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House File 38 - Introduced

HOUSE FILE 38
BY HUNTER

A BILL FOR

1 An Act requiring the payment of local prevailing wage rates to
2 persons working on public improvements for public bodies,
3 and providing remedies and penalties and including effective
4 date provisions.

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

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1 Section 1. Section 84A.5, subsection 4, Code 2015, is
2 amended to read as follows:

3 4. The division of labor services is responsible for the
4 administration of the laws of this state under chapters 88,
5 88A, 88B, 89, 89A, 89B, 90A, 91, 91A, 91C, 91D, 91E, 91F, 92,
6 and 94A, and section 85.68. The executive head of the division
7 is the labor commissioner, appointed pursuant to section 91.2.

8 Sec. 2. Section 91.4, subsection 2, Code 2015, is amended
9 to read as follows:

10 2. The director of the department of workforce development,
11 in consultation with the labor commissioner, shall, at the
12 time provided by law, make an annual report to the governor
13 setting forth in appropriate form the business and expense of
14 the division of labor services for the preceding year, the
15 number of remedial actions taken under chapter 89A, the number
16 of disputes or violations processed by the division and the
17 disposition of the disputes or violations, and other matters
18 pertaining to the division which are of public interest,
19 together with recommendations for change or amendment of the
20 laws in this chapter and chapters 88, 88A, 88B, 89, 89A, 89B,
21 90A, 91A, 91C, 91D, 91E, 91F, 92, and 94A, and section 85.68,
22 and the recommendations, if any, shall be transmitted by the
23 governor to the first general assembly in session after the
24 report is filed.

25 Sec. 3. NEW SECTION. 91F.1 Short title.

26 This chapter shall be known and may be cited as the "*Public*
27 *Improvement Quality Protection Act*".

28 Sec. 4. NEW SECTION. 91F.2 Public policy.

29 It is in the public interest that public improvements
30 are completed by the best means and highest quality of labor
31 reasonably available, and that workers working on public
32 improvements be compensated according to the real value of the
33 services they perform. It is the policy of this state that the
34 wages of workers working on public improvements should be at
35 least equal to the prevailing wage rates paid for similar work

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1 by responsible contractors in the community as a whole in order
2 to accomplish all of the following:

3 1. Protect workers and their contractors and subcontractors
4 from the effects of serious and unfair competition resulting
5 from wage levels detrimental to efficiency and well-being.

6 2. Ensure that contractors compete with one another
7 on the basis of the ability to perform work competently
8 and efficiently while maintaining community-established
9 compensation standards.

10 3. Recognize that local participation in public
11 improvements and family wage income and benefits are essential
12 to the protection of community standards.

13 4. Encourage training and education of workers to industry
14 skills standards.

15 5. Encourage contractors and subcontractors to use funds
16 allocated for employee fringe benefits for the actual purchase
17 of those benefits.

18 Sec. 5. NEW SECTION. 91F.3 Definitions.

19 As used in this chapter, unless the context otherwise
20 requires:

21 1. "Commissioner" means the labor commissioner appointed
22 pursuant to section 91.2.

23 2. "Contractor" or "subcontractor" means a person who
24 undertakes, offers to undertake, purports to have the capacity
25 to undertake, or submits a bid, individually or through others,
26 to engage in a public improvement.

27 3. "Custom fabrication" means the fabrication of plumbing,
28 heating, cooling, ventilation, architectural systems,
29 structural systems, exhaust duct systems, or mechanical
30 insulation.

31 4. "Division" means the division of labor of the department
32 of workforce development.

33 5. a. "Fringe benefits" means the following for the
34 provision or purchase of any of the benefits enumerated in
35 paragraph "b":



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1 (1) The contribution irrevocably made by a contractor or
2 subcontractor to a trustee or to a third person pursuant to a
3 plan, fund, or program.

4 (2) The costs to the contractor or subcontractor which
5 may be reasonably anticipated in providing benefits to
6 workers pursuant to an enforceable commitment to carry out a
7 financially responsible plan or program, given in writing to
8 the workers affected.

9 *b.* (1) Medical or hospital care.

10 (2) Pensions or annuities on retirement or death.

11 (3) Supplemental unemployment benefits.

12 (4) Life insurance.

13 (5) Disability and sickness insurance.

14 (6) Accident insurance for nonwork-related accidents.

15 (7) Vacation or holiday pay.

16 (8) Defraying costs of apprenticeship programs approved by
17 and registered with the United States department of labor's
18 office of apprenticeship.

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

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

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

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

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

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

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

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

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

7 a. Apprentice ratios and the prevailing apprentice pay
8 levels for each craft, classification, or type of worker which
9 the commissioner determines prevails in accordance with section
10 91F.5.

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

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

17 10. *"Public body"* means the state and any of its political
18 subdivisions, including but not limited to a county, city,
19 township, school district, state board of regents, and public
20 utility. For the purposes of this chapter, *"public utility"*
21 includes municipally owned utilities and municipally owned
22 waterworks.

23 11. a. *"Public improvement"* means any of the following that
24 meets the criteria set out in paragraphs *"b"* and *"c"*:

25 (1) Construction, alteration, reconstruction, repair,
26 rehabilitation, refinishing, refurbishing, remodeling,
27 renovation, custom fabricating, maintenance, landscaping,
28 improving, moving, wrecking, painting, decorating, or
29 demolishing of, or adding to or subtracting from any building,
30 structure, highway, road, street, bridge, alley, sewer, ditch,
31 sewage disposal plant, waterworks, parking facility, railroad,
32 excavation or other structure, project, development, or
33 improvement, or any part thereof undertaken by a public body,
34 including any of the following related activities:

35 (a) The erection of scaffolding or other structures or

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1 works.

2 (b) The maintenance, repair, assembly, or disassembly of
3 equipment.

4 (c) The testing of materials.

5 (d) The hauling of refuse from a site to an outside disposal
6 location.

7 (e) The cleaning of grounds or structures.

8 (f) The addition to or fabrication into any structure,
9 project, development, or improvement of any material or article
10 of merchandise undertaken by a public body.

11 (2) The preparation and removal of roadway construction
12 zones, lane closures, flagging, or traffic diversions
13 undertaken by a public body.

14 (3) The installation, repair, maintenance, or calibration
15 of monitoring equipment for underground storage tanks
16 undertaken by a public body.

17 (4) Work that is performed on any property or premises
18 dedicated exclusively or nearly so to the completion of a
19 public improvement, and transportation of supplies, material,
20 and equipment to or from the property or premises undertaken
21 by a public body.

22 *b.* Work on the public improvement is performed under public
23 supervision or direction, and the work is financed wholly or
24 in part from public funds, or if at the time of commencement
25 of the public improvement all of the following conditions with
26 respect to the public improvement are met:

27 (1) Not less than fifty-five percent of the structure is
28 leased by a public body, or is subject to an agreement to be
29 subsequently leased by a public body.

30 (2) The portion of the structure that is leased or subject
31 to an agreement to be subsequently leased by a public body
32 measures more than twenty thousand square feet.

33 *c.* The public improvement has an estimated total cost that
34 exceeds twenty-five thousand dollars.

35 12. "Worker" means an individual who performs any

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1 labor or service for a contractor or subcontractor on a
2 public improvement but does not include an individual when
3 transporting a seller, supplier, manufacturer, or processor of
4 materials or equipment. The individual is deemed an employee
5 of a contractor or subcontractor unless all of the following
6 apply:

7 *a.* The individual provides labor or services free from the
8 direction or control over the means and manner of providing the
9 labor or services, subject only to the right of the person for
10 whom the labor or services are provided to specify the desired
11 results.

12 *b.* The individual providing the labor or services is
13 responsible for obtaining business registrations or licenses
14 required by state law or local ordinance to provide the labor
15 or services.

16 *c.* The individual providing the labor or services furnishes
17 the tools and equipment necessary to provide the labor or
18 services.

19 *d.* The individual providing the labor or services has the
20 authority to hire and fire employees to perform the labor or
21 services.

22 *e.* Payment for the labor or services is made upon
23 completion of the performance of specific portions of a public
24 improvement, or is made on the basis of a periodic retainer.

25 *f.* The individual providing the labor or services represents
26 to the public that the labor or services are to be provided
27 by an independently established business. An individual is
28 engaged in an independently established business when four or
29 more of the following circumstances exist:

30 (1) Labor or services are primarily performed at a location
31 separate from the individual's residence or in a specified
32 portion of the residence that is set aside for performing labor
33 or services.

34 (2) Commercial advertising or business cards are purchased
35 by the individual, or the individual is a member of a trade or

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1 professional association.

2 (3) Telephone or electronic mail listings used by the
3 individual for the labor or services are different from the
4 individual's personal listings.

5 (4) Labor or services are performed only pursuant to a
6 written contract.

7 (5) Labor or services are performed for two or more persons
8 or entities within a period of one year.

9 (6) The individual assumes financial responsibility
10 for errors and omissions in the performance of the labor or
11 services as evidenced by insurance, performance bonds, and
12 warranties relating to the labor or services provided.

13 Sec. 6. NEW SECTION. **91F.4 Administration.**

14 The commissioner and the division shall administer this
15 chapter.

16 Sec. 7. NEW SECTION. **91F.5 Determination of prevailing
17 wages.**

18 1. The commissioner shall determine annually and publish,
19 on the first business day of July, the prevailing wage rates
20 by locality for each craft, classification, or type of worker
21 needed to perform work on public improvements. The rates shall
22 be conclusive for one year from the date of publication unless
23 superseded within the one year by a later publication of the
24 commissioner, or for a longer period as provided in subsection
25 5.

26 2. The commissioner shall announce all prevailing wage rate
27 determinations by locality and give notice by posting them
28 on the portion of the department of workforce development's
29 internet site related to the division. A printed version of
30 the prevailing wage rates for the state shall be available to
31 the public upon request to the division.

32 3. The public body awarding any contract for a public
33 improvement, or otherwise undertaking any public improvement,
34 shall obtain from the internet site the prevailing wage rate
35 in the locality in which work on the public improvement is

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1 to be performed for each craft, classification, or type of
2 worker needed to perform work on the public improvement.
3 After a public improvement contract is awarded, or a public
4 improvement is otherwise undertaken, the prevailing wage
5 rate published by the commissioner and stated in the public
6 body's public improvement procurement documents shall remain
7 in effect throughout the duration of the public improvement
8 unless superseded by a later determination and publication by
9 the commissioner, or unless multiyear prevailing wage rates
10 have been published by the commissioner at the time the public
11 improvement procurement documents were released.

12 4. a. In determining the annual prevailing wage rate
13 for any craft, classification, or type of worker, the
14 commissioner shall ascertain and consider the applicable
15 wage rates and fringe benefits established by collective
16 bargaining agreements, the prevailing wage rate determinations
17 that may exist for federal public improvements within the
18 locality and other data obtained by the department during any
19 prevailing wage rate survey of contractors who participate in
20 an apprenticeship program approved by and registered with the
21 United States department of labor's office of apprenticeship,
22 who provide health insurance and retirement benefits for their
23 workers, and who are registered with the division. Based
24 upon these considerations, the commissioner shall calculate
25 the prevailing wage rates based on the wage rate plus fringe
26 benefits most often occurring for each craft, classification,
27 or other type of worker within each locality.

28 b. The minimum annual prevailing wage rate determination
29 established by the department shall not be lower than the
30 prevailing wage rate determination that may exist for federal
31 public improvements within the locality and in the nearest
32 labor market area.

33 c. None of the fringe benefits enumerated in this chapter
34 may be considered in the determination of prevailing wage
35 rates if the contractor or subcontractor is required by other

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1 federal, state, or local law to provide such fringe benefits.

2 5. If the commissioner determines that the prevailing
3 wage rate for any craft, classification, or type of worker
4 is the rate established by a collective bargaining agreement
5 applicable in the locality, the commissioner may adopt that
6 rate by reference and that determination shall be effective
7 for the life of the agreement or until the commissioner adopts
8 another rate.

9 6. a. At any time within fifteen days after the division
10 has published on the department of workforce development's
11 internet site the annual prevailing wage rates for each
12 classification, craft, or other type of worker in the locality,
13 any interested person affected may object to the determination
14 or the part of the determination as the interested person
15 may deem objectionable by filing a written notice with the
16 commissioner by restricted certified mail as defined in
17 section 618.15. When objecting to a prevailing wage rate
18 determination, the interested person shall submit, as a
19 part of the written notice, the prevailing wage rate the
20 interested person believes to be the correct prevailing wage
21 rate determination, stating the specific grounds to support
22 that position. Upon receipt of the notice of objection, the
23 commissioner shall reconsider the determination and shall
24 affirm or modify the determination and reply in writing by
25 restricted certified mail to the interested person within
26 fifteen days from the date of the receipt of the notice of
27 objection. Any modification to the prevailing wage rate
28 determination shall be effective on the date the modification
29 is published by the commissioner.

30 b. If the commissioner declines to modify the determination,
31 within ten days upon receiving receipt of the commissioner's
32 decision, the interested person affected may submit in writing
33 the objection to the division by restricted certified mail,
34 stating the specified grounds of the objection. The department
35 of inspections and appeals shall be notified of the objection

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1 and set a date for a hearing before an administrative law judge
2 on the objection, after giving notice by restricted certified
3 mail to the interested person and the division at least ten
4 days before the date of the hearing of the time and place of
5 the hearing. The hearing shall be held within forty-five days
6 after the objection is filed, and shall not be postponed or
7 reset for a later date except upon the consent, in writing, of
8 the interested person and the division.

9 7. The party requesting a hearing shall have the burden of
10 establishing that the annual prevailing wage rate determination
11 for that locality was not determined in accordance with this
12 chapter. If the party requesting a hearing under this section
13 objects to the commissioner's failure to include a craft,
14 classification, or type of worker within the annual prevailing
15 wage rate determination in the locality, the objector shall
16 have the burden of establishing that there is no existing
17 prevailing wage rate classification for the particular craft,
18 classification, or type of worker in any of the localities
19 under consideration.

20 8. The administrative law judge may in the administrative
21 law judge's discretion hear each written objection filed
22 separately or consolidate for hearing any one or more written
23 objections filed with the division. At the hearing, the
24 division shall introduce into evidence the investigation it
25 instituted which formed the basis of its determination, and the
26 division or any interested objectors may introduce evidence
27 that is material to the determination. The administrative
28 law judge shall rule upon each written objection and make a
29 final determination, as the administrative law judge believes
30 the evidence warrants, and promptly serve a copy of the final
31 determination by personal service or restricted certified mail
32 on all parties to the proceedings. The administrative law
33 judge shall render a final determination within thirty days
34 after the conclusion of the hearing.

35 9. If proceedings to review judicially the final

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1 determination of the administrative law judge are not
2 instituted as provided in this section, the determination
3 shall be final and binding. The provisions of section 17A.19
4 shall apply to and govern all proceedings. Appeals from all
5 final orders and judgments entered by the court in review of
6 the final determination of the administrative law judge may be
7 taken by any party to the action. In all reviews or appeals
8 under this chapter, the attorney general shall represent the
9 division and defend its determination.

10 10. This section does not give reason or provide cause for
11 an injunction to halt or delay any public improvement.

12 Sec. 8. NEW SECTION. 91F.6 **Payment of prevailing wages**
13 **required.**

14 1. Contractors and subcontractors engaged in a public
15 improvement shall pay not less than the current specified
16 prevailing wage rates to all of their workers engaged in the
17 public improvement. However, this chapter does not prohibit
18 the payment of more than the prevailing wage rate to any
19 workers engaged in a public improvement.

20 2. All contractors and subcontractors required to pay the
21 prevailing wage rate under this chapter shall pay the wages
22 in legal tender, without any deduction for food, sleeping
23 accommodations, transportation, use of tools or safety
24 equipment, vehicle or equipment rental, or any other thing of
25 any kind or description.

26 Sec. 9. NEW SECTION. 91F.7 **Requirements for public**
27 **improvements.**

28 1. The public body awarding a contract for a public
29 improvement or otherwise undertaking a public improvement shall
30 specify in the call for bids for the contract that this chapter
31 applies to the public improvement.

32 2. If a public improvement requires the payment of
33 prevailing wage rates, the public body shall require the
34 contractor to execute a written instrument that not less
35 than the prevailing wage rate shall be paid to all workers

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1 performing work on the public improvement. The written
2 instrument shall also contain a provision that if it is
3 found that any of the contractor's workers engaged in the
4 public improvement has been paid at a wage rate less than the
5 prevailing wage rate required by this chapter, the public body
6 may terminate the contractor's right to proceed with the work
7 and the contractor and its sureties shall be liable to the
8 public body for any excess costs occasioned by the failure to
9 pay the prevailing wage rate. The written instrument shall
10 have attached a list of the specified prevailing wage rates
11 for all crafts, classifications, or types of workers in the
12 locality for each worker needed to be included in the contract
13 for the public improvement.

14 3. If a contract is let for a public improvement requiring
15 the payment of prevailing wage rates, the public body
16 awarding the contract shall cause to be inserted in the public
17 improvement specifications and contract a stipulation that not
18 less than the prevailing wage rate shall be paid to all workers
19 performing work under the contract. The contract shall also
20 contain a provision to the effect that if it is found that any
21 of the contractor's workers engaged in the public improvement
22 has been paid at a wage rate less than the prevailing wage rate
23 required by this chapter, the public body may terminate the
24 contractor's right to proceed with the work and the contractor
25 and its sureties shall be liable to the public body for any
26 excess costs occasioned by the failure to pay the prevailing
27 wage rate. All bid specifications shall list the specified
28 prevailing wage rates for all crafts, classifications, or
29 types of workers in the locality for each worker needed to be
30 included in the contract.

31 4. If a public improvement requires the payment of
32 prevailing wage rates, the contractor shall require any
33 subcontractors engaged by the contractor on the public
34 improvement to execute a written instrument that not less
35 than the prevailing wage rates shall be paid to all workers

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1 performing work on the public improvement. The written
2 instrument shall also contain a provision that if it is
3 found that any of the subcontractor's workers engaged in the
4 public improvement has been paid at a wage rate less than the
5 prevailing wage rate required by this chapter, the public body
6 may terminate the subcontractor's right to proceed with the
7 work and the subcontractor and its sureties shall be liable to
8 the public body for any excess costs occasioned by the failure
9 to pay the prevailing wage rate. The written instrument shall
10 have attached a list of the specified prevailing wage rates
11 for all crafts, classifications, or types of workers in the
12 locality for each worker needed to be included in the contract.

13 5. If a subcontract is let for a public improvement
14 requiring the payment of the prevailing wage rate, the
15 contractor to whom the contract is awarded shall insert
16 into the subcontract and into the public improvement project
17 specifications for each subcontract a written stipulation that
18 not less than the prevailing wage rate shall be paid to all
19 workers performing work under the subcontract. A subcontractor
20 shall insert into each lower-tiered subcontract a stipulation
21 that not less than the prevailing wage rate shall be paid
22 to all workers performing work under the subcontract. The
23 subcontract shall also contain a provision that if it is
24 found that any subcontractor's workers engaged in the public
25 improvement have been paid at a wage rate less than the
26 prevailing wage rate required by this chapter, the public body
27 may terminate the subcontractor's right to proceed with the
28 work and the subcontractor and its sureties shall be liable to
29 the public body for any excess costs occasioned by the failure
30 to pay the prevailing wage rate. All bid specifications shall
31 list the specified prevailing wage rates for all crafts,
32 classifications, or types of workers in the locality for each
33 worker needed to be included in the subcontract.

34 6. A contractor or subcontractor engaging in a public
35 improvement shall submit a performance bond in an amount

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1 determined by the public body which bond shall include a
2 provision that will guarantee the payment of the prevailing
3 wage rates as required by the contract.

4 7. Before final payment is made by or on behalf of a public
5 body of any sum or sums due on a public improvement, the
6 treasurer of the public body or other officer or person charged
7 with the custody and disbursement of the funds of the public
8 body shall require the contractor and subcontractor to file a
9 written statement with the public body, in a form satisfactory
10 to the division, certifying to the amounts then due and owing
11 from the contractor and subcontractor to any and all workers
12 for wages due on account of the public improvement, setting
13 forth the names of the persons whose wages are unpaid and
14 the amount due to each respectively. The statement shall be
15 verified by the oath of the contractor or subcontractor, as the
16 case may be, that the contractor or subcontractor has read the
17 statement certified by the contractor or subcontractor, knows
18 the contents, and that the statement is true in accordance with
19 the contractor's or subcontractor's own knowledge. However,
20 this chapter shall not impair the right of a contractor to
21 receive final payment from a public body because of the failure
22 of a subcontractor to comply with provisions of this chapter.
23 The treasurer of the public body or other officer or person
24 charged with the custody and disbursement of the funds of the
25 public body shall withhold the amount, if any, listed on the
26 verified statement filed pursuant to this section for the
27 benefit of the worker whose wages are unpaid as shown by the
28 verified statement filed by the contractor or subcontractor,
29 and the public body shall pay directly to any worker the amount
30 shown by the statement to be due to the worker for the wages.
31 Payment shall discharge the obligation of the contractor or
32 subcontractor to the person receiving the payment to the extent
33 of the amount of the payment.

34 8. The public body awarding a contract for a public
35 improvement or otherwise undertaking a public improvement shall

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1 notify the commissioner in writing, on a form prescribed by
2 the commissioner, if a contract subject to the provisions of
3 this chapter has been awarded. The public body shall file
4 the notification with the commissioner within thirty days
5 after the contract is awarded or before commencement of the
6 public improvement, and shall include a list of all first-tier
7 subcontractors.

8 Sec. 10. NEW SECTION. 91F.8 Federal public improvements
9 — not applicable.

10 The provisions of this chapter shall not be applicable
11 to public improvements financed entirely by federal funds
12 which require a prevailing wage rate determination by the
13 United States department of labor. However, unless a federal
14 provision applies, if a public improvement is financed in part
15 by a public body and in part by federal funds, the higher of the
16 prevailing wage rates shall prevail for the public improvement.

17 Sec. 11. NEW SECTION. 91F.9 Records required.

18 1. While participating in a public improvement, the
19 contractor and each subcontractor shall do all of the
20 following:

21 a. Make and keep, for a period of not less than three years,
22 accurate records of all workers employed by the contractor or
23 subcontractor on the public improvement. The records shall
24 include each worker's name, address, telephone number when
25 available, social security number, trade classification, the
26 hourly wages paid in each pay period, the number of hours
27 worked each day, and the starting and ending times of work each
28 day.

29 b. Submit weekly a certified payroll to the public body
30 in charge of the public improvement. The certified payroll
31 shall consist of a complete copy of the records identified in
32 paragraph "a". The certified payroll shall be accompanied by a
33 statement signed by the contractor or subcontractor which avers
34 that the records are true and accurate and the hourly wages
35 paid to each worker are not less than the prevailing wage rate

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1 required by this chapter.

2 2. The public body in charge of the public improvement
3 shall keep the records submitted in accordance with subsection
4 1, paragraph "b", for a period of not less than three years.
5 The records shall be considered public records and be made
6 available in accordance with chapter 22. Personal information
7 submitted in accordance with subsection 1, paragraph "a",
8 including names, addresses, social security numbers, telephone
9 numbers, and other identifying information shall remain
10 confidential and shall not be made public.

11 3. The contractor and each subcontractor shall make
12 available for inspection the records identified in subsection
13 1, paragraph "a", to the public body in charge of the public
14 improvement, its officers and agents, and to the division.

15 4. For the purpose of verifying the accuracy of the records
16 submitted pursuant to this section, the contractor and each
17 subcontractor shall make its workers available at the site of
18 the public improvement for interview by the public body in
19 charge of the public improvement, its officers and agents, and
20 the division.

21 5. Contractors and subcontractors performing work on public
22 improvements subject to this chapter shall post the prevailing
23 wage rates for each craft, classification, or type of workers
24 involved in the public improvement in a prominent and easily
25 accessible place at the site of the public improvement or at
26 the place or places used by the contractor or subcontractor to
27 pay workers their wages.

28 Sec. 12. NEW SECTION. 91F.10 Powers of commissioner.

29 The commissioner shall do all of the following:

30 1. Inquire diligently about any complaint of a violation of
31 this chapter, institute actions for penalties prescribed, and
32 enforce generally the provisions of this chapter.

33 2. Sue for injunctive relief against the awarding of a
34 contract, the undertaking of a public improvement, or the
35 continuation of a public improvement when the prevailing wage

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1 rate requirements of this chapter have not been met.

2 3. Investigate and ascertain the wages of workers engaged in
3 any public improvement in this state.

4 4. *a.* Enter and inspect the place of business or employment
5 of a contractor, subcontractor, or workers employed on a public
6 improvement in this state, for the purpose of examining and
7 inspecting books, registers, payrolls, and other records of a
8 contractor or subcontractor that in any way relate to or have a
9 bearing upon the question of wages, hours, and other conditions
10 of employment of workers covered under this chapter.

11 *b.* Copy the books, registers, payrolls, and other
12 records as the commissioner or the commissioner's authorized
13 representative deems necessary or appropriate.

14 *c.* Question the workers for the purpose of ascertaining
15 whether the provisions of this chapter have been and are being
16 complied with.

17 *d.* Administer oaths, take or cause to be taken depositions
18 of witnesses, and require by subpoena the attendance and
19 testimony of witnesses and the production of all books,
20 registers, payrolls, and other evidence relative to the matter
21 under investigation or hearing.

22 5. Require from a contractor or subcontractor full and
23 correct statements in writing, including sworn statements,
24 with respect to wages, hours, names, addresses, and other
25 information pertaining to its workers and their employment,
26 as the commissioner or the commissioner's authorized
27 representative may deem necessary or appropriate.

28 6. Require a contractor or subcontractor to file, within
29 ten days of receipt of a request, any records enumerated in
30 subsection 4, sworn as to their validity and accuracy as
31 required by subsection 5. If the contractor or subcontractor
32 fails to provide the requested records within ten days, the
33 commissioner may direct, within fifteen days after the end
34 of the ten-day period, that the fiscal or financial officer
35 charged with the custody and disbursements of the funds of the

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1 public body, which contracted for construction of the public
 2 improvement or undertook the public improvement, to immediately
 3 withhold from payment to the contractor or subcontractor
 4 up to twenty-five percent of the amount to be paid to the
 5 contractor or subcontractor under the terms of the contract
 6 or written instrument under which the public improvement is
 7 being performed. The amount withheld shall be immediately
 8 released upon receipt by the public body of a notice from
 9 the commissioner indicating that the request for records as
 10 required by this section has been satisfied.

11 7. If a contractor or subcontractor fails to provide
 12 requested records in accordance with subsection 6 within ten
 13 days, direct, within fifteen days after the end of the ten-day
 14 period, the fiscal or financial officer charged with the
 15 custody and disbursements of the funds of the public body,
 16 which contracted for construction of the public improvement or
 17 undertook the public improvement, to pay directly to workers
 18 employed by the contractor or subcontractor from the amount
 19 withheld from the contractor or subcontractor pursuant to
 20 subsection 6 any prevailing wage rates found to be due and
 21 payable to the workers.

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

25 **Sec. 13. NEW SECTION. 91F.11 Notice of violations.**

26 1. For purposes of this section:

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

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



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1 subcontractor.

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

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

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

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

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

16 (3) Failed to produce for the division accurate records or
17 produced records not in compliance with this chapter.

18 (4) Refused to submit records or testimony to the division
19 in response to a subpoena issued in accordance with this
20 chapter.

21 (5) Refused to comply with the certified payroll provision
22 of section 91F.9.

23 (6) Refused the division access, at any reasonable hour at
24 a location within the state, to inspect the contractor's or
25 subcontractor's records as required by this chapter.

26 (7) Failed to insert into each subcontract or lower-tiered
27 subcontract and into the public improvement specifications
28 for each subcontract or lower-tiered subcontract or provide a
29 written instrument if no contract exists, a written stipulation
30 that not less than the prevailing wage rate be paid as required
31 by this chapter, and a statement that if it is found that a
32 subcontractor's workers engaged in the public improvement have
33 been paid at a rate of wages less than the prevailing wage rate
34 required to be paid by the contract, the public body shall
35 terminate the subcontractor's right to proceed with the work.

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1 (8) Failed to obtain a bond in the proper amount that
2 guarantees the payment of the prevailing wage rates required in
3 the contract.

4 (9) Failed to post the prevailing wage rates as required by
5 this chapter.

6 2. After receipt of a complaint or on the division's
7 initiative, the commissioner shall review the investigative
8 file to determine whether a violation has occurred for
9 which the contractor or subcontractor must be given notice.
10 All information and observations made during an audit or
11 investigation shall be considered and shall constitute the
12 basis for the division's decision that this chapter has
13 been violated and that a notice of violation is required
14 to be issued. The notice of violation shall identify the
15 specific violation and the amount of moneys estimated due the
16 division and in controversy based on reasons contained in the
17 investigative file.

18 3. In making a decision that a contractor or subcontractor
19 has failed to allow the commissioner access to accurate
20 records, the commissioner shall rely on the information
21 contained in the investigative file, the certified payroll
22 records submitted to the public body in charge of the public
23 improvement or any other information, and shall assess a
24 separate violation for each day worked by each worker on the
25 public improvement. Each decision of a separate violation
26 shall be listed in the notice of violation.

27 4. In determining that this chapter has been violated and
28 that the issuance of a notice of violation is required, the
29 commissioner shall base the decision on one or any combination
30 of the following reasons:

31 a. The severity of the violation, which includes the
32 following:

33 (1) The amount of wages that are determined to be underpaid
34 pursuant to this chapter.

35 (2) The activity or conduct complained of that violates the

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1 requirements of this chapter and was not merely a technical,
2 nonsubstantive error. Examples of a technical error include
3 but are not limited to a mathematical error, bookkeeping error,
4 transposition of numbers, or computer or programming error.

5 *b.* The nature and duration of the present violation and the
6 prior history of the contractor or subcontractor related to
7 this history. The prior history considered shall not exceed
8 seven years before the date of the notice of violation.

9 *c.* Whether the contractor or subcontractor submitted
10 certified payroll records with the public body in charge of the
11 public improvement; whether the contractor or subcontractor
12 has kept payroll records and accurate records for three years;
13 and whether the contractor or subcontractor produced certified
14 payroll records in accordance with section 91F.9.

15 *d.* Whether the contractor or subcontractor has violated any
16 other provision of this chapter.

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

27 **Sec. 14. NEW SECTION. 91F.12 Violations — remedies and**
28 **penalties.**

29 1. If the commissioner determines that a public body has
30 divided a public improvement into more than one contract for
31 the purpose of avoiding compliance with this chapter, the
32 commissioner shall issue an order compelling compliance. In
33 making a determination whether a public body has divided a
34 public improvement into more than one contract for the purpose
35 of avoiding compliance with this chapter, the commissioner

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1 shall consider all of the following:

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

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

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

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

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

17 3. The contractor or subcontractor shall additionally be
18 liable to the division for fifty percent of the amount of
19 underpayments and shall be additionally liable to the worker
20 for punitive damages in an amount equal to five percent of the
21 liability to the division for underpayments for each month
22 following the date of payment during which underpayments remain
23 unpaid, together with costs and reasonable attorney fees as
24 shall be allowed by the court.

25 4. If a second or subsequent action to recover underpayments
26 is brought against a contractor or subcontractor within a
27 three-year period and the contractor or subcontractor is
28 found liable for underpayments to a worker, the contractor or
29 subcontractor shall be liable to the division for seventy-five
30 percent of the amount of underpayments payable as a result of
31 the second or subsequent action, additionally liable to the
32 worker for ten percent of the amount of the liability to the
33 division for underpayments for each month following the date
34 of payment during which the underpayments remain unpaid, and
35 further liable to the worker for triple the difference between

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1 the amount so paid to the worker and the specified prevailing
2 wage rate required, together with costs and reasonable attorney
3 fees as shall be allowed by the court. The three-year period
4 begins to run from the date the contractor or subcontractor is
5 determined liable for the first violation.

6 5. The commissioner and any interested party shall also
7 have a right of action on behalf of a worker who has a right of
8 action under this chapter. An action brought to recover the
9 same shall be deemed to be a suit for wages, and all judgments
10 entered in the action shall have the same force and effect as
11 other judgments for wages. At the request of a worker employed
12 by a contractor or subcontractor who is paid less than the
13 prevailing wage rate required by this chapter, the commissioner
14 may take an assignment of the wage claim in trust for the
15 assigning worker and may bring any legal action necessary to
16 collect the claim, and the contractor or subcontractor shall
17 be required to pay the expenses of the division incurred in
18 collecting the claim.

19 6. In circumstances where a worker may not be available to
20 receive a payment or judgment, the payment due the worker shall
21 revert to the division after one year elapses from the time
22 payment was attempted to be made or judgment was rendered.

23 7. a. It is a violation of this chapter to do any of the
24 following:

25 (1) To request or demand, either before or after the worker
26 is engaged in a public improvement, that a worker pay back,
27 return, donate, contribute, or give any part or all of the
28 worker's wages, salary, or thing of value, to any person, upon
29 the statement, representation, or understanding that failure to
30 comply with the request or demand will prevent the worker from
31 procuring or retaining employment.

32 (2) To directly or indirectly pay, request, or authorize any
33 other person to violate this chapter.

34 b. This subsection does not apply to an agent or
35 representative of a duly constituted labor organization acting

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1 in the collection of dues or assessments of the organization.
2 8. In addition to other penalties provided under this
3 chapter, whoever induces a worker working on a public
4 improvement subject to this chapter to give up or forego
5 any part of the prevailing wage rates to which the worker
6 is entitled under this chapter by threat not to employ
7 or by threat of dismissal from employment is guilty of a
8 serious misdemeanor. An agreement between the worker and the
9 contractor or subcontractor to work for less than the specified
10 prevailing wage rate shall not be a defense to criminal
11 prosecution.

12 9. a. A contract shall not be awarded by a public
13 body to a contractor or subcontractor who, on two separate
14 occasions within a three-year period, has been determined
15 to have violated this chapter, or to any firm, corporation,
16 partnership, or association in which the contractor or
17 subcontractor has any interest until five years have elapsed
18 from the date on which a final determination is rendered
19 finding the contractor or subcontractor in violation of this
20 chapter.

21 b. For the purposes of this subsection, *“any interest”* means
22 an interest in the entity bidding or performing work on the
23 public improvement, whether as an owner, partner, officer,
24 manager, employee, agent, consultant, or representative. *“Any*
25 *interest”* includes but is not limited to all instances where the
26 barred contractor or subcontractor receives payments, whether
27 cash or any other form of compensation, from any entity bidding
28 or performing work on the public improvement, or enters into
29 a contract with the entity bidding or performing work on the
30 public improvement for services performed or to be performed
31 under contract that have been or will be assigned or sublet,
32 or for vehicles, tools, equipment, or supplies that have been
33 or will be sold, rented, or leased during the period from the
34 initiation of the barring proceedings until the end of the term
35 of the barring period. *“Any interest”* does not include shares

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1 held in a publicly traded corporation if the shares were not
2 received as compensation after the barring of an entity bidding
3 or performing work on a public improvement.

4 10. If the division determines that a contractor or
5 subcontractor has violated this chapter on two separate
6 occasions within a three-year period, the division shall list
7 on the department of workforce development's internet site and
8 keep on record the name of the contractor or subcontractor and
9 give notice by restricted certified mail of the list to any
10 public body requesting the list.

11 11. Upon a determination that a contractor or subcontractor
12 has violated this chapter on two separate occasions within a
13 three-year period, the division shall notify the violating
14 contractor or subcontractor by restricted certified mail. The
15 contractor or subcontractor has ten working days to request of
16 the division a hearing before an administrative law judge on
17 the alleged violation. Failure to respond within ten working
18 days shall result in automatic and immediate barring of the
19 violator from work as provided in subsection 9 and placement
20 and publication of the violator's name on the department of
21 workforce development's internet site as provided in subsection
22 10. If the contractor or subcontractor requests a hearing
23 within ten working days by restricted certified mail, the
24 department of inspections and appeals shall set a hearing
25 before an administrative law judge on the alleged violation.
26 The hearing shall take place no later than forty-five calendar
27 days after the receipt by the division of the request for a
28 hearing. An action by an administrative law judge constitutes
29 final agency action and is subject to judicial review under
30 section 17A.19.

31 12. The attorney general shall prosecute the cases
32 identified in this section upon complaint by the commissioner
33 or by any interested person. In any proceeding brought
34 pursuant to this section, the commissioner shall be represented
35 by the attorney general.

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1 13. This section does not give reason or provide cause for
2 an injunction to halt or delay any public improvement.

3 Sec. 15. NEW SECTION. **91F.13 Apprentices.**

4 This chapter shall not prevent the employment of apprentices
5 upon public improvements. However, an apprentice employed
6 on a public improvement must be registered with the United
7 States department of labor's office of apprenticeship under
8 an apprenticeship program registered with that office, paid
9 the proper wages specified in the standards of apprenticeship,
10 and engaged only in the trade to which the apprentice is
11 registered. If the apprentice is employed on a public
12 improvement in a trade to which the apprentice is not
13 registered with the United States department of labor's office
14 of apprenticeship, the apprentice shall be treated as any other
15 worker under this chapter.

16 Sec. 16. IMPLEMENTATION OF ACT. Section 25B.2, subsection
17 3, shall not apply to this Act.

18 Sec. 17. EFFECTIVE DATE. This Act takes effect January 1,
19 2016.

EXPLANATION

21 The inclusion of this explanation does not constitute agreement with
22 the explanation's substance by the members of the general assembly.

23 This bill requires a contractor to pay workers the same
24 hourly wage plus fringe benefits for a public improvement
25 costing more than \$25,000 as prevails in the locality of the
26 public improvement. The bill allows the per-hour wage rate to
27 be based on what is normally paid in the area by contractors
28 for similar projects, and to be adjusted on a yearly basis by
29 the department of workforce development.

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

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

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

18 If the commissioner declines to modify the determination,
19 within 10 days, the person affected may submit an objection in
20 writing to the division of labor services, stating the specific
21 reasons for the objection. A hearing must be set by the
22 department of inspections and appeals before an administrative
23 law judge within 45 days after the objection is filed. The
24 person who filed the objection must show the administrative
25 law judge that the wage rate was somehow made in error. The
26 division is required to show how it determined the wage
27 rate. The administrative law judge must make a decision about
28 the wage rate within 30 days and it is considered a final
29 determination.

30 The bill requires that contractors and subcontractors not
31 pay the workers less than the established wage rate but does
32 not prohibit them from paying the workers more than the wage
33 rate. The wage rate must be paid without any deductions
34 such as for food, sleeping quarters, use of tools, or safety
35 equipment.

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1 The bill also requires the public body to monitor the
2 contractors and subcontractors to ensure that the wage rate
3 is paid. A call for bids must state that the wage rate must
4 be included in the bids for the public improvement. All
5 bids shall list the specific wage rates for each craft,
6 classification, and type of worker needed for the public
7 improvement. All contractors and subcontractors are required
8 to sign a contract that states they will pay workers the wage
9 rate determined by the division. If the contractors and
10 subcontractors are found to not be paying the wage rate, the
11 contract states that the contractor's or subcontractor's right
12 to work on the public improvement and get paid for work already
13 done may be terminated.

14 Before the contractor or subcontractor receives the final
15 payment for the public improvement, the public body overseeing
16 the public improvement must certify the payments include proper
17 amounts due the workers, and the contractor or subcontractor
18 must swear under oath that the records are accurate.

19 The bill does not apply to public improvement projects
20 funded by the federal government that require federal
21 prevailing wage rates. However, unless a federal provision
22 applies, if a public improvement project is financed by both a
23 state public body and the federal government, then the higher
24 of the applicable wage rates shall be paid to the workers.

25 The bill also requires that contractors and subcontractors
26 keep detailed records for at least three years about the
27 workers, the rates paid, and the hours worked for each
28 public improvement. The records are public records and must
29 be available for inspection. However, workers' personal
30 information is not available to the public for inspection.
31 During the public improvement, a contractor or subcontractor
32 must present a certified weekly payroll to demonstrate that
33 the correct and full wage rate is being paid to workers. The
34 contractors and subcontractors must make all workers available
35 on-site to officials for interviews so that the records'

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1 accuracy can be checked. Contractors and subcontractors must
2 also post the wage rates for each craft, classification, and
3 type of worker in a public place where workers can see the
4 posting or at the place where they receive their wages.

5 The commissioner is given specific powers for investigation,
6 enforcement, and penalization. The commissioner may sue to
7 prevent a contractor or subcontractor from being awarded
8 a contract for a public improvement when the wage rate
9 requirements have not been met. The commissioner is given the
10 power to withhold payments if a contractor or subcontractor
11 does not produce records upon request and to pay the workers
12 directly if the contractor or subcontractor continues to refuse
13 to provide records.

14 After receiving a complaint, the commissioner shall
15 investigate whether there has been a violation. If the
16 commissioner determines there has been a violation, the
17 contractor or subcontractor must be given notice of that
18 violation. The notice is a formal written statement from the
19 department of workforce development that states the specific
20 violation and the amount of money due as a penalty.

21 If a public body has divided up a public improvement to
22 avoid having to pay the wage rate, the commissioner shall order
23 compliance. A worker who is paid less than the wage rate set by
24 this law can sue for the difference in payment and collect the
25 difference along with costs and attorney fees in court.

26 The contractor or subcontractor shall also have to pay the
27 division 50 percent of the amount of underpayment and is liable
28 to the worker for punitive damages of up to 5 percent of the
29 underpayments for each month the underpayment remains unpaid
30 plus costs and attorney fees.

31 If a second or subsequent action for underpaying a worker
32 is brought against a contractor or subcontractor within a
33 three-year period and the contractor or subcontractor is
34 liable, the contractor or subcontractor shall pay the division
35 75 percent of the amount of underpayment, is liable to the

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1 worker for 10 percent of the penalty for underpayments for each
2 month following it that the underpayment remains unpaid, and
3 is liable to the worker for triple the difference between the
4 amount paid to the worker and the amount due under the wage
5 rate set by the commissioner plus costs and attorney fees.

6 The commissioner or any interested party has a right of
7 action on behalf of any individual who has a right of action
8 under the bill. The commissioner may file a lawsuit in trust
9 for a worker who assigns the claim and then bring legal action
10 to collect the claim. The contractor shall be required to pay
11 the expenses for collection of the claim.

12 The bill prohibits a person from requesting or demanding
13 that a worker pay back, return, donate, contribute, or give
14 any part or all of the worker's wages, salary, or thing of
15 value, to any person who asserts that failure to comply with
16 the request or demand will prevent the worker from procuring
17 or retaining employment. The bill prohibits a person from
18 paying, requesting, or authorizing any other person to violate
19 the requirements of the bill. However, these provisions do
20 not apply to authorized labor organization representatives
21 collecting dues or assessments.

22 In addition to other penalties under the bill, anyone who
23 attempts to get a worker to give up any part of compensation
24 on a public improvement by threat not to hire or by threat of
25 firing is guilty of a serious misdemeanor. Any agreement to
26 work for less than the determined wage rate is not a defense to
27 criminal prosecution. A serious misdemeanor is punishable by
28 confinement for no more than one year and a fine of at least
29 \$315 but not more than \$1,875.

30 If a contractor or subcontractor has violated the bill twice
31 within a three-year period, the contractor or subcontractor
32 or any company or group associated with the contractor or
33 subcontractor shall not be given any public improvement work
34 for five years. The department of workforce development
35 shall keep a list on its internet site of contractors and

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1 subcontractors who have violated the bill twice within a
2 three-year period and notify public bodies by restricted
3 certified mail.

4 A contractor or subcontractor who has been notified of
5 the second violation has 10 days to request a hearing before
6 an administrative law judge. A hearing must be held within
7 45 days of the request. If no hearing is requested, the
8 contractor is barred from receiving public improvement work and
9 its name and information is posted on the department's internet
10 site.

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

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

25 The bill takes effect January 1, 2016.



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House File 39 - Introduced

HOUSE FILE 39
BY HUNTER

A BILL FOR

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

TLSB 1282YH (2) 86
je/nh



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1 Section 1. LIVING WAGE IMPACT STUDY.

2 1. If funding is approved or appropriated to the state
3 board of regents for such purposes, Iowa state university
4 shall conduct a study regarding the economic, fiscal, and
5 social impacts of establishing a living wage, also known as a
6 self-sufficiency wage, in Iowa. The living wage in the study
7 shall be based on a 40-hour work week, and the study shall
8 include all of the following:

9 a. A proposal for a two-tiered living wage, one tier with
10 benefits and one without benefits, for family sizes ranging
11 from two people to six people for all 99 counties.

12 b. An evaluation of the impact that a living wage would have
13 on full-time workers, the multiplier effect of a living wage
14 on the economy, and whether more jobs would be created by this
15 multiplier effect.

16 c. How a living wage would impact public assistance
17 programs, particularly whether it would reduce costs.

18 d. How a living wage would impact state and local economic
19 development programs.

20 e. How a living wage would assist or hinder the housing
21 market.

22 f. Taking into account paragraphs "b", "c", "d", and "e",
23 an examination of whether there would be an overall positive
24 impact on the economy considering possible business concerns of
25 inflation and job loss.

26 g. An evaluation of other states or metropolitan areas that
27 have a living wage to provide examples of how a living wage
28 could be implemented on a phased-in basis for all workers in
29 this state, including the private and public sectors.

30 h. Any other recommendations that the persons conducting
31 the study believe are relevant to establishing a living wage
32 in this state.

33 2. An Iowa state university sociology professor, an
34 Iowa state university human development and family studies
35 professor, and an Iowa state university economics professor,

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

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

10 4. Iowa state university shall submit a report regarding the
11 findings of the study to the general assembly by December 18,
12 2015.

EXPLANATION

14 The inclusion of this explanation does not constitute agreement with
15 the explanation's substance by the members of the general assembly.

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

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

30 A report on the study's findings is due to the legislature by
31 December 18, 2015.



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House File 40 - Introduced

HOUSE FILE 40
BY HUNTER

A BILL FOR

1 An Act relating to the regulation of employment agencies and
2 employers and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1275YH (1) 86
je/rj



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1 Section 1. NEW SECTION. 94A.3A Employee notice.

2 1. An employment agency shall provide to each employee
3 referred for employment notice of the following:

4 a. The name, address, electronic mail address, and telephone
5 number of the following:

6 (1) The employment agency, or the contact information of the
7 employee of the employment agency facilitating the placement.

8 (2) The employment agency's workers' compensation carrier.

9 (3) The employer.

10 (4) The commissioner.

11 b. A description of the position and whether it will require
12 any special clothing, equipment, training, or licenses, and
13 any costs that will be charged to the employee for supplies or
14 training.

15 c. The designated payday, the hourly rate of pay, and
16 whether overtime may occur and be paid.

17 d. The daily starting time and anticipated end time and, if
18 known, the expected duration of employment.

19 e. Whether any meals will be provided by the employment
20 agency or employer and the charge for such meals, if any, to
21 the employee.

22 f. Details of the means of transportation to the work
23 site and any fees that will be charged to the employee by the
24 employment agency or employer for any transportation services.

25 2. An employment agency shall confirm the information in
26 the notice required by subsection 1 in writing and send a
27 copy thereof to the employee, by a method designated by the
28 employee, before the end of the employee's first pay period.
29 However, an employment agency shall send any change in the
30 initial terms of employment to the employee immediately.

31 3. The employment agency shall post in a conspicuous place
32 in each of the locations where it does business a notice
33 of the requirements of this section and the name, internet
34 site address, and telephone number of the commissioner. The
35 commissioner shall prepare and publish on the commissioner's

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1 internet site a sample notice for use by employers that meets
2 the requirements of this section and, upon request, shall
3 facilitate the translation of the notice into a language other
4 than English.

5 4. This section shall not be construed to prohibit an
6 employment agency from directing an employee to employment by
7 telephone. However, the employment agency shall provide the
8 information required by subsection 1 by telephone at the same
9 time.

10 5. This section does not apply to a professional employee,
11 as defined in 29 U.S.C. §152, or to an employee who is a
12 secretary or administrative assistant whose main or primary
13 duties are described by the United States department of labor,
14 bureau of labor statistics, as involving one or more of the
15 following:

16 a. Drafting or revising correspondence.

17 b. Scheduling appointments.

18 c. Creating, organizing, and maintaining paper and
19 electronic files.

20 d. Providing information to callers or visitors.

21 Sec. 2. NEW SECTION. **94A.3B Transportation services.**

22 If an employment agency or employer or a person acting
23 directly or indirectly in the interest of either offers
24 transportation services to or from a designated work site
25 to an employee and charges a fee for such services, the
26 employment agency or employer shall charge such employee not
27 more than the actual cost to transport such employee to or
28 from the designated work site. Such fee shall not exceed
29 three percent of such employee's total daily wages and shall
30 not reduce the employee's total daily wages below the minimum
31 wage earned for the day. If an employment agency or employer
32 or a person acting directly or indirectly in the interest of
33 either requires the use of such services by an employee, a
34 fee shall not be charged to the employee for such services.
35 If an employment agency or employer provides transportation

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1 services to a designated work site to an employee on a day when
2 employment is not available, the employment agency or employer
3 shall fully refund any fee charged to the employee for such
4 services.

5 Sec. 3. Section 94A.4, subsection 4, Code 2015, is amended
6 by adding the following new paragraphs:

7 NEW PARAGRAPH. *g.* Refer an employee for employment by force
8 or fraud, for illegal purposes, or where the employment is in
9 violation of state or federal law.

10 NEW PARAGRAPH. *h.* Refer an employee for employment at any
11 location that is on strike or lockout without first notifying
12 the employee of such fact.

13 Sec. 4. Section 94A.4, Code 2015, is amended by adding the
14 following new subsections:

15 NEW SUBSECTION. 5. An employment agency or employer shall
16 not charge or accept a fee from an employee for the following:

17 *a.* Any good or service unless under the terms of a written
18 contract with the employee, which clearly states in a language
19 the employee can understand that the purchase is voluntary and
20 which provides that the employment agency or employer will not
21 gain a profit from any cost or fee charged to the employee.

22 *b.* The provision of a bank card, debit card, payroll card,
23 voucher, draft, money order, or similar form of payment or
24 wages that exceeds the actual cost per employee.

25 *c.* Any drug test.

26 *d.* Any criminal history background check.

27 *e.* Transportation, except as provided in section 94A.3B.

28 *f.* Any good or service the payment for which would cause the
29 employee to earn less than the applicable minimum wage.

30 NEW SUBSECTION. 6. An employment agency or employer or
31 a person acting directly or indirectly in the interest of
32 either shall not deduct any costs or fees from the wages of
33 an employee without the express written authorization of the
34 employee. An employment agency or employer shall furnish to
35 the employee a copy of the signed authorization in a language



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1 the employee can understand.

2 NEW SUBSECTION. 7. An employment agency or employer shall
3 not refuse to return on demand any personal property belonging
4 to an employee or any fee or cost that is charged to the
5 employee or accepted by the employment agency or employer in
6 excess of the amounts allowable under this chapter.

7 EXPLANATION

8 The inclusion of this explanation does not constitute agreement with
9 the explanation's substance by the members of the general assembly.

10 This bill makes various modifications to Code chapter
11 94A, which provides for regulation of employment agencies in
12 this state by the labor commissioner. "Employment agency"
13 is defined as a person who brings together those desiring to
14 employ and those desiring employment and who receives a fee,
15 privilege, or other consideration directly or indirectly from
16 an employee for the service.

17 The bill requires an employment agency to provide to each
18 employee referred for employment notice of certain information
19 relating to the employment. The required information must be
20 confirmed in writing and sent to the employee before the end
21 of the employee's first pay period by an employment agency,
22 but any change to the initial terms of employment must be sent
23 immediately.

24 The bill requires an employment agency to post in each of the
25 locations where it does business notice of the requirements of
26 the bill and contact information for the labor commissioner.
27 The bill requires the labor commissioner to prepare a sample
28 notice for use by employers.

29 The notice requirements do not prohibit an employment agency
30 from directing an employee to employment by telephone, if the
31 employment agency also provides the required notification at
32 the same time. The notification requirements do not apply to
33 a professional employee as defined in federal law or to an
34 employee who is a secretary or administrative assistant who has
35 certain duties.

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1 The bill places certain limitations on the fees an
2 employment agency or employer can charge an employee for
3 transportation services to or from a designated work site.

4 The bill prohibits an employment agency from referring
5 an employee for employment by force or fraud, for illegal
6 purposes, or where the employment is in violation of state or
7 federal law. The bill prohibits an employment agency from
8 referring an employee for employment at any location that is
9 on strike or lockout without first notifying the employee of
10 such fact.

11 The bill prohibits an employment agency or employer from
12 charging or accepting a fee from an employee for any good or
13 service unless under the terms of a written contract with the
14 employee; the provision of a bank card, debit card, or similar
15 form of payment or wages that exceeds the actual cost per
16 employee; any drug test; any criminal history background check;
17 transportation, except as provided in the bill; or any good or
18 service the payment for which would cause the employee to earn
19 less than the applicable minimum wage.

20 The bill prohibits an employment agency or employer from
21 deducting any costs or fees from the wages of an employee
22 without the express written authorization of the employee.

23 The bill prohibits an employment agency or employer from
24 refusing to return on demand any personal property belonging to
25 an employee or any fee or cost that is charged to the employee
26 or accepted by the employment agency or employer in excess of
27 the amounts allowable under Code chapter 94A.

28 A violation of Code chapter 94A is a simple misdemeanor and
29 is also cause for a civil penalty in an amount up to \$2,000.
30 A simple misdemeanor is punishable by confinement for no more
31 than 30 days or a fine of at least \$65 but not more than \$625
32 or by both.

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Iowa General Assembly
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House File 41 - Introduced

HOUSE FILE 41
BY HUNTER

A BILL FOR

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

TLSB 1274YH (3) 86
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1 Section 1. Section 84A.5, subsection 4, Code 2015, is
2 amended to read as follows:

3 4. The division of labor services is responsible for the
4 administration of the laws of this state under chapters 88,
5 88A, 88B, 89, 89A, 89B, 90A, 91, 91A, 91C, 91D, 91E, 91F, 92,
6 and 94A, and section 85.68. The executive head of the division
7 is the labor commissioner, appointed pursuant to section 91.2.

8 Sec. 2. Section 91.4, subsection 2, Code 2015, is amended
9 to read as follows:

10 2. The director of the department of workforce development,
11 in consultation with the labor commissioner, shall, at the
12 time provided by law, make an annual report to the governor
13 setting forth in appropriate form the business and expense of
14 the division of labor services for the preceding year, the
15 number of remedial actions taken under chapter 89A, the number
16 of disputes or violations processed by the division and the
17 disposition of the disputes or violations, and other matters
18 pertaining to the division which are of public interest,
19 together with recommendations for change or amendment of the
20 laws in this chapter and chapters 88, 88A, 88B, 89, 89A, 89B,
21 90A, 91A, 91C, 91D, 91E, 91F, 92, and 94A, and section 85.68,
22 and the recommendations, if any, shall be transmitted by the
23 governor to the first general assembly in session after the
24 report is filed.

25 Sec. 3. NEW SECTION. 91F.1 Meal and rest periods —
26 requirements.

27 1. As used in this chapter, unless the context otherwise
28 requires:

29 a. "Commissioner" means the labor commissioner appointed
30 pursuant to section 91.2.

31 b. "Employee" means a natural person who is employed in this
32 state for wages by an employer.

33 c. "Employer" means a person, as defined in section 4.1,
34 who in this state employs for wages a natural person. An
35 employer does not include a client, patient, customer, or



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1 other person who obtains professional services from a licensed
2 person providing the services on a fee service basis or as an
3 independent contractor.

4 2. An employer shall provide an employee with appropriate
5 meal periods and appropriate rest periods.

6 a. An appropriate meal period shall be a period of not less
7 than thirty minutes during an employee's work period in which
8 an employee works at least seven hours. The meal period shall
9 be taken between the second and fifth hours. If an employee
10 works more than seven hours, the meal period shall be taken
11 between the third and sixth hours.

12 b. An appropriate rest period shall be a paid period of
13 not less than ten minutes during every consecutive four-hour
14 period of work taken by an employee approximately in the middle
15 of each four-hour period. The rest period is in addition to a
16 meal period, if applicable, and shall not be added to a meal
17 period or deducted from the work period to reduce the overall
18 length of the total work period.

19 3. An employer is not required to pay for a meal period
20 if an employee is free from work duties during the employee's
21 entire meal period. An employee shall be paid for the meal
22 period if any of the following occur:

23 a. The employee is required or allowed to remain on duty.

24 b. The employee is required to be on-call at the work
25 premises or designated worksite to be available to return to
26 duty even if the employee is not called back to duty.

27 c. The employee is called back to duty during the employee's
28 meal period even though the employee is not usually on-call
29 during the meal period.

30 Sec. 4. NEW SECTION. 91F.2 Meal and rest periods —
31 exemptions.

32 1. Meal and rest period requirements may be modified by the
33 terms of a collective bargaining agreement if the collective
34 bargaining agreement entered into by the employees prescribes
35 specific terms concerning meal periods and rest periods.

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1 2. Meal and rest period requirements apply to hourly paid
2 and salary-paid employees. Management or employees involved
3 in agricultural jobs are not required to have breaks or meal
4 breaks. For the purposes of this section, agricultural jobs do
5 not include work in the production of seed, limited to removal
6 of off-type plants and corn tassels and hand-pollinating during
7 the months of June, July, and August by persons ages fourteen
8 and older.

9 3. Meal period requirements may be waived when an employer
10 can show that the ordinary nature and circumstance of the
11 work prevented the employer from establishing and maintaining
12 a regularly scheduled meal period. The factors that may be
13 considered regarding the waiver of the requirements are limited
14 to the following:

15 a. The safety and health needs of employees, patients,
16 clients, and the public.

17 b. The lack of other employees available to provide relief
18 to an employee.

19 c. The cost involved in shutdown and startup of machinery in
20 continuous operation of the industrial process.

21 d. The intermittent and unpredictable workflow not
22 controlled by the employer or employee.

23 e. Unforeseeable equipment failures, emergencies, or acts
24 of nature that require immediate and uninterrupted attention
25 by an employee.

26 Sec. 5. NEW SECTION. 91F.3 Civil penalties.

27 1. Any employer who violates the provisions of this chapter
28 or the rules adopted pursuant to this chapter is subject to a
29 civil penalty of not more than one hundred dollars for each
30 violation. The commissioner may recover the civil penalty
31 according to subsections 2 through 5. Any civil penalty
32 recovered shall be deposited in the general fund of the state.

33 2. The commissioner may propose that an employer be assessed
34 a civil penalty by serving the employer with notice of such
35 proposal in the same manner as an original notice is served

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1 under the rules of civil procedure. Upon service of such
2 notice, the proposed assessment shall be treated as a contested
3 case under chapter 17A. However, an employer must request a
4 hearing within thirty days of being served.

5 3. If an employer does not request a hearing pursuant
6 to subsection 2 or if the commissioner determines, after an
7 appropriate hearing, that an employer is in violation of this
8 chapter or the rules adopted pursuant to this chapter, the
9 commissioner shall assess a civil penalty which is consistent
10 with the provisions of subsection 1 and which is rendered with
11 due consideration for the penalty amount in terms of the size
12 of the employer's business, the gravity of the violation,
13 the good faith of the employer, and the history of previous
14 violations.

15 4. An employer may seek judicial review of any assessment
16 rendered under subsection 3 by instituting proceedings for
17 judicial review pursuant to chapter 17A. However, such
18 proceedings must be instituted in the district court of the
19 county in which the violation or one of the violations occurred
20 and within thirty days of the day on which the employer was
21 notified that an assessment has been rendered. Also, an
22 employer may be required, at the discretion of the district
23 court and upon instituting such proceedings, to deposit the
24 amount assessed with the clerk of the district court. Any
25 moneys so deposited shall either be returned to the employer
26 or be forwarded to the commissioner for deposit in the general
27 fund of the state, depending on the outcome of the judicial
28 review, including any appeal to the supreme court.

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

34 Sec. 6. NEW SECTION. 91F.4 Duties and authority of
35 commissioner.

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1 The bill allows three exemptions to the meal and rest period
2 requirements. The first exemption is if the meal and rest
3 period requirements are modified by the terms of a collective
4 bargaining agreement. However, the exemption is valid only
5 if the collective bargaining agreement entered into by the
6 employees prescribes specific terms concerning meal periods and
7 rest periods.

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

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

17 The bill provides civil penalties for violating the new
18 Code chapter. An employer who violates the provisions shall
19 be subject to a penalty of up to \$100 for each violation. The
20 labor commissioner may recover the penalties under Code chapter
21 17A contested case procedures. Any penalties recovered shall
22 be deposited in the general fund of the state.

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

27 The bill provides the labor commissioner with the authority
28 to provide further exemptions from new Code chapter 91F when
29 reasonable. Also, the labor commissioner or the commissioner's
30 designee may inspect employment records relating to rest
31 periods for employees and interview an employer or employee or
32 an agent of the employer or employee, during working hours or
33 at other reasonable times.

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House File 42 - Introduced

HOUSE FILE 42
BY WINDSCHITL

A BILL FOR

1 An Act allowing the taking of catfish by bow and arrow and
2 providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1106YH (2) 86
av/nh



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H.F. 42

1 Section 1. Section 461A.42, subsection 1, paragraph b, Code
2 2015, is amended to read as follows:

3 b. A person may use a bow and arrow with an attached bow
4 fishing reel and ninety-pound minimum line attached to the
5 arrow to take catfish or rough fish as provided by rule of the
6 commission.

7 Sec. 2. Section 481A.76, Code 2015, is amended to read as
8 follows:

9 **481A.76 Unlawful means — exception.**

10 It is unlawful, except as otherwise provided, to use on or
11 in the waters of the state any grabhook, snaghook, any kind of
12 a net, seine, trap, firearm, dynamite, or other explosives, or
13 poisonous or stupefying substances, lime, ashes, electricity,
14 or hand fishing in the taking or attempting to take any fish,
15 except that gaffhooks or landing nets may be used to assist in
16 landing fish. The commission may permit designated fish to be
17 taken by hand fishing, by snagging, by spearing, by bow and
18 arrow, and with artificial light at the times and at the places
19 as determined by rules of the commission. The commission
20 shall permit the taking of catfish by bow and arrow, and with
21 artificial light in the manner and at the times and at the
22 places as determined by rules of the commission.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with
25 the explanation's substance by the members of the general assembly.

26 This bill allows a person to take catfish with a specified
27 bow and arrow in state parks and preserves as provided by rule
28 of the commission. A violation of this provision is punishable
29 with a scheduled fine of \$50. The bill also requires the
30 natural resource commission to allow the taking of catfish by
31 means of bow and arrow and with artificial light in a manner
32 and at times and places as determined by the commission by
33 rule. A violation of this provision is punishable with a
34 scheduled fine of \$50.

35 Currently, only the taking of rough fish in state parks

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1 and preserves is allowed by use of a specified bow and arrow
2 as provided by rule of the commission, and the commission is
3 allowed, but not required, to designate fish that can be taken
4 by bow and arrow.



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House File 43 - Introduced

HOUSE FILE 43
BY WINDSCHITL

A BILL FOR

1 An Act relating to the issuance of an early bow season deer
2 hunting license.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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H.F. 43

1 Section 1. Section 483A.8, Code 2015, is amended by adding
 2 the following new subsection:

3 NEW SUBSECTION. 9. The commission shall provide by rule
 4 for the annual issuance to a resident of an early bow season
 5 deer hunting license to take antlered deer only that is valid
 6 for use only during the period beginning on August 30 and
 7 ending on the day before the third Saturday in September. A
 8 person who receives a deer hunting license for the early bow
 9 season is not eligible for a regular bow season deer hunting
 10 license. However, a person who is issued an early bow season
 11 deer hunting license and does not take a deer during the early
 12 bow season may use the deer hunting license and unused tag to
 13 take a deer of either sex during any regular bow season that is
 14 established by the commission. The commission shall determine
 15 the number of early bow season deer hunting licenses that will
 16 be available for issuance each year, the number of days each
 17 license issued is valid, and the zone in which the license
 18 issued is valid.

19 **EXPLANATION**

20 The inclusion of this explanation does not constitute agreement with
 21 the explanation's substance by the members of the general assembly.

22 This bill requires the natural resource commission to
 23 provide by rule for the annual issuance to a resident of an
 24 early bow season deer hunting license to take antlered deer
 25 only that is valid for use only from August 30 through the day
 26 before the third Saturday in September. The commission shall
 27 determine the number of early bow season deer hunting licenses
 28 that will be available for issuance each year, and the number
 29 of days and the zone in which such licenses will be valid. A
 30 person who receives an early bow season license is not eligible
 31 to receive a regular bow season deer hunting license. However,
 32 if a person who is issued an early bow season license does not
 33 take a deer during early bow season, the license and unused
 34 tag may be used by that person during any regular bow season
 35 established by the commission.

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1 Currently, there is a split regular bow season for deer
2 hunting that runs from October 1 through the Friday before the
3 first Saturday in December and from the Monday following the
4 third Saturday in December through January 10 of the following
5 year. The special bow season for deer hunting by youth and by
6 persons who are severely disabled runs for 16 consecutive days
7 beginning on the third Saturday in September.



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House File 44 - Introduced

HOUSE FILE 44
BY WINDSCHITL

A BILL FOR

1 An Act requiring the natural resource commission to allow youth
2 to use crossbows to hunt deer and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1108YH (2) 86
av/nh



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H.F. 44

1 Section 1. Section 483A.8, subsection 7, Code 2015, is
2 amended to read as follows:

3 7. A person who is issued a youth deer hunting license
4 and does not take a deer during the youth deer hunting season
5 may use the deer hunting license and unused tag during any
6 other firearm season that is established by the commission to
7 take a deer of either sex. The commission shall adopt a rule
8 permitting a person who is issued a youth deer hunting license
9 to use a crossbow to take a deer of any sex during any deer
10 hunting season that is designated by the commission.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.

14 This bill requires the natural resource commission to
15 adopt a rule permitting a person who is issued a youth deer
16 hunting license to use a crossbow for taking a deer of either
17 sex during any deer hunting season that is designated by the
18 commission. A violation of the new provision is punishable by
19 a scheduled fine of \$25.



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House File 45 - Introduced

HOUSE FILE 45
BY WINDSCHITL

A BILL FOR

1 An Act relating to the regulation of firearms and ammunition in
2 a state of public emergency and providing a remedy.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1393YH (1) 86
jm/rj



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H.F. 45

1 Section 1. Section 29C.3, subsection 4, paragraph e, Code
2 2015, is amended by striking the paragraph.

3 Sec. 2. Section 29C.6, subsection 16, Code 2015, is amended
4 to read as follows:

5 16. Suspend or limit the sale, dispensing, or
6 transportation of alcoholic beverages, ~~firearms~~, explosives,
7 and combustibles.

8 Sec. 3. NEW SECTION. **29C.23 Firearms and ammunition —**
9 **limitations — exceptions — remedies.**

10 1. This chapter shall not be construed to authorize the
11 governor or any other official of this state or any of its
12 political subdivisions or any agent or person acting at the
13 direction of the governor or any such official to do any of the
14 following:

15 a. Prohibit, regulate, or curtail the otherwise lawful
16 possession, carrying, transportation, transfer, or defensive
17 use of firearms or ammunition.

18 b. Suspend or revoke, except in accordance with section
19 724.13, a permit issued pursuant to section 724.6, 724.7, or
20 724.15.

21 c. Seize or confiscate firearms and ammunition possessed in
22 accordance with the laws of this state.

23 2. This section shall not prohibit any of the following:

24 a. The temporary closure or limitations on the operating
25 hours of businesses that sell firearms or ammunition if the
26 same operating restrictions apply to all businesses in the
27 affected area.

28 b. Regulations pertaining to firearms and ammunition used
29 or carried for official purposes by law enforcement officers
30 or persons acting under the authority of emergency management
31 agencies or officials.

32 3. a. A person aggrieved by a violation of this section
33 may seek relief in an action at law or in equity or in any
34 other proper proceeding for actual damages, injunctive relief,
35 or other appropriate redress against a person who commits or



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H.F. 45

1 The bill allows a person aggrieved by a violation under
2 the bill to seek relief in an action at law or in equity or
3 in any other proper proceeding for actual damages, injunctive
4 relief, or other appropriate redress, including court costs
5 and attorney fees, against a person who commits or causes
6 the commission of such violation. In addition to any other
7 remedy available at law or in equity, a person aggrieved by
8 the seizure or confiscation of a firearm or ammunition in
9 violation of the bill may file an application for its return
10 in the office of the clerk of court for the county in which the
11 property was seized pursuant to Code section 809.3.

12 The bill makes conforming changes to Code sections 29C.3 and
13 29C.6 relating to the governor's authority under current law to
14 prohibit the possession of firearms or any other deadly weapon
15 by a person other than at that person's place of residence
16 or business and to suspend or limit the sale, dispensing, or
17 transportation of firearms.



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House File 46 - Introduced

HOUSE FILE 46
BY PETTENGILL

A BILL FOR

1 An Act to establish a right to engage in a lawful occupation
2 free from substantial burdens imposed by occupational
3 regulations unless certain conditions are met and providing
4 remedies.

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

TLSB 1571YH (1) 86
je/rj



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1 Section 1. NEW SECTION. 27.1 Purpose.

2 The purposes of this chapter are:

3 1. To ensure that an individual may pursue a lawful
4 occupation free from unnecessary occupational regulations.

5 2. To protect against the misuse of occupational
6 regulations to reduce competition and increase prices to
7 consumers.

8 Sec. 2. NEW SECTION. 27.2 Definitions.

9 For purposes of this chapter, unless the context otherwise
10 requires:

11 1. "*Business license*" means a permit, registration,
12 certification, franchise, or other approval required by law for
13 a person to do business in this state.

14 2. "*Certification*" means a voluntary program in which the
15 government grants nontransferable recognition to an individual
16 who meets personal qualifications established by law, which
17 permits the individual to use "certified" as a designated
18 title, but which is not required for an individual to engage
19 in a lawful occupation for compensation. "*Certification*" by
20 the government does not include certification by a private
21 certification organization.

22 3. "*Government*" means any agency or other entity
23 of government of this state or of any of its political
24 subdivisions.

25 4. "*Lawful occupation*" means a course of conduct, pursuit,
26 or profession that includes the sale of goods or services that
27 can be legally sold in this state, irrespective of whether
28 the individual selling them is subject to an occupational
29 regulation.

30 5. "*Least restrictive means of furthering a compelling*
31 *governmental interest*", from least to most restrictive, means
32 the following:

33 (1) Absence of any occupational regulations.

34 (2) A provision for private civil action in small claims or
35 district court to remedy consumer harm.



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H.F. 46

1 (3) Inspection requirements.
2 (4) Bonding or insurance requirements.
3 (5) Registration requirements.
4 (6) Certification requirements.
5 (7) Occupational license requirements.
6 6. "*Occupational license*" means a nontransferable
7 authorization in law for an individual to engage in a lawful
8 occupation for compensation based on meeting personal
9 qualifications established by law, without which it is illegal
10 for an individual to engage in the occupation for compensation.
11 "*Occupational license*" does not include registration or
12 certification.
13 7. "*Occupational regulation*" means a statute, ordinance,
14 rule, practice, policy, or other requirement in law that an
15 individual possess certain personal qualifications in order
16 to engage in a lawful occupation. "*Occupational regulation*"
17 excludes a business license and zoning and land use regulations
18 except to the extent such requirements regulate an individual's
19 personal qualifications to perform a lawful occupation.
20 8. "*Personal qualifications*" means criteria established by
21 law related to an individual's personal background including
22 but not limited to completion of an approved educational
23 program, satisfactory performance on an examination, work
24 experience, criminal history, moral standing, and completion
25 of continuing education.
26 9. "*Registration*" means a requirement established by law
27 in which an individual must give notice to the government in
28 order to engage in a lawful occupation and to use "*registered*"
29 as a designated title. Such notice may include but is not
30 limited to the individual's name and address, the individual's
31 agent for service of process, the location of the activity to
32 be performed, and a description of the service the individual
33 provides. "*Registration*" may require a bond or insurance.
34 "*Registration*" by the government does not include certification
35 by a private registration organization. A "*registration*" is

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1 nontransferable.

2 10. "*Substantial burden*" means a requirement in an
3 occupational regulation that imposes significant difficulty or
4 cost on an individual seeking to enter into or continue in a
5 lawful occupation. "*Substantial burden*" means a burden that is
6 more than incidental.

7 Sec. 3. NEW SECTION. 27.3 Right to engage in a lawful
8 occupation — remedies.

9 1. An individual has a right to engage in a lawful
10 occupation free from any substantial burden imposed by an
11 occupational regulation unless the government demonstrates all
12 of the following with respect to such occupational regulation:

13 a. The government has a compelling interest in protecting
14 against present and recognizable harm to the public health or
15 safety.

16 b. The occupational regulation is the least restrictive
17 means of furthering that compelling governmental interest.

18 2. a. An individual may assert as a defense in any judicial
19 or administrative proceeding brought by the government to
20 enforce an occupational regulation that such occupational
21 regulation violates the individual's right established in
22 subsection 1.

23 b. An individual may bring an action for declaratory
24 judgment or injunctive or other equitable relief against the
25 government for an occupational regulation that violates the
26 individual's right established in subsection 1. An individual
27 need not exhaust administrative remedies to bring such an
28 action.

29 3. An individual who asserts a defense or brings an action
30 under subsection 2 has the initial burden of proof that an
31 occupational regulation substantially burdens the individual's
32 right to engage in a lawful occupation.

33 4. If the individual meets the burden of proof under
34 subsection 3, the government must demonstrate by clear and
35 convincing evidence that the government has a compelling

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1 interest in protecting against present and recognizable harm
2 to the public health or safety, and that the occupational
3 regulation is the least restrictive means for furthering that
4 compelling governmental interest.

5 5. The presiding officer or court in a proceeding in
6 which an individual asserts a defense or brings an action
7 under subsection 2 shall make its own findings of fact and
8 conclusions of law with no deference given to any determination
9 by the government or in statute or rule that an occupational
10 regulation serves a compelling governmental interest in
11 protecting against present and recognizable harm to the public
12 health or safety or that the occupational regulation is the
13 least restrictive means of furthering a compelling governmental
14 interest.

15 6. An employer may assert a defense or bring an action under
16 subsection 2 on behalf of an employee or prospective employee.

17 **Sec. 4. NEW SECTION. 27.4 Private registration and**
18 **certification permitted.**

19 An individual may use the words "registered" or "certified"
20 as a designated title or as part of a designated title if
21 the individual meets the requirements for registration
22 or certification established by a private registration
23 or certification organization. The individual shall not
24 portray such registration or certification as granted by the
25 government.

26 **Sec. 5. NEW SECTION. 27.5 Construction.**

27 1. This chapter shall be liberally construed to protect the
28 right established in section 27.3, subsection 1.

29 2. This chapter shall not be construed to create a right of
30 action against a private party or to require a private party to
31 do business with an individual who is not licensed, certified,
32 or registered with the government.

33 3. This chapter shall not be construed to create a right of
34 action against the federal government for its use of a state
35 occupational regulation in federal law.

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1 is the least restrictive means of furthering a compelling
2 governmental interest. An employer may assert a defense
3 or bring an action on behalf of an employee or prospective
4 employee.

5 The bill defines "occupational regulation" as a statute,
6 ordinance, rule, practice, policy, or other requirement in law
7 that an individual possess certain personal qualifications
8 in order to engage in a lawful occupation. "Occupational
9 regulation" excludes a business license and zoning and
10 land use regulations except to the extent such requirements
11 regulate an individual's personal qualifications to perform
12 a lawful occupation. The bill defines "substantial burden"
13 as a requirement in an occupational regulation that imposes
14 significant difficulty or cost on an individual seeking to
15 enter into or continue in a lawful occupation. "Substantial
16 burden" means a burden that is more than incidental. The
17 bill defines "government" as any agency or other entity
18 of government of this state or of any of its political
19 subdivisions.

20 The bill defines "least restrictive means of furthering
21 a compelling governmental interest" as, from least to most
22 restrictive, absence of any occupational regulations, a
23 provision for private civil action in small claims or district
24 court to remedy consumer harm, inspection requirements,
25 bonding or insurance requirements, registration requirements,
26 certification requirements, and occupational license
27 requirements.

28 The bill permits an individual to use the words "registered"
29 or "certified" as a designated title or as part of a designated
30 title if the individual meets the requirements for registration
31 or certification established by a private registration or
32 certification organization. An individual cannot portray such
33 registration or certification as granted by the government.

34 The bill is to be liberally construed to protect the right
35 established by the bill. The bill is not to be construed to

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1 create a right of action against a private party or to require
2 a private party to do business with an individual who is not
3 licensed, certified, or registered with the government. The
4 bill is not to be construed to create a right of action against
5 the federal government for its use of a state occupational
6 regulation in federal law.



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House File 47 - Introduced

HOUSE FILE 47
BY FISHER

A BILL FOR

1 An Act relating to supervision of electrical wiring performed
2 by apprentice electricians or unclassified persons.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1466YH (2) 86
tr/sc



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H.F. 47

1 Section 1. Section 103.15, subsection 4, Code 2015, is
2 amended to read as follows:

3 4. For purposes of this section, *“the direct personal*
4 *on-the-job supervision and control and in the immediate presence*
5 *of a licensee”* shall mean the licensee and the apprentice
6 electrician or unclassified person shall be working at the same
7 project location for a minimum of twenty-five percent of each
8 day’s work period but shall not require that the licensee and
9 apprentice electrician or unclassified person be within sight
10 of one another at all times during that entire period of time.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
13 the explanation’s substance by the members of the general assembly.

14 Under current Code section 103.15, subsection 3, an
15 apprentice electrician or unclassified person is required to
16 be in the presence of a licensed electrician at all times to
17 perform electrical wiring. This bill amends the definition
18 of “the direct personal on-the-job supervision and control
19 and in the immediate presence of a licensee” to require the
20 licensed electrician to be present for a minimum of 25 percent
21 of each day’s work period for the apprentice electrician or
22 unclassified person to perform electrical wiring.



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House File 48 - Introduced

HOUSE FILE 48
BY HUNTER

A BILL FOR

- 1 An Act providing for ongoing absentee voter status.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1242YH (3) 86
aw/sc



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House File 49 - Introduced

HOUSE FILE 49
BY HUNTER

A BILL FOR

1 An Act permitting electronic voter registration and including
2 penalties and effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1241YH (3) 86
aw/sc



Iowa General Assembly
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H.F. 49

1 Section 1. Section 39A.2, subsection 1, paragraph a,
2 subparagraph (2), Code 2015, is amended to read as follows:
3 (2) Falsely swears to an oath required pursuant to section
4 48A.7A or section 48A.8A.

5 Sec. 2. NEW SECTION. **48A.8A Electronic registration.**

6 1. An eligible elector may apply to register to vote by
7 electronic means by completing and submitting an electronic
8 voter registration form provided through the state commissioner
9 of elections' internet site. A county commissioner of
10 registration's internet site may provide an electronic link
11 to the electronic voter registration form provided under this
12 subsection.

13 2. An electronic voter registration form completed pursuant
14 to this section shall require that a registrant:

15 a. Provide the information as required pursuant to section
16 48A.11.

17 b. Have an Iowa driver's license, Iowa nonoperator's
18 identification card, a social security number, or an
19 identification number provided pursuant to section 48A.11,
20 subsection 8.

21 c. Attest to a statement that lists each eligibility
22 requirement, that the registrant meets all of the requirements,
23 and acknowledges that the registrant is required to provide an
24 electronic signature, consistent with electronic signatures as
25 defined in section 554D.103, to complete registration under
26 this section.

27 d. Sign the electronic voter registration form in a manner
28 consistent with electronic signatures as defined in section
29 554D.103.

30 e. Affirmatively authorize the state commissioner of
31 elections to use the registrant's signature obtained from
32 the department of transportation or from a commissioner of
33 registration for voter registration purposes.

34 f. In order for a registrant to register under this section,
35 the state commissioner of elections shall verify that the Iowa

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1 driver's license number, Iowa nonoperator's identification card
2 number, last four numerals of the registrant's social security
3 number, or the unique identifying number, and date of birth
4 provided by the registrant match the information contained in
5 department of transportation records or in commissioner of
6 registration records.

7 3. a. The department of transportation shall, upon
8 request, provide to the state commissioner of elections a copy
9 of the registrant's signature in electronic format, if the
10 registrant's signature is on record with the department of
11 transportation.

12 b. A commissioner of registration shall, upon request,
13 provide to the state commissioner of elections a copy of
14 the registrant's signature in electronic format, if the
15 registrant's signature is accepted and on record with the
16 commissioner of registration pursuant to section 48A.13.

17 4. a. The state commissioner of elections shall transmit
18 to the appropriate commissioner of registration a registrant's
19 completed voter registration form and electronic signature not
20 later than five business days after the date of electronic
21 submission of the form by the registrant.

22 b. The state commissioner of elections shall notify the
23 registrant by mail within five business days if a copy of
24 the registrant's signature cannot be obtained by the state
25 commissioner of elections in electronic format pursuant to
26 subsection 3. The state commissioner of elections shall
27 include a voter registration form with the notice.

28 5. An electronic voter registration form completed under
29 this section shall be accompanied by the following statement
30 featured prominently on the internet site in boldface capital
31 letters:

32 WARNING: I UNDERSTAND THAT ANY FALSE STATEMENT IN THIS OATH
33 IS A CLASS "D" FELONY PUNISHABLE BY NO MORE THAN FIVE YEARS IN
34 CONFINEMENT AND A FINE OF AT LEAST SEVEN HUNDRED FIFTY DOLLARS
35 BUT NOT MORE THAN SEVEN THOUSAND FIVE HUNDRED DOLLARS.

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aw/sc

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1 6. An eligible elector who registers pursuant to this
2 section and who has not previously voted in an election for
3 federal office in the county of registration shall be treated
4 as a registrant by mail and is subject to the provisions of
5 section 48A.8, subsections 2 through 4.

6 Sec. 3. Section 48A.27, subsection 2, paragraph a, Code
7 2015, is amended by adding the following new subparagraph:
8 NEW SUBPARAGRAPH. (6) A voter registration form submitted
9 as provided in section 48A.8A.

10 Sec. 4. EFFECTIVE DATE. This Act takes effect January 1,
11 2016.

EXPLANATION

13 The inclusion of this explanation does not constitute agreement with
14 the explanation's substance by the members of the general assembly.

15 This bill permits electronic voter registration from the
16 state commissioner of elections' internet site.

17 The bill allows an eligible elector to apply to register
18 to vote by electronic means by completing and submitting an
19 electronic voter registration form provided on the internet
20 site for the state commissioner of elections (secretary of
21 state).

22 The bill requires that an electronic voter registration
23 form provide all information that is currently required on
24 printed voter registration forms. The bill also requires that
25 a registrant seeking to use the electronic voter registration
26 form have an Iowa driver's license, Iowa nonoperator's
27 identification card, a social security number, or a unique
28 identifying number assigned to the registrant for voter
29 registration purposes.

30 The bill requires that a registrant attest to a statement
31 that lists each voter registration eligibility requirement,
32 that the registrant meets all of the requirements, and
33 acknowledges that the registrant must provide an electronic
34 signature, consistent with the definition of that term in Code
35 chapter 554D (electronic transactions — computer agreements)

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aw/sc



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1 as part of the uniform electronic transactions Act. The bill
2 further requires that a registrant sign the electronic voter
3 registration form using such an electronic signature.

4 The bill requires that the registrant authorize the
5 state commissioner of elections to use the applicant's
6 signature obtained from the department of transportation or a
7 commissioner of registration for voter registration purposes.
8 The state commissioner of elections is required to notify a
9 registrant by mail within five business days if a copy of the
10 registrant's signature cannot be obtained and is required to
11 include a voter registration form with that notice.

12 The bill requires that the state commissioner of elections
13 verify that the Iowa driver's license, Iowa nonoperator's
14 identification card, last four numerals of the registrant's
15 social security number, or unique identifying number, and date
16 of birth provided by the registrant match the information
17 contained in department of transportation records or in
18 commissioner of registration records. The bill requires the
19 state commissioner of elections to transmit to the appropriate
20 commissioner of registration a registrant's completed voter
21 registration application and electronic signature not later
22 than five business days after the date of submission of the
23 application and signature.

24 The bill requires that the electronic registration form be
25 accompanied by a statement featured prominently in boldface
26 capital letters informing the registrant of the penalty
27 for providing false information on a voter registration
28 application.

29 The bill also requires that an electronic voter registration
30 registrant who has not previously voted in an election for
31 federal office in the county of registration must follow the
32 voting requirements of Code section 48A.8 for registrants
33 submitting applications by mail under current law and who have
34 not previously voted in an election for federal office in the
35 county of registration. These provisions under current law

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1 require that a mail registrant who has not previously voted in
2 an election for federal office in the county of registration
3 shall be required to provide identification documents when
4 voting for the first time in the county, unless the registrant
5 provided on the registration form the registrant's Iowa
6 driver's license number, the registrant's Iowa nonoperator's
7 identification card number, or the last four numerals of the
8 registrant's social security number and such information
9 provided matches an existing state or federal identification
10 record with the same number, name, and date of birth. Code
11 section 48A.8 also provides that a registrant who votes in
12 person at the polls or by absentee ballot at the commissioner's
13 office or at a satellite voting station shall provide a form of
14 identification specified in that Code section. Code section
15 48A.8 also requires that if a registrant is voting for the
16 first time following mail registration and votes an absentee
17 ballot by mail, the registrant shall provide a photocopy of the
18 identification document when returning the absentee ballot.
19 Code section 48A.8 allows a registrant voting in person for the
20 first time following submission of a registration form by mail
21 to vote a provisional ballot if the voter does not provide the
22 required identification documents.

23 The bill extends the category for the crime of voter
24 registration fraud to include fraudulent electronic
25 registration. Registration fraud is a class "D" felony. A
26 class "D" felony is punishable by confinement for no more than
27 five years and a fine of at least \$750 but not more than \$7,500.

28 The bill takes effect January 1, 2016.



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House File 50 - Introduced

HOUSE FILE 50
BY HEARTSILL

A BILL FOR

1 An Act relating to child sexual abuse and child sexual assault
2 awareness and prevention.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1154YH (2) 86
kh/sc



Iowa General Assembly
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January 20, 2015

H.F. 50

1 Section 1. Section 256.9, subsection 50, paragraph a, Code
2 2015, is amended to read as follows:

3 a. Develop and make available to school districts, examples
4 of age-appropriate and research-based materials and lists
5 of resources which parents may use to teach their children
6 to recognize unwanted physical and verbal sexual advances,
7 to not make unwanted physical and verbal sexual advances,
8 to effectively reject unwanted sexual advances, that it is
9 wrong to take advantage of or exploit another person, about
10 the dangers of sexual exploitation by means of the internet
11 including specific strategies to help students protect
12 themselves and their personally identifiable information
13 from such exploitation, and about counseling, medical, and
14 legal resources available to survivors of sexual abuse and
15 sexual assault, including resources for escaping violent
16 relationships. The materials and resources shall cover verbal,
17 physical, and visual sexual harassment, including nonconsensual
18 sexual advances, and nonconsensual physical sexual contact
19 and shall also cover child sexual abuse and child sexual
20 assault awareness and prevention. In developing the materials
21 and resource list, the director shall consult with entities
22 that shall include but not be limited to the departments of
23 human services, public health, and public safety, education
24 stakeholders, and parent-teacher organizations. School
25 districts shall provide age-appropriate and research-based
26 materials and a list of available community and internet-based
27 resources to parents at registration and shall also include
28 the age-appropriate and research-based materials and resource
29 list in the student handbook. School districts are encouraged
30 to work with their communities to provide voluntary parent
31 education sessions to provide parents with the skills and
32 appropriate strategies to teach their children as described
33 in this subsection. School districts shall incorporate the
34 age-appropriate and research-based materials into relevant
35 curricula and shall reinforce the importance of preventive

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kh/sc

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House File 51 - Introduced

HOUSE FILE 51
BY SALMON

A BILL FOR

1 An Act relating to reimbursement of emergency medical service
2 providers under the Medicaid program.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1605YH (3) 86
pf/nh



Iowa General Assembly
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H.F. 51

1 Section 1. REIMBURSEMENT — MEDICAID PROGRAM — EMERGENCY
2 MEDICAL SERVICE PROVIDERS. For the fiscal year beginning July
3 1, 2015, and ending June 30, 2016, the reimbursement rates for
4 emergency medical service providers shall be increased by 10
5 percent over the rates in effect on June 30, 2015.

6 EXPLANATION

7 The inclusion of this explanation does not constitute agreement with
8 the explanation's substance by the members of the general assembly.

9 This bill provides that for FY 2015-2016, the reimbursement
10 rates for emergency medical service providers shall be
11 increased by 10 percent over the rates in effect on June 30,
12 2015.



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House File 52 - Introduced

HOUSE FILE 52
BY HOLT

A BILL FOR

1 An Act relating to the justifiable use of reasonable force and
2 providing a remedy.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1659YH (1) 86
jm/rj



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1 Section 1. Section 704.1, Code 2015, is amended to read as
2 follows:

3 **704.1 Reasonable force.**

4 1. "Reasonable force" means that force and no more which
5 a reasonable person, in like circumstances, would judge to
6 be necessary to prevent an injury or loss and can include
7 deadly force if it is reasonable to believe that such force is
8 necessary to avoid injury or risk to one's life or safety or
9 the life or safety of another, or it is reasonable to believe
10 that such force is necessary to resist a like force or threat.

11 2. Reasonable force, including deadly force, may be used
12 even if an alternative course of action is available if the
13 alternative entails a risk to life or safety, or the life or
14 safety of a third party, ~~or requires one to abandon or retreat~~
15 ~~from one's dwelling or place of business or employment.~~

16 3. A person may be wrong in the estimation of the danger or
17 the force necessary to repel the danger as long as there is a
18 reasonable basis for the belief of the person and the person
19 acts reasonably in the response to that belief.

20 4. A person who is not engaged in illegal activity has no
21 duty to retreat from any place where the person is lawfully
22 present before using force as specified in this chapter.

23 A finder of fact shall not be permitted to consider the
24 possibility of retreat as a factor in determining whether or
25 not a person who used force reasonably believed that the force
26 was necessary to prevent injury, loss, or risk to life or
27 safety.

28 Sec. 2. Section 704.2, Code 2015, is amended by adding the
29 following new subsection:

30 NEW SUBSECTION. 1A. A threat to cause serious injury
31 or death, by the production, display, or brandishing of a
32 deadly weapon, is not deadly force, as long as the actions of
33 the person are limited to creating an expectation that the
34 person may use deadly force to defend oneself, another, or as
35 otherwise authorized by law.



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1 Sec. 3. NEW SECTION. **704.2A Justifiable use of deadly**
2 **force.**

3 1. For purposes of this chapter, a person is presumed to
4 reasonably believe that deadly force is necessary to avoid
5 injury or risk to one's life or safety or the life or safety of
6 another in either of the following circumstances:

7 *a.* The person against whom force is used, at the time the
8 force is used, is doing any of the following:

9 (1) Unlawfully entering by force or stealth, or has
10 unlawfully entered by force or stealth and remains within the
11 dwelling, place of business or employment, or occupied vehicle
12 of the person using force.

13 (2) Unlawfully removing or is attempting to unlawfully
14 remove another person against the other person's will from the
15 dwelling, place of business or employment, or occupied vehicle
16 of the person using force.

17 *b.* The person using force knows or has reason to believe
18 that any of the conditions set forth in paragraph "a" are
19 occurring or have occurred.

20 2. The presumption set forth in subsection 1 does not
21 apply if, at the time force is used, any of the following
22 circumstances are present:

23 *a.* The person using defensive force is engaged in a
24 criminal offense, is attempting to escape from the scene of a
25 criminal offense that the person has committed, or is using the
26 dwelling, place of business or employment, or occupied vehicle
27 to further a criminal offense.

28 *b.* The person sought to be removed is a child or grandchild
29 or is otherwise in the lawful custody or under the lawful
30 guardianship of the person against whom force is used.

31 *c.* The person against whom force is used is a peace officer
32 who has entered or is attempting to enter a dwelling, place
33 of business or employment, or occupied vehicle in the lawful
34 performance of the peace officer's official duties, and the
35 person using force knows or reasonably should know that the



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1 person who has entered or is attempting to enter is a peace
2 officer.

3 *d.* The person against whom the force is used has the right
4 to be in, or is a lawful resident of, the dwelling, place of
5 business or employment, or occupied vehicle of the person using
6 force, and a protective or no-contact order is not in effect
7 against the person against whom the force is used.

8 Sec. 4. Section 704.3, Code 2015, is amended to read as
9 follows:

10 **704.3 Defense of self or another.**

11 A person is justified in the use of reasonable force when
12 the person reasonably believes that such force is necessary to
13 defend oneself or another from any actual or imminent use of
14 unlawful force.

15 Sec. 5. NEW SECTION. **704.4A Immunity for justifiable use of**
16 **force.**

17 1. As used in this section, "*criminal prosecution*" means
18 arrest, detention, charging, or prosecution.

19 2. A person who uses reasonable force pursuant to this
20 chapter shall be immune from any criminal prosecution or civil
21 action for using such force.

22 3. A law enforcement agency may use standard investigating
23 procedures for investigating the use of force, but the law
24 enforcement agency shall not arrest a person for using force
25 unless the law enforcement agency determines there is probable
26 cause that the force was unlawful under this chapter.

27 4. The court shall award reasonable attorney fees, court
28 costs, compensation for loss of income, and all expenses
29 incurred by the defendant in defense of any civil action
30 brought by the plaintiff if the court finds that the defendant
31 is immune from prosecution as provided in subsection 2.

32 Sec. 6. Section 704.7, Code 2015, is amended to read as
33 follows:

34 **704.7 Resisting ~~forcible~~ violent felony.**

35 1. As used in this section, "*violent felony*" means any



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1 felonious sexual abuse involving compulsion or the use of a
 2 weapon or any felonious assault, murder, kidnapping, robbery,
 3 arson, or burglary.

4 2. A person who ~~knows~~ reasonably believes that a ~~foreible~~
 5 violent felony is being or will imminently be perpetrated is
 6 justified in using, ~~against the perpetrator,~~ reasonable force,
 7 including deadly force, against the perpetrator or perpetrators
 8 to prevent the completion of or terminate the perpetration of
 9 that felony.

10 Sec. 7. REPEAL. Section 707.6, Code 2015, is repealed.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
 13 the explanation's substance by the members of the general assembly.

14 Current law provides that a person may use reasonable force,
 15 including deadly force, even if an alternative course of action
 16 is available if the alternative entails a risk of life or
 17 safety, or the life or safety of a third party, or requires one
 18 to abandon or retreat from one's residence or place of business
 19 or employment.

20 This bill provides that a person may use reasonable force,
 21 including deadly force, if it is reasonable to believe such
 22 force is necessary to avoid injury or risk to one's life or
 23 safety or the life or safety of another, even if an alternative
 24 course of action is available if the alternative entails a risk
 25 to life or safety, or the life or safety of a third party.

26 The bill provides that a person may be wrong in the
 27 estimation of the danger or the force necessary to repel the
 28 danger as long as there is a reasonable basis for the belief
 29 and the person acts reasonably in the response to that belief.

30 The bill further provides that a person who is not engaged in
 31 an illegal activity has no duty to retreat from any place where
 32 the person is lawfully present before using force. The bill
 33 prohibits a finder of fact from considering the possibility of
 34 retreat as a factor in determining whether or not a person who
 35 used force reasonably believed that the force was necessary to



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1 prevent injury, loss, or risk to life or safety.

2 The bill provides that a threat to cause serious injury
3 or death by the production, display, or brandishing of a
4 deadly weapon, is not deadly force, as long as the actions of
5 the person are limited to creating an expectation that the
6 person may use deadly force to defend oneself, another, or as
7 otherwise authorized by law.

8 The bill creates presumptions for the justifiable use of
9 deadly force in certain circumstances.

10 Under the bill, a person is presumed to be justified in
11 using deadly force if the person reasonably believes that
12 deadly force is necessary to avoid injury or risk to one's
13 life or safety or the life or safety of another under the
14 following circumstances: the person against whom force is used
15 is unlawfully entering by force or stealth, or has unlawfully
16 entered by force or stealth and remains within a dwelling,
17 place of business or employment, or occupied vehicle of the
18 person using force; or the person against whom force is used
19 is unlawfully removing or attempting to remove another person
20 against the other person's will from a dwelling, place of
21 business or employment, or occupied vehicle of the person using
22 force. In addition, the person using force must know or have
23 reason to believe that the aforementioned circumstances are
24 occurring or have occurred.

25 The presumption of the use of justifiable deadly force
26 under the bill does not apply at the time force is used in the
27 following circumstances: the person using defensive force is
28 engaged in a criminal offense or activity; the person sought
29 to be removed is a child or grandchild or is otherwise in the
30 lawful custody of the person against whom force is used; the
31 person against whom force is used is a peace officer who has
32 entered or is attempting to enter a dwelling, place of business
33 or employment, or occupied vehicle in the lawful performance
34 of the peace officer's official duties, and the person using
35 force knows or reasonably should know that the person who has

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1 entered or is attempting to enter is a peace officer; or the
2 person against whom force is used has the right to be in, or
3 is a lawful resident of, the dwelling, place of business or
4 employment, or occupied vehicle of the person using force, and
5 a protective or no-contact order is not in effect against the
6 person against whom the force is used.

7 The bill provides that a person is justified in the use of
8 reasonable force when the person reasonably believes that such
9 force is necessary to defend oneself or another from any actual
10 as well as imminent use of unlawful force.

11 The bill repeals Code section 707.6 and consolidates
12 criminal and civil immunity provisions in new Code section
13 704.4A. Under the bill, a person who uses reasonable force
14 shall be immune from any criminal prosecution or civil action
15 for using such force.

16 Under the bill, a law enforcement agency shall not arrest a
17 person for using force unless it determines there is probable
18 cause that the force was unlawful under Code chapter 704.

19 The bill also provides that if a defendant is sued by a
20 plaintiff for using reasonable force, the court shall award the
21 defendant reasonable attorney fees, court costs, compensation
22 for loss of income, and expenses if the court finds the
23 defendant is immune from prosecution.

24 The bill also provides that a person who reasonably
25 believes that a violent felony is being or will imminently be
26 perpetrated is justified in using reasonable force, including
27 deadly force, against a perpetrator to prevent or terminate the
28 perpetration of that felony. The bill defines "violent felony"
29 to mean any felonious assault, murder, violent or forced sexual
30 abuse, kidnapping, robbery, arson, or burglary.



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House File 53 - Introduced

HOUSE FILE 53
BY SALMON

A BILL FOR

1 An Act eliminating the twelve-year look-back
2 provision for determining whether an offense for
3 operating-while-intoxicated is a second or subsequent
4 offense.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1619YH (2) 86
ns/nh



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H.F. 53

1 Section 1. Section 321.12, subsection 4, Code 2015, is
2 amended to read as follows:

3 4. The director shall not destroy any operating records
4 pertaining to arrests or convictions for operating while
5 intoxicated, in violation of section 321J.2 or operating
6 records pertaining to revocations for violations of section
7 321J.2A, ~~except that a conviction or revocation under section~~
8 ~~321J.2 or 321J.2A that is not subject to 49 C.F.R. pt. 383~~
9 ~~shall be deleted from the operating records twelve years after~~
10 ~~the date of conviction or the effective date of revocation.~~
11 ~~Convictions or revocations that are retained in the operating~~
12 ~~records for more than twelve years under this subsection shall~~
13 ~~be considered only for purposes of disqualification actions~~
14 ~~under 49 C.F.R. pt. 383.~~

15 Sec. 2. Section 321J.2, subsection 8, paragraph a, Code
16 2015, is amended by striking the paragraph.

17 EXPLANATION

18 The inclusion of this explanation does not constitute agreement with
19 the explanation's substance by the members of the general assembly.

20 Current law authorizes the department of transportation to
21 destroy certain records relating to convictions and license
22 revocations for operating-while-intoxicated (OWI) offenses 12
23 years after the date of such conviction or revocation. Current
24 law also provides that convictions or license revocations
25 deleted from motor vehicle operating records in this manner
26 shall not be considered as previous OWI offenses for purposes
27 of sentencing or license revocation on a subsequent OWI
28 offense.

29 The bill eliminates these provisions.



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House File 54 - Introduced

HOUSE FILE 54
BY HEARTSILL

A BILL FOR

1 An Act requiring wireless communications service providers
2 to provide call locations in circumstances of emergency,
3 making penalties applicable, and including effective date
4 provisions.

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

TLSB 1177YH (9) 86
ad/sc



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H.F. 54

1 Section 1. NEW SECTION. 34A.16 Request for call location.

2 1. A wireless communications service provider shall
3 provide call location information concerning a device to a
4 law enforcement agency or officer upon a request for that
5 information if the law enforcement agency determines the
6 information is needed in an emergency situation that involves
7 the risk of death or serious physical harm.

8 2. Notwithstanding any provision of law to the contrary,
9 nothing in this section prohibits a wireless communications
10 service provider from establishing protocols by which the
11 provider could voluntarily disclose call location information
12 to a law enforcement agency or officer upon a request for that
13 information.

14 3. A claim or cause of action may not be brought against
15 any wireless communications service provider or employee for
16 providing call location information while acting in good faith
17 and in accordance with the provisions of this section.

18 4. a. Wireless communications service providers authorized
19 to do business in the state of Iowa, or submitting to
20 the jurisdiction of Iowa, and all resellers of wireless
21 communications services authorized to do business in the
22 state shall submit contact information to the department of
23 public safety, division of criminal investigation, in order to
24 facilitate requests from law enforcement agencies pursuant to
25 this section. Wireless communications service providers and
26 resellers of wireless communications services shall submit this
27 contact information annually by June 15 or immediately upon any
28 change in contact information.

29 b. The division of criminal investigation shall maintain
30 a database containing emergency contact information for all
31 wireless communications service providers and all resellers of
32 wireless communications services authorized to do business in
33 the state and shall make the information immediately available
34 upon request to all public safety answering points in the
35 state.

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House File 55 - Introduced

HOUSE FILE 55
BY SALMON

A BILL FOR

1 An Act permitting a tax refund for fuel used to provide
2 emergency medical services by certain privately owned
3 entities.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1404YH (2) 86
ns/sc



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H.F. 55

1 Section 1. Section 452A.17, subsection 1, paragraph a, Code
2 2015, is amended by adding the following new subparagraph:
3 NEW SUBPARAGRAPH. (11) Fuel used in a motor vehicle,
4 aircraft, or watercraft used to provide emergency medical
5 services as defined in section 147A.1, subsection 5, and owned
6 or exclusively operated by a privately owned entity authorized
7 to provide emergency medical services under section 147A.5.

8 EXPLANATION

9 The inclusion of this explanation does not constitute agreement with
10 the explanation's substance by the members of the general assembly.

11 This bill allows a privately owned entity authorized by
12 the department of public health to provide emergency medical
13 services to receive a refund for motor fuel and special
14 fuel taxes paid on fuel used to provide emergency medical
15 services in a motor vehicle, aircraft, or watercraft owned or
16 exclusively operated by the entity.



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House File 56 - Introduced

HOUSE FILE 56
BY BYRNES

A BILL FOR

1 An Act requiring the use of lighted headlamps on motor vehicles
2 at all times of operation and making a penalty applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1502YH (2) 86
ns/nh



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H.F. 56

1 Section 1. Section 321.235A, subsection 3, Code 2015, is
2 amended to read as follows:

3 3. A person shall not operate an electric personal assistive
4 mobility device at the times specified in section 321.384,
5 subsection 2, unless the person or the electric personal
6 assistive mobility device is equipped with a headlight visible
7 from the front of the electric personal assistive mobility
8 device and at least one red reflector visible from the rear of
9 the electric personal assistive mobility device.

10 Sec. 2. Section 321.384, Code 2015, is amended to read as
11 follows:

12 **321.384 When lighted lamps required.**

13 1. Every motor vehicle upon a highway within the state,
14 ~~at any time from sunset to sunrise, and at such other times~~
15 ~~when conditions such as fog, snow, sleet, or rain provide~~
16 ~~insufficient lighting to render clearly discernible persons~~
17 ~~and vehicles on the highway at a distance of five hundred~~
18 ~~feet ahead,~~ shall, at all times, display lighted headlamps as
19 provided in section 321.415, subject to exceptions under this
20 chapter with respect to parked vehicles ~~as hereinafter stated,~~
21 or unless otherwise provided for in subsection 2.

22 2. Notwithstanding subsection 1, certain lighting devices,
23 as designated in this chapter, shall be displayed at all times
24 from sunset to sunrise, and at such other times when conditions
25 such as fog, snow, sleet, or rain provide insufficient lighting
26 to render clearly discernible persons and vehicles on the
27 highway at a distance of five hundred feet ahead.

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



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1 Sec. 3. Section 321.392, unnumbered paragraph 1, Code 2015,
2 is amended to read as follows:

3 Every motor truck, and every trailer or semitrailer of over
4 three thousand pounds gross weight, shall be equipped with the
5 following lighting devices and reflectors in addition to other
6 requirements of this chapter, and such devices shall be lighted
7 at the times mentioned in section 321.384, subsection 2.

8 Sec. 4. Section 321.394, Code 2015, is amended to read as
9 follows:

10 **321.394 Lamp or flag on projecting load.**

11 Whenever the load upon any vehicle extends to the rear four
12 feet or more beyond the bed or body of such vehicle there
13 shall be displayed at the extreme rear end of the load, at the
14 times specified in section 321.384, subsection 2, a red light
15 or lantern plainly visible from a distance of at least five
16 hundred feet to the sides and rear. The red light or lantern
17 required under this section shall be in addition to the red
18 rear light required upon every vehicle. At any other time
19 there shall be displayed at the extreme rear end of such load a
20 red flag or cloth not less than sixteen inches square.

21 Sec. 5. Section 321.395, Code 2015, is amended to read as
22 follows:

23 **321.395 Lamps on parked vehicles.**

24 Whenever a vehicle is parked or stopped upon a roadway
25 or shoulder adjacent to the roadway, outside of a business
26 district whether attended or unattended during the times
27 mentioned in section 321.384, subsection 2, such vehicle shall
28 be equipped with one or more lamps which shall exhibit a white
29 or amber light on the roadway side visible from a distance
30 of five hundred feet to the front of such vehicle and a red
31 light visible from a distance of five hundred feet to the
32 rear, except that local authorities may provide by ordinance
33 or resolution that no lights need be displayed upon any such
34 vehicle when stopped or parked in accordance with local parking
35 regulations upon a highway where there is sufficient light to



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1 reveal any person or object within a distance of five hundred
2 feet upon such highway. Any lighted headlamps upon a parked
3 vehicle shall be depressed or dimmed.

4 Sec. 6. Section 321.397, Code 2015, is amended to read as
5 follows:

6 **321.397 Lamps on bicycles.**

7 Every bicycle shall be equipped with a lamp on the front
8 exhibiting a white light, at the times specified in section
9 321.384, subsection 2, visible from a distance of at least
10 three hundred feet to the front and with a lamp on the rear
11 exhibiting a red light visible from a distance of three hundred
12 feet to the rear; except that a red reflector may be used in
13 lieu of a rear light. A peace officer riding a police bicycle
14 is not required to use either front or rear lamps if duty so
15 requires.

16 Sec. 7. Section 321.398, Code 2015, is amended to read as
17 follows:

18 **321.398 Lamps on other vehicles and equipment.**

19 All vehicles, including animal-drawn vehicles and including
20 those referred to in section 321.383 not hereinbefore
21 specifically required to be equipped with lamps, shall at the
22 times specified in section 321.384, subsection 2, be equipped
23 with at least one lighted lamp or lantern exhibiting a white
24 light visible from a distance of five hundred feet to the front
25 of such vehicle and, except for animal-drawn vehicles, with a
26 lamp or lantern exhibiting a red light visible from a distance
27 of five hundred feet to the rear. Animal-drawn vehicles shall
28 be equipped with a flashing amber light visible from a distance
29 of five hundred feet to the rear of the vehicle during the time
30 specified in section 321.384, subsection 2.

31 Sec. 8. Section 321.405, Code 2015, is amended to read as
32 follows:

33 **321.405 Self-illumination.**

34 All mechanical signal devices shall be self-illuminated when
35 in use at the times mentioned in section 321.384, subsection 2.

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1 Sec. 9. Section 321.415, Code 2015, is amended to read as
2 follows:

3 **321.415 Required usage of lighting devices.**

4 1. Whenever a motor vehicle is being operated on a roadway
5 or shoulder ~~during the times specified in section 321.384~~, the
6 driver shall use a distribution of light, or composite beam,
7 directed high enough and of sufficient intensity to reveal
8 persons and vehicles at a safe distance in advance of the
9 vehicle, subject to the following requirements and limitations:

10 a. Where ambient sunlight is of sufficient intensity to
11 reveal persons and vehicles at a safe distance in advance of
12 the vehicle without the use of lighting devices, the lowermost
13 distribution of light, or composite beam, specified in section
14 321.409, subsection 1, paragraph "b", shall be used.

15 ~~a.~~ b. Whenever a driver of a vehicle approaches an oncoming
16 vehicle within one thousand feet, the driver shall use a
17 distribution of light, or composite beam, so aimed that the
18 glaring rays are not projected into the eyes of the oncoming
19 driver. The lowermost distribution of light, or composite
20 beam, specified in section 321.409, subsection 1, paragraph
21 "b", shall be deemed to avoid glare at all times, regardless of
22 road contour and loading.

23 ~~b.~~ c. Whenever the driver of a vehicle follows another
24 vehicle within four hundred feet to the rear, except when
25 engaged in the act of overtaking and passing, the driver shall
26 use a distribution of light permissible under this chapter
27 other than the uppermost distribution of light specified in
28 section 321.409, subsection 1, paragraph "a".

29 2. The provisions of subsection 1, paragraphs ~~"a"~~ "b" and
30 ~~"b"~~ "c", do not apply to motorcycles or motorized bicycles being
31 operated between sunrise and sunset.

32 Sec. 10. Section 321.418, Code 2015, is amended to read as
33 follows:

34 **321.418 Alternate road-lighting equipment.**

35 Any motor vehicle may be operated ~~under the conditions~~



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1 ~~specified in section 321.384 when~~ while equipped with two
 2 lighted lamps upon the front thereof capable of revealing
 3 persons and objects seventy-five feet ahead under the
 4 conditions specified in section 321.384, subsection 2, in
 5 lieu of lamps required in sections 321.409 and 321.415, or
 6 section 321.417, provided, however, that at no time shall it be
 7 operated at a speed in excess of twenty miles per hour.

8 Sec. 11. Section 321.419, Code 2015, is amended to read as
 9 follows:

10 **321.419 Number of driving lamps required or permitted.**

11 At all times ~~specified in section 321.384~~ at least two
 12 lighted lamps, except where one only is permitted, shall be
 13 displayed, one on each side at the front of every motor vehicle
 14 except when such vehicle is parked subject to the regulations
 15 governing lights on parked vehicles.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with
 18 the explanation's substance by the members of the general assembly.

19 Current law requires the use of lighted headlamps and
 20 certain other lighting devices at any time from sunset to
 21 sunrise, and at such other times when conditions such as fog,
 22 snow, sleet, or rain provide insufficient lighting to render
 23 clearly discernible persons and vehicles on the highway at a
 24 distance of 500 feet ahead.

25 The bill requires motor vehicles to display lighted
 26 headlamps at all times of operation on a roadway or shoulder.
 27 The scheduled fine for a violation of this provision remains
 28 \$30. The bill also requires that, where ambient sunlight is of
 29 sufficient intensity to reveal persons and vehicles at a safe
 30 distance in advance of the vehicle without the use of lighting
 31 devices, the lowermost distribution of light or composite beam
 32 shall be used. The scheduled fine for a violation of this
 33 provision remains \$30.

34 The use of certain other lighting devices remains mandatory
 35 only at all times from sunset to sunrise, and at such other



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1 times when conditions such as fog, snow, sleet, or rain provide
2 insufficient lighting to render clearly discernible persons and
3 vehicles on the highway at a distance of 500 feet ahead.



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House Joint Resolution 1 - Introduced

HOUSE JOINT RESOLUTION 1
BY COWNIE

HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa relating to term limits for members of
3 the general assembly.
4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1117YH (3) 86
aw/sc



Iowa General Assembly
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H.J.R. 1

1 Section 1. The following amendment to the Constitution of
 2 the State of Iowa is proposed:

3 1. Section 3 of Article III of the Constitution of the State
 4 of Iowa is repealed and the following adopted in lieu thereof:

5 **Representatives.** SEC. 3. The members of the house of
 6 representatives shall be chosen every second year, by the
 7 qualified electors of their respective districts, and their
 8 term of office shall commence on the first day of January next
 9 after their election, and continue two years, and until their
 10 successors are elected and qualified. No person who has, or
 11 but for resignation would have, served six consecutive terms
 12 shall be elected as a representative for the succeeding term.
 13 If a person is elected to serve a portion of a term to which
 14 some other person was elected but that person died in office
 15 or resigned from office or was otherwise removed from office,
 16 that portion of a term served shall not be included in the
 17 consecutive terms of service for purposes of this limitation.
 18 The limitation on consecutive terms of service shall only apply
 19 to terms of office beginning on or after January 1, 2031.

20 2. Section 5 of Article III of the Constitution of the State
 21 of Iowa is repealed and the following adopted in lieu thereof:

22 **Senators — qualifications.** SEC. 5. Senators shall be
 23 chosen for the term of four years, at the same time and place as
 24 representatives; they shall be twenty-five years of age, and
 25 possess the qualifications of representatives as to residence
 26 and citizenship. No person who has, or but for resignation
 27 would have, served three consecutive terms shall be elected
 28 as a senator for the succeeding term. If a person is elected
 29 to serve a portion of a term to which some other person was
 30 elected but that person died in office or resigned from
 31 office or was otherwise removed from office, that portion of
 32 a term served shall not be included in the consecutive terms
 33 of service for purposes of this limitation. The limitation
 34 on consecutive terms of service shall only apply to terms of
 35 office beginning on or after January 1, 2031.

LSB 1117YH (3) 86
 aw/sc



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House Study Bill 43 - Introduced

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

A BILL FOR

1 An Act relating to the nomination and qualifications of
2 district judges.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1219XD (5) 86
jm/sc



**Iowa General Assembly
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S.F. _____ H.F. _____

1 Section 1. Section 46.14, subsection 1, Code 2015, is
2 amended to read as follows:

3 1. Each judicial nominating commission shall carefully
4 consider the individuals available for judge, and within sixty
5 days after receiving notice of a vacancy shall certify to the
6 governor and the chief justice the proper number of nominees,
7 in alphabetical order. Such nominees shall be chosen by the
8 affirmative vote of a majority of the full statutory number
9 of commissioners upon the basis of their qualifications and
10 without regard to political affiliation. Nominees shall be
11 members of the bar of Iowa, shall be residents of the state ~~or~~
12 ~~district of the court to which they are nominated,~~ and shall
13 be of such age that they will be able to serve an initial and
14 one regular term of office to which they are nominated before
15 reaching the age of seventy-two years. ~~Nominees for district~~
16 ~~judge shall file a certified application form, to be provided~~
17 ~~by the supreme court, with the chairperson of the district~~
18 ~~judicial nominating commission.~~ Absence of a commissioner or
19 vacancy upon the commission shall not invalidate a nomination.
20 The chairperson of the commission shall promptly certify the
21 names of the nominees, in alphabetical order, to the governor
22 and the chief justice.

23 Sec. 2. Section 46.14, Code 2015, is amended by adding the
24 following new subsection:

25 NEW SUBSECTION. 1A. An applicant for district judge shall
26 file a certified application form, to be provided by the
27 supreme court, with the chairperson of the district judicial
28 nominating commission.

29 Sec. 3. NEW SECTION. **46.15A District judges — residence**
30 **requirement.**

31 A district judge appointee shall be a resident of the
32 judicial district before assuming office or, if the judicial
33 district is divided into judicial election districts, the
34 appointee shall be a resident of the judicial election district
35 to which the appointment is made before commencing judicial



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1 duties.

2 Sec. 4. Section 602.6201, subsection 2, Code 2015, is
3 amended to read as follows:

4 2. A district judge must be a resident of the judicial
5 election district ~~in~~ to which appointed and retained. Subject
6 to the provision for reassignment of judges under section
7 602.6108, a district judge shall serve in the district of the
8 judge's residence while in office, regardless of the number of
9 judgeships to which the district is entitled under the formula
10 prescribed by the supreme court in subsection 3.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.

14 This bill relates to the nomination and qualifications of
15 district judges.

16 The bill separates the nomination process and qualifications
17 of a district judge from the nomination process and
18 qualifications of an appeals court judge or supreme court
19 justice and creates new Code subsection 46.14(1A) for the
20 district judge application and nomination process.

21 The bill also specifies that a district judge appointee
22 shall be a resident of the judicial district to which the
23 appointment is made before assuming office. If the judicial
24 district is divided into judicial election districts, the
25 bill specifies that the appointee shall be a resident of the
26 judicial election district to which the appointment is made
27 before commencing judicial duties.

28 The bill makes a conforming amendment to Code section
29 602.6201.



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House Study Bill 44 - Introduced

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

A BILL FOR

1 An Act relating to the administration of combined guardianship
2 and conservatorship proceedings.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1136XD (3) 86
jh/nh



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1 Section 1. Section 633.27A, Code 2015, is amended to read
 2 as follows:

3 **633.27A Docketing guardianship and conservatorship**
 4 **proceedings — applicability of separate reporting requirements.**

5 When a petition is filed for a conservatorship or
 6 guardianship, or a combined petition as provided in section
 7 633.627, the administration thereof shall be treated as a
 8 ~~separate one~~ proceeding, with a ~~separate one~~ docket number,
 9 from the date of the filing of the petition. The separate
 10 reporting requirements for conservatorships and guardianships
 11 shall continue to apply in a combined petition. The clerk
 12 shall clearly indicate on the docket whether the proceedings
 13 are voluntary or involuntary and whether a guardianship, a
 14 conservatorship, or combined.

15 EXPLANATION

16 The inclusion of this explanation does not constitute agreement with
 17 the explanation's substance by the members of the general assembly.

18 Under current law, the administration of a combined petition
 19 for a conservatorship and a guardianship is treated as separate
 20 proceedings with separate docket numbers. This bill amends
 21 current law so that a combined petition for a conservatorship
 22 and a guardianship is treated as one proceeding, with
 23 one docket number. The bill also provides that while a
 24 combined petition for a conservatorship and a guardianship is
 25 administered in the same proceeding, the separate reporting
 26 requirements applicable to conservatorships and guardianships
 27 each apply.



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House Study Bill 45 - Introduced

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

A BILL FOR

1 An Act relating to licensure of retired volunteer dentists and
2 dental hygienists.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1433YC (2) 86
tr/nh



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House Study Bill 46 - Introduced

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

A BILL FOR

1 An Act concerning the definition of beer for purposes of beer
2 brewers and wholesalers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1435YC (2) 86
ec/nh



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H.F. _____

1 Section 1. Section 123A.2, subsection 3, Code 2015, is
2 amended by striking the subsection and inserting in lieu
3 thereof the following:

4 3. "Beer" means beer or high alcoholic content beer as
5 defined in section 123.3.

6 EXPLANATION

7 The inclusion of this explanation does not constitute agreement with
8 the explanation's substance by the members of the general assembly.

9 The bill provides that beer, for purposes of Code chapter
10 123A concerning beer brewers and wholesalers, means beer or
11 high alcoholic content beer as defined in Code chapter 123.
12 The current definition of beer in Code chapter 123A does not
13 include high alcoholic content beer.



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House Study Bill 47 - Introduced

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

A BILL FOR

- 1 An Act relating to fantasy sports contests.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 1188YC (2) 86
ec/nh



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1 Section 1. Section 99B.11, subsection 2, Code 2015, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. f. A fantasy or simulation sports contest
4 in which all prizes and awards offered to winning participants
5 are established and made known to the participants in advance
6 of the contest and the value of the prizes or awards is not
7 determined by the number of participants or the amount of
8 any fees paid by the participants. All winning outcomes in
9 such contest shall reflect the relative knowledge and skill
10 of the participants and shall be determined predominantly
11 by accumulated statistical results of the performance of
12 individuals, including athletes in the case of sports events,
13 in multiple actual sporting or other events, and no winning
14 outcome shall be based on the score, point spread, or any
15 performance or performances of any single actual team or
16 combination of such teams or solely on any single performance
17 of an individual athlete in any single actual sporting or other
18 event.

EXPLANATION

19
20 The inclusion of this explanation does not constitute agreement with
21 the explanation's substance by the members of the general assembly.

22 This bill authorizes the paying of awards and prizes to
23 participants in fantasy sports contest.
24 Code section 99B.11, concerning bona fide contests, is
25 amended to provide that a fantasy or simulation sports contest
26 is a bona fide contest, allowing the payment of awards to
27 persons winning the contest, if certain conditions are met.
28 The bill provides that a fantasy sports contest is a bona
29 fide contest if all prizes and awards offered to winning
30 participants are established and made known in advance of the
31 contest, all winning outcomes reflect the relative knowledge
32 and skill of the participants and are determined predominantly
33 by accumulated statistical results of the performance of
34 individuals in multiple actual sporting events, and no winning
35 outcome is based on the score, or performance of any single

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1 actual team or combination of such teams or solely on any
2 single performance of an individual athlete in any single
3 actual sporting or other event.



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House Study Bill 48 - Introduced

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

A BILL FOR

1 An Act relating to continuation of or reenrollment in group
2 health insurance by certain dependents of public employees
3 and including applicability date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1133XD (4) 86
av/rj



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1 Section 1. Section 509A.13B, Code 2015, is amended to read
2 as follows:

3 ~~509A.13B Coverage of children — continuation or reenrollment~~
4 Continuation of or reenrollment in coverage.

5 If a governing body, a county board of supervisors, or a
6 city council has procured accident or health care coverage for
7 its employees under this chapter, such coverage shall permit
8 continuation of existing coverage or reenrollment in previously
9 existing coverage for an individual who meets the requirements
10 of section 513B.2, subsection 14, paragraph "a", "b", "c",
11 "d", or "e", ~~and who is an unmarried child of an insured or~~
12 ~~enrollee who so elects, at least through the policy anniversary~~
13 ~~date on or after the date the child marries, ceases to be a~~
14 ~~resident of this state, or attains the age of twenty-five~~
15 ~~years old, whichever occurs first, or so long as the unmarried~~
16 ~~child maintains full-time status as a student in an accredited~~
17 ~~institution of postsecondary education.~~

18 Sec. 2. APPLICABILITY. This Act applies to policies,
19 contracts, or plans of accident or health care coverage
20 delivered, issued for delivery, continued, or renewed in this
21 state, on or after January 1, 2016.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with
24 the explanation's substance by the members of the general assembly.

25 This bill relates to continuation of or reenrollment of
26 certain dependents of public employees in group accident or
27 health care coverage. The bill deletes a provision that
28 requires such group accident or health care coverage to permit
29 an unmarried child of an insured public employee to continue
30 or reenroll in such coverage until the child ceases to be a
31 resident of this state or attains the age of 25 years old,
32 whichever occurs first, or so long as the unmarried child is a
33 full-time student in an accredited institution of postsecondary
34 education. Federal law currently applies to group health care
35 coverage of certain dependents.

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1 The provisions of the bill are applicable to group policies,
2 contracts, or plans of accident or health insurance delivered,
3 issued for delivery, continued, or renewed in this state
4 pursuant to Code chapter 509A for certain public employees and
5 their dependents, on or after January 1, 2016.



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House Study Bill 49 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED IOWA LOTTERY
AUTHORITY BILL)

A BILL FOR

1 An Act concerning lottery games and revenue for support of
2 veterans.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1182DP (4) 86
ec/nh



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1 Section 1. Section 35A.13, subsection 4, paragraph a, Code
 2 2015, is amended to read as follows:

3 a. The minimum balance of the trust fund required prior
 4 to expenditure of moneys from the trust fund is five million
 5 dollars. Once the minimum balance is reached, the interest
 6 and earnings on the fund and the first three hundred thousand
 7 dollars transferred each fiscal year pursuant to section ~~99G.9A~~
 8 99G.39 from the lottery fund to the trust fund are appropriated
 9 to the commission to be used to achieve the purposes of
 10 subsection 6 of this section. Moneys appropriated to the
 11 commission that remain unobligated or unexpended at the end of
 12 each fiscal year shall revert to the trust fund. It is the
 13 intent of the general assembly that the balance in the trust
 14 fund reach fifty million dollars.

15 Sec. 2. Section 99G.39, Code 2015, is amended by adding the
 16 following new subsection:

17 NEW SUBSECTION. 2A. Two million five hundred thousand
 18 dollars in lottery revenues shall be transferred each fiscal
 19 year to the veterans trust fund established pursuant to section
 20 35A.13 prior to deposit of the lottery revenues in the general
 21 fund pursuant to section 99G.40. However, if the balance of
 22 the veterans trust fund is fifty million dollars or more, the
 23 moneys shall be appropriated to the department of revenue for
 24 distribution to county directors of veteran affairs, with fifty
 25 percent of the moneys to be distributed equally to each county
 26 and fifty percent of the moneys to be distributed to each
 27 county based upon the population of veterans in the county,
 28 so long as the moneys distributed to a county do not supplant
 29 moneys appropriated by that county for the county director of
 30 veteran affairs.

31 Sec. 3. REPEAL. Section 99G.9A, Code 2015, is repealed.

32 EXPLANATION

33 The inclusion of this explanation does not constitute agreement with
 34 the explanation's substance by the members of the general assembly.

35 This bill repeals Code section 99G.9A, which requires the



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1 lottery to conduct a limited series of lottery games with
2 the revenues from the games to be used to provide aid for
3 veterans through deposit in the veterans trust fund or, if the
4 balance in the veterans trust fund exceeds \$50 million, for
5 distribution to county directors of veteran affairs.
6 Instead, the bill amends Code section 99G.39 to provide that
7 \$2.5 million in lottery revenues shall be transferred each
8 fiscal year for distribution to provide aid to veterans in the
9 same manner as provided by current Code section 99G.9A.



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House Study Bill 50 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC SAFETY BILL)

A BILL FOR

1 An Act concerning gambling game prohibited activities and
2 making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1162XD (3) 86
ec/nh



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1 Section 1. Section 99F.15, subsection 4, paragraph d, Code
 2 2015, is amended to read as follows:

3 *d.* Cheats at a gambling game, including but not limited to
 4 committing any act which alters the outcome of the game.

5 Sec. 2. Section 99F.15, subsection 4, paragraph h, Code
 6 2015, is amended by striking the paragraph.

7 Sec. 3. Section 99F.15, Code 2015, is amended by adding the
 8 following new subsection:

9 NEW SUBSECTION. 5A. *a.* A person who places, removes,
 10 increases, or decreases a bet after acquiring knowledge of the
 11 outcome of the gambling game which is the subject of the bet or
 12 to aid a person in acquiring the knowledge for the purpose of
 13 placing, removing, increasing, or decreasing a bet contingent
 14 on that outcome commits the offense of unlawful betting.

15 *b.* (1) A person is guilty of a class "D" felony if the
 16 person commits the offense of unlawful betting where the
 17 potential winnings from the bet exceed one thousand dollars in
 18 value.

19 (2) A person is guilty of an aggravated misdemeanor if
 20 the person commits the offense of unlawful betting where the
 21 potential winnings from the bet exceed five hundred dollars in
 22 value but do not exceed one thousand dollars in value.

23 (3) A person is guilty of a serious misdemeanor if the
 24 person commits the offense of unlawful betting where the
 25 potential winnings from the bet exceed two hundred dollars in
 26 value but do not exceed five hundred dollars in value.

27 (4) A person is guilty of a simple misdemeanor if the person
 28 commits the offense of unlawful betting where the potential
 29 winnings from the bet do not exceed two hundred dollars in
 30 value.

31 *c.* Two convictions of the offense of unlawful betting as
 32 provided in this subsection shall result in the person being
 33 barred for life from excursion gambling boats and gambling
 34 structures under the jurisdiction of the commission.

35

EXPLANATION

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1 The inclusion of this explanation does not constitute agreement with
2 the explanation's substance by the members of the general assembly.

3 This bill concerns prohibited activities and penalties
4 relative to gambling games on excursion gambling boats and
5 gambling structures.

6 Code section 99F.15(4)(d) is amended to provide that
7 cheating at a gambling game includes committing any act which
8 alters the outcome of the game. A violation of cheating at a
9 gambling game is a class "D" felony.

10 Code section 99F.15(4)(h) currently provides that a person
11 who places a bet after acquiring knowledge, not available to
12 all players, of the outcome of the gambling game which is the
13 subject of the bet commits a class "D" felony regardless of
14 the amount of the bet and is barred for life from excursion
15 gambling boats and gambling structures after a single offense.
16 The bill strikes this provision and creates new subsection 5A
17 concerning the offense of unlawful betting. The bill provides
18 that a person who places, removes, increases, or decreases a
19 bet after acquiring knowledge of the outcome of the gambling
20 game which is the subject of the bet commits the offense of
21 unlawful betting. The bill then provides that a person is
22 guilty of a class "D" felony if the potential winnings from the
23 unlawful bet exceed \$1,000 in value, an aggravated misdemeanor
24 if the potential winnings from the unlawful bet exceed \$500 in
25 value but do not exceed \$1,000 in value, a serious misdemeanor
26 if the potential winnings from the unlawful bet exceed \$200 in
27 value but do not exceed \$500 in value, or a simple misdemeanor
28 if the potential winnings from the unlawful bet do not exceed
29 \$200 in value. The bill further provides that two convictions
30 of the offense of unlawful betting shall result in the person
31 being barred for life from excursion gambling boats and
32 gambling structures.



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House Study Bill 51 - Introduced

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

A BILL FOR

1 An Act relating to the licensure of naturopathic physicians and
2 making penalty provisions applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1086YC (3) 86
tr/nh



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1 Section 1. Section 147.1, subsections 3 and 6, Code 2015,
2 are amended to read as follows:

3 3. *"Licensed"* or *"certified"*, when applied to a physician
4 and surgeon, podiatric physician, osteopathic physician
5 and surgeon, naturopathic physician, physician assistant,
6 psychologist, chiropractor, nurse, dentist, dental hygienist,
7 dental assistant, optometrist, speech pathologist, audiologist,
8 pharmacist, physical therapist, physical therapist assistant,
9 occupational therapist, occupational therapy assistant,
10 orthotist, prosthetist, pedorthist, respiratory care
11 practitioner, practitioner of cosmetology arts and sciences,
12 practitioner of barbering, funeral director, dietitian, marital
13 and family therapist, mental health counselor, social worker,
14 massage therapist, athletic trainer, acupuncturist, nursing
15 home administrator, hearing aid dispenser, or sign language
16 interpreter or transliterator means a person licensed under
17 this subtitle.

18 6. *"Profession"* means medicine and surgery, podiatry,
19 osteopathic medicine and surgery, naturopathic medicine,
20 practice as a physician assistant, psychology, chiropractic,
21 nursing, dentistry, dental hygiene, dental assisting,
22 optometry, speech pathology, audiology, pharmacy, physical
23 therapy, physical therapist assisting, occupational therapy,
24 occupational therapy assisting, respiratory care, cosmetology
25 arts and sciences, barbering, mortuary science, marital
26 and family therapy, mental health counseling, social work,
27 dietetics, massage therapy, athletic training, acupuncture,
28 nursing home administration, hearing aid dispensing, sign
29 language interpreting or transliterating, orthotics,
30 prosthetics, or pedorthics.

31 Sec. 2. Section 147.2, subsection 1, Code 2015, is amended
32 to read as follows:

33 1. A person shall not engage in the practice of medicine
34 and surgery, naturopathic medicine, podiatry, osteopathic
35 medicine and surgery, psychology, chiropractic, physical



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1 therapy, physical therapist assisting, nursing, dentistry,
2 dental hygiene, dental assisting, optometry, speech pathology,
3 audiology, occupational therapy, occupational therapy
4 assisting, orthotics, prosthetics, pedorthics, respiratory
5 care, pharmacy, cosmetology arts and sciences, barbering,
6 social work, dietetics, marital and family therapy or mental
7 health counseling, massage therapy, mortuary science, athletic
8 training, acupuncture, nursing home administration, hearing aid
9 dispensing, or sign language interpreting or transliterating,
10 or shall not practice as a physician assistant, unless the
11 person has obtained a license for that purpose from the board
12 for the profession.

13 Sec. 3. Section 147.13, subsection 1, Code 2015, is amended
14 to read as follows:

15 1. For medicine and surgery, osteopathic medicine and
16 surgery, ~~and acupuncture, and naturopathic medicine,~~ the board
17 of medicine.

18 Sec. 4. Section 147.74, Code 2015, is amended by adding the
19 following new subsection:

20 NEW SUBSECTION. 23A. A naturopathic physician licensed
21 under chapter 148G may use the words "naturopathic physician",
22 "naturopathic doctor", "doctor of naturopathy", "naturopathic
23 medical doctor", "doctor of naturopathic medicine", or
24 "naturopath", or the initials "N.D." or "N.M.D." after the
25 person's name.

26 Sec. 5. Section 147.107, Code 2015, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 8A. A licensed naturopathic physician
29 may prescribe all substances and devices consistent with the
30 level of training of the naturopathic physician unless added
31 to the exclusionary naturopathic formulary by the naturopathic
32 advisory council.

33 Sec. 6. Section 148E.3, subsection 1, Code 2015, is amended
34 to read as follows:

35 1. A person otherwise licensed to practice medicine and



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1 surgery, osteopathic medicine and surgery, naturopathic
2 medicine, chiropractic, podiatry, or dentistry who is
3 exclusively engaged in the practice of the person's profession.

4 Sec. 7. NEW SECTION. 148G.1 Definitions.

5 As used in this chapter, unless the context otherwise
6 requires:

7 1. "*Approved naturopathic medical program*" means any of the
8 following:

9 a. A naturopathic medical education program in the
10 United States providing the degree of doctor of naturopathy
11 or doctor of naturopathic medicine. Such program shall
12 offer graduate-level, full-time didactic and supervised
13 clinical training and shall be accredited or shall have
14 achieved candidacy status for accreditation by the council on
15 naturopathic medical education or by an equivalent federally
16 recognized accrediting body for naturopathic medical programs
17 also recognized by the board. Additionally, the program shall
18 be an institution of higher education, or part thereof, that
19 is either accredited or is a candidate for accreditation
20 by a regional or national institutional accrediting agency
21 recognized by the United States secretary of education.

22 b. A diploma-granting, degree-equivalent college or
23 university in Canada that offers graduate-level, full-time
24 didactic and supervised clinical training and is accredited or
25 has achieved candidacy status for accreditation by the council
26 on naturopathic medical education or an equivalent federally
27 recognized accrediting body for naturopathic medical programs
28 also recognized by the board; and the college or university
29 has provincial approval for participation in government-funded
30 student aid.

31 2. "*Board*" means the board of medicine established in
32 section 147.13.

33 3. "*Director*" means the executive director of the board of
34 medicine.

35 4. "*Exclusionary naturopathic formulary*" means the



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1 exclusionary list of medicines, nonprescription and
2 prescription, which naturopathic physicians shall not use
3 in the practice of their profession, as determined by the
4 naturopathic advisory council.

5 5. *“Minor office procedures”* means methods for the repair
6 and care incidental to superficial lacerations and abrasions,
7 superficial lesions, and the removal of foreign bodies located
8 in the superficial tissues.

9 6. *“Naturopathic advisory council”* means the naturopathic
10 advisory council established under this chapter.

11 7. *“Naturopathic medicine”* means a system of primary health
12 care for the prevention, diagnosis, and treatment of human
13 health conditions, injury, and disease, and the promotion or
14 restoration of health. *“Naturopathic medicine”* includes the
15 use of physiological, psychological, or mechanical methods, and
16 the use of natural medicines, prescription or legend drugs,
17 foods, herbs, or other natural remedies.

18 8. *“Naturopathic physician”* means a practitioner of
19 naturopathic medicine who has been properly licensed for that
20 purpose by the board of medicine under this chapter, who may
21 diagnose, treat, and help prevent diseases using a system of
22 practice that is based on the natural healing capacity of
23 individuals, and may use physiological, psychological, or
24 mechanical methods, and may use natural medicines, prescription
25 or legend drugs, foods, herbs, or other natural remedies.

26 9. *“Prescription drug”* means any drug described in section
27 503(b) of the federal Food, Drug, and Cosmetic Act, 21 U.S.C.
28 §353, if its label is required to bear the symbol “RX only”.

29 **Sec. 8. NEW SECTION. 148G.2 Licensure — naturopathic**
30 **medicine.**

31 1. *Qualifications for licensure.* An applicant for a license
32 to practice naturopathic medicine shall be granted a license
33 by the board if the applicant satisfies all of the following
34 requirements:

35 a. Submits an application for licensure designed and



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1 approved by the naturopathic advisory council.

2 *b.* Pays an application fee established by the board.

3 *c.* Has graduated from an approved naturopathic medical
4 program.

5 *d.* Has passed a competency-based national naturopathic
6 licensing examination administered by the north American board
7 of naturopathic examiners or successor agency, that has been
8 nationally recognized to administer a naturopathic examination
9 representing federal standards of education and training. For
10 applicants who completed an approved naturopathic medical
11 program located in Canada, eligibility for licensure may be
12 granted with evidence of successful passage of a Canadian
13 provincial competency examination.

14 *e.* Provides evidence that the applicant is of good ethical
15 and professional reputation. An applicant shall not have had
16 a license to practice naturopathic medicine or other health
17 care license, registration, or certification refused, revoked,
18 or suspended by this state or any other jurisdiction for
19 reasons that relate to the applicant's ability to skillfully
20 and safely practice naturopathic medicine unless that license,
21 registration, or certification has been restored to good
22 standing.

23 *f.* Provides evidence that the applicant is physically and
24 mentally capable of safely practicing naturopathic medicine
25 with or without reasonable accommodation.

26 2. *Term of license.* A license granted pursuant to this
27 section shall be renewed every two years.

28 Sec. 9. NEW SECTION. 148G.3 Use of title — exceptions.

29 1. A person shall not represent that the person is a
30 naturopathic physician, a doctor of naturopathic medicine, a
31 doctor of naturopathy, a naturopath, or as being otherwise
32 authorized to practice naturopathic medicine in this state, or
33 use the initials "N.D." or "N.M.D." or any other titles, words,
34 letters, abbreviations, or insignia indicating or implying
35 that the individual is a licensed naturopathic physician



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1 without first obtaining from the board a license to practice
 2 naturopathic medicine pursuant to the provisions of this
 3 chapter.

4 2. The practice of naturopathic medicine by a naturopathic
 5 physician licensed pursuant to this chapter does not constitute
 6 the practice of medicine and surgery under chapter 148, the
 7 practice of osteopathic medicine and surgery under chapter 148,
 8 or the practice of nursing under chapter 152.

9 3. This chapter and chapter 147 shall not prevent a
 10 qualified member of another profession, including but not
 11 limited to an individual licensed under chapter 148, 150, 150A,
 12 or 152, from providing services consistent with the nature of
 13 naturopathic medicine, but such person shall not use a title or
 14 description denoting that the person is a licensed naturopathic
 15 physician.

16 Sec. 10. **NEW SECTION. 148G.4 Duties of board.**

17 The board shall adopt rules consistent with this chapter and
 18 chapter 147, and as recommended by the naturopathic advisory
 19 council, which are necessary for the performance of the board's
 20 duties.

21 Sec. 11. **NEW SECTION. 148G.5 Naturopathic advisory council.**

22 1. A naturopathic advisory council is established,
 23 consisting of the following members, appointed by the governor:

24 *a.* Prior to July 1, 2017, four members who are naturopathic
 25 physicians who are residents of the state of Iowa and who are
 26 currently licensed in good standing in another state. On
 27 and after July 1, 2017, such members shall be naturopathic
 28 physicians licensed under this chapter.

29 *b.* One member who is a pharmacist licensed in Iowa.

30 *c.* One member who is a medical or osteopathic physician
 31 licensed in Iowa, who has expertise in integrative medicine.

32 *d.* One member representing the general public.

33 2. Members shall not receive per diem or expense payments.

34 3. Members shall serve two-year terms, and shall serve until
 35 their successors have been appointed.



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1 4. The council shall select a chairperson from its
2 membership.

3 Sec. 12. NEW SECTION. **148G.6 Council duties.**

4 The naturopathic advisory council shall do all of the
5 following:

6 1. Advise the board regarding standards for licensed
7 naturopathic physicians.

8 2. Provide for distribution of information regarding
9 licensed naturopathic physician standards.

10 3. Advise the board on enforcement issues.

11 4. Review applications for licensure and license renewal
12 and recommend the granting or denial thereof.

13 5. Advise the board on issues related to receiving and
14 investigating complaints, conducting hearings, and imposing
15 disciplinary action in relation to complaints against licensed
16 naturopathic physicians.

17 6. Review naturopathic education and training for and
18 make specific recommendations to the board regarding the
19 qualifications to practice naturopathic childbirth attendance.

20 7. Recommend to the board any prescription drugs which
21 should be included on the exclusionary naturopathic formulary.

22 8. Advise the board regarding approval of continuing
23 education programs specific to naturopathic practice.

24 Sec. 13. NEW SECTION. **148G.7 Scope of practice.**

25 A naturopathic physician may do any of the following:

26 1. Order and perform physical and laboratory examinations
27 consistent with naturopathic education and training for
28 diagnostic purposes, including but not limited to phlebotomy,
29 clinical laboratory tests, orificial examinations, and
30 physiological function tests.

31 2. Order diagnostic imaging studies consistent with
32 naturopathic training. All diagnostic tests not consistent
33 with naturopathic medical education and training must be
34 referred for performance and interpretation to an appropriately
35 licensed health care professional.

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1 3. Dispense, administer, order, prescribe, provide, or
2 perform the following, as applicable:

3 *a.* Food, extracts of food, nutraceuticals, vitamins, amino
4 acids, minerals, enzymes, botanicals and their extracts,
5 botanical medicines, homeopathic medicines, and all dietary
6 supplements and nonprescription drugs as defined by the federal
7 Food, Drug, and Cosmetic Act, 21 U.S.C. §301 et seq.

8 *b.* Prescription or legend drugs and hormone replacement
9 therapy.

10 *c.* Hot or cold hydrotherapy, naturopathic physical medicine,
11 and therapeutic exercise.

12 *d.* Devices, including but not limited to therapeutic
13 devices, barrier contraception, and durable medical equipment.

14 *e.* Health education and health counseling.

15 *f.* Repair and care incidental to superficial lacerations and
16 abrasions.

17 *g.* Removal of foreign bodies located in the superficial
18 tissues.

19 *h.* Musculoskeletal manipulation consistent with
20 naturopathic education and training.

21 4. Utilize routes of administration that include oral,
22 nasal, auricular, ocular, rectal, vaginal, transdermal,
23 intradermal, subcutaneous, intravenous, and intramuscular
24 consistent with the education and training of a naturopathic
25 physician.

26 5. Perform all therapies as trained and educated which are
27 approved by the naturopathic advisory council.

28 Sec. 14. NEW SECTION. 148G.8 Prohibitions.

29 A naturopathic physician licensed under this chapter shall
30 not do any of the following:

31 1. Perform or induce abortions.

32 2. Perform surgical procedures except those minor office
33 procedures authorized by this chapter.

34 3. Practice or claim to practice as a medical or osteopathic
35 physician, dentist, pharmacist, podiatrist, optometrist,



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1 psychologist, advanced practice registered nurse, physician
2 assistant, chiropractor, physical therapist, acupuncturist, or
3 any other health care provider not authorized in this chapter
4 unless licensed by the state of Iowa as such.

5 4. Use general or spinal anesthetics.

6 5. Administer ionizing radioactive substances for
7 therapeutic purposes.

8 6. Administer or prescribe chemotherapeutic medications for
9 the purpose of cancer treatment.

10 7. Perform surgical procedures of the eye, ear, nerves,
11 veins, or arteries extending beyond superficial tissue.

12 **Sec. 15. NEW SECTION. 148G.9 Exemptions.**

13 This chapter shall not be construed to prohibit or restrict
14 any of the following:

15 1. The practice of a profession by an individual who is
16 licensed, certified, or registered under another law of this
17 state who is performing services within the individual's
18 authorized scope of practice.

19 2. The practice of naturopathic medicine by an individual
20 employed by the government of the United States while the
21 individual is engaged in the performance of duties prescribed
22 by the laws and regulations of the United States.

23 3. The practice of naturopathic medicine by students
24 enrolled in an approved naturopathic medical program. The
25 performance of services shall be pursuant to a course of
26 instruction or assignments from an instructor and under the
27 supervision of the instructor. The instructor shall be a
28 naturopathic physician licensed pursuant to this chapter or a
29 duly licensed professional in the instructed field.

30 4. Persons from treating themselves and family members
31 based on religious or health beliefs.

32 5. Persons who sell vitamins and herbs from providing
33 information about their products.

34 6. Persons or practitioners from advising in the use
35 of a therapy including but not limited to herbal medicine,

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1 homeopathy, nutrition, or other nondrug or nonsurgical therapy
 2 that is within the scope of practice of naturopathic physicians
 3 as provided in this chapter as long as such therapy is lawful,
 4 or, if a licensed health care provider, within the scope of
 5 practice of the profession; and provided that such person is
 6 not using a title protected pursuant to this chapter or holding
 7 themselves out to be a naturopathic physician.

8 7. The practice of naturopathic medicine by persons who
 9 are licensed to practice in any other state as practicing
 10 naturopathic physicians, who enter this state to consult with
 11 a licensed naturopathic physician in this state; provided,
 12 however, that the consultation is to be limited to examination,
 13 recommendation, or testimony in litigation.

14 Sec. 16. FUNDING. The board of medicine shall apply to
 15 the office of the chief information officer to request an
 16 allocation of moneys from the IowAccess revolving fund to fund
 17 the estimated costs for expansion of the advanced Maryland
 18 automatic network disk archiver (AMANDA) system to allow
 19 licensure of naturopathic physicians in the AMANDA system.
 20 The board shall not implement a fee increase to make this
 21 adjustment to the AMANDA system for naturopathic physicians.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with
 24 the explanation's substance by the members of the general assembly.

25 This bill requires the licensing of naturopathic physicians
 26 and makes the provisions of Code chapter 147, including
 27 penalty and other regulatory provisions, applicable to other
 28 health professions applicable to the practice of naturopathic
 29 medicine. The bill provides that the practice of naturopathic
 30 medicine means the provision of naturopathic services defined
 31 as a system of primary health care for the prevention,
 32 diagnosis, and treatment of human health conditions, injury,
 33 and disease, and the promotion or restoration of health.
 34 Naturopathic medicine includes the use of physiological,
 35 psychological, or mechanical methods, and the use of natural

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1 medicines, prescription or legend drugs, foods, herbs, or
2 other natural remedies. The bill specifies qualifications
3 for licensure and the scope of practice for a naturopathic
4 physician, and details functions that a naturopathic physician
5 may not perform.

6 The practice of naturopathic medicine is regulated by the
7 board of medicine, with the advice of a naturopathic advisory
8 council. The council consists of seven members, four of
9 whom are naturopathic physicians, one medical or osteopathic
10 physician, a pharmacist, and one member representing the
11 general public. The council does not receive a per diem or
12 expenses.

13 The bill provides that qualified members of other
14 professions, including physicians and nurses, are not prevented
15 from providing services consistent with naturopathic medicine,
16 but these persons shall not use a title or description denoting
17 that they are naturopathic physicians. The bill sets out these
18 titles.

19 The bill provides for inclusion of licensed naturopathic
20 physicians in the AMANDA system. This system is a network
21 disk archiver system currently used by the boards of nursing,
22 dentistry, and medicine.

23 Code section 422.7(27) provides an income tax exemption for
24 payments received by an individual providing unskilled in-home
25 health-related care services to a member of the individual
26 caregiver's family. This exemption is not available to health
27 care professionals licensed by the board of medicine. Under
28 the bill, naturopathic physicians are to be licensed by the
29 board of medicine, making them ineligible for this exemption.



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House Study Bill 52 - Introduced

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

A BILL FOR

1 An Act relating to nonprofit corporations' powers and duties,
2 document filings, meetings, mergers, voting procedures, and
3 the functions of directors and officers.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 504.111, Code 2015, is amended by adding
 2 the following new subsection:

3 NEW SUBSECTION. 12. Whenever a provision of this chapter
 4 permits any of the terms of a plan or a filed document to be
 5 dependent on facts objectively ascertainable outside the plan
 6 or filed document, all of the following provisions apply:

7 *a.* The manner in which the facts will operate upon the terms
 8 of the plan or filed document shall be set forth in the plan or
 9 filed document.

10 *b.* The facts may include any of the following:

11 (1) Any of the following that is available in a nationally
 12 recognized news or information medium either in print or
 13 electronically: statistical or market indices, market prices
 14 of any security or group of securities, interest rates,
 15 currency exchange rates, or similar economic or financial data.

16 (2) A determination or action by any person or body,
 17 including the corporation or any other party to a plan or filed
 18 document.

19 (3) The terms of, or actions taken under, an agreement to
 20 which the corporation is a party, or any other agreement or
 21 document.

22 *c.* As used in this subsection, all of the following apply:

23 (1) "*Filed document*" means a document filed with the
 24 secretary of state under any provision of this chapter except
 25 subchapter XV or section 504.1613.

26 (2) "*Plan*" means a plan of entity conversion or merger.

27 Sec. 2. Section 504.302, Code 2015, is amended by adding the
 28 following new subsection:

29 NEW SUBSECTION. 16A. Serve as a trustee of a trust of which
 30 the corporation is a beneficiary.

31 Sec. 3. Section 504.701, subsection 1, Code 2015, is amended
 32 to read as follows:

33 1. A Except in the case of a corporation with members
 34 that holds meetings only of delegates and not of the members,
 35 a corporation with members shall hold a membership meeting



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1 annually at a time stated in or fixed in accordance with
 2 the bylaws. The articles of incorporation or bylaws of a
 3 corporation with members that holds meetings only of delegates
 4 and not of members may provide for meetings of delegates to be
 5 held less frequently than annually but at least once every six
 6 years.

7 Sec. 4. Section 504.712, subsection 1, Code 2015, is amended
 8 to read as follows:

9 1. ~~The right of the members of a corporation, or any class~~
 10 ~~or classes of members, to vote may be limited, enlarged, or~~
 11 ~~denied to the extent specified~~ Except as provided in the
 12 articles of incorporation or, ~~if the articles of incorporation~~
 13 ~~so provide, by the bylaws.~~ Unless so limited, enlarged, or
 14 denied, each member, ~~regardless of class,~~ shall be entitled to
 15 one vote on each matter submitted to a vote of members.

16 Sec. 5. Section 504.805, subsection 1, Code 2015, is amended
 17 to read as follows:

18 1. The articles or bylaws of a corporation ~~must~~ may specify
 19 the terms of directors. If the term is not specified in the
 20 articles or bylaws, the term of a director is one year. Except
 21 for designated or appointed directors, and except as otherwise
 22 provided in the articles or bylaws, the terms of directors
 23 shall not exceed five years. ~~In the absence of any term~~
 24 ~~specified in the articles or bylaws, the term of each director~~
 25 ~~shall be one year.~~ Directors may be elected for successive
 26 terms.

27 Sec. 6. Section 504.825, Code 2015, is amended to read as
 28 follows:

29 **504.825 Quorum and voting.**

30 1. Except as otherwise provided in this chapter, or the
 31 articles or bylaws of a corporation, a quorum of a board of
 32 directors consists of a majority of the directors in office
 33 immediately before a meeting begins.

34 2. The articles or bylaws shall not authorize a quorum of
 35 fewer than one-third of the number of directors in office.



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1 ~~2.~~ 3. If a quorum is present when a vote is taken, the
 2 affirmative vote of a majority of directors present is the act
 3 of the board unless a greater vote is required by this chapter,
 4 the articles of incorporation, or bylaws ~~require the vote of~~
 5 ~~a greater number of directors.~~

6 4. A director who is present at a meeting of the board
 7 of directors when corporate action is taken is considered to
 8 have assented to the action taken unless any of the following
 9 applies:

10 a. The director objects at the beginning of the meeting, or
 11 promptly upon arrival, to holding the meeting or transacting
 12 business at the meeting.

13 b. The director dissents or abstains from the action and any
 14 of the following applies:

15 (1) The dissent or abstention is entered in the minutes of
 16 the meeting.

17 (2) The director delivers notice in the form of a record of
 18 the director's dissent or abstention to the presiding officer
 19 of the meeting before the meeting's adjournment or to the
 20 corporation promptly after adjournment of the meeting.

21 5. The right of dissent or abstention is not available to a
 22 director who votes in favor of the action taken.

23 Sec. 7. Section 504.831, Code 2015, is amended by adding the
 24 following new subsection:

25 NEW SUBSECTION. 2A. In discharging board or committee
 26 duties, a director shall disclose, or cause to be disclosed,
 27 to the other board or committee members information which
 28 the director knows is not already known by them but is known
 29 by the director to be material to the discharge of their
 30 decision-making or oversight functions, except that disclosure
 31 is not required to the extent that the director reasonably
 32 believes that doing so would violate a duty imposed under law,
 33 a legally enforceable obligation of confidentiality, or a
 34 professional ethics rule.

35 Sec. 8. Section 504.834, Code 2015, is amended to read as

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1 follows:

2 **504.834 Loans to or guarantees for directors and officers.**

3 1. A corporation shall not lend money to or guarantee the
4 obligation of a director or officer of the corporation.

5 2. This section does not apply to the situation where the
6 director or officer is a full-time employee of the corporation
7 and involves any of the following:

8 a. An advance to pay reimbursable expenses reasonably
9 expected to be incurred by a director or officer.

10 b. An advance to pay premiums on a policy of life insurance
11 if the advance is secured by the cash value of the policy.

12 c. Advances pursuant to part 5.

13 d. Loans or advances pursuant to employee benefit plans.

14 e. A loan secured by the principal residence of an officer.

15 f. A loan to pay relocation expenses of an officer.

16 3. The fact that a loan or guarantee is made in violation of
17 this section does not affect the borrower's liability on the
18 loan.

19 Sec. 9. Section 504.854, subsection 3, paragraph a,
20 subparagraph (2), Code 2015, is amended to read as follows:

21 (2) If there are fewer than two disinterested directors,
22 by the vote necessary for action by the board in accordance
23 with section 504.825, subsection 2 ~~3~~, in which authorization
24 directors who do not qualify as disinterested directors may
25 participate.

26 Sec. 10. Section 504.1104, Code 2015, is amended to read as
27 follows:

28 **504.1104 Articles of merger.**

29 1. After a plan of merger is has been adopted and approved
30 by the board of directors, and if as required by section
31 504.1103, by the members and any other persons, the surviving
32 or acquiring corporation shall deliver to the secretary of
33 state this chapter, articles of merger setting shall be signed
34 on behalf of each party to the merger by an officer or other
35 duly authorized representative. The articles shall set forth

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1 all of the following, ~~as applicable:~~

2 1. a. The ~~plan of~~ names of the parties to the merger.

3 2. b. ~~If approval of members was not required, a statement~~
4 ~~to that effect and a statement that the plan was approved~~
5 ~~by a sufficient vote of the board of directors~~ articles of
6 incorporation of the survivor of a merger are amended, or if
7 a new corporation is created as a result of the merger, the
8 amendments to the articles of incorporation of the survivor or
9 the articles of incorporation of the new corporation.

10 3. c. ~~If the plan of merger required approval by the~~
11 ~~members was required, both of the following:~~ of a domestic
12 nonprofit corporation that was a party to the merger, a
13 statement that the plan was duly approved by the members and,
14 if voting by any separate voting group was required, by each
15 such separate voting group, in the manner required by this
16 chapter and the articles of incorporation or bylaws.

17 a. ~~The designation, number of memberships outstanding,~~
18 ~~number of votes entitled to be cast by each class entitled to~~
19 ~~vote separately on the plan, and number of votes of each class~~
20 ~~indisputably voting on the plan.~~

21 b. ~~Either the total number of votes cast for and against the~~
22 ~~plan by each class entitled to vote separately on the plan or~~
23 ~~the total number of undisputed votes cast for the plan by each~~
24 ~~class and a statement that the number of votes cast for the~~
25 ~~plan by each class was sufficient for approval by that class.~~

26 d. ~~If the plan of merger did not require approval by the~~
27 ~~members of the domestic nonprofit corporation that was a party~~
28 ~~to the merger, a statement to that effect.~~

29 4. e. ~~If approval of the plan by some person or persons~~
30 ~~other than the members of the board is required pursuant to~~
31 ~~section 504.1103, subsection 1, paragraph "c", a statement that~~
32 ~~the approval was obtained.~~

33 f. ~~As to each foreign nonprofit corporation or eligible~~
34 ~~entity that was a party to the merger, a statement that the~~
35 ~~participation of the foreign corporation or eligible entity~~



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1 was duly authorized as required by the organic law of the
2 corporation or eligible entity.

3 2. Terms of the articles of merger may be dependent on facts
4 objectively ascertainable outside the articles in accordance
5 with section 504.111, subsection 12.

6 3. Articles of merger must be delivered to the secretary
7 of state for filing by the survivor of the merger and shall
8 take effect at the effective time provided in section 504.114.
9 Articles of merger filed under this section may be combined
10 with any filing required under the organic law of any domestic
11 eligible entity involved in the transaction if the combined
12 filing satisfies the requirements of both this section and the
13 other organic law.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.

17 BILL'S PROVISIONS. This bill amends a number of provisions
18 affecting nonprofit corporations. It provides for filing
19 procedures (Code section 504.111) and the filing of articles
20 of merger (Code section 504.1104). The bill provides for the
21 powers of a nonprofit corporation, including by allowing it
22 to serve as both a trustee and beneficiary of a trust (Code
23 section 504.302). It also provides for the powers and duties
24 of members and its delegates as well as its directors and
25 officers. This includes requirements relating to meetings of
26 delegates (Code section 504.701), member voting (Code section
27 504.712), the terms of directors (Code section 504.805),
28 the voting of directors (Code section 504.825), the duty
29 of directors to disclose information material to corporate
30 action (Code section 504.831), and loans made by a nonprofit
31 corporation to full-time directors or officers (Code section
32 504.834).

33 BACKGROUND. The model nonprofit corporation Act (MNCA)
34 as drafted by the American Bar Association was enacted by
35 the general assembly in 2004 Iowa Acts, ch 1049, codified

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1 in Code chapter 504, and now referred to as the "Revised
2 Iowa Nonprofit Corporation Act" (Code section 504.101). A
3 nonprofit corporation is required to file a number of items
4 with the secretary of state including articles of incorporation
5 (subchapter I, part 2). It is managed by a board of directors
6 and operated by its officers and employees. Instead of
7 shareholders, the corporation may, but is not required to,
8 have members who may exercise their powers through delegates,
9 including the power to elect directors (Code sections 504.141
10 and 504.641).



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House Study Bill 53 - Introduced

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

A BILL FOR

1 An Act relating to counterfeit, nonfunctional, or unsafe air
2 bags, providing penalties, and including effective date
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



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1 Section 1. Section 321.71A, Code 2015, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 **321.71A Counterfeit, nonfunctional, and unsafe air bags.**

5 1. As used in this section:

6 *a. "Air bag"* means a motor vehicle inflatable occupant
7 restraint system that operates in the event of a crash and
8 is designed in accordance with federal motor vehicle safety
9 standards for the specific make, model, and year of the
10 motor vehicle in which it is or will be installed. "Air bag"
11 includes all component parts to a motor vehicle inflatable
12 occupant restraint system, including but not limited to the
13 cover, sensors, controllers, inflators, wiring, and seat belt
14 systems.

15 *b. "Counterfeit air bag"* means an air bag displaying a mark
16 identical or similar to the genuine mark of a motor vehicle
17 manufacturer without authorization from the manufacturer.

18 *c. "Nonfunctional air bag"* means an air bag that was
19 previously deployed or damaged, or has an electric fault that
20 is detected by a motor vehicle's air bag diagnostic system
21 after the air bag is installed in the motor vehicle.

22 2. A person who manufactures, imports, installs,
23 reinstalls, sells, or offers to sell any device with the intent
24 that the device replace an air bag in a motor vehicle, and who
25 knows or reasonably should know under the circumstances that
26 the device is a counterfeit air bag, nonfunctional air bag, or
27 air bag that does not comply with federal safety requirements
28 as provided in 49 C.F.R. §571.208, is guilty of an aggravated
29 misdemeanor.

30 3. A person who manufactures, imports, installs,
31 reinstalls, sells, or offers to sell any device that causes a
32 motor vehicle's diagnostic system to inaccurately indicate that
33 the motor vehicle is equipped with a functional air bag when
34 a counterfeit or nonfunctional air bag is installed, or when
35 no air bag is installed, with the intent to mislead the owner



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1 or operator of the motor vehicle into believing that the motor
2 vehicle is equipped with a functional air bag, is guilty of an
3 aggravated misdemeanor.

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

6 EXPLANATION

7 The inclusion of this explanation does not constitute agreement with
8 the explanation's substance by the members of the general assembly.

9 This bill provides that a person who manufactures, imports,
10 installs, or sells any device with the intent that the device
11 replace an air bag in a motor vehicle, and who knows or
12 reasonably should know under the circumstances that the device
13 is a counterfeit, nonfunctional, or unsafe air bag, is guilty
14 of an aggravated misdemeanor.

15 The bill also provides that a person who manufactures,
16 imports, installs, or sells any device that causes a motor
17 vehicle's diagnostic system to inaccurately indicate that the
18 motor vehicle is equipped with a functional air bag when a
19 counterfeit or nonfunctional air bag is installed, or when no
20 air bag is installed, with the intent to mislead the owner or
21 operator of the motor vehicle into believing that the motor
22 vehicle is equipped with a functional air bag, is guilty of an
23 aggravated misdemeanor.

24 An aggravated misdemeanor is punishable by up to two years in
25 prison and up to a \$6,250 fine.

26 The bill defines "air bag", "counterfeit air bag", and
27 "nonfunctional air bag". In addition, the bill provides that
28 an air bag is unsafe when it does not comply with federal
29 safety requirements as provided in the code of federal
30 regulations.

31 The bill takes effect upon enactment.



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House Study Bill 54 - Introduced

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

A BILL FOR

1 An Act relating to certain persons who are excluded from
2 coverage under the workers' compensation law of this state.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1682YC (3) 86
av/rj



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1 Section 1. Section 87.22, Code 2015, is amended to read as
2 follows:

3 **87.22 ~~Corporate officer exclusion~~ Exclusion from workers'**
4 **compensation or employers' liability coverage — corporate**
5 **officers, proprietors, limited liability company members, limited**
6 **liability partners, and partners.**

7 1. The president, vice president, secretary, and treasurer
8 of a corporation other than a family farm corporation, but
9 not to exceed four officers per corporation, may exclude
10 themselves from workers' compensation coverage under chapters
11 85, 85A, and 85B by knowingly and voluntarily rejecting
12 workers' compensation coverage by signing, and attaching to the
13 workers' compensation or employers' liability policy a written
14 rejection, or if such a policy is not issued, by signing a
15 written rejection which is witnessed by two disinterested
16 individuals who are not, formally or informally, affiliated
17 with the corporation and which is filed by the corporation
18 with the workers' compensation commissioner. The workers'
19 compensation commissioner shall maintain a list of those
20 corporations that have filed a written rejection pursuant to
21 this subsection or a written termination of that rejection
22 pursuant to subsection 5, paragraph "a", and that list shall be
23 a public record open to public inspection.

24 2. A proprietor, limited liability company member, limited
25 liability partner, or partner who does not elect to be covered
26 by the workers' compensation law of this state pursuant
27 to section 85.1A by purchasing valid workers' compensation
28 insurance specifically including that person, shall file a
29 nonelection of workers' compensation coverage by signing, and
30 attaching to the workers' compensation or employers' liability
31 policy a written nonelection, or if such a policy is not
32 issued, by signing a written nonelection which is witnessed
33 by two disinterested individuals who are not, formally or
34 informally, affiliated with the employer and which is filed by
35 the employer with the workers' compensation commissioner. The

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1 workers' compensation commissioner shall maintain a list of
 2 those employers that have filed a written nonelection pursuant
 3 to this subsection or a written termination of that nonelection
 4 pursuant to subsection 5, paragraph "b", and that list shall be
 5 a public record open to public inspection.

6 ~~2.~~ 3. a. The written rejection made pursuant to subsection
 7 1, shall be in substantially the following form:

8 REJECTION OF WORKERS'
 9 COMPENSATION OR EMPLOYERS'
 10 LIABILITY COVERAGE

11 I understand that by signing this statement I reject the
 12 coverage of chapters 85, 85A, and 85B of the Code of Iowa
 13 relating to workers' compensation.

14 I understand that my rejection of the coverage of chapters
 15 85, 85A, and 85B is not a waiver of any rights or remedies
 16 available to me or to others on my behalf in a civil action
 17 related to personal injuries sustained by me arising out of and
 18 in the course of my employment with the corporation.

19 I also understand that by signing this statement and checking
 20 alternative (1) below I reject employers' liability coverage
 21 for bodily injuries or death sustained by me arising out of and
 22 in the course of my employment with the corporation. [Check
 23 either alternative (1) or (2):]

24 (1) I reject the employers' liability coverage.

25 (2) I decline to reject the employers' liability coverage.

26 Signed

27 Corporate Office

28 Date

29 City, County, State of Residence

30 Witness

31 Witness

32 I also understand that the signing of this statement and
 33 checking of alternative (1) below by an authorized agent of the
 34 corporation rejects for the corporation employers' liability
 35 coverage for bodily injuries or death sustained by me arising



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1 out of and in the course of my employment with the corporation.

2 [Check either alternative (1) or (2):]

3 (1) The corporation rejects the employers' liability
4 coverage.

5 (2) The corporation declines to reject the employers'
6 liability coverage.

7 Signed

8 Relationship to Corporation

9 Date

10 City, County, State of Residence

11 Witness

12 Witness

13 b. The written nonelection of coverage made pursuant to
14 subsection 2, shall be in substantially the following form:

15 NONELECTION OF WORKERS'

16 COMPENSATION OR EMPLOYERS'

17 LIABILITY COVERAGE

18 I acknowledge that I am a proprietor, limited liability
19 company member, limited liability partner, or partner and that
20 I am not required to be covered by the worker's compensation
21 law of this state pursuant to section 85.1A. I understand
22 that by signing this statement I am not electing the coverage
23 of chapters 85, 85A, and 85B of the Code of Iowa relating to
24 workers' compensation.

25 I understand that my nonelection of the coverage of chapters
26 85, 85A, and 85B is not a waiver of any rights or remedies
27 available to me or to others on my behalf in a civil action
28 related to personal injuries sustained by me arising out of and
29 in the course of my employment with the employer.

30 I also understand that by signing this statement and checking
31 alternative (1) below I am not electing employers' liability
32 coverage for bodily injuries or death sustained by me arising
33 out of and in the course of my employment with the employer.

34 [Check either alternative (1) or (2):]

35 (1) I am not electing the employer's liability coverage.



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1 (2) I am electing the employer's liability coverage by
2 purchasing valid workers' compensation insurance specifically
3 including me.

4 Signed

5 Employer's Office

6 Date

7 City, County, State of Residence

8 Witness

9 Witness

10 I also understand that the signing of this statement and
11 checking of alternative (1) below by an authorized agent of the
12 employer is a nonelection for the employer of the employers'
13 liability coverage for bodily injuries or death sustained by
14 me arising out of and in the course of my employment with the
15 employer. [Check either alternative (1) or (2):]

16 (1) The employer does not elect the employer's liability
17 coverage.

18 (2) The employer elects the employer's liability coverage by
19 purchasing valid workers' compensation insurance specifically
20 including me.

21 Signed

22 Relationship to Employer

23 Date

24 City, County, State of Residence

25 Witness

26 Witness

27 ~~3.~~ 4. The rejection or nonelection of workers' compensation
28 coverage is not enforceable if it is required as a condition
29 of employment.

30 ~~4.~~ 5. a. A corporate officer who signs a written rejection
31 filed with the workers' compensation commissioner pursuant to
32 subsection 1 may terminate the rejection by signing a written
33 notice of termination which is witnessed by two disinterested
34 individuals, who are not, formally or informally, affiliated
35 with the corporation and which is filed by the corporation with



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1 the workers' compensation commissioner. Following the filing
 2 of a notice of termination pursuant to this paragraph, the
 3 status of the person signing the notice of termination shall
 4 be the same as if the rejection of coverage had not been made,
 5 except that the notice of termination shall not be effective as
 6 to any injury sustained or disease incurred less than one week
 7 after the notice is filed.

8 b. A proprietor, limited liability company member, limited
 9 liability partner, or partner who signs a written nonelection
 10 with the workers' compensation commissioner pursuant to
 11 subsection 2 may terminate the nonelection by signing a written
 12 notice of termination which is witnessed by two disinterested
 13 individuals, who are not, formally or informally, affiliated
 14 with the employer and which is filed by the employer with the
 15 workers' compensation commissioner. Following the filing of a
 16 notice of termination pursuant to this paragraph, the status
 17 of the person signing the notice of termination shall be the
 18 same as if the nonelection of coverage had not been made and
 19 the person may elect to be covered by the workers' compensation
 20 law of this state by purchasing valid workers' compensation
 21 insurance specifically including that person as provided in
 22 section 85.1A, except that the election of coverage shall not
 23 be effective as to any injury sustained or disease incurred
 24 less than one week after the notice is filed.

EXPLANATION

26 The inclusion of this explanation does not constitute agreement with
 27 the explanation's substance by the members of the general assembly.

28 This bill relates to certain persons who are excluded from
 29 workers' compensation coverage requirements.

30 The bill provides that the workers' compensation
 31 commissioner shall maintain a list of corporate officers that
 32 reject workers' compensation coverage or that terminate their
 33 rejection of the coverage. The list shall be a public record
 34 that is open to public inspection.

35 The bill also requires a proprietor, limited liability

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1 company member or partner, or a partner, who does not elect
2 workers' compensation coverage by purchasing valid coverage
3 that specifically includes that person, to sign a nonelection
4 of that coverage which must be attached to the workers'
5 compensation or employer's liability policy or filed with the
6 workers' compensation commissioner. The workers' compensation
7 commissioner is required to maintain a list of persons who do
8 not elect such coverage or that terminate that nonelection of
9 coverage. The list shall be a public record that is open to
10 public inspection. The bill also provides a form for such a
11 person to indicate that the person is not electing workers'
12 compensation coverage.

13 The bill provides that when a corporate officer terminates a
14 rejection of workers' compensation coverage by filing a notice
15 of termination with the workers' compensation commissioner, the
16 notice of termination restores the officer to the same status
17 as if the rejection of coverage had not occurred although the
18 termination of rejection is not effective as to any injury
19 sustained or disease incurred less than one week after the
20 notice is filed.

21 The bill provides also that a proprietor, limited liability
22 company member or partner, or partner, may terminate a
23 nonelection of workers' compensation coverage by filing
24 a notice of termination with the workers' compensation
25 commissioner. The notice of termination restores that person
26 to the same status as if the nonelection of coverage had not
27 occurred and the person may elect to be covered by the workers'
28 compensation law of this state by purchasing valid workers'
29 compensation insurance specifically including that person,
30 as provided in Code section 85.1A. However, the election of
31 coverage shall not be effective as to any injury sustained or
32 disease incurred less than one week after the notice is filed.

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House Study Bill 55 - Introduced

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

A BILL FOR

1 An Act establishing the categorical state percent of growth.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1550YC (3) 86
md/sc



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H.F. _____

1 Section 1. Section 257.8, subsection 2, Code 2015, is
2 amended to read as follows:

3 2. *Categorical state percent of growth.* ~~The categorical~~
4 ~~state percent of growth for the budget year beginning July 1,~~
5 ~~2012, is two percent.~~ The categorical state percent of growth
6 for the budget year beginning July 1, 2013, is two percent.
7 The categorical state percent of growth for the budget year
8 beginning July 1, 2014, is four percent. The categorical
9 state percent of growth for the budget year beginning July
10 1, 2016, is two and forty-five hundredths percent. The
11 categorical state percent of growth for each budget year shall
12 be established by statute which shall be enacted within thirty
13 days of the submission in the year preceding the base year of
14 the governor's budget under section 8.21. The establishment
15 of the categorical state percent of growth for a budget year
16 shall be the only subject matter of the bill which enacts the
17 categorical state percent of growth for a budget year. The
18 categorical state percent of growth may include state percents
19 of growth for the teacher salary supplement, the professional
20 development supplement, the early intervention supplement, and
21 the teacher leadership supplement.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with
24 the explanation's substance by the members of the general assembly.

25 This bill establishes a categorical state percent of growth
26 of 2.45 percent for the school budget year beginning July 1,
27 2016.



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House Study Bill 56 - Introduced

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

A BILL FOR

- 1 An Act establishing the state percent of growth.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1549YC (2) 86
md/sc



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H.F. _____

1 Section 1. Section 257.8, subsection 1, Code 2015, is
 2 amended to read as follows:
 3 1. *State percent of growth.* ~~The state percent of growth~~
 4 ~~for the budget year beginning July 1, 2012, is two percent.~~
 5 The state percent of growth for the budget year beginning July
 6 1, 2013, is two percent. The state percent of growth for the
 7 budget year beginning July 1, 2014, is four percent. The
 8 state percent of growth for the budget year beginning July 1,
 9 2016, is two and forty-five hundredths percent. The state
 10 percent of growth for each subsequent budget year shall be
 11 established by statute which shall be enacted within thirty
 12 days of the submission in the year preceding the base year of
 13 the governor's budget under section 8.21. The establishment of
 14 the state percent of growth for a budget year shall be the only
 15 subject matter of the bill which enacts the state percent of
 16 growth for a budget year.

17 EXPLANATION

18 The inclusion of this explanation does not constitute agreement with
 19 the explanation's substance by the members of the general assembly.

20 This bill establishes a state percent of growth of 2.45
 21 percent for the school budget year beginning July 1, 2016.



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House Study Bill 57 - Introduced

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

A BILL FOR

1 An Act establishing the categorical state percent of growth and
2 including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1548YC (3) 86
md/sc



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H.F. _____

1 Section 1. Section 257.8, subsection 2, Code 2015, is
2 amended to read as follows:

3 2. *Categorical state percent of growth.* ~~The categorical~~
4 ~~state percent of growth for the budget year beginning July 1,~~
5 ~~2012, is two percent.~~ The categorical state percent of growth
6 for the budget year beginning July 1, 2013, is two percent.
7 The categorical state percent of growth for the budget year
8 beginning July 1, 2014, is four percent. The categorical
9 state percent of growth for the budget year beginning July
10 1, 2015, is one and twenty-five hundredths percent. The
11 categorical state percent of growth for each budget year shall
12 be established by statute which shall be enacted within thirty
13 days of the submission in the year preceding the base year of
14 the governor's budget under section 8.21. The establishment
15 of the categorical state percent of growth for a budget year
16 shall be the only subject matter of the bill which enacts the
17 categorical state percent of growth for a budget year. The
18 categorical state percent of growth may include state percents
19 of growth for the teacher salary supplement, the professional
20 development supplement, the early intervention supplement, and
21 the teacher leadership supplement.

22 Sec. 2. CODE SECTION 257.8 — IMPLEMENTATION. The
23 requirement of section 257.8, subsection 2, regarding the
24 enactment of bills establishing the categorical state percent
25 of growth within thirty days of the submission in the year
26 preceding the base year of the governor's budget does not apply
27 to this Act.

28 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
29 immediate importance, takes effect upon enactment.

30 EXPLANATION

31 The inclusion of this explanation does not constitute agreement with
32 the explanation's substance by the members of the general assembly.

33 This bill establishes a categorical state percent of growth
34 of 1.25 percent for the school budget year beginning July 1,
35 2015.

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md/sc

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1 The requirement of Code section 257.8(2) regarding the
2 enactment of bills establishing the categorical state percent
3 of growth within 30 days of the submission in the year
4 preceding the base year of the governor's budget does not apply
5 to the bill.
6 The bill takes effect upon enactment.



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House Study Bill 58 - Introduced

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

A BILL FOR

1 An Act establishing the state percent of growth and including
2 effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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md/sc



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1 Section 1. Section 257.8, subsection 1, Code 2015, is
 2 amended to read as follows:

3 1. *State percent of growth.* ~~The state percent of growth~~
 4 ~~for the budget year beginning July 1, 2012, is two percent.~~
 5 The state percent of growth for the budget year beginning July
 6 1, 2013, is two percent. The state percent of growth for the
 7 budget year beginning July 1, 2014, is four percent. The
 8 state percent of growth for the budget year beginning July 1,
 9 2015, is one and twenty-five hundredths percent. The state
 10 percent of growth for each subsequent budget year shall be
 11 established by statute which shall be enacted within thirty
 12 days of the submission in the year preceding the base year of
 13 the governor's budget under section 8.21. The establishment of
 14 the state percent of growth for a budget year shall be the only
 15 subject matter of the bill which enacts the state percent of
 16 growth for a budget year.

17 Sec. 2. CODE SECTION 257.8 — IMPLEMENTATION. The
 18 requirement of section 257.8, subsection 1, regarding the
 19 enactment of bills establishing the regular program state
 20 percent of growth within thirty days of the submission in the
 21 year preceding the base year of the governor's budget does not
 22 apply to this Act.

23 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
 24 immediate importance, takes effect upon enactment.

25 EXPLANATION

26 The inclusion of this explanation does not constitute agreement with
 27 the explanation's substance by the members of the general assembly.

28 This bill establishes a state percent of growth of 1.25
 29 percent for the school budget year beginning July 1, 2015.

30 The requirement of Code section 257.8(1) regarding the
 31 enactment of bills establishing the regular program state
 32 percent of growth within 30 days of the submission in the year
 33 preceding the base year of the governor's budget does not apply
 34 to the bill.

35 The bill takes effect upon enactment.



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House Study Bill 59 - Introduced

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

A BILL FOR

1 An Act relating to the concurrent enrollment program between
2 school districts and community colleges.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1555YC (6) 86
kh/sc



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1 Section 1. Section 257.11, subsection 3, Code 2015, is
2 amended to read as follows:

3 3. ~~District-to-community college sharing and concurrent~~
4 Concurrent enrollment programs program.

5 a. In order to provide additional funds for school districts
6 which send their resident high school pupils to a ~~community~~
7 college an eligible postsecondary institution for college-level
8 classes, a supplementary weighting plan for determining
9 enrollment is adopted.

10 b. If the school budget review committee certifies to the
11 department of management that the class would not otherwise be
12 implemented without the assignment of additional weighting,
13 pupils attending a ~~community college-offered~~ class offered
14 by an eligible postsecondary institution or attending a
15 class taught by a ~~community college-employed~~ an instructor
16 employed by an eligible postsecondary institution are
17 assigned a weighting of the percentage of the pupil's school
18 day during which the pupil attends class in ~~the community~~
19 college an eligible postsecondary institution facility or
20 attends a class taught by a ~~community college-employed~~ an
21 instructor employed by an eligible postsecondary institution
22 times seventy hundredths for career and technical courses or
23 forty-six hundredths for liberal arts and sciences courses.
24 The following requirements shall be met for the purposes of
25 assigning an additional weighting for classes offered through
26 a sharing agreement between a school district and ~~community~~
27 college an eligible postsecondary institution. The class must
28 be:

29 (1) Supplementing, not supplanting, high school courses
30 required to be offered pursuant to section 256.11, subsection
31 5.

32 (2) Included in the ~~community college~~ eligible
33 postsecondary institution's catalog or an amendment or addendum
34 to the catalog.

35 (3) Open to all ~~registered community college~~ students



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1 enrolled in the eligible postsecondary institution, not just
2 high school students. The class may be offered in a high
3 school attendance center.

4 (4) For college credit, and the credit must apply toward
5 an associate of arts or associate of science degree, or
6 toward an associate of applied arts or associate of applied
7 science degree, or toward completion of a ~~college~~ an eligible
8 postsecondary diploma program or certificate.

9 (5) Taught by an instructor who is employed or contracted by
10 ~~a community college who~~ an eligible postsecondary institution
11 and who meets the requirements of section 261E.3, subsection 2.

12 (6) Taught utilizing the ~~community college~~ eligible
13 postsecondary institution's course syllabus.

14 (7) Taught in such a manner as to result in student work and
15 student assessment ~~which~~ that meet college-level expectations.

16 c. For purposes of this subsection, "eligible postsecondary
17 institution" means the same as defined in section 261E.2.

18 Sec. 2. Section 257.11, subsection 6, paragraph c, Code
19 2015, is amended to read as follows:

20 c. A school district receiving a virtual class for a pupil
21 from a community college an eligible postsecondary institution,
22 which class meets the sharing agreement requirements in
23 subsection 3, shall receive a supplemental funding weighting
24 of one-twentieth of the percentage of the pupil's school day
25 during which the pupil attends the virtual class.

26 Sec. 3. Section 257.11, subsection 6, paragraph d,
27 subparagraph (2), Code 2015, is amended to read as follows:

28 (2) A class provided by ~~a community college~~ an eligible
29 postsecondary institution to a pupil in a school district via
30 the Iowa communications network's video services.

31 Sec. 4. Section 261E.1, subsection 1, paragraph b, Code
32 2015, is amended to read as follows:

33 b. Community college Postsecondary credit courses offered
34 through written sharing agreements between school districts and
35 community colleges eligible postsecondary institutions.



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1 Sec. 5. Section 261E.2, subsection 1, Code 2015, is amended
2 to read as follows:

3 1. "*Concurrent enrollment*" means any course offered to
4 students in grades nine through twelve during the regular
5 school year approved by the board of directors of a school
6 district through a contractual agreement between ~~a community~~
7 college an eligible postsecondary institution and the
8 school district that meets the provisions of section 257.11,
9 subsection 3.

10 Sec. 6. Section 261E.8, Code 2015, is amended to read as
11 follows:

12 ~~261E.8 District-to-community college sharing or concurrent~~
13 Concurrent enrollment program.

14 1. A ~~district-to-community college sharing or concurrent~~
15 enrollment program is established to be administered by the
16 department to promote rigorous academic or career and technical
17 pursuits and to provide a wider variety of options to high
18 school students to enroll part-time in eligible nonsectarian
19 courses at or through ~~community colleges established under~~
20 chapter 260C eligible postsecondary institutions. The program
21 shall be made available to all resident students in grades nine
22 through twelve. Notice of the availability of the program
23 shall be included in a school district's student registration
24 handbook and the handbook shall identify which courses, if
25 successfully completed, generate college credit under the
26 program. A student and the student's parent or legal guardian
27 shall also be made aware of this program as a part of the
28 development of the student's core curriculum plan in accordance
29 with section 279.61.

30 2. Students from accredited nonpublic schools and students
31 receiving competent private instruction or independent private
32 instruction under chapter 299A may access the program through
33 the school district in which the accredited nonpublic school or
34 private institution is located.

35 3. A student may make application to ~~a community college~~



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1 an eligible postsecondary institution and the school district
 2 to allow the student to enroll for college credit in a
 3 nonsectarian course offered by the ~~community college~~ eligible
 4 postsecondary institution. A comparable course, as defined in
 5 rules adopted by the board of directors of the school district,
 6 must not be offered by the school district or accredited
 7 nonpublic school which the student attends. The school board
 8 shall annually approve courses to be made available for high
 9 school credit using locally developed criteria that establishes
 10 which courses will provide the student with academic rigor
 11 and will prepare the student adequately for transition to a
 12 postsecondary institution. If a ~~community college~~ an eligible
 13 postsecondary institution accepts a student for enrollment
 14 under this section, the school district, in collaboration with
 15 the ~~community college~~ eligible postsecondary institution, shall
 16 send written notice to the student, the student's parent or
 17 legal guardian in the case of a minor child, and the student's
 18 school district. The notice shall list the course, the clock
 19 hours the student will be attending the course, and the number
 20 of hours of college credit that the student will receive from
 21 the ~~community college~~ eligible postsecondary institution upon
 22 successful completion of the course.

23 4. A school district shall grant high school credit to
 24 a student enrolled in a course under this chapter if the
 25 student successfully completes the course as determined by the
 26 ~~community college~~ eligible postsecondary institution and the
 27 course was previously approved by the school board pursuant to
 28 subsection 3. The board of directors of the school district
 29 shall determine the number of high school credits that shall be
 30 granted to a student who successfully completes a course.

31 5. ~~District to community college sharing agreements~~
 32 ~~or concurrent~~ Concurrent enrollment programs that meet the
 33 requirements of section 257.11, subsection 3, are eligible for
 34 funding under that provision.

35 6. ~~Community colleges~~ Eligible postsecondary institutions



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1 shall comply with the data collection requirements of ~~section~~
 2 ~~260C.14, subsection 21~~ the department in the manner and form
 3 prescribed by the department.

4 7. A student enrolled in a career and technical course
 5 made available pursuant to subsection 1 is exempt from the
 6 proficiency requirements of section 261E.3, subsection 1,
 7 paragraph "e". However, ~~a community college~~ an eligible
 8 postsecondary institution may require a student who applies for
 9 enrollment under a ~~district to community college sharing or~~
 10 concurrent enrollment program to complete an initial assessment
 11 administered by the ~~community college~~ eligible postsecondary
 12 institution receiving the application to determine the
 13 applicant's readiness to enroll in career and technical
 14 coursework, and the ~~community college~~ eligible postsecondary
 15 institution may deny the enrollment.

16 8. The state board, in collaboration with the board of
 17 directors of each community college, the state board of
 18 regents, and individuals representing accredited private
 19 institutions as defined in section 261.9 shall adopt rules that
 20 clearly define data and information elements to be collected
 21 related to the senior year plus programming, including
 22 concurrent enrollment courses. The data elements shall include
 23 but not be limited to the following:

24 a. The course title and whether the course supplements,
 25 rather than supplants, a school district course.

26 b. An unduplicated enrollment count of eligible students
 27 participating in the program.

28 c. The actual costs and revenues generated for concurrent
 29 enrollment. An aligned unique student identifier system
 30 shall be established by the department for students in
 31 kindergarten through grade twelve and ~~community college~~
 32 eligible postsecondary institutions.

33 d. Degree, certifications, and other qualifications to meet
 34 the minimum hiring standards.

35 e. Salary information including regular contracted salary



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1 and total salary.

2 *f.* Credit hours and laboratory contact hours and other data
3 on instructional time.

4 *g.* Other information comparable to the data regarding
5 teachers collected in the basic education data survey.

6 Sec. 7. Section 423F.3, subsection 3, paragraph c, Code
7 2015, is amended to read as follows:

8 *c.* The board of directors may use funds received under
9 the operation of this chapter for a joint infrastructure
10 project with one or more school districts or one or more
11 school districts and ~~a community college established under~~
12 ~~chapter 260C~~ an eligible postsecondary institution as defined
13 in section 261E.2, for which buildings or facilities are
14 constructed or leased for the purpose of offering classes under
15 ~~a district-to-community college sharing agreement or concurrent~~
16 enrollment program that meets the requirements for funding
17 under section 257.11, subsection 3. If the board intends to
18 use funds received under the operation of this chapter for
19 such a joint infrastructure project, the board shall adopt a
20 revenue purpose statement or amend an existing revenue purpose
21 statement, subject to approval of the electors, stating the
22 proposed use of the funds.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with
25 the explanation's substance by the members of the general assembly.

26 This bill allows regents universities and accredited
27 private institutions to participate in the concurrent
28 enrollment program administered by the department of education.
29 Currently, the program provides supplementary weighting for
30 school districts that send their resident high school pupils to
31 a community college for college-level classes.

32 The bill allows school districts to receive supplementary
33 weighting under the concurrent enrollment program and, by
34 operation of law, the senior year plus program for sending
35 resident students to eligible postsecondary institutions

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kh/sc

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1 for college-level courses. A school district that provides
2 a virtual class to a pupil through a concurrent enrollment
3 program with an eligible postsecondary institution via the
4 Iowa communications network also qualifies for supplementary
5 weighting under the bill. The bill defines "eligible
6 postsecondary institution" to mean community colleges, regents
7 universities, and accredited private institutions.

8 The bill allows one or more school districts to use statewide
9 school infrastructure funding for a joint infrastructure
10 project with an eligible postsecondary institution. Currently,
11 only community colleges can partner with a school district on
12 such a project.

13 The bill eliminates references to "district-to-community
14 college sharing", and makes a corresponding change to a
15 reference relating to statewide school infrastructure funding,
16 and to a provision for supplemental funding for virtual
17 classes that meet the requirements of the concurrent enrollment
18 program.



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House Study Bill 60 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED IOWA FINANCE
AUTHORITY BILL)

A BILL FOR

1 An Act concerning Iowa finance authority duties regarding the
2 title guaranty board and the shelter assistance fund.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1294XD (4) 86
ec/sc



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1 Section 1. Section 16.2A, subsection 7, Code 2015, is
2 amended to read as follows:

3 7. Members shall elect a chair and vice chair annually and
4 other officers as they determine. The executive director or
5 the executive director's designee shall serve as secretary to
6 the board.

7 Sec. 2. Section 16.41, subsection 1, Code 2015, is amended
8 to read as follows:

9 1. A shelter assistance fund is created as a revolving
10 fund in the state treasury under the control of the authority
11 consisting of any moneys appropriated by the general assembly
12 and received under section 428A.8 for ~~purposes of the~~
13 ~~rehabilitation, expansion, or costs of operations of group~~
14 ~~home shelters for the homeless and domestic violence shelters,~~
15 essential services for the homeless, and evaluation and
16 reporting of services for the homeless, and match moneys for
17 ~~federal funds for the homeless management information system.~~
18 Each fiscal year, moneys in the fund, in an amount equal to not
19 more than ~~two~~ three percent of the total moneys distributed as
20 grants from the fund during the fiscal year, may be used for
21 purposes of administering the fund.

22 Sec. 3. Section 16.41, subsection 2, Code 2015, is amended
23 by striking the subsection and inserting in lieu thereof the
24 following:

25 2. The authority shall award grants annually to qualified
26 applicants on a competitive basis. The authority shall
27 establish application procedures, requirements, priorities, and
28 maximum and minimum grant award amounts for each annual grant
29 competition.

EXPLANATION

31 The inclusion of this explanation does not constitute agreement with
32 the explanation's substance by the members of the general assembly.

33 This bill relates to the Iowa finance authority.

34 Code section 16.2A, concerning the title guaranty division
35 of the Iowa finance authority, is amended to allow the designee

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1 of the executive director of the Iowa finance authority to
2 serve as secretary of the Iowa title guaranty board.

3 Code section 16.41, concerning the shelter assistance fund,
4 is amended. Currently, moneys in the fund, among other uses,
5 can be used for rehabilitation, expansion, or operating costs
6 of group home shelters for the homeless and domestic violence
7 shelters. The bill eliminates the requirement that homeless
8 shelters be group homes and eliminates the authority to use the
9 money for rehabilitation and expansion of homeless and domestic
10 violence shelters. The bill also allows moneys in the fund
11 to be used for essential services for the homeless and for
12 reporting of services for the homeless. The bill eliminates
13 the ability of moneys to be used to match moneys for federal
14 funds for the homeless management information system. The
15 bill also increases, from 2 to 3 percent, the percentage of
16 the amount of moneys distributed as grants from the fund each
17 fiscal year that may be used for costs of administering the
18 fund.

19 Code section 16.41 is also amended to eliminate the
20 requirement that not less than \$546,000 be spent annually
21 on homeless shelter projects. Instead, the bill requires
22 that each grant awarded from the fund shall be awarded on
23 a competitive basis pursuant to procedures, requirements,
24 priorities, and maximum and minimum grant award amounts
25 established by the Iowa finance authority for each annual grant
26 competition.



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House Study Bill 61 - Introduced

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

A BILL FOR

1 An Act relating to at-risk, alternative and alternative school,
2 and returning dropout and dropout prevention programs and
3 funding.

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

TLSB 1118XD (6) 86
kh/sc



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1 Section 1. Section 257.10, subsection 5, Code 2015, is
2 amended to read as follows:

3 5. *Combined district cost per pupil.* The combined district
4 cost per pupil for a school district is the sum of the regular
5 program district cost per pupil and the special education
6 support services district cost per pupil. Combined district
7 cost per pupil does not include a modified supplemental amount
8 added for school districts that have a negative balance of
9 funds raised for special education instruction programs, a
10 modified supplemental amount granted by the school budget
11 review committee for a single school year, or a modified
12 supplemental amount added for programs ~~for dropout prevention~~
13 established pursuant to sections 257.38 through 257.41.

14 Sec. 2. Section 257.11, subsection 4, paragraph a, Code
15 2015, is amended to read as follows:

16 a. In order to provide additional funding to school
17 districts for programs serving at-risk pupils, alternative
18 program and alternative school pupils in secondary schools, and
19 pupils identified as potential dropouts or returning dropouts
20 as defined in section 257.39, a supplementary weighting plan
21 for ~~at-risk~~ such pupils is adopted. A supplementary weighting
22 of forty-eight ten-thousandths per pupil shall be assigned
23 to the percentage of pupils in a school district enrolled in
24 grades one through six, as reported by the school district on
25 the basic educational data survey for the base year, who are
26 eligible for free and reduced price meals under the federal
27 National School Lunch Act and the federal Child Nutrition
28 Act of 1966, 42 U.S.C. §1751-1785, multiplied by the budget
29 enrollment in the school district; and a supplementary
30 weighting of one hundred fifty-six one-hundred-thousandths
31 per pupil shall be assigned to pupils included in the
32 budget enrollment of the school district. Amounts received
33 as supplementary weighting ~~for at-risk pupils under this~~
34 subsection shall be utilized by a school district to develop
35 or maintain at-risk pupils' programs, ~~which may include~~



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1 alternative programs and alternative school programs, and
 2 returning dropout and dropout prevention programs approved
 3 pursuant to section 257.40.

4 Sec. 3. Section 257.11, subsection 4, Code 2015, is amended
 5 by adding the following new paragraphs:

6 NEW PARAGRAPH. d. Up to five percent of the total amount
 7 that a school district receives as supplementary weighting
 8 pursuant to this subsection or as a modified supplemental
 9 amount received under section 257.41, may be used in the budget
 10 year for purposes of providing district-wide or building-wide
 11 at-risk and dropout prevention programming targeted to pupils
 12 who are not deemed at risk.

13 NEW PARAGRAPH. e. Notwithstanding paragraph "d" and section
 14 282.24, if a pupil has been determined by the school district
 15 to be likely to inflict self-harm or likely to harm another
 16 pupil and all of the following apply, the school district may
 17 use amounts received pursuant to paragraph "a" to pay the
 18 instructional costs necessary to address the pupil's behavior
 19 during instructional time when those services are not otherwise
 20 provided to pupils who do not require special education and the
 21 costs exceed the costs of instruction of pupils in a regular
 22 curriculum:

- 23 (1) The pupil does not require special education.
- 24 (2) The pupil is not in a court-ordered placement under
- 25 chapter 232 under the care and custody of the department of
- 26 human services or juvenile court services.
- 27 (3) The pupil is not in the state training school or the
- 28 Iowa juvenile home pursuant to a court order entered under
- 29 chapter 232 under the care and custody of the department of
- 30 human services.
- 31 (4) The pupil is not placed in a facility licensed under
- 32 chapter 135B, 135C, or 135H.

33 Sec. 4. Section 257.38, Code 2015, is amended to read as
 34 follows:

35 **257.38 ~~Programs~~ Funding for at-risk, alternative school, and**



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1 to finance the program, the school district shall not identify
2 more than five percent of its budget enrollment for the budget
3 year as returning dropouts and potential dropouts.

4 Sec. 5. Section 257.40, Code 2015, is amended to read as
5 follows:

6 **257.40 Approval of programs for at-risk pupils, alternative**
7 **programs and schools, and returning dropouts and dropout**
8 **prevention — annual report.**

9 ~~1.~~ The board of directors of a school district requesting
10 to use a modified supplemental amount for costs in excess of
11 the funding received under section 257.11, subsection 4, for
12 programs for at-risk students, secondary students who attend
13 alternative programs and alternative schools, or returning
14 dropouts and dropout prevention shall submit requests for a
15 modified ~~at-risk~~ supplemental amount, including budget costs,
16 to the department not later than December 15 of the year
17 preceding the budget year during which the program will be
18 offered. The department shall review the request and shall
19 prior to January 15 either grant approval for the request
20 or return the request for approval with comments of the
21 department included. An unapproved request for a program may
22 be resubmitted with modifications to the department not later
23 than February 1. Not later than February 15, the department
24 shall notify the department of management and the school budget
25 review committee of the names of the school districts for which
26 programs using a modified supplemental amount for funding have
27 been approved and the approved budget of each program listed
28 separately for each school district having an approved request.

29 ~~2. Beginning January 15, 2007, the department shall submit~~
30 ~~an annual report to the chairpersons and ranking members~~
31 ~~of the senate and house education committees that includes~~
32 ~~the ways school districts in the previous school year used~~
33 ~~modified supplemental amounts approved under subsection~~
34 ~~1; identifies, by grade level, age, and district size, the~~
35 ~~students in the dropout and dropout prevention programs for~~

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1 ~~which the department approves a request; describes school~~
 2 ~~district progress toward increasing student achievement and~~
 3 ~~attendance for the students in the programs; and describes how~~
 4 ~~the school districts are using the revenues from the modified~~
 5 ~~supplemental amounts to improve student achievement among~~
 6 ~~minority subgroups.~~

7 Sec. 6. Section 257.41, subsections 1 and 2, Code 2015, are
 8 amended to read as follows:

9 1. *Budget.* The budget of an approved program for at-risk
 10 students, secondary students who attend alternative programs
 11 or alternative schools, or returning dropouts and dropout
 12 prevention for a school district, after subtracting funds
 13 received under section 257.11, subsection 4, paragraphs "a"
 14 through "c", and from other sources for that purpose, including
 15 any previous carryover, shall be funded annually on a basis
 16 of one-fourth or more from the district cost of the school
 17 district and up to three-fourths through establishment of a
 18 modified supplemental amount. Annually, the department of
 19 management shall establish a modified supplemental amount for
 20 each such school district equal to the difference between the
 21 approved budget for the program ~~for returning dropouts and~~
 22 ~~dropout prevention~~ for that district and the sum of the amount
 23 funded from the district cost of the school district plus funds
 24 received under section 257.11, subsection 4, and from other
 25 sources for that purpose, including any previous carryover.

26 2. *Appropriate uses of funding.* Appropriate uses of the
 27 ~~returning dropout and dropout prevention program~~ funding for an
 28 approved program include but are not limited to the following:

29 a. Salary and benefits for instructional staff,
 30 instructional support staff, and school-based youth services
 31 staff who are working with students who are participating in
 32 at-risk or dropout prevention programs, alternative programs,
 33 and alternative schools, in a traditional or alternative
 34 setting, if the staff person's time is dedicated to working
 35 with returning dropouts or such students who are deemed, at any



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1 ~~time during the school year, to be at risk of dropping out,~~
2 in order to provide services beyond those which are provided
3 by the school district to students who are not ~~identified~~
4 ~~as at risk of dropping out~~ participating in such programs
5 or alternative schools. However, if the staff person works
6 part-time with students who are participating in ~~returning~~
7 ~~dropout and dropout prevention programs, alternative programs,~~
8 ~~and alternative schools~~ a program or alternative school and
9 the staff person has another unrelated staff assignment,
10 only the portion of the staff person's time that is related
11 to the ~~returning dropout and dropout prevention program,~~
12 ~~alternative program,~~ or alternative school may be charged to
13 the program or school. For purposes of this paragraph, if
14 an alternative setting is necessary to provide for a program
15 which is offered at a location off school grounds and which
16 is intended to serve student needs by improving relationships
17 and connections to school, decreasing truancy and tardiness,
18 providing opportunities for course credit recovery, or helping
19 students identified as at risk ~~of dropping out~~ to accelerate
20 through multiple grade levels of achievement within a shortened
21 time frame, the tuition costs for a student identified as at
22 risk ~~of dropping out~~ shall be considered an appropriate use of
23 the ~~returning dropout and dropout prevention program~~ funding
24 under this section.

25 *b.* Professional development for all teachers and staff
26 working with at-risk students ~~and programs involving dropout~~
27 ~~prevention strategies~~ under a program or an alternative school
28 setting.

29 *c.* Research-based resources, materials, software, supplies,
30 and purchased services that meet all of the following criteria:

- 31 (1) Meets the needs of kindergarten through grade twelve
- 32 students identified as at risk ~~of dropping out and of returning~~
- 33 ~~dropouts~~.
- 34 (2) Are beyond those provided by the regular school program.
- 35 (3) Are necessary to provide the services listed in the



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1 school district's ~~dropout prevention~~ plan submitted pursuant
2 to section 257.38.

3 (4) Will remain with the kindergarten through grade twelve
4 at-risk program, alternative program or alternative school, or
5 returning dropout and dropout prevention program.

6 ~~d. Up to five percent of the total budgeted amount received~~
7 ~~pursuant to subsection 1 may be used for purposes of providing~~
8 ~~district-wide or building-wide returning dropout and dropout~~
9 ~~prevention programming targeted to students who are not deemed~~
10 ~~at risk of dropping out.~~

11 Sec. 7. Section 257.41, Code 2015, is amended by adding the
12 following new subsection:

13 NEW SUBSECTION. 4. *Other uses.* Notwithstanding subsection
14 2 and section 282.24, if a student has been determined by the
15 school district to be likely to inflict self-harm or likely to
16 harm another student and all of the following apply, the school
17 district may use the modified supplemental amount established
18 under subsection 1 to pay the instructional costs necessary to
19 address the student's behavior during instructional time when
20 those services are not otherwise provided to students who do
21 not require special education and the costs exceed the costs of
22 instruction of students in a regular curriculum:

23 (1) The student does not require special education.

24 (2) The student is not in a court-ordered placement under
25 chapter 232 under the care and custody of the department of
26 human services or juvenile court services.

27 (3) The student is not in the state training school or the
28 Iowa juvenile home pursuant to a court order entered under
29 chapter 232 under the care and custody of the department of
30 human services.

31 (4) The pupil is not placed in a facility licensed under
32 chapter 135B, 135C, or 135H.

33 **EXPLANATION**

34 **The inclusion of this explanation does not constitute agreement with**
35 **the explanation's substance by the members of the general assembly.**

LSB 1118XD (6) 86
kh/sc



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1 This bill makes changes relating to at-risk programs,
2 alternative programs and alternative schools, and returning
3 dropout and dropout prevention programs and funding for the
4 schools and programs.

5 The bill modifies a provision that establishes supplementary
6 weighting for programs serving at-risk pupils and alternative
7 school pupils in secondary schools to add alternative programs
8 for secondary school pupils and programs for returning dropouts
9 and dropout prevention.

10 The bill authorizes a school district to use, in the budget
11 year, up to 5 percent of the total supplementary weighting
12 amounts received pursuant to Code section 257.11, subsection 4,
13 or up to 5 percent of a modified supplemental amount received
14 pursuant to Code section 257.41 for at-risk pupils, alternative
15 program and alternative school pupils, or pupils in returning
16 dropout and dropout prevention programs, for purposes of
17 providing district-wide or building-wide at-risk and dropout
18 prevention programming targeted to students who are not deemed
19 at risk.

20 The bill strikes a provision that allows a school district
21 to use up to 5 percent of its total budgeted amount received
22 for an approved program for returning dropouts and dropout
23 prevention to be used for purposes of providing district-wide
24 or building-wide returning dropout and dropout prevention
25 programming targeted to students who are not deemed at risk of
26 dropping out.

27 The bill provides that when a student who does not require
28 special education and who is not in a court-ordered placement
29 under the care and custody of the department of human services
30 or juvenile court services and who is not in the state training
31 school or the Iowa juvenile home and who is not placed in
32 a hospital, health care facility, or psychiatric medical
33 institution for children and who has been determined by the
34 school district to be likely to inflict self-harm or likely
35 to harm another student, the school district may use the

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1 supplementary weighting amounts and the modified supplemental
2 amounts received for at-risk, alternative program and school,
3 or returning dropout and dropout prevention programs to pay the
4 instructional costs necessary to address the student's behavior
5 during instructional time when those services are not otherwise
6 provided to students who do not require special education
7 and the costs exceed the costs of instruction of pupils in a
8 regular curriculum.

9 The modified supplemental amount which a school district
10 may request must be for costs in excess of the supplementary
11 weighting amounts received by the school district for at-risk
12 students, alternative program and school students, and
13 potential or returning dropouts.

14 The bill makes conforming changes relating to the submission
15 of comprehensive program plans to the department of education
16 by school districts requesting to use a modified supplemental
17 amount for costs in excess of the supplementary weighting
18 received for at-risk, alternative school, and returning
19 dropouts and dropout prevention; and relating to budgets for
20 programs funded with modified supplemental amounts and to
21 allowable uses of program funding.

22 The bill strikes a provision requiring the department to
23 submit an annual report to the general assembly describing the
24 ways school districts used modified supplemental amounts for
25 returning dropout and dropout prevention programs in the prior
26 school year.



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Senate File 41 - Introduced

SENATE FILE 41
BY SINCLAIR and CHELGREN

A BILL FOR

1 An Act making an appropriation for secondary road bridge
2 projects.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1617XS (2) 86
ns/nh



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S.F. 41

1 Section 1. SECONDARY ROAD BRIDGE PROJECTS —
2 APPROPRIATION. There is appropriated from the general
3 fund of the state to the road use tax fund for the fiscal year
4 beginning July 1, 2015, and ending June 30, 2016, the following
5 amount, to be used for the purposes designated:

6 \$200,000,000

7 Notwithstanding section 312.2, 312.3, 312.3C, or 312.3D, or
8 any other provision to the contrary, the moneys appropriated
9 pursuant to this section shall be used for construction,
10 reconstruction, and improvement projects on bridges within the
11 secondary road system. The treasurer of state shall distribute
12 the amount appropriated under this section for deposit in the
13 secondary road funds of the counties as follows:

14 1. The first \$99,000,000 shall be allocated to each county
15 on an equal basis.

16 2. The remaining \$101,000,000 shall be allocated to the
17 counties on a per capita basis.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

21 This bill appropriates \$200 million from the general fund
22 of the state to the road use tax fund for FY 2015-2016 for
23 construction, reconstruction, and improvement projects on
24 bridges within the secondary road system. The bill directs
25 the treasurer of state to distribute the first \$99 million to
26 each county equally, and the remaining \$101 million is to be
27 distributed to the counties on a per capita basis.



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Senate File 42 - Introduced

SENATE FILE 42
BY ANDERSON

A BILL FOR

1 An Act relating to funding for projects on state and local
2 roads and bridges in critical need of repair or maintenance,
3 and making an appropriation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1707XS (2) 86
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S.F. 42

1 Section 1. Section 8.55, subsection 2, Code 2015, is amended
2 to read as follows:

3 2. The maximum balance of the fund is the amount equal to
4 two and one-half percent of the adjusted revenue estimate for
5 the fiscal year. If the amount of moneys in the Iowa economic
6 emergency fund is equal to the maximum balance, moneys in
7 excess of this amount shall be distributed as follows:

8 a. The first sixty million dollars of the difference between
9 the actual net revenue for the general fund of the state for
10 the fiscal year and the adjusted revenue estimate for the
11 fiscal year shall be transferred to the taxpayers trust fund.

12 b. Moneys in excess of the amount transferred under
13 paragraph "a", up to a maximum of one hundred million dollars,
14 shall be transferred to the critical needs road fund created
15 under section 312B.1.

16 ~~b.~~ c. The remainder of the excess, if any, shall be
17 transferred to the general fund of the state.

18 Sec. 2. Section 8.58, Code 2015, is amended to read as
19 follows:

20 **8.58 Exemption from automatic application.**

21 1. To the extent that moneys appropriated under section
22 8.57 do not result in moneys being credited to the general
23 fund under section 8.55, subsection 2, moneys appropriated
24 under section 8.57 and moneys contained in the cash reserve
25 fund, rebuild Iowa infrastructure fund, environment first
26 fund, Iowa economic emergency fund, taxpayers trust fund,
27 ~~and~~ state bond repayment fund, and critical needs road fund
28 shall not be considered in the application of any formula,
29 index, or other statutory triggering mechanism which would
30 affect appropriations, payments, or taxation rates, contrary
31 provisions of the Code notwithstanding.

32 2. To the extent that moneys appropriated under section
33 8.57 do not result in moneys being credited to the general
34 fund under section 8.55, subsection 2, moneys appropriated
35 under section 8.57 and moneys contained in the cash reserve

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1 fund, rebuild Iowa infrastructure fund, environment first fund,
2 Iowa economic emergency fund, taxpayers trust fund, and state
3 bond repayment fund, and critical needs road fund shall not be
4 considered by an arbitrator or in negotiations under chapter
5 20.

6 Sec. 3. NEW SECTION. 312B.1 Critical needs road fund.

7 1. A critical needs road fund is created in the state
8 treasury under the control of the department of transportation.
9 The fund shall be separate from the general fund of the state
10 and the balance in the fund shall not be considered part of
11 the balance of the general fund of the state. The fund shall
12 consist of moneys appropriated by the general assembly and any
13 revenues credited by law to the critical needs road fund. The
14 moneys in the fund are not subject to section 8.33 and shall
15 not be transferred, used, obligated, appropriated, or otherwise
16 encumbered except as provided in this section. Notwithstanding
17 section 12C.7, subsection 2, interest or earnings on moneys
18 deposited in the critical needs road fund shall be credited to
19 the fund.

20 2. Moneys in the critical needs road fund are appropriated
21 to the department of transportation to be used as directed by
22 the department exclusively for the repair and maintenance of
23 roads on the primary or secondary road system or the municipal
24 street system, including bridges. The department shall
25 establish guidelines to be used by the department, counties,
26 and cities for identifying roads and bridges in critical
27 need of repair or maintenance and for the department to use
28 in evaluating and prioritizing state and local road projects
29 to receive funding under this section. Counties and cities
30 may apply for funding from the critical needs road fund by
31 submitting to the department proposals for projects on roads
32 under their respective jurisdictions. A qualifying proposal
33 shall include information regarding the status and condition
34 of the road that is the subject of the proposal, the plan for
35 completing the project, and any other information required by

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1 the department. The department shall develop an application
2 process for counties and cities to use for the submission of
3 proposals for the use of funds under this section. Moneys
4 distributed from the critical needs road fund may be used
5 in combination with other available funding as necessary to
6 accomplish the completion of a qualifying project and to
7 accomplish the goal of reducing the number of Iowa roads and
8 bridges with critical needs.

9 EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 This bill establishes a critical needs road fund in the state
13 treasury under the control of the department of transportation.
14 Moneys in the fund are appropriated to the department to be
15 used exclusively for repair and maintenance of state and local
16 roads. The department is authorized to direct the use of the
17 fund's resources according to guidelines to be established by
18 the department for identifying roads and bridges in critical
19 need of repair or maintenance and for prioritizing state
20 and local critical needs projects. Counties and cities
21 may submit proposals for the use of funds on roads under
22 their jurisdiction according to an application process to be
23 developed by the department. Moneys from the fund may be used
24 in combination with other available funding.

25 The bill provides that if the economic emergency fund
26 reaches the maximum balance, after the required transfer of a
27 portion of the excess to the taxpayers trust fund and before
28 any remaining excess is transferred to the general fund of the
29 state, any excess moneys in an amount up to \$100 million shall
30 be transferred to the critical needs road fund.



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Senate File 43 - Introduced

SENATE FILE 43
BY ANDERSON

A BILL FOR

1 An Act increasing the default speed limit on hard surface roads
2 to sixty miles per hour.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1709XS (2) 86
ns/nh



**Iowa General Assembly
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S.F. 43

1 Section 1. Section 321.285, subsection 3, Code 2015, is
2 amended to read as follows:

3 3. Unless otherwise provided in this section or by other
4 speed restrictions, the speed limit for all vehicular traffic
5 shall be ~~fifty-five~~ sixty miles per hour.

6 EXPLANATION

7 The inclusion of this explanation does not constitute agreement with
8 the explanation's substance by the members of the general assembly.

9 This bill increases the speed limit from 55 to 60 miles per
10 hour on hard surface roads that are not subject to other speed
11 restrictions. The new speed limit applies on primary roads
12 other than certain divided, multilaned highways with a speed
13 limit of 65 miles per hour and on interstates, where the speed
14 limit is typically 70 miles per hour. The new speed limit also
15 applies on secondary roads surfaced with concrete or asphalt.
16 Under the bill, the department of transportation retains the
17 authority to lower the speed limit on any part of the primary
18 road system, and counties retain the right to lower the speed
19 limit on secondary roads.



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Senate File 44 - Introduced

SENATE FILE 44
BY ANDERSON

A BILL FOR

1 An Act prohibiting gender-selection abortions, and providing
2 penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1704XS (2) 86
pf/nh



Iowa General Assembly
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S.F. 44

1 Section 1. NEW SECTION. 146A.1 Gender-selection abortions
2 — prohibited — criminal penalties — certification — civil and
3 injunctive relief.

4 1. A person who knowingly does any of the following commits
5 a class "C" felony:

6 a. Performs an abortion which is sought based upon the
7 gender of the fetus.

8 b. Uses force or the threat of force for the purpose of
9 coercing a woman into an abortion based on gender of the fetus.

10 c. Solicits or accepts money to perform an abortion based
11 upon the gender of the fetus.

12 2. A criminal penalty shall not be imposed under this
13 section on a woman upon whom an abortion is performed.

14 3. A physician shall not perform an abortion on a woman
15 unless the physician first certifies in writing that the
16 physician is not performing the abortion based on the gender
17 of the fetus and has no knowledge that the woman seeking the
18 abortion is seeking the abortion based upon the gender of the
19 fetus. A copy of the written certification shall be maintained
20 in the woman's medical record.

21 4. A woman upon whom a gender-selection abortion is
22 performed in violation of this section, or the spouse of
23 the woman at the time that the gender-selection abortion is
24 performed on the woman in violation of this section, may
25 maintain a civil action against the physician who performed
26 the abortion in violation of this section for actual damages.
27 If the plaintiff prevails in an action brought under this
28 subsection, the plaintiff shall be entitled to an award for
29 reasonable attorney fees. If the defendant prevails in an
30 action brought under this section and the court finds that the
31 plaintiff's suit was frivolous and brought in bad faith, the
32 defendant shall be entitled to an award for reasonable attorney
33 fees.

34 5. A cause of action for injunctive relief to prevent
35 a physician from performing abortions may be maintained by

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pf/nh

1/2



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S.F. 44

1 the county attorney with appropriate jurisdiction or by the
2 attorney general against a physician who has violated this
3 section.

4 EXPLANATION

5 The inclusion of this explanation does not constitute agreement with
6 the explanation's substance by the members of the general assembly.

7 This bill relates to abortions performed based on gender
8 selection.

9 The bill provides that a physician commits a class "C"
10 felony if the physician performs an abortion which is sought
11 based upon the gender of the fetus, uses force or the threat
12 of force for the purpose of coercing a woman into an abortion
13 based on the gender of the fetus, or solicits or accepts money
14 to perform an abortion based upon the gender of the fetus. The
15 bill provides, however, that a criminal penalty shall not be
16 imposed on a woman upon whom an abortion is performed.

17 The bill also requires that prior to performing an abortion,
18 a physician shall first certify in writing that the physician
19 is not performing the abortion based on the gender of the fetus
20 and has no knowledge that the woman seeking the abortion is
21 seeking the abortion based upon the gender of the fetus. A
22 copy of the written certification is required to be maintained
23 in the woman's medical record.

24 The bill provides that a woman upon whom a gender-selection
25 abortion is performed in violation of the bill, or the spouse
26 of the woman, may maintain a civil action against the physician
27 who performed the abortion in violation of the bill for actual
28 damages, and provides for awarding of reasonable attorney fees.

29 The bill also provides that the county attorney with
30 jurisdiction, or the attorney general, may maintain a cause
31 of action for injunctive relief to prevent a physician from
32 performing abortions if the physician has violated a provision
33 of the bill.



Iowa General Assembly
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Senate File 45 - Introduced

SENATE FILE 45

BY QUIRMBACH, COURTNEY, and
HORN

A BILL FOR

1 An Act relating to the eligibility criteria for the disabled
2 veteran homestead tax credit and including effective date
3 and applicability provisions.

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

TLSB 1087XS (4) 86
md/sc



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S.F. 45

1 Section 1. Section 425.15, subsection 1, paragraphs b and c,
 2 Code 2015, are amended to read as follows:

3 *b.* A veteran as defined in section 35.1 with a
 4 service-connected disability rating of one hundred percent
 5 or a one hundred percent service-connected disability rating
 6 based on individual unemployability, as certified by the United
 7 States department of veterans affairs.

8 *c.* A former member of the national guard of any state who
 9 otherwise meets the service requirements of section 35.1,
 10 subsection 2, paragraph *“b”*, subparagraph (2) or (7), with a
 11 service-connected disability rating of one hundred percent or
 12 a one hundred percent disability rating based on individual
 13 unemployability, as certified by the United States department
 14 of veterans affairs.

15 Sec. 2. Section 425.15, Code 2015, is amended by adding the
 16 following new subsection:

17 NEW SUBSECTION. 5. For purposes of this section,
 18 *“individual unemployability”* means a condition under which a
 19 person has either a service-connected disability rating of
 20 sixty percent or two or more service-connected disability
 21 conditions in which one of the conditions has at least a
 22 forty percent rating and the combined rating for all the
 23 conditions is at least seventy percent, and the person has
 24 an administrative adjustment added to the service-connected
 25 disability, due to individual unemployability, such that the
 26 United States department of veterans affairs rates the veteran
 27 one hundred percent disabled.

28 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
 29 immediate importance, takes effect upon enactment.

30 Sec. 4. APPLICABILITY. This Act applies to applications for
 31 the homestead credit under chapter 425 filed on or after the
 32 effective date of this Act.

33 EXPLANATION

34 The inclusion of this explanation does not constitute agreement with
 35 the explanation’s substance by the members of the general assembly.

LSB 1087XS (4) 86
 md/sc



Iowa General Assembly
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S.F. 45

1 Current Code section 425.15 provides a homestead credit to
2 the owner of a homestead for the full amount of tax levied
3 if the owner is any of the following: (1) a veteran of any
4 of the military forces of the United States who acquired the
5 homestead under specified federal programs; (2) a veteran
6 with a service-connected disability rating of 100 percent;
7 (3) a former member of the national guard of any state who
8 meets specified service requirements with a service-connected
9 disability rating of 100 percent; or (4) an individual who is a
10 surviving spouse or a child and who is receiving dependency and
11 indemnity compensation.

12 This bill amends the eligibility criteria for the credit
13 to include a veteran with a 100 percent service-connected
14 disability rating based on individual unemployability and
15 certain members of the national guard with a 100 percent
16 service-connected disability rating based on individual
17 unemployability.

18 The bill defines "individual unemployability" to
19 mean a condition under which a person has either a
20 service-connected disability rating of 60 percent or two
21 or more service-connected disability conditions in which
22 one of the conditions has at least a 40 percent rating and
23 the combined rating for all the conditions is at least 70
24 percent, and the person has an administrative adjustment
25 added to the service-connected disability, due to individual
26 unemployability, such that the United States Department of
27 Veterans Affairs rates the veteran 100 percent disabled.

28 The bill takes effect upon enactment and applies to
29 applications for the homestead credit under Code chapter 425
30 filed on or after the effective date of the bill.



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Senate File 46 - Introduced

SENATE FILE 46
BY FEENSTRA

A BILL FOR

1 An Act relating to transitional coaching authorizations for
2 certain individuals issued by the board of educational
3 examiners.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1518XS (1) 86
kh/rj



Iowa General Assembly
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S.F. 46

1 Section 1. Section 272.2, subsection 14, paragraph b,
 2 subparagraph (2), Code 2015, is amended to read as follows:
 3 (2) The applicant is less than twenty-one years of age
 4 except as provided in section 272.31, subsection 1, ~~paragraph~~
 5 ~~"c"~~. However, a student enrolled in a practitioner preparation
 6 program who meets board requirements for a temporary,
 7 limited-purpose license who is seeking to teach as part of a
 8 practicum or internship may be less than twenty-one years of
 9 age.

10 Sec. 2. Section 272.31, subsection 1, Code 2015, is amended
 11 to read as follows:

12 1. a. The Except as provided in paragraph "b", the
 13 minimum requirements for the board to award issue a coaching
 14 authorization to an applicant are:

15 ~~a.~~ (1) Successful completion of one semester credit hour
 16 or ten contact hours in a course relating to knowledge and
 17 understanding of the structure and function of the human body
 18 in relation to physical activity.

19 ~~b.~~ (2) Successful completion of one semester credit hour
 20 or ten contact hours in a course relating to knowledge and
 21 understanding of human growth and development of children and
 22 youth in relation to physical activity.

23 ~~c.~~ (3) Successful completion of two semester credit hours
 24 or twenty contact hours in a course relating to knowledge and
 25 understanding of the prevention and care of athletic injuries
 26 and medical and safety problems relating to physical activity.

27 ~~d.~~ (4) Successful completion of one semester credit hour
 28 or ten contact hours relating to knowledge and understanding
 29 of the techniques and theory of coaching interscholastic
 30 athletics.

31 ~~e.~~ (5) Attainment of at least eighteen years of age.

32 b. The board shall issue a transitional coaching
 33 authorization to an individual who is at least eighteen years
 34 of age and who provides verification of an offer of a coaching
 35 position by a school district or by a consortium of school



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1 districts, but who has not completed the coursework required
 2 for a coaching authorization as specified in paragraph "a".
 3 A transitional coaching authorization is valid for not more
 4 than one year, may not be renewed, and is valid only in the
 5 school district or districts making the offer of the coaching
 6 position.

7 Sec. 3. Section 279.19B, subsection 1, paragraph a,
 8 subparagraph (2), Code 2015, is amended to read as follows:

9 (2) A qualified individual who meets the requirements of
 10 section 272.31, subsection 1, paragraph "a", and possesses
 11 a coaching authorization issued by the board of educational
 12 examiners.

13 Sec. 4. Section 279.19B, subsection 1, paragraph a, Code
 14 2015, is amended by adding the following new subparagraph:

15 NEW SUBPARAGRAPH. (3) A qualified individual who meets the
 16 requirements of section 272.31, subsection 1, paragraph "b",
 17 and possesses a transitional coaching authorization issued by
 18 the board of educational examiners.

EXPLANATION

20 The inclusion of this explanation does not constitute agreement with
 21 the explanation's substance by the members of the general assembly.

22 This bill requires the board of educational examiners to
 23 issue a transitional coaching authorization to an individual
 24 who is at least 18 years of age and who provides verification
 25 of an offer of a coaching position by a school district or by
 26 a consortium of school districts, but who has not completed
 27 the coursework required for a coaching authorization. A
 28 transitional coaching authorization is valid for not more
 29 than one year, may not be renewed, and is valid only in the
 30 school district or districts making the offer of the coaching
 31 position. In employing a head coach or assistant coach, the
 32 Code requires each school district to consider applicants in a
 33 priority order, with teachers having first priority and persons
 34 with a coaching authorization second. To this priority list,
 35 the bill adds in the third position those individuals who

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 kh/rj



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1 possess a transitional coaching authorization.
2 Currently, the coursework needed for a full coaching
3 authorization includes successful completion of five semester
4 credit hours or 50 contact hours in courses relating to
5 knowledge and understanding of the structure and function of
6 the human body in relation to physical activity; to knowledge
7 and understanding of human growth and development of children
8 and youth in relation to physical activity; to knowledge and
9 understanding of the prevention and care of athletic injuries
10 and medical and safety problems relating to physical activity;
11 and to knowledge and understanding of the techniques and theory
12 of coaching interscholastic athletics.



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Senate File 47 - Introduced

SENATE FILE 47
BY FEENSTRA

A BILL FOR

1 An Act relating to the school start date, establishing a school
2 end date, and eliminating the department of education's
3 authority to approve requests to waive the school start
4 date.

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

TLSB 1470XS (2) 86
kh/rj



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S.F. 47

1 Section 1. Section 257.17, Code 2015, is amended to read as
2 follows:

3 **257.17 Aid reduction for early school starts.**

4 State aid payments made pursuant to section 257.16 for a
5 fiscal year shall be reduced by one one-hundred-eightieth for
6 each day of that fiscal year for which the school district
7 begins school before the earliest starting date specified in
8 section 279.10, subsection 1. However, this section does
9 not apply to a school district or attendance center that has
10 ~~received approval from the director of the department of~~
11 ~~education under section 279.10, subsection 4, to commence~~
12 ~~classes for regularly established elementary and secondary~~
13 ~~schools in advance of the starting date established in is~~
14 maintaining a year-round three semester school calendar as
15 provided in section 279.10, subsection 1.

16 Sec. 2. Section 279.10, subsection 1, Code 2015, is amended
17 to read as follows:

18 1. a. The school year for each school district and
19 accredited nonpublic school shall begin on July 1 and each
20 regularly established elementary and secondary school shall
21 begin its school calendar no sooner than ~~a day during the~~
22 ~~calendar week in which the first day of September falls but no~~
23 ~~later than the first Monday in December~~ August 15 and end its
24 school calendar no later than June 15. ~~However, if the first~~
25 ~~day of September falls on a Sunday, school may begin on a day~~
26 ~~during the calendar week which immediately precedes the first~~
27 ~~day of September.~~ A school district or school maintaining a
28 year-round three semester school calendar is exempt from the
29 start and end date requirements of this subsection.

30 b. The school calendar shall include not less than one
31 hundred eighty days, except as provided in subsection 3, or one
32 thousand eighty hours of instruction during the calendar year.

33 c. The board of directors of a school district and the
34 authorities in charge of an accredited nonpublic school shall
35 set the number of days or hours of required attendance for the



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1 school year as provided in section 299.1, subsection 2, but the
2 board of directors of a school district shall hold a public
3 hearing on any proposed school calendar prior to adopting the
4 school calendar.

5 d. If the board of directors of a district or the
6 authorities in charge of an accredited nonpublic school extends
7 the school calendar because inclement weather caused the school
8 district or accredited nonpublic school to temporarily close
9 during the regular school calendar, the school district or
10 accredited nonpublic school may excuse a graduating senior who
11 has met district or school requirements for graduation from
12 attendance during the extended school calendar.

13 e. A school corporation may begin employment of personnel
14 for in-service training and development purposes before the
15 date to begin the elementary and secondary school calendar
16 established pursuant to paragraph "a".

17 Sec. 3. Section 279.10, subsection 4, Code 2015, is amended
18 by striking the subsection.

EXPLANATION

20 The inclusion of this explanation does not constitute agreement with
21 the explanation's substance by the members of the general assembly.

22 This bill establishes August 15 as the earliest date by
23 which a school district or accredited nonpublic school may
24 begin its school calendar, establishes June 15 as the date
25 by which the school calendar must end, and eliminates the
26 department of education's authority to approve requests to
27 waive the school start date. School districts and schools
28 maintaining a year-round three semester school calendar are
29 exempt from the start and end date requirements and from the
30 penalty established in Code section 257.17 to reduce the state
31 aid payments for a fiscal year by 1/180th for each day of that
32 fiscal year for which a school district begins school before
33 the earliest starting date.



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Senate File 48 - Introduced

SENATE FILE 48
BY FEENSTRA

A BILL FOR

1 An Act relating to subject assessment requirements for teacher
2 licensure by the board of educational examiners.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1077XS (3) 86
kh/rj



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S.F. 48

1 Section 1. Section 272.7, unnumbered paragraph 2, Code
2 2015, is amended to read as follows:

3 The executive director of the board may grant or deny license
4 applications, applications for renewal of a license, and
5 suspension or revocation of a license. The executive director
6 shall waive, for not more than one year, the assessment
7 requirements established by the board by rule in accordance
8 with section 256.16, subsection 1, paragraph "a", subparagraph
9 (2), for an applicant who otherwise meets the requirements
10 for licensure. A denial of an application for a license,
11 the denial of an application for renewal, or a suspension or
12 revocation of a license may be appealed by the applicant or the
13 practitioner to the board.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.

17 This bill requires the executive director of the board
18 of educational examiners to waive, for otherwise qualified
19 applicants and for not more than one year, a provision that
20 effectively requires applicants for teacher licensure to have
21 achieved a minimum score on state-mandated subject assessments.

22 Postsecondary institutions that are providing practitioner
23 preparation programs which have been approved by the state
24 board of education must administer to students enrolled in the
25 programs, prior to the students' completion of the program,
26 subject assessments. A student cannot successfully complete
27 such a program without scoring above the 25th percentile
28 nationally.

29 The board of educational examiners' rules require that
30 an applicant for teacher licensure who completed a teacher
31 preparation program on or after January 1, 2013, that was not
32 an approved practitioner preparation program at a recognized
33 Iowa institution, must provide verification of successfully
34 passing the mandated assessments by meeting the minimum score
35 set by the department of education.

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kh/rj



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Senate File 49 - Introduced

SENATE FILE 49
BY SODDERS

A BILL FOR

1 An Act relating to size, weight, and load limit applicability
2 to authorized emergency vehicles.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1672SS (1) 86
ns/nh



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S.F. 49

1 Section 1. Section 321.453, Code 2015, is amended to read
2 as follows:

3 **321.453 Exceptions.**

4 The provisions of this chapter governing size, weight,
5 and load and the permit requirements of chapter 321E do not
6 apply to ~~fire apparatus~~ authorized emergency vehicles; road
7 maintenance equipment owned by, under lease to, or used in the
8 performance of a contract with any state or local authority;
9 implements of husbandry when moved or moving upon a highway
10 that is not a portion of the interstate; or equipment used
11 primarily for construction of permanent conservation practices
12 on agricultural land when moved or moving upon a highway that
13 is not a portion of the interstate, so long as the equipment is
14 without payload and the movement does not violate posted weight
15 limitations on bridges, except as provided in sections 321.463,
16 321.471, and 321.474. A vehicle that is carrying an implement
17 of husbandry or equipment used primarily for construction of
18 permanent conservation practices and is exempted from the
19 permit requirements under this section shall be equipped
20 with an amber flashing light visible from the rear. If the
21 amber flashing light is obstructed by the loaded implement or
22 equipment, the loaded implement or equipment shall also be
23 equipped with and display an amber flashing light. The vehicle
24 shall also be equipped with warning flags on that portion of
25 the vehicle which protrudes into oncoming traffic, and shall
26 only operate from thirty minutes prior to sunrise to thirty
27 minutes following sunset.

28 Sec. 2. Section 321.457, subsection 3, Code 2015, is amended
29 to read as follows:

30 3. Fire fighting apparatus and authorized emergency
31 vehicles operated during daylight hours when transporting
32 poles, pipe, machinery, or other objects of a structural
33 nature which cannot be readily disassembled when required for
34 emergency repair of public service facilities or properties are
35 not subject to the limitations on overall length of vehicles



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1 and combinations of vehicles imposed under this section.
 2 However, for operation during nighttime hours, these vehicles
 3 and the load being transported shall be equipped with a
 4 sufficient number of clearance lamps on both sides and marker
 5 lamps at the extreme ends of the projecting load to clearly
 6 mark the dimensions of the load. A member of the state patrol
 7 shall also be notified prior to the operation of the vehicle.

8 Sec. 3. Section 321.471, subsection 1, paragraph a, Code
 9 2015, is amended to read as follows:

10 a. Local authorities with respect to a highway under their
 11 jurisdiction may by ordinance or resolution prohibit the
 12 operation of vehicles upon the highway or impose restrictions
 13 as to the weight of vehicles to be operated upon the highway
 14 for a total period of not to exceed ninety days in any one
 15 calendar year, whenever the highway by reason of deterioration,
 16 rain, snow, or other climatic conditions will be seriously
 17 damaged or destroyed unless the use of vehicles on the
 18 highway is prohibited or the permissible weights reduced.
 19 The ordinance or resolution shall not apply to implements of
 20 husbandry as defined in section 321.1, implements of husbandry
 21 loaded on hauling units for transporting the implements to
 22 locations for repair, authorized emergency vehicles, or fire
 23 apparatus and road maintenance equipment owned by, under lease
 24 to, or used in the performance of a contract with a state or
 25 local authority.

26 Sec. 4. Section 321.471, subsection 2, paragraph a, Code
 27 2015, is amended to read as follows:

28 a. Upon a finding that a bridge or culvert does not
 29 meet established standards set forth by state and federal
 30 authorities, local authorities may by ordinance or resolution
 31 impose limitations for an indefinite period of time on
 32 the weight of vehicles upon bridges or culverts located on
 33 highways under their sole jurisdiction. The limitations shall
 34 be effective when signs giving notice of the limitations
 35 are erected. The ordinance or resolution shall not apply



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1 to implements of husbandry loaded on hauling units for
2 transporting the implements to locations for purposes of
3 repair, authorized emergency vehicles, or to fire apparatus or
4 road maintenance equipment owned by, under lease to, or used in
5 the performance of a contract with a state or local authority.

6 Sec. 5. Section 321.474, subsection 1, Code 2015, is amended
7 to read as follows:

8 1. The department shall have authority, as granted to
9 local authorities, to determine by resolution and to impose
10 restrictions as to the weight of vehicles, except implements of
11 husbandry as defined in section 321.1, implements of husbandry
12 loaded on hauling units for transporting the implements to
13 locations for repair, authorized emergency vehicles, and fire
14 apparatus and road maintenance equipment owned by, under
15 lease to, or used in the performance of a contract with a
16 state or local authority, operated upon any highway under
17 the jurisdiction of the department for a definite period of
18 time not to exceed twelve months. The restrictions shall be
19 effective when signs giving notice of the restrictions and
20 the expiration date of the restrictions are erected upon the
21 affected highway or portion of highway.

22 Sec. 6. Section 321.474, subsection 2, Code 2015, is amended
23 to read as follows:

24 2. Upon a finding that a bridge or culvert does not
25 meet established standards set forth by state and federal
26 authorities, the department may impose, by resolution,
27 restrictions for an indefinite period of time on the weight of
28 vehicles operated upon bridges or culverts located on highways
29 under its jurisdiction. The restrictions shall be effective
30 when signs giving notice of the restrictions are erected. The
31 restrictions shall not apply to implements of husbandry loaded
32 on hauling units for transporting the implements to locations
33 for purposes of repair, to authorized emergency vehicles, or to
34 fire apparatus or road maintenance equipment owned by, under
35 lease to, or used in the performance of a contract with a state

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ns/nh

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1 or local authority.

2

EXPLANATION

3

The inclusion of this explanation does not constitute agreement with

4

the explanation's substance by the members of the general assembly.

5 Current law provides that fire apparatus are not subject
6 to certain motor vehicle size, weight, and load limit
7 requirements, and the permit requirements of Code chapter 321E.
8 Current law also provides that fire apparatus are not subject
9 to local ordinances or departmental regulations restricting
10 vehicle weight.

11 The bill broadens these exceptions to include all authorized
12 emergency vehicles. Authorized emergency vehicles include fire
13 department vehicles, police vehicles, ambulances, emergency
14 vehicles owned by the government, and privately owned vehicles
15 authorized by the director of transportation under Code section
16 321.451.



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Senate File 50 - Introduced

SENATE FILE 50
BY JOHNSON

A BILL FOR

1 An Act relating to wind energy conversion property located
2 in an urban renewal area and including effective date
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1065XS (3) 86
md/sc



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S.F. 50

1 Section 1. Section 403.19, subsection 1, Code 2015, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. *oc.* For the purpose of allocating taxes
4 levied by or for any taxing district, and notwithstanding
5 any provision to the contrary, taxes levied on or after the
6 effective date of this Act against wind energy conversion
7 property as defined in section 427B.26 and located in an urban
8 renewal area shall be allocated to and when collected paid
9 into the funds for the respective taxing districts in the same
10 manner as all other property taxes.

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

EXPLANATION

14 The inclusion of this explanation does not constitute agreement with
15 the explanation's substance by the members of the general assembly.

16 Code section 403.19 authorizes municipalities to provide
17 by ordinance for the division of property tax revenue (tax
18 increment financing) collected against property located within
19 an urban renewal area. This bill provides that property taxes
20 levied on or after the effective date of the bill against wind
21 energy conversion property located in an urban renewal area
22 shall be allocated to and when collected paid into the funds
23 for the respective taxing districts in the same manner as all
24 other property taxes.

25 The bill takes effect upon enactment.



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Senate Study Bill 1043 - Introduced

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

A BILL FOR

1 An Act relating to the operation of railroad trains by a crew
2 of two or more persons, providing penalties, and including
3 effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



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S.F. _____

1 than \$10,000 for a subsequent offense. For the purposes
2 of determining whether a conviction is a first, second, or
3 subsequent offense, the bill provides that only offenses
4 committed within the three years prior to the most recent
5 offense shall be considered.

6 The bill takes effect 30 days after enactment.



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Senate Study Bill 1044 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR BILL)

A BILL FOR

1 An Act relating to state and school antiharassment and
2 antibullying policies, providing for training for school
3 personnel, establishing a bullying and violence prevention
4 student mentoring pilot program, and making appropriations.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. SHORT TITLE. This Act shall be known and may be
2 cited as the "Bully Free Iowa Act of 2015".

3 Sec. 2. Section 256.9, Code 2015, is amended by adding the
4 following new subsection:

5 NEW SUBSECTION. 66. Subject to an appropriation of funds by
6 the general assembly, ensure each school district has access to
7 adequate training on conducting investigations of complaints of
8 incidents of harassment or bullying pursuant to section 280.28
9 by offering such training on an annual basis to at least one
10 employee per district.

11 Sec. 3. NEW SECTION. **256.34 Bullying and violence**
12 **prevention student mentoring pilot program.**

13 1. Subject to an appropriation of funds by the general
14 assembly, the department shall establish a student mentoring
15 pilot program to explore how student leadership can help
16 prevent bullying and violence in schools. The program shall
17 promote best practices for bullying and violence prevention for
18 middle and high school students.

19 2. The department shall establish the program in at least
20 two middle schools and two high schools in the state.

21 3. The department shall establish criteria for the
22 selection of participating schools and evaluation of the
23 program.

24 Sec. 4. Section 280.28, subsection 2, paragraphs a and c,
25 Code 2015, are amended to read as follows:

26 a. "Electronic" means any communication involving the
27 transmission of information by wire, radio, optical cable,
28 electromagnetic, or other similar means. "Electronic" includes
29 but is not limited to communication via electronic mail,
30 internet-based communications including social networking
31 sites, pager service, cell phones, and electronic text
32 messaging, or any other electronic communication site, device,
33 or means.

34 c. "Trait or characteristic of the student" includes
35 but is not limited to age, color, creed, national origin,

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1 race, religion, marital status, sex, sexual orientation,
2 gender identity, physical attributes, physical or mental
3 ability or disability, ancestry, political party preference,
4 political belief, socioeconomic status, ~~or~~ familial status,
5 behavior, friendship or relationship with others, or any
6 other distinguishing characteristic. This paragraph shall be
7 construed broadly to achieve the purposes of this section.

8 Sec. 5. Section 280.28, subsection 3, Code 2015, is amended
9 by adding the following new paragraph:

10 NEW PARAGRAPH. *h.* A procedure for the prompt notification
11 of the parents or guardians of all students directly involved
12 in a reported incident of harassment or bullying. The
13 procedure shall include an exception to the notification
14 requirement if a school official or a student who is the target
15 of harassment or bullying reasonably believes notification
16 would subject the targeted student to rejection, abuse, or
17 neglect related to actual or perceived sexual orientation,
18 gender identity, or gender expression.

19 Sec. 6. Section 280.28, Code 2015, is amended by adding the
20 following new subsection:

21 NEW SUBSECTION. 9. *Authority off school grounds.* A school
22 official may investigate and impose school discipline or take
23 other action in the case of an alleged incident of harassment
24 or bullying that occurs outside of school, off of school
25 property, or away from a school function or school-sponsored
26 activity if all of the following apply:

27 *a.* A parent, guardian, student, school employee, or
28 volunteer reports an incident of harassment or bullying
29 pursuant to the school's policy adopted under subsection 3,
30 paragraph "e".

31 *b.* The alleged incident of harassment or bullying has an
32 effect on school grounds that creates an objectively hostile
33 school environment that meets one or more of the conditions set
34 out under subsection 2, paragraph "b".

35 Sec. 7. Section 282.18, subsection 11, Code 2015, is amended



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1 to read as follows:

2 11. A pupil who participates in open enrollment for purposes
3 of attending a grade in grades nine through twelve in a school
4 district other than the district of residence is ineligible to
5 participate in varsity interscholastic athletic contests and
6 athletic competitions during the pupil's first ninety school
7 days of enrollment in the district except that the pupil may
8 participate immediately in a varsity interscholastic sport if
9 the pupil is entering grade nine for the first time and did
10 not participate in an interscholastic athletic competition for
11 another school or school district during the summer immediately
12 following eighth grade, if the district of residence and the
13 other school district jointly participate in the sport, if the
14 sport in which the pupil wishes to participate is not offered
15 in the district of residence, if the pupil chooses to use open
16 enrollment to attend school in another school district because
17 the district in which the student previously attended school
18 was dissolved and merged with one or more contiguous school
19 districts under section 256.11, subsection 12, if the pupil
20 participates in open enrollment because the pupil's district
21 of residence has entered into a whole grade sharing agreement
22 with another district for the pupil's grade, or if the parent
23 or guardian of the pupil participating in open enrollment is
24 an active member of the armed forces and resides in permanent
25 housing on government property provided by a branch of the
26 armed services, or if the district of residence determines
27 that the pupil was previously subject to a founded incident
28 of harassment or bullying as defined in section 280.28 while
29 attending school in the district of residence and both the
30 district of residence and the other school district agree
31 to allow the pupil to participate immediately in a varsity
32 interscholastic sport. A pupil who has paid tuition and
33 attended school, or has attended school pursuant to a mutual
34 agreement between the two districts, in a district other than
35 the pupil's district of residence for at least one school year

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1 appropriation of funds by the general assembly, to establish
2 a student mentoring pilot program to explore how student
3 leadership can help prevent bullying and violence in schools.
4 The program shall promote best practices for bullying and
5 violence prevention for middle and high school students. The
6 department must establish the program in at least two middle
7 schools and two high schools. The department must establish
8 criteria for selection of participating schools and evaluation
9 of the program.

10 The bill modifies the definition of "electronic" under state
11 law relating to school antiharassment and antibullying policies
12 by adding any other electronic communication site, device, or
13 means to the definition and by including social networking
14 sites as part of the term "internet-based communications".

15 The bill modifies the definition of "harassment" and
16 "bullying" under state law relating to school antiharassment
17 and antibullying policies by adding behavior, friendship
18 or relationship with others, or any other distinguishing
19 characteristic to the definition. The bill provides that the
20 definition of "harassment" and "bullying" is to be construed
21 broadly to achieve the purposes of the law.

22 The bill requires school antiharassment and antibullying
23 policies to include a procedure for the prompt notification of
24 the parents or guardians of all students directly involved in
25 a reported incident of harassment or bullying. The procedure
26 must include an exception to the notification requirement if a
27 school official or a student who is the target of harassment
28 or bullying reasonably believes notification would subject the
29 targeted student to rejection, abuse, or neglect related to
30 actual or perceived sexual orientation, gender identity, or
31 gender expression.

32 The bill grants school officials the authority to
33 investigate and impose school discipline or take other action
34 in cases of alleged incidents of harassment or bullying that
35 occur outside of school, off of school property, or away from

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1 school functions or school-sponsored activities if certain
2 conditions are met. Those conditions are that a parent,
3 guardian, student, school employee, or volunteer reports an
4 incident of harassment or bullying pursuant to the school's
5 antiharassment and antibullying policy; and that the alleged
6 incident of harassment or bullying has an effect on school
7 grounds that creates an objectively hostile school environment
8 that places the student in reasonable fear of harm to the
9 student's person or property; has a substantially detrimental
10 effect on the student's physical or mental health; has the
11 effect of substantially interfering with a student's academic
12 performance; or has the effect of substantially interfering
13 with the student's ability to participate in or benefit from
14 the services, activities, or privileges provided by a school.

15 Current law provides that a high school student who
16 participates in open enrollment in a school district other
17 than the student's district of residence is ineligible to
18 participate in varsity interscholastic athletic contests and
19 athletic competitions during the student's first 90 school
20 days of enrollment in the district. However, a student may
21 participate in a varsity interscholastic sport immediately upon
22 open enrollment under various exceptions to that requirement.

23 The bill adds an additional exception if a student's
24 district of residence determines that the student was
25 previously subject to a founded incident of harassment or
26 bullying while attending school in the district of residence
27 and both the district of residence and the other school
28 district agree to allow the pupil to participate immediately in
29 a varsity interscholastic sport.

30 Under Code section 280.28, subsection 2, "harassment" and
31 "bullying" shall be construed to mean any electronic, written,
32 verbal, or physical act or conduct toward a student which is
33 based on any actual or perceived trait or characteristic of
34 the student and which creates an objectively hostile school
35 environment that meets one or more of certain conditions.

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1 The bill appropriates from the general fund of the state to
2 the department of education for fiscal year 2015-2016, \$150,000
3 for the provision of training on conducting investigations of
4 complaints of incidents of harassment or bullying pursuant to
5 the bill.

6 The bill appropriates from the general fund to the
7 department of education for fiscal year 2015-2016, \$50,000 for
8 the establishment of a bullying and violence prevention student
9 mentoring pilot program pursuant to the bill.

10 The department must utilize a request for proposals process
11 to implement the training and the pilot program.



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Senate Study Bill 1045 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC DEFENSE BILL)

A BILL FOR

1 An Act making changes to certain limitations within the
2 national guard educational assistance program.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 261.86, subsection 3, Code 2015, is
2 amended to read as follows:

3 3. a. An eligible member of the national guard, attending
4 an institution as provided in subsection 1, paragraph "d", as
5 ~~a full-time student~~, shall not receive educational assistance
6 under this section for more than ~~eight semesters, or if~~
7 ~~attending as a part-time student for not more than sixteen~~
8 ~~semesters, one hundred twenty credit hours of undergraduate~~
9 ~~study, or the trimester or quarter equivalent.~~ A national
10 guard member who has met the educational requirements for a
11 baccalaureate degree is ineligible for educational assistance
12 under this section.

13 b. A member of the national guard who received educational
14 assistance under this section prior to July 1, 2015, shall
15 be deemed to have received educational assistance for the
16 following number of credit hours for educational assistance
17 received before that date:

18 (1) For each semester that the member received educational
19 assistance while attending an institution as a full-time
20 student, twelve credit hours.

21 (2) For each semester that the member received educational
22 assistance while attending an institution as a part-time
23 student, six credit hours.

24 (3) For each trimester or quarter that the member received
25 educational assistance while attending an institution as a
26 full-time or part-time student, the number of credit hours that
27 are determined to be the semester equivalent by the college
28 student aid commission.

EXPLANATION

30 The inclusion of this explanation does not constitute agreement with
31 the explanation's substance by the members of the general assembly.

32 This bill makes changes to program limitations within the
33 national guard educational assistance program.

34 Under current law, participation in the national guard
35 educational assistance program is limited by semesters of

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1 attendance, or the trimester or quarter equivalent. The bill
2 replaces these limitations by providing that an eligible member
3 of the Iowa national guard may not receive assistance under the
4 program for more than 120 credit hours of undergraduate study.
5 The bill includes transition provisions relating to educational
6 assistance received under the program prior to July 1, 2015.



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Senate Study Bill 1046 - Introduced

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

A BILL FOR

1 An Act relating to the duties and authority of the state
2 board of education and the department of education, to the
3 programs and activities under the purview of the state board
4 and the department, and providing for properly related
5 matters affecting school districts.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 256.7, subsection 15, Code 2015, is
2 amended by striking the subsection.

3 Sec. 2. Section 256.9, subsections 26, 27, 36, 40, 54, and
4 59, Code 2015, are amended by striking the subsections.

5 Sec. 3. Section 257.1, subsection 2, paragraph c, Code 2015,
6 is amended by striking the paragraph.

7 Sec. 4. Section 257.14, Code 2015, is amended by striking
8 the section and inserting in lieu thereof the following:

9 **257.14 Budget adjustment.**

10 1. For the budget year commencing July 1, 2013, and
11 succeeding budget years, a district shall be eligible for a
12 budget adjustment in an amount equal to the difference between
13 the regular program district cost for the budget year and one
14 hundred one percent of the regular program district cost for
15 the base year.

16 2. The board of directors of a school district that wishes
17 to receive a budget adjustment pursuant to this subsection
18 shall adopt by May 15, annually, a resolution to receive the
19 budget adjustment and shall notify the department of management
20 of the adoption of the resolution and the amount of the budget
21 adjustment to be received.

22 Sec. 5. Section 282.8, Code 2015, is amended to read as
23 follows:

24 **282.8 Attending school outside state.**

25 1. The boards of directors of school districts located
26 near the state boundaries may designate schools of equivalent
27 standing across the state line for attendance of both
28 elementary and ~~high~~ secondary school pupils when the public
29 school in the adjoining state is nearer than any appropriate
30 public school in a pupil's district of residence or in Iowa.
31 Distance shall be measured by the nearest traveled public
32 road. Arrangements shall be subject to reciprocal agreements
33 made between the chief state school officers of the respective
34 states. Notwithstanding section 282.1, arrangements between
35 districts pursuant to the reciprocal agreements made under



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1 public school in Iowa, the pupil attending school outside the
 2 state shall not be considered a resident child for purposes
 3 of tuition payments to the receiving district and shall not
 4 be treated as a pupil of the district of residence for state
 5 school foundation aid purposes under section 257.6.

6 5. The whole grade sharing provisions of sections 282.10
 7 through 282.12 and the open enrollment provisions of section
 8 282.18 shall not apply to agreements made between districts
 9 under this section.

10 Sec. 6. Section 282.10, subsection 4, Code 2015, is amended
 11 to read as follows:

12 4. A whole grade sharing agreement shall be signed by the
 13 boards of the districts involved in the agreement not later
 14 than February 1 of the school year preceding the school year
 15 for which the agreement is to take effect. The boards of
 16 the districts shall negotiate as part of the new or existing
 17 agreement the disposition of funding provided under chapter 284
 18 except for the following:

19 a. Funding for the beginning teacher mentoring and induction
 20 programs pursuant to section 284.13, subsection 1, paragraph
 21 “b”.

22 b. The teacher leadership supplement state cost per pupil as
 23 provided in section 257.9, unless all of the districts subject
 24 to the agreement are receiving such funding.

25 c. Teacher leadership supplemental aid payments as provided
 26 in section 284.13, subsection 1, paragraph “e”, unless all
 27 of the districts subject to the agreement are receiving such
 28 payments. This paragraph “c” is repealed June 30, 2018.

29 Sec. 7. Section 282.12, subsection 4, Code 2015, is amended
 30 to read as follows:

31 4. The number of pupils participating in a whole grade
 32 sharing agreement shall be determined on the date specified in
 33 section 257.6, subsection 1, and on the ~~third~~ second Friday of
 34 ~~February~~ January of each year.

35 Sec. 8. Section 282.18, subsection 7, Code 2015, is amended



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1 to read as follows:

2 7. A pupil participating in open enrollment shall be
3 counted, for state school foundation aid purposes, in the
4 pupil's district of residence. A pupil's residence, for
5 purposes of this section, means a residence under section
6 282.1. The board of directors of the district of residence
7 shall pay to the receiving district the sum of the state cost
8 per pupil for the previous school year, and plus the teacher
9 leadership supplement state cost per pupil for the previous
10 fiscal year as provided in section 257.9, or the teacher
11 leadership supplement foundation aid for the previous fiscal
12 year as provided in section 284.13, subsection 1, paragraph "e",
13 if both the district of residence and the receiving district
14 are receiving such supplements, plus any moneys received for
15 the pupil as a result of the non-English speaking weighting
16 under section 280.4, subsection 3, for the previous school
17 year multiplied by the state cost per pupil for the previous
18 year. If the pupil participating in open enrollment is also
19 an eligible pupil under section 261E.6, the receiving district
20 shall pay the tuition reimbursement amount to an eligible
21 postsecondary institution as provided in section 261E.7.

22 Sec. 9. Section 282.18, subsection 9, paragraph c, Code
23 2015, is amended to read as follows:

24 c. ~~Quarterly payments~~ On or before February 15 and July 15
25 of each year, the receiving district shall bill the resident
26 district. Payments shall be made by the district of residence
27 to the receiving district in a timely manner.

28 Sec. 10. Section 284.12, Code 2015, is amended to read as
29 follows:

30 ~~284.12 Reports — rules~~ Rules.

31 ~~1. The department shall annually report the statewide~~
32 ~~progress on the following:~~

33 ~~a. Student achievement scores in mathematics and reading at~~
34 ~~the fourth and eighth grade levels on a district-by-district~~
35 ~~basis as reported to the local communities pursuant to section~~



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1 ~~256.7, subsection 21, paragraph "c".~~

2 ~~b. Evaluator training program.~~

3 ~~c. Changes and improvements in the evaluation of teachers~~
4 ~~under the Iowa teaching standards.~~

5 ~~2. The report shall be made available to the chairpersons~~
6 ~~and ranking members of the senate and house committees on~~
7 ~~education, the deans of the colleges of education at approved~~
8 ~~practitioner preparation institutions in this state, the~~
9 ~~state board, the governor, and school districts by January 1.~~
10 ~~School districts shall provide information as required by the~~
11 ~~department for the compilation of the report and for accounting~~
12 ~~and auditing purposes.~~

13 ~~3. In developing administrative rules for consideration by~~
14 ~~the state board, the department shall consult with stakeholders~~
15 ~~who might reasonably be affected by the proposed rule,~~
16 ~~including persons representing teachers, administrators, school~~
17 ~~boards, approved practitioner preparation institutions, and~~
18 ~~other appropriate education stakeholders.~~

19 Sec. 11. Section 282.24, subsection 1, paragraph a, Code
20 2015, is amended to read as follows:

21 a. The maximum tuition fee that may be charged for
22 elementary and ~~high~~ secondary school students residing
23 within another school district or corporation except students
24 attending school in another district under section 282.7,
25 subsection 1 or 3, is the district cost per pupil of the
26 receiving district as computed in section 257.10.

27 Sec. 12. Section 282.24, subsection 2, Code 2015, is amended
28 by striking the subsection.

29 Sec. 13. REPEAL. Sections 256.19, 279.38A, 279.55, 279.56,
30 and 279.57, Code 2015, are repealed.

31 EXPLANATION

32 The inclusion of this explanation does not constitute agreement with
33 the explanation's substance by the members of the general assembly.

34 This bill makes statutory changes affecting the duties and
35 authority of the state board of education and the department of



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1 education, repeals certain programs, and modifies or eliminates
 2 provisions relating to certain programs and activities under
 3 the purview of the state board and the department.

4 **CERTAIN DIRECTOR’S DUTIES STRICKEN.** The bill strikes from
 5 Code section 256.9, which provides for the duties of the
 6 director of the department of education, provisions which
 7 require the director to cause to be printed in book form, every
 8 four years, all school laws in force and any amendments or
 9 changes in school laws, along with other information which may
 10 aid school officers; to develop a model written publications
 11 code for the regulation of time, place, and manner of student
 12 expression; and to submit to the general assembly an annual
 13 report regarding the activities, findings, and student progress
 14 under the core curriculum, as well as an annual report on the
 15 necessity of waiving statutory obligations for school districts
 16 in the event of a disaster.

17 **BUDGET GUARANTEE LANGUAGE.** The bill amends Code section
 18 257.14 to strike obsolete language relating to the budget
 19 guarantee.

20 **ATTENDING SCHOOL OUTSIDE THE STATE.** The bill makes a number
 21 of changes to Code section 282.8. The Code section authorizes
 22 the boards of directors of school districts located near the
 23 state boundaries to designate schools of equivalent standing
 24 across the state line for attendance of pupils, to establish
 25 reciprocal agreements between such districts, and to establish
 26 tuition and transportation fees in an amount acceptable to the
 27 affected boards.

28 Currently, Code section 282.8 provides that tuition and
 29 transportation fees shall not be less than the lower average
 30 cost per pupil for the previous school year of the two
 31 affected school districts. The bill amends the provision to
 32 establish that the tuition fee for students not requiring
 33 special education shall not be less than the lower of the
 34 tuition fee established pursuant to Code section 282.24 for
 35 students attending school outside the district of residence or

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1 the equivalent tuition rate for the non-Iowa school district
 2 for the previous school year, and the transportation fee
 3 established shall not be less than the lower average cost per
 4 mile for yellow school buses for the previous school year of
 5 the two affected school districts. The bill also provides that
 6 if the tuition fee for the school district in the adjoining
 7 state is a variable rate, the test of which tuition fee is
 8 lower shall be determined for each student. For students
 9 requiring special education, the bill provides that the tuition
 10 fee shall be equal to the actual cost of the special education
 11 instructional program provided to that child under the child's
 12 individualized education program.

13 If there is no agreement between districts, or if the
 14 distance requirements are not met, the bill provides that the
 15 tuition limitations of Code section 282.1 shall not apply,
 16 and a student attending school in the other state shall not
 17 be treated as a pupil of the district of residence in Iowa
 18 for purposes of tuition payments to the receiving district
 19 or for purposes of the school aid formula. The bill further
 20 establishes that an agreement reached under Code section 282.8
 21 does not qualify as a whole grade sharing agreement and the
 22 open enrollment provisions do not apply to such an agreement.

23 **WHOLE GRADE SHARING AGREEMENTS.** Whole grade sharing
 24 is a procedure used by school districts in which all or a
 25 substantial portion of the pupils in any grade in two or
 26 more school districts share an educational program for all
 27 or a substantial portion of a school day under a written
 28 agreement. Currently, the boards of the school districts
 29 participating in the agreement must negotiate, as part of
 30 the new or existing agreement, the disposition of funding
 31 provided under Code chapter 284, the student achievement and
 32 teacher quality program. The bill provides exemptions from
 33 the disposition negotiation requirement relating to beginning
 34 teacher mentoring and induction funds; the teacher leadership
 35 supplement state cost per pupil, unless all of the districts

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1 subject to the agreement are receiving such funding; and the
2 teacher leadership supplemental aid payments, unless all
3 districts subject to the agreement are receiving such funding.
4 Because the funding for the teacher leadership supplemental aid
5 payments is scheduled to end with the 2016-2017 fiscal year,
6 the bill repeals the relevant provision June 30, 2018.

7 The bill also changes, from the third Friday of February to
8 the second Friday of January of each year, the second of two
9 dates used to determine the number of pupils participating in a
10 whole grade sharing agreement.

11 OPEN ENROLLMENT PAYMENTS. In addition to other statutory
12 requirements for open enrollment payments, the bill provides
13 that the board of directors of the district of residence
14 must pay to the receiving district the teacher leadership
15 supplement state cost per pupil for the previous fiscal year
16 or the teacher leadership supplement foundation aid for the
17 previous fiscal year if both the district of residence and the
18 receiving district are receiving such supplements. Such a
19 limitation currently exists in Code section 284.13, subsection
20 1, paragraph "e", regarding the teacher leadership supplement
21 foundation aid. Currently, the district of residence must pay
22 to the receiving district the teacher leadership supplement
23 state cost per pupil for the previous fiscal year whether
24 or not both districts are receiving the teacher leadership
25 supplement state cost per pupil.

26 Currently, a district of residence must make quarterly
27 payments to the receiving district. Under the bill, the
28 receiving district must bill the district of residence
29 biannually, and the district of residence must make payments
30 in a timely manner.

31 STATEWIDE PROGRESS REPORTS. Currently, the department of
32 education must make an annual report to the general assembly
33 on statewide progress in student achievement on mathematics
34 and reading at the fourth and eighth grades, on the evaluator
35 training program, and on changes and improvements in teacher



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1 evaluations. The bill eliminates that reporting requirement.
 2 STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM. Currently,
 3 in developing administrative rules for consideration by the
 4 state board of education, the department must consult with
 5 persons representing teachers, administrators, school boards,
 6 approved practitioner preparation institutions, and other
 7 appropriate education stakeholders. The bill provides that the
 8 department must consult stakeholders when those stakeholders
 9 might reasonably be affected by the proposed rule.

10 TERMINOLOGY CHANGES. Code sections 282.8 and 282.24 are
 11 amended to replace references to "elementary and high school"
 12 with the term "elementary and secondary school". Definitions
 13 for junior high school and high school are also stricken from
 14 Code section 282.24.

15 REPEALS. The bill repeals the following:

16 1. TEACHER EXCHANGE PROGRAM. The teacher exchange program
 17 was enacted in 1991, contingent on an appropriation of moneys
 18 by the general assembly, to permit school districts to exchange
 19 licensed instructional personnel with other districts in order
 20 to promote the exchange and enhancement of instructional
 21 methods and materials and encourage the educational development
 22 of Iowa's teachers. The bill eliminates the provisions
 23 relating to the teacher exchange program, including provisions
 24 directing the state board to adopt rules to administer the
 25 program, directing the director of the department of education
 26 to administer the program, establishing the program, and
 27 providing for participation in the program by school districts
 28 and teachers.

29 2. PILOT PROJECTS TO IMPROVE INSTRUCTIONAL PROGRAMS. When
 30 first enacted in 1987, the provision was part of a program
 31 to offer incentives to school districts that established
 32 pilot projects to utilize a modified block schedule for
 33 offering classes in the districts and sharing the certificated
 34 instructional personnel. Implementation by the department
 35 of education is dependent on whether the general assembly

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1 appropriates funding for the pilot projects.

2 3. SCHOOL BOARD ORGANIZATIONS. A provision that allows
3 school district board members and school administrators to
4 join, pay dues to, and participate in local, regional, and
5 national organizations which directly relate to the functions
6 of the board of directors. The language included reporting
7 requirements for the boards and for those organizations that
8 administer or distribute federal education grants and open
9 meetings and public records requirements.



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Senate Study Bill 1047 - Introduced

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

A BILL FOR

1 An Act relating to payment of costs for educational services
2 for children residing in certain psychiatric hospitals or
3 institutions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1120XD (7) 86
je/sc



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1 Section 1. Section 282.27, Code 2015, is amended to read as
 2 follows:

3 **282.27 Children living in psychiatric hospitals or**
 4 **institutions — payment.**

5 1. The public school district in which ~~is located~~ a
 6 psychiatric unit of a hospital licensed under chapter 135B or
 7 a psychiatric medical institution for children licensed under
 8 chapter 135H, which is not operated by the state, is located
 9 shall be responsible for the provision of educational services
 10 to children residing in the unit or institution. Children
 11 residing in the unit or institution shall be included in the
 12 basic enrollment of their districts of residence, as defined in
 13 section 282.31, subsection 4.

14 2. The board of directors of each district of residence
 15 shall pay to the school district in which such psychiatric unit
 16 or institution is located ~~such psychiatric unit or institution,~~
 17 for the provision of educational services to the child, a
 18 portion of the ~~district of residence's district cost per pupil~~
 19 tuition rate prescribed by section 282.24 for students residing
 20 within another school district for each of such children who
 21 does not require special education, based upon the proportion
 22 that the time each child is provided educational services while
 23 in such unit or institution is to the total time for which
 24 the child is provided educational services during a normal
 25 school year. The actual special education instructional costs
 26 incurred for a child who resides in the unit or institution
 27 shall be paid by the district of residence of the child to the
 28 district in which the unit or institution is located.

29 3. Notwithstanding subsection 2, if a child is placed in
 30 the psychiatric unit or institution as a voluntary parental
 31 placement, the district of residence is not responsible for the
 32 instructional costs incurred for the provision of educational
 33 services for the period of time the child is residing in such
 34 unit or institution.

35 4. Notwithstanding section 282.24, if a child for whom all

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1 of the following applies is placed in the psychiatric unit
2 or institution, the district of residence may use amounts
3 received as supplementary weighting pursuant to section 257.11,
4 subsection 4, to pay the instructional costs necessary to
5 address the child's behavior during instructional time when
6 those services are not otherwise provided to students who do
7 not require special education and the costs exceed the costs
8 of instruction of pupils in a regular curriculum and the costs
9 exceed the maximum tuition rate prescribed by section 282.24:
10 a. The child does not require special education.
11 b. The child is not placed in the unit or institution as a
12 voluntary parental placement.
13 c. The child is not placed by the department of human
14 services or a court in a day program treatment program in such
15 psychiatric unit or institution.
16 d. The board of directors of the district of residence has
17 determined that the child is likely to inflict self-harm or
18 likely to harm another student.
19 5. Notwithstanding section 282.24, if a child for whom
20 all of the following applies is placed in the psychiatric
21 unit or institution, the district of residence may use the
22 funding for programs for returning dropouts and dropout
23 prevention calculated pursuant to section 257.41, to pay the
24 instructional costs necessary to address the child's behavior
25 during instructional time when those services are not otherwise
26 provided to students who do not require special education
27 and the costs exceed the costs of instruction of pupils in
28 a regular curriculum, the costs exceed the maximum tuition
29 rate prescribed by section 282.24, and the child meets the
30 definition of a returning dropout or potential dropout in
31 section 257.39:
32 a. The child does not require special education.
33 b. The child is not placed in the unit or institution as a
34 voluntary parental placement.
35 c. The child is not placed by the department of human



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1 services or a court in a day program treatment program in such
2 psychiatric unit or institution.

3 d. The board of directors of the district of residence has
4 determined that the child is likely to inflict self-harm or
5 likely to harm another student.

6 EXPLANATION

7 The inclusion of this explanation does not constitute agreement with
8 the explanation's substance by the members of the general assembly.

9 Current law provides that the school district in which
10 a psychiatric unit of a licensed hospital or a licensed
11 psychiatric medical institution for children, not operated by
12 the state, is located shall be responsible for the provision
13 of educational services to children residing in the unit or
14 institution. The district of residence is required pay to the
15 school district in which the psychiatric unit or institution
16 is located a portion of the district of residence's district
17 cost per pupil for each child based upon the proportion of the
18 time each child is provided educational services while in the
19 unit or institution to the total time for which the child is
20 provided educational services during a normal school year.

21 This bill provides that the required payment shall be
22 calculated based on the tuition rate prescribed by Code section
23 282.24 for students residing within another school district,
24 instead of the district of residence's district cost per
25 pupil. Code section 282.24 provides that the maximum tuition
26 fee that may be charged for students residing within another
27 school district is the district cost per pupil of the receiving
28 district. The bill also provides that the actual special
29 education instructional costs incurred for a child who resides
30 in a unit or institution shall be paid by the district of
31 residence of the child to the district in which the unit or
32 institution is located, rather than the required tuition rate
33 amount.

34 The bill provides that if a child has been placed in the
35 psychiatric unit or institution as a voluntary parental

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1 placement, the district of residence is not responsible for the
2 instructional costs incurred for the provision of educational
3 services for the period of time the child is residing in such
4 unit or institution.

5 The bill provides that, notwithstanding Code section 282.24,
6 if a child, who does not require special education, who is not
7 placed as a voluntary parental placement, who is not placed by
8 the department of human services or a court in a day program
9 treatment program in such psychiatric unit or institution, and
10 who the board of directors of the district of residence has
11 determined is likely to inflict harm on themselves or other
12 students, is placed in the psychiatric unit or institution, the
13 district of residence may use amounts received as supplementary
14 weighting pursuant to Code section 257.11, subsection 4, to
15 pay the instructional costs necessary to address the child's
16 behavior during instructional time when those services are
17 not otherwise provided to students who do not require special
18 education and the costs exceed the costs of instruction of
19 pupils in a regular curriculum and the costs exceed the maximum
20 tuition rate prescribed by Code section 282.24.

21 The bill further provides that if such a child meets the
22 definition of returning dropout or potential dropout in
23 Code section 257.39, the district of residence may also use
24 the funding for programs for returning dropouts and dropout
25 prevention to pay the instructional costs necessary to address
26 the child's behavior during instructional time when those
27 services are not otherwise provided to students who do not
28 require special education and the costs exceed the costs of
29 instruction of pupils in a regular curriculum, the costs exceed
30 the maximum tuition rate prescribed by Code section 282.24.



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Senate Study Bill 1048 - Introduced

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

A BILL FOR

1 An Act relating to the licensure of child care programs
2 operated or contracted for by a school district or
3 accredited nonpublic school and including effective date
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1119XD (5) 86
rh/nh



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1 Section 1. Section 237A.1, subsection 3, paragraph b, Code
2 2015, is amended by striking the paragraph.

3 Sec. 2. Section 279.49, subsection 1, Code 2015, is amended
4 by striking the subsection.

5 Sec. 3. Section 279.49, subsections 2 and 3, Code 2015, are
6 amended to read as follows:

7 2. The board of directors of a school corporation may
8 operate or contract for the operation of a program to provide
9 child care to children not enrolled in school or to students
10 enrolled in kindergarten through grade six before and after
11 school, or to both. Programs operated or contracted by a board
12 shall ~~either meet standards for child care programs adopted~~
13 ~~by the state board of education or shall~~ be licensed by the
14 department of human services under chapter 237A as a child care
15 center. ~~A program operated by a board under contract which is~~
16 ~~not located on property owned or leased by the board must be~~
17 ~~licensed by the department of human services.~~

18 3. The person employed to be responsible for a program
19 operated or contracted by a board ~~that is not licensed by the~~
20 ~~department of human services~~ shall be an appropriately licensed
21 teacher under chapter 272 or shall meet other standards adopted
22 by the state board of education.

23 Sec. 4. Section 280.3A, Code 2015, is amended to read as
24 follows:

25 **280.3A Accredited nonpublic school child care programs.**

26 Authorities in charge of an accredited nonpublic ~~schools~~
27 school may operate or contract for the operation of a child
28 care ~~programs, as defined program, as described~~ in section
29 ~~279.49, subsection 1.~~ The provisions of section 279.49 as
30 they relate to child care programs of a school corporation and
31 its board of directors apply to the child care programs of the
32 accredited nonpublic school and the authority in charge.

33 Sec. 5. EFFECTIVE DATE AND IMPLEMENTATION. This Act takes
34 effect January 1, 2016, except that the department of human
35 services may begin implementation prior to January 1, 2016, to

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1 the extent necessary to transition to full implementation of
2 the provisions of this Act.

3 EXPLANATION

4 The inclusion of this explanation does not constitute agreement with
5 the explanation's substance by the members of the general assembly.

6 Under current law, either the department of human services
7 (DHS) or the department of education (DE) is required to
8 license a child care program operated by or contracted for by a
9 school district or accredited nonpublic school to provide child
10 care to children not enrolled in school or to students enrolled
11 in kindergarten through grade six before and after school, or
12 to both.

13 The bill provides that DHS shall be the only state agency
14 responsible for the licensure of such child care programs and
15 requires DHS to issue such licenses.

16 Conforming Code changes are made striking Code section
17 237A.1, subsection 3, paragraph "b", relating to the definition
18 of "child care" for purposes of DHS licensure and DE child care
19 programs provided for under Code sections 279.49 and 280.3A,
20 striking references in Code section 279.49 relating to child
21 care programs not licensed or approved by DHS, and amended Code
22 section 280.3A relating to accredited nonpublic school child
23 care programs.

24 The bill takes effect January 1, 2016, except that DHS may
25 begin implementation prior to that date.



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Senate Study Bill 1049 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED BOARD OF
EDUCATIONAL EXAMINERS BILL)

A BILL FOR

1 An Act relating to complaints filed with the board of
2 educational examiners.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1183XD (1) 86
je/nh



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1 Section 1. Section 272.2, subsection 15, Code 2015, is
2 amended to read as follows:

3 15. Adopt rules that require specificity in written
4 complaints that are filed by individuals who have personal
5 knowledge of an alleged violation and which are accepted by
6 the board, provide that the jurisdictional requirements as set
7 by the board in administrative rule are met on the face of the
8 complaint before initiating an investigation of allegations,
9 provide that any investigation be limited to the allegations
10 contained on the face of the complaint, provide for an adequate
11 interval between the receipt of a complaint and public notice
12 of the complaint, permit parties to a complaint to mutually
13 agree to a resolution of the complaint filed with the board,
14 allow the respondent the right to review any investigative
15 report upon a finding of probable cause for further action
16 by the board, require that the conduct providing the basis
17 for the complaint occurred within three years of discovery of
18 the event by the complainant unless good cause can be shown
19 for an extension of this limitation, and require the board to
20 complete its investigation of complaints to be resolved and
21 determination of probable cause within one hundred eighty days
22 unless criminal charges relevant to the complaint are pending
23 against the respondent or other good cause can be shown for an
24 extension of this limitation.

25 EXPLANATION

26 The inclusion of this explanation does not constitute agreement with
27 the explanation's substance by the members of the general assembly.

28 The board of educational examiners is required to adopt
29 rules providing that complaints filed with the board must be
30 resolved within 180 days unless good cause can be shown to
31 extend the deadline. This bill strikes that requirement.
32 The bill instead requires the board to adopt rules providing
33 that the board must complete its investigation of complaints
34 and determination of probable cause within 180 days unless
35 criminal charges relevant to the complaint are pending against

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1 the respondent or other good cause can be shown to extend the
2 deadline.



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Senate Study Bill 1050 - Introduced

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

A BILL FOR

1 An Act establishing an Iowa principal leadership institute
2 advisory council.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1292XD (4) 86
kh/sc



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1 Section 1. IOWA PRINCIPAL LEADERSHIP INSTITUTE ADVISORY
2 COUNCIL.

3 1. An Iowa principal leadership institute advisory council
4 is established to advise and make policy recommendations to
5 the director of the department of education regarding the
6 development of and financing for an Iowa principal leadership
7 institute. The goals of the proposed institute shall be to
8 develop a cadre of principals to provide leadership in the
9 highest-needs Iowa schools, as identified by the department
10 as being persistently low achieving, having a high rate of
11 poverty, or having a high percentage of students identified
12 as limited English proficient as defined pursuant to section
13 280.4, and to provide executive-level leadership training and
14 to develop strategies and models for principals to enhance
15 instructional leadership across school attendance centers and
16 raise student achievement.

17 2. The members of the advisory council shall be appointed
18 by the director and shall include but not be limited to
19 practicing administrators and teachers, representatives of Iowa
20 institutions of higher education, representatives of the board
21 of educational examiners, education scholars or researchers,
22 organizations representing Iowa employers, and Iowa parents of
23 school-age children.

24 3. The advisory council shall submit its findings and
25 recommendations in a report to the director of the department
26 of education prior to October 15, 2015. The director of
27 the department of education shall submit to the governor and
28 the general assembly by November 16, 2015, a report that
29 includes the advisory council's report and the department's
30 recommendations for the establishment and long-term funding of
31 an Iowa principal leadership institute.

32 EXPLANATION

33 The inclusion of this explanation does not constitute agreement with
34 the explanation's substance by the members of the general assembly.

35 This bill establishes an Iowa principal leadership institute

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1 advisory council to advise and make policy recommendations
2 to the director of the department of education regarding the
3 development of and financing for an Iowa principal leadership
4 institute. The proposed institute's goals shall be to
5 develop a cadre of principals to provide leadership in the
6 highest-needs Iowa schools and to provide executive-level
7 leadership training to develop strategies and models for
8 principals to enhance instructional leadership across school
9 attendance centers and raise student achievement.

10 The members of the advisory council are appointed
11 by the director and shall include but not be limited to
12 practicing administrators and teachers, representatives of
13 Iowa institutions of higher education and of the board of
14 educational examiners, education scholars or researchers,
15 organizations representing Iowa employers, and Iowa parents.

16 The advisory council must submit its findings and
17 recommendations in a report to the director of the department
18 of education prior to October 15, 2015. The director must
19 submit to the governor and the general assembly by November
20 16, 2015, a report that includes the advisory council's report
21 and the department's recommendations for the establishment and
22 long-term funding of an Iowa principal leadership institute.



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Senate Study Bill 1051 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED BOARD OF
EDUCATIONAL EXAMINERS BILL)

A BILL FOR

1 An Act relating to transitional coaching authorizations issued
2 by the board of educational examiners.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1184XD (3) 86
kh/rj



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1 Section 1. Section 272.2, subsection 14, paragraph b,
 2 subparagraph (2), Code 2015, is amended to read as follows:
 3 (2) The applicant is less than twenty-one years of age
 4 except as provided in section 272.31, subsection 1, ~~paragraph~~
 5 ~~"c"~~. However, a student enrolled in a practitioner preparation
 6 program who meets board requirements for a temporary,
 7 limited-purpose license who is seeking to teach as part of a
 8 practicum or internship may be less than twenty-one years of
 9 age.

10 Sec. 2. Section 272.31, subsection 1, Code 2015, is amended
 11 to read as follows:

12 1. a. The Except as provided in paragraph "b", the
 13 minimum requirements for the board to award issue a coaching
 14 authorization to an applicant are:

15 ~~a.~~ (1) Successful completion of one semester credit hour
 16 or ten contact hours in a course relating to knowledge and
 17 understanding of the structure and function of the human body
 18 in relation to physical activity.

19 ~~b.~~ (2) Successful completion of one semester credit hour
 20 or ten contact hours in a course relating to knowledge and
 21 understanding of human growth and development of children and
 22 youth in relation to physical activity.

23 ~~c.~~ (3) Successful completion of two semester credit hours
 24 or twenty contact hours in a course relating to knowledge and
 25 understanding of the prevention and care of athletic injuries
 26 and medical and safety problems relating to physical activity.

27 ~~d.~~ (4) Successful completion of one semester credit hour
 28 or ten contact hours relating to knowledge and understanding
 29 of the techniques and theory of coaching interscholastic
 30 athletics.

31 ~~e.~~ (5) Attainment of at least eighteen years of age.

32 b. The board shall issue a transitional coaching
 33 authorization to an individual who is at least eighteen
 34 years of age and who provides verification of an offer of a
 35 coaching position by a school or a consortium of schools,



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1 In employing a head coach or assistant coach, the Code
2 requires each school district to consider applicants in a
3 priority order, with teachers having first priority and persons
4 with a coaching authorization second. To this priority list,
5 the bill adds in the third position those individuals who
6 possess a transitional coaching authorization.

7 Currently, the coursework needed for a full coaching
8 authorization includes successful completion of five semester
9 credit hours or 50 contact hours in courses relating to
10 knowledge and understanding of the structure and function of
11 the human body in relation to physical activity; to knowledge
12 and understanding of human growth and development of children
13 and youth in relation to physical activity; to knowledge and
14 understanding of the prevention and care of athletic injuries
15 and medical and safety problems relating to physical activity;
16 and to knowledge and understanding of the techniques and theory
17 of coaching interscholastic athletics.



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Senate Study Bill 1052 - Introduced

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

A BILL FOR

1 An Act relating to eligibility to receive funding under the
2 beginning teacher mentoring and induction program.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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kh/sc



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1 Section 1. Section 284.5, subsection 2, Code 2015, is
 2 amended to read as follows:

3 2. a. Each Except as provided in paragraph "b", each school
 4 district and area education agency shall provide a beginning
 5 teacher mentoring and induction program for all teachers who
 6 are beginning teachers, and notwithstanding section 284.4,
 7 subsection 1, a school district and an area education agency
 8 shall be eligible to receive moneys under section 284.13,
 9 subsection 1, paragraph "b", for purposes of implementing a
 10 beginning teacher mentoring and induction program in accordance
 11 with this section.

12 b. If a school district receives teacher leadership
 13 supplemental aid payments pursuant to section 257.10,
 14 subsection 12, or section 284.13, subsection 1, paragraph "e",
 15 for purposes of implementing a framework or comparable system
 16 approved pursuant to section 284.15, subsection 6, the school
 17 district is ineligible to receive funds under section 284.13,
 18 subsection 1, paragraph "b", for purposes of implementing a
 19 beginning teacher mentoring and induction program plan.

20 Sec. 2. Section 284.13, subsection 1, paragraph b, Code
 21 2015, is amended to read as follows:

22 b. For the fiscal year beginning July 1, 2014 2015, and
 23 ending June 30, 2015 2016, an amount up to ~~four~~ one million
 24 ~~twenty-one~~ six hundred ~~seventy-three~~ eight thousand ~~eight~~ one hundred
 25 ~~seventy-five~~ dollars for first-year and second-year beginning
 26 teachers, to the department of education for distribution to
 27 school districts and area education agencies for purposes of
 28 the beginning teacher mentoring and induction programs as
 29 provided in section 284.5. A school district or area education
 30 agency shall receive one thousand three hundred dollars per
 31 beginning teacher participating in the program. If the funds
 32 appropriated for the program are insufficient to pay mentors,
 33 school districts, and area education agencies as provided
 34 in this paragraph, the department shall prorate the amount
 35 distributed to school districts and area education agencies

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1 based upon the amount appropriated. Moneys received by a
 2 school district or area education agency pursuant to this
 3 paragraph shall be expended to provide each mentor with an
 4 award of five hundred dollars per semester, at a minimum,
 5 for participation in the school district's or area education
 6 agency's beginning teacher mentoring and induction program;
 7 to implement the plan; and to pay any applicable costs of the
 8 employer's share of contributions to federal social security
 9 and the Iowa public employees' retirement system or a pension
 10 and annuity retirement system established under chapter 294,
 11 for such amounts paid by the district or area education agency.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with
 14 the explanation's substance by the members of the general assembly.

15 This bill provides that a school district is ineligible
 16 to receive moneys allocated under the student achievement
 17 and teacher quality program for purposes of implementing a
 18 beginning teacher mentoring and induction program plan if that
 19 school district receives teacher leadership supplemental aid
 20 payments for implementing the career paths, leadership roles,
 21 and compensation framework or a comparable system approved
 22 by the department of education. The bill also updates the
 23 Iowa Code provision that provides for the allocation of moneys
 24 for purposes of the beginning teacher mentoring and induction
 25 program for the 2015-2016 fiscal year.



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Senate Study Bill 1053 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED COLLEGE STUDENT
AID COMMISSION BILL)

A BILL FOR

1 An Act relating to the duties of the college student aid
2 commission.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1124DP (9) 86
kh/rj



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1 Section 1. Section 261.2, Code 2015, is amended to read as
2 follows:

3 **261.2 Duties of commission.**

4 The commission shall:

5 1. ~~Prepare and administer a state plan for a state~~
6 ~~supported and administered scholarship program. The state~~
7 ~~plan shall provide for scholarships to deserving students of~~
8 ~~Iowa, matriculating in Iowa universities, colleges, community~~
9 ~~colleges, or schools of professional nursing. Eligibility of~~
10 ~~a student for receipt of a scholarship shall be based upon~~
11 ~~academic achievement and completion of advanced level courses~~
12 ~~prescribed by the commission. Provide, in accordance with~~
13 this chapter, scholarships and grants to eligible residents of
14 the state who are attending Iowa's postsecondary institutions,
15 and loan repayment for eligible recipients who are employed in
16 Iowa's workforce.

17 2. ~~Administer the tuition grant program all programs~~
18 authorized under this chapter; administer the Iowa state
19 fair scholarship fund established in section 261.62; expend
20 moneys appropriated in section 261.25; and carry out licensing
21 sanctions in accordance with division XV of this chapter.

22 3. Ensure that students receiving state-funded scholarships
23 and grants are attending institutions of higher education that
24 meet both of the following conditions:

25 a. The institutions are located in Iowa and are not
26 required to register under chapter 261B, or the institutions
27 are participating resident institutions as defined in section
28 261G.2 that volunteer to register under section 261B.11B.

29 b. The institutions are eligible to participate in a federal
30 student aid program authorized under Tit. IV of the federal
31 Higher Education Act of 1965, as amended.

32 4. Ensure that recipients of loan repayment programs
33 attended institutions of higher education that were in
34 compliance with chapter 261B and were eligible to participate
35 in a federal student aid program authorized under Tit. IV of



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1 the federal Higher Education Act of 1965, as amended, at the
 2 time the recipients were enrolled in the institutions.

3 5. Enter into all necessary agreements with the United
 4 States secretary of education as required for the purpose of
 5 receiving full benefit of the state program incentives offered
 6 pursuant to the federal Higher Education Act of 1965, as
 7 amended.

8 6. Enter into all necessary agreements with other public
 9 or private persons or entities to increase access to education
 10 programs that the commission determines meet the postsecondary
 11 education needs of Iowa residents. In accordance with those
 12 agreements, the commission may accept appropriations, gifts,
 13 grants, or other aid from those public or private persons or
 14 entities, and may establish one or more funds in the state
 15 treasury under the control of the commission. Notwithstanding
 16 section 8.33 or 12C.7, or any other provision to the contrary,
 17 moneys credited to a fund established in the state treasury
 18 pursuant to this subsection shall not revert to the general
 19 fund of the state and any income earned, including interest,
 20 from moneys in such fund or any other receipts to the fund
 21 shall remain in the fund until expended as provided in this
 22 subsection.

23 ~~3- 7. Develop and implement, in cooperation with the state~~
 24 ~~board of regents, the treasurer of state, and other interested~~
 25 ~~constituencies, an educational program and marketing strategies~~
 26 ~~designed to inform parents about the options available for~~
 27 ~~financing a college education and the need to accumulate the~~
 28 ~~financial resources necessary to pay for a college education.~~
 29 ~~The educational program shall include but not be limited to~~
 30 ~~distribution of informational material to public and nonpublic~~
 31 ~~elementary schools for distribution to parents and guardians of~~
 32 ~~five-year and six-year old children.~~

33 ~~4- 8. Approve transfers from the scholarship and tuition~~
 34 ~~grant reserve fund under section 261.20.~~

35 ~~5. Develop and implement, in cooperation with the~~

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 kh/rj



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~~1 judicial district departments of correctional services and
2 the department of corrections, a program to assist criminal
3 offenders in applying for federal and state aid available for
4 higher education.~~

5 ~~6.~~ 9. Develop and implement, in cooperation with the
6 department of human services and the judicial branch, a program
7 to assist juveniles who are sixteen years of age or older and
8 who have a case permanency plan under chapter 232 or 237 or are
9 otherwise under the jurisdiction of chapter 232 in applying
10 for federal and state aid available for higher education.
11 ~~The commission shall also develop and implement the all Iowa
12 opportunity foster care grant program in accordance with
13 section 261.6.~~

14 ~~7.~~ 10. *a.* Adopt rules to establish reasonable registration
15 standards for the approval, pursuant to section 261B.3A, of
16 postsecondary schools that are required to register with the
17 commission in order to operate in this state. The registration
18 standards established by the commission shall ensure that all
19 of the following conditions are satisfied:

20 (1) The courses, curriculum, and instruction offered by
21 the postsecondary school are of such quality and content as
22 may reasonably and adequately ensure achievement of the stated
23 objective for which the courses, curriculum, or instruction are
24 offered.

25 (2) The postsecondary school has adequate space, equipment,
26 instructional material, and personnel to provide education and
27 training of good quality.

28 (3) The educational and experience qualifications of
29 the postsecondary school's directors, administrators, and
30 instructors are such as may reasonably ensure that students
31 will receive instruction consistent with the objectives of the
32 postsecondary school's programs of study.

33 (4) Upon completion of training or instruction, students
34 are given certificates, diplomas, or degrees as appropriate by
35 the postsecondary school indicating satisfactory completion of



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1 the program.

2 (5) The postsecondary school is financially responsible and
3 capable of fulfilling commitments for instruction.

4 b. The commission shall post an application on the
5 commission's internet site and shall render a decision on an
6 application for registration within one hundred eighty days of
7 the filing of the application.

8 ~~8.~~ 11. Submit by January 15 annually a report to the
9 general assembly which provides, by program, the number of
10 individuals who received ~~loan forgiveness~~ assistance from the
11 programs authorized under this chapter in the previous fiscal
12 year, the amount paid to those individuals ~~under sections~~
13 ~~261.73, 261.112, and 261.116,~~ and the institutions ~~from which~~
14 those individuals ~~graduated~~ attended, and ~~that~~ which includes
15 any proposed statutory changes and the commission's findings
16 and recommendations.

17 ~~9.~~ 12. Require any postsecondary institution whose
18 students are eligible for or who receive assistance under
19 programs administered by the commission and who were enrolled
20 in a school district in Iowa to include in its student
21 management information system the unique student identifiers
22 assigned to the institution's students while the students were
23 in the state's kindergarten through grade twelve system.

24 ~~10. Ensure that students receiving state-funded~~
25 ~~scholarships and grants are attending institutions of higher~~
26 ~~education that meet all of the following conditions:~~

27 ~~a. The institutions are not required to register under~~
28 ~~chapter 261B or the institutions are participating resident~~
29 ~~institutions as defined in section 261G.2 that volunteer to~~
30 ~~register under section 261B.11B.~~

31 ~~b. The institutions are eligible to participate in a federal~~
32 ~~student aid program authorized under Tit. IV of the federal~~
33 ~~Higher Education Act of 1965, as amended.~~

34 ~~11.~~ 13. Require any postsecondary institution whose
35 students are eligible for or who receive financial assistance



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1 under programs administered by the commission to transmit
 2 annually to the commission information about the numbers of
 3 minority students enrolled in and minority faculty members
 4 employed at the institution. The commission shall compile
 5 and report the information collected to the general assembly,
 6 the governor, and the legislative services agency by March 1
 7 annually.

8 ~~12.~~ 14. Enter into and administer, or recognize, an
 9 interstate reciprocity agreement for the provision of
 10 postsecondary distance education by a postsecondary institution
 11 pursuant to chapter 261G. The commission shall adopt
 12 rules establishing application procedures and criteria for
 13 the authorization of postsecondary institutions providing
 14 postsecondary distance education under interstate reciprocity
 15 agreements pursuant to chapter 261G and for the review and
 16 approval of interstate reciprocity agreements the commission
 17 may enter into or recognize pursuant to this subsection and
 18 chapter 261G. The commission may accept an authorization
 19 granted by another state to a postsecondary institution under
 20 an interstate reciprocity agreement to deliver postsecondary
 21 distance education.

22 Sec. 2. Section 261.114, subsection 11, paragraph b, Code
 23 2015, is amended to read as follows:

24 *b.* "Eligible university" means a college or university that
 25 meets the requirements of section 261.2, subsection ~~10~~ 3, and
 26 is an institution of higher learning under the control of the
 27 state board of regents or an accredited private institution as
 28 defined in section 261.9.

29 Sec. 3. Section 261G.2, subsection 2, Code 2015, is amended
 30 to read as follows:

31 2. "Interstate reciprocity agreement" means an interstate
 32 reciprocity agreement entered into and administered, or
 33 recognized, by the commission in accordance with section 261.2,
 34 subsection ~~12~~ 14.

35

EXPLANATION

LSB 1124DP (9) 86
 kh/rj



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1 The inclusion of this explanation does not constitute agreement with
2 the explanation's substance by the members of the general assembly.

3 This bill amends the current duties of the college student
4 aid commission, under Code section 261.2, by eliminating
5 provisions requiring the commission to prepare and administer a
6 state plan for a scholarship program, distribute informational
7 material to elementary school children, and develop and
8 implement a program to assist criminal offenders in applying
9 for higher education assistance; by consolidating certain
10 authorizations and responsibilities; by authorizing the
11 commission to seek and administer higher education assistance
12 programs under agreements with public and private entities;
13 by striking redundancies relating to administration of the
14 tuition grant and the all Iowa opportunity foster care grant
15 programs; and by moving a provision within the Code section in
16 order to improve the organization of the Code section, though
17 the provision is also amended to require the commission to
18 ensure that individuals benefiting from loan repayment attended
19 postsecondary institutions that were eligible for federal
20 student assistance and were in compliance with Code chapter
21 261B. The bill also makes conforming changes.

22 The commission is currently required to prepare and
23 administer a state plan for a scholarship program for
24 deserving Iowa students matriculating in Iowa's postsecondary
25 institutions. The bill strikes the requirement for the
26 state plan, though the Code sections establishing commission
27 requirements relating to the Iowa state fair scholarship and
28 the all Iowa opportunity scholarship program remain intact.

29 Commission responsibilities that are provided for in
30 other Code sections within the Code chapter, including
31 responsibilities to administer the Iowa state fair scholarship,
32 to distribute tuition grant funds appropriated by the general
33 assembly, and to carry out licensing sanctions as appropriate,
34 are added under the bill to Code section 261.2.

35 Currently, the commission must develop and implement, in

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1 cooperation with the state board of regents, an educational
2 program and marketing strategies designed to inform parents
3 about the options available for financing a college education.
4 The bill adds the treasurer of state and other constituencies
5 to the entities with whom the commission must cooperate in
6 developing and implementing the program and strategies.

7 Currently, the commission must submit an annual report
8 to the general assembly relating to loan forgiveness
9 amounts issued, the recipients of loan forgiveness, and the
10 institutions attended by the recipients. The bill expands the
11 requirement beyond loan forgiveness to require that the report
12 include information relating to all assistance authorized under
13 the Code chapter.

14 The bill authorizes the commission to seek and administer
15 higher education assistance programs under agreements with
16 public and private entities; to accept appropriations, gifts,
17 grants, or other aid from those public or private persons or
18 entities; and to establish one or more funds in the state
19 treasury under the control of the commission. Moneys in such a
20 fund do not revert to the general fund of the state and moneys
21 earned as income, including as interest, from such a fund and
22 other receipts remain in the fund until expended as provided.



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Senate Study Bill 1054 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED BOARD OF
EDUCATIONAL EXAMINERS BILL)

A BILL FOR

1 An Act relating to information the board of educational
2 examiners is required to review regarding applicants for
3 license renewal.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1172XD (2) 86
kh/nh



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1 Section 1. Section 272.2, subsection 17, Code 2015, is
2 amended to read as follows:

3 17. Adopt rules to require that a background investigation
4 be conducted by the division of criminal investigation of the
5 department of public safety on all initial applicants for
6 licensure. The board shall also require all initial applicants
7 to submit a completed fingerprint packet and shall use the
8 packet to facilitate a national criminal history background
9 check. The board shall have access to, and shall review
10 the sex offender registry information under section 692A.121
11 available to the general public, information in the Iowa court
12 information system available to the general public, the central
13 registry for child abuse information established under chapter
14 235A, and the dependent adult abuse records maintained under
15 chapter 235B for information regarding applicants for license
16 renewal.

17 **EXPLANATION**

18 The inclusion of this explanation does not constitute agreement with
19 the explanation's substance by the members of the general assembly.

20 This bill adds, to the information the board of educational
21 examiners is required to review regarding applicants for
22 license renewal, information in the Iowa court information
23 system available to the general public.



Iowa General Assembly
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Senate Study Bill 1055 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED BOARD OF
EDUCATIONAL EXAMINERS BILL)

A BILL FOR

1 An Act making a statutory correction to remove an inconsistency
2 regarding the employment of the executive director of the
3 board of educational examiners.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1173XD (2) 86
kh/nh



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S.F. _____ H.F. _____

1 Section 1. Section 272.2, subsection 7, Code 2015, is
2 amended to read as follows:

3 7. Hire ~~an executive director~~, legal counsel, and other
4 personnel and control the personnel administration of persons
5 employed by the board.

6 EXPLANATION

7 The inclusion of this explanation does not constitute agreement with
8 the explanation's substance by the members of the general assembly.

9 This bill removes an inconsistency regarding the employment
10 of the executive director of the board of educational
11 examiners.

12 Prior to 2012, the board had exclusive authority to hire
13 its executive director. In 2012, legislation was enacted that
14 directed the governor to appoint the executive director subject
15 to senate confirmation. The bill resolves the inconsistency
16 by striking the language authorizing the board to hire an
17 executive director.



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Senate Study Bill 1056 - Introduced

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

A BILL FOR

1 An Act relating to eligibility requirements for the gap tuition
2 assistance program.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1291XD (2) 86
je/nh



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S.F. _____ H.F. _____

1 Section 1. Section 260I.3, subsection 2, Code 2015, is
2 amended to read as follows:

3 2. a. Eligibility for tuition assistance under this chapter
4 shall be based on financial need. Criteria to be assessed in
5 determining financial need shall include but is not limited to:

6 ~~a.~~ (1) The applicant's family income for the ~~twelve~~ six
7 months prior to the date of application.

8 ~~b.~~ (2) The applicant's family size.

9 ~~c.~~ (3) The applicant's county of residence.

10 b. An applicant approved for assistance under the
11 supplemental nutrition assistance program at the time of
12 application for assistance under this chapter shall be
13 deemed to have met the financial need requirements under this
14 subsection.

15 Sec. 2. Section 260I.4, Code 2015, is amended by adding the
16 following new subsections:

17 NEW SUBSECTION. 7. Persons earning incomes between
18 one hundred fifty percent and two hundred fifty percent,
19 both percentages inclusive, of the federal poverty level as
20 defined by the most recently revised poverty income guidelines
21 published by the United States department of health and human
22 services shall be given first priority for tuition assistance
23 under this chapter. Persons earning incomes below one hundred
24 fifty percent of the federal poverty level shall be given
25 second priority for tuition assistance under this chapter.

26 NEW SUBSECTION. 8. A person who is eligible for financial
27 assistance pursuant to the federal Workforce Investment Act of
28 1998, Pub. L. No. 105-220, or the federal Workforce Innovation
29 and Opportunity Act, Pub. L. No. 113-128, shall be ineligible
30 for tuition assistance under this chapter unless such funds
31 have been fully expended by a workforce region.

32 EXPLANATION

33 The inclusion of this explanation does not constitute agreement with
34 the explanation's substance by the members of the general assembly.

35 This bill relates to eligibility requirements for the gap

LSB 1291XD (2) 86
je/nh



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1 tuition assistance program, which provides funding to community
2 colleges for need-based tuition assistance to applicants to
3 enable completion of continuing education certificate training
4 programs for in-demand occupations.

5 The bill changes one of the financial need criteria for the
6 program to the applicant's family income for the six months
7 prior to the date of application. Currently, the period for
8 the criterion is 12 months.

9 The bill provides that an applicant approved for assistance
10 under the federal supplemental nutrition assistance program
11 at the time of application for tuition assistance shall be
12 deemed to have met the financial need requirements for tuition
13 assistance.

14 Eligibility for tuition assistance is currently limited to
15 persons earning incomes at or below 250 percent of the federal
16 poverty level as defined by the most recently revised poverty
17 income guidelines published by the United States department
18 of health and human services. The bill provides that persons
19 earning incomes between 150 percent and 250 percent, both
20 percentages inclusive, of the federal poverty level shall be
21 given first priority for tuition assistance. The bill provides
22 that persons earning incomes below 150 percent of the federal
23 poverty level shall be given second priority for tuition
24 assistance.

25 The bill also provides that a person who is eligible
26 for financial assistance pursuant to the federal Workforce
27 Investment Act of 1998 or the federal Workforce Innovation and
28 Opportunity Act shall be ineligible for tuition assistance
29 unless such funds have been fully expended by a workforce
30 region.



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Senate Study Bill 1057 - Introduced

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

A BILL FOR

1 An Act modifying reporting requirements relating to veterans
2 attending postsecondary educational institutions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1295XD (3) 86
aw/sc



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S.F. _____ H.F. _____

1 Section 1. Section 260C.14, subsection 24, paragraph b,
2 Code 2015, is amended to read as follows:
3 *b.* For purposes of this subsection, “veteran” means a
4 veteran as defined in section 35.1 or a member of the reserve
5 forces of the United States or the national guard as defined in
6 section 29A.1 who has served at least one year of the member’s
7 commitment and is eligible for or has exhausted federal
8 veterans education benefits under 38 U.S.C. ch. 30, 32, 33, or
9 36 or 10 U.S.C. ch. 1606 or 1607, respectively.

10 Sec. 2. Section 261.9, subsection 1, paragraph i,
11 subparagraph (2), Code 2015, is amended to read as follows:
12 (2) For purposes of this paragraph, “veteran” means a
13 veteran as defined in section 35.1 or a member of the reserve
14 forces of the United States or the national guard as defined in
15 section 29A.1 who has served at least one year of the member’s
16 commitment and is eligible for or has exhausted federal
17 veterans education benefits under 38 U.S.C. ch. 30, 32, 33, or
18 36 or 10 U.S.C. ch. 1606 or 1607, respectively.

19 Sec. 3. Section 262.9, subsection 38, paragraph b, Code
20 2015, is amended to read as follows:
21 *b.* For purposes of this subsection, “veteran” means a
22 veteran as defined in section 35.1 or a member of the reserve
23 forces of the United States or the national guard as defined in
24 section 29A.1 who has served at least one year of the member’s
25 commitment and is eligible for or has exhausted federal
26 veterans education benefits under 38 U.S.C. ch. 30, 32, 33, or
27 36 or 10 U.S.C. ch. 1606 or 1607, respectively.

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with
30 the explanation’s substance by the members of the general assembly.

31 This bill extends veterans reporting requirements of
32 postsecondary educational institutions to include certain
33 members of the reserve forces of the United States and certain
34 members of the national guard.

35 Current law requires that community colleges, accredited

LSB 1295XD (3) 86
aw/sc



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1 private postsecondary institutions, and the board of regents
2 file annual reports with the governor and the general assembly
3 relating to the award of educational credits to veterans for
4 military education, training, and experience. The bill amends
5 the definition of veteran to include members of the reserve
6 forces of the United States and of the national guard who have
7 served at least one year of the service commitment and are
8 eligible for, or have exhausted, federal education benefits for
9 veterans.



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Senate Study Bill 1058 - Introduced

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

A BILL FOR

1 An Act relating to the school start date and eliminating waiver
2 and penalty provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1495XC (1) 86
kh/rj



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1 Section 1. Section 279.10, subsection 1, Code 2015, is
2 amended to read as follows:

3 1. The school year for each school district and accredited
4 nonpublic school shall begin on July 1 ~~and each regularly~~
5 ~~established elementary and secondary school shall begin no~~
6 ~~sooner than a day during the calendar week in which the first~~
7 ~~day of September falls but no later than the first Monday in~~
8 ~~December. However, if the first day of September falls on a~~
9 ~~Sunday, school may begin on a day during the calendar week~~
10 ~~which immediately precedes the first day of September. The~~
11 school calendar shall include not less than one hundred eighty
12 days, except as provided in subsection 3, or one thousand
13 eighty hours of instruction during the calendar year. The
14 board of directors of a school district and the authorities in
15 charge of an accredited nonpublic school shall determine the
16 school start date for the school calendar based on the best
17 educational interests of the students and shall set the number
18 of days or hours of required attendance for the school year
19 as provided in section 299.1, subsection 2, but the board of
20 directors of a school district shall hold a public hearing
21 on any proposed school calendar prior to adopting the school
22 calendar. If the board of directors of a district or the
23 authorities in charge of an accredited nonpublic school extends
24 the school calendar because inclement weather caused the school
25 district or accredited nonpublic school to temporarily close
26 during the regular school calendar, the school district or
27 accredited nonpublic school may excuse a graduating senior
28 who has met district or school requirements for graduation
29 from attendance during the extended school calendar. A school
30 corporation may begin employment of personnel for in-service
31 training and development purposes before the date to begin
32 elementary and secondary school.

33 Sec. 2. Section 279.10, subsection 4, Code 2015, is amended
34 by striking the subsection.

35 Sec. 3. REPEAL. Section 257.17, Code 2015, is repealed.

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kh/rj



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1 EXPLANATION

2 The inclusion of this explanation does not constitute agreement with
3 the explanation's substance by the members of the general assembly.

4 This bill eliminates language prohibiting an early school
5 start date for a school calendar, and instead authorizes
6 school districts and accredited nonpublic schools to determine
7 the school start date for the school calendar based on the
8 best educational interests of the students. The bill also
9 eliminates a provision that authorizes the department of
10 education to grant waivers to allow school districts and
11 accredited nonpublic schools to commence classes prior to
12 the earliest starting date, and repeals a provision that
13 establishes an aid reduction penalty for early school starts by
14 school districts.



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Senate Study Bill 1059 - Introduced

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

A BILL FOR

1 An Act updating the Code references to the Internal Revenue
2 Code and decoupling from certain federal bonus depreciation
3 provisions, and including effective date and retroactive
4 applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1308XD (2) 86
mm/sc



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1 Revenue Code of 1986 by the Tax Reform Act of 1986, or means
2 the Internal Revenue Code of 1986 as amended to and including
3 January 1, ~~2014~~ 2015.

4 Sec. 6. Section 422.33, subsection 5, paragraph e,
5 subparagraph (2), Code 2015, is amended to read as follows:

6 (2) For purposes of this subsection, "*Internal Revenue Code*"
7 means the Internal Revenue Code in effect on January 1, ~~2014~~
8 2015.

9 Sec. 7. EFFECTIVE UPON ENACTMENT. This division of this
10 Act, being deemed of immediate importance, takes effect upon
11 enactment.

12 Sec. 8. RETROACTIVE APPLICABILITY. This division of this
13 Act applies retroactively to January 1, 2014, for tax years
14 beginning on or after that date.

DIVISION II

BONUS DEPRECIATION

15
16
17 Sec. 9. Section 422.7, subsection 39A, unnumbered paragraph
18 1, Code 2015, is amended to read as follows:

19 The additional first-year depreciation allowance authorized
20 in section 168(k) of the Internal Revenue Code, as enacted by
21 Pub. L. No. 110-185, §103, Pub. L. No. 111-5, §1201, Pub. L.
22 No. 111-240, §2022, Pub. L. No. 111-312, §401, ~~and~~ Pub. L. No.
23 112-240, §331, and Pub. L. No. 113-295, §125, does not apply in
24 computing net income for state tax purposes. If the taxpayer
25 has taken the additional first-year depreciation allowance
26 for purposes of computing federal adjusted gross income, then
27 the taxpayer shall make the following adjustments to federal
28 adjusted gross income when computing net income for state tax
29 purposes:

30 Sec. 10. Section 422.35, subsection 19A, unnumbered
31 paragraph 1, Code 2015, is amended to read as follows:

32 The additional first-year depreciation allowance authorized
33 in section 168(k) of the Internal Revenue Code, as enacted by
34 Pub. L. No. 110-185, §103, Pub. L. No. 111-5, §1201, Pub. L.
35 No. 111-240, §2022, Pub. L. No. 111-312, §401, ~~and~~ Pub. L. No.



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1 deduction was set to expire under both federal and Iowa law for
2 tax years beginning on or after January 1, 2014. The federal
3 Tax Increase Prevention Act of 2014 extended the federal
4 deduction for the 2014 tax year. This division extends the
5 Iowa deduction for the 2014 tax year.

6 Division I takes effect upon enactment and applies
7 retroactively to January 1, 2014, for tax years beginning on
8 or after that date.

9 DIVISION II — BONUS DEPRECIATION. The division decouples,
10 for Iowa income tax purposes, from the federal additional
11 first-year depreciation allowance in section 168(k) of the
12 Internal Revenue Code which was extended through 2014 by the
13 federal Tax Increase Prevention Act of 2014.

14 Division II takes effect upon enactment and applies
15 retroactively to January 1, 2014, for tax years ending on or
16 after that date.