utilization is projected to exceed the trigger mechanism.

House File 555 - Introduced

HOUSE FILE 555
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 105)

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 and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1324HV (2) 85
jm/rj

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1 Section 1. Section 901A.2, subsections 4 and 6, Code 2013,
2 are amended to read as follows:
3 4. Except as otherwise provided in subsection 5, a person
4 convicted of a sexually predatory offense which is a felony
5 who has previously been sentenced under subsection 3 shall be
6 sentenced to life in prison on the same terms as a class "A"
7 felon under section 902.1, subsection 1, notwithstanding any
8 other provision of the Code to the contrary. In order for a
9 person to be sentenced under this subsection, the prosecuting
10 attorney shall allege and prove that this section is applicable
11 to the person.
12 6. A person who has been placed in a transitional release
13 program, released with or without supervision, or discharged
14 pursuant to chapter 229A, and who is subsequently convicted
15 of a sexually predatory offense or a sexually violent
16 offense, shall be sentenced to life in prison on the same
17 terms as a class "A" felon under section 902.1, subsection
18 1, notwithstanding any other provision of the Code to the
19 contrary. The terms and conditions applicable to sentences
20 for class "A" felons under chapters 901 through 909 shall
21 apply to persons sentenced under this subsection. However,
22 if the person commits a sexually violent offense which is a
23 misdemeanor offense under chapter 709, the person shall be
24 sentenced to life in prison, with eligibility for parole as
25 provided in chapter 906.
26 Sec. 2. Section 902.1, subsection 2, Code 2013, is amended
27 by striking the subsection and inserting in lieu thereof the
28 following:
29 2. *a.* Notwithstanding subsection 1, a person convicted of
30 murder in the first degree in violation of section 707.2, and
31 who was under the age of eighteen at the time the offense was
32 committed shall receive either of the following sentences:
33 (1) Commitment to the director of the department of
34 corrections for the rest of the defendant's life with no
35 possibility of parole unless the governor commutes the sentence

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1 to a term of years.
2 (2) Commitment to the custody of the director of the
3 department of corrections for the rest of the defendant's life
4 with the possibility of parole after serving a minimum term of
5 confinement of forty-five years.
6 *b.* (1) The prosecuting attorney shall provide reasonable
7 notice to the defendant, after conviction and prior to
8 sentencing, of the state's intention to seek a life sentence
9 with no possibility of parole under paragraph *"a"*, subparagraph
10 (1).
11 (2) In determining whether to impose a life sentence with no
12 possibility of parole, the court shall consider all aggravating
13 and mitigating circumstances including but not limited to the
14 following:
15 (a) The impact of the offense on each victim, as defined in
16 section 915.10, through the use of a victim impact statement,
17 as defined in section 915.10, under any format permitted by
18 section 915.13. The victim impact statement may include
19 comment on the sentence of the defendant.
20 (b) The impact of the offense on the community.
21 (c) The threat to the safety of the public or any individual
22 posed by the defendant.
23 (d) The degree of participation in the murder by the
24 defendant.
25 (e) The nature of the offense.
26 (f) The severity of the offense, including any of the
27 following:
28 (i) The murder's commission while participating in another
29 felony.
30 (ii) The number of victims.
31 (iii) The heinous, brutal, cruel manner of the murder,
32 including whether the murder was the result of torture.
33 (g) The age-related characteristics of the defendant,
34 including the following:
35 (i) The age of the defendant at the time of the commission

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1 of the offense.
2 (ii) The capacity of the defendant to appreciate the
3 criminality of the conduct.
4 (iii) Whether the ability to conform the defendant's
5 conduct with the requirements of the law was substantially
6 impaired.
7 (iv) The level of maturity of the defendant.
8 (v) The intellectual and mental capacity of the defendant.
9 (vi) The nature and extent of any prior juvenile or criminal
10 history of the defendant, including the success or failure of
11 previous attempts at rehabilitation.
12 (vii) The mental history of the defendant.
13 (viii) The family background and home environment of the
14 defendant.
15 (ix) The level of compulsion, duress, or influence exerted
16 upon the defendant, but not to such an extent as to constitute
17 a defense.
18 (x) The likelihood that the defendant would benefit from
19 rehabilitation in confinement.
20 (xi) The likelihood of the commission of further offenses
21 by the defendant.
22 (h) Any other information considered relevant by the
23 sentencing court.
24 (3) The court may consider evidence presented at trial and
25 additional evidence presented by the prosecution or defense at
26 the sentencing hearing. The court shall specify on the record
27 the aggravating or mitigating circumstances considered by the
28 court and the reasons of the court supporting the sentence
29 imposed.
30 3. Notwithstanding subsections 1 and 2, a person convicted
31 of a class "A" felony, other than murder in the first degree
32 in violation of section 707.2, and who was under the age
33 of eighteen at the time the offense was committed shall be
34 eligible for parole after serving a minimum term of confinement
35 of twenty-five years.

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1 4. If a person is paroled pursuant to subsection 2 or 3, the
2 person shall be subject to the same set of procedures set out
3 in chapters 901B, 905, 906, and 908, and rules adopted under
4 those chapters for persons on parole.
5 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
6 immediate importance, takes effect upon enactment.
7 Sec. 4. APPLICABILITY. This Act applies to a person who
8 was under the age of eighteen at the time murder in the first
9 degree was committed, and who is convicted prior to, on, or
10 after the effective date of this Act.
11 EXPLANATION
12 This bill relates to the sentencing of a minor who commits
13 murder in the first degree.
14 Current law prohibits any person who commits murder in the
15 first degree, including a minor, from being paroled unless the
16 governor commutes the life sentence to a term of years.
17 Under the bill, a person who commits murder in the first
18 degree and who was under the age of 18 at the time the offense
19 was committed may receive a life sentence with the possibility
20 of parole after serving a minimum term of confinement of 45
21 years.
22 The bill also provides that a person who commits murder
23 in the first degree and who was under the age of 18 at the
24 time the offense was committed may also be sentenced to life
25 in prison without the possibility of parole. The bill lists
26 numerous aggravating and mitigating circumstances for the court
27 to consider prior to sentencing a minor to life imprisonment
28 with no possibility of parole. The bill requires the court
29 to specify on the record the aggravating or mitigating
30 circumstances considered by the court and the reasons for the
31 sentence imposed.
32 Current law and the bill provide that a person convicted
33 of a class "A" felony, other than murder in the first degree,
34 and who was under the age of 18 at the time the offense was
35 committed shall be eligible for parole after serving a minimum

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1 term of confinement of 25 years.
2 The bill takes effect upon enactment and applies to the
3 conviction of a minor for first degree murder committed at any
4 time.

House File 556 - Introduced

HOUSE FILE 556
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 193)

A BILL FOR

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

TLSB 1949HV (2) 85
lh/rj

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DIVISION I
MISCELLANEOUS CHANGES

Section 1. Section 3.4, Code 2013, is amended to read as follows:

3.4 Bills — approval — passage over veto.

1. If the governor approves a bill, the governor shall sign and date it; if the governor returns ~~it~~ the bill with objections and it afterwards passes as provided in the Constitution, a certificate, signed by the presiding officer of each house in the following form, shall be endorsed ~~thereon~~ on or attached ~~thereto~~ to the bill:

"~~This~~ This bill (or this item of an appropriation bill, as the case may be), having been returned by the governor, with objections, to the house in which it originated, and, after reconsideration, having again passed both houses by yeas and nays by a vote of two-thirds of the members of each house, has become a law this ... day of .....".

2. An "*appropriation bill*" means a bill which has as its primary purpose the making of appropriations of money from the public treasury.

Sec. 2. Section 8A.402, subsection 2, paragraph g, subparagraph (1), subparagraph division (c), Code 2013, is amended to read as follows:

(c) In this paragraph "*g*", executive branch agencies, except the department of public safety, shall not grant a supervisory employee ~~with~~ the right to replace or bump a junior employee not being laid off for a position for which the supervisory employee is qualified.

Sec. 3. Section 9I.12, Code 2013, is amended to read as follows:

9I.12 Penalty — failure to timely file.

A civil penalty of not more than two thousand dollars shall be imposed, for each offense, upon a nonresident alien, foreign business or foreign government, or an agent, trustee or other fiduciary thereof, who fails to timely file the registration as

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required by section 9I.7, or who fails to timely file a report required by section 9I.8 ~~shall, for each offense, be punished by a fine of not more than two thousand dollars~~.

Sec. 4. Section 10B.4, subsection 2, paragraph g, Code 2013, is amended to read as follows:

g. If the reporting entity is a life science enterprise, as provided in chapter 10C, Code ~~2011, as that chapter exists on or before June 30,~~ 2005, the total amount of commercial sale of life science products and products other than life science products which are produced from the agricultural land held by the life science enterprise.

Sec. 5. Section 11.41, subsection 1, Code 2013, is amended to read as follows:

1. The auditor of state, when conducting any audit or ~~review~~ examination required or permitted by this chapter, shall at all times have access to all information, records, instrumentalities, and properties used in the performance of the audited or ~~reviewed~~ examined entities' statutory duties or contractual responsibilities. All audited or ~~reviewed~~ examined entities shall cooperate with the auditor of state in the performance of the audit or ~~review~~ examination and make available the information, records, instrumentalities, and properties upon the request of the auditor of state.

Sec. 6. Section 15.330, subsection 9, Code 2013, is amended to read as follows:

9. A report submitted to the authority by a business together with its application describing all violations of environmental law or worker safety law within the last five years. If, upon review of the application, the authority finds that ~~a~~ the business has a record of violations of the law, statutes, rules, or regulations that tends to show a consistent pattern, the authority shall not provide incentives or assistance to the business unless the authority finds either that the violations did not seriously affect public health, public safety, or the environment, or, if such violations

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1 did seriously affect public health, public safety, or the
2 environment, that mitigating circumstances were present.
3 Sec. 7. NEW SECTION. **15.410 Definitions.**
4 As used in this part, unless the context otherwise requires:
5 1. *"Innovative business"* means the same as defined in
6 section 15E.52.
7 2. *"Internship"* means temporary employment of a student that
8 focuses on providing the student with work experience in the
9 student's field of study.
10 Sec. 8. Section 15.411, subsection 1, Code 2013, is amended
11 by striking the subsection.
12 Sec. 9. Section 15E.232, subsection 1, paragraph a, Code
13 2013, is amended to read as follows:
14 *a.* The ability to provide matching moneys on a basis of
15 a one dollar contribution of local matching moneys for every
16 two dollars received from ~~the economic development~~ a fund
17 established pursuant to section 15.335B.
18 Sec. 10. Section 15E.232, subsections 3 and 4, Code 2013,
19 are amended to read as follows:
20 3. An economic development region may apply for financial
21 assistance from a fund established pursuant to section 15.335B
22 to assist an existing business threatened with closure due to
23 a potential consolidation to an out-of-state location. The
24 economic development region may apply for financial assistance
25 from ~~the economic development~~ a fund established pursuant to
26 section 15.335B for the purchase, rehabilitation, or marketing
27 of a building that has become available due to the closing of
28 an existing business due to a consolidation to an out-of-state
29 location. In order to receive financial assistance under this
30 subsection, an economic development region must demonstrate the
31 ability to provide local matching moneys on a basis of a one
32 dollar contribution of local moneys for every three dollars
33 received from ~~the economic development~~ a fund established
34 pursuant to section 15.335B.
35 4. An economic development region may apply for financial

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assistance from a fund established pursuant to section 15.335B to establish and operate an entrepreneurial initiative. In order to receive financial assistance under this subsection, an economic development region must demonstrate the ability to provide local matching moneys on a basis of a one dollar contribution of local moneys for every two dollars received from ~~the economic development~~ a fund established pursuant to section 15.335B.

Sec. 11. Section 15E.232, subsection 5, paragraph b, Code 2013, is amended to read as follows:

b. In order to receive financial assistance under this subsection, an economic development region must demonstrate the ability to provide local matching moneys on a basis of a one dollar contribution of local moneys for every two dollars received from ~~the economic development~~ a fund established pursuant to section 15.335B.

Sec. 12. Section 15E.233, subsection 2, paragraph a, unnumbered paragraph 1, Code 2013, is amended to read as follows:

An approved economic enterprise area may apply to the authority for financial assistance from ~~the economic development~~ a fund established pursuant to 15.335B for up to seventy-five thousand dollars each fiscal year during the fiscal period beginning July 1, 2005, and ending June 30, 2015, for any of the following purposes:

Sec. 13. Section 15E.233, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. In order to receive financial assistance under this subsection, an economic enterprise area must demonstrate the ability to provide local matching moneys on a basis of a one dollar contribution of local moneys for every three dollars received from ~~the economic development~~ a fund established pursuant to section 15.335B.

Sec. 14. Section 16.195, Code 2013, is amended to read as follows:

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16.195 Iowa jobs and Iowa jobs II program application review.

1. Applications for assistance under the Iowa jobs program and Iowa jobs II program shall be submitted to the Iowa finance authority. The authority shall provide a staff review and evaluation of applications to the Iowa jobs program review committee referred to in subsection 2 and to the Iowa jobs board.

2. A review committee composed of members of the board as determined by the board shall review Iowa jobs and Iowa jobs II program applications submitted to the board and make recommendations regarding the applications to the board. When reviewing the applications, the review committee and the authority shall consider the project criteria specified in sections 16.194 and 16.194A. The board shall develop the appropriate level of transparency regarding project fund allocations.

3. Upon approval of an application for financial assistance under the ~~program~~ programs, the board shall notify the treasurer of state regarding the amount of moneys needed to satisfy the award of financial assistance and the terms of the award. The treasurer of state shall notify the Iowa finance authority any time moneys are disbursed to a recipient of financial assistance under the ~~program~~ programs.

Sec. 15. Section 17A.7, subsection 2, Code 2013, is amended to read as follows:

2. Beginning July 1, 2012, over each five-year period of time, an agency shall conduct an ongoing and comprehensive review of all of the agency's rules. The goal of the review is the identification and elimination of all rules of the agency that are outdated, redundant, or inconsistent or incompatible with statute or its own rules or those of other agencies. An agency shall commence its review by developing a plan of review in consultation with major stakeholders and constituent groups. When the agency completes ~~its~~ the five-year review of ~~its~~ the agency's own rules, the agency shall provide a summary

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of the results to the administrative rules coordinator and the administrative rules review committee.

Sec. 16. Section 26.3, subsection 1, Code 2013, is amended to read as follows:

1. If the estimated total cost of a public improvement exceeds the competitive bid threshold of one hundred thousand dollars, or the adjusted competitive bid threshold established in section 314.1B, the governmental entity shall advertise for sealed bids for the proposed public improvement by publishing a notice to bidders. The notice to bidders shall be published at least once, not less than four and not more than forty-five days before the date for filing bids, in a newspaper published at least once weekly and having general circulation in the geographic area served by the governmental entity. Additionally, the governmental entity may publish a notice in a relevant contractor organization publication and a relevant contractor plan room service with statewide circulation, provided that a notice is posted on ~~a website~~ an internet site sponsored by either a governmental entity or a statewide association that represents the governmental entity.

Sec. 17. Section 28D.4, subsection 4, Code 2013, is amended to read as follows:

4. Any employee who participates in an exchange under the terms of this section who suffers disability or death as a result of personal injury arising out of and in the course of an exchange, or sustained in performance of duties in connection therewith, shall be treated, for the purposes of the sending agency's employee compensation program, as an employee, as defined in such ~~Act~~ compensation program, who has sustained such injury in the performance of such duty, but shall not receive benefits under that ~~Act~~ compensation program for any period for which the employee is entitled to and elects to receive similar benefits under the receiving agency's employee compensation program.

Sec. 18. Section 28D.6, subsection 4, Code 2013, is amended

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to read as follows:

4. Any employee of a sending agency assigned in this state who suffers disability or death as a result of personal injury arising out of and in the course of such assignment, or sustained in the performance of duties in connection therewith, shall be treated for the purpose of receiving agency's employee compensation program, as an employee, as defined in such ~~Act~~ compensation program, who has sustained such injury in the performance of such duty, but shall not receive benefits under that ~~Act~~ compensation program for any period for which the employee elects to receive similar benefits as an employee under the sending agency's employee compensation program.

Sec. 19. Section 28J.18, Code 2013, is amended to read as follows:

28J.18 Revenue bonds are lawful investments.

Port authority revenue bonds issued pursuant to this chapter are lawful investments of banks, credit unions, trust companies, savings associations, deposit guaranty associations, insurance companies, trustees, fiduciaries, trustees or other officers having charge of the bond retirement funds or sinking funds of port authorities and governmental agencies, ~~and~~ taxing districts of this state, the pension and annuity retirement system, the Iowa public employees' retirement system, the police and fire retirement systems under chapters 410 and 411, or a revolving fund of a governmental agency of this state, and are acceptable as security for the deposit of public funds under chapter 12C.

Sec. 20. Section 29A.42, unnumbered paragraph 2, Code 2013, is amended to read as follows:

Any person who shall molest, or interfere with any member of the national guard, in the discharge of the member's duty shall be guilty of interference with official acts which is section 719.1, subsection 1. The commanding officer of such force may order the arrest of such person and cause the person to be delivered to a peace officer or magistrate.

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1 Sec. 21. Section 35A.20, subsection 1, paragraph a, Code
2 2013, is amended to read as follows:
3 *a.* The department may expend not more than six hundred
4 dollars per year for any one child who has lived in the state of
5 Iowa for two years preceding application for state educational
6 assistance, and who is the child of a person who died prior
7 to September 11, 2001, during ~~active~~ federal ~~military service~~
8 active duty while serving in the armed forces or during ~~active~~
9 federal ~~military service~~ active duty in the Iowa national
10 guard or other military component of the United States, to
11 defray the expenses of tuition, matriculation, laboratory and
12 similar fees, books and supplies, board, lodging, and any other
13 reasonably necessary expense for the child or children incident
14 to attendance in this state at an educational or training
15 institution of college grade, or in a business or vocational
16 training school with standards approved by the department.
17 Sec. 22. Section 35A.20, subsection 2, paragraph a, Code
18 2013, is amended to read as follows:
19 *a.* Upon application by a child who is less than thirty-one
20 years of age, and who is the child of a person who died on
21 or after September 11, 2001, during ~~active~~ federal ~~military~~
22 ~~service~~ active duty while serving in the armed forces or
23 during ~~active~~ federal ~~military service~~ active duty in the
24 Iowa national guard or other military component of the United
25 States, and who at the time of entering into federal active
26 ~~military service~~ duty had maintained the person's residence
27 in the state for a period of at least six months immediately
28 before entering into federal active ~~military service~~ duty,
29 the department shall provide state educational assistance in
30 an amount of no more than the highest resident undergraduate
31 tuition rate established per year for an institution of higher
32 learning under the control of the state board of regents less
33 the amount of any state and federal education benefits, grants,
34 or scholarships received by the child, or the amount of the
35 child's established financial need, whichever is less, to

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1 defray the expenses of tuition at any postsecondary educational
2 institution in this state.
3 Sec. 23. Section 96.19, subsection 18, paragraph g,
4 subparagraph (1), Code 2013, is amended to read as follows:
5 (1) Service performed in the employ of any other state or
6 its political subdivisions, or of the United States government,
7 or of an instrumentality of any other state or states or their
8 political subdivisions or of the United States; provided,
9 however, that the general language just used shall not include
10 any such instrumentality of the United States after Congress
11 has, by appropriate legal action, expressly permitted the
12 several states to require such instrumentalities to make
13 payments into an employment fund under a state unemployment
14 compensation law; and all such instrumentalities so released
15 from the constitutional immunity to make the contributions,
16 imposed by this chapter shall, thereafter, become subject
17 to all the provisions of said chapter, and such provisions
18 shall then be applicable to such instrumentalities and to
19 all services performed for such instrumentalities in the
20 same manner, to the same extent and on the same terms as
21 are applicable to all other employers, employing units,
22 individuals, and services. Should the social security ~~board~~
23 administration, acting under section 1603 of the federal
24 Internal Revenue Code, fail to certify the state of Iowa for
25 any particular calendar year, then the payments required of
26 such instrumentalities with respect to such year shall be
27 refunded by the department from the fund in the same manner and
28 within the same period as is provided for in section 96.14,
29 subsection 5, which section provides for the refunding of
30 contributions erroneously collected.
31 Sec. 24. Section 124.201, subsection 4, Code 2013, is
32 amended to read as follows:
33 4. If any new substance is designated as a controlled
34 substance under federal law and notice of the designation is
35 given to the board, the board shall similarly designate as

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1 controlled the new substance under this chapter after the
2 expiration of thirty days from publication in the Federal
3 Register of a final order designating a new substance as a
4 controlled substance, unless within that thirty-day period
5 the board objects to the new designation. In that case the
6 board shall publish the reasons for objection and afford
7 all interested parties an opportunity to be heard. At
8 the conclusion of the hearing the board shall announce its
9 decision. Upon publication of objection to a new substance
10 being designated as a controlled substance under this chapter
11 by the board, control under this chapter is stayed until the
12 board publishes its decision. If a substance is designated
13 as controlled by the board under this subsection the control
14 shall be temporary and if, within sixty days after the next
15 regular session of the general assembly convenes ~~it~~, the
16 general assembly has not made the corresponding changes in this
17 chapter, the temporary designation of control of the substance
18 by the board shall be nullified.
19 Sec. 25. Section 125.86, subsection 3, paragraph b, Code
20 2013, is amended to read as follows:
21 *b.* An advanced registered nurse practitioner who is
22 not certified as a psychiatric advanced registered nurse
23 practitioner but who meets the qualifications set forth in the
24 definition of a mental health professional in section 228.1
25 ~~on July 1, 2008~~, may complete periodic reports pursuant to
26 paragraph *"a"*.
27 Sec. 26. Section 135C.1, subsection 9, Code 2013, is amended
28 to read as follows:
29 9. *"Intermediate care facility for persons with an*
30 *intellectual disability"* means an institution or distinct part
31 of an institution with a primary purpose to provide health
32 or rehabilitative services to three or more individuals,
33 who primarily have an intellectual disability or a related
34 condition and who are not related to the administrator or owner
35 within the third degree of consanguinity, and which meets

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1 the requirements of this chapter and federal standards for
2 intermediate care facilities for persons with an intellectual
3 disability established pursuant to the federal Social Security
4 Act, § 1905(c)(d), as codified in 42 U.S.C. § ~~1936d~~ 1396d,
5 which are contained in 42 C.F.R. pt. 483, subpt. D, § 410 — 480.
6 Sec. 27. Section 135C.6, subsection 8, paragraph c,
7 unnumbered paragraph 1, Code 2013, is amended to read as
8 follows:
9 A residential program approved by the department of human
10 services pursuant to this paragraph *"c"* to receive moneys
11 appropriated to the department of human services under
12 provisions of a federally approved home and community-based
13 services waiver for persons with an intellectual ~~disabilities~~
14 disability may provide care to not more than five individuals.
15 The department shall approve a residential program under this
16 paragraph that complies with all of the following conditions:
17 Sec. 28. Section 142.3, Code 2013, is amended to read as
18 follows:
19 **142.3 Notification of department.**
20 Every county medical examiner, funeral director or embalmer,
21 and the managing officer of every public asylum, hospital,
22 county care facility, penitentiary, or reformatory, as soon as
23 any dead body shall come into the person's custody which may
24 be used for scientific purposes as provided in sections 142.1
25 and 142.2, shall at once notify the nearest relative or friend
26 of the deceased, if known, and the Iowa department of public
27 health ~~by telegram~~, and hold such body unburied for forty-eight
28 hours. Upon receipt of ~~such telegram~~ notification, the
29 department shall ~~telegraph~~ issue verbal or written instructions
30 relative to the disposition to be made of said body. Complete
31 jurisdiction over said bodies is vested exclusively in the Iowa
32 department of public health. No autopsy or post mortem, except
33 as are legally ordered by county medical examiners, shall be
34 performed on any of said bodies prior to their delivery to the
35 medical schools.

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Sec. 29. Section 144.29A, subsections 7, 8, and 9, Code 2013, are amended to read as follows:

7. For the purposes of this section~~, *"health care provider"*~~:

a. "Health care provider" means an individual licensed under chapter 148, 148C, 148D, or 152, or any individual who provides medical services under the authorization of the licensee.

~~8.~~ *b.* ~~For the purposes of this section, *"inducing a termination of pregnancy"*~~ *"Inducing a termination of pregnancy"* means the use of any means to terminate the pregnancy of a woman known to be pregnant with the intent other than to produce a live birth or to remove a dead fetus.

~~9.~~ *c.* ~~For the purposes of this section, *"spontaneous termination of pregnancy"*~~ *"Spontaneous termination of pregnancy"* means the occurrence of an unintended termination of pregnancy at any time during the period from conception to twenty weeks gestation and which is not a spontaneous termination of pregnancy at any time during the period from twenty weeks or greater which is reported to the department as a fetal death under this chapter.

Sec. 30. Section 152B.1, subsection 8, paragraph b, Code 2013, is amended to read as follows:

b. Is capable of serving as a resource to the physician or surgeon in relation to the technical aspects of cardiorespiratory care and to safe and effective methods for administering respiratory care modalities.

Sec. 31. Section 152B.2, subsection 1, paragraph b, Code 2013, is amended to read as follows:

b. "Respiratory care as a practice" does not include the delivery, assembly, setup, testing, or demonstration of respiratory care equipment in the home upon the order of a licensed physician or surgeon or a qualified health care professional prescriber. As used in this paragraph, *"demonstration"* does not include the actual teaching, administration, or performance of the respiratory care procedures.

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1 Sec. 32. Section 161A.61, subsection 2, unnumbered
2 paragraph 1, Code 2013, is amended to read as follows:
3 The commissioners of the soil and water conservation
4 district in which ~~that~~ a farm unit is located may petition
5 the district court for an appropriate order with respect to
6 that farm unit if its owner or occupant has been sent a notice
7 by the commissioners under subsection 1, paragraph "*b*", for
8 three or more consecutive years. The commissioners' petition
9 shall seek a court order which states a time not more than six
10 months after the date of the order when the owner or occupant
11 must commence, and a time when the owner or occupant must
12 complete the steps necessary to comply with the order. The
13 time allowed to complete the establishment of a temporary soil
14 and water conservation practice employed to comply or advance
15 toward compliance with the court's order shall be not more than
16 one year after the date of that order, and the time allowed
17 to complete the establishment of a permanent soil and water
18 conservation practice employed to comply with the court's
19 order shall be not more than five years after the date of that
20 order. Section 161A.48 applies to a court order issued under
21 this subsection. The steps required of the farm unit owner or
22 operator by the court order are those which are necessary to
23 do one of the following:
24 Sec. 33. Section 203.10, subsection 1, paragraph c, Code
25 2013, is amended to read as follows:
26 *c.* The expiration of the license according to the terms
27 of the license as provided in this chapter, including a rule
28 adopted in accordance with this chapter~~,~~ pursuant to chapter
29 17A.
30 Sec. 34. Section 203C.10, subsection 1, paragraph c, Code
31 2013, is amended to read as follows:
32 *c.* The expiration of the license according to the terms
33 of the license as provided in this chapter, including a rule
34 adopted in accordance with this chapter~~,~~ pursuant to chapter
35 17A.

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Sec. 35. Section 203C.16, subsection 3, Code 2013, is amended to read as follows:

3. *a.* The storage of bulk grain by more than one person, if all of the following apply:

~~*a.*~~ (1) The bulk grain was jointly produced by all persons storing the grain. ~~As used in this subsection, *"jointly produced"* includes but is not limited to grain owned by a landlord who receives a share of agricultural products as rent.~~

~~*b.*~~ (2) The bulk grain is stored on the property owned or leased by one of the persons jointly producing the grain.

~~*c.*~~ (3) No person other than persons jointly producing the grain owns the stored bulk grain.

b. As used in this subsection, *"jointly produced"* includes but is not limited to grain owned by a landlord who receives a share of agricultural products as rent.

Sec. 36. Section 207.2, subsection 10, Code 2013, is amended to read as follows:

10. *"Prime farmland"* means the same as prescribed by the United States department of agriculture pursuant to 7 C.F.R. § ~~567.5(a)~~ 657.5(a).

Sec. 37. Section 208A.1, Code 2013, is amended to read as follows:

208A.1 Definitions.

As used in this chapter, unless the context or subject matter otherwise requires: ~~(1)~~

1. *"Antifreeze"* shall include all substances and preparations intended for use as the cooling medium, or to be added to the cooling liquid, in the cooling system of internal combustion engines to prevent freezing of the cooling liquid or to lower its freezing point~~; and (2) *"person"*~~.

2. *"Person"* shall include individuals, partnerships, corporations, companies, and associations.

Sec. 38. Section 208A.2, Code 2013, is amended to read as follows:

208A.2 What deemed adulterated.

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An antifreeze shall be deemed to be adulterated if either of the following apply: ~~(1) If it~~

1. It consists in whole or in part of any substance which will render it injurious to the cooling system of an internal combustion engine or will make the operation of the engine dangerous to the user~~; or (2) if its~~.

2. Its strength, quality, or purity falls below the standard of strength, quality, or purity under which it is sold.

Sec. 39. Section 208A.3, Code 2013, is amended to read as follows:

208A.3 What deemed misbranded.

An antifreeze shall be deemed to be misbranded if either of the following apply: ~~(1) If its~~

1. Its labeling is false or misleading in any particular~~; or (2) if in~~.

2. In package form it does not bear a label containing the name and place of business of the manufacturer, packer, seller, or distributor and an accurate statement of the quantity of the contents in terms of weight or measure on the outside of the package.

Sec. 40. Section 214A.1, subsection 17, Code 2013, is amended by striking the subsection.

Sec. 41. Section 215.7, subsection 2, Code 2013, is amended to read as follows:

2. The person makes a settlement for or enters a credit, based upon any false weight or measurement, for any commodity purchased.

Sec. 42. Section 217.17, Code 2013, is amended to read as follows:

217.17 Administrator of division of planning.

The administrator of the division of planning, research, and statistics shall be qualified in the general field of governmental planning with special training and experience in the areas of preparation and development of plans for future efficient reorganization and administration of government

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1 social functions. The administrator of the division of
2 planning, research, and statistics shall cooperate with
3 the administrators of the other divisions of the department
4 of human services, assisting them and the director of the
5 department in their planning, research, and statistical
6 problems. The administrator of the division of planning,
7 research, and statistics shall assist the administrators,
8 director, and the council on human services by proposing
9 administrative and organizational changes at both the state
10 and local level to provide more efficient and integrated
11 social services to the citizens of this state. The planning,
12 research, and statistical operations now forming an
13 integral part of the present state functions assigned to the
14 administrators of this department along with their future needs
15 in this regard are all assigned to and shall be administered by
16 the administrator of ~~this~~ the division.
17 Sec. 43. Section 217.30, subsection 2, Code 2013, is amended
18 to read as follows:
19 2. Information described in subsection 1 shall not be
20 disclosed to or used by any person or agency except for
21 purposes of administration of the programs of services or
22 assistance, and shall not in any case, except as otherwise
23 provided in subsection 4, paragraph *"b"*, be disclosed to or
24 used by persons or agencies outside the department unless they
25 are subject to standards of confidentiality comparable to those
26 imposed on the department by this ~~division~~ section.
27 Sec. 44. Section 217.31, unnumbered paragraph 2, Code 2013,
28 is amended to read as follows:
29 Any reasonable grounds that a public employee has violated
30 any provision of ~~this division~~ section 217.30 shall be grounds
31 for immediate removal from access of any kind to confidential
32 records or suspension from duty without pay.
33 Sec. 45. Section 222.13, subsection 1, Code 2011, as amended
34 by 2012 Iowa Acts, chapter 1120, section 70, is amended to read
35 as follows:

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

Sec. 46. Section 222.27, Code 2013, is amended to read as follows:

222.27 Hearing in public.

Hearings shall be public, unless otherwise requested by the parent, guardian, or other person having ~~the~~ custody of the person with an intellectual disability, or if the judge considers~~,~~ a closed hearing in the best interests of the person with an intellectual disability.

Sec. 47. Section 225.10, Code 2013, is amended to read as follows:

225.10 Voluntary public patients.

Persons suffering from mental diseases may be admitted to the state psychiatric hospital as voluntary public patients ~~as~~

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1 ~~follows: Any~~ if a physician authorized to practice medicine
2 or osteopathic medicine in the state of Iowa ~~may file~~ files
3 information with the board of supervisors of the person's
4 county of residence or the board's designee, stating ~~that~~ all
5 of the following:
6 1. That the physician has examined the person and finds that
7 the person is suffering from some abnormal mental condition
8 that can probably be remedied by observation, treatment, and
9 hospital care~~; that~~.
10 2. That the physician believes it would be appropriate for
11 the person to enter the state psychiatric hospital for that
12 purpose and that the person is willing to do so~~; and that~~.
13 3. That neither the person nor those legally responsible for
14 the person are able to provide the means for the observation,
15 treatment, and hospital care.
16 Sec. 48. Section 225C.4, subsection 1, paragraph o, Code
17 2013, is amended to read as follows:
18 *o.* Recommend to the commission minimum accreditation
19 standards for the maintenance and operation of community mental
20 health centers, services, and programs under section ~~230A.16~~
21 230A.110. The administrator's review and evaluation of the
22 centers, services, and programs for compliance with the adopted
23 standards shall be as provided in section ~~230A.17~~ 230A.111.
24 Sec. 49. Section 225C.6, subsection 1, paragraph c, Code
25 2013, is amended to read as follows:
26 *c.* Adopt standards for community mental health centers,
27 services, and programs as recommended under section ~~230A.16~~
28 230A.110. The administrator shall determine whether to grant,
29 deny, or revoke the accreditation of the centers, services, and
30 programs.
31 Sec. 50. Section 225C.15, Code 2013, is amended to read as
32 follows:
33 **225C.15 County implementation of evaluations.**
34 The board of supervisors of a county shall, no later than
35 July 1, 1982, require that the policy stated in section 225C.14

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be followed with respect to admission of persons from that county to a state mental health institute. A community mental health center which is supported, directly or in affiliation with other counties, by that county may perform the preliminary diagnostic evaluations for that county, unless the performance of the evaluations is not covered by the agreement entered into by the county and the center ~~under section 230A.12~~, and the center's director certifies to the board of supervisors that the center does not have the capacity to perform the evaluations, in which case the board of supervisors shall proceed under section 225C.17.

Sec. 51. Section 228.6, subsection 1, Code 2013, is amended to read as follows:

1. A mental health professional or an employee of or agent for a mental health facility may disclose mental health information if and to the extent necessary, to meet the requirements of section 229.24, 229.25, 230.20, 230.21, 230.25, 230.26, ~~230A.13,~~ 230A.108, 232.74, or 232.147, or to meet the compulsory reporting or disclosure requirements of other state or federal law relating to the protection of human health and safety.

Sec. 52. Section 229.13, subsection 5, Code 2013, is amended to read as follows:

5. The chief medical officer of the hospital or facility at which the respondent is placed shall report to the court no more than fifteen days after the respondent is placed, making a recommendation for disposition of the matter. An extension of time may be granted, not to exceed seven days upon a showing of cause. A copy of the report shall be sent to the respondent's attorney, who may contest the need for an extension of time if one is requested. An extension of time shall be granted upon request unless the request is contested, in which case the court shall make such inquiry as it deems appropriate and may either order the respondent's release from the hospital or facility or grant an extension of time for psychiatric

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1 evaluation. If the chief medical officer fails to report to
2 the court within fifteen days after the individual is placed
3 under the care of the hospital or facility, and an extension
4 of time has not been requested, the chief medical officer
5 is guilty of contempt and shall be punished under chapter
6 665. The court shall order a rehearing on the application to
7 determine whether the respondent should continue to be detained
8 at or placed under the care of the hospital or facility.
9 Sec. 53. Section 229.15, subsection 3, paragraph b, Code
10 2013, is amended to read as follows:
11 *b.* An advanced registered nurse practitioner who is
12 not certified as a psychiatric advanced registered nurse
13 practitioner but who meets the qualifications set forth in the
14 definition of a mental health professional in section 228.1
15 ~~on July 1, 2008~~, may complete periodic reports pursuant to
16 paragraph *"a"*.
17 Sec. 54. Section 229.22, subsection 2, paragraph b, Code
18 2013, is amended to read as follows:
19 *b.* If the magistrate orders that the person be detained,
20 the magistrate shall, by the close of business on the next
21 working day, file a written order with the clerk in the county
22 where it is anticipated that an application may be filed
23 under section 229.6. The order may be filed by facsimile if
24 necessary. A peace officer from the law enforcement agency
25 that took the person into custody, if no request was made
26 under paragraph *"a"*, may inform the magistrate that an arrest
27 warrant has been issued for or charges are pending against the
28 person and request that any written order issued under this
29 paragraph require the facility or hospital to notify the law
30 enforcement agency about the discharge of the person prior to
31 discharge. The order shall state the circumstances under which
32 the person was taken into custody or otherwise brought to a
33 facility or hospital, and the grounds supporting the finding
34 of probable cause to believe that the person is seriously
35 mentally impaired and likely to injure the person's self or

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others if not immediately detained. The order shall also include any law enforcement agency notification requirements if applicable. The order shall confirm the oral order authorizing the person's detention including any order given to transport the person to an appropriate facility or hospital. A peace officer from the law enforcement agency that took the person into custody may also request an order, separate from the written order, requiring the facility or hospital to notify the law enforcement agency about the discharge of the person prior to discharge. The clerk shall provide a copy of the written order or any separate order to the chief medical officer of the facility or hospital to which the person was originally taken, to any subsequent facility to which the person was transported, and to any law enforcement department or ambulance service that transported the person pursuant to the magistrate's order.

Sec. 55. Section 230.33, unnumbered paragraph 2, Code 2013, is amended to read as follows:

~~Provided that~~ However, in the case of a proposed transfer of a person with mental illness or an intellectual disability from this state, ~~that no~~ final action shall not be taken without the approval either of the commission of hospitalization, or of the district court, of the county of admission or commitment.

Sec. 56. Section 230A.105, subsection 1, paragraph e, Code 2013, is amended to read as follows:

e. Individuals described in paragraph *"a"*, *"b"*, *"c"*, or *"d"* who have a co-occurring disorder, including but not limited to substance abuse, ~~mental retardation~~ intellectual disability, a developmental disability, brain injury, autism spectrum disorder, or another disability or special health care need.

Sec. 57. Section 230A.110, subsection 3, paragraph c, Code 2013, is amended to read as follows:

c. Arrange for the financial condition and transactions of the community mental health center to be audited once each year by the auditor of state. However, in lieu of an audit by ~~state accountants~~ the auditor of state, the local governing body of a

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1 community mental health center organized under this chapter may
2 contract with or employ certified public accountants to conduct
3 the audit, pursuant to the applicable terms and conditions
4 prescribed by sections 11.6 and 11.19 and audit format
5 prescribed by the auditor of state. Copies of each audit shall
6 be furnished by the auditor or accountant to the administrator
7 of the division of mental health and disability services.
8 Sec. 58. Section 231.56, Code 2013, is amended to read as
9 follows:
10 **231.56 Services and programs.**
11 The department shall administer services and programs
12 that allow older individuals to secure and maintain maximum
13 independence and dignity in a home environment that provides
14 for self-care with appropriate supportive services, assist
15 in removing individual and social barriers to economic
16 and personal independence for older individuals, provide a
17 continuum of care for older individuals and individuals with
18 disabilities, and secure the opportunity for older individuals
19 to receive managed in-home and community-based long-term
20 care services. Funds appropriated for this purpose shall be
21 ~~instituted~~ allocated based on administrative rules adopted by
22 the commission. The department shall require such records as
23 needed to administer this section.
24 Sec. 59. Section 232.73A, subsection 1, paragraph b, Code
25 2013, is amended to read as follows:
26 *b.* For purposes of this section, *"retaliatory action"*
27 includes but is not limited to an employer's action to
28 discharge an employee or to take or fail to take action
29 regarding an employee's appointment or proposed appointment
30 to a position in employment, to take or fail to take action
31 regarding an employee's promotion or proposed promotion to a
32 position in employment, or to fail to provide an advantage in a
33 position in employment.
34 Sec. 60. Section 234.6, subsection 1, Code 2013, is amended
35 to read as follows:

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1. Cooperate with the ~~federal~~ social security ~~board~~ administration created ~~by Tit. VII of~~ by the Social Security Act ~~[42~~ and codified at 42 U.S.C. § ~~901]~~ 901, ~~enacted by the 74th Congress of the United States and approved August 14, 1935,~~ or other agency of the federal government for public welfare assistance, in such reasonable manner as may be necessary to qualify for federal aid, including the making of such reports in such form and containing such information as the ~~federal~~ social security ~~board~~ administration, from time to time, may require, and to comply with such regulations as such ~~federal~~ social security ~~board~~ administration, from time to time, may find necessary to assure the correctness and verification of such reports.

Sec. 61. Section 235E.6, Code 2013, is amended to read as follows:

235E.6 Dependent adult abuse finding — notification to employer and employee.

Upon a ~~finding of founded~~ determination that an allegation of perpetration of dependent adult abuse by a caretaker is founded, the department shall provide written notification of the department's findings to the caretaker and the caretaker's employer. In addition, the written notification shall detail the consequences of placement on the central abuse registry, the caretaker's appeal rights, and include a separate appeal request form. The written appeal request form shall clearly set forth that the caretaker shall not be placed on the central abuse registry until final agency action is taken if an appeal is filed within fifteen days.

Sec. 62. Section 249J.6, subsection 2, paragraph a, Code 2013, is amended to read as follows:

a. Each expansion population member shall receive a comprehensive medical examination annually. The department may implement ~~a web-based~~ an internet-based health risk assessment for expansion population members that may include facilitation, if deemed to be cost-effective to the program.

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Sec. 63. Section 256D.3, subsection 3, Code 2013, is amended to read as follows:

3. ~~Beginning January 15, 2006, the~~ The department shall submit an annual report to the chairpersons and ranking members of the senate and house education committees that includes the statewide average school district class size in basic skills instruction in kindergarten through grade three, by grade level and by district size, and describes school district progress toward achieving early intervention block grant program goals and the ways in which school districts are using moneys received pursuant to this chapter and expended as provided in section 256D.2A. The report shall include district-by-district information showing the allocation received for early intervention block grant program purposes, the total number of students enrolled in grade four in each district, and the number of students in each district who are not proficient in reading in grade four for the most recent reporting period, as well as for each reporting period starting with the school year beginning July 1, 2001.

Sec. 64. Section 256F.6, subsection 2, Code 2013, is amended to read as follows:

2. The contract shall outline the reasons for revocation or nonrenewal of the ~~charter~~ contract.

Sec. 65. Section 261B.4, subsection 17, Code 2013, is amended to read as follows:

17. Evidence that the school meets the conditions of financial responsibility established in section 714.18, or that the school qualifies for an exemption under section 714.19 ~~or 714.22~~.

Sec. 66. Section 261B.11, subsection 2, paragraph a, Code 2013, is amended to read as follows:

a. A school that is granted an exemption under this section must file evidence of financial responsibility under section 714.18 or demonstrate to the commission or its designee that the school qualifies for an exemption under section 714.19 ~~or~~

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1 ~~714.22~~.
2 Sec. 67. Section 275.1, subsection 2, Code 2013, is amended
3 to read as follows:
4 2. It is the policy of the state to encourage economical
5 and efficient school districts which will ensure an equal
6 educational opportunity to all children of the state. All
7 areas of the state shall be in school districts maintaining
8 kindergarten and twelve grades. If a school district ceases
9 to maintain kindergarten and twelve grades except as otherwise
10 provided in section 28E.9, 256.13, 280.15, 282.7, subsection 1
11 or ~~subsections 1 and~~ 3, or section 282.8, it shall reorganize
12 within six months or the state board shall attach the school
13 district not maintaining kindergarten and twelve grades to one
14 or more adjacent districts. Voluntary reorganizations under
15 this chapter shall be commenced only if the affected school
16 districts are contiguous or marginally adjacent to one another.
17 A reorganized district shall meet the requirements of section
18 275.3.
19 Sec. 68. Section 279.9A, Code 2013, is amended to read as
20 follows:
21 **279.9A Information sharing.**
22 The rules referred to in section 279.9 shall provide that
23 upon the request of school officials of a school to which the
24 student seeks to transfer or has transferred, school officials
25 of the sending school shall provide an accurate record of
26 any suspension or expulsion actions taken, and the basis for
27 those actions taken, against the student under sections 279.9,
28 280.19A, 280.21B, 282.3, 282.4, and 282.5. The designated
29 representative shall disclose this information only to those
30 school employees whose duties require them to be involved
31 with the student. For purposes of this section, *"school*
32 *employees"* means persons employed by a nonpublic school or
33 school district, or any area education agency staff member who
34 provides services to a school or school district.
35 Sec. 69. Section 280.11, subsection 4, paragraph b, Code

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2013, is amended to read as follows:

b. "Noise" as used in this section, means a noise level that meets or exceeds damage-risk criteria established by the present ~~federal~~ standard for occupational noise exposure~~,~~ established by the federal occupational safety and health ~~standards~~ administration.

Sec. 70. Section 280.13B, Code 2013, is amended to read as follows:

280.13B ~~Taping~~ Recording and broadcast fees restricted.

The Iowa high school athletic association or its successor organization, and the Iowa girls high school athletic union or its successor organization, shall not assess a charge for the ~~videotape~~ retransmission of an audio-visual recording of a high school athletic tournament contest or event if the ~~videotape~~ retransmission does not occur earlier than twenty-four hours after the starting time of the live athletic contest or event.

Sec. 71. Section 282.4, subsections 2 and 3, Code 2013, are amended to read as follows:

2. ~~*a.*~~ A student who commits an assault, as defined under section 708.1, against a school employee in a school building, on school grounds, or at a school-sponsored function shall be suspended for a time to be determined by the principal. Notice of the suspension shall be immediately sent to the president of the board. By special meeting or at the next regularly scheduled board meeting, the board shall review the suspension and decide whether to hold a disciplinary hearing to determine whether or not to order further sanctions against the student, which may include expelling the student. In making its decision, the board shall consider the best interests of the school district, which shall include what is best to protect and ensure the safety of the school employees and students from the student committing the assault.

~~*b.*~~ 3. A student shall not be suspended or expelled pursuant to this section if the suspension or expulsion would violate the federal Individuals with Disabilities Education Act.

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1 ~~3.~~ 4. Notwithstanding section 282.6, if a student has
2 been expelled or suspended from school and has not met the
3 conditions of the expulsion or suspension, the student shall
4 not be permitted to enroll in a school district until the board
5 of directors of the school district approves, by a majority
6 vote, the enrollment of the student.
7 Sec. 72. Section 282.24, subsection 1, paragraph a, Code
8 2013, is amended to read as follows:
9 *a.* The maximum tuition fee that may be charged for
10 elementary and high school students residing within another
11 school district or corporation except students attending school
12 in another district under section 282.7, subsection 1~~,~~ or
13 ~~subsections 1 and~~ 3, is the district cost per pupil of the
14 receiving district as computed in section 257.10.
15 Sec. 73. Section 299.6, Code 2013, is amended to read as
16 follows:
17 **299.6 Violations — community service or fine or**
18 **imprisonment.**
19 1. Any person who violates a mediation agreement under
20 section 299.5A, who is referred for prosecution under section
21 299.5A and is convicted of a violation of any of the provisions
22 of sections 299.1 through 299.5, who violates any of the
23 provisions of sections 299.1 through 299.5, or who refuses to
24 participate in mediation under section 299.5A, ~~for a first~~
25 ~~offense, is guilty of a simple misdemeanor~~ commits a public
26 offense.
27 *a.* A first offense is a serious misdemeanor and a conviction
28 is punishable by imprisonment not exceeding ten days or a
29 fine not exceeding one hundred dollars. The court may order
30 the person to perform not more than forty hours of unpaid
31 community service instead of any fine or imprisonment. ~~A~~
32 ~~person convicted of a second violation is guilty of a serious~~
33 ~~misdemeanor.~~
34 *b.* A second offense is a serious misdemeanor and a
35 conviction is punishable by imprisonment not exceeding twenty

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1 days or a fine not exceeding five hundred dollars, or both
2 a fine and imprisonment. The court may order the person
3 to perform unpaid community service instead of any fine or
4 imprisonment.
5 *c.* A third or subsequent offense is a serious misdemeanor
6 and a conviction is punishable by imprisonment not exceeding
7 thirty days or a fine not exceeding one thousand dollars, or
8 both a fine and imprisonment. The court may order the person
9 to perform unpaid community service instead of any fine or
10 imprisonment.
11 2. If community service is imposed as part of a sentencing
12 order, the court may require that part or all of the service be
13 performed for a public school district or nonpublic school if
14 the court finds that service in the school is appropriate under
15 the circumstances.
16 3. If a parent, guardian, or legal or actual custodian of a
17 child who is truant, has made reasonable efforts to comply with
18 the provisions of sections 299.1 through 299.5, but is unable
19 to cause the child to attend school, the parent, guardian,
20 or legal or actual custodian may file an affidavit listing
21 the reasonable efforts made by the parent, guardian, or legal
22 or actual custodian to cause the child's attendance and the
23 parent, guardian, or legal or actual custodian shall not be
24 criminally liable for the child's nonattendance.
25 Sec. 74. Section 306C.18, subsection 4, Code 2013, is
26 amended to read as follows:
27 4. The fee for both types of permits for calendar years
28 1997 and 1998 shall be one hundred dollars for the initial
29 fee and fifteen dollars for each annual renewal for signs
30 up to three hundred seventy-five square feet in area,
31 twenty-five dollars for each annual renewal for signs at least
32 three hundred seventy-six, but not more than nine hundred
33 ninety-nine, square feet in area, and fifty dollars for each
34 annual renewal for signs one thousand square feet or more in
35 area. Beginning January 1, 1999, fees shall be as determined

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by rule by the department. The fees collected for the above permits shall be credited to ~~a special account entitled~~ the ~~"highway~~ highway beautification ~~fund"~~ fund created in section 306C.11, subsection 5, and all salaries and expenses incurred in administering this chapter shall be paid from this fund or from specific appropriations for this purpose, except that surveillance of, and removal of, advertising devices performed by regular maintenance personnel are not to be charged against the ~~account~~ fund.

Sec. 75. Section 313.43, Code 2013, is amended to read as follows:

313.43 Lateral or detour routes in cities.

1. Any city located on the primary road system and in which the primary road extension as officially designated does not pass through the main part or business district of such city, may designate and mark a lateral or detour route in order to facilitate such primary road traffic as may desire to get into and out of such business district.

2. Lateral or detour routes shall be marked with standard markings adopted by the department for that purpose, which markings shall clearly indicate that the lateral route is not the official primary road extension but is in fact a lateral or detour extending to the business district.

3. The cost of the markings shall be without expense to the state.

Sec. 76. Section 313.64, unnumbered paragraph 1, Code 2013, is amended to read as follows:

~~Should~~ If the department ~~accept~~ accepts the offer of any bridge over a boundary stream and ~~enter~~ enters into a written agreement in relation ~~thereto~~ to the bridge as provided in sections 313.59 to 313.63, this section, and section 313.65, the owner or operator of ~~such~~ the bridge shall thereafter and until all indebtedness or other obligations against ~~such~~ the bridge have been paid and discharged annually file with the department a sworn statement of its financial condition. ~~Such~~

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The statement shall show funds on hand and indebtedness at the beginning and end of the year, receipts, disbursements, indebtedness retired during the year and any other information required by the department to show the true and complete condition of the finances with respect to ~~such~~ the bridge and bridge approaches ~~thereto~~.

Sec. 77. Section 321.98, Code 2013, is amended to read as follows:

321.98 Operation without registration.

1. ~~A~~ Except as otherwise expressly permitted in this chapter, a person shall not operate and an owner shall not knowingly permit to be operated upon any highway any vehicle required to be registered and titled ~~hereunder~~ under this chapter unless ~~there shall be~~:

a. A valid registration card and registration plate or plates issued for the vehicle for the current registration year are attached ~~thereto~~ to and displayed ~~thereon~~ on the vehicle when and as required by this chapter ~~a valid registration card and registration plate or plates issued therefor for the current registration year~~; and ~~unless a~~

b. A certificate of title has been issued for ~~such~~ the vehicle ~~except as otherwise expressly permitted in this chapter~~.

2. Any violation of this section is a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 2.

Sec. 78. Section 321.180B, subsection 1, paragraphs c, d, and e, Code 2013, are amended to read as follows:

c. (1) Except as otherwise provided, a permittee who is less than eighteen years of age and who is operating a motor vehicle must be accompanied by a person issued a driver's license valid for the vehicle operated who is the parent, guardian, or custodian of the permittee, a member of the permittee's immediate family if the family member is at least twenty-one years of age, an approved driver education

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instructor, a prospective driver education instructor who is enrolled in a practitioner preparation program with a safety education program approved by the state board of education, or a person at least twenty-five years of age if written permission is granted by the parent, guardian, or custodian, and who is actually occupying a seat beside the driver. A permittee shall not operate a motor vehicle if the number of passengers in the motor vehicle exceeds the number of passenger safety belts in the motor vehicle. If the applicant for an instruction permit holds a driver's license issued in this state valid for the operation of a motorized bicycle or a motorcycle, the instruction permit shall be valid for such operation without the requirement of an accompanying person.

~~*d.*~~ (2) ~~However, if~~ If the permittee is operating a motorcycle in accordance with this section, the accompanying person must be within audible and visual communications distance from the permittee and be accompanying the permittee on or in a different motor vehicle. Only one permittee shall be under the immediate supervision of an accompanying qualified person.

~~*e.*~~ *d.* A permittee shall not be penalized for failing to have the instruction permit in the permittee's immediate possession if the permittee produces in court, within a reasonable time, an instruction permit issued to the permittee and valid at the time of the permittee's arrest or at the time the permittee was charged with failure to have the permit in the permittee's immediate possession.

Sec. 79. Section 321.188, subsection 6, paragraph c, Code 2013, is amended to read as follows:

c. An applicant who obtains a driving skills test waiver under this subsection shall take and successfully pass the knowledge test required pursuant to subsection 1.

Sec. 80. Section 321.276, subsection 5, Code 2013, is amended to read as follows:

5. ~~*a.*~~ A peace officer shall not stop or detain a person

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solely for a suspected violation of this section. This section is enforceable by a peace officer only as a secondary action when the driver of a motor vehicle has been stopped or detained for a suspected violation of another provision of this chapter, a local ordinance equivalent to a provision of this chapter, or other law.

~~*b.*~~ 6. ~~For the period beginning July 1, 2010, through June 30, 2011, peace officers shall issue only warning citations for violations of this section.~~ The department, in cooperation with the department of public safety, shall establish educational programs to foster compliance with the requirements of this section.

Sec. 81. Section 321.285, subsection 7, Code 2013, is amended to read as follows:

7. A person who violates this section for excessive speed in violation of a speed limit commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 5~~, paragraph "*a*"~~. A person who violates this section for excessive speed as an operator of a school bus commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 10. A person who violates any other provision of this section commits a simple misdemeanor.

Sec. 82. Section 321.341, Code 2013, is amended to read as follows:

321.341 Obedience to signal indicating approach of railroad train or railroad track equipment.

1. When a person driving a vehicle approaches a railroad grade crossing and warning is given by automatic signal, crossing gates, a flag person, or otherwise of the immediate approach of a railroad train or railroad track equipment, the driver of the vehicle shall stop the vehicle within fifty feet but not less than fifteen feet from the nearest rail and shall not proceed until the driver can do so safely.

2. The driver of a vehicle shall stop the vehicle and the vehicle shall remain standing and not traverse such a grade

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crossing when a crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train or railroad track equipment.

Sec. 83. Section 321.354, Code 2013, is amended to read as follows:

321.354 Stopping on traveled way.

1. ~~Upon any highway outside of a business district, rural residence district or residence district a~~ A person shall not stop, park, or leave standing ~~a~~ an attended or unattended vehicle~~, whether attended or unattended~~ upon any highway outside of a business district, rural residence district, or residence district as follows:

~~1.~~ *a.* Upon the paved part of the highway when it is practical to stop, park, or leave the vehicle off that part of the highway, however, a clear and unobstructed width of at least twenty feet of the paved part of the highway opposite the standing vehicle shall be left for the free passage of other vehicles. As used in this subsection, *"paved highway"* includes an asphalt surfaced highway.

~~2.~~ *b.* Upon the main traveled part of a highway other than a paved highway when it is practical to stop, park, or leave the vehicle off that part of the highway. However, a clear and unobstructed width of that part of the highway opposite the standing vehicle shall be left to allow for the free passage of other vehicles.

2. A clear view of the stopped vehicle shall be available from a distance of two hundred feet in each direction upon the highway. However, school buses may stop on the highway for receiving and discharging pupils and all other vehicles shall stop for school buses which are stopped to receive or discharge pupils, as provided in section 321.372. This section does not apply to a vehicle making a turn as provided in section 321.311. This section also does not apply to the stopping or parking of a maintenance vehicle operated by a highway authority on the main traveled way of any roadway

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when necessary to the function being performed and when early warning devices are properly displayed.

Sec. 84. Section 321.498, subsection 2, Code 2013, is amended to read as follows:

2. *a.* ~~The term *"nonresident"*~~ *"Nonresident"* shall include any person who was, at the time of the accident or event, a resident of the state of Iowa but who removed from the state before the commencement of such action or proceedings.

b. *"Person"* shall mean:

(1) The owner of the vehicle whether it is being used and operated personally by the owner, or by the owner's agent.

(2) An agent using and operating the vehicle for the agent's principal.

(3) Any person who is in charge of the vehicle and of the use and operation thereof with the express or implied consent of the owner.

Sec. 85. Section 321G.20, subsection 2, Code 2013, is amended to read as follows:

2. While operating a snowmobile on a designated snowmobile trail, public land, or public ice, a person twelve through fifteen years of age ~~and possessing~~ shall possess a valid education certificate issued under this chapter and must be under the direct supervision of a parent, guardian, or another adult authorized by the parent or guardian, who is experienced in snowmobile operation and possesses a valid driver's license, as defined in section 321.1, or an education certificate issued under this chapter.

Sec. 86. Section 321J.24, subsection 5, paragraph a, subparagraph (2), Code 2013, is amended to read as follows:

(2) A facility for the treatment of ~~chemical substance abuse~~ persons with substance-related disorders as defined in section 125.2, under the supervision of appropriately licensed medical personnel.

Sec. 87. Section 321J.25, subsection 2, paragraph b, Code 2013, is amended to read as follows:

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b. A facility for the treatment of ~~chemical substance abuse~~ persons with substance-related disorders as defined in section 125.2, under the supervision of appropriately licensed medical personnel.

Sec. 88. Section 331.321, subsection 1, paragraph e, Code 2013, is amended to read as follows:

e. A temporary board of community mental health center trustees in accordance with section ~~230A.4~~ 230A.110, subsection 3, paragraph *"b"*, when the board decides to establish a community mental health center, and members to fill vacancies in accordance with section ~~230A.6~~ 230A.110, subsection 3, paragraph *"b"*.

Sec. 89. Section 331.392, subsection 2, paragraph i, Code 2013, is amended to read as follows:

i. Provisions for formation and assigned responsibilities for one or more advisory committees consisting of individuals who utilize services or actively involved relatives of such individuals, service providers, governing board members, and persons representing other interests identified in the agreement.

Sec. 90. Section 331.395, Code 2013, is amended to read as follows:

331.395 Financial eligibility requirements.

1. A person must comply with all of the following financial eligibility requirements to be eligible for services under the regional service system:

~~1.~~ *a.* The person must have an income equal to or less than one hundred fifty percent of the federal poverty level, as defined by the most recently revised poverty income guidelines published by the United States department of health and human services, to be eligible for regional service system public funding. It is the intent of the general assembly to consider increasing this income eligibility provision to two hundred percent of the federal poverty level.

~~2. *a.* A region or a service provider contracting with the~~

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~~region shall not apply a copayment, sliding fee scale, or other cost-sharing requirement for a particular service to a person with an income equal to or less than one hundred fifty percent of the federal poverty level.~~

~~*b.* Notwithstanding subsection 1, a person with an income above one hundred fifty percent of the federal poverty level may be eligible for services subject to a copayment, sliding fee scale, or other cost-sharing requirement approved by the department.~~

~~*c.* A provider under the regional service system of a service that is not funded by the medical assistance program under chapter 249A may waive the copayment or other cost-sharing arrangement if the provider is not reimbursed for the cost with public funds.~~

~~3.~~ *b.* A person who is eligible for federally funded services and other support must apply for such services and support.

~~4.~~ *c.* The person ~~is~~ must be in compliance with resource limitations identified in rule adopted by the state commission. The limitation shall be derived from the federal supplemental security income program resource limitations. A person with resources above the federal supplemental security income program resource limitations may be eligible subject to limitations adopted in rule by the state commission pursuant to a recommendation made by the department. If a person does not qualify for federally funded services and other support but meets income, resource, and functional eligibility requirements for regional services, the following types of resources shall be disregarded:

~~*a.*~~ (1) A retirement account that is in the accumulation stage.

~~*b.*~~ (2) A burial, medical savings, or assistive technology account.

2. *a.* A region or a service provider contracting with the region shall not apply a copayment, sliding fee scale, or other

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1 cost-sharing requirement for a particular service to a person
2 with an income equal to or less than one hundred fifty percent
3 of the federal poverty level.
4 *b.* Notwithstanding subsection 1, paragraph *"a"*, a person
5 with an income above one hundred fifty percent of the federal
6 poverty level may be eligible for services subject to a
7 copayment, sliding fee scale, or other cost-sharing requirement
8 approved by the department.
9 *c.* A provider under the regional service system of a service
10 that is not funded by the medical assistance program under
11 chapter 249A may waive the copayment or other cost-sharing
12 arrangement if the provider is not reimbursed for the cost with
13 public funds.
14 Sec. 91. Section 331.606A, subsection 3, Code 2013, is
15 amended to read as follows:
16 3. *Redaction from electronic documents.* Personally
17 identifiable information that is contained in electronic
18 documents that are displayed for public access on ~~a website~~ an
19 internet site, or which are transferred to any person, shall
20 be redacted prior to displaying or transferring the documents.
21 Each recorder that displays electronic documents and the
22 county land record information system that displays electronic
23 documents on behalf of a county shall implement a system for
24 redacting personally identifiable information. The recorder
25 and the governing board of the county land record information
26 system shall establish a procedure by which individuals may
27 request that personally identifiable information contained
28 in an electronic document displayed on ~~a website~~ an internet
29 site be redacted, at no fee to the requesting individual. The
30 requirements of this subsection shall be fully implemented not
31 later than December 31, 2011.
32 Sec. 92. Section 331.606A, subsection 6, paragraph b, Code
33 2013, is amended to read as follows:
34 *b.* Subsection 3 shall not apply to a military separation
35 or discharge record, a birth record, a death certificate,

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or marriage certificate unless such record or certificate is incorporated within another document or instrument that is recorded and displayed for public access on ~~a website~~ an internet site.

Sec. 93. Section 331.653, subsection 33, Code 2013, is amended to read as follows:

33. Carry out duties relating to the enforcement of laws prohibiting the operation of a motor vehicle while ~~under the influence of an alcoholic beverage~~ intoxicated as provided in chapter 321J.

Sec. 94. Section 341A.15, Code 2013, is amended to read as follows:

341A.15 Leave of absence.

Leave of absence, without pay, may be granted by any county sheriff to any person under civil service~~, however, the~~. The sheriff shall give notice of leave to the commission.

Sec. 95. Section 357A.11, subsection 1, Code 2013, is amended to read as follows:

1. Adopt rules, regulations, and rate schedules in conformity with the provisions of this ~~Act~~ chapter and the bylaws of the district as necessary for the conduct of the business of the district.

Sec. 96. Section 357E.9, subsection 1, paragraph b, Code 2013, is amended to read as follows:

b. (1) For districts in existence on July 1, 2011, the number of trustees, other than those appointed under subsection 2, shall be increased from three trustees to seven trustees. For the initial seven-member board under this paragraph *"b"*, the board of supervisors shall appoint four trustees. One trustee shall be appointed to serve for one year, one for two years, and two for three years. The term of each trustee appointed under this ~~paragraph~~ subparagraph shall expire on the same date as the term of the current trustee whose term expires during the same year.

(2) This paragraph *"b"* is repealed on July 1, 2018.

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1 Sec. 97. Section 368.26, Code 2013, is amended to read as
2 follows:
3 **368.26 Annexation of certain property — compliance with less**
4 **stringent regulations.**
5 1. A city ordinance or regulation that regulates a
6 condition or activity occurring on protected farmland or
7 regulates a person who owns and operates protected farmland is
8 unenforceable against the owner of the protected farmland for a
9 period of ten years from the effective date of the annexation,
10 to the extent the city ordinance or regulation is more
11 stringent than county legislation. Section 335.2 shall apply
12 to the protected farmland until the owner of the protected
13 farmland determines that the land will no longer be operated as
14 an agricultural operation. Any enforcement activity conducted
15 in violation of this section is void.
16 2. ~~A "*condition*~~ For purposes of this section:
17 *a. "Condition or activity occurring on protected farmland"*
18 includes but is not limited to the raising, harvesting,
19 drying, or storage of crops; the marketing of products at
20 roadside stands or farm markets; the creation of noise, odor,
21 dust, or fumes; the production, care, feeding, or housing
22 of animals including but not limited to the construction,
23 operation, or management of an animal feeding operation, an
24 animal feeding operation structure, or aerobic structure, and
25 to the storage, handling, or application of manure or egg
26 washwater; the operation of machinery including but not limited
27 to planting and harvesting equipment, grain dryers, grain
28 handling equipment, and irrigation pumps; ground and aerial
29 seeding and spraying; the application of chemical fertilizers,
30 conditioners, insecticides, pesticides, and herbicides; and the
31 employment and use of labor.
32 *b. "County legislation"* means any ordinance, motion,
33 resolution, or amendment adopted by a county pursuant to
34 section 331.302.
35 *c.* ~~For the purposes of this section, "*protected*~~ *"Protected*

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farmland" means land that is part of a century farm as that term is defined in section 403.17, subsection 10. ~~For the purposes of this section, *"county legislation"* means any ordinance, motion, resolution, or amendment adopted by a county pursuant to section 331.302.~~

Sec. 98. Section 411.6, subsection 16, paragraph a, subparagraph (1), Code 2013, is amended to read as follows:

(1) The disability would not exist but for the member's chemical dependency~~, as defined in section 125.2,~~ on a schedule I controlled substance, as defined in section 124.204, or the member's chemical dependency on a schedule II controlled substance, as defined in section 124.206, resulting from the inappropriate use of the schedule II controlled substance. For purposes of this subparagraph, *"chemical dependency"* means an addiction or dependency, either physical or psychological, on a chemical substance. Persons who take medically prescribed drugs shall not be considered chemically dependent if the drug is medically prescribed and the intake is proportionate to the medical need.

Sec. 99. Section 419.1, subsection 12, paragraph c, Code 2013, is amended to read as follows:

c. Purposes that are eligible for financing from qualified midwestern disaster area bonds authorized under the federal Emergency Economic Stabilization Act of 2008, Pub. L. No. ~~110-185~~ 110-343, together with any other financing necessary or desirable in connection with such purposes.

Sec. 100. Section 420.224, Code 2013, is amended to read as follows:

420.224 Limitation on resale by city.

~~No property~~ Property which may be sold at tax sale to any such city shall not be offered at any sale for taxes or special assessments, collectible by such city, while it holds the certificate of purchase thereof or tax deed thereon except ~~only as follows: In the event~~ that if any special assessment or installment thereof levied by any such city prior to April

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22, 1941, shall be or become delinquent after purchase of such property at tax sale by the city, then the property against which the same was levied may be sold therefor only at the first regular tax sale of such city occurring within such a period of time after delinquency that sale for such assessment or installment might lawfully be made at such first regular tax sale. Nothing in sections 420.220 to 420.229 shall prevent the sale of property for any unpaid taxes collectible by the county.

Sec. 101. Section 421.30, subsection 1, Code 2013, is amended to read as follows:

1. ~~There~~ A reassessment expense fund is created in the office of the treasurer of state ~~a "reassessment expense fund"~~ for the purpose of providing loans to a city and county conference board for conducting reassessments of property. There is appropriated to the reassessment expense fund from the general fund of the state from any unappropriated funds in the general fund of the state such funds as are necessary to carry out the provisions of this section, section 421.17, subsection 19, and ~~the last paragraph of~~ section 441.19, subsection 2, subject to the approval of the director of revenue. Repayment of loans shall be credited to the fund.

Sec. 102. Section 421C.4, subsection 1, Code 2013, is amended to read as follows:

1. As used in this section, *"county attorney"* means a single county attorney office or a group of county attorney offices whose counties have entered into an agreement pursuant to chapter 28E and pursuant to section 602.8107, subsection 4, to collect delinquent court debt.

Sec. 103. Section 423B.1, subsection 4, paragraph a, Code 2013, is amended to read as follows:

a. A county board of supervisors shall direct within thirty days the county commissioner of elections to submit the question of imposition of a local vehicle tax or a local sales and services tax to the registered voters of the incorporated

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and unincorporated areas of the county upon receipt of a petition, requesting imposition of a local vehicle tax or a local sales and services tax, signed by eligible electors of the whole county equal in number to five percent of the persons in the whole county who voted at the last preceding ~~state~~ general election. In the case of a local vehicle tax, the petition requesting imposition shall specify the rate of tax and the classes, if any, that are to be exempt. If more than one valid petition is received, the earliest received petition shall be used.

Sec. 104. Section 423B.2, Code 2013, is amended to read as follows:

423B.2 Local vehicle tax.

1. An annual local vehicle tax at the rate per vehicle specified on the ballot proposition may be imposed by a county on every vehicle which is required by the state to be registered ~~by the state~~ and is registered with the county treasurer to a person residing within the county where the tax is imposed at the time of the renewal of the registration of the vehicle. The local vehicle tax shall be imposed only on the renewals of registrations and shall be payable during the registration renewal periods provided under section 321.40.

2. The county imposing the tax shall provide for the exemption of each class, if any, of vehicles for which an exemption was listed on the ballot proposition.

3. For the purpose of the tax authorized by this section~~,~~ ~~*"person"* and *"registration year"* mean~~:

a. "Person" means the same as defined in section 321.1.

b. "Registration year" means the same as defined in section 321.1~~, and *"vehicle"*~~.

c. "Vehicle" means motor vehicle as defined in section 321.1 which is subject to registration under section 321.18, and which is registered with the county treasurer.

Sec. 105. Section 427B.17, Code 2013, is amended to read as follows:

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427B.17 Property subject to special valuation.

1. For purposes of this section:

a. "Electric power generating plant" means any nameplate rated electric power generating plant, in which electric energy is produced from other forms of energy, including all taxable land, buildings, and equipment used in the production of such energy.

b. "Net acquisition cost" means the acquired cost of the property including all foundations and installation cost less any excess cost adjustment.

c. "Net actual generation" means net electrical megawatt hours produced by the unit during the preceding assessment year.

d. "Net capacity factor" means net actual generation divided by the product of net maximum capacity times the number of hours the unit was in the active state during the assessment year. Upon commissioning, a unit is in the active state until it is decommissioned.

e. "Net maximum capacity" means the capacity the unit can sustain over a specified period when not restricted by ambient conditions or equipment deratings, minus the losses associated with station service or auxiliary loads.

~~1.~~ 2. For property defined in section 427A.1, subsection 1, paragraphs *"e"* and *"j"*, the taxpayer's valuation shall be limited to thirty percent of the net acquisition cost of the property, except as otherwise provided in subsections ~~2~~ 3 and ~~3~~ 4. ~~For purposes of this section, *"net acquisition cost"* means the acquired cost of the property including all foundations and installation cost less any excess cost adjustment.~~

~~2.~~ 3. Property defined in section 427A.1, subsection 1, paragraphs *"e"* and *"j"*, which is first assessed for taxation in this state on or after January 1, 1995, shall be exempt from taxation.

~~3.~~ 4. Property defined in section 427A.1, subsection 1, paragraphs *"e"* and *"j"*, and assessed under subsection ~~1~~ 2 of

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this section, shall be valued by the local assessor as follows for the following assessment years:

a. For the assessment year beginning January 1, 1999, at twenty-two percent of the net acquisition cost.

b. For the assessment year beginning January 1, 2000, at fourteen percent of the net acquisition cost.

c. For the assessment year beginning January 1, 2001, at six percent of the net acquisition cost.

d. For the assessment year beginning January 1, 2002, and succeeding assessment years, at zero percent of the net acquisition cost.

~~4.~~ 5. Property assessed pursuant to this section shall not be eligible to receive a partial exemption under sections 427B.1 to 427B.6.

~~5. This section shall not apply to property assessed by the department of revenue pursuant to sections 428.24 to 428.29, or chapters 433, 434, 437, 437A, and 438, and such property shall not receive the benefits of this section.~~

~~Any electric power generating plant which operated during the preceding assessment year at a net capacity factor of more than twenty percent, shall not receive the benefits of this section or of section 15.332. For purposes of this section, *"electric power generating plant"* means any nameplate rated electric power generating plant, in which electric energy is produced from other forms of energy, including all taxable land, buildings, and equipment used in the production of such energy. *"Net capacity factor"* means net actual generation divided by the product of net maximum capacity times the number of hours the unit was in the active state during the assessment year. Upon commissioning, a unit is in the active state until it is decommissioned. *"Net actual generation"* means net electrical megawatt hours produced by the unit during the preceding assessment year. *"Net maximum capacity"* means the capacity the unit can sustain over a specified period when not restricted by ambient conditions or equipment deratings, minus~~

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1 ~~the losses associated with station service or auxiliary loads.~~
2 6. For the purpose of dividing taxes under section 260E.4,
3 the employer's or business's valuation of property defined
4 in section 427A.1, subsection 1, paragraphs *"e"* and *"j"*, and
5 used to fund a new jobs training project which project's
6 first written agreement providing for a division of taxes as
7 provided in section 403.19 is approved on or before June 30,
8 1995, shall be limited to thirty percent of the net acquisition
9 cost of the property. The community college shall notify
10 the assessor by February 15 of each assessment year if taxes
11 levied against such property of an employer or business will
12 be used to finance a project in the following fiscal year.
13 In any fiscal year in which the community college does rely
14 on taxes levied against an employer's or business's property
15 defined in section 427A.1, subsection 1, paragraph *"e"* or
16 *"j"*, to finance a project, such property shall not be valued
17 pursuant to subsection ~~2~~ 3 or ~~3~~ 4, whichever is applicable,
18 for that fiscal year. An employer's or business's taxable
19 property used to fund a new jobs training project shall not
20 be valued pursuant to subsection ~~2~~ 3 or ~~3~~ 4, whichever is
21 applicable, until the assessment year following the calendar
22 year in which the certificates or other funding obligations
23 have been retired or escrowed. If the certificates issued,
24 or other funding obligations incurred, between January 1,
25 1982, and June 30, 1995, are refinanced or refunded after June
26 30, 1995, the valuation of such property shall then be the
27 valuation specified in subsection ~~2~~ 3 or ~~3~~ 4, whichever is
28 applicable, for the applicable assessment year beginning with
29 the assessment year following the calendar year in which those
30 certificates or other funding obligations are refinanced or
31 refunded after June 30, 1995.
32 7. Notwithstanding subsection ~~5~~ 8 or any other provision
33 to the contrary, this section shall be applicable to a new
34 cogeneration facility subject to the assessed value provisions
35 of section 437A.16A, but the exemptions provided in this

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1 section shall be reduced by an amount bearing the same ratio
2 to the value of the property that is exempt pursuant to
3 this section as the allowable credit under section 437A.16A,
4 subsection 1, bears to the assessable value of the entire new
5 cogeneration facility before the application of any abatements,
6 credits, or exemptions against that value.
7 8. *a.* This section shall not apply to property assessed
8 by the department of revenue pursuant to sections 428.24 to
9 428.29, or chapters 433, 434, 437, 437A, and 438, and such
10 property shall not receive the benefits of this section.
11 *b.* Any electric power generating plant which operated during
12 the preceding assessment year at a net capacity factor of more
13 than twenty percent, shall not receive the benefits of this
14 section or of section 15.332.
15 Sec. 106. Section 432.12C, subsection 2, Code 2013, is
16 amended to read as follows:
17 2. The taxes imposed under this ~~division~~ chapter shall
18 be reduced by investment tax credits authorized pursuant to
19 ~~sections~~ section 15.333A and section 15E.193B, subsection 6.
20 Sec. 107. Section 441.4, Code 2013, is amended to read as
21 follows:
22 **441.4 Removal of member.**
23 A member of this examining board may be removed by the
24 voting unit of the conference board by which the member was
25 appointed but only after specific charges have been filed
26 and a public hearing held, if a hearing is requested by the
27 discharged member of the board. Subsequent appointments and an
28 appointment to fill a vacancy shall be made in the same way as
29 the original appointment.
30 Sec. 108. Section 453B.7, subsection 2, Code 2013, is
31 amended to read as follows:
32 2. On each gram or portion of a gram of any taxable
33 substance, other than marijuana, sold by weight ~~other than~~
34 ~~marijuana~~, two hundred fifty dollars.
35 Sec. 109. Section 455B.301, subsection 20, Code 2013, is

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amended to read as follows:

20. *"Rubble"* means dirt, stone, brick, or similar inorganic materials used for beneficial fill, landscaping, excavation, or grading at places other than a sanitary disposal project. *"Rubble"* includes asphalt waste only as long as it is not used in contact with water or in a floodplain. For purposes of this chapter, *"rubble"* does not mean gypsum or gypsum wallboard, coal combustion residue, foundry sand, or other industrial process wastes unless those wastes are approved by the department.

Sec. 110. Section 455D.11, subsection 7, paragraph c, Code 2013, is amended by striking the paragraph.

Sec. 111. Section 455F.7, subsection 1, Code 2013, is amended to read as follows:

1. A retailer offering for sale or selling a household hazardous material shall have a valid permit for each place of business owned or operated by the retailer for this activity. All permits provided for in this ~~division~~ section shall expire on June 30 of each year. Every retailer shall submit an annual application by July 1 of each year and a fee of twenty-five dollars to the department of revenue for a permit upon a form prescribed by the director of revenue. Permits are nonrefundable, are based upon an annual operating period, and are not prorated. A person in violation of this section shall be subject to permit revocation upon notice and hearing. The department shall remit the fees collected to the household hazardous waste account of the groundwater protection fund. A person distributing general use pesticides labeled for agricultural or lawn and garden use with gross annual pesticide sales of less than ten thousand dollars is subject to the requirements and fee payment prescribed by this section.

Sec. 112. Section 455G.1, subsection 1, Code 2013, is amended to read as follows:

1. This ~~chapter~~ subchapter is entitled the *"Iowa Comprehensive Petroleum Underground Storage Tank Fund Act"*.

Sec. 113. Section 455G.1, subsection 2, unnumbered

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1 paragraph 1, Code 2013, is amended to read as follows:
2 This ~~chapter~~ subchapter applies to petroleum underground
3 storage tanks for which an owner or operator is required to
4 maintain proof of financial responsibility under federal
5 or state law, from the effective date of the regulation of
6 the federal environmental protection agency governing that
7 tank, and not from the effective compliance date, unless the
8 effective compliance date of the regulation is the effective
9 date of the regulation. An owner or operator of a petroleum
10 underground storage tank required by federal or state law to
11 maintain proof of financial responsibility for that underground
12 storage tank is subject to this ~~chapter~~ subchapter and chapter
13 424.
14 Sec. 114. Section 455G.2, unnumbered paragraph 1, Code
15 2013, is amended to read as follows:
16 As used in this ~~chapter~~ subchapter unless the context
17 otherwise requires:
18 Sec. 115. Section 455G.2, subsection 2, Code 2013, is
19 amended to read as follows:
20 2. *"Bond"* means a bond, note, or other obligation issued by
21 the treasurer of state for the fund and the purposes of this
22 ~~chapter~~ subchapter.
23 Sec. 116. Section 455G.3, subsections 1 through 3, Code
24 2013, are amended to read as follows:
25 1. The Iowa comprehensive petroleum underground storage
26 tank fund is created as a separate fund in the state treasury,
27 and any funds remaining in the fund at the end of each fiscal
28 year shall not revert to the general fund but shall remain
29 in the Iowa comprehensive petroleum underground storage tank
30 fund. Interest or other income earned by the fund shall
31 be deposited in the fund. The fund shall include moneys
32 credited to the fund under this section, section 321.145,
33 subsection 2, paragraph *"a"*, and sections 455G.8 and 455G.9,
34 and section 455G.11, Code 2003, and other funds which by
35 law may be credited to the fund. The moneys in the fund are

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appropriated to and for the purposes of the board as provided in this ~~chapter~~ subchapter. Amounts in the fund shall not be subject to appropriation for any other purpose by the general assembly, but shall be used only for the purposes set forth in this ~~chapter~~ subchapter. The treasurer of state shall act as custodian of the fund and disburse amounts contained in it as directed by the board including automatic disbursements of funds as received pursuant to the terms of bond indentures and documents and security provisions to trustees and custodians. The treasurer of state is authorized to invest the funds deposited in the fund at the direction of the board and subject to any limitations contained in any applicable bond proceedings. The income from such investment shall be credited to and deposited in the fund. The fund shall be administered by the board which shall make expenditures from the fund consistent with the purposes of the programs set out in this ~~chapter~~ subchapter without further appropriation. The fund may be divided into different accounts with different depositories as determined by the board and to fulfill the purposes of this ~~chapter~~ subchapter.

2. The board shall assist Iowa's owners and operators of petroleum underground storage tanks in complying with federal environmental protection agency technical and financial responsibility regulations by establishment of the Iowa comprehensive petroleum underground storage tank fund. The treasurer of state may issue its bonds, or series of bonds, to assist the board, as provided in this ~~chapter~~ subchapter.

3. The purposes of this ~~chapter~~ subchapter shall include but are not limited to any of the following:

a. To establish a remedial account to fund corrective action for petroleum releases as provided by section 455G.9.

b. To establish a loan guarantee account, as provided by and to the extent permitted by section 455G.10, Code 1999.

c. To establish a marketability fund for the purposes as stated in section 455G.21.

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1 Sec. 117. Section 455G.4, subsection 1, paragraph a,
2 subparagraph (4), Code 2013, is amended to read as follows:
3 (4) Three public members appointed by the governor and
4 confirmed by the senate to staggered four-year terms, except
5 that, of the first members appointed, one public member shall
6 be appointed for a term of two years and one for a term of four
7 years. A public member shall have experience, knowledge, and
8 expertise of the subject matter embraced within this ~~chapter~~
9 subchapter. A public member may have experience in either, or
10 both, financial markets or insurance.
11 Sec. 118. Section 455G.4, subsection 3, paragraph a, Code
12 2013, is amended to read as follows:
13 *a.* The board shall adopt rules regarding its practice
14 and procedures, develop underwriting standards, establish
15 procedures for investigating and settling claims made against
16 the fund, and otherwise implement and administer this ~~chapter~~
17 subchapter.
18 Sec. 119. Section 455G.4, subsection 5, paragraphs a and b,
19 Code 2013, are amended to read as follows:
20 *a.* The board shall approve any contract entered into
21 pursuant to this ~~chapter~~ subchapter if the cost of the contract
22 exceeds seventy-five thousand dollars.
23 *b.* A listing of all contracts entered into pursuant to this
24 ~~chapter~~ subchapter shall be presented at each board meeting
25 and shall be made available to the public. The listing shall
26 state the interested parties to the contract, the amount of the
27 contract, and the subject matter of the contract.
28 Sec. 120. Section 455G.5, unnumbered paragraph 2, Code
29 2013, is amended to read as follows:
30 The board may enter into a contract or an agreement
31 authorized under chapter 28E with a private agency or person,
32 the department of natural resources, the Iowa finance
33 authority, the department of administrative services, the
34 department of revenue, other departments, agencies, or
35 governmental subdivisions of this state, another state, or

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1 the United States, in connection with its administration and
2 implementation of this ~~chapter~~ subchapter or chapter 424 or
3 455B.
4 Sec. 121. Section 455G.6, unnumbered paragraph 1, Code
5 2013, is amended to read as follows:
6 In administering the fund, the board has all of the general
7 powers reasonably necessary and convenient to carry out its
8 purposes and duties and may do any of the following, subject to
9 express limitations contained in this ~~chapter~~ subchapter:
10 Sec. 122. Section 455G.6, subsection 8, Code 2013, is
11 amended to read as follows:
12 8. Bonds issued under this section are payable solely and
13 only out of the moneys, assets, or revenues of the fund, all
14 of which may be deposited with trustees or depositories in
15 accordance with bond or security documents and pledged by the
16 board to the payment thereof, and are not an indebtedness of
17 this state, or a charge against the general credit or general
18 fund of the state, and the state shall not be liable for any
19 financial undertakings with respect to the fund. Bonds issued
20 under this ~~chapter~~ subchapter shall contain on their face a
21 statement that the bonds do not constitute an indebtedness of
22 the state.
23 Sec. 123. Section 455G.6, subsection 10, paragraph c, Code
24 2013, is amended to read as follows:
25 *c.* Subject to the terms, conditions, and covenants providing
26 for the payment of the principal, redemption premiums, if
27 any, interest, and other terms, conditions, covenants, and
28 protective provisions safeguarding payment, not inconsistent
29 with this ~~chapter~~ subchapter and as determined by the trust
30 indenture, resolution, or other instrument authorizing their
31 issuance.
32 Sec. 124. Section 455G.6, subsections 14 through 17, Code
33 2013, are amended to read as follows:
34 14. Bonds issued under the provisions of this section are
35 declared to be issued for an essential public and governmental

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1 purpose and all bonds issued under this ~~chapter~~ subchapter
2 shall be exempt from taxation by the state of Iowa and the
3 interest on the bonds shall be exempt from the state income tax
4 and the state inheritance and estate tax.
5 15. *a.* Subject to the terms of any bond documents, moneys
6 in the fund or fund accounts may be expended for administration
7 expenses, civil penalties, moneys paid under an agreement,
8 stipulation, or settlement, for the costs associated with sites
9 within a community remediation project, for costs related to
10 contracts entered into with a state agency or university,
11 costs for activities relating to litigation, or for the
12 costs of any other activities as the board may determine are
13 necessary and convenient to facilitate compliance with and to
14 implement the intent of federal laws and regulations and this
15 ~~chapter~~ subchapter. For purposes of this ~~chapter~~ subchapter,
16 administration expenses include expenses incurred by the
17 underground storage tank section of the department of natural
18 resources in relation to tanks regulated under this ~~chapter~~
19 subchapter.
20 *b.* The authority granted under this subsection which
21 allows the board to expend fund moneys on an activity the
22 board determines is necessary and convenient to facilitate
23 compliance with and to implement the intent of federal laws and
24 regulations and this ~~chapter~~ subchapter, shall only be used in
25 accordance with the following:
26 (1) Prior board approval shall be required before
27 expenditure of moneys pursuant to this authority shall be made.
28 (2) If the expenditure of fund moneys pursuant to this
29 authority would result in the board establishing a policy which
30 would substantially affect the operation of the program, rules
31 shall be adopted pursuant to chapter 17A prior to the board or
32 the administrator taking any action pursuant to this proposed
33 policy.
34 16. The board shall cooperate with the department of
35 natural resources in the implementation and administration of

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1 this ~~chapter~~ subchapter to assure that in combination with
2 existing state statutes and rules governing underground storage
3 tanks, the state will be, and continue to be, recognized by
4 the federal government as having an *"approved state account"*
5 under the federal Resource Conservation and Recovery Act,
6 especially by compliance with the Act's subtitle I financial
7 responsibility requirements as enacted in the federal Superfund
8 Amendments and Reauthorization Act of 1986 and the financial
9 responsibility regulations adopted by the United States
10 environmental protection agency at 40 C.F.R. pts. 280 and 281.
11 Whenever possible this ~~chapter~~ subchapter shall be interpreted
12 to further the purposes of, and to comply, and not to conflict,
13 with such federal requirements.
14 17. The board may adopt rules pursuant to chapter 17A
15 providing for the transfer of all or a portion of the
16 liabilities of the board under this ~~chapter~~ subchapter.
17 Notwithstanding other provisions to the contrary, the board,
18 upon such transfer, shall not maintain any duty to reimburse
19 claimants under this ~~chapter~~ subchapter for those liabilities
20 transferred.
21 Sec. 125. Section 455G.8, subsection 2, Code 2013, is
22 amended to read as follows:
23 2. *Statutory allocations fund.* The moneys credited from the
24 statutory allocations fund under section 321.145, subsection 2,
25 paragraph *"a"*, shall be allocated, consistent with this ~~chapter~~
26 subchapter, among the fund's accounts, for debt service and
27 other fund expenses, according to the fund budget, resolution,
28 trust agreement, or other instrument prepared or entered into
29 by the board or treasurer of state under direction of the
30 board.
31 Sec. 126. Section 455G.9, subsection 7, Code 2013, is
32 amended to read as follows:
33 7. *Expenses of cleanup not required.* When an owner or
34 operator who is eligible for benefits under this ~~chapter~~
35 subchapter is allowed by the department of natural resources

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to monitor in place, the expenses incurred for cleanup beyond the level required by the department of natural resources may be covered under any of the accounts established under the fund only if approved by the board as cost-effective relative to the department accepted monitoring plan or relative to the repeal date specified in section 424.19. The cleanup expenses incurred for work completed beyond what is required is the responsibility of the person contracting for the excess cleanup. The board shall seek to terminate the responsible party's environmental liabilities at such sites prior to the board ceasing operation.

Sec. 127. Section 455G.12, subsection 2, paragraph e, Code 2013, is amended to read as follows:

e. The intent of this ~~chapter~~ subchapter that the board shall maximize the availability of reasonably priced, financially sound insurance coverage or loan guarantee assistance.

Sec. 128. Section 455G.13, subsection 3, Code 2013, is amended to read as follows:

3. *Owner or operator not in compliance, subject to full and total cost recovery.* Notwithstanding subsection 2, the liability of an owner or operator shall be the full and total costs of corrective action and bodily injury or property damage to third parties, as specified in subsection 1, if the owner or operator has not complied with the financial responsibility or other underground storage tank rules of the department of natural resources or with this ~~chapter~~ subchapter and rules adopted under this ~~chapter~~ subchapter.

Sec. 129. Section 455G.13, subsection 4, paragraph b, Code 2013, is amended to read as follows:

b. The punitive damages imposed under this subsection are in addition to any costs or expenditures recovered from the owner or operator pursuant to this ~~chapter~~ subchapter and in addition to any other penalty or relief provided by this ~~chapter~~ subchapter or any other law.

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1 Sec. 130. Section 455G.13, subsection 6, Code 2013, is
2 amended to read as follows:
3 6. *Joinder of parties.* The department of natural resources
4 has standing in any case or contested action related to the
5 fund or a tank to assert any claim that the department may have
6 regarding the tank at issue in the case or contested action~~,~~
7 ~~upon~~. Upon motion and sufficient showing by a party to a cost
8 recovery or subrogation action provided for under this section,
9 the court or the administrative law judge shall join to the
10 action any potentially responsible party who may be liable for
11 costs and expenditures of the type recoverable pursuant to this
12 section.
13 Sec. 131. Section 455G.13, subsection 8, Code 2013, is
14 amended to read as follows:
15 8. *Third-party contracts not binding on board, proceedings*
16 *against responsible party.* An insurance, indemnification, hold
17 harmless, conveyance, or similar risk-sharing or risk-shifting
18 agreement shall not be effective to transfer any liability
19 for costs recoverable under this section. The fund, board,
20 or department of natural resources may proceed directly
21 against the owner or operator or other allegedly responsible
22 party. This section does not bar any agreement to insure,
23 hold harmless, or indemnify a party to the agreement for any
24 costs or expenditures under this ~~chapter~~ subchapter, and does
25 not modify rights between the parties to an agreement, except
26 to the extent the agreement shifts liability to an owner or
27 operator eligible for assistance under the remedial account for
28 any damages or other expenses in connection with a corrective
29 action for which another potentially responsible party is or
30 may be liable. Any such provision is null and void and of no
31 force or effect.
32 Sec. 132. Section 455G.13, subsection 10, paragraphs a and
33 b, Code 2013, are amended to read as follows:
34 *a.* Upon payment by the fund for corrective action or
35 third-party liability pursuant to this ~~chapter~~ subchapter, the

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1 rights of the claimant to recover payment from any potentially
2 responsible party, are assumed by the board to the extent paid
3 by the fund. A claimant is precluded from receiving double
4 compensation for the same injury.
5 *b.* In an action brought pursuant to this ~~chapter~~ subchapter
6 seeking damages for corrective action or third-party liability,
7 the court shall permit evidence and argument as to the
8 replacement or indemnification of actual economic losses
9 incurred or to be incurred in the future by the claimant
10 by reason of insurance benefits, governmental benefits or
11 programs, or from any other source.
12 Sec. 133. Section 455G.13, subsection 12, Code 2013, is
13 amended to read as follows:
14 12. *Recovery or subrogation — installers and*
15 *inspectors.* Notwithstanding any other provision contained in
16 this ~~chapter~~ subchapter, the board or a person insured under
17 the underground storage tank insurance fund established in
18 section 455G.11, Code 2003, has no right of recovery or right
19 of subrogation against an installer or an inspector who was
20 insured by the underground storage tank insurance fund for the
21 tank giving rise to the liability other than for recovery of
22 any deductibles paid.
23 Sec. 134. Section 455G.21, subsection 2, paragraph a, Code
24 2013, is amended to read as follows:
25 *a.* The innocent landowners fund shall be established as
26 a separate fund in the state treasury under the control of
27 the board. The innocent landowners fund shall include any
28 moneys recovered pursuant to cost recovery enforcement under
29 section 455G.13. Notwithstanding section 455G.1, subsection
30 2, benefits for the costs of corrective action may be provided
31 to the owner of a petroleum-contaminated property, or an
32 owner or operator of an underground storage tank located
33 on the property, who is not otherwise eligible to receive
34 benefits under section 455G.9 due to the date on which the
35 release causing the contamination was reported or the date

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the claim was filed. An owner of a petroleum-contaminated property, or an owner or operator of an underground storage tank located on the property, shall be eligible for payment of corrective action costs subject to copayment requirements under section 455G.9, subsection 4. The board may adopt rules conditioning receipt of benefits under this paragraph to those petroleum-contaminated properties which present a higher degree of risk to the public health and safety or the environment and may adopt rules providing for denial of benefits under this paragraph to a person who did not make a good faith attempt to comply with the provisions of this ~~chapter~~ subchapter. This paragraph does not confer a legal right to an owner of petroleum-contaminated property, or an owner or operator of an underground storage tank located on the property, for receipt of benefits under this paragraph.

Sec. 135. Section 455G.21, subsection 3, Code 2013, is amended to read as follows:

3. Moneys in the fund shall not be used for purposes of bonding or providing security for bonding under this ~~chapter~~ subchapter.

Sec. 136. Section 455G.31, subsection 2, Code 2013, is amended to read as follows:

2. A retail dealer may use gasoline storage and dispensing infrastructure to store and dispense ethanol blended gasoline classified as E-9 or higher if the department of natural resources under this ~~chapter~~ subchapter or the state fire marshal under chapter 101 determines that it is compatible with the ethanol blended gasoline being used.

Sec. 137. Section 461.36, subsection 2, unnumbered paragraph 1, Code 2013, is amended to read as follows:

The department of natural resources shall ~~allocate~~ distribute trust fund moneys ~~in~~ from the account to local communities for the following initiatives:

Sec. 138. Section 461.37, subsection 2, Code 2013, is amended to read as follows:

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2. The department of transportation and the department of natural resources shall ~~allocate~~ use moneys in the account to support initiatives related to the design, establishment, maintenance, improvement, and expansion of land trails.

Sec. 139. Section 461.38, subsection 1, Code 2013, is amended to read as follows:

1. A lake restoration account is created in the trust fund. Seven percent of the moneys credited to the trust fund shall be ~~deposited~~ allocated to the account.

Sec. 140. Section 468.21, Code 2013, is amended to read as follows:

468.21 Hearing of petition — dismissal.

The petition may be amended at any time before final action on the petition. At the time set for hearing on ~~said~~ the petition, the board shall hear and determine the sufficiency of the petition in form and substance ~~(which petition may be amended at any time before final action thereon),~~ and all objections filed against the establishment of such district, and the board may view the premises included in the said district. If ~~it shall find~~ the board finds that the construction of the proposed improvement will not materially benefit said lands or would not be for the public benefit or utility nor conducive to the public health, convenience, or welfare, or that the cost thereof is excessive ~~it~~ the board shall dismiss the proceedings.

Sec. 141. Section 468.252, Code 2013, is amended to read as follows:

468.252 Hearing on petition.

The petition may be amended at any time before final action on the petition. At the time set for hearing on ~~said~~ the petition, the board shall hear and determine the sufficiency of the petition as to form and substance ~~(which petition may be amended at any time before final action thereon),~~ and all objections filed against the abandonment and dissolution of such district. If ~~it shall find~~ the board finds that such

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1 district is free from indebtedness and that the necessity for
2 the continued maintenance thereof no longer exists or that the
3 expense of the continued maintenance of such district is not
4 commensurate with the benefits derived therefrom, ~~it~~ the board
5 shall enter an order abandoning and dissolving such district,
6 which order shall be filed with the county auditor of the
7 county or counties in which such district is situated and noted
8 on the drainage record.
9 Sec. 142. Section 477.10, Code 2013, is amended to read as
10 follows:
11 **477.10 Definitions.**
12 1. *a.* *"Local exchange"*, within the meaning of this ~~Act~~
13 subchapter, shall refer to a telephone line or lines or to a
14 telephone switchboard or switchboards operating by virtue of a
15 franchise granted by a city furnishing telephonic communication
16 between two or more members of the public within the same city,
17 village, community, locality or neighborhood, which said line
18 or lines or switchboard or switchboards shall be under the same
19 management and control.
20 *b.* *"Local exchange"* within the meaning of this ~~Act~~
21 subchapter shall not include or refer to privately owned or
22 leased lines or switchboards, operated and used by members
23 of the public other than telephone or telegraph companies as
24 a public utility by which the public is offered telephonic
25 service.
26 2. *"Local exchange company"* within the meaning of this ~~Act~~
27 subchapter, shall refer to any one or more individuals, firms
28 or corporations operating one or more local exchanges as ~~herein~~
29 defined in this section.
30 3. *"Long distance company"* within the meaning of this ~~Act~~
31 subchapter shall refer to and include one or more persons,
32 firms or corporations operating connecting lines between two
33 or more local exchanges, one or more of which local exchanges
34 are owned by a local telephone company other than such person,
35 firm or corporation, over which line or lines telephonic

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communication is had between members of the public connected with said local exchanges.

Sec. 143. Section 481A.6A, subsection 1, Code 2013, is amended to read as follows:

1. As used in this section, *"pen-reared pheasant"* means a Chinese ring-necked pheasant (Phasianus colchicus torquatus) and its subspecies which originates from a captive population and which has been propagated and held by a hatchery. For the purposes of this section *"pen-reared pheasant"* does not include a Reeves (Syrmaticus reevesii) or Lady Amherst (Chrysolophus amherstiae) pheasant, a subspecies of the Chinese ring-necked pheasant ~~such~~ classified as a Japanese (Phasianus versicolor) or a Black-necked (P. colchicus colchicus) pheasant, or a melanistic mutant (black, white, or other color mix) of the Chinese ring-necked pheasant. This subsection is not applicable to game birds released for officially sanctioned field meets or trials and retriever meets or trials on private land pursuant to section 481A.22, pen-raised game birds used on private land pursuant to section 481A.56, or game birds released on hunting preserves pursuant to chapter 484B.

Sec. 144. Section 481A.72, subsection 1, Code 2013, is amended to read as follows:

1. ~~A~~ Except as otherwise provided in this chapter, a person shall not at any time take from the waters of the state any fish~~, except as otherwise provided in this chapter,~~ except with hook, line, and bait~~, nor shall a~~. A person shall not use more than three lines nor more than two hooks on each line in still fishing or trolling~~, and in~~. In fly fishing not more than two flies may be used on one line, and in trolling and bait casting not more than two trolling spoons or artificial bait may be used on one line.

Sec. 145. Section 489.1303, Code 2013, is amended to read as follows:

489.1303 Savings clause.

This chapter does not affect an action commenced, proceeding

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1 brought, or right accrued before ~~this chapter takes effect~~
2 January 1, 2009.
3 Sec. 146. Section 490.1114, subsection 1, Code 2013, is
4 amended to read as follows:
5 1. A domestic corporation or other entity that has been
6 converted pursuant to this ~~article~~ division is for all purposes
7 the same domestic corporation or other entity that existed
8 before the conversion.
9 Sec. 147. Section 491.38, Code 2013, is amended to read as
10 follows:
11 **491.38 Consolidation of interstate bridge companies.**
12 Any corporation heretofore or hereafter organized under
13 the laws of this state for the purpose of constructing ~~and/or~~
14 or operating, or constructing and operating, a bridge, one
15 extremity of which shall rest in an adjacent state, may merge
16 ~~and/or~~ or consolidate the stock, property, rights, franchises,
17 privileges, assets and liabilities of such corporation with
18 the stock, property, rights, franchises, privileges, assets
19 and liabilities of a corporation organized for a similar
20 purpose under the laws of such adjacent state, upon such terms
21 not in conflict with law as may be mutually agreed upon, and
22 thereafter such merged ~~and/or~~ or consolidated corporations
23 shall be one corporation with such name as may be agreed upon,
24 and shall have all of the property, rights, privileges, assets
25 and franchises, and be subject to all of the liabilities, of
26 the merging or consolidating corporations.
27 Sec. 148. Section 502.306, subsection 1, paragraph h, Code
28 2013, is amended to read as follows:
29 *h.* The financial condition of the issuer affects or
30 would affect the soundness of the securities, except that
31 applications for registration of securities by companies which
32 are in the development stage shall not be denied based solely
33 upon the financial condition of the company. For purposes of
34 this ~~rule~~ paragraph, a *"development stage company"* is defined as
35 a company which has been in existence for five years or less.

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1 Sec. 149. Section 504.1101, subsection 2, paragraph a, Code
2 2013, is amended to read as follows:
3 *a.* The name of each corporation or unincorporated entity
4 planning to merge and the name of the surviving corporation or
5 unincorporated entity into which each plans to merge.
6 Sec. 150. Section 507.14, subsection 4, Code 2013, is
7 amended to read as follows:
8 4. Confidential documents, materials, information,
9 administrative or judicial orders, or other actions may be
10 disclosed to a regulatory official of any state, federal
11 agency, or foreign country provided that the recipients are
12 required, under ~~their~~ the law of the recipients' jurisdiction,
13 to maintain ~~their~~ confidentiality of the documents, materials,
14 information, orders, or other actions. Confidential records
15 may be disclosed to the national association of insurance
16 commissioners, the international association of insurance
17 supervisors, and the bank for international settlements
18 provided that the associations and bank certify by written
19 statement that the confidentiality of the records will be
20 maintained.
21 Sec. 151. Section 508.38, subsection 10, Code 2013, is
22 amended to read as follows:
23 10. *a.* For any contract which provides, within the same
24 contract by rider or supplemental contract provision, both
25 annuity benefits and life insurance benefits that are in excess
26 of the greater of cash surrender benefits or a return of the
27 gross considerations with interest, the minimum nonforfeiture
28 benefits shall be equal to the sum of the minimum nonforfeiture
29 benefits for the annuity portion and the minimum nonforfeiture
30 benefits, if any, for the life insurance portion computed as
31 if each portion were a separate contract. Notwithstanding
32 the provisions of subsections 4, 5, 6, 7, and 9, additional
33 benefits shall be disregarded in ascertaining the minimum
34 nonforfeiture amounts, paid-up annuity, cash surrender and
35 death benefits that may be required by this section, if the

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1 additional benefits are payable ~~*(a)* in~~:
2 (1) In the event of total and permanent disability~~; *(b)* as~~.
3 (2) As reversionary annuity or deferred reversionary
4 annuity benefits~~, or *(c)* as~~.
5 (3) As other policy benefits additional to life insurance,
6 endowment, and annuity benefits, and considerations for all
7 such additional benefits~~, shall be disregarded in ascertaining~~
8 ~~the minimum nonforfeiture amounts, paid-up annuity, cash~~
9 ~~surrender and death benefits that may be required by this~~
10 ~~section~~.
11 *b.* The inclusion of such additional benefits shall not
12 be required in any paid-up benefits, unless such additional
13 benefits separately would require minimum nonforfeiture
14 amounts, paid-up annuity, cash surrender and death benefits.
15 Sec. 152. Section 511.8, subsection 5, paragraph c, Code
16 2013, is amended to read as follows:
17 *c.* Are securities that at the date of acquisition are
18 rated three by the securities valuation office of the
19 national association of insurance commissioners or have the
20 equivalent rating by a rating organization that is approved
21 by the national association of insurance commissioners as an
22 acceptable rating organization and are listed or admitted to
23 trading on a securities exchange in the United States or are
24 publicly held and actively traded in the over-the-counter
25 market and market quotations are readily available. If
26 a security acquired under this paragraph is subsequently
27 downgraded from a three rating by the securities valuation
28 office of the national association of insurance commissioners
29 or from the equivalent rating by a national association of
30 insurance commissioners' acceptable rating organization, the
31 security no longer qualifies as a legal reserve investment.
32 Sec. 153. Section 512B.11, unnumbered paragraph 1, Code
33 2013, is amended to read as follows:
34 A domestic society organized on or after ~~the effective date~~
35 ~~of this Act~~ January 1, 1991, shall be formed as follows:

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1 Sec. 154. Section 514D.2, subsection 1, Code 2013, is
2 amended to read as follows:
3 1. *"Accident and sickness insurance"* means individual
4 accident and sickness insurance within the meaning of section
5 514A.1. *"Accident and sickness insurance"* also means individual
6 subscriber contracts for hospital service, or medical and
7 surgical service, or individual pharmaceutical or optometric
8 service issued under chapter 514, and for purposes of this
9 ~~division~~ chapter, corporations issuing contracts under chapter
10 514 are deemed to be engaged in the business of insurance.
11 Sec. 155. Section 514F.6, subsection 2, Code 2013, is
12 amended to read as follows:
13 2. For purposes of this section~~, *"physician"* means a~~
14 ~~licensed doctor of medicine and surgery or a licensed doctor of~~
15 ~~osteopathic medicine and surgery; *"advanced*~~:
16 *a. "Advanced registered nurse practitioner"* means a licensed
17 nurse who is also registered to practice in an advanced role~~,~~
18 ~~*"physician*~~.
19 *b. "Clean claim"* means the same as defined in section
20 507B.4A, subsection 2, paragraph *"b"*.
21 *c. "Credentialing"* means a process through which a health
22 insurer makes a determination based on criteria established by
23 the health insurer concerning whether a physician, advanced
24 registered nurse practitioner, or physician assistant is
25 eligible to provide health care services to an insured and to
26 receive reimbursement for the health care services provided
27 under an agreement entered into between the physician, advanced
28 registered nurse practitioner, or physician assistant and the
29 health insurer.
30 *d. "Credentialing period"* means the time period between the
31 health insurer's receipt of a physician's, advanced registered
32 nurse practitioner's, or physician assistant's application for
33 credentialing and approval of that application by the health
34 insurer.
35 *e. "Physician"* means a licensed doctor of medicine and

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1 surgery or a licensed doctor of osteopathic medicine and
2 surgery.
3 *f. "Physician assistant"* means a person who is licensed to
4 practice as a physician assistant under the supervision of one
5 or more physicians~~; and *"credentialing period"* means the time~~
6 ~~period between the health insurer's receipt of a physician's,~~
7 ~~advanced registered nurse practitioner's, or physician~~
8 ~~assistant's application for credentialing and approval of that~~
9 ~~application by the health insurer. *"Credentialing"* means a~~
10 ~~process through which a health insurer makes a determination~~
11 ~~based on criteria established by the health insurer concerning~~
12 ~~whether a physician, advanced registered nurse practitioner, or~~
13 ~~physician assistant is eligible to provide health care services~~
14 ~~to an insured and to receive reimbursement for the health care~~
15 ~~services provided under an agreement entered into between the~~
16 ~~physician, advanced registered nurse practitioner, or physician~~
17 ~~assistant and the health insurer. *"Clean claim"* means the same~~
18 ~~as defined in section 507B.4A, subsection 2, paragraph *"b"*.~~
19 Sec. 156. Section 515.19, Code 2013, is amended to read as
20 follows:
21 **515.19 Advancement of funds.**
22 Any director, officer, or member of any such mutual company,
23 or any other person, may advance to such company, any sum or
24 sums of money necessary for the purpose of its business, or
25 to enable it to comply with any of the requirements of the
26 law, and such moneys and such interest thereon as may have
27 been agreed upon, not exceeding the maximum statutory rate
28 of interest, shall not be a liability or claim against the
29 company or any of its assets, except as herein provided, and
30 upon approval of the commissioner of insurance may be repaid,
31 but only out of the surplus earnings of such company. No
32 ~~commissioner~~ commission or promotion expenses shall be paid in
33 connection with the advance of any such money to the company.
34 The amount of such advance shall be reported in each annual
35 statement.

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1 Sec. 157. Section 523A.601, subsection 1, paragraph i, Code
2 2013, is amended to read as follows:
3 *i.* Include an explanation of regulatory oversight by
4 the insurance division in twelve point boldface type, in
5 substantially the following language:
6 THIS AGREEMENT IS SUBJECT TO RULES ADMINISTERED BY THE IOWA
7 INSURANCE DIVISION. YOU MAY CALL THE INSURANCE DIVISION
8 AT ~~(515)281-5705~~ (TELEPHONE NUMBER). WRITTEN INQUIRIES
9 OR COMPLAINTS SHOULD BE MAILED TO THE IOWA SECURITIES AND
10 REGULATED INDUSTRIES BUREAU, ~~330 MAPLE STREET~~ (STREET ADDRESS),
11 ~~DES MOINES~~ (CITY), IOWA ~~50319~~ (ZIP CODE).
12 Sec. 158. Section 523A.602, subsection 1, paragraph b,
13 subparagraph (3), Code 2013, is amended to read as follows:
14 (3) State in language that is substantially similar to the
15 following language:
16 Sec. 159. Section 524.521, subsection 3, unnumbered
17 paragraph 1, Code 2013, is amended to read as follows:
18 The articles of incorporation of a stock corporation may
19 authorize one or more classes of shares that have any of the
20 following qualities:
21 Sec. 160. Section 524.1008, subsection 1, Code 2013, is
22 amended to read as follows:
23 1. *a.* A state bank authorized to act in a fiduciary
24 capacity may enter into an agreement for the succession of
25 fiduciary accounts with a trust company subsidiary authorized
26 by the superintendent pursuant to section 524.802, subsection
27 12, paragraph *"b"*, or one or more other state or national banks
28 that are located in this state and authorized to act in a
29 fiduciary capacity. In the agreement, the succeeding bank or
30 trust company subsidiary may agree to succeed the relinquishing
31 bank as a fiduciary with respect to those fiduciary accounts
32 which are designated in the agreement. The designation
33 of accounts may be by general class or description and may
34 include fiduciary accounts subject and not subject to court
35 administration and fiduciary accounts to arise in the future

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1 under wills, trusts, court orders, or other documents under
2 which the relinquishing bank is named as a fiduciary or is
3 named to become a fiduciary upon the death of a testator or
4 settlor or upon the happening of any other subsequent event.
5 The agreement shall provide ~~either (a) that~~ that one of the
6 following applies:
7 (1) That the succeeding bank or trust company subsidiary
8 maintain one or more employees or agents at the office of
9 the relinquishing bank in order to facilitate the continued
10 servicing of the designated fiduciary accounts~~, or (b) that~~.
11 (2) That the relinquishing bank act as an agent of the
12 succeeding bank or trust company subsidiary with respect to the
13 fiduciary accounts that are subject to the agreement, and the
14 relinquishing bank as an agent may perform services other than
15 fiduciary services with respect to those accounts.
16 *b.* If the relinquishing bank is an agent under the
17 alternative ~~(b) above~~ specified in paragraph *"a"*, subparagraph
18 (2), then the relinquishing bank shall disclose to its
19 customers that it is acting as an agent of the succeeding bank
20 or trust company subsidiary. The relinquishing bank shall mail
21 a notice of the succession to all persons having an interest
22 in a fiduciary account at their last known address, and shall
23 publish a notice of the succession to fiduciary accounts in a
24 newspaper published in the county of the principal place of
25 business of the relinquishing bank. After the publication,
26 the succeeding bank or trust company subsidiary shall,
27 without further notice, approval or authorization succeed
28 the relinquishing bank as to the fiduciary accounts and the
29 fiduciary powers, rights, privileges, duties, and liabilities
30 for the fiduciary accounts. On the effective date of the
31 succession to fiduciary accounts, the relinquishing bank is
32 released from fiduciary duties under the fiduciary accounts and
33 shall discontinue its exercise of trust powers to the fiduciary
34 accounts. This subsection does not absolve a relinquishing
35 bank from liabilities arising out of a breach of fiduciary duty

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1 occurring prior to the succession of fiduciary accounts.
2 Sec. 161. Section 524.1413, subsection 2, Code 2013, is
3 amended to read as follows:
4 2. Within ninety days after the application has been
5 accepted for processing, the superintendent shall approve or
6 disapprove the application on the basis of the investigation.
7 As a condition of receiving the decision of the superintendent
8 with respect to the application, the national bank~~,~~ or federal
9 savings association~~, or state savings and loan association~~
10 shall reimburse the superintendent for all expenses incurred
11 in connection with the application. The superintendent shall
12 give the national bank~~,~~ or federal savings association~~, or~~
13 ~~state savings and loan association~~ written notice of the
14 decision and, in the event of disapproval, a statement of the
15 reasons for the decision. If the superintendent approves the
16 application, the superintendent shall deliver the articles of
17 conversion, with the superintendent's approval indicated on
18 the articles of conversion, to the secretary of state. The
19 decision of the superintendent shall be subject to judicial
20 review pursuant to chapter 17A. Notwithstanding the terms of
21 the Iowa administrative procedure Act, chapter 17A, a petition
22 for judicial review must be filed within thirty days after the
23 superintendent notifies the national bank~~,~~ or federal savings
24 association~~, or state savings and loan association~~ of the
25 superintendent's decision.
26 Sec. 162. Section 533.107, subsection 1, Code 2013, is
27 amended to read as follows:
28 1. A credit union review board is created. The review board
29 shall consist of seven members, five of whom shall have been
30 members in good standing for at least the previous five years
31 of either an Iowa state chartered credit union, or a credit
32 union chartered under the Federal Credit Union Act, 12 U.S.C.
33 § 1751 et seq., and having its principal place of business
34 in Iowa. Two of the members may be public members; however,
35 at no time shall more than five of the members be directors

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1 or employees of a credit union. The members shall serve for
2 three-year staggered terms beginning and ending as provided by
3 section 69.19.
4 Sec. 163. Section 533.213, subsection 1, paragraph a, Code
5 2013, is amended to read as follows:
6 *a.* Credit unions organized under this chapter, the Federal
7 Credit Union Act, 12 U.S.C. § 1751 et seq., or any other credit
8 union act and credit union organizations may be members.
9 Sec. 164. Section 535B.10, subsection 6, paragraph h, Code
10 2013, is amended to read as follows:
11 *h.* The administrator may furnish information to the title
12 guaranty division of the Iowa finance authority relating to
13 supervision of closing agent licensees whose activities relate
14 to the issuance of title guaranty certificates issued by the
15 title guaranty division ~~of the Iowa finance authority to the~~
16 ~~title guaranty division~~. The title guaranty division may
17 use this information to satisfy its reinsurance requirements
18 and may provide the information to its reinsurer to the
19 extent necessary to satisfy reinsurer requirements provided
20 the reinsurer agrees to maintain the confidentiality of the
21 information. The title guaranty division shall maintain the
22 confidentiality of the information provided pursuant to this
23 paragraph in all other respects.
24 Sec. 165. Section 543B.7, subsection 5, paragraph c, Code
25 2013, is amended to read as follows:
26 *c.* If an investigation pursuant to this chapter reveals
27 that an auctioneer has violated this subsection or has assumed
28 to act in the capacity of a real estate broker or real estate
29 salesperson, the real estate commission shall issue a cease and
30 desist order, and shall impose a civil penalty of one thousand
31 dollars for the first offense, and impose a civil penalty of
32 up to the greater of ten thousand dollars or ten percent of the
33 real estate sales price for each subsequent violation.
34 Sec. 166. Section 543B.43, Code 2013, is amended to read as
35 follows:

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543B.43 Penalties.

Any person found guilty of violating a provision of sections 543B.1 to ~~543B.42~~ 543B.41 in a first offense shall be guilty of a simple misdemeanor.

Sec. 167. Section 543C.2, Code 2013, is amended to read as follows:

543C.2 Provisions governing sale or lease of subdivided lands.

1. No subdivider shall sell or lease subdivided land, or offer such land for sale or lease, or advertise such land for sale or lease to the public within this state unless the subdivider has filed with the commission an application which shall include an offering statement. No subdivider shall engage in business in this state until the application and the offering statement have been accepted and the subdivider has been registered as a subdivider with the commission. ~~The~~ In addition to the offering statement, the application shall contain the following:

~~1.~~ *a.* The name of the owner and of the subdivider.

~~2.~~ *b.* The address of the principal office of the owner and of the subdivider, wherever situated, and the addresses of the principal office and all branch offices of the owner and of the subdivider within this state.

~~3.~~ *c.* The name of the person, firm, partnership, company, corporation, or association holding legal or equitable title to the land for sale or lease for the purpose of offering such land or part thereof to the general public.

~~4.~~ *d.* A statement as to whether the owner or the subdivider, or if such owner or subdivider be other than an individual, the name of any partner, principal, officer, director, or branch manager thereof or any owner of more than a five percent interest in the business, ~~who~~ has been convicted of any criminal offense in connection with any transaction involving the sale or lease, or offer for sale or lease, of subdivided land, or ~~who~~ has been enjoined or restrained by

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order of any court from selling or leasing, or offering for sale or lease, any subdivided land in any state or county, or ~~who~~ has been enjoined or restrained by any court from continuing any practices in connection therewith.

~~5.~~ *e.* The complete description of the land offered for subdivision by lots, plots, blocks, or sales, with or without streets, together with plats certified to by a duly licensed professional land surveyor accompanied by a certificate attached thereto showing the date of the completion of the survey and of the making of the plat and the name of the subdivision for the purpose of identification of the subdivided land or any part thereof.

~~6.~~ *f.* Copies of plats of all of the land being filed by the subdivider which plats must have already been recorded by the proper recording office in the state in which the land is located.

~~7.~~ *g.* An opinion of an attorney admitted to practice law in this state, a policy of title insurance issued by a title insurer licensed to do business in the state where the subdivided land is located, or an opinion of an attorney admitted or licensed to practice law in the state wherein the lands are situated, reciting in detail all of the liens, encumbrances, and clouds upon the title to such land, and any other defects of title, which may render the title to such land unmarketable.

~~8.~~ *h.* The provisions, covenants, terms, and conditions upon which it is the intention of the owner and the subdivider to sell or lease such subdivided land, accompanied by proposed forms of contracts contemplated for execution and delivery upon the consummation of sales or leases.

~~9.~~ *i.* If the subdivided land sought to be filed comes within the purview of the federal Interstate Land Sales Full Disclosure Act, codified at 15 U.S.C. § 1701 et seq., the subdivider must furnish a copy of the accepted report filed with the department of housing and urban development. If the

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subdivision comes under the regulation of the real estate laws of the state where the land is located and that state requires a state offering statement or public report, the subdivider must also include a copy of said state report.

~~10.~~ *j.* The subdivider, if a corporation, must register to do business in the state of Iowa as a foreign corporation with the secretary of state and furnish a copy of the certificate of authority to do business in the state of Iowa. If not a corporation, the subdivider must comply with the provisions of chapter 547, by filing a proper trade name with the Polk county recorder. The provisions of this subsection shall also apply to any person, partnership, firm, company, corporation, or association, other than the subdivider, which is engaged by or through the subdivider for the purpose of advertising or selling the land involved in the filing.

~~11.~~ *k.* Such other information as the commission may require, which shall be filed pursuant to the provisions of this chapter.

~~12.~~ 2. The offering statement must contain all of the following:

a. The names, addresses, and business background of the subdivider as required in ~~subsections~~ subsection 1, paragraphs *"a"* to ~~4~~ *"d"*. If such subdivider is a partnership or corporation, the names, addresses, and business background of each of the partners, officers, and principal stockholders, the nature of their fiduciary relationship and their past, present, or anticipated financial relationship to the subdivider.

b. A complete description of the land and copies of the plat in which the land is located as required in ~~subsections 5~~ subsection 1, paragraphs *"e"* and ~~6~~ *"f"* and a certified financial statement by a certified public accountant of the assets and liabilities of the subdivider as of a date not more than six months prior to the date of the filing, in such detail as the board may require.

c. Information concerning public improvements, including

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without limitation, streets, storm sewers, street lighting, water supply, and sewage treatment and disposal facilities in existence or planned on the subdivision, and the estimated cost, date of completion, and responsibility for construction of improvements to be made which are referred to in connection with the sale or lease, or offering for sale or lease, of the subdivision or any unit or lot thereon.

d. Each of the terms and conditions under which each such unit or lot is offered for sale and such opinion or certificates as required in ~~subsections 7~~ subsection 1, paragraphs *"g"* and ~~8~~ *"h"*.

e. A statement as to the exact terms of any guaranties or promises of refund or exchange which are to be used by the subdivider. The guaranty or promise of refund or exchange, if any, must be contained in the body of any contracts used by the subdivider and cannot be in any separate document. Said guaranty or promise of refund or exchange must appear in boldface type in the contract.

f. If the refund privilege, pursuant to paragraph *"e"* ~~of this subsection~~, is predicated in any way upon the requiring by the subdivider of an inspection by the purchaser prior to requesting a refund or exchange pursuant to the guaranty provisions, the offering statement and the sale contract itself must set out in detail all pertinent information in regard to the inspection trip and in regard to claiming a refund or exchange pursuant to the guaranty after the inspection trip.

~~*g.* Such additional information as the commission may require as being necessary or appropriate in the public interest or for the protection of purchasers or lessees.~~

~~*h.*~~ *g.* A vicinity sketch of sufficient scale to show the entire tract of land, surrounding property ownership, and road access.

h. Such additional information as the commission may require as being necessary or appropriate in the public interest or for the protection of purchasers or lessees.

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1 Sec. 168. Section 577.1, subsection 2, Code 2013, is amended
2 to read as follows:
3 2. *a.* The assent of the owner shall be implied, for
4 purposes of determining whether a lien on inanimate personal
5 property exists, if all of the following are established:
6 ~~*a.*~~ (1) The inanimate personal property is a multi-engine
7 aircraft, eligible for registration under section 501 of the
8 federal Aviation Act of 1958, 49 U.S.C. § ~~1401~~ 44102.
9 ~~*b.*~~ (2) The aircraft is either owned, leased, operated, or
10 on order by an air carrier certified under section 604(b) of
11 the federal Aviation Act of 1958, 49 U.S.C. § ~~1424(b)~~ 44705, or
12 by any other person that rents or leases commercial airliners
13 to certified air carriers in the regular course of business.
14 ~~*c.*~~ (3) The material furnished is new electronic navigation
15 or communications aviation equipment.
16 ~~*d.*~~ (4) The equipment is delivered for installation on the
17 aircraft at the request of a lessee, operator, or other person,
18 or an agent of the lessee, operator, or other person, who has
19 an interest in or exercises control over the aircraft.
20 *b.* The aircraft and equipment shall be deemed, for purposes
21 of determining priority over perfected security interests, to
22 be in the possession of the person who furnished the equipment,
23 if the person either manufactures or sells the equipment in
24 the regular course of business and allows the equipment to be
25 made available for installation on the aircraft by releasing
26 it for delivery. Possession of the aircraft and equipment
27 shall be deemed to continue up to, and including, ninety days
28 after the equipment is fully installed on the aircraft, except
29 that if a notice of lien is filed with the federal aviation
30 administration, and no subsequent release of the lien is on
31 file, it shall be deemed to continue indefinitely. A notice
32 of lien under this section is not required to be verified
33 or notarized, but shall be signed by the lienholder, the
34 lienholder's designated agent, or the lienholder's attorney
35 and must identify the aircraft which is the subject of the

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lien. Notwithstanding subsection 1, liens obtained under this subsection attach and take priority over all other prior liens of record without the giving of prior notice or the obtaining of consent and are enforceable against all persons, including a bona fide purchaser.

Sec. 169. Section 602.8103, subsection 5, Code 2013, is amended to read as follows:

5. Invest money which is paid to the clerk to be paid to any other person in ~~a~~ any of the following:

a. A savings account of a supervised financial organization as defined in section 537.1301, subsection 44, except a credit union operating pursuant to chapter 533. The provisions of chapter 12C relating to the deposit and investment of public funds apply to the deposit and investment of the money except that a supervised financial organization other than a credit union may be designated as a depository and the money shall be available upon demand. The interest earnings shall be paid into the general fund of the state, except as otherwise provided by law.

b. ~~In addition, the money may be invested in an~~ An open-end management investment company organized in trust form registered with the federal securities and exchange commission under the federal Investment Company Act of 1940, 15 U.S.C. § ~~80(a)~~ 80a, and operated in accordance with 17 C.F.R. § 270.2a-7, the portfolio of which is limited to obligations of the United States of America or agencies or instrumentalities of the United States of America and to repurchase agreements fully collateralized by obligations of the United States of America or an agency or instrumentality of the United States of America if the investment company takes delivery of the collateral either directly or through an authorized custodian.

Sec. 170. Section 602.8105, subsection 2, paragraph a, Code 2013, is amended by striking the paragraph.

Sec. 171. Section 602.8107, subsection 1, Code 2013, is amended to read as follows:

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1. As used in this section, *"court debt"* means all fines, penalties, court costs, fees, forfeited bail, surcharges under chapter 911, victim restitution, court-appointed attorney fees or ~~for~~ expenses of a public defender ordered pursuant to section 815.9, or fees charged pursuant to section 356.7 or 904.108.

Sec. 172. Section 602.11101, Code 2013, is amended to read as follows:

602.11101 Implementation by court component.

1. The state shall assume responsibility for components of the court system according to the following schedule:

~~1.~~ *a.* On October 1, 1983, the state shall assume the responsibility for and the costs of jury fees and mileage as provided in section 607A.8 and on July 1, 1984, the state shall assume the responsibility for and the costs of prosecution witness fees and mileage and other witness fees and mileage assessed against the prosecution in criminal actions prosecuted under state law as provided in sections 622.69 and 622.72.

~~2.~~ *b.* Court reporters shall become court employees on July 1, 1984. The state shall assume the responsibility for and the costs of court reporters on July 1, 1984.

~~3.~~ *c.* Bailiffs who perform services for the court, other than law enforcement services, shall become court employees on January 1, 1985, and shall be called court attendants. The state shall assume the responsibility for and the costs of court attendants on January 1, 1985. Section 602.6601 takes effect on January 1, 1985.

~~4.~~ *d.* (1) Juvenile probation officers shall become court employees on July 1, 1985. The state shall assume the responsibility for and the costs of juvenile probation officers on July 1, 1985.

(2) Until July 1, 1985, the county shall remain responsible for the compensation of juvenile court referees. Effective July 1, 1985, the state shall assume the responsibility for the compensation of juvenile court referees.

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1 ~~5.~~ *e.* (1) Clerks of the district court shall become
2 court employees on July 1, 1986. The state shall assume
3 the responsibility for and the costs of the offices of the
4 clerks of the district court on July 1, 1986. Persons who
5 are holding office as clerks of the district court on July
6 1, 1986, are entitled to continue to serve in that capacity
7 until the expiration of their respective terms of office. The
8 district judges of a judicial election district shall give
9 first and primary consideration for appointment of a clerk of
10 the district court to serve the court beginning in 1989 to a
11 clerk serving on and after July 1, 1986, until the expiration
12 of the clerk's elected term of office. A vacancy in the office
13 of clerk of the district court occurring on or after July 1,
14 1986, shall be filled as provided in section 602.1215.
15 (2) Until July 1, 1986, the county shall remain responsible
16 for the compensation of and operating costs for court
17 employees not presently designated for state financing and
18 for miscellaneous costs of the judicial branch related to
19 furnishings, supplies, and equipment purchased, leased, or
20 maintained for the use of judicial officers, referees, and
21 their staff. Effective July 1, 1986, the state shall assume
22 the responsibility for the compensation of and operating costs
23 for court employees presently designated for state financing
24 and for miscellaneous costs of the judicial branch related to
25 furnishings, supplies, and equipment purchased, leased, or
26 maintained for the use of judicial officers, referees, and
27 their staff. However, the county shall at all times remain
28 responsible for the provision of suitable courtrooms, offices,
29 and other physical facilities pursuant to section 602.1303,
30 subsection 1, including paint, wall covering, and fixtures in
31 the facilities.
32 (3) Until July 1, 1986, the county shall remain responsible
33 for the compensation of and operating costs for probate
34 referees and judicial hospitalization referees and their
35 staffs. Effective July 1, 1986, the state shall assume the

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1 responsibility for the compensation of and operating costs for
2 probate referees and judicial hospitalization referees and
3 their staffs.
4 (4) Until July 1, 1986, the county shall remain responsible
5 for necessary fees and costs related to certain court
6 reporters. Effective July 1, 1986, the state shall assume the
7 responsibility for necessary fees and costs related to certain
8 court reporters.
9 ~~6.~~ *f.* The county shall remain responsible for the
10 court-ordered costs of conciliation procedures under section
11 598.16.
12 2. *a.* For the period beginning July 1, 1983, and ending
13 June 30, 1987, the provisions of division I (articles 1 through
14 10) take effect only to the extent that the provisions do not
15 conflict with the scheduled state assumption of responsibility
16 for the components of the court system, and the amendments and
17 repeals of divisions II and III take effect only to the extent
18 necessary to implement that scheduled state assumption of
19 responsibility. If an amendment or repeal to a Code section in
20 division II or III is not effective during the period beginning
21 July 1, 1983, and ending June 30, 1987, the Code section
22 remains in effect for that period. On July 1, 1987, ~~this Act~~
23 1983 Iowa Acts, chapter 186, takes effect in its entirety.
24 *b.* However, if the state does not fully assume the costs
25 for a fiscal year of a component of the court system in
26 accordance with the scheduled assumption of responsibility,
27 the state shall not assume responsibility for that component,
28 and the schedule of state assumption of responsibility shall
29 be delayed. The delayed schedule of state assumption of
30 responsibility shall again be followed for the fiscal year in
31 which the state fully assumes the costs of that component.
32 For the fiscal year for which the state's assumption of
33 the responsibility for a court component is delayed, the
34 clerk of the district court shall not reduce the percentage
35 remittance to the counties from the court revenue distribution

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account under section 602.8108. The clerk shall resume the delayed schedule of reductions in county remittances for the fiscal year in which the state fully assumes the costs of that court component. If the schedules of state assumption of responsibility and reductions in county remittances are delayed, the transition period beginning July 1, 1983, and ending June 30, 1987, is correspondingly lengthened, and ~~this Act~~ 1983 Iowa Acts, chapter 186, takes effect in its entirety only at the end of the lengthened transition period.

3. The supreme court shall prescribe temporary rules, prior to the dates on which the state assumes responsibility for the components of the court system, as necessary to implement the administrative and supervisory provisions of ~~this Act~~ 1983 Iowa Acts, chapter 186, and as necessary to determine the applicability of specific provisions of ~~this Act~~ 1983 Iowa Acts, chapter 186, in accordance with the scheduled state assumption of responsibility for the components of the court system.

Sec. 173. Section 622.34, Code 2013, is amended to read as follows:

622.34 Contract not denied in the pleadings.

The ~~above regulations~~ provisions of sections 622.32 and 622.33, relating merely to the proof of contracts, shall not prevent the enforcement of those not denied in the pleadings, except in cases when the contract is sought to be enforced, or damages recovered for the breach thereof, against some person other than the person who made it.

Sec. 174. Section 622.79, Code 2013, is amended to read as follows:

622.79 When party fails to obey subpoena.

In addition to the ~~above~~ remedies provided in sections 622.76 through 622.78, if a party to an action in the party's own right, on being duly subpoenaed, fails to appear and give testimony, the other party may, at the other party's election, have a continuance of the cause at the cost of the delinquent.

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Sec. 175. Section 631.1, subsection 1, Code 2013, is amended to read as follows:

1. The following actions or claims are small claims and shall be commenced, heard and determined as provided in this chapter:

a. A civil action for a money judgment where the amount in controversy is four thousand dollars or less for actions commenced before July 1, 2002, ~~and~~ exclusive of interest and costs.

b. A civil action for a money judgment where the amount in controversy is five thousand dollars or less for actions commenced on or after July 1, 2002, exclusive of interest and costs.

Sec. 176. Section 633.128, Code 2013, is amended to read as follows:

633.128 Court accountings.

1. Unless ordered by a court of competent jurisdiction, the bank or trust company operating such common trust funds is not required to render a court accounting with regard to such funds; but it may, by application to the court, secure approval of such an accounting on such conditions as the court may establish.

2. When an accounting of a common trust fund is presented to a court for approval, the court shall assign a time and place for hearing, and order notice thereof by all of the following:

a. ~~(1)~~ Publication once each week for three consecutive weeks in a newspaper of general circulation, published in the county in which the bank or trust company operating the common trust fund is located, the first publication to be not less than twenty days prior to the date of hearing~~, and (2) sending~~.

b. Sending by ordinary mail not less than fourteen days prior to the date of hearing, a copy of the notice prescribed to all beneficiaries of the trust participating in the common trust fund whose names are known to the bank or trust company from the records kept by it in the regular course of business

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in the administration of said trusts, directed to them at the addresses shown by such records~~, and (3) such~~.

c. Such further notice, if any, as the court may order.

Sec. 177. Section 633.376, subsection 2, Code 2013, is amended to read as follows:

2. The estate's personal representative shall mail pursuant to section 633.40, subsection 5, to the legal guardian of each child qualified under subsection 1 and to each child or the guardian ad litem for such child if necessary, who has no legal guardian, a written notice regarding the right to request an allowance. The notice shall inform the child and the child's guardian or guardian ad litem, if applicable, of the right to submit an application to the court, within four months after service of the notice, for support for a period of twelve months following the decedent's death. If an application for support has not been filed within four months after service of the notice by or on behalf of the child qualifying for support under subsection 1, the child shall be deemed to have waived the right to support under this section. A child who qualifies for support under this section or the child's guardian or guardian ad litem may waive the child's right to such support by filing an affidavit acknowledging receipt of notice and irrevocably waiving the child's right to support under this section.

Sec. 178. Section 633.704, subsection 2, Code 2013, is amended to read as follows:

2. If a court of another state in which a guardianship or protective proceeding is pending requests assistance ~~pursuant to~~ described in subsection 1, a court of this state has jurisdiction for the limited purpose of granting the request or making reasonable efforts to comply with the request.

Sec. 179. Section 633A.3110, Code 2013, is amended to read as follows:

633A.3110 Notice to creditors, heirs, and surviving spouse.

1. As used in this section, *"heir"* means only such person

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1 who would, in an intestate estate, be entitled to a share under
2 section 633.219.
3 2. The trustee may give notice as described herein to
4 creditors, heirs, and the surviving spouse of the settlor for
5 the purpose of establishing their rights to contest the trust
6 and to file claims against the trust assets.
7 *a.* No later than the end of the one-year period beginning
8 with the settlor's date of death, the trustee may publish a
9 notice once each week for two consecutive weeks in a daily or
10 weekly newspaper of general circulation published in the county
11 in which the settlor was a resident at the time of death. If
12 the settlor was not a resident of Iowa, but the principal place
13 of administration is in Iowa, the trustee shall publish notice
14 in the county that is the principal place of administration
15 pursuant to section 633A.6102.
16 *b.* If notice is published pursuant to paragraph *"a"*, the
17 trustee shall also give notice by ordinary mail within one year
18 of the settlor's death to the surviving spouse and the heirs of
19 the decedent whose identities are reasonably ascertainable, at
20 such person's last known address.
21 *c.* If notice is published pursuant to paragraph *"a"*, the
22 trustee shall also give notice to creditors of the settlor who
23 are known or reasonably ascertainable within the period for
24 filing claims specified in the published notice and who the
25 trustee believes own or possess a claim, which will not or may
26 not be paid or otherwise satisfied during the administration of
27 the trust, by ordinary mail to each person at the person's last
28 known address.
29 *d.* The notices described in this subsection shall, if given,
30 include notification of the settlor's death, and the fact that
31 any action to contest the validity of the trust must be brought
32 within the later to occur of four months from the date of the
33 second publication of the notice made pursuant to paragraph *"a"*
34 or thirty days from the date of mailing of the notice pursuant
35 to paragraph *"b"*, and that any claim against the trust assets

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1 will be forever barred unless proof of a creditor's claim
2 is mailed to the trustee by certified mail, return receipt
3 requested, within the later to occur of four months from the
4 date of second publication of notice made pursuant to paragraph
5 "a" or thirty days from the date of mailing of the notice
6 pursuant to paragraph "b", if required. A person who is not
7 entitled to receive a mailed notice or who does not make a
8 claim within the appropriate period is forever barred from
9 asserting any claim against the trust or the trust assets.
10 3. If notice is published pursuant to subsection 2,
11 paragraph "a", claims of creditors that are discovered or which
12 become reasonably ascertainable after the end of the notice
13 period are barred.
14 4. If notice is not published and given as provided in
15 this section, the right to challenge the trust and file claims
16 against the trust assets are limited as provided in sections
17 633A.3108 and 633A.3109.
18 5. The notice described in subsection 2 shall be
19 substantially in the following form:
20 To all persons regarding .....,
21 deceased, who died on or about .....~~,~~
22 ~~(year)~~ .....(date). You are hereby notified
23 that ..... is the trustee of the
24 ..... Trust.
25 Any action to contest the validity of the trust must be
26 brought in the District Court of .... County, Iowa, within
27 the later to occur of four months from the date of second
28 publication of this notice, or thirty days from the date of
29 mailing this notice to all heirs of the decedent settlor
30 and the spouse of the decedent settlor whose identities are
31 reasonably ascertainable. Any suit not filed within this
32 period shall be forever barred.
33 Notice is further given that any person or entity possessing
34 a claim against the trust must mail proof of the claim to the
35 trustee at the address listed below via certified mail, return

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1 receipt requested, by the later to occur of four months from
2 the second publication of this notice or thirty days from the
3 date of mailing this notice if required, or the claim shall be
4 forever barred, unless paid or otherwise satisfied.
5 Dated this ..... day of
6 .....(month), ~~(year)~~ .....(year)
7 .....
8 Trust
9 .....
10 Trustee
11 Address: .....
12 .....
13 Date of second publication
14 ..... day of .....(month), ~~(year)~~
15 ..... (year)
16 6. The proof of claim must be in writing stating the party's
17 name and address and describing the nature and amount of the
18 claim, if ascertainable, and accompanied by an affidavit of the
19 party or a representative of the party verifying the amount
20 that is due, or when the amount will become due, that no
21 payments have been made on the claim that are not credited, and
22 that no offsets to the claim exist.
23 7. At any time after receipt by the trustee of a proof of
24 claim, the trustee may give the party submitting the claim a
25 written notice of disallowance of the claim. The notice shall
26 be given by certified mail, return receipt requested, addressed
27 to the party at the address stated in the claim, and to the
28 attorney of record of the party submitting the claim. Such
29 notice of disallowance shall advise the party submitting the
30 claim that the claim has been disallowed and will be forever
31 barred unless suit is filed against the trustee to enforce
32 the claim within thirty days of the date of the mailing of
33 the notice of disallowance. If suit is filed, the provisions
34 in chapter 633 relating to actions to enforce a claim shall
35 apply with the trust and trustee substituted for the estate and

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1 personal representative.
2 8. The trustee and creditor may agree to extend the
3 limitations period for filing an action to enforce the claim.
4 If the creditor fails to properly file its claim within the
5 established time period or bring an action to enforce its claim
6 within the established time period, the creditor's claim shall
7 be forever barred.
8 9. The trustee shall give notice to the beneficiaries of the
9 trust as required by section 633A.4213.
10 10. The trustee shall give notice to the surviving spouse
11 of the right to elect to take an elective share of the trust
12 as required by section 633.237 and the right to ~~a spousal~~ an
13 allowance for the surviving spouse and any dependents of the
14 settlor residing with the surviving spouse as required by
15 section 633A.3114.
16 11. The trustee shall give notice to eligible children
17 not residing with the surviving spouse of their right to an
18 allowance as required by section 633A.3115.
19 Sec. 180. Section 633A.3115, subsections 1 and 3, Code 2013,
20 are amended to read as follows:
21 1. If the trustee is required to give notice under section
22 633A.3114, the trustee shall also mail, pursuant to section
23 633.40, subsection 5, to the legal guardian of each child
24 qualified under subsection 2 and to each such child or the
25 guardian ad litem for such child if necessary, who has no legal
26 guardian, a written notice regarding the right to request an
27 allowance. The notice shall inform the child and the child's
28 guardian or guardian ad litem, if applicable, of the right to
29 submit an application to the trustee within four months after
30 service of the notice, for a support allowance for a period of
31 twelve months following the decedent's death.
32 3. If an application for a support allowance has not
33 been filed within four months after service of the notice
34 by or on behalf of the child qualifying for an allowance
35 under subsection 2, the child shall be deemed to have waived

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the right to an allowance under this section. A child who qualifies for an allowance under this section or the guardian or guardian ad litem for the child, if any, may waive the child's right to such an allowance by submitting an affidavit to the trustee acknowledging receipt of notice and irrevocably waiving the child's right to an allowance under this section.

Sec. 181. Section 654.14, Code 2013, is amended to read as follows:

654.14 Preference in receivership — application of rents.

1. In an action to foreclose a real estate mortgage, if a receiver is appointed to take charge of the real estate, preference shall be given to the owner or person in actual possession, subject to approval of the court, in leasing the mortgaged premises. If the real estate is agricultural land used for farming, as defined in section 9H.1, the owner or person in actual possession shall be appointed as receiver without bond, provided that all parties agree to the appointment. The rents, profits, avails, and income derived from the real estate shall be applied as follows:

~~1.~~ *a.* To the cost of receivership.

~~2.~~ *b.* To the payment of taxes due or becoming due during said receivership.

~~3.~~ *c.* To pay the insurance on buildings on the premises ~~and/or~~ or such other benefits to the real estate, or both, as may be ordered by the court.

~~4.~~ *d.* The balance shall be paid and distributed as determined by the court.

2. If the owner or person in actual possession of agricultural land as defined in section 9H.1 is not afforded a right of first refusal in leasing the mortgaged premises by the receiver, the owner or person in actual possession has a cause of action against the receiver to recover either actual damages or a one thousand dollar penalty, and costs, including reasonable attorney's fees. The receiver shall deliver notice to the owner or person in actual possession or the attorney of

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the owner or person in actual possession, of an offer made to the receiver, the terms of the offer, and the name and address of the person making the offer. The delivery shall be made personally with receipt returned or by certified or registered mail, with the proper postage on the envelope, addressed to the owner or person in actual possession or the attorney of the owner or person in actual possession. An offer shall be deemed to have been refused if the owner or person in actual possession or the attorney of the owner or person in actual possession does not respond within ten days following the date that the notice is mailed.

Sec. 182. Section 671.2, Code 2013, is amended to read as follows:

671.2 Exception.

1. The limited liability provided in section 671.1 shall not apply where:

~~1.~~ *a.* A guest has offered to deliver ~~such~~ valuables to ~~said~~ the keeper or owner for custody in such metal safe or vault, and

~~2.~~ *b.* ~~Said~~ The keeper or owner has omitted or refused to receive and deposit the ~~same~~ valuables in ~~such~~ the safe or vault and give such guest a receipt ~~therefor~~ for the valuables.

2. ~~But such~~ The keeper or owner shall not be required to receive from any one guest for deposit in ~~such~~ the keeper's or owner's safe or vault, property having a market value of more than five hundred dollars.

Sec. 183. Section 708.1, Code 2013, is amended to read as follows:

708.1 Assault defined.

1. An assault as defined in this section is a general intent crime.

2. A person commits an assault when, without justification, the person does any of the following:

~~1.~~ *a.* Any act which is intended to cause pain or injury to, or which is intended to result in physical contact which will

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be insulting or offensive to another, coupled with the apparent ability to execute the act.

~~2.~~ *b.* Any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act.

~~3.~~ *c.* Intentionally points any firearm toward another, or displays in a threatening manner any dangerous weapon toward another.

3. ~~Provided, that where~~ An act described in subsection 2 shall not be an assault under the following circumstances:

a. If the person doing any of the ~~above~~ enumerated acts, and such other person, are voluntary participants in a sport, social or other activity, not in itself criminal, and such act is a reasonably foreseeable incident of such sport or activity, and does not create an unreasonable risk of serious injury or breach of the peace~~, the act shall not be an assault~~.

b. ~~Provided, that where~~ If the person doing any of the ~~above~~ enumerated acts is employed by a school district or accredited nonpublic school, or is an area education agency staff member who provides services to a school or school district, and intervenes in a fight or physical struggle, or other disruptive situation, that takes place in the presence of the employee or staff member performing employment duties in a school building, on school grounds, or at an official school function regardless of the location, ~~the act shall not be an assault,~~ whether the fight or physical struggle or other disruptive situation is between students or other individuals, if the degree and the force of the intervention is reasonably necessary to restore order and to protect the safety of those assembled.

Sec. 184. Section 708.4, Code 2013, is amended to read as follows:

708.4 Willful injury.

Any person who does an act which is not justified and which is intended to cause serious injury to another commits ~~the~~

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1 ~~following~~ willful injury, which is punishable as follows:
2 1. A class "C" felony, if the person causes serious injury
3 to another.
4 2. A class "D" felony, if the person causes bodily injury
5 to another.
6 Sec. 185. Section 709.16, subsection 2, Code 2013, is
7 amended to read as follows:
8 2. *a.* An officer, employee, contractor, vendor, volunteer,
9 or agent of a juvenile placement facility who engages in a
10 sex act with a juvenile placed at such facility commits an
11 aggravated misdemeanor.
12 *b.* For purposes of this subsection, a *"juvenile placement*
13 *facility"* means any of the following:
14 ~~*a.*~~ (1) A child foster care facility licensed under section
15 237.4.
16 ~~*b.*~~ (2) Institutions controlled by the department of human
17 services listed in section 218.1.
18 ~~*c.*~~ (3) Juvenile detention and juvenile shelter care homes
19 approved under section 232.142.
20 ~~*d.*~~ (4) Psychiatric medical institutions for children
21 licensed under chapter 135H.
22 ~~*e.*~~ (5) ~~Substance abuse facilities~~ Facilities for the
23 treatment of persons with substance-related disorders as
24 defined in section 125.2.
25 Sec. 186. Section 710.5, Code 2013, is amended to read as
26 follows:
27 **710.5 Child stealing.**
28 1. A person commits ~~a class "C" felony~~ child stealing when,
29 knowing that the person has no authority to do so, the person
30 forcibly or fraudulently takes, decoys, or entices away any
31 child with intent to detain or conceal such child from its
32 parents or guardian, or other persons or institution having the
33 lawful custody of such child, unless the person is a relative
34 of such child, and the person's sole purpose is to assume
35 custody of such child.

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2. Child stealing is a class "C" felony.

3. For purposes of determining whether the person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 187. Section 710A.2, subsection 8, Code 2013, is amended to read as follows:

8. A person's ignorance of the age of the victim or a belief that the victim was older is ~~no~~ not a defense to a violation of this section.

Sec. 188. Section 710A.2A, Code 2013, is amended to read as follows:

710A.2A Solicitation of commercial sexual activity.

A person shall not entice, coerce, or recruit, or attempt to entice, coerce, or recruit, either a person who is under the age of eighteen or a law enforcement officer or agent who is representing ~~oneself to be~~ that the officer or agent is under the age of eighteen, to engage in a commercial sexual activity. A person who violates this section commits a class "D" felony.

Sec. 189. Section 714.24, subsections 2, 3, 4, and 7, Code 2013, are amended to read as follows:

2. An entity that claims an exemption under section 714.19 ~~or 714.22~~ must file an exemption claim with the commission. The commission may approve or deny the exemption claim. Except for a school that claims an exemption under section 714.19, subsection 1, 3, or 10, a filing of a claim for an exemption pursuant to section 714.19 ~~or 714.22~~ must be completed at least once every two years.

3. An entity that claims an exemption under section 714.19 ~~or 714.22~~ must file evidence of financial responsibility pursuant to section 714.18 within sixty calendar days following the date upon which conditions that qualify the entity for an exemption under section 714.19 no longer exist. The commission may grant an entity a longer period to file evidence of financial responsibility based on documentation the entity

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provides to the commission of its substantial progress to comply with section 714.18, subsection 1, paragraph *"a"*.

4. An entity that is required to file evidence of financial responsibility under section 714.18, or an entity that files a claim of exemption under section 714.19 ~~or 714.22~~, shall utilize required forms approved and supplied by the commission.

7. Except as provided in section 714.18, subsection 2, paragraph *"a"*, the information submitted under sections 714.18, ~~714.22,~~ 714.23, and 714.25 are public records under chapter 22.

Sec. 190. Section 715.3, subsection 2, Code 2013, is amended to read as follows:

2. *"Computer software"* means a sequence of instructions written in any programming language that is executed on a computer. *"Computer software"* does not include computer software that is ~~a web page~~ an internet site or data components of ~~a web page~~ an internet site that are not executable independently of the ~~web page~~ internet site.

Sec. 191. Section 715.3, subsection 10, paragraph b, Code 2013, is amended to read as follows:

b. The storage or hosting of the computer software program or an internet ~~web page~~ site through which the software was made available.

Sec. 192. Section 715.4, subsection 1, paragraphs a through c, Code 2013, are amended to read as follows:

a. The ~~web page~~ internet site that appears when an owner or operator launches an internet browser or similar computer software used to access and navigate the internet.

b. The default provider or ~~web~~ internet proxy that an owner or operator uses to access or search the internet.

c. An owner's or an operator's list of bookmarks used to access ~~web pages~~ internet sites.

Sec. 193. Section 716.3, Code 2013, is amended to read as follows:

716.3 Criminal mischief in the first degree.

1. Criminal mischief is criminal mischief in the first

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1 degree if ~~the~~ either of the following apply:
2 *a.* The cost of replacing, repairing, or restoring the
3 property ~~so~~ that is damaged, defaced, altered, or destroyed is
4 more than ten thousand dollars~~, or if such~~.
5 *b.* The acts are intended to or do in fact cause a
6 substantial interruption or impairment of service rendered to
7 the public by a gas, electric, steam or waterworks corporation,
8 telephone or telegraph corporation, common carrier, or a public
9 utility operated by a municipality.
10 2. Criminal mischief in the first degree is a class "C"
11 felony.
12 Sec. 194. Section 716.4, Code 2013, is amended to read as
13 follows:
14 **716.4 Criminal mischief in the second degree.**
15 1. Criminal mischief is criminal mischief in the second
16 degree if the cost of replacing, repairing, or restoring the
17 property ~~so~~ that is damaged, defaced, altered, or destroyed
18 exceeds one thousand dollars but does not exceed ten thousand
19 dollars.
20 2. Criminal mischief in the second degree is a class "D"
21 felony.
22 Sec. 195. Section 716.6, subsection 1, paragraph a,
23 subparagraph (1), Code 2013, is amended to read as follows:
24 (1) The cost of replacing, repairing, or restoring the
25 property ~~so~~ that is damaged, defaced, altered, or destroyed
26 exceeds two hundred dollars, but does not exceed five hundred
27 dollars.
28 Sec. 196. Section 716.10, subsection 3, Code 2013, is
29 amended to read as follows:
30 3. For purposes of this section~~, *"railway corporation"*~~:
31 *a. "Railway corporation"* means a corporation, company, or
32 person owning, leasing, or operating any railroad in whole or
33 in part within the state.
34 *b. "Train"* means a series of two or more train components
35 which are coupled together in a line.

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c. ~~For purposes of this section, "*train component*"~~ *"Train component"* means any locomotive, engine, tender, railroad car, passenger car, freight car, box car, tank car, hopper car, flatbed, container, work equipment, rail-mounted equipment, or any other railroad rolling stock.

~~For purposes of this section, "*train*" means a series of two or more train components which are coupled together in a line.~~

Sec. 197. Section 716A.3, subsection 2, Code 2013, is amended to read as follows:

2. *a.* A person who knowingly sells an adulterated or misbranded drug through the use of electronic mail or the internet is guilty of a class "D" felony.

b. ~~However, if~~ If the death of a person occurs as the result of consuming a drug, as defined in section 155A.3, sold in violation of this ~~section~~ subsection, the violation is a class "B" felony.

Sec. 198. Section 716B.2, Code 2013, is amended to read as follows:

716B.2 Unlawful disposal of hazardous waste — penalties.

1. A person ~~who~~ commits the offense of unlawful disposal of hazardous waste when the person knowingly or with reason to know, disposes of hazardous waste or arranges for or allows the disposal of hazardous waste at any location other than one authorized by the department or the United States environmental protection agency, or in violation of any material term or condition of a hazardous waste facility permit~~,~~.

2. *a.* A person who commits the offense of unlawful disposal of hazardous waste is guilty of an aggravated misdemeanor and upon conviction shall be punished by a fine of not more than twenty-five thousand dollars for each day of violation or imprisonment for not more than two years, or both.

b. If the conviction is for a violation committed after a first conviction under this section, the person is guilty of a class "D" felony and shall be punished by a fine of not more than fifty thousand dollars for each day of violation or

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imprisonment for not more than five years, or both.

Sec. 199. Section 716B.3, Code 2013, is amended to read as follows:

716B.3 Unlawful transportation of hazardous waste — penalties.

1. A person ~~who~~ commits the offense of unlawful transportation of hazardous waste when the person knowingly or with reason to know, transports or causes to be transported any hazardous waste to any location other than a facility that is authorized to receive, treat, store, or dispose of the hazardous waste under rules adopted pursuant to the federal Resource Conservation and Recovery Act, 42 U.S.C. § 6901 — 6992~~7~~.

2. *a.* A person who commits the offense of unlawful transportation of hazardous waste is guilty of an aggravated misdemeanor and upon conviction shall be punished by a fine of not more than twenty-five thousand dollars for each day of violation or imprisonment for not more than two years, or both.

b. If the conviction is for a violation committed after a first conviction under this section, the person is guilty of a class "D" felony and shall be punished by a fine of not more than fifty thousand dollars for each day of violation or imprisonment for not more than five years, or both.

Sec. 200. Section 716B.4, Code 2013, is amended to read as follows:

716B.4 Unlawful ~~storage or~~ treatment or storage of hazardous waste — penalties.

1. A person ~~who~~ commits the offense of unlawful treatment or storage of hazardous waste when the person knowingly or with reason to know, treats or stores hazardous waste without a permit issued pursuant to 42 U.S.C. § 6925 or § 6926.

2. *a.* A person who commits the offense of unlawful treatment or storage of hazardous waste is guilty of an aggravated misdemeanor and upon conviction shall be punished by a fine of not more than twenty-five thousand dollars for each

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1 day of violation or imprisonment for not more than two years,
2 or both.
3 *b.* If the conviction is for a violation committed after
4 a first conviction under this section, the person is guilty
5 of a class "D" felony and shall be punished by a fine of not
6 more than fifty thousand dollars for each day of violation or
7 imprisonment for not more than five years, or both.
8 Sec. 201. Section 717B.1, subsection 5, Code 2013, is
9 amended to read as follows:
10 5. *"Law enforcement officer"* means a regularly employed
11 member of a police force of a city or county, including a
12 sheriff, who is responsible for the prevention and ~~dedication~~
13 detection of crime and the enforcement of the criminal laws of
14 this state.
15 Sec. 202. Section 719.1, subsections 1 and 2, Code 2013, are
16 amended to read as follows:
17 1. A person ~~who~~ commits interference with official acts when
18 the person knowingly resists or obstructs anyone known by the
19 person to be a peace officer, emergency medical care provider
20 under chapter 147A, or fire fighter, whether paid or volunteer,
21 in the performance of any act which is within the scope of the
22 lawful duty or authority of that officer, emergency medical
23 care provider under chapter 147A, or fire fighter, whether paid
24 or volunteer, or who knowingly resists or obstructs the service
25 or execution by any authorized person of any civil or criminal
26 process or order of any court~~, commits~~.
27 *a.* Interference with official acts is a simple misdemeanor.
28 In addition to any other penalties, the punishment imposed
29 ~~for a violation of~~ under this ~~subsection~~ paragraph shall
30 include assessment of a fine of not less than two hundred fifty
31 dollars.
32 *b.* ~~However, if~~ If a person commits an interference with
33 official acts, as defined in this subsection, and in so doing
34 inflicts bodily injury other than serious injury, that person
35 commits an aggravated misdemeanor.

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c. If a person commits an interference with official acts, as defined in this subsection, and in so doing inflicts or attempts to inflict serious injury, or displays a dangerous weapon, as defined in section 702.7, or is armed with a firearm, that person commits a class "D" felony.

2. A person under the custody, control, or supervision of the department of corrections ~~who~~ commits interference with official acts when the person knowingly resists, obstructs, or interferes with a correctional officer, agent, employee, or contractor, whether paid or volunteer, in the performance of the person's official duties~~, commits~~.

a. Interference with official acts in violation of this subsection is a serious misdemeanor.

b. If a person violates this subsection and in so doing commits an assault, as defined in section 708.1, the person commits an aggravated misdemeanor.

c. If a person violates this subsection and in so doing inflicts or attempts to inflict bodily injury other than serious injury to another, displays a dangerous weapon, as defined in section 702.7, or is armed with a firearm, the person commits a class "D" felony.

d. If a person violates this subsection and uses or attempts to use a dangerous weapon, as defined in section 702.7, or inflicts serious injury to another, the person commits a class "C" felony.

Sec. 203. Section 721.6, Code 2013, is amended to read as follows:

721.6 Exception to sections 721.3 ~~to~~ through 721.5.

The provisions of sections 721.3 ~~to~~ through 721.5 shall not be construed as prohibiting any such officer or employee who is a candidate for political office to engage in campaigning at any time or at any place for the officer's or employee's ~~self~~ own candidacy.

Sec. 204. Section 721.7, Code 2013, is amended to read as follows:

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721.7 Penalty for violating sections 721.3 ~~to 721.6~~ through 721.5.

Any person who violates any provision of sections 721.3 ~~to 721.6~~ through 721.5 shall be guilty of a serious misdemeanor.

Sec. 205. Section 724.1, subsection 7, unnumbered paragraph 2, Code 2013, is amended by striking the unnumbered paragraph.

Sec. 206. Section 724.2, Code 2013, is amended to read as follows:

724.2 Authority to possess offensive weapons.

1. Any of the following persons or entities is authorized to possess an offensive weapon when the person's or entity's duties or lawful activities require or permit such possession:

~~1.~~ *a.* Any peace officer.

~~2.~~ *b.* Any member of the armed forces of the United States or of the national guard.

~~3.~~ *c.* Any person in the service of the United States.

~~4.~~ *d.* A correctional officer, serving in an institution under the authority of the Iowa department of corrections.

~~5.~~ *e.* Any person who under the laws of this state and the United States, is lawfully engaged in the business of supplying those authorized to possess such devices.

~~6.~~ *f.* Any person, firm or corporation who under the laws of this state and the United States is lawfully engaged in the improvement, invention or manufacture of firearms.

~~7.~~ *g.* Any museum or similar place which possesses, solely as relics, offensive weapons which are rendered permanently unfit for use.

~~8.~~ *h.* A resident of this state who possesses an offensive weapon which is a curio or relic firearm under the federal Firearms Act, 18 U.S.C. ch. 44, solely for use in the official functions of a historical reenactment organization of which the person is a member, if the offensive weapon has been permanently rendered unfit for the firing of live ammunition. The offensive weapon may, however, be adapted for the firing of blank ammunition.

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1 ~~9.~~ *i.* A nonresident who possesses an offensive weapon
2 which is a curio or relic firearm under the federal Firearms
3 Act, 18 U.S.C. ch. 44, solely for use in official functions in
4 this state of a historical reenactment organization of which
5 the person is a member, if the offensive weapon is legally
6 possessed by the person in the person's state of residence
7 and the offensive weapon is at all times while in this state
8 rendered incapable of firing live ammunition. A nonresident
9 who possesses an offensive weapon under this subsection while
10 in this state shall not have in the person's possession live
11 ammunition. The offensive weapon may, however, be adapted for
12 the firing of blank ammunition.
13 2. Notwithstanding subsection 1, a person is not authorized
14 to possess in this state a shotshell or cartridge intended to
15 project a flame or fireball of the type described in section
16 724.1.
17 Sec. 207. Section 724.4B, subsection 2, paragraph b, Code
18 2013, is amended to read as follows:
19 *b.* A person who has been specifically authorized by the
20 school to go armed with, carry, or transport a firearm on
21 the school grounds, including for purposes of conducting an
22 instructional program regarding firearms.
23 Sec. 208. Section 802.7, Code 2013, is amended to read as
24 follows:
25 **802.7 Continuing crimes.**
26 When an offense is based on a series of acts committed at
27 different times, the period of limitation prescribed by this
28 ~~division~~ chapter shall commence upon the commission of the last
29 of such acts.
30 Sec. 209. Section 804.14, Code 2013, is amended to read as
31 follows:
32 **804.14 Manner of making arrest — warrant.**
33 1. ~~The~~ A person making ~~the~~ an arrest must inform the person
34 to be arrested of the intention to arrest the person, the
35 reason for arrest, and that the person making the arrest is

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a peace officer, if such be the case, and require the person being arrested to submit to the person's custody, except when the person to be arrested is actually engaged in the commission of or attempt to commit an offense, or escapes, so that there is no time or opportunity to do so~~; if~~.

2. If acting under the authority of a warrant, ~~the~~ a law enforcement officer need not have the warrant in the officer's possession at the time of the arrest, but, upon request, the officer shall show the warrant to the person being arrested as soon as possible. If the officer does not have the warrant in the officer's possession at the time of arrest, the officer shall inform the person being arrested of the fact that a warrant has been issued.

Sec. 210. Section 814.11, subsection 4, Code 2013, is amended to read as follows:

4. In all other cases not specified in subsection 2 or 3, or except as otherwise provided in this section, the court shall appoint an attorney ~~to represent an indigent person~~ who has a contract with the state public defender to provide legal services in appellate cases to represent an indigent person.

Sec. 211. Section 815.5, Code 2013, is amended to read as follows:

815.5 Expert witnesses for state and defense.

Notwithstanding the provisions of section 622.72, reasonable compensation as determined by the court shall be awarded expert witnesses, expert witnesses for an indigent person referred to in section 815.4, or expert witnesses called by the state in criminal cases.

Sec. 212. Section 901B.1, subsection 3, Code 2013, is amended to read as follows:

3. *a.* Each judicial district and judicial district department of correctional services shall implement an intermediate criminal sanctions program ~~by July 1, 2001~~. An intermediate criminal sanctions program shall consist of only levels two, three, and sublevels one and three of level four of

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1 the corrections continuum and shall be operated in accordance
2 with an intermediate criminal sanctions plan adopted by the
3 chief judge of the judicial district and the director of the
4 judicial district department of correctional services. The
5 plan adopted shall be designed to reduce probation revocations
6 to prison through the use of incremental, community-based
7 sanctions for probation violations.
8 *b.* The plan shall be subject to rules adopted by the
9 department of corrections. The rules shall include provisions
10 for transferring individuals between levels in the continuum.
11 The provisions shall include a requirement that the reasons
12 for the transfer be in writing and that an opportunity for the
13 individual to contest the transfer be made available.
14 *c.* A copy of the program and plan shall be filed with
15 the chief judge of the judicial district, the department of
16 corrections, and the division of criminal and juvenile justice
17 planning of the department of human rights ~~by July 1, 2001~~.
18 Sec. 213. Section 905.1, subsection 2, Code 2013, is amended
19 to read as follows:
20 2. *"Community-based correctional program"* means correctional
21 programs and services, including but not limited to an
22 intermediate criminal sanctions program in accordance with the
23 corrections continuum in section 901B.1, designed to supervise
24 and assist individuals who are charged with or have been
25 convicted of a felony, an aggravated misdemeanor or a serious
26 misdemeanor, or who are on probation or parole in lieu of or as
27 a result of a sentence of incarceration imposed upon conviction
28 of any of these offenses, or who are contracted to the district
29 department for supervision and housing while on work release.
30 A community-based correctional program shall be designed by a
31 district department in a manner that provides services in a
32 manner free of disparities based upon an individual's race or
33 ethnic origin.
34 ~~An intermediate criminal sanctions program shall be designed~~
35 ~~by a district department in a manner that provides services in~~

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~~a manner free of disparities based upon an individual's race or ethnic origin.~~

Sec. 214. Section 907.3, subsections 1 and 2, Code 2013, are amended to read as follows:

1. *a.* With the consent of the defendant, the court may defer judgment and may place the defendant on probation upon conditions as it may require. ~~However, a~~ A civil penalty shall be assessed as provided in section 907.14 upon the entry of a deferred judgment. ~~Upon a showing that the defendant is not cooperating with the program of probation or is not responding to it, the court may withdraw the defendant from the program, pronounce judgment, and impose any sentence authorized by law. Before taking such action, the court shall give the defendant an opportunity to be heard on any matter relevant to the proposed action. Upon fulfillment of the conditions of probation and the payment of fees imposed and not waived by the judicial district department of correctional services under section 905.14, the defendant shall be discharged without entry of judgment. Upon violation of the conditions of probation, the court may proceed as provided in chapter 908.~~ However, the court shall not defer judgment if any of the following is true:

~~However, this subsection shall not apply if any of the following is true:~~

~~*a.* The offense is a violation of section 709.8 and the child is twelve years of age or under.~~

~~*b.*~~ (1) The defendant previously has been convicted of a felony. *"Felony"* means a conviction in a court of this or any other state or of the United States, of an offense classified as a felony by the law under which the defendant was convicted at the time of the defendant's conviction.

~~*c.*~~ (2) Prior to the commission of the offense the defendant had been granted a deferred judgment or similar relief, two or more times anywhere in the United States.

~~*d.*~~ (3) Prior to the commission of the offense the defendant had been granted a deferred judgment or similar relief in a

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1 felony prosecution anywhere in the United States within the
2 preceding five years, measured from the date of granting of
3 deferment of judgment to the date of commission of the offense.
4 ~~*e.* The defendant committed an assault as defined in section~~
5 ~~708.1, against a peace officer in the performance of the peace~~
6 ~~officer's duty.~~
7 ~~*f.*~~ (4) The defendant is a corporation.
8 (5) The offense is a violation of section 124.401,
9 subsection 1, paragraph *"a"* or *"b"*, and the controlled substance
10 is methamphetamine.
11 ~~*g.*~~ (6) The offense is a violation of section 321J.2 and the
12 person has been convicted of a violation of that section or the
13 person's driver's license has been revoked under chapter 321J,
14 and any of the following apply:
15 ~~(1)~~ (a) If the defendant's alcohol concentration
16 established by the results of an analysis of a specimen of the
17 defendant's blood, breath, or urine withdrawn in accordance
18 with chapter 321J exceeds .15, regardless of whether or not the
19 alcohol concentration indicated by the chemical test minus the
20 established margin of error inherent in the device or method
21 used to conduct the test equals an alcohol concentration of .15
22 or more.
23 ~~(2)~~ (b) If the defendant has previously been convicted of a
24 violation of section 321J.2, subsection 1, or a violation of a
25 statute in another state substantially corresponding to section
26 321J.2, subsection 1.
27 ~~(3)~~ (c) If the defendant has previously received a deferred
28 judgment or sentence for a violation of section 321J.2,
29 subsection 1, or for a violation of a statute in another state
30 substantially corresponding to section 321J.2, subsection 1.
31 ~~(4)~~ (d) If the defendant refused to consent to testing
32 requested in accordance with section 321J.6.
33 ~~(5)~~ (e) If the offense under chapter 321J results in bodily
34 injury to a person other than the defendant.
35 ~~*h.* Prior to the commission of the offense the defendant~~

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~~had been granted a deferred judgment or deferred sentence for a violation of section 708.2 or 708.2A which was issued on a domestic abuse assault, or was granted similar relief anywhere in the United States concerning that jurisdiction's statutes which substantially correspond to domestic abuse assault as provided in section 708.2A, and the current offense is a violation of section 708.2A.~~

(7) The offense is a violation of section 462A.14, and a mandatory minimum sentence must be served or mandatory minimum fine must be paid by the defendant.

~~*i.*~~ (8) The offense is a conviction for or plea of guilty to a violation of section 664A.7 or a finding of contempt pursuant to section 664A.7.

~~*j.* The offense is a violation of section 707.6A, subsection 1; or a violation of section 707.6A, subsection 4, involving operation of a motor vehicle while intoxicated.~~

~~*k.* The offense is a violation of section 124.401, subsection 1, paragraph "*a*" or "*b*", and the controlled substance is methamphetamine.~~

~~*l.* The offense is a violation of section 462A.14, and a mandatory minimum sentence must be served or mandatory minimum fine must be paid by the defendant.~~

~~*m.*~~ (9) The offense is a violation of chapter 692A.

(10) The offense is a violation of section 707.6A, subsection 1; or a violation of section 707.6A, subsection 4, involving operation of a motor vehicle while intoxicated.

(11) The defendant committed an assault as defined in section 708.1, against a peace officer in the performance of the peace officer's duty.

(12) Prior to the commission of the offense the defendant had been granted a deferred judgment or deferred sentence for a violation of section 708.2 or 708.2A which was issued on a domestic abuse assault, or was granted similar relief anywhere in the United States concerning that jurisdiction's statutes which substantially correspond to domestic abuse assault as

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1 provided in section 708.2A, and the current offense is a
2 violation of section 708.2A.
3 (13) The offense is a violation of section 709.8 and the
4 child is twelve years of age or under.
5 *b.* Upon a showing that the defendant is not cooperating
6 with the program of probation or is not responding to it, the
7 court may withdraw the defendant from the program, pronounce
8 judgment, and impose any sentence authorized by law. Before
9 taking such action, the court shall give the defendant an
10 opportunity to be heard on any matter relevant to the proposed
11 action. Upon violation of the conditions of probation, the
12 court may proceed as provided in chapter 908.
13 *c.* Upon fulfillment of the conditions of probation and the
14 payment of fees imposed and not waived by the judicial district
15 department of correctional services under section 905.14, the
16 defendant shall be discharged without entry of judgment.
17 2. *a.* At the time of or after pronouncing judgment and with
18 the consent of the defendant, the court may defer the sentence
19 and assign the defendant to the judicial district department
20 of correctional services. The court may assign the defendant
21 to supervision or services under section 901B.1 at the level
22 of sanctions which the district department determines to be
23 appropriate. However, the court shall not defer the sentence
24 for a violation of any of the following:
25 ~~*a.* Section 708.2A, if the defendant has previously received~~
26 ~~a deferred judgment or sentence for a violation of section~~
27 ~~708.2 or 708.2A which was issued on a domestic abuse assault,~~
28 ~~or if similar relief was granted anywhere in the United States~~
29 ~~concerning that jurisdiction's statutes which substantially~~
30 ~~correspond to domestic abuse assault as provided in section~~
31 ~~708.2A.~~
32 ~~*b.* Section 664A.7 or for contempt pursuant to section~~
33 ~~664A.7.~~
34 (1) The offense is a violation of section 124.401,
35 subsection 1, paragraph "*a*" or "*b*", and the controlled substance

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is methamphetamine.

~~c.~~ (2) Section 321J.2, subsection 1, if any of the following apply:

~~(1)~~ (a) If the defendant's alcohol concentration established by the results of an analysis of a specimen of the defendant's blood, breath, or urine withdrawn in accordance with chapter 321J exceeds .15, regardless of whether or not the alcohol concentration indicated by the chemical test minus the established margin of error inherent in the device or method used to conduct the test equals an alcohol concentration of .15 or more.

~~(2)~~ (b) If the defendant has previously been convicted of a violation of section 321J.2, subsection 1, or a violation of a statute in another state substantially corresponding to section 321J.2, subsection 1.

~~(3)~~ (c) If the defendant has previously received a deferred judgment or sentence for a violation of section 321J.2, subsection 1, or for a violation of a statute in another state substantially corresponding to section 321J.2, subsection 1.

~~(4)~~ (d) If the defendant refused to consent to testing requested in accordance with section 321J.6.

~~(5)~~ (e) If the offense under chapter 321J results in bodily injury to a person other than the defendant.

~~*d.* Section 707.6A, subsection 1; or section 707.6A, subsection 4, involving operation of a motor vehicle while intoxicated.~~

~~*e.* The offense is a violation of section 124.401, subsection 1, paragraph "*a*" or "*b*", and the controlled substance is methamphetamine.~~

~~*f.*~~ (3) The offense is a violation of section 462A.14, and a mandatory minimum sentence must be served or mandatory minimum fine must be paid by the defendant.

(4) Section 664A.7 or for contempt pursuant to section 664A.7.

~~*g.*~~ (5) The offense is a violation of chapter 692A.

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1 (6) Section 707.6A, subsection 1; or section 707.6A,
2 subsection 4, involving operation of a motor vehicle while
3 intoxicated.
4 (7) Section 708.2A, if the defendant has previously
5 received a deferred judgment or sentence for a violation of
6 section 708.2 or 708.2A which was issued on a domestic abuse
7 assault, or if similar relief was granted anywhere in the
8 United States concerning that jurisdiction's statutes which
9 substantially correspond to domestic abuse assault as provided
10 in section 708.2A.
11 *b.* Upon a showing that the defendant is not fulfilling the
12 conditions of probation, the court may revoke probation and
13 impose any sentence authorized by law. Before taking such
14 action, the court shall give the defendant an opportunity to
15 be heard on any matter relevant to the proposed action. Upon
16 violation of the conditions of probation, the court may proceed
17 as provided in chapter 908.
18 Sec. 215. Section 907.8, Code 2013, is amended to read as
19 follows:
20 **907.8 Supervision during probationary period.**
21 1. A person released on probation shall be assigned to a
22 probation officer. Both the person and the person's probation
23 officer shall be furnished with the conditions of the person's
24 probation including a copy of the plan of restitution and
25 the restitution plan of payment, if any, and the regulations
26 which the person will be required to observe, in writing.
27 The probation officer shall explain these conditions and
28 regulations to the person and shall supervise, assist, and
29 counsel the person during the term of the person's probation.
30 2. *a.* When probation is granted, the court shall order said
31 person committed to the custody, care, and supervision:
32 ~~1.~~ (1) Of any suitable resident of this state; or
33 ~~2.~~ (2) Of the judicial district department of correctional
34 services.
35 *b.* Jurisdiction over these persons shall remain with the

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1 sentencing court.
2 3. In each case ~~wherein~~ in which the court ~~shall order~~
3 ~~said~~ orders the person committed to the custody, care, and
4 supervision of the judicial district department of correctional
5 services, the clerk of the district court shall at once
6 furnish the director of the judicial district department of
7 correctional services with certified copies of the indictment
8 or information, the minutes of testimony attached thereto,
9 the judgment entry if judgment is not deferred, and the
10 original mittimus. The county attorney shall at once advise
11 the director, by letter, that the defendant has been placed
12 under the supervision of the judicial district department
13 of correctional services and give the director a detailed
14 statement of the facts and circumstances surrounding the crime
15 committed and the record and history of the defendant as may
16 be known to the county attorney. If the defendant is confined
17 in the county jail at the time of sentence, the court may
18 order the defendant held until arrangements are made by the
19 judicial district department of correctional services for
20 the defendant's employment and the defendant has signed the
21 necessary probation papers. If the defendant is not confined
22 in the county jail at the time of sentence, the court may order
23 the defendant to remain in the county wherein the defendant has
24 been convicted and sentenced and report to the sheriff as to
25 the defendant's whereabouts.
26 Sec. 216. REPEAL. Sections 163.28, 256.11A, 256.22,
27 313.44, 313.45, and 321.499, Code 2013, are repealed.
28 DIVISION II
29 VOLUME VI RENUMBERING
30 Sec. 217. Section 633.304, Code 2013, is amended to read as
31 follows:
32 **633.304 Notice of probate of will with administration.**
33 1. As used in this section, *"heir"* means only such person
34 as would, in an intestate estate, be entitled to a share under
35 section 633.219.

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2. On admission of a will to probate, the executor, as soon as letters are issued, shall cause to be published once each week for two consecutive weeks in a daily or weekly newspaper of general circulation published in the county in which the estate is pending and at any time during the pendency of administration that the executor has knowledge of the name and address of a person believed to own or possess a claim which will not or may not be paid or otherwise satisfied during administration, provide by ordinary mail to each such claimant at the claimant's last known address, and as soon as practicable give notice, except to any executor, by ordinary mail to the surviving spouse, each heir of the decedent and each devisee under the will admitted to probate whose identities are reasonably ascertainable, at such persons' last known addresses, a notice of admission of the will to probate and of the appointment of the executor, in which shall be included a notice that any action to set aside the probate of the will must be brought within the later to occur of four months from the date of the second publication of the notice or one month from the date of mailing of this notice or thereafter be forever barred, and in which shall be included a notice to debtors to make payment, and to creditors having claims against the estate to file them with the clerk within four months from the second publication of the notice, or thereafter be forever barred.

~~As used in this section, "*heir*" means only such person as would, in an intestate estate, be entitled to a share under section 633.219.~~

3. The notice shall be substantially in the following form:

Notice of Probate of Will,
of Appointment of Executor,
and Notice to Creditors

In the District Court of Iowa
in and for .... County.
Probate No.

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1 ....
2 In the Estate of ....., Deceased
3 To All Persons Interested in the Estate of ....., Deceased,
4 who died on or about ..... (date):
5 You are hereby notified that on the .. day of .... (month),
6 ..... (year), the last will and testament of .....,
7 deceased, bearing date of the .. day of .... (month), ..
8 (year), was admitted to probate in the above named court and
9 that ..... was appointed executor of the estate. Any
10 action to set aside the will must be brought in the district
11 court of said county within the later to occur of four months
12 from the date of the second publication of this notice or one
13 month from the date of mailing of this notice to all heirs of
14 the decedent and devisees under the will whose identities are
15 reasonably ascertainable, or thereafter be forever barred.
16 Notice is further given that all persons indebted to
17 the estate are requested to make immediate payment to the
18 undersigned, and creditors having claims against the estate
19 shall file them with the clerk of the above named district
20 court, as provided by law, duly authenticated, for allowance,
21 and unless so filed by the later to occur of four months from
22 the second publication of this notice or one month from the
23 date of mailing of this notice (unless otherwise allowed or
24 paid) a claim is thereafter forever barred.
25 Dated this .. day of ..... (month), .. (year)
26 .....
27 Executor of estate
28 .....
29 Address
30 .....
31 Attorney for executor
32 .....
33 Address
34 Date of second publication
35 .. day of ..... (month), .. (year)

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1 (Date to be inserted by publisher)
2 Sec. 218. Section 634.2, Code 2013, is amended to read as
3 follows:
4 **634.2 Statutory provisions as part of the trust.**
5 1. The trust instrument of each trust to which this chapter
6 applies shall be deemed to contain provisions prohibiting the
7 trustee from doing any of the following:
8 ~~1.~~ *a.* Engaging in any act of self-dealing, as defined in
9 section 4941(d) of the Internal Revenue Code, which would give
10 rise to any liability for the tax imposed by section 4941(a)
11 of the Internal Revenue Code~~;~~.
12 ~~2.~~ *b.* Retaining any excess business holdings, as defined in
13 section 4943(c) of the Internal Revenue Code, which would give
14 rise to any liability for the tax imposed by section 4943(a)
15 of the Internal Revenue Code~~;~~.
16 ~~3.~~ *c.* Making any investments which would jeopardize the
17 carrying out of any of the exempt purposes of the trust, within
18 the meaning of section 4944 of the Internal Revenue Code, so
19 as to give rise to any liability for the tax imposed by section
20 4944(a) of the Internal Revenue Code~~; and~~.
21 ~~4.~~ *d.* Making any taxable expenditures, as defined in
22 section 4945(d) of the Internal Revenue Code, which would give
23 rise to any liability for the tax imposed by section 4945(a)
24 of the Internal Revenue Code.
25 2. However, this section shall not apply either to those
26 split-interest trusts or to amounts thereof which are not
27 subject to the prohibitions applicable to private foundations
28 by reason of the provisions of section 4947 of the Internal
29 Revenue Code.
30 Sec. 219. Section 656.2, subsection 2, Code 2013, is amended
31 to read as follows:
32 2. *a.* The vendor shall also serve a copy of the notice
33 required in subsection 1 on the person in possession of
34 the real estate, if different than the vendee; on all the
35 vendee's mortgagees of record; and on a person who asserts a

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1 claim against the vendee's interest, except a government or
2 governmental subdivision or agency holding a lien for real
3 estate taxes or assessments, if the person has done both of the
4 following:
5 ~~a.~~ (1) Requested, on a form which substantially complies
6 with the following form, that notice of forfeiture be served on
7 the person at an address specified in the request.
8 REQUEST FOR NOTICE PURSUANT TO
9 IOWA CODE SECTION 656.2, SUBSECTION 2
10 The undersigned requests service of notice under Iowa Code
11 sections 656.2 and 656.3 to forfeit the contract recorded
12 on the .. day of .... (month), .. (year), in book or roll
13 ...., image or page ..., office of the .... county recorder,
14 ..... county, Iowa, wherein ..... is/are seller(s) and
15 ..... is/are buyer(s), for sale of real estate legally
16 described as: [insert complete legal description]
17 .....
18 NAME
19 .....
20 .....
21 .....
22 ADDRESS
23 CAUTION: Your name and address must be correct. If not
24 correct, you will not receive notice requested because notice
25 need only be served on you at the above address. If your
26 address changes, a new request for notice must be filed.
27 ~~The request for notice shall be indexed.~~
28 ~~b.~~ (2) Filed the request form for record in the office of
29 the county recorder after acquisition of the vendee's interest
30 but prior to the date of recording of the proof and record of
31 service of notice of forfeiture required by section 656.5 and
32 paid a fee of five dollars.
33 *b.* The request for notice is valid for a period of five
34 years from the date of filing with the county recorder. The
35 request for notice may be renewed for additional periods of

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five years by the procedure specified in this subsection. The request for notice may be amended at any time by the procedure specified in this subsection. The request for notice shall be indexed.

c. The vendee's mortgagees of record include all assignees of record for collateral purposes.

Sec. 220. Section 694.1, Code 2013, is amended to read as follows:

694.1 ~~Missing persons~~ Definitions.

As used in this chapter, unless the context otherwise indicates~~, "*missing person*"~~:

1. "*Missing person*" means a person who is missing and meets one of the following characteristics:

~~1.~~ *a.* Is a person with a physical or mental disability.

~~2.~~ *b.* Is missing under circumstances indicating that the person's safety may be in danger.

~~3.~~ *c.* Is missing under circumstances indicating that the disappearance was not voluntary.

~~4.~~ *d.* Is an unemancipated minor.

2. ~~For purposes of this chapter an "*unemancipated minor*"~~ "*Unemancipated minor*" means a minor who has not married and who resides with a parent or other legal guardian.

Sec. 221. Section 705.1, Code 2013, is amended to read as follows:

705.1 Solicitation.

1. ~~Any~~ A person ~~who~~ solicits another person to commit a felony or aggravated misdemeanor when the person commands, entreats, or otherwise attempts to persuade ~~another~~ the other person to commit a particular felony or aggravated misdemeanor, with the intent that such act be done and under circumstances which corroborates that intent by clear and convincing evidence~~, solicits such other to commit that felony or aggravated misdemeanor~~.

2. ~~One~~ A person who solicits another person to commit a felony of any class commits a class "D" felony.

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3. ~~One~~ A person who solicits another person to commit an aggravated misdemeanor commits an aggravated misdemeanor.

Sec. 222. Section 705.2, Code 2013, is amended to read as follows:

705.2 Renunciation.

It is a defense to a prosecution for solicitation that the defendant, after soliciting another person to commit a felony or aggravated misdemeanor, persuaded the person not to do so or otherwise prevented the commission of the offense, under circumstances manifesting a complete and voluntary renunciation of the defendant's criminal intent. A renunciation is not "*voluntary and complete*" if it is motivated in whole or in part by ~~*(a)*~~ either of the following:

1. The person's belief that circumstances exist which increase the possibility of detection or apprehension of the defendant or another or which make more difficult the consummation of the offense ~~*or (b)* the~~.

2. The person's decision to postpone the offense until another time or to substitute another victim or another but similar objective.

Sec. 223. Section 706A.3, subsection 9, Code 2013, is amended to read as follows:

9. *a.* Notwithstanding any other provision of law, any pleading, motion, or other paper filed by a nongovernmental aggrieved party in connection with a proceeding or action under subsection 7 shall be verified.

(1) If such aggrieved person is represented by an attorney, such pleading, motion, or other paper shall be signed by at least one attorney of record in the attorney's individual name, whose address shall be stated.

(2) If such pleading, motion, or other paper includes an averment of fraud, coercion, accomplice, respondent superior, conspiratorial, enterprise, or other vicarious accountability, it shall state, insofar as practicable, the circumstances with particularity.

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1 *b.* ~~If such pleading, motion, or other paper includes an~~
2 ~~averment of fraud, coercion, accomplice, respondent superior,~~
3 ~~conspiratorial, enterprise, or other vicarious accountability,~~
4 ~~it shall state, insofar as practicable, the circumstances~~
5 ~~with particularity.~~ The verification and the signature by
6 an attorney required by this subsection shall constitute a
7 certification by the signer that the attorney has carefully
8 read the pleading, motion, or other paper and, based on a
9 reasonable inquiry, believes that all of the following exist:
10 ~~*a.*~~ (1) It is well grounded in fact.
11 ~~*b.*~~ (2) It is warranted by existing law, or a good faith
12 argument for the extension, modification, or reversal of
13 existing law.
14 ~~*c.*~~ (3) It is not made for an improper purpose, including
15 to harass, to cause unnecessary delay, or to impose a needless
16 increase in the cost of litigation.
17 *c.* The court may, after a hearing and appropriate findings
18 of fact, impose upon any person who verified the complaint,
19 cross-claim, or counterclaim, or any attorney who signed it
20 in violation of this subsection, or both, a fit and proper
21 sanction, which may include an order to pay to the other party
22 or parties the amount of the reasonable expenses incurred
23 because of the complaint or claim, including reasonable
24 attorney fees.
25 *d.* If the court determines that the filing of a complaint
26 or claim under subsection 7 by a nongovernmental party was
27 frivolous in whole or in part, the court shall award double the
28 actual expenses, including attorney fees, incurred because of
29 the frivolous portion of the complaint or claim.
30 Sec. 224. Section 707.4, Code 2013, is amended to read as
31 follows:
32 **707.4 Voluntary manslaughter.**
33 1. A person commits voluntary manslaughter when that person
34 causes the death of another person, under circumstances which
35 would otherwise be murder, if the person causing the death

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acts solely as the result of sudden, violent, and irresistible passion resulting from serious provocation sufficient to excite such passion in a person and there is not an interval between the provocation and the killing in which a person of ordinary reason and temperament would regain control and suppress the impulse to kill.

~~Voluntary manslaughter is an included offense under an indictment for murder in the first or second degree.~~

2. Voluntary manslaughter is a class "C" felony.

3. Voluntary manslaughter is an included offense under an indictment for murder in the first or second degree.

4. For purposes of determining whether a person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 225. Section 707.5, Code 2013, is amended to read as follows:

707.5 Involuntary manslaughter.

1. A person commits ~~a~~ involuntary manslaughter punishable as:

a. A class "D" felony when the person unintentionally causes the death of another person by the commission of a public offense other than a forcible felony or escape.

~~2.~~ *b.* ~~A person commits an~~ An aggravated misdemeanor when the person unintentionally causes the death of another person by the commission of an act in a manner likely to cause death or serious injury.

2. Involuntary manslaughter as defined in this section is an included offense under an indictment for murder in the first or second degree or voluntary manslaughter.

3. For purposes of determining whether a person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 226. Section 707.11, Code 2013, is amended to read as

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1 follows:
2 **707.11 Attempt to commit murder.**
3 1. A person commits ~~a class "B" felony~~ attempt to commit
4 murder when, with the intent to cause the death of another
5 person and not under circumstances which would justify the
6 person's actions, the person does any act by which the person
7 expects to set in motion a force or chain of events which will
8 cause or result in the death of the other person.
9 2. Attempt to commit murder is a class "B" felony.
10 3. It is not a defense to an indictment for attempt to
11 commit murder that the acts proved could not have caused the
12 death of any person, provided that the actor intended to
13 cause the death of some person by so acting, and the actor's
14 expectations were not unreasonable in the light of the facts
15 known to the actor.
16 4. For purposes of determining whether the person should
17 register as a sex offender pursuant to the provisions of
18 chapter 692A, the fact finder shall make a determination as
19 provided in section 692A.126.
20 Sec. 227. Section 708.3, Code 2013, is amended to read as
21 follows:
22 **708.3 Assault while participating in a felony.**
23 Any person who commits an assault as defined in section 708.1
24 while participating in a felony other than a sexual abuse is
25 guilty of ~~a~~:
26 1. A class "C" felony if the person thereby causes serious
27 injury to any person~~; if no serious injury results, the person~~
28 ~~is guilty of a~~.
29 2. A class "D" felony if no serious injury results.
30 Sec. 228. Section 709.3, Code 2013, is amended to read as
31 follows:
32 **709.3 Sexual abuse in the second degree.**
33 1. A person commits sexual abuse in the second degree when
34 the person commits sexual abuse under any of the following
35 circumstances:

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1 ~~1.~~ *a.* During the commission of sexual abuse the person
2 displays in a threatening manner a dangerous weapon, or uses or
3 threatens to use force creating a substantial risk of death or
4 serious injury to any person.
5 ~~2.~~ *b.* The other person is under the age of twelve.
6 ~~3.~~ *c.* The person is aided or abetted by one or more persons
7 and the sex act is committed by force or against the will of the
8 other person against whom the sex act is committed.
9 2. Sexual abuse in the second degree is a class "B" felony.
10 Sec. 229. Section 709.11, Code 2013, is amended to read as
11 follows:
12 **709.11 Assault with intent to commit sexual abuse.**
13 Any person who commits an assault, as defined in section
14 708.1, with the intent to commit sexual abuse ~~is~~:
15 1. Is guilty of a class "C" felony if the person thereby
16 causes serious injury to any person ~~and~~.
17 2. Is guilty of a class "D" felony if the person thereby
18 causes any person a bodily injury other than a serious injury.
19 ~~The person is~~
20 3. Is guilty of an aggravated misdemeanor if no injury
21 results.
22 Sec. 230. Section 709.15, Code 2013, is amended to read as
23 follows:
24 **709.15 Sexual exploitation by a counselor, therapist, or**
25 **school employee.**
26 1. As used in this section:
27 *a. "Counselor or therapist"* means a physician, psychologist,
28 nurse, professional counselor, social worker, marriage or
29 family therapist, alcohol or drug counselor, member of the
30 clergy, or any other person, whether or not licensed or
31 registered by the state, who provides or purports to provide
32 mental health services.
33 *b. "Emotionally dependent"* means that the nature of the
34 patient's or client's or former patient's or client's emotional
35 condition or the nature of the treatment provided by the

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counselor or therapist is such that the counselor or therapist knows or has reason to know that the patient or client or former patient or client is significantly impaired in the ability to withhold consent to sexual conduct, as described in subsection 2, by the counselor or therapist. For the purposes of subsection 2, a former patient or client is presumed to be emotionally dependent for one year following the termination of the provision of mental health services.

~~For the purposes of subsection 2, a former patient or client is presumed to be emotionally dependent for one year following the termination of the provision of mental health services.~~

c. "Former patient or client" means a person who received mental health services from the counselor or therapist.

d. "Mental health service" means the treatment, assessment, or counseling of another person for a cognitive, behavioral, emotional, mental, or social dysfunction, including an intrapersonal or interpersonal dysfunction.

e. "Patient or client" means a person who receives mental health services from the counselor or therapist.

f. "School employee" means a practitioner as defined in section 272.1.

g. "Student" means a person who is currently enrolled in or attending a public or nonpublic elementary or secondary school, or who was a student enrolled in or who attended a public or nonpublic elementary or secondary school within thirty days of any violation of subsection 3.

2. *a.* Sexual exploitation by a counselor or therapist occurs when any of the following are found:

~~*a.*~~ (1) A pattern or practice or scheme of conduct to engage in any of the conduct described in ~~paragraph *"b"*~~ subparagraph (2) or ~~*"c"*~~ (3).

~~*b.*~~ (2) Any sexual conduct, with an emotionally dependent patient or client or emotionally dependent former patient or client for the purpose of arousing or satisfying the sexual desires of the counselor or therapist or the emotionally

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dependent patient or client or emotionally dependent former patient or client, which includes but is not limited to the following: ~~kissing; touching~~

(a) Kissing.

(b) Touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals~~; or a~~.

(c) A sex act as defined in section 702.17.

~~c.~~ (3) Any sexual conduct with a patient or client or former patient or client within one year of the termination of the provision of mental health services by the counselor or therapist for the purpose of arousing or satisfying the sexual desires of the counselor or therapist or the patient or client or former patient or client which includes but is not limited to the following: ~~kissing; touching~~

(a) Kissing.

(b) Touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals~~; or a~~.

(c) A sex act as defined in section 702.17.

b. Sexual exploitation by a counselor or therapist does not include touching which is part of a necessary examination or treatment provided a patient or client by a counselor or therapist acting within the scope of the practice or employment in which the counselor or therapist is engaged.

3. *a.* Sexual exploitation by a school employee occurs when any of the following are found:

~~a.~~ (1) A pattern or practice or scheme of conduct to engage in any of the conduct described in ~~paragraph "b"~~ subparagraph (2).

~~b.~~ (2) Any sexual conduct with a student for the purpose of arousing or satisfying the sexual desires of the school employee or the student. Sexual conduct includes but is not limited to the following: ~~kissing; touching~~

(a) Kissing.

(b) Touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals~~; or a~~.

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1 (c) A sex act as defined in section 702.17.
2 *b.* Sexual exploitation by a school employee does not include
3 touching that is necessary in the performance of the school
4 employee's duties while acting within the scope of employment.
5 4. *a.* A counselor or therapist who commits sexual
6 exploitation in violation of subsection 2, paragraph *"a"*,
7 subparagraph (1), commits a class "D" felony.
8 *b.* A counselor or therapist who commits sexual exploitation
9 in violation of subsection 2, paragraph ~~"b"~~ *"a"*, subparagraph
10 (2), commits an aggravated misdemeanor.
11 *c.* A counselor or therapist who commits sexual exploitation
12 in violation of subsection 2, paragraph ~~"c"~~ *"a"*, subparagraph
13 (3), commits a serious misdemeanor. In lieu of the sentence
14 provided for under section 903.1, subsection 1, paragraph
15 *"b"*, the offender may be required to attend a sexual abuser
16 treatment program.
17 5. *a.* A school employee who commits sexual exploitation
18 in violation of subsection 3, paragraph *"a"*, subparagraph (1),
19 commits a class "D" felony.
20 *b.* A school employee who commits sexual exploitation in
21 violation of subsection 3, paragraph ~~"b"~~ *"a"*, subparagraph (2),
22 commits an aggravated misdemeanor.
23 Sec. 231. Section 711.4, Code 2013, is amended to read as
24 follows:
25 **711.4 Extortion.**
26 1. A person commits extortion if the person does any of the
27 following with the purpose of obtaining for oneself or another
28 anything of value, tangible or intangible, including labor or
29 services:
30 ~~1.~~ *a.* Threatens to inflict physical injury on some person,
31 or to commit any public offense.
32 ~~2.~~ *b.* Threatens to accuse another of a public offense.
33 ~~3.~~ *c.* Threatens to expose any person to hatred, contempt,
34 or ridicule.
35 ~~4.~~ *d.* Threatens to harm the credit or business or

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1 professional reputation of any person.
2 ~~5.~~ *e.* Threatens to take or withhold action as a public
3 officer or employee, or to cause some public official or
4 employee to take or withhold action.
5 ~~6.~~ *f.* Threatens to testify or provide information or to
6 withhold testimony or information with respect to another's
7 legal claim or defense.
8 ~~7.~~ *g.* Threatens to wrongfully injure the property of
9 another.
10 2. Extortion is a class "D" felony.
11 3. It is a defense to a charge of extortion that the
12 person making a threat other than a threat to commit a public
13 offense, reasonably believed that the person had a right to
14 make such threats in order to recover property, or to receive
15 compensation for property or services, or to recover a debt to
16 which the person has a good faith claim.
17 ~~Extortion is a class "D" felony.~~
18 Sec. 232. Section 714.15, Code 2013, is amended to read as
19 follows:
20 **714.15 Reproduction of sound recordings.**
21 1. For the purposes of this section:
22 ~~*"Person"* shall mean person as defined in section 4.1,~~
23 ~~subsection 20.~~
24 *a.* *"Owner"* means any person who owns the original fixation
25 of sounds embodied in the master phonograph record, master
26 disc, master tape, master film or other device used for
27 reproducing sounds on phonograph records, discs, tapes, films,
28 or other articles upon which sound is recorded, and from which
29 the transferred recorded sounds are derived.
30 *b.* *"Person"* shall mean person as defined in section 4.1,
31 subsection 20.
32 ~~1.~~ 2. Except as provided in subsection ~~3~~ 4, it is unlawful
33 for a person knowingly to:
34 *a.* Transfer or cause to be transferred any sounds recorded
35 on a phonograph record, disc, wire, tape, film or other article

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without the consent of the owner; or

b. Sell; distribute; circulate; offer for sale, distribution or circulation; possess for the purpose of sale, distribution or circulation; or cause to be sold, distributed, circulated; offered for sale, distribution or circulation; or possessed for sale, distribution or circulation, any article or device on which sounds have been transferred without the consent of the person who owns the master phonograph record, master disc, master tape or other device or article from which the sounds are derived.

~~2.~~ 3. It is unlawful for a person to sell, distribute, circulate, offer for sale, distribution or circulation or possess for the purposes of sale, distribution or circulation, any phonograph record, disc, wire, tape, film or other article on which sounds have been transferred unless the phonograph record, disc, wire, tape, film or other article bears the actual name and address of the transferor of the sounds in a prominent place on its outside face or package.

~~3.~~ 4. This section does not apply to a person who transfers or causes to be transferred sounds intended for or in connection with radio or television broadcast transmission or related uses, synchronized sound tracks of motion pictures or sound tracks recorded for synchronizing with motion pictures, for archival purposes or for the personal use of the person transferring or causing the transfer and without any compensation being derived by the person from the transfer.

~~4.~~ 5. A person who violates the provisions of this section is guilty of theft.

Sec. 233. Section 715B.4, subsection 1, Code 2013, is amended to read as follows:

1. An art merchant who sells a work of fine art or a multiple to a buyer under a warranty attesting to facts about the work which are not true is liable to the buyer to whom the work was sold.

a. If the warranty was untrue through no fault of the art

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1 merchant, the merchant's liability is the consideration paid
2 by the buyer upon return of the work in substantially the same
3 condition in which it was received by the buyer.
4 *b.* If the warranty is untrue and the buyer is able to
5 establish that the art merchant failed to make reasonable
6 inquiries according to the custom and the usage of the
7 trade to confirm the warranted facts about the work, or that
8 the warranted facts would have been found to be untrue if
9 reasonable inquiries had been made, the merchant's liability is
10 the consideration paid by the buyer with interest from the time
11 of the payment at the rate prescribed by section 535.3 upon the
12 return of the work in substantially the same condition in which
13 it was received by the buyer.
14 *c.* (1) If the warranty is untrue and the buyer is able
15 to establish that the art merchant knowingly provided false
16 information on the warranty or willfully and falsely disclaimed
17 knowledge of information relating to the warranty, the merchant
18 is liable to the buyer in an amount equal to three times the
19 amount provided in paragraph *"b"*.
20 (2) This remedy shall not bar or be deemed inconsistent with
21 a claim for damages or with the exercise of additional remedies
22 otherwise available to the buyer.
23 Sec. 234. Section 716.7, Code 2013, is amended to read as
24 follows:
25 **716.7 Trespass defined.**
26 1. For purposes of this section:
27 *a.* ~~The term *"property"*~~ *"Property"* shall include any land,
28 dwelling, building, conveyance, vehicle, or other temporary or
29 permanent structure whether publicly or privately owned.
30 *b. "Public utility property"* means any land, dwelling,
31 building, conveyance, vehicle, or other temporary or permanent
32 structure owned, leased, or operated by a public utility and
33 that is completely enclosed by a physical barrier of any kind.
34 For the purposes of this section, a *"public utility"* is a public
35 utility as defined in section 476.1 or an electric transmission

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line as provided in chapter 478.

c. "Railway corporation" means a corporation, company, or person owning, leasing, or operating any railroad in whole or in part within this state.

d. "Railway property" means all tangible real and personal property owned, leased, or operated by a railway corporation with the exception of any administrative building or offices of the railway corporation.

2. *a.* ~~The term *"trespass"*~~ *"Trespass"* shall mean one or more of the following acts:

~~*a.*~~ (1) Entering upon or in property without the express permission of the owner, lessee, or person in lawful possession with the intent to commit a public offense, to use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate, or to hunt, fish or trap on or in the property, including the act of taking or attempting to take a deer, other than a farm deer as defined in section 170.1 or preserve whitetail as defined in section 484C.1, which is on or in the property by a person who is outside the property. This ~~paragraph~~ subparagraph does not prohibit the unarmed pursuit of game or fur-bearing animals by a person who lawfully injured or killed the game or fur-bearing animal which comes to rest on or escapes to the property of another.

~~*b.*~~ (2) Entering or remaining upon or in property without justification after being notified or requested to abstain from entering or to remove or vacate therefrom by the owner, lessee, or person in lawful possession, or the agent or employee of the owner, lessee, or person in lawful possession, or by any peace officer, magistrate, or public employee whose duty it is to supervise the use or maintenance of the property.

~~*c.*~~ (3) Entering upon or in property for the purpose or with the effect of unduly interfering with the lawful use of the property by others.

~~*d.*~~ (4) Being upon or in property and wrongfully using, removing therefrom, altering, damaging, harassing, or placing

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thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession.

~~*e.*~~ (5) Entering or remaining upon or in railway property without lawful authority or without the consent of the railway corporation which owns, leases, or operates the railway property. This ~~paragraph~~ subparagraph does not apply to passage over a railroad right-of-way, other than a track, railroad roadbed, viaduct, bridge, trestle, or railroad yard, by an unarmed person if the person has not been notified or requested to abstain from entering on to the right-of-way or to vacate the right-of-way and the passage over the right-of-way does not interfere with the operation of the railroad.

~~*f.*~~ (6) Entering or remaining upon or in public utility property without lawful authority or without the consent of the public utility that owns, leases, or operates the public utility property. This ~~paragraph~~ subparagraph does not apply to passage over public utility right-of-way by a person if the person has not been notified or requested by posted signage or other means to abstain from entering onto the right-of-way or to vacate the right-of-way.

~~3.~~ *b.* ~~The term "*trespass*"~~ *"Trespass"* shall not mean ~~entering~~ either of the following:

(1) Entering upon the property of another for the sole purpose of retrieving personal property which has accidentally or inadvertently been thrown, fallen, strayed, or blown onto the property of another, provided that the person retrieving the property takes the most direct and accessible route to and from the property to be retrieved, quits the property as quickly as is possible, and does not unduly interfere with the lawful use of the property. This ~~subsection~~ subparagraph does not apply to public utility property where the person has been notified or requested by posted signage or other means to abstain from entering.

~~4.~~ (2) ~~The term "*trespass*" does not mean the entering~~

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1 Entering upon the right-of-way of a public road or highway.
2 ~~5. *a.* For purposes of this section, *"railway property"*~~
3 ~~means all tangible real and personal property owned, leased,~~
4 ~~or operated by a railway corporation with the exception of any~~
5 ~~administrative building or offices of the railway corporation.~~
6 ~~*b.* For purposes of this section, *"railway corporation"* means~~
7 ~~a corporation, company, or person owning, leasing, or operating~~
8 ~~any railroad in whole or in part within this state.~~
9 ~~6. For purposes of this section, *"public utility property"*~~
10 ~~means any land, dwelling, building, conveyance, vehicle, or~~
11 ~~other temporary or permanent structure owned, leased, or~~
12 ~~operated by a public utility and that is completely enclosed~~
13 ~~by a physical barrier of any kind. For the purposes of this~~
14 ~~section, a *"public utility"* is a public utility as defined in~~
15 ~~section 476.1 or an electric transmission line as provided in~~
16 ~~chapter 478.~~
17 ~~7.~~ 3. This section shall not apply to the following
18 persons:
19 *a.* Representatives of the state department of
20 transportation, the federal railroad administration, or the
21 national transportation safety board who enter or remain upon
22 or in railway property while engaged in the performance of
23 official duties.
24 *b.* Employees of a railway corporation who enter or remain
25 upon or in railway property while acting in the course of
26 employment.
27 *c.* Any person who is engaged in the operation of a lawful
28 business on railway station grounds or in the railway depot.
29 *d.* Representatives of the Iowa utilities board, the federal
30 energy regulatory commission, or the federal communications
31 commission who enter or remain upon or in public utility
32 property while engaged in the performance of official duties.
33 *e.* Employees of a public utility who enter or remain upon
34 or in public utility property while acting in the course of
35 employment.

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1 Sec. 235. Section 724.16A, Code 2013, is amended to read as
2 follows:
3 **724.16A Trafficking in stolen weapons.**
4 1. A person who knowingly transfers or acquires possession,
5 or who facilitates the transfer, of a stolen firearm commits ~~a~~:
6 *a.* A class "D" felony for a first offense ~~and a~~.
7 *b.* A class "C" felony for second and subsequent offenses or
8 if the weapon is used in the commission of a public offense.
9 2. However, this section shall not apply to a person
10 purchasing stolen firearms through a buy-back program sponsored
11 by a law enforcement agency if the firearms are returned to
12 their rightful owners or destroyed.
13 Sec. 236. Section 726.1, Code 2013, is amended to read as
14 follows:
15 **726.1 Bigamy.**
16 1. *a.* Any person, having a living husband or wife, who
17 marries another, commits bigamy. ~~Any of the following is a~~
18 ~~defense to the charge of bigamy:~~
19 ~~1. The prior marriage was terminated in accordance with~~
20 ~~applicable law, or the person reasonably believes on reasonably~~
21 ~~convincing evidence that the prior marriage was so terminated.~~
22 ~~2. The person believes, on reasonably convincing evidence,~~
23 ~~that the prior spouse is dead.~~
24 ~~3. The person has, for three years, had no evidence by which~~
25 ~~the person can reasonably believe that the prior spouse is~~
26 ~~alive.~~
27 *b.* Any person who marries another who the person knows has
28 another living husband or wife commits bigamy.
29 2. Bigamy is a serious misdemeanor.
30 3. Any of the following is a defense to the charge of
31 bigamy:
32 *a.* The prior marriage was terminated in accordance with
33 applicable law, or the person reasonably believes on reasonably
34 convincing evidence that the prior marriage was so terminated.
35 *b.* The person believes, on reasonably convincing evidence,

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that the prior spouse is dead.

c. The person has, for three years, had no evidence by which the person can reasonably believe that the prior spouse is alive.

Sec. 237. Section 729.5, Code 2013, is amended to read as follows:

729.5 Violation of individual rights — penalty.

1. A person, who acts alone, or who conspires with another person or persons, to injure, oppress, threaten, or intimidate or interfere with any citizen in the free exercise or enjoyment of any right or privilege secured to that person by the constitution or laws of the state of Iowa or by the constitution or laws of the United States, and assembles with one or more persons for the purpose of teaching or being instructed in any technique or means capable of causing property damage, bodily injury or death when the person or persons intend to employ those techniques or means in furtherance of the conspiracy, is on conviction, guilty of a class "D" felony.

2. A person intimidates or interferes with another person if the act of the person results in any of the following:

a. Physical injury to the other person.

b. Physical damage to or destruction of the other person's property.

c. Communication in a manner, or action in a manner, intended to result in either of the following:

(1) To place the other person in fear of physical contact which will be injurious, insulting, or offensive, coupled with the apparent ability to execute the act.

(2) To place the other person in fear of harm to the other person's property, or harm to the person or property of a third person.

~~2.~~ 3. This section does not make unlawful the teaching of any technique in self-defense.

~~3.~~ 4. This section does not make unlawful any activity of

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any of the following officials or persons:

a. Law enforcement officials of this or any other jurisdiction while engaged in the lawful performance of their official duties.

b. Federal officials required to carry firearms while engaged in the lawful performance of their official duties.

c. Members of the armed forces of the United States or the national guard while engaged in the lawful performance of their official duties.

d. Any conservation commission, law enforcement agency, or any agency licensed to provide security services, or any hunting club, gun club, shooting range, or other organization or entity whose primary purpose is to teach the safe handling or use of firearms, archery equipment, or other weapons or techniques employed in connection with lawful sporting or other lawful activity.

Sec. 238. Section 804.8, Code 2013, is amended to read as follows:

804.8 Use of force by peace officer making an arrest.

1. A peace officer, while making a lawful arrest, is justified in the use of any force which the peace officer reasonably believes to be necessary to effect the arrest or to defend any person from bodily harm while making the arrest. However, the use of deadly force is only justified when a person cannot be captured any other way and either of the following apply:

~~1.~~ *a.* The person has used or threatened to use deadly force in committing a felony ~~or~~.

~~2.~~ *b.* The peace officer reasonably believes the person would use deadly force against any person unless immediately apprehended.

2. A peace officer making an arrest pursuant to an invalid warrant is justified in the use of any force which the peace officer would be justified in using if the warrant were valid, unless the peace officer knows that the warrant is invalid.

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1 Sec. 239. Section 804.11, Code 2013, is amended to read as
2 follows:
3 **804.11 Arrest of material witness.**
4 1. When a law enforcement officer has probable cause to
5 believe that a person is a necessary and material witness to a
6 felony and that such person might be unavailable for service of
7 a subpoena, the officer may arrest such person as a material
8 witness with or without an arrest warrant.
9 2. At the time of the arrest, the law enforcement officer
10 shall inform the person of:
11 ~~1.~~ *a.* The officer's identity as a law enforcement officer~~;~~
12 ~~and~~.
13 ~~2.~~ *b.* The reason for the arrest which is that the person is
14 believed to be a material witness to an identified felony and
15 that the person might be unavailable for service of a subpoena.
16 Sec. 240. Section 901.2, Code 2013, is amended to read as
17 follows:
18 **901.2 Presentence investigation.**
19 1. Upon a plea of guilty, a verdict of guilty, or a special
20 verdict upon which a judgment of conviction of a public offense
21 may be rendered, the court shall receive from the state, from
22 the judicial district department of correctional services,
23 and from the defendant any information which may be offered
24 which is relevant to the question of sentencing. The court may
25 consider information from other sources.
26 2. *a.* The court shall not order a presentence investigation
27 when the offense is a class "A" felony. If, however, the board
28 of parole determines that the Iowa medical and classification
29 center reception report for a class "A" felon is inadequate,
30 the board may request and shall be provided with additional
31 information from the appropriate judicial district department
32 of correctional services.
33 *b.* The court shall order a presentence investigation when
34 the offense is any felony punishable under section 902.9,
35 subsection 1, or a class "B", class "C", or class "D" felony.

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1 A presentence investigation for any felony punishable under
2 section 902.9, subsection 1, or a class "B", class "C", or
3 class "D" felony shall not be waived. The court may order,
4 with the consent of the defendant, that the presentence
5 investigation begin prior to the acceptance of a plea of
6 guilty, or prior to a verdict of guilty.
7 *c.* The court may order a presentence investigation when the
8 offense is an aggravated misdemeanor.
9 *d.* The court may order a presentence investigation when
10 the offense is a serious misdemeanor only upon a finding
11 of exceptional circumstances warranting an investigation.
12 Notwithstanding section 901.3, a presentence investigation
13 ordered by the court for a serious misdemeanor shall include
14 information concerning only the following:
15 ~~1.~~ (1) A brief personal and social history of the
16 defendant.
17 ~~2.~~ (2) The defendant's criminal record.
18 ~~3.~~ (3) The harm to the victim, the victim's immediate
19 family, and the community, including any completed victim
20 impact statement or statements and restitution plan.
21 3. The court may withhold execution of any judgment or
22 sentence for such time as shall be reasonably necessary for an
23 investigation with respect to deferment of judgment, deferment
24 of sentence, or suspension of sentence and probation. The
25 investigation shall be made by the judicial district department
26 of correctional services.
27 4. The purpose of the report by the judicial district
28 department of correctional services is to provide the court
29 pertinent information for purposes of sentencing and to include
30 suggestions for correctional planning for use by correctional
31 authorities subsequent to sentencing.
32 Sec. 241. Section 905.3, subsection 1, Code 2013, is amended
33 to read as follows:
34 1. *a.* The board of directors of each district department
35 shall be composed as follows:

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1 ~~a.~~ (1) One member shall be chosen from and by the board
2 of supervisors of each county in the judicial district and
3 shall be so designated annually by the respective boards of
4 supervisors at the organizational meetings held under section
5 331.211.
6 ~~b.~~ (2) One member shall be chosen from each of the project
7 advisory committees within the judicial district, which person
8 shall be designated annually, no later than January 15, by
9 and from the project advisory committee. However, in lieu
10 of the designation of project advisory committee members as
11 members of the district board, the district board may on or
12 before December 31 appoint two citizen members to serve on the
13 district board for the following calendar year.
14 ~~c.~~ (3) A number of members equal to the number of
15 authorized board members from project advisory committees or
16 equal to the number of citizen members shall be appointed by
17 the chief judge of the judicial district no later than January
18 15 of each year.
19 *b.* Within thirty days after the members of the district
20 board have been so designated for the year, the district
21 board shall organize by election of a chairperson, a vice
22 chairperson, and members of the executive committee as required
23 by subsection 2. The district board shall meet at least
24 quarterly during the calendar year but may meet more frequently
25 upon the call of the chairperson or upon a call signed by a
26 majority, determined by weighted vote computed as in subsection
27 4, of the members of the board.
28 DIVISION III
29 CONFORMING CHANGES
30 Sec. 242. Section 309.57, subsection 4, Code 2013, is
31 amended to read as follows:
32 4. Notwithstanding section 716.7, subsection ~~4~~ 2, paragraph
33 *"b"*, subparagraph (2), entering or remaining upon an area
34 service "C" classification road without justification after
35 being notified or requested to abstain from entering or to

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1 remove or vacate the road by any person lawfully allowed access
2 shall be a trespass as defined in section 716.7.
3 Sec. 243. Section 321.210, subsection 2, paragraph c, Code
4 2013, is amended to read as follows:
5 *c.* Parking violations, meaning violation of a local
6 authority parking ordinance or violation of sections 321L.4,
7 321.366, subsection 1, paragraph *"f"*, and 321.354 through
8 321.361 except section 321.354, subsection 1, paragraph *"a"*.
9 Sec. 244. Section 331.211, subsection 1, paragraph b, Code
10 2013, is amended to read as follows:
11 *b.* Choose one of its members to be a member of the board of
12 directors of the judicial district department of correctional
13 services as provided in section 905.3, subsection 1, paragraph
14 *"a"*, subparagraph (1).
15 Sec. 245. Section 331.321, subsection 1, paragraph x, Code
16 2013, is amended to read as follows:
17 *x.* A member of the judicial district department of
18 corrections as provided in section 905.3, subsection 1,
19 paragraph *"a"*, subparagraph (1).
20 Sec. 246. Section 427B.19A, subsection 5, Code 2013, is
21 amended to read as follows:
22 5. A municipality may elect to reduce the amount of assessed
23 value of property defined in section 403.19, subsection 1, by
24 an amount equal to that portion of the amount of such assessed
25 value which was phased out for the fiscal year by operation of
26 section 427B.17, subsection ~~3~~ 4. The applicable assessment
27 roll and ordinance providing for the division of taxes under
28 section 403.19 in the urban renewal taxing district shall be
29 deemed to be modified for that fiscal year only to the extent
30 of such adjustment without further action on the part of the
31 city or county implementing the urban renewal taxing district.
32 Sec. 247. Section 427B.19C, Code 2013, is amended to read
33 as follows:
34 **427B.19C Adjustment of certain assessments required.**
35 In the assessment year beginning January 1, 2003, the amount

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of assessed value of property defined in section 403.19, subsection 1, for an urban renewal taxing district which received replacement moneys under section 427B.19A, subsection 4, shall be reduced by an amount equal to that portion of the amount of assessed value of such property which was assessed pursuant to section 427B.17, subsection ~~3~~ 4.

Sec. 248. Section 437A.3, subsection 1, paragraph a, subparagraph (1), Code 2013, is amended to read as follows:

(1) *"Base year assessed value"*, for a taxpayer other than an electric company, natural gas company, or electric cooperative, means the value attributable to property identified in section 427A.1, subsection 1, paragraph *"h"*, certified by the department of revenue to the county auditors for the assessment date of January 1, 1997, and the value attributable to property identified in section 427A.1 and section 427B.17, subsection ~~5~~ 8, as certified by the local assessors to the county auditors for the assessment date of January 1, 1997, provided, that for a taxpayer subject to section 437A.17A, such value shall be the value certified by the department of revenue and local assessors to the county auditors for the assessment date of January 1, 1998.

Sec. 249. Section 543C.3, subsection 1, Code 2013, is amended to read as follows:

1. There may be omitted from the offering statement any of the information required under section 543C.2, ~~subsections 6~~ subsection 1, paragraph *"f"*, ~~9~~ *"i"*, and ~~10~~ *"j"* which the commission may by a properly promulgated rule designate as being unnecessary or inappropriate for the protection of the public interest or a purchaser.

Sec. 250. Section 692A.102, subsection 1, paragraph a, subparagraph (1), Code 2013, is amended to read as follows:

(1) Sexual abuse in the second degree in violation of section 709.3, subsection ~~2~~ 1, paragraph *"b"*, if committed by a person under the age of fourteen.

Sec. 251. Section 692A.102, subsection 1, paragraph c,

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subparagraphs (8) and (9), Code 2013, are amended to read as follows:

(8) Sexual abuse in the second degree in violation of section 709.3, subsection 1, paragraph *"a"* or ~~3~~ *"c"*.

(9) Sexual abuse in the second degree in violation of section 709.3, subsection ~~2~~ 1, paragraph *"b"*, if committed by a person fourteen years of age or older.

Sec. 252. Section 714.3A, subsection 1, Code 2013, is amended to read as follows:

1. A person commits aggravated theft when the person commits an assault as defined in section 708.1, subsection ~~1~~ 2, paragraph *"a"*, that is punishable as a simple misdemeanor under section 708.2, subsection 6, after the person has removed or attempted to remove property not exceeding two hundred dollars in value which has not been purchased from a store or mercantile establishment, or has concealed such property of the store or mercantile establishment, either on the premises or outside the premises of the store or mercantile establishment.

Sec. 253. Section 716.8, subsections 2 and 6, Code 2013, are amended to read as follows:

2. Any person committing a trespass as defined in section 716.7, other than a trespass as defined in section 716.7, subsection 2, paragraph ~~*"f"*~~ *"a"*, subparagraph (6), which results in injury to any person or damage in an amount more than two hundred dollars to anything, animate or inanimate, located thereon or therein commits a serious misdemeanor.

6. Any person who commits a trespass as defined in section 716.7, subsection 2, paragraph ~~*"f"*~~ *"a"*, subparagraph (6), commits a class "D" felony.

Sec. 254. Section 724.26, subsection 2, paragraph c, Code 2013, is amended to read as follows:

c. For purposes of this section, *"misdemeanor crime of domestic violence"* means an assault under section 708.1, subsection ~~1~~ 2, paragraph *"a"* or ~~3~~ *"c"*, committed by a current or former spouse, parent, or guardian of the victim, by a

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1 person with whom the victim shares a child in common, by a
2 person who is cohabiting with or has cohabited with the victim
3 as a spouse, parent, or guardian, or by a person similarly
4 situated to a spouse, parent, or guardian of the victim.
5 Sec. 255. Section 901A.2, subsection 5, Code 2013, is
6 amended to read as follows:
7 5. A person who has been convicted of a violation of section
8 709.3, subsection ~~2~~ 1, paragraph "b", shall, upon a second
9 conviction for a violation of section 709.3, subsection ~~2~~ 1,
10 paragraph "b", be committed to the custody of the director
11 of the Iowa department of corrections for the rest of the
12 person's life. In determining whether a conviction is a first
13 or second conviction under this subsection, a prior conviction
14 for a criminal offense committed in another jurisdiction which
15 would constitute a violation of section 709.3, subsection ~~2~~ 1,
16 paragraph "b", if committed in this state, shall be considered
17 a conviction under this subsection. The terms and conditions
18 applicable to sentences for class "A" felons under chapters
19 901 through 909 shall apply to persons sentenced under this
20 subsection.
21 Sec. 256. Section 903B.10, subsection 1, Code 2013, is
22 amended to read as follows:
23 1. A person who has been convicted of a serious sex
24 offense may, upon a first conviction and in addition to any
25 other punishment provided by law, be required to undergo
26 medroxyprogesterone acetate treatment as part of any conditions
27 of release imposed by the court or the board of parole.
28 The treatment prescribed in this section may utilize an
29 approved pharmaceutical agent other than medroxyprogesterone
30 acetate. Upon a second or subsequent conviction, the court
31 or the board of parole shall require the person to undergo
32 medroxyprogesterone acetate or other approved pharmaceutical
33 agent treatment as a condition of release, unless, after an
34 appropriate assessment, the court or board determines that the
35 treatment would not be effective. In determining whether a

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1 conviction is a first or second conviction under this section,
2 a prior conviction for a criminal offense committed in another
3 jurisdiction which would constitute a violation of section
4 709.3, subsection ~~2~~ 1, paragraph "*b*", if committed in this
5 state, shall be considered a conviction under this section.
6 This section shall not apply if the person voluntarily
7 undergoes a permanent surgical alternative approved by the
8 court or the board of parole.
9 DIVISION IV
10 DIRECTIVES
11 Sec. 257. CODE EDITOR DIRECTIVES.
12 1. Section 915.11, Code 2013, is amended by striking
13 the word "website" and inserting in lieu thereof the words
14 "internet site".
15 2. Sections 8D.9, subsection 3; 23B.3, subsection 5; 99D.7,
16 subsection 24; 99F.4, subsection 26; 144D.2, subsection 2;
17 256.9, subsection 57; 260C.14, subsection 22, paragraph "a";
18 261.7, subsection 2; 262.9, subsection 33, paragraphs "a", "d",
19 and "f"; 321.134, subsection 1; 331.553, subsection 6; 384.65,
20 subsection 4, paragraph "c"; 421.17, subsection 28; 423.56,
21 subsection 3, paragraph "c"; 445.37, unnumbered paragraph
22 4; 453D.3, subsection 2, unnumbered paragraph 1; 523A.807,
23 subsection 4; 556.17, subsection 2, paragraph "b"; and 572.34,
24 subsections 5 through 8; Code 2013, are amended by striking
25 the word "website" and inserting in lieu thereof the words
26 "internet site".
27 3. Section 715.4, subsection 2, paragraph "b", Code 2013, is
28 amended by striking the word "websites" and inserting in lieu
29 thereof the words "internet sites".
30 4. Sections 15.115, subsection 4; 68A.401, subsection
31 1; 68A.405, subsection 1, paragraph "a", subparagraph (3);
32 249J.8, subsection 3; 249J.14, subsection 6; 257.31, subsection
33 2; 279.63, subsection 3; 322.13, subsection 1; 331.439,
34 subsection 5, paragraph "b"; 331.604, subsection 3, paragraph
35 "b", subparagraph (2), subparagraph divisions (a) and (c);

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331.604, subsection 3, paragraph "d"; 331.606A, subsection 6, paragraph "c"; 455B.152, subsection 4; 459A.208, subsection 5, paragraph "b", subparagraph (6); 459A.208, subsection 5, paragraph "c"; 515A.6, subsection 7, paragraph "a"; 533A.8, subsection 10; 556.2C, subsection 1, paragraph "b"; 572.8, subsection 1, unnumbered paragraph 1; 572.8, subsections 2 and 3; 572.13, subsection 2; 572.13A, subsection 1, unnumbered paragraph 1; 572.13A, subsection 2; 572.13A, subsection 3, paragraph "a"; 572.13B, subsection 1, unnumbered paragraph 1; 572.18, subsection 1; 572.22, unnumbered paragraph 1; 572.24, subsection 2; 572.34, subsections 2, 5, 6, 7, and 8; 715.3, subsection 1; and 715C.2, subsection 4, paragraph "c"; Code 2013, are amended by striking the word "website" and inserting in lieu thereof the word "site".

5. Sections 15.115, subsection 4; 331.604, subsection 3, paragraph "d"; 455B.807, subsection 2; Code 2013, are amended by striking the word "websites" and inserting in lieu thereof the word "sites".

6. Sections 15.274 and 535D.19, Code 2013, are amended by striking the word "websites" and inserting in lieu thereof the word "sites".

7. Sections 73.16, subsection 2, paragraph "c", subparagraph (2), and 307.49, subsection 2, Code 2013, are amended by striking the words "web page" and inserting in lieu thereof the words "internet site".

8. Sections 103.31, subsection 6; 256.9, subsection 50, paragraph "a"; and 260C.36, subsection 4, paragraph "b", subparagraph (1); Code 2013, are amended by striking the word "web-based" and inserting in lieu thereof the word "internet-based".

9. Section 237A.30, subsection 3, Code 2013, is amended by striking the word "webpage" and inserting in lieu thereof the words "internet site".

10. Sections 68B.35A, 147.93, 190A.4, 249J.17, 298.6, and 572.10, Code 2013, are amended by striking the word "website"

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1 and inserting in lieu thereof the word "site".
2 11. The Code editor is directed to remove former reserved
3 section 15.410 from part 22 of chapter 15, and add new section
4 15.410, as enacted in this Act, to part 23 of chapter 15.
5 EXPLANATION
6 This bill contains statutory corrections that adjust
7 language to reflect current practices, insert earlier
8 omissions, delete redundancies and inaccuracies, delete
9 temporary language, resolve inconsistencies and conflicts,
10 update ongoing provisions, or remove ambiguities. The Code
11 sections amended include the following:
12 DIVISION I. Code section 3.4: Numbers unnumbered
13 paragraphs in this provision relating to approval and item veto
14 of legislation, updates terminology by replacing the word "it"
15 with more specific language, and reformats language regarding
16 the contents of a certificate of the presiding officers of each
17 house of the general assembly.
18 Code section 8A.402: Strikes the word "with" to clarify
19 a prohibition against supervisory employees being granted
20 replacement or bumping rights vis-a-vis a junior employee.
21 Code section 9I.12: Moves language and designates a
22 penalty as a civil penalty in this provision that penalizes
23 nonresidents or their agents, trustees, or fiduciaries for
24 failure to timely file a registration or report relating to
25 ownership of Iowa agricultural land.
26 Code section 10B.4: Strikes language in references to the
27 former Code chapter 10C, that contained reporting requirements
28 for life science enterprises, to change the reference to the
29 last Code in which all of the provisions of former Code chapter
30 10C appeared.
31 Code section 11.41: Changes the words "review" and
32 "reviewed" to "examination" and "examined" in language relating
33 to the performance of audits or examinations by the auditor of
34 state to conform to similar changes made by 2011 Acts, chapter
35 75, throughout Code chapter 11.

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1 Code section 15.330: Adds the words "by a business together"
2 to create an antecedent subject and clarify the meaning of
3 the word "its" in this provision regarding reports submitted
4 by businesses seeking incentives or assistance under the high
5 quality jobs program.
6 Code sections 15.410 and 15.411: Strikes definitions
7 contained in subsection 1 of Code section 15.411 and moves them
8 to a new definitions section, Code section 15.410. The Code
9 editor is directed, in division IV of this bill, to make new
10 Code section 15.410 a part of part 23 of Code chapter 15.
11 Code sections 15E.232 and 15E.233: Replaces a reference
12 to the economic development fund with a reference to "a fund
13 established under section 15.335B" to conform to similar
14 changes in economic development program and project language by
15 2012 Acts, chapter 1126.
16 Code section 16.195: Adds references to the Iowa jobs II
17 program and changes "program" to "programs" to account for the
18 addition of the Iowa jobs II program to the programs that are
19 to be reviewed by the review committee of the Iowa job board by
20 2010 Acts, chapter 1184, sections 88 and 89.
21 Code section 17A.7: Replaces the word "its" in two places
22 with more specific modifiers to clarify language describing the
23 five-year review of agency rules that is to be conducted by
24 each state agency.
25 Code section 26.3: Replaces the words "a website" with the
26 words "an internet site" to conform the terminology used in
27 this provision relating to bidding on public improvements to
28 the defined terms in Code section 4.1, subsections 9B and 9C.
29 Code sections 28D.4 and 28D.6: Replaces the word "Act"
30 with "compensation program" in identical language in these two
31 provisions to clarify that the term "employee" is defined and
32 benefits are to be received under the employee compensation
33 program of the sending agency. When these two provisions were
34 enacted in 1965 Acts, ch 82 (61st G.A.), and codified, most of
35 the references to the term "Act" were replaced with the word

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1 "chapter", but these references were not changed and the term
2 "employee" is not defined, nor are benefits spelled out or
3 granted, under Code chapter 28D.
4 Code section 28J.18: Strikes the word "and" and adds the
5 word "or" to clarify a series that describes what entities may
6 invest in revenue bonds of a port authority.
7 Code section 29A.42: Adds a subsection reference within a
8 reference to Code section 719.1, in this provision describing
9 the offense of interference with official acts when committed
10 by military personnel. Code section 719.1 was amended by 1991
11 Acts, chapter 219, to add in a new subsection for interference
12 with official acts for persons under the custody, control,
13 or supervision of the department of corrections, but the
14 internal reference in this section to Code section 719.1 was
15 not corrected at that time to reflect the change.
16 Code section 35A.20: Changes the term "active federal
17 military service" to "federal active duty" to correspond with
18 changes made by 2012 Acts, chapter 1072, to former Code section
19 35.9, which was repealed and reenacted as this Code section by
20 2012 Acts, chapter 1059.
21 Code section 96.19: Updates a reference by name to the
22 social security administration responsible for carrying out
23 certain administrative actions with respect to payment by
24 employers into an employment fund for unemployment compensation
25 purposes.
26 Code section 124.201: Replaces the word "it" with the words
27 "general assembly" and adds commas to set off a qualifying
28 phrase to improve the readability of language describing
29 the circumstances under which a temporary designation of
30 a controlled substance by the board of pharmacy will be
31 nullified.
32 Code sections 125.86 and 229.15: Strikes a reference to a
33 date which has passed to reflect changes made to the definition
34 of mental health professional in Code section 228.1 by 2012
35 Acts, ch 1079.

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1 Code section 135C.1: Corrects a United States Code citation
2 which is intended to indicate the location of a certain
3 section of the federal Social Security Act in language defining
4 "intermediate care facility for persons with an intellectual
5 disability".
6 Code section 135C.6: Changes "persons with intellectual
7 disabilities" to "persons with an intellectual disability" in
8 a reference to the waiver for services for those persons in
9 residential programs to conform to changes made throughout the
10 Code by 2012 Acts, chapter 1019.
11 Code section 142.3: Replaces obsolete references to
12 "telegram" and "telegraph" with "notification" and "issue
13 verbal or written" instructions to update language relating
14 to the method used to notify the department of public health
15 regarding dead bodies which may be used for scientific purposes
16 by a medical school. Notwithstanding current Code language,
17 the current policy of the department is for the person who has
18 custody of the body to telephone the department and for the
19 department to issue oral or written instructions regarding
20 disposition.
21 Code section 144.29A: Combines three subsections into a
22 single, alphabetized definitions subsection in this provision
23 relating to termination of pregnancy reporting.
24 Code sections 152B.1 and 152B.2: Adds the words "or surgeon"
25 after the word "physician" to conform to language elsewhere in
26 this Code chapter relating to respiratory care that includes
27 the words "or surgeon" after the word "physician".
28 Code section 161A.61: Changes "that" to "a" to correct
29 a clerical error made when obsolete language relating to a
30 past event relating to particular farm units was stricken from
31 the beginning of this subsection by 2012 Acts, chapter 1095,
32 section 13.
33 Code section 163.28: Repeals an obsolete provision relating
34 to the licensing of processing plants for the boiling of
35 commercial garbage for use as swine feed. The licensing of

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1 these plants was discontinued in 1970.
2 Code sections 203.10 and 203C.10: Strikes a comma to clarify
3 that rules relating to expiration of licenses issued under
4 Code chapter 203, for grain dealers, and chapter 203C, for
5 warehouses for agricultural products are adopted under Code
6 chapter 17A.
7 Code section 203C.16: Moves a definition and renumbers a
8 provision relating to the storage of bulk grain by more than
9 one person.
10 Code section 207.2: Corrects an incorrect Code of Federal
11 Regulations citation to the definition of "prime farmland" as
12 prescribed by the United States department of agriculture in
13 this Code chapter regulating coal mining.
14 Code sections 208A.1 through 208A.3: Strikes nonconforming
15 Code hierarchical elements and both reformats and renumbers
16 these provisions within the Code chapter regulating motor
17 vehicle antifreeze.
18 Code section 214A.1: Strikes a definition of the term
19 "office", which term is defined as the office of renewable
20 fuels and coproducts. The term is not used within Code chapter
21 214A, and the Code chapter is administered by the department of
22 agriculture and land stewardship.
23 Code section 215.7: Adds the word "a" before the word
24 "credit" to conform this provision relating to weights or
25 measurement to similar language construction in subsection 3 of
26 this same Code section.
27 Code section 217.17: Changes "this" to "the" to clarify
28 that the reference is to the administrator of the division
29 of planning, research, and statistics of the department of
30 human services and to prevent inadvertent electronic hypertext
31 linkage to Code chapter subunits within Code chapter 217.
32 Code sections 217.30 and 217.31: Replaces references to
33 "this division" to Code section references to clarify the
34 meaning of the references. When these two provisions were
35 originally enacted by 1973 Acts, chapter 186, section 12, they

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1 were part of a single division of the Act. The two provisions
2 were then codified together with another Code section under
3 an unnumbered subheading in Code chapter 217. However,
4 Code chapter 217 is currently divided into subchapters, not
5 divisions, the subheading no longer exists, and the provisions
6 are part of a larger subchapter that deals with more subject
7 matters than those contained in these two provisions.
8 Code section 222.13: Moves the words "in writing" to
9 immediately after the word "request" to clarify and improve the
10 readability of the description of the process for voluntary
11 admission of an adult person as an inpatient or outpatient of a
12 state resource center in a 2012 amendment by 2012 Acts, chapter
13 1120, section 70.
14 Code section 222.27: Strikes a comma to clarify the second
15 of the two exceptions to a requirement that hearings regarding
16 the commitment of persons with an intellectual disability be
17 public.
18 Code section 225.10: Restructures and reformats language
19 to enumerate the steps that must be taken to admit a person
20 suffering from a mental disease to the state psychiatric
21 hospital as a voluntary public patient.
22 Code sections 225C.4, 225C.6, 228.6, and 331.321: Replaces
23 references to provisions that were stricken from Code chapter
24 230A, relating to community mental health centers, effective
25 July 1, 2012, by 2011 Acts, chapter 121, with references to the
26 successor provisions.
27 Code section 225C.15: Strikes a reference to a provision
28 within Code chapter 230A, relating to community mental health
29 centers, that were repealed effective July 1, 2012, and not
30 replaced by 2011 Acts, chapter 121.
31 Code sections 229.13 and 229.22: Adds the words "hospital
32 or" or "or hospital" before or after the word "facility" to
33 conform to similar changes made by 2010 Acts, chapter 1103.
34 Code section 230.33: Updates the language regarding
35 proposed transfers of persons with mental illness or an

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1 intellectual disability to an out-of-state facility to conform
2 with current Code language style.
3 Code section 230A.105: Changes the term "mental
4 retardation" to "intellectual disability" in language within
5 Code chapter 230A, relating to community mental health
6 centers, to conform to changes made by 2012 Acts, chapter 1019,
7 elsewhere in the Code.
8 Code section 230A.110: Changes the words "state
9 accountants" to "the auditor of state" and adds a corresponding
10 reference to the auditor later in this provision relating to
11 audits of community mental health centers to conform this
12 language to language used elsewhere in the Code to describe
13 audits performed by the auditor of state.
14 Code section 231.56: Changes the word "instituted" to
15 "allocated" in language describing what happens to funds that
16 have been appropriated for purposes of providing services and
17 programs for older Iowans.
18 Code section 232.73A: Repeats the words "position in
19 employment" to complete the elements of a series and to
20 improve the readability of this provision describing what
21 constitutes "retaliatory action" in employment as reprisal for
22 an employee's good faith participation in an assessment of a
23 child abuse report.
24 Code section 234.6: Updates the name of the administrative
25 entity charged with oversight of social security and revises
26 the citation information relating to the United States Code
27 provisions in which the enabling legislation for that entity
28 is codified.
29 Code section 235E.6: Deletes the redundant word "finding"
30 from language relating to a determination by the department of
31 human services that founded dependent adult abuse has occurred.
32 Code section 249J.6: Conforms terminology in language
33 regarding an electronic health risk assessment to the term
34 "internet" defined in Code section 4.1, subsection 9B.
35 Code section 256.11A: Repeals this obsolete provision

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1 relating to school district requests for waivers from
2 educational standards for teacher librarians, guidance
3 counselors, and school nurses.
4 Code section 256.22: Repeals this obsolete provision
5 establishing the extended year school grant program.
6 Code section 256D.3: Strikes obsolete language containing
7 the beginning date for submission of the annual report by the
8 department of education on the Iowa early intervention block
9 grant program.
10 Code section 256F.6: Replaces the word "charter" with
11 "contract" in this provision that describes contents of a
12 contract in a provision that covers not only charter schools,
13 but also innovation zone schools.
14 Code sections 261B.4, 261B.11, and 714.24: Strikes a
15 reference to a provision that provided an exemption from
16 certain financial responsibility requirements and was stricken
17 by 2012 Acts, chapter 1077, section 20.
18 Code sections 275.1 and 282.24: Strikes the words
19 "subsections 1 and" from an internal reference to provisions
20 within Code section 282.7 to clarify the provisions being
21 referred to and to eliminate an electronic hypertext linkage
22 problem.
23 Code section 279.9A: Adds in an additional reference to a
24 Code section under which a student may be suspended or expelled
25 by school officials in language relating to the recording of
26 the basis for actions taken to suspend or expel students from
27 school.
28 Code section 280.11: Strikes the word "federal" and a comma
29 to correct a reference by name to the standard for occupational
30 noise exposure and clarifies that the standard is established
31 by the federal occupational safety and health administration.
32 Code section 280.13B: Updates language relating to the
33 recording of high school athletic tournament contests or events
34 to reflect changes in technology that permit recording of the
35 tournaments by means other than videotape.

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1 Code section 282.4: Redesignates a paragraph as a
2 subsection and renumbers provisions within this Code section
3 governing the suspension or expulsion of students for the
4 commission of an assault.
5 Code section 299.6: Restructures this provision relating to
6 violations of a mediation agreement or refusal to participate
7 in mediation under the compulsory attendance Code chapter
8 to combine language classifying offense types with language
9 specifying the punishment for those offenses, and numbering and
10 lettering the resulting provisions according to the substantive
11 content of the provisions.
12 Code section 306C.18: Changes language referring to a
13 special account entitled the "highway beautification fund" to a
14 reference to the Code section that establishes the fund called
15 the "highway beautification fund" in this provision requiring
16 permits and charging fees for ownership of advertising devices
17 that are erected along interstate or primary highways, and
18 depositing the permit fees into the fund.
19 Code sections 313.43, 313.44, and 313.45: Moves language
20 from Code sections 313.44 and 313.45, which are then repealed,
21 to Code section 313.43, to co-locate these provisions impacting
22 lateral or detour routes in cities.
23 Code section 313.64: Updates language and corrects an
24 incorrect internal self-reference in language regarding
25 agreements between the department of transportation and private
26 owners of bridges that cross a boundary stream.
27 Code section 321.98: Rewrites, reformats, and updates
28 language relating to operation of a vehicle without
29 registration to clarify the relationship between the
30 requirements contained within this provision.
31 Code section 321.180B: Redesignates and strikes an
32 unnecessary "however" within this provision regulating
33 graduated driver's licenses for persons aged 14-17 to group
34 together two provisions establishing requirements regarding
35 persons who must accompany a permittee operating a motor

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1 vehicle.
2 Code section 321.188: Adds the word "driving" before the
3 words "skills test" to clarify which of the two skills tests
4 may be the subject of a waiver in this provision establishing
5 the requirements for a commercial driver's license.
6 Code section 321.276: Strikes obsolete language regarding
7 a past period for warning citations and redesignates language
8 within this provision regulating the use of hand-held
9 electronic devices by operators of motor vehicles.
10 Code section 321.285: Strikes an internal reference
11 to paragraph "a" of Code section 805.8A, subsection 5,
12 from language stating that violations of excessive speed
13 restrictions are a simple misdemeanor punishable as a
14 scheduled violation under that provision. Code section 805.8A,
15 subsection 5, contains penalties for violations of excessive
16 speed restrictions in paragraphs "a" and "b" that apply to
17 violations of this Code section and paragraphs "c" and "d"
18 further refine the applications of those penalties.
19 Code section 321.341: Adds the words "the vehicle" and
20 "the vehicle shall" to clarify that the motion of the vehicle
21 is being regulated in this provision requiring obedience to
22 signals indicating the approach of a railroad train or track
23 equipment.
24 Code section 321.354: Restructures to improve the
25 readability of this provision regulating the stopping of a
26 vehicle upon certain highways.
27 Code section 321.498: Moves a definition from Code section
28 321.499 to Code section 321.498, and then repeals Code section
29 321.499, to co-locate both definitions that relate to the legal
30 effect of operation of a motor vehicle by nonresidents within
31 the state of Iowa.
32 Code section 321G.20: Strikes "and possessing" and adds
33 "shall possess" and "issued under this chapter" to clarify
34 that the possession of an education certificate issued as
35 provided in Code chapter 321G, which governs the operation of

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1 snowmobiles, is a requirement in addition to being under the
2 direct supervision of an adult for snowmobile operators who are
3 12-15 years of age.
4 Code sections 321J.24 and 321J.25: Strikes "chemical
5 substance abuse" and adds "persons with substance-related
6 disorders" after the words "facilities for the treatment of" to
7 these two provisions regarding educational awareness programs
8 for persons who have operated motor vehicles while intoxicated,
9 to reflect the changes to the terms defined in Code section
10 125.2 by 2011 Acts, chapter 121.
11 Code section 331.392: Adds the words "persons representing"
12 before the words "other interests" to conform the last part of
13 this series describing the membership of advisory committees
14 referenced in agreements for governance and organization of
15 mental health and disability services regions to the other
16 parts of the series.
17 Code section 331.395: Reorganizes to separate provisions
18 that describe requirements that a person must meet to be
19 eligible for services under a regional mental health and
20 disabilities service system from requirements imposed upon the
21 providers of the services through the system.
22 Code section 331.606A: Replaces the words "a website" with
23 the words "an internet site" to conform the terminology used in
24 this provision, relating to redaction of personal information
25 from electronic county land records, to the defined terms in
26 Code section 4.1, subsections 9B and 9C.
27 Code section 331.653: Corrects a reference by name to Code
28 chapter 321J, entitled operating while intoxicated, in language
29 pertaining to the duties of a county attorney.
30 Code section 341A.15: Separates two nondependent clauses
31 into two separate sentences within this provision relating to
32 the granting of leaves of absence by a sheriff to a person
33 under civil service.
34 Code section 357A.11: Replaces the word "Act" with the
35 word "chapter" in this provision relating to the adoption

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of rules, regulations, and rate schedules by the board that is responsible under the terms of Code chapter 357A for the governance of rural water districts.

Code section 357E.9: Adds an automatic repeal provision for transition provisions applicable to the expansion of recreational lake district boards from three to seven trustees. The transition from three trustee to seven trustee boards will have been fully implemented by July 1, 2018, which is the date that is set for the repeal of the transition provisions.

Code section 368.26: Reformats and numbers provisions to establish a definitions subsection within this provision regarding annexation of farmland by a city.

Code section 411.6: Strikes an internal reference to Code section 125.2 in this provision regulating the receipt of benefits under the retirement system for police officers and fire fighters and inserts a definition of the term "chemical dependency". The new definition is identical to the definition of that term in Code section 125.2 prior to the rewrite of definitions within that Code section by 2011 Acts, chapter 121.

Code section 419.1: Adds the word "qualified" and corrects a citation to federal legislation regarding disaster area bonds that were authorized under the 2008 federal Emergency Economic Stabilization Act.

Code section 420.224: Rewrites language, stating the conditions of a single exception to the resale of property sold to a city at a tax sale, to eliminate a colon and connect the exception to the balance of the provision.

Code section 421.30: Rewrites an internal reference to a provision within Code section 441.19, in this provision defining the term "reassessment expense fund", to reflect the renumbering of Code section 441.19 by 2009 Acts, chapter 41.

Code section 421C.4: Adds the word "and" to clarify that certain inter-county agreements for the collection of court debt are entered into pursuant not only to the Code chapter granting authority for these types of agreements, but also to

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1 the provision that imposes the obligation to collect court
2 debt.
3 Code section 423B.1: Strikes the redundant word "state" to
4 correct a reference error in a local option taxes provision
5 that refers to the general election described in Code chapter
6 39.
7 Code section 423B.2: Moves language, reformats, and numbers
8 this provision relating to local vehicle taxes to create a
9 definitions subsection and improve the organization of the Code
10 section.
11 Code section 427B.17: Moves language, reformats, and
12 renumbers this provision relating to property subject to
13 special valuation to place all of the definitions in one
14 location and place the language providing exceptions to the
15 rules established within this Code section at the end of the
16 Code section.
17 Code section 432.12C: Substitutes the word "chapter"
18 for "division" in this provision regarding investment tax
19 credits against insurance companies' tax. There are no
20 divisions within Code chapter 432. The word "sections" is also
21 replaced with two separate references to "section" to improve
22 readability and facilitate electronic hypertext linkage within
23 a series of Code section citations.
24 Code section 441.4: Adds the words "a hearing is" to clarify
25 that a public hearing must be held to remove a member of the
26 examining board that examines candidates for the positions of
27 assessor or deputy assessor, but only if the discharged member
28 requests the hearing.
29 Code section 453B.7: Moves the modifying phrase, "other
30 than marijuana" to follow the words "taxable substance" in this
31 provision imposing an excise tax on dealers of certain unlawful
32 substances.
33 Code section 455B.301: Adds the word "or" to correct a
34 drafting error made in 2008 Acts, chapter 1118, and to conform
35 this provision to the language of rules that preexisted this

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1 definition, which may be found at 567 IAC chapter 108, and
2 which regulate the use of rubble as fill.
3 Code section 455D.11: Strikes a reference, in this
4 provision relating to disposal of waste tires, to a penalty
5 provision that was stricken by 2007 Acts, chapter 151, section
6 4.
7 Code section 455F.7: Replaces the word "division" with
8 the word "section" in this provision relating to permits for
9 retailers who offer for sale or sell household hazardous
10 materials. There are no divisions within Code chapter 455F.7
11 and the permit provisions for the sale or offer for sale of
12 household hazardous materials are contained entirely within
13 this Code section.
14 Code sections 455G.1, 455G.2, 455G.3, 455G.4, 455G.5,
15 455G.6, 455G.8, 455G.9, 455G.12 and 455G.21: Replaces the word
16 "chapter" with the word "subchapter" in these provisions which
17 are part of the subchapter entitled the "Iowa Comprehensive
18 Petroleum Underground Storage Tank Fund Act". When enacted
19 in 1989, the provisions of the Iowa comprehensive petroleum
20 storage tank fund Act were the only provisions within Code
21 chapter 455G, but there are now other subchapters within the
22 Code chapter that pertain to other subject matters and contain
23 separate definitions and applicability provisions.
24 Code section 455G.13: Replaces the word "chapter" with
25 the word "subchapter" and splits a run-on sentence to clarify
26 the standing of the department of natural resources in cases
27 or contested actions relating to the underground storage tank
28 fund or an underground storage tank, and to establish that a
29 motion and showing by a party wishing to be joined to an action
30 for cost recovery or subrogation is a precondition to joinder
31 approved by the court or an administrative law judge.
32 Code section 455G.31: Replaces the word "chapter" with the
33 word "subchapter" in this provision regarding E-85 storage and
34 dispensing infrastructure. This provision is within its own
35 subchapter in Code chapter 455G. Code chapter 455G currently

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1 also includes a subchapter regarding the regulation of
2 underground petroleum storage tanks and a repealed subchapter
3 that established an aboveground petroleum storage tank fund.
4 Code sections 461.36, 461.37, and 461.38: Changes language
5 relating to use, distribution, and allocation of funds within
6 the natural resources and outdoor recreation trust fund,
7 to be more consistent with language used to describe the
8 use, distribution, and allocation of moneys within this fund
9 elsewhere in subchapter IV of Code chapter 461 and within other
10 funds in the Code.
11 Code sections 468.21 and 468.252: Moves language to
12 eliminate a parenthetical phrase and also updates terminology
13 used in these two provisions relating to hearings on petitions
14 regarding levee and drainage districts and improvements.
15 Code section 477.10: Replaces the word "Act" with the
16 word "subchapter" to clarify the meaning of these definitions
17 pertaining to local telephone exchanges and exchange companies.
18 When this provision was enacted in 1933, 45th G.A., First
19 Extraordinary Session, chapter 102, the provisions that made up
20 the Act were all codified together and comprised what is now
21 subchapter II of Code chapter 477.
22 Code section 481A.6A: Changes the word "such" to
23 "classified" to clarify that the list of species of pheasant
24 that are excluded from the definition of the term "pen-reared
25 pheasant" is a complete list of excluded species, rather than a
26 list of examples of types of species that may be excluded.
27 Code section 481A.72: Moves the phrase "except as otherwise
28 provided in this chapter" to the beginning of subsection 1 and
29 breaks up the independent restrictions on different methods of
30 fishing into separate sentences to improve the readability of
31 the provisions.
32 Code section 489.1303: Substitutes, for the words "this
33 chapter takes effect", the actual effective date of Code
34 chapter 489 to clarify which actions were not affected by the
35 2008 enactment of the Code chapter.

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1 Code section 490.1114: Substitutes for the word "article"
2 the word "division" in this provision relating to business
3 corporations because Code chapter 490 is subdivided into
4 divisions, not articles.
5 Code section 491.38: Strikes the words "and/or" and
6 inserts, in one instance, the word "or" and the words "or
7 constructing and operating" and, in the other instances, the
8 word "or" to update this provision regarding consolidation of
9 interstate bridge companies to reflect the use of the word
10 "or" elsewhere in the Code to describe situations in which
11 alternatives are intended.
12 Code section 502.306: Replaces the word "rule" with a more
13 standard internal reference to "paragraph" to conform the
14 style of this definition of "development stage company" to
15 language used throughout the Code to describe applicability of
16 definitions.
17 Code section 504.1101: Adds in the words "or unincorporated
18 entity" after the words "surviving corporation" in
19 this provision regarding the merger of corporations or
20 unincorporated entities into each other to conform to other
21 changes made to this Code section by 2012 Acts, chapter 1049.
22 Code section 507.14: Replaces the word "their" in two places
23 with more specific language to clarify what law is to apply and
24 which information is to be held confidential in this provision
25 governing the disclosure of confidential records held by the
26 insurance division of the department of commerce.
27 Code section 508.38: Moves language and renumbers to
28 eliminate nonconforming Code hierarchical elements and improve
29 readability of this provision relating to nonforfeiture
30 benefits under contracts for annuities.
31 Code section 511.8: Adds the words "from" and "rating"
32 to clarify the meaning of the phrase "or the equivalent" in
33 language specifying when a security no longer qualifies as a
34 legal reserve investment of an insurance company.
35 Code section 512B.11: Substitutes, for the words "the

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1 effective date of this Act", the actual effective date of 1990
2 Acts, chapter 1148, to clarify the applicability of the 1990
3 enactment of Code chapter 512B.
4 Code section 514D.2: Substitutes for the word "division"
5 the word "chapter" in this definition of the term "accident and
6 sickness insurance" because Code chapter 514D is not divided
7 into divisions.
8 Code section 514F.6: Enumerates and alphabetizes to
9 improve the readability of these definitions that apply to the
10 retrospective payment under a health insurance policy of clean
11 claims for the services of certain health care practitioners.
12 Code section 515.19: Changes the word "commissioner"
13 to "commission" to clarify that commission expenses, not
14 commissioner expenses, are not to be paid from advancements of
15 funds to mutual insurance companies by directors, officers, or
16 members.
17 Code section 523A.601: Removes specific phone number
18 and street address information from a form explanation of
19 regulatory oversight by the insurance division to conform
20 to similar wording in a form that was added to this section
21 by 2011 Acts, chapter 62, section 4. The change would also
22 eliminate a future need for legislation to amend the Code
23 should the telephone number of the insurance division or the
24 street address of the Iowa securities and regulated industries
25 bureau ever change.
26 Code section 523A.602: Adds language immediately preceding
27 a form notice to be consistent with other language that
28 precedes forms within this Code chapter governing cemetery and
29 funeral merchandise and funeral services, and elsewhere in the
30 Code.
31 Code section 524.521: Adds the words "of a stock
32 corporation" to conform the initial paragraph of this
33 subsection pertaining to the authorization of classes of shares
34 in articles of incorporation to similar language in the initial
35 paragraphs of subsections 1 and 2 of this Code section.

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1 Code section 524.1008: Reformats and enumerates two
2 alternative provisions, that must be part of an agreement
3 for the succession of fiduciary accounts of a state bank, to
4 eliminate nonconforming Code hierarchical elements and to
5 correct internal references to those nonconforming elements.
6 Code section 524.1413: Strikes three instances of "or state
7 savings and loan association" in this provision regarding the
8 approval or disapproval of an application for approval of a
9 conversion of a national bank or federal savings association
10 to conform to similar changes made in Code chapter 524 and
11 elsewhere in the Code by 2012 Acts, chapter 1017.
12 Code sections 533.107 and 533.213: Adds a United States Code
13 citation after a reference by name to the Federal Credit Union
14 Act to facilitate referencing to the provisions of that Act and
15 possible future electronic hypertext linkage to the codified
16 version of that Act.
17 Code section 535B.10: Moves language to clarify that
18 the title guaranty division of the Iowa finance authority
19 is the recipient of information from the superintendent of
20 the division of banking of the department of commerce in a
21 provision regarding supervision of closing agent licensees
22 whose activities relate to the issuance of title guaranty
23 certificates issued by the title guaranty division.
24 Code section 543B.7: Clarifies that penalties imposed by
25 the real estate commission upon real estate brokers or real
26 estate salespersons are civil monetary penalties.
27 Code section 543B.43: Changes a reference from Code section
28 543B.42 to Code section 543B.41 to clarify that proceedings by
29 the real estate commission to determine whether a licensee is
30 guilty of a violation of Code chapter 543B and the preparation
31 of a list of licensees by the real estate commission are not
32 within the range of sections that, if violated, are punishable
33 as a simple misdemeanor.
34 Code section 543C.2: Renumbers, corrects internal
35 references, deletes the extraneous word "who" in three places,

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1 and adds qualifying language to restructure this provision
2 governing the sale or lease of subdivided land in order to
3 separate provisions establishing requirements for the contents
4 of the application to sell or lease from the provisions
5 prescribing requirements for the offering statement.
6 Code section 577.1: Renumbers to eliminate an unanchored
7 unnumbered paragraph and corrects outdated United States
8 Code references to the federal Aviation Act of 1958 in this
9 provision relating to liens on aircraft and equipment.
10 Code section 602.8103: Restructures to enumerate the two
11 types of investments in which the clerk of court may invest
12 money that has been deposited with the clerk for payment to
13 another person, and to correct an incorrect United States Code
14 reference to the federal Investment Company Act of 1940.
15 Code section 602.8105: Strikes language relating to the
16 filing, entering, and endorsing of a mechanic's lien by the
17 clerk of court. All responsibilities relating to mechanic's
18 liens were transferred from the court to the secretary of
19 state's office by 2012 Acts, chapter 1105.
20 Code section 602.8107: Strikes an extraneous "for" in
21 language defining "court debt" as including, among other fees
22 and charges, expenses of a public defender ordered pursuant to
23 Code section 815.9.
24 Code section 602.11101: Renumbers to eliminate unanchored
25 unnumbered paragraphs and replaces instances of the words "this
26 Act" with specific references to the 1983 Act in which the
27 court system was reorganized.
28 Code section 622.34: Replaces the words "above regulations"
29 with specific language that clarifies which of the provisions
30 that precede Code section 622.34 do not prevent the enforcement
31 of contracts not denied in pleadings.
32 Code section 622.79: Strikes the word "above" and adds a
33 citation to Code sections 622.76 through 622.78 to clarify that
34 the remedies provided in this provision are in addition to the
35 remedies provided in those provisions.

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1 Code section 631.1: Restructures and redesignates language
2 in this provision establishing the jurisdictional amounts for
3 actions in small claims to separate references to claims which
4 are made before and claims which are made on or after July 1,
5 2002. In the restructure of this provision, existing initial
6 and final modifying phrases are repeated to form complete
7 sentences within the two resulting lettered paragraphs.
8 Code section 633.128: Redesignates this provision to
9 eliminate nonconforming Code hierarchical elements that appear
10 after a colon in the second paragraph and to enumerate the
11 manner of notice required in accountings of a common trust fund
12 that are presented to the court.
13 Code section 633.376: Adds, in this provision relating to
14 allowances for children of a decedent, references to a guardian
15 ad litem and a guardian to make the language of the provision
16 internally consistent.
17 Code section 633.704: Strikes the word "the" and changes the
18 words "pursuant to" to "described in" in a provision in which
19 an out-of-state court has requested assistance from a court of
20 this state in a guardianship or protective proceeding, because
21 although subsection 1 contemplates the assistance, it only
22 describes the reverse situation.
23 Code section 633A.3110: Makes several technical corrections
24 to clarify the timing and contents of notices to creditors,
25 heirs, and surviving spouses that are prescribed in this Code
26 section and conforms the language of this provision regarding
27 allowances with the possible allowances specified in Code
28 section 633A.3114.
29 Code section 633A.3115: Adds the words "guardian ad litem"
30 twice to this provision regarding notice and allowances for
31 children of a decedent to make the language of the provision
32 internally consistent.
33 Code section 654.14: Redesignates this provision relating
34 to preferences in receivership to eliminate unanchored
35 unnumbered paragraphs and strikes the words "and/or" and adds

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1 ", or both," in language relating to payment of insurance on
2 buildings or other benefits to real estate.
3 Code section 671.2: Updates language and redesignates
4 to eliminate unanchored unnumbered paragraphs within this
5 provision regarding a hotelkeeper's or owner's responsibility
6 regarding valuables of a guest of a hotel.
7 Code section 708.1: Redesignates within this provision
8 defining the offense of assault to eliminate unanchored
9 unnumbered paragraphs and restructures the language in what
10 is designated as subsection 3 to consolidate language that is
11 repeated in two instances into a unified lead-in phrase to a
12 list of activities described as not constituting an assault.
13 Code section 708.4: Adds language naming the offense of
14 willful injury to the text describing what constitutes the
15 offense.
16 Code section 709.16: Renumbers this provision to eliminate
17 an unanchored unnumbered paragraph and updates language
18 referring to facilities for the treatment of persons who have
19 substance-related disorders to conform to changes made to Code
20 section 125.2 by 2011 Acts, chapter 121.
21 Code section 710.5: Adds language naming the offense of
22 child stealing to the text describing what constitutes the
23 offense, moves language describing the nature of the penalty
24 that attaches to the crime, and redesignates the provision to
25 facilitate citation to the resulting provisions.
26 Code section 710A.2: Updates language specifying that
27 ignorance of a victim's age is not a defense to a violation of
28 the statute prohibiting human trafficking to conform to the
29 style of similar language elsewhere in the Code.
30 Code section 710A.2A: Rewrites a reflexive phrase to
31 eliminate an awkward construction in language regarding the
32 attempted or actual enticing, coercing, or recruiting of an
33 underage person to engage in a commercial sexual activity.
34 Code sections 715.3 and 715.4: Replaces references to the
35 term "web page" with references to "internet site" in these

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1 provisions relating to computer cybercrime to conform the
2 terminology to terms defined in Code section 4.1, subsection
3 9B.
4 Code section 716.3: Restructures and numbers this provision
5 to set out the elements of criminal mischief in the first
6 degree and separate the language defining the crime from the
7 language designating the offense type. The word "so" is also
8 replaced with the words "that is" to conform the language of
9 these two provisions with an update to similar language in Code
10 section 716.5 by 2009 Acts, chapter 41.
11 Code sections 716.4 and 716.6: Replaces the word "so"
12 with the words "that is" to conform the language of these two
13 provisions with an update to similar language in Code section
14 716.5 by 2009 Acts, chapter 41.
15 Code section 716.10: Rewrites and redesignates to enumerate
16 and alphabetize the definitions applicable to the crime of
17 railroad vandalism.
18 Code section 716A.3: Letters two sentences in this
19 provision regarding the sale of misbranded drugs through the
20 use of electronic mail or the internet and corrects an internal
21 reference in language relating to the penalty associated with a
22 death that results from consumption of drugs.
23 Code sections 716B.2, 716B.3, and 716B.4: Adds language
24 naming the offenses described in each of these provisions
25 regarding unlawful hazardous waste activities and redesignates
26 the provisions to separate differing penalties from each other.
27 Code section 717B.1: Replaces the incorrect word
28 "dedication" with the word "detection" in language defining
29 the responsibilities of a law enforcement officer regarding
30 criminal activities and enforcement of criminal laws.
31 Code section 719.1: Adds language naming the offenses
32 described in each of the two subsections of this section and
33 restructures and redesignates to set out the elements of the
34 offenses described. An internal reference to a penalty is also
35 corrected in what is redesignated as subsection 1, paragraph

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1 "a".
2 Code section 721.6: Changes "to" to "through" and replaces
3 the word "self" with the words "own candidacy" to update an
4 internal reference to other provisions in this Code chapter and
5 the style of a reference to the candidacy of a public officer
6 or employee.
7 Code section 721.7: Clarifies an internal reference to
8 provisions within this Code chapter on official misconduct
9 which are punishable as a serious misdemeanor. Code section
10 721.6 establishes an exception to the prohibitions contained in
11 Code sections 721.2 through 721.5.
12 Code sections 724.1 and 724.2: Moves language from a second
13 paragraph in subsection 7 of Code section 724.1 to become a new
14 subsection 2 of Code section 724.2 to place the prohibition
15 contained within the paragraph with the language to which it
16 refers. Currently, the language of that second paragraph
17 reads: "Notwithstanding section 724.2, no person is authorized
18 to possess in this state a shotshell or cartridge intended
19 to project a flame or fireball of the type described in this
20 section".
21 Code section 724.4B: Adds the word "with" to language
22 excepting persons who engage in certain conduct from the
23 prohibition against carrying weapons on school grounds to
24 mirror the language in this Code section that describes the
25 prohibited conduct.
26 Code section 802.7: Changes the word "division" to
27 "chapter" in this section of this Code chapter that establishes
28 the statutes of limitation for criminal actions. Code chapter
29 802 does not contain any divisions.
30 Code section 804.14: Redesignates and updates the style of
31 this provision describing what is required during the making of
32 an arrest from language that describes whether the arresting
33 officer must have a warrant in the officer's possession to
34 facilitate citation.
35 Code section 814.11: Moves language relating to

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1 court-appointed representation of an indigent person to clarify
2 that it is the attorney who has the contract to provide legal
3 services to indigent persons.
4 Code section 815.5: Adds the words "expert witnesses" in the
5 portion of the series relating to witnesses called by the state
6 in criminal cases to correct the syntax of this series relating
7 to compensation of expert witnesses as determined by the court.
8 Code section 901B.1: Letters paragraphs within a
9 subsection relating to the development of an intermediate
10 criminal sanctions program by each judicial district and
11 judicial district department of correctional services. An
12 obsolete reference to a past date by which the plan had to be
13 implemented is also stricken.
14 Code section 905.1: Combines two paragraphs and changes
15 the words "An intermediate criminal sanctions" to "A
16 community-based correctional" in language that is part of a
17 definition describing the characteristics of a community-based
18 correctional program.
19 Code section 907.3: Restructures and renumbers to conform
20 the structure of these two provisions regarding deferral
21 of judgment or sentence by the court to each other and to
22 eliminate unanchored unnumbered paragraphs. The subparagraphs
23 containing the exceptions are also then placed in Code
24 section order, based upon the Code sections referenced in each
25 subparagraph.
26 Code section 907.8: Redesignates to eliminate unanchored
27 unnumbered paragraphs in this provision regarding supervision
28 during a period of probation and updates language containing
29 requirements imposed upon the clerk of the district court when
30 the court orders a person committed to the custody, care, and
31 supervision of the judicial district department of correctional
32 services.
33 DIVISION II. The Code sections in this division are amended
34 by numbering, renumbering, designating, or redesignating
35 provisions within volume VI of the Code, and by changing

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1 textual references as necessary. The purposes of the Code
2 changes are to conform the Code provisions to existing
3 Code section hierarchy, to eliminate unanchored unnumbered
4 paragraphs within the Code sections, and to facilitate citation
5 to those Code provisions.
6 DIVISION III. This division contains corrections to
7 internal references to Code sections that are numbered,
8 renumbered, designated, or redesignated in divisions I and II
9 of this bill.
10 DIVISION IV. This division contains a series of Code editor
11 directives. The first 10 directives conform terminology
12 referencing the internet and the world wide web in numerous
13 Code sections to defined terms in Code section 4.1, subsections
14 9B and 9C, by replacing the terms "website", "websites",
15 "webpage", "web page", and "web-based" with the terms "internet
16 site", "internet sites", and "internet-based".
17 The eleventh and last directive requires the Code editor to
18 place a formerly reserved provision, Code section 15.410, to
19 a position within part 23 of Code chapter 15 to coincide with
20 the moving of definitions relating to that part 23 from Code
21 section 15.411 to Code section 15.410.

House File 557 - Introduced

HOUSE FILE 557
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 127)

A BILL FOR

1 An Act establishing a criminal offense for removing or
2 attempting to remove a communication device from the
3 possession of a peace officer, reserve peace officer,
4 jailer, or correctional officer.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1927HV (2) 85
jm/nh

H.F. 557

1 Section 1. NEW SECTION. **708.12 Removal of peace officer's**
2 **communication device.**
3 1. As used in this section *"peace officer"* means a peace
4 officer as defined in section 801.4, a reserve peace officer, a
5 jailer, or a correctional officer.
6 2. A person who knowingly or intentionally removes or
7 attempts to remove a communication device from the possession
8 of a peace officer when the officer is in the performance
9 of any act which is within the scope of the lawful duty or
10 authority of that officer and the person knew or should have
11 known the individual to be a peace officer, commits the offense
12 of removal of a peace officer's communication device.
13 3. A person who removes or attempts to remove a peace
14 officer's communication device is guilty of a class "D" felony.
15 EXPLANATION
16 This bill establishes a criminal offense for removing or
17 attempting to remove a communication device from the possession
18 of a peace officer.
19 The bill defines peace officer to mean a peace officer
20 as defined in Code section 801.4, a reserve peace officer, a
21 jailer, or a correctional officer.
22 Under the bill, a person commits removal of a peace officer's
23 communication device when the person knowingly or intentionally
24 removes or attempts to remove a communication device from the
25 possession of a peace officer, when the officer is in the
26 performance of the official duties of the officer and the
27 person knew or should have known the individual to be a peace
28 officer.
29 A person who violates the bill commits a class "D" felony.
30 A violation of the bill may also meet the definition of a
31 forcible felony under Code section 702.11. A person convicted
32 of a forcible felony is not eligible to receive a suspended
33 sentence or deferred judgment, pursuant to section 907.3. A
34 class "D" felony is punishable by confinement for no more than
35 five years and a fine of at least $750 but not more than $7,500.

House File 558 - Introduced

HOUSE FILE 558
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 90)

A BILL FOR

1 An Act relating to drug control, including the criminal offense
2 of prohibited acts related to controlled substances and the
3 information program for drug prescribing and dispensing, and
4 providing a penalty.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1307HV (4) 85
jm/nh

H.F. 558

1 Section 1. Section 124.403, subsection 2, Code 2013, is
2 amended to read as follows:
3 2. Any person who violates this section, or who acts with,
4 enters into a common scheme or design with, or conspires with
5 one or more other persons to violate this section, is guilty of
6 ~~a serious~~ an aggravated misdemeanor.
7 Sec. 2. Section 124.552, Code 2013, is amended by adding the
8 following new subsection:
9 NEW SUBSECTION. 5. The program shall include a warning on
10 all reports stating that "Medicaid fraud is a crime. If you
11 suspect Medicaid fraud, call the Iowa Medicaid fraud hotline."
12 The warning shall include the toll-free telephone number of the
13 Iowa Medicaid fraud hotline.
14 Sec. 3. NEW SECTION. **124.556A Medical assistance program**
15 **prescription drug lock-in program.**
16 The department of human services shall provide to the board
17 the information set forth in section 217.30, subsection 1, for
18 any patient who is newly assigned after the effective date
19 of this Act to the Medicaid lock-in program because of drug
20 utilization issues. The patient-identifying information shall
21 be limited to the name, address, date of birth, and telephone
22 number of the patient, if available. The patient-identifying
23 information shall be incorporated into the information
24 reporting database and be accessible as provided in section
25 124.553. The board shall keep the lock-in information up to
26 date and shall remove the Medicaid lock-in designation from the
27 information reporting database when a Medicaid recipient is
28 removed from the Medicaid lock-in program.
29 EXPLANATION
30 This bill relates to the criminal offense of prohibited
31 acts related to controlled substances and the information
32 program for drug prescribing and dispensing (Iowa prescription
33 monitoring program).
34 The bill increases the criminal penalty for a conviction
35 for prohibited acts relating to controlled substances

H.F. 558

in Code section 124.403 from a serious misdemeanor to an aggravated misdemeanor. A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least $315 but not more than $1,875. An aggravated misdemeanor is punishable by confinement for no more than two years and a fine of at least $625 but not more than $6,250.

The bill also requires the Iowa prescription monitoring program to include a warning on all reports stating that "Medicaid fraud is a crime. If you suspect Medicaid fraud, call the Iowa Medicaid fraud hotline." The warning shall include the toll-free telephone number of the hotline.

The bill directs the department of human services to provide patient information to the board regarding Medicaid recipients who are newly assigned to the prescription drug lock-in program after the effective date of the bill. The information is then to be incorporated into the information database and accessible to pharmacists, prescribing practitioners, and others as specified in the information access provisions for the information program. The bill requires the board of pharmacy to update the Medicaid lock-in information in the database as patients are removed from the program.

Senate File 246

S-3012

Amend Senate File 246 as follows:

1. Page 2, by striking lines 21 through 27 and inserting:

<Sec. ___. Section 214A.2, subsection 3, paragraph b, subparagraph (2), Code 2013, is amended to read as follows:

(2) Gasoline blended with ethanol must meet ~~any of the following requirements:~~ requirements established by rules adopted in part or in whole based on

~~(a) For the gasoline, A.S.T.M. international specification D4814.~~

~~(b) For the ethanol blended gasoline,~~ A.S.T.M. international specification D4814.

~~(c) For the gasoline, A.S.T.M. international specification D4814 except for distillation, if, for E-10 or a classification below E-10, the ethanol blended gasoline meets the requirements of A.S.T.M. international specification D4814.~~>

2. Page 4, after line 24 by inserting:

<Sec. ___. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.>

3. Title page, by striking line 4 and inserting <metrologist, pesticide regulation, and motor fuel standards, and including effective date provisions.>

4. By renumbering, redesignating, and correcting internal references as necessary.

STEVE SODDERS

Senate File 203

S-3013

1 Amend Senate File 203 as follows:
2 1. Page 1, by striking lines 22 and 23 and
3 inserting:
4 <Sec. ___. Section 135G.3, subsections 1 and 2,
5 Code 2013, are amended to read as follows:
6 1. A subacute care facility shall utilize a team
7 of professionals to direct an organized program
8 of diagnostic services, subacute mental health
9 services, and rehabilitative services to meet the
10 needs of residents in accordance with a treatment
11 care plan developed for each resident under the
12 supervision of a ~~licensed psychiatrist~~ mental health
13 professional. The goal of a treatment care plan is to
14 transition residents to a less restrictive environment,
15 including a home-based community setting. Social and
16 rehabilitative services shall also be provided under
17 the direction of a mental health professional.>
18 2. Page 1, line 24, by striking <licensed
19 psychiatrist> and inserting <~~licensed psychiatrist~~
20 mental health professional>
21 3. Page 1, by striking line 32 and inserting <~~the~~ a
22 licensed psychiatrist ~~of the facility~~ or by order of
23 the>
24 4. Page 2, line 7, by striking <full-time
25 psychiatrist> and inserting <~~full-time psychiatrist~~
26 mental health professional>
27 5. Page 2, by striking lines 23 and 24 and
28 inserting <or designated by counties in accordance>
29 6. By striking page 2, line 34, through page 3,
30 line 10, and inserting <recipients of the funding for
31 the purpose of ~~developing and providing evidence-based~~
32 ~~practices and emergency~~ staff training or services to
33 adults with a serious mental illness and children with
34 a serious emotional disturbance. The distribution
35 amounts shall be announced at the beginning of the
36 federal fiscal year and distributed on a quarterly
37 basis ~~according to the formulas used in previous fiscal~~
38 ~~years~~. Recipients shall submit quarterly reports>
39 7. By renumbering as necessary.

LIZ MATHIS

Senate File 393

S-3014

1 Amend Senate File 393 as follows:
2 1. Page 2, line 6, after <ultrasounds> by
3 inserting <including the requirements for training
4 and certification of individuals who perform prenatal
5 ultrasounds>

_____
DAVID JOHNSON

Senate File 366

S-3015

1 Amend Senate File 366 as follows:
2 1. Page 2, by striking lines 20 and 21 and
3 inserting:
4 <*b.* A person shall>
5 2. Page 3, by striking lines 1 through 5 and
6 inserting <agency action guidelines.
7 *b.* A person>

MATT McCOY

Senate File 224

S-3016

Amend Senate File 224 as follows:

1. Page 1, after line 15 by inserting:

<Sec. ___. Section 321.190, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. The department shall issue voter identification cards in the manner provided for nonoperator's identification cards. A voter identification card shall contain the same information on its face as the nonoperator's identification card, except the card shall be labeled "For Voting Purposes Only". Upon application as provided in subsection 1, paragraph *"a"*, and presentation of the applicant's voter registration card, the department shall issue a voter identification card to the applicant without fee.>

2. Page 1, after line 31 by inserting:

<Sec. ___. Section 321M.1, subsection 8, Code 2013, is amended to read as follows:

8. *"Nonoperator identification card"* means ~~the~~ a card issued pursuant to section 321.190 that contains information pertaining to the personal characteristics of the applicant but does not convey to the person issued the card any operating privileges for any motor vehicle. The term *"nonoperator identification card"* includes a voter identification card issued pursuant to section 321.190.>

3. Title page, by striking lines 1 through 3 and inserting <An Act relating to the issuance of voter identification cards, replacement driver's licenses, and nonoperator's identification cards, and providing a fee.>

4. By renumbering as necessary.

MARK CHELGREN

KENT SORENSON

BRAD ZAUN

JACK WHITVER

Senate File 298

S-3017

1 Amend Senate File 298 as follows:
2 1. Page 1, after line 14 by inserting:
3 <Sec. ___. Section 709.8, Code 2013, is amended by
4 adding the following new subsection:
5 NEW SUBSECTION. 5. Cause the touching of the
6 person's genitals to any part of the body of a child.>
7 2. Title page, line 1, by striking <expanding> and
8 inserting <relating to>
9 3. Title page, line 2, after <code> by inserting <,
10 lascivious acts with a child,>
11 4. By renumbering as necessary.

ROBERT M. HOGG

Senate File 417 - Introduced

SENATE FILE 417
BY COMMITTEE ON ECONOMIC GROWTH

(SUCCESSOR TO SF 274)

A BILL FOR

1 An Act creating a technology prairie by promoting an
2 environment to foster the growth of technology, start-up,
3 and small businesses and to attract a skilled workforce by
4 providing incentives and financial assistance to businesses.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1850SV (3) 85
ad/sc

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1 DIVISION I
2 LEGISLATIVE FINDINGS — PURPOSES
3 Section 1. LEGISLATIVE FINDINGS — PURPOSES.
4 1. The general assembly finds all of the following:
5 a. That small businesses and start-up businesses may not
6 qualify for conventional financing and may lack the resources
7 to expand a business.
8 b. That the limited availability of a skilled workforce
9 hampers economic growth of small and start-up businesses in the
10 state.
11 c. That to enhance competitiveness and foster economic
12 development, this state must focus on the technological,
13 cultural, and community environment in order to attract a
14 skilled workforce and improve the economic climate for small
15 businesses throughout the state.
16 2. The general assembly declares the purposes of this Act to
17 be all of the following:
18 a. To promote a cultural and community environment which
19 encourages the retention of skilled technology workers in the
20 state and attracts other skilled technology workers to the
21 state.
22 b. To create incentives and assistance to compete with other
23 markets in attracting a skilled technology workforce.
24 c. To create incentives and assistance to increase the flow
25 of capital to start-up businesses and small businesses seeking
26 to expand in the state.
27 d. To promote the advancement of technology in the state to
28 assist small businesses throughout the state.
29 e. To create a technology prairie which promotes a cultural,
30 technological, community, and economic development environment
31 that fosters the growth of small businesses and start-up
32 companies and attracts a skilled technology workforce.
33 DIVISION II
34 EXCITE IOWA GRANT PROGRAM
35 Sec. 2. NEW SECTION. **303.96 Excite Iowa grant program.**

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1. The department of cultural affairs shall establish and administer an excite Iowa grant program. The excite Iowa grant program is established to provide grants to nonprofit entities seeking to invest in community economic activities. A grant shall not be awarded to a nonprofit entity unless the entity can match at least twenty percent of the amount of the grant to be awarded. The matching funds may be from the nonprofit entity, businesses, private foundations, federal or local government funds, financial institutions, or individuals.

2. The grants are to be used by the nonprofit entity to invest in community economic activities. Community economic activities are those activities that promote and assist with the visual arts, music, literature, drama, fine arts, recreation including trails, and other related community activities and events as deemed appropriate by the department.

3. In awarding a grant to a nonprofit entity to invest in community economic activities, the department may consider the following:

a. The nonprofit entity's relationship to the community.

b. The location of the community and the need for community economic activity in the community.

c. The overall geographic diversity of the applicants for grants, including urban and rural communities.

d. The type of activity in which the nonprofit entity seeks to invest.

e. Any other information the department deems relevant.

4. The department may accept, reject, or defer a nonprofit entity's application for a grant under this section.

5. A grant awarded under the program to a nonprofit entity shall not exceed two hundred fifty thousand dollars.

6. The department may enter into an agreement with a nonprofit entity selected to receive financial assistance pursuant to this section for purposes of ensuring the program is administered pursuant to the requirements of this section.

7. *a.* The department may seek the repayment of a grant

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1 provided pursuant to this section as provided in paragraph "*b*".
2 *b.* If, after receiving a grant from the department pursuant
3 to this section, the nonprofit entity fails to use the awarded
4 moneys for the purposes described in subsections 1 and 2, all
5 or a portion of the grant received is subject to immediate
6 repayment to, and recapture by, the department.
7 *c.* All repayments and recaptures of grants awarded under the
8 program shall be remitted to the department.
9 8. The department shall adopt rules pursuant to chapter 17A
10 as necessary to administer the program.
11 Sec. 3. NEW SECTION. **303.97 Excite Iowa grant fund.**
12 1. An excite Iowa grant fund is created in the state
13 treasury under the control of the department of cultural
14 affairs and consisting of moneys appropriated by the general
15 assembly and any other moneys available to and obtained or
16 accepted by the department for deposit in the fund.
17 2. The fund shall be used to provide grants under the excite
18 Iowa grant program established in section 303.96.
19 3. Interest payments and repayments and recaptures
20 of moneys provided as grants pursuant to section 303.96,
21 subsection 7, shall be deposited in the fund.
22 4. Moneys in the fund are not subject to section 8.33.
23 Notwithstanding section 12C.7, subsection 2, interest or
24 earnings on moneys in the fund shall be credited to the fund.
25 DIVISION III
26 SMALL BUSINESS MICROLOAN PROGRAM
27 Sec. 4. NEW SECTION. **15E.25 Small business microloan**
28 **program.**
29 1. The economic development authority shall establish and
30 administer a small business microloan program. The small
31 business microloan program is established to provide loans to
32 local economic organizations to provide microloans to small
33 businesses.
34 2. To receive a loan from the program, the local economic
35 development organization shall demonstrate a dollar-for-dollar

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1 fund match. The matching funds may be from a business, private
2 foundations, or individuals.
3 3. A loan awarded under the program to any local economic
4 development organization shall not exceed two hundred fifty
5 thousand dollars.
6 4. In awarding loans to local economic development
7 organizations to provide microloans to small businesses, the
8 authority may consider the following:
9 *a.* The local economic development organization's
10 relationship to the community.
11 *b.* The local economic development organization's ability to
12 provide accounting and audits of the microloans.
13 *c.* The location of the local economic development
14 organization.
15 *d.* The overall geographic diversity of the applicants for
16 loans, including urban and rural communities.
17 *e.* Any other information the authority deems relevant.
18 5. The authority may accept, reject, or defer a local
19 economic development organization's application for funds under
20 this section.
21 6. *a.* The authority shall enter into an agreement with a
22 local economic development organization selected to receive
23 a loan pursuant to this section for purposes of ensuring the
24 program is administered pursuant to the requirements of this
25 section.
26 *b.* Upon repayment of the microloan by the business to
27 the local economic development organization, the authority
28 may require payment of an administrative fee of up to one
29 percent of the microloan to be deposited in the small business
30 microloan program revolving loan fund established in section
31 15E.26.
32 7. *a.* A local economic development organization awarded
33 financial assistance pursuant to this section shall establish
34 a microloan application process and conduct a microloan
35 program for small businesses. A local economic development

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1 organization receiving financial assistance pursuant to this
2 section may accept and evaluate, and approve, deny, or defer,
3 applications for financial assistance from small businesses
4 pursuant to the requirements of this section.
5 *b.* A local economic development organization receiving
6 assistance shall only provide a microloan using the loan
7 awarded by the authority pursuant to this section for a new
8 or expanding business in this state which has twenty or fewer
9 employees at the time of the business's application to the
10 local economic development organization.
11 *c.* The amount of a microloan awarded by a local economic
12 development organization using the loan awarded by the
13 authority pursuant to this section shall not exceed fifteen
14 thousand dollars to any single business.
15 *d.* The local economic development organization shall conduct
16 an annual audit of the small businesses to which it provided a
17 microloan using funds received pursuant to this section.
18 8. *a.* The authority may seek the recapture of a loan
19 provided pursuant to this section as provided in paragraph "*b*".
20 *b.* If, after receiving financial assistance from the
21 authority pursuant to this section, the local economic
22 development organization fails to use the moneys for the
23 purposes described in subsections 1 and 7, all or a portion
24 of the financial assistance received is subject to immediate
25 repayment to, or recapture by, the authority.
26 *c.* All payments, repayments, and interest on loans awarded
27 to an economic development organization under the program shall
28 be remitted to the authority.
29 9. The authority shall adopt rules pursuant to chapter 17A
30 as necessary to administer the program.
31 Sec. 5. NEW SECTION. **15E.26 Small business microloan**
32 **program revolving loan fund.**
33 1. A small business microloan program revolving loan fund
34 is created in the state treasury under the control of the
35 economic development authority. The revolving loan fund shall

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1 be administered by the authority and shall consist of moneys
2 appropriated by the general assembly, moneys collected by the
3 authority as fees, and any other moneys obtained or accepted
4 by the authority for deposit in the revolving loan fund. The
5 proceeds of the revolving loan fund are appropriated to the
6 authority and shall be used to provide loans under the small
7 business microloan program established in section 15E.25.
8 2. Payments of interest on loans and repayments or
9 recaptures of moneys provided to an economic development
10 organization shall be deposited in the revolving loan fund.
11 3. Moneys in the fund are not subject to section 8.33.
12 Notwithstanding section 12C.7, subsection 2, interest or
13 earnings on moneys in the fund shall be credited to the fund.
14 DIVISION IV
15 BROADBAND LOAN PROGRAM
16 Sec. 6. NEW SECTION. **15E.367 Broadband loan program.**
17 1. The economic development authority shall establish and
18 administer a broadband loan program to provide low-interest
19 loans to broadband and telecommunications businesses to expand
20 broadband access in the state.
21 2. In awarding loans to businesses to invest in expanding
22 broadband access, the authority may consider the following:
23 *a.* The business's relationship to the community.
24 *b.* The location of the community and the need for broadband
25 access in the community.
26 *c.* The overall geographic diversity of the applicants for
27 loans, including urban and rural communities.
28 *d.* Any other information the authority deems relevant.
29 3. The authority may accept, reject, or defer a business
30 entity's application for funds under this section.
31 4. In awarding financial assistance, the authority shall
32 ensure that businesses that seek to expand broadband access to
33 communities that are underserved or are not served by broadband
34 technology shall receive financial assistance prior to
35 awarding financial assistance to businesses that seek to expand

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broadband access to communities that have adequate service.

5. A loan awarded under the program to any single business entity shall not exceed two hundred fifty thousand dollars.

6. The authority shall enter into an agreement with a business entity selected to receive financial assistance pursuant to this section for purposes of ensuring the program is administered pursuant to the requirements of this section. The agreement shall set the loan period and interest rate of the loan.

7. *a.* The authority may seek immediate repayment or recapture of the financial assistance awarded pursuant to this section as provided in paragraph *"b"*.

b. If, after receiving financial assistance from the authority pursuant to this section, the business entity fails to use the awarded moneys for the purposes described in subsection 1, all or a portion of the financial assistance received is subject to immediate repayment or recapture.

c. All repayments, recaptures, and interest on loans awarded under the program shall be remitted to the authority to be deposited in the broadband loan program fund established in section 15E.368.

8. The economic development authority shall have the power to bond as necessary to carry out the purposes of the broadband loan program. The bonds shall be issued in the same manner as, and under the same conditions and restrictions of, section 15.106D.

Sec. 7. NEW SECTION. **15E.368 Broadband loan program fund.**

1. A broadband loan program fund is created in the state treasury under the control of the economic development authority and consisting of moneys appropriated by the general assembly and any other moneys available to and obtained or accepted by the authority for placement in the fund.

2. Payments or repayments of moneys provided, and interest, shall be deposited in the fund.

3. The fund shall be used to provide low-interest loans

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1 under the broadband loan program established in section
2 15E.367.
3 4. Moneys in the fund are not subject to section 8.33.
4 Notwithstanding section 12C.7, subsection 2, interest or
5 earnings on moneys in the fund shall be credited to the fund.
6 EXPLANATION
7 This bill relates to the establishment of programs to
8 provide financial and community incentives and financial
9 assistance to businesses in the state.
10 Division I provides the legislative findings and establishes
11 the purposes of the bill.
12 Division II of the bill requires the department of cultural
13 affairs (DCA) to establish an excite Iowa grant program
14 and establishes an excite Iowa grant program fund under the
15 department's control for the purpose of providing grants to
16 nonprofit entities seeking to invest in community economic
17 activities, as defined in the bill.
18 To receive an excite Iowa grant, a nonprofit entity must
19 match at least 20 percent of the amount of the grant with
20 funds from the business, private foundations, federal or local
21 government funds, financial institutions, or individuals. A
22 grant awarded under the program may not exceed $250,000.
23 The bill allows DCA to consider the nonprofit entity's
24 relationship with the community, the location of the community
25 in which the nonprofit entity seeks to invest, the geographic
26 diversity of the applicants, the type of activity in which the
27 nonprofit entity seeks to invest, and other information DCA
28 deems relevant in awarding the grants.
29 The bill authorizes DCA to enter into an agreement with a
30 nonprofit entity selected to receive financial assistance to
31 ensure compliance with the program requirements. The bill
32 allows DCA to seek repayments or recaptures of all or a portion
33 of grant moneys if the nonprofit entity receiving the grant
34 fails to use the awarded moneys to invest in a community
35 economic activity.

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1 The bill requires DCA to adopt rules to administer the
2 program.
3 Division III of the bill requires the economic development
4 authority to establish and administer a small business
5 microloan program and revolving loan fund to provide loans to
6 local economic development organizations to provide microloans
7 to small businesses.
8 The bill requires a local economic development organization
9 to demonstrate a dollar-for-dollar match to receive assistance
10 under the program. The bill provides that the maximum amount
11 of a loan to any single economic development organization may
12 not exceed $250,000.
13 The bill requires the authority to consider factors
14 specified in the bill and other information the authority deems
15 relevant when awarding the loans to local economic development
16 organizations.
17 The bill requires the authority to enter into an agreement
18 with the local economic development organization selected to
19 receive financial assistance under the program for purposes
20 of ensuring compliance with the program requirements.
21 The bill also allows the authority to require the local
22 economic development organization to pay up to a 1 percent
23 administrative fee upon a small business's repayment of a
24 microloan to the organization for deposit in the small business
25 microloan program revolving fund.
26 The bill requires the local economic development
27 organization receiving financial assistance under the program
28 to establish a microloan application process and conduct a
29 microloan program for small businesses. The local economic
30 development organization may only use the financial assistance
31 received pursuant to the program to provide a microloan for
32 a new or expanding business in the state which has 20 or
33 fewer employees at the time of the business's application
34 for a microloan. A microloan awarded by the local economic
35 development organization using financial assistance from the

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1 program may not exceed $15,000 to any single business. The
2 bill requires the local economic development organization to
3 conduct an audit of the small businesses to which it provided a
4 microloan.
5 Financial assistance awarded under the program is subject
6 to immediate repayment or recapture if the local economic
7 development organization fails to use the financial assistance
8 for the program's intended purposes.
9 Division IV of the bill requires the economic development
10 authority to establish and administer a broadband loan
11 program to provide low-interest loans to broadband and
12 telecommunications businesses to expand broadband access in the
13 state.
14 When determining whether to award a loan to a business,
15 the authority may consider factors specified in the bill and
16 other information the authority deems relevant. When awarding
17 financial assistance, the authority must ensure that businesses
18 seeking to expand broadband access in communities that are
19 underserved or are not served by broadband technology shall
20 receive financial assistance prior to awarding assistance to
21 businesses seeking to expand broadband access into communities
22 that have adequate service.
23 The bill provides that a loan awarded under the program to
24 any single business entity may not exceed $250,000.
25 The bill requires the authority to enter into an agreement
26 with business entities selected to receive assistance under the
27 program to ensure compliance with the program's requirements.
28 The agreement must also set the loan period and the interest
29 rate of the loan.
30 The bill authorizes the authority to seek immediate
31 repayment or recapture of a loan awarded pursuant to the
32 program if the business entity fails to use the loan moneys
33 to expand broadband access in the state. All payments,
34 repayments, or recaptures, and interest on loans awarded under
35 the program must be remitted to the authority for deposit in

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1 the broadband loan program fund. The bill authorizes the
2 authority to use its bonding power as necessary to carry out
3 the purpose of the broadband loan program.
4 The bill also establishes a broadband loan program fund
5 under the control of the authority. This fund is to be used to
6 provide low-interest loans under the broadband loan program.

Senate File 418 - Introduced

SENATE FILE 418
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 1180)

A BILL FOR

1 An Act providing for the determination of animal units which
2 are part of confinement feeding operations, and making
3 penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1480SV (2) 85
da/sc

S.F. 418

1 Section 1. Section 459.301, subsection 3, Code 2013, is
2 amended to read as follows:
3 3. In calculating the animal unit capacity of a confinement
4 feeding operation, the animal unit capacity shall include the
5 animal unit capacity of all confinement feeding operation
6 buildings which are part of the confinement feeding operation,
7 unless a confinement feeding operation building has been
8 abandoned as provided in section 459.201. In calculating
9 animal unit capacity for purposes of an election to be a small
10 animal feeding operation as provided in section 459.312A, the
11 animal unit capacity of a confinement feeding operation shall
12 include all confinement feeding operation buildings that are
13 used to house animals.
14 Sec. 2. NEW SECTION. **459.312A Election to be a small animal**
15 **feeding operation.**
16 A person otherwise required to submit an updated manure
17 management plan as required in section 459.312 and pay an
18 annual compliance fee as required in section 459.400 may make
19 a small animal feeding operation election as provided in this
20 section.
21 1. Upon the effective date of the election, the confinement
22 feeding operation covered by the updated manure management
23 plan shall be considered a small animal feeding operation only
24 for purposes of submitting the updated manure management plan
25 and paying the annual compliance fee, during the period of the
26 election.
27 2. A person is eligible to make an election only if all of
28 the following apply:
29 *a.* Five hundred or fewer animal units are housed at the
30 confinement feeding operation at any one time during the period
31 of election.
32 *b.* The department is notified of the election in a manner
33 required by the department. The department may require that a
34 person submit a notice of election as part of an updated manure
35 management plan form or as a separate document.

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1 3. The department shall provide for the period of election,
2 including its effective and expiration dates. However, the
3 period of election shall be at least for the same period
4 covered by the updated manure management plan. An election
5 automatically terminates when more than five hundred animal
6 units are housed at the confinement feeding operation at any
7 one time.
8 4. This section does not affect any of the following:
9 *a.* A condition associated with a construction permit as
10 provided in this subchapter, including but not limited to a
11 master matrix as provided in section 459.305.
12 *b.* A requirement unrelated to filing an updated manure
13 management plan or paying an annual compliance fee, including
14 but not limited to the filing of a construction design
15 statement as provided in section 459.306, the application of
16 manure as provided in section 459.313A, or the certification of
17 a person as a confinement site manure applicator as provided
18 in section 459.315.
19 EXPLANATION
20 BACKGROUND. The department of natural resources
21 (department) is required to regulate confinement feeding
22 operations (operations) under Code chapter 459, the "Animal
23 Agriculture Compliance Act". This bill amends provisions in
24 subchapter III which govern water quality, including how and
25 when manure from such operations is to be applied to land.
26 CURRENT ANIMAL UNIT CAPACITY FORMULA TO DETERMINE AN
27 OPERATION'S SIZE. To some extent, the degree of regulation
28 depends upon an operation's size which is determined by
29 calculating its animal unit capacity; the maximum number
30 of animal units that may be maintained in all confinement
31 buildings (buildings) at any one time (Code section 459.102).
32 Each of various types of animals are assigned a special
33 equivalency factor. For example, a butcher or breeding swine
34 weighing more than 55 pounds has a factor of 0.4 animal units
35 (Code section 459.102). Generally, when calculating the animal

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1 unit capacity of an operation, buildings constructed as part
2 of the operation are included regardless of whether they are
3 occupied, except if a building has been abandoned, i.e., has
4 been razed or converted to another use (Code section 459.301).
5 SMALL ANIMAL FEEDING OPERATIONS. The current law provides
6 a special regulatory exemption for small animal feeding
7 operations, which have an animal unit capacity of 500 or
8 fewer animal units (Code section 459.102). For example, a
9 confinement feeding operation with three buildings keeping
10 a maximum of 400 butcher or breeding swine in each of two
11 buildings and no animals in the third empty building would not
12 qualify as a small animal feeding operation if the capacity
13 of the three buildings were 600, 500, and 300 animal units,
14 respectively (1,400 x 0.4 = 560).
15 NEW FORMULA —— RECLASSIFYING CONFINEMENT FEEDING OPERATIONS
16 BASED ON MAXIMUM NUMBER OF ANIMAL UNITS. The bill allows a
17 person to elect to be exempt from filing a manure management
18 plan update (update) with the department and paying an
19 associated annual compliance fee (fee) if the person can
20 reclassify the operation as a small animal feeding operation
21 using a new formula which is based on the maximum number
22 of animal units actually housed at the confinement feeding
23 operation at any one time during the election period. An
24 update is required to be filed by a person who owns a
25 confinement feeding operation or who applies manure from a
26 confinement feeding operation located outside the state (Code
27 section 459.312). Both the original plan and the update must
28 include the latest information regarding manure application.
29 Using the example above, the operation could elect to be exempt
30 as a small animal feeding operation (800 x 0.4 = 320). The
31 bill provides that the department must determine the period
32 of election so long as the minimum election period equals the
33 duration of the updated plan. However, the election period
34 automatically terminates if the operation no longer qualifies
35 as a small animal feeding operation as calculated using the new

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1 formula.
2 CIVIL PENALTIES. A person who violates Code chapter 459,
3 subchapter III is subject to a civil penalty. The department
4 is authorized to impose a range of civil penalties based
5 on a number of criteria. The general civil penalty cannot
6 exceed $10,000 (Code sections 459.603 and 455B.109). A
7 person violating a provision is also subject to judicial
8 action brought by the attorney general (Code sections 459.603
9 and 455B.191). The general civil penalty applicable for a
10 violation cannot exceed $5,000.

Senate File 419 - Introduced

SENATE FILE 419
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 1159)

A BILL FOR

1 An Act providing for vision screening for school children.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2014SV (2) 85
je/nh

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1 Section 1. NEW SECTION. **135.39D Vision screening.**
2 1. The parent or guardian of a child to be enrolled in a
3 public or accredited nonpublic elementary school shall ensure
4 that the child is screened for vision impairment at least once
5 before enrollment in kindergarten and again before enrollment
6 in grade three. The parent or guardian of the child shall
7 ensure that evidence of the vision screening is provided to the
8 school district or accredited nonpublic school in which the
9 child is enrolled. Evidence of the vision screening may be
10 provided either directly from the parent or guardian or from a
11 vision screening provider referred to in subsection 2, and may
12 be provided in either written or electronic form.
13 2. The requirement for vision screening may be satisfied by
14 any of the following:
15 *a.* A vision screening or comprehensive eye examination by a
16 licensed ophthalmologist or licensed optometrist.
17 *b.* A vision screening conducted at a pediatrician's or
18 family practice physician's office, a free clinic, a child
19 care center, a local public health department, a public or
20 accredited nonpublic school, or a community-based organization,
21 or by an advanced registered nurse practitioner or physician
22 assistant.
23 *c.* An online vision screening, which may be conducted by a
24 child's parent or guardian.
25 *d.* A photoscreening vision screening, including a vision
26 screening by Iowa kidsight.
27 3. All vision screening methods pursuant to subsection 2,
28 including emerging vision screening technologies, shall be
29 age-appropriate and shall be approved by the department in
30 consultation with leading vision organizations in the state,
31 licensed ophthalmologists, and licensed optometrists.
32 4. A person who performs a vision screening required
33 pursuant to this section shall report the results of the vision
34 screening to the department. The department may collect and
35 maintain such reports through the statewide immunization

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1 registry or a private contractor.
2 5. Each public and accredited nonpublic elementary school
3 shall, in collaboration with the department, do the following:
4 *a.* Provide the parents or guardians of students with vision
5 screening referral resources.
6 *b.* Arrange for evidence of vision screenings provided
7 pursuant to subsection 1 to be forwarded to the department.
8 6. A child shall not be prohibited from attending school
9 based upon the failure of a parent or guardian to ensure that
10 the child has received the vision screening required by this
11 section.
12 7. If a vision screening required pursuant to this section
13 identifies potential vision impairment in a child, the person
14 who performed the vision screening shall, if the person is not
15 a licensed ophthalmologist or licensed optometrist, refer the
16 child to a licensed ophthalmologist or licensed optometrist for
17 a comprehensive eye examination.
18 8. The department shall establish procedures to contact
19 parents or guardians of children identified as having potential
20 vision impairment based on the results of a vision screening
21 required pursuant to subsection 1 or a comprehensive eye
22 examination required pursuant to subsection 7 in order to
23 provide information on obtaining necessary vision correction.
24 9. The department may share information with licensed
25 health care providers, agencies, and other persons involved
26 with vision screenings, eye examinations, follow-up services,
27 and intervention services as necessary to administer this
28 section. The department shall adopt rules to protect the
29 confidentiality of the individuals involved.
30 10. The vision screening requirement shall not apply if
31 the vision screening conflicts with a parent's or guardian's
32 genuine and sincere religious belief.
33 11. A person who acts in good faith in complying with this
34 section shall not be civilly or criminally liable for reporting
35 the information required to be reported by this section.

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1 12. The department shall adopt rules necessary to
2 administer this section.
3 EXPLANATION
4 This bill requires the parent or guardian of a child to be
5 enrolled in a public or accredited nonpublic elementary school
6 to ensure that the child is screened for vision impairment
7 at least once before enrollment in kindergarten and again
8 before enrollment in grade three. The bill requires the parent
9 or guardian to ensure that evidence of the vision screening
10 is provided to the child's school and sets out methods for
11 providing such evidence. The bill lists various ways the
12 vision screening requirement may be satisfied.
13 The bill requires a person who performs a required vision
14 screening to report the results of the vision screening to
15 the department of public health. The bill provides that the
16 department may collect and maintain such reports through the
17 statewide immunization registry or a private contractor.
18 The bill establishes various duties for each public and
19 accredited nonpublic elementary school, in collaboration with
20 the department of public health, to implement the bill.
21 The bill specifies that a child cannot be prohibited from
22 attending school based upon the failure of a parent or guardian
23 to ensure that the child has received the required vision
24 screening.
25 The bill requires a person performing a required vision
26 screening, if the person is not a licensed ophthalmologist or
27 licensed optometrist, to refer children identified as having
28 potential vision impairment to a licensed ophthalmologist or
29 licensed optometrist for a comprehensive eye examination.
30 The bill requires the department of public health to
31 establish procedures to contact parents or guardians of
32 children in need of vision correction based on the results of a
33 required vision screening in order to provide information on
34 obtaining necessary vision correction.
35 The bill permits the department of public health to share

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1 information with various entities as necessary to administer
2 the bill. The bill requires the department to adopt rules to
3 protect the confidentiality of the individuals involved.
4 The vision screening requirement does not apply if the
5 vision screening conflicts with a parent´s or guardian´s
6 genuine and sincere religious belief.
7 A person who acts in good faith in complying with the bill
8 shall not be civilly or criminally liable for reporting the
9 information required by the bill.

Senate File 420 - Introduced

SENATE FILE 420
BY COMMITTEE ON ECONOMIC GROWTH

(SUCCESSOR TO SF 70)

A BILL FOR

1 An Act requiring American products to be used for public
2 improvements, providing a penalty, and including
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1041SV (1) 85
je/sc

S.F. 420

1 Section 1. NEW SECTION. **73.22 Title.**
2 This division may be cited as the *"Iowa Buy American Act"*.
3 Sec. 2. NEW SECTION. **73.23 Definitions.**
4 1. *"Construction"* includes reconstruction, alteration,
5 repair, improvement, and maintenance.
6 2. *"Governmental unit"* means the state, or any county, city,
7 or other political subdivision or any department, division,
8 board, or other agency of any of these entities.
9 3. *"Manufactured in the United States"* means:
10 *a.* For an iron or steel product, all the manufacturing of
11 the iron or steel product, other than metallurgical processes
12 involving the refinement of steel additives, took place in the
13 United States.
14 *b.* For a manufactured good which is not an iron or steel
15 product, all of the following:
16 (1) All the manufacturing processes for the manufactured
17 good took place in the United States.
18 (2) All of the components of the manufactured good are
19 of United States origin. A component shall be considered of
20 United States origin if all of the component's manufacturing
21 processes took place in the United States, regardless of the
22 origin of its subcomponents.
23 4. *"Public improvement"* means any structure, building,
24 highway, waterway, street, bridge, transit system, airport, or
25 other betterment, work, or improvement, whether of a permanent
26 or temporary nature and whether for governmental or proprietary
27 use.
28 5. *"United States"* means the United States of America and
29 includes all territory, continental or insular, subject to the
30 jurisdiction of the United States.
31 Sec. 3. NEW SECTION. **73.24 Use of American products for**
32 **public improvements required.**
33 Each contract for the construction of a public improvement
34 made by a governmental unit shall contain a provision requiring
35 that the iron, steel, and manufactured goods used or supplied

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1 in the performance of the contract or any subcontract thereto
2 be manufactured in the United States.
3 Sec. 4. NEW SECTION. **73.25 Waiver.**
4 1. Section 73.24 may be waived for a contract for the
5 construction of a public improvement made by a governmental
6 unit if a person with the necessary authority for the
7 governmental unit finds any of the following:
8 *a.* Application of section 73.24 would be contrary to the
9 public interest.
10 *b.* The products necessary for the public improvement are
11 not produced in the United States in sufficient and reasonably
12 available quantities and of a satisfactory quality.
13 *c.* Application of section 73.24 would increase the cost of
14 the contract by more than five percent.
15 2. If a person with the necessary authority for a
16 governmental unit determines that a waiver pursuant to this
17 section may be appropriate, the person shall do all of the
18 following before granting a waiver:
19 *a.* Prepare a detailed, written justification as to why
20 the waiver is needed. The justification shall be published
21 on the governmental unit's internet site and at least once in
22 a newspaper of general circulation in any county where the
23 public improvement will occur. The justification shall also
24 be made available to any member of the public upon request.
25 The justification shall include notice of the opportunity for
26 public comment required by paragraph "*b*".
27 *b.* Provide an opportunity for public comment on the
28 justification for a reasonable period of time not to exceed
29 fifteen days.
30 *c.* Consider all comments received during the comment period
31 in evaluating whether to waive section 73.24.
32 3. If a person with the necessary authority for a
33 governmental unit, in consultation with the United States trade
34 representative, determines all of the following regarding a
35 foreign country, subsection 1 shall not apply to products

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1 manufactured in that foreign country:
2 *a.* The foreign country is a party to an agreement with the
3 United States, and, pursuant to the agreement, the head of a
4 federal agency has waived the requirements of this division.
5 *b.* The foreign country has violated the terms of the
6 agreement by discriminating against products covered by the
7 agreement and by this division that are produced in the United
8 States.
9 Sec. 5. NEW SECTION. **73.26 Penalty.**
10 A person shall be ineligible to enter into any contract or
11 subcontract with a governmental unit if a court or federal or
12 state agency determines that the person intentionally did any
13 of the following:
14 1. Represented that any product used in a public improvement
15 to which this division applies was manufactured in the United
16 States when the product was not manufactured in the United
17 States.
18 2. Affixed a label bearing a "Made in America" inscription,
19 or any inscription with the same meaning, to any product used
20 in a public improvement to which this division applies when the
21 product was not manufactured in the United States.
22 Sec. 6. IMPLEMENTATION OF ACT. Section 25B.2, subsection
23 3, shall not apply to this Act.
24 Sec. 7. APPLICABILITY. This Act applies to public
25 improvement contracts entered into on or after July 1, 2013.
26 EXPLANATION
27 This bill requires each contract for the construction of
28 a public improvement made by a governmental unit to contain
29 a provision requiring that the iron, steel, and manufactured
30 goods used or supplied in the performance of the contract or
31 any subcontract be manufactured in the United States. The bill
32 provides definitions for "construction", "manufactured in the
33 United States", and "public improvement".
34 The bill provides that the requirement may be waived if a
35 person with the necessary authority for a governmental unit

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1 finds that application of the requirement would be contrary to
2 the public interest, that the products necessary for the public
3 improvement are not produced in the United States in sufficient
4 and reasonably available quantities and of a satisfactory
5 quality, or that the requirement would increase the cost of the
6 contract by more than 5 percent.
7 The bill provides that before a person can grant a waiver of
8 the requirement, the person must publish and make available a
9 detailed, written justification as to why the waiver is needed.
10 The justification is to include notice of an opportunity for
11 public comment. The comment period is to be for a reasonable
12 period of time not to exceed 15 days. The person must consider
13 all comments received during the comment period in evaluating
14 whether to grant a waiver. The bill limits waiver authority
15 for foreign countries that violate the terms of certain trade
16 agreements with the United States.
17 The bill provides that a person is ineligible to enter
18 into any contract or subcontract with a governmental unit if
19 a court or federal or state agency determines that the person
20 intentionally represented that any product used in a public
21 improvement was manufactured in the United States when the
22 product was not manufactured in the United States or affixed
23 a label bearing a "Made in America" inscription, or any
24 inscription with the same meaning, to any product used in a
25 public improvement when the product was not manufactured in the
26 United States.
27 The bill may include a state mandate as defined in Code
28 section 25B.3. The bill makes inapplicable Code section 25B.2,
29 subsection 3, which would relieve a political subdivision from
30 complying with a state mandate if funding for the cost of
31 the state mandate is not provided or specified. Therefore,
32 political subdivisions are required to comply with any state
33 mandate included in the bill.
34 The bill applies to public improvement contracts entered
35 into on or after July 1, 2013.

Senate File 421 - Introduced

SENATE FILE 421
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SSB 1172)

(COMPANION TO HF 510 BY
COMMITTEE ON COMMERCE)

A BILL FOR

1 An Act relating to enhanced E911 emergency communication
2 systems, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1422SV (2) 85
rn/nh

S.F. 421

1 Section 1. Section 34A.7, subsection 1, paragraph a, Code
2 2013, is amended by striking the paragraph and inserting in
3 lieu thereof the following:
4 *a.* To encourage local implementation of E911 service, one
5 source of funding for E911 emergency communication systems
6 shall come from a surcharge per month, per access line on each
7 access line subscriber, of one dollar.
8 Sec. 2. Section 34A.7, subsection 1, paragraph b,
9 subparagraph (1), Code 2013, is amended to read as follows:
10 (1) The program manager shall notify a local exchange
11 service provider scheduled to provide exchange access line
12 service to an E911 service area that implementation of an E911
13 service plan has been approved by the joint E911 service board
14 ~~and by the service area referendum~~ and that collection of the
15 surcharge is to begin within sixty days.
16 Sec. 3. Section 34A.7, subsection 5, Code 2013, is amended
17 to read as follows:
18 5. *Use of moneys in fund — priority and limitations on*
19 *expenditure.*
20 *a.* Moneys deposited in the E911 service fund shall be
21 used for the repayment of any bonds issued for the benefit
22 of or loan made to the joint E911 service board pursuant to
23 sections 34A.20 through 34A.22, and as long as any such bond
24 or loan remains unpaid the surcharge shall not be reduced or
25 eliminated. Moneys deposited in the fund shall be subject to
26 such terms and conditions as may be contained in the relevant
27 bond documents, trust indenture, resolution, loan agreement, or
28 other instrument pursuant to which bonds are issued or a loan
29 is made, without regard to any limitation otherwise provided
30 by law. ~~The surcharge may be increased, but shall not exceed~~
31 ~~the maximum allowed in subsection 1, upon approval of the~~
32 ~~authority upon such terms and conditions as may be contained~~
33 ~~in the relevant bond documents, trust indenture, resolution,~~
34 ~~loan agreement, or other instrument pursuant to which bonds are~~
35 ~~issued or a loan is made, as deemed necessary or prudent by the~~

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1 ~~authority to secure repayment and assure marketability or a~~
2 ~~reasonable interest rate.~~
3 *b.* Moneys deposited in the E911 service fund shall be used
4 for the following, in order of priority if paragraph *"a"* does
5 not apply:
6 (1) Money shall first be spent for actual recurring costs of
7 operating the E911 service plan.
8 (2) If money remains in the fund after fully paying for
9 recurring costs incurred in the preceding year, the remainder
10 may be spent to pay for nonrecurring costs, not to exceed
11 actual nonrecurring costs as approved by the program manager.
12 (3) If money remains in the fund after fully paying
13 obligations under subparagraphs (1) and (2), the remainder may
14 be accumulated in the fund as a carryover operating surplus.
15 ~~If the surplus is greater than twenty-five percent of the~~
16 ~~approved annual operating budget for the next year, the program~~
17 ~~manager shall reduce the surcharge by an amount calculated to~~
18 ~~result in a surplus of no more than twenty-five percent of the~~
19 ~~planned annual operating budget. After nonrecurring costs have~~
20 ~~been paid, if the surcharge is less than the maximum allowed~~
21 ~~and the fund surplus is less than twenty-five percent of the~~
22 ~~approved annual operating budget, the program manager shall,~~
23 ~~upon application of the joint E911 service board, increase the~~
24 ~~surcharge in an amount calculated to result in a surplus of~~
25 ~~twenty-five percent of the approved annual operating budget.~~
26 ~~The surcharge may only be adjusted once in a single year, upon~~
27 ~~sixty days' prior notice to the provider.~~
28 Sec. 4. Section 34A.7, subsection 7, Code 2013, is amended
29 by striking the subsection.
30 Sec. 5. Section 34A.7A, subsection 1, paragraphs a and b,
31 Code 2013, are amended to read as follows:
32 *a.* ~~Notwithstanding section 34A.6, the~~ The administrator
33 shall adopt by rule a monthly surcharge of ~~up to sixty-five~~
34 ~~cents~~ one dollar to be imposed on each communications service
35 number provided in this state. The surcharge shall be

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1 imposed uniformly on a statewide basis and simultaneously
2 on all communications service numbers as provided by rule
3 of the administrator. The surcharge shall not be imposed
4 on wire-line-based communications or prepaid wireless
5 telecommunications service.
6 *b.* The program manager shall provide no less than
7 sixty days' notice of the surcharge to be imposed to each
8 communications service provider. ~~The program manager, subject~~
9 ~~to the sixty-five cent limit in paragraph "a", may adjust the~~
10 ~~amount of the surcharge as necessary, but no more than once in~~
11 ~~any calendar year.~~
12 Sec. 6. Section 34A.7A, subsection 2, Code 2013, is amended
13 by adding the following new paragraph:
14 NEW PARAGRAPH. *0b.* The program manager shall allocate
15 thirteen percent of the total amount of surcharge generated
16 to wireless carriers to recover their costs to deliver E911
17 phase 1 services. If the allocation in this paragraph is
18 insufficient to reimburse all wireless carriers for such
19 carrier's eligible expenses, the program manager shall allocate
20 a prorated amount to each wireless carrier equal to the
21 percentage of such carrier's eligible expenses as compared to
22 the total of all eligible expenses for all wireless carriers
23 for the calendar quarter during which such expenses were
24 submitted. When prorated expenses are paid, the remaining
25 unpaid expenses shall no longer be eligible for payment under
26 this paragraph.
27 Sec. 7. Section 34A.7A, subsection 2, paragraph e, Code
28 2013, is amended to read as follows:
29 *e.* If moneys remain in the fund after fully paying all
30 obligations under paragraphs *"a"* ~~through~~, *"0b"*, *"b"*, *"c"*,
31 and *"d"*, the remainder may be accumulated in the fund as a
32 carryover operating surplus. This surplus shall be used
33 to fund future network and public safety answering point
34 improvements, including hardware and software for an internet
35 protocol-enabled next generation network, and wireless

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1 carriers' transport costs related to wireless E911 services, if
2 those costs are not otherwise recovered by wireless carriers
3 through customer billing or other sources and approved by the
4 program manager in consultation with the E911 communications
5 council. Notwithstanding section 8.33, any moneys remaining
6 in the fund at the end of each fiscal year shall not revert to
7 the general fund of the state but shall remain available for
8 the purposes of the fund.
9 Sec. 8. Section 34A.7A, Code 2013, is amended by adding the
10 following new subsection:
11 NEW SUBSECTION. 5. *a.* The program manager, in consultation
12 with the E911 communications council, shall establish a
13 methodology for determining and collecting comprehensive public
14 safety answering point cost and expense data through the county
15 joint E911 service boards. The methodology shall include
16 the collection of data for all costs and expenses related to
17 the operation of a public safety answering point and account
18 for the extent to which identified costs and expenses are
19 compensated for or addressed through E911 surcharges versus
20 other sources of funding.
21 *b.* Data collection pursuant to paragraph "*a*" shall commence
22 no later than January 1, 2014. The program manager shall
23 prepare a report detailing the methodology developed and
24 the data collected after such data has been collected for a
25 two-year period. The report shall be submitted to the general
26 assembly by March 1, 2016, and every two years thereafter.
27 *c.* A county joint E911 service board which fails to submit
28 expenses and costs pursuant to the methodology developed
29 pursuant to paragraph "*a*" by March 31 of each year shall be
30 allocated sixty-five cents out of the one dollar emergency
31 communications service surcharge until March 31 of the
32 following year. Remaining funds shall be held in the carryover
33 operating surplus fund until the expenses and cost report is
34 submitted by the county joint E911 service board. If the
35 county joint E911 service board submits the expense and cost

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1 report before March 30 of the following year, the set aside
2 funds shall be provided to the county joint E911 service board.
3 If the county joint E911 service board fails to submit the
4 expense and cost report within one year, funds shall revert to
5 the carryover operating surplus fund and be used in accordance
6 with section 34A.7A, subsection 2, paragraph *"e"*.
7 Sec. 9. REPEAL. Sections 34A.6 and 34A.6A, Code 2013, are
8 repealed.
9 EXPLANATION
10 This bill modifies provisions applicable to the
11 administration and funding of enhanced E911 emergency
12 communication systems.
13 The bill eliminates existing voter referendum requirements
14 regarding imposition of the local wire-line E911 service
15 surcharge and the alternative surcharge applicable to wire-line
16 communications contained in Code sections 34A.6 and 34A.6A,
17 respectively. The bill replaces current provisions authorizing
18 imposition of the wire-line E911 service surcharge in an amount
19 up to $1 per access line with a requirement that the surcharge
20 be imposed at the $1 level. The bill increases the level of
21 the emergency communications service surcharge from the current
22 level of up to 65 cents per communications service number to
23 $1 per service number.
24 The bill reinstates provisions authorizing wireless carriers
25 to recover their E911 service delivery costs which were
26 eliminated during the 2012 legislative session. However, the
27 bill specifies that the program manager shall allocate 13
28 percent of the total amount of emergency communications service
29 surcharge revenue for such cost recovery. Further, the bill
30 requires the E911 program manager to consult with the E911
31 communications council regarding how revenue accumulated in the
32 emergency communications fund as carryover operating surplus
33 shall be allocated. Currently, this determination is made
34 strictly with the approval of the program manager.
35 Additionally, the bill directs the program manager, in

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consultation with the council, to establish a methodology for determining and collecting comprehensive public safety answering point cost and expense data through the county joint E911 service boards. The bill states that data collection shall commence no later than January 1, 2014, and that the program manager shall prepare a report detailing the methodology and the data collected after the data has been collected for two years. The report is required to be submitted to the general assembly by March 1, 2016, and every two years thereafter. The bill provides that a county joint E911 service board which fails to submit expenses and costs pursuant to the methodology by March 31 of each year shall be allocated 65 cents out of the $1 emergency communications service surcharge until March 31 of the following year. The remaining funds shall be held in the carryover operating surplus fund until the expenses and cost report is submitted by the county joint E911 service board. Further, the bill provides that if the county joint E911 service board submits the expense report prior to March 30 of the following year, the set aside funds shall be provided to the board, but if the board fails to submit the report within one year, the funds shall revert to the carryover operating surplus fund and be used in accordance with Code section 34A.7A. That Code section states that carryover surplus funds shall be used to fund future network and public safety answering point improvements, including hardware and software for an internet protocol-enabled next generation network, and wireless carriers' transport costs related to wireless E911 services, if those costs are not otherwise recovered by wireless carriers through customer billing or other sources and approved by the program manager.

Senate File 422 - Introduced

SENATE FILE 422
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 88)

A BILL FOR

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

TLSB 1123SV (2) 85
mm/sc

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1 Section 1. Section 422.12B, subsection 1, Code 2013, is
2 amended to read as follows:
3 1. The taxes imposed under this division less the credits
4 allowed under section 422.12 shall be reduced by an earned
5 income credit equal to ~~seven~~ twenty percent of the federal
6 earned income credit provided in section 32 of the Internal
7 Revenue Code. Any credit in excess of the tax liability is
8 refundable.
9 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
10 retroactively to January 1, 2013, for tax years beginning on
11 or after that date.
12 EXPLANATION
13 This bill increases the amount of the state earned income
14 tax credit. Currently, the credit is equal to 7 percent of the
15 amount of a taxpayer's federal earned income tax credit. The
16 bill increases the amount of the credit to 20 percent of the
17 federal credit.
18 The bill applies retroactively to January 1, 2013, for tax
19 years beginning on or after that date.

Senate File 423 - Introduced

SENATE FILE 423
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 1228)

A BILL FOR

1 An Act relating to and providing for education reform involving
2 student, teacher, and administrator programs and activities
3 under the purview of the department of education, the state
4 board of education, college student aid commission, school
5 districts and accredited nonpublic schools; establishing
6 a fee; and including effective date and applicability
7 provisions.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2122SV (5) 85
kh/rj

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DIVISION I
INSTRUCTIONAL HOURS

Section 1. Section 256.7, subsection 19, Code 2013, is amended to read as follows:

19. Define ~~the minimum school day as a day consisting of five and one-half hours of~~ instructional ~~time for grades one through twelve. The minimum~~ hours as time that shall be exclusive of the lunch period, but may include passing time between classes. Time spent on parent-teacher conferences shall be considered instructional time. ~~A school or school district may record a day of school with less than the minimum instructional hours as a minimum school day if any of the following apply:~~

~~*a.* If emergency health or safety factors require the late arrival or early dismissal of students on a specific day.~~

~~*b.* If the total hours of instructional school time for grades one through twelve for any five consecutive school days equal a minimum of twenty-seven and one-half hours, even though any one day of school is less than the minimum instructional hours because of a staff development opportunity provided for the professional instructional staff or because parent-teacher conferences have been scheduled beyond the regular school day. Furthermore, if the total hours of instructional time for the first four consecutive days equal at least twenty-seven and one-half hours because parent-teacher conferences have been scheduled beyond the regular school day, a school or school district may record zero hours of instructional time on the fifth consecutive school day as a minimum school day.~~

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

5. A charter school or innovation zone school shall provide instruction for at least the number of ~~days~~ hours required by section 279.10, subsection 1~~, or shall provide at least the equivalent number of total hours~~.

Sec. 3. Section 279.10, subsection 1, Code 2013, is amended

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to read as follows:

1. The school year for each school district and accredited nonpublic school shall begin on ~~the first day of~~ July 1 and each regularly established elementary and secondary school shall begin no sooner than a day during the calendar week in which the first day of September falls but no later than the first Monday in December. However, if the first day of September falls on a Sunday, school may begin on a day during the calendar week which immediately precedes the first day of September. ~~School shall continue for at least one hundred eighty days, except as provided in subsection 3, and may be maintained~~ The school calendar shall include not less than one thousand eighty hours of instruction during the ~~entire~~ calendar year. ~~However, if~~ The board of directors of a school district and the authorities in charge of an accredited nonpublic school shall set the number of hours of required attendance for the school year as provided in section 299.1, subsection 2, but the board of directors of a school district shall hold a public hearing on any proposed school calendar prior to adopting the school calendar. If the board of directors of a district or the authorities in charge of an accredited nonpublic school extends the school calendar because inclement weather caused the school district or accredited nonpublic school to temporarily close ~~school~~ during the regular school calendar, the school district or accredited nonpublic school may excuse a graduating senior who has met district or school requirements for graduation from attendance during the extended school calendar. A school corporation may begin employment of personnel for in-service training and development purposes before the date to begin elementary and secondary school.

Sec. 4. Section 279.10, subsection 2, Code 2013, is amended to read as follows:

2. The board of directors shall hold a public hearing on any proposal relating to the school calendar prior to submitting it to the department of education for approval.

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Sec. 5. Section 299.1, subsection 2, Code 2013, is amended to read as follows:

2. The board of directors of a public school district or the governing body of an accredited nonpublic school shall set the number of ~~days~~ hours of required attendance for the schools under its control. The board of directors of a public school district or the governing body of an accredited nonpublic school may, by resolution, require attendance for the entire time when the schools are in session in any school year and adopt a policy or rules relating to the reasons considered to be valid or acceptable excuses for absence from school.

Sec. 6. Section 299.4, subsection 1, Code 2013, is amended to read as follows:

1. The parent, guardian, or legal custodian of a child who is of compulsory attendance age, who places the child under competent private instruction under either section 299A.2 or 299A.3, not in an accredited school or a home school assistance program operated by a school district or accredited nonpublic school, shall furnish a report in duplicate on forms provided by the public school district, to the district by ~~the earliest starting date specified in section 279.10, subsection 1~~ September 1 of the school year in which the child will be under competent private instruction. The secretary shall retain and file one copy and forward the other copy to the district's area education agency. The report shall state the name and age of the child, the period of time during which the child has been or will be under competent private instruction for the year, an outline of the course of study, texts used, and the name and address of the instructor. The parent, guardian, or legal custodian of a child, who is placing the child under competent private instruction for the first time, shall also provide the district with evidence that the child has had the immunizations required under section 139A.8, and, if the child is elementary school age, a blood lead test in accordance with section 135.105D. The term *"outline of course of study"* shall

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1 include subjects covered, lesson plans, and time spent on the
2 areas of study.
3 Sec. 7. EFFECTIVE DATE. This division of this Act takes
4 effect July 1, 2014.
5 DIVISION II
6 IOWA ONLINE INITIATIVE — FEES
7 Sec. 8. Section 256.42, Code 2013, is amended by adding the
8 following new subsection:
9 NEW SUBSECTION. 8. *a.* Beginning July 1, 2016, the
10 department shall establish fees payable by school districts and
11 accredited nonpublic schools participating in the initiative.
12 Fees collected pursuant to this subsection shall be deposited
13 in the general fund of the state and shall be established so as
14 not to exceed the cost of administering this section.
15 *b.* Costs of administering this section include the
16 costs of providing professional development necessary to
17 prepare teachers to participate in the initiative, providing
18 supervision of usage of the initiative by licensed teachers,
19 acquiring and maintaining equipment and services necessary for
20 use of the initiative, facilitating access to the initiative
21 by school districts and accredited nonpublic schools, and
22 necessary recordkeeping and accounting. Costs of administering
23 this section do not include any of the following:
24 (1) Costs of course development.
25 (2) Costs of purchasing access to course materials unless
26 such costs are charged on the basis of usage.
27 DIVISION III
28 TRAINING AND EMPLOYMENT OF TEACHERS
29 Sec. 9. NEW SECTION. **256.96 Online state job posting**
30 **system.**
31 1. The department shall provide for the operation of an
32 online state job posting system. The system shall be designed
33 and implemented for the online posting of job openings offered
34 by school districts, charter schools, area education agencies,
35 the department, and accredited nonpublic schools. The system

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1 shall be accessible via the department's internet site. The
2 system shall include a mechanism for the electronic submission
3 of job openings for posting on the system as provided in
4 subsection 2. The system and each job posting on the system
5 shall include a statement that an employer submitting a job
6 opening for posting on the system will not discriminate in
7 hiring on the basis of race, ethnicity, national origin,
8 gender, age, physical disability, sexual orientation, gender
9 identity, religion, marital status, or status as a veteran.
10 The department may contract for, or partner with another entity
11 for, the use of an existing internet site to operate the online
12 state job posting system if the existing internet site is more
13 effective and economical than the department's internet site.
14 2. A school district, charter school, or area education
15 agency shall submit all of its job openings to the department
16 for posting on the system. The department shall post all of
17 its job openings on the system. An accredited nonpublic school
18 may submit job openings to the department for posting on the
19 system.
20 3. This section shall not be construed to do any of the
21 following:
22 *a.* Prohibit any employer from advertising job openings and
23 recruiting employees independently of the system.
24 *b.* Prohibit any employer from using another method of
25 advertising job openings or another applicant tracking system
26 in addition to the system.
27 *c.* Provide the department with any regulatory authority in
28 the hiring process or hiring decisions of any employer other
29 than the department.
30 Sec. 10. NEW SECTION. **261.110 Teach Iowa scholar program.**
31 1. Contingent on a specific appropriation for these
32 purposes, a teach Iowa scholar program is established to
33 provide teach Iowa scholar grants to selected high-caliber
34 teachers. The commission shall administer the program in
35 consultation with the department of education.

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2. An Iowa resident applicant shall be eligible for a teach Iowa scholar grant if the applicant meets all of the criteria specified under, or established in accordance with, subsection 3.

3. Criteria for eligibility shall be established by the commission and shall include but are not limited to the following:

a. The applicant was in the top twenty-five percent academically of students exiting a teacher preparation program approved by the state board of education pursuant to section 256.7, subsection 3, or a similar teacher preparation program in another state, had earned other comparable academic credentials, or had achieved comparable assessment scores.

b. The applicant is preparing to teach in fields including but not limited to science, technology, engineering, or mathematics; English as a second language or special education instruction; or is preparing to teach in a hard-to-staff subject as identified by the department. The department shall take into account the varying regional needs in the state for teachers in these subject areas when applying the criterion of this paragraph. The department shall annually identify and designate hard-to-staff subjects for the purpose of this paragraph.

4. A selected applicant who meets all of the eligibility requirements of this section shall be eligible for a teach Iowa scholar grant for each year of full-time employment completed in this state as a teacher for a school district, charter school, area education agency, or accredited nonpublic school. A teach Iowa scholar grant shall not exceed four thousand dollars per year per recipient. Grants awarded under this section shall not exceed a total of twenty thousand dollars per recipient over a five-year period.

5. The commission shall adopt rules pursuant to chapter 17A to administer this section. The rules shall include but shall not be limited to a process for use by the commission to

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1 determine which eligible applicants will receive teach Iowa
2 scholar grants.
3 6. A teach Iowa scholar fund is established in the state
4 treasury. The fund shall be administered by the commission and
5 shall consist of moneys appropriated by the general assembly
6 and any other moneys received by the commission for deposit in
7 the fund.
8 DIVISION IV
9 TEACHER AND ADMINISTRATOR MATTERS
10 Sec. 11. Section 256.9, subsection 51, Code 2013, is amended
11 to read as follows:
12 51. Develop, and periodically review and revise as
13 necessary, with significant input from Iowa administrators,
14 Iowa standards for school administrators, including knowledge
15 and skill criteria, and develop, based on the Iowa standards
16 for administrators, mentoring and induction, evaluation
17 processes, and professional development plans pursuant to
18 chapter 284A. The standards shall align with nationally
19 accepted school administrator standards, and be designed
20 specifically for purposes of chapters 272 and 284A. The
21 criteria shall further define the characteristics of quality
22 administrators as established by the Iowa standards for school
23 administrators.
24 Sec. 12. Section 256.9, Code 2013, is amended by adding the
25 following new subsection:
26 NEW SUBSECTION. 63. *a.* Develop and implement a coaching
27 and support system for teachers aligned with the Iowa teacher
28 career path model established pursuant to section 284.7 and the
29 framework and comparable career path and compensation systems
30 approved as provided in section 284.15.
31 *b.* Develop and implement a coaching and support system
32 for administrators aligned with the beginning administrator
33 mentoring and induction program created pursuant to section
34 284A.5.
35 Sec. 13. Section 284.8, subsection 1, Code 2013, is amended

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1 to read as follows:
2 1. *a.* A school district shall provide for an annual
3 review of each teacher's performance for purposes of assisting
4 teachers in making continuous improvement, developing skills
5 to enrich a teacher's professional life while increasing
6 student learning, documenting continued competence in the
7 Iowa teaching standards, identifying teachers in need of
8 improvement, or ~~to determine~~ determining whether the teacher's
9 practice meets school district expectations for career
10 advancement in accordance with section 284.7. The review shall
11 include, at minimum, classroom observation of the teacher,
12 the teacher's progress, and implementation of the teacher's
13 individual professional development plan, subject to the level
14 of resources provided to implement the plan; and shall include
15 supporting documentation from parents, students, and other
16 teachers.
17 *b.* The first and second year of review shall be conducted
18 by a peer group of at least three but not more than six
19 teachers selected by the building principal in consultation
20 with teachers and the building's certified bargaining
21 representative, if any. Each teacher shall be assigned to
22 a peer group and shall receive adequate training prior to
23 conducting a peer group review. A teacher who participates
24 in a peer group review shall be provided release time for the
25 training and for the time spent in conducting the peer group
26 review. If the process requires that a participating teacher
27 work beyond regular hours, the teacher shall be paid the
28 teacher's per diem rate. The peer group shall be established
29 to reflect common grade level, subject matter expertise,
30 curriculum, and proximity or other previously established
31 grouping of individuals employed to provide instruction
32 to students. The peer group shall review all of the peer
33 group members. Peer group reviews shall be supportive and
34 formative and shall be conducted on an informal, confidential,
35 collaborative basis that is focused on assisting each peer

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1 group member in achieving the goals of the teacher's individual
2 professional development plan. If a conflict develops between
3 persons participating in a peer group review, an effort shall
4 be made to mediate the conflict.
5 *c.* Peer group reviews shall not be the basis for
6 recommending that a teacher participate in an intensive
7 assistance program, and shall not be used to determine the
8 compensation, promotion, layoff, or termination of a teacher,
9 or any other determination affecting a teacher's employment
10 status. However, as a result of a peer group review, a teacher
11 may elect to participate in an intensive assistance program.
12 *d.* Members of the peer group shall be reviewed every third
13 year by at least one evaluator certified in accordance with
14 section 284.10.
15 *e.* The teacher who is the subject of a peer review shall
16 have exclusive right to all documentation created as a result
17 of the peer group review process. Content of a peer group
18 review shall not be incorporated into a summative evaluation.
19 DIVISION V
20 IOWA TEACHER CAREER AND COMPENSATION MATTERS
21 Sec. 14. Section 257.1, subsection 2, paragraph b, Code
22 2013, is amended to read as follows:
23 *b.* For the budget year commencing July 1, 1999, and for each
24 succeeding budget year the regular program foundation base per
25 pupil is eighty-seven and five-tenths percent of the regular
26 program state cost per pupil. For the budget year commencing
27 July 1, 1991, and for each succeeding budget year the special
28 education support services foundation base is seventy-nine
29 percent of the special education support services state cost
30 per pupil. The combined foundation base is the sum of the
31 regular program foundation base, the special education support
32 services foundation base, the total teacher salary supplement
33 district cost, the total professional development supplement
34 district cost, the total early intervention supplement district
35 cost, the total teacher leadership supplement district cost,

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1 the total area education agency teacher salary supplement
2 district cost, and the total area education agency professional
3 development supplement district cost.
4 Sec. 15. Section 257.1, subsection 3, Code 2013, is amended
5 to read as follows:
6 3. *Computations rounded.* In making computations and
7 payments under this chapter, except in the case of computations
8 relating to funding of special education support services,
9 media services, and educational services provided through the
10 area education agencies, and the teacher salary supplement, the
11 professional development supplement, ~~and~~ the early intervention
12 supplement, and the teacher leadership supplement, the
13 department of management shall round amounts to the nearest
14 whole dollar.
15 Sec. 16. Section 257.4, subsection 1, paragraph a, Code
16 2013, is amended by adding the following new subparagraph:
17 NEW SUBPARAGRAPH. (8) The total teacher leadership
18 supplement district cost.
19 Sec. 17. Section 257.8, subsection 2, Code 2013, is amended
20 to read as follows:
21 2. *Categorical state percent of growth.* The categorical
22 state percent of growth for the budget year beginning July 1,
23 2010, is two percent. The categorical state percent of growth
24 for the budget year beginning July 1, 2012, is two percent.
25 The categorical state percent of growth for each budget year
26 shall be established by statute which shall be enacted within
27 thirty days of the submission in the year preceding the
28 base year of the governor's budget under section 8.21. The
29 establishment of the categorical state percent of growth for a
30 budget year shall be the only subject matter of the bill which
31 enacts the categorical state percent of growth for a budget
32 year. The categorical state percent of growth may include
33 state percents of growth for the teacher salary supplement, the
34 professional development supplement, ~~and~~ the early intervention
35 supplement, and the teacher leadership supplement.

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1 Sec. 18. Section 257.9, Code 2013, is amended by adding the
2 following new subsection:
3 NEW SUBSECTION. 11. *Teacher leadership supplement state*
4 *cost per pupil.* For the budget year beginning July 1, 2014,
5 the teacher leadership supplement state cost per pupil shall
6 be four hundred dollars payable to the school districts
7 implementing an Iowa teacher career path model or compensation
8 system approved by the department of education as provided
9 in section 284.15. The teacher leadership supplement state
10 cost per pupil for the budget year beginning July 1, 2015,
11 and succeeding budget years, shall be the teacher leadership
12 supplement state cost per pupil for the base year plus an
13 allowable growth amount that is equal to the teacher leadership
14 supplement categorical state percent of growth, pursuant to
15 section 257.8, subsection 2, for the budget year, multiplied by
16 the teacher leadership supplement state cost per pupil for the
17 base year.
18 Sec. 19. Section 257.10, subsection 8, paragraph a, Code
19 2013, is amended to read as follows:
20 *a.* Combined district cost is the sum of the regular program
21 district cost per pupil multiplied by the weighted enrollment,
22 the special education support services district cost, the total
23 teacher salary supplement district cost, the total professional
24 development supplement district cost, ~~and~~ the total early
25 intervention supplement district cost, and the total teacher
26 leadership supplement district cost, plus the sum of the
27 additional district cost allocated to the district to fund
28 media services and educational services provided through the
29 area education agency, the area education agency total teacher
30 salary supplement district cost and the area education agency
31 total professional development supplement district cost.
32 Sec. 20. Section 257.10, Code 2013, is amended by adding the
33 following new subsection:
34 NEW SUBSECTION. 12. *Teacher leadership supplement cost per*
35 *pupil and district cost.*

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1 *a.* For the budget year beginning July 1, 2014, the teacher
2 leadership supplement district cost per pupil shall be four
3 hundred dollars. For the budget year beginning July 1, 2015,
4 and succeeding budget years, the teacher leadership supplement
5 district cost per pupil for each school district for a budget
6 year is the teacher leadership supplement program district
7 cost per pupil for the base year plus the teacher leadership
8 supplement state allowable growth amount for the budget year.
9 *b.* For the budget year beginning July 1, 2015, and
10 succeeding budget years, if the department of management
11 determines that the unadjusted teacher leadership supplement
12 district cost of a school district for a budget year is less
13 than one hundred percent of the unadjusted teacher leadership
14 supplement district cost for the base year for the school
15 district, the school district shall receive a budget adjustment
16 for that budget year equal to the difference.
17 *c.* (1) The unadjusted teacher leadership supplement
18 district cost is the teacher leadership supplement district
19 cost per pupil for each school district for a budget year
20 multiplied by the budget enrollment for that school district.
21 (2) The total teacher leadership supplement district cost
22 is the sum of the unadjusted teacher leadership supplement
23 district cost plus the budget adjustment for that budget year.
24 *d.* For the budget year beginning July 1, 2014, and
25 succeeding budget years, the use of the funds calculated under
26 this subsection shall comply with the requirements of chapter
27 284 and shall be distributed to teachers pursuant to section
28 284.15.
29 Sec. 21. Section 257.16, subsection 4, Code 2013, is amended
30 to read as follows:
31 4. Notwithstanding any provision to the contrary, if
32 the governor orders budget reductions in accordance with
33 section 8.31, the teacher salary supplement district cost,
34 the professional development supplement district cost, ~~and~~
35 the early intervention supplement district cost, and the

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1 teacher leadership supplement district cost as calculated
2 under section 257.10, subsections 9, 10, ~~and~~ 11, and 12, and
3 the area education agency teacher salary supplement district
4 cost and the area education agency professional development
5 supplement district cost as calculated under section 257.37A,
6 subsections 1 and 2, shall be paid in full as calculated and
7 the reductions in the appropriations provided in accordance
8 with this section shall be reduced from the remaining moneys
9 appropriated pursuant to this section and shall be distributed
10 on a per pupil basis calculated with the weighted enrollment
11 determined in accordance with section 257.6, subsection 5.
12 Sec. 22. Section 284.2, subsection 1, Code 2013, is amended
13 to read as follows:
14 1. *"Beginning teacher"* means an individual serving under an
15 initial or intern license, issued ~~by the board of educational~~
16 ~~examiners~~ under chapter 272, who is assuming a position as a
17 teacher. *"Beginning teacher"* includes an individual who is
18 an initial teacher. For purposes of the beginning teacher
19 mentoring and induction program created pursuant to section
20 284.5, *"beginning teacher"* also includes preschool teachers
21 who are licensed ~~by the board of educational examiners~~ under
22 chapter 272 and are employed by a school district or area
23 education agency. *"Beginning teacher"* does not include a
24 teacher whose employment with a school district or area
25 education agency is probationary unless the teacher is serving
26 under an initial or teacher intern license issued ~~by the board~~
27 ~~of educational examiners~~ under chapter 272.
28 Sec. 23. Section 284.3, subsection 2, paragraph a, Code
29 2013, is amended to read as follows:
30 *a.* For purposes of comprehensive evaluations ~~for~~, standards
31 and criteria which measure a beginning ~~teachers required to~~
32 ~~allow beginning teachers to progress to career teachers,~~
33 ~~standards and criteria that are~~ teacher's performance against
34 the Iowa teaching standards specified in subsection 1, and
35 the criteria for the Iowa teaching standards developed by the

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1 department in accordance with section 256.9, subsection 46, to
2 determine whether the teacher's practice meets the requirements
3 specified for a career teacher. These standards and criteria
4 shall be set forth in an instrument provided by the department.
5 The comprehensive evaluation and instrument are not subject to
6 negotiations or grievance procedures pursuant to chapter 20 or
7 determinations made by the board of directors under section
8 279.14. A local school board and its certified bargaining
9 representative may negotiate, pursuant to chapter 20,
10 evaluation and grievance procedures for beginning teachers that
11 are not in conflict with this chapter. If, in accordance with
12 section 279.19, a beginning teacher appeals the determination
13 of a school board to an adjudicator under section 279.17, the
14 adjudicator selected shall have successfully completed training
15 related to the Iowa teacher standards, the criteria adopted by
16 the state board ~~of education~~ in accordance with subsection 3,
17 and any additional training required under rules adopted by the
18 public employment relations board in cooperation with the state
19 board ~~of education~~.
20 Sec. 24. Section 284.3A, subsection 2, paragraph a, Code
21 2013, is amended to read as follows:
22 *a.* For the school budget year beginning July 1, 2010,
23 and each succeeding school year, school districts and area
24 education agencies shall combine payments made to teachers
25 under sections 257.10 and 257.37A with regular wages to
26 create a combined salary. The teacher contract issued under
27 section 279.13 must include the combined salary. If a school
28 district or area education agency uses a salary schedule, a
29 combined salary schedule shall be used for regular wages and
30 for distribution of payments under sections 257.10 and 257.37A,
31 incorporating the salary minimums required in section 284.7
32 or 284.15. The combined salary schedule must use only the
33 combined salary and cannot differentiate regular salaries and
34 distribution of payments under sections 257.10 and 257.37A.
35 Sec. 25. Section 284.5, subsection 4, Code 2013, is amended

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to read as follows:

4. Each school district and area education agency shall develop ~~an initial beginning teacher mentoring and induction~~ a plan for the program. A school district shall include its plan in the school district's comprehensive school improvement plan submitted pursuant to section 256.7, subsection 21. The ~~beginning teacher mentoring and induction~~ plan shall, at a minimum, provide for a two-year sequence of induction program content and activities to support the Iowa teaching standards and beginning teacher professional and personal needs; mentor training that includes, at a minimum, skills of classroom demonstration and coaching, and district expectations for beginning teacher competence on Iowa teaching standards; placement of mentors and beginning teachers; the process for dissolving mentor and beginning teacher partnerships; district organizational support for release time for mentors and beginning teachers to plan, provide demonstration of classroom practices, observe teaching, and provide feedback; structure for mentor selection and assignment of mentors to beginning teachers; a district facilitator; and program evaluation. In addition, for beginning prekindergarten through grade three teachers, the plan shall provide that such a teacher shall be mentored in the teacher's classroom by a skilled mentor, and the plan for mentoring such teachers shall incorporate any recommendations offered by the Iowa reading research center established pursuant to section 256.9, subsection 53, paragraph "c".

Sec. 26. Section 284.6, subsection 8, Code 2013, is amended to read as follows:

8. For each year in which a school district receives funds calculated and paid to school districts for professional development pursuant to section 257.10, subsection 10, or section 257.37A, subsection 2, the school district shall create quality professional development opportunities. Not less than thirty-six hours in the school calendar, held

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outside of the minimum school day, shall be set aside during nonpreparation time or designated professional development time to allow practitioners to collaborate with each other to deliver educational programs and assess student learning, or to engage in peer group review pursuant to section 284.8, subsection 1. The ~~goal for the use of the funds is to provide one additional contract day or the equivalent thereof for professional development and use of the~~ funds ~~is limited~~ may be used to ~~providing~~ provide professional development to teachers, including additional salaries for time beyond the normal negotiated agreement; pay for substitute teachers, professional development materials, speakers, and professional development content; and costs associated with implementing the individual professional development plans. The use of the funds shall be balanced between school district, attendance center, and individual professional development plans, making every reasonable effort to provide equal access to all teachers.

Sec. 27. Section 284.7, Code 2013, is amended to read as follows:

284.7 Iowa teacher career path model.

1. To promote continuous improvement in Iowa's quality teaching workforce and to give Iowa teachers the opportunity for career recognition that reflects the various roles teachers play as educational leaders, an Iowa teacher career path model is established for teachers employed by school districts. ~~A~~ If a school district is approved pursuant to section 284.15 to implement a model that meets the criteria established in this section and section 284.15, subsection 1, paragraph *"a"*, the school district shall use funding calculated and paid pursuant to section 257.10, ~~subsection~~ subsections 9~~, to raise teacher salaries to meet the requirements of this section~~ and 12 for such purpose. The Iowa teacher career path model and the model's salary minimums are as follows:

~~1. The following career path levels are established and shall be implemented in accordance with this chapter:~~

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a. Beginning teacher.

(1) A beginning teacher is a teacher who meets the following requirements:

(a) Has successfully completed an approved practitioner preparation program as defined in section 272.1 or holds an intern teacher license issued by the board of educational examiners under chapter 272.

(b) Holds an initial or intern teacher license issued by the board of educational examiners.

(c) Participates in the beginning teacher mentoring and induction program as provided in this chapter.

(2) Beginning July 1, ~~2008~~ 2014, the minimum salary for a beginning teacher shall be ~~twenty-eight~~ thirty-five thousand dollars.

b. Career teacher.

(1) A career teacher is a teacher who holds a statement of professional recognition issued by the board of educational examiners under chapter 272 or who meets the following requirements:

(a) Has successfully completed the beginning teacher mentoring and induction program and has successfully completed a comprehensive evaluation as provided in this chapter.

(b) Is reviewed by the school district as demonstrating the competencies of a career teacher.

(c) Holds a valid license issued by the board of educational examiners.

(d) Participates in teacher professional development as set forth in this chapter and demonstrates continuous improvement in teaching.

(2) Beginning July 1, ~~2008~~ 2014, the minimum salary for a first-year career teacher shall be ~~thirty~~ thirty-seven thousand dollars.

~~2. It is the intent of the general assembly to establish and require the implementation of and provide for the implementation of the following additional career path levels:~~

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1 ~~a.~~ c. *Career II teacher.*
2 (1) A career II teacher is a teacher who meets the
3 requirements of subsection 1, paragraph *"b"*, has met the
4 requirements established by the school district that employs
5 the teacher, and is evaluated by the school district as
6 demonstrating the competencies of a career II teacher. The
7 teacher shall have successfully completed a performance review
8 in order to be classified as a career II teacher.
9 (2) ~~It is the intent of the general assembly that the~~
10 ~~participating district shall establish a minimum salary for~~
11 ~~a career II teacher that is at least five thousand dollars~~
12 ~~greater than the minimum career teacher salary. It is further~~
13 ~~intended that the district shall adopt a plan that facilitates~~
14 ~~the transition of a career teacher to a career II level.~~
15 Beginning July 1, 2014, the minimum salary for a first-year
16 career II teacher shall be forty-two thousand dollars.
17 (3) The contract term for a career II teacher shall exceed
18 the contract term issued to a career teacher under section
19 279.13 by an additional five days. Approximately twenty-five
20 percent of the career II teacher's total contract time shall be
21 spent on noninstructional duties, which may include but not be
22 limited to time spent mentoring beginning and career teachers
23 and supervising student teachers who are participating in a
24 field experience pursuant to section 272.25. Allocation of the
25 career II teacher's time shall be mutually agreed to by the
26 teacher and the school district.
27 (4) As an alternative to the twenty-five percent
28 noninstructional time requirement of subparagraph (3), a career
29 II teacher may spend at least five hours per week as a peer
30 coach. Compensation for peer coaching duties shall be computed
31 using the career II teacher's hourly rate of compensation
32 for the additional duties, which shall be performed during
33 normal, noninstructional contract time. For purposes of this
34 subparagraph, *"peer coaching"* means additional guidance in
35 one or more aspects of the teaching profession provided to a

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1 teacher. Assignment as a peer coach shall be based on either
2 a request from a principal or from an individual teacher upon
3 approval of a principal. Peer coaching shall include detailed
4 preliminary discussions as to areas in which the teacher being
5 coached desires to improve; formulation of an action plan to
6 bring about such improvement; in-class supervision by the peer
7 coach; postclass discussion of strengths, weaknesses, and
8 strategies for improvement; dialogue between the peer coach
9 and students and school officials regarding the teacher being
10 coached; and documentation of progress of the peer coaching. A
11 peer coach shall coordinate peer coaching activities relating
12 to training and professional development with an area education
13 agency where appropriate.
14 *~~b.~~ d. Advanced teacher.*
15 (1) An advanced teacher is a teacher who meets the following
16 requirements:
17 (a) Receives the recommendation of the review panel that the
18 teacher possesses superior teaching skills and that the teacher
19 should be classified as an advanced teacher.
20 (b) Holds a valid license from the board of educational
21 examiners.
22 (c) Participates in teacher professional development
23 as outlined in this chapter and demonstrates continuous
24 improvement in teaching.
25 (d) Possesses the skills and qualifications to assume
26 leadership roles.
27 (2) ~~It is the intent of the general assembly that the~~
28 ~~participating district shall establish a minimum salary for~~
29 ~~an advanced teacher that is at least thirteen thousand five~~
30 ~~hundred dollars greater than the minimum career teacher~~
31 ~~salary.~~ Beginning July 1, 2014, the minimum salary for a
32 first-year advanced teacher shall be fifty thousand five
33 hundred dollars. In conjunction with the development of the
34 review panel pursuant to section 284.9, the department shall
35 make recommendations to the general assembly by January 1,

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1 ~~2002~~ 2015, regarding the appropriate district-to-district
2 recognition for advanced teachers and methods that facilitate
3 the transition of a teacher to the advanced level.
4 (3) The contract term for an advanced teacher shall exceed
5 the contract term issued to a career teacher under section
6 279.13 by an additional ten days. The goal of the contract
7 shall be that at least fifty percent of the advanced teacher's
8 total contract time be spent on noninstructional duties,
9 which may include but not be limited to time spent mentoring
10 beginning and career teachers and supervising student teachers
11 who are participating in a field experience pursuant to section
12 272.25; developing, planning, and organizing professional
13 development; organizing peer review groups; and selecting
14 course materials. Allocation of the advanced teacher's time
15 shall be mutually agreed to by the teacher and the school
16 district.
17 (4) An advanced teacher may engage in peer coaching under
18 the conditions specified in paragraph "*c*", and if so, shall
19 receive the stipend set out in paragraph "*c*".
20 2. Each school district approved under section 284.15 to
21 implement the model in accordance with this section shall meet
22 the following staffing goals:
23 *a.* Employ at least one career II teacher in each elementary
24 school.
25 *b.* Employ at least one advanced teacher for every three
26 career II teachers employed.
27 *c.* Employ at least one career II teacher for each of the
28 following subject areas taught in grades seven through twelve:
29 English, mathematics, science, and social studies.
30 3. A teacher shall be promoted one level at a time and a
31 teacher promoted to the next career level shall remain at that
32 level for at least one year before requesting promotion to the
33 next career level.
34 4. A teacher employed in a district shall not receive less
35 compensation in that district than the teacher received in the

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1 school year preceding ~~participation, as set forth in section~~
2 ~~284.4 due to implementation of~~ the first year of compliance
3 with this ~~chapter~~ section occurring on or after July 1, 2014.
4 A teacher who achieves national board for professional teaching
5 standards certification and meets the requirements of section
6 256.44 shall continue to receive the award as specified in
7 section 256.44 in addition to the compensation set forth in
8 this section.
9 ~~5. A school district that is unable to meet the provisions~~
10 ~~of subsection 1 with funds calculated and paid to the school~~
11 ~~district pursuant to section 257.10, subsection 9, may request~~
12 ~~a waiver from the department to use funds calculated and paid~~
13 ~~under section 257.10, subsection 11, to meet the provisions of~~
14 ~~subsection 1 if the difference between the funds calculated and~~
15 ~~paid pursuant to section 257.10, subsection 9, and the amount~~
16 ~~required to comply with subsection 1 is not less than ten~~
17 ~~thousand dollars. The department shall consider the average~~
18 ~~class size of the school district, the school district's~~
19 ~~actual unspent balance from the preceding year, and the school~~
20 ~~district's current financial position.~~
21 Sec. 28. NEW SECTION. **284.11 State supplemental assistance**
22 **for teachers in high-need schools.**
23 1. *Findings and intent.* The general assembly finds that
24 Iowa school districts need to be more competitive in recruiting
25 and retaining talented teachers to teach in high-need schools.
26 Therefore, it is the intent of the general assembly to
27 encourage school districts to provide supplemental assistance
28 to teachers to teach in high-need schools. This section
29 provides for state assistance to allow school districts to
30 provide supplemental assistance to motivate teachers to teach
31 in high-need schools.
32 2. *Department's responsibilities.* Contingent on a specific
33 appropriation for these purposes, the department shall do the
34 following:
35 *a.* Collect relevant data and establish a list of high-need

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1 schools eligible for state supplemental assistance. The
2 department shall establish a process and criteria to determine
3 which schools are placed on the list and the department shall
4 revise the list annually. Criteria for the determination of
5 which high-need schools shall be placed on the list shall be
6 based upon factors that include but are not limited to the
7 socioeconomic status of the students enrolled in the school,
8 the percentage of the school's student body who are limited
9 English proficient students, student academic growth, certified
10 instructional staff attrition, and geographic balance. The
11 department may approve or disapprove requests for revision
12 of the list, which a school district submits pursuant to
13 subsection 3.
14 *b.* Develop a standardized process for distributing any
15 moneys appropriated for supplemental assistance for high-need
16 schools. In determining the process for distribution of such
17 moneys, the department shall take into consideration the amount
18 of moneys appropriated for supplemental assistance for teachers
19 in high-need schools for the given year and the minimal amount
20 of moneys needed per teacher to provide an incentive for a
21 teacher to accept a teaching position in a high-need school. A
22 school district receiving moneys pursuant to this section shall
23 certify annually to the department how the moneys distributed
24 to the school district pursuant to this section were used by
25 the school district.
26 *c.* Review the use and effectiveness of the funds distributed
27 to school districts for supplemental assistance for teachers
28 in high-need schools under this section. The department shall
29 submit its findings and recommendations in a report to the
30 general assembly by January 15 annually.
31 3. *School district request for approval.* A school district
32 may request on an annual basis approval from the department
33 for additions to the list of high-need schools the department
34 maintains pursuant to subsection 2 based upon the unique local
35 conditions and needs of the school district. The criteria used

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to determine the placement of high-need schools on the list in accordance with subsection 2, does not restrict the department from adding a high-need school to the list as requested by a school district on the basis of unique local conditions and needs pursuant to this subsection.

4. *Eligibility.* Teachers of all subjects taught in a school included in the department's list of high-need schools shall be eligible to receive supplemental assistance offered in accordance with this section. Notwithstanding any provision of law to the contrary, the department's determination of state supplemental assistance for teachers in high-need schools is not subject to appeal.

Sec. 29. NEW SECTION. **284.15 Iowa teacher career path model, framework, and comparable models and systems of career paths, leadership roles, and compensation.**

1. *Iowa teacher career path model, framework, and comparable models and systems.* An Iowa teacher career path model as provided in section 284.7 and subsection 1, or a framework or comparable model or system may be developed and implemented by a school district upon receiving approval pursuant to this section.

a. Minimum requirements. Any Iowa teacher career path model, framework, or comparable model or system specified in section 284.7 or this section and approved pursuant to this section shall include, at a minimum, the following components:

(1) A minimum salary and a residency as provided in subsection 2, paragraph *"b"*, subparagraph (1).

(2) Additional levels of compensation for differentiated teacher roles, which shall not be less than the per diem rate established for regular teaching duties at the specified level prior to implementation of the comparable system.

(3) Multiple, differentiated teacher leadership roles beyond the initial teacher and career teacher levels, with a goal of making such levels available to at least twenty-five percent of the teacher workforce. Compensation at the

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1 differentiated levels shall be commensurate with the additional
2 responsibilities of teachers who accept leadership roles.
3 (4) A rigorous selection process that involves teachers in
4 determining placement in, and retention of, teacher leadership
5 positions. The process shall include the following components:
6 (a) Site-based selection committees for districts with
7 certified enrollments of six hundred or more students,
8 or district-based selection committees for districts with
9 certified enrollments of less than six hundred students.
10 (b) A requirement that a teacher chosen for a leadership
11 role have not less than three years of experience in the school
12 district.
13 (c) Exclusion of a teacher in a leadership role from
14 supervisory duties.
15 (d) A requirement that teacher leaders be responsible
16 for modeling best instructional practice, mentoring initial
17 teachers, acting as liaisons with families, and helping
18 colleagues prepare for peer group reviews and evaluations
19 conducted pursuant to section 284.8. Teacher leaders shall not
20 be responsible for purely administrative duties.
21 (e) Authorization for teacher leaders to participate in a
22 peer group review under section 284.8.
23 (5) A professional development system facilitated by
24 teachers and aligned with the Iowa professional development
25 model adopted by the state board.
26 (6) Hiring permanent professional staff, including but not
27 limited to retired teachers, at competitive rates, in order for
28 an attendance center or school district to give teacher leaders
29 time to focus on leadership duties.
30 *b. Instructional coach and curriculum and professional*
31 *development leader model.* The instructional coach and
32 curriculum and professional development leader model shall
33 include, at a minimum, the following components:
34 (1) The beginning teacher and career teacher levels
35 specified in section 284.7, subsection 1, paragraphs *"a"* and

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1 *"b"*, and the residency requirement for an initial teacher as
2 provided in subsection 2, paragraph *"b"*, subparagraph (1),
3 subparagraph division (b).
4 (2) An instructional coach, who at a minimum meets the
5 requirements specified for a career teacher in section 284.7,
6 subsection 1, paragraph *"b"*, and who engages full-time in
7 instructional coaching. For purposes of this subparagraph,
8 *"instructional coaching"* means additional guidance in one or
9 more aspects of the teaching profession provided to teachers.
10 Assignment as an instructional coach shall be based on either
11 a request from a principal or from an individual teacher
12 upon approval of a principal. Instructional coaching shall
13 include detailed preliminary discussions as to areas in which
14 the teacher being coached desires to improve; formulation
15 of an action plan to bring about such improvement; in-class
16 supervision by the instructional coach; postclass discussion
17 of strengths, weaknesses, and strategies for improvement;
18 dialogue between the instructional coach and students and
19 school officials regarding the teacher being coached; and
20 documentation of progress of the instructional coaching. An
21 instructional coach shall coordinate instructional coaching
22 activities relating to training and professional development
23 with an area education agency where appropriate. An
24 instructional coach shall receive a stipend of not less than
25 five thousand nor more than seven thousand dollars annually in
26 addition to the teacher's salary as a career teacher. A school
27 district in compliance with this paragraph *"b"* shall employ one
28 instructional coach at each attendance center or at least one
29 instructional coach for every five hundred students enrolled in
30 an attendance center, whichever number is greater.
31 (3) A curriculum and professional development leader,
32 who at a minimum meets the requirements specified for a
33 model teacher in subsection 2, paragraph *"b"*, shall receive
34 additional training at the expense of the school district,
35 during the summer. While receiving training pursuant to this

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1 subparagraph (3), the teacher shall be paid an additional
2 salary amount for time beyond the school district's normal
3 teaching contract. The contract term for a curriculum and
4 professional development leader shall exceed the contract term
5 issued to a model teacher under section 279.13 by an additional
6 fifteen days, and the curriculum and professional development
7 leader shall receive a stipend of not less than ten thousand
8 nor more than twelve thousand dollars annually in addition to
9 the teacher's salary as a model teacher. A curriculum and
10 professional development leader shall do the following:
11 (a) Provide and demonstrate teaching on an ongoing basis.
12 (b) Routinely work strategically with teachers in planning,
13 monitoring, reviewing, and implementing best instructional
14 practices.
15 (c) Daily observe and coach teachers in effective
16 instructional practices.
17 (d) Plan, facilitate, and routinely schedule literacy team
18 meetings, professional study groups, and staff development
19 sessions in best instructional practices.
20 (e) Routinely use sustained coaching cycles to support
21 teacher growth and reflective practices.
22 (f) Work with and train classroom teachers to provide
23 interventions aligned by subject area.
24 (g) If assigned by the district, work in a new model
25 classroom, or provide daily support to existing model classroom
26 teachers' implementation efforts.
27 (h) Assist the building principal in developing and
28 implementing a professional development plan.
29 (i) Meet weekly with the building principal and the
30 building's guidance counselors.
31 (j) Support instruction and learning through the use of
32 technology.
33 (k) Actively participate in collaborative problem solving
34 and reflective practices which include but are not limited
35 to professional study groups, peer observations, grade level

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1 planning, and weekly team meetings.
2 2. *Framework.*
3 *a.* To promote continuous improvement in Iowa's quality
4 teaching workforce and to give Iowa teachers the opportunity
5 for career recognition that reflects the various roles teachers
6 play as educational leaders, a framework for Iowa teacher
7 career paths, leadership roles, and compensation is established
8 for teachers employed by school districts. A teacher employed
9 by an area education agency may be included in a framework
10 established by a school district if the area education agency
11 and the school district enter into a contract for such purpose.
12 The framework is designed to accomplish the following goals:
13 (1) To attract able and promising new teachers by offering
14 competitive starting salaries and offering short-term
15 and long-term professional development and leadership
16 opportunities.
17 (2) To retain effective teachers by providing enhanced
18 career opportunities.
19 (3) To promote collaboration by developing and supporting
20 opportunities for teachers in schools and school districts
21 statewide to learn from each other.
22 (4) To reward professional growth and effective teaching
23 by providing pathways for career opportunities that come with
24 increased leadership responsibilities and involve increased
25 compensation.
26 (5) To improve student achievement by strengthening
27 instruction.
28 *b.* The Iowa teacher career paths, leadership roles, and
29 compensation requirements under the framework shall be as
30 follows:
31 (1) Initial teacher.
32 (a) The salary for an initial teacher who has successfully
33 completed an approved practitioner preparation program as
34 defined in section 272.1 or holds an initial or intern teacher
35 license issued under chapter 272, and who participates in the

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1 initial teacher mentoring and induction program as provided in
2 this chapter, shall be at least thirty-five thousand dollars,
3 which shall also constitute the minimum salary for an Iowa
4 teacher.
5 (b) An initial teacher shall complete a teacher residency
6 during the first year of employment that has all of the
7 following characteristics:
8 (i) Intensive supervision or mentoring by a mentor teacher
9 or lead teacher.
10 (ii) Sufficient collaboration time for the initial teacher
11 in the residency year to be able to observe and learn from
12 more experienced teachers, mentor teachers, and lead teachers
13 employed by school districts located in this state.
14 (iii) A teaching load of not more than seventy-five percent
15 student instruction to allow the initial teacher time for
16 observation and learning.
17 (iv) A teaching contract issued under section 279.13
18 that establishes an employment period which is five days
19 longer than that required for career teachers employed by the
20 school district of employment. The five additional contract
21 days shall be used to strengthen instructional leadership in
22 accordance with this subsection.
23 (v) Frequent observation, evaluation, and professional
24 development opportunities.
25 (2) Career teacher. A career teacher is a teacher who meets
26 the requirements of section 284.7, subsection 1, paragraph *"b"*.
27 Beginning July 1, 2014, the minimum salary for a first-year
28 career teacher shall be thirty-seven thousand dollars.
29 (3) Model teacher. A model teacher is a teacher who meets
30 the requirements of subparagraph (2), has met the requirements
31 established by the school district that employs the teacher,
32 is evaluated by the school district as demonstrating the
33 competencies of a model teacher, has participated in a rigorous
34 review process, and has been recommended for a one-year
35 assignment as a model teacher by a site-based or district-based

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1 review council appointed pursuant to paragraph "d". A school
2 district shall set as a goal the designation of at least ten
3 percent of its teachers as model teachers, though the district
4 may enter into an agreement with one or more other districts
5 or an area education agency to meet this goal through a
6 collaborative arrangement. The terms of the teaching contracts
7 issued under section 279.13 to model teachers shall exceed by
8 five days the terms of teaching contracts issued under section
9 279.13 to career teachers, and the five additional contract
10 days shall be used to strengthen instructional leadership in
11 accordance with this subsection. A model teacher shall receive
12 annually a salary supplement of at least two thousand dollars.
13 (4) Mentor teacher. A mentor teacher is a teacher who
14 is evaluated by the school district as demonstrating the
15 competencies and superior teaching skills of a mentor teacher,
16 and has been recommended for a one-year assignment as a mentor
17 teacher by a site-based or district-based review council
18 appointed pursuant to paragraph "d". In addition, a mentor
19 teacher shall hold a valid license issued under chapter 272,
20 participate in teacher professional development as outlined in
21 this chapter, demonstrate continuous improvement in teaching,
22 and possess the skills and qualifications to assume leadership
23 roles. A mentor teacher shall have a teaching load of not
24 more than seventy-five percent student instruction to allow
25 the teacher to mentor other teachers. A school district shall
26 set as a goal the designation of at least ten percent of its
27 teachers as mentor teachers, though the district may enter
28 into an agreement with one or more other districts or an area
29 education agency to meet this goal through a collaborative
30 arrangement. The terms of the teaching contracts issued under
31 section 279.13 to mentor teachers shall exceed by ten days the
32 terms of teaching contracts issued under section 279.13 to
33 career teachers, and the ten additional contract days shall be
34 used to strengthen instructional leadership in accordance with
35 this subsection. A mentor teacher shall receive annually a

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1 salary supplement of at least five thousand dollars.
2 (5) Lead teacher. A lead teacher is a teacher who
3 holds a valid license issued under chapter 272 and has been
4 recommended for a one-year assignment as a lead teacher by a
5 site-based or district-based review council appointed pursuant
6 to paragraph *"d"*. The recommendation from the council must
7 assert that the teacher possesses superior teaching skills
8 and the ability to lead adult learners. A lead teacher shall
9 assume leadership roles that may include but are not limited
10 to the planning and delivery of professional development
11 activities designed to improve instructional strategies; the
12 facilitation of an instructional leadership team within the
13 lead teacher's building, school district, or other school
14 districts; the mentoring of other teachers; and participation
15 in the evaluation of student teachers. A lead teacher
16 shall have a teaching load of not more than fifty percent
17 student instruction to allow the lead teacher to spend time
18 on co-teaching; co-planning; peer reviews; observing career
19 teachers, model teachers, and mentor teachers; and other
20 duties mutually agreed upon by the superintendent and the lead
21 teacher. A school district shall set as a goal the designation
22 of at least five percent of its teachers as lead teachers,
23 though the district may enter into an agreement with one or
24 more other districts or an area education agency to meet this
25 goal through a collaborative arrangement. The terms of the
26 teaching contracts issued under section 279.13 to lead teachers
27 shall exceed by fifteen days the terms of teaching contracts
28 issued under section 279.13 to career teachers, and the
29 fifteen additional contract days shall be used to strengthen
30 instructional leadership in accordance with this subsection.
31 A lead teacher shall receive annually a salary supplement of
32 at least ten thousand dollars.
33 3. *Salary supplements and appeal.* The salary supplement
34 received by teachers in leadership roles pursuant to section
35 257.10, subsection 12, shall fully cover the salary costs of

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1 the additional contract days required of teachers in leadership
2 roles. Notwithstanding any provision of law to the contrary,
3 the determinations of salary supplements paid pursuant to this
4 section are not subject to appeal.
5 4. *Review councils.* The school board shall appoint
6 a site-based review council if the school district has a
7 certified enrollment of six hundred or more students, or a
8 district-based selection council if the school district has a
9 certified enrollment of less than six hundred students.
10 *a.* Each council shall be comprised of equal numbers of
11 teachers and administrators. Teacher members shall include
12 teachers who have been nominated by the certified employee
13 organization that represents the school district's teachers,
14 if such organization exists, or, if such organization does not
15 exist, by a teacher quality committee.
16 *b.* The council shall accept and review applications
17 submitted to the school's or the school district's
18 administration for assignment or reassignment as a model,
19 mentor, or lead teacher, and shall make recommendations
20 regarding the applications to the superintendent of the school
21 district. In developing recommendations, the council shall
22 utilize measures of teacher effectiveness and professional
23 growth, consider the needs of the school district, and review
24 the performance and professional development of the applicants.
25 Any teacher recommended for assignment or reassignment as a
26 model, mentor, or lead teacher shall have demonstrated to
27 the council's satisfaction competency on the Iowa teaching
28 standards as set forth in section 284.3.
29 5. *Leadership role assignment.* An assignment to a teacher
30 leadership role pursuant to this chapter shall be subject to
31 review by the school's or the school district's administration
32 at least annually. The review shall include peer feedback on
33 the effectiveness of the teacher's performance of duty specific
34 to the teacher's career path. A teacher who completes the time
35 period of assignment in a teacher leadership role may apply

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1 to the school's or the school district's administration for
2 assignment in a new role if appropriate or for reassignment.
3 6. *Status quo.* A teacher employed in a school district
4 shall not receive less compensation in that district than the
5 teacher received in the school year preceding participation,
6 as set forth in section 284.4, due to implementation of
7 this section. A teacher who achieves national board for
8 professional teaching standards certification and meets the
9 requirements of section 256.44 shall continue to receive
10 the award as specified in section 256.44 in addition to the
11 compensation set forth in this section.
12 7. *Early implementation.* Prior to July 1, 2016, a school
13 district may apply to the commission on educator leadership
14 and compensation for early implementation of the Iowa teacher
15 career path model, the framework, or a comparable model or
16 system of career paths and compensation for teachers that
17 contains differentiated multiple leadership roles.
18 8. *Implementation.* On or after July 1, 2016, contingent
19 on a specific appropriation for these purposes, each school
20 district shall implement the Iowa teacher career path model,
21 framework, or comparable model or system for which the
22 school district received approval pursuant to this section.
23 Compliance with this subsection shall be determined by the
24 accreditation team authorized pursuant to section 256.11. A
25 school district shall not be required to fully implement the
26 Iowa teacher career path model, a framework, or comparable
27 model or system pursuant to this section if implementation
28 costs exceed the state school foundation aid, including
29 the moneys received under section 257.10, subsections 9 and
30 12, the school receives. However, if a school district's
31 implementation costs exceed the state school foundation aid
32 received pursuant to this subsection, the school district shall
33 implement as much of the approved framework, model, or system,
34 as reasonably possible, and shall, at a minimum, meet the
35 minimum salary requirements for an Iowa teacher as provided in

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1 subsection 2, paragraph *"b"*, subparagraph (1).
2 9. *Approval.* The department shall establish criteria and
3 a process for application of the framework established under
4 subsection 2, and for comparable models and systems, which a
5 school district may implement pursuant to subsection 7, or
6 shall implement in accordance with subsection 8.
7 10. *Teachers emeritus.* A school district is encouraged
8 to utilize appropriately licensed teachers emeritus in the
9 implementation of this section.
10 11. *Attendance center applicability.* The framework or
11 comparable system approved and implemented by a school district
12 in accordance with this section shall be applicable to teachers
13 in every attendance center operated by the school district.
14 12. *Planning grants.* Contingent on a specific appropriation
15 for these purposes, a school district may apply to the
16 department for a planning grant to design an implementation
17 strategy for the Iowa teacher career path model under section
18 284.7 and this section, and the framework or a comparable model
19 or system that contains differentiated multiple leadership
20 roles. The planning grant shall be used to facilitate a
21 local decision-making process that includes representation
22 of administrators, teachers, and parents and guardians of
23 students. The department shall establish and make available an
24 application for the awarding of planning grants for purposes
25 of this subsection.
26 13. *Commission on educator leadership and compensation.* The
27 department shall establish, and provide staffing and
28 administrative support for a commission on educator leadership
29 and compensation. The commission shall monitor with fidelity
30 the implementation of the Iowa teacher career path model,
31 the framework, and comparable models and systems by school
32 districts approved pursuant to this subsection. The commission
33 shall evaluate the applications submitted for approval
34 pursuant to this section and shall approve or disapprove such
35 applications. An application shall only be approved if the

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1 school district receives state school foundation aid, including
2 the moneys received under section 257.10, subsections 9 and
3 12, in an amount that will cover the costs of the framework,
4 model, or system approved pursuant to this section. If the
5 commission disapproves an application, the commission shall
6 specify the reasons for disapproval. A school district that
7 receives approval to implement a framework, model, or system
8 under this chapter is eligible to receive funds under section
9 257.10, subsection 12. In addition, the commission shall
10 review the use and effectiveness of the funds distributed to
11 school districts for supplemental assistance to teachers in
12 high-need schools under section 284.11.
13 *a.* The commission shall be comprised of the following:
14 (1) Five teachers selected by the Iowa state education
15 association.
16 (2) Three administrators selected by the school
17 administrators of Iowa.
18 (3) Two school board members selected by the Iowa
19 association of school boards.
20 (4) Each president or president's designee of the Iowa state
21 education association, the school administrators of Iowa, and
22 the Iowa association of school boards.
23 (5) The director or the director's designee.
24 *b.* Members shall be appointed to staggered three-year
25 terms which shall begin and end as provided in section 69.19.
26 Appointments shall comply with sections 69.16, 69.16A, and
27 69.16C. Vacancies on the commission shall be filled in the
28 same manner as the original appointment. A person appointed
29 to fill a vacancy shall serve only for the unexpired portion
30 of the term. Members are entitled to reimbursement of actual
31 expenses incurred in performance of their official duties.
32 *c.* By December 15 annually, the commission shall submit its
33 findings and any recommendations, including but not limited
34 to any recommendations for changes to this section or section
35 284.7, and for changes to section 284.11 relating to state

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1 supplemental assistance to teachers in high-need schools, in a
2 report to the director, the state board, the governor, and the
3 general assembly.
4 14. *a.* Teacher leadership supplement foundation aid
5 calculated under section 257.10, subsection 12, shall be paid
6 as part of the state aid payments made to school districts in
7 accordance with section 257.16.
8 *b.* Notwithstanding section 284.3A, teacher leadership
9 supplement foundation aid shall not be combined with regular
10 wages to create a combined salary.
11 *c.* The teacher leadership supplement district cost as
12 calculated under section 257.10, subsection 12, is not subject
13 to a uniform reduction in accordance with section 8.31.
14 *d.* Except as otherwise provided by law for a fiscal year,
15 of the amount appropriated statewide for that fiscal year
16 for payment of the teacher leadership supplement pursuant
17 to section 257.10, subsection 12, the department may use an
18 amount not to exceed five hundred thousand dollars to provide
19 administration and oversight of the Iowa teacher career path
20 model, framework, and comparable models and systems approved
21 and implemented pursuant to this chapter and to fund up to two
22 full-time equivalent positions which shall be in addition to
23 the number of positions authorized for the fiscal year.
24 Sec. 30. EFFECTIVE DATE. The following provision or
25 provisions of this division of this Act take effect July 1,
26 2014:
27 1. The section of this Act amending section 284.7.
28 DIVISION VI
29 MISCELLANEOUS PROVISIONS
30 Sec. 31. Section 256.9, subsection 53, paragraph c,
31 unnumbered paragraph 1, Code 2013, is amended to read as
32 follows:
33 Establish in collaboration with the state board of regents,
34 ~~subject to an appropriation of funds by the general assembly~~
35 contingent on a specific appropriation for such purpose, an

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1 Iowa reading research center.
2 Sec. 32. Section 256.9, subsection 53, paragraph c,
3 subparagraph (3), Code 2013, is amended to read as follows:
4 (3) The center shall submit a report of its activities
5 to the general assembly by January 15 annually. By January
6 15, 2015, the annual report shall include but not be limited
7 to recommendations regarding the following measures to
8 support schools in implementing chapter 284 with regard to the
9 prekindergarten through grade three years:
10 (a) Tools and strategies for assessing early elementary
11 school teachers to determine whether they have the skills and
12 abilities to serve as mentor or lead teachers to other early
13 elementary school teachers.
14 (b) Specific training and professional development to
15 support the mentoring responsibilities of mentor teachers and
16 lead teachers.
17 (c) Assessment tools to identify struggling readers and
18 evidence-based measures designed to respond to the needs of
19 such students.
20 (d) Resources, guides, and informational materials which
21 parents and teachers may share to promote early literacy.
22 Sec. 33. NEW SECTION. **256.24 Competency-based education**
23 **grant program.**
24 1. Contingent on a specific appropriation for these
25 purposes, the department shall establish a competency-based
26 education grant program to award grants to not more than
27 ten school districts annually for purposes of developing,
28 implementing, and evaluating competency-based education pilot
29 and demonstration projects.
30 2. The department shall develop grant application,
31 selection, and evaluation criteria.
32 3. Each pilot or demonstration project shall be conducted
33 for a minimum of one year, but may be conducted for multiple
34 school years as proposed by the applicant and approved by the
35 department.

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1 4. Grant moneys shall be distributed to selected school
2 districts by the department no later than December 1, 2013.
3 Grant amounts shall be distributed as determined by the
4 department.
5 5. The department shall submit progress reports analyzing
6 the status and preliminary findings of the projects to the
7 state board, the governor, and the general assembly by January
8 15 annually. The department shall summarize the projects'
9 findings, including student achievement results, and submit the
10 summary and any recommendations in a final report to the state
11 board, the governor, and the general assembly by January 15,
12 2019.
13 Sec. 34. NEW SECTION. **256.27 Economically challenged**
14 **schools grant program.**
15 1. Contingent on a specific appropriation for these
16 purposes, the department shall establish an economically
17 challenged schools grant program to award funds to school
18 district attendance centers to create pilot projects designed
19 to meet the needs of prekindergarten through grade twelve
20 students who are not proficient in reading or mathematics
21 and to involve the students' parents in supporting project
22 activities. Pilot project activities may include but are not
23 limited to establishing a longer school day, longer school
24 calendar, summer school, or intensive reading and mathematics
25 programs for such students.
26 2. The department shall develop grant application,
27 selection, and evaluation criteria. The priorities for the
28 grant funds shall include applications from school districts
29 with high percentages of students who are below grade level
30 in proficiency, or who are eligible for free or reduced price
31 meals under the federal National School Lunch Act and the
32 federal Child Nutrition Act of 1966, 42 U.S.C. § 1751-1785, and
33 shall include providing project services on a voluntary basis
34 to students deemed at risk of not succeeding in reading or
35 mathematics. The department shall make every reasonable effort

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1 to equitably distribute grant funds geographically among rural
2 and urban areas.
3 3. Each pilot project shall be conducted for a minimum of
4 one year, but may be conducted for multiple school years as
5 proposed by the applicant and approved by the department.
6 4. The department shall submit progress reports analyzing
7 the status and preliminary findings of the projects to the
8 state board, the governor, and the general assembly by January
9 15 annually. The department shall summarize the projects'
10 findings, including student achievement results, and submit the
11 summary and any recommendations in a final report to the state
12 board, the governor, and the general assembly by January 15,
13 2019.
14 5. This section is repealed effective June 30, 2018.
15 Sec. 35. NEW SECTION. **256.34 World language education pilot**
16 **project.**
17 1. Contingent on a specific appropriation for these
18 purposes, the department shall establish a world language
19 education pilot project to enhance foreign language education
20 in Iowa schools. The department shall administer the pilot
21 project in partnership with the university of northern Iowa and
22 up to three school districts. The department shall establish
23 criteria for the selection of school districts to participate
24 in the pilot project.
25 2. The department shall establish a world language
26 education administrative team to be composed of school
27 administrators from school districts participating in the
28 pilot project. Team members shall conduct fact finding visits
29 to schools in the United States and at least one foreign
30 school that exemplify best practices for world class foreign
31 language education delivery models. A fact finding visit
32 to a foreign school pursuant to this section shall not be
33 funded with state moneys. Team members shall work with the
34 department and university of northern Iowa to develop standards
35 and benchmarks based on the latest edition of the national

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1 standards for foreign language learning, to develop a written
2 and verbal assessment system that measures foreign language
3 competencies, and to support participating school districts in
4 the development of curricula based on the latest edition of the
5 national standards for foreign language learning.
6 3. Each school district participating in the pilot project,
7 in coordination with the department, shall compare on an annual
8 basis its results under the pilot project with state data
9 to determine the outcomes of the pilot project for student
10 learning.
11 4. The world language education administrative team, in
12 coordination with the department and the university of northern
13 Iowa, shall submit its findings and recommendations regarding
14 the pilot project and foreign language education in this state
15 in a report to the general assembly by December 19, 2014.
16 Sec. 36. Section 256C.4, subsection 1, paragraph e, Code
17 2013, is amended to read as follows:
18 *e.* Preschool foundation aid funding shall not be used for
19 the costs of constructing a facility in connection with an
20 approved local program. Preschool foundation aid funding may
21 be used by approved local programs and community providers
22 for professional development for preschool teachers, for
23 instructional equipment, for material and equipment designed
24 to develop pupils' large and small motor skills, and for other
25 direct costs. Preschool foundation aid funding received by an
26 approved local program that remain unexpended or unobligated
27 at the end of a fiscal year shall be used to build the approved
28 local program's preschool program capacity in the next
29 succeeding fiscal year.
30 Sec. 37. Section 257.11, Code 2013, is amended by adding the
31 following new subsection:
32 NEW SUBSECTION. 7A. *Economically challenged schools grant*
33 *program.* Pupils who are eligible for free and reduced price
34 meals under the federal National School Lunch Act and the
35 federal Child Nutrition Act of 1966, 42 U.S.C. § 1751-1785,

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and who are enrolled in a school district that is approved to create a pilot project pursuant to section 256.27 shall receive a supplemental weighting of one-tenth of one pupil. This subsection is repealed effective June 30, 2018.

Sec. 38. Section 272.2, subsection 13, Code 2013, is amended to read as follows:

13. Adopt rules to provide for nontraditional preparation options for licensing persons who hold a bachelor's degree from an accredited college or university, ~~who~~ but do not meet other requirements for licensure. However, prior to issuing licenses pursuant to this subsection, the board shall recommend licensing criteria to the general assembly. Licenses shall not be issued under this subsection except pursuant to statutory licensing criteria enacted pursuant to such recommendations.

Sec. 39. Section 279.9, Code 2013, is amended to read as follows:

279.9 Use of tobacco, alcoholic beverages, or controlled substances.

1. The ~~rules shall prohibit the~~ use of tobacco, including nicotine products, and the use or possession of alcoholic liquor, wine, or beer or any controlled substance as defined in section 124.101, subsection 5, by any student ~~of the schools and the~~, or by anyone on school grounds, is prohibited. A school board may suspend or expel a student for a violation of ~~a rule under~~ this section. For violation of this section, a school board may remove a person from school grounds and may bar the person's future presence on school grounds.

2. As used in this section, *"nicotine product"* means any product containing nicotine or any other preparation of tobacco not described in section 453A.1, and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body. *"Nicotine product"* does not include any cessation product specifically approved by the

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1 United States food and drug administration for use in reducing,
2 treating, or eliminating nicotine or tobacco dependence.
3 Sec. 40. Section 279.60, subsections 1 and 2, Code 2013, are
4 amended to read as follows:
5 1. Each school district shall administer ~~a kindergarten~~
6 ~~readiness~~ the teaching strategies gold early childhood
7 assessment ~~prescribed by the department of education~~ to
8 every resident prekindergarten or four-year-old child whose
9 parent or guardian enrolls the child in the district, and to
10 every kindergarten student enrolled in the district not later
11 than the date specified in section 257.6, subsection 1. The
12 assessment shall be aligned with state early learning standards
13 and preschool programs shall be encouraged to administer the
14 assessment at least at the beginning and end of the preschool
15 program, with the assessment information entered into the
16 statewide longitudinal data system. The department shall work
17 to develop agreements with head start programs to incorporate
18 similar information about four-year-old children served by head
19 start into the statewide longitudinal data system.
20 2. ~~*a.* Each school district shall administer the dynamic~~
21 ~~indicators of basic early literacy skills kindergarten~~
22 ~~benchmark assessment or other kindergarten benchmark assessment~~
23 ~~adopted by the department of education in consultation with~~
24 ~~the early childhood Iowa state board to every kindergarten~~
25 ~~student enrolled in the district not later than the date~~
26 ~~specified in section 257.6, subsection 1.~~ The school district
27 shall also collect information from each parent, guardian,
28 or legal custodian of a kindergarten student enrolled in the
29 district, including but not limited to whether the student
30 attended preschool, factors identified by the early childhood
31 Iowa office pursuant to section 256I.5, and other demographic
32 factors. Each school district shall report the results of
33 the community strategies employed during the prior school
34 year pursuant to section 279.68, subsection 4, paragraph *"a"*,
35 the assessment administered pursuant to subsection 1, and the

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1 preschool information collected to the department of education
2 in the manner prescribed by the department not later than
3 January 1 of that school year. The early childhood Iowa office
4 in the department of management shall have access to the raw
5 data. The department shall review the information submitted
6 pursuant to this section and shall submit its findings and
7 recommendations annually in a report to the governor, the
8 general assembly, the early childhood Iowa state board, and the
9 early childhood Iowa area boards.
10 ~~*b.* This subsection is repealed July 1, 2013.~~
11 Sec. 41. REPEAL. Section 256D.9, Code 2013, is repealed.
12 Sec. 42. COMPETENCY-BASED EDUCATION TASK FORCE
13 RECOMMENDATIONS. Contingent on a specific appropriation for
14 these purposes, the department of education shall implement
15 the recommendations of the competency-based education task
16 force established pursuant to 2012 Iowa Acts, chapter 1119,
17 section 2, relating to the development of model competencies,
18 to investigating and providing examples of templates that
19 will effectively and efficiently record and report student
20 achievement in a competency-based environment, to developing
21 the assessment validation rubric and model assessments
22 aligned to the competencies, and to creating opportunities for
23 professional development for preservice and in-service for
24 practitioners.
25 Sec. 43. SCHOOL DISTRICT REPORTING REQUIREMENT TASK FORCE
26 — STATE BOARD OF EDUCATION.
27 1. a. A reporting requirement review task force is
28 established consisting of five members who shall be appointed
29 by the director of the department of education as follows:
30 (1) One member from nominees submitted by an organization
31 representing the boards of Iowa school districts.
32 (2) One member from nominees submitted by an organization
33 representing Iowa school administrators.
34 (3) One member from nominees submitted by the largest
35 statewide certified employee organization representing Iowa

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1 teachers.
2 (4) One member representing the department of education.
3 (5) One member representing the general public.
4 b. The member representing the department of education
5 shall convene the initial meeting, at which the members shall
6 elect a chairperson.
7 2. The department of education shall compile a list of
8 reports that school districts are required to submit to the
9 department biennially or more frequently. The department shall
10 submit the list to the reporting requirement review task force
11 by September 3, 2013.
12 3. The task force shall review the list submitted by the
13 department pursuant to subsection 2. For each reporting
14 requirement listed, the task force shall produce written
15 justification for continuing, modifying, or eliminating
16 the requirement. The task force shall compile its written
17 justifications in a report the task force shall submit to
18 the state board of education and to the general assembly by
19 December 2, 2013.
20 4. The state board of education shall review the report
21 submitted pursuant to subsection 3, and shall determine which
22 of the task force recommendations for modifying or eliminating
23 requirements may be accomplished by administrative rule and
24 which must be accomplished by statute. The state board shall
25 submit its findings and recommendations, including plans
26 for board action relating to administrative rules and board
27 recommendations for specific statutory changes, in a report to
28 the general assembly by February 3, 2014.
29 Sec. 44. SCHOOL YEAR-LONG STUDENT TEACHING FIELD EXPERIENCE
30 REQUIREMENT —— STUDY.
31 1. a. Each practitioner preparation program offered at an
32 institution of higher learning governed by the state board of
33 regents shall convene a study committee of education faculty
34 members to study the feasibility of establishing professional
35 development schools for preservice teacher candidates in

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1 collaboration with school districts, and the feasibility
2 of requiring students enrolled in practitioner preparation
3 programs to complete a field experience lasting one full school
4 year.
5 b. Each study committee shall evaluate for its institution
6 the following issues relating specifically to a proposed
7 professional development school and relating specifically to a
8 proposed full school year of student teaching field experience:
9 (1) The impact on the likelihood a student will graduate
10 within four years, including but not limited to consideration
11 of the cost to a student, student debt load, and class
12 scheduling.
13 (2) The impact on university faculty and the need to employ
14 more faculty, including the need to deliver coursework and
15 supervision to student teachers in the field.
16 (3) The availability of an adequate number of placements in
17 prekindergarten through grade twelve schools and the impact on
18 a school district, including but not limited to the district's
19 cost to compensate cooperating teachers.
20 (4) The likely impact on the abilities and performance of a
21 student teacher and whether the benefits outweigh the costs.
22 (5) The likely impact on student achievement of students in
23 the student teacher's classroom.
24 c. The study committees convened pursuant to paragraph "a"
25 shall submit their findings and recommendations in a report to
26 the state board of regents, the department of education, the
27 board of educational examiners, the governor, and the general
28 assembly by December 2, 2013.
29 2. The Iowa association of independent colleges is
30 encouraged to form a study committee comprised of education
31 faculty members with duties similar to those provided for in
32 subsection 1 for its member institutions which offer approved
33 practitioner preparation programs, and to submit any resulting
34 findings and recommendations to the general assembly by
35 December 2, 2013.

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1 Sec. 45. EFFECTIVE DATE. The following provision or
2 provisions of this division of this Act take effect June 30,
3 2013:
4 1. The section of this division of this Act amending section
5 279.60, subsection 2, paragraph "b".
6 Sec. 46. EFFECTIVE UPON ENACTMENT. The following provision
7 or provisions of this division of this Act, being deemed of
8 immediate importance, take effect upon enactment:
9 1. The section of this division of this Act repealing
10 section 256D.9.
11 2. The section of this division of this Act amending section
12 272.2.
13 DIVISION VII
14 STATE SCHOOL FOUNDATION PROGRAM
15 Sec. 47. Section 257.8, subsections 1 and 2, Code 2013, are
16 amended to read as follows:
17 1. *State percent of growth.* ~~The state percent of growth~~
18 ~~for the budget year beginning July 1, 2010, is two percent.~~
19 The state percent of growth for the budget year beginning July
20 1, 2012, is two percent. The state percent of growth for the
21 budget year beginning July 1, 2013, is four percent. The
22 state percent of growth for the budget year beginning July 1,
23 2014, is four percent. The state percent of growth for each
24 subsequent budget year shall be established by statute which
25 shall be enacted within thirty days of the submission in the
26 year preceding the base year of the governor's budget under
27 section 8.21. The establishment of the state percent of growth
28 for a budget year shall be the only subject matter of the bill
29 which enacts the state percent of growth for a budget year.
30 2. *Categorical state percent of growth.* ~~The categorical~~
31 ~~state percent of growth for the budget year beginning July 1,~~
32 ~~2010, is two percent.~~ The categorical state percent of growth
33 for the budget year beginning July 1, 2012, is two percent.
34 The categorical state percent of growth for the budget year
35 beginning July 1, 2013, is four percent. The categorical state

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1 percent of growth for the budget year beginning July 1, 2014,
2 is four percent. The categorical state percent of growth for
3 each budget year shall be established by statute which shall
4 be enacted within thirty days of the submission in the year
5 preceding the base year of the governor's budget under section
6 8.21. The establishment of the categorical state percent of
7 growth for a budget year shall be the only subject matter of
8 the bill which enacts the categorical state percent of growth
9 for a budget year. The categorical state percent of growth
10 may include state percents of growth for the teacher salary
11 supplement, the professional development supplement, and the
12 early intervention supplement.
13 Sec. 48. CODE SECTION 257.8 — IMPLEMENTATION. The
14 requirements of section 257.8, subsections 1 and 2, regarding
15 the enactment of bills establishing the regular program state
16 percent of growth and the categorical state percent of growth
17 within thirty days of the submission in the year preceding the
18 base year of the governor's budget and regarding the subject
19 matter limitation of such bills do not apply to this division
20 of this Act.
21 Sec. 49. EFFECTIVE UPON ENACTMENT. This division of this
22 Act, being deemed of immediate importance, takes effect upon
23 enactment.
24 Sec. 50. APPLICABILITY. This division of this Act is
25 applicable for computing state aid under the state school
26 foundation program for the school budget years beginning July
27 1, 2013, and July 1, 2014, as appropriate.
28 EXPLANATION
29 DIVISION I — INSTRUCTIONAL HOURS. This bill strikes
30 language requiring accredited schools to provide at least 180
31 instructional days in a school year and specifying what does
32 and what does not constitute instructional time. The bill
33 replaces the language requiring a 180-day school calendar with
34 a requirement that accredited schools provide at least 1,080
35 instructional hours during the school calendar in a school

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1 year.
2 The school districts and accredited nonpublic schools set
3 the number of hours of required attendance for the school year,
4 but school districts must hold a public hearing on a proposed
5 school calendar prior to adopting the school calendar.
6 The bill modifies a provision requiring the state board of
7 education to define the minimum school day. Under the bill,
8 instructional time for grades 1 through 12 is still exclusive
9 of the lunch period but may include passing time between
10 classes. The bill strikes language that permits a school
11 or school district to record a day of school with less than
12 the minimum instructional hours as a minimum school day for
13 emergency health or safety factors and for staff development
14 opportunities.
15 The bill makes conforming changes, including giving a
16 parent, whose child is under competent private instruction,
17 until September 1 to furnish a report providing information
18 about the child and the competent private instruction to the
19 school district of residence.
20 This division of this bill takes effect July 1, 2014.
21 DIVISION II — IOWA LEARNING ONLINE INITIATIVE — FEES.
22 The bill directs the department of education to establish
23 fees payable by school districts and accredited nonpublic
24 schools participating in the Iowa learning online initiative
25 established by Code section 256.42, beginning July 1, 2016.
26 The bill provides that fees collected pursuant to the bill
27 shall be deposited in the general fund of the state and cannot
28 exceed the costs of administering the initiative. The bill
29 specifies matters that can and cannot be considered costs of
30 administering the initiative.
31 DIVISION III — TRAINING AND EMPLOYMENT OF TEACHERS. The
32 bill requires the department of education to establish an
33 online state job posting system. The system must be accessible
34 via the department's internet site, although the department
35 may contract for or partner with another entity for use of

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1 an existing internet site, and must include a mechanism for
2 the electronic submission of job openings for posting on the
3 system. The system and each job posting on the system must
4 include a statement that an employer submitting a job opening
5 for posting on the system will not engage in discrimination in
6 hiring.
7 The bill requires school districts, charter schools, and
8 area education agencies to submit all of their job openings to
9 the department of education for posting on the system. The
10 bill requires the department to post all of its job openings
11 on the system. The bill provides that accredited nonpublic
12 schools may, but are not required to, submit job openings to
13 the department for posting on the system.
14 The establishment of the online state job posting system is
15 not to be construed to prohibit any employer from advertising
16 job openings and recruiting employees independently of the
17 system, to prohibit any employer from using another method of
18 advertising job openings or another applicant tracking system
19 in addition to the system, or to provide the department of
20 education with any regulatory authority in the hiring process
21 or hiring decisions of any employer other than the department
22 itself.
23 Contingent on a specific appropriation for such purposes,
24 the bill establishes a teach Iowa scholar program within the
25 college student aid commission to provide teach Iowa scholar
26 grants to selected high-caliber teachers. The commission is
27 required to administer the program in consultation with the
28 department.
29 The bill directs the commission to establish eligibility
30 criteria for teach Iowa scholar grants that at a minimum
31 requires that an Iowa resident applicant must have been
32 in the top 25 percent academically of students exiting a
33 state-approved teacher preparation program, have earned other
34 comparable academic credentials, or have achieved comparable
35 assessment scores; and be preparing to teach in fields

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1 including but not limited to science, technology, engineering,
2 mathematics, English as a second language or special education
3 instruction, or a hard-to-staff subject as identified annually
4 by the department.
5 A selected applicant who has successfully completed an
6 approved practitioner preparation program is eligible for a
7 teach Iowa scholar grant for each year of full-time employment
8 completed in Iowa as a teacher for a school district, charter
9 school, area education agency, or accredited nonpublic school.
10 The bill provides that a teach Iowa scholar grant cannot exceed
11 $4,000 per year per recipient, and cannot exceed $20,000 total
12 per recipient over a five-year period.
13 The bill establishes a teach Iowa scholar fund in the state
14 treasury to be administered by the commission.
15 DIVISION IV — TEACHER AND ADMINISTRATOR MATTERS. The bill
16 provides for a coaching and support system for teachers, and
17 provides for changes relating to peer group review requirements
18 for teachers and changes relating to administrator standards.
19 DIRECTOR'S DUTIES. Current law directs the director of the
20 department of education to develop Iowa standards for school
21 administrators, which the bill amends to charge the director
22 with also reviewing and revising the standards as necessary.
23 The director is also charged with developing and
24 implementing a coaching and support system for teachers aligned
25 with the Iowa teacher career paths and compensation systems
26 established by the bill; and with developing and implementing a
27 coaching and support system for administrators aligned with the
28 beginning administrator mentoring and induction program that is
29 established in Code section 284A.5.
30 PEER GROUP REVIEWS. The bill adds to the purposes for which
31 a school district must provide an annual review of a teacher's
32 performance, and provides that a teacher who is the subject of
33 a peer group review has exclusive right to all documentation
34 created in the peer review process. Under the bill, the
35 first and second year of review must be conducted by a peer

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1 group of at least three but not more than six teachers who
2 shall be selected by the building principal in consultation
3 with teachers and the building's certified bargaining
4 representative, if any. Each participant must receive adequate
5 training and a per diem if the review process goes beyond
6 normal school hours, and must receive release time for the
7 training and for the time spent in conducting the review.
8 The peer group must reflect common grade level, subject
9 matter expertise, curriculum, and proximity or other previously
10 established grouping of individuals employed to provide
11 instruction to students. Peer group reviews must be supportive
12 and confidential. If a conflict develops between participants,
13 an effort shall be made to mediate the conflict. The content
14 of a peer review shall not be incorporated into a summative
15 evaluation.
16 DIVISION V — IOWA TEACHER CAREER AND COMPENSATION
17 MATTERS. This bill establishes a framework for Iowa teacher
18 career paths, leadership roles, and compensation for school
19 districts; modifies and establishes new minimum salaries for
20 the Iowa teacher career path model; specifies components for
21 comparable systems of career paths and compensation; amends
22 the state school foundation program to provide a teacher
23 leadership supplement to school districts; provides for an
24 annual allocation to the department of education so that it may
25 provide technical assistance to school districts and AEAs for
26 design and implementation of the models and systems; provides
27 for the establishment of a commission on educator leadership
28 and compensation; and makes other related changes to Code
29 chapter 284, which establishes the student achievement and
30 teacher quality program.
31 TEACHER LEADERSHIP SUPPLEMENT. Code section 257.1,
32 providing for the state school foundation program, is amended
33 to add the teacher leadership supplement to the combined
34 foundation base to provide that the district cost for total
35 teacher leadership supplement is funded entirely through state

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1 aid, and to add the teacher leadership supplement to the
2 funding sources whose amounts should not be rounded to the
3 nearest whole dollar when computations are made.
4 Code section 257.9 is amended to establish a state and
5 district cost per pupil of $400 beginning with the school
6 budget year beginning July 1, 2014, for the teacher leadership
7 supplement. Code section 257.10 is amended to provide that the
8 district cost of the total teacher leadership supplement shall
9 be added to a school district's combined district cost.
10 For the budget year beginning July 1, 2015, and succeeding
11 budget years, the teacher leadership supplement district cost
12 per pupil for each school district for a budget year is the
13 teacher leadership supplement program district cost per pupil
14 for the base year plus the teacher leadership supplement state
15 allowable growth amount for the budget year. Beginning July
16 1, 2015, if the department of management determines that the
17 unadjusted teacher leadership supplement district cost of a
18 school district for a budget year is less than 100 percent of
19 the unadjusted teacher leadership supplement district cost for
20 the base year for the school district, the school district
21 shall receive a budget adjustment for that budget year equal
22 to the difference. The bill also provides that the use of
23 the funds calculated for the supplement shall comply with the
24 requirements of the student achievement and teacher quality
25 program and shall be distributed to teachers pursuant to the
26 Code section under which the Iowa teacher career path model,
27 the framework, and comparable models and systems are approved.
28 The teacher leadership supplement district cost is not
29 subject to a uniform reduction that may be implemented when
30 the governor determines that estimated budget resources for a
31 fiscal year are insufficient to pay all appropriations in full.
32 The bill exempts teacher leadership supplement foundation
33 aid from a requirement that state aid for teacher compensation
34 be combined with regular wages to create a combined salary.
35 MENTORING AND INDUCTION. The school district plan for

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1 beginning teacher mentoring and induction shall provide that
2 beginning prekindergarten through grade three teachers shall be
3 mentored in the teacher's classroom by a skilled mentor. The
4 plan shall also incorporate any recommendations offered by the
5 Iowa reading research center.
6 IOWA TEACHER CAREER PATH MODIFICATIONS. The bill modifies
7 the Iowa teacher career path to be a model that may be approved
8 by the commission on educator leadership and compensation. The
9 bill establishes, beginning July 1, 2014, new minimum salaries
10 under the model of $35,000 for beginning teachers, $37,000 for
11 a first-year career teacher, $42,000 for a first-year career
12 II teacher, and $50,500 for a first-year advanced teacher
13 employed by a school district approved to implement the model
14 and to receive teacher leadership supplement funds. However,
15 a teacher shall not receive less compensation in a district
16 than the teacher received in the school year preceding the
17 district's compliance, on or after July 1, 2014, with the Iowa
18 teacher career path model.
19 The contract for a career II teacher shall exceed the
20 contract term issued to a career teacher by an additional five
21 days, while the contract for an advanced teacher shall exceed a
22 career teacher contract by 10 days.
23 Approximately 25 percent of the career II teacher's total
24 contract time shall be spent on noninstructional duties, while
25 the goal for an advanced teacher is that at least 50 percent
26 of the advanced teacher's total contract time be spent on
27 noninstructional duties. The bill specifies the additional
28 duties that career II and advanced teachers may or must engage
29 in, if mutually agreed to by the school district and the
30 teacher.
31 As an alternative to the 25 percent noninstructional time
32 requirement a career II may engage in peer coaching for at
33 least five hours per week, and receive an hourly rate of
34 compensation for such time in addition to the teacher's salary
35 as a career II teacher. An advanced teacher may also engage

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1 in peer coaching. Peer coaching is defined to mean additional
2 guidance in one or more aspects of the teaching profession
3 provided to a teacher. Assignment as a peer coach must be
4 approved by a principal but may be requested by an individual
5 teacher. Peer coaching duties are further described in the
6 bill.
7 The bill establishes staffing goals for school districts,
8 including employment of at least one career II teacher in each
9 elementary school; at least one advanced teacher for every
10 three career II teachers employed; and at least one career II
11 teacher for each of four core subject areas taught in grades
12 7-12.
13 The bill strikes language that permits a school district
14 that is unable to meet the minimum salary provisions of
15 the Iowa teacher career path to request a waiver from the
16 department to use funds from the early intervention supplement
17 if the difference between the teacher salary supplement and the
18 amount required to meet the minimum salaries is not less than
19 $10,000.
20 IOWA TEACHER CAREER PATH MODEL, FRAMEWORK, AND COMPARABLE
21 MODELS AND SYSTEMS OF CAREER PATHS, LEADERSHIP ROLES, AND
22 COMPENSATION. An Iowa teacher career path model, a framework
23 as specified in the bill, or a comparable system of career
24 paths and compensation for teachers may be developed, approved,
25 and implemented by a school district. However, the minimum
26 requirements for any such model, framework, or system must
27 include but not be limited to a minimum salary and residency as
28 provided in the framework; additional levels of compensation
29 for differentiated teacher roles; multiple, differentiated
30 teacher leadership roles beyond the initial teacher and career
31 teacher levels, with a goal of making such levels available
32 to at least 25 percent of the teacher workforce; a rigorous
33 selection process that involves teachers; a professional
34 development system facilitated by teachers and aligned with
35 the Iowa professional development model; and hiring permanent

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1 professional staff to give teacher leaders time to focus on
2 leadership duties.
3 INSTRUCTIONAL COACH AND CURRICULUM AND PROFESSIONAL
4 DEVELOPMENT LEADER MODEL. The instructional coach and
5 curriculum and professional development leader duties and
6 qualifications are specified in the bill. The first two levels
7 match the requirements for the beginning and career teacher
8 requirements of the Iowa teacher career path model, with the
9 residency requirements specified for the initial teacher under
10 the framework.
11 The third level is that of instructional coach. The
12 instructional coach must receive a stipend of between $5,000
13 and $7,000 annually in addition to the teacher's salary
14 as a career teacher, while the curriculum and professional
15 development leader must receive a stipend of between $10,000
16 and $12,000 annually in addition to the teacher's salary as a
17 model teacher. The staffing guidelines for this comparable
18 system require a school district to employ one instructional
19 coach at each attendance center or at least one instructional
20 coach for every 500 students enrolled in an attendance center,
21 whichever number is greater.
22 The contract term for a curriculum and professional
23 development leader shall exceed the contract term issued to a
24 model teacher by an additional 15 days.
25 IMPLEMENTATION. Though school districts have until July 1,
26 2016, to implement approved models, frameworks, and systems,
27 school districts may, prior to that date, apply to the
28 commission on educator leadership and compensation for early
29 implementation of a model, framework, or comparable system.
30 The department is directed to establish criteria and a process
31 for application.
32 A school district is not required to fully implement the
33 models, framework, or comparable system if implementation costs
34 exceed the state school foundation aid the school district
35 receives. However, in such circumstance, the school district

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1 must implement as much of the approved model, framework, or
2 system as is reasonably possible, and must, at a minimum, meet
3 the minimum salary for an Iowa teacher.
4 PLANNING GRANTS. Contingent on an appropriation for such
5 purpose, a school district may apply to the department for
6 a planning grant to design an implementation strategy to
7 establish a model, the framework, or a comparable system.
8 The application submitted to the department must reflect a
9 local decision-making process that includes representation
10 of administrators, teachers, and parents and guardians
11 of students. The department is directed to establish an
12 application for the awarding of planning grants.
13 FRAMEWORK DESIGN. The framework is designed to attract able
14 and promising new teachers by offering competitive starting
15 salaries and offering short-term and long-term professional
16 development and leadership opportunities, retain effective
17 teachers by providing enhanced career opportunities, promote
18 collaboration by developing and supporting opportunities for
19 teachers in schools and school districts statewide to learn
20 from each other, reward professional growth and effective
21 teaching by providing pathways for career opportunities that
22 involve increased leadership responsibilities and increased
23 compensation, and improve student achievement by strengthening
24 instruction.
25 CAREER AND LEADERSHIP ROLES AND COMPENSATION. The framework
26 includes five career or leadership roles for teachers. The
27 salary established in the bill for an initial teacher who meets
28 the requirements specified in the bill is at least $35,000,
29 which amount also constitutes the minimum teacher salary for
30 the state. An initial teacher must meet the current definition
31 in the Code for a beginning teacher, but the initial teacher
32 must also complete a teacher residency during the first year of
33 employment that includes intensive supervision or mentoring by
34 a mentor teacher or lead teacher; sufficient collaboration time
35 to be able to observe and learn from more experienced, mentor,

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1 and lead teachers; a teaching load of not more than 75 percent
2 student instruction to allow time for observation and learning;
3 a teaching contract that establishes an employment period which
4 is five days longer than that required for career teachers;
5 and for frequent observation, evaluation, and professional
6 development opportunities.
7 The second role, career teacher, requires the same
8 conditions as that specified in the current Iowa teacher career
9 path model.
10 The third role, model teacher, is a career teacher who
11 is evaluated by the school district as demonstrating the
12 competencies of a model teacher, has participated in a rigorous
13 review process, and has been recommended for a one-year
14 assignment as a model teacher by a review council. The term
15 of the model teacher's teaching contract shall exceed by five
16 days the terms of career teachers' teaching contracts. A model
17 teacher shall receive annually a salary supplement of at least
18 $2,000.
19 The fourth role, mentor teacher, is a teacher who is
20 evaluated by the school district as demonstrating the
21 competencies and superior teaching skills of a mentor teacher,
22 and has been recommended for a one-year assignment as a mentor
23 teacher by a review council. The mentor teacher must also
24 participate in teacher professional development, demonstrate
25 continuous improvement in teaching, and possess the skills and
26 qualifications to assume leadership roles. A mentor teacher
27 shall have a teaching load of not more than 75 percent student
28 instruction to allow the teacher to mentor other teachers. The
29 mentor teacher's teaching contract shall exceed by 10 days the
30 terms of career teachers' teaching contracts. A mentor teacher
31 shall receive annually a salary supplement of at least $5,000.
32 The fifth role, lead teacher, is a teacher who has been
33 recommended for a one-year assignment as a lead teacher by
34 a review council. The recommendation from the council must
35 assert that the teacher possesses superior teaching skills

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1 and the ability to lead adult learners. A lead teacher must
2 assume leadership roles that may include but are not limited
3 to the planning and delivery of professional development
4 activities; the facilitation of an instructional leadership
5 team within the lead teacher's building, school district, or
6 other school districts; the mentoring of other teachers; and
7 participation in the evaluation of student teachers. A lead
8 teacher shall have a teaching load of not more than 50 percent
9 student instruction to allow the lead teacher to spend time
10 on co-teaching; co-planning; peer reviews; observing career
11 teachers, model teachers, and mentor teachers; and other
12 duties mutually agreed upon by the superintendent and the lead
13 teacher. The term of the lead teacher's teaching contract
14 must exceed by 15 days the terms of career teachers' teaching
15 contracts. A lead teacher shall receive annually a salary
16 supplement of at least $10,000.
17 A school district shall set as a goal the designation of at
18 least 10 percent of its teachers as model teachers, 10 percent
19 as mentor teachers, and 5 percent as lead teachers, though a
20 district may enter into an agreement with one or more other
21 districts or an AEA to meet these goals through a collaborative
22 arrangement.
23 Additional contract days must be used to strengthen
24 instructional leadership. The salary supplement received by
25 teachers in leadership roles shall fully cover the salary costs
26 of the additional contract days. The determinations of salary
27 supplements are not subject to appeal.
28 An assignment is subject to review by the school's or the
29 school district's administration at least annually. The
30 review must include peer feedback. A teacher who completes
31 the time period of assignment as a model, mentor, or lead
32 teacher may apply to the school's or the school district's
33 administration for assignment in a new role if appropriate or
34 for reassignment.
35 A teacher employed by an AEA may be included in a framework

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1 established by a school district if the AEA and the school
2 district enter into a contract for such purpose.
3 SITE-BASED OR DISTRICT-BASED REVIEW COUNCIL. Each school
4 board in a district of 600 or more students must appoint a
5 site-based review council; in a district of fewer than 600
6 students, the board must appoint a district-based review
7 council. A review council is comprised of equal numbers of
8 teachers and administrators. Teacher members shall include
9 teachers who have been nominated by the collective bargaining
10 organization, if one exists, that represents the teachers. The
11 council must accept and review applications submitted to the
12 school's or the school district's administration for assignment
13 as a model, mentor, or lead teacher, and make recommendations
14 regarding the applications to the school district
15 superintendent. In developing recommendations, the council
16 must utilize measures of teacher effectiveness and professional
17 growth, consider the needs of the school district, and review
18 the performance and professional development of the applicants.
19 Any teacher recommended for assignment as a model, mentor,
20 or lead teacher shall have demonstrated to the council's
21 satisfaction competency on the Iowa teaching standards.
22 MISCELLANEOUS. The department's accreditation team is
23 charged with determining compliance. A school district is
24 encouraged to utilize teachers emeritus.
25 COMMISSION ON EDUCATOR LEADERSHIP AND COMPENSATION. The
26 department is directed to appoint and provide staffing and
27 administrative support for a commission on educator leadership
28 and compensation. The commission shall monitor with fidelity
29 the implementation of the Iowa teacher career path model,
30 the framework, and comparable models and systems by school
31 districts. The commission shall also evaluate the applications
32 submitted for approval and shall approve or disapprove the
33 applications. An application shall only be approved if the
34 state school foundation aid received by the school district
35 will cover the costs of implementation. If the commission

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1 disapproves an application, the commission shall specify the
2 reasons for disapproval. A school district receiving approval
3 is eligible to receive teacher leadership supplement funds. In
4 addition, the commission must review the use and effectiveness
5 of state assistance distributed to school districts for
6 teachers in high-need schools and, by December 15 annually,
7 shall submit all of its findings and any recommendations in
8 a report to the director of the department of education,
9 the state board of education, the governor, and the general
10 assembly.
11 PROFESSIONAL DEVELOPMENT. The bill strikes a requirement
12 that school districts and area education agencies have as a
13 goal for the use of state professional development funds the
14 provision of one additional contract day or the equivalent for
15 professional development and instead authorizes use of the
16 funds for professional development and other purposes set forth
17 in statute.
18 From the amount appropriated for purposes of the teacher
19 leadership supplement, the department may use up to $500,000
20 annually to provide administration and oversight of the models,
21 frameworks, and comparable systems and to fund two full-time
22 equivalent positions.
23 STATE SUPPLEMENTAL ASSISTANCE FOR TEACHERS IN HIGH-NEED
24 SCHOOLS. Contingent on a specific appropriation for these
25 purposes, the department is directed to collect relevant data
26 and establish a list of high-need schools which shall be
27 eligible for state supplemental assistance. The department
28 must establish a process and criteria to determine which
29 schools are placed on the lists and must revise the lists
30 annually. Criteria for the determination of which high-need
31 schools shall be placed on the list shall be based upon factors
32 that include but are not limited to the socioeconomic status
33 of the students enrolled in the school, the percentage of
34 the school's student body who are limited English proficient
35 students, student academic growth, certified instructional

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1 staff attrition, and geographic balance.
2 The department's determination of state supplemental
3 assistance for teachers in high-need schools is not subject to
4 appeal.
5 REVIEW AND REPORT. The department must review the use and
6 effectiveness of the funds distributed to school districts for
7 supplemental assistance for teachers in high-need schools. The
8 department shall submit its findings and recommendations in a
9 report to the general assembly by January 15 annually.
10 UNIQUE LOCAL CONDITIONS AND NEEDS. A school district may
11 request on an annual basis approval from the department for
12 the addition of high-need schools based upon the unique local
13 conditions and needs of the school district. The criteria the
14 department uses to determine the placement of high-need schools
15 on its list does not restrict the department from adding a
16 high-need school as requested by a school district on the basis
17 of unique local conditions and needs.
18 TEACHER ELIGIBILITY FOR INCENTIVES. Teachers of all
19 subjects taught in a school included in the department's
20 list of high-need schools shall be eligible to receive state
21 supplemental assistance for teachers in high-need schools.
22 DIVISION VI —— MISCELLANEOUS PROVISIONS.
23 IOWA READING RESEARCH CENTER. Contingent on a specific
24 appropriation for such purpose, the bill directs the director
25 of the department of education to collaborate with the state
26 board of regents to establish an Iowa reading research center.
27 The bill directs the Iowa reading research center to submit a
28 report of its activities to the general assembly by January 15
29 annually. By January 15, 2015, the annual report shall include
30 but not be limited to recommendations regarding measures to
31 support schools in implementing Code chapter 284 with regard to
32 the prekindergarten through grade three years.
33 ECONOMICALLY CHALLENGED SCHOOLS GRANT PROGRAM AND FUNDING.
34 Contingent on a specific appropriation for such purposes,
35 the bill directs the department to establish an economically

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1 challenged schools grant program to award funds to school
2 district attendance centers to create pilot projects designed
3 to meet the needs of students who are not proficient in
4 reading or mathematics and to involve the students' parents in
5 supporting project activities. The bill provides supplemental
6 weighting of one-tenth of one pupil for the program, based on
7 the number of pupils attending the school who are eligible for
8 free and reduced price meals under the federal school meal
9 programs.
10 Pilot project activities may include but are not limited
11 to establishing a longer school day, longer school calendar,
12 summer school, or intensive reading and mathematics programs
13 for such students.
14 The priorities for the grant funds shall include
15 applications from school districts with high percentages of
16 students eligible for free or reduced price meals under federal
17 lunch and nutrition programs, and shall include providing
18 project services on a voluntary basis to students deemed
19 at risk of not succeeding in reading or mathematics. The
20 department shall make every reasonable effort to equitably
21 distribute grant funds geographically among rural and urban
22 areas.
23 Each pilot project shall be conducted for a minimum of
24 one year, but may be conducted for multiple school years as
25 proposed by the applicant and approved by the department. The
26 department shall submit progress reports and a final report
27 to the state board, the governor, and the general assembly by
28 January 15, 2019. The provisions establishing the program and
29 providing for the supplemental weighting are repealed effective
30 June 30, 2018.
31 COMPETENCY-BASED EDUCATION. Contingent on specific
32 appropriations for such purposes, the bill directs the
33 department of education to implement some of the preliminary
34 recommendations of the competency-based education task force,
35 which was established pursuant to legislation enacted during

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1 the 2012 regular session of the 84th general assembly.
2 The recommendations include establishing a competency-based
3 education grant program to award grants to not more than
4 10 school districts annually for purposes of developing,
5 implementing, and evaluating competency-based education
6 pilot and demonstration projects; model competencies; the
7 assessment validation rubric and model assessments; student
8 achievement reporting templates; and professional development
9 for preservice and in-service for practitioners.
10 WORLD LANGUAGE EDUCATION PILOT PROJECT. The bill directs
11 the department to establish a world language education pilot
12 project to enhance foreign language education in Iowa schools,
13 contingent on a specific appropriation for such purpose. The
14 department shall administer the pilot project in partnership
15 with the university of northern Iowa and up to three school
16 districts. The department shall establish criteria for the
17 selection of school districts to participate in the pilot
18 project.
19 The bill directs the department to establish a world
20 language education administrative team to be composed of school
21 administrators from school districts participating in the
22 pilot project and provides duties for the team, including fact
23 finding visits; development of new standards and benchmarks,
24 an assessment system, and curricula; and a report on the pilot
25 project and foreign language education in this state for
26 submission to the general assembly by December 19, 2014.
27 The bill directs participating school districts to compare
28 on an annual basis results under the pilot project with state
29 data to determine the outcomes of the pilot project.
30 STATEWIDE PRESCHOOL PROGRAM-AID USES. The bill allows
31 preschool foundation aid funding to be used by approved local
32 programs and community providers for professional development
33 for preschool teachers, for instructional equipment, for
34 material and equipment designed to develop pupils' motor
35 skills, and for other direct costs. Aid funding that remains

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1 is made available to approved local programs for future fiscal
2 years to build program capacity.
3 ALTERNATIVE LICENSURE LIMITATION. This bill requires the
4 board of educational examiners to submit a licensing criteria
5 recommendation to the general assembly prior to issuing
6 licenses to persons who do not meet the standard practitioner
7 preparation requirements. The board is prohibited from issuing
8 such licenses until such licensing criteria are enacted into
9 statute.
10 TOBACCO PROHIBITED ON SCHOOL GROUNDS. The bill provides
11 that the use of nicotine products by any student, or by anyone
12 on school grounds, is prohibited. For a violation of the
13 provision, the school board may suspend or expel a student, may
14 remove a person, and may bar the person's future presence on
15 school grounds. The bill defines "nicotine product".
16 PREKINDERGARTEN/KINDERGARTEN ASSESSMENT AND REPORTING.
17 Provisions requiring or encouraging the administration of
18 prekindergarten and kindergarten assessments are modified
19 to specify that the assessment instrument school districts
20 must administer must be the teaching strategies gold early
21 childhood assessment. Each school district must report to the
22 department the results of the community strategies employed
23 during the prior fiscal year. The provision relating to
24 the administration of the dynamic indicators of basic early
25 literacy skills (DIBELS) kindergarten benchmark assessment
26 or other kindergarten benchmark assessment adopted by the
27 department of education in consultation with the early
28 childhood Iowa state board, is eliminated by the bill, but the
29 reporting requirements are not. The Code provision, which
30 would have repealed the reporting requirements on July 1, 2013,
31 is eliminated June 30.
32 IOWA EARLY INTERVENTION BLOCK GRANT PROGRAM — SUNSET
33 REPEALED. The bill repeals a provision that specifies a date
34 for the future repeal of Code chapter 256D, the Code chapter
35 which establishes the Iowa early intervention block grant

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1 program, and makes the repeal effective upon enactment.
2 SCHOOL DISTRICT REPORTING REQUIREMENT TASK FORCE —
3 STATE BOARD OF EDUCATION. The bill establishes a reporting
4 requirement review task force and directs the department of
5 education to compile a list of reports that school districts
6 are required to submit to the department biennially or more
7 frequently. The department must submit the list to the task
8 force by September 3, 2013.
9 The task force consists of five members appointed by the
10 director of the department of education.
11 The task force shall review the list submitted by the
12 department and, for each reporting requirement listed, the
13 task force shall produce written justification for continuing,
14 modifying, or eliminating the requirement. The task force
15 shall compile its written justifications in a report the task
16 force shall submit to the state board of education and the
17 general assembly by December 2, 2013.
18 The state board shall review the report and submit its
19 findings and recommendations in a report to the general
20 assembly by February 3, 2014.
21 SCHOOL YEAR-LONG STUDENT TEACHING FIELD EXPERIENCE
22 REQUIREMENT — STUDY. The bill directs each practitioner
23 preparation program offered at a regents university to convene
24 a study committee of education faculty members to study the
25 feasibility of establishing professional development schools
26 for preservice teacher candidates in collaboration with
27 school districts, and the feasibility of requiring students
28 enrolled in practitioner preparation programs to complete a
29 field experience lasting one full school year. Each study
30 committee shall evaluate for its institution issues relating
31 specifically to a proposed professional development school and
32 relating specifically to the impact of a proposed full school
33 year student teaching field experience on four-year graduation
34 rates, on costs, on class scheduling, on university faculty, on
35 an adequate number of school placements, on the abilities and

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1 performance of student teachers, and on student achievement.
2 The study committees must submit their findings and
3 recommendations in a report to the state board of regents, the
4 department of education, the board of educational examiners,
5 the governor, and the general assembly by December 2, 2013.
6 The Iowa association of independent colleges is encouraged
7 to form a similar study committee comprised of education
8 faculty members and to submit any resulting findings and
9 recommendations to the general assembly by December 2, 2013.
10 DIVISION VII —— STATE SCHOOL FOUNDATION PROGRAM. The
11 bill establishes a state percent of growth and a categorical
12 state percent of growth of 4 percent for purposes of the state
13 school foundation program for the school budget years beginning
14 July 1, 2013, and July 1, 2014. This division of the bill
15 takes effect upon enactment and is applicable for state aid
16 computation under the state school foundation program for the
17 school budget years beginning July 1, 2013, and July 1, 2014,
18 as appropriate.
19 The categorical state percent of growth includes the teacher
20 salary supplement, the professional development supplement,
21 and the early intervention supplement, and under this bill the
22 teacher leadership supplement.
23 The bill provides that the requirement of Code section 257.8
24 regarding the timing of enactment of a state percent of growth
25 does not apply to the bill.

Senate File 424 - Introduced

SENATE FILE 424
BY ANDERSON and BERTRAND

A BILL FOR

1 An Act increasing the amount of the exclusion from the
2 computation of net income for purposes of the individual
3 income tax of governmental or other pension or retirement
4 pay, and including retroactive applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1686XS (3) 85
mm/sc

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1 Section 1. Section 422.7, subsection 31, Code 2013, is
2 amended to read as follows:
3 31. *a.* For a person who is disabled, or is fifty-five
4 years of age or older, or is the surviving spouse of an
5 individual or a survivor having an insurable interest in an
6 individual who would have qualified for the exemption under
7 this subsection for the tax year, subtract, to the extent
8 included, the total amount of a governmental or other pension
9 or retirement pay, including, but not limited to, defined
10 benefit or defined contribution plans, annuities, individual
11 retirement accounts, plans maintained or contributed to by an
12 employer, or maintained or contributed to by a self-employed
13 person as an employer, and deferred compensation plans or any
14 earnings attributable to the deferred compensation plans, up
15 to a maximum ~~of six thousand dollars for a person, other than a~~
16 ~~husband or wife, who files a separate state income tax return~~
17 ~~and up to a maximum of twelve thousand dollars for a husband~~
18 ~~and wife who file a joint state income tax return~~ as provided
19 in paragraphs *"b"* and *"c"*.
20 *b.* For a person, other than a married person, who files
21 a separate state income tax return, the subtraction in this
22 subsection shall not exceed the following amount:
23 (1) For tax years beginning in the 2013 calendar year, eight
24 thousand dollars.
25 (2) For tax years beginning in the 2014 calendar year, ten
26 thousand dollars.
27 (3) For tax years beginning in the 2015 calendar year,
28 twelve thousand dollars.
29 (4) For tax years beginning in the 2016 calendar year,
30 fourteen thousand dollars.
31 (5) For tax years beginning on or after January 1, 2017,
32 sixteen thousand dollars.
33 *c.* For a married couple who file a joint state income tax
34 return, the subtraction in this subsection shall not exceed the
35 following amount:

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1 (1) For tax years beginning in the 2013 calendar year,
2 sixteen thousand dollars.
3 (2) For tax years beginning in the 2014 calendar year,
4 twenty thousand dollars.
5 (3) For tax years beginning in the 2015 calendar year,
6 twenty-four thousand dollars.
7 (4) For tax years beginning in the 2016 calendar year,
8 twenty-eight thousand dollars.
9 (5) For tax years beginning on or after January 1, 2017,
10 thirty-two thousand dollars.
11 *d.* However, a surviving spouse who is not disabled or
12 fifty-five years of age or older can only exclude the amount
13 of pension or retirement pay received as a result of the death
14 of the other spouse. A ~~husband and wife~~ married couple filing
15 separate state income tax returns or separately on a combined
16 state return are allowed a combined maximum exclusion under
17 this subsection of up to ~~twelve thousand dollars. The twelve~~
18 ~~thousand dollar exclusion~~ the amount specified in paragraph
19 *"c"*, which exclusion shall be allocated to ~~the husband or wife~~
20 each spouse in the proportion that each spouse's respective
21 pension and retirement pay received bears to total combined
22 pension and retirement pay received.
23 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
24 retroactively to January 1, 2013, for tax years beginning on
25 or after that date.
26 EXPLANATION
27 This bill increases the amount of the exclusion from the
28 individual income tax of governmental or other pension or
29 retirement pay.
30 Under current law, a person who is disabled, 55 years of
31 age or older, or is the surviving spouse or other person
32 having an insurable interest in such person, can exclude from
33 the individual income tax a maximum of $6,000, or $12,000
34 for a married couple filing a joint income tax return, of
35 governmental or other pension or retirement pay. The bill

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increases these maximum exclusion amounts progressively over a five-year period as follows:

1. For tax years beginning in the 2013 calendar year, $8,000 for a single person, $16,000 for a married couple filing a joint return.

2. For tax years beginning in the 2014 calendar year, $10,000 for a single person, $20,000 for a married couple filing a joint return.

3. For tax years beginning in the 2015 calendar year, $12,000 for a single person, $24,000 for a married couple filing a joint return.

4. For tax years beginning in the 2016 calendar year, $14,000 for a single person, $28,000 for a married couple filing a joint return.

5. For tax years beginning on or after January 1, 2017, $16,000 for a single person, $32,000 for a married couple filing a joint return.

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

Senate File 425 - Introduced

SENATE FILE 425
BY JOHNSON

A BILL FOR

1 An Act providing for the issuance of special hunting licenses
2 to certain nonresident disabled persons who are veterans or
3 who are serving in the military.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 483A.24, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 11A. The commission shall issue a special
4 turkey hunting license or any sex deer hunting license to a
5 nonresident who served in the armed forces of the United States
6 on active federal service and is disabled, or who is serving in
7 the armed forces of the United States on active federal service
8 and is disabled, to enable the disabled person to participate
9 in a hunt that is conducted by an organization that conducts
10 hunting experiences in this state for such disabled persons.
11 The licenses shall be issued as follows:
12 *a.* The commission shall prepare an application to be used by
13 the person requesting the special license, which requires that
14 the person's attending physician sign the form declaring that
15 the person has a disability and is eligible for the special
16 license. The person is not required to have a disability that
17 was sustained during military service to be eligible for a
18 license under this subsection.
19 (1) The department shall verify that the license will be
20 used by the applicant in connection with a hunt conducted by
21 an approved organization that conducts hunting experiences
22 in this state for disabled veterans and members of the armed
23 forces serving on federal active duty who are disabled. The
24 commission shall specify, by rules adopted under chapter 17A,
25 what requirements an organization must meet in order to be
26 approved to conduct hunts for disabled persons who obtain
27 licenses under this subsection.
28 (2) The department of veterans affairs shall assist the
29 department in verifying the status or claims of applicants
30 under this subsection.
31 *b.* A license issued under this subsection shall be in
32 addition to the number of nonresident wild turkey hunting
33 licenses authorized pursuant to section 483A.7 and nonresident
34 deer hunting licenses authorized pursuant to section 483A.8.
35 However, a nonresident who obtains a license pursuant to

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1 this subsection is not eligible to obtain a nonresident wild
2 turkey hunting license or deer hunting license under any other
3 provision of law.
4 *c.* The turkey hunting licenses are valid in all zones open
5 to turkey hunting and shall be available for issuance and use
6 during any turkey hunting season. The deer hunting licenses
7 are valid in all zones open to deer hunting and shall be
8 available for issuance and use during any deer hunting season.
9 *d.* A disabled person who receives a special license under
10 this subsection shall purchase a hunting license that includes
11 the wildlife habitat fee, and a wild turkey hunting license or
12 a deer hunting license, if applicable, all for the same fees
13 that are charged to resident hunters. If hunting deer, the
14 disabled person shall also pay a one dollar fee that shall
15 be used and is appropriated for the purpose of deer herd
16 population management, including assisting with the cost of
17 processing deer donated to the help us stop hunger program
18 administered by the commission.
19 *e.* A special hunting license that includes the wildlife
20 habitat fee shall be available for issuance under this
21 subsection to a disabled veteran or disabled member of the
22 armed forces serving on active federal service, for the same
23 fee that is charged to a resident hunter, to enable such a
24 disabled person to participate in a hunt conducted by an
25 organization approved under this subsection for which only a
26 hunting license is required.
27 *f.* A disabled person who receives a special license under
28 this subsection shall complete the hunter safety and ethics
29 education course.
30 *g.* A license issued under this subsection is valid for use
31 only on a hunt conducted by an organization approved under this
32 subsection.
33 *h.* The commission shall adopt rules under chapter 17A for
34 the administration of this subsection.
35 EXPLANATION

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1 This bill requires the natural resource commission to issue
2 special deer hunting licenses and wild turkey hunting licenses
3 to certain nonresident disabled veterans and disabled persons
4 currently on federal active duty in the military for use on
5 hunts conducted by approved organizations that conduct hunting
6 experiences in the state for such disabled persons. The
7 department of natural resources is to adopt rules specifying
8 what requirements an organization must meet to be approved.
9 The special licenses are available to nonresident disabled
10 veterans and persons currently on federal active duty who are
11 disabled, regardless of whether the disability is related to
12 their military service. The department of veterans affairs
13 shall assist the department in verifying the status of
14 applicants for the licenses.
15 The special licenses are in addition to the number of
16 nonresident wild turkey and deer hunting licenses that are
17 otherwise authorized by law. A nonresident who obtains one
18 of the special licenses is not eligible to obtain another
19 nonresident wild turkey or deer hunting license under any other
20 provision of law.
21 The special licenses are valid in all zones open to turkey or
22 deer hunting, and during all turkey or deer hunting seasons,
23 as applicable.
24 A nonresident who purchases a special license must also
25 purchase a hunting license that includes the wildlife habitat
26 fee, all for the same fees as a resident hunter. A nonresident
27 who purchases a special deer hunting license must also pay the
28 $1 fee for the purpose of deer herd population management,
29 including assisting with the cost of processing deer donated to
30 the help us stop hunger program.
31 A special hunting license that includes the wildlife habitat
32 fee is available to such disabled persons for the same fee that
33 is charged to a resident hunter to enable the disabled persons
34 to participate in a hunt conducted by an approved organization
35 for which only a hunting license is required.

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1 A disabled person who receives one of the special licenses
2 must complete the hunter safety and ethics education course.