Iowa General Assembly
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February 28, 2013

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House File 245

H-1055

1 Amend House File 245 as follows:
2 1. Page 1, before line 1 by inserting:
3 <Section 1. Section 101B.5, subsection 5, Code
4 2013, is amended to read as follows:
5 5. For each cigarette listed in a certification, a
6 manufacturer shall pay a fee of one hundred dollars to
7 the department. The department shall deposit all fees
8 received pursuant to this subsection with the treasurer
9 of state for credit to the general fund of the state.
10 Sec. ___. Section 101B.8, Code 2013, is amended by
11 adding the following new subsection:
12 NEW SUBSECTION. 10. The department shall deposit
13 any moneys received from civil penalties assessed
14 pursuant to this section with the treasurer of state
15 for credit to the general fund of the state.>
16 2. By renumbering as necessary.

WORTHAN of Buena Vista

House File 367 - Introduced

HOUSE FILE 367
BY KELLEY

A BILL FOR

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

TLSB 2429YH (1) 85
je/rj

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

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

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

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

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

House File 368 - Introduced

HOUSE FILE 368
BY GARRETT, WORTHAN, ROGERS, RAYHONS, WATTS, FRY, BRANDENBURG, HEARTSILL, GASSMAN, L. MILLER, HANUSA, DOLECHECK, SALMON, BYRNES, HESS, DRAKE, PETTENGILL, FISHER, ALONS, DEYOE, KOESTER, SHEETS, WINDSCHITL, HUSEMAN, SCHULTZ, SHAW, MAXWELL, R. TAYLOR, and HANSON

A BILL FOR

1 An Act relating to the employment of unauthorized aliens and
2 providing penalties and remedies.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1596YH (7) 85
je/rj

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1 Section 1. NEW SECTION. **93.1 Definitions.**
2 As used in this chapter, unless the context otherwise
3 requires:
4 1. *"Agency"* means an agency, department, board, or
5 commission of this state or a political subdivision that issues
6 a license for purposes of operating a business in this state.
7 2. *"Economic development incentive"* means a grant, loan, or
8 performance-based incentive awarded by a public employer of
9 this state. *"Economic development incentive"* does not include a
10 tax credit or tax incentive program.
11 3. *"Employ"* means hiring or continuing to employ an
12 individual to perform services.
13 4. *"Employee"* means an individual who provides services
14 or labor for an employer or public employer in this state for
15 wages or other remuneration. *"Employee"* does not include an
16 independent contractor.
17 5. *"Employer"* means a person, as defined in chapter 4,
18 that does business with or receives an economic development
19 incentive from a public employer, and that employs one or more
20 employees in this state.
21 6. *"E-verify program"* means the employment verification
22 program as jointly administered by the United States department
23 of homeland security and the United States social security
24 administration or any successor program.
25 7. *a. "Independent contractor"* means a person that carries
26 on an independent business, that contracts to do a piece of
27 work according to the person's own means and methods and that
28 is subject to control only as to results. Whether a person is
29 an independent contractor is determined on a case-by-case basis
30 through various factors, including whether the person does any
31 of the following:
32 (1) Supplies tools or materials.
33 (2) Makes services available to the general public.
34 (3) Works or may work for a number of clients at the same
35 time.

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1 (4) Has an opportunity for profit or loss as a result of
2 labor or service provided.
3 (5) Invests in facilities for work.
4 (6) Directs the order or sequence in which the work is
5 completed.
6 (7) Determines the hours when the work is completed.
7 *b.* Independent contractor status includes an individual who
8 performs services and is not an employee pursuant to section
9 3508 of the Internal Revenue Code.
10 8. *"Knowingly employ an unauthorized alien"* means the
11 actions described in 8 U.S.C. § 1324a, and shall be interpreted
12 consistently with 8 U.S.C. § 1324a and any applicable federal
13 regulations.
14 9. *"License"* means a permit, certificate, approval,
15 registration, charter, or similar form of authorization, other
16 than a professional license, that is required by law and that
17 is issued by an agency, allowing the licensee to do business
18 in this state.
19 10. *"Political subdivision"* means a city, county, township,
20 school district, area education agency, community college, or
21 institution governed by the state board of regents.
22 11. *"Professional license"* means a license, certification,
23 or registration required by law to engage in a profession or
24 occupation in this state.
25 12. *"Public employer"* means this state or a political
26 subdivision of this state.
27 13. *"Unauthorized alien"* means an alien who does not have
28 the legal right or authorization under federal law to work in
29 the United States as described in 8 U.S.C. § 1324a(h)(3).
30 Sec. 2. NEW SECTION. **93.2 Knowingly employing unauthorized**
31 **aliens.**
32 1. *Knowingly employing unauthorized aliens prohibited.* An
33 employer or public employer shall not knowingly employ an
34 unauthorized alien. If an employer or public employer uses
35 a contract, subcontract, or other independent contractor

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1 agreement to obtain the labor of an alien in this state, and
2 the employer or public employer knowingly contracts with an
3 unauthorized alien or with a person who employs or contracts
4 with an unauthorized alien to perform the labor, the employer
5 or public employer violates this subsection.
6 2. *Court action required.* An action for a violation of
7 subsection 1 shall be brought against an employer by the
8 county attorney in the district court of the county where the
9 unauthorized alien employee is or was employed by the employer.
10 The district court shall expedite the action, including
11 assigning a hearing at the earliest practicable date.
12 3. *Court order — first violation.* On a finding of a first
13 violation as described in subsection 5, the court shall require
14 by order all of the following:
15 *a.* The employer shall terminate the employment of all
16 unauthorized aliens.
17 *b.* (1) The employer shall be subject to a three-year
18 probationary period for the business location where the
19 unauthorized alien performed work.
20 (2) During the probationary period, the employer shall file
21 quarterly reports in the form prescribed in section 252G.3 with
22 the county attorney for each new employee who is hired by the
23 employer at the business location where the unauthorized alien
24 performed work.
25 *c.* The employer shall be required to file a signed sworn
26 affidavit with the county attorney within three business days
27 after the order is issued. The affidavit shall state that
28 the employer has terminated the employment of all of the
29 employer's unauthorized alien employees in this state and that
30 the employer will not knowingly employ an unauthorized alien
31 in this state.
32 (1) The court shall order the appropriate agencies to
33 suspend all licenses that are held by the employer if the
34 employer fails to file a signed sworn affidavit with the county
35 attorney within three business days after the order is issued.

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1 All licenses that are suspended shall remain suspended until
2 the employer files a signed sworn affidavit with the county
3 attorney. Upon filing of the affidavit, the suspended licenses
4 shall be reinstated immediately by the appropriate agencies.
5 (2) Licenses that are subject to suspension under this
6 paragraph "c" are all licenses that are held by the employer
7 specific to the business location where the unauthorized alien
8 performed work. If the employer does not hold a license
9 specific to the business location where the unauthorized alien
10 performed work, but a license is necessary to operate the
11 employer's business in general, the licenses that are subject
12 to suspension under this paragraph "c" are all licenses that
13 are held by the employer at the employer's primary place of
14 business. On receipt of the court's order, the appropriate
15 agencies shall suspend the licenses according to the court's
16 order. The court shall send a copy of the court's order to the
17 secretary of state and the secretary of state shall maintain
18 the copy pursuant to subsection 6.
19 (3) The court may order the appropriate agencies to suspend
20 all licenses described in this paragraph "c" that are held
21 by the employer for not more than ten business days. The
22 court shall base its decision to suspend licenses under this
23 subparagraph on any evidence or information submitted to the
24 court during the action for a violation of subsection 1 and
25 shall consider the following factors, if relevant:
26 (a) The number of unauthorized aliens employed by the
27 employer.
28 (b) Any prior misconduct by the employer.
29 (c) The degree of harm resulting from the violation.
30 (d) Whether the employer made good faith efforts to comply
31 with any applicable requirements.
32 (e) The duration of the violation.
33 (f) The role of the directors, officers, or principals of
34 the employer in the violation.
35 (g) Any other factors the court deems appropriate.

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1 4. *Court order — second violation.* For a second violation,
2 as described in subsection 5, the court shall order the
3 appropriate agencies to revoke all licenses that are held
4 by the employer specific to the business location where the
5 unauthorized alien performed work. If the employer does not
6 hold a license specific to the business location where the
7 unauthorized alien performed work, but a license is necessary
8 to operate the employer's business in general, the court shall
9 order the appropriate agencies to revoke all licenses that
10 are held by the employer at the employer's primary place of
11 business. On receipt of the order, the appropriate agencies
12 shall immediately revoke the licenses. An agency shall not
13 reissue a license revoked in this manner.
14 5. *Violations defined.*
15 *a.* A violation shall be considered a first violation by
16 an employer at a business location if the violation did not
17 occur during a probationary period ordered by the court under
18 subsection 3, paragraph *"b"*, for that employer's business
19 location.
20 *b.* A violation shall be considered a second violation by
21 an employer at a business location if the violation occurred
22 during a probationary period ordered by the court under
23 subsection 3, paragraph *"b"*, for that employer's business
24 location.
25 6. *Secretary of state database.* The secretary of state
26 shall maintain copies of court orders that are received
27 pursuant to subsection 3, paragraph *"c"*, and shall maintain a
28 database of the employers and business locations found to have
29 committed a first violation of subsection 1 and make the court
30 orders available on the secretary of state's internet site.
31 7. *Federal determination governs.* In determining whether
32 an employee is an unauthorized alien, the court shall consider
33 only the federal government's determination pursuant to 8
34 U.S.C. § 1373(c). The federal government's determination
35 creates a rebuttable presumption of the employee's lawful

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1 status. The court may take judicial notice of the federal
2 government's determination and may request the federal
3 government to provide automated or testimonial verification
4 pursuant to 8 U.S.C. § 1373(c).
5 8. *Good-faith compliance.* For the purposes of this section,
6 an employer that establishes that it has complied in good
7 faith with the requirements of 8 U.S.C. § 1324a(b) establishes
8 a conclusive affirmative defense that the employer did not
9 knowingly employ an unauthorized alien. An employer is
10 considered to have complied with the requirements of 8 U.S.C. §
11 1324a(b), notwithstanding an isolated, sporadic, or accidental
12 technical or procedural failure to meet the requirements, if
13 there is a good-faith attempt to comply with the requirements.
14 9. *Entrapment as affirmative defense.*
15 *a.* It is an affirmative defense to a violation of subsection
16 1 that the employer was entrapped. To claim entrapment, the
17 employer must admit by the employer's testimony or other
18 evidence the substantial elements of the violation. An
19 employer who asserts an entrapment defense has the burden
20 of proving all of the following by a preponderance of the
21 evidence:
22 (1) The idea of committing the violation started with law
23 enforcement officers or their agents rather than with the
24 employer.
25 (2) The law enforcement officers or their agents urged and
26 induced the employer to commit the violation.
27 (3) The employer was not predisposed to commit the violation
28 before the law enforcement officers or their agents urged and
29 induced the employer to commit the violation.
30 *b.* An employer does not establish entrapment if the employer
31 was predisposed to violate subsection 1 and the law enforcement
32 officers or their agents merely provided the employer with an
33 opportunity to commit the violation. It is not entrapment for
34 law enforcement officers or their agents merely to use a ruse
35 or to conceal their identity. The conduct of law enforcement

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1 officers and their agents may be considered in determining if
2 an employer has proven entrapment.
3 Sec. 3. NEW SECTION. **93.3 E-verify program — employer**
4 **participation.**
5 1. An employer or public employer, after hiring an employee,
6 shall verify the employment eligibility of the employee
7 through the e-verify program and shall keep a record of the
8 verification for the duration of the employee's employment or
9 at least three years, whichever is longer.
10 2. In addition to any other requirement for an employer
11 to receive an economic development incentive from a public
12 employer, the employer shall register with and participate
13 in the e-verify program. Before receiving the economic
14 development incentive, the employer shall provide proof to
15 the public employer that the employer is registered with and
16 is participating in the e-verify program. If the public
17 employer determines that the employer is not complying with
18 this subsection, the public employer shall notify the employer
19 by certified mail of the public employer's determination
20 of noncompliance and the employer's right to appeal the
21 determination. On a final determination of noncompliance,
22 the employer shall repay all moneys received as an economic
23 development incentive to the public employer within thirty days
24 of the final determination.
25 3. Every three months, the secretary of state shall request
26 from the United States department of homeland security a list
27 of employers and public employers from this state that are
28 registered with the e-verify program. On receipt of the list
29 of employers and public employers, the secretary of state shall
30 make the list available on the secretary of state's internet
31 site.
32 Sec. 4. NEW SECTION. **93.4 Compliance with federal and state**
33 **law.**
34 This chapter shall not be construed to require an employer or
35 public employer to take any action that the employer or public

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1 employer believes in good faith would violate federal or state
2 law.
3 Sec. 5. IMPLEMENTATION OF ACT. Section 25B.2, subsection
4 3, shall not apply to this Act.
5 EXPLANATION
6 This bill prohibits employers and public employers from
7 knowingly employing unauthorized aliens. The bill defines an
8 "employer" as a person, as defined in Code chapter 4, that does
9 business with or receives an economic development incentive
10 from a public employer, and that employs one or more employees
11 in the state. The bill defines "public employer" as this state
12 or a political subdivision of this state.
13 The bill requires the county attorney to bring an action
14 in district court against an employer for a violation in the
15 county where the unauthorized alien employee is or was employed
16 by the employer. The bill provides that such an action must be
17 expedited by the court.
18 The bill provides that for a first violation, the court
19 must order the employer to terminate the employment of all
20 of its unauthorized alien employees and to submit a signed
21 sworn affidavit to that effect or face suspension of business
22 licenses by appropriate agencies. The court must also order
23 a three-year probationary period for the employer. The court
24 may also order the suspension of the employer's business
25 licenses by appropriate agencies for up to 10 business days,
26 after considering certain factors. The bill provides that for
27 a second violation, defined as a violation occurring during a
28 probationary period for a previous violation, the court must
29 order the revocation of the employer's business licenses.
30 Licenses revoked in this manner cannot be reissued. The bill
31 directs the secretary of state to maintain an online database
32 of first-time offenders.
33 The bill provides that the district court can only consider
34 a determination by the federal government in determining the
35 immigration status of an alleged unauthorized alien employee.

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1 The bill provides that an employer who establishes that the
2 employer complied in good faith with 8 U.S.C. § 1324a(b)
3 establishes a conclusive affirmative defense that the employer
4 did not knowingly employ an unauthorized alien. The bill
5 provides that an employer is considered to have complied with
6 the requirements of 8 U.S.C. § 1324a(b), notwithstanding an
7 isolated, sporadic, or accidental technical or procedural
8 failure to meet the requirements, if there is a good-faith
9 attempt to comply with the requirements. The bill provides an
10 employer with an affirmative defense of entrapment if certain
11 elements are met.
12 The bill requires an employer or public employer hiring a
13 new employee to verify the employee's employment eligibility
14 through the federal e-verify program. The bill requires the
15 employer or public employer to keep records of the verification
16 for the duration of the employee's employment or three years,
17 whichever is longer.
18 The bill also requires an employer receiving an economic
19 development incentive from a public employer in the state to
20 register with the federal e-verify program. The bill provides
21 that an employer who does not comply with the requirement
22 must repay all moneys received as an economic development
23 incentive. The bill provides an employer the right to appeal a
24 determination of noncompliance, and does not require repayment
25 until a final determination of noncompliance is made.
26 The bill directs the secretary of state to request from
27 the United States department of homeland security a list of
28 employers and public employers registered with the e-verify
29 program every three months. The bill directs the secretary of
30 state to make the list available on the secretary of state's
31 internet site.
32 The bill provides that the bill shall not be construed to
33 require an employer or public employer to take any action that
34 the employer believes in good faith would violate federal or
35 state law.

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

House File 369 - Introduced

HOUSE FILE 369
BY HAGENOW

A BILL FOR

1 An Act relating to the procedure for tax sales and including
2 applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2285YH (3) 85
md/sc

H.F. 369

1 Section 1. Section 446.16, subsections 1 and 4, Code 2013,
2 are amended to read as follows:
3 1. *a.* Each parcel offered for sale shall first be offered
4 for sale to those registered bidders under this section who
5 are individual residents of this state or that are domestic
6 business entities as defined in section 501A.102. The
7 individual resident or domestic business entity who offers to
8 pay the total amount due, which is a lien on any parcel, for the
9 smallest percentage of the parcel is the purchaser, and when
10 the purchaser designates the percentage of any parcel for which
11 the purchaser will pay the total amount due, the percentage
12 thus designated shall give the individual resident or domestic
13 business entity an undivided interest upon the issuance of a
14 treasurer's deed, as provided in chapter 448. If two or more
15 eligible bidders under this paragraph have placed an equal bid
16 and the bids are the smallest percentage offered, the county
17 treasurer shall use a random selection process to select the
18 bidder to whom a certificate of purchase will be issued. The
19 percentage that may be designated by any purchaser under this
20 paragraph shall not be less than one percent. If a parcel is
21 not sold under this paragraph, the county treasurer shall offer
22 the parcel for sale under paragraph "*b*".
23 *b.* The county treasurer shall offer for sale to all persons
24 registered to bid under this section each parcel that is not
25 sold under paragraph "*a*". The person who offers to pay the
26 total amount due, which is a lien on any parcel, for the
27 smallest percentage of the parcel is the purchaser, and when
28 the purchaser designates the percentage of any parcel for which
29 the purchaser will pay the total amount due, the percentage
30 thus designated shall give the person an undivided interest
31 upon the issuance of a treasurer's deed, as provided in chapter
32 448. If two or more persons have placed an equal bid and the
33 bids are the smallest percentage offered, the county treasurer
34 shall use a random selection process to select the bidder to
35 whom a certificate of purchase will be issued. The percentage

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that may be designated by any purchaser under this ~~subsection~~ paragraph shall not be less than one percent.

4. Only those persons as defined in section 4.1 are authorized to register to bid or to bid at the tax sale or to own a tax sale certificate by purchase, assignment, or otherwise. To be authorized to register to bid or to bid at a tax sale or to own a tax sale certificate, a person, other than an individual, must have a federal tax identification number and either a designation of agent for service of process on file with the secretary of state or a verified statement meeting the requirements of chapter 547 on file with the county recorder of the county in which the person wishes to register to bid or to bid at tax sale or of the county where the property that is the subject of the tax sale certificate is located. Each person authorized to register to bid under this section shall only be allowed to register once for each tax sale and an individual shall not be allowed to register to bid on behalf of more than one person during a tax sale.

Sec. 2. APPLICABILITY. This Act applies to tax sales occurring on or after July 1, 2013.

EXPLANATION

This bill amends Code chapter 446 relating to tax sales. The bill requires the county treasurer to first offer each parcel for sale only to those registered bidders who are individual residents or domestic business entities as defined in the bill. The bill provides that if a parcel is not sold when offered for sale only to registered bidders who are individual residents or domestic business entities, the parcel is then offered for sale to all registered bidders.

The bill provides that each person authorized to register to bid under Code section 446.16 shall only be allowed to register once for each tax sale and an individual shall not be allowed to register to bid on behalf of more than one person during a tax sale.

The bill applies to tax sales occurring on or after July 1,

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1 2013.

House File 370 - Introduced

HOUSE FILE 370
BY HALL

A BILL FOR

1 An Act requiring payment of the migratory game bird fee before
2 hunting mourning doves, and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2013HH (2) 85
av/nh

H.F. 370

1 Section 1. Section 484A.1, subsection 2, Code 2013, is
2 amended to read as follows:
3 2. *"Migratory game bird"* means any wild goose, brant, wild
4 duck, snipe, rail, woodcock, mourning dove, or coot.
5 EXPLANATION
6 This bill requires a person to pay the migratory game bird
7 fee of $8 before hunting mourning doves. A violation of this
8 provision is punishable as a scheduled violation with a fine
9 of $10 or as a simple misdemeanor. A simple misdemeanor is
10 punishable by confinement for no more than 30 days or a fine of
11 at least $65 but not more than $625 or by both.

House File 371 - Introduced

HOUSE FILE 371
BY HALL and STANERSON

A BILL FOR

1 An Act relating to the mandatory submission of a chemical test
2 by a driver of a motor vehicle involved in an accident
3 involving death and making civil remedies applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2021YH (3) 85
jm/nh

H.F. 371

1 Section 1. NEW SECTION. **321J.6A Mandatory blood test —**
2 **accident involving death.**
3 1. Notwithstanding any other provision of this chapter to
4 the contrary, a person who operates a motor vehicle who is
5 involved in a motor vehicle accident or collision resulting
6 in death shall submit to a chemical test of the person's
7 blood to determine the alcohol concentration or the presence
8 of a controlled substance or other drugs. The investigating
9 peace officer shall cause a test to be administered as soon
10 as practicable following the accident in the same manner as
11 prescribed in section 321J.11.
12 2. The result of the test is admissible at trial if the
13 court, after reviewing all the evidence, whether gathered prior
14 to, during, or after the test, is satisfied that probable
15 cause exists, independent of the test result, to believe that
16 the driver of the motor vehicle was under the influence of
17 an alcoholic beverage or other drug or a combination of such
18 substances at the time of the accident.
19 3. If a person fails to submit to a test under this section
20 the department shall revoke the person's driver's license or
21 any nonresident operating privilege as required by and for the
22 applicable period specified under section 321J.9.
23 EXPLANATION
24 This bill relates to the mandatory submission to a chemical
25 test by a driver of a motor vehicle involved in an accident
26 involving death and making civil remedies applicable.
27 The bill provides that, notwithstanding any other provision
28 of Code chapter 321J (Iowa's operating a motor vehicle while
29 intoxicated law) to the contrary, a person who operates a
30 motor vehicle who is involved in a motor vehicle accident or
31 collision resulting in death shall submit to a chemical test
32 of the person's blood to determine the alcohol concentration
33 or the presence of a controlled substance or other drugs as
34 soon as practicable following the accident in the same manner
35 as prescribed in Code section 321J.11. The result of the test

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is admissible at trial if the court, after reviewing all the evidence, whether gathered prior to, during, or after the test, is satisfied that probable cause exists, independent of the test result, to believe that the driver of the motor vehicle was under the influence of an alcoholic beverage or other drug or a combination of such substances at the time of the accident.

The bill provides that if a person fails to submit to a test under the bill the department shall revoke the person's driver's license or any nonresident operating privilege as required by and for the applicable period specified under Code section 321J.9. A person who fails to submit to chemical testing is subject to license revocation for up to two years and shall not be eligible for a temporary restricted license for up to one year after the date of the revocation depending on whether the person has had a previous revocation under Code chapter 321J.

Under current law, Iowa's implied consent law provides that a person who operates a motor vehicle in this state under circumstances which give reasonable grounds to believe that the person has been operating a motor vehicle in violation of Iowa's operating-while-intoxicated law is deemed to have given consent to the withdrawal of specimens of the person's blood, breath, or urine and to a chemical test or tests of the specimens for the purpose of determining the alcohol concentration or presence of a controlled substance or other drugs. The withdrawal of the body substances and the test or tests is contingent upon a written request of a peace officer who, prior to the request, has reasonable grounds to believe that the person was operating a motor vehicle in violation of Code chapter 321J, under any of a number of conditions, including but not limited to whether the person has been involved in a motor vehicle accident or collision resulting in personal injury or death.

House File 372 - Introduced

HOUSE FILE 372
BY HALL

A BILL FOR

1 An Act establishing a state poison control center support fund,
2 authorizing assessments, and making appropriations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2062YH (3) 85
av/nh

H.F. 372

Section 1. NEW SECTION. **505.26 State poison control center support fund — assessment — appropriation.**

1. As used in this section, unless the context otherwise requires:

a. *"Commissioner"* means the commissioner of insurance.

b. *"Fund"* means the state poison control center support fund.

c. *"Health carrier"* means an insurer providing accident and sickness insurance under chapter 509, 514, or 514A, and includes a health maintenance organization established under chapter 514B if payments received by the health maintenance organization are considered premiums pursuant to section 514B.31 and are taxed under chapter 432. *"Health carrier"* also includes a corporation which becomes a mutual insurer pursuant to section 514.23 and any other person as defined in section 4.1, subsection 20, who is or may become liable for the tax imposed by chapter 432.

d. *"Health insurance"* means accident and sickness insurance authorized by chapter 509, 514, or 514A.

e. *"State poison control center"* means the state poison control center established by the department of public health pursuant to 2000 Iowa Acts, chapter 1221, section 1.

2. *a.* A state poison control center support fund is created in the state treasury under the authority of the department of public health. Moneys appropriated to and all other moneys specified for deposit in the fund shall be deposited in the fund and used for the funding and support of the state poison control center.

b. The fund shall be separate from the general fund of the state and shall not be considered part of the general fund of the state. The moneys in the fund shall not be considered revenue of the state, but rather shall be funds of the state poison control center. The moneys deposited in the fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered, except to

H.F. 372

1 provide for the support of the state poison control center.
2 Notwithstanding section 12C.7, subsection 2, interest or
3 earnings on moneys deposited in the fund shall be credited to
4 the fund.
5 *c.* The department of public health shall adopt rules
6 pursuant to chapter 17A to administer the fund and payments
7 made from the fund.
8 *d.* Moneys in the fund are appropriated to the department
9 of public health and shall be used by the department for the
10 purposes of the state poison control center. The department
11 shall be the administrator of the fund for auditing purposes.
12 3. All health carriers that report total health insurance
13 premiums and payments for subscriber contracts and paid losses
14 in this state in excess of one hundred thousand dollars per
15 year shall annually pay an assessment for deposit into the
16 fund as determined by the commissioner under subsection 4.
17 The amount of assessments paid into the fund each year shall
18 total five hundred thousand dollars. Beginning in 2015, the
19 commissioner shall, on or before March 1 of each calendar year,
20 publish an adjustment to the total amount of the assessments
21 that must be paid into the fund that year equal to the
22 percentage change in the United States department of labor
23 consumer price index for all urban consumers in the preceding
24 calendar year.
25 4. *a.* Beginning on April 1, 2014, and April 1 of each
26 calendar year thereafter, the commissioner shall determine
27 the amount assessable to each health carrier in the state for
28 deposit into the fund as provided in subsection 3. Health
29 carriers in the state shall be assessed in proportion to
30 their respective shares of total health insurance premiums
31 or payments for subscriber contracts received in Iowa during
32 the preceding calendar year, or with paid losses in the year,
33 coinciding with or ending during the calendar year or on any
34 other equitable basis as determined by the commissioner.
35 *b.* In determining the amount of the assessments, the

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1 commissioner may abate or defer in any part the assessment of a
2 health carrier, if, in the opinion of the commissioner, payment
3 of the assessment would endanger the ability of the health
4 carrier to fulfill its contractual obligations.
5 *c.* For purposes of calculating and conducting the
6 assessment, the commissioner shall have the express authority
7 to require health carriers to report on an annual basis each
8 health carrier's total health insurance premiums and payments
9 for subscriber contracts and paid losses.
10 *d.* Beginning on May 1, 2014, and each May 1 thereafter, the
11 commissioner shall make assessments against health carriers
12 under this section with payment due by July 1, 2014, and each
13 July 1 thereafter. Payment shall be remitted to the treasurer
14 of state and deposited in the fund to support the state poison
15 control center as provided in subsection 2.
16 *e.* For purposes of this subsection, *"total health insurance*
17 *premiums"* and *"payments for subscriber contracts"* include,
18 without limitation, premiums or other amounts paid to or
19 received by a health carrier for individual and group health
20 insurance coverage provided under any chapter of the Code or
21 Acts, and *"paid losses"* includes, without limitation, claims
22 paid by a health carrier operating on a self-funded basis for
23 individual and group health insurance coverage provided under
24 any chapter of the Code or Acts.
25 EXPLANATION
26 This bill establishes a state poison control center support
27 fund, authorizes assessments of health carriers to generate
28 moneys for deposit into the fund, and makes appropriations.
29 The bill creates the state poison control center support
30 fund in the state treasury under the authority of the
31 department of public health. The purpose of the fund is to
32 provide funding and support to the state poison control center
33 which was created in 2000 under the authority of the department
34 of public health. Moneys in the fund are appropriated to the
35 department of public health to use for the purposes of the

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1 state poison control center and the department is directed to
2 adopt rules to administer the fund and payments made from the
3 fund.
4 Health carriers that report total health insurance premiums
5 and payments of subscriber contracts and paid losses in this
6 state in excess of $100,000 per year are required to pay annual
7 assessments for deposit into the fund as determined by the
8 commissioner of insurance so that total deposits into the fund
9 from such assessments equal $500,000 each year. Beginning
10 in 2015, the amount of the total assessments due for deposit
11 into the fund each year shall be adjusted annually to reflect
12 percentage changes in the consumer price index.
13 The commissioner of insurance is directed to determine
14 the amount assessable to each health carrier in the state in
15 proportion to each health carrier's respective share as set
16 forth in the bill. The commissioner may abate or defer any
17 assessment, if, in the commissioner's opinion, payment of the
18 assessment would endanger the ability of the health carrier
19 to fulfill its contractual obligations. For purposes of
20 calculating and conducting the assessment, the commissioner has
21 the authority to require health carriers to report on an annual
22 basis each health carrier's total health insurance premiums and
23 payments for subscriber contracts and paid losses.
24 The commissioner is required to make assessments against
25 health carriers beginning on May 1, 2014, and each May 1
26 thereafter, and payment of the assessments is due by July 1,
27 2014.

House File 373 - Introduced

HOUSE FILE 373
BY HAGENOW

A BILL FOR

1 An Act relating to the practice of physical therapy assistants.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2348YH (2) 85
ad/sc

H.F. 373

1 Section 1. Section 148A.6, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 4. Notwithstanding subsection 1, upon the
4 referral and under the direction of a physician licensed under
5 chapter 148, a physical therapy assistant may provide physical
6 therapy evaluation and treatment. When a physical therapy
7 assistant provides care under such referral and direction, the
8 records of the patient's condition and progress along with any
9 records of instruction for treatment shall be maintained by the
10 physical therapy assistant's employer and a copy forwarded to
11 the referring physician.
12 Sec. 2. RULES. The board of physical and occupational
13 therapy, after consultation with the board of medicine, shall
14 adopt rules pursuant to its authority in section 148A.6,
15 subsection 1, to implement and administer this Act.
16 EXPLANATION
17 This bill relates to the practice of physical therapy
18 assistants.
19 The bill allows a physical therapy assistant to provide
20 physical therapy evaluation and treatment upon the referral and
21 under the direction of a licensed physician. Records regarding
22 care of a patient receiving evaluation or treatment by a
23 physical therapy assistant shall be maintained by the physical
24 therapy assistant's employer and a copy shall also be forwarded
25 to the referring physician.
26 The bill requires the board of physical and occupational
27 therapy, after consultation with the board of medicine, to
28 adopt rules to implement and administer this Act.

House File 374 - Introduced

HOUSE FILE 374
BY GASKILL

A BILL FOR

1 An Act relating to emergency contact and medical information
2 contained in a driver´s license or nonoperator´s
3 identification card record.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2410YH (2) 85
dea/nh

H.F. 374

1 Section 1. Section 22.7, Code 2013, is amended by adding the
2 following new subsection:
3 NEW SUBSECTION. 65. Personal information contained on
4 electronic driver's license or nonoperator's identification
5 card records that is provided by the licensee or cardholder to
6 the department of transportation for use by law enforcement,
7 first responders, emergency medical service providers, or other
8 medical personnel responding to or assisting with an emergency.
9 Sec. 2. EMERGENCY CONTACT AND MEDICAL INFORMATION RECORDS
10 — ADMINISTRATIVE RULES. The department of transportation
11 shall adopt rules pursuant to chapter 17A to implement a
12 process for the input, maintenance, and retrieval of emergency
13 contact and medical information in a record associated with a
14 person's driver's license or nonoperator's identification card.
15 The process shall allow a person to self-manage information
16 voluntarily provided by the person electronically for use in an
17 emergency, to be maintained as an electronic record accessible
18 only to law enforcement personnel from an interface on the
19 person's driver's license or nonoperator's identification card.
20 The information provided by a person shall not appear on the
21 face of the driver's license or nonoperator's identification
22 card. The rules shall specify the types of information that
23 may be stored pursuant to this section, which may include
24 emergency contact information, medical information of value
25 to an emergency medical care provider, out-of-hospital
26 do-not-resuscitate orders issued in accordance with chapter
27 144A, the existence of a living will, and similar information
28 that a person intends to be conveyed to emergency responders
29 and emergency medical care providers in an emergency situation.
30 EXPLANATION
31 This bill requires the department of transportation to
32 adopt administrative rules to implement a process for the
33 input, maintenance, and retrieval of emergency contact and
34 medical information in a record associated with a person's
35 driver's license or nonoperator's identification card.

H.F. 374

Under the process, a person could voluntarily provide and self-manage information stored in an electronic format which could be accessed by law enforcement and shared with emergency responders and emergency medical care providers in an emergency situation. The department is directed to specify by rule the types of information that might properly be included, such as personal contact information, medical information of value to an emergency medical care provider, out-of-hospital do-not-resuscitate orders, and the existence of a living will.

The bill amends Code section 22.7 to provide that personal information contained on electronic driver's license or nonoperator's identification card records that is provided by the licensee or cardholder for use by certain law enforcement and medical personnel responding to or assisting with an emergency constitutes a confidential record.

House File 375 - Introduced

HOUSE FILE 375
BY WATTS and ALONS

A BILL FOR

1 An Act establishing a driver's license reimbursement fund and
2 providing for the allocation of revenues from the sales tax
3 on dyed special fuel, making an appropriation, and including
4 retroactive applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1953HH (8) 85
dea/nh

H.F. 375

1 Section 1. Section 312.2, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 18. The treasurer of state, before making
4 the allotments provided for in this section, shall credit
5 annually from the road use tax fund to the secondary road fund
6 the amount transferred to the road use tax fund pursuant to
7 section 321M.12, to be used for construction, maintenance, and
8 repair of secondary roads, including bridges.
9 Sec. 2. NEW SECTION. **321M.12 Driver's license reimbursement**
10 **fund.**
11 1. A driver's license reimbursement fund is established in
12 the office of the treasurer of state under the control of the
13 department. The fund shall consist of any moneys appropriated
14 to the fund by the general assembly and the amount of sales tax
15 revenues transferred to the fund pursuant to section 423.2,
16 subsection 11, paragraph *"a"*, subparagraph (3). The moneys
17 in the fund are appropriated to the department to be used as
18 provided in this section.
19 2. Annually, on or after July 1 of each fiscal year, from
20 moneys available in the driver's license reimbursement fund
21 on June 30 of the preceding fiscal year, the department shall
22 reimburse counties for costs incurred from the issuance and
23 renewal of driver's licenses and nonoperator's identification
24 cards by the county treasurer's office during the preceding
25 fiscal year. The amount of the reimbursement for a county
26 shall be equal to the average total cost per card issued by all
27 county treasurer's offices according to the most recent report
28 compiled by the auditor of state pursuant to section 321M.9,
29 subsection 4, minus seven dollars, multiplied by the total
30 number of cards issued by the county treasurer's office during
31 the preceding fiscal year.
32 3. Any moneys that were available in the fund on June 30
33 of the preceding fiscal year which remain in the fund after
34 the distribution provided for under subsection 2 shall be
35 transferred to the road use tax fund.

H.F. 375

1 Sec. 3. Section 423.2, subsection 11, paragraph a, Code
2 2013, is amended by adding the following new subparagraph:
3 NEW SUBPARAGRAPH. (3) Subsequent to the deposit into the
4 general fund of the state, the director shall transfer an
5 amount equal to the revenues collected from the sales tax on
6 dyed special fuel to the driver's license reimbursement fund
7 created in section 321M.12.
8 Sec. 4. RETROACTIVE APPLICABILITY. This Act applies
9 retroactively to July 1, 2012, for sales tax revenues collected
10 on or after that date.
11 EXPLANATION
12 There are currently 81 county treasurer's offices that
13 are authorized to issue driver's licenses and nonoperator's
14 identification cards in Iowa. The county treasurers retain
15 for deposit in the county general fund $7 of the fee from each
16 driver's license or nonoperator's identification card issued by
17 the county treasurer's office.
18 This bill establishes a driver's license reimbursement
19 fund to be administered by the department of transportation.
20 Moneys in the fund are appropriated to the department to be
21 used to reimburse county treasurers for costs relating to the
22 issuance and renewal of driver's licenses and nonoperator's
23 identification cards which exceed the amount retained by
24 the county treasurers from fees. The reimbursement is to
25 occur annually, on or after July 1, from moneys available in
26 the driver's license reimbursement fund on June 30 of the
27 preceding fiscal year. The amount of the reimbursement for a
28 county shall be determined by subtracting $7 from the average
29 cost per card issued by all county treasurer's offices, as
30 stated in the most recent report on driver's license issuance
31 compiled by the auditor of state, and multiplying the remainder
32 by the total number of driver's licenses and nonoperator's
33 identification cards issued by the county treasurer's office
34 during the preceding fiscal year. Any moneys remaining in the
35 driver's license reimbursement fund from the previous fiscal

H.F. 375

1 year which were not used to reimburse county treasurers are to
2 be transferred to the road use tax fund and credited to the
3 secondary road fund according to the current formula for such
4 distributions. The moneys are to be used by counties for the
5 construction, maintenance, and repair of secondary roads and
6 bridges.
7 The bill directs the department of revenue to transfer the
8 amount of revenue collected from the sales tax on dyed special
9 fuel, which is currently deposited in the general fund of the
10 state, to the driver's license reimbursement fund.
11 The bill applies retroactively for sales tax collected on or
12 after July 1, 2012.

House File 376 - Introduced

HOUSE FILE 376
BY S. OLSON

A BILL FOR

1 An Act providing for the blending of gasoline or diesel fuel by
2 dealers or distributors, and including penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2132YH (3) 85
da/nh

H.F. 376

1 Section 1. Section 452A.2, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 9A. *"Diesel fuel"* or *"diesel"* means diesel
4 fuel as defined in section 214A.1.
5 Sec. 2. NEW SECTION. **452A.6A Right of distributors and**
6 **dealers to blend gasoline or diesel fuel using a biofuel.**
7 1. *a.* A dealer or distributor may blend gasoline or diesel
8 fuel using the appropriate biofuel on any premises in this
9 state notwithstanding any contrary agreement pursuant to which
10 a terminal operator, terminal owner, or supplier is a party and
11 the distributor or dealer is the other party.
12 *b.* Paragraph *"a"* does not apply to the extent that the use
13 of the premises is restricted by federal, state, or local law,
14 or otherwise by a person holding a legal or equitable interest
15 in the premises.
16 2. A terminal operator, terminal owner, or supplier who in
17 the ordinary course of business sells or transports gasoline
18 or diesel fuel which is unblended or blended with a biofuel
19 shall not refuse to sell or transport unblended gasoline or
20 unblended diesel fuel to a distributor or dealer based on the
21 distributor's or dealer's intent to blend the gasoline or
22 diesel fuel with a biofuel.
23 3. A terminal operator, terminal owner, or supplier shall
24 not prevent or inhibit a distributor or dealer from being a
25 blender or from qualifying for any federal or state tax credit
26 offered to blenders.
27 4. This section shall not be construed to do any of the
28 following:
29 *a.* Prohibit a distributor or dealer from purchasing,
30 selling, or transporting gasoline or diesel fuel that has not
31 been blended with a biofuel.
32 *b.* Affect the blender's license requirements under section
33 452A.6.
34 5. A terminal operator, terminal owner, or supplier who
35 violates this section is subject to a civil penalty of not

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1 more than ten thousand dollars per violation. Each day that a
2 violation continues is deemed a separate offense.
3 EXPLANATION
4 Motor fuel (e.g., gasoline) and special fuel (e.g., diesel
5 fuel) move into this state via a pipeline or marine vessel to a
6 terminal where in turn the fuel is withdrawn by a supplier and
7 then purchased and transported by a distributor and ultimately
8 a dealer who sells the fuel at retail. During this process,
9 gasoline may be blended with alcohol (ethanol) and diesel fuel
10 may be blended with soybean oil (biodiesel) at a nonterminal
11 location by a person referred to as a blender. Both ethanol
12 and biodiesel are referred to as biofuel (Code sections 214A.1
13 and 452A.2).
14 This bill provides that a terminal operator or owner or
15 a supplier cannot restrict the sale and movement of gasoline
16 or diesel fuel only because the fuel is unblended or inhibit
17 a distributor or dealer from being a blender or qualifying
18 for any federal or state tax credit offered to blenders. A
19 terminal operator or owner or a supplier who violates the bill
20 is subject to a civil penalty of not more than $10,000 per
21 violation.

House File 377 - Introduced

HOUSE FILE 377
BY KAJTAZOVIC

A BILL FOR

1 An Act relating to greater transparency for state board of
2 regents meetings, forums, and proposals.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2364HH (3) 85
kh/sc

H.F. 377

1 Section 1. Section 262.8, Code 2013, is amended to read as
2 follows:
3 **262.8 Meetings — public forums — public readings.**
4 1. The board shall meet four times a year. Special meetings
5 may be called by the board, by the president of the board, or
6 by the executive director of the board upon written request of
7 any five members thereof.
8 2. Each regular meeting of the state board of regents
9 shall begin with at least thirty minutes for public comment if
10 requested by members of the public. A member of the public
11 shall be granted up to five minutes to make comments and may be
12 granted more time by a member of the board.
13 3. At least two members of the state board of regents
14 shall hold public forums at which issues relating to the
15 activities of the board and the institutions the board governs
16 can be discussed and addressed. The forums shall provide
17 the community with opportunities to pose questions, receive
18 answers, and make comments. The board shall divide the
19 state into at least six geographic regions, including but
20 not limited to northwest, southwest, north central, south
21 central, northeast, and southeast Iowa, and shall hold a forum
22 in accordance with this subsection in each region at least
23 quarterly. Notice of a forum shall be prominently posted on
24 the board's internet site at least two weeks prior to the date
25 of the forum.
26 4. The board shall hold public readings of a proposal at two
27 regular meetings of the board before the board takes action on
28 a proposal before the board if the proposal affects an academic
29 program at an institution governed by the board, or if the
30 estimated cost of the proposal is one hundred thousand dollars
31 or more. A quorum of the board must be physically present at
32 any board meeting that includes a public reading required by
33 this subsection. The affirmative vote of a majority of the
34 membership of the board is necessary for any action to be taken
35 by the board on a proposal subject to this subsection.

H.F. 377

1 Sec. 2. Section 262.9, Code 2013, is amended by adding the
2 following new subsection:
3 NEW SUBSECTION. 38. The board is subject to chapters 21 and
4 22.
5 EXPLANATION
6 This bill establishes additional requirements for state
7 board of regents meetings, including a period for public
8 comment, public forums, and public readings.
9 Each regular board meeting shall begin with at least 30
10 minutes for public comment if requested by members of the
11 public. A member of the public shall be granted up to five
12 minutes to make comments and may be granted more time by a
13 member of the board.
14 At least two members of the board shall hold public forums in
15 each of at least six geographic regions of the state quarterly.
16 Notice of a forum must be prominently posted on the board's
17 internet site at least two weeks prior to the date of the
18 forum.
19 If a proposal before the board affects an institution's
20 academic program or if its estimated cost is $100,000 or
21 more, the bill requires that the board hold public readings
22 of the proposal at two regular meetings of the board before
23 taking action on the proposal. A quorum of the board must be
24 physically present at these meetings, and the proposal must
25 receive the affirmative vote of a majority of the membership
26 for any action to be taken on the proposal.
27 The bill specifies that the board is subject to and required
28 to comply with Code chapters 21 and 22, the open meetings and
29 open records laws.

House File 378 - Introduced

HOUSE FILE 378
BY HIGHFILL

A BILL FOR

1 An Act concerning gambling on fantasy sports games.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2209YH (3) 85
ec/nh

H.F. 378

Section 1. Section 99B.12, subsection 1, paragraph g, Code 2013, is amended to read as follows:

g. No participant wins or loses more than a total of fifty dollars or other consideration equivalent thereto in one or more games or activities permitted by this ~~section~~ subsection at any time during any period of twenty-four consecutive hours or over that entire period. For the purpose of this paragraph a person wins the total amount at stake in any game, wager or bet, regardless of any amount that person may have contributed to the amount at stake.

Sec. 2. Section 99B.12, subsection 2, unnumbered paragraph 1, Code 2013, is amended to read as follows:

Games which are permitted by ~~this section~~ subsection 1 are limited to the following:

Sec. 3. Section 99B.12, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. *a.* Notwithstanding any provision of this section to the contrary, and except in instances where because of the location of the game or the circumstances of the game section 99B.3, 99B.5, 99B.6, 99B.7, 99B.7B, 99B.8, or 99B.9, is applicable, an individual may participate in gambling specified in paragraph *"b"*, but only if all of the following requirements are met:

(1) The gambling is not conducted, either wholly or in part, on or in any property subject to chapter 297, relating to schoolhouses and schoolhouse sites.

(2) All participants in the gambling are individuals, and a participant shall not participate as the agent of another person.

(3) The gambling shall be fair and honest, and shall not be designed, devised, or adapted to permit predetermination of the winner, or to prevent a participant from winning, and concealed numbers or conversion charts shall not be used to determine the winner of any game.

(4) A person shall not receive or have any fixed or

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1 contingent right to receive, directly or indirectly, any
2 profit, remuneration, or compensation from or as a result of
3 the gambling, except any amount which the person may win as a
4 participant on the same basis as the other participants.
5 (5) A person shall not participate in any wager, bet, or
6 pool which relates to an athletic event or contest and which
7 is authorized or sponsored by one or more schools, educational
8 institutions, or interscholastic athletic organizations if
9 the person is a coach, official, player, or contestant in the
10 athletic event or contest.
11 (6) A participant shall not win or lose more than a total of
12 five hundred dollars or other consideration equivalent thereto
13 in one or more games or activities permitted by this subsection
14 at any time during any period of twenty-four consecutive
15 hours or over that entire period. For the purpose of this
16 subparagraph, a person wins the total amount at stake in any
17 game, wager, or bet, regardless of any amount that person may
18 have contributed to the amount at stake.
19 (7) A participant shall not pay an entrance fee, cover
20 charge, or other charge for the privilege of participating
21 in gambling, or for the privilege of gaining access to the
22 location in which gambling occurs.
23 *b.* Games which are permitted by paragraph *"a"* are limited
24 to any fantasy sports game that has an outcome that reflects
25 the relative knowledge of the participants, or their skill at
26 physical reaction or physical manipulation, and has an outcome
27 that is determined predominantly by accumulated statistical
28 results of sporting events.
29 EXPLANATION
30 This bill concerns gambling on fantasy sports games by
31 individuals.
32 Code section 99B.12, which authorizes gambling between
33 individuals under limited circumstances, is amended to
34 specifically authorize fantasy sports games.
35 The bill defines a fantasy sports game as a game that

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1 has an outcome that reflects the relative knowledge of the
2 participants that is determined predominantly by accumulated
3 statistical results of sporting events. The bill makes the
4 requirements for authorized gambling between individuals
5 applicable to gambling on fantasy sports games except for the
6 requirement that the gambling is incidental to a bona fide
7 social relationship between all participants, and the $50 limit
8 on wins or losses from the game. Instead, the bill authorizes
9 wins or losses from a fantasy sports game of $500.

House File 379 - Introduced

HOUSE FILE 379
BY KAJTAZOVIC, STECKMAN,
ANDERSON, KRESSIG, JACOBY,
and OURTH

A BILL FOR

1 An Act relating to the awarding of bonuses to state employees
2 and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2242YH (6) 85
ec/nh

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1 Section 1. Section 70A.1, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 1A. Beginning July 1, 2013, employees of
4 the executive branch, judicial branch, and legislative branch
5 shall not receive bonus pay unless otherwise authorized by
6 law, required pursuant to a contract of employment entered
7 into before July 1, 2013, or required pursuant to a collective
8 bargaining agreement. This subsection does not apply to
9 employees of the state board of regents who receive bonuses
10 funded by moneys from sources other than appropriations by
11 the general assembly. For purposes of this subsection, *"bonus*
12 *pay"* means any additional remuneration provided an employee in
13 the form of a bonus, including but not limited to a retention
14 bonus, recruitment bonus, exceptional job performance pay,
15 extraordinary job performance pay, exceptional performance pay,
16 extraordinary duty pay, or extraordinary or special duty pay,
17 and any extra benefit not otherwise provided to other similarly
18 situated employees.
19 Sec. 2. BONUS PAY REVIEW.
20 1. The director of the department of management, the state
21 court administrator, and the director of the legislative
22 services agency shall conduct a detailed review of the bonus
23 pay provided to employees of the executive branch, judicial
24 branch, and legislative branch, as applicable, for the fiscal
25 years beginning July 1, 2011, and July 1, 2012, including who
26 received, or will receive, pay that exceeded the salary range
27 for that position for that particular fiscal year.
28 2. A written detailed account of the review, to include any
29 recommendations concerning modifications or adjustments to a
30 particular salary range or placement that would eliminate the
31 use of bonus pay, shall be provided to the chairs and ranking
32 members of the appropriation committees of the general assembly
33 by April 1, 2013.
34 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
35 immediate importance, takes effect upon enactment.

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EXPLANATION

This bill concerns the awarding of bonuses to state employees.

Code section 70A.1, concerning salaries, vacations, and leaves for state employees, is amended to provide that, effective July 1, 2013, employees of the executive branch, judicial branch, and legislative branch shall not receive bonus pay unless otherwise required by law, prior employment contract, or a collective bargaining agreement. The bill's prohibition on bonus pay does not include employees of the board of regents.

The bill also directs the director of the department of management, the state court administrator, and the director of the legislative services agency to conduct a detailed review of the bonus pay provided to employees of their respective branches and to submit a report to the chairs and ranking members of the appropriation committees of the general assembly.

This bill takes effect upon enactment.

House File 380 - Introduced

HOUSE FILE 380
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 41)

A BILL FOR

1 An Act concerning setoff procedures for collection of debts
2 owed a state agency or political subdivision.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1254HV (2) 85
ec/rj

H.F. 380

Section 1. Section 8A.504, subsection 1, paragraph a, Code 2013, is amended to read as follows:

a. *"Collection entity"* means the department of administrative services and any other ~~state~~ agency that maintains a separate accounting system and elects to establish a debt collection setoff procedure for collection of debts owed to ~~the state or its agencies~~ an agency.

Sec. 2. Section 8A.504, subsection 1, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0b.* *"Debtor"* means a person who is liable on a claim to an agency.

Sec. 3. Section 8A.504, subsection 1, paragraph b, Code 2013, is amended to read as follows:

b. *"Person"* does not include ~~a state~~ an agency.

Sec. 4. Section 8A.504, subsection 1, paragraph d, Code 2013, is amended to read as follows:

d. ~~*"State agency"*~~ *"Agency"* means a board, commission, department, including the department of administrative services, or other administrative office or unit of the state of Iowa or any other state entity reported in the Iowa comprehensive annual financial report, or a political subdivision of the state, or an office or unit of a political subdivision. ~~*"State agency"*~~ *"Agency"* does include the clerk of the district court as it relates to the collection of a qualifying debt. ~~*"State agency"*~~ *"Agency"* does not include the general assembly or the governor.

Sec. 5. Section 8A.504, subsections 2, 3, and 5, Code 2013, are amended to read as follows:

2. *Setoff procedure.* The collection entity shall establish and maintain a procedure to set off against any claim owed to a ~~person~~ debtor by ~~a state~~ an agency any liability of that ~~person~~ debtor owed to ~~a state~~ an agency, a support debt being enforced by the child support recovery unit pursuant to chapter 252B, or such other qualifying debt. The procedure shall only apply when at the discretion of the director it is feasible. The

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1 procedure shall meet the following conditions:
2 *a.* Before setoff, a ~~person's~~ debtor's liability to ~~a state~~
3 an agency and the ~~person's~~ debtor's claim on ~~a state~~ an agency
4 shall be in the form of a liquidated sum due, owing, and
5 payable.
6 *b.* Before setoff, the ~~state~~ agency shall obtain and forward
7 to the collection entity the full name and social security
8 number of the ~~person~~ debtor liable to ~~it~~ the agency or to whom
9 a claim is owing who is a natural person. If the ~~person~~ debtor
10 is not a natural person, before setoff, the ~~state~~ agency shall
11 forward to the collection entity the information concerning the
12 ~~person~~ debtor as the collection entity shall, by rule, require.
13 The collection entity shall cooperate with other ~~state~~ agencies
14 in the exchange of information relevant to the identification
15 of ~~persons~~ debtors liable to or claimants of ~~state~~ agencies.
16 However, the collection entity shall provide only relevant
17 information required by ~~a state~~ an agency. The information
18 shall be held in confidence and used for the purpose of setoff
19 only. Section 422.72, subsection 1, does not apply to this
20 paragraph.
21 *c.* Before setoff, ~~a state~~ an agency shall, at least
22 annually, submit to the collection entity the information
23 required by paragraph "*b*" along with the amount of each ~~person's~~
24 debtor's liability to and the amount of each claim on the ~~state~~
25 agency. The collection entity may, by rule, require more
26 frequent submissions.
27 *d.* Before setoff, the amount of a ~~person's~~ debtor's claim
28 on ~~a state~~ an agency and the amount of a ~~person's~~ debtor's
29 liability to ~~a state~~ an agency shall constitute a minimum
30 amount set by rule of the collection entity.
31 *e.* Upon submission of an allegation of liability by ~~a~~
32 ~~state~~ an agency, the collection entity shall notify the ~~state~~
33 agency whether the ~~person~~ debtor allegedly liable is entitled
34 to payment from ~~a state~~ an agency, and, if so entitled, shall
35 notify the ~~state~~ agency of the amount of the ~~person's~~ debtor's

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entitlement and of the ~~person's~~ debtor's last address known to the collection entity. Section 422.72, subsection 1, does not apply to this paragraph.

f. (1) Upon notice of entitlement to a payment, the ~~state~~ agency shall send written notification to that ~~person~~ debtor of the ~~state~~ agency's assertion of its rights to all or a portion of the payment and of the ~~state~~ agency's entitlement to recover the liability through the setoff procedure, the basis of the assertion, the opportunity to request that a jointly or commonly owned right to payment be divided among owners, and the ~~person's~~ debtor's opportunity to give written notice of intent to contest the amount of the allegation. The ~~state~~ agency shall send a copy of the notice to the collection entity. An agency shall provide the debtor with an opportunity to contest the liability. ~~A state~~ An agency subject to chapter 17A shall give notice, conduct hearings, and allow appeals in conformity with chapter 17A.

(2) However, upon submission of an allegation of the liability of a ~~person~~ debtor which is owing and payable to the clerk of the district court and upon the determination by the collection entity that the ~~person~~ debtor allegedly liable is entitled to payment from ~~a state~~ an agency, the collection entity shall send written notification to the ~~person~~ debtor which states the assertion by the clerk of the district court of rights to all or a portion of the payment, the clerk's entitlement to recover the liability through the setoff procedure, the basis of the assertions, the ~~person's~~ debtor's opportunity to request within fifteen days of the mailing of the notice that the collection entity divide a jointly or commonly owned right to payment between owners, the opportunity to contest the liability to the clerk by written application to the clerk within fifteen days of the mailing of the notice, and the ~~person's~~ debtor's opportunity to contest the collection entity's setoff procedure.

g. Upon the timely request of a ~~person~~ debtor liable to

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1 ~~a state~~ an agency or of the spouse of that ~~person~~ debtor and
2 upon receipt of the full name and social security number of
3 the ~~person's~~ debtor's spouse, ~~a state~~ an agency shall notify
4 the collection entity of the request to divide a jointly or
5 commonly owned right to payment. Any jointly or commonly owned
6 right to payment is rebuttably presumed to be owned in equal
7 portions by its joint or common owners.
8 *h.* The collection entity ~~shall~~, after the ~~state~~ agency has
9 sent notice to the ~~person~~ debtor liable or, if the liability
10 is owing and payable to the clerk of the district court, after
11 the collection entity has sent notice to the ~~person~~ debtor
12 liable, shall set off the amount owed to the agency against any
13 amount which ~~a state~~ an agency owes that ~~person~~ debtor. The
14 collection entity shall refund any balance of the amount to
15 the ~~person~~ debtor. The collection entity shall periodically
16 transfer amounts set off to the ~~state~~ agencies entitled to
17 them. If a ~~person~~ debtor liable to ~~a state~~ an agency gives
18 written notice of intent to contest an allegation, ~~a state~~ an
19 agency shall hold a refund or rebate until final disposition
20 of the allegation. Upon completion of the setoff, ~~a state~~ an
21 agency shall notify in writing the ~~person~~ debtor who was liable
22 or, if the liability is owing and payable to the clerk of the
23 district court, shall comply with the procedures as provided
24 in paragraph *"j"*.
25 *i.* The department of revenue's existing right to credit
26 against tax due or to become due under section 422.73 is not to
27 be impaired by a right granted to or a duty imposed upon the
28 collection entity or other ~~state~~ agency by this section. This
29 section is not intended to impose upon the collection entity or
30 the department of revenue any additional requirement of notice,
31 hearing, or appeal concerning the right to credit against tax
32 due under section 422.73.
33 *j.* If the alleged liability is owing and payable to the
34 clerk of the district court and setoff as provided in this
35 section is sought, all of the following shall apply:

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(1) The judicial branch shall prescribe procedures to permit a ~~person~~ debtor to contest the amount of the ~~person's~~ debtor's liability to the clerk of the district court.

(2) The collection entity shall, except for the procedures described in subparagraph (1), prescribe any other applicable procedures concerning setoff as provided in this subsection.

(3) Upon completion of the setoff, the collection entity shall file, at least monthly, with the clerk of the district court a notice of satisfaction of each obligation to the full extent of all moneys collected in satisfaction of the obligation. The clerk shall record the notice and enter a satisfaction for the amounts collected and a separate written notice is not required.

k. If the alleged liability is owing and payable to a community college and setoff pursuant to this section is sought, both of the following shall apply:

(1) In addition to satisfying other applicable setoff procedures established under this subsection, the community college shall prescribe procedures to permit a ~~person~~ debtor to contest the amount of the ~~person's~~ debtor's liability to the community college. Such procedures shall be consistent with and ensure the protection of the ~~person's~~ debtor's right of due process under Iowa law.

(2) The collection entity shall, except for the procedures prescribed pursuant to subparagraph (1), prescribe any other applicable procedures concerning setoff as provided in this subsection.

3. In the case of multiple claims to payments filed under this section, priority shall be given to claims filed by the child support recovery unit or the foster care recovery unit, next priority shall be given to claims filed by the clerk of the district court, next priority shall be given to claims filed by the college student aid commission, next priority shall be given to claims filed by the investigations division of the department of inspections and appeals, and last priority

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shall be given to claims filed by other ~~state~~ agencies. In the case of multiple claims in which the priority is not otherwise provided by this subsection, priority shall be determined in accordance with rules to be established by the director.

5. Under substantive rules established by the director, the department shall seek reimbursement from other ~~state~~ agencies to recover its costs for setting off liabilities.

Sec. 6. Section 99D.2, subsection 3, Code 2013, is amended to read as follows:

3. *"Claimant agency"* means ~~a state~~ an agency as defined in section 8A.504, subsection 1, or the state court administrator as defined in section 602.1101.

Sec. 7. Section 99F.1, subsection 4, Code 2013, is amended to read as follows:

4. *"Claimant agency"* means ~~a state~~ an agency as defined in section 8A.504, subsection 1, or the state court administrator as defined in section 602.1101.

Sec. 8. Section 234.8, Code 2013, is amended to read as follows:

234.8 Fees for child welfare services.

The department of human services may charge a fee for child welfare services to a person liable for the cost of the services. The fee shall not exceed the reasonable cost of the services. The fee shall be based upon the person's ability to pay and consideration of the fee's impact upon the liable person's family and the goals identified in the case permanency plan. The department may assess the liable person for the fee and the means of recovery shall include a setoff against an amount owed by ~~a state~~ an agency to the person assessed pursuant to section 8A.504. In addition the department may establish an administrative process to recover the assessment through automatic income withholding. The department shall adopt rules pursuant to chapter 17A to implement the provisions of this section. This section does not apply to court-ordered services provided to juveniles which are a charge upon the

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1 state pursuant to section 232.141 and services for which the
2 department has established a support obligation pursuant to
3 section 234.39.
4 EXPLANATION
5 This bill concerns setoff procedures established in Code
6 section 8A.504 and used to collect debts owed the state or a
7 political subdivision of the state.
8 The bill redesignates the term "agency" rather than as the
9 defined term "state agency" while keeping the definition the
10 same. The bill also defines "debtor" as a person who is liable
11 on a claim to an agency. Corresponding changes to terms in
12 Code section 8A.504 are made to reflect these changes.
13 The bill provides that all agencies eligible to use the
14 setoff procedures shall provide the debtor with an opportunity
15 to contest the liability.

House File 381 - Introduced

HOUSE FILE 381
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 112)

A BILL FOR

1 An Act concerning restrictions on dosage amounts for
2 phenylbutazone in certain horse races.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1594HV (1) 85
ec/nh

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1 Section 1. Section 99D.25A, subsection 2, Code 2013, is
2 amended to read as follows:
3 2. Phenylbutazone shall not be administered to a horse in
4 dosages which would result in concentrations of more than five
5 micrograms of the substance or its metabolites per milliliter
6 of blood. In races recognized as graded stakes races by the
7 Iowa horsemen's benevolent and protective association, the
8 commission may establish restrictions on dosage amounts for
9 phenylbutazone which would result in concentrations of less
10 than five micrograms of the substance or its metabolites per
11 milliliter of blood.
12 EXPLANATION
13 This bill allows the racing and gaming commission to
14 establish restrictions on dosage amounts for phenylbutazone in
15 races recognized as graded stakes races by the Iowa horsemen's
16 benevolent and protective association.

House Resolution 23 - Introduced

HOUSE RESOLUTION NO. 23
BY SCHULTZ

1 A Resolution requesting the legislative council to
2 establish an interim study committee to study
3 elimination of the income tax in Iowa.
4 WHEREAS, the Iowa income tax creates a substantial
5 financial burden on the citizens of this state as they
6 work hard to grow businesses, educate their children,
7 and save for their future; and
8 WHEREAS, the collection and administration of the
9 income tax represents a substantial expense to the
10 state of Iowa; and
11 WHEREAS, elimination of the income tax could have
12 a positive impact on Iowa's taxpayers, economy, and
13 job growth, without limiting the state's ability to
14 provide for the protection, security, and benefit of
15 its citizens; NOW THEREFORE,
16 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
17 That the House of Representatives formally requests
18 the legislative council to authorize and establish an
19 interim study committee, composed of members of the
20 Senate and the House of Representatives, to commence
21 meeting during the 2013 interim as soon as practicable.
22 The purpose of the interim committee is to study the
23 feasibility of eliminating the income tax in Iowa
24 and to receive and make recommendations regarding
25 elimination of the income tax, submitting the study
26 committee's conclusions and recommendations in a report
27 to the general assembly by January 1, 2014.

House Study Bill 193 - Introduced

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

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 1949HC (1) 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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1 required by section 9I.7, or who fails to timely file a report
2 required by section 9I.8 ~~shall, for each offense, be punished~~
3 ~~by a fine of not more than two thousand dollars~~.
4 Sec. 4. Section 10B.4, subsection 2, paragraph g, Code 2013,
5 is amended to read as follows:
6 *g.* If the reporting entity is a life science enterprise, as
7 provided in chapter 10C, Code ~~2011, as that chapter exists on~~
8 ~~or before June 30,~~ 2005, the total amount of commercial sale
9 of life science products and products other than life science
10 products which are produced from the agricultural land held by
11 the life science enterprise.
12 Sec. 5. Section 11.41, subsection 1, Code 2013, is amended
13 to read as follows:
14 1. The auditor of state, when conducting any audit or
15 ~~review~~ examination required or permitted by this chapter,
16 shall at all times have access to all information, records,
17 instrumentalities, and properties used in the performance of
18 the audited or ~~reviewed~~ examined entities' statutory duties
19 or contractual responsibilities. All audited or ~~reviewed~~
20 examined entities shall cooperate with the auditor of state in
21 the performance of the audit or ~~review~~ examination and make
22 available the information, records, instrumentalities, and
23 properties upon the request of the auditor of state.
24 Sec. 6. Section 15.330, subsection 9, Code 2013, is amended
25 to read as follows:
26 9. A report submitted to the authority by a business
27 together with its application describing all violations of
28 environmental law or worker safety law within the last five
29 years. If, upon review of the application, the authority
30 finds that ~~a~~ the business has a record of violations of the
31 law, statutes, rules, or regulations that tends to show a
32 consistent pattern, the authority shall not provide incentives
33 or assistance to the business unless the authority finds either
34 that the violations did not seriously affect public health,
35 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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1 **16.195 Iowa jobs and Iowa jobs II program application review.**
2 1. Applications for assistance under the Iowa jobs program
3 and Iowa jobs II program shall be submitted to the Iowa finance
4 authority. The authority shall provide a staff review and
5 evaluation of applications to the Iowa jobs program review
6 committee referred to in subsection 2 and to the Iowa jobs
7 board.
8 2. A review committee composed of members of the board
9 as determined by the board shall review Iowa jobs and Iowa
10 jobs II program applications submitted to the board and make
11 recommendations regarding the applications to the board.
12 When reviewing the applications, the review committee and
13 the authority shall consider the project criteria specified
14 in sections 16.194 and 16.194A. The board shall develop the
15 appropriate level of transparency regarding project fund
16 allocations.
17 3. Upon approval of an application for financial assistance
18 under the ~~program~~ programs, the board shall notify the
19 treasurer of state regarding the amount of moneys needed to
20 satisfy the award of financial assistance and the terms of the
21 award. The treasurer of state shall notify the Iowa finance
22 authority any time moneys are disbursed to a recipient of
23 financial assistance under the ~~program~~ programs.
24 Sec. 15. Section 17A.7, subsection 2, Code 2013, is amended
25 to read as follows:
26 2. Beginning July 1, 2012, over each five-year period of
27 time, an agency shall conduct an ongoing and comprehensive
28 review of all of the agency's rules. The goal of the review is
29 the identification and elimination of all rules of the agency
30 that are outdated, redundant, or inconsistent or incompatible
31 with statute or its own rules or those of other agencies.
32 An agency shall commence its review by developing a plan of
33 review in consultation with major stakeholders and constituent
34 groups. When the agency completes ~~its~~ the five-year review of
35 ~~its~~ the agency's own rules, the agency shall provide a summary

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1 of the results to the administrative rules coordinator and the
2 administrative rules review committee.
3 Sec. 16. Section 26.3, subsection 1, Code 2013, is amended
4 to read as follows:
5 1. If the estimated total cost of a public improvement
6 exceeds the competitive bid threshold of one hundred thousand
7 dollars, or the adjusted competitive bid threshold established
8 in section 314.1B, the governmental entity shall advertise
9 for sealed bids for the proposed public improvement by
10 publishing a notice to bidders. The notice to bidders shall
11 be published at least once, not less than four and not more
12 than forty-five days before the date for filing bids, in a
13 newspaper published at least once weekly and having general
14 circulation in the geographic area served by the governmental
15 entity. Additionally, the governmental entity may publish
16 a notice in a relevant contractor organization publication
17 and a relevant contractor plan room service with statewide
18 circulation, provided that a notice is posted on ~~a website~~ an
19 internet site sponsored by either a governmental entity or a
20 statewide association that represents the governmental entity.
21 Sec. 17. Section 28D.4, subsection 4, Code 2013, is amended
22 to read as follows:
23 4. Any employee who participates in an exchange under the
24 terms of this section who suffers disability or death as a
25 result of personal injury arising out of and in the course
26 of an exchange, or sustained in performance of duties in
27 connection therewith, shall be treated, for the purposes of the
28 sending agency's employee compensation program, as an employee,
29 as defined in such ~~Act~~ compensation program, who has sustained
30 such injury in the performance of such duty, but shall not
31 receive benefits under that ~~Act~~ compensation program for any
32 period for which the employee is entitled to and elects to
33 receive similar benefits under the receiving agency's employee
34 compensation program.
35 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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1 An antifreeze shall be deemed to be adulterated if either of
2 the following apply: ~~(1) If it~~
3 1. It consists in whole or in part of any substance which
4 will render it injurious to the cooling system of an internal
5 combustion engine or will make the operation of the engine
6 dangerous to the user~~; or (2) if its~~.
7 2. Its strength, quality, or purity falls below the standard
8 of strength, quality, or purity under which it is sold.
9 Sec. 39. Section 208A.3, Code 2013, is amended to read as
10 follows:
11 **208A.3 What deemed misbranded.**
12 An antifreeze shall be deemed to be misbranded if either of
13 the following apply: ~~(1) If its~~
14 1. Its labeling is false or misleading in any particular~~;~~
15 ~~or (2) if in~~.
16 2. In package form it does not bear a label containing the
17 name and place of business of the manufacturer, packer, seller,
18 or distributor and an accurate statement of the quantity of the
19 contents in terms of weight or measure on the outside of the
20 package.
21 Sec. 40. Section 214A.1, subsection 17, Code 2013, is
22 amended by striking the subsection.
23 Sec. 41. Section 215.7, subsection 2, Code 2013, is amended
24 to read as follows:
25 2. The person makes a settlement for or enters a credit,
26 based upon any false weight or measurement, for any commodity
27 purchased.
28 Sec. 42. Section 217.17, Code 2013, is amended to read as
29 follows:
30 **217.17 Administrator of division of planning.**
31 The administrator of the division of planning, research,
32 and statistics shall be qualified in the general field of
33 governmental planning with special training and experience in
34 the areas of preparation and development of plans for future
35 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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1 be followed with respect to admission of persons from that
2 county to a state mental health institute. A community mental
3 health center which is supported, directly or in affiliation
4 with other counties, by that county may perform the preliminary
5 diagnostic evaluations for that county, unless the performance
6 of the evaluations is not covered by the agreement entered
7 into by the county and the center ~~under section 230A.12~~, and
8 the center's director certifies to the board of supervisors
9 that the center does not have the capacity to perform the
10 evaluations, in which case the board of supervisors shall
11 proceed under section 225C.17.
12 Sec. 51. Section 228.6, subsection 1, Code 2013, is amended
13 to read as follows:
14 1. A mental health professional or an employee of or
15 agent for a mental health facility may disclose mental health
16 information if and to the extent necessary, to meet the
17 requirements of section 229.24, 229.25, 230.20, 230.21, 230.25,
18 230.26, ~~230A.13,~~ 230A.108, 232.74, or 232.147, or to meet the
19 compulsory reporting or disclosure requirements of other state
20 or federal law relating to the protection of human health and
21 safety.
22 Sec. 52. Section 229.13, subsection 5, Code 2013, is amended
23 to read as follows:
24 5. The chief medical officer of the hospital or facility
25 at which the respondent is placed shall report to the court no
26 more than fifteen days after the respondent is placed, making a
27 recommendation for disposition of the matter. An extension of
28 time may be granted, not to exceed seven days upon a showing of
29 cause. A copy of the report shall be sent to the respondent's
30 attorney, who may contest the need for an extension of time
31 if one is requested. An extension of time shall be granted
32 upon request unless the request is contested, in which case
33 the court shall make such inquiry as it deems appropriate and
34 may either order the respondent's release from the hospital
35 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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1 others if not immediately detained. The order shall also
2 include any law enforcement agency notification requirements if
3 applicable. The order shall confirm the oral order authorizing
4 the person's detention including any order given to transport
5 the person to an appropriate facility or hospital. A peace
6 officer from the law enforcement agency that took the person
7 into custody may also request an order, separate from the
8 written order, requiring the facility or hospital to notify the
9 law enforcement agency about the discharge of the person prior
10 to discharge. The clerk shall provide a copy of the written
11 order or any separate order to the chief medical officer of the
12 facility or hospital to which the person was originally taken,
13 to any subsequent facility to which the person was transported,
14 and to any law enforcement department or ambulance service that
15 transported the person pursuant to the magistrate's order.
16 Sec. 55. Section 230.33, unnumbered paragraph 2, Code 2013,
17 is amended to read as follows:
18 ~~Provided that~~ However, in the case of a proposed transfer of
19 a person with mental illness or an intellectual disability from
20 this state, ~~that no~~ final action shall not be taken without the
21 approval either of the commission of hospitalization, or of the
22 district court, of the county of admission or commitment.
23 Sec. 56. Section 230A.105, subsection 1, paragraph e, Code
24 2013, is amended to read as follows:
25 *e.* Individuals described in paragraph *"a"*, *"b"*, *"c"*, or *"d"*
26 who have a co-occurring disorder, including but not limited to
27 substance abuse, ~~mental retardation~~ intellectual disability,
28 a developmental disability, brain injury, autism spectrum
29 disorder, or another disability or special health care need.
30 Sec. 57. Section 230A.110, subsection 3, paragraph c, Code
31 2013, is amended to read as follows:
32 *c.* Arrange for the financial condition and transactions of
33 the community mental health center to be audited once each year
34 by the auditor of state. However, in lieu of an audit by ~~state~~
35 ~~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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1 Sec. 63. Section 256D.3, subsection 3, Code 2013, is amended
2 to read as follows:
3 3. ~~Beginning January 15, 2006, the~~ The department shall
4 submit an annual report to the chairpersons and ranking members
5 of the senate and house education committees that includes the
6 statewide average school district class size in basic skills
7 instruction in kindergarten through grade three, by grade level
8 and by district size, and describes school district progress
9 toward achieving early intervention block grant program
10 goals and the ways in which school districts are using moneys
11 received pursuant to this chapter and expended as provided in
12 section 256D.2A. The report shall include district-by-district
13 information showing the allocation received for early
14 intervention block grant program purposes, the total number
15 of students enrolled in grade four in each district, and the
16 number of students in each district who are not proficient in
17 reading in grade four for the most recent reporting period, as
18 well as for each reporting period starting with the school year
19 beginning July 1, 2001.
20 Sec. 64. Section 256F.6, subsection 2, Code 2013, is amended
21 to read as follows:
22 2. The contract shall outline the reasons for revocation or
23 nonrenewal of the ~~charter~~ contract.
24 Sec. 65. Section 261B.4, subsection 17, Code 2013, is
25 amended to read as follows:
26 17. Evidence that the school meets the conditions of
27 financial responsibility established in section 714.18, or that
28 the school qualifies for an exemption under section 714.19 ~~or~~
29 ~~714.22~~.
30 Sec. 66. Section 261B.11, subsection 2, paragraph a, Code
31 2013, is amended to read as follows:
32 *a.* A school that is granted an exemption under this section
33 must file evidence of financial responsibility under section
34 714.18 or demonstrate to the commission or its designee that
35 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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1 instructor, a prospective driver education instructor who is
2 enrolled in a practitioner preparation program with a safety
3 education program approved by the state board of education,
4 or a person at least twenty-five years of age if written
5 permission is granted by the parent, guardian, or custodian,
6 and who is actually occupying a seat beside the driver. A
7 permittee shall not operate a motor vehicle if the number of
8 passengers in the motor vehicle exceeds the number of passenger
9 safety belts in the motor vehicle. If the applicant for an
10 instruction permit holds a driver's license issued in this
11 state valid for the operation of a motorized bicycle or a
12 motorcycle, the instruction permit shall be valid for such
13 operation without the requirement of an accompanying person.
14 ~~*d.*~~ (2) ~~However, if~~ If the permittee is operating a
15 motorcycle in accordance with this section, the accompanying
16 person must be within audible and visual communications
17 distance from the permittee and be accompanying the permittee
18 on or in a different motor vehicle. Only one permittee shall
19 be under the immediate supervision of an accompanying qualified
20 person.
21 ~~*e.*~~ *d.* A permittee shall not be penalized for failing
22 to have the instruction permit in the permittee's immediate
23 possession if the permittee produces in court, within a
24 reasonable time, an instruction permit issued to the permittee
25 and valid at the time of the permittee's arrest or at the time
26 the permittee was charged with failure to have the permit in
27 the permittee's immediate possession.
28 Sec. 79. Section 321.188, subsection 6, paragraph c, Code
29 2013, is amended to read as follows:
30 *c.* An applicant who obtains a driving skills test waiver
31 under this subsection shall take and successfully pass the
32 knowledge test required pursuant to subsection 1.
33 Sec. 80. Section 321.276, subsection 5, Code 2013, is
34 amended to read as follows:
35 5. ~~*a.*~~ A peace officer shall not stop or detain a person

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1 solely for a suspected violation of this section. This section
2 is enforceable by a peace officer only as a secondary action
3 when the driver of a motor vehicle has been stopped or detained
4 for a suspected violation of another provision of this chapter,
5 a local ordinance equivalent to a provision of this chapter,
6 or other law.
7 ~~*b.*~~ 6. ~~For the period beginning July 1, 2010, through June~~
8 ~~30, 2011, peace officers shall issue only warning citations for~~
9 ~~violations of this section.~~ The department, in cooperation
10 with the department of public safety, shall establish
11 educational programs to foster compliance with the requirements
12 of this section.
13 Sec. 81. Section 321.285, subsection 7, Code 2013, is
14 amended to read as follows:
15 7. A person who violates this section for excessive speed
16 in violation of a speed limit commits a simple misdemeanor
17 punishable as a scheduled violation under section 805.8A,
18 subsection 5~~, paragraph "*a*"~~. A person who violates this section
19 for excessive speed as an operator of a school bus commits a
20 simple misdemeanor punishable as a scheduled violation under
21 section 805.8A, subsection 10. A person who violates any other
22 provision of this section commits a simple misdemeanor.
23 Sec. 82. Section 321.341, Code 2013, is amended to read as
24 follows:
25 **321.341 Obedience to signal indicating approach of railroad**
26 **train or railroad track equipment.**
27 1. When a person driving a vehicle approaches a railroad
28 grade crossing and warning is given by automatic signal,
29 crossing gates, a flag person, or otherwise of the immediate
30 approach of a railroad train or railroad track equipment, the
31 driver of the vehicle shall stop the vehicle within fifty feet
32 but not less than fifteen feet from the nearest rail and shall
33 not proceed until the driver can do so safely.
34 2. The driver of a vehicle shall stop the vehicle and the
35 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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1 *b.* A facility for the treatment of ~~chemical substance abuse~~
2 persons with substance-related disorders as defined in section
3 125.2, under the supervision of appropriately licensed medical
4 personnel.
5 Sec. 88. Section 331.321, subsection 1, paragraph e, Code
6 2013, is amended to read as follows:
7 *e.* A temporary board of community mental health center
8 trustees in accordance with section ~~230A.4~~ 230A.110, subsection
9 3, paragraph *"b"*, when the board decides to establish a
10 community mental health center, and members to fill vacancies
11 in accordance with section ~~230A.6~~ 230A.110, subsection 3,
12 paragraph *"b"*.
13 Sec. 89. Section 331.392, subsection 2, paragraph i, Code
14 2013, is amended to read as follows:
15 *i.* Provisions for formation and assigned responsibilities
16 for one or more advisory committees consisting of individuals
17 who utilize services or actively involved relatives of such
18 individuals, service providers, governing board members,
19 and persons representing other interests identified in the
20 agreement.
21 Sec. 90. Section 331.395, Code 2013, is amended to read as
22 follows:
23 **331.395 Financial eligibility requirements.**
24 1. A person must comply with all of the following financial
25 eligibility requirements to be eligible for services under the
26 regional service system:
27 ~~1.~~ *a.* The person must have an income equal to or less than
28 one hundred fifty percent of the federal poverty level, as
29 defined by the most recently revised poverty income guidelines
30 published by the United States department of health and human
31 services, to be eligible for regional service system public
32 funding. It is the intent of the general assembly to consider
33 increasing this income eligibility provision to two hundred
34 percent of the federal poverty level.
35 ~~2. *a.* A region or a service provider contracting with the~~

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1 ~~region shall not apply a copayment, sliding fee scale, or other~~
2 ~~cost-sharing requirement for a particular service to a person~~
3 ~~with an income equal to or less than one hundred fifty percent~~
4 ~~of the federal poverty level.~~
5 ~~*b.* Notwithstanding subsection 1, a person with an income~~
6 ~~above one hundred fifty percent of the federal poverty level~~
7 ~~may be eligible for services subject to a copayment, sliding~~
8 ~~fee scale, or other cost-sharing requirement approved by the~~
9 ~~department.~~
10 ~~*c.* A provider under the regional service system of a service~~
11 ~~that is not funded by the medical assistance program under~~
12 ~~chapter 249A may waive the copayment or other cost-sharing~~
13 ~~arrangement if the provider is not reimbursed for the cost with~~
14 ~~public funds.~~
15 ~~3.~~ *b.* A person who is eligible for federally funded
16 services and other support must apply for such services and
17 support.
18 ~~4.~~ *c.* The person ~~is~~ must be in compliance with resource
19 limitations identified in rule adopted by the state commission.
20 The limitation shall be derived from the federal supplemental
21 security income program resource limitations. A person with
22 resources above the federal supplemental security income
23 program resource limitations may be eligible subject to
24 limitations adopted in rule by the state commission pursuant
25 to a recommendation made by the department. If a person does
26 not qualify for federally funded services and other support but
27 meets income, resource, and functional eligibility requirements
28 for regional services, the following types of resources shall
29 be disregarded:
30 ~~*a.*~~ (1) A retirement account that is in the accumulation
31 stage.
32 ~~*b.*~~ (2) A burial, medical savings, or assistive technology
33 account.
34 2. *a.* A region or a service provider contracting with the
35 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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1 and unincorporated areas of the county upon receipt of a
2 petition, requesting imposition of a local vehicle tax or a
3 local sales and services tax, signed by eligible electors of
4 the whole county equal in number to five percent of the persons
5 in the whole county who voted at the last preceding ~~state~~
6 general election. In the case of a local vehicle tax, the
7 petition requesting imposition shall specify the rate of tax
8 and the classes, if any, that are to be exempt. If more than
9 one valid petition is received, the earliest received petition
10 shall be used.
11 Sec. 104. Section 423B.2, Code 2013, is amended to read as
12 follows:
13 **423B.2 Local vehicle tax.**
14 1. An annual local vehicle tax at the rate per vehicle
15 specified on the ballot proposition may be imposed by a
16 county on every vehicle which is required by the state to
17 be registered ~~by the state~~ and is registered with the county
18 treasurer to a person residing within the county where the tax
19 is imposed at the time of the renewal of the registration of
20 the vehicle. The local vehicle tax shall be imposed only on
21 the renewals of registrations and shall be payable during the
22 registration renewal periods provided under section 321.40.
23 2. The county imposing the tax shall provide for the
24 exemption of each class, if any, of vehicles for which an
25 exemption was listed on the ballot proposition.
26 3. For the purpose of the tax authorized by this section~~,~~
27 ~~*"person"* and *"registration year"* mean~~:
28 *a. "Person"* means the same as defined in section 321.1.
29 *b. "Registration year"* means the same as defined in section
30 321.1~~, and *"vehicle"*~~.
31 *c. "Vehicle"* means motor vehicle as defined in section 321.1
32 which is subject to registration under section 321.18, and
33 which is registered with the county treasurer.
34 Sec. 105. Section 427B.17, Code 2013, is amended to read as
35 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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1 appropriated to and for the purposes of the board as provided
2 in this ~~chapter~~ subchapter. Amounts in the fund shall not be
3 subject to appropriation for any other purpose by the general
4 assembly, but shall be used only for the purposes set forth
5 in this ~~chapter~~ subchapter. The treasurer of state shall act
6 as custodian of the fund and disburse amounts contained in it
7 as directed by the board including automatic disbursements of
8 funds as received pursuant to the terms of bond indentures and
9 documents and security provisions to trustees and custodians.
10 The treasurer of state is authorized to invest the funds
11 deposited in the fund at the direction of the board and
12 subject to any limitations contained in any applicable bond
13 proceedings. The income from such investment shall be credited
14 to and deposited in the fund. The fund shall be administered
15 by the board which shall make expenditures from the fund
16 consistent with the purposes of the programs set out in this
17 ~~chapter~~ subchapter without further appropriation. The fund may
18 be divided into different accounts with different depositories
19 as determined by the board and to fulfill the purposes of this
20 ~~chapter~~ subchapter.
21 2. The board shall assist Iowa's owners and operators
22 of petroleum underground storage tanks in complying with
23 federal environmental protection agency technical and financial
24 responsibility regulations by establishment of the Iowa
25 comprehensive petroleum underground storage tank fund. The
26 treasurer of state may issue its bonds, or series of bonds, to
27 assist the board, as provided in this ~~chapter~~ subchapter.
28 3. The purposes of this ~~chapter~~ subchapter shall include but
29 are not limited to any of the following:
30 *a.* To establish a remedial account to fund corrective action
31 for petroleum releases as provided by section 455G.9.
32 *b.* To establish a loan guarantee account, as provided by and
33 to the extent permitted by section 455G.10, Code 1999.
34 *c.* To establish a marketability fund for the purposes as
35 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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1 to monitor in place, the expenses incurred for cleanup beyond
2 the level required by the department of natural resources may
3 be covered under any of the accounts established under the
4 fund only if approved by the board as cost-effective relative
5 to the department accepted monitoring plan or relative to
6 the repeal date specified in section 424.19. The cleanup
7 expenses incurred for work completed beyond what is required
8 is the responsibility of the person contracting for the excess
9 cleanup. The board shall seek to terminate the responsible
10 party's environmental liabilities at such sites prior to the
11 board ceasing operation.
12 Sec. 127. Section 455G.12, subsection 2, paragraph e, Code
13 2013, is amended to read as follows:
14 *e.* The intent of this ~~chapter~~ subchapter that the board
15 shall maximize the availability of reasonably priced,
16 financially sound insurance coverage or loan guarantee
17 assistance.
18 Sec. 128. Section 455G.13, subsection 3, Code 2013, is
19 amended to read as follows:
20 3. *Owner or operator not in compliance, subject to full*
21 *and total cost recovery.* Notwithstanding subsection 2, the
22 liability of an owner or operator shall be the full and total
23 costs of corrective action and bodily injury or property damage
24 to third parties, as specified in subsection 1, if the owner
25 or operator has not complied with the financial responsibility
26 or other underground storage tank rules of the department of
27 natural resources or with this ~~chapter~~ subchapter and rules
28 adopted under this ~~chapter~~ subchapter.
29 Sec. 129. Section 455G.13, subsection 4, paragraph b, Code
30 2013, is amended to read as follows:
31 *b.* The punitive damages imposed under this subsection are
32 in addition to any costs or expenditures recovered from the
33 owner or operator pursuant to this ~~chapter~~ subchapter and
34 in addition to any other penalty or relief provided by this
35 ~~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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1 the claim was filed. An owner of a petroleum-contaminated
2 property, or an owner or operator of an underground storage
3 tank located on the property, shall be eligible for payment
4 of corrective action costs subject to copayment requirements
5 under section 455G.9, subsection 4. The board may adopt rules
6 conditioning receipt of benefits under this paragraph to those
7 petroleum-contaminated properties which present a higher degree
8 of risk to the public health and safety or the environment and
9 may adopt rules providing for denial of benefits under this
10 paragraph to a person who did not make a good faith attempt
11 to comply with the provisions of this ~~chapter~~ subchapter.
12 This paragraph does not confer a legal right to an owner of
13 petroleum-contaminated property, or an owner or operator of an
14 underground storage tank located on the property, for receipt
15 of benefits under this paragraph.
16 Sec. 135. Section 455G.21, subsection 3, Code 2013, is
17 amended to read as follows:
18 3. Moneys in the fund shall not be used for purposes of
19 bonding or providing security for bonding under this ~~chapter~~
20 subchapter.
21 Sec. 136. Section 455G.31, subsection 2, Code 2013, is
22 amended to read as follows:
23 2. A retail dealer may use gasoline storage and dispensing
24 infrastructure to store and dispense ethanol blended gasoline
25 classified as E-9 or higher if the department of natural
26 resources under this ~~chapter~~ subchapter or the state fire
27 marshal under chapter 101 determines that it is compatible with
28 the ethanol blended gasoline being used.
29 Sec. 137. Section 461.36, subsection 2, unnumbered
30 paragraph 1, Code 2013, is amended to read as follows:
31 The department of natural resources shall ~~allocate~~
32 distribute trust fund moneys ~~in~~ from the account to local
33 communities for the following initiatives:
34 Sec. 138. Section 461.37, subsection 2, Code 2013, is
35 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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1 communication is had between members of the public connected
2 with said local exchanges.
3 Sec. 143. Section 481A.6A, subsection 1, Code 2013, is
4 amended to read as follows:
5 1. As used in this section, *"pen-reared pheasant"* means a
6 Chinese ring-necked pheasant (Phasianus colchicus torquatus)
7 and its subspecies which originates from a captive population
8 and which has been propagated and held by a hatchery. For the
9 purposes of this section *"pen-reared pheasant"* does not include
10 a Reeves (Syrmaticus reevesii) or Lady Amherst (Chrysolophus
11 amherstiae) pheasant, a subspecies of the Chinese ring-necked
12 pheasant ~~such~~ classified as a Japanese (Phasianus versicolor)
13 or a Black-necked (P. colchicus colchicus) pheasant, or
14 a melanistic mutant (black, white, or other color mix) of
15 the Chinese ring-necked pheasant. This subsection is not
16 applicable to game birds released for officially sanctioned
17 field meets or trials and retriever meets or trials on private
18 land pursuant to section 481A.22, pen-raised game birds used
19 on private land pursuant to section 481A.56, or game birds
20 released on hunting preserves pursuant to chapter 484B.
21 Sec. 144. Section 481A.72, subsection 1, Code 2013, is
22 amended to read as follows:
23 1. ~~A~~ Except as otherwise provided in this chapter, a person
24 shall not at any time take from the waters of the state any
25 fish~~, except as otherwise provided in this chapter,~~ except with
26 hook, line, and bait~~, nor shall a~~. A person shall not use more
27 than three lines nor more than two hooks on each line in still
28 fishing or trolling~~, and in~~. In fly fishing not more than two
29 flies may be used on one line, and in trolling and bait casting
30 not more than two trolling spoons or artificial bait may be
31 used on one line.
32 Sec. 145. Section 489.1303, Code 2013, is amended to read
33 as follows:
34 **489.1303 Savings clause.**
35 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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1 subdivision comes under the regulation of the real estate laws
2 of the state where the land is located and that state requires
3 a state offering statement or public report, the subdivider
4 must also include a copy of said state report.
5 ~~10.~~ *j.* The subdivider, if a corporation, must register to
6 do business in the state of Iowa as a foreign corporation with
7 the secretary of state and furnish a copy of the certificate
8 of authority to do business in the state of Iowa. If not a
9 corporation, the subdivider must comply with the provisions
10 of chapter 547, by filing a proper trade name with the Polk
11 county recorder. The provisions of this subsection shall also
12 apply to any person, partnership, firm, company, corporation,
13 or association, other than the subdivider, which is engaged by
14 or through the subdivider for the purpose of advertising or
15 selling the land involved in the filing.
16 ~~11.~~ *k.* Such other information as the commission may
17 require, which shall be filed pursuant to the provisions of
18 this chapter.
19 ~~12.~~ 2. The offering statement must contain all of the
20 following:
21 *a.* The names, addresses, and business background of
22 the subdivider as required in ~~subsections~~ subsection 1,
23 paragraphs *"a"* to ~~4~~ *"d"*. If such subdivider is a partnership or
24 corporation, the names, addresses, and business background of
25 each of the partners, officers, and principal stockholders, the
26 nature of their fiduciary relationship and their past, present,
27 or anticipated financial relationship to the subdivider.
28 *b.* A complete description of the land and copies of the
29 plat in which the land is located as required in ~~subsections 5~~
30 subsection 1, paragraphs *"e"* and ~~6~~ *"f"* and a certified financial
31 statement by a certified public accountant of the assets and
32 liabilities of the subdivider as of a date not more than six
33 months prior to the date of the filing, in such detail as the
34 board may require.
35 *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 1. As used in this section, *"court debt"* means all fines,
2 penalties, court costs, fees, forfeited bail, surcharges under
3 chapter 911, victim restitution, court-appointed attorney
4 fees or ~~for~~ expenses of a public defender ordered pursuant to
5 section 815.9, or fees charged pursuant to section 356.7 or
6 904.108.
7 Sec. 172. Section 602.11101, Code 2013, is amended to read
8 as follows:
9 **602.11101 Implementation by court component.**
10 1. The state shall assume responsibility for components of
11 the court system according to the following schedule:
12 ~~1.~~ *a.* On October 1, 1983, the state shall assume the
13 responsibility for and the costs of jury fees and mileage as
14 provided in section 607A.8 and on July 1, 1984, the state shall
15 assume the responsibility for and the costs of prosecution
16 witness fees and mileage and other witness fees and mileage
17 assessed against the prosecution in criminal actions prosecuted
18 under state law as provided in sections 622.69 and 622.72.
19 ~~2.~~ *b.* Court reporters shall become court employees on July
20 1, 1984. The state shall assume the responsibility for and the
21 costs of court reporters on July 1, 1984.
22 ~~3.~~ *c.* Bailiffs who perform services for the court, other
23 than law enforcement services, shall become court employees on
24 January 1, 1985, and shall be called court attendants. The
25 state shall assume the responsibility for and the costs of
26 court attendants on January 1, 1985. Section 602.6601 takes
27 effect on January 1, 1985.
28 ~~4.~~ *d.* (1) Juvenile probation officers shall become
29 court employees on July 1, 1985. The state shall assume the
30 responsibility for and the costs of juvenile probation officers
31 on July 1, 1985.
32 (2) Until July 1, 1985, the county shall remain responsible
33 for the compensation of juvenile court referees. Effective
34 July 1, 1985, the state shall assume the responsibility for the
35 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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1 Sec. 175. Section 631.1, subsection 1, Code 2013, is amended
2 to read as follows:
3 1. The following actions or claims are small claims and
4 shall be commenced, heard and determined as provided in this
5 chapter:
6 *a.* A civil action for a money judgment where the amount
7 in controversy is four thousand dollars or less for actions
8 commenced before July 1, 2002, ~~and~~ exclusive of interest and
9 costs.
10 *b.* A civil action for a money judgment where the amount
11 in controversy is five thousand dollars or less for actions
12 commenced on or after July 1, 2002, exclusive of interest and
13 costs.
14 Sec. 176. Section 633.128, Code 2013, is amended to read as
15 follows:
16 **633.128 Court accountings.**
17 1. Unless ordered by a court of competent jurisdiction,
18 the bank or trust company operating such common trust funds
19 is not required to render a court accounting with regard to
20 such funds; but it may, by application to the court, secure
21 approval of such an accounting on such conditions as the court
22 may establish.
23 2. When an accounting of a common trust fund is presented to
24 a court for approval, the court shall assign a time and place
25 for hearing, and order notice thereof by all of the following:
26 *a.* ~~(1)~~ Publication once each week for three consecutive
27 weeks in a newspaper of general circulation, published in the
28 county in which the bank or trust company operating the common
29 trust fund is located, the first publication to be not less
30 than twenty days prior to the date of hearing~~, and (2) sending~~.
31 *b.* Sending by ordinary mail not less than fourteen days
32 prior to the date of hearing, a copy of the notice prescribed
33 to all beneficiaries of the trust participating in the common
34 trust fund whose names are known to the bank or trust company
35 from the records kept by it in the regular course of business

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1 in the administration of said trusts, directed to them at the
2 addresses shown by such records~~, and (3) such~~.
3 *c.* Such further notice, if any, as the court may order.
4 Sec. 177. Section 633.376, subsection 2, Code 2013, is
5 amended to read as follows:
6 2. The estate's personal representative shall mail pursuant
7 to section 633.40, subsection 5, to the legal guardian of each
8 child qualified under subsection 1 and to each child or the
9 guardian ad litem for such child if necessary, who has no legal
10 guardian, a written notice regarding the right to request an
11 allowance. The notice shall inform the child and the child's
12 guardian or guardian ad litem, if applicable, of the right to
13 submit an application to the court, within four months after
14 service of the notice, for support for a period of twelve
15 months following the decedent's death. If an application for
16 support has not been filed within four months after service of
17 the notice by or on behalf of the child qualifying for support
18 under subsection 1, the child shall be deemed to have waived
19 the right to support under this section. A child who qualifies
20 for support under this section or the child's guardian or
21 guardian ad litem may waive the child's right to such support
22 by filing an affidavit acknowledging receipt of notice and
23 irrevocably waiving the child's right to support under this
24 section.
25 Sec. 178. Section 633.704, subsection 2, Code 2013, is
26 amended to read as follows:
27 2. If a court of another state in which a guardianship or
28 protective proceeding is pending requests assistance ~~pursuant~~
29 ~~to~~ described in subsection 1, a court of this state has
30 jurisdiction for the limited purpose of granting the request or
31 making reasonable efforts to comply with the request.
32 Sec. 179. Section 633A.3110, Code 2013, is amended to read
33 as follows:
34 **633A.3110 Notice to creditors, heirs, and surviving spouse.**
35 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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1 the right to an allowance under this section. A child who
2 qualifies for an allowance under this section or the guardian
3 or guardian ad litem for the child, if any, may waive the
4 child's right to such an allowance by submitting an affidavit
5 to the trustee acknowledging receipt of notice and irrevocably
6 waiving the child's right to an allowance under this section.
7 Sec. 181. Section 654.14, Code 2013, is amended to read as
8 follows:
9 **654.14 Preference in receivership — application of rents.**
10 1. In an action to foreclose a real estate mortgage, if
11 a receiver is appointed to take charge of the real estate,
12 preference shall be given to the owner or person in actual
13 possession, subject to approval of the court, in leasing
14 the mortgaged premises. If the real estate is agricultural
15 land used for farming, as defined in section 9H.1, the
16 owner or person in actual possession shall be appointed as
17 receiver without bond, provided that all parties agree to the
18 appointment. The rents, profits, avails, and income derived
19 from the real estate shall be applied as follows:
20 ~~1.~~ *a.* To the cost of receivership.
21 ~~2.~~ *b.* To the payment of taxes due or becoming due during
22 said receivership.
23 ~~3.~~ *c.* To pay the insurance on buildings on the premises
24 ~~and/or~~ or such other benefits to the real estate, or both, as
25 may be ordered by the court.
26 ~~4.~~ *d.* The balance shall be paid and distributed as
27 determined by the court.
28 2. If the owner or person in actual possession of
29 agricultural land as defined in section 9H.1 is not afforded
30 a right of first refusal in leasing the mortgaged premises by
31 the receiver, the owner or person in actual possession has a
32 cause of action against the receiver to recover either actual
33 damages or a one thousand dollar penalty, and costs, including
34 reasonable attorney's fees. The receiver shall deliver notice
35 to the owner or person in actual possession or the attorney of

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1 the owner or person in actual possession, of an offer made to
2 the receiver, the terms of the offer, and the name and address
3 of the person making the offer. The delivery shall be made
4 personally with receipt returned or by certified or registered
5 mail, with the proper postage on the envelope, addressed to
6 the owner or person in actual possession or the attorney of
7 the owner or person in actual possession. An offer shall be
8 deemed to have been refused if the owner or person in actual
9 possession or the attorney of the owner or person in actual
10 possession does not respond within ten days following the date
11 that the notice is mailed.
12 Sec. 182. Section 671.2, Code 2013, is amended to read as
13 follows:
14 **671.2 Exception.**
15 1. The limited liability provided in section 671.1 shall not
16 apply where:
17 ~~1.~~ *a.* A guest has offered to deliver ~~such~~ valuables to ~~said~~
18 the keeper or owner for custody in such metal safe or vault,
19 and
20 ~~2.~~ *b.* ~~Said~~ The keeper or owner has omitted or refused to
21 receive and deposit the ~~same~~ valuables in ~~such~~ the safe or
22 vault and give such guest a receipt ~~therefor~~ for the valuables.
23 2. ~~But such~~ The keeper or owner shall not be required to
24 receive from any one guest for deposit in ~~such~~ the keeper's or
25 owner's safe or vault, property having a market value of more
26 than five hundred dollars.
27 Sec. 183. Section 708.1, Code 2013, is amended to read as
28 follows:
29 **708.1 Assault defined.**
30 1. An assault as defined in this section is a general intent
31 crime.
32 2. A person commits an assault when, without justification,
33 the person does any of the following:
34 ~~1.~~ *a.* Any act which is intended to cause pain or injury to,
35 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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1 provides to the commission of its substantial progress to
2 comply with section 714.18, subsection 1, paragraph *"a"*.
3 4. An entity that is required to file evidence of financial
4 responsibility under section 714.18, or an entity that files
5 a claim of exemption under section 714.19 ~~or 714.22~~, shall
6 utilize required forms approved and supplied by the commission.
7 7. Except as provided in section 714.18, subsection 2,
8 paragraph *"a"*, the information submitted under sections 714.18,
9 ~~714.22,~~ 714.23, and 714.25 are public records under chapter 22.
10 Sec. 190. Section 715.3, subsection 2, Code 2013, is amended
11 to read as follows:
12 2. *"Computer software"* means a sequence of instructions
13 written in any programming language that is executed on a
14 computer. *"Computer software"* does not include computer
15 software that is ~~a web page~~ an internet site or data components
16 of ~~a web page~~ an internet site that are not executable
17 independently of the ~~web page~~ internet site.
18 Sec. 191. Section 715.3, subsection 10, paragraph b, Code
19 2013, is amended to read as follows:
20 *b.* The storage or hosting of the computer software program
21 or an internet ~~web page~~ site through which the software was
22 made available.
23 Sec. 192. Section 715.4, subsection 1, paragraphs a through
24 c, Code 2013, are amended to read as follows:
25 *a.* The ~~web page~~ internet site that appears when an owner
26 or operator launches an internet browser or similar computer
27 software used to access and navigate the internet.
28 *b.* The default provider or ~~web~~ internet proxy that an owner
29 or operator uses to access or search the internet.
30 *c.* An owner's or an operator's list of bookmarks used to
31 access ~~web pages~~ internet sites.
32 Sec. 193. Section 716.3, Code 2013, is amended to read as
33 follows:
34 **716.3 Criminal mischief in the first degree.**
35 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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1 *c.* ~~For purposes of this section, "*train component*"~~ *"Train*
2 *component"* means any locomotive, engine, tender, railroad car,
3 passenger car, freight car, box car, tank car, hopper car,
4 flatbed, container, work equipment, rail-mounted equipment, or
5 any other railroad rolling stock.
6 ~~For purposes of this section, "*train*" means a series of two~~
7 ~~or more train components which are coupled together in a line.~~
8 Sec. 197. Section 716A.3, subsection 2, Code 2013, is
9 amended to read as follows:
10 2. *a.* A person who knowingly sells an adulterated or
11 misbranded drug through the use of electronic mail or the
12 internet is guilty of a class "D" felony.
13 *b.* ~~However, if~~ If the death of a person occurs as the result
14 of consuming a drug, as defined in section 155A.3, sold in
15 violation of this ~~section~~ subsection, the violation is a class
16 "B" felony.
17 Sec. 198. Section 716B.2, Code 2013, is amended to read as
18 follows:
19 **716B.2 Unlawful disposal of hazardous waste — penalties.**
20 1. A person ~~who~~ commits the offense of unlawful disposal
21 of hazardous waste when the person knowingly or with reason to
22 know, disposes of hazardous waste or arranges for or allows
23 the disposal of hazardous waste at any location other than one
24 authorized by the department or the United States environmental
25 protection agency, or in violation of any material term or
26 condition of a hazardous waste facility permit~~,~~.
27 2. *a.* A person who commits the offense of unlawful disposal
28 of hazardous waste is guilty of an aggravated misdemeanor and
29 upon conviction shall be punished by a fine of not more than
30 twenty-five thousand dollars for each day of violation or
31 imprisonment for not more than two years, or both.
32 *b.* If the conviction is for a violation committed after
33 a first conviction under this section, the person is guilty
34 of a class "D" felony and shall be punished by a fine of not
35 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~~.~~.

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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1 *c.* If a person commits an interference with official acts,
2 as defined in this subsection, and in so doing inflicts or
3 attempts to inflict serious injury, or displays a dangerous
4 weapon, as defined in section 702.7, or is armed with a
5 firearm, that person commits a class "D" felony.
6 2. A person under the custody, control, or supervision of
7 the department of corrections ~~who~~ commits interference with
8 official acts when the person knowingly resists, obstructs, or
9 interferes with a correctional officer, agent, employee, or
10 contractor, whether paid or volunteer, in the performance of
11 the person's official duties~~, commits~~.
12 *a.* Interference with official acts in violation of this
13 subsection is a serious misdemeanor.
14 *b.* If a person violates this subsection and in so doing
15 commits an assault, as defined in section 708.1, the person
16 commits an aggravated misdemeanor.
17 *c.* If a person violates this subsection and in so doing
18 inflicts or attempts to inflict bodily injury other than
19 serious injury to another, displays a dangerous weapon, as
20 defined in section 702.7, or is armed with a firearm, the
21 person commits a class "D" felony.
22 *d.* If a person violates this subsection and uses or attempts
23 to use a dangerous weapon, as defined in section 702.7, or
24 inflicts serious injury to another, the person commits a class
25 "C" felony.
26 Sec. 203. Section 721.6, Code 2013, is amended to read as
27 follows:
28 **721.6 Exception to sections 721.3 ~~to~~ through 721.5.**
29 The provisions of sections 721.3 ~~to~~ through 721.5 shall not
30 be construed as prohibiting any such officer or employee who is
31 a candidate for political office to engage in campaigning at
32 any time or at any place for the officer's or employee's ~~self~~
33 own candidacy.
34 Sec. 204. Section 721.7, Code 2013, is amended to read as
35 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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1 ~~a manner free of disparities based upon an individual's race~~
2 ~~or ethnic origin.~~
3 Sec. 214. Section 907.3, subsections 1 and 2, Code 2013, are
4 amended to read as follows:
5 1. *a.* With the consent of the defendant, the court may
6 defer judgment and may place the defendant on probation upon
7 conditions as it may require. ~~However, a~~ A civil penalty shall
8 be assessed as provided in section 907.14 upon the entry of a
9 deferred judgment. ~~Upon a showing that the defendant is not~~
10 ~~cooperating with the program of probation or is not responding~~
11 ~~to it, the court may withdraw the defendant from the program,~~
12 ~~pronounce judgment, and impose any sentence authorized by~~
13 ~~law. Before taking such action, the court shall give the~~
14 ~~defendant an opportunity to be heard on any matter relevant to~~
15 ~~the proposed action. Upon fulfillment of the conditions of~~
16 ~~probation and the payment of fees imposed and not waived by the~~
17 ~~judicial district department of correctional services under~~
18 ~~section 905.14, the defendant shall be discharged without entry~~
19 ~~of judgment. Upon violation of the conditions of probation,~~
20 ~~the court may proceed as provided in chapter 908.~~ However, the
21 court shall not defer judgment if any of the following is true:
22 ~~However, this subsection shall not apply if any of the~~
23 ~~following is true:~~
24 ~~*a.* The offense is a violation of section 709.8 and the child~~
25 ~~is twelve years of age or under.~~
26 ~~*b.*~~ (1) The defendant previously has been convicted of a
27 felony. *"Felony"* means a conviction in a court of this or any
28 other state or of the United States, of an offense classified
29 as a felony by the law under which the defendant was convicted
30 at the time of the defendant's conviction.
31 ~~*c.*~~ (2) Prior to the commission of the offense the defendant
32 had been granted a deferred judgment or similar relief, two or
33 more times anywhere in the United States.
34 ~~*d.*~~ (3) Prior to the commission of the offense the defendant
35 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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1 is methamphetamine.
2 ~~c.~~ (2) Section 321J.2, subsection 1, if any of the
3 following apply:
4 ~~(1)~~ (a) If the defendant's alcohol concentration
5 established by the results of an analysis of a specimen of the
6 defendant's blood, breath, or urine withdrawn in accordance
7 with chapter 321J exceeds .15, regardless of whether or not the
8 alcohol concentration indicated by the chemical test minus the
9 established margin of error inherent in the device or method
10 used to conduct the test equals an alcohol concentration of .15
11 or more.
12 ~~(2)~~ (b) If the defendant has previously been convicted of a
13 violation of section 321J.2, subsection 1, or a violation of a
14 statute in another state substantially corresponding to section
15 321J.2, subsection 1.
16 ~~(3)~~ (c) If the defendant has previously received a deferred
17 judgment or sentence for a violation of section 321J.2,
18 subsection 1, or for a violation of a statute in another state
19 substantially corresponding to section 321J.2, subsection 1.
20 ~~(4)~~ (d) If the defendant refused to consent to testing
21 requested in accordance with section 321J.6.
22 ~~(5)~~ (e) If the offense under chapter 321J results in bodily
23 injury to a person other than the defendant.
24 ~~*d.* Section 707.6A, subsection 1; or section 707.6A,~~
25 ~~subsection 4, involving operation of a motor vehicle while~~
26 ~~intoxicated.~~
27 ~~*e.* The offense is a violation of section 124.401, subsection~~
28 ~~1, paragraph "*a*" or "*b*", and the controlled substance is~~
29 ~~methamphetamine.~~
30 ~~*f.*~~ (3) The offense is a violation of section 462A.14, and a
31 mandatory minimum sentence must be served or mandatory minimum
32 fine must be paid by the defendant.
33 (4) Section 664A.7 or for contempt pursuant to section
34 664A.7.
35 ~~*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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1 2. On admission of a will to probate, the executor, as soon
2 as letters are issued, shall cause to be published once each
3 week for two consecutive weeks in a daily or weekly newspaper
4 of general circulation published in the county in which the
5 estate is pending and at any time during the pendency of
6 administration that the executor has knowledge of the name
7 and address of a person believed to own or possess a claim
8 which will not or may not be paid or otherwise satisfied
9 during administration, provide by ordinary mail to each such
10 claimant at the claimant's last known address, and as soon as
11 practicable give notice, except to any executor, by ordinary
12 mail to the surviving spouse, each heir of the decedent
13 and each devisee under the will admitted to probate whose
14 identities are reasonably ascertainable, at such persons' last
15 known addresses, a notice of admission of the will to probate
16 and of the appointment of the executor, in which shall be
17 included a notice that any action to set aside the probate of
18 the will must be brought within the later to occur of four
19 months from the date of the second publication of the notice or
20 one month from the date of mailing of this notice or thereafter
21 be forever barred, and in which shall be included a notice to
22 debtors to make payment, and to creditors having claims against
23 the estate to file them with the clerk within four months from
24 the second publication of the notice, or thereafter be forever
25 barred.
26 ~~As used in this section, "*heir*" means only such person as~~
27 ~~would, in an intestate estate, be entitled to a share under~~
28 ~~section 633.219.~~
29 3. The notice shall be substantially in the following form:
30 Notice of Probate of Will,
31 of Appointment of Executor,
32 and Notice to Creditors
33 In the District Court of Iowa
34 in and for .... County.
35 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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1 3. ~~One~~ A person who solicits another person to commit an
2 aggravated misdemeanor commits an aggravated misdemeanor.
3 Sec. 222. Section 705.2, Code 2013, is amended to read as
4 follows:
5 **705.2 Renunciation.**
6 It is a defense to a prosecution for solicitation that the
7 defendant, after soliciting another person to commit a felony
8 or aggravated misdemeanor, persuaded the person not to do so
9 or otherwise prevented the commission of the offense, under
10 circumstances manifesting a complete and voluntary renunciation
11 of the defendant's criminal intent. A renunciation is not
12 *"voluntary and complete"* if it is motivated in whole or in part
13 by ~~*(a)*~~ either of the following:
14 1. The person's belief that circumstances exist which
15 increase the possibility of detection or apprehension of
16 the defendant or another or which make more difficult the
17 consummation of the offense ~~*or (b)* the~~.
18 2. The person's decision to postpone the offense until
19 another time or to substitute another victim or another but
20 similar objective.
21 Sec. 223. Section 706A.3, subsection 9, Code 2013, is
22 amended to read as follows:
23 9. *a.* Notwithstanding any other provision of law, any
24 pleading, motion, or other paper filed by a nongovernmental
25 aggrieved party in connection with a proceeding or action under
26 subsection 7 shall be verified.
27 (1) If such aggrieved person is represented by an attorney,
28 such pleading, motion, or other paper shall be signed by at
29 least one attorney of record in the attorney's individual name,
30 whose address shall be stated.
31 (2) If such pleading, motion, or other paper includes an
32 averment of fraud, coercion, accomplice, respondent superior,
33 conspiratorial, enterprise, or other vicarious accountability,
34 it shall state, insofar as practicable, the circumstances with
35 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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1 acts solely as the result of sudden, violent, and irresistible
2 passion resulting from serious provocation sufficient to excite
3 such passion in a person and there is not an interval between
4 the provocation and the killing in which a person of ordinary
5 reason and temperament would regain control and suppress the
6 impulse to kill.
7 ~~Voluntary manslaughter is an included offense under an~~
8 ~~indictment for murder in the first or second degree.~~
9 2. Voluntary manslaughter is a class "C" felony.
10 3. Voluntary manslaughter is an included offense under an
11 indictment for murder in the first or second degree.
12 4. For purposes of determining whether a person should
13 register as a sex offender pursuant to the provisions of
14 chapter 692A, the fact finder shall make a determination as
15 provided in section 692A.126.
16 Sec. 225. Section 707.5, Code 2013, is amended to read as
17 follows:
18 **707.5 Involuntary manslaughter.**
19 1. A person commits ~~a~~ involuntary manslaughter punishable
20 as:
21 *a.* A class "D" felony when the person unintentionally
22 causes the death of another person by the commission of a
23 public offense other than a forcible felony or escape.
24 ~~2.~~ *b.* ~~A person commits an~~ An aggravated misdemeanor when
25 the person unintentionally causes the death of another person
26 by the commission of an act in a manner likely to cause death
27 or serious injury.
28 2. Involuntary manslaughter as defined in this section is an
29 included offense under an indictment for murder in the first or
30 second degree or voluntary manslaughter.
31 3. For purposes of determining whether a person should
32 register as a sex offender pursuant to the provisions of
33 chapter 692A, the fact finder shall make a determination as
34 provided in section 692A.126.
35 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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1 counselor or therapist is such that the counselor or therapist
2 knows or has reason to know that the patient or client or
3 former patient or client is significantly impaired in the
4 ability to withhold consent to sexual conduct, as described in
5 subsection 2, by the counselor or therapist. For the purposes
6 of subsection 2, a former patient or client is presumed to be
7 emotionally dependent for one year following the termination of
8 the provision of mental health services.
9 ~~For the purposes of subsection 2, a former patient or client~~
10 ~~is presumed to be emotionally dependent for one year following~~
11 ~~the termination of the provision of mental health services.~~
12 *c. "Former patient or client"* means a person who received
13 mental health services from the counselor or therapist.
14 *d. "Mental health service"* means the treatment, assessment,
15 or counseling of another person for a cognitive, behavioral,
16 emotional, mental, or social dysfunction, including an
17 intrapersonal or interpersonal dysfunction.
18 *e. "Patient or client"* means a person who receives mental
19 health services from the counselor or therapist.
20 *f. "School employee"* means a practitioner as defined in
21 section 272.1.
22 *g. "Student"* means a person who is currently enrolled in or
23 attending a public or nonpublic elementary or secondary school,
24 or who was a student enrolled in or who attended a public or
25 nonpublic elementary or secondary school within thirty days of
26 any violation of subsection 3.
27 2. *a.* Sexual exploitation by a counselor or therapist
28 occurs when any of the following are found:
29 ~~*a.*~~ (1) A pattern or practice or scheme of conduct to engage
30 in any of the conduct described in ~~paragraph "b"~~ subparagraph
31 (2) or ~~"c"~~ (3).
32 ~~*b.*~~ (2) Any sexual conduct, with an emotionally dependent
33 patient or client or emotionally dependent former patient or
34 client for the purpose of arousing or satisfying the sexual
35 desires of the counselor or therapist or the emotionally

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1 dependent patient or client or emotionally dependent former
2 patient or client, which includes but is not limited to the
3 following: ~~kissing; touching~~
4 (a) Kissing.
5 (b) Touching of the clothed or unclothed inner thigh,
6 breast, groin, buttock, anus, pubes, or genitals~~; or a~~.
7 (c) A sex act as defined in section 702.17.
8 ~~c.~~ (3) Any sexual conduct with a patient or client or
9 former patient or client within one year of the termination of
10 the provision of mental health services by the counselor or
11 therapist for the purpose of arousing or satisfying the sexual
12 desires of the counselor or therapist or the patient or client
13 or former patient or client which includes but is not limited
14 to the following: ~~kissing; touching~~
15 (a) Kissing.
16 (b) Touching of the clothed or unclothed inner thigh,
17 breast, groin, buttock, anus, pubes, or genitals~~; or a~~.
18 (c) A sex act as defined in section 702.17.
19 *b.* Sexual exploitation by a counselor or therapist does
20 not include touching which is part of a necessary examination
21 or treatment provided a patient or client by a counselor or
22 therapist acting within the scope of the practice or employment
23 in which the counselor or therapist is engaged.
24 3. *a.* Sexual exploitation by a school employee occurs when
25 any of the following are found:
26 ~~a.~~ (1) A pattern or practice or scheme of conduct to engage
27 in any of the conduct described in ~~paragraph "b"~~ subparagraph
28 (2).
29 ~~b.~~ (2) Any sexual conduct with a student for the purpose
30 of arousing or satisfying the sexual desires of the school
31 employee or the student. Sexual conduct includes but is not
32 limited to the following: ~~kissing; touching~~
33 (a) Kissing.
34 (b) Touching of the clothed or unclothed inner thigh,
35 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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1 without the consent of the owner; or
2 *b.* Sell; distribute; circulate; offer for sale, distribution
3 or circulation; possess for the purpose of sale, distribution
4 or circulation; or cause to be sold, distributed, circulated;
5 offered for sale, distribution or circulation; or possessed
6 for sale, distribution or circulation, any article or device
7 on which sounds have been transferred without the consent of
8 the person who owns the master phonograph record, master disc,
9 master tape or other device or article from which the sounds
10 are derived.
11 ~~2.~~ 3. It is unlawful for a person to sell, distribute,
12 circulate, offer for sale, distribution or circulation or
13 possess for the purposes of sale, distribution or circulation,
14 any phonograph record, disc, wire, tape, film or other article
15 on which sounds have been transferred unless the phonograph
16 record, disc, wire, tape, film or other article bears the
17 actual name and address of the transferor of the sounds in a
18 prominent place on its outside face or package.
19 ~~3.~~ 4. This section does not apply to a person who
20 transfers or causes to be transferred sounds intended for or
21 in connection with radio or television broadcast transmission
22 or related uses, synchronized sound tracks of motion pictures
23 or sound tracks recorded for synchronizing with motion
24 pictures, for archival purposes or for the personal use of the
25 person transferring or causing the transfer and without any
26 compensation being derived by the person from the transfer.
27 ~~4.~~ 5. A person who violates the provisions of this section
28 is guilty of theft.
29 Sec. 233. Section 715B.4, subsection 1, Code 2013, is
30 amended to read as follows:
31 1. An art merchant who sells a work of fine art or a
32 multiple to a buyer under a warranty attesting to facts about
33 the work which are not true is liable to the buyer to whom the
34 work was sold.
35 *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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1 line as provided in chapter 478.
2 *c. "Railway corporation"* means a corporation, company, or
3 person owning, leasing, or operating any railroad in whole or
4 in part within this state.
5 *d. "Railway property"* means all tangible real and personal
6 property owned, leased, or operated by a railway corporation
7 with the exception of any administrative building or offices of
8 the railway corporation.
9 2. *a.* ~~The term *"trespass"*~~ *"Trespass"* shall mean one or more
10 of the following acts:
11 ~~*a.*~~ (1) Entering upon or in property without the express
12 permission of the owner, lessee, or person in lawful possession
13 with the intent to commit a public offense, to use, remove
14 therefrom, alter, damage, harass, or place thereon or therein
15 anything animate or inanimate, or to hunt, fish or trap on or
16 in the property, including the act of taking or attempting to
17 take a deer, other than a farm deer as defined in section 170.1
18 or preserve whitetail as defined in section 484C.1, which is
19 on or in the property by a person who is outside the property.
20 This ~~paragraph~~ subparagraph does not prohibit the unarmed
21 pursuit of game or fur-bearing animals by a person who lawfully
22 injured or killed the game or fur-bearing animal which comes to
23 rest on or escapes to the property of another.
24 ~~*b.*~~ (2) Entering or remaining upon or in property without
25 justification after being notified or requested to abstain from
26 entering or to remove or vacate therefrom by the owner, lessee,
27 or person in lawful possession, or the agent or employee of the
28 owner, lessee, or person in lawful possession, or by any peace
29 officer, magistrate, or public employee whose duty it is to
30 supervise the use or maintenance of the property.
31 ~~*c.*~~ (3) Entering upon or in property for the purpose or
32 with the effect of unduly interfering with the lawful use of
33 the property by others.
34 ~~*d.*~~ (4) Being upon or in property and wrongfully using,
35 removing therefrom, altering, damaging, harassing, or placing

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1 thereon or therein anything animate or inanimate, without the
2 implied or actual permission of the owner, lessee, or person in
3 lawful possession.
4 ~~*e.*~~ (5) Entering or remaining upon or in railway property
5 without lawful authority or without the consent of the railway
6 corporation which owns, leases, or operates the railway
7 property. This ~~paragraph~~ subparagraph does not apply to
8 passage over a railroad right-of-way, other than a track,
9 railroad roadbed, viaduct, bridge, trestle, or railroad yard,
10 by an unarmed person if the person has not been notified or
11 requested to abstain from entering on to the right-of-way or to
12 vacate the right-of-way and the passage over the right-of-way
13 does not interfere with the operation of the railroad.
14 ~~*f.*~~ (6) Entering or remaining upon or in public utility
15 property without lawful authority or without the consent of
16 the public utility that owns, leases, or operates the public
17 utility property. This ~~paragraph~~ subparagraph does not apply
18 to passage over public utility right-of-way by a person if the
19 person has not been notified or requested by posted signage or
20 other means to abstain from entering onto the right-of-way or
21 to vacate the right-of-way.
22 ~~3.~~ *b.* ~~The term "*trespass*"~~ "*Trespass*" shall not mean
23 ~~entering~~ either of the following:
24 (1) Entering upon the property of another for the sole
25 purpose of retrieving personal property which has accidentally
26 or inadvertently been thrown, fallen, strayed, or blown onto
27 the property of another, provided that the person retrieving
28 the property takes the most direct and accessible route to
29 and from the property to be retrieved, quits the property as
30 quickly as is possible, and does not unduly interfere with
31 the lawful use of the property. This ~~subsection~~ subparagraph
32 does not apply to public utility property where the person has
33 been notified or requested by posted signage or other means to
34 abstain from entering.
35 ~~4.~~ (2) ~~The term "*trespass*" does not mean the entering~~

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Entering upon the right-of-way of a public road or highway.

~~5. *a.* For purposes of this section, *"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.~~

~~*b.* For purposes of this section, *"railway corporation"* means a corporation, company, or person owning, leasing, or operating any railroad in whole or in part within this state.~~

~~6. For purposes of this section, *"public utility property"* means any land, dwelling, building, conveyance, vehicle, or other temporary or permanent structure owned, leased, or operated by a public utility and that is completely enclosed by a physical barrier of any kind. For the purposes of this section, a *"public utility"* is a public utility as defined in section 476.1 or an electric transmission line as provided in chapter 478.~~

~~7.~~ 3. This section shall not apply to the following persons:

a. Representatives of the state department of transportation, the federal railroad administration, or the national transportation safety board who enter or remain upon or in railway property while engaged in the performance of official duties.

b. Employees of a railway corporation who enter or remain upon or in railway property while acting in the course of employment.

c. Any person who is engaged in the operation of a lawful business on railway station grounds or in the railway depot.

d. Representatives of the Iowa utilities board, the federal energy regulatory commission, or the federal communications commission who enter or remain upon or in public utility property while engaged in the performance of official duties.

e. Employees of a public utility who enter or remain upon or in public utility property while acting in the course of 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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1 that the prior spouse is dead.
2 *c.* The person has, for three years, had no evidence by which
3 the person can reasonably believe that the prior spouse is
4 alive.
5 Sec. 237. Section 729.5, Code 2013, is amended to read as
6 follows:
7 **729.5 Violation of individual rights — penalty.**
8 1. A person, who acts alone, or who conspires with
9 another person or persons, to injure, oppress, threaten, or
10 intimidate or interfere with any citizen in the free exercise
11 or enjoyment of any right or privilege secured to that person
12 by the constitution or laws of the state of Iowa or by the
13 constitution or laws of the United States, and assembles
14 with one or more persons for the purpose of teaching or
15 being instructed in any technique or means capable of causing
16 property damage, bodily injury or death when the person
17 or persons intend to employ those techniques or means in
18 furtherance of the conspiracy, is on conviction, guilty of a
19 class "D" felony.
20 2. A person intimidates or interferes with another person if
21 the act of the person results in any of the following:
22 *a.* Physical injury to the other person.
23 *b.* Physical damage to or destruction of the other person's
24 property.
25 *c.* Communication in a manner, or action in a manner,
26 intended to result in either of the following:
27 (1) To place the other person in fear of physical contact
28 which will be injurious, insulting, or offensive, coupled with
29 the apparent ability to execute the act.
30 (2) To place the other person in fear of harm to the other
31 person's property, or harm to the person or property of a third
32 person.
33 ~~2.~~ 3. This section does not make unlawful the teaching of
34 any technique in self-defense.
35 ~~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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1 331.604, subsection 3, paragraph "d"; 331.606A, subsection 6,
2 paragraph "c"; 455B.152, subsection 4; 459A.208, subsection
3 5, paragraph "b", subparagraph (6); 459A.208, subsection 5,
4 paragraph "c"; 515A.6, subsection 7, paragraph "a"; 533A.8,
5 subsection 10; 556.2C, subsection 1, paragraph "b"; 572.8,
6 subsection 1, unnumbered paragraph 1; 572.8, subsections 2 and
7 3; 572.13, subsection 2; 572.13A, subsection 1, unnumbered
8 paragraph 1; 572.13A, subsection 2; 572.13A, subsection 3,
9 paragraph "a"; 572.13B, subsection 1, unnumbered paragraph 1;
10 572.18, subsection 1; 572.22, unnumbered paragraph 1; 572.24,
11 subsection 2; 572.34, subsections 2, 5, 6, 7, and 8; 715.3,
12 subsection 1; and 715C.2, subsection 4, paragraph "c"; Code
13 2013, are amended by striking the word "website" and inserting
14 in lieu thereof the word "site".
15 5. Sections 15.115, subsection 4; 331.604, subsection 3,
16 paragraph "d"; 455B.807, subsection 2; Code 2013, are amended
17 by striking the word "websites" and inserting in lieu thereof
18 the word "sites".
19 6. Sections 15.274 and 535D.19, Code 2013, are amended by
20 striking the word "websites" and inserting in lieu thereof the
21 word "sites".
22 7. Sections 73.16, subsection 2, paragraph "c",
23 subparagraph (2), and 307.49, subsection 2, Code 2013, are
24 amended by striking the words "web page" and inserting in lieu
25 thereof the words "internet site".
26 8. Sections 103.31, subsection 6; 256.9, subsection 50,
27 paragraph "a"; and 260C.36, subsection 4, paragraph "b",
28 subparagraph (1); Code 2013, are amended by striking the
29 word "web-based" and inserting in lieu thereof the word
30 "internet-based".
31 9. Section 237A.30, subsection 3, Code 2013, is amended by
32 striking the word "webpage" and inserting in lieu thereof the
33 words "internet site".
34 10. Sections 68B.35A, 147.93, 190A.4, 249J.17, 298.6, and
35 572.10, Code 2013, are amended by striking the word "website"

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and inserting in lieu thereof the word "site".

11. The Code editor is directed to remove former reserved section 15.410 from part 22 of chapter 15, and add new section 15.410, as enacted in this Act, to part 23 of chapter 15.

EXPLANATION

This bill contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities. The Code sections amended include the following:

DIVISION I. Code section 3.4: Numbers unnumbered paragraphs in this provision relating to approval and item veto of legislation, updates terminology by replacing the word "it" with more specific language, and reformats language regarding the contents of a certificate of the presiding officers of each house of the general assembly.

Code section 8A.402: Strikes the word "with" to clarify a prohibition against supervisory employees being granted replacement or bumping rights vis-a-vis a junior employee.

Code section 9I.12: Moves language and designates a penalty as a civil penalty in this provision that penalizes nonresidents or their agents, trustees, or fiduciaries for failure to timely file a registration or report relating to ownership of Iowa agricultural land.

Code section 10B.4: Strikes language in references to the former Code chapter 10C, that contained reporting requirements for life science enterprises, to change the reference to the last Code in which all of the provisions of former Code chapter 10C appeared.

Code section 11.41: Changes the words "review" and "reviewed" to "examination" and "examined" in language relating to the performance of audits or examinations by the auditor of state to conform to similar changes made by 2011 Acts, chapter 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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1 of rules, regulations, and rate schedules by the board that
2 is responsible under the terms of Code chapter 357A for the
3 governance of rural water districts.
4 Code section 357E.9: Adds an automatic repeal provision
5 for transition provisions applicable to the expansion of
6 recreational lake district boards from three to seven trustees.
7 The transition from three trustee to seven trustee boards will
8 have been fully implemented by July 1, 2018, which is the date
9 that is set for the repeal of the transition provisions.
10 Code section 368.26: Reformats and numbers provisions
11 to establish a definitions subsection within this provision
12 regarding annexation of farmland by a city.
13 Code section 411.6: Strikes an internal reference to Code
14 section 125.2 in this provision regulating the receipt of
15 benefits under the retirement system for police officers and
16 fire fighters and inserts a definition of the term "chemical
17 dependency". The new definition is identical to the definition
18 of that term in Code section 125.2 prior to the rewrite of
19 definitions within that Code section by 2011 Acts, chapter 121.
20 Code section 419.1: Adds the word "qualified" and corrects
21 a citation to federal legislation regarding disaster area bonds
22 that were authorized under the 2008 federal Emergency Economic
23 Stabilization Act.
24 Code section 420.224: Rewrites language, stating the
25 conditions of a single exception to the resale of property sold
26 to a city at a tax sale, to eliminate a colon and connect the
27 exception to the balance of the provision.
28 Code section 421.30: Rewrites an internal reference to
29 a provision within Code section 441.19, in this provision
30 defining the term "reassessment expense fund", to reflect the
31 renumbering of Code section 441.19 by 2009 Acts, chapter 41.
32 Code section 421C.4: Adds the word "and" to clarify that
33 certain inter-county agreements for the collection of court
34 debt are entered into pursuant not only to the Code chapter
35 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 Study Bill 194 - Introduced

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

A BILL FOR

1 An Act concerning title to real estate.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1116YC (4) 85
rh/sc

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Section 1. Section 558.5, Code 2013, is amended to read as follows:

558.5 Contract for deed — presumption of abandonment.

1. When the record shows that a contract or bond for a deed ~~has been~~ was executed more than ten years earlier, ~~and the record discloses no performance of the same and that more than ten years have elapsed since the contract by its terms was to be performed,~~ the contract or bond shall be deemed abandoned by the vendee and ~~of no effect~~ void and the land shall be freed from any lien or defect on account of the contract or bond in any of the following situations:

a. The record does not indicate the contract or bond has been performed and more than ten years have elapsed since the contract or bond by its terms was to be performed.

b. A performance date for the contract or bond is not stated in the contract or bond or any extensions thereof and more than twenty years have elapsed from the date the contract or bond was executed.

2. ~~On and after July 1, 1992, this~~ This section shall apply to a contract or bond described in this section, if the contract or bond is not filed of record but is referred to in another instrument which is filed of record. The contract or bond shall be deemed abandoned by the vendee ten years from the date that the contract or bond is to be performed according to the recorded instrument. However, if the recorded instrument does not refer to a performance date for the contract or bond, the contract or bond shall be deemed abandoned ~~ten~~ twenty years after the date that the instrument containing the reference is recorded.

3. This section shall not apply to a vendee or a vendee's successor in interest if the vendee or the vendee's successor in interest is in possession of the property or has been continuously paying the total amount due, as defined in section 445.1, of the taxes levied against the property for the preceding five years.

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1 Sec. 2. Section 614.21, Code 2013, is amended to read as
2 follows:
3 **614.21 Foreclosure of ancient mortgages.**
4 1. ~~No~~ An action ~~shall be maintained~~ to foreclose or
5 enforce any real estate mortgage, bond for deed, trust deed,
6 or contract for the sale or conveyance of real estate, after
7 twenty years from the date thereof, as shown by the record of
8 such instrument, shall be barred, unless ~~the~~ either of the
9 following:
10 *a.* The record of such instrument shows that less than
11 ten years have elapsed since the date of maturity of the
12 indebtedness or part thereof, secured thereby, or since the
13 right of action has accrued ~~thereon, or unless the~~.
14 *b.* The record shows an extension of the maturity of the
15 instrument or of the debt or a part thereof, and that ten years
16 from the expiration of the time of such extension have not yet
17 expired.
18 2. The date of maturity, when different than as appears by
19 the record of the instrument, and the date of maturity of any
20 extension of said indebtedness or part thereof, may be shown
21 at any time prior to the expiration of the ~~above~~ periods of
22 limitation specified in subsection 1 by the holder of the debt
23 or the owner or assignee of the instrument filing an extension
24 agreement, duly acknowledged as the original instrument was
25 required to be acknowledged, in the office of the recorder
26 where the instrument is recorded.
27 3. ~~From and after July 4, 1946, this~~ This section shall also
28 apply to any instrument ~~of the kind~~ described in this section
29 which is not of record but which is described or referred to
30 in any other instrument which is filed of record ~~and the~~.
31 The limitation shall be ten years from the due date of the
32 instrument referred to if disclosed in the record and, if not
33 so disclosed, then within ten years from the date ~~of the record~~
34 ~~of~~ the instrument containing such reference is recorded.
35 4. *a.* A vendee of a real estate contract or bond for deed,

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1 or a vendee's successor in interest, who is barred by this
2 section from maintaining an action to foreclose or enforce
3 the contract or bond and who is in physical possession of the
4 property may serve the vendor with a demand for a deed as
5 provided in the contract. The notice may be served personally
6 or by publication, on the same conditions, and in the same
7 manner as is provided for the service of original notices,
8 except that when the notice is served by publication an
9 affidavit shall not be required before publication. Service
10 by publication shall be deemed complete on the day of the last
11 publication. Service may be made on a judgment creditor of
12 the deceased vendor or any other person who is, as a matter of
13 record, interested in the estate of a deceased vendor, in the
14 manner provided in section 654.4A, subsections 4 and 5.
15 *b.* The demand shall state that if a deed is not provided
16 within forty-five days of service and an action to foreclose
17 or forfeit the contract has not been commenced within such
18 forty-five-day period, the vendee may file an affidavit showing
19 service and compliance with this subsection whereupon the
20 auditor shall correct the county records as provided in section
21 558.67 to indicate that the rights of the vendor have vested
22 in the vendee.
23 Sec. 3. Section 656.3, Code 2013, is amended to read as
24 follows:
25 **656.3 Service.**
26 1. ~~Said~~ The notice provided for in section 656.2 may be
27 served personally or by publication, on the same conditions,
28 and in the same manner as is provided for the service of
29 original notices, except that when the notice is served by
30 publication ~~no~~ an affidavit ~~therefor~~ shall not be required
31 before publication. Service by publication shall be deemed
32 complete on the day of the last publication.
33 2. The notice provided for in section 656.2 may be served
34 on a judgment creditor of a deceased vendor or on any other
35 person who is, as a matter of record, interested in the estate

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of a deceased vendor in the manner provided in section 654.4A, subsections 4 and 5.

Sec. 4. Section 656.9, Code 2013, is amended to read as follows:

656.9 Defect in forfeiture proceedings — limitation of actions.

1. An action shall not be commenced after July 1, 1992, ~~which~~ that asserts a claim against real estate previously subject to a forfeiture proceeding, and such claim is based upon a defect in the forfeiture proceeding, in which the proof and record of service of notice of forfeiture required by section 656.5 has been filed for record in the office of the county recorder prior to July 1, 1991.

2. *a.* An action shall not be commenced by a vendee who is not in possession of the property, or by a party to the forfeiture proceeding who is other than a vendee or vendor, that asserts a claim against real estate previously subject to a forfeiture proceeding, and such claim is based upon a defect in the forfeiture proceeding, in which the proof and record of service of notice of forfeiture required by section 656.6 has been filed of record for more than ten years.

b. A vendee who is not in possession of the property, or a party to the forfeiture proceeding who is other than the vendee or vendor, may commence an action described in paragraph *"a"* at any time prior to July 1, 2014, if, as of June 30, 2013, more than nine years but ten years or less have elapsed since the proof and record of service of notice of forfeiture required by section 656.6 was filed of record.

c. This subsection is repealed July 1, 2014.

EXPLANATION

This bill makes changes relating to the sale of real estate by contract or bond.

The bill amends Code section 558.5, relating to a presumption of abandonment of a contract or bond for the sale of real estate. Under current law, a contract or bond for the

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1 sale of real estate is presumed abandoned and of no effect if
2 the record of the contract or bond was executed or recorded,
3 as applicable, more than 10 years earlier and no performance
4 had been made on the contract or bond and 10 years have elapsed
5 since the performance date stated in the record of the contract
6 or bond. The bill provides that if the record of the contract
7 or bond for the sale of real estate executed more than 10 years
8 earlier does not indicate a performance date, the contract or
9 bond is presumed abandoned and of no effect when more than 20
10 years have elapsed since the record of the contract or bond
11 was executed or recorded, as applicable. Code section 558.5
12 is also amended to remove a July 1, 1992, date relating to
13 prospective applicability of Code section 558.5 to a contract
14 or bond for the sale of real estate that is not recorded but is
15 referred to in another recorded instrument.
16 This bill amends Code section 614.21, relating to the
17 foreclosure of ancient mortgages. Current law provides that an
18 action to foreclose or enforce any real estate mortgage, bond
19 for deed, trust deed, or contract for the sale or conveyance
20 of real estate, after 20 years from the date thereof, as shown
21 by the record of such instrument, shall not be barred under
22 certain circumstances. The bill provides that a vendee of a
23 real estate contract or bond for deed, or a vendee's successor
24 in interest, who is barred under Code section 614.21 from
25 maintaining an action to foreclose or enforce the contract or
26 bond and who is in physical possession of the property may
27 serve the vendor with a demand for a deed as provided in the
28 contract. The written notice may be served personally or by
29 publication, on the same conditions, and in the same manner as
30 is provided for the service of original notices, except that
31 when the notice is served by publication an affidavit shall
32 not be required before publication. Service by publication
33 shall be deemed complete on the day of the last publication.
34 The bill also provides for service on a judgment creditor of
35 a deceased vendor or any other person who is, as a matter of

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1 record, interested in the estate of a deceased vendor. The
2 demand shall state that if a deed is not provided within 45
3 days of service and an action to foreclose or forfeit the
4 contract has not been commenced within such period, the vendee
5 may file an affidavit showing service. In such a case the
6 county auditor is required to correct the county records to
7 indicate that the rights of the vendor have vested in the
8 vendee.
9 The bill amends Code section 656.3 to specify that the
10 written notice that a vendor is required to serve on a vendee
11 pursuant to Code section 656.2 to forfeit a contract for the
12 sale of real estate located in this state may be served on a
13 judgment creditor of a deceased vendor or on any other person
14 who is, as a matter of record, interested in the estate of a
15 deceased vendor in the manner provided for service of process
16 in Code section 654.4A.
17 The bill provides that an action that asserts a claim against
18 real estate previously subject to a forfeiture proceeding,
19 based upon a defect in the forfeiture proceeding, shall not be
20 commenced by a vendee who is not in possession of the property,
21 or by a party to the forfeiture proceeding who is other than
22 a vendee or vendor, in which the proof and record of service
23 of notice of forfeiture has been filed of record for more than
24 10 years. A vendee who is not in possession of the property,
25 or a party to the forfeiture proceeding who is other than the
26 vendee or vendor, may commence such an action at any time prior
27 to July 1, 2014, if, as of June 30, 2013, more than nine years
28 but 10 years or less have elapsed since the proof and record of
29 service of notice of forfeiture was filed of record. The bill
30 repeals this provision on July 1, 2014.

House Study Bill 195 - Introduced

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

A BILL FOR

1 An Act relating to workers' compensation benefits.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1854YC (9) 85
av/rj

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1 Section 1. Section 85.16, subsection 2, Code 2013, is
2 amended to read as follows:
3 2. *a.* By the employee's intoxication, which did not arise
4 out of and in the course of employment but which was due
5 to the effects of alcohol or another narcotic, depressant,
6 stimulant, hallucinogenic, or hypnotic drug not prescribed by
7 an authorized medical practitioner, if the intoxication was a
8 substantial factor in causing the injury.
9 *b.* For the purpose of disallowing compensation under this
10 subsection, the following applies:
11 (1) If the employer shows that, at the time of the injury
12 or immediately following the injury, the employee had positive
13 test results reflecting the presence of alcohol, or another
14 narcotic, depressant, stimulant, hallucinogenic, or hypnotic
15 drug, which drug either was not prescribed by an authorized
16 medical practitioner or was not used in accordance with the
17 prescribed use of the drug, it shall be presumed that the
18 employee was intoxicated at the time of the injury and that
19 intoxication was a substantial factor in causing the injury.
20 (2) Once the employer has made a showing as provided
21 in subparagraph (1), the burden of proof shall be on the
22 employee to establish that the employee was not intoxicated
23 at the time of the injury, or that intoxication was not a
24 substantial factor in causing the injury, in order to overcome
25 the presumption.
26 Sec. 2. Section 85.23, Code 2013, is amended to read as
27 follows:
28 **85.23 Notice of injury — failure to give.**
29 Unless the employer or the employer's representative shall
30 have actual knowledge of the occurrence of an injury received
31 within ninety days from the date of the occurrence of the
32 injury, or unless the employee or someone on the employee's
33 behalf or a dependent or someone on the dependent's behalf
34 shall give notice thereof to the employer within ninety days
35 from the date of the occurrence of the injury, no compensation

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1 shall be allowed. For the purposes of this section, *"date of*
2 *the occurrence of the injury"* means the date that the employee
3 knew or should have known that the injury was work-related.
4 Sec. 3. Section 85.26, subsection 1, Code 2013, is amended
5 to read as follows:
6 1. An original proceeding for benefits under this chapter
7 or chapter 85A, 85B, or 86, shall not be maintained in any
8 contested case unless the proceeding is commenced within two
9 years from the date of the occurrence of the injury for which
10 benefits are claimed or, if weekly compensation benefits are
11 paid under section 86.13, within three years from the date of
12 the last payment of weekly compensation benefits. For the
13 purposes of this subsection, *"date of the occurrence of the*
14 *injury"* means the date that the employee knew or should have
15 known that the injury was work-related.
16 Sec. 4. Section 85.27, subsection 2, Code 2013, is amended
17 to read as follows:
18 2. *a.* Any employee, employer or insurance carrier making
19 or defending a claim for benefits agrees to the release of all
20 information to which the employee, employer, or carrier has
21 access concerning the employee's physical or mental condition
22 relative to the claim and further waives any privilege for the
23 release of the information. The information shall be made
24 available to any party or the party's representative upon
25 request. Any institution or person releasing the information
26 to a party or the party's representative shall not be liable
27 criminally or for civil damages by reason of the release of
28 the information. If release of information is refused the
29 party requesting the information may apply to the workers'
30 compensation commissioner for relief. The information
31 requested shall be submitted to the workers' compensation
32 commissioner who shall determine the relevance and materiality
33 of the information to the claim and enter an order accordingly.
34 *b.* For the purposes of this subsection, information
35 concerning surveillance conducted of an employee or the written

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1 or electronic record of such surveillance does not constitute
2 information that is subject to the requirements of paragraph
3 *"a"*. Information concerning surveillance of an employee or
4 the written or electronic record of such surveillance is
5 not required to be made available to a party or the party's
6 representative until ten days after the information or record
7 of surveillance is made available to a medical provider or
8 expert for consideration in the treatment or evaluation of the
9 employee or until twenty days before hearing, if the party
10 possessing the information or record of surveillance intends to
11 introduce the information or record of surveillance as evidence
12 at hearing.
13 Sec. 5. Section 85.34, subsection 2, paragraph u, Code 2013,
14 is amended to read as follows:
15 *u.* In all cases of permanent partial disability other than
16 those hereinabove described or referred to in paragraphs *"a"*
17 through *"t"* hereof, the compensation shall be paid during
18 the number of weeks in relation to five hundred weeks as the
19 reduction in the employee's earning capacity caused by the
20 disability bears in relation to the earning capacity that the
21 employee possessed when the injury occurred. A determination
22 of the reduction in the employee's earning capacity caused by
23 the disability shall take into account the permanent partial
24 disability of the employee and the number of future years
25 reasonably anticipated that the employee would work at the time
26 of the injury. If an employee who is eligible for benefits
27 under this paragraph returns to work or is offered work for
28 which the employee receives or would receive the same or
29 greater salary, wages, or earnings than the employee received
30 at the time of the injury, the employee shall be compensated
31 only based upon the employee's functional disability resulting
32 from the injury, and not in relation to the employee's earning
33 capacity.
34 Sec. 6. Section 85.34, subsection 3, Code 2013, is amended
35 by adding the following new paragraph:

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1 NEW PARAGRAPH. *c.* An employee shall not be awarded
2 compensation for permanent total disability under this
3 subsection if the employee is receiving a salary, wages, or
4 earnings from an employer, payments for services rendered
5 by the employee, payments representing the employee's share
6 of profits of a privately held corporation, or unemployment
7 compensation benefits.
8 Sec. 7. Section 85.34, subsection 5, Code 2013, is amended
9 to read as follows:
10 5. *Recovery of employee overpayment.* If an employee is paid
11 any weekly benefits for an injury in excess of that required
12 by this chapter and chapters 85A, 85B, and 86, the excess paid
13 by the employer shall be credited first against the liability
14 of the employer for any future weekly benefits due pursuant to
15 subsection 2~~,~~ for ~~a~~ that injury, and then for any future weekly
16 benefits due pursuant to subsection 2 for subsequent injury
17 to the same employee. An overpayment can be established only
18 when the overpayment is recognized in a settlement agreement
19 approved under section 86.13, pursuant to final agency action
20 in a contested case which was commenced within three years from
21 the date that weekly benefits were last paid for the claim
22 for which the benefits were overpaid, or pursuant to final
23 agency action in a contested case for a prior injury to the
24 same employee. The credit shall remain available for eight
25 years after the date the overpayment was established. If an
26 overpayment is established pursuant to this subsection, the
27 employee and employer may enter into a written settlement
28 agreement providing for the repayment by the employee of the
29 overpayment. The agreement is subject to the approval of the
30 workers' compensation commissioner. The employer shall not
31 take any adverse action against the employee for failing to
32 agree to such a written settlement agreement.
33 Sec. 8. Section 85.34, subsection 7, Code 2013, is amended
34 by striking the subsection and inserting in lieu thereof the
35 following:

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1 7. *Successive disabilities.* An employer is liable for
2 compensating only that portion of an employee's disability that
3 arises out of and in the course of the employee's employment
4 with the employer and that relates specifically to the injury,
5 event, or activity that is the basis for the employee's
6 claim for benefits under this chapter or chapter 85A or 85B.
7 An employer is not liable for compensating an employee's
8 preexisting disability that arose out of and in the course of
9 employment with a different employer, from a prior injury with
10 the same employer to the extent that the employee's preexisting
11 disability has already been compensated under this chapter or
12 chapter 85A or 85B, or from causes unrelated to employment.
13 Sec. 9. Section 85.45, subsection 1, unnumbered paragraph
14 1, Code 2013, is amended to read as follows:
15 Future payments of compensation may be commuted to a present
16 worth lump sum payment only upon application of a party and
17 upon written consent of all parties to the proposed commutation
18 and on the following conditions:
19 Sec. 10. Section 85.61, subsection 7, unnumbered paragraph
20 1, Code 2013, is amended to read as follows:
21 The words *"personal injury arising out of and in the course*
22 *of the employment"* shall include injuries to employees whose
23 services are being performed on, in, or about the premises
24 which are occupied, used, or controlled by the employer, and
25 also injuries to those who are engaged elsewhere in places
26 where their employer's business requires their presence and
27 subjects them to dangers incident to the business. For the
28 purposes of this subsection, an injury arises out of and in the
29 course of employment only when the employee's work activities
30 are found to be a substantial factor in causing the injury.
31 Sec. 11. Section 85.71, subsection 1, paragraph a, Code
32 2013, is amended to read as follows:
33 *a.* The employer has a place of business in this state and
34 the employee regularly works at or from that place of business~~,~~
35 ~~or the employer has a place of business in this state and the~~

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1 ~~employee is domiciled in this state~~.
2 Sec. 12. Section 86.26, Code 2013, is amended to read as
3 follows:
4 **86.26 Judicial review — stay — bond required.**
5 1. Judicial review of decisions or orders of the workers'
6 compensation commissioner may be sought in accordance
7 with chapter 17A. Notwithstanding chapter 17A, the Iowa
8 administrative procedure Act, petitions for judicial review
9 may be filed in the district court of the county in which the
10 hearing under section 86.17 was held, the workers' compensation
11 commissioner shall transmit to the reviewing court the original
12 or a certified copy of the entire record of the contested case
13 which is the subject of the petition within thirty days after
14 receiving written notice from the party filing the petition
15 that a petition for judicial review has been filed, and an
16 application for stay of agency action during the pendency of
17 judicial review shall not be filed in the division of workers'
18 compensation of the department of workforce development
19 but shall be filed with the district court. Such a review
20 proceeding shall be accorded priority over other matters
21 pending before the district court.
22 2. Notwithstanding section 17A.19, subsection 5, a timely
23 petition for judicial review filed pursuant to this section
24 shall stay execution or enforcement of a decision or order of
25 the workers' compensation commissioner if the party seeking
26 judicial review posts a bond securing the award with the
27 district court within thirty days of filing the petition, in a
28 reasonable amount as the court shall fix and approve. Unless
29 the party posting the bond objects within twenty days from
30 the posting of the bond that the amount of the bond is not
31 reasonable or the party whose interests are protected by the
32 bond objects within twenty days from the posting of the bond to
33 the amount of the bond by filing an objection with the district
34 court, the amount of the bond shall be deemed reasonable and
35 adequate. If, upon objection, the district court orders the

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amount of the bond to be modified, the party seeking judicial review shall repost the bond in the amount ordered within twenty days of the date of the order modifying the bond, to continue the stay of execution or enforcement of the decision or order.

Sec. 13. Section 86.42, Code 2013, is amended to read as follows:

86.42 Judgment by district court on award.

Any party in interest may present a file-stamped copy of an order or decision of the commissioner, from which a timely petition for judicial review has not been filed or if judicial review has been filed, which has not had execution or enforcement stayed as provided in section ~~17A.19, subsection 5~~ 86.26, subsection 2, or an order or decision of a deputy commissioner from which a timely appeal has not been taken within the agency and which has become final by the passage of time as provided by rule and section 17A.15, or an agreement for settlement approved by the commissioner, and all papers in connection therewith, to the district court where judicial review of the agency action may be commenced. The court shall render a decree or judgment and cause the clerk to notify the parties. The decree or judgment, in the absence of a petition for judicial review or if judicial review has been commenced, in the absence of a stay of execution or enforcement of the decision or order of the workers' compensation commissioner as provided in section 86.26, subsection 2, or in the absence of an act of any party which prevents a decision of a deputy workers' compensation commissioner from becoming final, has the same effect and in all proceedings in relation thereto is the same as though rendered in a suit duly heard and determined by the court.

EXPLANATION

This bill makes various changes to laws relating to workers' compensation benefits and procedures.

Code section 85.16(2) is amended to include a presumption

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1 that an employee was intoxicated at the time of an injury and
2 that intoxication was a substantial factor in causing the
3 injury, if the employer demonstrates that the employee had
4 positive test results at the time of the injury, or immediately
5 after the injury, reflecting the presence of alcohol or
6 drugs that were either not prescribed by an authorized
7 medical practitioner, or were not used in accordance with the
8 prescribed use of the drug. Once the employer makes such
9 a showing, the burden of proof shifts to the employee to
10 establish that the employee was not intoxicated at the time of
11 the injury or that intoxication was not a substantial factor
12 in causing the injury.
13 Code section 85.23 is amended to provide that for purposes of
14 the requirement that an employee notify the employer within 90
15 days from the date of the occurrence of an injury, "date of the
16 occurrence of the injury" means the date that the employee knew
17 or should have known that the injury was work-related.
18 Code section 85.26(1) is amended to provide that for
19 purposes of the requirement that an original proceeding for
20 workers' compensation benefits must be commenced within two
21 years from the date of the occurrence of the injury, "date of
22 the occurrence of the injury" means the date that the employee
23 knew or should have known that the injury was work-related.
24 Code section 85.27(2) is amended to provide that information
25 concerning surveillance conducted of an employee or the written
26 or electronic record of such surveillance does not constitute
27 information concerning the employee's physical or mental
28 condition that must be released upon request to any party
29 as currently required. Information concerning surveillance
30 or the written or electronic record of surveillance is not
31 required to be made available to a party until 10 days after
32 the information or record of surveillance is made available
33 to a medical provider or expert for consideration in the
34 treatment or evaluation of the employee or until 20 days before
35 hearing, if the party possessing the information or record of

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1 surveillance intends to introduce the information or record as
2 evidence at hearing.
3 Code section 85.34(2)(u), relating to compensation of an
4 employee who has permanent partial disability of the body
5 as a whole, requires a determination of the reduction in
6 the employee's earning capacity caused by the disability in
7 relation to the earning capacity that the employee possessed
8 when the injury occurred. This provision is amended to provide
9 that a determination of the reduction in the employee's earning
10 capacity caused by the disability must take into account the
11 permanent partial disability of the employee and the number of
12 years it was reasonably anticipated that the employee would
13 continue to work at the time of the injury. If an employee who
14 is eligible for benefits under this provision returns to work
15 or is offered work for which the employee receives or would
16 receive the same or greater salary, wages, or earnings than
17 the employee received at the time of the injury, the employee
18 shall be compensated only based upon the employee's functional
19 disability resulting from the injury, and not in relation to
20 the employee's earning capacity.
21 Code section 85.34(3), relating to compensation for an
22 injury causing total disability, is amended to provide that
23 an employee shall not be awarded compensation for permanent
24 total disability if the employee is receiving a salary, wages,
25 or earnings from an employer, payments for services rendered
26 by the employee, payments representing the employee's share
27 of profits of a privately held corporation, or unemployment
28 compensation benefits.
29 Code section 85.34(5) is amended to provide that if an
30 employee is paid any weekly benefits for an injury in excess of
31 that required by the workers' compensation law, the excess paid
32 by the employer shall be credited first against the liability
33 of the employer for any future weekly benefits due for that
34 injury, and then for any future weekly benefits due for any
35 subsequent injury to the same employee.

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1 Code section 85.34(7) is amended to provide that in
2 the case of successive disabilities of an employee, an
3 employer is liable for compensating only that portion of the
4 employee's disability that arises out of and in the course
5 of the employee's employment with the employer and relates
6 specifically to the injury, event, or accident that is the
7 basis for the employee's claim for benefits. An employer
8 is not liable for compensating an employee's preexisting
9 disability that arose out of and in the course of employment
10 with a different employer, from a prior injury with the
11 same employer to the extent that the preexisting disability
12 has already been compensated, or for causes unrelated to
13 employment.
14 Code section 85.45(1) is amended to provide that future
15 payments of compensation may be commuted to a present worth
16 lump sum payment only upon application of a party and upon
17 written consent of all parties to the proposed commutation as
18 well as upon a finding of specified conditions.
19 Code section 85.61(7), which defines the words "personal
20 injury arising out of and in the course of the employment", is
21 amended to include that, for purposes of this definition, an
22 injury arises out of and in the course of employment only when
23 the employee's work activities are found to be a substantial
24 factor in causing the injury.
25 Code section 85.71 is amended to provide that Iowa workers'
26 compensation law is not applicable when an employee is injured
27 while working outside the state for an employer who has a place
28 of business in this state and the employee domiciled in this
29 state.
30 Code section 86.26 is amended to provide that
31 notwithstanding the procedures for staying the execution or
32 enforcement of an agency action contained in Code chapter 17A,
33 the administrative procedures Act, the filing of a petition
34 for judicial review of a decision or order of the workers'
35 compensation commissioner stays such execution or enforcement

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1 if the party seeking judicial review posts a bond securing the
2 award with the district court within 30 days of the filing
3 in a reasonable amount as the court shall fix and approve.
4 Unless the party posting the bond objects within 20 days that
5 the amount of the bond is not reasonable or the party whose
6 interests are protected by the bond objects within 20 days to
7 the amount of the bond, the bond shall be deemed reasonable
8 and adequate. If, upon objection, the district court modifies
9 the amount of the bond, the party seeking judicial review
10 shall repost the bond in the amount ordered within 20 days of
11 the date of the modification order, to continue the stay of
12 execution or enforcement.
13 Code section 86.42 is amended to provide that a party in
14 interest cannot obtain a judgment by the district court on an
15 award of workers' compensation benefits contained in a decision
16 or order if a petition for judicial review has been filed and
17 there is a stay of execution or enforcement as provided in Code
18 section 86.26.

House Study Bill 196 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON EDUCATION BILL BY
CHAIRPERSON JORGENSEN)

A BILL FOR

1 An Act relating to state and school antiharassment and
2 antibullying policies.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2471YC (3) 85
je/nh

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1 Section 1. Section 280.28, Code 2013, is amended to read as
2 follows:
3 **280.28 Harassment and bullying prohibited — policy —**
4 **immunity.**
5 1. *Purpose — findings — policy.* The state of Iowa is
6 committed to providing all students with a safe and civil
7 school environment in which all members of the school community
8 are treated with dignity and respect. The general assembly
9 finds that a safe and civil school environment is necessary
10 for students to learn and achieve at high academic levels.
11 Harassing and bullying behavior can seriously disrupt the
12 ability of school employees to maintain a safe and civil
13 environment, and the ability of students to learn and succeed.
14 Therefore, it is the policy of the state of Iowa that school
15 employees, volunteers, and students in Iowa schools shall not
16 engage in harassing or bullying behavior.
17 2. *Definitions.* For purposes of this section, unless the
18 context otherwise requires:
19 *a. "Bullying"* means any electronic, written, verbal,
20 or physical act or conduct toward a student which is based
21 on any reason other than any actual or perceived trait or
22 characteristic of the student and which creates an objectively
23 hostile school environment that meets one or more of the
24 following conditions:
25 (1) Places the student in reasonable fear of harm to the
26 student's person or property.
27 (2) Has a substantially detrimental effect on the student's
28 physical or mental health.
29 (3) Has the effect of substantially interfering with a
30 student's academic performance.
31 (4) Has the effect of substantially interfering with
32 the student's ability to participate in or benefit from the
33 services, activities, or privileges provided by a school.
34 ~~*a.*~~ *b.* *"Electronic"* means any communication involving the
35 transmission of information by wire, radio, optical cable,

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electromagnetic, or other similar means. *"Electronic"* includes but is not limited to communication via electronic mail, internet-based communications, pager service, cell phones, ~~and~~ electronic text messaging, social networking internet sites, and any other form of communication using electronic means.

~~*b.*~~ *c.* *"Harassment"* ~~and *"bullying"* shall be construed to mean~~ means any electronic, written, verbal, or physical act or conduct toward a student which is based on any actual or perceived trait or characteristic of the student and which creates an objectively hostile school environment that meets one or more of the following conditions:

(1) Places the student in reasonable fear of harm to the student's person or property.

(2) Has a substantially detrimental effect on the student's physical or mental health.

(3) Has the effect of substantially interfering with a student's academic performance.

(4) Has the effect of substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.

~~*c.*~~ *d.* *"Trait or characteristic of the student"* includes but is not limited to age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, ~~or~~ familial status, or any other distinguishing characteristic. This listing of traits and characteristics is not exhaustive. This paragraph shall be construed broadly to achieve the purposes of this section.

~~*d.*~~ *e.* *"Volunteer"* means an individual who has regular, significant contact with students.

3. *Policy.* On or before September 1, 2007, the board of directors of a school district and the authorities in charge of each accredited nonpublic school shall adopt a policy declaring harassment and bullying in schools, on school property, and at

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any school function, or school-sponsored activity regardless of its location, in a manner consistent with this section, as against state and school policy. The board and the authorities shall make a copy of the policy available to all school employees, volunteers, students, and parents or guardians and shall take all appropriate steps to bring the policy against harassment and bullying and the responsibilities set forth in the policy to the attention of school employees, volunteers, students, and parents or guardians. Each policy shall, at a minimum, include all of the following components:

a. A statement declaring harassment and bullying to be against state and school policy. The statement shall include but not be limited to the following provisions:

(1) School employees, volunteers, and students ~~in school, on school property, or at any school function or school-sponsored activity~~ shall not engage in harassing and bullying behavior in any of the following locations or circumstances:

(a) In school.

(b) On school property.

(c) In any vehicle which is owned, leased, provided, or hired by the school.

(d) At any school function or school-sponsored activity.

(e) While using any property or equipment which is owned, leased, or provided by the school.

(2) School employees, volunteers, and students shall not engage in reprisal, retaliation, or false accusation against a victim, witness, or an individual who has reliable information about such an ~~act~~ incident of harassment or bullying or against an individual who has reported an incident of harassment or bullying under a policy adopted pursuant to this section.

b. A definition of harassment and bullying as set forth in this section.

c. A description of the type of behavior expected from school employees, volunteers, parents or guardians, and

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1 students relative to prevention measures, reporting, and
2 investigation of harassment or bullying.
3 *d.* The consequences and appropriate remedial action for a
4 person who violates the antiharassment and antibullying policy.
5 *e.* A procedure for reporting an ~~act~~ incident of harassment
6 or bullying, including the identification by job title of the
7 school official responsible for ensuring that the policy is
8 implemented, and the identification of the person or persons
9 responsible for receiving reports of incidents of harassment
10 or bullying.
11 *f.* A procedure for the prompt investigation of ~~complaints~~
12 reports, either identifying the school superintendent or the
13 superintendent's designee as the individual responsible for
14 conducting the investigation, including a statement that
15 investigators will consider the totality of circumstances
16 presented in determining whether conduct objectively
17 constitutes harassment or bullying under this section.
18 *g.* A statement of the manner in which the policy and the
19 process for reporting incidents of harassment or bullying will
20 be publicized.
21 4. *Programs encouraged.* The board of directors of a school
22 district and the authorities in charge of each accredited
23 nonpublic school are encouraged to establish evidence-based
24 programs designed to eliminate harassment and bullying in
25 schools. To the extent that funds are available for these
26 purposes, school districts and accredited nonpublic schools
27 shall do the following:
28 *a.* Provide training on antiharassment and antibullying
29 policies to school employees and volunteers who have
30 significant contact with students.
31 *b.* Develop a process to provide school employees,
32 volunteers, and students with the skills and knowledge to help
33 reduce incidents of harassment and bullying.
34 5. *Immunity.*
35 *a.* A school employee, volunteer, or student, or a student's

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1 parent or guardian who promptly, reasonably, and in good faith
2 reports an incident of harassment or bullying, in compliance
3 with the procedures in the policy adopted pursuant to this
4 section, to the appropriate school official designated by the
5 school district or accredited nonpublic school, shall be immune
6 from civil or criminal liability relating to such report and
7 to participation in any administrative or judicial proceeding
8 resulting from or relating to the report.
9 *b.* A school employee who promptly, reasonably, and in
10 good faith makes an effort to follow the procedures in the
11 policy adopted pursuant to this section upon the school's
12 receipt of a report of an incident of harassment or bullying,
13 or who determines not to investigate or take further action
14 regarding a report of an incident of harassment or bullying
15 that allegedly occurred outside the locations or circumstances
16 provided in subsection 3, paragraph "*a*", subparagraph (1),
17 shall be immune from civil or criminal liability relating
18 to such effort or determination and to participation in
19 any administrative or judicial proceeding resulting from or
20 relating to the effort or determination.
21 6. *Collection requirement.* The board of directors of
22 a school district and the authorities in charge of each
23 nonpublic school shall develop and maintain a system to collect
24 harassment and bullying incidence data.
25 7. *Integration of policy and reporting.* The board of
26 directors of a school district and the authorities in charge of
27 each nonpublic school shall integrate its antiharassment and
28 antibullying policy into the comprehensive school improvement
29 plan required under section 256.7, subsection 21, and shall
30 report ~~data collected under subsection 6, as specified by the~~
31 ~~department, to~~ the following information to the local community
32 and the department:
33 *a.* Data collected under subsection 6, as specified by the
34 department.
35 *b.* The process used for reporting incidents of harassment

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1 or bullying, including the means of accessing the policy and
2 online and other methods for such reporting.
3 *c.* Antiharassment and antibullying training provided to or
4 performed by school employees, volunteers, or students during
5 each school year.
6 8. *Existing remedies not affected.* This section shall not
7 be construed to preclude a victim from seeking administrative
8 or legal remedies under any applicable provision of law.
9 This section shall not be construed to limit or alter the
10 responsibility of a school district or accredited nonpublic
11 school to comply with other state or federal education or civil
12 rights laws that protect against harassment or discrimination.
13 9. *Rulemaking authority.* The department of education may
14 adopt rules under chapter 17A necessary to implement this
15 section.
16 10. *Rules of construction.*
17 *a.* This section shall not be construed to permit restraint
18 of or discipline for speech addressing legitimate matters of
19 public concern, including speech that a reasonable person would
20 consider an expression of political beliefs, religious beliefs,
21 or other categories of expression protected by the United
22 States and Iowa Constitutions, or that a reasonable person
23 would not find substantially likely to constitute *"harassment"*
24 or *"bullying"* as defined in this section.
25 *b.* This section shall not be construed to prohibit a
26 school district or accredited nonpublic school from responding
27 to or addressing an act or conduct that would constitute
28 *"harassment"* or *"bullying"* as defined in this section but for
29 the fact that the act or conduct occurred outside the locations
30 or circumstances provided in subsection 3, paragraph *"a"*,
31 subparagraph (1).
32 EXPLANATION
33 This bill makes various changes relating to state and school
34 antiharassment and antibullying policies.
35 Under current law, "harassment" and "bullying" are defined

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as any electronic, written, verbal, or physical act or conduct toward a student which is based on any actual or perceived trait or characteristic of the student and which creates an objectively hostile school environment that meets certain conditions. The bill distinguishes these two terms. The bill defines "harassment" as any electronic, written, verbal, or physical act or conduct toward a student which is based on any actual or perceived trait or characteristic of the student and which creates an objectively hostile school environment that meets certain conditions. The bill defines "bullying" as any electronic, written, verbal, or physical act or conduct toward a student which is based on any reason other than any actual or perceived trait or characteristic of the student and which creates an objectively hostile school environment that meets certain conditions.

Under current law, "trait or characteristic of the student" is defined to include but not be limited to age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, or familial status. The bill applies the definition to any other distinguishing characteristic of a student. The bill provides that the definition is not exhaustive and must be construed broadly to achieve the purposes of the bill.

The bill adds social networking internet sites and any other form of communication using electronic means to the definition of "electronic".

Under current law, school antiharassment and antibullying policies must prohibit harassment and bullying in school, on school property, and at any school function or school-sponsored activity. The bill adds presence in any vehicle owned, leased, provided, or hired by the school and during the use of any property or equipment owned, leased, or provided by the school to this list.

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1 The bill requires school antiharassment and antibullying
2 policies to prohibit reprisal, retaliation, or false accusation
3 against an individual who has reported an incident of
4 harassment or bullying under the bill. The bill provides that
5 school antiharassment and antibullying policies must require
6 the process for reporting incidents of harassment or bullying
7 to be publicized.
8 The bill provides that a school employee who promptly,
9 reasonably, and in good faith makes an effort to follow the
10 procedures in the school's antiharassment and antibullying
11 policy upon the school's receipt of a report of an incident of
12 harassment or bullying, or who determines not to investigate or
13 take further action on a report of an incident of harassment
14 or bullying that allegedly occurred outside the locations or
15 circumstances covered by the policy, is immune from any related
16 civil or criminal liability and from participation in any
17 related administrative or judicial proceeding.
18 The bill expands the information relating to harassment and
19 bullying that schools are required to report to the department
20 of education. The bill authorizes the department to adopt
21 rules necessary to implement the bill.
22 The bill is not to be construed to limit or alter the
23 responsibility of a school to comply with other state or
24 federal education or civil rights laws that protect against
25 harassment or discrimination.
26 The bill is not to be construed to permit restraint of or
27 discipline for speech addressing legitimate matters of public
28 concern, including speech that a reasonable person would
29 consider an expression of political beliefs, religious beliefs,
30 or other categories of expression protected by the United
31 States and Iowa Constitutions, and that a reasonable person
32 would not find substantially likely to constitute "harassment"
33 or "bullying" as defined in the bill.
34 The bill is not to be construed to prohibit a school from
35 responding to or addressing an act or conduct that would

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1 constitute "harassment" or "bullying" as defined in the bill
2 but for the fact that the act or conduct occurred outside
3 the locations or circumstances covered by the school's
4 antiharassment and antibullying policy.

House Study Bill 197 - Introduced

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

A BILL FOR

1 An Act relating to child, adult, and family services under
2 the purview of the department of human services, making
3 penalties applicable, and including effective date
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1151XD (8) 85
ad/nh

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1 Section 1. Section 225C.38, subsection 1, paragraph c, Code
2 2013, is amended to read as follows:
3 *c.* Except as provided in section 225C.41, a family support
4 subsidy for a fiscal year shall be in an amount determined by
5 the department ~~in consultation with the comprehensive family~~
6 ~~support council created in section 225C.48~~. The parent or
7 legal guardian receiving a family support subsidy may elect
8 to receive a payment amount which is less than the amount
9 determined in accordance with this paragraph.
10 Sec. 2. Section 225C.42, subsection 1, Code 2013, is amended
11 to read as follows:
12 1. The department shall conduct an annual evaluation of
13 the family support subsidy program ~~in conjunction with the~~
14 ~~comprehensive family support council~~ and shall submit the
15 evaluation report with recommendations to the governor and
16 general assembly. The report shall be submitted on or before
17 October 30 and provide an evaluation of the latest completed
18 fiscal year.
19 Sec. 3. Section 225C.47, subsection 5, unnumbered paragraph
20 1, Code 2013, is amended to read as follows:
21 The department shall design the program ~~in consultation with~~
22 ~~the comprehensive family support council created in section~~
23 ~~225C.48~~. The department shall adopt rules to implement the
24 program which provide for all of the following:
25 Sec. 4. Section 225C.49, subsection 4, Code 2013, is amended
26 to read as follows:
27 4. The department shall designate one individual whose sole
28 duties are to provide central coordination of the programs
29 under sections 225C.36 and 225C.47 and ~~to work with the~~
30 ~~comprehensive family support council~~ to oversee development and
31 implementation of the programs.
32 Sec. 5. Section 239B.5, Code 2013, is amended by adding the
33 following new subsection:
34 NEW SUBSECTION. 4. *a.* The department shall implement
35 policies and procedures as necessary to comply with provisions

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of the federal Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, to prevent assistance provided under this chapter from being used in any electronic benefit transfer transaction in any liquor store; any casino, gambling casino, or gaming establishment; or any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment. For purposes of this paragraph, the definitions found in the federal Middle Class Tax Relief and Job Creation Act and related rules and statutes apply.

b. Unless otherwise precluded by federal law or regulation, policies and procedures implemented under this subsection shall at a minimum impose the prohibition described in paragraph *"a"* as a condition for continued eligibility for assistance under this chapter.

c. The department may implement additional measures as may be necessary to comply with federal regulations in implementing paragraph *"a"*.

d. The department shall adopt rules as necessary to implement this subsection.

Sec. 6. Section 239B.14, subsection 1, Code 2013, is amended to read as follows:

1. *a.* An individual who obtains, or attempts to obtain, or aids or abets an individual to obtain, by means of a willfully false statement or representation, by knowingly failing to disclose a material fact, or by impersonation, or any fraudulent device, any assistance or other benefits under this chapter to which the individual is not entitled, commits a fraudulent practice.

b. An individual who accesses benefits provided under this chapter in violation of any prohibition imposed by the department pursuant to section 239B.5, subsection 4, commits a fraudulent practice.

Sec. 7. Section 249A.3, subsection 1, Code 2013, is amended by adding the following new paragraph:

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1 NEW PARAGRAPH. *v.* Is an individual under twenty-six years
2 of age who was in foster care under the responsibility of the
3 state on the date of attaining eighteen years of age or such
4 higher age to which foster care is provided and was enrolled
5 in medical assistance under this chapter while in such foster
6 care.
7 Sec. 8. Section 249A.3, subsection 2, paragraph a,
8 subparagraph (9), Code 2013, is amended by striking the
9 subparagraph.
10 Sec. 9. Section 249J.26, subsection 2, Code 2013, is amended
11 to read as follows:
12 2. This chapter is repealed ~~October~~ December 31, 2013.
13 Sec. 10. Section 514I.4, subsection 5, paragraph a, Code
14 2013, is amended by striking the paragraph.
15 Sec. 11. Section 514I.5, subsection 7, paragraph f, Code
16 2013, is amended to read as follows:
17 *f.* Review, in consultation with the department, and take
18 necessary steps to improve interaction between the program and
19 other public and private programs which provide services to the
20 population of eligible children. ~~The board, in consultation~~
21 ~~with the department, shall also develop and implement a plan~~
22 ~~to improve the medical assistance program in coordination with~~
23 ~~the hawk-i program, including but not limited to a provision to~~
24 ~~coordinate eligibility between the medical assistance program~~
25 ~~and the hawk-i program, and to provide for common processes~~
26 ~~and procedures under both programs to reduce duplication and~~
27 ~~bureaucracy.~~
28 Sec. 12. Section 514I.5, subsection 8, paragraphs b and f,
29 Code 2013, are amended by striking the paragraphs.
30 Sec. 13. Section 514I.7, subsection 2, paragraphs a and g,
31 Code 2013, are amended to read as follows:
32 *a.* Determine ~~individual~~ eligibility for program enrollment
33 ~~based upon review of completed applications and supporting~~
34 ~~documentation~~ using policies and procedures established by the
35 department by rule. The administrative contractor shall not

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enroll a child who has group health coverage unless expressly authorized to do so by a department rule.

g. ~~Create and~~ Utilize the department's eligibility system to maintain eligibility files ~~that are compatible with the data system of the department~~ with pertinent eligibility determination and ongoing enrollment information including~~,~~ but not limited to~~,~~ data regarding beneficiaries, enrollment dates, disenrollments, and annual financial redeterminations.

Sec. 14. Section 514I.7, subsection 2, paragraphs c, d, e, f, and k, Code 2013, are amended by striking the paragraphs.

Sec. 15. Section 514I.8, subsection 2, paragraph c, Code 2013, is amended to read as follows:

c. Is a member of a family whose income does not exceed three hundred percent of the federal poverty level, as defined in 42 U.S.C. § 9902(2), including any revision required by such section, and in accordance with the federal Children's Health Insurance Program Reauthorization Act of 2009, Pub. L. No. 111-3. The modified adjusted gross income methodology prescribed in the federal Patient Protection and Affordable Care Act, Pub. L. No. 111-148, shall be used to establish the family income for program eligibility purposes.

Sec. 16. Section 514I.8, subsections 3 and 4, Code 2013, are amended to read as follows:

3. In accordance with the rules adopted by the board, a child may be determined to be presumptively eligible for the program pending a final eligibility determination. Following final determination of eligibility ~~by the administrative contractor~~, a child shall be eligible for a twelve-month period. At the end of the twelve-month period, ~~the administrative contractor shall conduct~~ a review of the circumstances of the ~~eligible~~ child's family shall be conducted to establish eligibility and cost sharing for the subsequent twelve-month period.

4. Once an eligible child is enrolled in a plan, ~~the eligible child shall remain enrolled in the plan unless a~~

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1 ~~determination is made, according to criteria established by the~~
2 ~~board, that the eligible child should be allowed to enroll in~~
3 ~~another qualified child health plan or should be disenrolled.~~
4 ~~An~~ an enrollee may request to change plans within ninety days
5 of initial enrollment for any reason and at any time for cause,
6 as defined in 42 C.F.R. § 438.56(d)(2). Otherwise, an enrollee
7 may change plan enrollment once a year on the enrollee's
8 anniversary date.
9 Sec. 17. Section 514I.8, subsections 5 and 6, Code 2013, are
10 amended by striking the subsections.
11 Sec. 18. Section 514I.9, subsections 1 and 2, Code 2013, are
12 amended by striking the subsections.
13 Sec. 19. REPEAL. Section 225C.48, Code 2013, is repealed.
14 Sec. 20. EFFECTIVE DATE. The following provision or
15 provisions of this Act take effect January 1, 2014:
16 1. The sections of this Act amending section 249A.3.
17 EXPLANATION
18 This bill relates to child, adult, and family services under
19 the purview of the department of human services by eliminating
20 the comprehensive family support council, amending provisions
21 related to the family investment program by prohibiting the use
22 of assistance in an electronic benefit transfer transaction
23 in certain locations, amending provisions related to medical
24 assistance eligibility, IowaCare, and the healthy and well kids
25 in Iowa program (hawk-i), and ensuring compliance with the
26 federal Patient Protection and Affordable Care Act.
27 The bill eliminates the comprehensive family support council
28 and strikes references to the council.
29 The bill directs the department of human services (DHS) to
30 implement policies and procedures necessary to comply with the
31 federal Middle Class Tax Relief and Job Creation Act of 2012,
32 to prevent family investment program assistance from being used
33 in any electronic benefit transfer transaction in a liquor
34 store; a casino, gambling casino, or gaming establishment;
35 or a retail establishment that provides adult-oriented

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1 entertainment. The bill also provides that an individual
2 accessing benefits through the family investment program in a
3 way prohibited under the policies and procedures implemented by
4 the department commits a fraudulent practice.
5 The bill extends the repeal date of the IowaCare program from
6 October 31, 2013, to December 31, 2013.
7 The bill amends provisions relating to the medical
8 assistance program and hawk-i to comply with provisions of the
9 federal Patient Protection and Affordable Care Act.
10 The bill adds an additional eligibility category for
11 medical assistance for an individual under the age of 26 who
12 aged out of the foster care system and was enrolled in the
13 medical assistance program while in foster care. The bill
14 also eliminates language regarding eligibility for medical
15 assistance for an individual who is under the age of 21 who
16 aged out of the foster care system and has an income of less
17 than 200 percent of the poverty guidelines. These provisions
18 are effective January 1, 2014.
19 The bill amends provisions of hawk-i. The bill eliminates
20 the requirement that DHS develop a joint application form for
21 hawk-i and the medical assistance program. The bill deletes
22 the requirement that the hawk-i board and DHS adopt rules
23 addressing the hawk-i application form and standards for
24 program eligibility. The bill also eliminates the requirement
25 that the hawk-i board and DHS develop and implement a plan to
26 improve coordination between the hawk-i program and the medical
27 assistance program.
28 The bill amends the role of the administrative contractor
29 for hawk-i. The bill provides that the administrative
30 contractor shall determine eligibility using policies and
31 procedures established by rule rather than based on a review
32 of the applications. The administrative contractor must
33 also maintain eligibility files with relevant eligibility
34 determination and ongoing enrollment information. The bill
35 also eliminates the following duties of the administrative

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1 contractor: to forward names of children that may be eligible
2 for medical assistance to DHS; monitor and assess medical and
3 dental care provided and monitor complaints and grievances;
4 verify and forward participating insurers' payment requests
5 to DHS; develop and issue approval, denial, and cancellation
6 notifications to applicants and enrollees; and receive
7 completed applications and verifications at a central location.
8 The bill also eliminates the administrative contractor as the
9 person responsible for conducting a review of the circumstances
10 of the child's family to establish eligibility and cost-sharing
11 in subsequent eligibility periods.
12 The bill requires the use of the modified adjusted
13 gross income methodology in the federal Patient Protection
14 and Affordable Care Act to establish the family income in
15 determining eligibility for hawk-i.
16 The bill adds that an enrollee of the program may request to
17 change plans within the initial 90-day period of enrollment for
18 any reason and at any time for cause, as identified in federal
19 regulations.
20 The bill eliminates the requirement that the hawk-i board
21 study and make recommendations regarding the level of family
22 income appropriate for application to the program. The bill
23 also eliminates the requirement that the board and the council
24 on human services try to coordinate the administration of
25 hawk-i and the medical assistance program.
26 The bill eliminates provisions relating to benefits provided
27 prior to July 1, 1999.

House Study Bill 198 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON ECONOMIC GROWTH BILL BY CHAIRPERSON HANUSA)

A BILL FOR

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

TLSB 2327YC (9) 85
mm/sc

H.F. _____

1 Section 1. Section 15.107A, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 3. The corporation may establish an
4 innovation fund for purposes of stimulating early-stage
5 and seed capital investment in the state. If the fund is
6 established to qualify for innovation fund investment tax
7 credits pursuant to section 15E.52, the corporation shall
8 ensure that the following requirements are met:
9 *a.* If the corporation seeks to enter into a contract with
10 an entity to provide investment management services to the
11 innovation fund, such an entity shall be chosen according to an
12 open and competitive proposal process.
13 *b.* The compensation package provided to an entity under
14 paragraph *"a"* shall be at or below the market rate for such
15 services as determined by at least one independent investment
16 management evaluation group.
17 *c.* Any contract entered into for services pursuant to
18 this subsection shall be made available, upon request, to the
19 authority, the general assembly, the auditor of state, and the
20 governor's office.
21 Sec. 2. Section 15E.52, Code 2013, is amended to read as
22 follows:
23 **15E.52 Innovation fund investment tax credits.**
24 1. For purposes of this section, unless the context
25 otherwise requires:
26 *a.* *"Board"* means the same as defined in section 15.102.
27 *b.* *"Innovation fund"* means one or more early-stage capital
28 funds certified by the board.
29 *c.* *"Innovative business"* means a business applying novel
30 or original methods to the manufacture of a product or the
31 delivery of a service. *"Innovative business"* includes but is
32 not limited to a business engaged in the industries of advanced
33 manufacturing, biosciences, and information technology.
34 2. *a.* A tax credit shall be allowed against the taxes
35 imposed in chapter 422, divisions II, III, and V, and in

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1 chapter 432, and against the moneys and credits tax imposed
2 in section 533.329, for ~~a portion of~~ a taxpayer's equity
3 investment in the form of cash in an innovation fund.
4 *b.* An individual may claim a tax credit under this section
5 of a partnership, limited liability company, S corporation,
6 estate, or trust electing to have income taxed directly to
7 the individual. The amount claimed by the individual shall
8 be based upon the pro rata share of the individual's earnings
9 from the partnership, limited liability company, S corporation,
10 estate, or trust.
11 3. *a.* The amount of ~~a tax credit allowed under this section~~
12 ~~shall equal twenty percent of the taxpayer's equity investment~~
13 ~~in an innovation fund~~ tax credits issued under this section
14 for a fiscal year shall equal the amount allocated in section
15 15.119, subsection 2, paragraph *"e"*.
16 *b.* The authority shall issue one or more certificates
17 totaling the amount allowed per fiscal year under paragraph *"a"*
18 to one or more nonprofit corporations operating an innovation
19 fund.
20 *c.* Notwithstanding subsection 9, a nonprofit corporation
21 to which a certificate has been issued pursuant to paragraph
22 *"b"* shall only transfer the amount of tax credits represented
23 on the certificate to taxpayers who make an equity investment
24 in the form of cash in an innovation fund operated by the
25 nonprofit corporation. In transferring such tax credits,
26 the nonprofit corporation shall ensure that the total amount
27 of tax credits transferred by the nonprofit corporation to a
28 taxpayer equals fifty percent of the taxpayer's investment in
29 the innovation fund.
30 *d.* A nonprofit corporation to which a certificate has been
31 issued pursuant to paragraph *"b"* shall ensure that an investor
32 in an innovation fund operated by the nonprofit corporation
33 shall not be permitted to vote for or participate in a decision
34 to invest moneys from the innovation fund in a business in
35 which the investor has an equity interest of greater than fifty

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1 percent if that investor has received or will receive a tax
2 credit pursuant to this section.
3 *e.* A certificate and related tax credit issued pursuant to
4 this section shall be deemed a vested right of the original
5 holder or any transferee thereof, and the state shall not cause
6 either to be redeemed in such a way that amends or rescinds the
7 certificate or that curtails, limits, or withdraws the related
8 tax credit, except as otherwise provided in this section or
9 upon consent of the proper holder. A certificate issued
10 pursuant to this section cannot pledge the credit of the state
11 and any such certificate so pledged to secure the debt of the
12 original holder or a transferee shall not constitute a contract
13 binding the state.
14 4. A taxpayer shall not claim a tax credit under this
15 section if the taxpayer is a venture capital investment fund
16 allocation manager for the Iowa fund of funds created in
17 section 15E.65 or an investor that receives a tax credit for
18 the same investment in a qualifying business as described in
19 section 15E.44 or in a community-based seed capital fund as
20 described in section 15E.45.
21 5. ~~*a.* The board shall issue certificates under this section~~
22 ~~which may be redeemed for tax credits. The board shall issue~~
23 ~~such certificates so that not more than the amount allocated~~
24 ~~for such tax credits under section 15.119, subsection 2, may be~~
25 ~~claimed. The certificates shall not be transferable.~~
26 ~~*b.*~~ The board shall, in cooperation with the department of
27 revenue, establish criteria and procedures for the allocation
28 and issuance of tax credits by means of certificates issued
29 by the board. The criteria shall include the contingencies
30 that must be met for a certificate to be redeemable in order
31 to receive a tax credit. The procedures established by the
32 board, in cooperation with the department of revenue, shall
33 relate to the procedures for the issuance and transfer of
34 the certificates and for the redemption of a certificate and
35 related tax credit.

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1 6. The department of revenue in conjunction with the
2 authority shall by February 15 of each year issue an annual
3 report to the general assembly containing the name of
4 each person to whom a tax credit certificate was issued or
5 transferred pursuant to this section during the previous
6 calendar year.
7 ~~6.~~ 7. ~~A taxpayer shall not redeem a certificate and related~~
8 ~~tax credit prior to the third tax year following the tax year~~
9 ~~in which the investment is made.~~ Any tax credit in excess of
10 the taxpayer's liability for the tax year in which the taxpayer
11 claims the credit may be credited to the tax liability for the
12 following five years or until depleted, whichever is earlier.
13 A tax credit shall not be carried back to a tax year prior to
14 the tax year in which the taxpayer claims the tax credit.
15 ~~7.~~ 8. An innovation fund shall submit an application
16 for certification to the board. The board shall approve the
17 application and certify the innovation fund if all of the
18 following criteria are met:
19 *a.* The fund is organized for the purposes of making
20 investments in promising early-stage companies which have a
21 principal place of business in the state.
22 *b.* The fund proposes to make investments in innovative
23 businesses.
24 *c.* The fund seeks to secure private funding sources for
25 investment in such businesses.
26 *d.* The fund meets any other criteria adopted by the
27 authority by rule.
28 9. Tax credit certificates issued pursuant to this section
29 may be transferred, in whole or in part, to any person. A
30 tax credit certificate shall only be transferred twice. For
31 purposes of this subsection, the two transfers shall include
32 the first transfer from the corporation to an investor and one
33 subsequent transfer from the investor to another transferee.
34 Within ninety days of transfer, the transferee shall submit the
35 transferred tax credit certificate to the department of revenue

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1 along with a statement containing the transferee's name, tax
2 identification number, and address, the denomination that each
3 replacement tax credit certificate is to carry, and any other
4 information required by the department of revenue.
5 10. Within thirty days of receiving the transferred
6 tax credit certificate and the transferee's statement, the
7 department of revenue shall issue one or more replacement
8 tax credit certificates to the transferee. Each replacement
9 tax credit certificate must contain the information required
10 for the original tax credit certificate. A replacement tax
11 credit certificate may designate a different tax than the
12 tax designated on the original tax credit certificate. A
13 tax credit shall not be claimed by a transferee under this
14 section until a replacement tax credit certificate identifying
15 the transferee as the proper holder has been issued. The
16 department of revenue shall conspicuously label on the face of
17 the certificate any tax credit certificate that is ineligible
18 for transfer.
19 11. The transferee may use the amount of the tax credit
20 transferred against the taxes imposed in chapter 422, divisions
21 II, III, and V, and in chapter 432, and against the moneys and
22 credits tax imposed in section 533.329, for any tax year the
23 original transferor could have claimed the tax credit. Any
24 consideration received for the transfer of the tax credit shall
25 not be included as income under chapter 422, divisions II, III,
26 and V. Any consideration paid for the transfer of the tax
27 credit shall not be deducted from income under chapter 422,
28 divisions II, III, and V.
29 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
30 immediate importance, takes effect upon enactment.
31 Sec. 4. RETROACTIVE APPLICABILITY. This Act applies
32 retroactively to January 1, 2013, for tax years beginning on
33 or after that date and for equity investments in an innovation
34 fund made on or after that date.
35 EXPLANATION

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1 This bill modifies the innovation fund investment tax credit
2 and allows the Iowa innovation corporation to establish an
3 innovation fund.
4 Under current law, the economic development authority is
5 required to issue nontransferable tax credit certificates
6 equal to 20 percent of a taxpayer's equity investment in an
7 innovation fund. The tax credits available for issuance are
8 under the aggregate tax credit limit for certain economic
9 development programs in Code section 15.119, and are limited to
10 a total of $8 million per fiscal year.
11 The bill modifies the credit by removing the 20 percent
12 limitation and specifying that for each fiscal year a total
13 of $8 million in innovation fund investment tax credit
14 certificates shall be issued by the authority to one or more
15 nonprofit corporations operating an innovation fund.
16 The bill provides that tax credit certificates may be
17 transferred no more than two times and establishes procedures
18 for transferring the credit to another person. The department
19 of revenue is required to label any tax credit certificate that
20 is no longer eligible for transfer. A nonprofit corporation
21 which receives a tax credit certificate from the authority
22 shall only transfer the certificate to taxpayers who make an
23 equity investment in the form of cash in an innovation fund
24 operated by the nonprofit corporation, which taxpayer shall
25 receive a total amount of tax credits equal to 50 percent
26 of the taxpayer's investment in the innovation fund. The
27 department of revenue and the economic development authority
28 are required to publish an annual report listing the name of
29 each person who has been issued or transferred a tax credit
30 certificate.
31 The bill provides that any innovation tax credit
32 certificates issued by the authority are deemed to be a vested
33 right of the original holder or transferee and the state shall
34 not cause them to be redeemed in such a way that amends,
35 rescinds, curtails, limits, or withdraws the tax credits,

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1 except as provided in Code section 15E.52 as amended in the
2 bill. The certificates cannot pledge the credit of the state
3 and shall not constitute a contract binding the state if a
4 certificate is pledged to secure the debt of the original
5 holder or a transferee.
6 The bill adds an additional requirement for certification of
7 an innovation fund by requiring an applicant fund to meet any
8 other criteria adopted by the economic development authority
9 by rule.
10 The bill allows the Iowa innovation corporation to establish
11 an innovation fund for purposes of stimulating early-stage
12 and seed capital investment in the state. If the fund is
13 established to qualify for innovation fund tax credits,
14 it must meet certain requirements as described in the bill
15 relating to contracts for investment management services. In
16 addition, any investor in an innovation fund operated by the
17 Iowa innovation corporation is not permitted to vote on or
18 participate in investment decisions of the innovation fund
19 related to businesses in which the investor has a greater than
20 50 percent equity interest if that investor has or will receive
21 an innovation fund tax credit.
22 The bill is effective upon enactment and applies
23 retroactively to January 1, 2013, for tax years beginning on
24 or after that date and for equity investments in an innovation
25 fund made on or after that date.

Senate File 144

S-3010

1 Amend Senate File 144 as follows:
2 1. Page 2, line 18, after <other> by inserting
3 <voluntary>

_____
AMANDA RAGAN

SF144.349 (2) 85
(amending this SF
144 to CONFORM to
HF 225)
tm/nh 1/1

Senate File 279 - Introduced

SENATE FILE 279
BY JOCHUM

A BILL FOR

1 An Act relating to school breakfast programs.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2331XS (2) 85
je/sc

S.F. 279

1 Section 1. Section 256.11, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 16. As part of a phase I site visit and a
4 phase II on-site visit at a school district or nonpublic school
5 conducted pursuant to subsection 10, paragraphs *"a"* and *"b"*, the
6 department or accreditation committee shall document whether
7 the school district or nonpublic school operates or provides
8 for the operation of a school breakfast program pursuant to
9 chapter 283A.
10 EXPLANATION
11 This bill requires the Iowa department of education or a
12 school accreditation committee to document whether a school
13 district or nonpublic school operates or provides for the
14 operation of a school breakfast program pursuant to Code
15 chapter 283A.

Senate File 280 - Introduced

SENATE FILE 280
BY BOLKCOM

A BILL FOR

1 An Act requiring new electrical installations on farms to be
2 subject to inspection.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2315XS (1) 85
rn/rj

S.F. 280

1 Section 1. Section 103.23, subsection 1, Code 2013, is
2 amended to read as follows:
3 1. All new electrical installations for commercial, farm,
4 or industrial applications, including installations both inside
5 and outside of buildings, and for public use buildings and
6 facilities and any installation at the request of the property
7 owner.
8 EXPLANATION
9 This bill makes new electrical installations on farms
10 subject to the inspection and enforcement provisions of Code
11 chapter 103. Such provisions include requiring the submission
12 of a request for inspection, payment of inspection fees,
13 performance of an inspection by the state or a political
14 subdivision of the state, and condemnation and disconnection
15 orders and appeal procedures.

Senate File 281 - Introduced

SENATE FILE 281
BY PETERSEN

A BILL FOR

1 An Act requiring the state building code commissioner to
2 adopt standards and requirements for window fall prevention
3 devices for windows installed in certain multifamily
4 dwellings, hotels, and motels, making penalties applicable,
5 and including effective date provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2055XS (3) 85
aw/sc

S.F. 281

1 Section 1. NEW SECTION. **103A.8D Window safety standards.**
2 1. *a.* The commissioner, after consulting with and receiving
3 recommendations from the state fire marshal, shall adopt as
4 part of the state building code standards and requirements for
5 window fall prevention devices for windows installed in newly
6 constructed multifamily dwellings, hotels, and motels and for
7 windows installed as a part of any additions, renovations, or
8 repairs to existing multifamily dwellings, hotels, and motels
9 for which a permit, license, certificate, or similar document
10 is required.
11 *b.* The provisions of this section relating to multifamily
12 dwellings shall only apply to construction, additions,
13 renovations, or repairs of multifamily dwellings that are
14 paid for in whole or in part with moneys from the state or a
15 governmental subdivision of the state.
16 2. *a.* The provisions of the state building code adopted
17 pursuant to this section shall require the installation of
18 window fall prevention devices on all windows described in
19 subsection 1 that are one story in height or more above grade,
20 are less than thirty-six inches above floor level, and can be
21 opened wider than four inches.
22 *b.* (1) The provisions of the state building code shall
23 require that the standards adopted for windows located
24 seventy-five feet or less above grade be consistent with the
25 requirements for window fall prevention devices as provided in
26 the American society for testing and materials' most recent
27 specification for window fall prevention devices with emergency
28 escape release mechanisms.
29 (2) The provisions of the state building code shall
30 require that the standards adopted for windows located more
31 than seventy-five feet above grade be consistent with the
32 requirements for window fall prevention devices as provided
33 in the American society for testing and materials' most
34 recent specification for window fall prevention devices for
35 nonemergency escape and rescue windows.

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1 3. The provisions of the state building code adopted
2 pursuant to this section shall apply to new construction
3 or additions, renovations, or repairs, that are permitted,
4 licensed, certified, or otherwise approved on or after July 1,
5 2013.
6 Sec. 2. Section 103A.10, Code 2013, is amended by adding the
7 following new subsection:
8 NEW SUBSECTION. 6. Notwithstanding any other provision
9 of this chapter to the contrary, the requirements for window
10 fall prevention device standards adopted by the commissioner
11 pursuant to section 103A.8D shall apply to construction,
12 additions, renovations, and repairs permitted, licensed,
13 certified, or otherwise approved on or after July 1, 2013,
14 and shall supersede and replace any minimum requirements
15 or standards for window fall prevention devices adopted or
16 enacted by the governmental subdivision prior to that date
17 for applicable new construction, additions, renovations, or
18 repairs.
19 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
20 immediate importance, takes effect upon enactment.
21 EXPLANATION
22 This bill requires the state building code commissioner to
23 adopt as part of the state building code window fall prevention
24 device standards and requirements for windows installed in
25 certain multifamily dwellings, hotels, and motels.
26 The state building code commissioner is required to consult
27 with the state fire marshal in the adoption of window fall
28 prevention device standards and requirements. The standards
29 and requirements shall apply to windows installed in all newly
30 constructed multifamily dwellings that are paid for in whole
31 or in part with state or local government funds, hotels, and
32 motels and to windows installed as a part of any additions,
33 renovations, or repairs to such an existing building for
34 which a permit, license, certificate, or similar document is
35 required.

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1 The standards and requirements shall apply to all such
2 windows that are one story in height or more above grade, are
3 less than 36 inches above floor level, and can be opened wider
4 than four inches. The standards and requirements adopted for
5 windows located 75 feet or less above grade must be consistent
6 with the requirements for window fall prevention devices with
7 emergency escape release mechanisms as provided in the American
8 society for testing and materials' most recent specification
9 (currently, ASTM F2090-10). The standards and requirements
10 adopted for windows located more than 75 feet above grade must
11 be consistent with the requirements for window fall prevention
12 devices for nonemergency escape and rescue windows as provided
13 in the American society for testing and materials' most recent
14 specification (currently, ASTM F2006-10).
15 The standards and requirements shall apply to new
16 construction or additions, renovations, and repairs permitted,
17 licensed, certified, or otherwise approved on or after July 1,
18 2013, and shall supersede and replace any minimum requirements
19 for window fall prevention devices for multifamily dwellings,
20 hotels, and motels adopted or enacted by a governmental
21 subdivision prior to that date.
22 Pursuant to Code section 103A.21, any person served with
23 an order to remedy any condition in violation of the state
24 building code, who fails to comply with the order within a
25 certain time shall be guilty of a simple misdemeanor. Also
26 pursuant to Code section 103A.21, certain individuals who
27 knowingly violate any of the applicable provisions of the state
28 building code shall also be guilty of a simple misdemeanor. A
29 simple misdemeanor is punishable by confinement for no more
30 than 30 days or a fine of at least $65 but not more than $625
31 or by both.
32 The bill takes effect upon enactment.

Senate File 282 - Introduced

SENATE FILE 282
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 152)

A BILL FOR

1 An Act relating to procedural requirements in in rem forfeiture
2 proceedings.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2105SV (1) 85
rh/nh

S.F. 282

1 Section 1. Section 809A.13, subsection 3, Code 2013, is
2 amended to read as follows:
3 3. ~~Only an owner of or an interest holder in the property~~
4 ~~who has timely filed a proper claim pursuant to section 809A.11~~
5 ~~may file an answer in an action in rem.~~ For the purposes of
6 this section, an owner of or interest holder in property who
7 has filed ~~a claim and~~ an answer shall be referred to as a
8 claimant.
9 EXPLANATION
10 This bill relates to procedural requirements in in rem
11 forfeiture proceedings.
12 Code section 809A.13 provides that an in rem forfeiture
13 action may be brought by a prosecuting attorney by serving a
14 notice of pending forfeiture on the owner or interested party
15 or by filing a verified complaint of forfeiture in court. In
16 a case where the owner or interested party is served notice
17 of the pending forfeiture, Code section 809A.11 provides that
18 the owner or interested property owner can file, within 30
19 days after the effective notice date, a claim in the property.
20 No similar notice or claim requirements exist if the in rem
21 forfeiture action is commenced through the filing of a verified
22 complaint. The bill eliminates the procedural limitation that
23 only allows an owner or an interest holder in property that is
24 the subject of an in rem forfeiture action who has been served
25 notice of the pending forfeiture and who has filed a timely
26 claim to file an answer in the action.
27 The bill is in response to an Iowa Supreme Court decision
28 filed on April 9, 2010 (In re Young, 780 N.W.2d 726), in which
29 the court held this statutory provision unconstitutional
30 because the plain meaning of the statute precludes an aggrieved
31 property owner or interested party from filing an answer to the
32 state's in rem forfeiture complaint in violation of state and
33 federal due process guarantees.

Senate File 283 - Introduced

SENATE FILE 283
BY McCOY

A BILL FOR

1 An Act concerning the issuance of limited driver's licenses
2 and nonoperator's identification cards to certain foreign
3 nationals.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2301XS (4) 85
dea/nh

S.F. 283

1 Section 1. Section 321.1, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 14A. *"Consular identification document"*
4 means an official identification card issued by a foreign
5 government that meets all of the following requirements:
6 *a.* The identification card is issued through the foreign
7 government's consular offices for the purpose of identifying
8 a foreign national who is living outside the foreign
9 jurisdiction.
10 *b.* The foreign government requires the foreign national
11 to provide proof of nationality that is within the foreign
12 government's jurisdiction and proof of identity to obtain the
13 identification card.
14 *c.* The foreign government includes all of the following
15 security features in the identification card:
16 (1) A unique identification number.
17 (2) An optically variable feature such as a hologram or
18 color-shifting inks.
19 (3) An ultraviolet image.
20 (4) Encoded information.
21 (5) Machine-readable technology.
22 (6) Microprinting.
23 (7) Secure laminate.
24 (8) Integrated photograph and signature.
25 *d.* The identification card includes on its face the name of
26 the individual to whom it is issued, the date of issuance, the
27 date of expiration, the name of the issuing consular office or
28 foreign government, and the unique identification number. The
29 identification card must include an English translation of the
30 data fields.
31 *e.* The issuing consular office or foreign government has
32 filed with the department a copy of the foreign government's
33 standard consular identification document and a certification
34 of the procedures that are used to satisfy the requirements of
35 paragraphs *"b"* and *"c"*.

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1 Sec. 2. Section 321.182, subsection 1, paragraph a, Code
2 2013, is amended to read as follows:
3 *a.* Make application on a form provided by the department
4 which shall include the applicant's full name, signature,
5 current mailing address, current residential address, date
6 of birth, social security number, and physical description
7 including sex, height, and eye color. The application may
8 contain other information the department may require by rule.
9 Pursuant to procedures established by the department and for
10 an applicant who is a foreign national temporarily present
11 in this state or an applicant for a limited driver's license
12 issued under section 321.182A, the department may waive the
13 requirement that the application include the applicant's social
14 security number.
15 Sec. 3. NEW SECTION. **321.182A Limited driver's license.**
16 1. The department may issue a limited driver's license,
17 valid for a period of two years, to a person who is a resident
18 of this state, who is otherwise eligible for a driver's license
19 but does not present a social security number or documentation
20 of authorized presence issued by the United States citizenship
21 and immigration services.
22 2. In addition to other documents accepted by the department
23 under administrative rules to establish the identity and
24 date of birth of an applicant for a driver's license, if the
25 applicant is applying for a limited driver's license under
26 this section, the department may accept a valid unexpired
27 passport from the applicant's country of citizenship or a valid
28 unexpired consular identification document.
29 3. An applicant for a limited driver's license who is under
30 eighteen years of age at the time of application is subject to
31 the provisions of sections 321.177, subsection 1, and section
32 321.184.
33 4. Except as otherwise provided by law, a person issued a
34 limited driver's license is subject to the provisions of this
35 Code and administrative rules to the same extent as a person

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1 issued any other driver's license under this chapter, including
2 but not limited to financial liability coverage requirements
3 under section 321.20B and examination requirements under
4 section 321.186.
5 5. A peace officer shall not detain, arrest, penalize, or
6 discriminate against a person based solely on the person's
7 presentation of a limited driver's license.
8 6. For purposes of this chapter, a limited driver's license
9 constitutes proof of identity to the same extent as any other
10 driver's license issued pursuant to this chapter.
11 7. The department may adopt rules as necessary to implement
12 this section, including but not limited to rules regarding the
13 design and content of the limited driver's license; alternative
14 identifying numbers to be used by the department to establish
15 the identity of an applicant, including a federal individual
16 taxpayer identification number; the issuance of limited
17 driver's license instruction permits; and appropriate fees
18 to be charged for issuance of limited driver's licenses and
19 instruction permits.
20 8. Notwithstanding section 321.11 or any other provision
21 of law to the contrary, in any disclosure pertaining to a
22 licensee, the department shall not distinguish between limited
23 driver's license status and any other licensure status.
24 Sec. 4. Section 321.189, Code 2013, is amended by adding the
25 following new subsection:
26 NEW SUBSECTION. 9. *Limited driver's license.* In addition
27 to any other requirements applicable to the license, a limited
28 driver's license shall contain on its face the words "not valid
29 for certain federal purposes".
30 Sec. 5. Section 321.190, subsection 1, paragraph b, Code
31 2013, is amended by adding the following new subparagraph:
32 NEW SUBPARAGRAPH. (5) A nonoperator's identification
33 card issued to a foreign national who meets the eligibility
34 requirements under section 321.182A shall contain the same
35 information as any other nonoperator's identification card

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1 except the words "not valid for certain federal purposes" shall
2 appear prominently on the face of the card.
3 Sec. 6. Section 321.190, subsection 1, paragraph d, Code
4 2013, is amended to read as follows:
5 *d.* The fee for a nonoperator's identification card shall
6 be five dollars and the card shall be valid for a period
7 of five years from the date of issuance. A nonoperator's
8 identification card shall be issued without expiration
9 to anyone age seventy or over. If an applicant for a
10 nonoperator's identification card is a foreign national
11 who is temporarily present in this state, the nonoperator's
12 identification card shall be issued only for the length of time
13 the foreign national is authorized to be present as determined
14 by the department, not to exceed two years. <u>If an applicant</u>
15 <u>for a nonoperator's identification card is a foreign national</u>
16 <u>who meets the eligibility requirements under section 321.182A,</u>
17 <u>the nonoperator's identification card shall be valid for two</u>
18 <u>years.</u> An issuance fee shall not be charged for a person whose
19 driver's license or driving privilege has been suspended under
20 section 321.210, subsection 1, paragraph *"a"*, subparagraph (3).
21 Sec. 7. Section 321.196, subsection 1, Code 2013, is amended
22 to read as follows:
23 1. Except as otherwise provided, a driver's license, other
24 than an instruction permit, chauffeur's instruction permit, or
25 commercial driver's instruction permit issued under section
26 321.180, expires five years from the licensee's birthday
27 anniversary occurring in the year of issuance if the licensee
28 is between the ages of seventeen years eleven months and
29 seventy years on the date of issuance of the license. If the
30 licensee is under the age of seventeen years eleven months or
31 age seventy or over, the license is effective for a period of
32 two years from the licensee's birthday anniversary occurring in
33 the year of issuance. A licensee whose license is restricted
34 due to vision or other physical deficiencies may be required
35 to renew the license every two years. If a licensee is a

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1 foreign national who is temporarily present in this state,
2 the license shall be issued only for the length of time the
3 foreign national is authorized to be present as verified by
4 the department, not to exceed two years. A limited driver's
5 license issued pursuant to section 321.182A shall be issued for
6 two years and may be renewed.
7 EXPLANATION
8 This bill provides for the issuance of a limited driver's
9 license or nonoperator's identification card to a person
10 who presents a consular identification document as proof of
11 identification and date of birth.
12 The bill defines "consular identification document" as an
13 official identification card issued by a foreign government,
14 through the foreign government's consular offices, for the
15 purpose of identifying a foreign national who is living
16 outside the foreign jurisdiction. The definition specifies
17 security attributes that a consular identification document
18 must have, and content the document must contain. The document
19 must include an English translation of the data fields. The
20 definition also requires that a copy of the standard document
21 issued by the consular office or foreign government be filed
22 with the department of transportation along with certification
23 of procedures used to ascertain the identity of a person
24 to whom a consular identification document is issued and
25 procedures used to satisfy the specified security requirements
26 of the document.
27 Under the bill, the department of transportation may issue a
28 limited driver's license to a person who is otherwise qualified
29 for a driver's license but does not present a social security
30 number or document of authorized presence issued by the United
31 States citizenship and immigration services. The department
32 may accept an unexpired passport from the applicant's country
33 of citizenship or a valid unexpired consular identification
34 document as proof of identification and date of birth. The
35 bill specifies that a person with a limited driver's license is

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1 subject to all of the Code provisions and administrative rules
2 applicable to a person with any other type of driver's license,
3 including provisions relating to drivers under 18 years of age,
4 examination requirements, and financial liability coverage
5 requirements. For purposes of Code chapter 321 relating to the
6 regulation of motor vehicles and motor vehicle operators, a
7 limited driver's license constitutes proof of identification
8 to the same extent as any other driver's license. However, a
9 limited driver's license must have on its face the words "not
10 valid for certain federal purposes". The bill provides that a
11 limited driver's license shall be valid for two years and may
12 be renewed. The department of transportation is prohibited
13 from distinguishing between limited driver's license status
14 and any other licensure status in any disclosure pertaining to
15 a licensee. The department may adopt rules relating to the
16 issuance of limited driver's licenses and instruction permits,
17 including providing for appropriate license fees.
18 The bill also provides for the issuance of nonoperator's
19 identification cards to applicants who meet the eligibility
20 requirements for a limited driver's license.

Senate File 284 - Introduced

SENATE FILE 284
BY SCHOENJAHN

A BILL FOR

1 An Act relating to agreements between counties and certain
2 cities for the provision of law enforcement services by
3 limiting contribution and payment rates.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2211XS (2) 85
aw/sc

S.F. 284

1 Section 1. Section 28E.23, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 3. If a city in the district has a
4 population of less than one thousand, the funds annually
5 contributed by that city shall not exceed the actual costs of
6 providing the law enforcement services. For the purposes of
7 determining the population of a city under this subsection, the
8 provisions of section 9F.6 shall be applied.
9 Sec. 2. Section 331.304, Code 2013, is amended by adding the
10 following new subsection:
11 NEW SUBSECTION. 12. A county shall not enter into an
12 agreement to provide law enforcement services to a city with
13 a population of less than one thousand that requires such a
14 city to annually pay to the county an amount exceeding the
15 actual costs of providing the law enforcement services. For
16 the purposes of determining the population of a city under this
17 subsection, the provisions of section 9F.6 shall be applied.
18 Sec. 3. APPLICABILITY. This Act applies to agreements
19 entered into on or after July 1, 2013.
20 EXPLANATION
21 This bill relates to agreements for the provision of law
22 enforcement services by a county sheriff between counties
23 and cities with a population of less than 1,000 by limiting
24 contribution and payment rates. The bill limits contributions
25 of funds and payment rates for cities with a population of
26 less than 1,000 that are participating in an agreement for law
27 enforcement services or in a unified law enforcement district.
28 The bill limits the contribution and payment rates of such
29 cities to no more than the actual costs of providing law
30 enforcement services to those cities. The provisions of Code
31 section 9F.6 shall be applied in determining the population of
32 a city.
33 The bill applies to agreements entered into on or after July
34 1, 2013.

Senate File 285 - Introduced

SENATE FILE 285
BY SCHOENJAHN

(COMPANION TO HF 122 BY
ISENHART)

A BILL FOR

1 An Act relating to the operations of certain common interest
2 communities.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2156XS (2) 85
md/sc

S.F. 285

1 Section 1. NEW SECTION. **499A.1A Applicability.**
2 This chapter shall apply to cooperatives established under
3 this chapter unless otherwise provided in chapter 499C.
4 Sec. 2. NEW SECTION. **499B.1A Applicability.**
5 This chapter shall apply to horizontal property regimes
6 established under this chapter unless otherwise provided in
7 chapter 499C.
8 Sec. 3. Section 499B.15, subsection 2, Code 2013, is amended
9 by striking the subsection.
10 Sec. 4. NEW SECTION. **499B.21 Board of administration —**
11 **meetings and records.**
12 1. For horizontal property regimes with eight or more
13 apartments, if the form of administration is a board of
14 administration, the board of administration shall comply with
15 the requirements of chapter 499C.
16 2. For horizontal property regimes with seven or less
17 apartments, if the form of administration is a board of
18 administration, the board of administration shall comply
19 with the requirements of section 499C.401, subsection 2, and
20 sections 499C.402 and 499C.403.
21 Sec. 5. NEW SECTION. **499C.101 Title.**
22 This chapter shall be known and cited as the *"Iowa Common*
23 *Interest Ownership Act"*.
24 Sec. 6. NEW SECTION. **499C.102 Public policy.**
25 The general assembly declares that it is the public policy of
26 the state that the management and affairs of common interest
27 communities be conducted openly, and this chapter shall be
28 construed to provide open access to the management of the
29 common interest community for the unit owners.
30 Sec. 7. NEW SECTION. **499C.103 Definitions.**
31 As used in this chapter, unless the context otherwise
32 requires:
33 1. *"Bylaws"* means the instruments, however denominated,
34 that contain the procedures for conducting the affairs of the
35 unit owners association or the executive board regardless of

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the form in which the association is organized, including any amendments to such instruments.

2. *"Common element"* means:

a. For a cooperative under chapter 499A or a horizontal property regime under chapter 499B, all portions of the common interest community other than the units.

b. For a planned community, any real estate within the planned community which is owned or leased by the unit owners association, other than a unit.

c. For all common interest communities, any other interests in real estate for the benefit of unit owners which are subject to the declaration.

3. *a.* *"Common interest community"* means real estate described in a declaration with respect to which a person, by virtue of the person's ownership of a unit, is obligated to pay for a share of real estate taxes, insurance premiums, maintenance, or improvement of, or services or other expenses related to, common elements, other units, or other real estate described in the declaration. *"Common interest community"* includes a cooperative under chapter 499A and a horizontal property regime under chapter 499B.

b. Common interest community does not include:

(1) A covenant that requires the owners of separate parcels of real estate to share costs or other obligations related to a wall, driveway, well, or other similar structure, unless all such owners consent in writing to the creation of a common interest community.

(2) Real estate described in paragraph *"a"* if all units are owned by a single unit owner.

4. *"Declarant"* means any person or group of persons who, as the record title owner of real estate, by a declaration, initially creates a common interest community.

5. *"Declaration"* means the instrument, however denominated, that creates a common interest community, including any amendments to the instrument.

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1 6. *"Executive board"* means the body, regardless of name,
2 designated in the declaration or bylaws to act on behalf of the
3 unit owners association.
4 7. *"Planned community"* means a common interest community
5 that is not a cooperative under chapter 499A or a horizontal
6 property regime under chapter 499B, and includes property
7 owner or homeowner associations. However, a cooperative under
8 chapter 499A or a horizontal property regime under chapter 499B
9 may be part of a planned community.
10 8. *"Rule"* means a policy, guideline, restriction, procedure,
11 or regulation, however denominated, which is not set forth in
12 the declaration or bylaws.
13 9. *"Unit"* means a physical portion of the common interest
14 community designated for separate ownership or occupancy or
15 as otherwise defined in the statute under which the common
16 interest community is organized.
17 10. *"Unit owner"* means a declarant or other person that owns
18 a unit, but does not include a person having an interest in a
19 unit solely as security for an obligation. In a horizontal
20 property regime under chapter 499B or a planned community, the
21 declarant is the owner of any unit created by the declaration.
22 In a cooperative under chapter 499A, the declarant is the owner
23 of any unit to which an interest has been allocated until that
24 unit has been conveyed to another person.
25 11. *"Unit owners association"* means an association,
26 regardless of name, organized as a for-profit or nonprofit
27 corporation, trust, limited liability company, partnership,
28 unincorporated association, or any other form of organization
29 authorized by the laws of this state, the membership of
30 which consists solely of unit owners except following
31 termination of the common interest community, at which time the
32 association shall consist of all former unit owners entitled
33 to distributions of proceeds or their heirs, successors, or
34 assigns.
35 Sec. 8. NEW SECTION. **499C.104 Variation by agreement.**

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1 Except as expressly provided in this chapter, the provisions
2 of this chapter may not be varied by agreement, and rights
3 conferred by it may not be waived.
4 Sec. 9. NEW SECTION. **499C.105 Applicability.**
5 Unless otherwise provided by law:
6 1. This chapter applies to common interest communities
7 within this state having eight or more units.
8 2. Any portion of a declaration, bylaws, covenant, or
9 other contractual provision existing prior to July 1, 2013,
10 that violates or is inconsistent with this chapter is not
11 enforceable. However, nothing in this chapter shall be
12 construed to invalidate other provisions of the declaration,
13 bylaws, plats, or plans of those common interest communities
14 established before July 1, 2013.
15 3. The provisions of this chapter shall prevail over any
16 conflicting provision of law under which a common interest
17 community or unit owners association is organized.
18 Sec. 10. NEW SECTION. **499C.201 Unit owners association —**
19 **executive board.**
20 1. A unit owners association shall have an executive board.
21 2. Except as otherwise provided in the declaration,
22 the bylaws, subsection 3 of this section, or provisions of
23 the statute under which the common interest community is
24 organized, an executive board acts on behalf of the unit owners
25 association.
26 3. An executive board shall not act on behalf of the unit
27 owners association to amend the declaration, to terminate the
28 common interest community, to elect members of the executive
29 board, or determine the qualifications, powers and duties, or
30 terms of office of executive board members. An executive board
31 may fill vacancies in its membership for the unexpired portion
32 of any term.
33 4. A declaration may provide for a period of declarant
34 control of the unit owners association, during which a
35 declarant, or persons designated by the declarant, may appoint

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1 and remove the officers and members of the executive board.
2 For declarations filed on or after July 1, 2013, a period of
3 declarant control shall be clearly defined in the declaration.
4 Sec. 11. NEW SECTION. **499C.401 Meetings.**
5 1. Meetings of a unit owners association, whether such
6 association is incorporated or unincorporated, shall comply
7 with all of the following:
8 *a.* A unit owners association shall hold a meeting of
9 unit owners annually at a time, date, and place stated in or
10 determined in accordance with the declaration or bylaws.
11 *b.* A unit owners association shall hold a special meeting
12 of unit owners to address any matter affecting the unit owners
13 association if the association's president, a majority of the
14 executive board, or a number of unit owners comprising at
15 least forty percent of all votes in the association, unless a
16 different percentage is specified in the bylaws, request that
17 the secretary call the meeting. If the unit owners association
18 does not notify unit owners of a special meeting within thirty
19 days after the required number of unit owners has requested the
20 secretary to call a special meeting, the requesting members may
21 directly notify all unit owners of the meeting. Only matters
22 described in the meeting notice may be considered at a special
23 meeting.
24 *c.* A unit owners association shall notify each unit owner
25 of the time, date, and place of each annual and special unit
26 owners meeting not less than ten days and not more than sixty
27 days before the meeting date. Notice may be by any means
28 described in section 499C.403. Each meeting notice shall state
29 the time, date, and place of the meeting and the items on the
30 agenda in a manner reasonably calculated to apprise the unit
31 owners of that information, including but not limited to:
32 (1) A statement of the general nature of any proposed
33 amendment to the declaration or bylaws.
34 (2) A statement describing any budget changes.
35 (3) Any proposal to remove an officer or member of the

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1 executive board.
2 *d.* The requirements relating to the timing of meeting
3 notices under paragraph "*c*" may be reduced or waived for a
4 meeting called to address an emergency. A meeting called to
5 address an emergency shall be limited to matters arising out
6 of the emergency.
7 *e.* Each unit owner shall be given a reasonable opportunity
8 at any meeting to comment on any matter affecting the common
9 interest community or the unit owners association.
10 *f.* The declaration or bylaws may allow for meetings of
11 unit owners to be conducted by telephonic, video, or other
12 conferencing method, if such method is consistent with
13 subsection 2, paragraph "*g*".
14 2. Meetings of the executive board and committees of the
15 unit owners association, authorized to act for the unit owners
16 association, shall comply with all of the following:
17 *a.* Meetings shall be open to the unit owners except during
18 executive sessions. The executive board and committees of
19 the unit owners association may hold an executive session
20 only during a regular or special meeting of the board or the
21 committee. No final vote or final action may be taken during
22 an executive session. An executive session may only be held
23 for the following reasons:
24 (1) To consult with the unit owners association's attorney
25 concerning legal matters governed by attorney-client privilege.
26 (2) To discuss existing or potential litigation or
27 mediation, arbitration, or governmental administrative
28 proceedings.
29 (3) To discuss matters relating to the job performance,
30 compensation, or health records of an individual employee or
31 specific complaints against an individual employee of the
32 unit owners association or against an independent contractor
33 employed by the unit owners association.
34 (4) To discuss contracts, leases, and other commercial
35 transactions for goods or services that are under negotiation,

1 including the review of bids or proposals, if public disclosure
2 of such matters would place the unit owners association at a
3 disadvantage.
4 (5) To discuss personal, health, or financial information
5 relating to a unit owner, a specific employee of the unit
6 owners association, or a specific employee of an independent
7 contractor retained by the unit owners association, including
8 any records of the unit owners association relating to such
9 information.
10 *b.* For purposes of this section, a gathering of board
11 members at which the board members do not conduct unit owners
12 association business is not a meeting of the executive board.
13 Executive board members shall not use incidental or social
14 gatherings of board members or any other method to evade the
15 meeting and notice requirements of this section.
16 *c.* During a period of declarant control, the executive board
17 shall meet at least one time each year. At least one of the
18 meetings shall be held at the common interest community or at
19 a place convenient to the unit owners of the common interest
20 community. After termination of the period of declarant
21 control, all executive board meetings shall be at the common
22 interest community or at a place convenient to the unit owners
23 of the common interest community unless the unit owners amend
24 the bylaws to vary the location of such meetings.
25 *d.* At each executive board meeting, the executive board
26 shall provide a reasonable opportunity for unit owners to
27 comment on any matter affecting the common interest community
28 and the unit owners association.
29 *e.* Unless the meeting is included in a schedule given to the
30 unit owners or the meeting is called to address an emergency,
31 the secretary or other officer specified in the bylaws shall
32 give notice of each executive board meeting to each executive
33 board member and to each unit owner. Such notice shall be
34 given at least ten days before the meeting and shall state the
35 time, date, place, and agenda of the meeting.

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1 *f.* If any materials are distributed to the executive board
2 before a meeting, the executive board, upon receipt of the
3 materials, shall make copies reasonably available to unit
4 owners, except that the executive board is not required to make
5 available copies of unapproved minutes or materials that are to
6 be considered during an executive session.
7 *g.* Unless otherwise provided in the declaration or bylaws,
8 the executive board may conduct a meeting by telephonic, video,
9 or other conferencing method if all of the following conditions
10 are met:
11 (1) The meeting notice states the conferencing method to
12 be used and provides information explaining how unit owners
13 may participate in the conference directly or by meeting at a
14 central location or conference connection.
15 (2) The process provides all unit owners the opportunity
16 to hear or perceive the discussion and to comment on matters
17 before the executive board.
18 *h.* Following termination of the period of declarant control,
19 unit owners may amend the bylaws to vary the procedures for
20 meetings described in paragraph "*g*".
21 *i.* In lieu of a meeting, the executive board may act by
22 unanimous consent if such action is documented in a record
23 authenticated by all executive board members. The secretary
24 shall give prompt notice to all unit owners of any action
25 taken by unanimous consent. After termination of the period
26 of declarant control, an executive board may act by unanimous
27 consent only to undertake ministerial actions or to implement
28 actions previously taken at a meeting of the executive board.
29 *j.* Unless otherwise restricted by this chapter or the common
30 interest community's bylaws, an executive board may determine
31 rules of procedure for the executive board.
32 *k.* An executive board may remove any person from a meeting
33 of the executive board upon a finding by a majority of the
34 board members that the person is being disruptive to the
35 meeting. An executive board may bar any person from meetings

1 of the executive board or other meetings of the common interest
2 community for a period of up to one year if the person has
3 been twice removed from a meeting within the preceding twelve
4 months.
5 *1.* An action by an executive board that is not in compliance
6 with this section is valid unless invalidated by a court. A
7 challenge to the validity of an action of the executive board
8 for failure to comply with this section shall not be brought
9 more than sixty days after the minutes of the executive board
10 of the meeting at which the action was taken are approved
11 or the record of that action is distributed to unit owners,
12 whichever is later.
13 Sec. 12. NEW SECTION. **499C.402 Association records.**
14 1. A unit owners association shall retain all of the
15 following:
16 *a.* Detailed records of receipts and expenditures relating to
17 the operation and administration of the unit owners association
18 and other appropriate accounting records.
19 *b.* Minutes of all unit owners meetings and executive board
20 meetings, a record of all actions taken by the unit owners or
21 the executive board without a meeting, and a record of all
22 actions taken by a committee in place of the executive board on
23 behalf of the unit owners association. The minutes retained
24 by the unit owners association shall indicate the date, time,
25 and place of the meeting, the names of all persons present
26 at the meeting, and each action taken at the meeting. The
27 minutes shall also include the results of each vote taken at
28 the meeting, including information indicating the vote of each
29 executive board member present at the meeting. The vote of
30 each executive board member present shall be made public at the
31 open session.
32 *c.* The names of all unit owners in a form that permits
33 preparation of a list of the names of all owners and the
34 regular mail or electronic mail address at which the unit
35 owners association communicates with them, and the number of

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1 votes each unit owner is entitled to cast.
2 *d.* The unit owners association's original and amended
3 organizational documents, bylaws, including all amendments to
4 the bylaws, and all rules of the common interest community
5 currently in effect.
6 *e.* All financial statements and tax returns of the unit
7 owners association for the past three years.
8 *f.* A list of the names and addresses of the current
9 executive board members and officers.
10 *g.* The unit association's most recent annual report
11 delivered to the secretary of state, if applicable.
12 *h.* Copies of each contract to which the unit owners
13 association is currently a party.
14 *i.* Records of executive board or committee actions relating
15 to requests for design or architectural approval from unit
16 owners.
17 *j.* Ballots, proxies, and other records related to voting by
18 unit owners for one year after the election, action, or vote.
19 2. Except as provided under subsections 3 and 4, all records
20 retained by a unit owners association must be available for
21 examination and copying by a unit owner or the unit owner's
22 authorized agent during reasonable business hours or at a
23 mutually convenient time and location upon providing a five
24 days' notice that reasonably identifies the specific records
25 that are being requested.
26 3. Records retained by a unit owners association may be
27 withheld from inspection and copying to the extent that they
28 concern:
29 *a.* Personally identifiable information, salary, and medical
30 records relating to specific individuals.
31 *b.* Information relating to contracts, leases, and other
32 commercial transactions to purchase or provide goods or
33 services, currently under negotiation.
34 *c.* Information relating to existing or potential litigation,
35 mediation, arbitration, or governmental administrative

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1 proceedings.
2 *d.* Information relating to existing or potential matters
3 involving governmental administrative proceedings or other
4 proceedings before a government tribunal for enforcement of the
5 declaration, bylaws, or rules.
6 *e.* Communications with the unit owners association attorney
7 which are otherwise protected by the attorney-client privilege
8 or the attorney work-product doctrine.
9 *f.* Information that if disclosed would violate another
10 provision of law.
11 *g.* Records of an executive session of the executive board.
12 However, upon the completion of a matter that is the subject of
13 an executive session held under section 499C.401, subsection
14 2, paragraph *"a"*, subparagraphs (1) through (4), such records
15 of the executive session shall be available for inspection as
16 provided in this section.
17 *h.* Records directly related to the personal, health, or
18 financial information of a unit owner, if the person requesting
19 the records is not the unit owner that is the subject of the
20 records.
21 4. A unit owners association may charge a reasonable fee
22 for providing copies of any records under this section and for
23 supervising the inspection of such records.
24 5. The right to inspect records under this section includes
25 the right to copy records by photocopying or other means
26 including copies through an electronic transmission, if
27 available, upon request of the requester.
28 6. A unit owners association is not obligated to compile or
29 synthesize information or records under this section.
30 7. Information or records obtained under this section shall
31 not be used for commercial purposes.
32 Sec. 13. NEW SECTION. **499C.403 Notice to unit owners.**
33 1. A unit owners association or an executive board, as
34 applicable, shall deliver each notice required to be given by
35 the association or board under this chapter to the regular mail

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1 address or electronic mail address provided by each unit owner.
2 If a regular mail address or electronic mail address is not
3 provided by the unit owner, the notice may be delivered using
4 any of the following methods:
5 *a.* Hand delivery to the unit owner.
6 *b.* Mailing by regular mail or certified mail, as defined in
7 section 618.15, to the address of the unit.
8 *c.* Any other method reasonably calculated to provide notice
9 to the unit owner.
10 2. The ineffectiveness of a good-faith effort to deliver
11 notice under subsection 1 does not invalidate an action taken
12 at a meeting or an action taken by other means.
13 Sec. 14. NEW SECTION. **499C.501 Cause of action — attorney**
14 **fees.**
15 A declarant, unit owners association, unit owner, or any
16 other person subject to this chapter may bring an action to
17 enforce a right granted or obligation imposed by this chapter,
18 the declaration, or the bylaws. In any action brought under
19 this chapter, the court may award reasonable attorney fees to
20 the prevailing party.
21 EXPLANATION
22 This bill creates the "Iowa Common Interest Ownership Act,"
23 new Code chapter 499C. The bill provides that it is the
24 public policy of the state that the management and affairs of
25 common interest communities be conducted openly and that the
26 new Code chapter is to be construed to provide open access to
27 the management of the common interest community for the unit
28 owners.
29 New Code chapter 499C defines "common interest community"
30 to mean real estate described in a declaration with respect to
31 which a person, by virtue of the person's ownership of a unit,
32 is obligated to pay for a share of real estate taxes, insurance
33 premiums, maintenance, or improvement of, or services or other
34 expenses related to, common elements, other units, or other
35 real estate described in the declaration. The bill specifies

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1 that a common interest community does not include a covenant
2 that requires the owners of separate parcels of real estate
3 to share certain costs or other obligations, unless all such
4 owners consent in writing to the creation of a common interest
5 community, and does not include community where all units are
6 owned by a single unit owner.
7 The bill defines cooperatives under Code chapter 499A and
8 horizontal property regimes under Code chapter 499B to be
9 common interest communities. The bill specifies that unless
10 otherwise provided by law new Code chapter 499C applies to
11 all common interest communities established within this state
12 having eight or more units. However, the bill provides that
13 for horizontal property regimes with seven or less apartments,
14 if the form of administration is a board of administration, the
15 board of administration must comply with the requirements of
16 new Code section 499C.401(2), regarding meeting requirements,
17 and new Code sections 499C.402 and 499C.403, relating to
18 records and notice.
19 The bill does not, except as specifically provided, allow
20 for the provisions of new Code chapter 499C to be varied by
21 agreement, and rights conferred by new Code chapter 499C may
22 not be waived.
23 The bill also provides that any portion of a declaration,
24 bylaws, covenant, or other contractual provision existing
25 prior to July 1, 2013, that violates or is inconsistent with
26 new Code chapter 499C is not enforceable. However, nothing in
27 new Code chapter 499C shall be construed to invalidate other
28 provisions of the declaration, bylaws, plats, or plans of those
29 common interest communities established before July 1, 2013.
30 The bill specifies that the provisions of new Code chapter
31 499C shall prevail over any conflicting provision of law under
32 which a common interest community or unit owners association
33 is organized.
34 The bill requires each unit owners association, as defined
35 in the bill, to have an executive board. The bill defines an

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1 executive board as the body, regardless of name, designated
2 in the declaration or bylaws to act on behalf of the unit
3 owners association. However, the bill provides that an
4 executive board shall not act on behalf of the unit owners
5 association to amend the declaration, to terminate the common
6 interest community, to elect members of the executive board, or
7 determine the qualifications, powers and duties, or terms of
8 office of executive board members. The bill provides, however,
9 that an executive board may fill vacancies in its membership
10 for the unexpired portion of any term.
11 The bill provides that a declaration (the instrument that
12 creates the common interest community) may provide for a period
13 of declarant control of the unit owners association, during
14 which a declarant (the person or group of persons who creates
15 the common interest community), or persons designated by the
16 declarant, may appoint and remove the officers and members of
17 the executive board. The bill specifies that for declarations
18 filed on or after July 1, 2013, a period of declarant control
19 shall be clearly defined in the declaration.
20 The bill establishes requirements relating to meetings of
21 unit owners associations, executive boards, and committees
22 of such entities including requirements for the contents
23 of meeting notices, allowable actions during meetings,
24 requirements relating to unit owner comments, and the manner
25 in which meetings may be conducted. The bill also specifies
26 the manner and the reasons for which certain meetings may be
27 called.
28 The bill enacts requirements relating to the retention of
29 records by unit owners associations and specifies the records
30 retained by a unit owners association that may be withheld from
31 inspection and copying.
32 The bill requires a unit owners association or executive
33 board, as applicable, to deliver each notice required to be
34 given by the association under new Code chapter 499C to the
35 regular mail address or electronic mail address provided by

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each unit owner. If a regular mail or electronic mail address is not provided by the unit owner, the unit owners association may deliver the notice by a different method specified in the bill. The bill provides that the ineffectiveness of a good-faith effort to deliver notice does not invalidate an action taken at a meeting or an action taken by other means.

The bill provides that a declarant, unit owners association, unit owner, or any other person subject to new Code chapter 499C may bring an action to enforce a right granted or obligation imposed by the Code chapter, the declaration, or the bylaws. In any such action, the court may award reasonable attorney fees to the prevailing party.

Senate File 286 - Introduced

SENATE FILE 286
BY SCHOENJAHN

A BILL FOR

1 An Act relating to insurance coverage for dental care services.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1343XS (2) 85
av/nh

S.F. 286

1 Section 1. NEW SECTION. **514C.3C Dental coverage —**
2 **assignment of health insurance benefits.**
3 A person who is the owner of any rights or benefits under a
4 policy or contract of insurance which provides for coverage of
5 dental care services shall be permitted to assign all or any
6 part of that person's rights and privileges under the policy or
7 contract, including but not limited to the right to designate
8 a beneficiary and to have an individual policy or contract
9 issued in accordance with the terms of the policy or contract.
10 Such assignment shall be without prejudice to the insurer on
11 account of any payment the insurer makes or individual policy
12 or contract the insurer issues before receiving notice of the
13 assignment, provided that the insurer was acting in good faith.
14 If written proof of an assignment of benefits is presented to
15 an insurer, health maintenance organization, managed care plan,
16 health care plan, preferred provider organization, or other
17 third-party payor, then payment shall be made directly to the
18 health care professional or health care facility providing the
19 dental services. Nothing in this section shall be construed to
20 prevent any persons from reconciling duplicate payments.
21 Sec. 2. NEW SECTION. **514C.3D Uniform coordination of**
22 **benefits.**
23 A policy or contract of insurance which provides for
24 coverage of dental care services shall provide for coordination
25 of benefits in a manner so that the policy or contract pays the
26 same amount for the dental care services provided regardless
27 of the existence of other coverage for the dental care
28 services, so long as the total amount paid does not exceed one
29 hundred percent of the amount of the applicable claim. Such
30 coordination of benefits shall be effected consistent with
31 rules adopted by the commissioner of insurance under chapter
32 17A, based upon similar model rules developed by the national
33 association of insurance commissioners.
34 Sec. 3. NEW SECTION. **514C.3E Freedom of choice of dentists**
35 **in dental plans.**

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1 1. A dental plan which is delivered, renewed, issued for
2 delivery, or otherwise contracted for in this state on or after
3 July 1, 2013, shall not do either of the following:
4 *a.* Prevent any person who is a party to or a beneficiary
5 of such dental plan from selecting the dentist of the person's
6 choice to furnish the dental care services offered by the
7 dental plan, or interfere with such selection.
8 *b.* Deny any dentist the right to participate as a
9 contracting provider for the dental plan.
10 2. The payment or reimbursement for a noncontracting
11 provider by a dental plan shall be the same as or greater
12 than the payment or reimbursement for a contracting provider.
13 However, a dental plan is not required to make a payment or
14 reimbursement in an amount that is greater than the amount
15 specified in the dental plan or that is greater than the fee
16 charged by the dentist for the dental care services rendered.
17 3. Any provision in a dental plan which is delivered,
18 renewed, issued for delivery, or otherwise contracted for in
19 this state on or after July 1, 2013, which is contrary to this
20 section is, to the extent of the conflict, void.
21 4. For the purposes of this section:
22 *a.* *"Contracting provider"* means, with respect to any dental
23 plan, a dentist who has entered into a contract with the dental
24 plan for the provision of dental care services to covered
25 individuals under the dental plan.
26 *b.* *"Dental care services"* means any services furnished to a
27 person for the purpose of preventing, alleviating, curing, or
28 healing human dental abnormalities, accidents, or diseases.
29 *c.* *"Dental plan"* means any policy or contract of insurance
30 which provides for coverage of dental care services not in
31 connection with a medical plan that provides for the coverage
32 of medical services.
33 *d.* *"Dentist"* means any person who furnishes dental care
34 services and who is licensed as a dentist pursuant to chapter
35 153.

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1 *e. "Noncontracting provider"* means, with respect to any
2 dental plan, a dentist who has not entered into a contract with
3 the dental plan for the provision of dental care services to
4 covered individuals under the dental plan.
5 Sec. 4. Section 514J.103, subsection 1, Code 2013, is
6 amended to read as follows:
7 1. Except as provided in subsection 2, this chapter shall
8 apply to all health carriers, including health carriers issuing
9 a policy or certificate that provides coverage for dental care.
10 Sec. 5. Section 514J.103, subsection 2, paragraph a, Code
11 2013, is amended to read as follows:
12 *a.* A policy or certificate that provides coverage only for a
13 specified disease, specified accident or accident-only, credit,
14 disability income, hospital indemnity, long-term care, ~~dental~~
15 ~~care,~~ vision care, or any other limited supplemental benefit.
16 EXPLANATION
17 This bill relates to insurance coverage for dental care
18 services.
19 New Code section 514C.3C provides that a person who owns
20 rights or benefits under a policy or contract of insurance
21 which provides for coverage of dental care services must be
22 allowed to assign any or part of that person's rights and
23 privileges under the policy or contract, including the right
24 to designate a beneficiary and to have an individual policy or
25 contract issued. The assignment is without prejudice to an
26 insurer that makes a payment in good faith under the policy
27 or contract before receiving notice of the assignment. If
28 written proof of the assignment of benefits is presented to an
29 insurer, health maintenance organization, managed care plan,
30 health care plan, preferred provider organization, or other
31 third-party payor, the payment for coverage of dental care
32 services shall be made directly to the health care provider
33 providing the services. The section shall not be construed to
34 prevent reconciliation of duplicate payments.
35 New Code section 514C.3D provides that a policy or contract

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1 of insurance which provides for coverage of dental care
2 services shall provide for coordination of benefits in a
3 manner so that the policy or contract pays the same amount
4 for the dental care services provided regardless of whether
5 there is other coverage for the services, so long as the total
6 amount paid does not exceed 100 percent of the amount of the
7 claim. The commissioner of insurance shall adopt rules to
8 provide for such coordination of benefits, based on similar
9 model rules developed by the national association of insurance
10 commissioners.
11 New Code section 514C.3E provides that a policy or contract
12 of insurance which provides for coverage of dental care
13 services not in connection with a medical plan that covers
14 medical services, shall not prevent a party or beneficiary
15 of the dental plan from selecting a dentist of the person's
16 choice to furnish dental care services provided by the plan
17 or deny any dentist the right to participate as a contracting
18 dentist for the dental plan. The payment or reimbursement for
19 a noncontracting dentist by a dental plan must be the same or
20 greater than the payment or reimbursement for a contracting
21 dentist. However, a dental plan is not required to make a
22 payment or reimbursement in an amount greater than the amount
23 specified in the plan or that is greater than the fee charged
24 by the dentist. A provision in a dental plan that is contrary
25 to the new Code section is void. New Code section 514C.3E is
26 applicable to a dental plan that is delivered, renewed, issued
27 for delivery, or otherwise contracted for in this state on or
28 after July 1, 2013.
29 Code section 514J.103 is amended to provide that decisions
30 of health carriers issuing a policy or certificate that
31 provides coverage for dental care are subject to the external
32 review provisions of Code chapter 514J, and the chapter is also
33 applicable to a policy or certificate that provides coverage
34 only for dental care.

Senate File 287 - Introduced

SENATE FILE 287
BY SEGEBART

A BILL FOR

1 An Act concerning the sale of wine by manufacturers of beer.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2378XS (2) 85
ec/nh

S.F. 287

1 Section 1. Section 123.45, unnumbered paragraph 2, Code
2 2013, is amended to read as follows:
3 A person engaged in the business of manufacturing, bottling,
4 or wholesaling alcoholic beverages, wine, or beer, or any
5 jobber, representative, broker, employee, or agent of such
6 a person, shall not directly or indirectly supply, furnish,
7 give, or pay for any furnishings, fixtures, or equipment used
8 in the storage, handling, serving, or dispensing of alcoholic
9 beverages, wine, beer, or food within the place of business of
10 a licensee or permittee authorized under this chapter to sell
11 at retail; nor shall the person directly or indirectly extend
12 any credit for alcoholic beverages or beer or pay for any such
13 license or permit, nor directly or indirectly be interested in
14 the ownership, conduct, or operation of the business of another
15 licensee or permittee authorized under this chapter to sell at
16 retail, nor hold a retail liquor control license or retail wine
17 or beer permit. However, a person engaged in the wholesaling
18 of beer or wine may sell only disposable glassware, which is
19 constructed of paper, paper laminated, or plastic materials and
20 designed primarily for personal consumption on a one-time usage
21 basis, to retailers for use within the premises of licensed
22 establishments, for an amount which is greater than or equal
23 to an amount which represents the greater of either the amount
24 paid for the disposable glassware by the supplier or the amount
25 paid for the disposable glassware by the wholesaler. Also, a
26 person engaged in the business of manufacturing beer may sell
27 beer at retail for consumption on or off the premises of the
28 manufacturing facility <u>and sell wine for consumption on the</u>
29 <u>premises of the manufacturing facility</u> and, notwithstanding
30 any other provision of this chapter or the fact that a person
31 is the holder of a class "A" beer permit, may be granted not
32 more than one class "B" beer permit as defined in section
33 123.124 <u>or one special class "C" liquor license as defined in</u>
34 <u>section 123.30</u> for that purpose. A licensee or permittee who
35 permits or assents to or is a party in any way to a violation or

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1 infringement of this section is guilty of a violation of this
2 section.
3 EXPLANATION
4 This bill allows a person engaged in the business of
5 manufacturing beer to sell wine and to obtain a special class
6 "C" liquor license as defined in Code section 123.30 for that
7 purpose.

Senate Joint Resolution 7 - Introduced

SENATE JOINT RESOLUTION 7
BY ZAUN, WHITVER, SINCLAIR, FEENSTRA, ERNST, GREINER, JOHNSON, and BOETTGER

SENATE JOINT RESOLUTION

1 A Joint Resolution expressing the Iowa General Assembly's
2 refusal to recognize or support any statutes, presidential
3 directives, or other regulations and proclamations which
4 conflict with the Second Amendment of the Constitution of
5 the United States and which are expressly preempted by the
6 rulings of the United States Supreme Court.
7 WHEREAS, the Second Amendment to the Constitution of the
8 United States provides that "A well regulated militia, being
9 necessary to the security of a free state, the right of the
10 people to keep and bear arms, shall not be infringed"; and
11 WHEREAS, the Second Amendment protects the rights of
12 self-defense, defense of others, and defense of the nation; and
13 WHEREAS, it is estimated that more than 70 million people,
14 representing more than half of the households in America, have
15 chosen to lawfully exercise the right to bear arms and defend
16 themselves and their families; and
17 WHEREAS, the vast majority of all lawfully owned firearms in
18 America are not used in crime; and
19 WHEREAS, the United States Supreme Court in District of
20 Columbia v. Heller, 554 U.S. 570 (2008), ruled that the Second
21 Amendment protects an individual's right to keep and bear
22 arms; and
23 WHEREAS, the United States Supreme Court in McDonald v.
24 City of Chicago, 561 U.S. 3025 (2010), ruled that the right of
25 an individual to keep and bear arms protected by the Second
26 Amendment is incorporated by the Due Process Clause of the
27 Fourteenth Amendment to the Constitution of the United States
28 and applies to the states; and
29 WHEREAS, studies by the National Academies of Science

TLSB 1797XS (3) 85
rh/rj

Senate Joint Resolution 7 - Introduced

30 and the Centers for Disease Control have found no persuasive
31 evidence that "gun control" laws actually reduce crime; NOW
32 THEREFORE,
33 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1797XS (3) 85
rh/rj

S.J.R. 7

1 That the General Assembly of the State of Iowa will uphold
2 the Second Amendment to the Constitution of the United States
3 and will act in conformity with its members' sworn duties as
4 duly elected officials charged with the public trust; and
5 BE IT FURTHER RESOLVED, That the General Assembly of
6 the State of Iowa will not act to enforce any statutes,
7 presidential directives, or other regulations and proclamations
8 which conflict with the Second Amendment to the Constitution
9 of the United States and that are expressly preempted by the
10 rulings of the United States Supreme Court; and
11 BE IT FURTHER RESOLVED, That the Secretary of the Senate
12 shall transmit certified copies of this Joint Resolution to
13 the President of the United States, the Speaker of the United
14 States House of Representatives, the President of the United
15 States Senate, the Majority and Minority Leaders of the United
16 States Senate and the United States House of Representatives,
17 and to each member of Iowa's congressional delegation.
18 EXPLANATION
19 This joint resolution expresses the Iowa General Assembly's
20 refusal to recognize or support any statutes, presidential
21 directives, or other regulations and proclamations which
22 conflict with the Second Amendment to the Constitution of the
23 United States and which are expressly preempted by the rulings
24 of the United States Supreme Court.

Senate Study Bill 1220 - Introduced

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

A BILL FOR

1 An Act concerning title to real estate.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1116XC (4) 85
rh/sc

S.F. _____

Section 1. Section 558.5, Code 2013, is amended to read as follows:

558.5 Contract for deed — presumption of abandonment.

1. When the record shows that a contract or bond for a deed ~~has been~~ was executed more than ten years earlier, ~~and the record discloses no performance of the same and that more than ten years have elapsed since the contract by its terms was to be performed,~~ the contract or bond shall be deemed abandoned by the vendee and ~~of no effect~~ void and the land shall be freed from any lien or defect on account of the contract or bond in any of the following situations:

a. The record does not indicate the contract or bond has been performed and more than ten years have elapsed since the contract or bond by its terms was to be performed.

b. A performance date for the contract or bond is not stated in the contract or bond or any extensions thereof and more than twenty years have elapsed from the date the contract or bond was executed.

2. ~~On and after July 1, 1992, this~~ This section shall apply to a contract or bond described in this section, if the contract or bond is not filed of record but is referred to in another instrument which is filed of record. The contract or bond shall be deemed abandoned by the vendee ten years from the date that the contract or bond is to be performed according to the recorded instrument. However, if the recorded instrument does not refer to a performance date for the contract or bond, the contract or bond shall be deemed abandoned ~~ten~~ twenty years after the date that the instrument containing the reference is recorded.

3. This section shall not apply to a vendee or a vendee's successor in interest if the vendee or the vendee's successor in interest is in possession of the property or has been continuously paying the total amount due, as defined in section 445.1, of the taxes levied against the property for the preceding five years.

S.F. _____

1 Sec. 2. Section 614.21, Code 2013, is amended to read as
2 follows:
3 **614.21 Foreclosure of ancient mortgages.**
4 1. ~~No~~ An action ~~shall be maintained~~ to foreclose or
5 enforce any real estate mortgage, bond for deed, trust deed,
6 or contract for the sale or conveyance of real estate, after
7 twenty years from the date thereof, as shown by the record of
8 such instrument, shall be barred, unless ~~the~~ either of the
9 following:
10 *a.* The record of such instrument shows that less than
11 ten years have elapsed since the date of maturity of the
12 indebtedness or part thereof, secured thereby, or since the
13 right of action has accrued ~~thereon, or unless the~~.
14 *b.* The record shows an extension of the maturity of the
15 instrument or of the debt or a part thereof, and that ten years
16 from the expiration of the time of such extension have not yet
17 expired.
18 2. The date of maturity, when different than as appears by
19 the record of the instrument, and the date of maturity of any
20 extension of said indebtedness or part thereof, may be shown
21 at any time prior to the expiration of the ~~above~~ periods of
22 limitation specified in subsection 1 by the holder of the debt
23 or the owner or assignee of the instrument filing an extension
24 agreement, duly acknowledged as the original instrument was
25 required to be acknowledged, in the office of the recorder
26 where the instrument is recorded.
27 3. ~~From and after July 4, 1946, this~~ This section shall also
28 apply to any instrument ~~of the kind~~ described in this section
29 which is not of record but which is described or referred to
30 in any other instrument which is filed of record ~~and the~~.
31 The limitation shall be ten years from the due date of the
32 instrument referred to if disclosed in the record and, if not
33 so disclosed, then within ten years from the date ~~of the record~~
34 ~~of~~ the instrument containing such reference is recorded.
35 4. *a.* A vendee of a real estate contract or bond for deed,

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1 or a vendee's successor in interest, who is barred by this
2 section from maintaining an action to foreclose or enforce
3 the contract or bond and who is in physical possession of the
4 property may serve the vendor with a demand for a deed as
5 provided in the contract. The notice may be served personally
6 or by publication, on the same conditions, and in the same
7 manner as is provided for the service of original notices,
8 except that when the notice is served by publication an
9 affidavit shall not be required before publication. Service
10 by publication shall be deemed complete on the day of the last
11 publication. Service may be made on a judgment creditor of
12 the deceased vendor or any other person who is, as a matter of
13 record, interested in the estate of a deceased vendor, in the
14 manner provided in section 654.4A, subsections 4 and 5.
15 *b.* The demand shall state that if a deed is not provided
16 within forty-five days of service and an action to foreclose
17 or forfeit the contract has not been commenced within such
18 forty-five-day period, the vendee may file an affidavit showing
19 service and compliance with this subsection whereupon the
20 auditor shall correct the county records as provided in section
21 558.67 to indicate that the rights of the vendor have vested
22 in the vendee.
23 Sec. 3. Section 656.3, Code 2013, is amended to read as
24 follows:
25 **656.3 Service.**
26 1. ~~Said~~ The notice provided for in section 656.2 may be
27 served personally or by publication, on the same conditions,
28 and in the same manner as is provided for the service of
29 original notices, except that when the notice is served by
30 publication ~~no~~ an affidavit ~~therefor~~ shall not be required
31 before publication. Service by publication shall be deemed
32 complete on the day of the last publication.
33 2. The notice provided for in section 656.2 may be served
34 on a judgment creditor of a deceased vendor or on any other
35 person who is, as a matter of record, interested in the estate

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of a deceased vendor in the manner provided in section 654.4A, subsections 4 and 5.

Sec. 4. Section 656.9, Code 2013, is amended to read as follows:

656.9 Defect in forfeiture proceedings — limitation of actions.

1. An action shall not be commenced after July 1, 1992, ~~which~~ that asserts a claim against real estate previously subject to a forfeiture proceeding, and such claim is based upon a defect in the forfeiture proceeding, in which the proof and record of service of notice of forfeiture required by section 656.5 has been filed for record in the office of the county recorder prior to July 1, 1991.

2. *a.* An action shall not be commenced by a vendee who is not in possession of the property, or by a party to the forfeiture proceeding who is other than a vendee or vendor, that asserts a claim against real estate previously subject to a forfeiture proceeding, and such claim is based upon a defect in the forfeiture proceeding, in which the proof and record of service of notice of forfeiture required by section 656.6 has been filed of record for more than ten years.

b. A vendee who is not in possession of the property, or a party to the forfeiture proceeding who is other than the vendee or vendor, may commence an action described in paragraph *"a"* at any time prior to July 1, 2014, if, as of June 30, 2013, more than nine years but ten years or less have elapsed since the proof and record of service of notice of forfeiture required by section 656.6 was filed of record.

c. This subsection is repealed July 1, 2014.

EXPLANATION

This bill makes changes relating to the sale of real estate by contract or bond.

The bill amends Code section 558.5, relating to a presumption of abandonment of a contract or bond for the sale of real estate. Under current law, a contract or bond for the

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1 sale of real estate is presumed abandoned and of no effect if
2 the record of the contract or bond was executed or recorded,
3 as applicable, more than 10 years earlier and no performance
4 had been made on the contract or bond and 10 years have elapsed
5 since the performance date stated in the record of the contract
6 or bond. The bill provides that if the record of the contract
7 or bond for the sale of real estate executed more than 10 years
8 earlier does not indicate a performance date, the contract or
9 bond is presumed abandoned and of no effect when more than 20
10 years have elapsed since the record of the contract or bond
11 was executed or recorded, as applicable. Code section 558.5
12 is also amended to remove a July 1, 1992, date relating to
13 prospective applicability of Code section 558.5 to a contract
14 or bond for the sale of real estate that is not recorded but is
15 referred to in another recorded instrument.
16 This bill amends Code section 614.21, relating to the
17 foreclosure of ancient mortgages. Current law provides that an
18 action to foreclose or enforce any real estate mortgage, bond
19 for deed, trust deed, or contract for the sale or conveyance
20 of real estate, after 20 years from the date thereof, as shown
21 by the record of such instrument, shall not be barred under
22 certain circumstances. The bill provides that a vendee of a
23 real estate contract or bond for deed, or a vendee's successor
24 in interest, who is barred under Code section 614.21 from
25 maintaining an action to foreclose or enforce the contract or
26 bond and who is in physical possession of the property may
27 serve the vendor with a demand for a deed as provided in the
28 contract. The written notice may be served personally or by
29 publication, on the same conditions, and in the same manner as
30 is provided for the service of original notices, except that
31 when the notice is served by publication an affidavit shall
32 not be required before publication. Service by publication
33 shall be deemed complete on the day of the last publication.
34 The bill also provides for service on a judgment creditor of
35 a deceased vendor or any other person who is, as a matter of

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1 record, interested in the estate of a deceased vendor. The
2 demand shall state that if a deed is not provided within 45
3 days of service and an action to foreclose or forfeit the
4 contract has not been commenced within such period, the vendee
5 may file an affidavit showing service. In such a case the
6 county auditor is required to correct the county records to
7 indicate that the rights of the vendor have vested in the
8 vendee.
9 The bill amends Code section 656.3 to specify that the
10 written notice that a vendor is required to serve on a vendee
11 pursuant to Code section 656.2 to forfeit a contract for the
12 sale of real estate located in this state may be served on a
13 judgment creditor of a deceased vendor or on any other person
14 who is, as a matter of record, interested in the estate of a
15 deceased vendor in the manner provided for service of process
16 in Code section 654.4A.
17 The bill provides that an action that asserts a claim against
18 real estate previously subject to a forfeiture proceeding,
19 based upon a defect in the forfeiture proceeding, shall not be
20 commenced by a vendee who is not in possession of the property,
21 or by a party to the forfeiture proceeding who is other than
22 a vendee or vendor, in which the proof and record of service
23 of notice of forfeiture has been filed of record for more than
24 10 years. A vendee who is not in possession of the property,
25 or a party to the forfeiture proceeding who is other than the
26 vendee or vendor, may commence such an action at any time prior
27 to July 1, 2014, if, as of June 30, 2013, more than nine years
28 but 10 years or less have elapsed since the proof and record of
29 service of notice of forfeiture was filed of record. The bill
30 repeals this provision on July 1, 2014.

Senate Study Bill 1221 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

1 An Act relating to pari-mutuel wagering on horse racing and
2 providing for fees and penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2107SC (3) 85
ec/nh

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1 Section 1. Section 99D.5, subsection 5, paragraph a,
2 subparagraph (2), Code 2013, is amended to read as follows:
3 (2) Participate directly ~~or indirectly~~ as an owner,
4 owner-trainer, trainer of a horse or dog, or jockey of a horse
5 in a race meeting conducted in this state.
6 Sec. 2. Section 99D.7, subsection 5, paragraph b, Code 2013,
7 is amended to read as follows:
8 *b.* The commission shall, beginning January 1, 2012, regulate
9 the purse structure for all horse racing so that seventy-six
10 percent is designated for thoroughbred racing, fifteen and
11 one-quarter percent is designated for quarter horse racing, and
12 eight and ~~three-quarter~~ three-quarters percent is designated
13 for standardbred racing. The purse moneys designated for
14 standardbred racing may only be used to support standardbred
15 harness racing purses at the state fair, county fairs, or other
16 harness racing tracks approved by the commission, or for the
17 construction, maintenance, or repair of harness racing tracks
18 at the fairgrounds for such fairs or other harness racing
19 tracks approved by the commission. The horse racetrack in Polk
20 county shall not provide funding to support standardbred racing
21 at such county fairs that is not otherwise provided for in this
22 paragraph.
23 Sec. 3. Section 99D.11, subsection 6, paragraph c,
24 subparagraphs (3) and (4), Code 2013, are amended by striking
25 the subparagraphs and inserting in lieu thereof the following:
26 (3) To qualify for an advance deposit wagering operator
27 license, an entity other than the licensee of the horse
28 racetrack located in Polk county shall agree to deposit a
29 statewide source market fee of eight percent of the total
30 pari-mutuel handle wagered within the state through the entity.
31 The fees shall be deposited monthly into an account created
32 and administered jointly by the Iowa horsemen's benevolent and
33 protective association, Iowa quarter horse racing association,
34 and the Iowa harness horsemen's association, which account
35 shall be subject to an annual audit of the collection and

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1 allocation of the fees received to be submitted to the
2 commission by the associations. Of the fees deposited, fifty
3 percent shall be designated for the horse purses created
4 pursuant to section 99D.7, subsection 5, and fifty percent
5 shall be designated for the licensee for the pari-mutuel
6 horse racetrack located in Polk county. The commission
7 shall establish such additional terms and conditions for the
8 issuance of an advance deposit wagering operator license as the
9 commission deems appropriate.
10 (4) The commission shall take such action as it deems
11 necessary to administer the conduct of advance deposit wagering
12 in this state, including taking such action as is authorized
13 by the federal Interstate Horseracing Act of 1978, 15 U.S.C.
14 § 3001 — 3007, and to ensure that all pari-mutuel wagering on
15 horse races by residents of the state occurs at a pari-mutuel
16 facility or through properly licensed advance deposit wagering
17 operators. The commission shall also impose a civil penalty
18 of up to five thousand dollars per violation on any individual
19 or entity, and up to ten thousand dollars per violation on any
20 licensee, who violates any provision of this chapter governing
21 advance deposit wagering. Civil penalties collected pursuant
22 to this subparagraph shall be deposited in the general fund of
23 the state.
24 Sec. 4. Section 99D.11, subsection 6, paragraph c, Code
25 2013, is amended by adding the following new subparagraph:
26 NEW SUBPARAGRAPH. (05) An advance deposit wagering
27 operator located in this state shall not solicit, accept, open,
28 or operate advance deposit wagering accounts for a person whose
29 principal residence is outside the state, including a resident
30 of a foreign jurisdiction, unless the operator has received a
31 license from the commission and is in good standing with the
32 commission, licensed pari-mutuel wagering on thoroughbred,
33 quarter horse, or standardbred horse racing is lawful in the
34 jurisdiction in which the person resides, and the advance
35 deposit wagering operator complies with the federal Interstate

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1 Horseracing Act of 1978, 15 U.S.C. § 3001 – 3007, and the laws
2 of the jurisdiction which is the principal place of residence
3 of the person.
4 Sec. 5. Section 99D.11, subsection 6, paragraph c,
5 subparagraph (5), Code 2013, is amended to read as follows:
6 (5) For the purposes of this paragraph *"c"*, *"advance deposit*
7 *wagering operator"* means an ~~advance deposit wagering operator~~
8 ~~licensed by the commission who has entered into an agreement~~
9 ~~with the licensee of the horse racetrack in Polk county and~~
10 ~~the Iowa horsemen's benevolent and protective association to~~
11 ~~provide~~ entity or person licensed to engage in advance deposit
12 wagering.
13 Sec. 6. Section 99D.24, subsection 3, Code 2013, is amended
14 to read as follows:
15 3. A person wagering or accepting a wager at any location
16 outside the wagering area or engaging in advance deposit
17 wagering in violation of the requirements of section 99D.11 is
18 subject to the penalties in section 725.7.
19 Sec. 7. Section 99D.25A, subsection 2, Code 2013, is amended
20 to read as follows:
21 2. Phenylbutazone shall not be administered to a horse in
22 dosages which would result in concentrations of more than five
23 micrograms of the substance or its metabolites per milliliter
24 of blood. In races recognized as graded stakes races by the
25 Iowa horsemen's benevolent and protective association, the
26 commission may establish restrictions on dosage amounts for
27 phenylbutazone which would result in concentrations of less
28 than five micrograms of the substance or its metabolites per
29 milliliter of blood.
30 EXPLANATION
31 This bill concerns pari-mutuel wagering and horse racing.
32 Code section 99D.5(5), relating to conflict of interest
33 provisions concerning the racing and gaming commission, is
34 amended to provide that a member of the commission or a holder
35 of an official's license may participate indirectly as an owner

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1 or trainer of a horse or dog, or jockey of a horse involved
2 in pari-mutuel wagering. The current prohibition on having a
3 direct interest in any of these activities is maintained.
4 Code section 99D.7(5), concerning purse moneys for horse
5 racing, is amended to allow purse moneys designated for
6 standardbred racing to be used for the construction of harness
7 racing tracks.
8 Code section 99D.11(6)(c), governing advance deposit
9 wagering, is amended. The bill strikes current law that
10 provides that an advance deposit wagering operator enter
11 into an agreement with the horse racetrack licensee and the
12 Iowa horsemen's benevolent and protective association to
13 determine the applicable statewide source market fees and the
14 host fees to be paid by the operator in conducting advance
15 deposit wagering. The bill instead provides that to qualify
16 for an advance deposit wagering operator license, an entity
17 other than the licensee of the horse racetrack located in
18 Polk county shall agree to deposit a statewide source market
19 fee of 8 percent of the total pari-mutuel handle wagered in
20 the state through the state. The bill provides that the fees
21 be deposited in an account with 50 percent designated for
22 horse purses and 50 percent designated for the licensee for
23 the pari-mutuel horse racetrack located in Polk county. The
24 commission shall establish such additional terms and conditions
25 for the issuance of an advance deposit wagering operator
26 license as the commission deems appropriate.
27 Code section 99D.11(6)(c)(4), governing penalties for
28 advance deposit wagering violations, is amended by striking
29 the current provision providing that unauthorized advance
30 deposit wagering is a class "D" felony and replacing the
31 provision with civil penalties. The bill requires the racing
32 and gaming commission to take such action as it deems necessary
33 to administer the conduct of advance deposit wagering in this
34 state. In addition, the bill requires the commission to impose
35 a civil penalty of up to $5,000 per violation on any individual

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or entity, and up to $10,000 per violation on any licensee, who violates any provision governing advance deposit wagering.

Code section 99D.11(6)(c), new subparagraph (05), establishes when an advance deposit wagering operator can open accounts for nonresidents to engage in advance deposit wagering.

Code section 99D.24, concerning penalties for violations of Code chapter 99D, is amended to provide that a person engaging in advance deposit wagering in violation of the requirements of the Code chapter is subject to the penalties in Code section 725.7.

Code section 99D.25A is amended to allow the racing and gaming commission to establish restrictions on dosage amounts for phenylbutazone in races recognized as graded stakes races by the Iowa horsemen's benevolent and protective association.

Senate Study Bill 1222 - Introduced

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

A BILL FOR

1 An Act establishing an independent office of the chief
2 information officer within the department of management,
3 providing penalties, and including transition provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1279XD (21) 85
ec/sc

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1 Section 1. Section 8.6, subsection 17, paragraphs a and b,
2 Code 2013, are amended to read as follows:
3 *a.* To establish a process by which the department, in
4 consultation with the department of administrative services and
5 the office of the chief information officer, shall determine
6 which services provided by the department of administrative
7 services and the office of the chief information officer shall
8 be funded by an appropriation and which services shall be
9 funded by the governmental entity receiving the service.
10 *b.* To establish a process for determining whether the
11 department of administrative services or the office of the
12 chief information officer shall be the sole provider of a
13 service for purposes of those services which the department
14 determines under paragraph *"a"* are to be funded by the
15 governmental entities receiving the service.
16 Sec. 2. Section 8A.101, unnumbered paragraph 1, Code 2013,
17 is amended to read as follows:
18 As used in this chapter and chapter 8B, unless the context
19 otherwise requires:
20 Sec. 3. Section 8A.103, unnumbered paragraph 1, Code 2013,
21 is amended to read as follows:
22 The department is created for the purpose of managing and
23 coordinating the major resources of state government including
24 the human, financial, and physical~~, and information~~ resources
25 of state government.
26 Sec. 4. Section 8A.104, Code 2013, is amended by adding the
27 following new subsection:
28 NEW SUBSECTION. 6A. Provide such assistance and
29 administrative support services to the office of the chief
30 information officer, created in section 8B.2, as the department
31 and the office determines maximizes the efficiency and
32 effectiveness of both the department and office.
33 Sec. 5. Section 8A.111, subsection 3, Code 2013, is amended
34 by striking the subsection.
35 Sec. 6. NEW SECTION. **8B.1 Definitions.**

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1 As used in this chapter, unless the context otherwise
2 requires:
3 1. *"Information technology"* means computing and electronics
4 applications used to process and distribute information in
5 digital and other forms and includes information technology
6 devices, telecommunications devices, internet protocol
7 solutions and devices, mobile devices, information technology
8 services, infrastructure services, and value-added services.
9 2. *"Information technology device"* means equipment or
10 associated software, including programs, languages, procedures,
11 or associated documentation, used in operating the equipment
12 which is designed for utilizing information stored in an
13 electronic format. *"Information technology device"* includes
14 but is not limited to computer systems, computer networks, and
15 equipment used for input, output, processing, storage, display,
16 scanning, and printing.
17 3. *"Information technology services"* means services designed
18 to do any of the following:
19 *a.* Provide functions, maintenance, and support of
20 information technology devices.
21 *b.* Provide services including but not limited to any of the
22 following:
23 (1) Computer systems application development and
24 maintenance.
25 (2) Systems integration and interoperability.
26 (3) Operating systems maintenance and design.
27 (4) Computer systems programming.
28 (5) Computer systems software support.
29 (6) Planning and security relating to information
30 technology devices.
31 (7) Data management consultation.
32 (8) Information technology education and consulting.
33 (9) Information technology planning and standards.
34 (10) Establishment of local area network and workstation
35 management standards.

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1 4. *"Information technology staff"* includes any employees
2 performing information technology services, including but
3 not limited to agency employees in information technology
4 classifications, contractors, temporary workers, and any other
5 employees providing information technology services.
6 5. *"Infrastructure services"* includes all of the following:
7 *a.* Data centers used to support mainframe and other
8 computers and their associated components including servers,
9 information networks, storage systems, redundant or backup
10 power systems, redundant data communications connections,
11 environmental controls, and security devices.
12 *b.* Servers, mainframes, or other centralized processing
13 systems.
14 *c.* Storage systems, including but not limited to disk, tape,
15 optical, and other structured repositories for storing digital
16 information.
17 *d.* Computer networks commonly referred to as local area
18 networks.
19 *e.* Network services, including equipment and software
20 which support local area networks, campus area networks, wide
21 area networks, and metro area networks. Network services
22 also include data network services such as routers, switches,
23 firewalls, virtual private networks, intrusion detection
24 systems, access control, internet protocol load balancers,
25 event logging and correlation, and content caching. Network
26 services do not include services provided by the public
27 broadcasting division of the department of education.
28 *f.* Groupware applications used to facilitate collaboration,
29 communication, and workflow, including electronic mail,
30 directory services, calendaring and scheduling, and imaging
31 systems.
32 *g.* Information technology help desk services.
33 *h.* Cyber security functions and equipment.
34 *i.* Digital printing and printing procurement services.
35 *j.* Data warehouses, including services that assist in

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1 managing and locating digital information.
2 *k.* Disaster recovery technology and services.
3 *l.* Other similar or related services as determined by the
4 chief information officer.
5 6. *"Office"* means the office of the chief information
6 officer created in section 8B.2.
7 7. *"Participating agency"* means any state agency, except
8 the state board of regents and institutions operated under the
9 authority of the state board of regents.
10 8. *"Technology advisory council"* means the council
11 established in section 8B.8.
12 9. *"Value-added services"* means services that offer or
13 provide unique, special, or enhanced value, benefits, or
14 features to the customer or user including but not limited to
15 services in which information technology is specially designed,
16 modified, or adapted to meet the special or requested needs
17 of the user or customer; services involving the delivery,
18 provision, or transmission of information or data that require
19 or involve additional processing, formatting, enhancement,
20 compilation, or security; services that provide the customer
21 or user with enhanced accessibility, security, or convenience;
22 research and development services; and services that are
23 provided to support technological or statutory requirements
24 imposed on participating agencies and other governmental
25 entities, businesses, and the public.
26 Sec. 7. NEW SECTION. **8B.2 Office created — chief**
27 **information officer appointed.**
28 1. The office of the chief information officer is created
29 as an independent agency within the department of management.
30 The department of administrative services shall provide such
31 assistance and administrative support services to the office
32 as the department of administrative services and the office
33 determines maximizes the efficiency and effectiveness of both
34 the department and office.
35 2. The chief information officer, who shall be the head

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1 of the office, shall be appointed by the governor to serve at
2 the pleasure of the governor and is subject to confirmation by
3 the senate. If the office becomes vacant, the vacancy shall
4 be filled in the same manner as provided for the original
5 appointment.
6 3. The person appointed as the chief information officer
7 for the state shall be professionally qualified by education
8 and have no less than five years' experience in the field of
9 information technology, and a working knowledge of financial
10 management. The chief information officer shall not be
11 a member of any local, state, or national committee of a
12 political party, an officer or member of a committee in
13 any partisan political club or organization, or hold or be
14 a candidate for a paid elective public office. The chief
15 information officer is subject to the restrictions on political
16 activity provided in section 8A.416.
17 Sec. 8. NEW SECTION. **8B.3 Office — purpose**
18 **— mission.**
19 1. The office is created for the purpose of leading,
20 directing, managing, coordinating, and providing accountability
21 for the information technology resources of state government.
22 2. The mission of the office is to provide high-quality,
23 customer-focused information technology services and business
24 solutions to government and to citizens.
25 Sec. 9. NEW SECTION. **8B.4 Powers and duties of the chief**
26 **information officer.**
27 The chief information officer shall do all of the following:
28 1. Direct the internal operations of the office and develop
29 and implement policies, procedures, and internal organization
30 measures designed to ensure the efficient administration of the
31 office.
32 2. Appoint all information technology staff deemed
33 necessary for the administration of the office's functions as
34 provided in this chapter. For nonprofessional employees of
35 the office, employment shall be consistent with chapter 8A,

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1 subchapter IV. The employment of professional employees of
2 the office shall be exempt from the provisions of chapter 8A,
3 subchapter IV, and chapter 20.
4 3. Manage, in consultation with the applicable
5 participating agency, the information technology staff
6 of participating agencies, to include directing the work
7 of information technology staff, assigning information
8 technology staff as required to support information technology
9 requirements and initiatives of the office, and to review and
10 recommend approval of information technology staff employment
11 decisions in coordination with the department of management.
12 4. Prepare an annual budget for the office. Adopt rules
13 for the approval of information technology budgets for
14 participating agencies in conjunction with the department of
15 management.
16 5. Adopt rules deemed necessary for the administration of
17 this chapter in accordance with chapter 17A.
18 6. Prescribe and adopt information technology standards and
19 rules.
20 7. Develop and recommend legislative proposals deemed
21 necessary for the continued efficiency of the office in
22 performing information technology functions, and review
23 legislative proposals generated outside of the office which are
24 related to matters within the office's purview.
25 8. Provide advice to the governor on issues related to
26 information technology.
27 9. Consult with agencies and other governmental entities on
28 issues relating to information technology.
29 10. Work with all governmental entities in an effort to
30 achieve the information technology goals established by the
31 office.
32 11. Develop systems and methodologies to review, evaluate,
33 and prioritize information technology projects.
34 12. Administer all accounting, billing, and collection
35 functions required by the department of administrative services

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1 pursuant to policies adopted by the chief information officer
2 after consultation and in cooperation with the director of the
3 department of administrative services.
4 13. Utilize, in a manner determined by the chief information
5 officer, such assistance and administrative support services as
6 provided by the department of administrative services as the
7 office determines to maximize the efficiency and effectiveness
8 of the office.
9 14. Enter into contracts for the receipt and provision of
10 services as deemed necessary. The chief information officer
11 and the governor may obtain and accept grants and receipts
12 to or for the state to be used for the administration of the
13 office's functions as provided in this chapter.
14 15. Exercise and perform such other powers and duties as may
15 be prescribed by law.
16 Sec. 10. NEW SECTION. **8B.5 Prohibited interests**
17 **— penalty.**
18 The chief information officer shall not have any pecuniary
19 interest, directly or indirectly, in any contract for supplies
20 furnished to the state, or in any business enterprise involving
21 any expenditure by the state. A violation of the provisions
22 of this section is a serious misdemeanor, and upon conviction,
23 the chief information officer shall be removed from office in
24 addition to any other penalty.
25 Sec. 11. NEW SECTION. **8B.6 Acceptance of funds.**
26 The office may receive and accept donations, grants, gifts,
27 and contributions in the form of moneys, services, materials,
28 or otherwise, from the United States or any of its agencies,
29 from this state or any of its agencies, or from any other
30 person, and expend such moneys, services, materials, or other
31 contributions, or issue grants, in carrying out the operations
32 of the office. All federal grants to and the federal receipts
33 of the office are appropriated for the purpose set forth in
34 such federal grants or receipts. The office shall report
35 annually to the general assembly on or before September 1 the

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1 donations, grants, gifts, and contributions with a monetary
2 value of one thousand dollars or more that were received during
3 the most recently concluded fiscal year.
4 Sec. 12. NEW SECTION. **8B.7 Federal funds.**
5 1. Neither the provisions of this chapter nor rules adopted
6 pursuant to this chapter shall apply in any situation where
7 such provision or rule is in conflict with a governing federal
8 regulation or where the provision or rule would jeopardize the
9 receipt of federal funds.
10 2. If it is determined by the attorney general that
11 any provision of this chapter would cause denial of funds
12 or services from the United States government which would
13 otherwise be available to an agency of this state, such
14 provision shall be suspended as to such agency, but only to the
15 extent necessary to prevent denial of such funds or services.
16 Sec. 13. NEW SECTION. **8B.8 Technology advisory council.**
17 1. *Definitions.* For purposes of this section, unless the
18 context otherwise requires:
19 *a. "Large agency"* means a participating agency with more
20 than seven hundred full-time, year-round employees.
21 *b. "Medium-sized agency"* means a participating agency with
22 at least seventy or more full-time, year-round employees, but
23 not more than seven hundred permanent employees.
24 *c. "Small agency"* means a participating agency with less
25 than seventy full-time, year-round employees.
26 2. *Membership.*
27 *a.* The technology advisory council is composed of ten
28 members as follows:
29 (1) The chief information officer.
30 (2) The director of the department of management, or the
31 director's designee.
32 (3) Eight members appointed by the governor as follows:
33 (a) Three representatives from large agencies.
34 (b) Two representatives from medium-sized agencies.
35 (c) One representative from a small agency.

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1 (d) Two public members who are knowledgeable and have
2 experience in information technology matters.
3 *b.* (1) Members appointed pursuant to paragraph *"a"*,
4 subparagraph (3), shall serve two-year staggered terms. The
5 office shall provide, by rule, for the commencement of the
6 term of membership for the nonpublic members. The terms of
7 the public members shall be staggered at the discretion of the
8 governor.
9 (2) Sections 69.16, 69.16A, and 69.19 shall apply to the
10 public members of the council.
11 (3) Public members appointed by the governor are subject to
12 senate confirmation.
13 (4) Public members appointed by the governor may be eligible
14 to receive compensation as provided in section 7E.6.
15 (5) Members shall be reimbursed for actual and necessary
16 expenses incurred in performance of the members' duties.
17 (6) A director, deputy director, or employee of an agency
18 who has information technology expertise is preferred as an
19 appointed representative for each of the agency categories of
20 membership pursuant to paragraph *"a"*, subparagraph (3).
21 *c.* The technology advisory council annually shall elect a
22 chair and a vice chair from among the members of the council,
23 by majority vote, to serve one-year terms.
24 *d.* A majority of the members of the council shall constitute
25 a quorum.
26 *e.* Meetings of the council shall be held at the call of the
27 chairperson or at the request of three members.
28 3. *Powers and duties of the council.* The powers and
29 duties of the technology advisory council as they relate to
30 information technology services shall include but are not
31 limited to all of the following:
32 *a.* Make recommendations to the chief information officer
33 regarding all of the following:
34 (1) Information technology standards to be applicable to
35 all participating agencies.

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1 (2) Technology utility services to be implemented by the
2 office.
3 (3) Improvements to information technology service
4 levels and modifications to the business continuity plan for
5 information technology operations developed by the office for
6 agencies, and to maximize the value of information technology
7 investments by the state.
8 (4) Technology initiatives for the executive branch.
9 *b.* Advise the office regarding rates to be charged for
10 access to and for value-added services performed through
11 IowAccess.
12 Sec. 14. NEW SECTION. **8B.9 Reports required.**
13 The office shall provide all of the following reports:
14 1. An annual report of the office.
15 2. Internal service fund service business plans and
16 financial reports as required under section 8B.13, subsection
17 5, paragraph *"a"*, and an annual internal service fund
18 expenditure report as required under section 8B.13, subsection
19 5, paragraph *"b"*.
20 3. An annual report regarding total spending on technology
21 as required under section 8B.21, subsection 6.
22 4. An annual report of expenditures from the IowAccess
23 revolving fund as provided in section 8B.33.
24 Sec. 15. NEW SECTION. **8B.12 Services to governmental**
25 **entities and nonprofit organizations.**
26 1. The chief information officer shall enter into
27 agreements with state agencies, and may enter into agreements
28 with any other governmental entity or a nonprofit organization,
29 to furnish services and facilities of the office to the
30 applicable governmental entity or nonprofit organization. The
31 agreement shall provide for the reimbursement to the office of
32 the reasonable cost of the services and facilities furnished.
33 All governmental entities of this state may enter into such
34 agreements. For purposes of this subsection, *"nonprofit*
35 *organization"* means a nonprofit entity which is exempt from

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1 federal income taxation pursuant to section 501(c)(3) of the
2 Internal Revenue Code and which is funded in whole or in part
3 by public funds.
4 2. This chapter does not affect any city civil service
5 programs established under chapter 400.
6 3. The state board of regents shall not be required to
7 obtain any service for the state board of regents or any
8 institution under the control of the state board of regents
9 that is provided by the office pursuant to this chapter without
10 the consent of the state board of regents.
11 Sec. 16. NEW SECTION. **8B.13 Office internal service funds.**
12 1. Activities of the office shall be accounted for
13 within the general fund of the state, except that the chief
14 information officer may establish and maintain internal
15 service funds in accordance with generally accepted accounting
16 principles, as defined in section 8.57, subsection 4, for
17 activities of the office which are primarily funded from
18 billings to governmental entities for services rendered by
19 the office. The establishment of an internal service fund is
20 subject to the approval of the director of the department of
21 management and the concurrence of the auditor of state. At
22 least ninety days prior to the establishment of an internal
23 service fund pursuant to this section, the chief information
24 officer shall notify in writing the general assembly, including
25 the legislative council, legislative fiscal committee, and the
26 legislative services agency.
27 2. Internal service funds shall be administered by the
28 office and shall consist of moneys collected by the office
29 from billings issued in accordance with section 8B.15 and any
30 other moneys obtained or accepted by the office, including
31 but not limited to gifts, loans, donations, grants, and
32 contributions, which are designated to support the activities
33 of the individual internal service funds.
34 3. The proceeds of an internal service fund established
35 pursuant to this section shall be used by the office for the

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1 operations of the office consistent with this chapter. The
2 chief information officer may appoint the personnel necessary
3 to ensure the efficient provision of services funded pursuant
4 to an internal service fund established under this section.
5 However, this usage requirement shall not limit or restrict
6 the office from using proceeds from gifts, loans, donations,
7 grants, and contributions in conformance with any conditions,
8 directions, limitations, or instructions attached or related
9 thereto.
10 4. Section 8.33 does not apply to any moneys in internal
11 service funds established pursuant to this section.
12 Notwithstanding section 12C.7, subsection 2, interest or
13 earnings on moneys deposited in these funds shall be credited
14 to these funds.
15 5. *a.* The chief information officer shall annually provide
16 internal service fund service business plans and financial
17 reports to the department of management and the general
18 assembly. The business plans may include the recommendation
19 that a portion of unexpended net income be periodically
20 returned to the appropriate funding source.
21 *b.* The office shall submit an annual report not later
22 than October 1 to the members of the general assembly and the
23 legislative services agency of the activities funded by and
24 expenditures made from an internal service fund established
25 pursuant to this section during the preceding fiscal year.
26 Sec. 17. NEW SECTION. **8B.14 Additional personnel.**
27 The office may employ, upon the approval of the department
28 of management, additional personnel in excess of the number
29 of full-time equivalent positions authorized by the general
30 assembly if such additional personnel are reasonable and
31 necessary to perform such duties as required to meet the
32 needs of the office to provide services to other governmental
33 entities and as authorized by this chapter. The chief
34 information officer shall notify in writing the department
35 of management, the legislative fiscal committee, and the

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1 legislative services agency of any additional personnel
2 employed pursuant to this section.
3 Sec. 18. NEW SECTION. **8B.15 Billing — credit card**
4 **payments.**
5 1. The chief information officer may bill a governmental
6 entity for services rendered by the office in accordance with
7 the duties of the office as provided in this chapter. Bills
8 may include direct, indirect, and developmental costs which
9 have not been funded by an appropriation to the office. The
10 office shall periodically render a billing statement to a
11 governmental entity outlining the cost of services provided to
12 the governmental entity. The amount indicated on the statement
13 shall be paid by the governmental entity and amounts received
14 by the office shall be considered repayment receipts as defined
15 in section 8.2, and deposited into the accounts of the office.
16 2. In addition to other forms of payment, a person may pay
17 by credit card for services provided by the office, according
18 to rules adopted by the treasurer of state. The credit card
19 fees to be charged shall not exceed those permitted by statute.
20 A governmental entity may adjust its payment to reflect the
21 costs of processing as determined by the treasurer of state.
22 The discount charged by the credit card issuer may be included
23 in determining the fees to be paid for completing a financial
24 transaction under this section by using a credit card. All
25 credit card payments shall be credited to the fund used to
26 account for the services provided.
27 Sec. 19. NEW SECTION. **8B.16 Office debts and liabilities**
28 **— appropriation request.**
29 If a service provided by the office and funded from an
30 internal service fund established under section 8B.13 ceases
31 to be provided and insufficient funds remain in the internal
32 service fund to pay any outstanding debts and liabilities
33 relating to that service, the chief information officer
34 shall notify the general assembly and request that moneys be
35 appropriated from the general fund of the state to pay such

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1 debts and liabilities.
2 Sec. 20. NEW SECTION. **8B.21 Information technology services**
3 **— office powers and duties — responsibilities.**
4 1. *Powers and duties of office.* The powers and duties of
5 the office as it relates to information technology services
6 shall include but are not limited to all of the following:
7 *a.* Approving information technology for use by agencies and
8 other governmental entities.
9 *b.* Implementing the strategic information technology plan.
10 *c.* Developing and implementing a business continuity plan,
11 as the chief information officer determines is appropriate, to
12 be used if a disruption occurs in the provision of information
13 technology to participating agencies and other governmental
14 entities.
15 *d.* Prescribing standards and adopting rules relating to
16 cyber security, geospatial systems, application development,
17 and information technology and procurement, including but
18 not limited to system design and systems integration, and
19 interoperability, which shall apply to all participating
20 agencies except as otherwise provided in this chapter. The
21 office shall implement information technology standards as
22 established pursuant to this chapter which are applicable to
23 information technology procurements for participating agencies.
24 *e.* Establishing an enterprise strategic and project
25 management function for oversight of all information
26 technology-related projects and resources of participating
27 agencies.
28 *f.* (1) Developing and maintaining security policies and
29 systems to ensure the integrity of the state's information
30 resources and to prevent the disclosure of confidential
31 records. The office shall ensure that the security policies
32 and systems be consistent with the state's data transparency
33 efforts by developing and implementing policies and systems for
34 the sharing of data and information by participating agencies.
35 (2) Establishing statewide standards, to include periodic

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1 review and compliance measures, for information technology
2 security to maximize the functionality, security, and
3 interoperability of the state's distributed information
4 technology assets, including but not limited to communications
5 and encryption technologies.
6 (3) Requiring all information technology security services,
7 solutions, hardware, and software purchased or used by a
8 participating agency to be subject to approval by the office in
9 accordance with security standards.
10 *g.* Developing and implementing effective and efficient
11 strategies for the use and provision of information technology
12 and information technology staff for participating agencies and
13 other governmental entities.
14 *h.* Coordinating and managing the acquisition of information
15 technology services by participating agencies in furtherance
16 of the purposes of this chapter. The office shall institute
17 procedures to ensure effective and efficient compliance with
18 the applicable standards established pursuant to this chapter.
19 *i.* Entering into contracts, leases, licensing agreements,
20 royalty agreements, marketing agreements, memorandums of
21 understanding, or other agreements as necessary and appropriate
22 to administer this chapter.
23 *j.* Determining and implementing statewide efforts
24 to standardize data elements, determine data ownership
25 assignments, and implement the sharing of data.
26 *k.* Requiring that a participating agency provide such
27 information as is necessary to establish and maintain an
28 inventory of information technology used by participating
29 agencies, and such participating agency shall provide such
30 information to the office in a timely manner. The form and
31 content of the information to be provided shall be determined
32 by the office.
33 *l.* Requiring participating agencies to provide the full
34 details of the agency's information technology and operational
35 requirements upon request, report information technology

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1 security incidents to the office in a timely manner, provide
2 comprehensive information concerning the information technology
3 security employed by the agency to protect the agency's
4 information technology, and forecast the parameters of the
5 agency's projected future information technology security needs
6 and capabilities.
7 *m.* Charging reasonable fees, costs, expenses, charges,
8 or other amounts to an agency, governmental entity, public
9 official, or person or entity related to the provision, sale,
10 use, or utilization of, or cost sharing with respect to,
11 information technology and any intellectual property interests
12 related thereto; research and development; proprietary
13 hardware, software, and applications; and information
14 technology architecture and design. The office may enter
15 into nondisclosure agreements and take any other legal action
16 reasonably necessary to secure a right to an interest in
17 information technology development by or on behalf of the
18 state of Iowa and to protect the state of Iowa's proprietary
19 information technology and intellectual property interests.
20 The provisions of chapter 23A relating to noncompetition
21 by state agencies and political subdivisions with private
22 enterprise shall not apply to office activities authorized
23 under this paragraph.
24 *n.* Charging reasonable fees, costs, expenses, charges,
25 or other amounts to an agency, governmental entity, public
26 official, or other person or entity to or for whom information
27 technology or other services have been provided by or on behalf
28 of, or otherwise made available through, the office.
29 *o.* Providing, selling, leasing, licensing, transferring, or
30 otherwise conveying or disposing of information technology, or
31 any intellectual property or other rights with respect thereto,
32 to agencies, governmental entities, public officials, or other
33 persons or entities.
34 *p.* Entering into partnerships, contracts, leases, or other
35 agreements with public and private entities for the evaluation

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1 and development of information technology pilot projects.
2 *q.* Initiating and supporting the development of electronic
3 commerce, electronic government, and internet applications
4 across participating agencies and in cooperation with
5 other governmental entities. The office shall foster joint
6 development of electronic commerce and electronic government
7 involving the public and private sectors, develop customer
8 surveys and citizen outreach and education programs and
9 material, and provide for citizen input regarding the state's
10 electronic commerce and electronic government applications.
11 2. *Responsibilities.* The responsibilities of the office
12 as it relates to information technology services include the
13 following:
14 *a.* Coordinate the activities of the office in promoting,
15 integrating, and supporting information technology in all
16 business aspects of state government.
17 *b.* Provide for server systems, including mainframe and
18 other server operations, desktop support, and applications
19 integration.
20 *c.* Provide applications development, support, and training,
21 and advice and assistance in developing and supporting business
22 applications throughout state government.
23 3. *Information technology charges.* The office shall
24 render a statement to an agency, governmental entity, public
25 official, or other person or entity to or for whom information
26 technology, value-added services, or other items or services
27 have been provided by or on behalf of, or otherwise made
28 available through, the office. Such an agency, governmental
29 entity, public official, or other person or entity shall pay
30 an amount indicated on such statement in a manner determined
31 by the office.
32 4. *Dispute resolution.* If a dispute arises between the
33 office and an agency for which the office provides or refuses
34 to provide information technology, the dispute shall be
35 resolved as provided in section 679A.19.

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1 5. *Waivers.*
2 *a.* The office shall adopt rules allowing for participating
3 agencies to seek a temporary or permanent waiver from any of
4 the requirements of this chapter concerning the acquisition,
5 utilization, or provision of information technology. The rules
6 shall provide that a waiver may be granted upon a written
7 request by a participating agency and approval of the chief
8 information officer. A waiver shall only be approved if the
9 participating agency shows that a waiver would be in the best
10 interests of the state.
11 *b.* Prior to approving or denying a request for a waiver, the
12 chief information officer shall consider all of the following:
13 (1) Whether the failure to grant a waiver would violate
14 any state or federal law or any published policy, standard,
15 or requirement established by a governing body other than the
16 office.
17 (2) Whether the failure to grant a waiver would result in
18 the duplication of existing services, resources, or support.
19 (3) Whether the waiver would obstruct the state's
20 information technology strategic plan, enterprise architecture,
21 security plans, or any other information technology policy,
22 standard, or requirement.
23 (4) Whether the waiver would result in excessive
24 expenditures or expenditures above market rates.
25 (5) The life cycle of the system or application for which
26 the waiver is requested.
27 (6) Whether the participating agency can show that it can
28 obtain or provide the information technology more economically
29 than the information technology can be provided by the office.
30 For purposes of determining if the participating agency can
31 obtain or provide the information technology more economically,
32 the chief information officer shall consider the impact on
33 other participating agencies if the waiver is granted or
34 denied.
35 (7) Whether the failure to grant a waiver would jeopardize

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1 federal funding.
2 *c.* Rules adopted pursuant to this subsection relating to a
3 request for a waiver, at a minimum, shall provide for all of
4 the following:
5 (1) The request shall be in writing and signed by the head
6 of the participating agency seeking the waiver.
7 (2) The request shall include a reference to the specific
8 policy, standard, or requirement for which the waiver is
9 submitted.
10 (3) The request shall include a statement of facts including
11 a description of the problem or issue prompting the request;
12 the participating agency's preferred solution; an alternative
13 approach to be implemented by the participating agency intended
14 to satisfy the waived policy, standard, or requirement; the
15 business case for the alternative approach; the economic
16 justification for the waiver or a statement as to why the
17 waiver is in the best interests of the state; the time period
18 for which the waiver is requested; and any other information
19 deemed appropriate.
20 *d.* A participating agency may appeal the decision of the
21 chief information officer to the director of the department of
22 management within seven calendar days following the decision of
23 the chief information officer. The director of the department
24 of management shall respond within fourteen days following the
25 receipt of the appeal.
26 *e.* The department of public defense shall not be required
27 to obtain any information technology services pursuant to this
28 chapter for the department of public defense that is provided
29 by the office pursuant to this chapter without the consent of
30 the adjutant general.
31 6. *Annual report.* On an annual basis, prepare a report to
32 the governor, the department of management, and the general
33 assembly regarding the total spending on technology for the
34 previous fiscal year, the total amount appropriated for the
35 current fiscal year, and an estimate of the amount to be

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1 requested for the succeeding fiscal year for all agencies. The
2 report shall include a five-year projection of technology cost
3 savings, an accounting of the level of technology cost savings
4 for the current fiscal year, and a comparison of the level of
5 technology cost savings for the current fiscal year with that
6 of the previous fiscal year. The report shall be filed as soon
7 as possible after the close of a fiscal year, and by no later
8 than the second Monday of January of each year.
9 Sec. 21. NEW SECTION. **8B.22 Digital government.**
10 1. The office is responsible for initiating and
11 supporting the development of electronic commerce, electronic
12 government, mobile applications, and internet applications
13 across participating agencies and in cooperation with other
14 governmental entities.
15 2. In developing the concept of digital government, the
16 office shall do all of the following:
17 *a.* Establish standards, consistent with other state law, for
18 the implementation of electronic commerce, including standards
19 for electronic signatures, electronic currency, and other items
20 associated with electronic commerce.
21 *b.* Establish guidelines for the appearance and functioning
22 of applications.
23 *c.* Establish standards for the integration of electronic
24 data across state agencies.
25 *d.* Foster joint development of electronic commerce and
26 electronic government involving the public and private sectors.
27 *e.* Develop customer surveys and citizen outreach and
28 education programs and material, and provide for citizen input
29 regarding the state's electronic commerce and electronic
30 government applications.
31 *f.* Assist participating agencies in converting printed
32 government materials to electronic materials which can be
33 accessed through an internet searchable database.
34 *g.* Encourage participating agencies to utilize a print
35 on demand strategy to reduce publication overruns, excessive

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1 inventory, and obsolete printed materials.
2 Sec. 22. NEW SECTION. **8B.23 Information technology**
3 **standards.**
4 1. The office shall develop and adopt information
5 technology standards applicable to the procurement of
6 information technology by all participating agencies. Such
7 standards, unless waived by the office, shall apply to all
8 information technology procurements for participating agencies.
9 2. The office of the governor or the office of an elective
10 constitutional or statutory officer shall consult with the
11 office prior to procuring information technology and consider
12 the information technology standards adopted by the office, and
13 provide a written report to the office relating to the other
14 office's decision regarding such acquisitions.
15 Sec. 23. NEW SECTION. **8B.24 Procurement of information**
16 **technology.**
17 1. Standards established by the office, unless waived by the
18 office, shall apply to all information technology procurements
19 for participating agencies.
20 2. The office shall institute procedures to ensure
21 effective and efficient compliance with standards established
22 by the office.
23 3. The office shall develop policies and procedures
24 that apply to all information technology goods and services
25 acquisitions, and shall ensure the compliance of all
26 participating agencies. The office shall also be the sole
27 provider of infrastructure services for participating agencies.
28 4. The office, by rule, may implement a prequalification
29 procedure for contractors with which the office has entered or
30 intends to enter into agreements regarding the procurement of
31 information technology.
32 5. Notwithstanding the provisions governing purchasing as
33 provided in chapter 8A, subchapter III, the office may procure
34 information technology as provided in this section. The
35 office may cooperate with other governmental entities in the

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1 procurement of information technology in an effort to make such
2 procurements in a cost-effective, efficient manner as provided
3 in this section. The office, as deemed appropriate and cost
4 effective, may procure information technology using any of the
5 following methods:
6 *a.* Cooperative procurement agreement. The office may
7 enter into a cooperative procurement agreement with another
8 governmental entity relating to the procurement of information
9 technology, whether such information technology is for the use
10 of the office or other governmental entities. The cooperative
11 procurement agreement shall clearly specify the purpose of
12 the agreement and the method by which such purpose will be
13 accomplished. Any power exercised under such agreement shall
14 not exceed the power granted to any party to the agreement.
15 *b.* Negotiated contract. The office may enter into an
16 agreement for the purchase of information technology if any of
17 the following applies:
18 (1) The contract price, terms, and conditions are pursuant
19 to the current federal supply contract, and the purchase order
20 adequately identifies the federal supply contract under which
21 the procurement is to be made.
22 (2) The contract price, terms, and conditions are no less
23 favorable than the contractor's current federal supply contract
24 price, terms, and conditions; the contractor has indicated
25 in writing a willingness to extend such price, terms, and
26 conditions to the office; and the purchase order adequately
27 identifies the contract relied upon.
28 (3) The contract is with a vendor who has a current
29 exclusive or nonexclusive price agreement with the state for
30 the information technology to be procured, and such information
31 technology meets the same standards and specifications as the
32 items to be procured and both of the following apply:
33 (a) The quantity purchased does not exceed the quantity
34 which may be purchased under the applicable price agreement.
35 (b) The purchase order adequately identifies the price

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1 agreement relied upon.
2 *c.* Contracts let by another governmental entity. The
3 office, on its own behalf or on the behalf of another
4 participating agency or governmental entity, may procure
5 information technology under a contract let by another agency
6 or other governmental entity, or approve such procurement in
7 the same manner by a participating agency or governmental
8 entity. The office, on its own behalf or on the behalf of
9 another participating agency or governmental entity, may also
10 procure information technology by leveraging an existing
11 competitively procured contract, other than a contract
12 associated with the state board of regents or an institution
13 under the control of the state board of regents.
14 *d.* Reverse auction.
15 (1) The office may enter into an agreement for the purchase
16 of information technology utilizing a reverse auction process.
17 Such process shall result in the purchase of information
18 technology from the vendor submitting the lowest responsible
19 bid amount for the information technology to be acquired. The
20 office, in establishing a reverse auction process, shall do all
21 of the following:
22 (a) Determine the specifications and requirements of the
23 information technology to be acquired.
24 (b) Identify and provide notice to potential vendors
25 concerning the proposed acquisition.
26 (c) Establish prequalification requirements to be met by a
27 vendor to be eligible to participate in the reverse auction.
28 (d) Conduct the reverse auction in a manner as deemed
29 appropriate by the office and consistent with rules adopted by
30 the office.
31 (2) Prior to conducting a reverse auction, the office
32 shall establish a threshold amount which shall be the maximum
33 amount that the office is willing to pay for the information
34 technology to be acquired.
35 (3) The office shall enter into an agreement with a

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1 vendor who is the lowest responsible bidder which meets the
2 specifications or description of the information technology
3 to be procured, or the office may reject all bids and begin
4 the process again. In determining the lowest responsible
5 bidder, the office may consider various factors including but
6 not limited to the past performance of the vendor relative
7 to quality of product or service, the past experience of the
8 office in relation to the product or service, the relative
9 quality of products or services, the proposed terms of
10 delivery, and the best interest of the state.
11 *e.* Competitive bidding. The office may enter into an
12 agreement for the procurement or acquisition of information
13 technology in the same manner as provided under chapter 8A,
14 subchapter III, for the purchasing of service.
15 *f.* Other agreement. In addition to the competitive bidding
16 procedure provided for under paragraph *"e"*, the office may
17 enter into an agreement for the purchase, disposal, or other
18 disposition of information technology in the same manner and
19 subject to the same limitations as otherwise provided in
20 this chapter. The office, by rule, shall provide for such
21 procedures.
22 6. The office shall adopt rules pursuant to chapter 17A to
23 implement the procurement methods and procedures provided for
24 in subsections 2 through 5.
25 Sec. 24. NEW SECTION. **8B.31 IowAccess — office duties and**
26 **responsibilities.**
27 1. *IowAccess.* The office shall establish IowAccess as
28 a service to the citizens of this state that is the gateway
29 for one-stop electronic access to government information and
30 transactions, whether federal, state, or local. Except as
31 provided in this section, IowAccess shall be a state-funded
32 service providing access to government information and
33 transactions. The office, in establishing the fees for
34 value-added services, shall consider the reasonable cost of
35 creating and organizing such government information through

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1 IowAccess.
2 2. *Duties.* The office shall do all of the following:
3 *a.* Establish rates to be charged for access to and for
4 value-added services performed through IowAccess.
5 *b.* Approve and establish the priority of projects
6 associated with IowAccess. The determination may also include
7 requirements concerning funding for a project proposed by
8 a political subdivision of the state or an association,
9 the membership of which is comprised solely of political
10 subdivisions of the state. Prior to approving a project
11 proposed by a political subdivision, the office shall verify
12 that all of the following conditions are met:
13 (1) The proposed project provides a benefit to the state.
14 (2) The proposed project, once completed, can be shared
15 with and used by other political subdivisions of the state, as
16 appropriate.
17 (3) The state retains ownership of any final product or is
18 granted a permanent license to the use of the product.
19 *c.* Establish expected outcomes and effects of the use of
20 IowAccess and determine the manner in which such outcomes are
21 to be measured and evaluated.
22 *d.* Establish the IowAccess total budget request and
23 ensure that such request reflects the priorities and goals of
24 IowAccess as established by the office.
25 *e.* Advocate for access to government information and
26 services through IowAccess and for data privacy protection,
27 information ethics, accuracy, and security in IowAccess
28 programs and services.
29 *f.* Receive status and operations reports associated with
30 IowAccess.
31 3. *Data purchasing.* This section shall not be construed
32 to impair the right of a person to contract to purchase
33 information or data from the Iowa court information system
34 or any other governmental entity. This section shall not be
35 construed to affect a data purchase agreement or contract in

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1 existence on April 25, 2000.
2 Sec. 25. NEW SECTION. **8B.32 Financial transactions.**
3 1. Moneys paid to a participating agency from persons who
4 complete an electronic financial transaction with the agency by
5 accessing IowAccess shall be transferred to the treasurer of
6 state for deposit in the general fund of the state, unless the
7 disposition of the moneys is specifically provided for under
8 other law. The moneys may include all of the following:
9 *a.* Fees required to obtain an electronic public record as
10 provided in section 22.3A.
11 *b.* Fees required to process an application or file a
12 document, including but not limited to fees required to obtain
13 a license issued by a licensing authority.
14 *c.* Moneys owed to a governmental entity by a person
15 accessing IowAccess in order to satisfy a liability
16 arising from the operation of law, including the payment of
17 assessments, taxes, fines, and civil penalties.
18 2. Moneys transferred using IowAccess may include amounts
19 owed by a governmental entity to a person accessing IowAccess
20 in order to satisfy a liability of the governmental entity.
21 The moneys may include the payment of tax refunds, and the
22 disbursement of support payments as defined in section 252D.16
23 or 598.1 as required for orders issued pursuant to section
24 252B.14.
25 3. In addition to other forms of payment, credit cards shall
26 be accepted in payment for moneys owed to or fees imposed by a
27 governmental entity in the same manner as provided in section
28 8B.15.
29 Sec. 26. NEW SECTION. **8B.33 IowAccess revolving fund.**
30 1. An IowAccess revolving fund is created in the state
31 treasury. The revolving fund shall be administered by the
32 office and shall consist of moneys collected by the office as
33 fees, moneys appropriated by the general assembly, and any
34 other moneys obtained or accepted by the office for deposit in
35 the revolving fund. The proceeds of the revolving fund are

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1 appropriated to and shall be used by the office to maintain,
2 develop, operate, and expand IowAccess consistent with this
3 chapter, and for the support of activities of the technology
4 advisory council pursuant to section 8B.8.
5 2. The office shall submit an annual report not later than
6 January 31 to the members of the general assembly and the
7 legislative services agency of the activities funded by and
8 expenditures made from the revolving fund during the preceding
9 fiscal year. Section 8.33 does not apply to any moneys in the
10 revolving fund, and, notwithstanding section 12C.7, subsection
11 2, earnings or interest on moneys deposited in the revolving
12 fund shall be credited to the revolving fund.
13 Sec. 27. Section 8D.4, Code 2013, is amended to read as
14 follows:
15 **8D.4 Executive director appointed.**
16 The commission, in consultation with the director of
17 the department of administrative services and the chief
18 information officer, shall appoint an executive director of
19 the commission, subject to confirmation by the senate. Such
20 individual shall not serve as a member of the commission.
21 The executive director shall serve at the pleasure of the
22 commission. The executive director shall be selected primarily
23 for administrative ability and knowledge in the field, without
24 regard to political affiliation. The governor shall establish
25 the salary of the executive director within range nine as
26 established by the general assembly. The salary and support of
27 the executive director shall be paid from funds deposited in
28 the Iowa communications network fund.
29 Sec. 28. Section 12C.1, subsection 2, paragraph e,
30 subparagraph (6), Code 2013, is amended to read as follows:
31 (6) Moneys placed in a depository for the purpose of
32 completing an electronic financial transaction pursuant to
33 section ~~8A.222~~ 8B.32 or 331.427.
34 Sec. 29. Section 12C.4, Code 2013, is amended to read as
35 follows:

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12C.4 Location of depositories.

Deposits by the treasurer of state shall be in depositories located in this state; by a county officer or county public hospital officer or merged area hospital officer, in depositories located in the county or in an adjoining county within this state; by a memorial hospital treasurer, in a depository located within this state which shall be selected by the memorial hospital treasurer and approved by the memorial hospital commission; by a city treasurer or other city financial officer, in depositories located in the county in which the city is located or in an adjoining county, but if there is no depository in the county in which the city is located or in an adjoining county then in any other depository located in this state which shall be selected as a depository by the city council; by a school treasurer or by a school secretary in a depository within this state which shall be selected by the board of directors or the trustees of the school district; by a township clerk in a depository located within this state which shall be selected by the township clerk and approved by the trustees of the township. However, deposits may be made in depositories outside of Iowa for the purpose of paying principal and interest on bonded indebtedness of any municipality when the deposit is made not more than ten days before the date the principal or interest becomes due. Further, the treasurer of state may maintain an account or accounts outside the state of Iowa for the purpose of providing custodial services for the state and state retirement fund accounts. Deposits made for the purpose of completing an electronic financial transaction pursuant to section ~~8A.222~~ 8B.32 or 331.427 may be made in any depository located in this state.

Sec. 30. Section 23A.2, subsection 10, paragraph o, Code 2013, is amended to read as follows:

o. The performance of an activity authorized pursuant to section ~~8A.202~~ 8B.21, subsection ~~2~~ 1, paragraph ~~"j"~~ "m".

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1 Sec. 31. Section 262.9B, subsection 3, paragraph a, Code
2 2013, is amended to read as follows:
3 *a.* The board shall direct institutions under its control
4 to cooperate with the chief information officer of the state
5 in efforts to cooperatively obtain information technology
6 and related services that result in mutual cost savings
7 and efficiency improvements, and shall seek input from the
8 ~~department of administrative services and the~~ chief information
9 officer of the state regarding specific areas of potential
10 cooperation between the institutions under the control of the
11 board and the ~~department of administrative services~~ office of
12 the chief information officer.
13 Sec. 32. REPEAL. Sections 8A.201, 8A.201A, 8A.202, 8A.203,
14 8A.204, 8A.205, 8A.206, 8A.207, 8A.221, 8A.222, and 8A.224,
15 Code 2013, are repealed.
16 Sec. 33. ADMINISTRATIVE RULES — TRANSITION
17 PROVISIONS. Any rule, regulation, form, order, or directive
18 promulgated by the department of administrative services as
19 it relates to information technology and in effect on the
20 effective date of this Act shall continue in full force and
21 effect until amended, repealed, or supplemented by affirmative
22 action of the office of the chief information officer as
23 established in this Act.
24 Sec. 34. MISCELLANEOUS TRANSITION PROVISIONS.
25 1. Any personnel in the state merit system of employment
26 who are mandatorily transferred due to the effect of this Act
27 shall be so transferred without any loss in salary, benefits,
28 or accrued years of service.
29 2. Any funds in any account or fund of the department of
30 administrative services as it relates to information technology
31 shall be transferred to the comparable fund or account as
32 established and provided by this Act.
33 3. Any cause of action or statute of limitation relating to
34 the information technology duties provided by the department
35 of administrative services that are transferred to the office

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1 of the chief information officer as provided by this Act shall
2 not be affected as a result of the transfer and such cause or
3 statute of limitation shall apply to the successor office.
4 EXPLANATION
5 This bill transfers the information technology functions and
6 chief information officer of the department of administrative
7 services (DAS) to a new independent office of the chief
8 information officer within the department of management.
9 Code section 8.6(17), concerning the funding of services
10 provided by DAS, is amended to provide that the department
11 of management will also perform these functions for the new
12 office.
13 Code section 8A.101, the definitions provision for DAS, is
14 amended to provide that the definitions also apply to the Code
15 chapter creating the new office.
16 Code section 8A.104, describing the powers and duties of the
17 director of DAS, is amended to provide that the director shall
18 provide assistance and administrative support services to the
19 new office as necessary.
20 New Code chapter 8B establishes the office of the chief
21 information officer directed by the chief information officer
22 of the state.
23 The new Code chapter includes provisions of Code chapter
24 8A that apply generally to DAS to include provisions in Code
25 chapter 8A on prohibited interests, acceptance of funds,
26 federal funds, services to governmental entities and nonprofit
27 organizations, internal service funds, additional personnel,
28 billing, debts, and liabilities.
29 Concerning information technology, the provisions in
30 Code chapter 8A, subchapter II, providing for, in part, the
31 appointment of a chief information officer and the information
32 technology duties and services provided by DAS, are moved to
33 new Code chapter 8B.
34 In addition, the powers and duties of the chief information
35 officer, currently described in Code section 8A.203 and moved

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1 to new Code section 8B.4 in the bill, are expanded from current
2 law to give the chief information officer the authority to
3 adopt rules, prepare a budget, adopt rules regarding the
4 approval of information technology budgets of other agencies,
5 and administer all accounting, billing, and collection
6 functions required by DAS.
7 New Code section 8B.21, concerning information technology
8 services currently described in Code section 8A.202, also
9 includes new provisions directing the new office to establish
10 an enterprise strategic and project management function for
11 oversight of all information technology-related projects and
12 resources of participating agencies and requiring that security
13 policies and systems developed by the new office be consistent
14 with the state's data transparency efforts.
15 The bill also includes transition provisions governing
16 administrative rules, personnel moved from DAS to the new
17 office, transfer of funds to the new office, and information
18 technology-related causes of action.

Senate Study Bill 1223 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENT BILL BY CHAIRPERSON DEARDEN)

A BILL FOR

1 An Act relating to hunter safety and ethics education course
2 requirements.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2488XC (4) 85
av/nh

S.F. _____

1 Section 1. Section 483A.27, subsection 2, Code 2013, is
2 amended to read as follows:
3 2. *a.* A certificate of completion shall not be issued
4 to a person who has not satisfactorily completed a minimum
5 of ten hours of training in an approved hunter safety and
6 ethics education course. The department shall establish the
7 curriculum for the first ten hours of an approved hunter
8 safety and ethics education course offered in this state.
9 Upon completion of the ten-hour curriculum, each person shall
10 pass an individual oral test or a written test provided by
11 the department. The department shall establish the criteria
12 for successfully passing the tests. Based on the results of
13 the test and demonstrated safe handling of a firearm, the
14 instructor shall determine the persons who shall be issued a
15 certificate of completion.
16 *b.* Notwithstanding paragraph *"a"*, a resident who is eighteen
17 years of age or older may obtain a certificate of completion
18 without demonstrating the safe handling of a firearm.
19 EXPLANATION
20 This bill amends Code section 483A.27 to provide that
21 a resident who is 18 years of age or older may obtain a
22 certificate of completion of the hunter safety and ethics
23 education course without demonstrating the safe handling of a
24 firearm.

Senate Study Bill 1224 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON TRANSPORTATION BILL BY CHAIRPERSON BOWMAN)

A BILL FOR

1 An Act relating to matters under the purview of the
2 department of transportation, including the use of
3 information contained in electronic driver and nonoperator
4 identification records, the form of motor vehicle financial
5 liability coverage cards, grounds for disqualification of
6 commercial vehicle operators, provisions for the issuance
7 of temporary restricted licenses for persons convicted of
8 operating while intoxicated, county issuance of driver´s
9 licenses, and the administration of highway contracts.
10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2154SC (3) 85
dea/nh

S.F. _____

1 Section 1. Section 22.7, Code 2013, is amended by adding the
2 following new subsection:
3 NEW SUBSECTION. 65. Personal information contained on
4 electronic driver's license or nonoperator's identification
5 card records that is provided by the licensee or card holder to
6 the department of transportation for use by law enforcement,
7 first responders, emergency medical service providers, and
8 other medical personnel responding to or assisting with an
9 emergency.
10 Sec. 2. Section 321.20B, subsection 1, paragraph a, Code
11 2013, is amended to read as follows:
12 *a.* Notwithstanding chapter 321A, which requires certain
13 persons to maintain proof of financial responsibility, a
14 person shall not drive a motor vehicle on the highways of
15 this state unless financial liability coverage, as defined
16 in section 321.1, subsection 24B, is in effect for the motor
17 vehicle and unless the driver has in the motor vehicle the
18 proof of financial liability coverage card issued for the motor
19 vehicle, or if the vehicle is registered in another state,
20 other evidence that financial liability coverage is in effect
21 for the motor vehicle. A proof of financial liability coverage
22 card may be produced in paper or electronic format. Acceptable
23 electronic formats include electronic images displayed on a
24 cellular telephone or any other portable electronic device that
25 has a display screen with touch input or a miniature keyboard.
26 Sec. 3. Section 321.20B, subsection 2, paragraph a, Code
27 2013, is amended to read as follows:
28 *a.* An insurance company transacting business in this
29 state shall issue to its insured owners of motor vehicles
30 registered in this state a financial liability coverage card
31 for each motor vehicle insured. Each financial liability
32 coverage card shall identify the registration number or vehicle
33 identification number of the motor vehicle insured and shall
34 indicate the expiration date of the applicable insurance
35 coverage. The financial liability coverage card shall also

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1 contain the name and address of the insurer or the name of the
2 insurer and the name and address of the insurance agency, the
3 name of the insured, and an emergency telephone number of the
4 insurer or emergency telephone number of the insurance agency.
5 An insurance company may issue a financial liability coverage
6 card in either paper format or, if requested by the insured,
7 electronic format.
8 Sec. 4. Section 321.208, subsection 6, unnumbered paragraph
9 1, Code 2013, is amended to read as follows:
10 A person is disqualified from operating a commercial motor
11 vehicle if the person receives convictions for committing
12 within any three-year period two or more of the following
13 offenses while operating a commercial motor vehicle, or
14 while operating a noncommercial motor vehicle and holding
15 a commercial driver's license if the convictions result in
16 the revocation, cancellation, or suspension of the person's
17 commercial driver's license or noncommercial motor vehicle
18 driving privileges:
19 Sec. 5. Section 321.208, subsection 6, Code 2013, is amended
20 by adding the following new paragraphs:
21 NEW PARAGRAPH. *i.* Violating a state or local law or
22 ordinance on motor vehicle traffic control prohibiting texting
23 while driving a commercial motor vehicle.
24 NEW PARAGRAPH. *j.* Violating a state or local law or
25 ordinance on motor vehicle traffic control restricting or
26 prohibiting the use of a hand-held mobile telephone while
27 driving a commercial motor vehicle.
28 Sec. 6. Section 321J.17, subsections 1 and 3, Code 2013, are
29 amended to read as follows:
30 1. If the department revokes a person's driver's license
31 or nonresident operating privilege under this chapter, the
32 department shall assess the person a civil penalty of two
33 hundred dollars. The money collected by the department under
34 this section shall be transmitted to the treasurer of state
35 who shall deposit one-half of the money in the separate fund

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established in section 915.94 and one-half of the money in the general fund of the state. A temporary restricted license shall not be issued unless an ignition interlock device has been installed pursuant to section 321J.4. ~~A driver's license or nonresident operating privilege shall not be reinstated unless proof of deinstallation of an ignition interlock device installed pursuant to section 321J.4 has been submitted to the department.~~ Except as provided in section 321.210B, a temporary restricted license shall not be issued or a driver's license or nonresident operating privilege reinstated until the civil penalty has been paid. A person assessed a penalty under this section may remit the civil penalty along with a processing fee of five dollars to a county treasurer authorized to issue driver's licenses under chapter 321M, or the civil penalty may be paid directly to the department.

3. The department shall also require certification of installation of an ignition interlock device of a type approved by the commissioner of public safety on all motor vehicles owned or operated by any person seeking reinstatement following a second or subsequent revocation under section 321J.4, 321J.9, or 321J.12~~, unless such a person has previously received a temporary restricted license during the term of the revocation as authorized by this chapter~~. The requirement for the installation of an approved ignition interlock device shall be for one year from the date of reinstatement unless a ~~different~~ longer time period is required by statute. The one-year period a person is required to maintain an ignition interlock device under this subsection shall be reduced by any period of time the person held a valid temporary restricted license during the revocation for the occurrence from which the arrest arose. The person shall not operate any motor vehicle which is not equipped with an approved ignition interlock device during the period in which an ignition interlock device must be maintained, and the department shall not grant reinstatement unless the person certifies installation of an ignition

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1 interlock device as required in this subsection.
2 Sec. 7. Section 321J.20, subsection 1, paragraph d, Code
3 2013, is amended to read as follows:
4 *d.* Following the applicable minimum period of ineligibility,
5 a temporary restricted license under this subsection shall
6 not be issued until the applicant installs an ignition
7 interlock device of a type approved by the commissioner of
8 public safety on all motor vehicles owned or operated by the
9 applicant in accordance with section 321J.2, 321J.4, 321J.9,
10 or 321J.12. Installation of an ignition interlock device
11 under this subsection shall be required for the period of time
12 for which the temporary restricted license is issued and for
13 such additional period of time following reinstatement as is
14 required under section 321J.17, subsection 3.
15 Sec. 8. Section 321J.20, subsection 2, Code 2013, is amended
16 to read as follows:
17 2. *a.* Notwithstanding section 321.560, the department may,
18 on application, and upon the expiration of the minimum period
19 of ineligibility for a temporary restricted license provided
20 for under section 321.560, 321J.4, 321J.9, or 321J.12, issue a
21 temporary restricted license to a person whose noncommercial
22 driver's license has either been revoked under this chapter, or
23 revoked or suspended under chapter 321 solely for violations
24 of this chapter, or who has been determined to be a habitual
25 offender under chapter 321 based solely on violations of this
26 chapter or on violations listed in section 321.560, subsection
27 1, paragraph "*b*", and who is not eligible for a temporary
28 restricted license under subsection 1. However, the department
29 may not issue a temporary restricted license under this
30 subsection for a violation of section 321J.2A or to a person
31 under the age of twenty-one whose license is revoked under
32 section 321J.4, 321J.9, or 321J.12. A temporary restricted
33 license issued under this subsection may allow the person to
34 drive to and from the person's home and specified places at
35 specified times which can be verified by the department and

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which are required by the person's full-time or part-time employment~~,~~; continuing education while enrolled in an educational institution on a part-time or full-time basis and while pursuing a course of study leading to a diploma, degree, or other certification of successful educational completion~~,~~; or substance abuse treatment.

~~*b.* Notwithstanding paragraph "*a*", a temporary restricted license issued to a person whose noncommercial driver's license has been revoked under section 321J.4, subsection 2, section 321J.9, subsection 1, paragraph "*b*", or section 321J.12, subsection 1, paragraph "*b*", shall provide for but not exceed the uses permitted by 23 U.S.C. § 164. This restriction applies only during the first three hundred sixty-five days of the person's revocation.~~

~~*c.*~~ *b.* A temporary restricted license issued under this subsection shall ~~be conditioned upon the installation of~~ not be issued until the applicant installs an approved ignition interlock device on all motor vehicles owned or operated by the ~~person~~ applicant. Installation of an ignition interlock device under this subsection shall be required for the period of time for which the temporary restricted license is issued, and for such additional period of time following reinstatement as is required under section 321J.17, subsection 3. However, a person whose driver's license or nonresident operating privilege has been revoked under section 321J.21 may apply to the department for a temporary restricted license without the requirement of an ignition interlock device if at least twelve years have elapsed since the end of the underlying revocation period for a violation of section 321J.2.

Sec. 9. Section 321M.9, subsection 4, Code 2013, is amended by striking the subsection.

Sec. 10. REPEAL. 1984 Iowa Acts, chapter 1229, section 2, is repealed.

EXPLANATION

This bill contains provisions relating to a variety of

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1 matters administered by the department of transportation.
2 The bill amends Code section 22.7 to provide that personal
3 information contained on electronic driver's license or
4 nonoperator's identification card records that is provided by
5 the licensee or card holder for use by certain law enforcement
6 and medical personnel responding to or assisting with an
7 emergency constitutes a confidential record.
8 The bill provides that a proof of financial liability
9 coverage card required to be carried in a motor vehicle may
10 be produced in paper or electronic format. An electronic
11 image displayed on the screen of a cellular telephone or other
12 portable electronic device with a touch screen or miniature
13 keyboard is an acceptable electronic format. The bill allows
14 insurance companies to issue a financial liability coverage
15 card in paper format or, at the request of the insured, in
16 electronic format.
17 Under current law, a person is disqualified from operating
18 a commercial motor vehicle if the person has two or more
19 convictions within a three-year period for certain specified
20 offenses committed while operating a commercial motor vehicle,
21 or committed while operating a noncommercial motor vehicle and
22 holding a commercial driver's license if the convictions result
23 in a sanction of the person's driving privileges. Code section
24 321.208 is amended to add texting and using a hand-held mobile
25 telephone in violation of a state or local law while operating
26 a commercial motor vehicle to that list of specified offenses.
27 Under current law, a person whose driver's license is
28 revoked upon conviction of a second offense of operating while
29 intoxicated may apply for a temporary restricted license 45
30 days after the effective date of revocation if the person
31 submitted to chemical testing, and 90 days after revocation
32 if the person refused testing. The issuance of a temporary
33 restricted license is conditioned upon the installation of
34 an ignition interlock device on all motor vehicles owned
35 or operated by the person. At the end of the period of

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1 revocation, an ignition interlock device is required for a
2 period of one year, unless a different period is required
3 by statute; however, an ignition interlock device is not
4 required for reinstatement if the person had a temporary
5 restricted license during the revocation period. The bill
6 amends Code sections 321J.17 and 321J.20 to provide that a
7 person is required to maintain an ignition interlock device
8 for one year or longer following reinstatement. The one-year
9 period is reduced by any period of time the person held a
10 valid temporary restricted license during the revocation
11 for the occurrence from which the arrest arose. A person
12 is prohibited from operating any motor vehicle not equipped
13 with an ignition interlock device during the period in which
14 a device is required to be maintained, and a person must
15 certify installation of an ignition interlock device before
16 the department can grant reinstatement. The bill also strikes
17 a provision in current law that ties the permissible use of
18 certain temporary restricted licenses to uses permitted under
19 federal law. Finally, the bill strikes the current requirement
20 that a person who was issued a temporary restricted license
21 must submit proof of deinstallation of an ignition interlock
22 device as a condition for reinstatement of a full driver's
23 license.
24 The bill strikes a provision in Code section 321M.9
25 requiring the auditor of state to conduct periodic studies of
26 the county driver's license issuance program.
27 The bill repeals a provision in 1984 Acts, chapter 1229,
28 that linked the contingent repeal of Code section 314.14, as it
29 existed at that time, to the repeal or expiration of a federal
30 statute relating to set-aside contracts for disadvantaged
31 business enterprises. Due to subsequent substantive amendments
32 to the Code section, the contingent repeal provision is no
33 longer relevant.

Senate Study Bill 1225 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON McCOY)

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 2164SC (2) 85
rn/sc

S.F. _____

1 Section 1. Section 543B.14, Code 2013, is amended to read
2 as follows:
3 **543B.14 Fees and expenses — funds.**
4 All fees and charges collected by the real estate commission
5 under this chapter shall be paid into the general fund of
6 the state, except that ~~fifty~~ twenty-five dollars from each
7 real estate salesperson's license and each broker's license
8 ~~shall be paid into the Iowa real estate education fund created~~
9 ~~in section 543B.54~~ shall be deposited in the department
10 of commerce revolving fund created in section 546.12 and
11 appropriated annually to the professional licensing and
12 regulation bureau of the banking division of the department
13 of commerce for the purpose of hiring and compensating a real
14 estate education director and regulatory compliance personnel.
15 All expenses incurred by the commission under this chapter,
16 including compensation of staff assigned to the commission,
17 shall be paid from funds appropriated for those purposes~~,~~
18 ~~except for expenses incurred and compensation paid for the real~~
19 ~~estate education director, which shall be paid out of the real~~
20 ~~estate education fund~~.
21 Sec. 2. REPEAL. Section 543B.54, Code 2013, is repealed.
22 Sec. 3. REAL ESTATE EDUCATION FUND — REMAINING FUNDS
23 TRANSFER. Any funds remaining in the real estate education
24 fund on June 30, 2013, shall not revert to the general fund
25 of the state but shall be transferred to the department of
26 commerce revolving fund established in section 546.12, and
27 such funds are appropriated to the professional licensing and
28 regulation bureau of the banking division of the department of
29 commerce. Funds appropriated pursuant to this section shall be
30 used for the public purpose of providing a grant to a nonprofit
31 foundation affiliated with a statewide association of real
32 estate professionals to provide real estate education programs,
33 scholarship assistance, housing assistance programs, or to
34 otherwise further the mission of the foundation.
35 EXPLANATION

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1 This bill relates to real estate broker and real estate
2 salesperson licensing fees and allocations from those fees.
3 The bill reduces an allocation of $50 that is currently
4 mandated from each real estate broker and real estate
5 salesperson licensing fee for deposit into the Iowa real estate
6 education fund created in Code section 543B.54 to provide
7 grants to educational institutions to provide real estate
8 education programs and to hire and compensate a real estate
9 education director and regulatory compliance personnel. The
10 bill reduces the allocation to $25, and directs the allocation
11 to be deposited into the department of commerce revolving fund
12 created in Code section 546.12 and appropriated annually to the
13 professional licensing and regulation bureau of the banking
14 division of the department of commerce for the purpose of
15 hiring and compensating a real estate education director and
16 regulatory compliance personnel.
17 The bill also repeals Code section 543B.54, modifies related
18 provisions, and provides that any funds remaining in the Iowa
19 real estate education fund on June 30, 2013, shall not revert
20 to the general fund of the state but shall be deposited in
21 the department of commerce revolving fund and appropriated
22 to the professional licensing and regulation bureau for the
23 public purpose of providing a grant to a nonprofit foundation
24 affiliated with a statewide association of real estate
25 professionals for purposes specified in the bill.

Senate Study Bill 1226 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON EDUCATION BILL BY
CHAIRPERSON QUIRMBACH)

A BILL FOR

1 An Act requiring the board of directors of a school district to
2 develop and implement a comprehensive emergency management
3 plan.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2495XC (1) 85
rh/rj

S.F. _____

1 Section 1. NEW SECTION. **279.9C School safety plan.**
2 Each board of directors of a school district shall develop
3 and implement a comprehensive emergency management plan that
4 addresses school safety, security procedures, and emergency
5 guidelines relating to school shootings, assaults, and other
6 incidences that threaten the safety and security of school
7 students and school employees. The emergency management plan
8 shall include training procedures for teachers and other school
9 employees and students and shall also include a plan to develop
10 and implement school-community partnerships, including mental
11 health service partnerships, in the local community.
12 EXPLANATION
13 The bill requires each board of directors of a school
14 district to develop and implement a comprehensive emergency
15 management plan that addresses school safety, security
16 procedures, and emergency guidelines relating to school
17 shootings, assaults, and other incidences that threaten the
18 safety and security of school students and school employees,
19 which shall include training procedures for teachers and other
20 school employees and students. The plan shall also include a
21 plan to develop and implement school-community partnerships,
22 including mental health service partnerships, in the local
23 community.